

PARLIAMENT OF CEYLON

3rd Session 1954-55



Housing and Town Improvement (Amendment) Act, No. 53 of 1954

Date of Assent : November 11, 1954

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AN ACT TO AMEND THE HOUSING AND TOWN
IMPROVEMENT ORDINANCE.

Volume V.
Chapter 199
page 422.

[Date of Assent: November 11, 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 Housing and Town Improvement (Amendment) Act, No. 53 of 1954.

Short title.

2. Section 2 of the Housing and Town Improvement Ordinance (hereinafter referred to as "the principal enactment") is hereby amended by the insertion, immediately after the definition of "owner", of the following new definition:—

Amendment of
section 2 of
Chapter 199.

"proper authority" means —

- (a) within the administrative limits of a Municipal Council, the Municipal Commissioner of that Council;
- (b) within the administrative limits of an Urban Council, the Secretary of that Council; and
- (c) within the administrative limits of a Town Council or Village Committee, the Assistant Commissioner of Local Government for the administrative region established under the Local Government (Administrative Regions) Ordinance, No. 57 of 1946, within which those limits fall;

3. Sections 5 to 13 (both inclusive) and sections 15 to 17 (both inclusive) of the principal enactment and the marginal notes to those sections are hereby amended by the substitution, for the word "Chairman" wherever it occurs therein, of the words "proper authority".

Amendment of
sections 5 to
13 and 15 to
17 of the
principal
enactment.

4. Section 19 of the principal enactment is hereby amended in sub-sections (3) and (4) of that section by the substitution, for the word "Chairman" wherever it occurs in those sub-sections, of the words "proper authority".

Amendment of
section 19 of
the principal
enactment.

Amendment of
section 25 of
the principal
enactment.

5. Section 25 of the principal enactment is hereby amended as follows:—

- (1) in sub-section (1) of that section by the substitution, for the words “on the application of the Chairman”, of the words “on the application of the Chairman or the proper authority”; and
- (2) in sub-section (2) of that section by the substitution, for the words “the Chairman”, of the words “the Chairman or the proper authority”.

Amendment of
sections 27 and
29 of the
principal
enactment.

6. Sections 27 and 29 of the principal enactment are hereby amended by the substitution, for the words “the Chairman”, of the words “the Chairman or the proper authority”.

Amendment of
section 32 of
the principal
enactment.

7. Section 32 of the principal enactment is hereby amended by the repeal of sub-sections (2) and (3) of that section and the substitution therefor of the following new sub-sections:—

“(2) For the purposes of the execution of any improvement scheme—

(a) the Chairman of any Board of Improvement Commissioners shall have all the powers vested in a proper authority by this Ordinance, and accordingly for the purposes aforesaid every reference in this Ordinance to a proper authority shall be deemed to include a reference to the Chairman of any Board of Improvement Commissioners; and

(b) any Board of Improvement Commissioners and the Chairman of that Board shall have all the powers vested in a local authority and its Chairman respectively within its administrative limits by this Ordinance or any other written law, and accordingly for the purposes aforesaid every reference in this Ordinance or any other written law to any local authority or to the Chairman of any local authority shall be deemed to include a reference to any

Board of Improvement Commissioners or the Chairman of any such Board respectively.

- (3) It shall be the duty of a local authority and of all its officers acting under its direction to give to a Board of Improvement Commissioners all such assistance as the Board may require for the purposes of the execution of any improvement scheme."

8. Section 60 of the principal enactment and the marginal note to that section are hereby amended by the substitution, for the words "Chairman of a local authority" of the words "proper authority".

Amendment of
section 60
of the principal
enactment.

9. The following new section is hereby inserted immediately after section 60, and shall have effect as section 60A, of the principal enactment:—

Insertion of
new section
60A in the
principal
enactment.

"Order for
delivery of
possession
of land or
building.

60A. (1) Where any local authority or any Board of Improvement Commissioners is unable or apprehends that it will be unable to take possession of any land or building which is required for the purposes of any improvement scheme sanctioned by the Minister, any officer authorised in that behalf by that local authority or that Board, as the case may be, shall, on his making an application in that behalf to the Magistrate's Court having jurisdiction over the place where that land or building is situated, be entitled to an order of that Court directing the Fiscal to eject the occupier of that land or building and to deliver possession of it to that officer for and on behalf of that local authority or that Board, as the case may be.

(2) Where an order under sub-section (1) is issued to the Fiscal by a Magistrate's Court, he shall forthwith execute that order and shall in writing report to that Court the manner in which that order was executed.

(3) For the purpose of executing an order issued by a Magistrate's Court under sub-section (1), the Fiscal or any person acting under his direction may use such force as may be necessary.

(4) The provisions of this section shall have effect notwithstanding anything to the contrary in the Rent Restriction Act, No. 29 of 1948."

Amendment of
section 103 of
the principal
enactment.

10. Section 103 of the principal enactment is hereby amended as follows:—

(1) by the substitution, for the words "No member" of the words "No proper authority or member"; and

(2) by the substitution, for the words "any such local authority", of the words "any such proper authority or local authority".

Amendment of
section 105 of
the principal
enactment.

11. Section 105 of the principal enactment is hereby amended, in sub-section (1) of that section, by the substitution, for the words "the Chairman", of the words "the proper authority or the Chairman".

Amendment of
section 107 of
the principal
enactment.

12. Section 107 of the principal enactment is hereby amended, in sub-section (1) of that section, by the substitution, for the words "the Chairman," of the words "the proper authority, the Chairman,".

Amendment of
section 109 of
the principal
enactment.

13. Section 109 of the principal enactment is hereby amended as follows:—

(1) in sub-section (1) of that section, by the substitution, for the words "the Chairman", of the words "the proper authority or the Chairman"; and

(2) by the repeal of sub-section (3) of that section and the substitution therefor of the following new sub-section:—

"(3) The proper authority or the Chairman shall, if he is a party to any agreement or instrument registered in the register maintained under sub-section (2) cause a certified copy of such agreement or instrument, as the case may be, to be registered in the office of the Registrar of Lands. Such copy shall be so registered free of any charge or duty."

Amendment of
the Schedule to
the principal
enactment.

14. The rules in the Schedule to the principal enactment are hereby amended by the substitution, for the words "Chairman" wherever it occurs therein, of the words "proper authority".