



**LOCAL AUTHORITY QUARTERS
(RECOVERY OF POSSESSION)**

LAW, No. 42 of 1978

OF

THE NATIONAL STATE ASSEMBLY

[Certified on 6th September, 1978]

Printed on the Orders of Government

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA (CEYLON)

TO BE PURCHASED AT THE GOVT. PUBLICATIONS BUREAU, COLOMBO.

Price: 55 cents

Postage: 15 cents

Local Authority Quarters (Recovery of Possession) Law, No. 42 of 1978

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L. D.—O. 62/75.

A LAW TO MAKE PROVISION FOR THE RECOVERY OF POSSESSION OF QUARTERS PROVIDED BY OR ON BEHALF OF LOCAL AUTHORITIES FOR THE OCCUPATION OF PERSONS; TO ENABLE THE PRESCRIPTION OF TERMS AND CONDITIONS SUBJECT TO WHICH SUCH QUARTERS MAY BE ALLOCATED TO EMPLOYEES OF LOCAL AUTHORITIES, AND 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 Local Authority Quarters (Recovery of Possession) Law, No. 42 of 1978.

Short title.

2. The provisions of this Law—

Application of this Law.

(a) shall apply to all local authority quarters; and

(b) shall be deemed at all times to have been, and to be, an implied condition of the occupation by persons of such quarters.

3. (1) Where—

Service of quit notice.

(i) the period for which any local authority quarters were given to the occupier of such quarters has expired; or

(ii) such occupier has been transferred from the station which qualified him to occupy such quarters; or

(iii) such occupier has been transferred from the post which qualified him to occupy such quarters; or

(iv) such occupier to whom such quarters were originally given has resigned, retired, vacated his post, been discontinued from service or died,

any local authority may pass a resolution at any meeting of such local authority, that notice shall be served by the competent authority on such occupier, requiring him—

(a) to vacate such quarters together with his dependants, if any; and

2 *Local Authority Quarters (Recovery of Possession) Law, No. 42 of 1978*

(b) to deliver vacant possession of such quarters to the competent authority or other person authorized in that behalf and specified in the notice,

before the expiry of such period, not less than two months, as shall be specified in such notice.

(2) Where such resolution referred to in subsection (1) has been passed, the competent authority shall serve such notice on the occupier accordingly, stating the reasons for the passing of such resolution.

(3) Every notice served on an occupier under subsection (2) in respect of any local authority quarters is in this Law referred to as a "quit notice".

(4) A quit notice in respect of any local authority quarters shall be deemed to have been served on the occupier of such quarters if such notice is sent by registered post to such occupier, at such quarters.

(5) Every quit notice shall be in the Form A set out in the Schedule to this Law.

Right of
appeal to
Minister.

4. (1) Any person aggrieved by the service of a quit notice on him by the competent authority, under section 3, may, within a period of one month reckoned from the date on which such quit notice was served on such person, appeal in writing to the Minister against the requirement contained in such notice to vacate such local authority quarters and deliver vacant possession thereof before the expiry of the period specified in such notice. Such appeal shall be forwarded to the Minister through the competent authority.

(2) Where an appeal is preferred under subsection (1) the quit notice served on the appellant in respect of such quarters shall cease to take effect till the determination of the appeal.

(3) The Minister may, on an appeal under subsection (1), make an order—

(a) allowing the appeal; or

(b) disallowing the appeal wholly or subject to the condition that the execution of the quit notice shall be stayed for the period stated in the order.

(4) The decision of the Minister on such appeal shall be final and conclusive and shall not be called in question in any court.

5. Where a quit notice has been served on the occupier or any local authority quarters—

Obligation to comply with a quit notice.

- (a) neither such occupier nor any dependant of his shall be entitled to occupy such quarters after the expiry of the period within which such occupier is required by such quit notice to vacate such quarters; and
- (b) such occupier shall, before the expiry of that period, vacate such quarters and deliver vacant possession thereof to the authority or person to whom he is required to do so by the quit notice.

