



THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

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PART II.—LEGAL.

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DRAFT ORDINANCES.

MINUTE.

The following Draft of a proposed Ordinance is published for general information:—

L. S.—D. 3/44. M./L.A.—T. P. 105

An Ordinance to enable the compulsory acquisition and redevelopment of areas in Colombo consisting wholly or partly of lands on which demolition operations have been carried out under emergency powers; to establish and incorporate a Board with power to carry out or to supervise and regulate the redevelopment of such areas; and to provide for matters connected with or incidental to the matters aforesaid.

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SECOND SCHEDULE.

L. D.—O. 19/45

An Ordinance to enable the compulsory acquisition and re-development of areas in Colombo consisting wholly or partly of lands on which demolition operations have been carried out under emergency powers; to establish and incorporate a Board with power to carry out or to supervise and regulate the redevelopment of such areas; and to provide for matters connected with or incidental to the matters aforesaid.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows:—

Short title
and date of
operation.

1. This Ordinance may be cited as the Special Areas (Colombo) Development Ordinance, No. of 1946, and shall come into operation on such date as the Governor may appoint by Proclamation published in the *Gazette*.

PART I.

COMPULSORY ACQUISITION OF SPECIAL AREAS.

Declaration of
special areas.

2. (1) Where the Governor is satisfied that any area within the town of Colombo, consisting of one or more lands on which demolition operations have been carried out under emergency powers or of one or more such lands and any other land or lands contiguous thereto, should, in the interests of the public health or safety or of the amenities of the neighbourhood, be laid out and developed afresh, he may, by order published in the *Gazette*, declare the area to be a special area for the purposes of this Ordinance.

(2) An Order declaring a special area under this section may define the area by setting out the assessment number or the metes and bounds of the land or each of the lands comprised in the area.

Government
Agent to take
order for the
acquisition of
land in
special areas.

3. (1) Where any area within the town of Colombo is declared to be a special area by Order published in the *Gazette* under section 2, the land or every land comprised in that area shall be deemed to be land needed for a public purpose and be liable to compulsory acquisition; and accordingly the Government Agent shall—

(a) forthwith take order for the acquisition of the land or each of the lands in that special area on which demolition operations have been carried out under emergency powers; and

(b) save as otherwise expressly provided by section 6, upon the expiry of a period of three months after the date of the publication of such Order, take order for the acquisition of any other land in that special area.

(2) Nothing in the preceding provisions of this section shall apply to any land which forms a road or a portion of a road vested in the Council.

4. (1) Where the Government Agent considers that it is necessary for the purposes of section 3 that an inspection, examination or survey should be made of any land situated within the limits of any special area, it shall be lawful for the Government Agent or any person acting under the written authority of the Government Agent, together with such servants and workmen as may be necessary, to enter upon and to survey and take levels of that land or of any land in the same locality, to mark the levels and boundaries of that land, and to do all such other acts as may be necessary for the purposes of such inspection, examination or survey.

Powers of the Government Agent.

Provided, however, that no person shall enter or do any act upon any land in pursuance of the powers conferred by the preceding provisions of this section except with the consent of the owner or occupier of that land, or after giving to such owner or occupier, not less than seven days' notice of his intention to enter that land or to do such act thereon.

(2) The Government Agent may, for the purposes of section 3, cause a notice to be served on any person requiring that person to furnish before a specified date such returns or information relating to the title of that person to any land situated within the limits of any special area or to such other matters affecting such land as may be within the knowledge of that person.

5. Where the Government Agent is required by this Ordinance to take order for the acquisition of any land, the provisions of the Land Acquisition Ordinance, subject to the exceptions, modifications, and amendments set out in the First Schedule to this Ordinance, shall apply for the purposes of such acquisition; and any sum of money which may, under such provisions, be required to be paid or deposited by the Government Agent or by the Government by way of compensation, costs or otherwise, shall be paid out of funds provided for the purpose by the State Council.

Land Acquisition Ordinance to apply subject to certain exceptions, etc.
Cap. 203.

POSTPONEMENT OF AND EXEMPTION FROM COMPULSORY ACQUISITION.

6. The owner of any land referred to in paragraph (b) of section 3 (1) may, before the expiry of the period of three months specified in that paragraph, serve a notice on the Government Agent requiring him to postpone the compulsory acquisition of such land until the coming into operation of a development scheme prepared under this Ordinance for the special area in which the land is situated; and in such case, the Government Agent shall, unless the Minister by order made under section 8 exempts such land from compulsory acquisition, take order for the acquisition of such land on the coming into operation of such scheme.

Postponement of compulsory acquisition.

7. In the event of any land the compulsory acquisition of which has been postponed by reason of the operation of the provisions of section 6 being ultimately acquired under this Ordinance, then, notwithstanding anything in any written or other law, no person shall be entitled to claim or receive any compensation from the Government Agent or the Government or the authority in whom such land is vested as hereinafter provided in respect of any improvements made in or upon such land or any structure thereon after the expiry of the period of three months referred to in that section.

Exclusion of claims for compensation for improvements.

8. (1) The owner of any land in any special area, being land the compulsory acquisition of which has, by reason of the operation of the provisions of section 6, been postponed until the coming into operation of a development scheme for that area, may, before the expiry of a period of twenty-one days after the date of the publication in the *Gazette* of a notice under section 13 of the completion of the preparation of the scheme, apply in writing to the Minister for the exemption of that land from compulsory acquisition.

Exemptions from compulsory acquisition.

(2) Upon the receipt of an application for the exemption from compulsory acquisition of any land, the Minister may make order exempting or refusing to exempt such land from such acquisition.

(3) No order exempting from compulsory acquisition any land in any special area shall be made by the Minister under this section if the draft development scheme prepared under this Ordinance for that area provides—

- (a) for the use of such land or any portion thereof for the construction of a new road or for the widening, alteration, extension or diversion of an existing road or as a public open space ; or
- (b) for the adjustment or re-constitution of the boundaries of such land.

