



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

TOWN AND COUNTRY PLANNING (AMENDMENT)

A

BILL

to amend the Town and Country Planning Ordinance (Chapter 269)

*Presented by the Prime Minister and Minister of Buddha Sasana and
Religious Affairs on 08th November, 2011*

(Published in the Gazette on October 17, 2011)

Ordered by Parliament to be printed

[Bill No. 136]

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STATEMENT OF LEGAL EFFECT

Clause 2 : This clause replaces the Long Title to the Town and Country Planning Ordinance (Chapter 269) (hereinafter referred to as the “principal enactment”) and the legal effect of this amendment is to widen the scope of the activities which can be implemented under the Act.

Clause 3 : This clause replaces section 2 of the principal enactment and the legal effect is to require the National Physical Council to prepare a National Physical Policy and a National Physical Plan for the purpose of protecting and conserving the different categories of areas, which may be declared under the Act.

Clause 4 : This clause replaces section 6 of the principal enactment and the legal effect is to enhance the scope of the Act.

Clause 5 : This clause inserts sections 6A and 6B in the principal enactment and the legal effect is to empower the Minsiter in charge of the subject of Buddha Sasana and Religious Affairs to declare areas as “Sacred Areas” in terms of the Act.

Clause 6 : This clause amends section 21 of the principal enactment and the legal effect of the section as amended is consequential to the amendment made by clause 4 of the Bill.

Clause 7 : This clause makes provision for the validation of certain acts carried out under the provision of section 6 of the Act, prior to its amendment.

Town and Country Planning (Amendment)

L.D.—O. 42/2011.

AN ACT TO AMEND THE TOWN AND COUNTRY PLANNING ORDINANCE
(CHAPTER 269)

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

1. This Act may be cited as the Town and Country Planning (Amendment) Act, No. of 2011. Short title.

5 2. The Long Title to the Town and Country Planning Ordinance (Chapter 269) (hereinafter referred to as the “principal enactment”) is hereby repealed and the following Long Title substituted therefor:— Replacement of the Long Title to (Chapter 269).

10 “An Act to provide for the formulation and implementation of a National Physical Planning Policy with the objectives of promoting, preserving, conserving and regulating a system of integrated planning in relation to the economic, social, historic, environmental, physical and religious aspects of land
15 in Sri Lanka; for the preparation of a national physical plan for the purpose of giving effect to the stated objectives; to facilitate the acquisition of land for the purpose of giving effect to the objectives; and to provide for matters connected therewith or incidental thereto.”.

20 3. Section 2 of the Town and Country Planning Ordinance (Chapter 269) (hereinafter referred to as “the principal enactment”) is hereby repealed and the following section substituted therefor:— Replacement of section 2 of the Town and Country Planning Ordinance (Chapter 269).

25 “Preparation of the National Physical Plan and its scope and objectives of the Act. 2. (1) The National Physical Council established under section 3 of this Act shall take steps under this Ordinance to prepare a National Physical Policy and a National Physical Plan which shall embody the said Policy in order to give effect to the objectives
30 to the Act as set out below.

(2) The objectives of this Act shall be to promote, preserve, conserve and regulate a system of integrated planning and development for securing proper infrastructure, amenities and conveniences in relation to the economic, social, historic, environmental, physical and religious aspects of land in Sri Lanka (whether or not there are buildings therein), and for such purpose, there may be declared in accordance with the succeeding provisions of this Act—

- (a) “Protection Areas”;
- (b) “Conservation Areas”;
- (c) “Architectural” or “Historic Areas”; and
- (d) “Sacred Areas”.

4. Section 6 of the principal enactment is hereby repealed and the following section is substituted therefor:—

Replacement
of section 6
of the
principal
enactment.

“Declaration of
“Protection
areas”,
Conservation
Areas”,
“Architectural”
or “Historic
Areas”, for
the purposes
of the
Ordinance.

6. The Minister may, within any municipal area, an urban development area or within any trunk road development area, by Order published in the *Gazette* declare, for giving effect to the objectives of the Ordinance, any area of defined land, to be —

- (a) a “Protection Area” for the protection of natural amenities;
- (b) a “Conservation Area” for the conservation of the natural environment and the protection of places of natural beauty within the environment; or

- (c) an “Architectural” or “Historic Area” for the conservation of building of architectural and historic value”.

5 **5.** The following new sections are hereby inserted immediately after section 6 of the principal enactment and shall have effect as section 6A and section 6B of that enactment:—

Insertion of new sections 6A and 6B in the principal enactment.

10 “Declaration of “Sacred Areas” for the purposes of the Ordinance. 6A.The Minister to whom the subject of Buddha Sasana and Religious Affairs is assigned, shall after, notifying the Minister to whom the subject of Physical Planning has been assigned, within any urban development area, within any trunk road development area, within any regional development area. by Order published in the *Gazette* declare for the purposes of the Ordinance, any area of defined land, to be a “Sacred Area” for the purpose of protection and conservation of such area.

20 Order to set out the purpose and description of boundaries. 6B (1) Every Order made in terms of section 6 and section 6A of the Ordinance shall set out clearly the purpose for which such Order is made and contain a description of the metes and bounds of such area.

25 (2)An Order under section 21 of the Act shall be made in relation to an area declared in terms of section 6 and section 6A of the Ordinance.”.

6 Section 21 of the principal enactment is hereby amended by the repeal of subsection (1) of that section and the substitution therefor of the following subsection :-

Amendment of section 21 of the principal enactment.

30 “(1) Subject to the provisions of subsection (3), the Minister may, on application made to him in that behalf under the preceding provisions of this Part, by Order published in the *Gazette* direct that,-

35 (a) a “regional physical plan” shall be prepared for any regional development area ; or

4 *Town and Country Planning (Amendment)*

- (b) an “outline physical plan” or a “detailed plan” shall be prepared for the whole or any part of any urban development area or any trunk road development area.”.

- 5 7. Any Order made by the Minister under section 6 of the principal enactment, at any time prior to the coming into operation of this Act, shall, with effect from the coming into operation of this Act, be deemed to be an Order declaring any defined area to be a “Sacred Area” made under section
10 6A of this Act and the provisions of the principal enactment and this Act shall be applicable thereto.

8. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.
- Sinhala text to prevail in case of inconsistency.

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