



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

LOCAL AUTHORITIES HOUSING
(AMENDMENT) ACT, No. 63 OF 1979

[Certified on 15th October, 1979]

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Local Authorities Housing (Amendment)
Act, No. 63 of 1979

[Certified on 15th October, 1979]

L.D.—O. 30/79

AN ACT TO AMEND THE LOCAL AUTHORITIES HOUSING
ACT, No. 14 OF 1964.

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

Short title.

1. This Act may be cited as the Local Authorities Housing (Amendment) Act, No. 63 of 1979.

Amendment
of section 3
of Act No. 14
of 1964.

2. Section 3 of the Local Authorities Housing Act, No. 14 of 1964 (hereinafter referred to as the "principal enactment") is hereby amended in subsection (3) of that section, by the substitution, for paragraph (b) of that subsection, of the following paragraph :—

"(b) unless six months' notice in writing is given by that local authority to the first-mentioned person of its intention to so let such house to some other person and alternate accommodation is provided for the first-mentioned person by that local authority."

3. The following new section is inserted immediately after section 5, and shall have effect as section 5A, of the principal enactment :—

Insertion of
new section
5A in the
principal
enactment.

"Power of
local autho-
rity to
transfer
certain
houses to
which this
Act applies.

5A. (1) Where prior to the date of coming into force of this section a house to which this Act applies has been let to any person under the provisions of section 3(1) and the monthly rental of such house immediately prior to such letting did not exceed twenty-five rupees, the local authority within the administrative limits of which that house is situated shall, by an instrument of disposition, transfer, free of charge, that house to that person.

(2) Where prior to the date of coming into force of this section, a house to which this Act applies has been let to any person otherwise than under the provisions of section 3(1) and the monthly rental of that house does not exceed twenty-five rupees, the local authority within the administrative limits

of which that house is situated shall, by an instrument of disposition, transfer, free of charge, that house—

(a) to the tenant of that house who is in occupation thereof on the date of coming into force of this section; or

(b) to the person in occupation of that house on the date of coming into force of this section, where the tenant of that house is not in occupation thereof on that date,

if, and only if, the Advisory Board constituted for that local authority is satisfied that—

(i) such tenant or person in occupation, as the case may be, is in need of housing accommodation,

(ii) such tenant or person in occupation, as the case may be, is a citizen of Sri Lanka, and

(iii) the name of such tenant or person in occupation, as the case may be, appears in the electoral list prepared for the general election of members of that local authority.

(3) Where the Advisory Board constituted for a local authority decides that the tenant or person in occupation, as the case may be, of a house referred to in subsection (2) does not satisfy the requirements set out in paragraphs (i), (ii) and (iii) of that subsection—

(a) that tenant or person in occupation, as the case may be, may appeal against that decision to the Secretary to the Ministry of the Minister in charge of the subject of Local Government within fourteen days of the communication to him of that decision. The decision of such Secretary on any such appeal shall be final; and

(b) the local authority within the administrative limits of which such house is situated may, by an instrument of disposition, transfer, free of charge, that house to any person who satisfies those requirements.

(4) No transfer of a house shall be made by a local authority under paragraph (b) of subsection (3)—

(a) except with the prior approval of the Advisory Board constituted for that local authority ;

(b) unless six months' notice in writing is given by that local authority to the tenant or person in occupation, as the case may be, of that house of its intention to so transfer that house to some other person and alternate accommodation is provided for such tenant or person in occupation, as the case may be, by that local authority ; and

(c) until and unless any appeal made by the tenant or person in occupation, as the case may be, of such house under paragraph (a) of subsection (3) has been dismissed.

(5) Nothing in the Prevention of Frauds Ordinance shall apply to any instrument of disposition effecting a transfer under subsection (1) or subsection (2) or subsection (3) and no stamp duty shall be payable in respect thereof. The local authority executing any such instrument of disposition shall cause a copy thereof to be presented for registration to the Registrar of Lands of the district in which the house transferred by such instrument is situated. No fee shall be payable in respect of such registration.

(6) All expenses incurred by a local authority in transferring a house under this section shall be a charge on the funds of that local authority."

Insertion of
new section
11A in
principal
enactment.

4. The following new section is inserted immediately after section 11; and shall have effect as section 11A, of the principal enactment:—

“This Act
not to apply
to houses to
which this
Act applies
let to officers
or servants
of local
authorities.

11A. Nothing in this Act shall apply to, or in relation to, any house to which this Act applies which has been let by a local authority to an officer or servant of that local authority as official quarters.”