



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**TOWN AND COUNTRY PLANNING
(AMENDMENT)
ACT, No. 49 OF 2000**

[Certified on 18th August, 2000]

Printed on the Order of Government

Published as a Supplement to Part II of the **Gazette of the Democratic Socialist
Republic of Sri Lanka** of August 18, 2000

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 1

Price : Rs. 12.50

Postage : Rs. 5.25

Town and Country Planning (Amendment)
Act, No. 49 of 2000

[Certified on 18th August, 2000]

L. D. — O. 26/99.

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

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Town and Country Planning (Amendment) Act, No. 49 of 2000.

Short title.

2. The Town and Country Planning Ordinance, No. 13 of 1946, (hereinafter referred to as “the principal enactment”) is hereby amended by the substitution for the long title thereof of the following :—

Replacement of long title to Ordinance No. 13 of 1946.

“An Ordinance to authorize the formulation and implementation of a national physical planning policy; the making and implementation of a national physical plan with the object of promoting and regulating integrated planning of economic, social, physical and environmental aspects of land in Sri Lanka; to provide for the protection of natural amenities, the conservation of natural environment, buildings of architectural and historic interest and places of natural beauty; to facilitate the acquisition of land for the purpose of giving effect to such plan and to provide for matters incidental to or connected with the matters aforesaid.”.

3. Sections 2, 3 and 4 of the principal enactment are hereby repealed and the following new sections substituted therefor :—

Replacement of sections 2, 3 and 4 of the principal enactment.

“Scope of national physical plan.

2. A national physical plan may be prepared under this Ordinance in conformity with the national physical planning policy, with respect to land, whether there are or are not buildings thereon, with the general object of promoting and regulating the development of the land, of

securing proper infrastructure, amenities and conveniences, of conserving the natural and built environment of architectural, historic or aesthetic interest and of natural beauty.

Constitution of
the National
physical Planning
Council .

3. (1) There shall be established a National Physical Planning Council (hereinafter referred to as "the Council") consisting of —

- (a) the Head of the Government, who shall be the Chairman ;
- (b) the Minister in charge of the subject of National Physical Planning, who shall be the Vice Chairman ;
- (c) the Minister in charge of the subject of Economic Planning ;
- (d) the Minister in charge of the subject of Finance ;
- (e) the Minister in charge of the subject of Land ;
- (f) the Minister in charge of the subject of Agriculture ;
- (g) the Minister in charge of the subject of Industry ;
- (h) the Minister in charge of the subject of Housing ;
- (i) the Minister in charge of the subject of Urban Development ;
- (j) the Minister in charge of the subject of Transport ;
- (k) the Minister in charge of the subject of Highways ;
- (l) the Minister in charge of the subject of Ports ;
- (m) the Minister in charge of the subject of Civil Aviation ;
- (n) the Minister in charge of the subject of Coast Conservation ;

- (o) the Minister in charge of the subject of the Environment ;
- (p) the Minister in charge of the subject of Forestry ;
- (q) the Minister in charge of the subject of Tourism ;
- (r) the Minister in charge of the subject of Irrigation ;
- (s) the Minister in charge of the subject of Power ;
- (t) the Minister in charge of the subject of Culture ;
- (u) the Minister in charge of the subject of Provincial Councils ;
- (v) the Minister in charge of the subject of Plan Implementation ;
- (w) the Minister in charge of the subject of Health.
- (x) Chief Ministers of all Provinces.

(2) The Chairman may, if the Chairman is satisfied that the proposed national physical plan or other matter which is being or is about to be considered by the Council affects or is likely to affect the interest of any Ministry which is not represented in the Council, request the Minister in charge of that Ministry to be present and to vote at meetings of the Council at which such national physical plan or matter is considered, and any Minister so requested, shall, whenever such national physical plan or matter is considered at a meeting of the Council, be deemed to be a member of the Council.

(3) The Chairman, shall preside at all meetings of the Council. In the absence of the Chairman from any meeting of the Council, the Vice Chairman shall preside at such meeting.

(4) The Minister in charge of the subject of Physical Planning shall, in consultation with the Chairman, be the convener of meetings of the Council.

