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4th Session 1968-69



Local Authorities (Special Provisions) Act, No. 42 of 1968

Date of Assent : November 24, 1968

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Local Authorities (Special Provisions)
Act, No. 42 of 1968

L. D.—O. 37/67.

AN ACT TO AMEND THE MUNICIPAL COUNCILS
ORDINANCE, THE URBAN COUNCILS ORDINANCE AND
THE TOWN COUNCILS ORDINANCE.

[Date of Assent: November 24, 1968]

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 Local Authorities (Special Provisions) Act, No. 42 of 1968. Short title.

2. Section 170 of the Municipal Councils Ordinance is hereby amended by the addition, at the end of that section, of the following new sub-section:— Amendment of section 170 of Chapter 252.

“(4) During the period intervening between the constitution under this Ordinance of a Municipal Council for any Municipality and the election of the Mayor of the Council, the Municipal Commissioner shall have, exercise, perform and discharge all the rights, privileges, powers, duties and functions vested in or conferred or imposed on the Mayor by this Ordinance or any other written law.”.

3. (1) Section 277 of the Municipal Councils Ordinance is hereby amended as follows:— Amendment of section 277 of Chapter 252.

(a) in sub-section (4) of that section, by the substitution, for all the words from “shall during such period” to the end of that sub-section, of the following:—

“shall during such period—

(a) have, exercise, perform and discharge all the rights, privileges, powers, duties and

functions vested in or conferred or imposed on the Council, the Mayor, or the Deputy Mayor, by this Ordinance or by any other written law, and

(b) be the successor of the dissolved Council or the Special Commissioner or Special Commissioners, as the case may be.”;

(b) by the insertion, immediately after sub-section (4), of the following sub-sections:—

“ (4A) The Special Commissioner or Special Commissioners appointed under sub-section (2) upon the dissolution of a Council shall—

(a) if the appointment was made immediately after the dissolution of the Council, be the successor or successors of the dissolved Council, and

(b) if the appointment was made after the Municipal Commissioner under sub-section (4) had had, exercised, performed, and discharged the rights, privileges, powers, duties and functions referred to in that sub-section, be the successor or successors of the Municipal Commissioner.

(4B) The provisions of section 325 with the necessary modifications shall—

(a) in the case of a Municipal Commissioner who under sub-section (4) of this section is the successor of a Council which was dissolved, or of a Special Commissioner or Special Commissioners, apply in the same manner as if all references to any local authority in the aforesaid section 325 were references to the dissolved Council or to the Special Commissioner or

Special Commissioners, as the case may be, and as if all references to a Municipal Council in the aforesaid section 325 were references to the Municipal Commissioner, and

(b) in the case of a Special Commissioner who under sub-section (4A) of this section is the successor of a Council which was dissolved or of the Municipal Commissioner, apply in the same manner as if all the references to any local authority in that aforesaid section 325 were references to the Council which was dissolved or to the Municipal Commissioner, as the case may be, and as if all the references to a Municipal Council in the aforesaid section 325 were references to the Special Commissioner.”; and

(c) by the substitution, for sub-section (5), of the following sub-section:—

“(5) Where, after the dissolution of the Municipal Council for any Municipality, a new Municipal Council is constituted for that Municipality, the new Council shall be the successor of the person or persons who, immediately prior to the constitution of the new Council had had, exercised, performed and discharged the rights, privileges, powers, duties and functions conferred or imposed upon, or vested in, the Council by this Ordinance or other written law, and the provisions of section 325 shall apply with the necessary modifications in the case of the constitution of the new Council in the same manner as if all the references to any local authority in that section were references to such person or persons, as the case may be, and as if all the references to a Municipal Council in that section were references to the new Council.”.

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(2) The provisions of sub-section (1) of this section shall be deemed to have come into effect on the date of commencement of the Municipal Councils Ordinance.

**Amendment of
section 27 of
Chapter 255.**

4. Section 27 of the Urban Councils Ordinance is hereby amended in sub-section (3) of that section by the substitution, for the words "During the period intervening between the expiry", of the words "During the period intervening between the constitution of an Urban Council under this Ordinance and the election of a Chairman of that Council and during the period intervening between the expiry".

