



TRANSFER OF POWERS
(ANURADHAPURA PRESERVATION BOARD)

LAW, No. 25 OF 1974

OF

THE NATIONAL STATE ASSEMBLY

[Certified on 17th July, 1974]

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Transfer of Powers (Anuradhapura Preservation Board) Law, No. 25 of 1974

L. D.—O. 58/73

A LAW TO PROVIDE FOR THE TRANSFER OF THE POWERS OF THE ANURADHAPURA PRESERVATION BOARD TO CERTAIN LOCAL AUTHORITIES, TO PROVIDE FOR THE REPEAL OF THE ANURADHAPURA PRESERVATION BOARD ACT, NO. 32 OF 1961, AND THE ANURADHAPURA URBAN COUNCIL (SPECIAL PROVISIONS) ACT, NO. 28 OF 1969, AND TO MAKE PROVISION FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the National State Assembly of the Republic of Sri Lanka as follows:—

1. This Law may be cited as the Transfer of Powers (Anuradhapura Preservation Board) Law, No. 25 of 1974, and shall come into operation on such date (hereinafter referred to as the "appointed date") as the Minister may appoint by Order published in the *Gazette*.

2. (1) The Minister may—

(i) by Order made under section 2 of the Urban Councils Ordinance and published in the *Gazette*, declare any area forming part of the Area of Authority of the Anuradhapura Preservation Board (hereinafter referred to as the "Board") to be a town for the purposes of that Ordinance and assign to the Urban Council to be constituted for that area the name and designation "Anuradhapura Urban Council" (hereinafter referred to as the "Urban Council");

(ii) by Order made under section 3 of the Village Councils Ordinance and published in the *Gazette* declare certain areas from and out of the remaining part of the Area of Authority of the Board after the constitution of the Urban Council under paragraph (i), to be village areas for the purposes of that Ordinance;

(iii) by Order made under the appropriate enactment and published in the *Gazette*, declare the balance part of the Area of Authority of the Board after the constitution of the Urban Council under paragraph (i) and any Village Council under paragraph (ii), to be wards or parts of wards of any local authority as may be determined by the Minister.

Short title
and date of
operation.

Local
authorities
to be
constituted
for the Area
of Authority
of the
Anuradhapura
Preservation
Board.

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(2) Subject to the provisions of this Law, the provisions of the Urban Councils Ordinance shall apply in respect of the Urban Council constituted under paragraph (i) of subsection (1), the provisions of the Village Councils Ordinance shall apply in respect of any Village Council constituted under paragraph (ii) of subsection (1) and the provisions of the appropriate enactment shall apply in respect of the balance part referred to in paragraph (iii) of subsection (1).

Appointment
of Special
Commissioner.

3. (1) Notwithstanding the provisions of the Urban Councils Ordinance, the Minister may by Order published in the *Gazette*, appoint a Special Commissioner to administer the affairs of the Urban Council until the Minister is satisfied that a general election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing the first members of such Urban Council.

(2) Where the Minister appoints any Special Commissioner under subsection (1), to administer the affairs of the Urban Council, all the property and the rights under contracts and all the powers vested in the Urban Council shall be deemed to be vested in such Special Commissioner and all the duties and liabilities of the Urban Council shall be transferred to and shall be discharged by such Special Commissioner unless the Minister otherwise directs.

Appointment
of Adminis-
trator.

4. (1) Notwithstanding the provisions of the Village Councils Ordinance, the Minister may by Order published in the *Gazette*, appoint an Administrator to administer the affairs of any Village Council constituted under this Law, until the Minister is satisfied that a general election in accordance with the provisions of written law applicable for the time being applicable in that behalf shall be held for the purpose of electing the first members of such Village Council.

(2) Where the Minister appoints any Administrator under subsection (1), to administer the affairs of a Village Council, all the property and the rights under contracts and all the powers vested in a Village Council shall be deemed to be vested in such Administrator and all the duties and liabilities of a Village Council shall be transferred to and shall be discharged by such Administrator unless the Minister otherwise directs.

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5. With effect from the appointed date—

Transfer and vesting of property, rights, duties &c., of the Board in the local authorities.

