

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

*————————*

**SRI LANKA LAND DEVELOPMENT CORPORATION**

**(AMENDMENT)**

**A**

**BILL**

**to amend the Sri Lanka Land Development Corporation Act, No. 15 of 1968**

*————————*

*Presented by the Prime Minister and Minister of Finance, Minister of Buddhasasana, Religious & Cultural Affairs and Minister of*   
*Urban Development & Housing on 08th of April, 2021*

(Published in the Gazette on February 10, 2021)

*Ordered by Parliament to be printed*

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**[Bill No. 46]**

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*STATEMENT OF LEGAL EFFECT*

*Clause 2*: This clause amends section 2A of the Sri Lanka Land Development Act, No.15 of 1968 (hereinafter referred to as the “principal enactment”), and the legal effect of the section as amended is to prescribe a fine and a term of imprisonment by a Magistrate in a summary trial where an offence under this section is committed and to set out the procedure to take action in case of any violation of the provisions of this section.

*Clause 3* : This clause amends section 2B of the principal enactment and the legal effect of that section as amended is to prescribe a fine and a term of imprisonment by a Magistrate in a summary trial where an offence under this section is committed and to set out the procedure to take action in case of any violation of the provisions of this section.

*Clause 4* : This clause amends section 4A of the principal enactment and the legal effect of that section as amended is to prescribe a fine and a term of imprisonment by a Magistrate in a summary trial where an offence under this section is committed and to set out the procedure to take action in case of any violation of the provisions of this section.

*Clause 5* : This clause amends section 6 of the principal enactment and the legal effect of that section as amended is to replace two *ex- officio* members of the Corporation.

*Clause 6* : This clause amends section 9 of the principal enactment and the legal effect of that section as amended is to enhance the powers of the Corporation.

*Clause 7* : This clause amends section 20A of the principal enactment and the legal effect of that section as amended is to set out the procedure for application to obtain a restraining order.

*Clause 8* : This clause introduces two sections in order to provide for the procedure to be followed by a police Officer and for the offences committed by a body of persons or a partnership.

*Clause 9* : This clause amends section 22A of the principal enactment and the legal effect of that section as amended is to provide for the summary trial before a Magistrate where no penalty is provided.

*Clause 10* : This clause amends section 28 of the principal enactment in order to provide for new definitions.

*Clause 11* : This clause provides for the continuation of the actions etc., under the principal enactment to continue even after the amendment.

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| *Sri Lanka Land Development Corporation* | 1 |

*(Amendment)*

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. of 2021.

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| --- | --- | --- | --- |
| 5 | **2.** | Section 2A of the Sri Lanka Land Development | Amendment |
| Corporation Act, No. 15 of 1968 (hereinafter referred to as | | of section 2A |
| of Act, |
| the “principal enactment”) is hereby amended as follows: - | |
| No.15 of |
| (1) | in subsection (3) of that section, by the substitution | 1968 |

for the words “shall be guilty of an offence under 10 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 15   
 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 20 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

|  |  |
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| 25 | 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

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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 5 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 10 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 15 used in the filling or the construction; and

(*ac*) to take into custody any implement, instrument, machinery, vehicle or document 20 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 25 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

|  |  |
| --- | --- |
| 30 | (*ac*) in the taking of any implement, instrument, machinery, vehicle or |

document used for such filling or   
construction into custody; or

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(*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

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| --- | --- | --- |
| 5 | (4) | carried out, is situated.”. |
| 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 10 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 15   
 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 20 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 25 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-

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

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

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

10 (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 15 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 20 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 25 activity is being carried on or wholly or partly carried out, is situated.”.

|  |  |  |  |
| --- | --- | --- | --- |
| 30 | **3.** | Section 2B of the principal enactment is hereby | Amendment |
| amended as follows:- | | of section 2B |
| of the |
| (1) | in subsection (3) of that section, by the substitution | principal |
| enactment |
| 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

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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.”;

|  |  |  |
| --- | --- | --- |
| 5 | (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

|  |  |
| --- | --- |
| 10 | 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

|  |  |
| --- | --- |
| 15 | 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);

|  |  |
| --- | --- |
| 20 | (ii) granting the Chief Executive Officer, the authority- |

(*aa*) to demolish any building or construction which may have been erected whether wholly or 25 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

|  |  |
| --- | --- |
| 30 | (*ac*) to take into custody any implement, instrument, machinery, |

vehicle or document used for such   
filling or construction; and

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 *(Amendment)*

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

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

|  |  |
| --- | --- |
| 5 | (*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,

|  |  |
| --- | --- |
| 10 | 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

|  |  |
| --- | --- |
| 15 | or any part thereof in which such unlawful activity is being carried on or wholly or partly |

carried out, is situated.”.

