



# **HOUSING AND TOWN IMPROVEMENT ORDINANCE**

# HOUSING AND TOWN IMPROVEMENT

## AN ORDINANCE TO PROVIDE FOR THE BETTER HOUSING OF THE PEOPLE AND THE IMPROVEMENT OF TOWNS.

### Ordinance Nos,

19 of 1915  
32 of 1917  
42 of 1917  
3 of 1929  
13 of 1931  
34 of 1933  
11 of 1935  
17 of 1943  
24 of 1946  
57 of 1946  
16 of 1947

### Act Nos,

29 of 1953  
10 of 1954  
53 of 1954  
28 of 1956  
3 of 1978  
39 of 1979  
38 of 1980  
57 of 1981  
10 of 1983

[1<sup>st</sup> December 1915]

## PART I PRELIMINARY

### Short Title

1. This Ordinance may be cited as the Housing and Town Improvement Ordinance.

### Interpretation

2. In this Ordinance, unless the context otherwise requires;

“Administrative region” means an administrative region defined by Order made under section 2 of the Local Government (Administrative Regions) Ordinance;

“Assessed annual value” with regard to any land or building means the value at which such land or building has been assessed for the purpose of rates under any enactment;

“Building” in relation to

(a) a house, means a building that is detached or joined to another building on any side, adapted or designed for use as a dwelling house, consisting of at least one living room, a cooking place and a latrine, but does not include a flat;

(b) a flat or an apartment, means a self-contained suite of rooms, on one or more than one floor as the case may be, of a building of one or more than one storey, adapted or designed for use as a dwelling house;

(c) a residential building, means any building or a portion of a building adapted and designed for use as a dwelling house other than those mentioned in paragraphs (a) and (b), and includes a boarding house, hostel, lodging house, residential club and residential hotel;

- (d) a dwelling attached to a building of another category, means a dwelling or a warehouse and a dwelling or a factory and a dwelling or a shop and a dwelling, adapted and designed for use as a residence and includes a building or a portion of a building designed for use as the residence of a caretaker;
- (e) a commercial building, means any building or a portion of a building which is used for professional or commercial purposes;
- (f) a warehouse, means any building or a portion of a building which is used for bulk storage of goods and includes a parking garage but does not include a shop, boutique or other place used mainly for the sale of goods, nor a garage used solely for carrying out repairs;
- (g) an industrial building, means any building or a portion of a building used or intended to be used as a factory or workshop and includes any depository or store or any office within the same site, the use of which is incidental to the use of such factory or workshop;
- (h) a public building, means any building belonging to a public institution including a benevolent home, convalescent house, hospital, nursery, nursing home, orphanage and sanatorium; or any building where people assemble for the purpose of recreation, amusement, entertainment, instructions, meeting or worship;
- (i) an outbuilding means any building of any category of buildings not falling within any one of the above-mentioned categories and includes any appurtenances of a building and any masonry boundary wall or gateway.

“Chairman” means the Chairman of the local authority or of the Board of Improvement Commissioners, and in the case of a Municipal Council includes the Mayor and Deputy Mayor:

Provided that where the local authority is the Assistant Commissioner of Local Government for any administrative region, any reference in this Ordinance to the Chairman shall be deemed to be a reference to such Assistant Commissioner;

“Construction” in the case of any street or thoroughfare includes provisions for the lighting of the street or thoroughfare and the supply of water to its inhabitants, and its sewerage, draining, levelling, paving, kerbing, metalling, channelling, and every method of making a carriageway or footway, and the provision of access to the street or thoroughfare;

“Cost of construction” includes a reasonable percentage in respect of establishment charges, and in the case of the provision of access, the cost involved in the acquisition of any land necessary for the purpose;

“Dwelling house” means a building used or constructed or adapted to be used wholly or principally for human habitation;

“Habitable room” means a room constructed or adapted to be inhabited;

“Health officer” includes any medical officer of health or any officer charged with the medical supervision of public health by any local authority;

“Inhabited room” means a room in which some person passes the night, or which is used as a living room, and includes a room in respect of which in the circumstances of the case there is

a probable presumption (until the contrary is shown) that some person passes the night therein, or that it is used as a living room;

“Local authority” means-

- (a) within any Municipal limits, the Municipal Council,
- (b) within the limits of any Urban Council or Town Council, the Urban Council or Town Council,
- (c) within the administrative limits of any Village Council, the Assistant Commissioner of Local Government for the administrative region within which such limits are situated, or if the Minister by Order published in the Gazette so directs, the Village Council,
- (d) in any place outside any of the limits aforesaid, the Assistant Commissioner of Local Government for the administrative region within which such place is situated;

“Magistrate” includes a Municipal Magistrate;

“Owner” includes the person for the time being receiving the rent of the premises in connection with which the word is used, whether on his own account, or as agent or trustee for any other person, or who would receive the same if such premises were let to a tenant;

“Public street” means any street over which the public have a right of way, which is or has been usually repaired or maintained in whole or in part by any public authority, or which has been conveyed to them or has become vested in them under any enactment or by operation of law;

“Street” includes any road, footway, or passage used or intended to be used as a means of access to two or more houses or sites of houses, whether the public have a right of way thereover or not, and includes all channels, drains, ditches, sidewalks, and reservations at the side thereof; “tribunal of appeal” means the tribunal referred to in Chapter II of Part IV;

“Window” includes an opening for ventilation which is so placed as to admit both light and air without obstruction. Where any expression is used denoting or implying conformity with, or contravention of, any enactment, the expression “Ordinance” or “enactment” shall be deemed to include any rule, regulation, by-law, scheme, or order made thereunder. All references to this Ordinance include the Schedule.

#### **Application of Ordinance**

**3.** This Ordinance shall apply-

- (a) within the administrative limits of any Municipal Council, Urban Council or Town Council;
- (b) within any other limits in which it shall be declared to be in force by resolution of Parliament.

Powers under Ordinance to be additional to powers conferred by other enactments.

#### **Powers under ordinance to be additional to powers conferred by other enactments**

**4.** The powers conferred upon any local authority by this Ordinance shall be in addition to, and not in derogation of, any powers of such local authority under any other enactment:

Provided that in any case in which any provision of this Ordinance is in conflict with any provision of any such other enactment, the provision of this Ordinance shall prevail.

PART II  
PREVENTIVE MEASURES  
CHAPTER I

**Buildings**

5. No person shall erect or re-erect any building within the limits administered by a local authority, except in accordance with plans, drawings, and specifications approved in writing by the Chairman.

**No alteration without consent of Chairman**

6. (1) No person shall make any alteration in any building within the limits administered by a local authority without the written consent of the Chairman.

(2) For purposes of this and the connected sections an "alteration" means any of the following works;

- (a) the construction of a roof or any part thereof, or an external or party wall;
- (b) the closing or construction of any door or window in an external wall;
- (c) the construction of an internal wall or partition;
- (d) any other alteration of the internal arrangements of a building which effect any change in the open space attached to such building, or its drainage, ventilation, or sanitary arrangements;
- (e) the addition of any building, room, outhouse, or other structure;
- (f) the roofing of any space between one or more walls and buildings;
- (g) the conversion into a dwelling house of any building not originally constructed for human habitation;
- (h) the conversion into more than one place for human habitation of a building originally constructed as one such place;
- (i) the conversion of two or more places of human habitation into a greater number of such places;
- (j) the alteration of a building for the purpose of effecting a partition among joint owners; and
- (k) the re-erection of any part of the building demolished for the purpose of such re-erection or otherwise destroyed.

But the said expression shall not include

- (i) the re-roofing in whole or in part with cadjan or any substance of similar character of any building or part of a building; or
- (ii) the re-erection in whole or in part of any wall of any thatched mud and wattle building, or any part thereof, rendered unfit for habitation by stress of weather or other similar cause; or
- (iii) any repair or minor alteration as to which it shall have been declared by public notice on the order of the Chairman that the consent of the Chairman will not be required under this section.

**No approval or consent to be given except in accordance with law.**

7. (1) The Chairman shall not

- (a) approve any plan or specification of any building; or
- (b) consent to any alteration in any building, which shall conflict, or cause such building to conflict, with the provisions of this Ordinance or any other enactment.

(2) Where any proposed alteration in any building involves the addition of any room or storey to the building, the Chairman may refuse to consent to any such alteration unless the whole building or any part thereof is brought into conformity with this Ordinance or any other enactment.

(3) The Chairman shall not refuse his approval or consent except on the grounds indicated in this section, or on the ground of non-compliance with any requirement made under section 8.(4) An alteration shall be deemed to cause a building to conflict with any provision of this Ordinance or any other enactment in any case in which the construction of the building, in such a manner as to include the alteration, would be in conflict with such provision,

**Requirements by Chairman.**

8. For the purpose of the consideration of any application for his approval or consent under this Chapter, the Chairman may require

- (a) the submission of plans, drawings, and specifications in such form and containing such particulars as may be prescribed by local by-laws, or in the absence of such by-laws by the Chairman;
- (b) the amendment of any plan, drawing, or specification so submitted so as to bring it into accordance with law;
- (c) the submission of such further information as he may require for the purpose of his decision;
- (d) the attendance before him of the person making the application, or some person on his behalf, for the purpose of giving any explanation which the Chairman may require of any plan, specification, or information submitted in accordance with this section;
- (e) the furnishing of an address at which all notices under this Ordinance may be served upon the applicant.

**Appeal where decision delayed.**

9. (1) If within two months after any application for the approval or consent of the Chairman shall have been made to the Chairman under this Chapter, or of the furnishing of any amendment, information, or explanation under section 8, the Chairman fails to intimate in writing to the person making the application his refusal of approval or consent, the applicant may appeal to the Minister and the Minister on such application may (subject always to the provisions of this Ordinance or any other enactment) order the Chairman to give his decision within such time as may be limited in the order; and it shall be the duty of the Chairman to comply with such order.

(2) Within any limits for which Improvement Commissioners have been appointed, the appeal shall be made to the Board of Improvement Commissioners in lieu of the Minister, and the Board of Improvement Commissioners shall in any such case have the same powers as the Minister under this section.

**Notice of commencement or resumption of operations.**

**10.** No person shall commence any building operations involving the erection, re-erection, or alteration of a building, or, in the case of any operations the progress whereof shall have been suspended for a period exceeding three months, resume any such building operations, unless

- (a) he shall have given to the Chairman seven days' notice of his intention to commence or resume such operations, with particulars of the intended works; and
- (b) the approval or consent of the Chairman required by this Chapter shall have been given within one year before the date of the notice.

**Inspection of building operations.**

**11.** The Chairman or the health officer, or any officer authorized generally or specially in that behalf by the Chairman or the health officer, may at any time during any building operations make an inspection thereof without giving previous notice of his intention so to do, and for the purpose of such inspection may enter upon the premises upon which such operations are proceeding.

**Proceedings to be taken in respect of building or work commenced contrary to this Chapter.**

**12.** (1) If any building operations are commenced, continued, resumed, or completed contrary to the provisions of this Chapter, the Chairman may by written notice

- (a) require the person who is executing or has executed such operations, or has caused them to be executed, on or before such day as shall be specified in such notice, not being less than seven days from the date thereof, by a statement in writing subscribed by him or by an agent duly authorized by him in that behalf and addressed to the Chairman, to show sufficient cause why the building or work in question shall not be removed, altered, or pulled down; or
- (b) require the said person on such day and at such time and place as shall be specified in such notice, not being less than seven days from the date thereof, to attend personally, or by agent duly authorized by him in that behalf, and show sufficient cause why such building or work shall not be removed, altered, or pulled down.

(2) If such person shall fail to show sufficient cause to the satisfaction of the Chairman why such building or work shall not be removed, altered, or pulled down, the Chairman may, without prejudice to the remedy provided by section 13, make an order requiring such person, within a time specified in the order, to remove, alter, or pull down the building or work, and if such person does not comply with the said order, may himself remove, alter, or pull down the building or work, and the expenses thereby incurred shall be paid by such person, and may be recovered in the same manner and by the same process as a rate.

**Offences.**

**13.** (1) Any person who shall-

- (a) commence, continue, or resume building operations in contravention of any provision of this Chapter;
- (b) deviate from any plan or specification approved by the Chairman without his written permission;
- (c) execute any building operation in contravention of any of the provisions of this Ordinance or of any local by-law;
- (d) fail to comply with any lawful order or written direction of the Chairman;

- (e) fail to remove or pull down any building or alteration to any building erected or made for a temporary purpose under a permit issued by the Chairman, within the time specified in such permit; or
- (f) cause any other person to do any of the acts above enumerated, or if such person cannot be found,

the owner of the building in question, shall be liable on summary conviction to a fine not exceeding three hundred rupees, and to a daily fine of twenty-five rupees for every day on which the offence is continued after conviction.

(2) In any case in which any person is convicted under this section, the Magistrate may, on the application of the Chairman, make a mandatory order requiring such person, or the owner of the building, or both, within a time limited in the order, to demolish the building in question, or to alter it in such a way as to bring it into accordance with law, and in the event of such mandatory order not being complied with may authorize the Chairman to demolish, alter, or otherwise deal with the building in such a manner as to secure compliance with the order, and to recover the expenses thereby incurred in the same manner and by the same process as a rate.

**Suspension of operations pending appeal.**

**14.** Upon any conviction or order under either section 12 or section 13, all building operations in question shall be suspended from the date of the conviction or order, notwithstanding any appeal that may be entered against such conviction or order, and any person acting in breach of this section shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding fifty rupees in respect of each day on which the offence is committed or continues.

**Certificate of conformity.**

**15. (1)** No building constructed after the commencement of this Ordinance shall be occupied, except by a caretaker, until the Chairman has given a certificate that such building, as regards construction, drainage, and in all other respects, is in accordance with law.

