

CHAPTER 255

URBAN COUNCILS (AMENDMENT)

Acts
 Nos. 2 of 1957.
 14 of 1958.
 7 of 1959.
 1 of 1961.
 9 of 1961.
 39 of 1961.

AN ACT TO AMEND THE URBAN COUNCILS ORDINANCE, TO VALIDATE CERTAIN ACTS DONE WITHOUT LEGAL AUTHORITY BY PERSONS LEGALLY APPOINTED TO ADMINISTER THE AFFAIRS OF TOWNS WHOSE URBAN COUNCILS WERE DISSOLVED AND TO VALIDATE CERTAIN PAST EXPENDITURE AND CONTRIBUTIONS INCURRED AND VOTED BY URBAN COUNCILS WITH THE SANCTION OF THE MINISTER OF LOCAL GOVERNMENT AND CULTURAL AFFAIRS.

[Act No. 2 of 1957—24th January, 1957.]

[Act No. 14 of 1958—9th May, 1958.]

[Act No. 7 of 1959—9th February, 1959.]

[Act No. 1 of 1961—10th January, 1961.]

[Act No. 9 of 1961—6th March, 1961.]

[Act No. 39 of 1961—17th June, 1961.]

Short title.

1. This Act may be cited as the Urban Councils (Amendment) Act.

Amendment
 of section 10
 of Chapter
 255.

[§ 2, 39 of 1961.]

2. Section 10 of the Urban Councils Ordinance, hereinafter referred to as the "principal enactment," is hereby amended, in subsection (1) of that section, by the substitution, for the words "third year thereafter", of the words "third year thereafter (inclusive of the year in which such term of office commenced)".

Amendment
 of section 159
 of the
 principal
 enactment.

[§ 2, 14 of 1958.]

3. Section 159 of the principal enactment is hereby amended, in subsection (1) of that section, by the substitution, for paragraphs (f) and (g) of that subsection, of the following new paragraphs:—

" (f) such expenses not exceeding in the aggregate two thousand rupees in any year as may be incurred by the Council, and such other expenses as may be incurred by the Council with the prior sanction in writing of the

Minister, in connexion with civic receptions or the celebration or observance of any events or occasions of public interest, or any religious, charitable, cultural, health, recreational or educational purposes ;

- (g) such contributions not exceeding in the aggregate one thousand rupees in any year as may be voted by the Council, and such other contributions as may be voted by the Council with the prior sanction in writing of the Minister, towards the cost of public entertainments or recreations, or towards the support of any libraries, or any educational, scientific, charitable or benevolent institutions, or any religious, charitable, cultural, health or educational purposes ; and ”.

4. Where, prior to the date of the commencement of Act No. 14 of 1958, and with the sanction of the Minister of Local Government and Cultural Affairs, any Urban Council has—

Validation of certain past expenditure and contributions.

[§ 5, 14 of 1958.]

- (a) incurred any expenditure in connexion with any civic reception, or the celebration or observance of any event or occasion of public interest, or any religious, charitable, cultural, health, recreational or educational purpose, or
- (b) voted any contribution towards the cost of any public entertainment or recreation, or towards the support of any library, or any educational, scientific, charitable or benevolent institution, or any religious, charitable, cultural, health or educational purpose,

such sanction and the expenditure or contributions so incurred or voted shall be deemed to have been and to be as valid and effectual as if the principal enactment under which such Council has been constituted had enabled such sanction to be given and such expenditure or contributions to be so incurred or voted.

Insertion of new sections 159A and 159B in the principal enactment.

[§ 2, 7 of 1959.]

5. The following new sections are hereby inserted immediately after section 159 of the principal enactment and shall have effect as sections 159A and 159B of that enactment :—

“ *Ex gratia* payment of pension, annuity, gratuity or retiring allowance.

