

**TRANSFER OF POWERS
(ANURADHAPURA PRESERVATION BOARD)**

[Cap. 581]

CHAPTER 581

**TRANSFER OF POWERS
(ANURADHAPURA PRESERVATION BOARD)**

Law A LAW TO PROVIDE FOR THE TRANSFER OF THE POWERS OF THE ANURADHAPURA
No. 25 of 1974. PRESERVATION BOARD TO CERTAIN LOCAL AUTHORITIES, AND TO MAKE
Act PROVISION FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.
No. 47 of 1979.

[1st February, 1975.]

Short title. **1.** This Law may be cited as the
Transfer of Powers (Anuradhapura
Preservation Board) Law.

under paragraph (i) and any Village
Council under paragraph (ii), to
be part or parts of the area of
any local authority as may be
determined by the Minister.

Local
authorities to
be constituted
for the Area of
Authority
of the
Anuradhapura
Preservation
Board.

- 2.** (1) The Minister may—
- (i) by Order made under section 2 of the Urban Councils Ordinance and published in the Gazette, declare any area forming part of the Area of Authority of the Anuradhapura Preservation Board (hereinafter referred to as the " Board ") to be a town for the purposes of that Ordinance and assign to the Urban Council to be constituted for that area the name and designation "Anuradhapura Urban Council" (hereinafter referred to as the " Urban Council ");
- (ii) by Order made under section 3 of the Village Councils Ordinance and published in the Gazette declare certain areas from and out of the remaining part of the Area of Authority of the Board after the constitution of the Urban Council under paragraph (i), to be village areas for the purposes of that Ordinance;
- (iii) by Order made under the appropriate enactment and published in the Gazette, declare the balance part of the Area of Authority of the Board after the constitution of the Urban Council

(2) Subject to the provisions of this Law, the provisions of the Urban Councils Ordinance shall apply in respect of the Urban Council constituted under paragraph (i) of subsection (1), the provisions of the Village Councils Ordinance shall apply in respect of any Village Council constituted under paragraph (ii) of subsection (1) and the provisions of the appropriate enactment shall apply in respect of the balance part referred to in paragraph (iii) of subsection (1).

3. (1) Notwithstanding the provisions of the Urban Councils Ordinance, the Minister may by Order published in the Gazette, appoint a Special Commissioner to administer the affairs of the Urban Council.

Appointment
of Special
Commissioner.
[§2.47 of
1979.]

(2) Where the Minister appoints any Special Commissioner under subsection (1), to administer the affairs of the Urban Council, all the property and the rights under contracts and all the powers vested in the Urban Council shall be deemed to be vested in such Special Commissioner and all the duties and liabilities of the Urban Council shall be transferred to and shall be discharged by such Special Commissioner unless the Minister otherwise directs.

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[§ 2, 47 of 1979.]

(3) At any time after the appointment of a Special Commissioner under subsection (1) to administer the affairs of the Urban Council the Minister may by Order published in the Gazette—

- (a) direct that the first general election in accordance with the provisions of the Local Authorities Elections Ordinance shall be held for the election of the Chairman, Vice-Chairman and other members of the Urban Council; and
- (b) appoint the date on which the term of office of the Chairman, Vice-Chairman and other members elected at such first general election commence.

[§ 2, 47 of 1979.]

(4) The Special Commissioner appointed under subsection (1) shall on the date of commencement of the term of office of the Chairman, Vice-Chairman and other members of the Urban Council, cease to hold such office and to administer the affairs of the Urban Council and all the property and the rights under contracts and all the powers of the Urban Council deemed to be vested in such Special Commissioner, and all the duties and liabilities of Urban Council, transferred to such Special Commissioner under subsection (2), shall be vested in, transferred to and discharged by the Urban Council.

Appointment of administrator. [§ 3, 47 of 1979.]

4. (1) Notwithstanding the provisions of the Village Councils Ordinance, the Minister may by Order published in the Gazette, appoint an Administrator to administer the affairs of the Village Council.

(2) Where the Minister appoints any Administrator under subsection (1), to administer the affairs of a Village Council, all the property and the rights under contracts and all the powers vested in a Village Council shall be deemed to be vested in such Administrator and all the duties and liabilities of a Village Council shall be transferred to and shall be discharged by such Administrator unless the Minister otherwise directs.

*Repealed by Law No. 25 of 1974.

[§ 3, 47 of 1979.]

(3) At any time after the appointment of an Administrator under subsection (1), to administer the affairs of a Village Council, the Minister may by Order published in the Gazette—

- (a) direct that the first general election in accordance with the provisions of the Local Authorities Elections Ordinance shall be held for the election of the Chairman, Vice-Chairman and the other members of that Village Council; and
- (b) appoint the date on which the term of office of each member elected at such first general election shall commence.

