

No. 13 of 1898.†

An Ordinance relating to Local Boards of Health and
Improvement.

(As amended by No. 2 of 1901, No. 25 of 1901, No. 13 of 1905,
No. 19 of 1905, No. 14 of 1912, No. 11 of 1913, No. 29 of
1914, No. 27 of 1916, No. 26 of 1919, No. 25 of 1921,
and No. 3 of 1922.)

(See No. 19 of 1915 and No. 32 of 1916, and Section 239,
No. 11 of 1920.)

WHEREAS it is expedient to consolidate and amend the law relating to Local Boards of Health and Improvement in this Island: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: Preamble.

I.—Preliminary.

1 This Ordinance may be cited for all purposes as "The Local Boards' Ordinance, 1898," and shall come into operation on the First day of September, 1898. Short title.

2 There shall be repealed as from the commencement of this Ordinance: Repeal.

(a) The Ordinances specified in the schedule A to this Ordinance; and

(b) So much of any other Ordinance as is inconsistent with this Ordinance.

† Repealed as from the date on which any District Council shall be declared to be constituted under section 20 of No. 11 of 1920.

Re-printed here for reference. See section 239, No. 11 of 1920.—Edd.

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Proviso.

Provided that this repeal shall not affect :

- (a) Anything duly done or suffered under any enactment hereby repealed ; or
- (b) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed ; or
- (c) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed ; or
- (d) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid ; and any such investigation, legal proceeding, and remedy may be carried on as if this Ordinance had not passed.

Where any unrepealed Ordinance incorporates or refers to any provision of any Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provisions of this Ordinance.

Interpretation
clause :" Government
Agent."" Assistant
Government
Agent."" Annual
value."

" Street."

" Board."
[§ 2, 2 of 1901.]

" Bridge."

" Building."
[§ 2, 27 of 1916.]

" Person."

3 In this Ordinance, unless the context otherwise requires :

" Government Agent " shall mean the Government Agent of the province within which a town brought under the operation of this Ordinance is situated.

" Assistant Government Agent " shall mean the Assistant Government Agent of the district within which a town brought under the operation of this Ordinance is situated.

" Annual value " shall mean the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for any house, building, land or tenement if he undertook to pay all public rates and taxes, and if his landlord undertook to bear the cost of repairs and upkeep necessary to maintain it so as to command that rent.

" Street " shall mean any road, street, square, court, alley, or passage, whether a thoroughfare or not, over which the public have a right of way, and also the roadway over any public bridge or causeway within the town.

" Board " used with reference to any town shall mean the Local Board of Health and Improvement constituted under this or any repealed Ordinance.

" Bridge " shall include all bridges, culverts, sluices, dams, and bunds.

" Building " shall include any house, hut, shed, or roofed enclosure, whether used for the purpose of a human habitation or otherwise, and also any wall.

" Person " shall include any association of persons, whether incorporated or not.

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II.—*Creation and Constitution of Local Boards.*

4 It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation to be for that purpose published in the *Government Gazette*, to bring any town or towns under the operation of this Ordinance, and to define the limits of such town or towns respectively for the purposes of this Ordinance, and such Proclamation to amend, alter, or revoke, as and whenever the Governor shall, with like advice, determine.

Governor may bring towns under the operation of this Ordinance by Proclamation.

Provided that no Proclamation shall be necessary to bring under the Operation of this Ordinance any town which has already been brought under the operation of the Ordinance No. 7 of 1876,* in which town this Ordinance shall come into operation on the day in section 1 mentioned.

5 (1) In every town brought under the operation of this Ordinance as aforesaid there shall be a Local Board of Health and Improvement consisting of three official and three unofficial members. The official members shall consist of the Government Agent and two other persons to be appointed by the Governor. Provided, however, that the resident Assistant Government Agent (if any), or (if none) then some person to be appointed in writing by the Government Agent in that behalf, may, whenever so directed by the Government Agent, exercise all the powers conferred and discharge all the duties imposed upon the Government Agent by this Ordinance. All official members appointed by the Governor shall hold office during the Governor's pleasure. The unofficial members shall be elected or appointed as hereinafter provided.

Boards how constituted.

(2) The official members appointed by the Governor under the provisions of the Ordinance No. 7 of 1876,* for any town, shall continue to be the official members of the board of such town during the Governor's pleasure.

(3) The unofficial members elected or appointed for any town under the provisions of the said Ordinance shall continue to be the unofficial members of the board of such town for which they were respectively elected or appointed, and shall cease to hold office when the term of office for which they were respectively elected or appointed shall have expired.

(4) Such official and unofficial members shall be succeeded by the official and unofficial members respectively appointed or elected under this Ordinance.

6 Every male inhabitant of any town brought under the operation of this Ordinance, of the age of twenty-one years and upwards, who is possessed of immovable property situate therein of the value of not less than one thousand rupees, and who does not hold any office of emolument under Government, and who has not been convicted of any infamous crime, shall be eligible as an unofficial member of the board for such town.

Qualification of unofficial members.

* Repealed by this Ordinance.—*Edd.*

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Qualifications of electors.

7 Every occupier of any house within any such town, either as proprietor or tenant, of the annual value or rent of not less than fifty rupees, or who shall be the husband of a wife or the eldest son of a widow, who is the proprietor or tenant of any such house, shall be entitled to vote at any election of unofficial members for the board for such town: Provided that when any such house as aforesaid shall be jointly occupied by more persons than one, as proprietors or tenants, each of such joint occupiers, the annual value of whose share (if a proprietor) amounts to not less than fifty rupees or who (if a tenant) pays fifty rupees or more per annum for his occupation, shall be entitled to vote. If none of such joint occupiers possesses the qualifications entitling him to vote, the joint occupiers may elect among themselves one to vote for all, and if they cannot agree in electing one they shall not be entitled to vote at all. Provided also that no male under the age of twenty-one years shall be entitled to vote, nor any female.

Preparation of lists.

[§ 3, 27 of 1916.]

8 (1) *For the purpose of any general election of members under this Ordinance the Government Agent shall prepare in the English, Sinhalese, and Tamil languages lists of persons qualified to be elected and of persons qualified to vote at such election, and shall on a date not later than three months before the said election exhibit a notice in the said languages at the office of the Local Board, and at such other conspicuous places in the town as the Government Agent may think fit, indicating—*

(a) *That such lists are open to inspection during office hours at the said office ;*

(b) *That at a time and date specified in the notice (not being later than two months before the holding of the said election) he will attend at the said office for the purpose of hearing all claims for insertion of any name in the said lists, and of all objections to any name inserted therein.*

(2) *The Government Agent shall attend at the time and date so indicated and shall decide all such claims and objections in a summary manner, and his decision shall be final and conclusive.*

(3) *No objection shall be entertained unless the objector shall have given seven days' notice in writing of his said objection to the person against the insertion of whose name in the list the objection is to be taken.*

(4) *For the purpose of his decision on any claim or objection under this section the Government Agent may administer an oath or affirmation, and any person knowingly making any false statement upon such oath or affirmation shall be guilty of an offence, and shall be liable to the penalties prescribed for the offence of giving false evidence in a judicial proceeding.*

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(5) Upon the determination of all claims and objections the Government Agent shall revise the said lists accordingly, and shall cause copies of the said lists so revised, certified under his hand, to be exhibited at the office of the Local Board for inspection at all reasonable hours.

(6) A person whose name does not appear in the lists of persons qualified to be elected or to vote so certified shall not be entitled to be elected or to vote, as the case may be, at the said election.

(7) The lists so certified shall remain in force for the purpose of the said general election and any election to fill any vacancy under section 13, until new lists are prepared and certified for the next general election of members.

9 As soon as convenient after the publication of the Proclamation bringing any town under the operation of this Ordinance and in the case of any town already under the operation thereof, at such time as is hereinafter prescribed, the Government Agent shall give public notice of his intention to hold an election of unofficial members of the Board of Health and Improvement for such town, or in the event of a casual vacancy an election of an unofficial member to fill such vacancy. Such notice shall be published in the English, Sinhalese, and Tamil languages not less than one calendar month before the day for holding the election, and shall be exhibited at the office of the Local Board and on such other conspicuous places in the said town as the said Government Agent may think fit with a view to ensuring publicity. Such notice shall state the time and place at which a meeting will be held for the purpose of the election, and the time within which the nomination of candidates must be made.

Notice of
election.
[§ 3, 27 of 1916.]

10 (1) The Government Agent shall preside at the meeting held for the purpose of the election, and shall determine the mode of voting and all questions arising in the course of the proceedings.

Mode of election.
[§ 3, 27 of 1916.]

(2) No person shall be entitled to be a candidate for election at the said meeting unless he shall have been nominated in writing, and unless his nomination shall have been subscribed by at least two persons whose names shall appear in the list of persons entitled to vote, and shall have been delivered at the office of the Local Board not less than ten days before the meeting.

(3) If any question arises as to the identity of any person claiming to be a person whose name is on the list of persons qualified to be elected or to vote at the said election, such question shall be determined by the Government Agent, and for the purpose of his determination he may administer any oath or affirmation, and any person knowingly making a false statement upon such oath or affirmation shall be guilty of an offence, and shall be liable to the penalties prescribed for the offence of giving false evidence in a judicial proceeding.

(4) Every voter shall have the same number of votes as there are members to be elected, but no voter shall be entitled to give more than one vote for any one candidate.

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(5) *In the event of the election being rendered indecisive by reason of an equality of votes, the matter shall be decided by the casting vote of the Government Agent.*

Division of town into divisions, and elections for such divisions.

[§ 3, 27 of 1916.]

10 A (1) *It shall be lawful for the Governor in Executive Council, by Proclamation published in the "Government Gazette," to divide any town brought within the operation of this Ordinance into three divisions, and to define the limits of such divisions.*

(2) *In any such case at any general election one member shall be elected for each division, and for the purposes of such election the preparation of the lists of persons qualified to vote shall (save as is hereinafter provided) take place as though each division were a separate town, and an election for each division shall be held accordingly, and all the relevant provisions of this Ordinance with reference to the election of members and all matters connected therewith shall, with the necessary modifications, apply to every such election.*

(3) *Any person who would be qualified to be elected as a member if such town were not so divided shall be qualified to be elected a member for any division of such town, but a person shall not be qualified to vote at any election for any division, unless the house in respect of which he is so qualified under section 7 of this Ordinance is situated within the limits of such division.*

(4) *No person shall be a candidate for more than one division, and in the event of any person being nominated as a candidate for more than one division, the Government Agent shall, not less than five days before the date fixed for the first election for any of the divisions for which such person is nominated, notify such person that he has been nominated as aforesaid, and call upon him to declare for which division he desires to stand as a candidate; and in default of such declaration being made before the date fixed for such first election, the Government Agent shall himself declare for which division such person shall be considered a candidate.*

(5) *In the event of any casual vacancy occurring under the provisions of section 13 in the office of a member elected for any division, the election for such vacancy shall be held in the manner and subject to the conditions prescribed by this section.*

(6) *The Governor in Executive Council, by Proclamation published in the "Government Gazette," may at any time vary the limits of any division or divisions as defined in pursuance of sub-section (1) hereof, and any such Proclamation shall take effect at the next ensuing general election of members.*

Members of board to be elected biennially.

11 *The members elected under the Ordinance No. 7 of 1876,* and the first members elected under this Ordinance, shall go out of office on the last day of December of the second year from their election, and in place of such members so going out of office a like number of other members to be elected as hereinafter provided shall come into office and*

* Repealed by this Ordinance.—*Edd.*

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remain in office during the next ensuing two years, and at the expiration of such period of two years shall in like manner go out of office and be succeeded by other members for a like term of two years, and so on during the continuance of this Ordinance. Provided that any outgoing members may be re-elected.

Outgoing members may be re-elected.

12 On any day in the said month of December preceding the day on which the elected members go out of office as provided by section 11, a meeting shall be holden for the election of members for the two years next succeeding, reckoned from the first day of January next following the day of such election. Every such election shall be notified and held in the manner, and shall be subject to the rules and regulations, hereinbefore provided in sections 8, 9, and 10, save that fourteen days' notice of election shall be sufficient.

Mode of future elections.

13 Any unofficial member who shall cease to be qualified as required by this Ordinance, or shall be absent from the meetings of the board, of which he is a member, for more than three months at one time, or shall be declared a bankrupt or insolvent, or shall be convicted of any infamous crime, or shall become incapacitated from fulfilling the duties of his office by mental or bodily infirmity or disease, or who shall accept any office of emolument under the board, or become directly or indirectly interested in any contract with the board, shall *ipso facto* vacate his office; and in case any person elected a member shall die or become disqualified or vacate his office in manner aforesaid, or shall resign or refuse to accept the office of a member, or in case of any casual vacancy happening in any other manner whatever in such office, the Chairman shall forthwith call a meeting of electors for the purpose of filling up such vacancy, and the person then elected shall serve until the next general election of members.

How membership vacated.

Mode of filling casual vacancies.

14 If by reason of any failure or neglect, or any other cause whatever, any meeting for the election of members shall not be duly and regularly holden, or if at any such meeting a member shall not be duly elected, then and in every such case the Chairman, as soon as convenient after any such event shall have been notified to him, upon being satisfied that the said election was not duly and regularly holden or any member not duly elected, shall, according to the circumstances of each case, either declare the election void altogether or void as to any particular member or members, and shall by notice of not less than seven nor more than fourteen days call a meeting of electors for the purpose of electing a member, in the same manner as is hereinbefore directed. No objection to any election shall be entertained after the lapse of fourteen days from the holding of the same.

Irregular election to be again holden.

No objection to an election to be entertained after fourteen days.

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On failure of people to elect, Governor may appoint the unofficial members.

Proviso : board to be complete without any such appointment.

Duration of office of unofficial members.

No member to receive any salary or reward for his services.

Government Agent to be *ex-officio* Chairman and Treasurer.

When *ex-officio* Chairman absent members to appoint their own Chairman.

Actions by or against boards not to abate.

Decrees, rates, and taxes made prior to coming into operation of this Ordinance to be enforced.

