

CHAPTER 596

RATING AND VALUATION

Ordinance No. 30 of 1946.

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW RELATING TO THE MAKING AND COLLECTION OF RATES BY LOCAL AUTHORITIES AND TO THE VALUATION OF PROPERTY FOR THE PURPOSE OF SUCH RATES, AND TO PROVIDE FOR MATTERS CONNECTED WITH OR INCIDENTAL TO THE MATTERS AFORESAID.

[7th August. 1946.]

Short title. 1. This Ordinance may be cited as the Rating and Valuation Ordinance.

4. In this Ordinance, the expression "the appointed year", when used with reference to any rating area, means the year specified in the Order by which the provisions of this Ordinance are made applicable in the case of the rate or rates which may be made or levied by the rating authority for that area.

PART I

APPLICATION OF ORDINANCE AND CONNECTED PROVISIONS

Application of Ordinance.

2. Where any local authority is empowered, authorized or required by or under the provisions of any other written law to make, impose or levy a rate or rates on the annual value of any property in any area, the Minister may, by Order published in the Gazette, declare that the provisions of this Ordinance shall apply for the purpose of the making, imposition, levy, payment, collection and recovery of the rate or rates which may be made or levied by that authority for that area in respect of such year as shall be specified in the Order and of every subsequent year.

5. Every rate made or levied by the rating authority for any rating area in respect of the appointed year and of every subsequent year shall be made, levied, paid and recovered in accordance with the provisions of this Ordinance :

Rates to be made and levied by rating authorities in accordance with Ordinance.

Provided, however, that where any limitation or condition is imposed by any other written law in relation to the power of a rating authority to make and levy a rate, nothing in this Ordinance shall be deemed to modify or affect the limitation or condition so imposed.

Rating authorities and areas.

3. Where the provisions of this Ordinance have by Order under section 2 been made applicable in the case of the rate or rates which may be made or levied by any local authority for any area, that local authority and that area shall be a rating authority and a rating area, respectively, for the purposes of this Ordinance :

Provided, however, that where such local authority is a Village Council, no part of the village area, other than a locality declared under the provisions of the Village Councils Ordinance to be a built-up locality, shall be deemed to be or to form part of a rating area for the purposes of this Ordinance.

PART II

RATING

6. (1) Subject as hereinafter provided, every rate made by the rating authority for any rating area shall be a general rate on the annual value of all rateable property situated in the area :

General rate and special rate.

Provided that nothing in the preceding provisions of this subsection shall affect or prejudice the power of any rating authority to make or levy any special rate referred to in subsection (2).

(2) Where any rating authority is duly empowered in that behalf by or under any other written law to make and levy a special rate on the annual value of any property situated in any rating area or in any part of such area, all the provisions of this Ordinance shall, unless otherwise expressly provided, apply to such special rate, and for the purposes of such application, any reference in any such provision to a rating area shall, where necessary, be deemed to be a reference to the part of the rating area in respect of which the special rate is made.

(3) Where any rateable property, or any part of any rating area, is not benefited by any service or services in respect of which the general rate or any special rate is made, the rating authority may by resolution exempt that rateable property or all rateable property in that part of the rating area, as the case may be, from the payment of such portion or portions of such rate as may be declared in such resolution to be or to have been made in respect of such service or services.

Sanction of Minister in certain cases.

7. Where any rating authority resolves to make or levy in respect of any year a general rate or a special rate which is higher or lower than the general rate or the corresponding special rate, as the case may be, which was made or levied by that authority in respect of the preceding year under this Ordinance or any other written law, the rate shall not be valid unless it is sanctioned by the Minister.

Uniformity of rate.

8. Subject to the provisions of this Ordinance, every rate made by the rating authority for any rating area shall be a rate at a uniform amount *per centum* on the annual value of each rateable property in the area.

Minimum amount to be recovered as rate.

9. Where the amount payable in respect of the general rate, or the aggregate of the amounts payable in respect of the general rate and of any special rate or rates, on any rateable property for any year, is less than fifty cents, a sum of forty-eight cents shall, in lieu of the amount so payable, be deemed to be payable in respect of such rate or rates, as the case may be.

Making and operation of rate.

10. Every rate made by a rating authority shall be made in respect of the period of one year commencing on the first

day of January next succeeding the date on which the rate is approved by resolution of the rating authority, or where the rate requires the sanction of the Minister, the date on which it is so sanctioned.

11. Every rating authority shall, before the expiry of a period of ten days from the date on which any rate is made, or, where the rate requires the sanction of the Minister, from the date on which it is so sanctioned—

- (a) exhibit on the notice-board at the office of the authority, a written notice that such rate has been made; and
- (b) publish the notice in a newspaper circulating in the rating area, or, in the case of a rate made by a Village Council, by beat of tom-tom in the area or in such other manner as may be prescribed.

12. It shall be the duty of every rating authority (other than a Municipal Council) to comply with all such directions as may be issued by the Minister, from time to time, in relation to the dates before which resolutions for the imposition of rates shall be considered by the authority.

