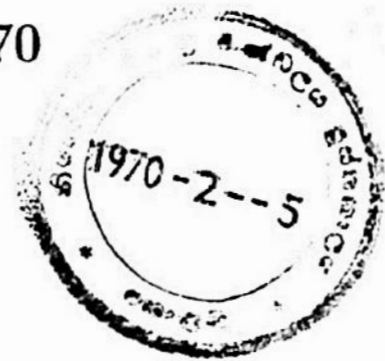


PARLIAMENT OF CEYLON

5th Session 1969-70



Paddy Lands (Special Provisions)

Act, No. 2 of 1970

Date of Assent: January 21, 1970

Printed on the Orders of Government

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L. D.—O. 43/66.

AN ACT TO PROVIDE FOR THE REMOVAL OF CERTAIN DIFFICULTIES, AND THE RESOLUTION OF CERTAIN DOUBTS, WHICH HAVE ARISEN OR MAY ARISE IN REGARD TO THE ADMINISTRATION OF THE PADDY LANDS ACT, No. 1 OF 1958, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: January 21, 1970]

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 Paddy Lands (Special Provisions) Act, No. 2 of 1970.

Short title.

2. (1) Subject to the provisions of sub-section (2), every power, duty and function conferred and imposed on, and assigned to, the Commissioner under the principal Act shall be deemed to have been, and to be, validly so conferred, so imposed and so assigned, and accordingly—

Special provisions relating to the Commissioner.

(a) every relevant document submitted to the Commissioner, whether before or on or after the appointed date; and

(b) every relevant act or thing done by, and all relevant proceedings held or taken by or before, the Commissioner in the matter of any such document, or in any other circumstances whatsoever, whether before or on or after the appointed date,

shall be deemed not to have been, and not to be, invalid by reason only of the fact that such power, duty, and function was so conferred and imposed on and assigned to; any such document was submitted to, any such act or thing was done by, and any such proceedings were held or taken by or before, the Commissioner.

(2) Nothing in the provisions of sub-section (1) shall be deemed or construed to validate any relevant act or thing done by, or any relevant proceedings held or taken by or before, the Commissioner in the matter of any relevant document submitted to him, or in any other circumstances whatsoever, if, but only if, such

act or thing, or such proceedings, was or were subsequently held by any court of competent jurisdiction to be invalid on the ground that any power, duty or function not having been validly conferred or imposed on, or assigned to, the Commissioner under the principal Act, the Commissioner had no jurisdiction to do such act or thing, or to hold or take such proceedings:

Provided, however, that nothing in the preceding provisions of this sub-section shall be deemed or construed to preclude or prevent any relevant act or thing being done by, and any relevant proceedings being held or taken by or before, as hereafter provided in this Act, the Commissioner *de novo* under the provisions of the principal Act as modified by this Act.

(3) Where any relevant act or thing done by, and any relevant proceedings held or taken by or before, the Commissioner prior to the appointed date in the matter of any relevant document is not validated by sub-section (1) by virtue of the operation of sub-section (2), then, such document shall be deemed to be a relevant document submitted *de novo* to the Commissioner on that date, and accordingly any relevant act or thing may be done by, and any relevant proceedings may be held or taken by or before, the Commissioner *de novo* under the provisions of the principal Act as modified by this Act in the matter of such document.

Special provisions relating to a Panel and Boards of Review.

3. (1) Subject to the provisions of sub-section (3), every Board of Review appointed by the Minister under sub-section (1) of section 59 of the principal Act prior to the amendment of that Act by Act No. 11 of 1964, a Panel, from which Boards of Review are constituted under the principal Act, appointed by the Minister by Order under sub-section (1) of section 59 of the principal Act, subsequent to such amendment, and every Board of Review so constituted by the selection of a person or persons from such Panel under sub-section (7) of that section, whether before or on or after the appointed date, shall be deemed to have been, and to be, validly appointed and constituted, and accordingly—

(a) any appeal made to any such Board of Review under that Act, whether before or on or after the appointed date;

- (b) any proceedings taken on such appeal, whether before or on or after the appointed date; or
- (c) any decision made by any such Board of Review under that Act on such appeal, whether before or on or after the appointed date,

shall be deemed not to have been, and not to be, invalid by reason only of the fact that any such Board of Review was so appointed by the Minister, or so constituted from such Panel, such appeal was made to, such proceedings were taken by or before, and such decision was made by, any such Board of Review.