(5) The Secretary of the Ministry of the Minister in charge of the subject of National Physical Planning shall be the Secretary of the Council.

(6) Subject to the preceding provisions of this section the Council may regulate the procedure in regard to the meetings of the Council and the transaction of business at such meetings.

Powers and
functions of the
Council.

4. The Council shall have power —

- (a) to consider and approve, with or without modification, the national physical planning policy and the draft national physical plan submitted by the Inter-Ministerial Co-ordinating Committee ;
- (b) to direct the Inter Ministerial Co-ordinating Committee to re-submit the national physical planning policy or any draft national physical plan modified or amended as instructed by the Council ;
- (c) to consider any draft regional physical plan as may be submitted to it by the Inter-Ministerial Co-ordinating Committee as to its conformity with the national physical plan or national physical planning policy and approve such plan ;

- (d) to refer back to the Inter-Ministerial Co-ordinating Committee any such draft regional physical plan with directions that it be resubmitted with amendment or modification, as may be specified, effected ;
- (e) to require the National Physical Planning Department to ensure funds, from its annual budget for the implementation of the plan approved by the Council ;
- (f) to give the Inter-Ministerial Co-ordinating Committee such directions including a time-frame for the implementation of the plan as may reasonably be necessary to ensure the achievement of the objectives of the Ordinance.”.

4. The following new sections are hereby inserted immediately after section 4 and shall have effect as sections 4A and 4B respectively of the principal enactment :—

Insertion of new sections 4A, and 4B in the principal enactment.

“Constitution of an Inter-Ministerial Co-ordinating Committee on National Physical Planning.

4A. (1) There shall be established an inter-Ministerial Co-ordinating Committee on National Physical Planning (hereinafter referred to as “Co-ordinating Committee”)

(2) The Co-ordinating Committee shall consist of the following members who shall be appointed by the Minister, appointed under Article 44 of the Constitution to be in charge of the subject of Physical Planning :—

- (a) The Secretaries of the Ministries of the Ministers appointed under Article 44 of the Constitution in charge respectively of the subjects of —
 - (i) Physical Planning ;
 - (ii) Economic Planning ;

- (iii) Finance ;
 - (iv) Land ;
 - (v) Agriculture
 - (vi) Industry ;
 - (vii) Housing ;
 - (viii) Transport ;
 - (ix) Highways ;
 - (x) Ports ;
 - (xi) Civil Aviation ;
 - (xii) Coast Conservation ;
 - (xiii) Environment ;
 - (xiv) Forestry
 - (xv) Tourism ;
 - (xvi) Irrigation ;
 - (xvii) Power ;
 - (xviii) Home Affairs ;
 - (xix) Provincial Councils ;
 - (xx) Plan Implementation ;
 - (xxi) Culture ;
 - (xxii) Fisheries ;
 - (xxiii) Mahaweli Development ;
 - (xxiv) Plantation ;
 - (xxv) Construction.
- (b) the Chief Secretaires of all Provinces ;
- (c) the Director-General, National Physical Planning ;
- (d) the Director-General of National Planning ;
- (e) the Director-General of Urban Development Authority appointed under the Urban Development Authority Law No. 41 of 1978 ; and

(f) the Director-General of the Board of Investment of Sri Lanka appointed under the Board of Investment of Sri Lanka Law No. 4 of 1978.

(3) The Secretary of the Ministry of the Minister in charge of the subject of National Physical Planning shall be the Chairman of the Co-ordinating Committee.

(4) The Chairman of the Co-ordinating Committee may if he is satisfied that the proposed national physical plan or other matter which is being or is about to be considered by the Co-ordinating Committee affects or is likely to affect the interest of any Ministry which is not represented in the Co-ordinating Committee, request the Secretary to that Ministry to be present and vote at meetings of the Co-ordinating Committee at which such national physical plan or matter is considered, and any Secretary so requested shall, whenever such national physical plan or matter is considered at a meeting of the Co-ordinating Committee be deemed to be a member of the Committee.

(5) The Chairman or in his absence, a member elected by the members present, shall preside at meetings of the Co-ordinating Committee.