15 (1) In case the electors shall, after due notice of election has been given as provided by this Ordinance, fail to elect the requisite number of unofficial members, it shall be lawful for the Governor to appoint any person or persons, whether holding any office of emolument under Government or not, to be a member or members in order to make up the number of unofficial members required for the board. Members so appointed shall be deemed to be unofficial members for the purposes of this Ordinance. Provided, however, that in case the electors fail to elect as aforesaid, it shall not be incumbent upon the Governor to appoint any unofficial member or members, but the board shall be complete for all the powers, functions, and purposes of this Ordinance, notwithstanding the non-election or non-appointment of any unofficial members or member.

(2) The unofficial members appointed by the Governor shall cease to hold office on the thirty-first day of December of the year in which a general election of members is held as provided in section 12, provided that such members or any of them may, if necessary, be re-appointed by the Governor.

16 No member of any board shall have or receive any salary, or shall exact, take, or accept any fee or reward whatsoever for or on account of anything done or to be done by him by virtue of this Ordinance, or on any account whatsoever relative to this Ordinance, or shall have any direct or indirect interest in any contract with the board.

17 The Government Agent shall be *ex-officio* Chairman and Treasurer of the board, and shall, when present, preside at every meeting thereof. In his absence the resident Assistant Government Agent (if any), or (if none) then the person appointed by the Government Agent as provided for by section 5, shall preside at the meeting as *ex-officio* Chairman. If the *ex-officio* Chairman is absent at any meeting, the members present shall appoint their own Chairman to preside at such meeting.

18 Every suit, prosecution, appeal, or other proceeding commenced or carried on either by or against any board prior to the coming into operation of this Ordinance, shall continue and take effect in the same manner in all respects as it would have continued and taken effect in relation to such board if this Ordinance had not been passed.

19 All decrees and orders made prior to the coming into operation of this Ordinance, all rates and taxes made, assessed, or imposed under the Ordinance No. 7 of 1876,* and all rents, tolls, or other payments due or to become due under the said Ordinance, and all fines and penalties incurred prior to the coming into operation of this Ordinance, shall be enforced, levied, recovered, and proceeded for, and all

* Repealed by this Ordinance.—*Edd.*

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executive proceedings commenced prior to the coming into operation of this Ordinance shall be continued, proceeded with, and completed, in like manner as if this Ordinance had not been passed.

III.—*Meetings of the Board.*

20 Meetings of the board shall be held for the despatch of business upon such day or days in every month as shall be fixed by any by-law to be made by the board as hereinafter provided. Provided that it shall be lawful for the *ex-officio* Chairman to convene a special meeting whenever he shall consider such desirable; and it shall be incumbent upon him to convene a special meeting whenever so requested in writing by any two or more members of the board. Two days' notice of the day appointed for any such special meeting shall be given to or left at the residence of each member of the board.

Meetings of the board how and when convened.

21 All acts whatsoever authorized or required by virtue of this Ordinance to be done by any board may and shall be decided upon and done by the majority of members present at any duly convened meeting thereof, such members being not less than three in number when the board consists of more than four members, and not less than two in number when the board consists of less than four members, unless when by any of the provisions of this Ordinance one member is expressly empowered to decide upon and do any act, matter, or thing. Provided that when the votes of the members present in regard to any question shall be equally divided, the Chairman shall, besides his vote as a member, have a casting vote.

Powers of board to be vested in the majority.

Quorum.

Chairman to have a casting vote.

IV.—*Actions by and against Boards.*

22 In any suit, action, or legal proceeding which may be brought by or against any board, such board may sue and be sued by the style or description of the Local Board of Health and Improvement of the town for which it is constituted, and no action or suit shall abate by reason of the death, resignation, retirement, or removal of any member. All costs charges, and expenses arising from or in respect of any suit, action, or legal proceeding, which any board may become liable to pay or be chargeable with, shall be paid from the funds of such board; and no member shall become personally liable for the payment thereof. The service of all processes in any legal proceeding against any board shall be made upon the secretary thereof.

Board may sue and be sued.

Costs to be paid out of the funds of the board.

Service of process to be made on the secretary.

V.—*Books and Accounts.*

23 All acts, orders, and proceedings of the board shall be entered in a book to be kept by it for that purpose, and shall be signed by the Chairman for the time being and one of the members then present, and all such acts, orders, and

Minutes of proceedings of board to be entered in a book,

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proceedings shall then be deemed and taken to be original acts, orders, and proceedings, and any copy thereof or extract therefrom shall be admissible in evidence in any court of justice, provided that it purport to be signed and certified as a true copy or extract by the Chairman or Secretary of the board.

Books of accounts to be kept by board, which shall be open to inspection.

24 The board shall from time to time order and direct a book or books to be provided and kept at its office (which shall not, under any pretence whatever, be taken from thence except by process of a competent court), in which shall be entered true and regular accounts of all sums of money received, paid, and expended for or on account of the purposes of this Ordinance, and of the several articles, matters, and things for which sums of money shall have been disbursed and paid; and such book or books shall at all reasonable times be open to the inspection of the board and of every resident householder within the town, without fee or reward; and the board and other persons aforesaid, or any of them, may take copies of or extracts from the said book or books without paying for the same.

Annual accounts to be prepared and deposited with board and an abstract published in the *Government Gazette*.

25 In the month of January in every year a true account of all moneys received and paid by virtue of this Ordinance during the preceding year ending on the thirty-first day of December, and a statement of the assets and liabilities existing at that date, shall be made in writing, and a copy or duplicate of such account and statement, verified on oath before any Justice of the Peace by the Treasurer of the board and certified by one of the members to be correct, shall be deposited with the board, and shall be open to the inspection of any resident householder within the town or any party interested; and an abstract thereof shall be published in the *Government Gazette*, for general information, before the first day of March following.

Annual estimate of revenue and expenditure to be made and deposited with the board, and an abstract published in the *Gazette*.

26 The board shall also, in the month of January in every year, draw out an estimate of the probable revenue and expenditure for the year, showing the several taxes or rates to be levied or assessed during the same, which estimate shall be signed by the Chairman and one of the members and an attested copy thereof deposited in its office, and shall there be open to the inspection of any resident householder or any party interested; and an abstract thereof shall be published in the *Government Gazette* for general information before the thirty-first day of the said month.

Accounts of board to be subject to audit by the Auditor-General.

27 The accounts which each board is required to keep as aforesaid shall be subject to audit by the Auditor-General, who shall have power at all times, by himself or any person appointed by him in writing, to inspect all books and documents of account and to call for the production of all documents or vouchers necessary for the verification of such accounts.

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28 All such moneys as shall have been or shall be levied for the purposes of any board under the authority of any repealed Ordinance, or of this Ordinance, or any Ordinance to be hereafter enacted, or which may be made over at any time *by resolution of the Legislative Council* from the general revenue to any board for the purposes of this Ordinance, and all fines levied and penalties recovered under authority of any repealed Ordinance or of this Ordinance or "The Nuisances Ordinance, 1862," or in promotion of the duties cast upon any board by this or any repealed Ordinance, shall form a local fund, of which the members of such board shall be trustees, and be applied by them to the conservancy and improvement of the town for which such board is constituted, and to the maintenance of the public health therein, and, with the previous sanction in writing of the Governor in Executive Council, to purposes of public recreation, and the payment of the salaries and wages of, and retiring pensions and gratuities to, the officers and servants employed by the board, and gratuities to the children or widows of such servants, the cost of watchmen or other officers, if any, employed by the board in such town in lieu of the police, and all other expenses incurred in and about the carrying out of the provisions of this Ordinance.

Moneys levied and fines imposed under this Ordinance to form local fund, and be vested in members as trustees for benefit of town. [§ 2, 14 of 1912.]

29 The board of any town shall be entitled to take and receive for the local fund the following duties and sums payable under the Ordinances hereinafter cited,* or any other Ordinance or Ordinances to be hereafter enacted for the purposes or instead of the said cited Ordinances respectively or any of them ; (that is to say)

Other constituents of local fund.

(1) All stamp duties payable for or in respect of the licenses of any boats licensed by the Master Attendant of the port of such town (if the town is a seaport), under or by virtue of "The Masters Attendant's Ordinance, 1865" ; all stamp duties payable for or in respect of the licenses of any carts, boats, or coaches registered in the Kachcheri of such town, under or by virtue of "The Carriers' Ordinance, 1865" † ; and all stamp duties payable for or in respect of the licenses of any carriages kept or used within such town, under or by virtue of "The Carriage Ordinance, 1873." †

(2) All the sums paid for fees and stamp duties for licenses issued in respect of the premises within, or to the inhabitants of, such town ‡ ‡ under the Ordinance No. 4 of 1878, § intituled "An Ordinance to amend the law relating to the possession and use of Opium and Bhang," as amended by the Ordinance No. 2 of 1893§ ; under

[‡ ‡ Repealed by No. 29 of 1914, § 2.]

* *Vide* also section 14 of No. 25 of 1901 and section 11 of No. 27 of 1906.—*Edd.*

† Repealed by No. 9 of 1901, itself repealed by No. 4 of 1916.—*Edd.*

§ Repealed by No. 5 of 1899, itself repealed by No. 5 of 1910.—*Edd.*

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Ordinance No. 19 of 1869,* intituled "To make provision relating to the possession and use of Firearms"; under "The Licensing Ordinance, 1891"†; under "The Butchers' Ordinance, 1893"; under "The Sale of Poisons Regulation Ordinance, 1876"‡; under "The Petroleum Ordinance, 1887"; and under "The Explosives Ordinances, 1894 and 1895"§; or under any of the above enactments.

(3) All such sums as shall be paid by the inhabitants of such town as stamp duties for the certificates of advocates and proctors under Ordinance No. 12 of 1848, intituled "An Ordinance for making provision in certain respects touching the admission of Advocates and Proctors; and for the annual registration of practising Proctors"; for certificates of notaries under the Ordinance No. 2 of 1877,|| intituled "An Ordinance to amend and consolidate the Law relating to Notaries"; and for articles of clerkship or contract to serve as clerk for admission as an advocate, proctor, notary, or apothecary under "The Stamp Ordinance, 1890,"¶ or under any of the above enactments.

[§ 2, 3 of 1922.]

(4) *All fines and penalties recovered within such town under "The Housing and Town Improvement Ordinance, No. 19 of 1915."*

Provided that in any town where there is no Kachcheri the board of such town shall be entitled to take and receive for the local fund all stamp duties for or in respect of licenses issued by the Government Agent of the province within which any such town is situate, under or by virtue of "The Carriers' Ordinance, 1865,"* for carts, boats, or coaches kept within such limits as the Governor in Executive Council shall determine.

Authority to levy fees on licenses granted by Local Boards under the provisions of the Ordinance or under by-laws made under the Ordinance.

[§ 3, 29 of 1914.]

29 A *Where any license is granted by a Local Board or the Chairman under the provisions of this Ordinance authorizing the use of any place for any of the purposes described in this Ordinance or any by-law thereunder, the Board may charge a fee for such license, and the rates of the fees to be so charged shall be from time to time determined by the Board, with the sanction of the Governor in Council. Provided—*

(1) *That no such fee shall exceed the sum of one hundred rupees per year; and*

* Repealed by No. 14 of 1906, itself repealed by No. 31 of 1908, itself repealed by No. 33 of 1916.—*Edd.*

† Repealed by No. 8 of 1912.—*Edd.*

‡ Repealed by No. 11 of 1901.—*Edd.*

§ Repealed by No. 8 of 1902.—*Edd.*

|| Repealed by No. 1 of 1907.—*Edd.*

¶ Repealed by No. 22 of 1909.—*Edd.*

** Repealed by No. 9 of 1901, itself repealed by No. 4 of 1916.—*Edd.*

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(2) That no license for any of the purposes mentioned in section 4 of "The Nuisances Ordinance, 1862" shall be given by the Government Agent or the Assistant Government Agent under the said section 4 of the said Ordinance in any town subject to the provisions of this Ordinance.

* VI.—Rates and Taxes.

30 It shall be lawful for each board, and it is hereby authorized, subject to the provisions hereinafter contained, once a year, if it shall think necessary, to impose and levy with the sanction of the Governor and Executive Council,† any rate or rates on the annual value of all houses and buildings of every description and all lands and tenements whatsoever, within the town for which such board is constituted; such rate or rates to endure for any period not exceeding twelve months.

Board may assess rates on property.
[See § 2, 13 of 1905, printed at foot.]

Provided that such rates shall not exceed the sum of five per centum per annum on such annual value, over and above the sum necessary for the maintenance of the police of such town.

Provided also that all buildings appropriated to religious or educational purposes or in charge of military sentries, and all burial and cremation grounds, shall be exempted from the payment of such rates. Provided also that it shall be lawful for the board to exempt from payment on the ground of poverty the owner of any house, land, or building rateable under this Ordinance.

31 (1) In any town in which a police force has been or is hereafter established the valuation of lands, houses, and tenements, which shall have been made or shall hereafter from time to time be made for the purposes of police assessment tax under the Ordinances No. 16 of 1865 and No. 7 of 1866, or any Ordinance or Ordinances hereafter in that behalf to be enacted, shall be taken as the valuation for the purposes of assessment under this Ordinance.

Value of property for police assessment to be adopted for assessment under this Ordinance.

(2) In any town in which a police force has not been or is not established, or from which the police force has been under the Ordinance No. 27 of 1890,‡ or shall be under this Ordinance, withdrawn wholly or in part, the valuation of

Valuation of property for assessment under this

* A mistake in the original for VII.—Edd.

† Whenever in any year—

(2) Any Local Board of Health and Improvement, in imposing and levying the rate on the annual value of property authorized by section 30 of "The Local Boards' Ordinance, 1898"—

Sanction of the Governor in Executive Council not required to certain rates, &c., when re-imposed without alteration.
[§ 2, 13 of 1905.]

makes and assesses, imposes, or levies without alteration the same rate or tax as was in force during the preceding year, the sanction of the Governor in Executive Council shall not be required to the making, assessment, imposition, or levying of such rate or tax. the provisions of the above-named Ordinances or of any other Ordinance to the contrary notwithstanding.—Edd.

‡ Repealed by this Ordinance.—Edd.

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Ordinance in any town in which no police force is established.

houses, buildings, lands, and tenements in which such assessment rate shall be levied shall be made in manner provided in the Ordinances No. 16 of 1865 and No. 7 of 1866, for the purpose of creating a fund for the maintenance of a police force in any town.