6. (1) In any case where the occupier of any local authority quarters fails to comply with the provisions of paragraph (b) of section 5 in respect of any quit notice served on him relating to any such quarters, or any order made by the Minister under section 4 (3), the competent authority may make an application in the Form B set out in the Schedule to this Law, to the Magistrate's Court having jurisdiction over the area in which such quarters are situated—

Effect of non-compliance with a quit notice or Minister's order on appeal.

(a) setting forth the following facts, namely—

- (i) that he is a competent authority for the purposes of this Law;
- (ii) that a quit notice was served on the occupier of such quarters;
- (iii) the reason for the serving of such quit notice on the occupier; and
- (iv) that such occupier has failed to comply with the provisions of paragraph (b) of section 5 in respect of such notice relating to such quarters, or the order made by the Minister under section 4 (3), as the case may be; and

(b) praying for the recovery of possession of such quarters and for the ejectment of such occupier and his dependants, if any, from such quarters.

(2) Every application under subsection (1) shall be supported by an affidavit in the Form C set out in the Schedule to this Law, verifying the facts set forth in such application, and shall also be accompanied by a copy of the quit notice.

4 *Local Authority Quarters (Recovery of Possession) Law, No. 42 of 1978*

(3) Every application supported by an affidavit and accompanied by a copy of the quit notice under the preceding provisions of this section is in this Law referred to as an "application for ejection".

(4) Every application for ejection shall be conclusive evidence of the facts stated therein.

(5) A stamp duty shall not be payable for any application for ejection.

Proceedings
on receipt of
an application
for ejection.

7. Upon receipt of an application for ejection in respect of any local authority quarters, a Magistrate's Court shall forthwith issue, and if need be reissue, a writ of possession to the Fiscal of that Court, requiring and authorizing such Fiscal before a date specified in the writ, not being a date earlier than three or later than seven clear days from the date of issue of such writ, to deliver possession of such quarters to the competent authority or other person authorized in that behalf and specified in the quit notice relating to such premises. Such writ shall be sufficient authority for the said Fiscal or any police officer authorized by him in that behalf, to enter such quarters with such assistants as the Fiscal or such officer shall deem necessary and to give possession accordingly, and to eject the occupier and his dependants, if any, from such quarters.

Exclusion of
application
of the Rent
Act.

8. The provisions of the Rent Act, No. 7 of 1972, shall not apply to the ejection of any person in occupation of any local authority quarters.

Regulations.

9. (1) The Minister may from time to time make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Law or for prescribing the terms and conditions subject to which local authority quarters may be allocated to employees of local authorities.

(2) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified therein.

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the *Gazette*, be brought before the National State Assembly for approval. Any regulation which is not

so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously done thereunder.

(4) Notification of the date on which any regulation made by the Minister is so deemed to be rescinded shall be published in the *Gazette*.

10. In this Law, unless the context otherwise requires— Interpretation.

“competent authority” means—

- (a) in relation to a Municipal Council, the Municipal Commissioner of that Council;
- (b) in relation to an Urban Council, or a Town Council, the Secretary of that Council;
- (c) in relation to a Village Council, an officer of that Council nominated for the purpose by the Assistant Commissioner of Local Government of the region in which that Council is situated; and
- (d) in relation to any Authority created and established by or under any law to exercise, perform and discharge powers, duties and functions corresponding to or similar to the powers, duties and functions exercised, performed and discharged by any Municipal Council, Urban Council, Town Council or Village Council, an officer of that Authority nominated for the purpose by the Assistant Commissioner of Local Government of the region in which that Authority is situated;

“dependant” in relation to the occupier of any local authority quarters, means any person who is dependent on the occupier, whether as spouse, child or otherwise and includes any other person who is permitted by the occupier to reside in such quarters;

6 *Local Authority Quarters (Recovery of Possession) Law, No. 42 of 1978*

“local authority” means any Municipal Council, Urban Council, Town Council or Village Council and includes any Authority created and established by or under any law to exercise, perform and discharge powers, duties and functions corresponding to or similar to the powers, duties and functions exercised, performed and discharged by any such Council;

“local authority quarters” means any such building or room or other accommodation occupied or used for the purposes of residence as is provided by or on behalf of any local authority and includes any land or premises in which such building or room or other accommodation is situated;

“occupier” in the event of the death of the occupier includes a dependant of the occupier.

