

**PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF**   
**SRI LANKA**

**SRI LANKA LAND DEVELOPMENT CORPORATION (AMENDMENT) ACT, No. 13 OF 2021**

**[Certified on 30th of June, 2021]**

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| *Sri Lanka Land Development Corporation* | 1 |

*(Amendment) Act, No. 13 of 2021*

[Certified on 30th of June, 2021]

L.D.-O 11/2012

AN ACTTOAMENDTHE SRI LANKA LAND DEVELOPMENT   
CORPORATION ACT, NO. 15 OF 1968

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows: -

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| **1.** | This Act may be cited as the Sri Lanka Land | Short title |

Development Corporation (Amendment) Act, No. 13 of 2021.

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| **2.** | Section 2A of the Sri Lanka Land Development | Amendment of section 2A of  Act, No.15 of 1968 |
| Corporation Act, No. 15 of 1968 (hereinafter referred to as the “principal enactment”) is hereby amended as follows: - | |
| (1) | in subsection (3) of that section, by the substitution |

for the words “shall be guilty of an offence under   
this Act.” of the words “commits an offence and be   
liable on conviction after summary trial before a   
Magistrate to a fine not less than one hundred   
thousand rupees and not exceeding five hundred   
thousand rupees or to imprisonment for a period   
not exceeding one year or to both such fine and   
imprisonment.”;

(2) in subsection (4) of that section, by the repeal of   
 all the words and figures from “to prevent such   
 person from carrying on the unlawful activity,” to   
 the end of that subsection, and the substitution   
 therefor of the words “to prevent such person from   
 carrying on the unlawful activity.”;

(3) in subsection (5) of that section, by the repeal of   
 all the words and figures from “he may make an   
 application” to the end of that subsection, and the   
 substitution therefor of the following: -

“the chief executive officer may –

(*a*) make an application to the Magistrate’s Court   
within whose local jurisdiction such extent

2 *Sri Lanka Land Development Corporation*   
 *(Amendment) Act, No. 13 of 2021*

of land or any part thereof in which such   
unlawful activity is being carried on, is   
situated, for the issue of an order –

(i) restraining such person, his agents and   
servants from acting in contravention   
of the provisions of subsection (1);

(ii) granting the chief executive officer, the   
 authority-

(*aa*) to demolish any building or   
construction which may have   
been erected whether wholly or   
partly on such extent of land;

(*ab*) to excavate or unearth and to   
remove the soil and materials   
used in the filling or the   
construction; and

(*ac*) to take into custody any   
 implement, instrument,   
 machinery, vehicle or document   
 used for such filling or   
 construction; and

(iii) for the recovery of the total cost   
 incurred by the Corporation-

(*aa*) in the demolition of any building   
 or construction;

(*ab*) in the excavation or the   
unearthing and the removal of the   
soil and materials used in the   
filling or the construction; and

(*ac*) in the taking of any implement,   
instrument, machinery, vehicle or   
document used for such filling or   
construction into custody; or

*Sri Lanka Land Development Corporation*  3   
 *(Amendment) Act, No. 13 of 2021*

(*b*) complain to the officer in charge of the police   
station of the area where such extent of land   
or any part thereof in which such unlawful   
activity is being carried on or wholly or partly   
carried out, is situated.”.

(4) by the repeal of subsections (6), (7) and (8) of that   
 section and the substitution therefor of the following   
 subsections: –

“(6) Where any person to whom approval has   
been granted under subsection (2) has failed to   
comply with the terms and conditions subject to   
which such approval was granted, the Chief   
Executive Officer of the Corporation or the officer   
or servant authorised by the Chief Executive Officer   
shall direct such person to comply with the same   
within the time specified in such direction and   
where such person fails to do so, the Chief Executive   
Officer may –

(*a*) make an application to the Magistrate’s Court   
within whose local jurisdiction such extent   
of land or any part thereof in which such   
unlawful activity is being carried on, is   
situated, for the issue of an order –