159A. (1) An Urban Council may, with the approval of the Minister given after consultation with the Minister of Finance, grant, out of the local fund established by that Council, to any person—

- (a) who retires or has retired from service as an officer or servant of that Council, or
- (b) who is or was transferred from such service to, and retires or has retired from, the service of the Government,

a pension, gratuity, or retiring allowance in respect of any period of his service as such officer or servant for which no pension, gratuity, or retiring allowance or no adequate pension, gratuity, or retiring allowance is payable under any by-laws or rules of that Council or under any pension scheme established under the Local Government Service Ordinance.

Cap. 264.

(2) Where no pension, annuity, or gratuity, or no adequate pension, annuity, or gratuity is payable to the widow, children, next of kin or dependants of any deceased officer or servant of an Urban Council under any by-laws or rules of that Council or under any scheme or fund established under the Local Government Service Ordinance, that Council may, with the approval of the Minister given after consultation with the Minister of Finance, grant to such widow, children, next of kin or

dependants a pension, an annuity or a gratuity out of the local fund established by that Council.

(3) Nothing in subsection (1) or subsection (2) of this section shall be construed to confer on any person any right to any pension, annuity, gratuity or retiring allowance under either of those subsections.

Power to establish gratuity scheme.

159B. (1) An Urban Council may, with the approval of the Minister given with the concurrence of the Minister of Finance, make by-laws providing for the establishment of, and may establish in accordance with such by-laws, a scheme for the payment of gratuities to temporary officers and servants of that Council upon their discontinuance from the service of that Council.

(2) By-laws made under subsection (1) may be so made by an Urban Council as to be applicable to temporary officers and servants of that Council who have been discontinued from the service of that Council before the coming into operation of the by-laws."

6. Section 184 of the principal enactment is hereby amended as follows:—

(1) by the insertion, immediately after subsection (5) of that section, of the following new subsection:—

' (5A) For the purposes of subsection (5) (a), "the town for which the Urban Council was constituted" shall be deemed to include any area added to the town by an Order made under section 14 after the appointment of the Special Commissioner or Commissioners.'; and

Amendment of section 184 of the principal enactment.
[§ 2, 1 of 1961.]

[§ 2, 2 of 1957.]

(2) in subsection (6) of that section, by the substitution, for the words from “ powers vested in the Urban Council ” to “ by such Special Commissioner or Commissioners, ”, of the following :—

“ powers vested in the Urban Council or its Chairman by this Ordinance or any other written law shall be deemed to be vested in such Special Commissioner or Commissioners, and all the liabilities and duties of the Urban Council or its Chairman under this Ordinance or any other written law shall be deemed to be transferred to and shall be discharged by such Special Commissioner or Commissioners, ”.

Validation of certain acts done without legal authority by persons appointed to administer the affairs of towns whose Urban Councils were dissolved.

[§ 5, 2 of 1957.]

7. Where any person appointed under section 184 (5) of the Urban Councils Ordinance to administer the affairs of a town has done any act in the exercise or discharge of any power or duty vested or imposed by any written law in or on the Chairman of the Urban Council of that town, such act shall not be deemed to have been or to be invalid by reason only of the fact that such person was not legally empowered to exercise or discharge such power or duty.

Amendment of the Fifth Schedule to the principal enactment.

[§ 2, 9 of 1961.]

8. The Fifth Schedule to the principal enactment is hereby amended as follows :—

(a) by the renumbering of paragraph 3 of that Schedule as sub-paragraph (1) of paragraph 3 ;

(b) in sub-paragraph (1) of paragraph 3, by the substitution, for item (b) of that sub-paragraph, of the following new item :—

“ (b) being proctors, on the declaration made under section 4 of the said Ordinance ” ;
and

(c) by the addition, immediately after sub-paragraph (1) of paragraph 3, of the following new sub-paragraph :—

“ (2) Such portion of the stamp duty paid on the annual certificate issued under section 3 of the Legal Practitioners Ordinance to an inhabitant of the town, being a proctor as is equivalent to the stamp duty which was payable on such certificate on September 15, 1960.”.

Cap. 104.