SCHEDULE

Section 3 (5)

FORM A

Quit Notice

I, (state name and designation) a competent authority for the purposes of the Local Authority Quarters (Recovery of Possession) Law, do by virtue of the powers vested in me by section 3 of that Law, require you (state name and designation, if any) the occupier of local authority quarters (state address of such quarters)—

(a) to vacate possession of such quarters together with your dependents, if any; and

(b) to deliver vacant possession of such quarters to me,* (state name and designation) a competent authority for the purposes of that Law */ or (state name and designation, if any),

before the expiry of a period of months commencing on (state date), in terms of the resolution No. dated passed by (state local authority) on the ground that you have (state reasons) *

.....
Signature and designation of competent authority.

Date:

* Omit, if inapplicable.

* State whether the period for which the local authority quarters were given to the occupier of such quarters has expired, or whether the occupier has been transferred from the station which qualified him to occupy such quarters; or whether the occupier has been transferred from the post which qualified him to occupy such quarters; or whether the occupier to whom such quarters were originally given has resigned, retired, vacated his post, been discontinued from service or died.

Section 6

FORM B

Application for Ejectment

To the Magistrate's Court of
..... (State name of such Court)

I, (State name and designation)
a competent authority for the purposes of the Local Authority Quarters (Recovery of Possession) Law, do by virtue of the powers vested in me by section 6 of that Law, by this application—

(a) set forth the following facts, namely,—

(i) that I am such competent authority ;

(ii) that a quit notice (a copy of which is attached to this application) was served on.....
..... (state name and designation, if any)
the occupier of local authority quarters
..... (state address of such quarters) in terms of the resolution No.
dated passed by
(state local authority) ;

(iii) that the reason for the serving of such quit notice as aforesaid on such occupier was that *
..... ; and

(iv) that such occupier has failed to comply with the provisions of paragraph (b) of section 5 of that Law in respect of such notice relating to such quarters or with the order made by the Minister under section 4(3) of that Law (a copy of which order is attached to this application) ;

(b) pray for the recovery of possession of such premises and for the ejectment of such occupier and his dependents if any, from such premises.

.....
Signature and designation of competent authority.

Date:

* State whether the period for which the local authority quarters were given to the occupier of such quarters has expired, or whether the occupier has been transferred from the station which qualified him to occupy such quarters ; or whether the occupier has been transferred from the post which qualified him to occupy such quarters ; or whether the occupier to whom such quarters were originally given has resigned, retired, vacated his post, been discontinued from service or died.

FORM C

Affidavit

I, (state name and designation) do, as required by section 6(2) of the Local Authority Quarters (Recovery of Possession) Law, hereby, solemnly, sincerely and truly affirm and declare/swear—

- (a) that I am a competent authority for the purposes of that Law ;
- (b) that a quit notice (a copy of which is attached to my application for ejectment) was served under that Law on (state name and designation, if any) the occupier of local authority quarters (state address of such quarters) in terms of a resolution No. dated passed by (state local authority) ;
- (c) that the reason for the serving of such quit notice as aforesaid on such occupier was that * ; and
- (d) that such occupier has failed to comply with the provisions of paragraph (b) of section 5 of that Law in respect of such notice relating to such quarters or with the order of the Minister under section 4(3) of that Law (copy of which order is attached to the application for ejectment).

.....
Signature and designation, if any, of person administering the affirmation oath.

Date:

* State whether the period for which the local authority quarters were given to the occupier of such quarters has expired, or whether the occupier has been transferred from the station which qualified him to occupy such quarters ; or whether the occupier has been transferred from the post which qualified him to occupy such quarters ; or whether the occupier to whom such quarters were originally given has resigned, retired, vacated his post, been discontinued from service or died.