

PARLIAMENT OF CEYLON

1st Session 1960-61



Anuradhapura Preservation Board Act, No. 32 of 1961

Date of Assent : 2nd June, 1961

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*Anuradhapura Preservation Board Act,
No. 32 of 1961*

L. D.—O. 51/60.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BOARD FOR THE PRESERVATION AND DEVELOPMENT OF ANURADHAPURA AND SUCH OTHER AREAS AS MAY BE BROUGHT UNDER THE CONTROL OF THE BOARD, AND TO MAKE PROVISION FOR MATTERS INCIDENTAL TO OR CONNECTED THEREWITH.

[Date of Assent: 2nd June, 1961]

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 Anuradhapura Preservation Board Act, No. 32 of 1961, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

Short title
and date of
operation.

PART I

ESTABLISHMENT OF ANURADHAPURA PRESERVATION BOARD

2. (1) With effect from such date as the Minister may appoint by notification published in the *Gazette* (hereafter in this Act referred to as the "appointed date"), there shall be established a Board which shall be called the Anuradhapura Preservation Board.

Anuradhapura
Preservation
Board.

(2) The Board shall, by the name assigned to it by sub-section (1), be a body corporate and shall have perpetual succession and a common seal and may by its name sue and be sued.

3. (1) The Board shall consist of—

Constitution
of the Board.

(a) five members appointed by the Minister, one of whom shall be an officer of the General Treasury,

(b) the person for the time being holding the office of Archaeological Commissioner, and

(c) the person for the time being holding the office of the Government Town Planner.

(2) The Minister shall appoint one of the members of the Board to be the Chairman of the Board.

(3) A person shall be disqualified for appointment, or for continuing, as a member of the Board—

- (a) if he is a Senator or Member of Parliament; or
- (b) if he, directly or indirectly, has any interest in a subsisting contract with, or in any work being done for, the Board except as a shareholder (other than a director) in an incorporated company; or
- (c) if he has any such financial or other interest as is likely to affect prejudicially the discharge by him of his duties as a member of the Board.

(4) Where the Chairman, or an appointed member, of the Board is, by reason of illness or other infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, then, if such Chairman or member is not the member who is an officer of the General Treasury, the Minister may appoint any person to act in his place and, if such Chairman or member is the member who is an officer of the General Treasury, the Minister may appoint any other officer of the General Treasury to act in his place.

(5) Every member of the Board shall, unless he earlier vacates office by death, resignation or removal, hold office for a period of five years. Any member of the Board who vacates office by effluxion of time shall be eligible for reappointment.

(6) A member who is not a public officer may resign from the office of member by letter addressed by him to the Minister.

(7) No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the appointment of a member thereof.

(8) Any appointed member of the Board may be removed from office by the Minister without assigning any reason and the removal of any member from office by the Minister shall not be called in question in any Court.

(9) A member of the Board who is, directly or indirectly, interested in a contract proposed to be made by the Board shall disclose the nature of his interest at a meeting of the Board. The disclosure shall be

recorded in the minutes of such meeting and such member shall not take part in any deliberation or decision of such Board with respect to such contract.

(10) All or any of the members of the Board may be paid such remuneration out of the funds of the Board, in such manner and at such rates, as may be determined by the Minister.

4. (1) The seal of the Board shall be in the custody of such person as the Board may decide from time to time.

Seal of the Board.

(2) The seal of the Board may be altered in such manner as may be determined by the Board.

(3) The seal of the Board shall not be affixed to any instrument or document except in the presence of the Chairman or some other member of the Board, and the General Manager of the Board, both of whom shall sign the instrument or document in token of their presence.

5. The quorum for any meeting of the Board shall be five.

Quorum for meeting of Board.

6. (1) The Board may appoint such officers and servants as it considers necessary for the efficient discharge of its functions:

Appointment of officers and servants.

Provided that a person who is not a citizen of Ceylon, according to the law for the time being in force relating to citizenship of Ceylon, shall not be appointed an officer or servant of the Board without the prior sanction of the Minister.

(2) The officers and servants of the Board shall be remunerated in such manner and at such rates, and shall be subject to such conditions of service, as may be determined by rules made under section 23.

(3) No person who has directly or indirectly, by himself or his partner or agent, any share or interest, except as a shareholder (other than a director), in an incorporated company, in any contract made by or on behalf of the Board shall become or remain an officer or servant of the Board.

PART II

FUNCTIONS AND POWERS OF THE BOARD

Area of Authority.

7. (1) The Board may, subject to the other provisions of this Act, discharge all or any of its functions and exercise all or any of its powers within the area (in this Act referred to as the "Area of Authority") consisting of—

(a) the area declared by the Order of the Minister to be Anuradhapura for the purpose of this Act, and

(b) such other areas as may be declared by like Order to be within the control of the Board.

(2) No Order made by the Minister under sub-section (1) shall have effect until it has been approved by the Senate and the House of Representatives and published in the *Gazette*.

(3) Nothing in sub-section (1) shall be deemed to preclude the Board from maintaining any office or stores outside the Area of Authority.

(4) The Minister may, by Order published in the *Gazette*, direct that the Board shall cease to discharge or exercise all or any of its functions or powers within the whole or any part of the Area of Authority; and every such Order shall be complied with by the Board.