(4) No order refusing to exempt from compulsory acquisition any land in any special area shall be made by the Minister under this section unless the draft development scheme prepared under this Ordinance for that area provides—

- (a) for the use of such land or any portion thereof for the construction of a new road or for the widening, alteration, extension or diversion of an existing road or as a public open space ; or
- (b) for the adjustment or re-constitution of the boundaries of such land.

(5) Before making an order under this section refusing to exempt from compulsory acquisition any land in respect of which an application for such exemption has been made; the Minister shall give the applicant an opportunity of being heard, either in person or by a representative duly authorised by such applicant, in that behalf.

(6) Every order made by the Minister under this section on any application for exemption from compulsory acquisition of any land shall be final and conclusive. The Minister shall cause a copy of such order to be served on the applicant and the Government Agent.

(7) (a) The Minister may, for the purposes of this section, cause a notice to be served on any person requiring that person to furnish before a specified date such returns or information relating to the title of that person to any land in respect of which an application for exemption from compulsory acquisition has been made or to such other matters affecting such land as may be within the knowledge of that person.

(b) Where the Minister considers that it is necessary for the purposes of this section that an inspection or examination should be made of any land in respect of which an application for exemption from compulsory acquisition has been made, it shall be lawful for the Minister or any person acting under the written authority of the Minister to enter upon such land and to do all such acts as may be necessary for the purposes of such inspection or examination :

Provided, however, that no person shall enter or do any act upon any land in pursuance of the powers conferred by the preceding provisions of this paragraph except with the consent of the owner or occupier of that land, or after giving to such owner or occupier, not less than seven days' notice of his intention to enter that land or to do such act thereon.

Condition of exemption from compulsory acquisition.

9. (1) It shall be a condition of every exemption from compulsory acquisition granted in respect of any land in any special area under section 8 that the owner of such land shall, in lieu of the executive authority specified in the draft development scheme prepared for that area, carry out the provisions of that scheme in so far as they relate to such land at his own expense, and for that purpose, do all such work and take all such measures in, upon or in relation to such land or any structure thereon as may be necessary.

(2) For the purposes of this section, "owner" in relation to any land in respect of which an exemption from compulsory acquisition has been granted under section 8, means the owner of the land at the time of the granting of such exemption or any other person who may subsequently become the owner thereof.

PART II.

PREPARATION AND EXECUTION OF DEVELOPMENT SCHEMES.

Preparation of development schemes.

10. (1) Upon the publication of an Order declaring a special area under section 2, it shall be the duty of the Board hereinafter constituted and incorporated by this Ordinance, acting in consultation with the Government Town Planner and the Government Valuer, to prepare a draft development scheme for that area.

(2) Where the Minister is satisfied that the Board has failed to prepare or unreasonably delayed the preparation of a draft development scheme for any special area, the Minister may direct the Government Town Planner to prepare the draft scheme for that area.

11. (1) A development scheme prepared under this Ordinance for any special area shall have as its sole object the re-development of the area as a whole and shall not provide for any matter other than the following or such other matters as may be necessary for the purpose of achieving that object :—

Contents of development schemes.

- (a) The construction of new roads or the widening, alteration, extension, diversion, stopping up or improvement of existing roads, and the reservation of land for the construction of new roads or for the widening, extension, alteration or diversion of existing roads.
- (b) The construction of works (including the erection of structures) for the provision of public services including—
 - (i) surface water drainage, sewerage and the disposal of sewage ;
 - (ii) lighting and the position and design of lamps and standards ; and
 - (iii) water supply.
- (c) The reservation of land for public open spaces and the regulation or prohibition of the erection of structures thereon.
- (d) Slum clearance including the demolition or alteration of insanitary, over-crowded, unhealthy or dangerous dwelling houses or other structures.
- (e) The demolition of structures which are inconsistent with the scheme and the alteration of structures so as to bring them into conformity with the scheme.
- (f) The construction of all such new structures in or upon any land as may be necessary for the purpose of ensuring the re-development of the area as provided in the scheme.
- (g) The adjustment or re-constitution of the boundaries of any plots of land which, by reason of their inconvenient shape or size, are likely to hinder the re-development of the area as provided in the scheme.
- (h) The prohibition or restriction of the use of land for any specified purpose.
- (i) The restriction, regulation and control of the erection, re-erection, alteration, demolition and use of structures, and in particular for the matters specified in the Second Schedule to this Ordinance.

(2) In addition to the matters specified in sub-section (1), a development scheme prepared under this Ordinance for any special area shall specify the executive authority who is to be responsible for the carrying out of any provision contained in that scheme. The authority so specified may be the Board, the Council, the Director of Public Works or the Director of Electrical Undertakings.

(3) In addition to the matters specified in sub-sections (1) and (2), a development scheme may provide that any road or portion of a road which is vested in the Council shall be vested in the Board for the purposes of the scheme.

(4) A development scheme prepared under this Ordinance for any special area shall be accompanied by a plan showing in detail the proposed new lay out of the area as contemplated in that scheme.

12. (1) In addition to the matters specified in section 11, a development scheme prepared under this Ordinance for any special area may, where it is necessary for the purpose of giving effect to the scheme, provide for the modification or the suspension of the operation of any provision of any other written law in so far as that provision is similar to or inconsistent with any provision contained in that scheme.

Modification or suspension of other written law.

(2) Where any provision of any other written law is modified by any development scheme for the time being in operation, that provision shall, in its application to the special area to which the scheme relates, apply subject to such modifications as may be specified in that scheme.

(3) Where any provision of any other written law is suspended by any development scheme for the time being in operation, that provision shall not apply in the special area to which the scheme relates.

13. (1) Upon the completion of the preparation of any draft development scheme under section 10, it shall be the duty of the Board forthwith—

Notice of completion of preparation of draft development scheme and inspection of scheme.