(2) Any person who has erected any building may apply in writing to the Chairman for such certificate, and thereupon the Chairman, after such inquiry as he shall consider necessary, shall, within thirty days of the receipt of the application, either grant the certificate or inform the applicant of his refusal to do so and of the grounds of his refusal.

(3) Any person who occupies or allows to be occupied any building in contravention of this section shall be guilty of an offence, and shall be liable to a penalty not exceeding twenty-five rupees for each day during which the contravention continues.

(4) For the purpose of carrying out the provisions of this section it shall be lawful for the Chairman or the health officer, or for any officer generally or specially authorized in that behalf by the Chairman or the health officer, at any time between sunrise and sunset, and after giving reasonable notice to the occupants, to enter any building within the administrative limits of the local authority, and to make such inspection and examination of the premises as may appear necessary.

**Appeal.**

**16.** Any person aggrieved by the refusal of the Chairman or Commissioner of Local Government to approve of any plan, drawing, or specification, or consent to any alteration, or by any requirement or order of the Chairman or Commissioner of Local Government, or by any refusal of a certificate of the Chairman or Commissioner of Local Government under this Chapter, or by any delay of the



Chairman or Commissioner of Local Government in complying with the provisions of section 15, may appeal to the tribunal of appeal, and the tribunal on any such appeal (subject always to the provisions of this Ordinance or any other enactment) may make such order as it may deem just.

**Power of Chairman to permit erection of buildings, &c, for temporary purposes.**

**17.** (1) Anything in this Ordinance or any other written law to the contrary notwithstanding, it shall be lawful for the Chairman in his discretion to grant to any person, on his depositing as security such sum of money as the Chairman may direct, a permit in writing to erect any building or make any alteration in any building, which may otherwise conflict or cause any building to conflict with the provisions of this Ordinance, on condition that such building or alteration shall be erected or made for a temporary purpose only and shall be removed or pulled down by the holder of the permit within such time not exceeding one year from the date of the permit as may be specified therein:

Provided that the Chairman may, if he thinks fit, grant such a permit without any deposit of security.

(2) If the holder of a permit granted under subsection (1) shall remove or pull down the building or alteration referred to in that permit within the time specified therein, any sum of money deposited by him as security shall be returned to him.

(3) If the holder of a permit shall fail to remove or pull down the building or alteration referred to in that permit within the time specified therein, the Chairman may, without prejudice to the remedy provided by section 13, himself remove or pull down the building or alteration, and the expenses thereby incurred shall be deducted from any sum of money deposited by the holder of the permit as security and the balance, if any, returned to him.

(4) (a) Where no sum has been deposited as security, the expenses incurred by the Chairman under subsection (3) shall be paid by the holder of the permit and may be recovered in the same manner and by the same process as a rate.

(b) Where the expenses incurred by the Chairman under subsection (3) exceed the sum deposited as security, the amount of the excess shall be paid by the holder of the permit and may be recovered in the same manner and by the same process as a rate.

## CHAPTER II

### Streets

**Persons desirous of developing property by building to set apart streets and back lanes.**

**18.** Except in so far as public streets may be provided by any public authority, it shall be the duty of all persons owning land property by within the administrative limits of the local authority, who shall desire to develop such land by the erection of buildings thereon, to set apart and lay out such streets and back lanes as may be necessary for the approach to such buildings and for their proper scavenging and drainage, and to construct such streets in accordance with this Ordinance or any other enactment defining the powers of the local authority,

**All buildings to be erected upon street lines.**

**19.** (1) Every building erected or re-erected after the commencement of this Ordinance within the administrative limits of any local authority.

- (a) shall be erected either upon the line of an existing street not less than twenty feet in width, or upon the line of a new street defined or approved by the Chairman or otherwise authorized under this Ordinance or any other enactment; and
- (b) shall either abut upon the street or have all the land between at least one face of such buildings and the street reserved for the use of the building,

(2) Where a building is situated upon any street a new building shall not be erected on any space intervening between any face of any such first-mentioned building and the street unless another face of such first-mentioned building is situated upon a street, or unless access thereto is provided by a street in accordance with rule 8 (2) of the Schedule, or otherwise.

(3) On the application by any person for sanction to erect a building not complying with paragraph (b) of subsection (1) hereof the Chairman may in his discretion sanction such erection, subject to access to such building being provided in accordance with rule 8 of the Schedule.

(4) The local authority may by resolution, from time to time, subject to the standards prescribed by rule 8 of the Schedule, define the lines by which any existing street or any part or continuation thereof shall be bounded, and the lines so defined shall be deemed to be the lines of the street.

Provided that in the case of a public street, where on the re-erection of any building which projects over any line so defined such building is required to be set back to such line, the local authority shall make compensation to the owner of the building for any damage he may thereby sustain; Provided, further, that in the case of any existing street, to the extent to which the same is already to a substantial extent developed by buildings, the local authority, for the purpose of defining the lines of the street, may authorize such modifications of the said standards as may be deemed expedient. For the purposes of this section the re-erection of a building includes the re-erection of any wall or part of a wall forming part of the building or of any other support to the roof, or the erection of any new wall or other support to the roof.

The term "re-erection" includes the restoration of any wall or any part of a wall or of any support to a building which has been demolished or otherwise destroyed to or within a distance of five feet from the ground, but does not include any operation which, in the opinion of the Chairman, may reasonably be considered a repair to the wall or support. The expression "existing street" means a street in existence at the commencement of this Ordinance.

**Notice of intention to lay out new street.**

**20.** Every person who intends to lay out or construct a new street shall, before commencing the same, give written notice of his intention to the Chairman, and shall along with such notice submit in duplicate plans and sections showing the intended level, direction, width, and means of drainage of such street, and the level of the buildings to be built abutting upon it.

**Directions by Chairman.**

**21.** (1) The Chairman may give written the directions to the person submitting plans for a new street with regard to any of the following particulars;

- (a) the compliance with the provisions of this Ordinance or any other enactment defining the powers of the local authority;
- (b) the line of the new street, so as to ensure that it forms a continuous street with any existing street or approved new street specified by the Chairman;
- (c) the levels of the new street and of the ground surface of the building sites;

- (d) the provision in connection with the new street of back lanes for the purposes of scavenging in accordance with any improvement scheme sanctioned under this Ordinance;
- (e) the width of the new street;
- (f) the line of building frontage;
- (g) the mode of drainage of the new street;
- (h) the rounding of the corners of the new street.

(2) The person to whom any written directions are so given shall amend the plans accordingly.

**Width of street.**

**22.** The Chairman shall not approve or define the line of any new street unless such street shall comply with the standards prescribed by the Schedule or with any improvement scheme sanctioned under this Ordinance.

**Appeal where communication of decision delayed.**

**23.** (1) If within three months after the receipt by the Chairman of a notice of intention to lay out a new street, or after the receipt of any amendment of the plans of such street, the decision of the Chairman shall not be communicated to the person intending to lay out the street, such person may appeal to the Minister and the Minister on such application may (subject always to the provisions of this Ordinance or any other enactment or any local by-law) make an order requiring the Chairman to communicate his decision within such time as may be specified in the order, and it shall be the duty of the Chairman to comply with such order.

(2) Within any limits for which Improvement Commissioners have been appointed, the appeal shall be made to the Board of Improvement Commissioners in lieu of the Minister and the Board of Improvement Commissioners shall in any such case have the same powers as the Minister under this section.

**Demarcation of new streets.**

**24.** (1) Where plans of a new street have been approved under this Chapter, it shall be the duty of the person intending to lay out the street, and of each successor in title of such person, so far as the street lies in his land, to lay out the new street, or to demarcate its boundaries, by such boundary stones or other marks as may be considered sufficient by the Chairman to denote the length, width, and alignment of the street.

(2) In case the new street shall not have been laid out or demarcated within the period of six calendar months from the date when the plans have been approved by the Chairman, the Chairman or any officer acting under his directions may enter upon the land and demarcate the boundaries of the new street, and may recover the expenses thereof from the person in default in the same manner and by the same process as a rate.

(3) Any person removing, defacing, or injuring any such stone or mark set to denote the length, width, or alignment of any such new street shall be guilty of an offence, and liable to a fine not exceeding one hundred rupees.

**Offences.**

**25.** (1) Every person who

- (a) lays out or constructs or commences to lay out or construct any new street otherwise than in accordance with plans approved by the Chairman; or
- (b) erects or commences to erect any building on a new street which has not been laid out in accordance with the plans so approved, shall be guilty of an offence, and liable on summary conviction to a fine not exceeding three hundred rupees;

and a Magistrate may, on the application of the Chairman, make a mandatory order requiring such person to demolish such building, or to alter such street or such building so as to bring the same into accordance with law.

(2) In the event of such order not being complied with, the Magistrate may authorize the Chairman to carry out the order, and to recover the expenses thereby incurred from the owner of the street or building in the same manner and by the same process as a rate,

**Constructing streets.**

**26.** (1) If any street, not being a public street, or any part thereof, be not constructed or maintained to the satisfaction of the local authority, the local authority may, from time to time, resolve with reference to such street or part thereof to do any one or more of the works comprised in the definition of "construction" in section 2 of this Ordinance;

and the expenses incurred by the local authority in executing any such work shall be apportioned by the Chairman among the premises fronting, adjoining, or abutting upon such street or part thereof, and shall be recoverable from the owners of all such of the aforesaid premises as are liable to be assessed for local rates in the same manner and by the same process as a rate.

(2) Before passing any such resolution the local authority shall serve upon the owners of all premises affected thereby a notice

- (a) indicating the works of construction proposed to be undertaken and the estimated probable cost thereof; and
- (b) stating a place at which the plans and particulars of the said works, together with a provisional apportionment of the cost thereof,

may be inspected by any person so served, or by any person authorized by him in that behalf, and shall afford an opportunity for the hearing of any objection to the proposed works, or to the proposed apportionment of the cost thereof, in such manner as may be prescribed by by-laws, or as may be otherwise ordered by the local authority.

(3) The local authority may at any time resolve to contribute any proportion of the expenses of any such work of construction which would otherwise be recoverable from the owners of any such premises.

(4) The said expenses shall be apportioned according to the frontage of the respective premises: Provided that the Chairman may have regard to the greater or less degree of benefit to be derived by any premises from any work so undertaken.

(5) The Chairman may include in any such apportionment any premises which do not front, adjoin, or abut on the street or part thereof, but access to which is obtained from the street by means of a

lane, passage, or otherwise, and which in his opinion would be benefited by any work so undertaken, and fix the sum so apportioned to be charged against any such premises accordingly.

(6) Every apportionment made by the Chairman under this section shall be published in the Gazette, and a copy thereof shall be served upon the owners of the respective premises in manner hereinafter provided.

(7) Any person aggrieved by any apportionment under this section may appeal, to the tribunal of appeal, and on any such appeal the tribunal may make a new apportionment, or may make such other order as it may deem just.

(8) Where any of the said works have been done under this section, or where any street has been otherwise constructed to the satisfaction of the local authority, the local authority may by notice published in the Gazette and exhibited in any part of such street declare the same to be a public street, and thereupon the same shall become a public street, and shall be repairable and maintainable by the local authority to the extent to which any such work has been done:

Provided that no such street or part of the street shall become a public street and so repairable if, within one month after such notice has been published and exhibited, the owners of the greater part in value of the premises fronting on such street or part of the street have by notification in writing under their hands to the local authority objected thereto.

(9) Where application is made to the local authority by the owners of one-third of the total frontages abutting upon any street or any defined part of a street that any work of construction shall be undertaken with reference to such street or part of a street, with a view to the same being declared a public street under subsection (8) hereof, the local authority may require, as a condition of its assent to such application, that the said street or part of a street shall be widened to such extent as it may deem necessary, and in any such case the widening of the street shall be deemed to be a work of construction within the meaning of this section, and the cost of construction shall include the cost of demolishing and re-erecting any boundary wall and of any compensation payable under the next succeeding subsection:

Provided that no work of construction involving any such widening shall be undertaken if objection is made thereto under subsection (2) hereof by the owners of more than one-half of the total frontages abutting on the street or part of a street.

(10) Compensation shall be payable in respect of any building or part of a building demolished for the purpose of any such widening, but the amount of such compensation may be set off against any apportionment due from the owner of any premises in respect of which the compensation is payable.

(11) Where one or some only of the said works have been done under this section, the declaration of the said street or part of the street as a public street shall not preclude the local authority from resolving, from time to time, to do any other of the said works with respect to such street or part of the street, or from recovering the expenses thereof in the manner provided by this section.

#### **Appeals.**

**27.** Any person aggrieved by any order of the Chairman under this Chapter, in respect of which an appeal is not otherwise provided, may appeal to the tribunal of appeal on the ground that such order is not in accordance with law, and the said tribunal (subject to the provisions of this Ordinance or any other enactment) may make such order as it may deem just.

## CHAPTER III

### General

#### **By-laws for regulating and preserving character of special areas.**

[4, 38 of 1980]

**28.** (1) The local authority may by by-law approved by the Minister

- (a) declare that any area within its administrative limits shall be reserved for buildings of a residential, industrial, commercial, or any other special character; and
- (b) make such regulations with reference to buildings in such area as may be necessary to preserve its amenity or to facilitate and secure the purposes for which any such reservation is made.

(2) All such by-laws shall be laid, as soon as conveniently may be before Parliament, and if a resolution is passed by Parliament within forty days of their being so laid praying that a by-law shall be annulled, such by-law shall thereafter be void, but without prejudice to anything done thereunder.

