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3rd Session 1954-55



Defence Stations Act, No. 38 of 1954

Date of Assent : July 30, 1954

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AN ACT TO MAKE PROVISION FOR THE ESTABLISHMENT OF BOARDS OF CONTROL FOR THE ADMINISTRATION AND DEVELOPMENT OF AREAS IN OR IN THE VICINITY OF WHICH DEFENCE ESTABLISHMENTS ARE SITUATED.

[Date of Assent: July 30, 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 Defence Stations Act, No. 38 of 1954, 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.

DECLARATION OF DEFENCE STATIONS AND ESTABLISHMENT OF BOARDS OF CONTROL.

2. (1) Where the Minister is satisfied that the whole or a major part of the land in any area is land on which defence establishments are situated, the Minister may, after consultation with the Minister of Local Government, by Order declare that the area, the limits of which shall be defined by the Order, shall be a defence station for the purposes of this Act.

Declaration of defence stations.

(2) Any place in the vicinity of any area referred to in sub-section (1) may be included in an area declared under that sub-section to be a defence station.

(3) Every Order under sub-section (1) shall be brought before the Senate and the House of Representatives for approval ; and if so approved shall be published in the *Gazette* and shall come into force on the date of such publication or on such later date as may be specified in the Order.

(4) The Minister shall, in an Order under sub-section (1) establishing a defence station or by subsequent Order, assign a name to the Board of Control to be constituted for that station as hereinafter provided.

(5) In this section, "defence establishment" means any establishment, building or structure, or any place (notwithstanding that it is not developed by the erection of buildings or structures) used or maintained wholly or mainly by the Ceylon forces for purposes connected with the defence of Ceylon, and includes buildings provided for residence or use by members of the Ceylon forces.

Board of
Control for
defence
stations.

3. (1) There shall be for each defence station a Board of Control consisting of—

- (a) an officer (not below field rank) of that Force the members of which in the opinion of the Minister will predominate in the station, such officer being appointed by the Minister upon the recommendation of the Commander of that Force ;
- (b) one officer to represent each Force the members of which occupy the station, such officer being appointed by the Minister on the recommendation of the Commander of that Force ;
- (c) an officer nominated by the appropriate authority referred to in sub-section (6);
- (d) the Assistant Commissioner of Local Government for the administrative region in which the station is situated ;
- (e) the Medical Officer of Health for the area in which the station is situated ;
- (f) the Executive Engineer for the area in which the station is situated ;
- (g) such other public officers as the Minister may consider necessary ;
- (h) not more than two other persons appointed by the Minister to represent the interests of civilians, if any, who are resident in the station but are not in the employment of the Forces ;
- (i) one person appointed by the Minister in consultation with the Minister of Local Government to represent the interests of residents in the whole of the area immediately adjoining the station.

(2) The officer appointed under paragraph (a) of sub-section (1) shall be the President of the Board of Control.

(3) Any person appointed under paragraph (h) or paragraph (i) of sub-section (1) to be a member of a Board of Control shall vacate his office as such member if he is removed from office by the Minister acting in his discretion, or if he resigns from office by written communication addressed to the Minister.

(4) Any person appointed under paragraph (h) or paragraph (i) of sub-section (1) to be a member of a Board of Control shall unless he earlier vacates the office under sub-section (3) hold office for a period of three years from the date on which he commences to hold office ; any such person vacating office by effluxion of time shall be eligible for re-appointment.

(5) There shall be for each Board of Control a Secretary who shall be appointed by the Minister after consultation with the President of the Board.

(6) For the purposes of sub-section (1) (c), "appropriate authority",—

(a) in relation to any defence station situated in any revenue district within which the office of the Government Agent of a province is situated, means the Government Agent of that province; and

(b) in relation to any defence station, situated in any revenue district, not being a revenue district within which the office of a Government Agent is situated, means the Assistant Government Agent of that revenue district.

4. Each Board of Control shall be a body corporate with perpetual succession and a common seal and may sue or be sued by such name as may be assigned to it under section 2.

Board to be a corporation.

5. The President of a Board of Control shall be the chief executive officer of the Board, and all executive acts and responsibilities which are by this Act or any other written law directed or empowered to be done or discharged by the Board may, unless the contrary intention appears from the context, be done or discharged by the President:

Functions of President.

Provided that the President in the exercise of his powers under this section (except as regards matters expressly committed to him) shall act in conformity with such resolutions as may from time to time be passed by the Board.

Functions of
Secretary.

6. The Secretary of a Board of Control shall exercise, perform and discharge such powers, duties and functions as are conferred or imposed upon him by rules made by the Minister under this Act.

President to
be Justice of
the Peace.

7. The President of the Board of Control for each defence station shall be *ex-officio* a Justice of the Peace for the district within which that station is situated.

Presidency
at meetings.

8. The President of a Board of Control shall preside at all meetings of the Board. In the absence of the President from any meeting, the members present shall elect one of their number to preside at the meeting.

Meetings of a
Board of
Control, how
and when
convened.

