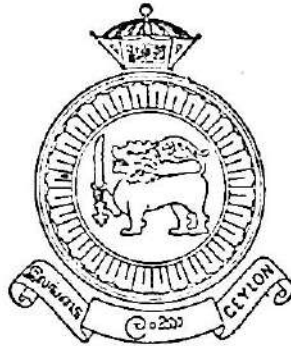


PARLIAMENT OF CEYLON

3rd Session 1954-55



Town and Country Planning (Amendment) Act, No. 10 of 1955

Date of Assent : April 8, 1955.

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Town and Country Planning (Amendment) Act, No. 10 of 1955. 3

L. D.—O. 36/54.

AN ACT TO AMEND THE TOWN AND COUNTRY PLANNING
ORDINANCE, No. 13 OF 1946.

[Date of Assent: April 8, 1955.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Town and Country Planning (Amendment) Act, No. 10 of 1955. Short title.

2. Section 3 of the Town and Country Planning Ordinance, No. 13 of 1946, (hereinafter referred to as the "principal enactment") is hereby amended as follows:— Amendment of section 3 of Ordinance, No. 13 of 1946.

(1) in sub-section (1) of that section, by the substitution, for paragraphs (a) to (j), of the following new paragraphs:—

“(a) The Permanent Secretary to the Ministry as Chairman;

(b) The Commissioner of Local Government;

(c) The Commissioner of Labour;

(d) The Land Commissioner;

(e) The Director of Commerce;

(f) The Director of Industries;

(g) The Government Town Planner;

(h) The Director of Public Works;

(i) The Director of Health Services;

(j) The Chief Valuer; and

(k) not more than three other persons appointed by the Minister.”;

(2) in sub-section (2) of that section, by the substitution, for the words and letters “paragraphs (b) to (e)”, of the words and letters “paragraphs (b) to (j)”; and

(3) in sub-section (3) of that section, by the substitution, for the word “Governor”, of the word “Minister”.

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Amendment of
section 6 of the
principal
enactment.

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

(1) by the repeal of sub-section (2) of that section and the substitution therefor of the following new sub-section:—

“(2) The Minister may, by Order published in the *Gazette*, declare—

(a) that any town within the meaning of the Town Councils Ordinance, No. 3 of 1946, and specified in the Order, or

(b) that any area, other than a Municipality or a town referred to in sub-section (1) or paragraph (a) of this sub-section, specified in the Order,

shall be an Urban Development Area for the purposes of this Ordinance.” ;
and

(2) in sub-section (3) of that section, by the substitution, for the words “ Any town ”, of the following:—

“ Any town, or any area referred to in paragraph (b) of sub-section (2), ”.

Amendment of
section 9 of the
principal
enactment.

4. Section 9 of the principal enactment is hereby amended by the repeal of sub-section (1) of that section and the substitution therefor of the following new sub-section:—

“(1) The planning authority for the purpose of the preparation of any outline scheme or detailed scheme for any Urban Development Area or any land in that Area—

(a) shall, if that Area is a Municipality or a town referred to in sub-section (1) of section 6 or in paragraph (a) of sub-section (2) of that section, be the local authority for that Municipality or town, as the case may be;
or

(b) shall, if that Area is not a Municipality or a town as aforesaid, be the Government Town Planner and the Chairman of the Village Committee in which the Area is situated.”.

5. Section 10 of the principal enactment is hereby amended as follows:—

Amendment of section 10 of the principal enactment.