#### **Reservation of public arcades.**

**29.** In any street wholly or mainly occupied by shops or commercial buildings, when any application is made to the Chairman for the approval of the erection of any new building or the re-erection or reconstruction of an existing building, the Chairman may require as a condition of his approval the reservation of a public arcade along the face of the building of such character and such width as he may direct.

#### **Buildings at the corners of streets.**

**30.** The local authority may require the corner of any building intended to be erected or re-erected at the corner of two streets to be rounded off or splayed off to the height of the first storey or to the full height of the building, and to such extent otherwise as it may determine, and for any loss which may be sustained through the exercise of the powers by this section conferred upon the local authority it shall pay compensation in manner provided for by this Ordinance.

## PART III

### REMEDIAL MEASURES

#### CHAPTER I

#### Improvement Commissioners

#### **Minister may appoint Improvement Commissioners.**

**31.** (1) For any administrative limits to which this Ordinance applies, the Minister may appoint a Board of Improvement Commissioners of such number as he may determine, and may nominate one of the commissioners as chairman of the board. [2, 3 of 1978]

(2) The Minister may, if he considers necessary to do so, remove any person appointed as a member of the board from office without reason stated.

(3) The Improvement Commissioners, from time to time, so appointed, including all persons appointed to fill temporary or casual vacancies, shall constitute a body corporate and have perpetual

succession and a common seal, and shall sue and be sued by such designation as shall be assigned to them by the Minister in the order first appointing the board.

(4) Any board so appointed shall hold office for three years, and the members thereof shall be eligible for reappointment.

(5) It shall be lawful for the Minister by Order to be published in the Gazette, to declare that any board so appointed shall be dissolved from and after a date to be specified in the said Order, and further to declare, if necessary, that the local authority or any particular local authority having jurisdiction within the administrative limits for which such board was appointed shall be the successor of the board for all purposes, or for any limited time or purpose, or subject to such restrictions, terms, or conditions, as may be specified in the said Order.

(6) Any such Order of dissolution shall have effect notwithstanding the fact that the term of office of the board named in the said Order shall not have expired at the date of dissolution specified therein-

(7) Any local authority so declared to be the successor of a board that is dissolved by an Order made under subsection (5) shall, if not already a body corporate, be deemed upon publication of the said Order of dissolution to be a body corporate, with power to sue and to be sued under such designation as shall be specified in the said Order, and all property of the board, whether movable or immovable, shall, upon publication of the said Order and subject to the provisions thereof, be deemed to be transferred to and vested in such local authority.

(8) The powers and duties conferred and imposed on a Board of Improvement Commissioners under section 32 (1) (a), (b), (c) and (d) shall, upon publication of any such Order of dissolution and subject to the provisions thereof, be deemed to be conferred and imposed on the local authority which is declared by the said Order to be the successor of the board named in the Order; and without prejudice to the generality of the powers so conferred, or of the duties so imposed, it shall be lawful for such local authority upon dissolution of the board

- (a) to call in, collect, sue for, receive, recover, or appropriate all moneys, debts, dues or funds belonging or owing to the board;
- (b) to receive and expend all moneys voted, appropriated, or otherwise assigned to the board or to such local authority for the purpose of carrying out any scheme or work under this Ordinance;
- (c) to pay and discharge all debts and obligations by way of contract or otherwise which may have been incurred by the board or for which the board; may be liable;
- (d) to continue, complete, discontinue, or abandon any scheme or work initiated, commenced, or undertaken by the board;
- (e) to employ such officers or servants of the board as it may deem expedient on such terms or conditions as it may think fit; and
- (f) generally, to do or perform all such other acts, matters, or things as may be necessary to give effect to the said Order of dissolution, and the provisions thereof.

**Powers and duties of Board of Improvement Commissioners.**

**32.** (1) Every Board of- Improvement Commissioners shall have the following powers and-duties:

- (a) to initiate, execute, enforce, or Approve improvement schemes under this Ordinance;

- (b) to Administer for the purpose of such improvement schemes such funds as may, from time to time, be put at their disposal by Parliament or the local authority or otherwise;
- (c) to acquire, hold, sell, lease, exchange, or otherwise dispose of movable and immovable property;
- (d) to exercise such general powers of supervision and control as are assigned to them by this Ordinance; and
- (e) to exercise any power or right incidental to the discharge of any of the functions assigned to them by this Ordinance.

(2) For the purposes of the execution of any improvement scheme, any Board of Improvement Commissioners and the Chairman of that board shall have all the powers vested in a local authority and its Chairman respectively within its administrative limits by this Ordinance or any other written law, and accordingly for the purposes aforesaid every reference in this Ordinance or any other written law to any local authority or to the Chairman of any local authority shall be deemed to include a reference to any Board Of Improvement Commissioners or the Chairman of any such board irrespectively.

(3) It shall be the, duty of a local authority and of all its officers acting under its direction to give-to a Board of Improvement Commissioners all such assistance as the board may require for the purposes of the execution of any improvement scheme.

**By-laws.**

**33.** Every Board of Improvement Commissioners may make, subject to the approval of the Minister, by-laws, for the following purposes:

- (a) the regulation of the proceedings of the board and the transaction of its business;
- (b) the preparation and presentation of its annual estimates and the keeping of its accounts;
- (c) the custody and use of its common seal;
- (d) the appointment, duties, and remuneration of its officers and servants;
- (e) the management and use of lands and dwellings vested in the board or comprised in any improvement scheme;
- (f) generally, for the purpose of carrying out any of its powers and duties under this Ordinance.

**Acts not invalidated by defect in appointment.**

**34.** No act of any Board of Improvement Commissioners shall be deemed to be invalid by reason of any in the appointment of the board or of any member thereof, or (subject to any by-law defining the quorum for its meetings) because the board at the time of such act was not fully constituted.

**Audit and annual report.**

**35.** (1) The accounts of the receipts and expenditure of the board shall once in every financial year be laid before the Government and audited under its direction.

(2) For the purpose of such audit the auditor may, by summons in writing, require the production before him of all books, deeds, contracts, vouchers, and all Other documents and papers which he may deem necessary, and may require any person holding, or accountable for, any such books, deeds, contracts, vouchers, and other documents and papers to appear before him at any such audit or adjournment thereof and to make and sign a declaration with respect to the same.



(3) The report of the auditor upon the accounts of the board, together with an abstract of the accounts and a general report by the board upon its operations for the year, shall be published annually for the public information in such manner as the Minister shall direct.

## CHAPTER II

### Improvement Schemes

#### **Definition of “promoters”.**

**36.** In this Chapter the expression “promoters” means any person or any association of persons (other than a Board of Improvement Commissioners or a local authority) undertaking or proposing to undertake the carrying out of any improvement scheme under this Ordinance.

#### **Modes of carrying out improvement schemes.**

**37.** An improvement scheme may be carried out

- (a) by the promoters under the control of the Improvement Commissioners;
- (b) by the Improvement Commissioners independently;
- (c) by the Improvement Commissioners in co-operation with the local authority or the promoters, or with both conjointly;
- (d) by the promoters under the control of the local authority;
- (e) by the local authority independently;
- (f) by the local authority in co-operation with the promoters:

#### **Power to carry out a scheme in concurrence with property owners.**

**38.** (1) Any improvement scheme may provide for the scheme or any part thereof being carried out by, or with the concurrence of, the owners of any properties comprised in the scheme under the superintendence and control of the authority specified in the scheme on that behalf, and upon such terms and conditions as may be embodied in the scheme.

(2) Where provision is made in any scheme for the acquisition of any property for the purpose of the scheme, the authority framing the scheme may, in lieu of such acquisition agree with the owner of the property to be acquired that the scheme or any part thereof shall, so far as it relates to such property, be carried out by such owner under the superintendence and control of the authority specified in the scheme in that behalf upon such terms and conditions as may be agreed upon.

#### **Matters to be provided for by improvement schemes.**

**39.** An improvement scheme may provide for all or any of the following matters:

- (a) the acquisition by purchase, exchange, or otherwise of any property necessary for or affected by the execution of the scheme;
- (b) the re-laying out of any land comprised in the scheme;
- (c) the redistribution of sites belonging to owners of property comprised in the scheme;
- (d) the closure or demolition of dwellings or portions of dwellings unfit for human habitation;
- (e) the demolition of obstructive buildings or portions of buildings;

- (f) the construction and reconstruction of buildings;
- (g) the sale, letting, or exchange of any property comprised in the scheme;
- (h) the construction and alteration of streets and back lanes;
- (i) the draining, water supply, and lighting of streets so constructed or altered;
- (j) the provision of open spaces for the benefit of any area comprised in the scheme or any adjoining area, and for the enlargement of existing open spaces and approaches;
- (k) the sanitary arrangements required for the area comprised in the scheme;
- (l) the provision of accommodation for persons belonging to the poorer and labouring classes displaced or likely to be displaced by the execution of the scheme or any other scheme undertaken or likely to be undertaken; for the
- (m) the advance of money purposes of the scheme;
- (n) the provision of facilities for communication;
- (o) any other matter for which, in the opinion of the Minister, it is expedient to make provision with a view to the improvement of any area in question or the general efficiency of the scheme.

**Types of improvement.**

**40.** An improvement scheme shall be of one of the following types, or may combine any two or more of such types, or of any special features thereof, that is to say:

- (a) a general improvement scheme;
- (b) a redistribution scheme;
- (c) a rebuilding scheme;
- (d) a rehousing scheme;
- (e) a housing accommodation scheme;
- (f) a street scheme;
- (g) a street intersection scheme;
- (h) a street widening scheme;
- (i) a back lane scheme ; and
- (j) a building scheme.

**General Improvement scheme.**

**41.** Whenever it appears to any Board of Commissioners or to improvement any local authority that within the administrative limits of the board or the authority

- (a) any buildings which are used or are intended or are likely to be used as dwelling places are unfit for human habitation; or
- (b) danger to the health of the inhabitants of buildings in any area or in any neighbouring building is caused by
  - (i) the narrowness, closeness, and bad arrangement and condition of streets or buildings or groups of buildings in such area; or

- (ii) the want of light or ventilation or proper conveniences in such area; or
- (iii) any other sanitary defects in such area,

**Redistribution scheme.**

**42.** (1) In any case in which any Board of Improvement Commissioners or any local authority shall be of opinion that in connection with any improvement scheme it is desirable to make arrangements for a redistribution of sites, it may frame a scheme (hereinafter called a “redistribution scheme”) for the said purpose.

(2) A redistribution scheme shall, so far as practicable, and subject to the requirements of special cases, be based upon the following principles:

- (a) the amalgamation for the purpose of the redistribution of all sites, whether belonging to private owners or the State, together with all roads, streets, or other open spaces dedicated to public use or customarily used by the public;
- (b) the allotment of an equivalent area in respect of such roads, streets, and open spaces, together with such additional area as may be necessary for the purpose of forming roads, streets, and open spaces for the service of the redistributed sites;
- (c) the assignment to each site owner of a site equivalent or proportionate in extent and value, or both combined, to his original site;
- (d) the preservation to each site owner of such special advantages in the way of position, frontage, or otherwise as were attached to his original site;
- (e) the concentration of all sites belonging to the same owner into a single site.

(3) The owner of any site which by virtue of the smallness of its extent would under the scheme be rendered useless as a building site may call upon the authority framing the scheme to acquire such site.

(4) A redistribution scheme may provide

- (a) for the demolition of any building whose continued existence would be inconsistent with the scheme;
- (b) for the payment of compensation in respect of such demolition or alternatively for the advance to the owner, upon such terms and conditions as to interest and sinking fund and otherwise as may be prescribed in the scheme, of such sum as may be necessary to assist him to erect another building upon the site defined as belonging to him under the scheme, and if he shall so require, a further sum not exceeding one year's rental of the demolished building;
- (c) for the extinction of any existing servitude and the provision of any new servitude necessary for the enjoyment of any site assigned to any owner under the scheme;
- (d) for the payment of compensation to any individual owner for any special disadvantage in the site assigned to him under the scheme;
- (e) for the payment of an equivalent by any individual owner in respect of any special advantage in the site assigned to him under the scheme, and for the disposal of the sum so paid;
- (f) for the acquisition of any site or part of a site the acquisition of which would facilitate the making or the operation of the scheme.

(5) All sums advanced under paragraph (b) of the last preceding subsection shall be recoverable in the same manner and by the same process as a rate, in such number of annual instalments as may be specially provided in the scheme.

(6) If in the course of any proceedings for the purpose of the preparation, sanction, or execution of any scheme under this section any question arises in respect of the title to any land or building affected by the scheme, or any rights thereto or any interests therein between or among two or more persons, or if any other question arises which in the opinion of the Chairman it is expedient to refer for judicial determination, the Chairman, if he is unable to adjust such question by agreement, may refer it for determination to the District Court, and such question shall thereupon be determined by the District Court in the same manner as a similar question arising in a reference to the District Court under the Land Acquisition Act, and all the provisions of that Act relating to the determination on such a reference shall, with the necessary modifications, apply to the determination of the question so referred.

(7) Upon any scheme under this section being sanctioned by the Minister or upon any date specified in the scheme in that behalf, the various sites respectively assigned to the various owners under such scheme in lieu of their original sites shall vest in such owners in the same shares and to the extent of the same interests as the original sites, and all the right, title, and interests of such owners in the original sites shall be extinguished, and the sites assigned to such owners, together with all buildings erected or to be erected thereon, shall be subject to the same encumbrances, charges, trusts, and all other restrictions on alienation or liabilities (other than servitudes extinguished under the scheme) as the original sites.

(8) It shall be the duty of the authority framing the scheme to issue to all owners of the sites to whom sites shall have been assigned under the scheme in lieu of their original sites, a certificate under the seal of the authority with two plans attached certifying that the assigned site shown in one of the plans has been assigned to the owner thereof under the scheme in lieu of the original site belonging to such owner as shown in the other plan, and every certificate so issued shall be a sufficient document of title, and in all legal proceedings such a certificate purporting to be so sealed shall be presumed to be genuine until the contrary is shown.