9. (1) The ordinary meetings of a Board of Control shall be held for the despatch of business upon such date or dates in every month as may be fixed by the President.

(2) The President of a Board of Control may convene a special meeting of the Board whenever he may consider it desirable and shall convene a special meeting whenever so requested in writing by any two or more members of the Board. Two days' notice of the day appointed for any such special meeting shall be given to, or left at the residence of, each member of the Board.

Powers of
Board of
Control to
be vested
in the
majority.
Quorum.

10. (1) The quorum for the meetings of a Board of Control shall be one-third of the total number of the members or such other number as may be prescribed by the Minister by Order published in the *Gazette*.

(2) All acts whatsoever authorised or required by this Act or any other written law to be done by any Board of Control may and shall be decided upon and done by the majority of members present and voting at any duly convened meeting thereof, the members present being not less in number than the quorum prescribed by or under sub-section (1).

(3) Where the votes of the members present at any meeting are equally divided in regard to any question, the President or other members presiding at the meeting shall, in addition to his own vote as a member, have a casting vote.

Minutes of
proceedings
of Board of
Control to
be entered
in a book.

11. All acts, orders, and proceedings of a Board of Control shall be entered in a book to be kept by it for that purpose, and shall be signed by the President for the time being; and all such acts, orders and proceedings shall then be deemed and taken to be original acts,

orders and proceedings, and any copy thereof or extract therefrom shall be admissible in evidence in any court of justice, provided that it purports to be signed and certified as a true copy or extract by the President or Secretary of the Board.

12. (1) A Board of Control may from time to time appoint committees consisting either of members of the Board or partly of members of the Board and partly of other persons resident in the defence station for which it is constituted, for the purpose of advising the Board with reference to any of its powers, duties, or responsibilities, or any matter under the consideration of the Board, and may from time to time, subject to such instructions or conditions as it may determine, delegate any of its powers or duties to such committees other than the power to raise any loan, to levy any rate or to impose any tax.

Committees.

(2) For the purpose of any matter in which any Board of Control is jointly interested with any other Board of Control, or with any local authority or with any Government Department, it may make arrangements by mutual consent with such other Board or with such authority or department for the constitution of a joint committee, for the appointment of members of that other Board or local authority or of officers of that department upon such joint committee, and for the delegation to such joint committee of any of its powers or duties other than the power to raise any loan, to levy any rate, or to impose any tax.

13. Subject to the provisions of section 10 as to the quorum, nothing which is done or determined by a Board of Control, under this Act or any other written law, shall be or be deemed to be invalid by reason only of the fact that the full number of members prescribed for that Board by section 3 has not been appointed or that any member was absent from the Board or that there was any vacancy in the number of the members, at the time such thing was done or determined.

Acts of Boards of Control not to be invalidated by vacancies or absence of members.

14. For the purposes of this Act, the Minister may, from time to time, by Order alter and re-define the limits of any defence station. Every such Order shall be brought before the Senate and the House of Representatives for approval; and if so approved shall be published in the *Gazette* and shall come into force on the date of such publication or on such later date as may be specified therein.

Alteration of limits of defence stations.

Dissolution
of Boards of
Control.

15. The Minister may by Order declare that any area declared to be a defence station by Order under section 2 shall cease to be a defence station. Every such Order shall be brought before the Senate and the House of Representatives for approval; and if so approved shall be published in the *Gazette* and shall come into force on the date of such publication or on such later date as may be specified therein. The Board of Control constituted for that station shall be dissolved with effect from the date of the coming into force of that Order.

PART II.

FUNCTIONS AND POWERS.

General powers
and
responsibilities.

16. The Board of Control constituted for each defence station shall, subject to the powers reserved to or vested in any Department of Government or officer thereof by any other written law (not being written law specified or referred to in section 17 of this Act), be within the limits of the station charged with the regulation, control and administration of all matters relating to the public health, public utility services and public thoroughfares and generally with the protection and promotion of the comfort, convenience and welfare of the residents and the amenities of the station.

Application
in defence
stations of
Urban Councils
Ordinance and
other laws.

17. For the purpose of enabling and empowering the Board of Control for any defence station to exercise and perform the powers, functions, and responsibilities assigned to it by section 16, the provisions of the Urban Councils Ordinance specified in the Schedule to this Act and the provisions of any other written law conferring or imposing powers, functions and duties on Urban Councils shall, subject as hereinafter provided, apply to and in relation to the Board of Control and the area declared to be a defence station in all respects and in like manner as those provisions apply to and in relation to an Urban Council and the town for which it is constituted; and for the purposes of the application of those provisions, every reference therein to an Urban Council, to the Chairman of the Council, to a member of the Council, to the Secretary of the Council, to the Commissioner, to any other officer or servant of the Council, or to a town, shall be construed to include a reference, as the case may be, to the Board of Control, to the President of the Board, to a member of the Board, to the Secretary of the Board, to the Permanent Secretary to the

Ministry of Defence, to an officer or servant of the Board, or to the defence station:

Provided however that the Minister may, by Order published in the *Gazette*, declare that any such provision as may be specified in the Order shall not apply to and in relation to a Board of Control and the area declared to be a defence station or shall apply subject to such modifications as may be specified in the Order; and every such Order shall come into force on such date as may be specified therein.