(6) All questions for decisions at meetings of the Co-ordinating Committee shall be decided by the vote of a majority of the members present. In the case of an equality of votes, the member presiding shall have a casting vote.

(7) The quorum for any meeting of the Co-ordinating Committee shall be ten members and subject to the provisions of this section, the Co-ordinating Committee may regulate its own procedure.

Powers and
duties of
the Co-
ordinating
Committee.

4B. It shall be the duty of the Co-ordinating Committee —

- (a) to cause a draft policy on national physical planning and a draft national physical plan to be prepared by the Director-General, National Physical Planning ;
- (b) to cause any approved policy on national physical planning and any approved national physical plan to be reviewed, revised and updated from time to time as may be necessary ;
- (c) to examine any draft or revised policy on national physical planning or any draft or revised national physical plan submitted to it, to cause any amendment or modification which the Co-ordinating Committee considered necessary to be made thereto and to make recommendations thereon to the Council ;
- (d) to examine any draft or revised regional physical plan submitted to it and make recommendations thereon to the Council ;
- (e) to advise the Council with regard to the declaration of any strategic development area in a regional physical plan and of the formulation of a development plan for such area ;
- (f) to implement any directions received from the Council.”.

Reference to
Central Planning
Commission is
construed to be a
reference to the
Co-ordinating
Committee.

5. Every reference to the “Central Planning Commission” in the principal enactment shall be read and construed as a reference to the Co-ordinating Committee established under section 4A.

6. Wherever the words “Director, Town and Country Planning” or “Director”, denoting the Director, Town and Country Planning appear in the principal enactment there shall be substituted therefor the words “Director-General, National Physical Planning” and “Director-General” respectively.

General amendment to the principal enactment.

7. The following new sections are hereby inserted immediately after section 5, and shall have effect as section 5A, 5B, 5C, 5D and 5E respectively of the principal enactment :—

Insertion of new sections 5A, 5B 5C, 5D and 5E in the principal enactment.

“Duties and functions of the Director-General of National Physical Planning.

5A. The duties and functions of the Director-General of the National Physical Planning shall be —

- (a) to formulate a national physical planning policy ;
- (b) to prepare a national physical plan ;
- (c) to prepare physical planning guide lines to be adopted by the regional or local physical planning authorities ;
- (d) to prepare any regional or local plan where the regional or local planning authority fails in, or requests, the preparation of such plan ;
- (e) to assist Provincial Councils in the preparation and development of regional physical plans ;
- (f) to make recommendations to the Co-ordinating Committee on plans in accordance with the national physical planning policy, for submission to the Council ;
- (g) to review and examine, periodically the national physical planning policy, the national physical plan and the national physical planning strategy in operation and

where necessary, to recommend to the Co-ordinating Committee, change in such policy, plan and strategies ;

- (h) to monitor the implementation of the national physical plan sanctioned by the Council ; and
- (i) to assist the Council and the Co-ordinating Committee in all activities including performing functions of a secretariat which it may be called upon to do by the Council and the Co-ordinating Committee.

Powers of
the Director-
General of
the National
Physical
Planning.

5B. (1) The Director-General of the National Physical Planning shall have the power to do all such acts as may be necessary for the discharge of all or any of his functions under the Ordinance.

(2) Without prejudice to the generality of the powers conferred on him by subsection (1), he shall have power—

- (a) to carry out such surveys, investigations, studies and research as may be necessary for the discharge of his functions relating to the national physical planning and national physical plans ;
- (b) to conduct hearing with a view to ascertaining the opinions of experts, professionals or the general public on matters relating to national physical plan ;
- (c) to establish and maintain liaison with international institutions and organisations outside Sri Lanka discharging functions similar to those discharged by the National Physical Planning Department;

- (d) to establish and maintain an information data bank of national physical plan and regional physical plans ;
- (e) to engage consultants and take such steps as may be necessary to advance the skills of his officers with the view to developing a pool of expertise in all aspects of national and regional physical planning ;
- (f) to call for and obtain such information as the national physical planning would require including statistics and data from Ministries, Government Departments, Public Corporations Statutory Boards, Provincial Councils, Local Authorities and private sector establishments ;
- (g) to ensure through the Ministry of the Minister, funding, either from the local or foreign sources to bridge any shortfall in the budget allocation for the implementation of the plan ; and
- (h) to adopt all measure which in the opinion of the Director-General are considered necessary for, conducive or incidental to, the discharge, exercise and performance, of the functions, powers and duties related to the national physical planning.