13. (1) It shall be the duty of every rating authority to keep and maintain a Rate Book in the prescribed form, and to enter or cause to be entered annually therein the prescribed particulars relating to each rateable property in the rating area.

(2) The owner or occupier of any rateable property, or any person authorized in that behalf by such owner or occupier, shall be entitled to inspect free of charge any portion of the Rate Book which contains particulars relating to that property.

14. The rating authority may at any time make such amendments in the Rate Book as may, in the opinion of the authority, be necessary in order—

- (a) to correct any clerical or arithmetical error in the Rate Book ;
- (b) to correct any erroneous insertion or omissions or any misdescriptions :

Provided, however, that no amendment the effect of which is to alter the amount entered in the Rate Book as payable on any property in respect of any rate, shall, unless it is necessitated by the alteration of a quinquennial list or supplemental list, be made by the rating authority except after service in the prescribed manner on the occupier of that property of a notice in the prescribed form, and after consideration of any objection which may, in accordance with the notice, be made by the owner or occupier of the property.

rating authority, the amount due on that property in respect of any rate :

Provided that nothing hereinbefore contained shall apply in the case of any property belonging to the State which is let to any person who is in the employment of the State and who resides on that property.

Meaning of "rateable property".

**15.** (1) In this Ordinance, "rateable property" means any land or any portion of any land which is separately owned, let or occupied, together with any house, building, tenement, hut or other roofed enclosure, or wall, hoarding or other structure thereon and includes—

- (a) any right of way, wayleave or other servitude appertaining to such property or enjoyed in connexion with such property; and
- (b) any property which is deemed, by virtue of the provisions of subsection (2), to be rateable property for the purposes of this Ordinance.

(2) All tramway lines, electric mains, cables or transformer stations, all gas, water, petrol, fuel or oil mains or lines, all telegraph or telephone poles, lines or cables, and all wireless transmission masts, and all pillar boxes which are installed and maintained in, upon or over any land, shall be deemed to be rateable property for the purposes of this Ordinance, and the authority, body, company, firm or individual by which or by whom such lines, mains, cables, stations, poles or masts are maintained for the time being shall be deemed to be the owner of such rateable property and shall be liable to pay the amounts due, from time to time, on such property in respect of any rate.

Liability of lessee or tenant of State property to pay rates.

**16.** Where any rateable property belonging to the State is leased or let to any person, the lessee or tenant, as the case may be, shall be liable to pay and shall pay to the

**17.** (1) Subject as hereinafter provided, no person shall be liable to be assessed or rated to or for any general rate in respect of—

Exemption for places of worship, charitable institutions, schools, Ac.

- (a) any land or buildings used exclusively or mainly for public religious worship or for any public charitable purpose;
- (b) any land or buildings used exclusively or mainly for the purposes of any school;
- (c) any land or buildings for the time being in charge of military sentries :

Provided, however, that the preceding provisions of this subsection shall not apply in any case where the owner of any land or building mentioned in those provisions receives any rent in respect of such land or building.

(2) For the purposes of subsection (1)—

- (a) any building or part thereof which is exclusively or mainly used or is set apart for the provision of living or sleeping accommodation for persons resident within the premises of any school, or for the preparation of food for, or the taking of meals by such persons, shall not be deemed to be used for the purposes of the school;
- (b) any playing-field maintained in connexion with any school shall, notwithstanding that it may be situated outside the premises of the school, be deemed to be used for the purposes of the school.

**18.** No person shall be liable to be assessed or rated to or for any general rate in respect of any burial or cremation ground, or of any building which is

Exemption for burial and cremation grounds.

maintained upon any such ground or is used for the purposes of cremation :

Provided, however, that the preceding provisions of this section shall not apply in the case of any crematorium maintained for profit otherwise than by the Government of Sri Lanka or a local authority.

(b) direct, in respect of each such division, that an original quinquennial list shall be made under this Part so as to come into force in such year as may be specified by him in such notification.

Exemption in the case of special rates.

**19.** In the case of a special rate—

- (a) the provisions of sections 17 and 18 shall not apply;
- (b) nothing in this Ordinance shall affect or prejudice the grant or the effect of any exemption provided for by the written law under which the special rate is made.

(2) Where any rating area is divided by notification under subsection (1) into rating divisions, an original quinquennial list shall be made in accordance with this Part for each such division so as to come into force on the first day of January in the year specified in the notification in respect of that division; and thereafter new quinquennial lists shall be made, from time to time, for that division so that a new quinquennial list shall come into force upon the expiration of a period of five years from the date on which the preceding quinquennial list came into force.

**PART III**

**VALUATION OF RATEABLE PROPERTY**

**QUINQUENNIAL LISTS AND SUPPLEMENTAL LISTS**

Quinquennial lists.

**20.** Subject to the provisions of section 21, a new list containing the prescribed particulars relating to each rateable property in each rating area (hereinafter referred to as an "original quinquennial list") shall be made in accordance with this Part so as to come into force on the first day of January in the appointed year and, thereafter, quinquennial lists shall be made, from time to time, for that area, so that a new quinquennial list shall come into force upon the expiration of a period of five years from the date on which the preceding quinquennial list came into force.