Controlled Area and Outer Area.

8. (1) The Minister shall, by notification published in the *Gazette*, divide the Area of Authority into—

(a) the Controlled Area, and

(b) the Outer Area.

The limits of each such area shall be specified in the notification.

(2) If any local authority within the Area of Authority is likely to be affected by the division of that area into the Controlled Area and the Outer Area, the Minister shall, in making such division, consult the Minister to whom the subject or function of local government has been assigned by the Prime Minister.

9. The functions of the Board shall be—

Functions of
the Board.

- (a) the preservation and maintenance of places of religious, historical, or archaeological value;
- (b) the preservation and maintenance of ancient monuments;
- (c) the restoration and preservation of ancient shrines;
- (d) the provision of essential facilities to pilgrims and other visitors;
- (e) the development of the new town of Anuradhapura and other areas so as to facilitate the preservation of places of religious, historical, or archaeological value;
- (f) the provision of housing accommodation for the poorer classes;
- (g) the provision of all civic amenities;
- (h) the promotion of public health;
- (i) the promotion of the study of religion and culture;
- (j) to undertake or promote any scheme necessary for, or connected with, the preservation of places of religious, historical, or archaeological value;
- (k) to establish and maintain, within the Controlled Area, any public utility service for the benefit of people inhabiting, or resorting to, such area;
- (l) to undertake or promote any scheme for the comfort, convenience, or welfare, of people within the Area of Authority;
- (m) to promote and operate within the Area of Authority schemes of—
 - (i) irrigation,
 - (ii) water-supply,
 - (iii) drainage,
 - (iv) generation, transmission and supply of electrical energy, and
 - (v) flood control;

- (n) to construct and maintain roads, streets, bridges or other thoroughfares within the Area of Authority;
- (o) to promote and control irrigation and fisheries within the Area of Authority;
- (p) to promote afforestation within the Area of Authority;
- (q) to control soil erosion within the Area of Authority; and
- (r) to prevent and control plant and animal diseases within the Area of Authority.

**Roads and
waterworks.**

10. (1) The Board may construct and maintain any roads.

(2) The Board may construct waterworks for the supply of water for industrial or domestic purposes, or may supply water to any Government Department, local authority or any other person.

(3) The Board may determine and levy rates or fees for the supply of water whether in bulk or by retail, and such rates or fees may be levied from any consumer of water supplied by the Board whether such consumer is a Government Department, a local authority or any other person.

**Works
requiring
sanction of
the Board.**

11. (1) Save as otherwise prescribed, no person shall, on or after the appointed date, undertake or cause to be undertaken, within the Area of Authority, the excavation, conservation or restoration of, or alteration to, any place, monument or shrine of religious, historical or archaeological value, without the prior sanction of the Board or otherwise than in accordance with such conditions as may be imposed by by-laws or directions made or issued by the Board.

(2) Save as otherwise prescribed, no person shall, on or after the appointed date, construct in the Controlled Area any roads, irrigation works or water-works, without the prior sanction of the Board or otherwise than in accordance with such conditions as may be imposed by by-laws or directions made or issued by the Board.

12. Notwithstanding anything in any other written law, no person shall, on or after the appointed date, undertake or cause to be undertaken within the Controlled Area any scheme or work for the establishment, maintenance or operation of any installation for the generation or transmission of electrical energy without the prior sanction of the Board or otherwise than in accordance with such conditions as may be imposed by by-laws or directions made or issued by the Board.

Provisions relating to the generation and supply of electrical energy within the Controlled Area.

13. The Board may establish its own departments or agencies for the purpose of any work of planning, designing, construction or operation, or make contracts or other arrangements for such purposes with Government departments, local authorities, educational and research institutions, or any other person:

Other activities of the Board.

Provided, however, that the Board shall not, without the prior sanction of the Minister, enter into any such contract or arrangements with any individual or firm not resident in Ceylon or with any company not formed and registered in Ceylon.

14. (1) In the Area of Authority the Board shall, notwithstanding the provisions of Part XI of the Crown Lands Ordinance, No. 8 of 1947, be the sole authority responsible for and charged with the administration of that Ordinance, and accordingly, every reference in any provision of that Ordinance, to the Land Commissioner or any other officer of Government entrusted with any duties in respect of Crown lands shall, for the purposes of the application of that Ordinance in the Area of Authority, be deemed to be a reference to the Board or to any such officer of the Board as may be authorised by the Board for the purpose of that provision.

Crown lands.

(2) The Board shall, notwithstanding anything in any other written law, be the sole authority for making recommendations to the Minister in regard to the exercise of such powers of the Governor-General in the Area of Authority as are conferred by the Crown Lands Ordinance, No. 8 of 1947, or by any other written law relating to Crown lands.

(3) The Board may use any Crown land in the Area of Authority for any of its purposes or reserve any such land for future use.

(4) Every lease of any Crown land, whether with or without buildings, within the Area of Authority granted prior to the appointed date and subsisting on that date shall be deemed to be a lease granted by the Board and may be enforced or acted upon as fully and effectually as if the Board had been a party to such lease.