(a) all the immovable property vested in the Board by section 34 of the Anuradhapura Preservation Board Act (hereinafter referred to as the "Board Act") or acquired for such Board under the Land Acquisition Act in accordance with the provisions of section 15 of the Board Act, 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 Board Act, is hereby transferred to and vested in the local authority within whose administrative limits such property is situated and any such property vested in such local authority which is immovable property of the State vested in the Board subject to any conditions shall be held by that local authority subject to those conditions;

(b) all the rights, debts, liabilities and obligations of the 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 each local authority, are hereby transferred to that local authority;

(c) the installations, equipment and other property of the Board installed, maintained and operated within the Area of Authority of the Board for the purpose of generating, transmitting and supplying energy and the power house belonging to such Board situated outside the administrative limits of the Urban Council are hereby transferred to and vested in the Urban Council, and

(d) all contracts, deeds, bonds, agreements and other instruments which relate wholly or partly to each local authority and which subsist or have effect on that day and to which the 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 each such local authority, have effect against or in favour

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of such local authority as fully and effectively as if, instead of the Board, the local authority concerned had been a party thereto.

Other property vested in the local authorities.

6. With effect from the appointed date all immovable property of the following classes, namely—

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

situated within the Area of Authority of the Board (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 Board under section 14 of the Board Act) is hereby vested in such local authority within whose administrative limits such property is situated.

Vesting not to prejudice right of State &c.,

7. Nothing in section 5 or 6 shall be deemed—

- (i) to affect or prejudice any right or title of the State to any such immovable property, or the right of the State 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 State, has or may have in any such property; or
- (iii) to prevent any authority from surrendering to the State at any time any such immovable property.

Pending suits and appeals &c., to be continued by or against the local authorities.

8. With effect from the appointed date, all suits, appeals or other legal proceedings instituted by, or against, the Board in respect of—

- (i) any immovable property transferred to and vested in each such local authority by paragraph (a) of section 5 and section 6;
- (ii) any right, debt, liability or obligation of such Board transferred to each such local authority by paragraph (b) of section 5;

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- (iii) the installations, equipment and other property transferred to and vested in the Urban Council by paragraph (c) of section 5; and
- (iv) any contract, deed, bond, agreement or other instrument which has effect against or in favour of each such local authority by virtue of the operation of paragraph (d) of section 5,

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 5 and section 6, and accordingly be continued and enforced by, or against, each such local authority concerned.

9. (1) Every by-law in force in any part of the Area of Authority of the Board coming within the administrative limits of—

- (a) the Urban Council constituted under paragraph (i) of subsection (1) of section 2; or
- (b) any Village Council constituted under paragraph (ii) of subsection (1) of section 2,

shall continue in force in such area, as though it were a by-law made by the Urban Council under the Urban Councils Ordinance or such Village Council under the Village Councils Ordinance and may be amended or rescinded by by-law made by the Urban Council under the Urban Councils Ordinance or by such Village Council under the Village Councils Ordinance, as the case may be.

(2) Every licence issued by the Board and in force in any part of the Area of Authority of the Board coming within the administrative limits of—

- (a) the Urban Council; or
- (b) any Village Council,

shall continue in force in such area as though such licence was issued by the Urban Council under the Urban Councils Ordinance or by such Village Council under the Village Councils Ordinance.

(3) Every reference in any such by-law or licence to the Board shall be deemed to be a reference to the Urban Council or Village Council, as the case may be, and every reference to the Chairman of the Board

By-laws and licences in force in Area of Authority to continue in force.

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13. (1) The Minister may make all such regulations as may seem to him to be necessary for carrying out the provisions of this Law or giving effect to the principles thereof, including regulations for all matters for or in respect of which regulations are authorized or required to be made.

Regulations.

(2) No regulation made by the Minister under subsection (1) shall have effect until it has been approved by the National State Assembly, and notification of such approval has been published in the *Gazette*.

14. The Anuradhapura Preservation Board Act, No. 32 of 1961 and the Anuradhapura Urban Council (Special Provisions) Act, No. 28 of 1969, are hereby repealed.

Repeals.

15. In this Law, unless the context otherwise requires—

Interpretation.

“ Administrator ” has the same meaning as “ public officer ” in section 54 of the Village Councils Ordinance;

“ appropriate enactment ” means—

- (i) in relation to a Municipal Council, the Municipal Councils Ordinance,
- (ii) in relation to an Urban Council, the Urban Councils Ordinance,
- (iii) in relation to a Town Council, the Town Councils Ordinance, and
- (iv) in relation to a Village Council, the Village Councils Ordinance;

“ Area of Authority ” has the same meaning as in the Anuradhapura Preservation Board Act;

“ by-laws ” include rules, regulations, orders and notifications; and

“ local authority ” means a Municipal Council, Urban Council, Town Council or Village Council.