(3) In any case where, in consequence of the division of any rating area into two or more rating divisions, an original quinquennial list is not made so as to come into force in the appointed year for the whole of the rating area, then until the date on which an original quinquennial list comes into force for any such rating division in accordance with subsection (2)—

- (a) such part of the assessment book in force for that area in the year preceding the appointed year as contains the annual value or the assessment of the annual value of the rateable properties in that rating division shall be deemed to be a quinquennial list duly made and approved for that division in accordance with this Part; and shall have effect accordingly subject to the modification that no objection, action or appeal shall be lodged, instituted or preferred under this Part in respect of any matter therein contained;

Rating divisions and quinquennial lists for such divisions.

**21.** (1) In any case where the Commissioner is satisfied that the preparation of an original quinquennial list to come into force in the appointed year for the whole of any rating area would be impracticable, having regard to all the circumstances of the case, the Commissioner may by notification published in the Gazette—

- (b) supplemental lists and provisional lists shall, where necessary, be made for that rating division in accordance with the requirements of this Part;

- (a) divide the rating area into such number of rating divisions, not exceeding five in number, as he may consider expedient, and define the limits of each such division ; and

(c) the part of the assessment book which is deemed by paragraph (a) to be a quinquennial list for that rating division, together with and as altered by any such supplemental list or provisional list for the time being in force, shall be deemed for the purposes of any rate made by the rating authority to be the valuation list for that division.

(4) In subsection (3), " assessment book " means the assessment book or the assessment register which is maintained by the local authority for any area, and in which the annual value or the assessment of the annual value of the rateable properties in the area are entered in the year preceding the appointed year under the provisions of any other written law for the purposes of any rate imposed by that authority for that area, as amended or altered in consequence of the determination of any objection, action or appeal under any such provisions.

Form, &c., of draft lists.

22. (1) Every draft quinquennial list prepared for the purposes of this Part shall-

(a) be in the prescribed form and shall contain in respect of every rateable property within the rating area or division for which the list is prepared the particulars for the inclusion of which provision is made in that form;

(b) be prepared in accordance with such general or special directions as may, from time to time, be issued by the Commissioner for the purpose of carrying into effect the provisions of this Part relating to the procedure for the preparation of such lists.

(2) The particulars relating to the rateable properties situated in each town or ward comprised within any rating area or division or situated in each ward of any such town shall, as far as practicable, be separately set out in the draft quinquennial list prepared for that area.

23. (1) Where a quinquennial list is, under the provisions of section 20 or section 21, required to be made so as to come into force on the first day of January in any year for any rating area or division, other than a Municipality or a rating division of a Municipality, it shall be the duty of the rating authority, on or before such date in the preceding year as may be fixed by the Commissioner—

Preparation of draft quinquennial lists.

(a) to cause a draft quinquennial list to be prepared for that area or division, and to be signed by the Chairman of the authority; and

(b) to transmit the draft list to the Local Government Valuer for revision.

(2) Where a quinquennial list is, under the provisions of section 20 or section 21, required to be made so as to come into force on the first day of January in any year for any rating area or division, being a Municipality or a rating division of a Municipality, it shall be the duty of the rating authority—

(a) to cause a draft quinquennial list for that area or division to be prepared before such date as may be fixed by the authority; and

(b) before the thirtieth day of April in the year preceding that year, to revise and alter the draft list in such manner as may be necessary in the opinion of the authority, and to cause it to be signed by the Municipal Commissioner.

24. (1) Save as otherwise provided in section 25, a supplemental list shall be made every year for every rating area, or, where any such area has been divided into rating divisions, for every such division, and shall set out all such alterations as may, during the period of twelve months immediately preceding the fifteenth day of February in that year, have taken place in respect of any of the matters stated in the valuation list in force during that year for that area or division.

Preparation of draft supplemental lists.

(2) Where a supplemental list is required to be made in any year for any rating area

or division, other than a Municipality or a rating division of a Municipality, it shall be the duty of the rating authority, on or before the fifteenth day of February in that year—

(a) to cause a draft supplemental list to be prepared for that area or division and to be signed by the Chairman of the authority; and

(b) to transmit the list to the Local Government Valuer for revision.

(3) Where a supplemental list is required to be made in any year for any rating area or division, being a Municipality, or a rating division of a Municipality, it shall be the duty of the rating authority—

(a) to cause a draft supplemental list to be prepared for that area or division on or before such date in that year as may be fixed by the authority; and

(b) before the fifteenth day of June in that year, to alter or revise the list in such manner as may be necessary in the opinion of the rating authority and to cause it to be signed by the Municipal Commissioner.

(4) The provisions of section 22 shall apply, *mulalif mutandis*, in relation to every supplemental list, subject however to the modification that nothing therein contained shall be deemed to require any supplemental list to contain any particulars relating to any rateable property which has not been affected by any such alterations as are referred to in this section.

Cases where supplemental list is not to be made.

**25.** (1) No supplemental list shall be made for any rating area or division in the year preceding the year in which a new quinquennial list is, under the provisions of section 20 or section 21, required to come into force for that area or division.