Technical
Advisory
Committee.

5c. There shall be established a Technical Advisory Committee (hereinafter referred to as the "the Advisory Committee") consisting of the following members :—

- (a) a representative of the Institute of Town Planners of Sri Lanka established under the Institute of Town Planners, Sri Lanka (Incorporation) Act, No. 23 of 1986 ;

- (b) a representative of the Sri Lanka Institute of Architects established under the Sri Lanka Institute of Architects Law, No. 1 of 1976 ;
- (c) a representative of the Institute of Engineers, Ceylon established under the Institute of Engineers, Ceylon, Act, No. 17 of 1968 ;
- (d) a representative of the Surveyors Institute of Sri Lanka established under the Surveyors Institute of Sri Lanka (Incorporation) Act, No. 22 of 1982 ;
- (e) a representative from the Road Development Authority to be nominated by the Minister in charge of the subject of Transport ;
- (f) a representative from the Land Use Policy Planning Division of the Ministry of Lands to be nominated by the Minister in charge of the subject of Lands ;
- (g) a representative from the Ceylon Electricity Board to be nominated by the Minister in charge of the subject of Power ;
- (h) a representative from the Ministry of Finance to be nominated by the Minister in charge of the subject of Finance ;
- (i) a representative from the Ministry of Planning to be nominated by the Minister in charge of the subject of Planning ;
- (j) one member from among persons who have had experience and qualifications in the field of physical planning ;
- (k) one member from among persons who have had experience and qualifications in the field of water resources.

Functions of
the Advisory
Committee.

5D. The functions of the Advisory
Committee shall be to—

- (a) advise the Director-General of the National Physical Planning in the formulation of national physical planning policy and on the preparation of the national physical plan ;
- (b) advise the Director-General on the national physical planning strategy ; and
- (c) advise the Director-General on any other matter relating to national and regional physical planning that may be referred to the Advisory Committee by the Director-General.

Term of
office of
the
members of
the
Advisory
Committee.

5E. (1) Every member of the Advisory Committee shall be appointed by the Minister and shall, unless he earlier vacates office by death, resignation or removal, hold office for a period of three years from the date of appointment and shall be eligible for re-appointment.

(2) The Minister may, if he considers it expedient to do so, by Order published in the Gazette, remove from office any member of the Advisory Committee for reason assigned therefor.

(3) A member of the Advisory Committee may at any time resign from his office by letter to that effect addressed to the Minister.

(4) If any member of the Advisory Committee dies, resigns or is removed from office, the Minister may appoint any other person to be a member in place of the member who dies, resigns or is removed from office.

(5) A member who has been appointed under subsection (4) shall, unless he earlier vacates his office by death, resignation or removal, hold office for the unexpired period of the term of office of his predecessor.

(6) The Advisory Committee may discharge its functions notwithstanding any vacancy among its members.

(7) Three members of the Advisory Committee shall constitute a quorum for any meeting of the Advisory Committee.

(8) Subject to the provisions of this Ordinance the Committee may regulate the procedure in regard to its meeting and the transaction of business at the meeting.

(9) The members of the Advisory Committee may be paid such remuneration as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance.”.

Amendment of
section 12 of the
principal
enactment.

8. Section 12 of the principal enactment is hereby amended—

(1) by the repeal of paragraph (a), (b), (c), (d), (e) and (f) of subsection (1) of that section and the substitution of the following paragraphs therefor :—

“(a) the Chief Secretary of the Provincial Council, who shall be the Chairman ;

(b) a representative from each local authority in the province recommended by the local authority ;

(c) the District Secretaries of the Province ;

- (d) a representative of the Urban Development Authority ;
- (e) an officer not below the rank of Assistant Superintendent of Surveys of the Survey Department ;
- (f) a representative of Road Development Authority ; and
- (g) not more than three persons nominated by the Minister from among the persons who have distinguished themselves in the field of economics or physical planning, administration, environment or any other field related to physical planning”,

(2) by the repeal of subsections (3) and (4) of that section.