The Governor may exempt any town from the police tax and withdraw the police wholly or in part.

32 The Governor, with the advice of the Executive Council, may by Proclamation in the *Government Gazette* exempt the inhabitants of any town from payment of the police tax and order the withdrawal of the whole or any part of the police force therein, and may with the like advice revoke such exemption and order of withdrawal. After such revocation the liability of the inhabitants to pay the police tax shall be revived.

Cost of special police protection chargeable to local fund.

33 If in any town from which the police shall be withdrawn, wholly or in part, special police protection is in the opinion of the Governor requisite on any particular occasion, the Inspector-General of Police may by order of the Governor provide such protection, and the board shall pay from the local fund the entire cost thereof, or such portion as the Governor in Executive Council may consider equitable.

Assessment rate under this Ordinance to be paid and recovered in the same manner as police assessment tax.

34 The rate imposed under section 30 of this Ordinance shall be paid and recovered in the same manner as the police tax is directed to be paid and recovered under the Ordinances No. 16 of 1865, No. 7 of 1866, and No. 6 of 1873, and shall be subject in all respects to the provisions of the said last-mentioned Ordinances relating to the payment and recovery of such police tax. The Government Agent or Assistant Government Agent shall collect and recover such rate and shall pay it over to the board.

Sale of immovable property for non-payment of rates.
[§ 2, 19 of 1905.]

34 A *Provided, however, that the sale of land or immovable property which has been seized for the recovery of rates shall be carried out in accordance with the following provisions, namely :*

(1) *The land or immovable property seized shall be sold by public auction (of which at least fourteen days' notice shall be given in the "Government Gazette" and in at least one local newspaper) by the person authorized to sell the same at any time after the date of seizure, unless in the meantime the amount owing in respect of the rate, together with the lawful costs of seizure and sale, are duly paid ; and the overplus, if any, accruing by such sale, after deducting the amount of such rate and costs, shall be restored to the owner of the property sold.*

Certificate of sale.
[Sec § 112 (2), 3 of 1907.]

(2) *If land or other immovable property be sold under the warrant a certificate under the hand of the Government Agent or Assistant Government Agent in the form in schedule A hereto shall be sufficient to vest the property in the purchaser free from all encumbrances. Such certificate shall be liable to the stamp duty leviable on conveyances of immovable property and to any registration or other charges authorized by law, such duty and charges being payable by the purchaser.*

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Provided, however, that it shall be lawful for a mortgagee of such land or immovable property to pay and discharge the amount of rate or tax and costs due under and by virtue of such warrant, and upon such payment and discharge he shall be entitled to add such amount to the sum due upon his mortgage, and the amount so added shall be secured by the mortgage held by him.

Proviso.

(3) *Whenever land or immovable property is sold under this section it shall be lawful for the Government Agent or the Assistant Government Agent or any person authorized by him in that behalf to bid at the sale for such land or other immovable property, and to purchase the same for and on behalf of the Local Board.*

Local Board may purchase land sold for non-payment of rate or tax due.

(4) *Whenever the Local Board purchases any such land or other immovable property the Local Board shall not be required to pay the whole of the purchase money, but shall be entitled to take credit for the amount due under such warrant as aforesaid, and shall only be required to pay the balance, if any, to the owner or person entitled to the property sold after deducting such amount, and the Government Agent or Assistant Government Agent or person authorized by him is thereby empowered to retain on behalf of the Local Board the amount due under the warrant.*

Local Board may take credit to extent of rate or tax and costs due.

Provided always that in the event of any land or other immovable property sold under this section realizing a less amount than that due to the Local Board, nothing herein contained shall preclude the said Local Board from recovering the balance of any amount which may be due to them after deducting the purchase money realized by the sale of the land or other immovable property.

Proviso.

(5) *Whenever land or other immovable property is purchased by the Local Board under the provisions of this section a certificate under the hand of the Government Agent or Assistant Government Agent in the form B hereto shall vest the property sold absolutely in the Local Board free from all encumbrances; and such certificate shall be received in the courts of justice of this Colony as conclusive evidence of the title of the Local Board to such land or other immovable property. And such certificate shall not be liable to the stamp duty and charges payable under sub-section (2) of this section.*

Form of conveyance to the Local Board.

(6) *It shall be lawful to the Local Board, for valuable consideration, to sell and convey to any person or corporation any land or other immovable property vested in them under the last preceding sub-section.*

Local Board may sell property vested in them.

35 It shall be lawful for any board to impose and enforce an annual tax payable in six days' labour, or in money not exceeding two rupees and fifty cents in commutation of such labour, upon all persons residing within the limits of the town who, if the Ordinance No. 31 of 1884 had not been passed, would have been liable, under the provisions of the Ordinance No. 10 of 1861, to the performance of labour for the maintenance of the roads or other public means of communication by land or by water.

Board empowered to enforce labour commutation.

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Taxes on carriages and animals not plying for hire. [*....*Repealed by No. 25 of 1901.]

36 It shall be lawful for any board, and such board is hereby authorized and empowered, to impose and levy an annual tax on all carriages, carts, hackeries, horses, ponies, mules, bullocks, and asses *.....* kept or used within the town for which such board is constituted, and which are not (as respects carts, carriages, and coaches) the carts, carriages other than hackeries, and coaches referred to in section 29, at the rates not exceeding those specified in the schedule C, and such tax shall be payable at such times as the Chairman of such board shall direct, and shall be recovered in the manner hereinafter mentioned.

Provided that such tax shall not apply to or include the vehicles and animals kept or used by the Governor and his personal staff, gun-carriages or ordnance carts or wagons, artillery and cavalry horses, or horses of the mounted orderlies or police, or the respectively authorized number of horses belonging to military officers doing staff, regimental, or other public duty in such town, or vehicles kept for sale by bona fide dealers in such vehicles.

Tax on vehicles and animals payable half-yearly in advance. Not payable by person in possession for less than thirty days in half-year. Transferee not liable.

37 (1) The tax leviable under section 36 shall be payable half-yearly in advance for each half of the year ; the amount payable for each half-year shall be payable by any person in whose possession or custody or control any vehicle or animal liable to the tax may be found so soon as it has been for sixty days kept or used within such town. But no person shall be liable under this section for any vehicle or animal which has been in his possession for less than thirty days in any half-year.

(2) No person by reason of the transfer of ownership shall be liable to pay the tax for any vehicle or animal on which tax had already been paid for the half-year in which the ownership was transferred.

Tax how recoverable.

(3) If any person liable to pay the tax leviable under section 36 fails to pay the same within seven days after demand, the Chairman shall report such failure to the Police Court, which shall proceed to recover such sum as if it were a fine imposed by that court.

Chairman may compound with livery stable keepers and others.

38 The Chairman may compound, for any period not exceeding one year, with livery stable keepers and other persons keeping or using carriages and horses for hire, for a certain sum to be paid for the horses so kept by such persons in lieu of the tax imposed under section 36.

List of persons liable to be taxed to be entered in a book.

39 The Chairman shall from time to time cause to be prepared and entered in distinct columns in a book to be kept at the Kachcheri or Local Board office, and to be open to the inspection of any person interested therein, a list of the persons liable to the payment of the tax under section 36, a description of the vehicles and animals in respect of which they are liable, and the amount of the tax assessed thereon.

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40 In order to enable the Chairman to make such list, the Chairman or any officer authorized by him shall send to all persons supposed to be liable to the payment of such tax a schedule, to be filled up with such information respecting the vehicles and animals kept by them as the Chairman may judge necessary for the assessment of the tax. The schedule shall be filled up in writing and signed and dated, and returned to the Kachcheri or Local Board office by every person to whom it has been sent, whether or not liable to the payment of such tax; and whoever refuses to accept, or refuses, neglects, or omits duly to fill up and return such schedule within one week from the receipt thereof, or knowingly gives therein any incorrect or false return, shall be liable to a fine not exceeding fifty rupees.

Returns may be required for the purpose of making a list.

41 It shall be lawful for the Chairman or any person appointed by him for that purpose, at any time between sunrise and sunset, to enter and inspect any stable or coach-house or any place wherein he may have reason to believe that there is any vehicle or animal liable to taxation under section 36. And the Chairman may summon any person whom he has reason to believe to be liable to the payment of such tax, or any other person, and may examine any such person as to the number and description of the horses and carriages *.....* in respect of which any person is liable to be taxed.

Power to inspect stables, &c., and to summon persons liable to the payment of the tax.

[*.....* Repealed by No. 25 of 1901.]

42 Whoever, on being summoned under the preceding section fails, without lawful excuse, to appear in pursuance of the summons, and whoever hinders or obstructs the Chairman or any person appointed by him as aforesaid from entering or inspecting or leaving any such stable, coach-house, or place, shall be liable to a fine not exceeding fifty rupees.

Penalty for disobeying summons or hindering the Chairman.

*VII.—*Waterworks.*

43 The board may provide the town with a supply of water, and for that purpose may from time to time, with the approval of the Governor in Executive Council, contract with any person whomsoever, or purchase, take upon lease, hire, or construct and maintain such waterworks, and do and execute all such works, matters, and things as shall be necessary and proper.

Waterworks.

44 (1) To provide for the cost and maintenance of such waterworks it shall be lawful for the board to levy a water-rate on such annual value of all houses, buildings, lands, and tenements within the limits of the town as shall be determined for the purposes of the assessment rate levied under this Ordinance.

Water-rate.

(2) Such water-rate shall be fixed from time to time by the Governor in Executive Council, but shall in no case exceed six per centum on such annual value as aforesaid,

* A mistake in the original for VIII.—*Edd.*

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and shall be collected, recovered, and paid over to the board by the Government Agent in the same manner as the rate imposed under section 30 of this Ordinance.

(3) The Governor in Executive Council may, by notification in the *Government Gazette*, exempt either wholly or partially from the water-rate any premises which, in his opinion, are not sufficiently supplied with water from such waterworks, and may from time to time revoke such exemption.

Ratepayer entitled to water free of charge from public standpipes.

45 (1) Every person paying such water-rate shall be entitled to have free of further charge in respect thereof a supply of water from the public standpipes for the domestic use of himself and his household.

For domestic purposes.

(2) A supply of water for domestic purposes shall not include a supply of water for horses or cattle or for washing vehicles, where such horses, cattle, or vehicles are kept for sale or hire, or a supply for any trade, manufacture, or business, or for fountains or swimming baths, or for any ornamental or mechanical purpose, or for purposes of irrigation.

Contract for private service and for supply of water for other than domestic purposes.

(3) The board may supply water for other than domestic purposes, or allow a private service of water to any house for domestic purposes, in such quantities and upon such terms and conditions as may be agreed upon between them and the persons desirous of being so supplied.

No assessment, valuation, &c., to be impeached for want of form.

46 No assessment or valuation, and no charge or demand of any rate or tax under the authority of this or of the preceding chapter, and no seizure or sale, shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax, or in the description of any property or thing liable to such rate or tax, or any mistake in the amount of assessment or the mode of seizure and sale, provided the directions of this or of the preceding chapter or of any regulation or by-law lawfully made by the board be in substance and effect complied with ; and no proceedings under this Ordinance shall be quashed or set aside in any court of justice for want of form.

The board may borrow on security of rates and taxes.

47 It shall be lawful for the board, with the sanction of the Governor in Executive Council, to borrow from the Ceylon Government or from any person or body of persons, whether incorporated or not, such sum or sums of money as may be necessary for carrying out any waterworks or any work of a permanent character undertaken under the provisions of this Ordinance. Every such loan shall be subject to such rate of interest and to such conditions for the repayment thereof as the Governor in Executive Council may sanction. And for the purpose of securing the repayment of the sum or sums so borrowed, and the interest accruing thereon, the board may mortgage and assign over to the lender or lenders by or on whose behalf such sum or sums or any part thereof may be lent, the rates and taxes imposed

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and levied under this Ordinance, or any portion thereof. Provided that any loans raised under the authority of this Ordinance shall not at any time exceed in the aggregate ten times the fair average annual income received by the board from all rates and taxes for the preceding five years. And where a Local Board has not been in existence for five years, it shall be lawful for the board to raise a loan equal to ten times its income for a year as appraised by it and approved by the Governor in Executive Council.

Proviso.

Provided further that in prescribing conditions for the repayment of the said loan, the Governor in Executive Council may dispense with the requirements provided for in section 50.

[§ 2, 11 of 1913.]

48 Every mortgage of rates or taxes authorized to be made under the provisions of this Ordinance shall be by deed, free from stamp duty, in which the consideration shall be truly stated, and every such deed shall be signed by the Chairman and any two members of the board, and shall be in the form in the schedule B to this Ordinance annexed, or to the like effect.

Mortgages to be by deed.

49 If the board can at any time borrow or take up any sum of money at a lower rate of interest than any securities given by them and then being in force shall bear, they may borrow such sum at such lower rate as aforesaid in order to pay off and discharge the securities bearing such higher rate of interest, and may charge the rates and taxes which they are authorized to mortgage under this Ordinance or any part thereof with payment of such sum and such lower rate of interest, in such manner and subject to such regulations as are hereinbefore contained.

When and how board may pay off securities.

50 In order to discharge the principal money borrowed as aforesaid on security of any rates or taxes, the board shall every year appropriate and set apart out of such rates and taxes respectively a sum equal to at least one-fiftieth part of the sum so borrowed respectively as a sinking fund, to be applied in paying off the respective principal moneys so borrowed, and shall from time to time cause such sinking fund to be invested in the purchase of Imperial, Indian, or Colonial Government securities, to be approved by the Governor in Executive Council, and to be increased by accumulation in the way of compound interest or otherwise, and which interest shall, when it amounts to a sufficient sum, in like manner be invested until the principal sum and interest respectively shall be of sufficient amount to pay off the principal debts respectively to which such sinking fund shall be applicable, or some part thereof which the board shall think ought then to be paid off, when the same shall be so applied in paying off the said principal debts or part thereof in manner hereinafter mentioned.

Sinking fund for payment of debts.

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[§ 3, 11 of 1913.]

Provided, however, that the provisions of this section shall not apply where an order has been made by the Governor in Executive Council under the last proviso to section 47 dispensing with the requirements provided for in this section.