(2) Where no such alterations as are referred to in section 24 (1) have taken place during the period of twelve months preceding the date on which a draft supplemental list would under that section

be required to be prepared for any rating area or division in any year, no supplemental list shall be made for that area or division in that year; and in any such case the rating authority shall, on or before that date, transmit to the Commissioner a certificate in the prescribed form to the effect that no such alterations have taken place in respect of that area or division, as the case may be.

**26.** (1) Where any draft quinquennial list or draft supplemental list is transmitted to the Local Government Valuer under this Part, it shall be the duty of the Local Government Valuer to revise the draft list in such manner as may, in his opinion, be necessary and the Valuer shall have power, for the purposes of such revision—

Revision of draft lists by Local Government Valuer.

(a) to include in any such draft list any rateable property the particulars relating to which have not been inserted therein ; and

(b) to correct or alter any of the particulars set out in such draft list.

(2) It shall be the duty of the Local Government Valuer, after any draft quinquennial list or draft supplemental list is revised or altered in accordance with the provisions of subsection (1), to sign the draft list and to return it to the rating authority—

(a) if it is a draft quinquennial list, before the thirtieth day of April next succeeding the date on which it is transmitted to him; or

(b) if it is a draft supplemental list, before the fifteenth day of June next succeeding that date.

**27.** (1) Where a draft quinquennial list or draft supplemental list has been prepared for any rating area or division in any year and has been revised by the rating authority or the Local Government Valuer, as the case may be, it shall be the duty of the Chairman of the rating authority, or in the case of a Municipal Council of the Municipal Commissioner, on or before the fifteenth day of July in that year to cause the draft

Deposit and inspection of draft lists.

list to be deposited at the office of the authority and to give public notice in the prescribed manner—

(a) that the draft list has been deposited and will be open to public inspection at the office of the authority at any time before the fifth day of August next succeeding the date of such deposit; and

(b) that written objection may, at any time before the fifth day of August next succeeding the date of such deposit, be lodged in respect of any valuation or matter contained in the draft list.

(2) The owner or occupier, or the authorized agent of the owner or occupier, of any rateable property shall, at any time within the period during which a draft quinquennial list or draft supplemental list is open to inspection, be entitled, free of charge, to inspect the draft list.

Notice of valuation.

28. (1) On or before the fifteenth day of July in the year in which any draft quinquennial list or draft supplemental list is prepared for any rating area or division, the Chairman of the rating authority, or in the case of a Municipal Council, the Municipal Commissioner, shall cause a notice of valuation relating to every rateable property included in the draft list to be served in the prescribed manner on the occupier of the property.

(2) Where notice of the deposit of any draft quinquennial list or supplemental list has been published in accordance with section 27, no valuation of any rateable property inserted therein shall be deemed to be invalid by reason only of the fact that notice of such valuation has not been served in accordance with the provisions of subsection (1).

Objections to draft list.

29. (1) Any person who is aggrieved by the incorrectness or unfairness of any matter in a draft quinquennial list or draft supplemental list, or by the inclusion therein or omission therefrom of any matter, or by the valuation as a single property of a building or portion of a building occupied in parts, or by any other matter done in or

connected with or arising out of such draft list, may lodge an objection with the rating authority at any time before the fifth day of August next succeeding the date on which the draft is deposited under section 27.

(2) Every such objection shall be in the form of a written statement which—

(a) must set out the grounds of the objection and specify the address to which notices may be sent to the objector in connexion with any inquiry into or determination of the objection;

(b) must, except in the case of an objection lodged with a Municipal Council, be in duplicate.

30. (1) Every rating authority shall cause particulars relating to all objections duly lodged with the authority in any year under section 29 to be entered in a register kept for the purpose, and shall, except where it is a Municipal Council, transmit to the Local Government Valuer, before the twentieth day of August in that year, copies of all statements of objection received by the authority.

Procedure upon receipt of objections.

(2) Every rating authority shall send a written notice to every objector, at the address specified by him, of the date on which, and the time and place at which, an inquiry will be held for the consideration of his objection;

Provided, however, that—

(a) nothing hereinbefore contained shall be deemed to prevent any rating authority from determining any objection without holding an inquiry, if the determination is that the objection shall be allowed ; and

(b) no date for any such inquiry shall be fixed by any rating authority, other than a Municipal Council, except after consultation with the Local Government Valuer.

31. (1) Every inquiry for the determination of any objection duly lodged under section 29 shall be held by the

Hearing and determination of objections.

Chairman of the local authority, or in the case of a Municipal Council by the Municipal Commissioner, or by an officer authorized for the purpose by the Chairman or the Municipal Commissioner, at the time and place specified in the notice under section 30 or at such other time to which the inquiry may be adjourned.

(2) Any objector who has duly lodged an objection under section 29 shall be entitled, either in person or by a representative authorized in writing in that behalf, to be heard and to call witnesses at the inquiry held for the determination of such objection.

Where the objector is not present at such inquiry either in person or by representative the objection may be heard and determined in his absence.