(i) restraining such person, his agents and   
servants from acting in contravention   
of the terms and conditions imposed   
under the provisions of subsection (2);

(ii) granting the Chief Executive Officer,   
 the authority-

(*aa*) to demolish any building or   
construction which may have   
been erected whether wholly or   
partly on such extent of land;

4 *Sri Lanka Land Development Corporation*   
 *(Amendment) Act, No. 13 of 2021*

(*ab*) to excavate or unearth and to   
remove the soil and materials   
used in the filling or the   
construction; and

(*ac*) to take into custody any   
 implement, instrument,   
 machinery, vehicle or document   
 used for such filling or   
 construction; and

(iii) for the recovery of the total cost   
 incurred by the Corporation-

(*aa*) in the demolition of any building   
 or construction;

(*ab*) in the excavation or the   
unearthing and the removal of the   
soil and materials used in the   
filling or the construction; and

(*ac*) in the taking of any implement,   
instrument, machinery, vehicle or   
document used for such filling or   
construction into custody; or

(*b*) complain to the officer in charge of the police   
station of the area where such extent of land   
or any part thereof in which such unlawful   
activity is being carried on or wholly or partly   
carried out, is situated.”.

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| Amendment of section 2B of the principal  enactment | **3.** | Section 2B of the principal enactment is hereby |
| amended as follows:- | |
| (1) | in subsection (3) of that section, by the substitution |

for the words “shall be guilty of an offence under   
this Act.”, of the words “commits an offence and be   
liable on conviction after summary trial before a   
Magistrate to a fine not less than one hundred

*Sri Lanka Land Development Corporation*  5   
 *(Amendment) Act, No. 13 of 2021*

thousand rupees and not exceeding five hundred   
thousand rupees or to imprisonment for a period   
not exceeding one year or to both such fine and   
imprisonment.”;

(2) by the repeal of subsections (5), (6) and (7) thereof,   
 and the substitution therefor, of the following   
 subsections: –

“(5) Where the Chief Executive Officer is   
informed and upon being satisfied that any person   
is acting in contravention of the provisions of   
subsection (3), the Chief Executive Officer may –

(*a*) make an application to the Magistrate’s Court   
within whose local jurisdiction such extent   
of land or any part thereof in which such   
unlawful activity is being carried on, is   
situated, for the issue of an order –

(i) restraining such person, his agents and   
servants from acting in contravention   
of the provisions of subsection (3);

(ii) granting the Chief Executive Officer,   
 the authority-

(*aa*) to demolish any building or   
construction which may have   
been erected whether wholly or   
partly on such extent of land;

(*ab*) to excavate or unearth and to   
remove the soil and materials   
used in the filling or the   
construction; and

(*ac*) to take into custody any   
implement, instrument, machinery,   
vehicle or document used for such   
filling or construction; and

6 *Sri Lanka Land Development Corporation*   
 *(Amendment) Act, No. 13 of 2021*

(iii) for the recovery of the total cost   
 incurred by the Corporation-

(*aa*) in the demolition of any building   
 or construction;

(*ab*) in the excavation or the   
unearthing and the removal of the   
soil and materials used in the   
filling or the construction; and

(*ac*) in the taking of any implement,   
instrument, machinery, vehicle or   
document used for such filling or   
construction into custody; or

(*b*) complain to the Officer in Charge of the police   
 station of the area where such extent of land   
 or any part thereof in which such unlawful   
 activity is being carried on or wholly or partly   
 carried out, is situated.”.