(5) Where under any written law or agreement it is necessary to grant any Crown land within the Area of Authority on lease to any person, such land shall be granted on lease to such person by the Board.

Compulsory
acquisition
of land in
Area of
Authority.

15. (1) Where any land or any interest in any land in the Area of Authority is required by the Board for any of its purposes, that land or interest may be acquired under the Land Acquisition Act, No. 9 of 1950, by the Government for the Board, and the provisions of that Act shall, save as otherwise provided in sub-section (2), apply for the purpose of the acquisition of that land or interest.

(2) In any case where any land or any interest in any land is to be acquired under the Land Acquisition Act, No. 9 of 1950, for any purpose of the Board and public notice of the intention to acquire that land or interest is published as required by that Act at any time within the period of five years commencing from the appointed date, the following provisions shall apply for the purpose of determining the amount of compensation to be paid in respect of that land or interest, notwithstanding anything to the contrary in that Act:—

(a) the market value of the land shall be deemed to be the market value which the land would have had at the appointed date if it then was in the same condition as it is at the time of acquisition, and

(b) in ascertaining the market value of the land at the appointed date no account shall be taken of any benefit or increase in value

which may have accrued or of any expectation of benefit or increase in value likely to accrue, directly or indirectly, from any work of development or other operation of the Government after September 25, 1942, or from any work of development or other operation of the Board in pursuance of this Act.

16. (1) The Board may, by notice published and displayed in accordance with the provisions of sub-section (2), require every person who claims any right, title or interest to or in any land situated in such part of the Area of Authority as is described in the notice to prefer his claims in writing to the Board within such time as may be specified in the notice.

Possession of
land in
Area of
Authority
otherwise than
under Land
Acquisition
Act, No. 9 of
1950.

(2) The notice referred to in sub-section (1) shall be published in the *Gazette* and in at least one newspaper in the Sinhala language, one newspaper in the Tamil language, and one newspaper in the English language, and shall be displayed, in accordance with direction of the Board, at conspicuous places in such part of the Area of Authority as is described in the notice.

(3) Where the Board requires for any of its purposes any land situated in such part of the Area of Authority as is described in a notice published and displayed under the preceding provisions of this section and where no claim of any right, title or interest to or in that land has been made to the Board as required by that notice or all the claims made in respect of that land are, after due investigation, considered by the Board to be invalid, the Board may take possession of that land and cause any work to be done thereon, notwithstanding that no proceedings under the Land Acquisition Act, No. 9 of 1950, have been taken in respect of that land.

(4) Any person authorised in writing in that behalf by the Board may, for and on behalf of the Board, take possession of any land referred to in sub-section (3).

(5) Where any person who is authorised in writing by the Board to take possession of any land referred to in sub-section (3) is unable to take possession of that land because of any obstruction or resistance

which has been offered, he shall, on his making an application in that behalf to the Magistrate's Court having jurisdiction where that land is situated, be entitled to an order of that court directing the Fiscal to deliver possession of that land to him for and on behalf of the Board.

(6) Where an order under sub-section (5) is issued to the Fiscal by a Magistrate's Court, he shall forthwith execute that order and in writing report to that court the manner in which that order is executed.

(7) For the purpose of executing an order issued by a Magistrate's Court under sub-section (5), the Fiscal or any person acting under his direction may use such force as may be necessary to enter the land to which that order relates and to eject any person offering obstruction or resistance and to deliver possession of such land for and on behalf of the Board.

(8) No person shall offer any obstruction or resistance to any person who is acting in pursuance of sub-section (4).

Effect of
possession
under
section 16.

17. (1) Any land of which possession is taken by the Board under section 16 shall, with effect from the date of commencement of such possession, vest absolutely in the Board free from all encumbrances.

(2) No person claiming any right, title or interest to or in any land of which possession has been taken by the Board under section 16 shall, save as provided in sub-section (3), be entitled to institute any suit or other legal proceeding against the Board in respect of that land, or of the taking of possession thereof by the Board or of the doing of any work thereon by or under the authority of the Board.

(3) Any person who would but for the provisions of sub-section (1) have any right, title or interest to or in any land of which possession has been taken by the Board under section 16 may institute in a court of competent jurisdiction an action against the Board for a declaration of such right, title or interest and for obtaining compensation from the Board in respect of that land.

(4) The amount of compensation which is to be awarded to any person in an action under sub-section (3) shall, save as otherwise provided in sub-section (5),

be determined on the basis on which compensation would be determined under the Land Acquisition Act, No. 9 of 1950, if the land in respect of which compensation is to be awarded was acquired under that Act.

(5) Where compensation is to be awarded to any person in an action under sub-section (3) in respect of a land of which possession has been taken by the Board at any time within the period of five years commencing on the appointed date, the provisions of paragraph (b) of sub-section (2) of section 15 shall apply for the purpose of determining the amount of such compensation.

18. The Board may exercise all or any of the following powers:—

General
powers.