(3) The Local Government Valuer shall be entitled, either in person or by a representative authorized in writing in that behalf, to be heard and to call witnesses at any inquiry held for the determination of any objection lodged with any rating authority other than a Municipal Council:

Provided, however, that where the Local Government Valuer is not present or represented at any such inquiry, any matters stated in a written report sent by the Local Government Valuer shall be taken into consideration for the purpose of the determination of the objection.

Notice of decisions, and alterations of lists,

**32.** Where any objection has been determined by a rating authority, the rating authority shall—

- (a) cause a notice of the decision to be sent to the objector at the address specified by him in his statement of objections, and to the Local Government Valuer; and
- (b) cause such alterations, insertions or corrections, as may be necessary in consequence of the decision, to be made in the draft list to which the objection relates.

Provision as to time for determination of objections.

**33.** It shall be the duty of a rating authority to take all such steps as may be necessary to secure that all objections duly

lodged with that authority in any year under section 29 are as far as may be, heard and determined before the twenty-third day of December in that year :

Provided, however, that any such objection may be determined at any time after that day upon application made by the objector in that behalf, or in any case where sufficient time is not available for the determination before that day of all objections lodged with the authority.

**34.** (1) The Chairman of the rating authority or, where the authority is a Municipal Council, the Municipal Commissioner shall, as soon as may be after all objections, relating to any draft quinquennial list or supplemental list, which is required under this Part to be made in any year, have been determined as hereinbefore provided, and in any case not later than the thirty-first day of December in that year, finally approve and sign the draft list in token of such approval.

Final approval of lists by rating authorities.

(2) Every quinquennial list or supplemental list for any rating area or division which is approved by the rating authority under subsection (1) shall—

- (a) be deemed, unless the contrary is proved, to have been made in accordance with the provisions of this Part;
- (b) come into force on the first day of January next succeeding the date of such approval; and
- (c) continue in force until the date on which the succeeding quinquennial list for that area or division is required by section 20 or section 21 to come into force for that area or division.

APPEALS FROM DECISIONS OF RATING AUTHORITIES

**35.** (1) Save as otherwise provided in section 38, the Local Government Valuer, or any person who has duly lodged an objection with the rating authority in respect of any matter contained in a quinquennial list or supplemental list may,

Action in District Court or Primary Court for revision of decisions upon objection.



before the expiry of a period of one month after the date of the receipt by him of the notice of the decision upon the objection, institute an action in accordance with the provisions of subsection (2) for the revision of such decision.

(2) Every action for the revision of any decision relating to any rateable property included in any quinquennial list or supplemental list, shall be instituted in the District Court or the Primary Court having jurisdiction over the place in which the property is situated, according as the total amount, which would be payable in accordance with the decision as rates on that property for the year in which the list is to come into force, exceeds or does not exceed one thousand five hundred rupees.

Hearing and determination of actions and appeals in actions.

**36.** (1) The court in which any action is duly instituted under section 35 shall hear and determine the action according to the procedure prescribed by any written law for the time being in force regulating the hearing and determination of civil actions brought in such court:

Provided, however, that where the plaintiff in such action is a person other than the Local Government Valuer, he shall not be permitted to adduce evidence on any ground of objection which was not set out in the statement of objection lodged by him with the rating authority under section 29.

(2) The decision of any District Court or Primary Court in any action instituted under section 35 shall be subject to an appeal to the Court of Appeal, and the provisions of Chapter LVIII of the Civil Procedure Code, and of any other written law relating to appeals to the Court of Appeal from judgments, decrees or orders of a District Court or Primary Court, as the case may be, shall apply to such appeal.

Amendments of lists in consequence of actions.

**37.** (1) Where no appeal is preferred from the decision of the District Court or of the Primary Court in an action instituted under section 35, it shall be the duty of the District Judge or Judge of the Primary Court, as the case may be, to send to the rating authority a statement under his hand setting out the decision or award or judgment and specifying the alteration, if

any, to be made in the quinquennial list or supplemental list to which the action relates.

(2) It shall be the duty of the Registrar of the Court of Appeal, upon the final determination of an appeal preferred to that court under section 36 (2), to send to the rating authority a statement under his hand setting out the decision of the Court of Appeal, and specifying the alteration, if any, to be made in the quinquennial list or supplemental list to which the appeal relates.

(3) The rating authority shall upon the receipt of any statement referred to in subsection (1) or subsection (2), cause such alterations as may be specified in the statement to be made in the quinquennial list or supplemental list to which the statement relates.

**38.** (1) Nothing in sections 35 to 37 shall apply in the case of any decision of a rating authority which is a Village Council.

Appeals to Government Agents from decisions of Village Councils.

(2) The Local Government Valuer, or any person who has duly lodged an objection with any rating authority, being a Village Council, in respect of any matter contained in a quinquennial list or supplemental list, may, before the expiry of a period of one month after the date of the receipt by him of the notice of the decision upon that objection, appeal against the decision to the Government Agent of the administrative district in which the village area is situated.

(3) Every such appeal shall be preferred by written statement setting out the grounds of appeal.

(4) The decision of the Government Agent on any such appeal shall be final.