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| Amendment of section 4A of the principal  enactment | **4.** | Section 4A of the principal enactment is hereby |
| amended by the repeal of subsections (3), (4), (5), (6) and (7) thereof and the substitution therefor of the following: - | |

“(3) Every person who acts in contravention of the provisions of subsection (2) commits an offence and be liable on conviction after summary trial before a Magistrate to a fine not less than one hundred thousand rupees and not exceeding five hundred thousand rupees or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

(4) Where the Chief Executive Officer is informed and upon being satisfied that any person is acting in contravention of the provisions of subsection (2), the Chief Executive Officer may –

(*a*) make an application to the Magistrate’s Court   
 within whose local jurisdiction such extent of land   
 or any part thereof in which such unlawful activity

*Sri Lanka Land Development Corporation*  7   
 *(Amendment) Act, No. 13 of 2021*

is being carried on, is situated, for the issue of an   
order –

(i) restraining such person, his agents and   
 servants from acting in contravention   
 of the provisions of subsection (2);

(ii) granting the Chief Executive Officer,   
 the authority-

(*aa*) to demolish any building or   
construction which may have been   
erected whether wholly or partly   
on such extent of land;

(*ab*) to excavate or unearth and to   
remove the soil and materials used   
in the filling or the construction;   
and

(*ac*) to take into custody any   
i m p l e m e n t , i n s t r u m e n t ,   
machinery, vehicle or document   
used for such filling or   
construction; and

(iii) for the recovery of the total cost   
 incurred by the Corporation-

(*aa*) in the demolition of any building   
 or construction;

(*ab*) in the excavation or the   
 unearthing and the removal of the   
 soil and materials used in the   
 filling or the construction; and

(*ac*) in the taking of any implement,   
 instrument, machinery, vehicle or   
 document used for such filling or   
 the construction into custody; or

8 *Sri Lanka Land Development Corporation*   
 *(Amendment) Act, No. 13 of 2021*

(*b*) complain to the officer in charge of the police   
 station of the area where such extent of land   
 or any part thereof in which such unlawful   
 activity is being carried on or wholly or partly   
 carried out, is situated.

(5) Where any person to whom approval has been granted under subsection (2) has failed to comply with the terms and conditions subject to which such approval was granted, the Chief Executive Officer or the officer or servant authorised by the Chief Executive Officer shall direct such person to comply with the same within the time specified in such direction and where such person fails to do so, the Chief Executive Officer may –

(*a*) make an application to the Magistrate’s Court   
within whose local jurisdiction such extent of land   
or any part thereof in which such unlawful activity   
is being carried on, is situated, for the issue of an   
order –

(i) restraining such person, his agents and   
 servants from acting in contravention of   
 the terms and conditions imposed under   
 the provisions of subsection (2);

(ii) granting the Chief Executive Officer, the   
 authority-

(*aa*) to demolish any building or   
construction which may have been   
erected whether wholly or partly   
on such extent of land;

(*ab*) to excavate or unearth and to   
 remove the soil and materials used   
 in the filling or the construction;   
 and

*Sri Lanka Land Development Corporation*  9   
 *(Amendment) Act, No. 13 of 2021*

(*ac*) to take into custody any   
i m p l e m e n t , i n s t r u m e n t ,   
machinery, vehicle or document   
used for such filling or   
construction; and

(iii) for the recovery of the total cost   
 incurred by the Corporation-

(*aa*) in the demolition of any   
 building or construction;

(*ab*) in the excavation or the   
 unearthing and the removal of   
 the soil and the materials used

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| in | the | filling | or | the |

construction; and

(*ac*) in the taking of any implement,   
 instrument, machinery, vehicle   
 or document used for such   
 filling or construction into   
 custody; or

(*b*) complain to the officer in charge of the police   
 station of the area where such extent of land or any   
 part thereof in which such unlawful activity is being   
 carried on or wholly or partly carried out, is   
 situated.”.

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| **5.** | Section 6 of the principal enactment is hereby | Amendment of section 6 of the principal  enactment |
| amended by the repeal of subparagraphs (ii) and (iii) of paragraph (a) of subsection (1), and the substitution therefor, of the following: - | |
| “(ii) | an Additional Secretary of the Ministry of the |

Minister; and

(iii) the Director-General of the National Physical Planning appointed under section 5 of the Town and Country Planning Ordinance (Chapter 269); and”.