- (a) to acquire, hold, take or give on lease or hire, mortgage, pledge and sell or otherwise dispose of, any immovable or movable property;
- (b) to cause the construction of such dams, barrages, tanks, reservoirs, power houses, power structures, electrical transmission lines, sub-stations, drainage canals, and such other works and structures, as may be required;
- (c) to stock its reservoirs and water-courses with fish;
- (d) to construct, maintain and operate irrigation works;
- (e) to receive and accept donations and contributions for the restoration and maintenance of any ancient monument or place of religious value or for any other work which the Board is empowered to undertake under this Act;
- (f) to undertake the resettlement of the population displaced by its operations;
- (g) to execute such other works, and carry out such other operations, as may be necessary for the purpose of discharging its functions under this Act;

- (h) to do anything for the purpose of advancing the skill of persons employed by the Board or the efficiency of the equipment of the Board or the manner in which that equipment is operated including the provision by the Board and assistance of the provision by others of facilities for training persons required to carry out the work of the Board;
- (i) to establish a provident fund, and provide welfare and recreational facilities, houses, hostels and other like accommodation for persons employed by the Board;
- (j) to construct, manufacture, purchase, maintain and repair anything required for the purpose of the business of the Board;
- (k) to delegate to any officer of the Board any such function of the Board as the Board may consider necessary so to delegate for the efficient discharge of its functions;
- (l) to enter into and perform, either directly or through authorised agents, all such contracts as may be necessary for the performance of the duties and the exercise of the powers of the Board;
- (m) to make rules in relation to its officers and servants, including their appointment, promotion, remuneration, dismissal, disciplinary control, conduct and the grant of leave to them;
- (n) to make rules in respect of the administration of the affairs of the Board;
- (o) to excavate any place of religious, historical or archaeological value;
- (p) to preserve and maintain ancient monuments and places of religious, historical or archaeological value;
- (q) to do all other things which, in the opinion of the Board, are necessary to facilitate the proper discharge of its functions.

**Power to
impose and
levy rates.**

- 19.** (1) The Board may, subject to such limitations, qualifications, and conditions as may be prescribed, and subject to the approval of the Minister, impose and levy rates on the annual value of any immovable property or any species of immovable property situated within the Controlled Area.

(2) The Board may under this section impose different rates for different areas or parts of the Controlled Area according to the services provided by the Board for each such area or part.

(3) Where the Board, in imposing any rates for any year, resolves to levy without alteration the same rate as was in force during the preceding year, the approval of the Minister shall not be required for the imposition and levy of such rates.

20. There shall be exempt from any rate imposed under section 19—

- (a) all lands or buildings wholly or mainly used for religious, educational, or charitable purposes;
- (b) all buildings in charge of military sentries;
- (c) all burial and cremation grounds;
- (d) any immovable property which the Board may specially exempt from such rate on the ground of the poverty of the owner;
- (e) in the case of any defined portion of a rate, declared by resolution of the Board to be levied for the purposes of any special public service, any immovable property situated within any area which is not benefited by such service, or within which other provision is made for the said or a like service to the satisfaction of the Board.

*Exemption
from rates.*

21. (1) It shall be lawful for the Board, subject to the approval of the Minister, to borrow from the Government or any person or persons such sum or sums of money as may be necessary for any of the purposes of the Board.

*Powers to
borrow.*

(2) Every loan raised by the Board shall be subject to such rate or rates of interest and to such conditions for the repayment thereof as may be approved by the Minister.

(3) For the purpose of securing the repayment of the sum or sums borrowed by the Board and interest accruing thereon, the Board may mortgage and assign to the lender or lenders by or on whose behalf such sum or sums or any part thereof may be lent, the proceeds of rates or taxes levied or imposed under this Act or any portion thereof, or any property belonging to the

Board or any other source of income accruing to the Board excluding the money specially voted by the Government under the Anuradhapura Preservation Scheme.

(4) All securities given in respect of loans under this Part shall be free of stamp duty.

Special powers
in respect of
Area of
Authority.

22. (1) The written laws for the time being specified in the First Schedule shall have effect in the Area of Authority subject to the modification that it shall be lawful for the Board—

(a) to make or issue for the whole or any specified part of the Area of Authority any by-laws, rules, regulations, orders or notifications under any such written law; and

(b) to exercise and discharge in the Area of Authority or any part thereof all or any of the powers or functions vested by any such written law in any authority, officer or person,

in like manner as though the references in any such written law to the authority, officer or person empowered to make or issue such by-laws, rules, regulations, orders or notifications or to exercise or discharge such powers and functions include references to the Board.

(2) The written laws for the time being specified in the Second Schedule to this Act shall have effect in the Controlled Area subject to the modification that it shall be lawful for the Board—

(a) to make or issue for the whole or any specified part of the Controlled Area any by-laws, rules, regulations, orders or notifications under any such written law; and

(b) to exercise and discharge in the Controlled Area or any part thereof all or any of the powers or functions vested by any such written law in any authority, officer or person,

in like manner as though the references in any such written law to the authority, officer or person empowered to make or issue such by-laws, rules, regulations, orders or notifications or to exercise or discharge such powers and functions include references to the Board.

(3) No authority, officer or person in whom any powers or functions are vested by any written law for the time being specified in the First Schedule or the Second Schedule to this Act, shall within the Area of Authority or within the Controlled Area, as the case may be, exercise or discharge any of those powers or functions except where necessary for the purpose of executing or carrying out any contract or arrangement made by the Board under section 13.

