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5th Session 1969-70



Anuradhapura Urban Council (Special Provisions) Act, No. 28 of 1969

Date of Assent ; August 30, 1969

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Anuradhapura Urban Council (Special Provisions) Act, No. 28 of 1969

IL. D.—O. 30/68.

AN ACT TO PROVIDE FOR THE CONSTITUTION OF AN URBAN COUNCIL FOR AN AREA NOW FORMING PART OF THE AREA OF AUTHORITY OF THE ANURADHAPURA PRESERVATION BOARD, AND TO MAKE PROVISION FOR MATTERS INCIDENTAL TO OR CONNECTED THEREWITH,

[Date of Assent: August 30, 1969]

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 Urban Council (Special Provisions) Act, No. 28 of 1969.

Short title.

2. (1) Notwithstanding the provisions of the Anuradhapura Preservation Board Act, the Minister may make an Order under section 2 of the Urban Councils Ordinance declaring any area (hereinafter referred to as the "urban area") forming part of the Area of Authority of the Anuradhapura Preservation Board to be a town for the purposes of that Ordinance and assign to the Urban Council to be constituted for that urban area the name and designation "Anuradhapura Urban Council".

Urban Councils Ordinance to operate in area which is to be excluded from Area of Authority of Anuradhapura Preservation Board.

(2) With effect from the date on which such an Order is published in the *Gazette*, notwithstanding the provisions of the Anuradhapura Preservation Board Act, the Urban Councils Ordinance shall, subject to the provisions of this Act, operate within that urban area, and with effect from the date of the constitution of the Anuradhapura Urban Council that urban area shall be excluded from such Area of Authority and the operation of the Anuradhapura Preservation Board Act.

3. With effect from the date of the constitution of the Anuradhapura Urban Council—

Transfer and vesting of property, rights, duties, &c., of Anuradhapura Preservation Board in Anuradhapura Urban Council.

(a) all the immovable property vested in the Anuradhapura Preservation Board by section 34 of the Anuradhapura Preservation Board

Act or acquired for such Board under the Land Acquisition Act in accordance with the provisions of section 15 of the Anuradhapura Preservation Board Act and situated in the urban area, other than any such property in the possession or charge of any Government Department or leased or deemed to be leased by the Board under section 14 of the Anuradhapura Preservation Board Act, is hereby transferred to and vested in such Council, and any such property so vested in the Council which is immovable property of the Crown vested in the Board subject to any conditions shall be held by the Council subject to those conditions;

- (b) all the rights, debts, liabilities and obligations of the Anuradhapura Preservation Board on that day, other than in respect of any lease referred to in paragraph (a) of this section, in so far as they relate to the urban area, are hereby transferred to such Council;
- (c) the installations, equipment and other property of the Anuradhapura Preservation Board installed, maintained and operated within the urban area for the purpose of generating, transmitting and supplying electrical energy and the power-house belonging to such Board situated outside the urban area are hereby transferred to and vested in such Council; and
- (d) all contracts, deeds, bonds, agreements and other instruments which relate wholly or partly to the urban area and which subsist or have effect on that day and to which the Anuradhapura Preservation Board is a party, other than any contract of employment with any officer or servant of such Board or any lease bond referred to in paragraph (a), shall, to the extent to which they relate to such urban area, have effect against or in favour of such Council as fully and effectively as if, instead of such Board, the Council had been a party thereto.

4. With effect from the date of the constitution of the Anuradhapura Urban Council all immovable property of the following classes, namely—

Other property vested in Council.

- (a) waste lands and open spaces;
- (b) stone, cabook, and gravel quarries;
- (c) public lakes and streams;
- (d) public tanks, ponds and channels;
- (e) Crown lands, whether with or without buildings;
- (f) public parks and gardens and all erections and structures therein,

situated within the urban area (other than any property of any such class which is in the possession or charge of any Government Department or which is leased or deemed to be leased by the Anuradhapura Preservation Board under section 14 of the Anuradhapura Preservation Board Act) is hereby vested in such Council.

5. Nothing in section 3 or 4 shall be deemed—

Vesting not to prejudice right of Crown, &c.

- (i) to affect or prejudice any right or title of the Crown to any such immovable property, or the right of the Crown at any time to resume or dispose of such property for public purposes; or
- (ii) to affect or prejudice any right, title or interest which any military authority, in which lands are vested on behalf of the Crown, has or may have in any such property; or
- (iii) to prevent the Anuradhapura Urban Council from surrendering to the Crown at any time any such immovable property.

6. With effect from the date of the constitution of the Anuradhapura Urban Council all suits, appeals or other legal proceedings instituted by, or against, the Anuradhapura Preservation Board in respect of—

Pending suits, appeals, &c., to be continued by or against Council.