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | **4.** | Section 4A of the principal enactment is hereby | Amendment |
| amended by the repeal of subsections (3), (4), (5), (6) and (7) | | of section 4A |
| thereof and the substitution therefor of the following: - | | of the |
| principal |
| “(3) Every person who acts in contravention of the | | enactment |

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 25 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

|  |  |  |
| --- | --- | --- |
| 30 | 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

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

|  |  |  |
| --- | --- | --- |
| 5 | (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

|  |  |
| --- | --- |
| 10 | 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; 15 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 20 construction; and

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

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

|  |  |  |
| --- | --- | --- |
| 25 | (*ab*) | in the excavation or the |

unearthing and the removal of the   
soil and materials used in the   
filling or the construction; and

|  |  |  |
| --- | --- | --- |
| 30 | (*ac*) | in the taking of any implement, |
| instrument, machinery, vehicle or |
| document used for such filling or |

the construction into custody; or

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(*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

5 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 10 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

15 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 –

|  |  |  |
| --- | --- | --- |
| 20 | (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-

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

|  |  |  |
| --- | --- | --- |
| 30 | (*ab*) | to excavate or unearth and to |
| remove the soil and materials used |

in the filling or the construction;   
and

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(*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 ,

|  |  |  |
| --- | --- | --- |
| 5 | (iii) | machinery, vehicle or document |
| used for such filling or |
| construction; and |
| for the recovery of the total cost |

incurred by the Corporation-

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

|  |  |  |
| --- | --- | --- |
| 10 | (*ab*) | in the excavation or the |
| unearthing and the removal of |

the soil and the materials used

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| in | the | filling | or | the |

construction; and

|  |  |  |
| --- | --- | --- |
| 15 | (*ac*) | in the taking of any implement, |

instrument, machinery, vehicle   
or document used for such   
filling or construction into   
custody; or

|  |  |  |
| --- | --- | --- |
| 20 | (*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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| --- | --- | --- | --- |
| 25 | **5.** | Section 6 of the principal enactment is hereby | Amendment |
| amended by the repeal of subparagraphs (ii) and (iii) of | | of section 6 |
| of the |
| paragraph (a) of subsection (1), and the substitution therefor, | |
| principal |
| of the following: - | |
| 30 | enactment |
| “(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”.

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| --- | --- | --- | --- |
| 5 | **6.** | Section 9 of the principal enactment is hereby | Amendment |
| amended by the insertion immediately after paragraph (*e*) of | | of section 9 |
| subsection (1), of the following new paragraph: - | | of the |
| principal |
| “(*ea*) to enter into joint ventures, partnerships or other | | enactment |
| 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 10 Corporation by utilizing the skilled labour, expert knowledge and the experience of the Corporation;”.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 15 | **7.** | Section 20A of the principal enactment is hereby | | Replacement |
| repealed and the following section is substituted therefor: - | | | of |
| section 20A |
| “Procedure | | 20A. (1) Every application for an order | of the |
| principal |
| for  application for  restraining | | under subsection (5) or (6) of section 2A, subsection (5) of section 2B or subsection (4) or (5) of section 4A shall be supported by an |
| enactment |
| order | | affidavit verifying the matters set out in the |

application.

|  |  |
| --- | --- |
| 20 | (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

|  |  |
| --- | --- |
| 25 | section 4A, 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 (7) or is set

30 aside under the provisions of subsection (7).

(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

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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

|  |  |
| --- | --- |
| 5 | section 4A 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

|  |  |
| --- | --- |
| 10 | 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

|  |  |
| --- | --- |
| 15 | 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.

|  |  |
| --- | --- |
| 20 | (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 25 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

|  |  |
| --- | --- |
| 30 | 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

35 summons under subsection (3) has been served,

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

|  |  |  |
| --- | --- | --- |
| 5 | (*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

|  |  |
| --- | --- |
| 10 | 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 15 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.

|  |  |
| --- | --- |
| 20 | (9) Where the Magistrate has made an order under subsection (4), (5) or (8), the |

Magistrate may direct –

(*a*) the Chief Executive Officer -

|  |  |  |
| --- | --- | --- |
| 25 | (i) | to demolish any building or |
| construction which may have |

been erected whether wholly   
or partly on such extent of   
land;

|  |  |  |
| --- | --- | --- |
| 30 | (ii) | to excavate or unearth and to |
| remove the soil and materials |
| used in the filling or the |

construction; and

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(iii) to take into custody any implement, instrument, machinery, vehicle or document used for such filling 5 or construction; and

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

(i) in the demolition of any 10 building or construction;

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

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| in | the | filling | or | the |

construction;

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

(iv) in the taking into custody of

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | any implement, instrument, | | |
| 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 25 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 30 manner as a fine imposed by such Court and shall be credited to the Fund of the Corporation.