(2) Nothing in sub-section (1) shall be deemed or construed to validate any decision of a Board of Review under the principal Act on any appeal if, but only if, such decision was prior to the appointed date held by any court of competent jurisdiction to be invalid on the ground that, not having been validly constituted, such Board of Review had no jurisdiction in the matter of such appeal:

Provided, however, that nothing in the preceding provisions of this sub-section shall be deemed or construed to preclude or prevent such appeal, as hereafter provided in this Act, from being entertained, heard and decided *de novo* by a Board of Review under the provisions of the principal Act as modified by this Act.

(3) Where any decision of a Board of Review on any appeal made to it under the principal Act is not validated by sub-section (1) by virtue of the operation of sub-section (2), then, such appeal shall be deemed to be an appeal made *de novo* to such Board of Review on the appointed date, and accordingly may be entertained, heard and decided *de novo* by such Board of Review under the principal Act as modified by this Act.

4. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of the principal Act, and accordingly shall be read and construed as one with the principal Act:

Provided, however, that, in the event of any conflict or inconsistency between the provisions of this Act and the provisions of the principal Act, the provisions of this Act shall prevail over the provisions of the principal Act to the extent of such conflict or inconsistency.

The provisions of this Act to prevail in the event of any conflict or inconsistency with the principal Act.

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Special provisions regarding pending Court actions, &c.

5. (1) Where there was, on the day immediately prior to the appointed date, any suit or action or appeal or application, whether by way of writ or otherwise, pending before the Supreme Court—

(a) in respect of any relevant act or thing done, or any relevant document submitted to, or any proceedings taken by or before, the Commissioner; or

(b) in respect of any decision made by a Board of Review on any appeal under the principal Act,

then, any question which arises at the hearing of such suit, action, appeal or application as to the validity or otherwise of such act or thing, or such document, or such decision, shall be determined in accordance with the provisions of the principal Act as modified by this Act, and accordingly, for the purpose of such determination, the modifications made in the principal Act by this Act shall be deemed to have come into force on the day immediately prior to the date on which such act or thing was so done, or such document was so submitted, or such proceedings were so taken, or such decision was so made.

(2) Where there was, on the day immediately prior to the appointed date, any proceedings under section 21 of the principal Act pending before a Magistrate's Court, then, any question which arises at the hearing of such proceedings as to the validity or otherwise of any relevant act or thing done, or any relevant document submitted to, or any proceedings taken by or before, the Commissioner shall be determined in accordance with the provisions of the principal Act as modified by this Act, and accordingly, for the purpose of such determination, the modifications made in the principal Act by this Act shall be deemed to have come into force on the day immediately prior to the date on which such act or thing was so done, or such document was so submitted, or such proceedings were so taken.

The provisions of this Act to be regarded as amendments to the Ceylon (Constitution) Order in Council, 1946.

6. The preceding provisions of this Act shall, for all purposes and in all respects, be as valid and effectual as though those provisions were in an Act for the amendment of the Ceylon (Constitution) Order in Council, 1946, enacted by Parliament after compliance with the requirement imposed by the

proviso to sub-section (4) of section 29 of that Order in Council.

7. In this Act, unless the context otherwise requires— Interpretation.

“ appointed date ” means the date of the commencement of this Act;

“ Board of Review ” has the same meaning as in the principal Act;

“ Commissioner ” means the Commissioner of Agrarian Services, and includes any Deputy Commissioner of Agrarian Services and, in the case of any area for which any Assistant Commissioner of Agrarian Services is appointed, such Assistant Commissioner;

“ principal Act ” means the Paddy Lands Act, No. 1 of 1958, as amended from time to time by any subsequent Act;

“ relevant act or thing ” means any decision or determination or Order or any affirmation or variation thereof made, or any other act or thing by whatsoever name or designation called or done, by the Commissioner in the matter of any relevant document submitted to him, or in respect of any other matter, under the principal Act;

“ relevant document ” means any claim, any notification, any application, any reference, any recommendation or any appeal or any other matter whatsoever submitted to the Commissioner under the principal Act;

“ relevant proceedings ” means, in relation to the Commissioner, any inquiry held by, or any other proceedings taken by or before, the Commissioner in the matter of any relevant document, or in respect of any other matter, submitted to the Commissioner under the principal Act;

“ submitted to ”, in relation to the Commissioner, means submitted to the Commissioner by any mode or means of service whatsoever under the principal Act.