10 *Sri Lanka Land Development Corporation*   
 *(Amendment) Act, No. 13 of 2021*

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| Amendment of section 9 of the principal  enactment | **6.** | Section 9 of the principal enactment is hereby |
| amended by the insertion immediately after paragraph (*e*) of subsection (1), of the following new paragraph: - | |

“(*ea*) to enter into joint ventures, partnerships or other commercial agreements with foreign or local companies or individuals directly, jointly or otherwise, within or outside Sri Lanka with the concurrence of the Minister and in accordance with other written law to achieve the objects of the Corporation by utilizing the skilled labour, expert knowledge and the experience of the Corporation;”.

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| Replacement of section 20A of the principal  enactment | **7.** | Section 20A of the principal enactment is hereby | |
| repealed and the following section is substituted therefor: - | | |
| “Procedure for  application for  restraining | | 20A. (1) Every application for an order under subsection (5) or (6) of section 2A, subsection (5) of section 2B or subsection (4) or (5) of section 4A or subsection (2) of section |
| order | 20c shall be supported by an affidavit verifying | |

the matters set out in the application.

(2) Upon receipt of the application, where   
the Magistrate is satisfied that an act has been   
committed in contravention of the provisions   
of subsection (5) or (6) of section 2A, subsection   
(5) of section 2B or subsection (4) or (5) of   
section 4A, or subsection (2) of section 20c may   
make an interim order restraining such person,   
his agents and servants from carrying on such   
unlawful activity until such interim order is   
made permanent under the provisions of   
subsection (4) or (8) or is set aside under the   
provisions of subsection (8).

(3) Summons shall be issued on the person   
against whom the interim order under   
subsection (2) is made or where an interim order   
has not been made by the Magistrate’s Court

*Sri Lanka Land Development Corporation*  11   
 *(Amendment) Act, No. 13 of 2021*

under subsection (2) on the person against   
whom an application for an order under   
subsection (5) or (6) of section 2A, subsection   
(5) of section 2B or subsection (4) or (5) of   
section 4A or subsection (2) of section 20c has   
been made to appear and show cause on the   
date specified in such summons being a date   
not later than fourteen working days from the   
date of issue of such summons, as to why such   
person, his agents and servants should not be   
restrained, as prayed for in the application.

(4) If the person against whom such order   
has been made fails to appear before the Court   
on the date specified in subsection (3) or such   
person has no cause to show as to why the   
interim order made under subsection (2) shall   
not be made permanent, then the Court shall   
forthwith make the interim order permanent as   
prayed for in the application.

(5) If the person against whom an interim   
order has not been made and against whom the   
summons has been served under subsection (3)   
fails to appear before Court or such person has   
no cause to show as to why a restraining order   
against him shall not be made, then the court   
shall issue a restraining order as prayed for in   
the application.

(6) If such person appears in Court and   
states that such person has cause to show   
against the making of the interim order or the   
making of a restraining order, the Court may   
either proceed with the case forthwith or set   
the case for inquiry on a later date.

(7) At such inquiry the person on whom   
summons under subsection (3) has been served,

12 *Sri Lanka Land Development Corporation*   
 *(Amendment) Act, No. 13 of 2021*

shall not be entitled to contest any of the   
matters stated in the application under   
subsection (1) except to show cause that –

(*a*) the relevant area of the land is not a   
 land that comes under sections 2, 2B   
 or 4A of this Act; or

(*b*) such person has complied with the   
 terms and conditions of the approval   
 under subsection (2) of section 2A or   
 subsection (2) of section 4A or has   
 complied with the requirements   
 specified in the order made under   
 subsection (1) of section 2B.

(8) After the inquiry the Magistrate may   
either make the interim order permanent as   
prayed for in the application or set aside such   
interim order or make a restraining order as   
prayed for in the application or reject such   
application.