- (a) to cause copies of such draft scheme and of the plan accompanying such draft scheme to be prepared ;
- (b) to transmit to the Minister a copy of such draft scheme and of the plan accompanying such draft scheme ; and

(c) to cause a notice to be published in the *Gazette* and in such other manner as may be best calculated to give publicity thereto, to the effect that the preparation of such draft scheme has been completed and that copies of such draft scheme and of the plan accompanying such draft scheme will be open for public inspection at such place or places as may be specified in such notice.

(2) Copies of every draft development scheme which has been completed under section 10 and of the plan accompanying such scheme shall be open for public inspection, free of charge, for a period of twenty-one days after the date of the publication in the *Gazette* of notice of the completion of the preparation of such scheme.

Sanction of development scheme by Minister.

14. Upon the transmission of a draft development scheme to the Minister under section 13 and after the disposal under section 8 of the applications, if any, for exemption from compulsory acquisition made in respect of lands in the special area to which the scheme relates, the Minister may sanction the scheme subject to such modifications or alterations as he may deem necessary.

Ratification of development scheme by Governor.

15. (1) Every draft development scheme which is sanctioned by the Minister shall be submitted to the Governor for ratification :

Provided, however, that where any such scheme modifies or suspends or purports to modify or suspend, the operation of any provision of any Ordinance for the time being in force, such scheme shall not be submitted to the Governor for ratification unless it has first been placed before and approved by the State Council.

(2) Where the Governor refuses to ratify any draft development scheme on the ground that one or more of the provisions contained therein ought not to be included in the scheme, the Minister may, after consultation with the Government Town Planner, the Government Valuer and the Board, vary or modify the scheme in such manner as may be necessary ; and the scheme as so varied or modified shall again be submitted to the Governor for ratification.

Coming into operation of development schemes.

16. Every development scheme which has been sanctioned by the Minister and ratified by the Governor shall come into operation upon the expiry of a period of fifteen days after the date on which a notification is published in the *Gazette* by the Minister to the effect that the scheme has been so sanctioned and ratified, or upon such later date as may be specified in such notification by the Minister.

Execution of development schemes by executive authorities.

17. (1) Upon the coming into operation of any development scheme for any special area, it shall be the duty of the executive authority specified in the scheme as the authority responsible for the carrying out of any provision contained in the scheme, save as otherwise expressly provided by section 18 or section 23, to carry out that provision, and for that purpose, to do all such work and to take all such measures in, upon or in relation to any land in that area or any structure thereon as may be necessary.

(2) Where the Minister is satisfied that the executive authority responsible for the carrying out of any provision contained in any development scheme for the time being in operation for any special area has unreasonably delayed to carry out that provision, the Minister may, by order, direct that authority to do all such work and to take all such measures in, upon or in relation to any land in that area or any structure thereon as may be necessary for the purpose, within such time as may be specified in such order, and it shall be the duty of that authority to comply with such order.

(3) For the purpose of doing any work or taking any measures in, upon or in relation to any land or structure thereon under the preceding provisions of this section, it shall be lawful for the executive authority responsible for the carrying out of any provision contained in any development scheme for the time being in operation or any person acting under the written authority of that executive authority to enter into or upon such land or structure, together with all such workmen, implements and materials as may be necessary for the purpose.

Execution of development schemes by owners of lands

18. (1) Upon the coming into operation of any development scheme for any special area, it shall be the duty of the owner of any land in that area, being land which has been exempted from acquisition by order made by the Minister under section 8, to carry out the provisions of that scheme in so far as they relate to such land at his own expense, and

for that purpose, to do all such work and to take all such measures in, upon or in relation to such land or any structure thereon as may be necessary.

(2) Where the Board is satisfied that the owner of any land referred to in sub-section (1) has unreasonably delayed to carry out the provisions of any development scheme for the time being in operation in so far as they relate to such land, it shall be lawful for the Board or any person acting under the written authority of the Board to enter into or upon such land or any structure thereon together with all the necessary workmen, implements and materials, and to do all such work and to take all such measures in, upon or in relation to such land or structure as may be necessary for the purpose of carrying out those provisions.

(3) All expenses incurred by the Board in the doing of any work or the taking of any measures under sub-section (1) in, upon or in relation to any land or any structure thereon shall be a first charge on such land, and may be recovered from the owner thereof in such manner as may be provided by regulation.

19. (1) No work or measures shall be done or taken by the Board or by any other executive authority in pursuance of the powers conferred by section 17 or section 18 (2) in, upon or in relation to any land which is not vested in the Board or any structure thereon, unless—

Conditions relating to the exercise of the powers conferred by sections 17 and 18.

(a) the doing of such work or the taking of such measures is necessary for the purpose of carrying out any provision contained in the development scheme for the time being in operation for the special area in which such land is situated; and

(b) the Board or such other executive authority, as the case may be, has served on the owner and the occupier of such land a notice specifying the work which is to be done or the measures which are to be taken, and a period of at least one month has elapsed after the date of the service of the notice.

(2) Any person on whom a notice is served under sub-section (1) may, subject to regulations, appeal to the Minister against the proposal of the Board or any other executive authority to do any work or to take any measures to which the notice relates, and the decision of the Minister on such appeal shall be final and conclusive. In any case where any appeal is preferred to the Minister under this section, the period referred to in paragraph (b) of sub-section (1) shall be deemed to be extended to the date on which the decision of the Minister is communicated to the person by whom the appeal is preferred.

PART III.

VESTING AND DISPOSAL OF LANDS.

20. (1) Where any land is acquired under this Ordinance, such land shall forthwith upon such acquisition, without any formal transfer thereof, vest in the Board for the purposes of a development scheme prepared under this Ordinance for the special area in which such land is situated.

Land acquired under this Ordinance to be vested in Board.

(2) Where, by reason of the operation of the provisions of sub-section (1), any land is vested in the Board for the purposes of a development scheme, the Board may, pending the execution of such scheme, let such land or any structure thereon.

