



THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

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PART II.—LEGAL.

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

DRAFT ORDINANCES.

MINUTE.

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

L. D.—O. 488/34

An Ordinance to amend the Ordinance intitled “ An Ordinance to make provision for the grant and disposition of Crown lands in Ceylon ; for the management and control of such lands and the foreshore ; for the regulation of the use of the water of lakes and public streams ; and for other matters incidental to or connected with the matters aforesaid ”.

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 Crown Lands (Amendment) Ordinance, No. of 1946.

Short title.

2. In the event of the Bill intitled “ An Ordinance to make provision for the grant and disposition of Crown lands in Ceylon ; for the management and control of such lands and the foreshore ; for the regulation of the use of the water of lakes and public streams ; and for other matters incidental to or connected with the matters aforesaid ” receiving the assent of His Majesty and taking effect as an Ordinance upon the signification of such assent by Proclamation published in the *Government Gazette*, that Ordinance shall, with effect from the date of the publication of such Proclamation, be amended by the insertion, immediately after section 73 of that Ordinance, of the following new section which shall have effect as section 73A thereof:—

Insertion of new Clause 73A in the Crown Lands Bill in the event of that Bill becoming law.

“ 73A. (1) Where the right of the owner of any land on the bank of a public lake or public stream to use the water in that lake or stream for any purpose on that land, being a right acquired under any law relating to the acquisition of rights by virtue of user, is extinguished by the operation of section 72, such owner shall have a claim for compensation from the Crown for the actual loss suffered by him as a result of the extinction of such right.

Compensation for extinction of prescriptive right to use water in public lake or public stream.

(2) Every claim for compensation under sub-section (1) shall be made in writing addressed to the Land Commissioner and specifying—

- (a) the name and address of the claimant,
- (b) the facts on which the claimant relies to prove the claim, and
- (c) the amount of the compensation claimed and the manner in which or the principles according to which that amount has been computed or estimated.

(3) No claim under sub-section (1) shall be entertained by the Land Commissioner unless it has been preferred within one year after the commencement of this Ordinance.

(4) After consideration of each written claim entertained by him, the Land Commissioner—

- (a) shall inform the claimant, by registered letter sent by post to the claimant, whether the claim is admitted in whole or in part or is not admitted by the Crown, and,
- (b) if the claim is admitted whether in whole or in part, shall tender to the claimant the amount claimed by him or, as the case may be, the amount which the Crown is willing to pay as compensation.

(5) Where a claimant is aggrieved by the refusal of the Crown to admit the claim or by any reduction of the amount claimed by him as compensation, he may institute an action for enforcing the claim or for recovering the full amount in the District Court having local jurisdiction over the place where the right in respect of which the claim is made is alleged to have been exercised by him.

(6) No action under sub-section (5) shall be maintainable by a claimant unless it has been instituted within one year after the receipt by him of the letter referred to in sub-section (4)."

Objects and Reasons.

The provisions of Clause 72 of the Crown Lands Bill are intended to vest in the Crown the right to the use and flow and to the management and control of the water in any public lake or public stream. When those provisions become law, they will extinguish the prescriptive rights of owners of lands on the banks of public lakes or public streams to use the water in those lakes or streams for operating any mechanical appliances or for irrigation or such other purpose. The aforesaid Bill does not contain provisions enabling the grant of compensation to such owners for the extinction of such prescriptive rights. The object of this Bill is to amend the aforesaid Bill, in the event of its taking effect as an Ordinance, by the insertion of a new clause providing for the award of such compensation.

D. S. SENANAYAKE,
Minister for Agriculture and Lands.

Colombo, 6th September, 1946.