[§ 3, 47 of 1979.]

(4) The Administrator appointed under subsection (1) shall on the date of commencement of the term of office of the Chairman, Vice-Chairman and other members of the Village Council, cease to hold such office and to administer the affairs of the Village Council and all the property and the rights under contracts and all the powers of the Village Council deemed to be vested in such Administrator and all the duties and liabilities of the Village Council transferred to such Administrator under subsection (2) shall be vested in, transferred to, and discharged by the Village Council.

5. With effect from the appointed date—

- (a) all the immovable property—
 - (i) vested in the Board by section 34 of the Anuradhapura Preservation Board Act* (hereinafter referred to as the " Board Act ");
 - (ii) acquired for the Board under the Land Acquisition Act in accordance with the provisions of section 15 of the Board Act;
 - (iii) vested in the Board by section 17 of the Board Act;

Transfer and vesting of property, rights, duties, &c., of the Board in the local authorities. [§ 4, 47 of 1979.]

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- (iv) purchased by the Board ; and
- (v) acquired or purchased by the Special Commissioner after the dissolution of the former Anuradhapura Urban Council,

other than—

- (a) any such property in the possession or charge of any Government Department, immediately prior to the date of the constitution of the Urban Council; and
- (b) the power house belonging to such Board, situated outside the administrative limits of the Urban Council,

is hereby transferred to and vested in the local authority within whose administrative limits such property is situated and any such property vested in such local authority which is immovable property of the State vested in the Board subject to any conditions shall be held by that local authority subject to those conditions;

- (b) all the rights, debts, liabilities and obligations of the Board on that day, in so far as they relate to each local authority, are hereby transferred to that local authority ;
- (c) the installations, equipment and other property of the Board installed, maintained and operated within the Area of Authority of the Board for the purpose of generating, transmitting and supplying energy and the power house belonging to such Board situated outside the administrative limits of the Urban Council are hereby transferred to and vested in the Urban Council, and
- (d) all contracts, deeds, bonds, agreements and other instruments which relate wholly or partly to

each local authority and which subsist or have effect on that day and to which the Board is a party, other than any contract of employment with any officer or servant of such Board or any lease bond referred to in paragraph (a), shall, to the extent to which they relate to each such local authority, have effect against or in favour of such local authority as fully and effectively as if, instead of the Board, the local authority concerned had been a party thereto.

- 6. (a) All State lands, with or without buildings, that had been used by the Board for any of its purposes ; and
- (b) all shops, markets and residential houses which were constructed by the Government, but were administered by the Board,

Other property vested in local authority, [§ 5, 47 of 1979.]

on the date immediately before the date of the constitution of the Urban Council shall with effect from the date of such constitution be deemed to have vested in the local authority within whose administrative limits such property is situated.

6A. With effect from the 19th day of July, 1979, all the property of the following classes, namely—

- (a) waste land and open spaces ;
- (b) stone, cabook, and gravel quarries ;
- (c) public lakes and streams;
- (d) public tanks, ponds and channels;
- (e) state lands, whether with or without buildings; and
- (f) public parks and gardens and all erections and structures therein,

Certain property formerly vested in the local authority to vest in the State. [§ 8, 47 of 1979.]

vested in the local authority within whose administrative limits such property is situated, other than all the property deemed to have vested in such local authority by section 6, is hereby vested in the State.

[§ 4, 47 of 1979.]

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Vesting not to prejudice right of State, &c.

7. Nothing in section 5 or 6 shall be deemed—

- (i) to affect or prejudice any right or title of the State to any such immovable property, or the right of the State at any time to resume or dispose of such property for public purposes; or
- (ii) to affect or prejudice any right, title or interest which any military authority, in which lands are vested on behalf of the State, has or may have in any such property; or
- (iii) to prevent any authority from surrendering to the State at any time any such immovable property.

Pending suits and appeals. &c., to be continued by or against the local authorities.

8. With effect from the appointed date, all suits, appeals or other legal proceedings instituted by, or against, the Board in respect of—

- (i) any immovable property transferred to and vested in each such local authority by paragraph (a) of section 5 and section 6 ;
- (ii) any right, debt, liability or obligation of such Board transferred to each such local authority by paragraph (b) of section 5 ;
- (iii) the installations, equipment and other property transferred to and vested in the Urban Council by paragraph (c) of section 5 ; and
- (iv) any contract, deed, bond, agreement or other instrument which has effect against or in favour of each such local authority by virtue of the operation of paragraph (d) of section 5,

and pending on that day shall not abate or be discontinued or be in any way prejudicially affected by reason of the operation of the provisions of paragraphs (a), (b), (c) and (d) of section 5 and section 6, and accordingly be continued and enforced by, or against, each such local authority concerned.