(5) It shall be the duty of the Government Agent upon the determination of any appeal under this section to send to the rating authority a statement under his hand setting out his decision, and specifying the alteration, if any, to be made in the quinquennial list or supplemental list to which the appeal relates.

(6) The rating authority shall upon the receipt of any statement referred to in

subsection (5). cause such alterations as may be specified in the statement to be made in the quinquennial list or supplemental list to which the statement relates.

**EFFECT OF LISTS**

Quinquennial list and supplemental lists to be valuation list.

**39.** (1) The quinquennial list in force for any rating area or division during any year, together with, and as altered by, the supplemental list or lists, if any, which may be in force for that area or division during that year, shall be for the purposes of this Ordinance the valuation list for that area or division for that year; and, where any alterations are made in any such quinquennial list or supplemental list on any date in that year in accordance with the provisions of section 32 or section 37 or section 38, the valuation list shall on and after that date be deemed to be altered accordingly.

(2) The list or lists, as the case may be, declared by subsection (1) to be the valuation list for any rating area or division for any year, shall, for the purposes of any rate made for that area or division in respect of that year, be conclusive evidence of the annual value of the several rateable properties included therein and of the fact that all rateable properties required to be inserted therein have been so inserted.

Rate to be levied notwithstanding pending objections or actions.

**40.** Any rate for the purposes of which any valuation list is declared by section 39 to be conclusive shall be made and levied, and shall be collected and recoverable, in accordance with that list, notwithstanding that any objection, action or appeal duly lodged, instituted or preferred under this Part in respect of any matter stated in the list may not have been finally determined :

Provided, however, that in any case where the amount payable on any rateable property in respect of any rate is altered in consequence of the determination of such objection or of the decision in such action or appeal, the difference, if too much has been paid, shall be repaid or allowed, and if too little, shall be deemed to be arrears of the rate (except so far as any penalty is incurred on account of arrears) and shall be paid and recovered accordingly.

**PROVISIONAL LISTS**

Making of provisional lists.

**41.** (1) Where in the course of any year the value of any rateable property is increased by the addition thereto or erection thereon of any building or structure, or is, from any other cause or by reason of any other circumstances, increased or reduced, the provisions of this section shall have effect.

(2) The rating authority of the area in which such property is situated shall cause a provisional list to be prepared setting out the annual value of the property as so increased or reduced and such other particulars relating thereto as may be prescribed.

(3) Every such provisional list shall be revised in like manner as if such list were a draft quinquennial list prepared under this Part, and the rating authority shall, as soon as may be after the date of such revision, cause a notice of the new valuation, which shall be substantially in the prescribed form, to be served on the occupier of the property to which the notice relates.

(4) (a) The owner or occupier, or the authorized agent of the owner or occupier, of the rateable property in respect of which a notice of new valuation has been served under subsection (3) may, before the expiry of a period of 21 days from the date of the service of the notice, lodge an objection with the rating authority against the new valuation.

(b) Every such objection shall be made in the manner provided in section 29, and the provisions of sections 30 to 32 shall apply in the case of such objections in like manner as they apply in the case of objections in relation to draft quinquennial lists and supplemental lists.

(5) The Local Government Valuer, or any person who has duly lodged an objection with a rating authority under subsection (4), may, before the expiry of a period of ten days after the receipt by him of the notice of such decision under section 32, appeal to the Commissioner against such decision, and the order of the Commissioner upon such appeal shall be final:

Provided, however, that in any case where the rating authority is a Village Council,

such appeal shall be preferred to the Government Agent of the administrative district in which the village area is situated, and the decision of the Government Agent upon the appeal shall be final.

(6) Nothing in sections 35 to 37 shall apply in the case of any provisional list.

(7) It shall be the duty of the rating authority to make all such corrections or alterations in any provisional list as the Commissioner or any Government Agent may, by order under subsection (5), direct to be made therein.

Effect of provisional list.

42. (1) Every provisional list made in any year in respect of any rateable property in any rating area or division shall come into force on the first day of the month next succeeding the date on which the notice of the new valuation of that property is served on the occupier and shall, subject to such alterations, insertions or corrections as may be made therein in consequence of the decision of any objection or of any order made by the Commissioner or Government Agent under section 41 (5), continue in force until the date on which the first subsequent list for that area or division, as the case may be, comes into force.

(2) Every provisional list shall, in the period during which it is in force, be deemed to form part of the valuation list for the time being in force for the rating area or division for which it is made and shall, so far as may be necessary, be substituted for so much of the valuation list as relates to the property in respect of which the provisional list is made; and the amount levied in respect of such property during such period shall be determined by reference to the annual value of the property as contained in the provisional list:

Provided, however, that in any case where the amount of the annual value of the property as set out in the first subsequent list for that rating area or division, is less than the amount of the annual value thereof as set out in the provisional list, any sum overpaid in consequence of the difference between such amounts shall be repaid or allowed.

(3) In this section, " first subsequent list ", when used with reference to any provisional list for any rating area or division, means the supplemental list or quinquennial list for that area or division, the draft of which is the first draft list to be deposited under section 27 after the date on which the provisional list comes into force.