Order of payment of mortgages may in certain cases be decided by lot.

51 Whenever the board shall be enabled to pay off one or more of the mortgages which shall be then payable, and shall not be able to pay off the whole of the same class, they shall decide the order of payment by lot among the class to which such one or more of the mortgages belong, and shall cause a notice signed by the Chairman to be given to the persons entitled to the money to be paid off pursuant to such lot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid together with the interest due thereon at a place to be specified, at the expiration of six months from the date of giving such notice.

*VIII.—*Property vested in Boards.*

Certain lands to be vested in the board.

52 All waste ground or land situate within the town, and all stone, cabook, or gravel quarries, and all lakes and streams not being private property therein situate, which have been or may be handed over to the board with the sanction of the Governor (and of which handing over a record in writing shall be made, signed by the persons authorized to hand the same over and by the Chairman of the said board), and all right, title, and interest in such ground, land, and quarries, and in such lakes and streams, shall be and the same are hereby vested in the said board, to be administered and the revenue thereof employed and made use of for the benefit of the town and for the purposes of this Ordinance. Provided that nothing in this section contained shall be deemed to affect or prejudice any right or title of the Crown to any such land or quarries, or to any such lakes and streams which Her Majesty may at any time resume or dispose of for public purposes. Provided also that nothing herein contained shall affect or be construed to affect any right or title which Her Majesty's Board of Ordnance has or may have in the property hereinbefore mentioned or in any part thereof.

Proviso.

Further proviso.

Other property vested in board.

53 The property of and in all the lamps, lamp-irons, lamp-posts, sluices, dams, pipes, posts, chains, pales, and rails in, about, or belonging to the streets and places within the limits of the town, and of and in all iron, timber, stone, bricks, and other materials and furniture and things belonging thereto (except when the same shall be otherwise regulated by contract with the board), shall be and the same is hereby vested in the board, and may be used, sold, and disposed of by it from time to time as it shall deem necessary; and the money arising from such sale shall be applied towards the purposes of this Ordinance.

* A mistake in the original for IX.—*Edd.*

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54 All public streets and bridges and public markets, and the lands used as such within each town brought under the operation of this Ordinance (except such streets and bridges as shall be specially exempted by the Governor, with the advice of the Executive Council, by Proclamation to be for that purpose from time to time issued), and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets, shall be vested in the board of such town for the purposes of this Ordinance.

Public streets and bridges to be vested in board.

** IX.—Powers, Duties, and Functions of Boards.*

55 From and after the time when this Ordinance shall come into operation in any town, all the powers, duties, and authorities vested or expressed to be vested in the Board of Health by "The Nuisances Ordinance, 1862," and the Ordinance No. 8 of 1866, intituled "An Ordinance to prevent the spread of Contagious Diseases in this Island," or either of them, or by any by-law made in pursuance or by authority of those Ordinances or either of them, shall, so far as respects such town, be transferred to and become vested in and be exercised by the board of such town.

Powers given to Boards of Health under Ordinances No. 15 of 1862 and No. 8 of 1866 to be vested in these boards.

56 In addition to the power of enacting by-laws expressed to be conferred upon the Board of Health by the 5th section of "The Nuisances Ordinance, 1862," and now vested in the board, it shall be lawful for every board from time to time to make such by-laws not inconsistent with the provisions of this Ordinance as it may deem expedient for any of the following purposes :

Power to make by-laws.

- (1) For regulating the time and place of its own meetings and the order to be observed thereat ;
- (2) For making, repairing, cleaning, watering, and lighting the streets, roads, canals, and bridges of the town ;
- (2A) *For regulating traffic in streets and thoroughfares, including the limitation of the weight and speed of vehicles, and the prevention or restriction of the use of vehicles upon any bridge, road, or street, or in any place where such use may be attended with danger to the public, or may be likely to damage such bridge, road, or street.*
- (3) For regulating weights and measures ;
- (4) For the assize of bread ;
- (5) For the establishment and regulation of its own markets and levy of rents and fees therein, and for supervision and control of private markets, bakeries, *eating houses, tea and coffee boutiques, butchers' stalls, fish stalls, cattle gals, dairies, laundries, washing places, common lodging houses, and latrines ;*
- (6) For the establishment and regulation of slaughter-houses, whether its own or of private persons ;

[§ 4, 27 of 1916.]

[§ 5, 27 of 1916.]

* A mistake in the original for X.—*Edd.*

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[§ 2, 25 of 1921.]

- (7) *The regulation, supervision, inspection, and control of trades deemed to be offensive or dangerous by the Board ;*
- (8) *The seizure, forfeiture, removal, and destruction of unwholesome articles of food or drink, and the prevention of the sale or exposure for sale thereof ;*
- (9) For the suppression of cruelty to animals ;
- (10) For regulating the mode and times of fishing ;
- (11) For taking care of waste or public lands ;
- (12) For the putting up and preservation of boundaries and fences of lands, whether public or private ;
- (13) For the setting apart and regulation of bathing places ;
- (14) For the destruction of dogs.
- (15) For—

- (a) Determining the amount to be paid in commutation of the labour due under section 35 of this Ordinance, and for enforcing the recovery of such commutation ;
- (b) Calling out and compelling the performance of such labour ;
- (c) Enforcing in case of default the performance of increased or double labour, or the payment of increased or double commutation, and costs ; and
- (d) Recovering all other taxes payable under this Ordinance.

Provided that such increased or double labour as aforesaid shall not exceed in the aggregate twelve days' labour, and such increased or double commutation in lieu of the same, exclusive of costs, shall not exceed five rupees from any person in one year.

Provided further, that until such by-laws are made by any board under (a), (b), and (c) of this sub-section, the provisions of the Ordinance No. 10 of 1861 and of the Ordinance No. 31 of 1884 shall, so far as the same may be made applicable, be acted upon and deemed of force as if the same were inserted herein, and that all the powers and authorities vested under the said Ordinances in the Chairman of any District or Provincial Road Committee shall, so far as respects any town, be vested in and exercised by the Chairman of the Board of such town, and all powers vested or expressed to be vested in division officers by the said Ordinance shall be vested in such persons as may be appointed by the board in this behalf.

[§ 6, 27 of 1916.]

- (16) *For fixing and levying charges for the occupation of pounds for stray cattle and pigs, and the cost of the keep of the animals impounded.*
- (17) For regulating the dimensions and securing the proper ventilation, draining, scavenging, and sanitary condition of huts and houses to be constructed ;

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- (18) For levying fees for and regulating the grazing of cattle on waste and other lands not being private property ;
- (19) For protecting fish, game, and wild birds, and for regulating the use of firearms within the town ;
- (20) For preventing waste, misuse, undue consumption, or contamination of the water supplied by the board, and for the preservation and maintenance of the waterworks.
- (20A) (i.) *For the prohibition of cesspools and the establishment and regulation of closets on the dry-earth system.* [§ 4, 29 of 1914.]
- (ii.) *For the removal and disposal of night soil.*
- (iii.) *For the charging and recovering fees from owners or occupiers for such removal and disposal when carried out by the Board or by any contractor on behalf of the Board.* *New Provision Vide Ord. No. 12 of 1926.*
- (20B) *For regulating the keeping and slaughtering of pigs, the sale of pork, and the seizure, impounding, and sale of stray pigs.* [§ 7, 27 of 1916.]
- (21) For every other purpose which may be necessary or expedient for the due conservancy of the town, the preservation of the public health therein, and the promotion of the comfort and convenience of the people thereof.

57 *Every board may from time to time alter, amend, or repeal any by-law or all such by-laws and substitute another or others therefor not inconsistent with the provisions of this Ordinance. No by-law or alteration, amendment, or repeal of or substitution for any by-law shall have effect until the same is confirmed by the Governor, with the advice of the Executive Council. Such by-laws, when so confirmed and published in the "Government Gazette" in the English, Sinhalese, and Tamil languages, respectively, shall be as valid and effectual as if they had been herein enacted.*

Power to alter, amend, or cancel by-laws.

[§ 3, 2 of 1901.]

58 *Until by-laws are made by the board of any town under sections 56 and 57, and so far as such by-laws do not extend to modify or alter the by-laws contained in schedule D, the by-laws contained in that schedule shall be deemed to be and be the by-laws enacted by such board for the purpose of this Ordinance, and shall be in force in such town.*

By-laws in schedule D to be in force unless superseded.

[§ 4, 2 of 1901.]

59 It shall be lawful for the board of any town to appoint a secretary and such other officers or servants as may be necessary for carrying out the purposes of this Ordinance, and to pay such secretary, officers, and servants out of the local fund such salary or wages as to such board may seem fit ; and all officers and servants appointed under the Ordinance No. 7 of 1876* shall continue to be the officers and servants of such board as though they had been appointed under this Ordinance.

Board may appoint secretary and other officers.

* Repealed by this Ordinance.—*Edd.*

Boards of Health and Improvement.

Power of the board to improve streets ;

60 It shall be lawful for the board, with the sanction of the Governor and Executive Council, to do any of the things following :

to purchase and sell, lease, or exchange lands.
[§ 8, 27 of 1916.]

- (1) To build and construct bridges and tunnels, and to turn, divert, discontinue, stop up, widen, open, enlarge, or otherwise improve any street, making due compensation out of the local fund to the owners or occupiers of any property required for such purposes, or injured by the carrying out thereof ;
- (2) To purchase or take on lease land or buildings for the purposes of town improvement and for any of the purposes of this Ordinance and pay for the same out of the local fund, and sell, lease, or exchange the same or any other property vested in the board.

If necessary land may be acquired under the law for the acquisition of land for public purposes.

61 When there is any hindrance to the acquisition by purchase of any land or building required for the purpose of this Ordinance, the Governor, upon the application of the board, and after such inquiry as may be thought proper, may declare that the land or building is needed for a public purpose, and may order proceedings for obtaining possession of the same for Government, and for determining the compensation to be paid to the parties interested, according to any laws now or hereafter to be in force for the acquisition of private land for public purposes ; and the Governor may vest such land or building in the board on its paying the compensation awarded.

Power to take land adjoining new street for building purposes.
[§ 3, 3 of 1922.]

61 A In laying out or constructing any new street or thoroughfare, or in turning, diverting, widening, opening, enlarging, or otherwise improving any such street or thoroughfare, the board may, with the sanction of the Governor in Executive Council, in addition to the land required for the purposes of the carriageways and footways thereof, also purchase the land necessary for houses and buildings to form the said street or thoroughfare, and may, with the like sanction, sell, lease, or otherwise dispose of the same, subject to such stipulations and conditions as to the class and description of houses or buildings to be erected thereon as they shall think fit.

Other powers of the board.

62 It shall be lawful for the board, in addition to any other powers vested in it, to do any of the things following :

- (1) To water the streets ;
- (2) To remove encroachments and obstructions in or upon any street ;
- (3) To paint up the names of streets and the numbers of houses or tenements on any private property ;
- (4) To shut up and secure deserted houses ;
- (5) To provide and maintain common latrines ;
- (6) To construct wells and provide bathing places ;
- (7) To erect lamps and light the town or any part thereof ;
- (8) To make and repair main and other drains or sewers ;
- (9) To establish pounds for stray cattle ;
- (10) To erect buildings for the purposes of this Ordinance,

and to let the same.
(11) To supply electric energy for lighting and other purposes.

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63 *It shall be the duty of the board to abate all nuisances in the town, to cleanse and keep and maintain in proper cleanliness, order, and repair all public streets and bridges (except such as shall be exempted by the Governor under section (54) and all public wells and tanks within the limits of the town.*

Duties of board to abate nuisances and cleanse and keep in repair streets, &c. [§ 5, 2 of 1901.]

64 It shall be lawful for the board to grant permission for any religious or public procession or the performance of any music in the streets of the town, and to regulate and restrict such processions and music in such manner as the board shall think fit, regard being had to the comfort and convenience of the inhabitants.

Board may regulate processions and music in the streets.

65 All powers, duties, and responsibilities vested or expressed to be vested in Provincial and District Committees respectively, or in the Chairman or secretary thereof, under or by virtue of "The Road Ordinance, 1861," or the Ordinance No. 31 of 1884, shall be vested in the board, within and so far as relates to any town brought under the operation of this Ordinance and the inhabitants thereof, except so far as such powers, duties, and responsibilities are inconsistent with any of the provisions of this Ordinance.

Powers of Provincial and District Committees vested in board.

66 It shall not be lawful for any person to erect any building or block of buildings, or to add to any building or block or buildings already existing when this Ordinance comes into operation, without fourteen days' previous notice to the board; and the board may require the person giving such notice to furnish a plan of the building if deemed necessary, and may give written directions, not inconsistent with this Ordinance and with any by-laws made thereunder, either prohibiting the erection or addition to such building if deemed likely to cause public inconvenience or to injure the health of the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely:

Erection of new buildings to be under the control of the board.

- (1) Space to be left about the building or block of buildings to secure free circulation of air and to facilitate scavenging;
- (2) Dimensions of doors and windows, level of the floor, height of the roof, general ventilation, and drainage;
- (3) Number and nature of latrines;
- (4) Foundation and stability of structure; and
- (5) The line of frontage and, where the building abuts on or is within thirty feet of a public street, the front elevation.

Provided that the board shall make full compensation to the owner for any damage he may sustain in consequence of the unconditional prohibition of the erection of, or the addition to, any building or block of buildings.

67 If any such buildings be built without such notice to the board or otherwise than as required by the board, the board may give notice to the builder or builders thereof to take down and remove the same within one month, and if such

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buildings be not taken down or removed according to such notice, the board may cause the same to be taken down and removed, and the expenses incurred in doing so shall be paid by the said builder or builders and shall be recoverable as hereinafter provided.

Houses or huts not to be built or roofed with cadjan without permission.

68 It shall not be lawful for any person to erect or construct any house, hut, shed, or other building, whether to be used as dwellings or stables or for any other purpose, having its external roof or walls made of grass, leaves, mats, or other such inflammable material, without first obtaining the permission of the Chairman; and if any such house, hut, shed, or other building be built without such permission the Chairman shall give notice to the owner thereof, or of the ground upon which the same is erected or constructed, or is being erected or constructed, by affixing a notice to some conspicuous part of such house, hut, shed, or other building, to take down and remove the same forthwith or within such time as the Chairman may direct. If such house, hut, shed, or other building be not taken down and removed forthwith, or within the time fixed by such notice, the Chairman shall cause the same to be taken down and removed, and the expenses incurred in doing so shall be paid by the owner thereof, or of the ground upon which the same is built, and shall be recoverable as hereinafter provided.