(9) Where the Magistrate has made an   
order under subsection (4), (5) or (8), the   
Magistrate may direct –

(*a*) the Chief Executive Officer -

(i) to demolish any building or   
 construction which may have   
 been erected whether wholly   
 or partly on such extent of   
 land;

(ii) to excavate or unearth and to   
 remove the soil and materials   
 used in the filling or the   
 construction; and

*Sri Lanka Land Development Corporation*  13   
 *(Amendment) Act, No. 13 of 2021*

(iii) to take into custody any   
 implement, instrument,   
 machinery, vehicle or   
 document used for such filling   
 or construction; and

(*b*) the person against whom such order   
was made to pay the total cost   
incurred-

(i) in the demolition of any   
building or construction;

(ii) in the excavation or unearthing   
of the soil and materials used

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| in | the | filling | or | the |

construction;

(iii) in the removal of the soil and   
materials used for such filling   
or construction; and

(iv) in the taking into custody of   
any implement, instrument,

|  |  |  |
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| machinery, | vehicle | or |

document used for such filling   
or construction.

(10) The cost incurred by the Corporation,   
as specified in the statement of cost certified   
by a Chartered Civil Engineer and submitted   
with an affidavit to the Magistrate’s Court by   
the Chief Executive Officer shall be final and   
conclusive and be recovered from the person   
against whom the order was made in the same   
manner as a fine imposed by such Court and   
shall be credited to the Fund of the Corporation.

14 *Sri Lanka Land Development Corporation*   
 *(Amendment) Act, No. 13 of 2021*

(11) (*a*) Where an order under subsection   
(9) is made and the Magistrate has directed   
the Chief Executive Officer to take any   
implement, instrument, machinery, vehicle   
or document into custody, the Magistrate   
may subject to the provisions of subsection   
(12) make order that such implement,   
instrument, machinery, vehicle or document   
shall be forfeited to the State. Any implement,   
instrument, machinery, vehicle or document   
so forfeited to the State shall vest in the State   
free from all encumbrances. Such vesting shall   
take effect-

(i) where no appeal has been preferred   
 to the Court of Appeal or a High   
 Court established by Article 154P   
 of the Constitution against the order   
 of forfeiture, upon the expiry of the   
 period within which an appeal may   
 be preferred to the Court of Appeal   
 or such High Court; or

(ii) where an appeal has been preferred   
 to the Court of Appeal or to the High   
 Court established under Article   
 154P of the Constitution against the   
 order of forfeiture, upon the   
 determination of the appeal   
 affirming or upholding the order of   
 forfeiture.

*(b*) The Chief Executive Officer shall   
take possession of any implement, instrument,   
machinery, vehicle or document vested in the   
State under this section and may sell or   
otherwise dispose of the same as he may think   
fit. The proceeds of such sale shall be credited   
to the Fund of the Corporation.

*Sri Lanka Land Development Corporation*  15   
 *(Amendment) Act, No. 13 of 2021*

(12) Where an order under subsection (9)   
is made and the Magistrate has directed the   
Chief Executive Officer to take any implement,   
instrument, machinery, vehicle or document   
into custody and the owner of such implement,   
instrument, machinery, vehicle or document is   
a third party, no order of forfeiture shall be   
made, if the owner proves to the satisfaction of   
the Court that-

(*a*) he has taken all precautions to   
 prevent the use of such implement,   
 instrument, machinery, vehicle or   
 document; or

(*b*) that such implement, instrument,   
 machinery, vehicle or document have   
 been used without his knowledge,

for the commission of the offence.

(13) (*a*) Where the Chief Executive Officer   
or the officer or the servant authorised by the   
Chief Executive Officer is unable or suspects   
that he will be unable to proceed with-

(i) the demolition of any building or   
 construction;

(ii) the excavation or unearthing of the   
 soil and materials, used in the filling   
 or the construction;

(iii) the removal of the soil and all   
 materials used for such filling or   
 construction; and

16 *Sri Lanka Land Development Corporation*   
 *(Amendment) Act, No. 13 of 2021*

(iv) the taking into custody of any   
 implement, instrument, machinery,   
 vehicle or document used for such   
 filling or construction,

due to any obstruction or resistance which has   
been, or is likely to be made, the Chief   
Executive Officer shall on making an   
application in that behalf to the Magistrate’s   
Court where an order under subsection (9) is   
made, be entitled to an order of that Court   
directing the Fiscal to-

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| (*aa*) | demolish | any | building | or |

construction;

(*ab*) excavate or unearth the soil and   
 materials used in the filling or the   
 construction;

(*ac*) remove the soil and materials used for   
 such filling or construction; and

(*ad*) take into custody any implement,   
 instrument, machinery, vehicle or   
 document used for such filling or   
 construction.

