



# THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

No. 9,097 — SATURDAY, MARCH 13, 1943.

Published by Authority.

## PART II.—LEGAL.

### DRAFT ORDINANCES.

#### MINUTE.

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

M.L.A.—B 1775d/L. D.—O. 9/43.

#### An Ordinance to amend the Urban Councils Ordinance, No. 61 of 1939.

1941 Supplement (Vol. II., p. 760).

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

1. This Ordinance may be cited as the Urban Councils Amendment Ordinance, No. of 194

Short title.

2. Section 33 of the Urban Councils Ordinance, (hereinafter referred to as "the principal Ordinance"), is hereby amended in sub-section (5), by the substitution, for the words "falls vacant", of the words "falls vacant in any manner other than by the removal of the Chairman from office under section 34A".

Amendment of section 33 of Ordinance No. 61 of 1939

3. Section 34 of the principal Ordinance is hereby amended by the repeal of sub-section (3).

Repeal of sub-section (3) of section 34 of the Principal Ordinance.

4. The following new section is hereby inserted immediately after section 34 of the principal Ordinance and shall have effect as section 34A of that Ordinance :—

Insertion of new section 34A in the principal Ordinance.

34A. (1) The Chairman of an Urban Council may be removed from the office of Chairman on a resolution for such removal duly passed by not less than two-thirds of the total number of members of the Council at a special meeting of the Council convened for the purpose by the Government Agent.

Removal of Chairman from office by resolution of the Council.

(2) The Government Agent shall, whenever requested in writing by not less than one-half of the total number of members of an Urban Council to convene a special meeting of the Council for the purpose of considering a resolution for the removal from office of the Chairman under sub-section (1), forthwith convene a special meeting of the Council for such purpose.

(3) If, at any special meeting of an Urban Council convened under this section, a resolution for the removal of the Chairman from the office of Chairman is passed by a number not less than the minimum number of members required by sub-section (1), then, the Chairman affected by such resolution shall be deemed to have resigned such office; and the members shall at that meeting forthwith proceed to the election of, and shall elect, one of their own number to be the Chairman of the Council:

Provided that where in any such case a Chairman is not, for any reason, elected at that meeting, the Government Agent shall by notice in accordance with the requirements of sub-section (8), forthwith convene a special meeting of the Council for the purposes of such election.

(4) Where at any special meeting of an Urban Council convened under this section, a resolution for the removal of the Chairman from the office of Chairman is negatived or is

passed by any number less than the minimum number of members required by sub-section (1), then no other meeting for the purpose of considering a resolution for the removal from office of that Chairman shall be convened by the Government Agent within six months from the date on which the first-mentioned resolution was negatived or passed, anything in sub-section (2) to the contrary notwithstanding.

(5) The Government Agent shall preside at every special meeting convened by him under this section, but shall not be entitled to vote on any question coming up for decision thereat.

(6) The Government Agent shall, on the termination of every special meeting convened by him under this section, cause the minutes of such meeting to be entered in the book kept for that purpose under section 40, and shall sign such minutes. A copy of such minutes shall be forthwith sent by the Secretary of the Council to the Commissioner of Local Government.

(7) Where for any reason a special meeting convened by the Government Agent under this section is not held on the date appointed by him, he may by further notices in accordance with the requirements of sub-section (8) appoint, as often as may be necessary, any other date for such meeting.

(8) Every special meeting of an Urban Council under this section shall be convened by the Government Agent by notice in writing addressed to and served upon each member of the Council not less than two days before the date of the meeting. Where service of any such notice cannot for any reason be effected personally on any member, the notice shall be deemed to have been duly served if it is sent by post to, or left at the last known place of abode of, that member, and every such notice which is sent by post shall be deemed to have been served at the time at which it would have been received in the ordinary course of post. Every notice shall specify the date, time and place of the meeting.

(9) In any case where the total number of members of an Urban Council is such that the two-thirds of that number required by sub-section (1) or the one-half of that number required by sub-section (2) would be an integer and a fraction, then, for the purposes of this section the next higher integer shall be deemed to be the minimum number required by sub-section (1) or sub-section (2), as the case may be.

Amendment of section 38 of the principal Ordinance.

5. Section 38 of the principal Ordinance is hereby amended in sub-section (2) by the substitution, for all the words from "and shall convene" to "two or more members of the Council", of the words "and shall, whenever requested in writing by any two or more members of the Council to convene a special meeting for any purpose specified in such writing, forthwith convene a special meeting for that purpose".

#### *Objects and Reasons.*

The principal object of this Bill is to replace section 34 (3) of the Urban Councils Ordinance, No 61 of 1939, by a more comprehensive section which will facilitate the removal from office of any Chairman who no longer retains the confidence of at least two-thirds of the members of the Council. Under the new section the Government Agent will be required, on receipt of a written requisition signed by not less than one-half of the total number of members of an Urban Council, to convene and preside at a special meeting of the Council at which a resolution for the removal from office of the Chairman will be moved. If such resolution is passed by not less than two-thirds of the total number of members of the Council, the Chairman will be deemed to have resigned the office of Chairman. The new section will also include provision for the election in such a case of a new Chairman. (Clause 4).

2. Clause 2 will effect a consequential amendment in section 33 of the principal Ordinance.

3. There is nothing in section 38 (2) of the principal Ordinance which requires members, when making a written request to the Chairman for a special meeting of the Council, to specify the purposes for which that special meeting is to be convened. This omission will be rectified by Clause 5.

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

Colombo, March 13, 1943.