Power of the board as to existing buildings.

69 Whenever the board is satisfied that any building or block of buildings, whether existing at the time when this Ordinance comes into operation or subsequently erected, is by reason of the occurrence of an epidemic, or of the manner in which such buildings are crowded together, or of the want of drainage and the impracticability of scavenging, attended with risk of disease to the inhabitants or the neighbourhood, the board shall give notice to the owners or occupiers thereof, or, at its option, the owner of the land on which such buildings are constructed, within such reasonable time as may be fixed by the board for that purpose, to execute such operations, including alteration of such buildings, as the board may deem necessary for the avoidance of such risk. And in case such owner or occupier shall refuse or neglect to execute such operations within the time appointed, any officer appointed by the board in that behalf may cause the said buildings to be taken down or such operations to be performed in respect thereof as the board may deem necessary to prevent such risk. If such buildings be pulled down, the said officer shall cause the materials of each building to be sold separately, if such sale can be effected, and the proceeds shall be paid to the owner of the building, or if the owner be unknown, or the title disputed, shall be held in deposit by the Treasurer, until the person interested therein shall obtain the order of a competent court for the payment of the same. Provided always that in case any building or block of buildings existing at the time when this Ordinance comes into operation should be pulled down under this section

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by order of the board, or in pursuance of its notice, compensation shall further be made to the owner thereof, and the amount thereof in case of dispute shall be ascertained and determined as hereinafter provided.

70 When any house or building, any part of which projects beyond the regular line of a street or beyond the front of the house or building on either side thereof, has either entirely or in greater part been taken down, burned down, or has fallen down, the Chairman may require the same, when being rebuilt, to be set back to or towards the line of the street or the line of the adjoining houses or buildings, and the portion of land added to the street by so setting back the house or building shall thenceforth be deemed part of the street. Provided always that the board shall be liable to pay full compensation to the owner of any such house or building for any damage he may thereby sustain.

Projecting houses when taken down to be set back.

71 If any house, building, or wall, or anything affixed thereon, be deemed by the board to be in a ruinous state, whether dangerous or not, or likely to fall, it shall immediately, if it appears to be necessary, cause a proper hoarding or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner or occupier forthwith to take down, secure, or repair such house, building, wall, or thing affixed thereon, as the case shall require, and if such owner or occupier do not begin to repair, take down, or secure the same within three days after such notice, and complete such work with due diligence, the board shall cause all or so much of such house, building, wall, or thing as it shall think necessary to be taken down repaired, or otherwise secured; and all the expenses incurred by the board shall be paid by the owner or occupier of the premises, and shall be recoverable as hereinafter provided.

Houses in a ruinous and dangerous state.

72 If any such house, building, or wall, or any part of the same, be pulled down by virtue of the powers aforesaid, the board may sell the materials thereof, or so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall, on demand, restore any overplus arising from such sale to the owner of such houses, building, or wall. Provided always that, in case no demand for such overplus as aforesaid shall within twelve months be made by any person entitled to call for the same, the board shall be at liberty to pay the amount of such overplus to the credit of the local fund, and shall be freed from any liability to pay or answer for or in respect of such unclaimed overplus. The board, although it sells such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as by this Ordinance are given to it for compelling the payment of the whole of the said expenses.

Sale of materials of ruinous houses.

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Overcrowding
of houses.

73 Whenever it shall appear to the board that any house is so overcrowded as to be dangerous or prejudicial to the health of the inhabitants thereof, or of the neighbourhood, and the inhabitants shall consist of more than one family, the board shall cause proceedings to be taken before the Police Court to abate such overcrowding, and the said court shall thereupon make such order as it may think fit; and each of the persons permitting such overcrowding shall be liable to a penalty not exceeding ten rupees for each day after the date of such order during which such overcrowding shall continue.

Power of board
to inspect and
linewash
houses.

74 It shall be lawful for the board at any time between sunrise and sunset by any of its officers (on giving six hours' notice) to enter into and inspect all houses and buildings, and by an order in writing to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleaned for sanitary reasons; and if the owner or occupier of such house or building neglect to comply with such direction within two days from the time when the order shall have been served upon him, the board may cause the same to be done, and the expenses incurred shall be paid by the owner or occupier, and shall be recoverable as hereinafter provided.

Penalty for
making
unauthorized
drains into
public sewers.

75 Whoever, without the written consent of the board first obtained, makes or causes to be made any drain into any of the public sewers or drains, shall be liable to a penalty not exceeding fifty rupees, and the board may cause such drain to be demolished, altered, re-made, or otherwise dealt with as it may think fit; and all the expenses incurred thereby shall be paid by the person making such drain and shall be recoverable as hereinafter provided.

Building over
sewers, &c., not
to be erected
without consent
of board.

76 No building shall be newly erected over any public sewer, drain, culvert, gutter, or water-course without the written consent of the board; and if any building be so erected, the board may cause the same to be pulled down or otherwise dealt with as it may think fit; and the expenses thereby incurred shall be paid by the person offending, and be recoverable as hereinafter provided.

Board may
order or cause
additional
latrines to
be constructed.

77 In case the board shall be of opinion that any latrine or latrines or additional latrine or latrines shall be necessary to be attached to or provided for any house or building or land, the owner of such house or building or land shall within fourteen days after notice in this behalf by the board cause such latrine or latrines to be constructed in accordance with the requisition of such notice, and in case the requisitions of such notice shall not have been complied with to the satisfaction of the board by such owner within the period aforesaid, the board shall be at liberty to cause such latrine or latrines to be constructed, and the expense incurred in such construction shall be payable by such owner, and shall be recoverable as hereinafter provided.

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78 It shall be lawful for the board to compel any person employing large bodies of workmen or labourers to provide and maintain such latrine or latrines as may to it seem fit, and to cause the same to be kept in proper order and to be daily cleaned. And should such person neglect to provide and maintain such latrine or latrines, or to keep the same clean and in proper order, the board may construct and cause such latrine or latrines to be kept in good order and cleaned, and the expense incurred by the board in respect thereof shall be paid by the person aforesaid, and shall be recoverable as hereinafter provided.

Board may cause persons employing large numbers of men to provide and maintain latrine or latrines, &c.

79 The owner or occupier of any house or building or land having a latrine on his premises shall have such latrine shut out by a sufficient roof and wall or fence from the view of persons passing by or residing in the neighbourhood, and it shall not be lawful for any owner or occupier to keep any latrine open with a door or trap-door opening on to any street. Every owner or occupier who shall omit to comply with, or shall commit any breach of, any of the provisions of this section, shall be liable to a fine of five rupees a day for each day of default or breach. Provided that the board may, in its discretion, permit the continuance for such time as it may think fit of any such latrine open or with a door or trap-door opening on to any street, where such latrine already exists and does not create a nuisance.

Neglecting to enclose private latrine.

Proviso.

80 All drains, latrines, and cesspools within the town shall be under the survey and the control of the board, and shall be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued; and if the owner of any land or buildings to which any such drain, latrine, or cesspool belongs neglect, during eight days after notice in writing for that purpose, to alter, repair, and put the same in good order in the manner required by the board, the board may cause such drain or latrine or cesspool to be altered, repaired, and put in good order in the manner required; and the expense incurred by the board in respect thereof shall be paid by the owner, and shall be recoverable as hereinafter provided.

If owners neglect to keep drains, &c., in good order, board may cause the same to be done and charge the owner with the expenses.

81 If any drain or latrine or cesspool be constructed after this Ordinance comes into operation, contrary to the direction and regulations of the board, or contrary to the provisions of this Ordinance, or if any person, without the consent of the board, construct any new drain or latrine or cesspool, or construct, rebuild, or unstop any drain or latrine or cesspool which has been ordered by the board to be demolished or stopped up, or not to be made, every person so doing shall be liable to a fine not exceeding fifty rupees, and the board may cause such amendment or alteration to be made in any such drain or latrine or cesspool as it may think fit, and the expenses thereof shall be paid by the person

Penalty for persons making or altering drains, &c., contrary to the orders of the board.

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by whom such drain or latrine or cesspool was improperly constructed, rebuilt, or unstopped, and shall be recoverable from him as hereinafter provided.

Inspection of
drains and
latrines.

82 The board or any officer appointed by it for that purpose may, subject to the restrictions of this Ordinance, inspect any such drain or latrine or cesspool, and for that purpose at any time may enter upon any lands and buildings, with such assistants and workmen as are necessary, and cause the ground to be opened, where such board or officer may think fit, doing as little damage as may be ; and if upon such inspection it appears that the drain or latrine or cesspool is not in good order and condition, or that it has been constructed after this Ordinance comes into operation contrary to the regulations and directions of the board, the expenses of such inspection shall be paid by the person to whom such drain or latrine or cesspool may belong, and shall be recoverable as hereinafter provided ; but if such drain or latrine or cesspool be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Ordinance, the board or officer as aforesaid shall cause the ground to be closed and made good, as soon as may be, and the expenses of the opening, closing, and making good such drain or latrine or cesspool shall in that case be defrayed by the board.

Power to fill up
unwholesome
tanks on private
premises.

83 When any private tank or low marshy ground or any waste or stagnant water, being in any private land, appears to the board to be injurious to health or to be offensive to the neighbourhood, the board shall, by notice in writing, require the owner of the said premises to cleanse or fill up such tank or marshy ground, or to drain off or remove such stagnant water ; and if the said owner shall refuse or neglect to comply with such requisition during seven days from the service thereof, the board or its officers and workmen may enter into the said premises and do all necessary acts for all or any of the purposes aforesaid, and the expense incurred thereby shall be paid by the owner of such premises, and shall be recoverable as hereinafter provided.

Place of deposit
for filth.

Proviso.

84 The board from time to time shall provide places convenient for the deposit of the night soil, dung, and other filth, and the dust, dirt, ashes, and rubbish collected and removed under the authority of this Ordinance, and for keeping all cattle, carts, implements, and other things required for the above or any of the purposes of this Ordinance. Provided that no such dust, dirt, ashes, rubbish, night soil, dung, and other filth collected and removed under the authority of this Ordinance shall be deposited in the neighbourhood of human habitations or in any place so as to cause a nuisance.

All rubbish, &c.,
collected to be the
property of board.

85 All dirt, dust, ashes, rubbish, sewage, soil, dung, and filth collected from streets, houses, latrines, sewers, and cesspools shall be the property of the board, and the board

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shall have power to sell or dispose of the same as it may think proper; and the money arising from the sale thereof shall be paid to the credit of the local fund.

86 It shall be lawful for the board, or any officer appointed by it for that purpose, to cut and remove and place upon any ground adjacent or near thereto, all trees, bushes, or shrubs, and all leaves, or branches or roots of trees that shall grow in or overhang any thoroughfare or cause any obstruction therein, and for that purpose to enter upon any land or premises with such persons, animals, and implements as may be necessary, and to proceed to do therein all such things as may be necessary for the cutting, lopping, or removing of such trees, bushes, shrubs, leaves, branches, or roots.

Power to cut overhanging trees.

**X.—Miscellaneous.*

87 The Governor in Executive Council may, if it shall appear expedient to him, from time to time prescribe rules for the grant of retiring pensions or gratuities to officers and servants appointed under this Ordinance, or gratuities to the children or widows of such servants.

Governor may make rules for grants of pensions, &c.

The local board shall, subject to such rules, pay such pensions and gratuities out of the local fund.

88 It shall be lawful for any board from time to time to enter into any contract with any person for any work to be done or materials to be furnished for carrying out any of the purposes of this Ordinance. Such contracts shall be signed by the Chairman and one or more of the members and by the other party contracting; but no contract above the value of five hundred rupees shall be entered into unless fourteen days' notice be previously given in one or more of the public newspapers published in this Island calling for tenders for the execution of such work or the supply of such materials. Provided always that it shall not be compulsory on the board to accept the lowest or any tender.

Board may enter into contracts.

89 In the event of any special work of local improvement being undertaken by any board, which shall be estimated to cost more than one hundred rupees, the Governor may, with the advice of the Executive Council, contribute from the general revenue such proportion of the cost thereof as he may think fit.

Governor may contribute any portion of the cost of any special work estimated at more than one hundred rupees.

90 When any notice is required by this Ordinance to be given to the owner or occupier of any house, building, or land, such notice, addressed to the owner or occupier, as the case may require, may be served on the occupier of such house, building, or land, or left with some adult member or servant of his family, or, if the notice cannot be so served, or if there be no occupier, may be put up on some conspicuous part of such house, building, or land, and it shall not be necessary in any such notice to name the occupier or the owner. Provided always that when the owner and his

Service of notice on owners and occupiers of buildings and lands.

Proviso.

* A mistake in the original for X1.—*Edd.*

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residence are known to the board, it shall be its duty, if such owner be residing within the town, to cause every such notice to be given to the owner ; and if he be not resident within the town, it shall send every such notice by the post addressed to his residence.

Board in default of owner or occupier may execute works and recover expenses.

[§ 2, 26 of 1919.]

91 Whenever under the provisions of this Ordinance or any by-law made thereunder any work is required to be executed by the owner or occupier of any house, building, or land, and default is made in the execution of such work, the board, whether any penalty is or is not provided for such default, may cause such work to be executed, and the expenses thereby incurred shall be paid by the person by whom such work ought to have been executed, and shall be recoverable as hereinafter provided.

Power to levy charges on occupier, who may deduct the same from his rent.

92 If the defaulter be the owner of the house, building, or land, the board may, by way of additional remedy, whether an action or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or at any time thereafter occupies the house, building, or land under such owner ; and in default of payment thereof by such occupier on demand, the same shall be levied by distress of the goods and chattels of such occupier ; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as is so paid by or recovered from such occupier in respect of any such expenses, and to retain possession until such expenses shall be fully reimbursed to him.

Occupiers not to be liable to more than the amount of rent due.