21. (1) Where any development scheme under this Ordinance provides that any road or a portion of any road which is vested in the Council shall be vested in the Board for the purposes of such scheme, such road or portion of a road, as the case may be, together with the lands used for the purposes thereof and all lamps, lamp-irons, lamp-posts, pipes and other similar erections and things in, about or belonging thereto, shall forthwith upon the coming into operation of such scheme, without any formal transfer thereof, vest in the Board for the purposes of such scheme.

Vesting of roads in the Board.

(2) No compensation shall be payable by the Board in respect of any property which vests in the Board by reason of the operation of the provisions of sub-section (1).

22. The Board may, at any time after the coming into operation of any development scheme, sell or lease any land which is vested in the Board under this Ordinance and is not required, under the scheme, as a reservation for the construction of a new road or for the widening, extension, alteration or diversion of an existing road or for a public open space.

Sale or lease of lands by the Board.

23. (1) It shall be a condition of every sale of land in any special area under section 22—

Conditions of sale or lease of lands by the Board.

(a) that, in lieu of the executive authority specified in the development scheme for the time being in operation for that area, the owner of the land shall at his own

expense carry out the provisions of the scheme in so far as they relate to the land, and do all the necessary work and take all the necessary measures in, upon or in relation to such land or any structure thereon within such time as the Board may, after consultation with the Minister, specify in writing at the time of the sale; and

- (b) that in the event of the owner failing to do so within the time so specified, the land shall forthwith re-vest in the Board.

Where any land re-vests in the Board by reason of the operation of the preceding provisions of this sub-section, the Board shall pay, to the person who was the owner of the land, the price at which the land was sold by the Board or the market value of the land at the time of such re-vesting, whichever is less, together with compensation in respect of any work actually done or measures actually taken by that person for the purpose of carrying out the provisions of the development scheme.

(2) It shall be a condition of every lease of land in any special area under section 22—

- (a) that, in lieu of the executive authority specified in the development scheme for the time being in operation for that area, the lessee of the land shall at his own expense carry out the provisions of the scheme in so far as they relate to the land, and do all the necessary work and take all the necessary measures in, upon or in relation to the land or any structure thereon, within such time as the Board may, after consultation with the Minister, specify in writing at the time of the grant of the lease; and
- (b) that in the event of the lessee failing to do so within the time so specified, the lease shall terminate forthwith.

Where any lease of land terminates by reason of the operation of the preceding provisions of this sub-section, the Board shall pay, to the person who was the lessee of the land, compensation in respect of any work actually done or measures actually taken by that person for the purpose of carrying out the provisions of the development scheme.

(3) No compensation under either of the preceding sub-sections shall be payable by the Board unless the work has been done or the measures have been taken in conformity with the provisions of the development scheme then in operation in relation to the land.

(4) For the purposes of this section, "owner" in relation to any land which is sold by the Board under section 22, means the person to whom the land is sold or any other person who may subsequently become the owner of the land.

Power of Board to enter, etc. land sold or leased.

24. It shall be lawful for the Board or any person acting under the written authority of the Board to enter into or upon any land which is sold or leased under section 22 for the purpose of ascertaining whether the provisions of any development scheme for the time being in operation in relation to the land are being or have been carried out on the land and to inspect the land or any structure thereon for that purpose:

Provided, however, that no person shall enter or inspect any land in pursuance of the powers conferred by the preceding provisions of this section except with the consent of the owner, lessee or occupier of the land, or after giving to such owner, lessee or occupier, not less than seven days' notice of the intention to do so.

Roads to vest in Council.

25. (1) Upon the completion of the construction, under any development scheme for the time being in operation, of any new road or any new portion of an existing road, such new road or new portion of an existing road, as the case may be, together with the lands used for the purposes thereof and all lamps, lamp-irons, lamp-posts, pipes and other similar erections and things in, about or belonging thereto, shall forthwith, without any formal transfer thereof, vest in the Council.

(2) No compensation shall be payable by the Council in respect of any property which vests in the Council by reason of the operation of the provisions of sub-section (1).

PART IV.

BETTERMENT CONTRIBUTIONS.

Power to recover betterment contributions.

26. (1) Where the value of any property is increased by the coming into operation of any development scheme or by the execution of any work under the provisions of a development scheme, the Board may, subject to the provisions of sub-section (3), recover from the owner of the property an amount (hereinafter referred to as "betterment contribution") not exceeding sixty per centum of the amount by which the value of the property is so increased.

(2) A betterment contribution may be recovered from the owner of any property the value of which is increased by the coming into operation of any development scheme or by the execution of any work under any provision in that scheme, notwithstanding that such property is situated outside the limits of the special area to which the scheme relates.

(3) (a) No betterment contribution shall be recovered in respect of any property which is sold or leased by the Board under section 22.

(b) No betterment contribution shall be recoverable in respect of any property unless the Board has, before the expiry of a period of ten years after the date on which the development scheme in respect of which the betterment contribution is recoverable came into operation, served a notice in the prescribed form on the owner of that property specifying the amount claimed as betterment contribution.

27. (1) In any case where the owner of any property is aggrieved by the decision of the Board to recover a betterment contribution in respect of that property, he may, subject to regulations, appeal to the District Court, or, where the amount sought to be recovered as a betterment contribution is less than three hundred rupees, to the Court of Requests, and such Court may on any such appeal—

Appeal against levy of betterment contribution.

(a) determine that no contribution shall be recovered, if satisfied that the recovery of the contribution in such case is not authorised by the provisions of section 26; or

(b) reduce the amount of the contribution sought to be recovered, if satisfied that that amount is excessive having regard to the provisions of sub-section (1) of that section.

(2) The determination of the District Court or the Court of Requests on any appeal referred to in sub-section (1) shall be final.

28. (1) The amount due as a betterment contribution in respect of any property shall be payable in such instalments and at such intervals as the Board may determine.

Payment of betterment contribution.