(4) The Board may—

- (a) by by-law made under section 24 of this Act apply any provision of any written law for the time being specified in the Third Schedule to this Act, with or without modification, to any part of the Area of Authority which is not within the operation of such written law, or
- (b) make for any part of the Area of Authority which is not within the operation of any written law for the time being specified in the Third Schedule to this Act any by-law which could, if such part had been within the operation of such written law, have been made by the appropriate local authority.

(5) Any power or function which the Board is authorised by paragraph (b) of sub-section (1) or paragraph (b) of sub-section (2) to exercise or discharge, may be exercised or discharged on behalf of the Board by any member of the Board or by any such officer of the Board as is authorised in writing in that behalf by the Chairman.

23. (1) The Board may make rules in respect of all or any of the following matters:—

Power to
make rules.

- (a) any matter which has to be determined under sub-section (2) of section 6;
- (b) the appointment, promotion, dismissal and disciplinary control of its officers and servants;
- (c) the meetings of the Board and the procedure to be followed at such meetings.

(2) No rule made under sub-section (1) shall have effect until it has been approved by the Minister.

(3) The Minister may, with the concurrence of the Minister of Finance, approve of any rule made by the Board in respect of any matter referred to in paragraph (a) or paragraph (b) of sub-section (1).

Power to make
by-laws.

24. (1) The Board may make by-laws in respect of all or any of the following matters:—

- (a) any matter which is required by this Act to be prescribed, or for or in respect of which by-laws are required or authorised by this Act to be made;
- (b) the regulation of the terms and conditions subject to which electrical energy will be supplied by the Board within the Controlled Area for industrial or domestic use and the price to be paid for electrical energy so supplied;
- (c) the recovery, whether in a summary manner or otherwise, of the charges due in respect of the supply of electrical energy within the Controlled Area for industrial or domestic purposes;
- (d) the regulation, supervision, inspection and control of premises used for the purpose of carrying on any trade or business within the Controlled Area;
- (e) the regulation, supervision and control of itinerant vendors within the Controlled Area;
- (f) the regulation, supervision, inspection and control of lodging-houses within the Controlled Area;
- (g) the regulation, supervision, inspection and control of pilgrims' rests within the Controlled Area;
- (h) the regulation and control of any society or association concerned with any place of religious, historical or archaeological value;
- (i) the control of the use of water for industrial or domestic use within the Area of Authority;
- (j) the prevention of the pollution of water within the Area of Authority;
- (k) the prevention of damage to places of religious, historical, or archaeological value, within the Area of Authority;

- (l) the conditions, restrictions and exemptions subject to which any rate imposed under this Act shall be levied;
- (m) the recovery, whether in a summary manner or otherwise, of rates or fees for the supply of water for industrial or domestic purposes;
- (n) the regulation of fishing in waters within the Area of Authority;
- (o) the ejection of persons trespassing on such lands within the Area of Authority as are under the control of the Board;
- (p) the regulation of the transport or movement of cattle;
- (q) the regulation of the use of roads within the Area of Authority;
- (r) the regulation of the erection of buildings within the Area of Authority.

(2) No by-law made under sub-section (1) shall have effect until it has been approved by the Minister, confirmed by the Senate and the House of Representatives, and published in the *Gazette*.

(3) Every by-law made under sub-section (1) and approved by the Minister and confirmed by the Senate and the House of Representatives shall upon its publication in the *Gazette* be as valid and effectual as if it were herein enacted.

PART III

FINANCE AND ACCOUNTS

25. The Board shall have its own fund. All moneys received by the Board, including such sums as may be voted by Parliament for the use of the Board, shall be credited to the fund, and all payments made by the Board shall be made therefrom.

Fund of the Board.

26. Notwithstanding anything in any other written law the Board shall not be liable to pay any tax on its profits or income or on the donations or contributions received and accepted by it.

Exemption from income tax.

27. (1) The Board shall cause its accounts to be kept in such form and in such manner as the Minister may direct.

Accounts, audit and annual report.

(2) The Board shall cause its books to be balanced as on the thirty-first day of December in each year and shall, before the thirtieth day of April of the following year, cause to be prepared a revenue and expenditure account and a balance-sheet containing a summary of the assets and liabilities of the Board made up to the first-mentioned date. The revenue and expenditure account and the balance-sheet shall be signed by the Chairman and by such officer of the Board as may be authorised by the Board to do so.

(3) The accounts of the Board shall be audited annually by an auditor (hereinafter referred to as "the auditor") appointed by the Minister on the advice of the Auditor-General. The auditor so appointed shall be a member of the Institute of Chartered Accountants of Ceylon. The auditor shall receive such remuneration from the funds of the Board as the Minister may, with the concurrence of the Minister of Finance, determine.

(4) The Auditor-General shall have power—

(a) to direct the manner in which the accounts of the Board shall be audited by the auditor and to give the auditor instructions in regard to any matter relating to the performance of his functions as the auditor, and

(b) to conduct a supplementary or test audit of the accounts of the Board by such person or persons as the Auditor-General may authorise in that behalf, and for the purposes of such audit, to require information or additional information to be furnished to any person or persons so authorised, on such matters, by such person or persons, and in such form, as the Auditor-General may, by general or special order, direct.