93 No occupier of any house, building, or land shall be liable to pay more money in respect of any expenses charged by this Ordinance on the owner thereof than the amount of rent due from him for the premises in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord has accrued and become payable by him, unless he neglect or refuse, upon application made to him for that purpose by the board, truly to disclose the amount of his rent and the address of the person to whom such rent is payable ; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall be upon such occupier. Provided further that nothing herein contained shall be taken to affect any special contract made between any owner and occupier respecting the payment of the expense of any such works as aforesaid.

Proviso.

Occupier, in default of owner, may execute works and deduct expenses from his rent.

94 Whenever default is made by the owner of any house, building, or land in the execution of any work required to be executed by him, the occupier of such house, building, or land may, with the approval of the board, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the

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rent from time to time becoming due from him to such owner. The owner shall not be entitled to eject the occupier until such expense shall have been fully paid or deducted as aforesaid.

95 If the occupier of any house, building, or land prevent the owner thereof from carrying into effect, in respect of such house, building, or land, any of the provisions of this Ordinance after notice of his intention so to do has been given by the owner to such occupier, the board, upon proof thereof and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works with respect to such buildings or land as may be necessary for carrying into effect the provisions of this Ordinance, and may also, if it think fit, order the occupier to pay to the owner the costs relating to such application or order, and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such works, such occupier shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding fifty rupees, and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Proceedings if an occupier opposes the execution of the Ordinance.

96 If neither the owner nor the occupier be able to pay the expenses incurred by the board, the same shall be a charge upon the house, building, or land in respect of which the expenses were incurred, and payable as a debt due to the board.

Remedy if neither the owner nor occupier be able to pay.

97 Whenever under the provisions of this Ordinance the board or others acting under their orders or authority, or having themselves authority under this Ordinance, shall have occasion to enter into any house for purpose of inspection or for the purpose of performing or executing any duty or power vested in them under this Ordinance, they shall be empowered to do so.

Right of entry in houses.

98 The board may direct any prosecution for any nuisance whatsoever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Ordinance, and may order the expenses of such prosecution or other proceedings to be paid out of the local fund.

Board may direct prosecution.

99 No action shall be instituted against the board or members or any of the officers of the board or any person acting under the direction of the board for anything done or intended to be done under the powers of this Ordinance until the expiration of one month next after notice in writing shall have been given to the board or to the defendant, stating with reasonable certainty the cause of such action and the name and the place of abode of the intended plaintiff and of his proctor or agent, if any, in the cause; and upon the trial of any such action the plaintiff shall not be permitted to go

No action to be instituted against board until after one month's notice nor after three months after cause of action.

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into evidence of any cause of action except such as is stated in the notice so delivered, and unless such notice be proved the court shall find for the defendant ; and every such action shall be commenced within three months next after the accrual of the cause of action and not afterwards ; and if any person, to whom such notice of action is given, shall before action brought tender sufficient amends to the plaintiff, such plaintiff shall not recover in any such action when brought, and the defendant shall be entitled to be paid his costs by the plaintiff ; and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the court where such action shall be pending, at any time before issue joined, to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

Board may make compensation out of local fund.

100 The board may make compensation out of the local fund to all persons sustaining any damage by reason of the exercise of any of the powers vested in the board, its officers, or servants, under and by virtue of this Ordinance.

Compensation, damages, and costs to be determined by court.

101 Except as herein otherwise provided, in all cases when compensation, damages, costs, or expenses are by this Ordinance directed to be paid, the amount and, if necessary, the apportionment of the same in case of dispute, may be summarily ascertained and determined by any court having jurisdiction in the matter.

Recovery of damages.

102 If the amount of compensation, damages, costs, or expenses be not paid by the party liable to pay the same within seven days after demand, such amount may be reported to such court, and recovered in the same way as if it were a fine imposed by such court.

No person liable to fine or penalty unless complaint be made one month after the offence is committed.

103 No person shall be liable to any fine or penalty under this Ordinance, unless the complaint shall have been made before a competent court within one month next after the commission of the offence.

Damage to property of board to be made good in addition to penalty.

104 If through any act, neglect, or default, on account whereof any person shall have incurred any penalty imposed by this Ordinance, any damage to the property of the board shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty, and the amount of such damage shall, in case of dispute, be determined by the court by which the party incurring such penalty shall have been convicted, and the amount of such damage shall be recovered as if it were a fine imposed by the court.

Recovery of expenses on account of improvement to private property.

105 When the board shall have incurred any expense in executing any of the works which under this Ordinance the owner of any houses, buildings, or lands is required to execute, the board may either recover the amount of such expenses in the manner hereinbefore provided, or, if it think fit, may

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take engagements from the said owners for the payment by instalments of such sums as will be sufficient to defray the whole amount of the said expenses, with interest thereon at the rate of nine per centum per annum, within a period not exceeding five years, and such sums when due may be recovered by the same process by which rates payable under this Ordinance may be recovered.

106 All acts and notices which the board or members are empowered to do or give by this or any other Ordinance may be done and given by the secretary of the board or by any other of its officers, he or they being authorized thereunto by the board.

Acts and notices may be done and given by secretary or any other officer authorized thereunto.

107 The breach of any by-law hereby enacted or of any by-law or regulation hereafter made under the provisions of this Ordinance shall be an offence, and shall be punishable by a fine not exceeding twenty rupees, and in the case of a continuing offence by a further fine not exceeding five rupees for each subsequent day on which such offence is committed. Such offence shall be cognizable by a Police Court, and such court shall have power to inflict the full amount of fine to which the offender shall be liable, notwithstanding that such fine may exceed in amount the ordinary jurisdiction of such court.

Punishment for breach of by-laws.

Provided that no complaint shall be preferred in any court for any breach of any by-law or regulation, except with the previous sanction of the Chairman.

108 Whoever shall wilfully obstruct any person in the performance of any duty or the exercise of any authority vested in or conferred upon him under or by virtue of any of the provisions of this Ordinance, shall be guilty of an offence, and shall be liable upon conviction to a fine not exceeding fifty rupees, or to imprisonment with or without hard labour for any term not exceeding three months, or to both.

Punishment for obstructing officers of board.

109 Every person acting under the authority of this Ordinance who shall, under pretence of performing any act under the authority of this Ordinance, use any unnecessary violence, or give any uncalled for and vexatious annoyance, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding fifty rupees.

Penalty for misuse of power by officers.

SCHEDULE A.

Ordinance No. 7 of 1876.
Ordinance No. 6 of 1882.

Ordinance No. 9 of 1887.
Ordinance No. 27 of 1890.

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SCHEDULE B.

Form of Mortgage.

No.—.

By virtue of "The Local Board of Health and Improvement Ordinance, 1898," the Local Board of _____, in consideration of the sum of Rs. _____ paid to the credit of the funds of the said Local Board by A.B., of _____, for the purposes of the said Ordinance, grant and assign unto the said A.B., his heirs, executors, administrators, and assigns, such portion of the rates and taxes arising or accruing by virtue of the said Ordinance, from (*here describe the rates or taxes proposed to be mortgaged*), as the said sum of Rs. _____ doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates and taxes, to hold to the said A.B., his heirs, executors, administrators, and assigns, from this day until the said sum of Rs. _____, with interest at _____ per cent. per annum for the same, shall be fully paid and satisfied (the principal sum to be repaid at the end of _____ years from the date hereof, and in the meantime interest thereon to be payable half-yearly) (*in case any period be agreed upon for that purpose*).

Given at _____, this _____ day of _____, One thousand Eight hundred and _____.

A. B., Chairman.

_____ } Members.
 _____ }

SCHEDULE C.

(As amended by No. 25 of 1901.)

	Rs.	c.
For every carriage of whatever description other than a cart, hackery, or jinricksha ..	5	0
For every cart or hackery of whatever description ..	4	0
For every jinricksha ..	2	50
For every horse, pony, or mule ..	2	50
For every bullock or ass ..	1	0

Children's carriages, the wheels of which do not exceed 24 inches in diameter, are exempted.

[§ 6, 2 of 1901.]

*Schedule D.**By-laws.**Chapter I.—Section 56 (1).**Time and Place of Meeting and Order to be observed thereat.*

Time and place of meeting.

1. The ordinary meetings of the board shall be held at least once a month on such days and at such time and place as the board shall from time to time by resolution determine, provided that it shall be lawful for the board to adjourn any meeting to any other day or hour. The resolution determining the time and place of the ordinary meetings shall be published for general information in the "Government Gazette," and a copy thereof affixed at the office of the board.

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2. For all purposes connected with the board at its meetings the precedence and seniority of the members shall be as follows : *Precedence.*
- (a) The ex-officio Chairman.
 - (b) The members appointed by the Governor, in the order in which they have been gazetted.
 - (c) The elected members, in the order of the priority of their elections.
3. The Chairman shall preserve order and decide on all disputed points of order. *Chairman to preserve order.*
4. As soon after the hour appointed for any meeting (whether ordinary or special) as a quorum shall assemble, the member entitled to preside shall take the chair, and the board shall proceed to business. Should a quorum not be present at the expiration of half an hour from the time appointed for the meeting, the meeting shall stand adjourned, if an ordinary meeting to the day appointed for the next ordinary meeting, or if a special meeting sine die. *Procedure at meetings.*
5. Any member desiring to ask a question or to make a motion, unless in the course of discussion or in case of emergency by special leave of the board, shall give notice of such question or motion either at some previous meeting of the board or by notice in writing at least four days before the day on which he intends to ask such question or make such motion. *Notice of question or motion.*
6. Every member in giving such notice shall deliver to the secretary a copy of such question or motion. *Copy to be delivered to Secretary.*
7. All questions asked and motions made at a meeting shall be made in the order of the notices thereof, unless the board shall unanimously decide otherwise. *Questions, &c., to be in order of notice.*
8. A motion negatived at a meeting shall not be again made until after the expiration of at least three months, and no motion in any way contrary to one passed by the board at a meeting shall be entertained until after the expiration of the same period. *Motion negatived not to be made again within three months.*
9. Any member presenting a petition or other communication will be held responsible for its contents being throughout respectful, and no document shall be laid before the board unless the name and address of the drawer be legibly recorded on it. *Petition to be respectful.*
10. When a petition or other communication is presented the purport thereof shall be concisely stated, and on the motion of any member duly seconded the question shall be put whether or not the document shall be read. *Proceedings upon petition.*
11. The business of the ordinary meetings of the board shall be conducted in the following order : *Order of business.*
- (a) The minutes of the former meeting shall be read and confirmed after being, if necessary, corrected.
 - (b) Memorials, petitions, or other communications addressed to the board shall be laid before the meeting and orders made thereon.
 - (c) The other business shall be considered in the order set down in the order book hereinafter mentioned.
12. The secretary shall keep an order book in which shall be entered and numbered in succession the subjects to be brought under discussion at each meeting, and he shall serve on each member or leave at his residence two days at least before each meeting a notice containing the order of the day copied from the order book. *Secretary to keep order book.*

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Minute book and journal.

13. He shall keep a book to be called the minute book, in which shall be minuted during each sitting in the order in which they occur the proceedings of the board. And he shall keep another book to be called the journal, in which he shall cause all minutes of proceedings to be fairly transcribed, and such journal shall form the book required to be kept and to be signed by the Chairman and one member then present under section 23 of this Ordinance.

Complaint book.

14. The secretary shall also keep and submit to the board at every meeting a complaint book, and he shall provide that this book shall be accessible to the public at his office between the hours of 11 a.m. and 4 p.m. on every week day, excepting Saturday and holidays, and excepting also on such days as the board may sit. Every inhabitant of the town shall have access to this book on his furnishing the secretary with his name and address.

Reports of inspectors, &c., to be laid on table.

15. The secretary shall at each sitting of the board lay on the table all reports made to the Chairman by the inspectors and other officers of the board, and notes of any action taken thereon by the Chairman since the last previous meeting of the board.

Chapter II. Section 56 (2).

Execution of Works, Streets, Roads, and Bridges.

Estimates.

1. All votes of money for public works shall be made on estimates previously prepared and approved by the board.

Persons authorized by Chairman empowered to enter upon lands for repairs, &c., of roads within the board.

2. It shall be lawful for any person or persons thereunto authorized in writing by the Chairman, between the hours of 7 a.m. and 5 p.m., with all necessary and proper servants, labourers, workmen, carriages, and animals, and other means, to enter upon any land adjacent or near to any existing or intended street within the limits of the board, and there severally to do and perform all acts, matters, and things necessary for the purpose of tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving, or fencing any such street, or for building, excavating, repairing, clearing, or improving any bridge, fence, drain, dam, or ditch thereupon, or in any way connected therewith, or for performing any act, matter, or thing under the provisions of this Ordinance.

And to throw rubbish on adjacent lands.

3. In the tracing, measuring, making, working, opening, altering, turning, repairing, clearing, or improving any existing or intended street or building, excavating, repairing, or improving any bridge, fence, drain, dam, or ditch, thereupon or in any way connected therewith, it shall and may be lawful for the person or persons authorized as aforesaid to throw upon any lands adjacent or near thereto such earth, rubbish, or materials as it shall or may be necessary to remove from the place of any such work; provided that such earth, rubbish, and materials shall be removed within a reasonable time.

And make temporary roads.

4. It shall be lawful for any person thereunto authorized in writing by the Chairman to make any temporary road through the grounds near to any existing or intended thoroughfare, during the execution of any work in any way connected therewith; provided such road shall not run over any ground whereon any building stands, nor over an enclosed garden or yard.

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5. It shall be lawful for any person thereunto specially authorized by writing by the Chairman to cut and remove and place upon any ground near thereto all trees, bushes, or shrubs, and all leaves or branches or roots of trees that shall grow in or overhang any thoroughfare, or cause any obstruction or harm thereto, and for that purpose to enter upon any land or premises, with such persons, animals, and instruments as may be necessary for the removing of such trees, bushes, shrubs, leaves, branches, or roots.

And cut trees.

6. It shall be lawful for any person thereunto authorized in writing by the Chairman to put up or make fences, hedges, ditches, drains, or banks by the side of any thoroughfare whenever to him it shall appear necessary.

And put up fences.

7. Any person thereunto specially authorized in writing by the Chairman shall have power to make and cleanse all drains or water-courses, and also to make such bridges, as he shall deem necessary for the preservation, improvement, repair, or construction of any road or canal in and through any lands or grounds lying near to such road or canal or intended road or canal.