- (i) any immovable property transferred to and vested in such Council by paragraph (a) of section 3 and section 4;
- (ii) any right, debt, liability or obligation of such Board transferred to such Council by paragraph (b) of section 3;

- (iii) the installations, equipment and other property transferred to and vested in such Council by paragraph (c) of section 3; and
- (iv) any contract, deed, bond, agreement or other instrument which has effect against or in favour of such Council by virtue of the operation of the provisions of paragraph (d) of section 3,

and pending on that day shall not abate or be discontinued or be in any way prejudicially affected by reason of the operation of the provisions of paragraphs (a), (b), (c) and (d) of section 3 and section 4, and accordingly may be continued and enforced by, or against, such Council.

By-laws and licences in force in any area excluded from Area of Authority to continue in force.

7. (1) Every by-law in force in the whole or any part of any area excluded from the Area of Authority of the Anuradhapura Preservation Board on the date of such exclusion shall continue in force in the whole or such part of such area, as the case may be, in which such by-law was in force, as though it were a by-law made by the Anuradhapura Urban Council under the Urban Councils Ordinance and may be amended or rescinded by by-law made by such Council under that Ordinance.

(2) Every licence issued by the Anuradhapura Preservation Board and in force in any area on the date of the exclusion of that area from the Area of Authority of such Board shall continue in force as though such licence was issued by the Anuradhapura Urban Council under the Urban Councils Ordinance.

(3) Every reference in any such by-law or licence to the Anuradhapura Preservation Board or to its Chairman shall be deemed to be a reference to the Anuradhapura Urban Council and to its Chairman, respectively.

Officers and servants of Anuradhapura Preservation Board.

8. (1) All officers and servants of the former Anuradhapura Urban Council, other than the officers in the Local Government Service, who became officers and servants of the Anuradhapura Preservation Board and who are in office on the day immediately prior to the date of the constitution of the Anuradhapura Urban Council shall, on that date, become officers and servants of such Council.

(2) The Minister for the time being in charge of the subject of the Anuradhapura Preservation Board Act may with the concurrence of the Minister transfer to the Anuradhapura Urban Council any other officers and servants of the Anuradhapura Preservation Board who may be required by such Council. With effect from the date of such transfer, such officer or servant shall become an officer or servant, respectively, of such Council.

(3) Notwithstanding anything to the contrary in the Urban Councils Ordinance, every person who becomes an officer or servant of the Anuradhapura Urban Council under sub-section (1) or sub-section (2) shall hold office as nearly as practicable by the same tenure and upon the same terms and conditions as under the said Board, and while performing the same or corresponding duties shall, as nearly as practicable, receive no less salary or remuneration or allowances and be entitled to receive no less pension and gratuity, if any, than he would have been entitled to receive from the said Board.

9. The Minister for the time being in charge of the subject of the Anuradhapura Preservation Board Act shall transfer to the Anuradhapura Urban Council—

Power to transfer money and any movable property of the Anuradhapura Preservation Board.

(a) from the funds of the Anuradhapura Preservation Board such sum of money which he may determine; and

(b) any movable property of such Board.

10. (1) All Crown land situated in the urban area vested in the Anuradhapura Preservation Board on the day immediately prior to the date of the constitution of the Anuradhapura Urban Council, and not vested in such Council by this Act, are with effect from that date hereby vested in the Crown.

Land revested in the Crown.

(2) Every lease of any Crown land, whether with or without buildings, within the urban area granted prior to the date of the constitution of the Anuradhapura Urban Council, and subsisting on that date, shall be deemed to be a lease granted by the Government

Agent of the administrative district in which such land is situated, and may be enforced or acted upon as fully and effectually as if such Government Agent had been a party to such lease.

Amendment of section 3 of the Anuradhapura Preservation Board Act.

11. Section 3 of the Anuradhapura Preservation Board Act is hereby amended in sub-section (1) of that section, as follows:—

(1) in paragraph (b) of that sub-section, by the substitution, for the expression "Archaeological Commissioner, and", of the expression "Archaeological Commissioner,";

(2) in paragraph (c) of that sub-section, by the substitution, for the expression "Government Town Planner.", of the expression "Government Town Planner, and"; and

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

"(d) the person for the time being holding the office of Commissioner of Local Government."

Interpretation.

12. In this Act unless the context otherwise requires—

"Anuradhapura Preservation Board Act" means the Anuradhapura Preservation Board Act, No. 32 of 1961, as amended by any subsequent Act;

"former Anuradhapura Urban Council" has the same meaning as in the Anuradhapura Preservation Board Act; and

"Minister" means the Minister for the time being in charge of the subject of local government.