#### **Rebuilding scheme.**

**43.** (1) Where in any area which is declared by resolution under section 41 to be an insanitary area, the authority so declaring shall further resolve that, regard being had to the comparative value of the buildings in such area and of the sites upon which they are erected, the most satisfactory method of dealing with the area or any part thereof is a rebuilding scheme, it shall frame a scheme in accordance with the provisions of this section, and shall serve notice of such resolution upon the owners of all properties to be comprised in the scheme.

(2) A rebuilding scheme may provide for

- (a) the reservation of streets, back lanes, and open spaces, and the enlargement of existing streets, back lanes, and open spaces, to such an extent as may be necessary for the purposes of the scheme;
- (b) the re-laying out of the sites of the area upon such streets, back lanes, or open spaces so reserved or enlarged;

- (c) the payment of compensation in respect of any such reservation or enlargement, and the construction of the streets, back lanes, and open spaces so reserved or enlarged to the extent and in the manner hereinafter provided;
- (d) the demolition without compensation of the existing buildings and their appurtenances by the owners or by the authority in default of the owners, and the erection of buildings by the said owners or by the authority in default of the owners upon the sites as defined under the scheme in accordance with the scheme;
- (e) the alteration of, or repairs to existing buildings by the owners or by the authority in default of the owners;
- (f) the execution of any work relating to the water supply, drains and sewers of any new or existing buildings by the owners or by the authority in default of the owners;
- (g) the advance to the owners, upon such terms and conditions as to interest and sinking fund and otherwise as may be prescribed under the scheme, of such sums as may be necessary to assist them to execute any work in accordance with the scheme, and if any owner shall so require, in addition to such sum a further sum not exceeding one year's rental of the original building belonging to such owner;
- (h) the acquisition by the authority of any site or building or part of a site or building comprised in the area included in the scheme;
- (i) the exemption of any site or building from the operation of the scheme.

In paragraph (e) of this subsection "alteration" shall have the same meaning as in section 6 (2) of this Ordinance.

(3) In any case in which under the last preceding subsection any street is reserved or enlarged to the extent of not less than forty feet in width, or in which any open space is reserved or enlarged for the purpose of the scheme, compensation shall be payable to the owners of all sites the area of which shall be prejudicially affected by such reservation or enlargement, and every such street or open space shall be constructed by and at the expense of the authority framing the scheme. In the case of all other reservations or enlargements the street or lane so reserved or enlarged shall be deemed to be dedicated to public use by the owners of the sites in which it is situated, or by the owners of the sites comprised in the scheme collectively, and every such street or lane shall be constructed by and at the expense of the authority framing the scheme.

(4) The following persons, that is to say:

- (a) the owner of any building comprised in the scheme, who shall satisfy the authority that the building is so situated that arrangements for its proper scavenging and draining are reasonably practicable, and none of the inhabited rooms of such building is unfit for human habitation;
- (b) the trustee of any property comprised in the scheme which is subject to any trust;
- (c) the person for the time being entitled to the enjoyment of any property comprised in the scheme which is subject to any settlement or restriction on alienation,

may at any time within one month after being served with a notice provided under subsection (1) of this section require the authority either to acquire the site or building in question, or to exempt such site or building from the operation of the scheme.

(5) Where the demolition of any building is undertaken by the authority in default of the owner under subsection (2) (d), the materials of the demolished building may be appropriated by the authority, or sold to defray the expense of the demolition.

(6) Where the authority, by reason of the default of the owner, has erected a new building under subsection (2) (d), or has altered any building under subsection (2) (e), or has executed any work under subsection (2) (f), the expenses therein incurred shall be recoverable from the owner of the building in the same manner and by the same process as a rate, in such number of annual instalments as may be specially provided for in the scheme.

(7) Upon a scheme under this section being sanctioned by the Minister or upon any date specified in the scheme in that behalf

(a) all leases with respect to any site or building comprised in the area; and

(b) all rights of occupancy under any tenancy in existence at the date of the sanction of the scheme,

shall, except in the case of any site or building exempted from the operation of the scheme, be deemed to be terminated, if not previously terminated by agreement, on the expiration of the period prescribed under the scheme in that behalf:

Provided that any lessee under a lease so terminated shall be entitled to claim from his lessor an equivalent lease in respect of any site defined as belonging to such lessor under the scheme, and if the lease includes a building, of the building to be erected upon the site so assigned, or at the option of the lessor to compensation in respect of the unexpired term of the original lease upon the basis of the value of the original lease.

(8) All sums advanced in pursuance of any scheme made under this section shall be recoverable in the same manner and by the same process as a rate, in such number of annual instalments as may be specially provided in the scheme.

(9) If in the course of any proceedings for the purpose of the preparation, sanction, or execution of any scheme under this section any question arises in respect of the title to any land or building affected by the scheme, or any rights thereto or any interests therein between or among two or more persons, or if any other question arises which in the opinion of the Chairman it is expedient to refer for judicial determination, the Chairman, if he is unable to adjust such question by agreement, may refer it for determination to the District Court, and such question shall thereupon be determined by the District Court in the same manner as a similar question arising in a reference to the District Court under the Land Acquisition Act, and all the provisions of that Act relating to the determination on such a reference shall, with the necessary modifications, apply to the determination of the question so referred.

(10) Where any property comprised in any improvement scheme under this section is subject to any trust, or to any settlement, or restriction on alienation, the trustee or the person for the time being entitled to the enjoyment of the property shall for the purpose of the scheme be deemed to be the owner, and may deal with the property as owner, and may exercise all the rights and, to the extent of his interest in the property, shall be subject to all the obligations of an owner under the scheme.

(11) Upon any scheme made under this section being sanctioned by the Minister or upon any date specified in the scheme in that behalf, the various sites defined as belonging to the various owners under such scheme shall, together with all buildings erected or to be erected thereon, vest in such owners in the same shares and to the extent of the same interests as the original sites, and shall be

subject to the same encumbrances, charges, trusts, and all other restrictions on alienation or liabilities as the original sites.

(12) It shall be the duty of the authority framing the scheme to issue to all owners of sites comprised in the scheme which shall have been affected by the scheme a certificate under the seal of the authority with two plans attached certifying that the site shown in one of the plans has been defined as belonging to the owner thereof under the scheme in lieu of the original site belonging to such owner as shown in the other plan, and every certificate so issued shall be a sufficient document of title, and in all legal proceedings such a certificate purporting to be so sealed shall be presumed to be genuine until the contrary is shown.

**Alternative form of rebuilding scheme.**

**44.** (1) In any case in which the owners of at least two-thirds of any area within the administrative limits of any Board of Improvement Commissioners or any local authority petition the board or the authority to that effect, the board or the local authority may resolve to frame a rebuilding scheme in accordance with this section, and in any such case shall serve notice of such resolution upon the owners of all properties to be comprised in the scheme.

(2) It shall thereupon be the duty of the Chairman, in consultation with the owners of the various properties comprised in the area, or their representatives duly appointed in writing, to arrange, subject to the direction of the board or local authority, a rebuilding scheme approved in writing by the owners of two-thirds of the area comprised therein.

(3) If the Chairman shall succeed in arranging such a scheme, the board or local authority shall proceed therewith. If he shall not so succeed, the proposed scheme shall be abandoned, but without prejudice to the right of the board or local authority to deal with the area in any other manner under this Ordinance.

(4) A scheme under this section may provide for all the matters to be provided for, and shall, with the necessary modifications, be subject to all the conditions prescribed in the case of a scheme under section 43.

(5) Any mortgagee of any property comprised in the scheme may require that the property shall be excluded from the scheme, or that the principal sum and interest due in respect of the mortgage at the date of the sanctioning of the scheme shall be discharged: Provided that the mortgage was executed before the mortgagor was served with a notice under subsection (1) hereof, or otherwise had notice that such a scheme was in contemplation.

**Rehousing scheme.**

**45.** (1) A Board of Improvement Commissioners or a local authority may frame schemes (herein called "rehousing schemes") for the construction, maintenance, and management of such and so many dwellings and shops as they may consider ought to be provided for persons of the poorer and labouring classes who

(a) are displaced by the execution of any improvement scheme sanctioned under this Ordinance;  
or

(b) are likely to be displaced by the execution of any improvement scheme which may be sanctioned under this Ordinance.

(2) The authority framing a rehousing scheme shall not itself construct dwellings or shops under the scheme, unless it is satisfied after due inquiry that no other person is willing and able to construct

them to the satisfaction of the authority, and is prepared to construct, maintain, and manage, them to the satisfaction of the authority under such control as may be provided for by the scheme.

**Housing accommodation scheme.**

- 46.** Whenever any promoters satisfy any Board of Improvement Commissioners or local authority
- (a) that housing accommodation is required in any part of its administrative limits for any particular class of the inhabitants of such limits;
  - (b) that such accommodation cannot be provided in a satisfactory manner and on reasonable terms without the assistance of the board or the local authority;
  - (c) that the promoters are prepared to carry out a scheme of rebuilding in any area submitted by them under the control of the board or the local authority;
  - (d) that the carrying out of such a scheme would be for the public advantage, the board or the local authority, as the case may be, may frame a scheme (herein called a “housing accommodation scheme”\*) for the purpose aforesaid.

**Street scheme.**

**47.** (1) Whenever any Board of Improvement Commissioners or any local authority is of opinion that for the purpose of providing building sites, or of remedying the defective ventilation of any part of its administrative limits, or of creating new or increasing the existing means of communication and facilities for traffic between various parts of the said limits, or for improving or extending the amenities of the said limits, it is expedient to form new public streets or thoroughfares, or to alter existing public streets or thoroughfares in any part of the said limits, it may frame a scheme (herein called a “street scheme”) for the purpose aforesaid.

- (2) A street scheme may within the limits of the area comprised in the scheme provide for
- (a) the acquisition of any land which will, in the opinion of the authority framing the scheme, be necessary for its execution;
  - (b) the re-laying out of all or any of the lands so acquired, including the construction and reconstruction of buildings, and the laying out, construction, and alteration of streets and thoroughfares;
  - (c) the draining, water supply, and lighting of streets and thoroughfares so formed or altered;
  - (d) the raising, lowering, or reclamation of any land vested in or to be acquired by the authority for the purposes of the scheme;
  - (e) the formation of open spaces for the better ventilation of the area comprised in the scheme;
  - (f) the acquisition of any land adjoining any street, thoroughfare, or open space to be formed under the scheme.

(3) The owners of any properties fronting on any street, thoroughfare, or open space constructed under a street scheme shall not, unless account shall have been taken of the increased value accruing to such properties under section 86 (a), be entitled to make any use of the frontage of their properties abutting upon the street or open space without the consent of the authority framing the scheme. It shall be a condition of such consent that the owners shall pay to the authority a sum assessed by the Chairman of the authority equivalent to half the increase in value accruing to such property by the execution of the scheme.



(4) If any owner shall use or cause or permit to be used any such frontage without the said consent, he shall become liable on receiving notice from the Chairman in that behalf to pay to the authority the sum so assessed, and such sum may be recovered in the same manner and by the same process as a rate.

(5) Any person aggrieved by the assessment of any sum under subsection (4) hereof or by any notice under subsection (4) hereof may appeal to the tribunal of appeal.

**Street intersection scheme.**

**48.** (1) Where in any area already in whole or in part occupied by buildings any local authority or any Board of Improvement Commissioners is of opinion that with a view to afford facilities for the building development of such area it is desirable that such area should be intersected by a new street or new streets, the local authority or the Board of Improvement Commissioners may at the request or with the consent of the owners of not less than two-thirds of the frontages of the proposed new street or streets make a scheme (herein called a “street intersection scheme”) for the said purpose.

(2) A street intersection scheme shall be based upon the following principles;

- (a) all land necessary for providing access to the proposed new street from existing streets shall be acquired by the authority framing the scheme;
- (b) all other land necessary for the purpose of the proposed new street shall be deemed to be dedicated by the owners for the purpose of the street;
- (c) compensation shall be payable in respect of all buildings or income-producing trees situated upon the lands so dedicated which it may be necessary to remove for the purpose of the construction of the street;
- (d) the authority framing the scheme shall defray the cost of the construction of the street:

Provided that the authority may make it a condition of its framing the scheme that a proportion of the said cost shall be borne by the owners of the properties fronting upon the new street, in such proportion as may be determined by the scheme.

(3) Where a street intersection scheme involves unequal contributions by the owners of properties fronting upon the street in respect of land dedicated for the purpose of the street, the scheme may provide for the equalization of such contributions, and for the recovery and payment from and to such owners of such sums as may be necessary to give effect to such equalization.

(4) Where the construction of any street has been carried out under this section, the authority framing the scheme may, by notice published in the Gazette and exhibited in any part of such street, declare the same to be a public street, and thereupon the same shall be repairable and maintainable by the local authority to the extent to which any such construction has been carried out.

**Street widening scheme.**

**49.** (1) In any case in which any Board of Improvement Commissioners or any local authority is satisfied

- (a) that in regard to any street situated in an area wholly or mainly residential in character, it is desirable to provide for the widening of the street or any part thereof;
- (b) that the line of the existing building frontage on either side of the street is wholly or mainly at an appreciable distance from the street line on that side of the street;

- (c) that the widening of the street to the extent contemplated could be effected without undue depreciation of the amenities of the residences situated upon such street, it may frame a scheme for the widening of such street, hereinafter called a "street widening scheme".

