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PART II.—LEGAL.

(Separate paging is given to each Part in order that it may be filed separately.)

DRAFT ORDINANCE.

MINUTE.

C.F.-312/27

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

An Ordinance to amend Ordinance No. 1 of 1897, intituled
“ An Ordinance relating to Claims to Forest, Chena,
Waste, and Unoccupied Lands.”

WHEREAS the Governor in Executive Council on the Fourth day of June, One thousand Nine hundred and Twenty-seven, appointed a Commission to inquire into and report, *inter alia*, on the land laws of Ceylon with particular reference to Ordinance No. 1 of 1897 (in this Ordinance called the Waste Land Ordinance) :

Preamble.

And whereas it is expedient to make immediate provision to prevent improvident alienation of unsettled land :

Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

1 This Ordinance may be cited as the Waste Land Ordinance, No. of 1927.

Short title.

Interpretation.

2 In this Ordinance unless the context otherwise requires—

“Appointed day” means the 10th August, 1927, being the day on which the draft of this Ordinance was first published in the *Gazette*.

“Alienation” includes a mortgage and any disposition and a sale by the Fiscal or by order of any court and an agreement to make an alienation, but does not include—

- (a) A will ; or
- (b) A lease for a term not exceeding three years ; or
- (c) A disposition by any person, whether for value or not, in favour of any of his issue or in favour of any person who, if the disponent died at the date of the disposition, would be an heir-at law of the disponent ; or
- (d) A sale under a hypothecary decree to enforce a mortgage made before the appointed day ; or
- (e) A sale by the Fiscal under a seizure for a debt incurred before the appointed day ; or
- (f) A disposition giving effect to a notarially executed agreement made before the appointed day ; or
- (g) A decree for partition or sale under the Partition Ordinance, No. 10 of 1863.

“Unsettled land” means land which at the commencement of this Ordinance is chena, forest, waste, unoccupied, or uncultivated land and has been neither—

- (a) Admitted to be private property by a Government Agent or other officer acting under the authority of the Government or by the Government Agent or other officer acting under section 4 of the Waste Land Ordinance ; nor
- (b) Included in an order under section 4 of the Waste Land Ordinance ; nor
- (c) Included in a Crown grant or lease.

“Government Agent” includes Assistant Government Agent.

Restriction on the alienation of unsettled land.

3 (1) No alienation of unsettled land made after the appointed day shall be valid unless it is made with the written consent of the Government Agent.

Provided that such consent shall not be unreasonably withheld; and that the refusal of such consent shall be subject to appeal to the Government in Executive Council, whose decision shall be final.

(2) Consent to an alienation made after the appointed day but before the commencement of this Ordinance may be given retrospectively.

Application of Ordinance.

4 (1) This Ordinance applies only to land situated in the Sabaragamuwa, North-Western, Central, and Uva Provinces, and the Magam pattu of the Southern Province: Provided that the Governor in Executive Council may, by Proclamation published in the *Gazette* extend the provisions of this Ordinance to any area specified in the Proclamation.

(2) Every such Proclamation shall, as soon as conveniently may be, be laid before the Legislative Council, and may, at any of the next three meetings of the Council, be disallowed by resolution of the Council, and if so disallowed shall be annulled, but without prejudice to anything already done thereunder, and if not so disallowed shall be deemed to be valid.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, August 6, 1927.

F. G. TYRRELL,
Acting Colonial Secretary.

Objects and Reasons.

THIS Ordinance is introduced in accordance with the recommendations contained in the first interim report of the Land Commission, but embodies the alterations recommended by the Chairman of the Commission. Its object is to prevent the improvident alienation of unsettled land. It is within the information of the Government that unsettled land is being bought up by speculative purchasers on a large scale and very often at an undervalue.

July 16, 1927.

L. H. ELPHINSTONE,
Attorney-General.