And make drains and bridges.

8. Any officer of the board thereunto specially authorized in writing by the Chairman shall have power to lay any matter or thing whatsoever upon any road, and to allow the same to remain there during the time such road is under repair, and for such time before the repairs are commenced and after the repairs are completed as may be necessary for facilitating the making of such repairs or for preventing damage to such recently repaired road; but he shall take due and reasonable precaution for preventing danger or injury to persons passing along such road.

And lay stones, &c., on road.

9. It shall be lawful for any such person or persons authorized as aforesaid, with the servants, workmen, and labourers employed by or under him, between the hours of 7 a.m. and 5 p.m., and with all necessary and proper carriages, animals, and other means, to search for, dig, cut, take, and carry away any water, timber, brushwood, stone, gravel, clay, or any other material whatsoever for the purpose of tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving, or fencing, or in any way assisting in the tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving, or fencing any existing or intended street, or of building, excavating, repairing, clearing, or improving any bridge, fence, drain, dam, or ditch thereupon, or repairing any lines or any buildings whatsoever required on or near any such thoroughfare for the use of any officer of the board employed on any work connected with such street, or any workmen, carriages, persons, or things employed in his service, in and from any land adjacent or near to any such street, and to carry away the same through the ground of any person, without being deemed a trespasser; provided that no such materials shall be dug for, cut, or taken away upon or from any yard, avenue to a house or lawn, or any enclosed garden, plantation, field, or wood without the consent of the owner thereof, unless sufficient materials cannot conveniently be obtained from the neighbouring waste lands, or common or abandoned grounds, in which case the person or persons authorized as aforesaid may take any of such materials where these can be conveniently procured; provided also that reasonable compensation for all materials so taken, and for the damages done by the getting and carrying away the same, shall be made to the owner thereof; and provided further that such person or persons shall rail or fence off any quarries or pits from which any such materials shall be taken, so that the same shall not be dangerous to any person or animal.

And to take materials.

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*And to make
and keep open
ditches, &c., and
to lay trunks, &c.*

10. Any officer of the board authorized in writing by the Chairman shall have power to make, scour, cleanse, and keep open all ditches, gutters, and drains, or water-courses, and also to make and lay such trunks, tunnels, plats, or bridges as he shall deem necessary for the protection, preservation, improvement, repair, or construction of any street or road in and through any lands or grounds adjoining or lying near to such street or road or intended street or road.

*Construction of
drains.*

11. It shall be lawful for the Chairman, should he deem it necessary, to require, by notice in writing, the owner of any yard or ground adjoining a dwelling house, or the owner of any alley, to have such yard, ground, or alley paved in such manner as the Chairman shall direct, and to lay sufficient drains or pipes to the nearest town sewer or drain for the purpose of draining such yard, ground, or alley. Such drains or pipes shall be of such material, of such size, of such level, and with such fall, and shall be carried to such point of junction with the said sewer or drain as the Chairman shall appoint; provided that the board shall supply to such owner on application, at cost price, the materials necessary for the drains or pipes which he is required to lay. If such owner shall fail to comply with the requirements of such notice within the time appointed, the Chairman and any officers or workmen authorized by him may enter upon the premises and cause the required work to be done, and the cost thereof shall be paid by the owner.

Chapter III.—Section 56 (3).

Weights and Measures.

*Inspection of
weights.*

*[See No. 8 of
1876.]*

1. It shall be lawful for any inspector or officer authorized in writing by the Chairman to take into his possession and test any weights or measures in use within the limits of the Local Board, and to seize any false weight or measure not in conformity with the standard weight or measure, and detain the same subject to the order of the board.

Chapter IV.—Section 56 (5).

Establishment and Regulation of Public Markets.

*Opening of
public markets.*

1. Whenever it shall be determined to establish a public market the board shall give not less than ten days' notice of the time when the same will be opened, and such notice shall be published by beat of tom-tom.

*Sale of goods
prohibited in
any other place
than the public
market without
license.*

2. After any such public market shall have been established and opened, no person shall, without a license granted by the board, publicly expose for sale any meat, poultry, fresh fish, fresh fruit, or vegetables in any place within the limits of the board other than the public market; and it shall be lawful for the secretary or an inspector of the board to seize any such meat, poultry, fresh fish, fresh fruit, and vegetables exposed or hawked about for sale contrary to the provisions of this by-law, and to remove the same to the office of the board to be disposed of as may be ordered by the Chairman or the Magistrate.

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3. All licenses referred to in the last preceding by-law shall be in the form in the schedule A annexed, and shall be in force for the period mentioned therein and no longer, which period shall not be more than twelve months or less than one month.

Form of license to sell elsewhere than in market.

Such licenses shall be paid for in advance at a rate not exceeding 50 cents for each month. Provided that it shall be lawful for the board at any time to cancel any such license or licenses.

4. A table of the rents, tolls, and fees leviable at each market shall be printed in English, Sinhalese, and Tamil, and placed in a conspicuous place at each market, and it shall be unlawful for any person to demand or receive higher sums than those authorized by such notice.

Table of fees.

5. The several rents, tolls, and fees payable in respect of a public market shall be paid in advance from time to time on demand to the board, or their lessee, or other person authorized by the board or their lessee to receive the same.

Recovery of rents.

6. If any person liable to the payment of any rent, toll, or fee authorized as aforesaid does not pay the same when demanded, the board or any person authorized by the board to collect the same may levy the same by seizure and sale of all or any of the articles in the market belonging to or in the possession or custody of the person liable to pay such toll, rent, or fee.

Recovery by distress.

7. No person shall hold, use, or occupy any stall in a public market without a license, which license shall be in the form in schedule B annexed; nor shall he contravene any of the conditions of such license; and no person shall keep or expose for sale in any stall any article the keeping or sale of which therein shall have been prohibited by the board by notice posted in the market.

Occupation of stalls without license.

8. No person shall sell or expose for sale in any fish market or stall any provisions or things other than fresh fish.

Fresh fish only to be sold in the fish market.

9. No person shall sell or expose for sale in any vegetable or fruit market or stall any meat or fish, whether fresh or salted, or any cooked food or any articles other than fresh fruit and vegetables.

Meat, fish, cooked food, &c., not to be sold in the vegetable market.

10. No occupant of a stall shall enclose in any way any portion of a market or erect any awning or screen or fixture of any kind, nor shall he leave any goods in any market between the hours of 9 p.m. and 6 a.m., without having first obtained the sanction of the Chairman.

Occupants not to enclose market or to have goods in it during the night.

11. Every occupant of a stall or seat in any market shall keep such stall or seat clean and free from filth or rubbish.

Occupant to keep stall clean.

No person affected with or suffering from any cutaneous, contagious, or infectious disease shall occupy any stall, seat, or place in any public market, or expose for sale thereat any provisions whatsoever.

12. No person using or occupying any public market shall—

Certain acts forbidden.

(a) Behave in a disorderly manner or commit any nuisance in or about such market.

(b) Carry on any cooking in such market.

(c) Remain in or loiter about such market after the place is closed for business at 9 p.m. without being able to give a satisfactory account of himself.

(d) Damage, or in anywise deface, any portion of the buildings, stalls, lamps, or any property of the board in or about such market, or defile or pollute in any way the water provided for use in such market.

Boards of Health and Improvement.

Seizure of meat
&c., unfit for
sale.

13. It shall be lawful for the secretary or an inspector of the board, upon the seizure by him as unwholesome or unfit for human food of any meat, poultry, fish, game, flesh, vegetable, fruit, or other article of food introduced into or exposed for sale within the limits of the local board, to convey the same to the Health Officer, or, in his absence, or if there be no such officer, to the Magistrate; and if it appear to such Health Officer or Magistrate that such meat, poultry, fish, vegetable, fruit, or other provisions are unfit for human food, he shall order the same to be destroyed, or to be so disposed of as to prevent it being exposed for sale or used for such food.

Hours during
which market
shall be open.

14. All public markets shall be open daily from 6 a.m. to 9 p.m., and it shall be the duty of the board to make provision for the proper lighting of the market.

Market-keeper
or lessee to
preserve order
within limits
of the market.

15. It shall be the duty of the market-keeper or of the lessee of the market to maintain order within the limits of the market, and every person who shall obstruct or resist any person appointed by the board to superintend any public market, or to collect the rents, tolls or fees, or to enforce order or cleanliness therein, whilst in the execution of his duty, shall be guilty of an offence.

Board may
prohibit sale of
certain fish or
fruit.

16. Whenever it shall appear to the board that the use or consumption by the public of any particular kind of fish is injurious, or that during the prevalence of any epidemic the use or consumption of any particular kind of fruit or vegetable is hurtful, it shall be lawful for the board, on the recommendation of the medical officer, by beat of tom-tom or other sufficient notice, to prohibit for such time as to the board shall appear necessary the sale of any such fish, fruit, or vegetable in any market or other place within the limits of the board, and after such notice to cause the same, whether exposed for sale or not, to be seized and destroyed in such manner as the board or Chairman may direct.

Butchers not to
keep any meat
except in a public
market.

17. No licensed butcher shall sell or keep for sale any meat or any portion of a slaughtered animal except in a public market and in the stall rented by him.

Carts not to remain
within market
premises for a
longer period than
is necessary.
Receptacles.

18. No cart or vehicle shall remain within any market premises for a longer period than is necessary for loading or unloading.

19. Every person holding a license for a stall in a public market shall keep on or near such stall a receptacle, to be approved by the Chairman, in which such person shall deposit all rubbish and refuse matter.

Throwing
rubbish.

20. No person shall throw any rubbish, refuse, bones, skins of animals, or other such thing in or upon any public market or its premises except into a receptacle provided for such purpose.

No meat not
slaughtered at
slaughter-house
to be brought
into market.

21. Except as hereinafter provided, no carcase of any animal (or any portion thereof) not slaughtered at the public slaughter-house provided by the board shall be brought into a public or private market, or to any place specially licensed or provided in by-law 2 of this chapter, or sold or exposed for sale in any public or private market or in such specially licensed place. The provisions of this by-law shall not apply to frozen meat, game, or fish imported into the Island.

Stalls to be kept
open to public.

22. If any person having a license to hold or occupy a stall in any public market shall wilfully neglect or refuse to serve the public without being able to assign a satisfactory reason during two consecutive days, it shall be lawful for the Chairman to suspend or revoke any such license.

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23. Any dog found straying in a public market unaccompanied by its owner may be seized by any person authorized by the Chairman to seize dogs straying therein. Such dog may be released on payment by any person claiming it of any tax due in respect of such dog, and of a further sum of fifty cents, or if the dog shall have been seized during the night, of a further sum of one rupee, in addition to the tax. If the dog be unclaimed, it shall be sent to the board pound to be disposed of in the manner hereinafter provided.

Seizure of stray dogs in the market.

24. All poultry and animals other than dogs found straying in a public market or the market premises shall be seized by any person authorized by the Chairman to seize the same, and shall, if claimed within six hours from the time of seizure, be delivered over to the owner thereof upon payment of twenty-five cents in respect of each fowl or animal so seized. If the same be not claimed within such time, they shall be detained in the pound, and if not claimed within twelve hours of the seizure shall be sold, and out of the proceeds the board shall be entitled to make a charge of one rupee, and the surplus, if any, shall be paid to the owner.

Seizure of poultry.

Bakeries.

25. Every bakery shall be well ventilated and well lighted, and the walls thereof plastered with lime mortar and whitewashed, the floor cemented and drainage sufficiently provided.

Bakery to be ventilated.

26. No bakery shall be within thirty feet of any cesspit, latrine, or open sewer, nor in a position where bad odours wasted therefrom shall reach it.

Bakery prohibited within thirty feet of cesspit.

27. No place used as a bakery shall be used as a dwelling place or for any other purpose whatsoever.

Bakery not to be a dwelling place.

28. All utensils, furniture, and other requisites used in or belonging to a bakery shall be kept clean.

Utensils to be kept clean.

29. The flour, water, and other materials used in the manufacture of bread shall be good and wholesome, and it shall be lawful for any person thereto authorized in writing by the Chairman from time to time to demand and obtain samples thereof.

Flour to be good.

30. All refuse and dirt in and about the premises of a bakery shall be removed without delay, and the drains kept well flushed.

Refuse to be removed.

31. No person suffering from any cutaneous, contagious, or infectious disease, or who has recently been in attendance on any such person, or who is otherwise unclean, shall be employed in a bakery.

Infected persons not to be employed.

32. It shall be lawful for any Local Board Inspector or other person authorized in writing by the Chairman at any time to enter and inspect any bakery, provided there is some one on the premises.

Local Board inspectors may inspect bakery.

*Chapter V.—Section 56 (7).**Offensive Trades.*

1. No person shall keep or deposit, or cause to be kept or deposited, for sale or storage, any guano, bone dust, or any manure or substance whatsoever from which noxious or offensive smells arise, or erect or use any lime or brick kiln or tannery in any place or depôt within the limits of the Local Board, unless such place or depôt be licensed therefor by the Chairman, which license shall be in the form in the schedule C hereto, and shall be in force from the date of issue until the thirty-first day of December then next ensuing.

License regarding manure depôt.

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*Chapter VI.—Section 56 (11).**Care of Waste or Public Lands.*

Removal of sand, &c.

1. No person shall remove any sand, earth, stone, or growing plants or trees from, or in any way alter or deface the surface of, any waste or public land without the authority of the Chairman.

Animal not to be allowed to graze on public land without permit.

2. No horses, cattle, sheep, goats, or swine shall be tethered or grazed upon any public ground vested in the board without a license from the Chairman. Such license may be granted for a year or any shorter period at the discretion of the Chairman, and shall be subject to such fee as the board shall from time to time appoint.

Animal without license may be seized.

3. Any person thereto authorized in writing by the Chairman may seize any horse, sheep, goat, or other animal which he may find tethered or grazing without such license as aforesaid on any public ground within the town. No animal so seized shall be released except upon payment of a fee of one rupee and the charges leviable for occupation of the pound, if it has been so impounded.

And sold if not claimed in ten days.

4. Any animal seized and not claimed within ten days may be sold by public auction.

Board may let out grazing ground.