(2) Any instalment due in respect of any property under this section shall be a first charge on that property and may be recovered from the person who is the owner of that property for the time being in such manner as may be provided by regulation.

PART V.

ESTABLISHMENT OF THE COLOMBO SPECIAL AREAS DEVELOPMENT BOARD.

The Board.

29. (1) A Board to be called the Colombo Special Areas Development Board (in this Ordinance referred to as "the Board") is hereby established for the purposes of this Ordinance.

Establishment of Colombo Special Areas Development Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name. It shall, subject to the provisions of this Ordinance, be capable of acquiring, holding and alienating property, movable and immovable, and of doing and performing all such acts and things as bodies corporate may do and perform.

30. The general objects for which the Board is constituted are hereby declared to be—

Objects of the Board.

- (1) the preparation and execution, under this Ordinance, of development schemes for special areas; and
- (2) the custody, management and control, pending the coming into operation of development schemes, of land which is vested in the Board under this Ordinance for the purposes of such schemes.

31. The common seal of the Board shall be officially and judicially noticed and shall be kept by such person and in such manner as the Board may from time to time determine and shall not be used except by the authority of the Board and in the presence of at least two members thereof who shall sign the document to which the seal is affixed.

Common seal of the Board.

32. (1) The Board shall consist of the following members:—

Constitution of the Board.

(a) *Ex officio* members:—

- (i) The Financial Secretary.
- (ii) The Director of Public Works.
- (iii) The Commissioner of Local Government.

(b) Nominated members :—

- (i) Two whole-time salaried officers of the Government, nominated by the Governor.
- (ii) Four persons, each of whom shall be either a whole-time salaried officer of the Council or a member of the Council, nominated by the Governor.

Chairman and Deputy Chairman of Board.

33. (1) The Governor may appoint one of the members of the Board to be the Chairman of the Board.

(2) The members of the Board may, if they think necessary, elect from amongst their number a Deputy Chairman.

(3) The Chairman of the Board shall preside at every meeting of the Board at which he is present.

(4) In the absence of the Chairman, the Deputy Chairman shall preside at meetings of the Board; and, in the absence of both the Chairman and the Deputy Chairman, a member chosen by the majority of the members present, shall preside at any meeting of the Board.

Quorum.

34. (1) The quorum for any meeting of the Board shall be not less than two-thirds of the number of members of the Board in office on the date of such meeting.

(2) Any question which arises at any meeting of the Board shall be decided by a majority of votes of the members present, the members present being not less in number than the quorum prescribed by this Ordinance.

(3) Where the votes of the members present at any meeting are equally divided in regard to any question, the Chairman, Deputy Chairman or other member presiding at the meeting shall, in addition to his own vote as a member, have a casting vote.

Board to regulate its own procedure. Minutes of meetings.

35. Subject to the provisions of this Ordinance, the Board shall regulate its own procedure.

36. (1) The Board shall cause minutes to be made, in books provided for the purpose, of the proceedings of every meeting of the Board.

(2) The minutes of the proceedings of each meeting shall be submitted at the next succeeding meeting, and if they are passed as correct they shall be confirmed by the signature of the person presiding at that meeting, and shall thereafter be *prima facie* evidence of the proceedings of which they are a record.

Vacation of office of nominated member.

37. A nominated member of the Board shall be deemed to vacate his seat if he—

- (a) accepts or holds any office or place of profit under the Board; or
- (b) ceases to possess the qualification of being a whole-time salaried officer in the service of the Government or of the Council or of being a member of the Council, as the case may be; or
- (c) is absent from more than three consecutive meetings of the Board without the leave of the Board; or
- (d) by letter addressed to the Governor resigns his office; or
- (e) is removed from office by the Governor.

Casual vacancies among nominated members.

38. If at any time a nominated member dies or vacates his office, the Governor may nominate another person in place of the member so dying or vacating his office.

Acting appointment in case of nominated member unable to discharge his duties owing to illness, etc.

39. If it appears to the Governor that a nominated member is unlikely to be able to discharge the duties of his office for a period of three months or more by reason of absence from Ceylon, illness, incapacity or any other cause whatsoever, he may appoint another person to act in the place of such member for such period as he may think fit.

Remuneration of members.

40. Every member of the Board, other than a member who is an officer in the service of the Government, shall be remunerated by the Board for work done by him in his capacity as a member, according to such scale as the Governor may, with the advice of the Executive Committee, determine.

Staff of the Board.

Staff of the Board.

41. (1) The staff of the Board shall consist of the following:—

- (a) an executive staff consisting of the following officers, namely; a Secretary, a Town Planner and a Valuer; and
- (b) a subordinate staff consisting of such number of officers and servants as the Board may deem necessary.

(2) All appointments to the staff of the Board shall be made by the Board, subject, however, to the previous approval of the Governor in every case of an appointment to the executive staff of the Board.

(3) The Board may dismiss or remove from office any officer or servant of the Board :

Provided, however, that no officer who is on the executive staff of the Board shall be dismissed or removed from office except on a resolution of the Board passed by a majority of the members for the time being and approved by the Governor.

(4) The Board may assign to each officer or servant or each class of officers and servants of the Board such salaries, allowances or remuneration as to the Board may seem fit.

(5) The provisions of sub-sections (3) and (4) shall not apply in any case where an officer in the service of the Government is appointed to the executive staff of the Board, and in such case, the salary, allowances and conditions of service of such officer shall be determined by the Governor after consultation with the Board.

42. The Board may in writing authorise the Secretary or any other officer of the Board to exercise, discharge or perform any power, function or duty vested in, assigned to or imposed on the Board by or under this Ordinance.

Delegation
by Board of
powers, etc.
to its officers.

Fund of the Board.

43. (1) The Board shall establish a fund in such bank as may be approved by the Executive Committee.

Establishment
of fund.

(2) There shall be payable into the fund of the Board—

- (a) all grants made to the Board by the State Council ;
- (b) all sums realised by sales, leases or other transactions of the Board ; and
- (c) all sums declared to be so payable by this Ordinance or any regulation made thereunder.