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(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 5 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,

|  |  |
| --- | --- |
| 10 | instrument, machinery, vehicle or document so forfeited to the State shall vest in the State |

free from all encumbrances. Such vesting shall   
take effect-

|  |  |  |
| --- | --- | --- |
| 15 | (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

|  |  |  |
| --- | --- | --- |
| 20 | (ii) | be preferred to the Court of Appeal |
| or such High Court; or |
| where an appeal has been preferred |

to the Court of Appeal or to the High   
Court established under Article

|  |  |
| --- | --- |
| 25 | 154P of the Constitution against the order of forfeiture, upon the |

determination of the appeal   
affirming or upholding the order of   
forfeiture.

30 *(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

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| --- | --- |
| 35 | fit. The proceeds of such sale shall be credited to the Fund of the Corporation. |

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(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 5 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-

|  |  |  |
| --- | --- | --- |
| 10 | (*a*) | he has taken all precautions to |

prevent the use of such implement,   
instrument, machinery, vehicle or   
document; or

|  |  |  |
| --- | --- | --- |
| 15 | (*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 20 Chief Executive Officer is unable or suspects that he will be unable to proceed with-

(i) the demolition of any building or   
 construction;

|  |  |  |
| --- | --- | --- |
| 25 | (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

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 *(Amendment)*

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

|  |  |
| --- | --- |
| 5 | 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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 10 | made, be entitled to an order of that Court directing the Fiscal to- | | | | |
| (*aa*) | demolish | any | building | or |

construction;

|  |  |  |
| --- | --- | --- |
| 15 | (*ab*) | excavate or unearth the soil and |
| (*ac*) | materials used in the filling or the |
| construction; |
| remove the soil and materials used for |

such filling or construction; and

|  |  |  |
| --- | --- | --- |
| 20 | (*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 25 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.

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

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|  |  |  |
| --- | --- | --- |
| 5  10  15  20  25  30  35 | 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) | he has taken all precautions to |
| prevent the use of such implement, instrument, machinery, vehicle or document; or | |
| (ii) | that such implement, instrument, |
| machinery, vehicle or document have been used without his knowledge, | |

for the commission of the offence.

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 *(Amendment)*

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

|  |  |  |  |
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| 5 | **8.** The following new sections are hereby inserted | | Insertion of |
| immediately after section 20C of the principal enactment | | new sections |
| 20D and 20E |
| and shall have effect as sections 20D and 20E of that | |
| in the |
| 10 | enactment: - | | principal |
| enactment |
| “Procedure | 20D. (1) (*a*) Upon a complaint under |
| to be  followed by a police | paragraph (*b*) of subsection (5) of section 2A, paragraph (*b*) of subsection (6) of section 2A, |
| officer | 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 15 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.

20 (*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-25 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) 30 shall forthwith be produced before the Magistrate’s Court.

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(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-

|  |  |  |
| --- | --- | --- |
| 5  10  15  20  25  30  35 | (*a*) | to demolish any building or |
| construction; and | |
| (*b*) | 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 | |

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 *(Amendment)*

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

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

for the commission of the offence.

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | Offences | 20E. Where an offence under this Act or | |
| committed | any regulation made thereunder is committed | |
| by a body of |
| by a body of persons, then if that body of | |
| persons or a |
| 10 | partnership | 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:

15 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

|  |  |
| --- | --- |
| 20 | 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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| 25 | **9.** | Section 22A of the principal enactment is hereby | Amendment |
| amended by the substitution for the words “is prescribed | | of section |
| 22A of the |
| shall”, of the words “is prescribed shall, on conviction after | |
| principal |
| summary trial before a Magistrate,”. | | enactment |

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 *(Amendment)*

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| 5 | **10.** | Section 28 of the principal enactment is hereby | Amendment |
| amended as follows: - | | of section 28 |
| of the |
| (1) | by the insertion immediately before the definition | principal |
| enactment |
| 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

|  |  |  |
| --- | --- | --- |
| 10 | (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

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | assigned under Article 43 or 44 of the | | Transitional |
| Constitution.”. | |
| **11.** | All actions, prosecutions and proceedings pending |
| or incomplete on the date of commencement of this Act may | | Provision |

be carried on and completed after the date of commencement

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| --- | --- | --- | --- |
| 20 | of this Act as if the provisions of the Sri Lanka Land | | Sinhala text |
| Development Corporation Act were not amended. | |
| **12.** | In the event of any inconsistency between the |
| Sinhala and Tamil texts of this Act, the Sinhala text shall | | to prevail in |
| case of |
| prevail. | |
| inconsistency |

|  |  |
| --- | --- |
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*(Amendment)*

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