(2) A street widening scheme may provide

- (a) for the inclusion within the street of strips of the property situated upon the street or any part thereof to the extent necessary to give effect to the scheme;
- (b) for the clearance of the included strips;
- (c) for the restoration along the new street line at the expense of the authority framing the scheme of all boundary walls, fences, or hedges demolished or removed for the purposes of the scheme;
- (d) for the payment of compensation in respect of the demolition of any building or part of a building, or the removal of any income-producing tree on the included strips;
- (e) for the acquisition of any property which shall have been rendered useless as a building site, or which the authority framing the scheme may deem it equitable to acquire by reason of the effect of the scheme;
- (f) for the construction of the street and the payment of the cost thereof by the authority framing the scheme,

or of such proportion of such cost as may be agreed upon between such authority and the owners of the properties fronting or abutting on the street.

**Back lane scheme.**

**50.** (1) Where in any area already in whole or in part occupied or likely to be occupied by buildings any local authority or any Board of Improvement Commissioners is of opinion that back lanes should be provided for the scavenging of such area, it may make a scheme (herein called a "back lane scheme") for the purpose of providing back lanes of a width not less than ten feet and not exceeding twenty feet for such area.

(2) For the purpose of any such scheme the authority framing the scheme shall acquire

- (a) any land covered with buildings which it is necessary to acquire for the purpose of providing access to any proposed back lane from any existing street or back lane ; and
- (b) any other land covered with buildings situated within the lines of the proposed back lanes.

No compensation shall be payable in respect of any other land within the lines of the proposed back lanes, but all such land shall be deemed to be dedicated by the owners for the purpose of the proposed back lanes:

Provided that compensation shall be payable in respect of any income-producing trees growing on or within the said lines which it shall be necessary to remove for the purposes of the scheme.

(3) Where the acquisition of any land within the lines of the proposed back lanes (not being land required for the purpose of providing access from any existing street or back lane), or the setting apart of any land for the purpose of the back lanes, would cause a severance of land belonging to the owner from other land forming part of the same holding, no compensation shall be paid for such severance ; but if any portion of the land so severed shall have been rendered useless as a building site on account of the severance, and if the owner so requires, the authority framing the scheme shall acquire such portion.

(4) The construction of the proposed back lanes shall be undertaken by the authority executing the scheme, and the cost of such construction shall be apportioned by the Chairman of such authority among the several owners of the land served by the said back lanes in such manner as may be determined in the scheme, and such proportionate share due by any owner may be recovered in the same manner and by the same process as a rate.

(5) When any back lane is formed under this Ordinance, the owner of any premises abutting on such back lane or having a right of way thereto shall provide to the satisfaction of the Chairman a means of access and egress to and from his premises to such back lane for scavenging purposes, and if the owner fails to provide the same within a reasonable time, the Chairman or any officer authorized by him in that behalf may enter the premises and do whatever may be necessary to provide the same, and the amount of the expenses so incurred shall be recoverable from the owner in the same manner and by the same process as a rate.

(6) No person shall erect or maintain or permit to be erected or maintained any obstruction in or over any back lane, and the local authority may, where any such obstruction exists, take down and remove the same.

(7) Any back lane formed under this Ordinance after the completion of the first construction thereof shall be maintained and repaired by the local authority.

**Building scheme.**

**51.** (1) Whenever any Board of Improvement Commissioners or a local authority is of opinion that any land within its administrative limits is being developed or is likely to be developed for building purposes, it may frame a scheme (herein called a “building scheme”) showing the streets, back lanes, and open spaces which it deems necessary to secure proper sanitary conditions, amenity, and convenience in connexion with the laying out and use of such land and of any neighbouring lands.

(2) Any scheme under this section may provide for the demarcation, by the authority framing the scheme, of such streets, back lanes, and open spaces, and for all or any of the matters in respect of which the Chairman of the local authority is authorized to give directions under Chapter II of Part II of this Ordinance, and any plan forming part of any such scheme shall, for the purposes of the application of that Chapter (except as regards section 24), have the same effect as a plan approved by the Chairman thereunder.

**Reclamation scheme.**

**52.** (1) In any case in which any swamp, tank, pond, pool, or any low-lying area in which water, from time to time, accumulates or stagnates is situated within the limits of any local authority, and any Board of Improvement Commissioners or the local authority shall resolve that in the interests of the health, the amenity, or the development of the locality it is desirable that such swamp, tank, pond, pool, or area should be filled up, or the site thereof drained, or both such works carried out, and that in view of the amount of expense involved, the effect of the work or works on the value of the land affected, and the other circumstances of the case, it is reasonable and equitable that the costs of the said work or works should be borne by the owners of the said land, the board or the local authority may frame an improvement scheme (herein called a “reclamation scheme”) for the carrying out of the work or works aforesaid.

(2) A reclamation scheme may provide

- (a) for the carrying out of the necessary work or works by the Board of Commissioners or the local authority;

- (b) if the board or the local authority shall be of opinion that the said work or works may be conveniently carried out by the owner of the premises on which the said swamp, tank, pond, pool, or area is situated or if such swamp, tank, pond, pool, or area is situated upon premises separately owned, by the owners of the several premises as a joint operation, for the owner or owners of the said premises having the option of carrying out the said work or works, and for the carrying out of the said work or works by the board or the local authority only in the event of such option not being exercised, or if such option is exercised, in the event of default being made in whole or in part by the said owner or owners, and in any such case to the extent of such default;
- (c) for a contribution by the board or the local authority towards the cost of carrying out the scheme, of such amount, if any, as the board or the local authority may deem reasonable;
- (d) subject to any such contribution, for the recovery in such instalments as may be provided in the scheme of the costs of carrying out the said scheme or of making good the said default from the owner or owners of the said premises on which the said swamp, tank, pond, pool, or area is situated or if such swamp, tank, pond, pool, or area is situated on premises separately owned, from the owners of the said several premises in such proportions as may be determined or provided for in the scheme.

**Procedure on completion of schemes.**

**53.** (1) Upon the completion of a improvement scheme the Chairman of the authority framing the scheme shall draw or a notification stating

- (a) the fact of the scheme having been made;
- (b) the limits of the area comprised therein;
- (c) the place where particulars of the scheme, including the estimated cost thereof, a map of the area comprised therein, and a statement specifying the properties proposed to be acquired, redistributed, or otherwise dealt with under the scheme may be seen at all reasonable hours.

(2) A copy of the said notification shall be published during three consecutive weeks in the Gazette and in one or more of the newspapers circulating within the administrative limits in which the area comprised in the scheme is situated.

(3) During the thirty days next following the first day on which such notification is published the Chairman of the authority framing the scheme shall serve a notice on the owner of any land or building affected by the scheme stating that such land or building is so affected and describing specifically the manner in which it is affected, and requiring such owner if he wishes to object to the scheme under the provisions of section 54 to lodge an objection with the Chairman within thirty days from the date of the service of the notice.

**Objections to schemes.**

**54.** (1) The owner of any land or building affected by a scheme may object to such scheme on any of the following grounds:

- (a) that the improvement scheme is not required;
- (b) that the form of improvement scheme adopted is not the most satisfactory manner of dealing with the area;
- (c) that the cost of the scheme is excessive;

(d) that the scheme in its application to the property of the person objecting inflicts undue hardship upon such person.

(2) It shall be the duty of the Chairman of the authority framing the scheme, on the receipt of any notice of objection, to give the persons making the objections an opportunity of being heard either personally or by attorney-at-law before the Chairman, or before the Chairman and such other person or persons as may be associated with him by the authority for the purpose, and to make a report upon the objection to the said authority.

(3) The authority shall thereupon make such order on such objections as it may deem proper, or modify or refuse to modify the scheme accordingly.

(4) Where on the consideration of any such objections or otherwise any modifications are introduced into the scheme, the authority shall notify any persons affected by such modifications in such manner as it may deem expedient, and shall appoint a time and place at which all objections to such modifications shall be heard and determined; and thereafter no further objections shall be entertained by the authority framing the scheme. Upon the determination of such objections the authority shall make its final determination in regard to the scheme, and if it shall approve the scheme, shall publish particulars of the same and a statement of the place at which the plans and a schedule of the manner in which each property is affected under the scheme may be inspected at all reasonable hours.

(5) Where a right of appeal is provided by this Ordinance in connexion with any matter which may be included in an improvement scheme, no person shall be precluded from exercising such right of appeal by reason of the fact that he has not raised an objection to the scheme on any of the grounds specified in this section.

**Submission of the scheme to the Minister for sanction.**

**55.** (1) The authority framing the scheme, after finally approving the same, shall submit it for sanction to the Minister.

(2) Every submission for sanction shall be accompanied by

- (a) a description of, and full particulars relating to, the scheme and estimates of the cost of executing the scheme;
- (b) a statement of the reasons for any modifications made in the scheme as originally framed;
- (c) a statement of the objections, if any, received under section 54;
- (d) a statement of the arrangement made or proposed for rehousing persons of the poorer and labouring classes who are likely to be displaced by the execution of the scheme.

(3) When any scheme has been submitted for sanction, the authority so submitting it shall cause a notice of the fact to be published for two consecutive weeks in the Gazette and in one or more of the newspapers circulating in the locality.

**Power to sanction or reject improvement scheme.**

[37, 57 of 1981]

**56.** (1) The Minister may sanction, or may refuse to sanction, any improvement scheme submitted to him, or may refer any such scheme to the authority framing it for further consideration.

(2) Where upon such further consideration any modifications are introduced into the scheme, the same procedure shall be followed as is prescribed with respect to modifications under section 54.

(3) The sanction of the Minister shall not prejudice any right of appeal provided for under this Ordinance.

(4) Nothing in this section shall be read and construed as empowering the Minister to sanction any improvement scheme framed for any area which is situated within the Coastal Zone except after consultation with the Minister in charge of the subject of Coast Conservation. [37, 57 of 1981]

In this subsection “the Coastal Zone” has the same meaning as in the Coast Conservation Act, 1981.  
Notification of sanction to an improvement scheme

**Notification of sanction to an improvement scheme**

**57.** (1) The sanction of the Minister to an improvement scheme shall be announced by notification in the Gazette, and upon the publication of such a notification the authority framing the scheme shall as soon as practicable take measures for its execution:

Provided that where the net estimated cost of any such scheme defrayable by the authority framing the scheme exceeds one hundred thousand rupees, no such scheme shall be carried into execution unless and until it shall have been approved by special resolutions of Parliament,

(2) Publication of the notification under this section in respect of any scheme shall be conclusive evidence that the scheme has been duly framed and sanctioned.

**Alteration of improvement scheme after sanction.**

**58.** (1) At any time after any improvement scheme has been sanctioned by the Minister, and before it has been completely carried into execution, the authority framing the scheme may alter it, subject to the conditions set out in subsection (2).

(2) In any case in which the alteration

(a) is estimated to increase the estimated cost of executing the scheme by more than five per centum of such cost, or by more than ten thousand rupees;

(b) involves the acquisition of any land or the demolition of any building otherwise than by agreement,

no such alteration shall be made without the previous sanction of the Minister, and without any owner affected by such acquisition or demolition having had an opportunity of being heard in such manner as may be ordered by the Minister;

Provided that no such previous sanction shall be necessary under paragraph (a) hereof where the estimated increased cost does not exceed one thousand rupees.

**Power of local authority to use funds for improvement schemes.**

**59.** The purposes for which a local authority may expend the funds at its disposal under any enactment regulating its powers and duties shall include improvement schemes under this Ordinance, whether carried out by the local authority or otherwise as provided by this Ordinance.

**Power of Chairman of a local authority to refuse consent to building likely to conflict with improvement scheme.**

**60.** The Chairman of a local authority may, in addition to the grounds on which he is authorized to refuse his approval or consent under section 7 of this Ordinance, refuse such approval or consent on the ground that the building or building operations in respect of which his approval or consent is sought would, if completed, conflict, or would be likely to conflict, with any improvement scheme under this Ordinance which is under consideration,

**Order for delivery of possession of land or building.**

**61.** (1) Where any local authority or any Board of Improvement Commissioners is unable or apprehends that it will be unable to take possession of any land or building which is required for the purposes of any improvement scheme sanctioned by the Minister, any officer authorized in that behalf by that local authority or that board, as the case may be, shall, on his making an application in that behalf to the Magistrate's Court having jurisdiction over the place where that land or building is situated, be entitled to an order of that court directing the Fiscal to eject the occupier of that land or building and to deliver possession of it to that officer for and on behalf of that local authority or that board, as the case may be.

(2) Where an order under subsection (1) is issued to the Fiscal by a Magistrate's Court, he shall forthwith execute that order and shall in writing report to that court the manner in which that order was executed.

(3) For the purpose of executing an order issued by a Magistrate's Court under subsection (1), the Fiscal or any person acting under his direction may use such force as may be necessary.

(4) The provisions of this section shall have effect notwithstanding anything to the contrary in the Rent Act.

**Transfer to local authority of streets.**

**62.** A Board of Improvement Commissioners, upon the completion in whole or in part of any improvement scheme, may by agreement with the local authority, or in default of such agreement, with the approval of the Minister make over to the local authority any street, back lane, or open space constructed by the board under the improvement scheme, or the control of any building or work controlled by the board under the scheme, and thereupon the maintenance of any such street, back lane, or open space, and the control of any such building or work, shall be undertaken by the local authority.