VALUATION IN SPECIAL CASES

43. (1) For the purpose of the valuation of any rateable property, the annual value of which is ascertained otherwise than by reference to the accounts, receipts or profits of the undertaking carried on in such property, all such plant or machinery in or upon the property as is, or is capable of being or is Intended to be, used for the purposes of any trade or business shall be deemed to form part of the property; and no account shall be taken of the value of any other plant or machinery.

Valuation of hereditaments containing machinery and plant,

(2) Where the annual value of any rateable property is to be ascertained by reference to the accounts, receipts and profits of any undertaking carried on therein, any question which may, in connexion with the determination of the annual value of the rateable property, arise as to the plant and machinery of which account shall be taken, or as to the value of such plant and machinery, shall be determined in the same manner as the question would be determined in England in the case of a like undertaking, under the provisions of any written or other law for the time being in force in England in that behalf.

44. The Minister may, from time to time, by Order published in the Gazette, declare that the annual value of land in any rating area or division or in any specified part thereof may be ascertained by reference to the capital site value of the land ; and where such Order is made, the following provisions shall be applicable in the case of any land in such rating area or division or part thereof, as the case may be :—

Valuation by reference to capital site value of land.

(1) Where any such land is suitable for building purposes, or is capable of being developed for such purposes at a cost which

would, in the opinion of the rating authority, be reasonable, and where—

- (a) no building has been erected on the land; or
- (b) the extent of the land which is actually covered by buildings bears to the total extent of the land a proportion less than the prescribed proportion; or
- (c) the buildings on the land are of such a character or description that the annual value of the land and the buildings thereon is unduly small, having regard to the situation of the land,

the rating authority may, if it thinks fit, determine that the annual value of the land shall be ascertained by reference to the capital site value thereof.

(2) Notice of any determination under subsection (1) shall be served on the occupier of the land to which the determination relates, and any person aggrieved by any such determination may before the expiry of twenty-one days from the date of the service of such notice, appeal to the Commissioner against the determination. The decision of the Commissioner on any such appeal shall be final.

(3) Where no appeal is preferred under subsection (2) against a determination of the rating authority under subsection (1), or where such determination has been confirmed by the Commissioner upon appeal, the annual value of the land to which the determination relates may, in any draft quinquennial list or supplemental list which is subsequently deposited under section 27, be ascertained by reference to the capital site value thereof.

(4) Where the annual value of any rateable property is determined under this section, an entry to that effect shall be made in any quinquennial list or supplemental list or provisional list in which the property is included, and in the notice of valuation relating to that property.

(5) Where under the provisions of this section, the annual value of any land is to be determined by reference to the capital site value thereof, the annual value shall be deemed to be a sum equivalent to two and one-half *per centum* per annum of the capital site value of the land, and no account shall be taken of the value of any building on the land.

(6) Nothing in section 29 or section 35 or section 38 shall be deemed to enable any person to lodge any objection or to institute any action or to prefer any appeal in respect of the adoption by a rating authority of the method of determining the annual value of any land by reference to the capital site value thereof:

Provided, however, that nothing hereinbefore contained shall be deemed to prevent any such objection, action or appeal being instituted in any such case, with respect to any matter other than the adoption of the method hereinbefore mentioned.

(7) The rating authority may of its own motion, or upon application made in that behalf by the owner, cancel, with effect from such date as may be specified by the authority, any determination made under subsection (1) if it is satisfied that there has been any alteration of the conditions affecting the land which obtained at the time of the making of the determination. Where application for such cancellation is made to the rating authority, an appeal shall lie to the Commissioner against the refusal of the application, and the decision of the Commissioner on such appeal shall be final.

**45.** (1) At any time in the period during which a valuation list is in force, the rating authority may in its discretion amend the list—

Subdivision or consolidation of property for purposes of valuation lists.

- (a) by the division of any rateable property included therein into two or more separate parts and by the valuation of each such part as a separate rateable property ; or
- (b) by the consolidation of two or more rateable properties included therein into one property and by the

valuation of the property so consolidated as one rateable property:

purpose of an inquiry to be held with respect to any matter so specified.

Provided, however, that nothing hereinbefore contained shall be deemed to empower the rating authority, in amending any list under this section, to increase or reduce the annual value, or the aggregate of the annual values, as slated in the list, of the property or properties, as the case may be, to which the amendment relates.

(2) Every notice under subsection (1) shall be substantially in such one of the prescribed forms as may be appropriate to the case.

(2) Where any rateable property is divided, or any rateable properties are consolidated, under the provisions of subsection (1), a notice, which shall be substantially in the prescribed form, shall be served in the prescribed manner on the occupier of each of the properties affected by such division or consolidation.

(3) Every return furnished under subsection (1) shall be substantially in the prescribed form and shall be accompanied by a declaration that the particulars contained therein are true and accurate. Every such declaration shall be free of stamp duty.

(4) Where any person is present at any inquiry in pursuance of any notice referred to in subsection (1) (c), the rating authority or the Local Government Valuer or any officer duly authorized in that behalf by the authority or the Valuer, may examine such person on oath with respect to any matter specified in the notice.