18. For the purposes of the application of the Urban Councils Ordinance or any written law referred to in section 17 to and in relation to a Board of Control and the area declared to be a defence station, every reference therein to the Minister shall be construed to be a reference to the Minister of Defence.

References to Minister.

19. For the purpose of exercising and performing the powers, functions and responsibilities assigned to it by or under this Act, the Board of Control for any defence station may make contracts or other arrangements for that purpose with Government Departments, local authorities and any other person or body of persons.

Arrangements with Government Departments, etc.

PART III.

MISCELLANEOUS.

20. For the purposes of this Act, the Minister, by Order published in the *Gazette*, may issue all such directions as he may deem 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 or the provisions of this Act or any other written law as applied by this Act to Boards of Control and defence stations require to be modified or supplemented.

Adjustment of questions not provided for.

21. The area within the limits of a defence station or any part of such area shall not be included within the limits of any municipality, town or village area, notwithstanding anything in any other written law.

Defence stations not to be included within limits of municipalities, etc.

22. (1) Where the area within the administrative limits of any Municipal Council, Urban Council, Town Council or Village Committee is included within the limits of a defence station as defined by Order under section 2, that area shall cease to be a municipality or town or village area with effect from the

Dissolution of local authorities in defence stations.

date on which that Order comes into force, and accordingly that Council or Committee shall be dissolved with effect from the aforesaid date, notwithstanding anything in any other written law.

(2) Where only a part of the area within the administrative limits of any Municipal Council, Urban Council, Town Council or Village Committee is included within the limits of any defence station as defined by Order under section 2, that part of such area shall cease to form part of a municipality, town or village area with effect from the date on which that Order comes into force.

(3) Every by-law which has been or is deemed to have been made by any local authority dissolved by sub-section (1) and which is in force at the date of dissolution of that authority shall continue in force as though it were a by-law made by the Board of Control which is its successor under the appropriate provision of the Urban Councils Ordinance as applied to that Board by or under this Act and may be amended or rescinded by by-law made by the Board under that provision.

(4) Where only a part of the area within the administrative limits of a local authority ceases, by virtue of sub-section (2), to form part of that area with effect from any date, every by-law which has been or is deemed to have been made by that authority 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 of Control which is its successor under the appropriate provision of the Urban Councils Ordinance as applied to that Board by or under this Act and may be amended or rescinded by by-law made by the Board under that provision.

(5) For the purposes of the application in any defence station of any by-laws referred to in sub-sections (3) and (4), every reference therein to any local authority of which the Board is the successor, to the Chairman or Mayor, of that authority, to a member of that authority, to the Secretary of that authority, to the Commissioner, to any other officer or servant of that authority, or to the area of that authority, shall be construed to include a reference, as the case may be, to the Board of Control for that station, to the President of the Board, to a member of the Board, to the Secretary of the Board, to the Permanent Secretary to the Ministry of Defence, to an officer or servant of the Board, or to the defence station.

(6) Where—

- (a) any local authority is dissolved under sub-section (1); or
- (b) a part of the area within the administrative limits of any local authority ceases to form part of the area of that authority under sub-section (2); or
- (c) any Board of Control is dissolved under section 15; or
- (d) the limits of any defence station are altered and redefined under section 14,

the Minister may, after consultation with the Minister of Local Government, by Order published in the *Gazette* make such provision as he may deem necessary by reason of such dissolution, cessation or alteration and redefinition, being provision of substantially the same nature as is contained in sections 246 (2) to 255 of the Urban Councils Ordinance.

23. In the discharge of its functions and the exercise of its powers a Board of Control 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 a Board
of Control.

24. In this Act unless the context otherwise requires—

Interpretation.

“ Board of Control ” means a Board of Control established under section 3;

“ Ceylon Forces ” means the Ceylon Army, the Royal Ceylon Navy or the Royal Ceylon Air Force;

“ defence station ” means any area declared to be a defence station under section 2;

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

“ municipality ” has the same meaning as in the Municipal Councils Ordinance, No. 29 of 1947;

“ Municipal Council ” means a Municipal Council constituted or deemed to have been constituted for any municipality under the Municipal Councils Ordinance, No. 29 of 1947;

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“ town ” means any area declared to be a town under the Town Councils Ordinance, No. 3 of 1946 or the Urban Councils Ordinance;

“ Urban Councils Ordinance ” means the Urban Councils Ordinance, No. 61 of 1939;

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

“ Village Committee ” means a Village Committee constituted for any village area under the Village Communities Ordinance.

SCHEDULE.

PROVISIONS OF URBAN COUNCILS ORDINANCE.

Sections 44 to 195, 197 to 240, 241 (1), 242, 243, 244, 245, 253, 258 and the Second to the Ninth Schedules.