**Effect of schemes on rights and remedies.**

**63.** Nothing in any improvement scheme or proposed improvement scheme shall affect the right of any owner of any property comprised therein to alienate or encumber the same, or shall affect the transmission thereof by will or inheritance, or any legal remedy in respect of any right in connexion therewith, but all such alienations, encumbrances, transmissions, and remedies shall be subject to the scheme and to all notices served, publications made, liabilities incurred, and proceedings taken in pursuance thereof:

Provided that until the completion or abandonment of the scheme no such alienation or encumbrance shall take effect unless written notice thereof shall have been served upon the authority framing the scheme, together with copies of the documents affecting such alienation or encumbrance\*

Provided, further, that in any case in which any action is or has been instituted for the partition of any property comprised in any improvement scheme, it shall be the duty of any party to the action who shall have been served with any notice in pursuance of the said scheme to disclose such notice to the court, and it shall be the duty of the court, upon the scheme being thus or otherwise brought to its cognizance, to direct notice of the action to be served upon the authority framing the scheme, and, if such authority so applies, to add the authority as party to the action, and in any decree or order it may make in the action to have regard to the scheme.

CHAPTER III  
Obstructive Buildings

**Representation by health officer.**

**64.** If the health officer of any local authority finds that any building or any part of any building within the administrative limits of the authority, whether in itself unfit for human habitation or not, is so situate by reason of its proximity to or contact with any other building or buildings that it causes one of the following effects, that is to say:

- (a) it stops or impedes ventilation, or otherwise makes or conduces to make such other building or buildings or any part of such building or buildings to be in a condition unfit for human habitation or dangerous or injurious to health ; or
- (b) it prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings,

**Representation by householders.**

**65.** Any four or more inhabitant householders may make to the local authority a representation as respects any building to the like effect as that of the health officer under section 64.

**Consideration of objections.**

**66.** (1) The local authority on receiving any such representation as in sections 64 and 65 mentioned

- (a) shall cause a report to be made to it respecting the circumstances of the building and the cost of demolishing the building or part thereof and acquiring the land ; and
- (b) on receiving such report shall take into consideration the representation and the report; and
- (c) if it decides to proceed, shall cause a copy of both the representation and the report to be given to the owner of the land on which the obstructive building stands, with notice of the time and place appointed for the consideration thereof.

(2) Every such owner shall be at liberty to attend before the Chairman of the local authority at the time and place aforesaid and state his objections, and after hearing the report of the Chairman upon such objections, the local authority shall make an order either allowing the objections or directing that such obstructive building or part thereof shall be demolished.

(3) Any owner aggrieved by any such order may appeal to the tribunal of appeal.

**Acquisition of obstructive building.**

**67.** Where an order is made under this Chapter for the demolition of an obstructive building or part of an obstructive building, and either no appeal is made against the order or an appeal is made and either fails or is abandoned, the authority making the order may acquire the land on which the obstructive building or the part in question is erected.

**Power of owner to retain site**

**68.** The owner of the land upon which any obstructive building or part of an obstructive building proposed to be acquired under this Chapter is erected may, within one month after notice of the proposed acquisition is served upon him, declare that he desires to retain the site of the said building or the said part thereof, and undertake either to demolish it or to permit the authority proposing to acquire the land to demolish it, and in any such case the owner shall retain the site and shall receive



compensation from the authority for the demolition of the building or the part of the building in question.

**Acquisition of part of building.**

**69.** It shall not be competent for the owner of any building to insist on his entire holding being taken where part only of the building is proposed to be taken as obstructive, and where such part proposed to be taken can, in the opinion of the court or tribunal determining the amount of compensation, be served from the remainder of the building without material detriment thereto:

Provided, always, that compensation may be awarded in respect of the severance of the part so proposed to be taken, in addition to the value of that part.

**Apportionment of betterment.**

**70.** (1) Where in the opinion of the Chairman of the authority ordering the demolition of an obstructive building or part thereof such demolition adds to the value of such other buildings as are in that behalf mentioned in section 64, the Chairman shall, after notice to the owners of such other buildings, and after giving them an opportunity of being heard, apportion so much of the compensation to be paid for the demolition of the obstructive building or part thereof as may be equal to the increase in value of the other buildings amongst such other buildings respectively.

(2) Any sum apportioned upon any building under this section shall be recoverable in the same manner and by the same process as a rate.

(3) Any person aggrieved by an apportionment under this section may appeal to the tribunal of appeal.

**Where site retained no other obstructive building to be erected.**

**71.** Where the owner retains a site or any part of the site of a building or part of a building demolished under this Chapter, no other building or erection shall be erected upon the site or part of the site so retained which will be an obstructive building within the meaning of this Chapter.

**Site acquired to be kept open.**

**72.** Where the necessary land has been acquired under this Chapter, the authority ordering the demolition of the obstructive building or the part thereof in question shall demolish the same, and shall keep as an open space the whole site or such part thereof as may be required to be kept open for the purpose of remedying the nuisance or other evils caused by such obstructive building or the part thereof in question, and may, with the assent of the Minister, and upon such terms as he may think expedient, sell, exchange, or lease such portion of the site as is not required for the said purpose.

**Power to dedicate site for public use.**

**73.** The authority acquiring the site of an obstructive building or part of an obstructive building under this Chapter may, if it so think fit, dedicate such site as a street or other public place.

**Adaptation of chapter to improvement schemes.**

**74.** Sections 68 to 73 of this Chapter shall, with the necessary modifications, apply to any obstructive building comprised in any improvement scheme.

## CHAPTER IV

### In sanitary Dwellings

#### Dwelling house includes part of dwelling house.

**75.** In this Chapter, unless the context otherwise implies, the expression “dwelling house” includes any habitable room forming part of a dwelling house, and all the provisions of this Chapter shall apply to any such room in the same manner as to an entire dwelling house.

#### Duty of local authority to inspect district.

**76.** It shall be the duty of the local authority to cause to be made, from time to time, inspection of its administrative limits with a view to ascertain whether any dwelling house therein or any part thereof used for human habitation is unfit for human habitation, and for that purpose it shall be the duty of the local authority and of every officer of the local authority to comply with such regulations and to keep such records as may be prescribed by the Minister.

#### Closing order.

**77.** (1) If on the representation of the health officer of the local authority or other information given any dwelling house used for human habitation appears to the Chairman to be unfit for human habitation, it shall be his duty to apply to the Magistrate to make a mandatory order prohibiting the use for human habitation of such dwelling house (herein referred to as a “closing order”) until such dwelling house is rendered fit for that purpose ; and the Magistrate, upon serving a notice upon the owner of such dwelling house, shall have power to make such order accordingly.

(2) Where a closing order has been made, the Chairman shall affix in a conspicuous place in or on the dwelling house a notice calling upon one or more tenants occupying such dwelling house to quit the premises on or before the expiration of the calendar month next succeeding the date of the notice.

(3) A closing order shall become operative, notwithstanding any appeal that may be entered against it, from the expiration of the period fixed by such notice, or if the premises in question are earlier vacated, from the date when they are so vacated, or if the premises are vacant at the date when the order is made, from the date of the order.

(4) If the Chairman is satisfied that the dwelling house in respect of which any closing order has been made is or has been rendered fit for human habitation, he may by certificate under his hand authorize such dwelling house to be used for human habitation.

(5) If on the application of any owner of a dwelling house the Chairman refuses to grant such a certificate, the owner may apply to the Magistrate to determine the closing order.

(6) Where an appeal is made against a closing order, and such appeal is dismissed or is abandoned, the appellant shall be liable to a fine not exceeding twenty rupees a day during the non-compliance with the order, unless he satisfies the court before which proceedings are taken for imposing the fine that there was substantial ground for the appeal, and that the appeal was not brought merely for the purpose of delay; and where the appeal is heard the court of appeal may, on dismissing the appeal, impose the fine as if it were the court before which the summons was returnable.

#### Directions in closing order.

**78.** Where a closing order is made under this Chapter, the Magistrate, if he is satisfied that the dwelling house in respect of which the order is made cannot be rendered fit for human habitation without the removal, alteration, or demolition in whole or in part of any partition, compartment, or

other structure or erection, or without the execution of such alterations or structural operations as he may specify, may in the closing order direct the owner to carry into effect all or any of the following things:

- (a) the removal, alteration, or demolition, of the whole or part of any partition, compartment, or other structure or erection complained of;
- (b) the execution of such alterations or structural operations as may be so specified.

**Power to use premises for other purposes.**

**79.** A closing order made in respect of any dwelling house shall not prevent such dwelling house being used for purposes other than those of human habitation, provided such use is authorized in writing by the Chairman or the Magistrate.

**Marking of closed premises.**

**80.** Where a closing order has been made under this Chapter the Chairman of the local authority may cause to be marked upon the door of the dwelling house in respect of which such closing order is made, in a conspicuous manner in Sinhala and Tamil, such words or letters as shall best indicate to the persons in the neighbourhood that such dwelling house or room is unfit for human habitation, and no person shall remove or obscure any words or letters so marked so long as the closing order remains in force.

**Order for demolition.**

**81.** (1) Subject to the provisions of section 79, where a closing order in respect of any dwelling house has remained operative for a period of three months, the Chairman may take into consideration the question of the demolition of the dwelling house, and if he is satisfied

- (a) that the dwelling house has not been rendered fit for human habitation, and that the necessary steps are not being taken with all due diligence to render it so fit; or
- (b) that the continuance of any building being or being part of the dwelling house is a nuisance or dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling houses,

he may apply to the Magistrate to make a mandatory order authorizing the Chairman to demolish the building, and the Magistrate, on serving notice on the owner of the building, may, if he is satisfied to the same effect, make order accordingly.

(2) If any owner undertakes to execute forthwith the works necessary to render the dwelling house fit for human habitation, and the Magistrate considers that it could be so rendered fit for human habitation, the Magistrate may if he thinks fit postpone the operation of the order for such time not exceeding six months as he thinks sufficient for the purpose of giving the owner an opportunity of executing the necessary works.

**Power of local authority to undertake works at request of owners of dwelling houses and recover expenses.**

**82.** (1) At the written request of the owner of any dwelling house in respect of which a closing order has been made under this Chapter, the local authority may, if it deems fit, and under such conditions as it may determine, cause all or any of such works as may be required to render such dwelling house fit for human habitation, to be executed by contract or otherwise.

(2) The expenses incurred by the local authority in the execution of any work in pursuance of the provisions of subsection (1), together with such amount as may be fixed by the local authority as

commission for surveys, plans, superintendence and other services of officers or servants in the employment of the local authority, shall be recoverable in the same manner and by the same process as a rate.

**Offences.**

**83.** (1) Any person who while a closing order is operative in respect of any dwelling house shall lease or let for the purpose of human habitation such dwelling house, or allow such dwelling house to be used for human habitation, shall be liable on summary conviction to a fine not exceeding fifty rupees for each day or part of a day on which such dwelling house is inhabited.

(2) Any person who while any such order is operative shall remove or obscure any words or letters marked upon any door under section 80 shall be liable on summary conviction to a fine not exceeding one hundred rupees, and in the event of a repetition of the offence to imprisonment for a period not exceeding six months.

(3) Any person inhabiting a dwelling house in respect of which a closing order has been made who, after the expiration of the time fixed in the notice referred to in section 77 (2), shall continue to inhabit such dwelling house, and any person who after a dwelling house has been vacated under a closing order while such closing order continues operative shall inhabit such dwelling house, shall be guilty of an offence, and liable to a fine of five rupees for each day or part of a day on which the offence is committed or continues.

PART IV

GENERAL

CHAPTER I

Acquisition and Compensation

**Acquisition proceedings.**

**84.** (1) Where under this Ordinance any land or building or part of any land or building is authorized or required to be acquired for the purposes of the Ordinance, and the amount of the compensation payable in respect thereof is not settled by agreement, the Minister, upon the application of the authority seeking to make the acquisition, may declare that the land or building or the part of the land or building is needed for a public purpose, and may order proceedings to obtain possession of the same for the Government and to determine the compensation to be paid to the party interested under the Land Acquisition Act.

(2) Where a special tribunal of appeal has been appointed under Chapter II of this Part, such tribunal shall for the purposes of the proceedings mentioned in the last preceding subsection be substituted for the board of review provided for by the said Act, and any reference to the board of review under the said Act, including any reference to any right of appeal to the Court of Appeal, shall with the necessary modifications be deemed to be a reference to such tribunal.

\*(4) When the authority has paid the compensation awarded, or deposited the same in accordance with law, the Minister may vest such land or building or the part of such land or building in the authority by means of a certificate under the hand of the Commissioner of Local Government, to the effect that the same has been made over to the authority.

**Determination of compensation in other cases.**

**85.** (1) Where compensation is payable under this Ordinance otherwise than in respect of the acquisition of any land or building, the amount of such compensation in default of agreement shall be determined by the tribunal of appeal.

(2) In assessing such compensation the tribunal shall, subject to the rules prescribed by section 86, observe the provisions of the Land Acquisition Act, so far as the same are applicable.

(3) Where the property in respect of which such compensation is payable is subject to a mortgage, the mortgagee may require that any compensation due in respect thereof shall be paid to him in reduction of his mortgage debt.