(*b*) Every application supported by an   
affidavit shall be conclusive evidence of the   
facts stated therein.

(*c*) The Fiscal to whom an order is issued   
under paragraph (*a*) shall forthwith execute   
such order and report in writing to the Court,   
the manner in which such order was executed.

(*d*) Where the Fiscal has demolished   
any building or construction, excavated or

*Sri Lanka Land Development Corporation*  17   
 *(Amendment) Act, No. 13 of 2021*

unearthed the soil and materials used and   
removed the soil and materials used in the   
filling or the construction and taken into   
custody any implement, instrument,   
machinery, vehicle or document used for such   
filling or construction, the person against whom   
the order under subsection (9) is made, shall   
pay the total cost incurred in such demolition,   
excavation, unearthing, removal, or taking into   
custody any implement, instrument,   
machinery, vehicle or document used for such   
filling or construction and the same be   
recovered in the same manner as a fine imposed   
by such Court.

(*e*) Where an order under paragraph (*a*) is   
made, all the implements, instruments,   
machinery, vehicles or documents taken into   
custody by the Fiscal shall subject to the   
provisions of paragraph (*f*) be forfeited to the   
State.

(*f*) Where an order is made under   
paragraph (*a*) for the taking into custody of   
any implement, instrument, machinery, vehicle   
or document and the owner of such implement,   
instrument, machinery, vehicle or document is   
a third party, no order of forfeiture shall be   
made, if the owner proves to the satisfaction of   
the Court that-

|  |  |
| --- | --- |
| (i)  (ii) | he has taken all precautions to prevent the use of such implement, instrument, machinery, vehicle or document; or  that such implement, instrument, machinery, vehicle or document have been used without his knowledge, |

for the commission of the offence.

18 *Sri Lanka Land Development Corporation*   
 *(Amendment) Act, No. 13 of 2021*

(14) The Minister may by regulations   
prescribe the forms of the applications and the   
affidavit.”.

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| Amendment of section 20C of the principal  enactment  Insertion of new sections 20D and 20E in the  principal  enactment | **8.** Section 20c of the principal enactment is hereby amended by the substitution for the words, “application being made by the Corporation” of the words “application being made by the Chief Executive Officer”.  **9.** The following new sections are hereby inserted immediately after section 20C of the principal enactment and shall have effect as sections 20D and 20E of that enactment: - | |
| “Procedure | 20D. (1) (*a*) Upon a complaint under |
| to be  followed by a police  officer | paragraph (*b*) of subsection (5) of section 2A, paragraph (*b*) of subsection (6) of section 2A, paragraph (*b*) of subsection (5) of section 2B, paragraph (*b*) of subsection (4) of section 4A, |

or paragraph (*b*) of subsection (5) of section 4A   
being made, the Officer-in- Charge of such police   
station shall take into custody all persons   
involved in the commission of such offence as   
having committed a cognizable offence   
together with any implement, instrument,   
machinery, vehicle or document.

(*b*) A cognizable offence within the   
meaning of this Act shall be an offence for   
which a police officer may arrest a person in   
the first instance without a warrant.

(*c*) All offences under this Act shall be non-  
bailable and the provisions of the Bail Act,   
No. 30 of 1997 shall apply.

(2) All such persons and any implements,   
instruments, machinery, vehicles or documents   
as are taken into custody under subsection (1)   
shall forthwith be produced before the   
Magistrate’s Court.

