



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

PROTECTION OF TENANTS (SPECIAL
PROVISIONS) (AMENDMENT)

ACT, No. 11 OF 1982

[Certified on 25th March, 1982]

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Protection of Tenants (Special Provisions)
(Amendment) Act, No. 11 of 1982

[Certified on 25th March, 1982]

L. D.—O. 32/81.

AN ACT TO AMEND THE PROTECTION OF TENANTS (SPECIAL
PROVISIONS) ACT, NO. 28 OF 1970

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

1. This Act may be cited as the Protection of Tenants (Special Provisions) (Amendment) Act, No. 11 of 1982. Short title.
2. Section 3 of the Protection of Tenants (Special Provisions) Act, No. 28 of 1970 (hereinafter referred to as the "principal enactment") is hereby amended by the repeal of subsection (2) of that section. Amendment of section 3 of Act No. 28 of 1970.
3. The following new section is hereby inserted immediately after section 7, and shall have effect as section 7A, of the principal enactment:— Insertion of new section 7A in the principal enactment.

"Restoration of amenities withheld and repair of damage caused to any premises &c., by a landlord.

7A. (1) Where the Commissioner or any public officer authorized by him to hold an inquiry under section 7 is satisfied, upon an inquiry held under that section, that the landlord of any premises or any other person has—

 - (a) damaged, removed or tampered with any part of such premises;
 - (b) discontinued or withheld any amenity or facility, previously provided for the tenant or the person in occupation of such premises;
 - (c) deprived, withheld or failed to maintain in proper condition, any essential supply or service provided for the tenant or the person in occupation of such premises;
 - (d) prevented access to such premises by the tenant or person in occupation thereof,

he may, by notice in writing, require the landlord of such premises—

 - (i) to repair such damage; or

- (ii) to restore or to repair such facility or amenity ; or
- (iii) to restore, repair or maintain in proper condition, such essential supply or service ; or
- (iv) to allow access to such premises by such tenant or person in occupation,

before such date as may be specified in such notice or within such extended period as may be allowed by the Commissioner on an application in that behalf made by the landlord.

(2) Where the landlord of any premises fails to comply with any requirement imposed on him by a notice given under subsection (1) within the period specified in such notice or within such extended period as may have been allowed to him under that section, the Commissioner or the officer authorized by him may—

(a) direct the tenant of such premises to repair the damage referred to in such notice or to restore, repair or maintain in proper condition, the facility, amenity or essential supply or service referred to in such notice ;

(b) in any case where the tenant is unable to effect such repair or to restore, repair or maintain in proper condition, such facility, amenity, essential supply or service, direct the Common Amenities Board to repair such damage or to restore, repair or maintain in proper condition, such facility, amenity or essential supply or service.

(3) Where a tenant or the person in occupation of a premises is directed to carry out any repairs or restoration to such premises by an order made by the

Commissioner under paragraph (a) of subsection (2), then, any person or body of persons whose consent is required for the purpose of carrying out such repair or restoration, shall notwithstanding the provisions of any other written law, grant permission or issue a licence, as the case may be, to such tenant to carry out such repair or restoration as if such tenant were the landlord of such premises.

(4) Where the Commissioner directs, under subsection (2), the tenant of any premises or the Common Amenities Board, to repair any damage to any premises or to restore, repair or maintain in proper condition, any facility, amenity or essential supply or service previously provided for the tenant or the person in occupation of such premises, such tenant or such Board may effect such repair or restore, repair or maintain in proper condition, such facility, amenity or essential supply or service, notwithstanding anything in any law or contract or the fact that the landlord of such premises does not consent to the effecting of such repair or the restoration or repair, of such facility, amenity or essential supply or service. The Commissioner or the officer authorized by him may require the police to give such assistance to such tenant as may be necessary to enable him to effect such repair or to restore, repair or maintain in proper condition, such amenity, facility or essential supply or service, and it shall be the duty of the police to comply with any such requirement.

(5) Where the tenant of any premises effects any repair to any premises or restores, repairs or maintains in proper condition, any amenity, facility or essential supply or service previously provided for him or the person in occupation of such premises, in compliance with an order made under subsection (2), the Commissioner or the officer authorized by him shall, after

hearing such tenant and the landlord of such premises, determine, by a certificate given under his hand, the amount reasonably incurred by the tenant in effecting such repair or in restoring, repairing or maintaining in proper condition, such amenity, facility or essential supply or service. The amount so certified may, notwithstanding anything to the contrary in any law, be deducted by the tenant from the monthly rent payable by him for such premises in such number of instalments as may be decided by the Commissioner or the officer authorized by him, having regard to the amount involved.

(6) Where the Common Amenities Board effects any repair to any premises or restores, repairs or maintains in proper condition, any facility, amenity, or essential supply or service previously provided for the tenant or person in occupation of any premises, in compliance with an order made under subsection (2), the Board may, notwithstanding anything in any law, recover the costs incurred in effecting such repair or in restoring, repairing or maintaining in proper condition, such facility, amenity or essential supply or service from the landlord of such premises."

Amendment
of section
14 of the
principal
enactment.

4. Section 14 of the principal enactment is hereby amended as follows:—

(a) by the insertion, immediately after the definition of "Commissioner", of the following new definition:—

"Common Amenities Board" means the Common Amenities Board established by the Common Amenities Board Law, No. 10 of 1973; ; and

(b) by the insertion immediately after the definition of "eject", of the following new definition:—

"essential supply or service" includes supply of water, electricity and lights including lights in passages and on staircases, lifts and conservancy or sanitary service ; ;