5. The board may farm or let out the public grazing grounds or any part thereof for any period not exceeding twelve months on such conditions as to the board may seem fit.

*Chapter VII.—Section 56 (12).**The Putting up and Preservation of Boundaries.*

Land and garden to be fenced.

1. Every owner or occupier of any house, garden, building, or land within the town shall keep such house, garden, building, or land surrounded with a wall or good fence of not less than four feet in height from the level of the ground.

2. No live fence shall in future be erected within three feet of any public masonry drain.

*Chapter VIII.—Section 56 (13).**Public Bathing-places and Places for Washing Clothes.*

Places may be set apart for public bathing.

1. It shall be lawful for the board by resolution from time to time to set apart for public bathing such places as it may deem proper, and the hours during which they may be used.

No person to bathe at public place not set apart.

2. No person shall resort to any other public place in the town for the purpose of bathing; and no person shall bathe at the places set apart except during the hours determined by the board.

Places for washing clothes, &c.

3. No person shall wash horses, cattle, clothes, or mats at any public place within the town except at such places as shall be set apart by the board for the purpose.

List of places set apart to be published.

4. A list of the places so set apart for public bathing and for washing of horses, cattle, and clothes shall be published in the "Government Gazette" in English, Sinhalese, and Tamil, and proclaimed within the limits of the board by beat of tom-tom, and copies of the list in the said three languages shall be kept affixed at the office of the board.

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- 5. Every well, the water of which is used by the public upon payment for bathing purposes, shall have a protection wall of the height of not less than two feet, and be cemented outside the said wall for a depth of two feet below the surface of the ground. *Upon payment wells to be protected.*
- 6. The ground immediately surrounding every such well shall be so sloped as to allow the water to run down into a built drain leading to a proper outlet. *And drained.*
- 7. It shall be not lawful to wash clothes, mats, or any other thing at or near any such well. *Washing of clothes at wells.*
- 8. The tubs used for bathing at such well as aforesaid shall be painted at least once every year, and daily cleansed. *Tubs to be painted and cleaned.*
- 9. No person suffering from any cutaneous, infectious, or contagious disease shall bathe or wash clothes or any other articles in any place set apart as hereinbefore provided for bathing or washing clothes, and no person shall allow any animal belonging to him or under his control to enter or remain in or upon or drink at any such place. *No person suffering from cutaneous or contagious disease to bathe or wash clothes at such places or suffer animal to enter.*

Chapter IX.—Section 56 (15) (d).

Taxes on Carriages and Animals not plying for Hire.

- 1. An annual tax shall be levied at the rates not exceeding those specified in the schedule D on every carriage, cart, hackery, horse, bullock, pony, mule, and ass kept or used within the limits of the Local Board. Such tax shall be payable half-yearly in advance. *Taxes on carriages.*
- 2. To facilitate the recovery of such tax the occupier of every house within the town shall, on or before December 15 in each year, furnish to an officer authorized by the board to demand the same a list in the form in the schedule E annexed of every carriage, cart, hackery, horse, bullock, pony, mule, and ass kept in such house, and the names of the owners thereof.
- 3-7. (Repealed by No. 25 of 1901.)

Chapter X.—Section 56 (16).

Charges for Occupation of Pounds, &c.

- 1. All cattle, sheep, and goats straying on the public roads or paths within the town shall when seized be placed in the pound established by the board for that purpose, and the following charges shall be paid before removal of any animal so impounded :

<i>For seizure</i>	..	<i>Re. 1 per head.</i>	<i>Animals seized to be pounded.</i>
<i>For occupation</i>	..	<i>25 cents per head for a day or part of a day.</i>	<i>Charges for pound.</i>
<i>For food, if supplied</i>	..	<i>15 cents per head for a day or part of a day.</i>	
- 2. Any animal seized and not claimed within ten days may be sold by public auction, and the charges and costs recovered from the proceeds. *And sold if not claimed in ten days.*

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Chapter XI.—Section 56 (17).

Owners of new buildings, &c., to give notice to Chairman of completion thereof.

1. Any person or persons erecting, re-erecting, or enlarging any building, renewing or repairing or altering the frontage of the same, or any person or persons who may build any drain or bridge, platform, or structure over a drain, or any privy or cesspool, or any person or persons who may be required by the Chairman, by virtue of powers conferred on him by law, to build, alter, or repair any building, drain, privy, or cesspool, shall give notice in writing of the completion of the work to the Chairman within fourteen days after completion thereof.

Conditions for erection of buildings.

2. It shall not be lawful for any person to erect a house or hut for the purposes of a dwelling place, or permit the same to be occupied as a dwelling place within the limits of the board except under the following conditions :

The walls shall in no case be built of cadjan, but of mud and wattle or other suitable material, to allow of being properly plastered and whitewashed.

Every such house or hut or any room therein to be used for human habitation shall not be less than one hundred and twenty superficial feet in area, and not less than ten feet in height, and the eaves at least six feet from the ground.

Every room to be used for human habitation shall have at least one door not less than six feet by three feet, and at least one window not less than three feet by two feet.

The floor shall always be higher than one foot from the ground, provided the Chairman shall be at liberty to require a higher standard according to situation. Between any two ranges or blocks of huts there shall be a clear space of at least fifteen feet.

It shall be lawful for the Chairman to cause any house or hut erected contrary to the provisions of this by-law to be taken down at the expense of the owner, if within one month after written notice to him to alter or take down the same he shall fail or neglect to do so.

Chapter XII.—Section 56 (19).
Protection of Fish, &c.*

Use of dynamite for killing fish prohibited.

1. No person shall use dynamite for the purpose of taking fish within the limits of the Local Board.

Chapter XIII.—Section 56 (21).
General Purposes of Conservancy.

Lands to be kept clean.

1. All owners, tenants, or occupiers of lands within the limits of the Local Board shall keep the same clean and free from all weeds or rank and noisome vegetation, as well as from all refuse and rubbish.

Cattle sheds and halting places to be licensed.

2. No person shall keep, for the purpose of letting or renting out the same, any cattle shed or halting place for cattle within the limits of the town without a permit from the board. Such permit may

* See No. 1 of 1909.—Edd.

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impose such conditions as the Chairman shall consider necessary for the preservation of public health ; and the person keeping such cattle shed or halting place for cattle shall be bound to observe such conditions. Any permit issued under this by-law shall be free of charge.

3. The owner or tenant of every livery stable, cattle stall, cattle halting place, or gala shall have the same covered with a tiled or iron roof and paved with brick, stone, concrete, cement, or asphalt, and provided with suitable paved or cemented drains for conveying the urine and washings into a covered receptacle, constructed in such manner as the Chairman shall direct, the contents of which shall be daily removed at the expense of such owner or tenant and disposed of so that no nuisance is caused thereby. Every such stable, cattle stall, halting place, or gala shall be daily washed and always kept clean, and whitewashed at least once in three months. All dung and dry refuse shall be deposited daily by the owner or tenant of such stable, cattle stall, halting place, or gala in a proper receptacle outside, to be thence removed by the officers of the board.

*Conservance of
cattle stall, &c.*

4. Every owner or occupier of any place within the limits of the Local Board used for a tannery, brick factory, lime kiln, and every owner or occupier of a cart stand, cattle yard, bakery, coach-building yard or manufactory, shall remove or cause to be removed from such premises twice in every twenty-four hours (between 6 a.m. and 8 a.m. and again between 4 p.m. and 6 p.m.) all filth, dirt, and rubbish, and deposit it in such places as the Chairman may approve.

*Filth and dirt,
&c., to be
removed daily
from cart stands,
&c.*

5. Every cart stand, cattle yard, and sheep pen shall be paved and drained to the satisfaction of the Chairman.

*Cart stands, &c.,
to be drained.*

6. All householders or other persons who are desirous that the dust, ashes, sweepings, rubbish, and other refuse from their premises should be removed by the scavengers of the board shall deposit the same in proper boxes or other receptacles on the edge of the road outside their respective dwellings or shops daily between the hours of 6 a.m. and 8 a.m. ; and it shall not be lawful for any person to place or cause to be placed such dust, ashes, sweepings, rubbish or refuse in any street unless the same shall be contained in boxes or other receptacles as aforesaid, nor after the hours specified ; and every such person shall remove such boxes or other like receptacles within the space of half an hour after the same shall have been emptied by the scavengers.

*Rubbish to be
removed by
scavengers to be
placed in boxes.*

7. It shall be lawful for the Chairman at any time to require the owner or occupier of any house, building, enclosure, or premises within the limits of the Local Board, by notice in writing, to remove or cause to be removed the contents of any privy, pit, or water-closet in or belonging to such house, building, enclosure, or premises, to such place or places and within such time as shall be set forth in the said notice. Should such owner or occupier fail to comply with the requirements of such notice within seven days from the time when such notice shall have been served on him, the Chairman may cause the necessary work to be done, and for that purpose shall have power to enter into and upon any such house, outhouse, building, enclosure, or premises, with such labourers, implements, and things as may be required ; and the expenses incurred shall be recoverable as a debt due by the owner to the board.

*Removal of
contents of
privies.*

8. Any person who shall bury or cause to be buried or deposit or cause to be deposited the contents of any latrine, privy, pit, or water-closet, within any house, building, or premises, or in or on any land within one hundred feet of any dwelling house, well, stream, or water-course, shall be guilty of an offence. Upon receiving notice he shall

*Burying contents of
privies within
one hundred feet
of a dwelling
house prohibited.*

Boards of Health and Improvement.

at once remove the same to such place and within such time as the Chairman shall direct. In default of compliance with such notice within the time appointed, the Chairman and any officers or workmen authorized by him may enter upon such house, building, or premises and cause the necessary work to be done, and the expenses thereby incurred shall be paid by the person in default, and shall be ascertained and determined and recoverable as a debt due by the owner to the board.

*Burial of
carcasses of
animals.*

9. The occupier of any house or premises within or upon which any cattle, horse, sheep, goat, or pig may die, shall, within four hours after its death, or if death occurs at night, within four hours after daylight, either remove the carcass at his own expense to such place as may be appointed by the Chairman for that purpose or report its death to the secretary or inspector of the board, and in such latter case shall pay to the board the expense of removing or burying the carcass at such rate as the Chairman shall determine.

*Removal of
dangerous trees.*

10. Whenever any tree, or branch, or fruit of a tree, within the limits of the Local Board shall be deemed after inspection by the Chairman to be likely to fall upon any house or building and injure the occupiers thereof, or whenever the same shall overhang any street, it shall be lawful for the Chairman to cause notice in writing to be given to the owner or to the occupier of the ground upon which such tree stands to cut down or remove the said tree or branch or fruit; and if such owner or occupier shall not cut down or remove the same within twenty-four hours after such notice, the Chairman and any officers or workmen authorized by him in writing may enter upon such ground and cause the work to be done, and the expenses thereby incurred shall be paid by such owner or occupier and shall be ascertained and determined and recoverable as a debt due by the owner to the board.

Chapter IV.—Schedule A.

Form of License to sell outside Market.

_____ having paid Rs. _____, is hereby licensed, by resolution of the Local Board of _____ passed on _____, to sell _____ at _____ from _____ to _____.

Chairman, Local Board.

Chapter IV.—Schedule B.

Market License.

Fee, Rs. _____.

The bearer, _____, of _____, has permission to hold the stall No. _____ in the _____ market for _____, subject to the by-law.

Chairman, Local Board.

Boards of Health and Improvement.

Chapter V.—Schedule C.

_____, of _____, is hereby licensed to establish a _____ in the premises bearing assessment No. _____, situated at _____.

This license shall be in force until December 31, 19—, unless previously revoked.

_____,
Chairman, Local Board.

Chapter IX.—Schedule D.

			Rs.	c.
For every carriage ..	..	..	5	0
For every cart or hackery..	..	..	2	0
For every horse, pony, or mule ..	..	..	2	50
For every bullock or ass ..	..	..	0	50

Chapter IX.—Schedule E.

List of Carriages, &c.

Street : _____. House No. _____. Occupier's Name : _____.

No.	Description.								Name of Owner
	Carriage	Cart	Hackery	Horse	Bullock	Pony	Mule	Ass	

Schedule to No. 19 of 1905.

Form A.—Certificate of Sale.

(See Section 34A).

Whereas _____, of _____, was rated under "The Local Boards' Ordinance, 1898," and became liable to the Local Board of _____ in the sum of _____ rupees, inclusive of costs, and made default in payment thereof :

[§ 2. 19 of 1905.]

And whereas warrant of distress was issued in conformity with the said Ordinances, and the property of the said _____, to wit (here describe the property) was sold on the _____ day of _____, and the same was purchased by _____ for _____ rupees, which sum has been duly paid by the said _____ :

Now know ye that I, _____, the Chairman of the said Local Board, by virtue of the powers in me vested by the said Ordinance, do hereby certify that such sale and purchase have duly taken place, and that the property above described is and shall henceforward be vested free from all encumbrances in the said _____, his heirs, executors, administrators, and assigns for ever.

Given under my hand at _____, this _____ day of _____, 19—.

A. B.,
Chairman.

Form B.—Certificate of Sale to Local Board.

[§ 2, 19 of 1905.]

Whereas the sum of _____ rupees was due to the Local Board of _____ by _____ of _____, for and on account of rates, and a further sum of _____ rupees was likewise due for costs and charges, which said sums have not been paid by the said _____ :

And whereas the land hereinafter described belonging to the said _____ was seized and sold in conformity with the provisions of "The Local Boards' Ordinance, 1898," and the same was purchased on the _____ day of _____ for and on behalf of the said Local Board in part satisfaction (or full, as the case may be) of the sum of _____ rupees so due as aforesaid and _____ rupees for costs and charges :

Now know ye that I, _____, the Chairman of the said Local Board, by virtue and in exercise of the powers vested in me in this behalf by "The Local Boards' Ordinance, 1898," as amended by "The Local Boards' (Amendment) Ordinance, 1905," do hereby certify that the following property (here describe the property) has been sold to and purchased by the said _____ for and on behalf of the said Local Board for the sum of _____ rupees, which said sum has been duly credited to the said Local Board, and that the said premises are and shall henceforward be vested in the said Local Board free of all encumbrances.

Given under my hand at _____, this _____ day of _____, 19—.

6th August, 1898.

A. B.,
Chairman.