*Sri Lanka Land Development Corporation*  19

*(Amendment) Act, No. 13 of 2021*

(3) Where a person is convicted of an   
offence under subsection (3) of section 2A,   
subsection (3) of section 2B or subsection (3)   
of section 4A, the Court may order such person-

|  |  |
| --- | --- |
| (*a*)  (*b*) | to demolish any building or construction; and  to excavate or unearth and to remove the soil and materials used in the filling or the construction, |

in respect to which such offence was committed   
within such period as may be specified by   
Court.

(4) Upon conviction of a person of an   
offence under subsection (3) of section 2A,   
subsection (3) of section 2B or subsection (3)   
of section 4A, the person so convicted shall for   
every day in respect of which the offence is so   
continued after conviction pay a fine of one   
thousand rupees for each such day.

(5) (*a*) When a person is convicted of an   
offence under subsection (3) of section 2A,   
subsection (3) of section 2B or subsection (3)   
of section 4A, all the implement, instrument,   
machinery, vehicle or document used by such   
person in committing such offence, shall   
subject to the provisions of paragraph (*b*) be   
forfeited to the State.

(*b*) Where the owner of any implement,   
instrument, machinery, vehicle or document is   
a third party, no order of forfeiture shall be   
made if the owner proves to the satisfaction of   
the Court that-

(i) he has taken all precautions to prevent   
the use of such implement, instrument,   
machinery, vehicle or document; or

20 *Sri Lanka Land Development Corporation*   
 *(Amendment) Act, No. 13 of 2021*

|  |  |  |
| --- | --- | --- |
| (ii) such | implement, | instrument, |

machinery, vehicle or document have   
been used without his knowledge,

for the commission of the offence.

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| Offences  committed  by a body of  persons or a  partnership | 20E. Where an offence under this Act or any regulation made thereunder is committed by a body of persons, then if that body of persons - | |
| (*a*) | is a body corporate, every director, |

officer, servant or agent of such body   
corporate; or

(*b*) is a partnership, every partner, officer,   
 servant or agent of such partnership,

shall be guilty of that offence:

Provided however, that a director, an   
officer, a servant or an agent of a body corporate   
or a partner, an officer, a servant or an agent of   
a partnership, as the case may be, shall not be   
deemed to be guilty of such offence, if he   
proves to the satisfaction of the Court that such   
offence was committed without his knowledge   
or that he had exercised all due diligence as   
was necessary to prevent the commission of   
such offence.”.

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| Amendment of section 22A of the principal  enactment | **10.** | Section 22A of the principal enactment is hereby |
| amended by the substitution for the words “is prescribed shall”, of the words “is prescribed shall, on conviction after summary trial before a Magistrate,”. | |

*Sri Lanka Land Development Corporation*  21   
 *(Amendment) Act, No. 13 of 2021*

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| **11.** | Section 28 of the principal enactment is hereby | Amendment of  section 28 of the principal  enactment |
| amended as follows: - | |
| (1) | by the insertion immediately before the definition |

of the term “Corporation”, of the following new   
definition: -

““Chief Executive Officer” means the General   
Manager of the Corporation appointed   
under subsection (1) of section 14 of the   
Act;” and

(2) by the insertion immediately after the definition of   
 the term “Corporation”, of the following new   
 definition: -

““Minister” means the Minister to whom the Sri   
Lanka Land Development Corporation is   
assigned under Article 44 or 45 of the   
Constitution.”.

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| **12.** | All actions, prosecutions and proceedings pending | Transitional  Provision |
| or incomplete on the date of commencement of this Act may | |

be carried on and completed after the date of commencement of this Act as if the provisions of the Sri Lanka Land Development Corporation Act were not amended.

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| **13.** | In the event of any inconsistency between the | Sinhala text to  prevail in case  of inconsistency |
| Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. | |

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| 22 | *Sri Lanka Land Development Corporation* |

*(Amendment) Act, No. 13 of 2021*

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