(3) There shall be paid out of the fund of the Board—

- (a) all sums payable as remuneration to members ;
- (b) all sums payable by the Board as salaries, allowances or remuneration to its officers and servants ;
- (c) all expenses incurred by the Board in the exercise, discharge and performance of the powers, functions and duties vested in, assigned to or imposed on the Board by this Ordinance or any regulation made thereunder ; and
- (d) all sums which the Board is authorised or required to pay by this Ordinance or any regulation made thereunder.

Accounts and audit.

44. (1) The Board shall cause its accounts to be kept in such form and in such manner as may be prescribed.

Accounts of
the Board.

(2) The books of account of the Board shall be kept at the office of the Board.

45. (1) The Board shall cause its books to be balanced on the thirtieth day of September in each year and shall, as soon as may be thereafter, cause to be prepared a profit and loss account and a balance sheet containing a summary of the assets and liabilities of the Board made up to the date aforesaid.

Profit and
loss account
and balance
sheet for
each year.

(2) The profit and loss account and the balance sheet shall be signed by a majority of the members for the time being in office and by the officer responsible for the preparation of such account and balance sheet.

46. Every profit and loss account and balance sheet shall be accompanied by a report, signed by a majority of the members, as to the state and condition of the affairs of the Board.

Report of
the members.

47. The accounts of the Board shall be audited each year by the Auditor-General or an officer authorised by him in that behalf. The person performing the duty under this section is hereinafter referred to as "the auditor".

Audit of
accounts.

48. (1) The auditor shall examine the accounts of the Board, ascertain the correctness of the balance sheet and furnish a report stating—

Auditor's
report.

- (a) whether or not he has obtained all information and explanations required by him ; and
- (b) whether, in his opinion, the accounts referred to in the report are properly drawn up so as to exhibit a true and correct view of the Board's affairs.

(2) The report of the auditor shall be transmitted by him to the Board.

49. (1) For the purpose of performing his duties under this Ordinance, the auditor may, by notice in writing, require the production before him of any books, deeds, contracts,

Powers of
auditor.

accounts, vouchers, and any other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents or papers to appear before him at any such audit and examination or adjournment thereof, and to make and sign a declaration in respect of the same.

(2) If any person neglects or refuses to produce any book, deed, contract, account, voucher, document or papers, or to make or sign any declaration when required to do so under sub-section (1), he shall be guilty of an offence.

Annual accounts with reports of members and auditor to be transmitted to Governor.

50. The Board shall, on receipt of the auditor's report in each year, transmit such report together with the profit and loss account and the balance sheet to which such report relates, and the report of the members under section 46, to the Governor.

Publication of accounts.

51. The profit and loss account and the balance sheet shall be published in the *Gazette* together with the whole or with portions of the reports transmitted under section 50, as the Governor may determine.

PART VI.

SUPPLEMENTARY PROVISIONS, REGULATIONS, ETC.

Returns, information, etc.

52. The Board may, for the purposes of the preparation or execution of any development scheme, by notice require any person to furnish such returns or information relating to the title of that person to any land or structure to which the scheme applies or is to apply, or to the rent, if any, paid to or by that person for any such land or structure, or to such other matters affecting any such land or structure as may be within the knowledge of the person to whom the notice is sent.

Service of notices, etc.

53. (1) Any notice, order, claim, instrument or other document required by or under this Ordinance to be served on any person may be served—

- (a) by delivering it to that person ; or
- (b) by leaving it at the usual or last known place of abode of that person, or, in the case of a company, by leaving it at the registered office of the company ; or
- (c) by sending it by post addressed to that person at his usual or last known place of abode, or, in the case of a company, to the registered office of the company.

(2) Any document which is served in accordance with any of the provisions of sub-section (1) shall be deemed to have been duly served on the person to whom it is addressed.

(3) Any notice, claim, instrument or other document required by or under this Ordinance to be served on or sent or transmitted to the Board shall be deemed to be duly served, sent or transmitted if it is delivered at, or sent by post to, the office of the Board or to the Chairman of the Board.

Authentication of documents served or issued by Board.

54. Any notice or other document required or authorised by or under this Ordinance to be served or issued by the Board shall be deemed to be sufficiently authenticated if it is signed by the Chairman of the Board or by some other officer of the Board authorised in that behalf by the Chairman.

Regulations.

55. (1) The Executive Committee may make regulations for the purpose of carrying out the provisions and giving effect to the principles of this Ordinance.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the Executive Committee may make regulations for or in respect of all or any of the following matters :—

- (a) all matters stated or required in this Ordinance to be prescribed or in respect of which regulations are authorised or required by this Ordinance to be made ;
- (b) the particulars and estimates which should be prepared by the Board in connection with draft development schemes ;
- (c) appeals under this Ordinance, including the time within which such appeals shall be preferred and the fees payable upon such appeals ;
- (d) the time and mode of recovery, whether summary or otherwise, of any instalment due in respect of any property under section 28 or of any expenses referred to it in section 18 (3) or section 61 (2) ;
- (e) all matters connected with or incidental to the matters specifically referred to in this sub-section.

(3) No regulation shall have effect until it has been approved by the State Council and ratified by the Governor. Notification of such approval and ratification shall be published in the *Gazette*.

(4) Upon the publication in the *Gazette* of a notification to the effect that a regulation made by the Executive Committee has been approved by the State Council and ratified by the Governor, that regulation shall be as valid and effectual as if it were herein enacted.

56. (1) The Governor may, by Order published in the *Gazette*, dissolve the Board established by this Ordinance.

Dissolution of Board.