**Rules for determining compensation.**

**86.** The following rules shall be observed in determining the amount of compensation to be awarded in respect of any land or building acquired, demolished, or otherwise dealt with under this Ordinance:

- (a) regard shall be had to any increase to the value of any other land or building belonging to the person interested likely to accrue from the acquisition of the land, or from the acquisition, alteration, or demolition of the building;
- (b) when any addition to, or improvement of, the land or building has been made after the date of the publication of any notification under this Ordinance notifying that it is intended to acquire or otherwise deal with the land or building, such addition or improvement shall not (unless it was necessary for the maintenance of the building in a proper state of repair, or unless it was carried out under special written authority of the Chairman) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made so as to increase the amount of compensation to be paid in respect of the land or building;
- (c) the estimate of the value of the land or building shall be based on the fair market value as estimated at the date of the publication of any such notification and of the several interests in such land or building, due regard being had to the nature and the condition of the property and the probable duration of the building in its existing state and to the state of repair thereof, and without any additional allowance in respect of the compulsory nature of the acquisition;
- (d) the annual rent of any building or of any land assessed as a building site shall not be deemed to be greater than its assessed annual value:

Provided that where any addition or improvement has been made after the date of the last assessment and previous to the date of the publication of any notification notifying that it is intended to acquire or otherwise deal with the land or building under this Ordinance, regard may be had to any increase in the letting value of the land or building due to such addition or improvement;

- (e) if the rental of the land or building has been enhanced by reason of its being used for an illegal purpose, or being so overcrowded as to be dangerous or injurious to the health of the inmates, the rental shall not be deemed to be greater than the rental which would be obtainable if the land or building were used for legal purposes only, or were occupied by such a number of persons only as it was suitable to accommodate without risk of such overcrowding;

- (f) if the building is in a state of defective sanitation or is not in reasonably good repair, the amount of compensation shall not exceed the estimated value of the building after it had been put into a sanitary condition or into a reasonably good repair, less the estimate of the expense of putting it into such condition or repair;
- (g) if the building being a building used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation shall not exceed the value of the materials less the cost of demolition;
- (h) where only part of a building is acquired or otherwise dealt with, the preceding rules shall apply with such modifications as may be necessary.

## CHAPTER II

### Tribunal of Appeal

#### Minister may appoint tribunal of appeal.

**87.** For the purposes of this Ordinance the Minister may constitute within any administrative limits to which this ordinance applies a special tribunal of appeal.

#### Where no special tribunal appointment District Court to be a tribunal of appeal.

**88.** (1) In any administrative limits in respect of which no special tribunal of appeal shall have been constituted under this Ordinance, the District Court having jurisdiction within such administrative limits shall be deemed to be the tribunal of appeal.

(2) In any such case any proceeding under this Ordinance shall be heard and determined according to the procedure prescribed by the law for the time being in force regulating the hearing and determination of actions in District Courts with such necessary modifications as the District Judge may direct.

#### Constitution of tribunal.

**89.** (1) The tribunal of appeal shall be appointed by the Minister and shall consist of a president and two assessors.

(2) The president shall be either a District Judge or a public officer or a retired public officer of not less than seven years' judicial experience.

(3) One of the assessors shall be appointed by the Minister and the other by the local authority.

#### Duration of office.

**90.** Members of the tribunal shall be appointed for a term of one year, and any such member shall be eligible for reappointment.

#### Removal of members.

**91.** It shall be lawful for the Minister if he thinks fit to remove for inability or misbehaviour or other good and sufficient cause any member of the tribunal.

#### Vacancies to be supplied.

**92.** Upon the occurrence of any vacancy in a tribunal, or during the temporary absence through illness or other unavoidable cause of any member thereof, the Minister or the local authority, as the case may be, shall appoint forthwith a fit person to be a member, either temporarily or permanently,

of the tribunal in lieu of the member whose place is vacated or who is temporarily absent as aforesaid.

**Remuneration of members.**

**93.** Each member of the tribunal shall be entitled to such remuneration, either by way of annual salary or by way of fees, or partly in one way and partly in the other, as the Minister with the **concurrence of the Minister in charge of the subject of Finance may, from time to time, fix.**

**Expenses of the tribunal.**

**94.** The remuneration mentioned in section 93 and any incidental necessary expenses of the tribunal shall be paid by the local authority:

Provided that if Improvement Commissioners have been appointed within any administrative limits, the special expenses of any proceeding before the tribunal shall be borne by the authority out of whose act or order the proceedings originated, and the general expenses of the tribunal shall be divided equally between the local authority and the Improvement Commissioners. For the purposes of this section the act or order of the Chairman of an authority shall be deemed the act of the authority.

**Enforcement of the decision of the tribunal.**

**95.** Any award or order of the tribunal shall be enforced by the District Court as if it had been a decree or order of that court.

**Tribunal may take case for the opinion of the Court of Appeal.**

**96.** (1) It shall be lawful for the tribunal at any time to state, and the tribunal if ordered by the Court of Appeal on the application of any party aggrieved shall state, a case for the opinion of the Court of Appeal on any question of law involved in any appeal or in any other matter submitted to it.

(2) The Court of Appeal shall hear and determine the question or questions of law arising on any case stated by the tribunal of appeal, and shall thereupon reverse, affirm, or amend the determination (if any) in respect of which the case has been stated, or remit the matter to the tribunal of appeal with the opinion of the court on the case stated, or may make such other order in relation to the matter as the circumstances of the case may require, and may make such order as to the costs of the case in the Court of Appeal as to the court may seem fit.

**Procedure of tribunal.**

**97.** (1) The tribunal of appeal shall, subject to the provisions of this Ordinance, have jurisdiction and power to hear and determine all appeals and other matters referred to them under this Ordinance.

(2) For all the purposes of and incidental to the hearing and determination of any appeal, the tribunal shall, subject to any rules of procedure duly made, have power to hear the Chairman of the local authority or of the Board of Improvement Commissioners and the parties interested, either in person or by attorney-at-law as they may think fit, and to require the attendance of any person and the production of any documents or books, and to confirm or reverse or vary any decision, and to make such order as they may think fit, and the costs of any of the parties to the appeal or procedure shall be in the discretion of the tribunal.

(3) The decision of all questions of law and procedure and costs and apportionment of compensation shall rest solely with the president, and any such question may be tried and decided in the absence of the assessors, if in the opinion of the president their presence is unnecessary; and when any such

question is so tried and decided, the decision of the president shall be deemed to be the decision of the tribunal.

**Regulations as to procedure and fees.**

**98.** The Minister may make regulations as to the procedure to be followed in cases of appeal or reference to the tribunal, including the time and notices of appeal and as to fees to be paid by appellants and other parties.

**Disposal of fees.**

**99.** All fees and sums of money paid to the tribunal of appeal shall be paid over to the authority responsible for the payment of the remuneration and expenses of the tribunal in the matter in question.

### CHAPTER III

#### Miscellaneous Provisions

**Standard of fitness for human occupation.**

**100.** (1) Any room which does not comply with rule 3 of the Schedule shall for the purposes of this Ordinance be deemed to be unfit for human habitation.

(2) Except in the following cases, that is to say:

- (a) in the case of rooms constructed after the coming into operation of this Ordinance;
- (b) in the case of rooms comprised in an improvement scheme,

this section shall not take effect until after the expiration of five years from the coming into operation of this Ordinance, or such longer period as may be fixed for any administrative limits or any part thereof by the Minister:

Provided that no judicial or administrative authority in exercise of its powers under this Ordinance or any other enactment shall be precluded from dealing with any room not complying with the standard imposed by this section as being unfit for human habitation, if in the opinion of the authority such room in the circumstances of the case may be reasonably so regarded.

(3) The Chairman of the local authority may in his discretion at any time exempt from the operation of this section any room in any house built before the coming into operation of this Ordinance, subject to the following conditions:

- (a) that such room is not let or occupied as a tenement or part of a tenement by persons of the poorer or labouring classes;
- (b) that adequate access of light and air is provided to his satisfaction otherwise than in accordance with the standard enforced by this section.

**Standard of overcrowding.**

**101.** For the purpose of this Ordinance and of any other enactment regulating the powers of any local authority a room shall be deemed to be "overcrowded" or "so overcrowded as to be dangerous or prejudicial to the health of the inhabitants thereof", unless for each person over ten years of age residing in the room there is a floor space of thirty-six square feet and a free air space of three



hundred and sixty cubic feet, and for each child under ten years, of age residing in the room a floor space of eighteen square feet and a free air space of one hundred and eighty cubic feet.

**Buildings in a ruinous and dangerous state.**

**102.** (1) If any building or anything affixed thereon be deemed by any local authority to be in a ruinous state, or to be likely to fall, or to be in a state of gross disrepair or to be injurious to the health or safety of the occupants thereof, the local authority shall cause notice in writing to be served forthwith on the owner or occupier of such building to take down, secure or repair such building or thing fixed thereon, as the case may require.

Where the address of the owner of a building is entered in any register or other record of a local authority, the notice referred to in the preceding provisions of this subsection shall be deemed to have been duly served, if such notice has been sent to him to that address by registered post.

(2) If any person, on whom a notice is served by or on behalf of the local authority under subsection (1), does not begin to comply with such notice within seven days of the service thereof or does not complete the work with due diligence, the local authority shall cause all or so much of the work as it may deem necessary, to be carried out, and all the expenses thereby incurred by the local authority in the execution of the work shall be recoverable in the same manner and by the same process as a rate.

(3) Any person, on whom a notice is served by or on behalf of the local authority under subsection (1) may, if he intends to appeal against the service of such notice on the ground that the notice has been served without reasonable cause, within three days of the date of the service of the notice on such person, notify his intention so to do to the local authority, and within ten days of the said date appeal to the Minister against such service.

As soon as such person has notified his intention to appeal to the local authority under the preceding provisions of this subsection, any work which has commenced by reason of the service of such notice shall cease.

(4) The Minister to whom an appeal against the service of a notice has been made by any person under the preceding subsection, after such inquiry as he may think fit

(a) may dismiss such appeal, and thereupon the provisions of subsection (2) of this section shall apply in relation to such person, subject to the modification that he shall be obliged to comply with the notice within such period as may be specified by the Minister; or

(b) may allow such appeal, and thereupon all proceedings in terms of the notice shall terminate.

The decision of the Minister on any appeal made to him under this section shall be final and conclusive and shall not be questioned in any court of law.

**Recovery of charges.**

**103\*.**In any case in which under this Ordinance it is declared that any sum shall be recoverable in the same manner and by the same process as a rate, the following rules shall apply:

(a) any sum so made recoverable shall be a charge on the land or building in respect of which it is due, and shall take priority of all mortgages, encumbrances, or other charges, and shall be binding upon any person in whom such land or building shall, from time to time, be vested;

(b) any such sum shall not be recoverable until after the expiration of one month after the service by the authority to whom such sum is due upon the person from whom it is due of a notice

specifying the amount of such sum and the matter in respect of which it is recoverable, or, if such person shall have appealed to the tribunal of appeal, until the expiration of one month after the decision of the tribunal;

- (c) all the relevant provisions of any enactment relating to the recovery of rates by local authorities within their respective administrative limits shall, with the necessary modifications, apply to the recovery of any such sum within the administrative limits of any local authority;
- (d) where in any limits brought within the operation of this Ordinance no provision is made by any enactment for the recovery of any rate by the local authority, such sum shall be recovered in the same manner as a tax imposed under the Police Ordinance and all the relevant provisions of such last-mentioned Ordinance shall apply to the recovery of any such sum;
- (e) when any such sum is due to a Board of Improvement Commissioners, such sum, for the purpose of the application of any such provisions, shall be deemed to be due to the local authority within whose administrative limits the land or building in respect of which the sum is due is situated, and shall at the request of the Board of Improvement Commissioners be recovered by the local authority for the benefit of the Board of Improvement Commissioners;
- (f) the authority to whom any such sum is due may in its discretion, in lieu of enforcing the immediate payment of the amount due, take engagements from the owner of the land or building in respect of which the sum is due for the payment by instalments of such sums as will be sufficient to defray the whole amount of the said expenses, with interest thereon at the rate of six per centum per annum, within a period not exceeding twenty years, and such sums when due may be recovered in the same manner and by the same process as a rate;
- (g) any owner of any land or building who has paid any such sum or any instalment thereof shall not be entitled to recover the amount so paid from the occupier, notwithstanding any agreement to the contrary, unless such agreement shall in stipulating for the payment of such amount by the occupier make express reference to this Ordinance;
- (h) where any land or building charged with the payment of any sum under this section is subject to a mortgage and the mortgagee has registered his mortgage at the office of the local authority (for which purpose the local authority is hereby required to make provision), it shall be the duty of the local authority, on serving a notice under paragraph (b) hereof, to serve a copy of such notice on such mortgagee, and any such mortgagee in default of payment by the mortgagor shall be entitled himself to pay the sum due, and any amount so paid shall be added to the principal of the mortgage debt and shall be deemed to be due under the mortgage-

**Service of notices.**

**104.** (1) Notices, orders, and any other documents required or authorized to be served under this Ordinance may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or when addressed to the owner or occupier of premises by delivering the same or a true copy thereof to some person on the premises, or if there is no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises:

Provided, always, that where any local authority has made provision for the registration of owners of property and any owner of property has registered his name and address in accordance therewith,

any such notices, orders, and documents shall be served upon him by registered letter at such address.

(2) Such notices, orders, and documents may also be served by post by registered letter, and if so served shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice, order, or other document was properly addressed and put into the post.

(3) Any notice, order, or other document required by this Ordinance to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given, without further name or description.

(4) The tribunal of appeal may at any time, whether the matter in question is otherwise before the tribunal or not, and whether before or after the expiry of the time appointed, dispense with the service of any notice on any person, or direct any particular method of service or any method of substituted service of such notice, on such terms and conditions as it may direct, and may give relief against any informality in the service of any notice, and any order of the tribunal so made shall have effect accordingly. Any question under this subsection shall be deemed to be a question of procedure.

(5) A person served with a notice under this section shall not be entitled to object to the validity of any proceeding under this Ordinance on the ground that some other person was not served with a notice, unless such first-mentioned person was thereby prejudiced.

(6) Where under the provisions of any local by-law or under any other arrangement made by the local authority the mortgagee of any land or building comprised in any improvement scheme shall have registered his mortgage at the office of the local authority, it shall be the duty of the authority framing the scheme to serve upon such mortgagee copies of all notices, orders, and documents required to be served upon the owners of any such land or building for the purpose of the scheme within the same time as that limited for the service of such notices, orders, or documents.