(1) by the repeal of sub-section (1) of that section and the substitution therefor of the following new sub-section:—

“(1) Subject to the provisions of section 11 (1), the executive authority for the purpose of the execution in any Urban Development Area of any outline scheme or detailed scheme or of any provision in any Regional Planning Scheme which applies to that Area or any land therein—

(a) shall, if that Area is a Municipality or a town referred to in sub-section (1) of section 6 or in paragraph (a) of sub-section (2) of that section, be the local authority for that Municipality or town, as the case may be; or

(b) shall, if that Area is not a Municipality or a town as aforesaid, be the Chairman of the Village Committee for the village area in which that Area is situated:

Provided, however, that if the Minister is satisfied that the Chairman is unable to execute such scheme, the executive authority shall be such authority as may be specified by the Minister by notification published in the *Gazette*.”;

(2) by the repeal of sub-section (3) of that section;

(3) by the re-numbering of sub-section (4) of that section as sub-section (3); and

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- (4) in re-numbered sub-section (3) of that section, by the substitution, for all the words from "Sanitary Board" to the end of that sub-section, of the following:—

"The Chairman of the Village Committee for the village area in which such land is situated shall be the executive authority for the purpose of the execution of such provisions:

Provided, however, that if the Minister is satisfied that such Chairman is unable to execute such provisions the executive authority shall be such authority as may be specified by the Minister by notification published in the *Gazette*."

Amendment of
section 12 of the
principal
enactment.

6. Section 12 of the principal enactment is hereby amended as follows:—

- (1) in sub-section (1) of that section, by the substitution in paragraph (b) of that sub-section, for the expression "Urban Council town", of the expression "town within the meaning of the Urban Councils Ordinance, No. 61 of 1939, or the Town Councils Ordinance, No. 3 of 1946,"; and
- (2) in sub-section (3) of that section, by the substitution, for the expression "Urban Council town," of the expression "town within the meaning of the Urban Councils Ordinance, No. 61 of 1939, or the Town Councils Ordinance No. 3 of 1946,".

Amendment of
section 16 of the
principal
enactment.

7. Section 16 of the principal enactment is hereby amended, in sub-section (2) of that section, by the omission, from paragraph (a) of that sub-section, of the expression "under the provisions of section 24 (2) or section 25 (3)".

Amendment of
section 23 of the
principal
enactment.

8. Section 23 of the principal enactment is hereby amended by the substitution, for the words "Sanitary Board", wherever they occur in that section, of the words "Town Council".

9. Section 42 of the principal enactment is hereby amended as follows:—

Amendment of section 42 of the principal enactment.

(a) by the substitution, for the words “written law”, wherever they occur in that section, of the words “Ordinance or Act”;

(b) by the insertion, immediately after sub-section (1) of that section, of the following new sub-section:—

“(1A) Where, for the purpose of securing proper planning or development, it is considered necessary to provide for the modification or the suspension of the operation of any provision of any other Ordinance or Act in any planning scheme which is in operation, that scheme may be amended by regulation made under this Ordinance for the purpose of providing for such modification or suspension. Such regulation may provide that such amendment shall take effect from a date specified therein, not being a date earlier than the date on which that scheme came into operation.”; and

(c) in the marginal note to that section, by the substitution, for the words “written law”, of the words “Ordinances or Acts”.

10. The following new section is hereby inserted immediately after section 42, and shall have effect as section 42A, of the principal enactment:—

Insertion of new section 42A in the principal enactment.

“Provisions of planning schemes to prevail over provisions of subsidiary legislation.”

42A. (1) In the event of any conflict or inconsistency between the provisions of any subsidiary legislation and the provisions of any planning scheme which is in operation, the provisions of such planning scheme shall prevail over the provisions of such subsidiary legislation.

(2) For the purposes of this section, the expression “subsidiary legislation” means any by-law, regulation, rule, proclamation, order, notification, or other provision having the effect of law and made by a person by virtue of power conferred on him by any written law.”

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Amendment of
section 84
of the
principal
enactment.

11. Section 84 of the principal enactment is hereby amended, in sub-section (1) of that section, by the substitution in the definition of "local authority", for paragraph (c) of that definition, of the following new paragraph:—

"(c) to a town within the meaning of the Town Councils Ordinance, No. 3 of 1946, means the Town Council for that town;"