(5) The auditor shall examine the accounts of the Board and ascertain the correctness of the balance-sheet and furnish a report to the Auditor-General stating—

(a) whether he has or has not obtained all the information and explanations required by him, and

(b) whether in his opinion the balance-sheet and accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Board.

(6) The Auditor-General shall have the right to comment upon or supplement the auditor's report in such manner as the Auditor-General may think fit.

(7) The Auditor-General shall transmit the auditor's report together with his comments upon, or his supplement to, such report to the Board.

28. (1) The Board shall, on receipt of the auditor's report in respect of any year, transmit to the Minister—

- (a) a copy of such report together with the Auditor-General's comments (if any) upon, and his supplement (if any) to, such report,
- (b) a copy of the revenue and expenditure account,
- (c) a copy of the balance-sheet, and
- (d) a report by such Board on its work for the period for which the revenue and expenditure account and balance-sheet have been made up.

Documents to
be transmitted
to the
Minister to be
placed before
the Senate
and the
House of
Representatives.

(2) The Minister shall lay copies of the documents transmitted to him under sub-section (1) before the Senate and the House of Representatives.

29. (1) The Minister may, with the concurrence of the Minister of Finance, make regulations for all or any of the following matters:—

- (a) any matter which has to be determined under sub-section (10) of section 3;
- (b) the manner in which the accounts of the Board shall be kept and audited.

Minister's
power to
make
regulations.

(2) No regulation made by the Minister under sub-section (1) shall have effect until it has been approved by the Senate and the House of Representatives and published in the *Gazette*.

PART IV.

STAFF OF THE BOARD

30. The Board shall, in consultation with the Minister, appoint to the staff of the Board a General Manager.

General
Manager.

Appointment of
public officers
and local
Government
officers.

31. (1) At the request of the Board any officer of the public service or the Local Government Service or the Local Government Service Commission may, with the consent of the officer and the Secretary to the Treasury or the Local Government Service Commission, as the case may be, be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent or be permanently appointed to such staff.

(2) The provisions of sub-section (2) of section 9 of the Motor Transport Act, No. 48 of 1957, shall *mutatis mutandis* apply in relation to any officer in the public service who is temporarily appointed to the staff of the Board, and the provisions of sub-section (3) of the aforesaid section 9 shall *mutatis mutandis* apply in relation to any officer in the public service who is permanently appointed to such staff.

(3) Where an officer in the Local Government Service is temporarily appointed to the staff of the Board,—

(a) he shall be subject to the same disciplinary control as any other member of such staff;

(b) if, at the time of his temporary appointment to the staff of the Board his substantive post in the Local Government Service was a post declared to be pensionable by the Local Government Service Commission,—

(i) he shall, while in the employ of the Board, be deemed to be temporarily released by the Local Government Service Commission for temporary employment under a local authority in a post other than a scheduled post and accordingly regulation 22 of the Local Government Service Pension Scheme Regulations, 1952, shall apply to him; and

(ii) in respect of him the Board shall pay to the Local Government Service Commission for every complete month during which he is in the employ of the Board such sum not exceeding twenty-five per centum of the salary payable to him in his

substantive post in the Local Government Service as may be agreed upon by the Board and that Commission.

(4) Where an officer in the Local Government Service is permanently appointed to the staff of the Board,—

- (a) he shall be deemed to have left the Local Government Service;
- (b) if, at the time of his permanent appointment to the Board his substantive post in the Local Government Service was a post declared to be pensionable by the Local Government Service Commission,—
 - (i) he shall be eligible for such an award under the rules and regulations of that Commission as might have been made to him if he had been retired from the Local Government Service on the ground of ill-health on the date of his permanent appointment to the staff of the Board;
 - (ii) the amount of any such award made under those rules and regulations shall not be paid to him unless his employment in the staff of the Board is terminated by retirement on account of age, ill-health or by the abolition of the post held by him in such staff or on any other ground approved by the Commission; and
 - (iii) in the event of his death while in the employ of the Board, such an award as might have been made in respect of him under those rules and regulations if he had died immediately before his permanent appointment to the staff of the Board may be made in respect of him.

(5) Where an officer of the Local Government Service Commission is temporarily appointed to the staff of the Board or permanently appointed to that staff, the appointment shall be on such terms and conditions, including those relating to pension or provident fund rights, as may be agreed upon by the Board and that Commission.

(6) Where an officer of the Local Government Service Commission is temporarily appointed to the staff of the Board he shall be subject to the same disciplinary control as any other member of such staff.

(7) Where the Board employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Board by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

Abolition of
posts or
offices by the
Board.

32. (1) The Board may abolish a post or office which it may deem not necessary subject to,—

(a) in any case where the holder of the office or post at the time of its abolition is not a member of the Local Government Service, the payment of such compensation as such holder would have been entitled to in like circumstances if his office or post had been abolished by the former Anuradhapura Urban Council;

(b) in any case where such holder is a member of the Local Government Service, the payment of such compensation or other award as he may be entitled to receive under the rules or regulations of the Local Government Service Commission.

