

PARLIAMENT OF CEYLON

4th Session 1951



Municipal Councils (Amendment) Act, No. 3 of 1951

Date of Assent : February 23, 1951

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AN ACT TO AMEND THE MUNICIPAL COUNCILS
ORDINANCE, No. 29 OF 1947.

[Date of Assent: February 23, 1951.]

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 Municipal Councils (Amendment) Act, No. 3 of 1951.

Short title.

2. Section 14 of the Municipal Councils Ordinance, No. 29 of 1947, (hereinafter referred to as "the principal Ordinance"), is hereby amended as follows:—

Amendment of
section 14 of
the Municipal
Councils
Ordinance,
No. 29 of 1947.

- (1) in sub-section (1) of that section, by the substitution, for the words "first meeting", of the words "first general meeting";
- (2) by the insertion, immediately after sub-section (1) of that section, of the following new sub-section:—

" (1A) Where for any reason the first general meeting of the Council is not held on the date appointed under sub-section (1) for the purpose, the Commissioner may, by further written notice or notices, appoint as often as may be necessary any other date for that meeting, so however that such other date is within a period of three months next succeeding the date first appointed by him under sub-section (1). ";
and

- (3) by the insertion, immediately after sub-section (5) of that section, of the following new sub-section:—

" (5A) In the case of any Council, the failure to hold the first meeting aforesaid before the end of the period of three months mentioned in sub-section (1A) shall constitute, within the meaning of section 277, persistent default on the part of the Council in the performance of the duties imposed upon it; and accordingly the Minister may dissolve the Council under that section in the event of such failure. "

Amendment of
section 15 of
the principal
Ordinance.

3. Section 15 of the principal Ordinance is hereby amended, in sub-section (1) thereof, by the substitution for all the words from "to the first meeting" to "accordingly" of the following:—

"to the first general meeting of the year.

All the provisions of section 14 relating to the first general meeting of the Council after a general election and to the powers exercisable by the Minister in the event of the failure to hold such meeting shall apply in the case of the first general meeting summoned under this sub-section or of the failure to hold such meeting."

Amendment of
section 16 of
the principal
Ordinance.

4. Section 16 of the principal Ordinance is hereby amended as follows:—

(1) by the substitution for the words "until such election is held:" of the words "until the Mayor for that year is elected:"; and

(2) by the addition at the end of that section of the following:—

"Provided further that during the period commencing immediately after the expiration of the term of office of the Council and ending at the time a new Mayor is elected, the Commissioner shall for the purposes of the proper administration of the municipality have and exercise the powers, duties and functions vested in or conferred or imposed on the Council or the Mayor by this Ordinance or by any other written law."

(3) by the substitution for the marginal note to that section of the following:—

"Exercise of powers pending election of new Mayor."

Amendment of
section 22 of
the principal
Ordinance.

5. Section 22 of the principal Ordinance is hereby amended in sub-section (2) of that section, by the addition at the end thereof of the following:—

"Provided, however, that the Minister may from time to time by Order alter the quorum prescribed by or under this section for the meetings of the Council; no such Order shall have effect unless it is approved by the Senate and the

House of Representatives, and an Order so approved shall upon publication in the *Gazette* have effect notwithstanding anything in the preceding provisions of this sub-section. ”.

6. For the resolution of doubts, it is hereby declared that, notwithstanding anything in sub-section (1) (e) of section 323 of the principal Ordinance, any by-law made by any Urban Council or Town Council prescribing the quorum for meetings of such Council shall not continue in force, and shall be taken not to have been in force on or after January 1, 1951, in relation to the Municipal Council which is or was the successor of the aforesaid Urban Council or Town Council.

Declaration
as to law
prescribing
quorum.

7. The principal Ordinance shall have effect and be deemed on and after January 1, 1951, to have had effect in all respects as though the amendments made therein by the preceding provisions of this Act had come into force on January 1, 1951; and any adjournment by any Municipal Commissioner of the first meeting of a Municipal Council summoned under section 14 (1) or section 15 (1) of that Ordinance shall be deemed to constitute or to have constituted the appointment of a fresh date for that meeting under the provisions of the principal Ordinance as amended by this Act.

Retrospective
effect of
amendments
made by this
Act.