(2) With effect from the date on which the Order dissolving the Board is published in the *Gazette* under sub-section (1)—

- (a) the Council shall be the successor of the Board for the purposes of this Ordinance;
- (b) all the property of the Board, whether movable or immovable, shall be deemed to be transferred to the Council;
- (c) all the property, movable or immovable, which at any time after that date would have vested or re-vested in the Board under this Ordinance if the Board had not been dissolved, shall vest or re-vest, as the case may be, in the Council;
- (d) all moneys declared by or under this Ordinance to be payable into or out of the fund of the Board shall, be deemed, as the case may be, to be payable into or out of the fund of the Council;
- (e) all the rights, debts, liabilities and obligations of the Board shall be deemed to be transferred to the Council; and
- (f) all the powers, functions and duties vested in, assigned to or imposed on the Board by or under this Ordinance shall be deemed to be vested in, assigned to or imposed on the Council.

57. (1) Every person who, on or after the date on which any development scheme comes into operation for any special area—

Offences.

- (a) executes any work or does any act, or causes or permits any work or act to be executed or done in or upon or in relation to any land or structure in that area; or
- (b) uses any land or structure in that area, or causes or permits such land or structure to be used,

in contravention of any provision of that scheme shall be guilty of an offence.

(2) Every person who—

- (a) knowingly makes any false or incorrect statement in any application, return or other document made or furnished under or for the purposes of this Ordinance or of any development scheme; or
- (b) fails or refuses to furnish any information or return required by or under this Ordinance to be furnished by him; or
- (c) fails or refuses to produce to the Board for the purpose of inspection any document required by the Board in connection with the preparation or execution of any development scheme; or
- (d) resists or obstructs any person in the exercise, discharge or performance of any power, function or duty conferred or imposed upon that person by or under this Ordinance,

shall be guilty of an offence.

58. (1) Every officer or servant of the Board who, except with written permission given by or on behalf of the Board—

Offences by officers, etc., of Board.

- (a) at any time prior to the publication in the *Gazette* of a notice under section 13 (1) in respect of any draft development scheme prepared by the Board, communicates any information to any person relating to the contents of the scheme; or
- (b) at any time before any development scheme comes into operation, enters into or interests himself in any transaction for the purchase, lease, or disposal of any land or structure situated in the special area for which the scheme is prepared,

shall be guilty of an offence, and shall, on conviction after summary trial before a magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding three months, or to both such fine and imprisonment.

- Penalty for offences. 59. Save as otherwise provided in section 58, any person who commits an offence under this Ordinance shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees, and in the case of a continuing offence to a further fine not exceeding fifty rupees for every day during which the offence continues.
- No proceedings except with written sanction of the Board. 60. No prosecution for an offence under this Ordinance shall be instituted in any court except with the written sanction of the Board.
- Order by court for demolition of any work, etc. 61. (1) Where any person is convicted of an offence under this Ordinance by reason of his executing any work or causing or permitting the execution of any work in or upon or in relation to any land or structure in contravention of any provision contained in any development scheme for the time being in operation and applying to that land the Magistrate by whom such person is convicted may, on the application of the Board, make an order directing such person to alter, remove or demolish that work within such period as may be specified in the order.
(2) Where any person who is required to alter, remove or demolish any work by an order made by a Magistrate under sub-section (1) fails to do so within the period specified in the order, the Board may cause such work to be altered, removed or demolished. All the expenses incurred by the Board in the alteration, removal or demolition of that work shall be a first charge on the property of that person, and may be recovered from that person in such manner as may be provided by regulation.
- Disposal of fines. 62. Any fine imposed by any court under this Ordinance shall, when recovered, be paid by the court into the fund of the Board.
- Interpretation. 63. In this Ordinance, unless the context otherwise requires—
 “Council” means the Colombo Municipal Council;
 “development scheme” means any development scheme prepared under this Ordinance for any special area;
 “emergency powers” means any power conferred by or under any defence regulation made under the Emergency Powers (Defence) Acts, 1939 and 1940, of the Imperial Parliament, as adapted, modified and extended to Ceylon by the Emergency Powers (Colonial Defence) Order in Council, 1939, and the Emergency Powers (Colonial Defence) (Amendment) Order in Council, 1940;
 “Executive Committee” means the Executive Committee of Local Administration;
 “Government Agent” means the Government Agent of the Western Province or the Assistant Government Agent of the revenue district of Colombo;
 “land” includes land covered with water and any right in or over land;
 “Minister” means the Minister for Local Administration;
 “owner” in relation to any land, includes the person for the time being receiving the rent of the land, whether on his own account or as agent or trustee for any other person, or who would receive the rent if the land were let to a tenant;
 “prescribed” means prescribed by regulation;
 “regulation” means a regulation made by the Executive Committee under this Ordinance;
 “road” means any public or private highway, street, carriage-way, cartway, lane or pathway, and includes—
 (a) any bridge, footway, pavement, kerb, grass margin, roundabout, square, drain, embankment or ditch belonging or appertaining to any road;
 (b) any land adjoining a road which has been reserved for the protection or benefit of the road, and
 (c) any land which has been marked off or reserved for the construction, widening, alteration or diversion of any road;
 “special area” means any area declared to be a special area by Order made under section 2;
 “structure” includes any building, wall, fence, excavation or other erection or thing constructed or erected in or upon any land;
 “town of Colombo” means the area within the administrative limits of the Council.

FIRST SCHEDULE.

(SECTION 5.)