#### **Relief against informalities.**

**105.** (1) Where in the execution of any improvement scheme it is found or apprehended that any informality or irregularity has been committed, the tribunal of appeal may, on the application of any person who is or may be thereby affected, after notice to any person who may be prejudiced by any order of the tribunal, and after giving such person an opportunity of being heard, make such order as it may deem equitable for giving relief against such informality or irregularity as may be necessary to protect the person applying from any legal proceedings, or to cure any defect of title in such person.

(2) The tribunal may require, for the satisfaction of any person who might otherwise be prejudiced by the order, that the person applying for the same may make such pecuniary or other compensation or enter into such obligation or comply with such condition as may be just.

#### **Protection of officers.**

**106.** No member of any local authority or of any Board of Improvement Commissioners, and no officer of any such local authority or Board of Improvement Commissioners, shall be liable, either civilly or criminally, in respect of anything which he may have done or may have omitted to do when acting in good faith in pursuance or in supposed pursuance of his powers under this Ordinance.

**Improvement Commissioners and their officers to be held public servants.**

**107.** All members of any Board of Improvement Commissioners appointed under this Ordinance, and all officers and servants engaged by them in accordance with by-laws made under this Ordinance, shall be held to be public servants within the meaning of the Penal Code.

**Enforcement of mandatory order.**

**108.** (1) Where a Magistrate has made a mandatory order under this Ordinance, it shall be the duty of the police authorities to render all necessary assistance to the Chairman or other person authorized to carry out the order or to any officer acting under his written directions.

(2) Any person who shall obstruct the execution of a mandatory order shall be guilty of an offence and may be arrested without warrant, and on summary conviction shall be liable to a fine not exceeding one hundred rupees, or to imprisonment for a period not exceeding six months, or to both.

**Prohibition of persons interested from voting.**

**109.** (1) A person shall not vote as a member of a local authority or a Board of Improvement Commissioners upon any resolution or question which is proposed or arises under this Ordinance, if it relates to any dwelling house, building, or land in which he is beneficially interested.

(2) If any person votes in contravention of this section, he shall on summary conviction be liable for each offence to a fine not exceeding five hundred rupees, but the fact of his having given the vote shall not invalidate any resolution or proceeding of the local authority or the Board of Improvement Commissioners.

**Penalty for preventing execution of ordinance.**

**110.** (1) If any person being the occupier of any dwelling house prevents the owner thereof, or being the owner or occupier of any dwelling house prevents the Chairman, the medical officer of health, or the officers, agents, servants, or workmen of such owner or officer from carrying into effect, with respect to the dwelling house, any of the provisions of this Ordinance, after written notice of the intention so to do has been given to such person, the Magistrate on proof thereof may order such person to permit to be done on such premises all things requisite for carrying into effect, with respect to such dwelling house, the provisions of this Ordinance.

(2) If such person fails to comply with the order of the Magistrate, he shall be liable for every day during which the failure continues to a fine not exceeding twenty rupees.

**Masonry boundary walls, &c.**

**111.** (1) No person shall erect any masonry boundary wall or gateway

- (a) within the street lines of any street for which street lines have been defined; or
- (b) in the case of any street for which no street lines have been defined, within twenty feet of the centre of the street,

unless in such case he shall have received the written permission of the Chairman.

(2) In the case last-mentioned the Chairman may require as a condition of such permission that the owner of the premises shall execute an undertaking that no compensation shall be payable in respect of such boundary wall or gateway in the event of the land on which such wall or gateway is situated being acquired for public purposes, or being included in the street under this Ordinance.

(3) No person shall erect any masonry boundary wall of a height exceeding seven and a half feet:

Provided, however, that this subsection shall not apply to any boundary wall which abuts upon any street.

(4) Where any land is situated at the junction of any two streets, no person shall erect any masonry boundary wall or gateway on such land in contravention of the following conditions, that is to say, that no part of such boundary wall or gateway which is within a distance of thirty feet from the point of such boundary wall or gateway which is nearest to the centre of the junction, shall be of a height exceeding five feet.

(5) Any person who shall erect any masonry boundary wall or gateway in contravention of this section shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred rupees, and the court upon conviction of any person under subsection (1) (b), in the event of the person convicted declining to execute the undertaking referred to in this section, may make an order in the terms of such undertaking, and every such order may be registered, and shall be binding upon the land in the same manner as an undertaking under this section.

#### **Register of obligations affecting land or buildings.**

**112.** (1) In any case in which in pursuance of this Ordinance, or of any improvement scheme sanctioned under this Ordinance, any undertaking is executed, or any condition is assented to, or any obligation is assumed affecting any land or building comprised in any improvement scheme, or within the administrative limits of any local authority, in any agreement or instrument the parties to which are either the Chairman and the owner of the land or building affected or the respective owners of two or more of such lands or buildings, then upon such agreement or instrument being registered in the office of the local authority, every such undertaking, condition, or obligation shall be binding upon the land or building affected in accordance with the tenor thereof into whosoever ownership or possession the said land or building may at any time pass.

(2) It shall be the duty of every local authority to maintain a register for the purposes of this section, and every such register shall be open to inspection at all reasonable times by any person interested.

(3) The Chairman shall, if he is a party to any agreement or instrument registered in the register maintained under subsection (2), cause a certified copy of such agreement or instrument, as the case may be, to be registered in the office of the Registrar of Lands. Such copy shall be so registered free of any charge or duty.

(4) The provisions of section 2 of the Prevention of Frauds Ordinance shall not apply to any agreement or instrument referred to in this section,

#### **Erection of shelters, roundabouts, &c, by local authority.**

**113.** Where a local authority, having power in that behalf under any other law, erects

- (a) any masonry shelter for the use of passengers or intending passengers at or near any stopping place, parking place or public stand appointed or set apart for omnibuses or tram cars in any street; or
- (b) any roundabout, sign-post or other structure of masonry in any street or at the intersection of two or more streets for the purposes of the regulation of traffic,

#### **Default of Chairman,**

**114.** (1) If the Minister, on representations being made to him in that behalf and after inquiry, is satisfied that the Chairman of any local authority has failed to exercise his power or to perform his duty under any of the provisions of Chapter I of Part II of this Ordinance the Minister may, by Order

published in the Gazette, direct the Commissioner of Local Government or any other person to exercise such power or perform such duty in like manner as the Chairman. Such Order shall have the force of law.

(2) For the purpose of the inquiry referred to in subsection (1) of this section, the Minister may in writing order the Chairman of any local authority

- (a) to transmit to him or to any person named by him any plans, specifications or other documents which are in the possession or under the control of such Chairman; or
- (b) to permit any person named by the Minister to inspect any plans, specifications or documents, as may be set out in the Order

## SCHEDULE

### RULES

#### STANDARD FOR BUILDINGS, ROOMS AND STREETS

1. Where a building (not a place of worship) is situated upon a street, no portion of the front of the building shall intersect any of a series of imaginary lines drawn across the street at an angle of 63 1/2 degree with the  
 Provided as follows:-
  - (a) notwithstanding anything in this rule, it shall be lawful for the Chairman in any area not occupied wholly or mainly by residential buildings, after giving an opportunity of being heard to the owners of all other buildings which may be thereby affected, to authorize any building to exceed any limit of height
  - (b) the height of a building for the purpose of this rule shall be measured from a point at the centre of the face of the building on the level of the centre of the street on which it is situated.
2. (1) Subject to any local by-laws requiring the reservation of a larger areas in special localities, the total area on any site used for-
  - (a) any residential building shall not exceed two-thirds of the total area of the site ; or
  - (b) any commercial or industrial building or warehouse, shall not exceed four-fifths of the total area of the site.
 and the area not so covered shall belong exclusively to the : residential building, factory or workshop, and shall be retained as part and parcel thereof.
 

\* (3) No projection shall be constructed over any part of the area so reserved, other than eaves sunshade which may project to an extent of 1.2 metres

(4) The area reserved under this rule shall include any space reserved in order to give effect to the provisions of rules 4 and 5.

(5) The local authority, subject to the approval of the. minister and any Board of Improvement Commissioners for the purpose of any improvement scheme, may exempt any area predominantly occupied by commercial buildings within the administrative limits of any Municipality from the operation of this rule in respect of any class
3. Every habitable room in a residential building must comply with the following conditions:-
  - (a) it must have an average height of at least 2700 millimetres, and shall in no place be less than 1200 millimetres in height
  - (b) where the residential building has only one habitable room, the floor area of such room must not be less than 11.1 square metres, and where the residential building has more than one such room, every additional room shall not be less than 8.3 square metres;
  - (c) at least one side must be an external wall abutting on the open area to an extent of not less than two-thirds of the total length of the wall;
  - (d) each side of such room must be not less than 2400 millimetres in length ;
  - (e) the clear height of every door in such room must be not less than 1800 millimetres;
  - (f) it must have, opening either directly or through an open veranda into an external space, either windows, or doors and windows, having an aggregate opening of not less than one-seventh of the superficial floor area of the room.  
 Provided that where there are both doors and windows the aggregate opening of the windows shall not be less than one-fifteenth of such area;  
 Provided further that in every case the clear opening of each window must be not less than 0.74 square metres an open veranda for the purpose of this rule means a veranda whose exterior face is not obstructed to the extent of more than one-third at any one point in its length;
  - (g) every window necessary for the purpose of compliance with paragraph (f) hereof must open on to a standard light plane, and the whole space above such plane must be open to the sky

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\* Paragraph (2) is omitted. - See Act No. 38 of 1980.

and free from any obstruction other than eaves or sunshades projecting to an extent of not more than 500 millimetres from the face of the building, or such further or other architectural embellishments and amenities as may be authorized by local by-laws, or in the absence of such by-laws as may be allowed by the chairman.

A standard light plane for the purpose of this rule means a plane drawn upwards and outwards from the exterior face of the building at the floor level of the room at an angle of 63 1/2 degree to the horizontal, and not impinging on any building, wall, or other obstruction.

In any case in which there is any obstruction other than an authorized under last preceding paragraph over any plane so drawn, the plane may be drawn from the line of intersection of the plane of the floor level of the room and the perpendicular plane of the extreme edge of the obstruction.

4. Where a window or door necessary for the purpose of compliance with rule 3 is situated on the side or interior face of a building, the external open space referred to in rule 3-
- (a) must be of such width that no portion of such face shall intersect any of a series of imaginary lines drawn across the open space from the limit opposite to such face at the level of its lowest inhabited storey at an angle 63 1/2 degree to the horizontal;
  - (b) must in no case be less than 2200 millimetres in width;
  - (c) must either be exclusively attached to the building or be dedicated to public use :

Provided that where the owners of two adjoining buildings have registered at the office of the local authority and is the owner of both buildings, where such person has registered at the office of the local authority a declaration binding himself to preserve such common open space, such common open space may be treated as the open space required by this rule;

Provided, further, that such common open space shall not be less than 4.5 metres in width.

5. (1) Subject to any local by-laws requiring the reservation of a larger area in special localities, there must be in the rear of every residential building, an open space of not less than 2.2 metres in depth throughout extending along the entire width of the building. Such open space must belong exclusively to the building, unless the rear of the building abuts upon a public street or lane of not less than 6 metres in width, which is dedicated to public use provided that this shall not apply to existing public streets, less than 20 feet in width. Where such space of 2.2 metres is not possible, the local authority may allow any average of 72.2 metres taken along the full length of the rear of the building, provided the minimum width from any point of the boundary is not less than .9 metres.
- (2) The height at the rear should not exceed the height laid down in rule 1.
- (3) For the purposes of this rule the rear of a building shall be deemed to be that face which is farthest from street on which the building is situated:
- Provided that where the building is situated on more than one street , the rear of the building unless the Chairman otherwise directs, shall be deemed to be that face which is farthest from the widest of such streets.

- †8. (1) Every new street intended for carriage traffic which is defined or approved by a local authority or a Board of Improvement Commissioners shall be of not less than 12 metres in width:

Provided that where in any area which is mainly occupied by detached houses or flats and the street cannot serve as a thorough road, the Chairman may sanction in any of the circumstances mentioned in an entry in entry in Column 11 of that Table.

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† Rules 6 and 7 are rescinded. See Act No 38 of 1980.



TABLE  
[2, 10 of 1983.]

Column I	Column II
Where the street is intended for the service of-	
(a) not more than four premises,	the approved minimum width shall be 3 metres;
(b) more than four premises but not more than eight premises,	the approved minimum width shall be 4.5 metres; and
(c) more than eight premises but not more than twenty premises,	the approved minimum width shall be 6 metres:

Provided that the Chairman may sanction a width not less than 5.4 metres at any particular point which is not less than 10 per centum of the total length of the road, if he is of the opinion that it is impracticable to provide for that portion of the street, the approved minimum width, and he is satisfied that such further reduction will not endanger the safety of vehicles and passers-by.

(2) In an area occupied wholly or mainly by detached residential buildings a local authority or a Board of Improvement Commissioners may declare any street which in their opinion is not likely to be extensively used for traffic to be a minor street, and any such minor street may be of such width not less than 9 metres as may be defined or approved by the authority or the board:

Provided that when any such minor street has been defined or approved in accordance with this Ordinance, no building or other permanent structure shall be erected within 6 metres of the centre of the street.

(3) Nothing in this rule shall be deemed to present a local authority or a Board of Improvement Commissioners

9. In any declared commercial area situated within a Municipal Council, space for vehicular parking should be provided on the basis of one parking space for every 92.9 square metres of commercial floor area.

Provided that where the Chairman feels that it is impracticable to provide such space, this rule may be modified as necessary having regard to the circumstances of the case.

10. (1) No house or flat shall be constructed on any land which is in extent less than such minimum extent as may be determined by the Chairman.  
(2) Chairman having regard to the extent of the land access and other relevant details.