

PARLIAMENT OF CEYLON

2nd Session 1953-54



Municipal Councils (Amendment)

Act, No. 7 of 1954

Date of Assent : February 22, 1954

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AN ACT TO AMEND THE MUNICIPAL COUNCILS
ORDINANCE, NO. 29 OF 1947.

[Date of Assent: February 22, 1954]

BE it enacted by the Queen's Most Excellent Majesty; by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Municipal Councils (Amendment) Act, No. 7 of 1954.

Short title.

2. Section 14 of the Municipal Councils Ordinance, No. 29 of 1947 (hereinafter referred to as the "principal enactment") is hereby amended as follows:—

Amendment of
section 14
of the
Municipal
Councils
Ordinance,
No. 29 of
1947.

(1) in sub-section (1) of that section (as amended by Act No. 3 of 1951), by the substitution, for the words "first general meeting of the Council.", of the words "first general meeting of the Council, notwithstanding anything to the contrary contained in section 20."; and

(2) in sub-section (4) of that section (inserted by Act No. 39 of 1951)—

(a) in paragraph (b) of that sub-section, by the substitution, for all the words from "by either" to the end of that paragraph, of the words "by open voting.";

(b) in paragraph (c) of that sub-section, by the substitution, for all the words from "Where it is" to "open voting.", of the words "For the purpose of the election of the Mayor or Deputy Mayor,";

(c) by the omission of paragraph (d) of that sub-section;

(d) by the re-lettering of paragraph (e), paragraph (f) and paragraph (g) of that sub-section as paragraph (d), paragraph (e) and paragraph (f) respectively; and

(e) in the re-lettered paragraph (e) of that sub-section, by the substitution, for the expression "paragraph (e)", of the expression "paragraph (d)".

Amendment
of section
15 of the
principal
enactment.

3. Section 15 of the principal enactment (inserted by Act No. 39 of 1951), is hereby amended by the substitution, for sub-section (2), of the following new sub-section:—

“(2) If, at a special meeting of the Council convened under paragraph (a) of sub-section (2) of section 19, a resolution for the removal of the Mayor or Deputy Mayor from office is passed by not less than one-half of the total number of Councillors and is confirmed by a resolution similarly passed at another special meeting of the Council convened under paragraph (b) of that sub-section, he shall be deemed to vacate office on the date on which the resolution for such removal is so confirmed.”.

Amendment
of section
19 of the
principal
enactment.

4. Section 19 of the principal enactment is hereby amended as follows:—

(1) by the re-numbering of section 19 as section 19 (1);

(2) in re-numbered section 19 (1), by the substitution, for the word “Office.”, of the words “Office, other than a special meeting of the Council for the removal of the Mayor or Deputy Mayor from office.”; and

(3) by the addition, at the end of that section, of the following sub-section:—

“(2) (a) The Commissioner shall convene a special meeting of the Council to consider a resolution for the removal of the Mayor or Deputy Mayor from office if a requisition for such meeting is made to him in writing signed by not less than two-fifths of the total number of Councillors, and he shall appoint for such meeting a day not later than the tenth day after the date on which he receives such requisition.

(b) If, at a special meeting of the Council convened under paragraph (a) of this sub-section, such a resolution as is referred to in that paragraph is passed by not less than one-half of the total number of Councillors, the Commissioner shall convene another special meeting of the Council to consider whether or not that resolution should be confirmed and shall appoint for such other meeting a day not later than the twenty-first day after the date of the first-mentioned meeting.

(c) The Commissioner shall preside at the special meetings of the Council convened by him under this sub-section."

5. Section 20 of the principal enactment is hereby amended as follows:—

Amendment
of section
20 of the
principal
enactment.

(a) by the re-numbering of that section as section 20 (1);

(b) by the substitution, for the words "meeting of the Council", of the words "meeting of the Council, other than a special meeting convened by the Commissioner under sub-section (2) of section 19,"; and

(c) by the addition, at the end of that section, of the following sub-section:—

" (2) The Commissioner shall cause notice in writing of every special meeting convened under sub-section (2) of section 19 and of the business to be transacted thereat to be served on each Councillor at least four days before the meeting."

6. Section 41 (1) of the principal enactment (as amended by Act No. 8 of 1952), is hereby further amended, in paragraph (f), by the substitution, for the words "to sell by public auction or lease," of the words "to sell by public auction or, with the prior approval in writing of the Minister, to sell otherwise than by public auction, or to lease,".

Amendment of
section 41
of the
principal
enactment.

7. Section 272 of the principal enactment is hereby amended, in paragraph (7) thereof, by the insertion, immediately after sub-paragraph (a) of that paragraph, of the following new sub-paragraph:—

Amendment
of section
272 of the
principal
enactment.

" (aa) the registration at the Municipal Office of the names and addresses of the owners of lands and buildings within the municipality, the inspection of the registers in which such names and addresses are registered, and the imposition and recovery of fees for such registration and inspection; "

8. Section 277 (2) of the principal enactment is hereby amended, in paragraph (a) thereof, by the substitution, for the words "imposed upon the Council, or vested in it," of the words "imposed upon, or vested in, the Council or the Mayor".

Amendment
of section 277
of the
principal
enactment

Validation
of certain
acts of the
Special
Commissioner
for Colombo.

9. The exercise, performance or discharge of any right, privilege, power, duty or function of the Mayor of the Municipal Council of Colombo by the Special Commissioner appointed for Colombo by Order made under section 277 (2) of the principal enactment and published in *Gazette* No. 10,569 of August 16, 1953, shall, notwithstanding anything to the contrary in that Ordinance or in that Order, be deemed to have been and to be as valid and effectual as though that Commissioner had been legally empowered to have and to exercise, perform or discharge that right, privilege, power, duty or function.

Insertion
of section
290A in the
principal
enactment.

10. The following section is hereby inserted immediately after section 290, and shall have effect as section 290A, of the principal enactment:—

' Information
to be given by
landlords to
tenants.

290A. (1) The landlord of every such house within the municipality as is let at a rent not exceeding the prescribed rent shall deliver in writing to the tenant of that house, at the commencement of the tenancy and before any rent is demanded or collected, the landlord's name and address and, if the landlord is not directly responsible for keeping that house in all respects reasonably fit for human habitation, the name and address of the person who is so responsible.

(2) Where there is any failure to comply with the provisions of sub-section (1) in respect of any house, the landlord of that house and any person who while such failure continues demands or collects any rent in respect of that house shall be guilty of an offence and shall on conviction be liable to a fine not exceeding twenty-five rupees.

(3) In this section—

“ landlord ”, in relation to any house, means the person for the time being entitled to receive the rent of that house, and includes any tenant who lets that house or any part thereof to any sub-tenant; and
“ prescribed rent ” means the rent prescribed by the Minister, for the purposes of this section, by Order published in the *Gazette*.