Provisions of Land Acquisition Ordinance (Chapter 203)	Exceptions, modifications or amendments.
Section 2.	For the definition of " Government Agent ", there shall be substituted the following new definition :— " " Government Agent " means the Government Agent of the Western Province or the Assistant Government Agent of the revenue district of Colombo ;".
Sections 3, 4, 5, 12 (3) and 44. Section 6.	Shall not apply. For the words " The Government Agent shall thereupon cause ", there shall be substituted the words " Where the Government Agent is required by section 3 of the Special Areas (Colombo) Development Ordinance to take order for the acquisition of any land, he shall cause ".
Section 13.	In paragraph (c), the words " the amount awarded for damages under section 4, " shall be omitted.
Section 22.	(1) In paragraph (f), for the words " will be put ; or ", there shall be substituted the words " will be put ; ". (2) In paragraph (g), for the words " under this Ordinance.", there shall be substituted the words " under this Ordinance ; ". (3) Immediately after paragraph (g), there shall be inserted the following new paragraphs :— " (h) the income derived from any structure which has been certified by the Medical Officer of Health of the Colombo Municipal Council to be unfit for human habitation ; (i) any improvements made at the cost of the Government in, upon or in the proximity of the land which is to be acquired ; (j) any improvements made in or upon such land, being improvements in respect of which a person is not entitled, under section 7 of the Special Areas (Colombo) Development Ordinance, to claim or receive compensation ; or (k) any temporary increase in the value of the land due to the expectation of a rise of prices consequent upon the declaration of a special area under section 2 of the Special Areas (Colombo) Development Ordinance or the preparation or coming into operation of a development scheme under that Ordinance."
Section 38.	(1) For all the words from the commencement of the section to " When the amount of such compensation ", there shall be substituted the words " When the amount of the compensation ". (2) The words " and the said percentage " shall be omitted. (3) The words " and percentage " wherever those words occur collectively, shall be omitted. (4) For the words " six per centum ", there shall be substituted the words " five per centum ". (5) The words " or the percentage " shall be omitted. (6) The words " Percentage on market value to be allowed." in the marginal note shall be omitted.
Section 42.	(1) For the words " If the surveyor or any of his assistants or any person acting under his or their orders ", there shall be substituted the words " If the Government Agent or any person acting under his authority ". (2) In the marginal note, for the words " Surveyor or any person acting under his orders ", there shall be substituted the words " Government Agent or any person acting under his authority ".
Schedule.	In the Form A, for the words " the Land Acquisition Ordinance _____ of _____, entitled _____, ", there shall be substituted the words " the Land Acquisition Ordinance and the Special Areas (Colombo) Development Ordinance,".

SECOND SCHEDULE.

(SECTION 11.)

1. The character, height and frontage line of structures and the spacing of structures.
2. The regulation and control of the design and colour of structures, and of the materials of which structures may be built.
3. The access, egress and approach to or from structures, and the regulation of the arrangement of structures on any plot of land.
4. The regulation and control of the erection of temporary structures.
5. The splaying or setting back or rounding off of angles of the boundaries of land or structures in the interests of the public safety or the amenities of the neighbourhood.
6. The regulation of the objects which may be affixed to structures, and the authorisation of projections in front of building lines or of set-backs.
7. The area and extent of any curtilage, including the size, shape, width and depth thereof.
8. The percentage of the area of any curtilage which may be covered by structures and the extent of open spaces to be provided within any curtilage.
9. The limitation of the number of structures of any specified description which may be constructed or erected in any specified area or on any specified extent of land.
10. The regulation and control of the use and occupation of buildings or of the letting out of dwelling-houses in separate parts.
11. The demolition or alteration of structures which are inconsistent with any provision of any scheme or which are insanitary, unhealthy, dangerous, or otherwise unfit for human habitation.
12. The prescribing of standards of fitness for dwelling-houses.

Objects and Reasons.

Before the war conditions of bad lay-out and obsolete development existed in certain areas situated within the limits of the town of Colombo. No scheme, however, for the laying out afresh and re-development of such areas could be carried out in view of the large scale displacement of population and dislocation of industry which would have resulted.

When, however, during the war it became imperative in the interests of public safety that measures should be taken for the purpose of preventing any serious outbreak of fire as a result of enemy action in some of those areas which were particularly vulnerable to damage by fire, considerations such as the large scale displacement of population and the dislocation of industry were not allowed to stand in the way of the creation of fire gaps in such areas. This was accomplished by requisitioning such areas under the defence regulations and demolishing all buildings in such areas. Such areas therefore now consist of bare land.

As the areas in which fire gaps have been created are due to be de-requisitioned, it is felt that the time is now opportune for the carrying out of a scheme for the laying out afresh and re-development of such areas. It is therefore proposed that such areas together with land contiguous or adjacent thereto should be acquired by Government and vested in a Board specially established for the purpose of preparing and executing such a scheme. The object of this Bill is to enact the legislation necessary to give effect to that proposal.

S. W. R. D. BANDARANAIKE,
Minister for Local Administration.

Colombo, April 3, 1946.

MINUTE.

The following Draft of a proposed Ordinance is published for general information:—

L.D.—O.43/44.—M.L.A.—E.B. 117 (2).

**An Ordinance to amend the Motor Car Ordinance,
No. 45 of 1938.**

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows:—

Short title.

1. This Ordinance may be cited as the Motor Car Amendment Ordinance, No. of 1946.

Amendment of section 32 of Ordinance No. 45 of 1938.

2. Section 32 of the Motor Car Ordinance, No. 45 of 1938, (hereinafter referred to as "the principal Ordinance") is hereby amended in sub-section (4) thereof, by the substitution for the words "His Majesty", of the words "His Majesty, or belonging to the Government of the United States of America or such other foreign State as the Governor may from time to time specify by notification published in the Gazette."

3. Section 162 of the principal Ordinance is hereby amended in the proviso to sub-section (1), by the substitution in paragraph (a) of that proviso, for the words " His Majesty ; or ", of the words " His Majesty, or belonging to the Government of the United States of America or such other foreign State as the Governor may from time to time specify by notification published in the *Gazette* ; or ".

Amendment of
section 162
of the
principal
Ordinance.

Objects and Reasons.

The object of Clause 2 of this Bill is to amend section 32 of the Motor Car Ordinance, No. 45 of 1938, so as to exempt from licence duty motor cars belonging to the Government of the United States of America, or of any other foreign State which the Governor may specify by notification published in the *Gazette*. By the amendment set out in Clause 3 of the Bill provision is also made for the exemption of such motor cars from registration fees under that Ordinance.

S. W. R. D. BANDARANAIKE,
Minister for Local Administration.

Colombo, April 5, 1946.