**Amendment of
section 184 of
Chapter 255.**

5. (1) Section 184 of the Urban Councils Ordinance is hereby amended as follows:—

(a) in sub-section (6) of that section—

(i) by the substitution, for the words "that town, all the property", of the words "that town, such Special Commissioner or Commissioners shall be deemed to be the successor or successors of the dissolved Council and all the property", and

(ii) by the substitution, for the words "until the Minister otherwise directs.", of the following:—

"until the Minister otherwise directs and the provisions of sections 236 to 244 shall, with the necessary modifications, apply in the case of the appointment of the Special Commissioner or Commissioners in the same manner as if every reference in those sections to an Urban Council were a reference to the Special Commissioner or Commissioners and as if every reference in those sections to a local authority or authorities were a reference to the dissolved Urban Council. "; and

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

“ (7) At any time after the appointment of a Special Commissioner or Commissioners to administer the affairs of a town upon the dissolution of the Urban Council for that town, the Minister may, by Order published in the *Gazette*,—

(a) give such directions as may be necessary for constituting for that town a new Urban Council consisting of the same number of members as the dissolved Urban Council or of a larger or a smaller number of members, as to him may seem expedient, or

(b) reduce or enlarge or otherwise redefine the limits of the town, and give such directions as may be necessary for constituting an Urban Council for the redefined town.

(8) Where upon the termination of the administration of the affairs of a town by a Special Commissioner or Commissioners, a new Urban Council is constituted for that town, the new Council shall be the successor of the Special Commissioner or Commissioners, as the case may be, and the provisions of sections 250 to 244 shall, with the necessary modifications, apply to the case of the constitution of the new Council in the same manner as if all references to any local authority or authorities in those sections were references to the Special Commissioner or Commissioners.”.

(2) The provisions of sub-section (1) of this section shall be deemed to have come into effect on the date of commencement of the Urban Councils Ordinance.

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Amendment of
section 26 of
Chapter 256.

6. Section 26 of the Town Councils Ordinance is hereby amended in sub-section (3) of that section, by the substitution, for the words "During the period intervening between the expiry", or the words "During the period intervening between the constitution of a Town Council under this Ordinance and the election of a Chairman of that Council and during the period intervening between the expiry".

Amendment of
section 183 of
Chapter 256.

7. (1) Section 183 of the Town Councils Ordinance is hereby amended as follows:—

(a) in sub-section (6) of that section,

(i) by the substitution, for the words "that town, all the property", of the words "that town, such Special Commissioner or Commissioners shall be the successor or successors of the dissolved Council and all the property", and

(ii) by the substitution, for the words "until the Minister otherwise directs.", of the following:—

"until the Minister otherwise directs and the provisions of sections 233 to 240 shall, with the necessary modifications, apply in the case of the appointment of the Special Commissioner or Commissioners in the same manner as if every reference in those sections to a Town Council were a reference to the Special Commissioner or Commissioners and as if every reference in those sections to a local authority or authorities were a reference to the dissolved Town Council. "; and

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

"(7) At any time after the appointment of a Special Commissioner or Commissioners to administer the affairs of a town upon the

dissolution of the Town Council for that town, the Minister may, by Order published in the *Gazette*,—

- (a) give such directions as may be necessary for constituting for that town a new Town Council consisting of the same number of members as the dissolved Town Council or of a larger or a smaller number of members, as to him may seem expedient, or
- (b) reduce or enlarge or otherwise redefine the limits of the town, and give such directions as may be necessary for constituting a Town Council for the redefined town.

(8) Where upon the termination of the administration of the affairs of a town by a Special Commissioner or Commissioners, a new Town Council is constituted for that town, the new Council shall be the successor of the Special Commissioner or Commissioners, as the case may be, and the provisions of sections 233 to 240 shall, with the necessary modifications, apply to the case of the constitution of the new Council in the same manner as if all references to any local authority or authorities in those sections were references to the Special Commissioner or Commissioners. ”.

(2) The provisions of sub-section (1) of this section shall be deemed to have come into effect on the date of commencement of the Town Councils Ordinance.