(2) Where the holder of any post or office abolished under sub-section (1) is a person who, immediately prior to his appointment to the staff of the Board, was an officer of the public service or the Local Government Service, such person may be reappointed to the public service or Local Government Service, as the case may be, on terms and conditions not less favourable than the terms and conditions subject to which he was an officer of the public service or the Local Government Service on the day immediately prior to his appointment to the staff of the Board.

PART V

MISCELLANEOUS

Dissolution of
Village
Committees in
Controlled
Area.

33. (1) Where any village area or any part of a village area is, by Order under section 7 (1) included in such part of the Area of Authority as forms the Controlled Area, that village area or that part of a

village area is hereby excluded from the operation of the Village Communities Ordinance with effect from the date on which that Order comes into force, and the Village Committee for any village area which is so excluded from the operation of that Ordinance is hereby dissolved with effect from the aforesaid date, notwithstanding anything in any other written law.

(2) All the property, rights, debts, liabilities and obligations of every Village Committee dissolved by sub-section (1) are hereby transferred to and vested in the Board with effect from the date of the dissolution of that Village Committee, and any such property which is immovable property of the Crown vested in that Village Committee subject to any conditions shall be held by the Board subject to those conditions.

(3) Every by-law which has been or is deemed to have been made by a Village Committee dissolved by sub-section (1) and which is in force at the date of the dissolution of that Village Committee shall be in force as though it were a by-law made by the Board under section 22 (4) (b) and may be amended or rescinded by by-law made by the Board under that section.

(4) Where only a part of a village area is, by virtue of sub-section (1), excluded from the operation of the Village Communities Ordinance with effect from any date, every by-law which has been or is deemed to have been made by the Village Committee for that village area and which is in force at that date shall continue in force in that part as though it were a by-law made by the Board under section 22 (4) (b) and may be amended or rescinded by by-law made by the Board under that section.

34. (1) The town of Anuradhapura is hereby excluded from the operation of the Urban Councils Ordinance, No. 61 of 1939, with effect from the date of the establishment of the Board, and the Special Commissioner appointed by Order under section 196 of that Ordinance to administer the affairs of that town and to exercise the powers and perform the duties of an Urban Council shall, with effect from that date, cease to hold office, administer such affairs, exercise such powers, and perform such duties, notwithstanding anything in that Ordinance or any other written law.

Town of
Anuradhapura
excluded from
operation of the
Urban
Councils
Ordinance,
No. 61 of
1939, and the
Special
Commissioner
appointed
for that town
to cease to
administer the
affairs of that
town.

(2) All the property, rights, debts, liabilities and obligations which were transferred to and vested in the Special Commissioner referred to in sub-section (1) by virtue of the operation of section 196 of the Urban Councils Ordinance, No. 61 of 1939, are hereby transferred to and vested in the Board with effect from the date of the exclusion of the town of Anuradhapura from the operation of that Ordinance, and any such property which is immovable property of the Crown vested in such Special Commissioner subject to any conditions shall be held by the Board subject to those conditions.

(3) Every by-law which has been or is deemed to have been made under the Urban Councils Ordinance, No. 61 of 1939, in respect of the town of Anuradhapura, and which is in force at the date of the exclusion of that town from the operation of that Ordinance shall continue in force as though it were a by-law made by the Board under section 22 (4) (b) and may be amended or rescinded by by-law made by the Board under that section.

Officers and
servants of the
Anuradhapura
Urban Council
to become
officers and
servants of the
Board.

35. (1) All officers and servants of the former Anuradhapura Urban Council who are in office on the day immediately prior to the date of the establishment of the Board, other than the officers in the Local Government Service, shall, on that date, become officers and servants of the Board and shall hold their offices as nearly as practicable by the same tenure and upon the same or not less favourable terms and conditions as under that Council, and while performing the same or the corresponding duties shall, as nearly as practicable, receive no less salary or remuneration or allowances and be entitled to receive no less pensions and gratuities, if any, than they would have been entitled to receive from that Council.

(2) The Board may distribute the business to be performed by any officer or servant referred to in sub-section (1) in such manner as the Board may think just and every such officer or servant shall perform such duties in relation to that business as may be directed by the Board.

Establishment
of local
authorities
in the
Controlled
Area.

36. No local authority shall, without the prior approval of the Minister, be constituted in the Controlled Area, notwithstanding anything in any other written law.

37. (1) In the discharge of its functions and the exercise of its powers the Board shall be subject to and act in accordance with such general or special directions as the Minister may, from time to time, issue.

Minister's
directions to
the Board.

(2) The Minister shall, in issuing directions under sub-section (1) with regard to any matter affecting the functions of any other Minister, act in consultation with that other Minister.

38. (1) Any officer or servant of the Board who is generally or specially authorised in that behalf by the Board may, at all reasonable times, enter upon any land or premises and there do such acts as may be reasonably necessary for the purpose of carrying out any work of the Board or of making any survey, examination, or investigation, preliminary or incidental to the exercise of any power, or the discharge of any function, of the Board.

Power to
enter any
land or
premises.

(2) Any person who without lawful excuse obstructs any officer of the Board while acting in pursuance of sub-section (1) shall be guilty of an offence under this Act.

39. (1) Every member, officer and servant of the Board shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be a public servant within the meaning of the Penal Code.

