

PARLIAMENT OF CEYLON

5th Session 1952



Local Authorities (Standard By-laws) Act, No. 6 of 1952

Date of Assent : January 16, 1952

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L.D.—O. 44/51.

AN ACT TO AUTHORISE THE FRAMING OF STANDARD
BY-LAWS FOR ADOPTION BY LOCAL AUTHORITIES.

[Date of Assent: January 16, 1952.]

BE it enacted by the King'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 (Standard By-laws) Act, No. 6 of 1952.

Short title.

2. (1) It shall be lawful for the Minister to frame draft by-laws with respect to any subject or matter with respect to which a local authority is empowered by any other written law to make by-laws, and to cause such draft by-laws to be published in the *Gazette*.

Framing, publication and approval of standard by-laws.

(2) Draft by-laws shall, when published in the *Gazette* under sub-section (1), be accompanied by a declaration specifying—

(a) the class or each class of local authorities authorised to adopt the by-laws in accordance with this Act; and

(b) the appropriate provision of other written law by which local authorities of each such specified class are empowered to make by-laws containing the provisions comprised in the draft by-laws.

(3) Where draft by-laws framed and published as hereinbefore provided are approved by resolution passed respectively by the Senate and the House of Representatives, and notice of such approval has been published in the *Gazette*, the draft by-laws shall be standard by-laws for the purposes of this Act.

3. (1) Any local authority of any class which is authorised in a declaration under sub-section (2) of section 2 to adopt any standard by-laws may by resolution adopt such by-laws; and with effect from the date of the publication of such resolution in the *Gazette* or on such later date as may be specified in the resolution, the standard by-laws so adopted shall come into force in the area within the administrative limits of that authority, and shall for all purposes be deemed to be and have the same effect as by-laws made by that local

Adoption of standard by-laws by local authority.

authority under the appropriate provision of other written law specified in the declaration under the aforesaid sub-section (2) or under powers conferred on that authority by any other written law.

(2) Nothing in any other written law requiring the approval, confirmation or ratification by any authority (including the Senate or the House of Representatives) of by-laws made by a local authority, shall apply or be deemed to apply in relation to standard by-laws adopted under this section.

For the purposes of this sub-section, "approval" shall be deemed to include the passing by the Senate and the House of Representatives of a motion that by-laws be not disallowed.

(3) Where the standard by-laws with respect to any subject or matter come into force in the area within the administrative limits of any local authority, all by-laws with respect to that subject or matter previously made or deemed to have been made by that local authority under the appropriate provision of other written law specified in the declaration under sub-section (2) of section 2, and all other by-laws inconsistent with the standard by-laws, shall be deemed to be repealed.

(4) The power conferred on any local authority by any other written law to make by-laws shall be deemed to include the power to amend, add to or repeal any standard by-laws adopted under this section, so however that no such amendment or addition may contain any provision which that authority is not otherwise empowered to make under any other written law.

Power of
Minister to
amend or
revoke
standard
by-laws.

4. (1) The Minister may from time to time frame draft by-laws amending, revoking or replacing any standard by-laws, and the provisions of section 2 shall *mutatis mutandis* apply to and in relation to any by-law so framed.

(2) Any such amendment, revocation or replacement of any standard by-laws which have already been adopted by any local authority shall not in any way affect their continuance in force in the area within the administrative limits of that authority, unless and until that authority by resolution adopts the by-laws framed for the purposes of such amendment, revocation or replacement.

5. (1) Nothing in this Act shall be construed to abridge or otherwise affect the power of a local authority to make by-laws under any other written law.

Saving of
general
powers of
local
authorities,
&c.

(2) Nothing in this Act shall be construed to confer on any standard by-law adopted by any local authority any greater validity than it would have had if it had been duly made by that authority under any other written law.

6. In this Act, "local authority" means any Municipal Council, Urban Council, Town Council, or Village Committee.

Meaning of
"local
authority".