9. The principal enactment is hereby amended by the substitution—

Replacement of regional planning scheme, planning scheme, Outline Planning Scheme, detail planning scheme &c.

- (1) for the expression “regional planning scheme” or “regional scheme” wherever it occurs, of the expression “regional physical plan” ;
- (2) for the expression “outline planning scheme” or “outline scheme” wherever it occurs, of the expression “outline physical plan” ;
- (3) for the expression “detail planning scheme” or “detail scheme”, of the expression “detail plan” ; and
- (4) for the expression “planning scheme” or “scheme” of the word “plan”.

10. Section 21 of the principal enactment is hereby amended by the addition at the end of subsection (1) of that section of the following :—

Amendment of section 21 of the principal enactment.

“in conformity with the national physical planning policy.”.

Amendment of
section 24 of the
principal
enactment.

11. Section 24 of the principal enactment is hereby amended—

- (1) in subsection (1) thereof by the repeal of all the words from “in accordance with the Order” to the end of that subsection and the substitution therefor of the following :—

“to invite, before it prepares a draft plan for that area or land, the general public to participate in its deliberations and formulation of such plan in such manner as the planning authority may consider appropriate and to prepare such plan in accordance with the Order and on or before such date as may be specified therein :”.

- (2) in subsection (2) of that section by the substitution for the words “has failed or refused to” of the words “has failed to invite the participation of the general public or has failed or refused to”.

- (3) by the addition, by the end of that section, of the following new subsection :—

“(3) the planning authority shall, in preparing any plan for any development area, have regard to the national physical planning policy.”.

Reference to the
Minister in
sections 28 and
30 of the principal
enactment to
include a
reference to the
Council.

12. Every reference to the “Minister” in sections 28 and 30 of the principal enactment shall, insofar as it relates to a regional physical plan, be read and construed as a reference to the Council.

Amendment of
the section 38 of
the principal
enactment.

13. Section 38 of the principal enactment is hereby amended by the substitution for the words “Subject to the provisions”, of the words “Subject to the national physical planning policy and the provisions.”.

14. Section 46 of the principal enactment is hereby amended by the substitution for the words "The Minister shall make", of the words "Subject to the national physical planning policy the Minister shall make."

Amendment of the section 46 of the principal enactment.

15. The following new section is hereby inserted immediately after section 87 of the principal enactment—

Insertion of new section 88 in the principal enactment.

"This Act to prevail over other laws.

88. The provisions of this Act shall have effect notwithstanding anything to the contrary in any other law and accordingly in the event of any conflict or inconsistency between the provisions of this Act and such other law, the provisions of this Act shall prevail over such other law."

16. The Urban Development Authority Law, No. 41 of 1978 (in this section referred to as the "Law") is hereby amended as follows :—

Amendment of the Urban Development Authority Law, No. 41 of 1978.

(1) in section 8,—

(i) by the substitution for the words, "within any development area shall be—", of the words "within any development area shall, subject to any guidelines formulated in that behalf by the National Physical Planning Department, be—"; and

(ii) by the substitution for paragraph (p) of the following new paragraph :—

"(p) to co-ordinate, regulate or control any development scheme or project or any development activity of any person in such areas ;".

(2) In subsection (1) of 8J by the substitution for the words, "Notwithstanding the provisions of any other law, no Government agency or any other person shall", of the words, "No person shall."

(3) In section 28c—

(i) by the substitution for the words, “Where an offence under this Law is committed—

(a) by a body of persons, then—”,

of the words, “where an offence under this Law is committed by a body of persons, then—” ;

(ii) by the substitution in sub-paragraph (iv) for the words, “officer ; or”, of the words, “officer,” ; and

(iii) by the repeal of paragraph (b) of that section.

Sinhala text to prevail in case of any inconsistency.

17. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, No. 32, TRANSWORKS HOUSE, LOTUS ROAD, COLOMBO 01 before 15th December each year in respect of the year following.