9. (1) Every by-law in force in any part of the Area of Authority of the Board coming within the administrative limits of—

- (a) the Urban Council constituted under paragraph (i) of subsection (1) of section 2; or
- (b) any Village Council constituted under paragraph (ii) of subsection (1) of section 2,

shall continue in force in such area, as though it were a by-law made by the Urban Council under the Urban Councils Ordinance or such Village Council under the Village Councils Ordinance and may be amended or rescinded by by-law made by the Urban Council under the Urban Councils Ordinance or by such Village Council under the Village Councils Ordinance, as the case may be.

(2) Every licence issued by the Board and in force in any part of the Area of Authority of the Board coming within the administrative limits of—

- (a) the Urban Council; or
- (b) any Village Council,

shall continue in force in such area as though such licence was issued by the Urban Council under the Urban Councils Ordinance or by such Village Council under the Village Councils Ordinance.

(3) Every reference in any such by-law or licence to the Board shall be deemed to be a reference to the Urban Council or Village Council, as the case may be, and every reference to the Chairman of the Board shall be deemed to be a reference to the Special Commissioner of the Urban Council or the Administrator of the respective Village Council or the Chairman of the Urban Council or the respective Village Council, as the case may be.

10. (1) All officers and servants of the Board shall as far as possible be absorbed into the public service. Local Government Service or to the service of any local authority.

By-laws and licences in force in Area of Authority to continue in force.

Officers and servants of the Board.

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(2) Every officer and servant referred to in subsection (1) shall hold office as nearly as practicable by the same tenure and upon the same terms and conditions as under the said Board, and while performing the same or corresponding duties shall, as nearly as practicable, receive no less salary or remuneration or allowances and be entitled to receive no less pension and gratuity, if any, than he would have been entitled to receive from the said Board.

(3) Every officer or servant of the Board who cannot be absorbed into any service referred to in subsection (1) or who does not wish to continue in any such service shall be deemed to have retired on such terms as may be determined by the Minister.

Power to transfer money and any movable property of the Board.

11. The Minister shall transfer to each local authority to which this Law applies—

- (a) from the funds of the Board such sum of money which he may determine; and
- (b) any movable property of the Board-

Land revested in the State.

12. (1) All State lands situated in the Area of Authority of the Board vested in such Board on the day immediately prior to the appointed date, and not vested in each such local authority by this Law, are with effect from that date hereby vested in the State.

[§ 6. 47 of 1979.]

(2) Every lease or alienation of any State land, whether with or without buildings thereon, within the Area of Authority of the Board (other than any lease or alienation of State lands, with or without buildings thereon vested in the local authority under this Law) granted by the Board shall be deemed to be lease or alienation granted by the Government Agent of the administrative district in which such land is situated, and may be enforced or acted upon as fully and effectually as if such Government Agent had been a party to such lease or alienation.

Regulations.

13. (1) The Minister may make all such regulations as may seem to him to be necessary for carrying out the provisions of this Law or giving effect to the principles

thereof, including regulations for all matters for or in respect of which regulations are authorized or required to be made.

(2) No regulation made by the Minister under subsection (1) shall have effect until it has been approved by Parliament, and notification of such approval has been published in the Gazette.

***15.** In this Law, unless the context otherwise requires—

" Administrator " has the same meaning as " public officer " in section 54 of the Village Councils Ordinance;

" alienation " includes— [§7.47 of 1979.]

- (1) any conveyance, transfer, grant or any other disposition whatsoever; and
- (2) the transfer of possession under any purported, proposed or intended conveyance, transfer, grant or any other disposition whatsoever;

"appointed date" means the 1st day of February, 1975;

" appropriate enactment " means—

- (i) in relation to a Municipal Council, the Municipal Councils Ordinance,
- (ii) in relation to an Urban Council, the Urban Councils Ordinance,
- (iii) in relation to a Town Council, the Town Councils Ordinance, and
- (iv) in relation to a Village Council, the Village Councils Ordinance;

" Area of Authority " has the same meaning as in the Anuradhapura Preservation Board Act;

* Section 14 (repealing the Anuradhapura Preservation Board Act, No. 32 of 1961, and the Anuradhapura Urban Council (Special Provisions) Act, No. 28 of 1969,) is omitted.

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" by-laws" include rules, regulations, orders and notifications;

subsequently dissolved by Order made and published under section 184 of that Ordinance ; and

[§ 7,47 of 1979.]

" former Anuradhapura Urban Council " means the Urban Council which was constituted for the town of Anuradhapura under the Urban Councils Ordinance, and was

" local authority" means a Municipal Council, Urban Council, Town Council or Village Council.