Members and
employees of
the Board
deemed to be
public servants.

(2) The members, officers and servants of the Board shall, for the purposes of the Public Servants (Liabilities) Ordinance, be deemed to be public servants.

(3) The officers of the Board shall, for the purposes of paragraph (d) of section 7 of the Post Office Ordinance, be deemed to be officers of the public service.

40. No suit or other legal proceedings shall lie against the Board for any damage caused or likely to be caused by any act which in good faith is done or purported to be done under this Act.

Protection
for action
taken under
this Act.

41. All forests owned by, or under the supervision or control of, the Board shall be deemed to be reserved forests for the purposes of sections 6 and 7 of the Forest Ordinance.

Forests of
the Board.

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No. 32 of 1961

Power of
Minister to
modify certain
written laws.

42. For the purpose of enabling the Board to exercise, perform or discharge, within the Controlled Area, any power, duty or function under the Weights and Measures Ordinance, No. 37 of 1946, the Food and Drugs Act, No. 25 of 1949, the Motor Traffic Act, No. 14 of 1951, or the Town and Country Planning Ordinance, No. 13 of 1946, the Minister may, by Order published in the *Gazette*, declare that any such Ordinance or Act shall, in its application within that Area, have effect subject to such modifications as may be specified in the Order.

Special
provision to
meet
unforeseen
difficulties.

43. For the purpose of enabling the Board to effectively exercise or discharge its powers or functions within the Area of Authority, the Minister may, by Order published in the *Gazette*, issue all such directions as may be necessary with a view to providing for any unforeseen or special circumstances or to determining or adjusting any question or matter for the determination or adjustment of which no provision or no effective provision is made by this Act.

Offences and
penalties.

44. (1) Every person who contravenes any provision of this Act or of any by-law made by the Board under section 24 shall be guilty of an offence under this Act.

(2) Every person who is guilty of an offence under this Act shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding six months or to a fine not exceeding one thousand rupees or to both such imprisonment and fine.

(3) No court shall take cognisance of any offence under this Act except on a complaint by an officer of the Board who is authorised by the Board to make such complaint.

Effect of
other laws.

45. The provisions of this Act or of any by-law, regulation, Order or notification made or issued under this Act shall have effect notwithstanding anything in any other written law.

Amendment of
Schedules.

46. The Minister may, by Order published in the *Gazette*, amend any Schedule to this Act.

47. In this Act unless the context otherwise requires— Interpretation.

“Board” means the Anuradhapura Preservation Board established under section 2;

“Chairman” means the person appointed under this Act to be or to act as the Chairman of the Board;

“former Anuradhapura Urban Council” means the Urban Council which was constituted for the town of Anuradhapura under the Urban Councils Ordinance, No. 61 of 1939, and was subsequently dissolved by Order made and published under section 196 of that Ordinance;

“General Treasury” means the Department of Government known as the General Treasury;

“local authority” means any Municipal Council, Urban Council, Town Council or Village Committee;

“town of Anuradhapura” means the area declared to be the town of Anuradhapura under the Urban Councils Ordinance, No. 61 of 1939;

“village area” has the same meaning as in the Village Communities Ordinance.

FIRST SCHEDULE

(Section 22).

Antiquities Ordinance, No. 9 of 1940.

Anuradhapura (Preservation) Ordinance, No. 34 of 1942.

Cattle Trespass Ordinance (Chapter 331).

Crown Landmarks Ordinance (Chapter 314).

Fauna and Flora Protection Ordinance (Chapter 325).

Flood Protection Ordinance (Chapter 309).

Forest Ordinance (Chapter 311).

Land Development Ordinance (Chapter 320).

Lands Resumption Ordinance (Chapter 313).

Mines, Quarries and Minerals Ordinance, No. 55 of 1947.

Pilgrimages Ordinance (Chapter 133).

Thoroughfares Ordinance (Chapter 148).

Tolls Ordinance (Chapter 150).

Written law enacted under any of the aforesaid Ordinances.

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SECOND SCHEDULE

(Section 22).

- Auctioneers and Brokers Ordinance (Chapter 93).
- Boats Ordinance (Chapter 151).
- Butchers Ordinance (Chapter 201).
- Cattle Ordinance (Chapter 330).
- Cemeteries and Burials Ordinance (Chapter 181).
- Dog Registration Ordinance (Chapter 334).
- Entertainment Tax Ordinance, No. 12 of 1946.
- Housing and Town Improvement Ordinance (Chapter 199).
- Nuisances Ordinance (Chapter 180).
- Public Performances Ordinance (Chapter 134).
- Rabies Ordinance (Chapter 333).
- Resthouses Act, No. 12 of 1951.
- Street Collections Regulation Ordinance (Chapter 335).
- Suburban Dairies and Laundries Ordinance (Chapter 183).
- Vehicles Ordinance (Chapter 155).
- Written Law enacted under any of the aforesaid Ordinances or Acts.

THIRD SCHEDULE

(Section 22).

- Municipal Councils Ordinance, No. 29 of 1947.
- Urban Councils Ordinance, No. 61 of 1939.
- Town Councils Ordinance, No. 3 of 1946.
- Village Communities Ordinance (Chapter 198).