RETURNS, INQUIRIES, POWERS  
OF ENTRY, &c.

Power to call for returns, documents and evidence.

**46.** (1) For the purpose of the preparation or revision of any quinquennial list, supplemental list, or provisional list for any rating area or division, the rating authority or the Local Government Valuer may, by notice, require any person who is the owner, occupier or lessee of any rateable property, or who, in the opinion of the rating authority or the Local Government Valuer, as the case may be, is liable to pay the amount due as rates on any rateable property or able to give any information with respect to such liability—

**47.** Any statement or declaration made by any person under section 46, with reference to the value of any rateable property in which such person is interested, or as to the value of his interest therein, shall be conclusive evidence in any proceeding or matter in which the value of such property or of such interest is in question, as against the person making the statement or declaration, that at the date at which, or with reference to which, the statement or declaration was made, such property or such interest was of the value attributed thereto in such statement or declaration.

Effect of statement or declaration as to value of property.

(a) to furnish a return containing such particulars as may be reasonably required for the purpose of the preparation or revision of such list; or

**48.** For the purpose of ascertaining or verifying any information as to the liability of any person to pay any rate or as to the annual value of any rateable property, it shall be lawful for the Local Government Valuer or any person authorized in that behalf by a rating authority or the Local Government Valuer to enter and inspect, at any reasonable time during the day, any premises liable or believed to be liable to any rate, and to do or to cause to be done therein all such acts as may be necessary for the purposes aforesaid.

Power to enter premises. &c.

(b) to produce for inspection, before a date specified in the notice, any such books of account or other documents relating to any rateable property or to any business carried on therein as may be in the possession or under the control of such person; or

(c) to be present at a time and place specified in the notice for the

Offences.

- 49.** (1) Any person who—
- (a) refuses to accept service of any notice addressed to him under section 46 ; or
  - (b) refuses, neglects or omits to furnish any return within one month of being required so to do by notice under that section, or makes in any such return any statement which he knows or has reason to believe is false in any material particular; or
  - (c) otherwise refuses, neglects or omits, without lawful excuse, to comply with any notice served on him under that section ; or
  - (d) resists or obstructs the rating authority or the Local Government Valuer or any other person in the exercise of the powers conferred by section 48,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees.

(2) No prosecution for any offence under subsection (1) shall be instituted at any time after the expiry of a period of twelve months from the date on which the offence is alleged to have been committed.

**SUPPLEMENTARY**

**50.** In any case where the Minister is satisfied that there is reason to apprehend that, by reason of default made by any rating authority in complying with any of the provisions of this Part, a valuation list or supplemental list for any rating area or division will not be duly prepared in accordance with those provisions so as to come into force on the proper date, the Minister may direct the Local Government Valuer to prepare and approve the list for that area or division or to do any such things as ought to have been done by the authority under this Part.

**51.** Any failure on the part of a rating authority or of the Local Government Valuer to complete any proceedings with respect to the preparation of a quinquennial

list or supplemental list within the time required by this Part or any omission from any such list of any matter required to be included therein, shall not of itself render the list invalid.

**PART IV**

**PAYMENT AND RECOVERY OF RATES**

**52.** The amount due for any year in respect of any rate made by any rating authority shall be payable to the authority in four equal quarterly instalments.

Rates to be payable quarterly.

**53.** (1) Every rating authority shall, before the end of the first quarter of each year, cause a demand note containing a demand of payment to be served in the prescribed manner on the occupier of every rateable property or to be left at the premises of such occupier.

Demand notes.

(2) Every demand note shall be substantially in the prescribed form and shall contain the following particulars in addition to such other particulars as may be required to be set out in that form :—

- (a) the situation of the property to which the note relates, together with such description thereof reasonably necessary for purposes of identification, as may be prescribed ;
- (b) the annual value of the property;
- (c) the year in respect of which the rate is made;
- (d) the amount of the instalment; payable, and the date on or before which payment of each instalment must be made.

(3) Where a special rate is made in respect of any year for any rating area or any part thereof, the demand of payment of the special rate on any rateable property shall be included in the demand note served under this section on the occupier of the property.

(4) Where in consequence of the determination of any objection, or of the

Preparation of lists in case of default by rating authority.

Lists not to be rendered invalid by certain failures or omissions.

decision in any action or appeal, any amount is deemed under section 40 to be arrears of any rate due in respect of any property, demand of payment of that amount shall be included in the demand note which is next served under this section on the occupier of that property.

Remission for unoccupied buildings.

54. (1) Where any building, other than a building containing furniture, is or remains unoccupied for any period, the rating authority may allow for that period a proportionate remission of the amount due on that building in respect of any rate or rates.

(2) Where any building containing furniture is registered with the rating authority as a building intended to be let furnished, or as a building not intended to be permanently occupied, and the building remains unoccupied for any period, the rating authority may allow for that period a proportionate remission of one-half of the amount due on that building in respect of any rate or rates.

(3) The period for which a remission may be allowed under subsection (1) or subsection (2) in respect of any building shall—

(a) commence on the date on which written notice is received by the rating authority to the effect that the building is unoccupied ; and

(b) end on the date on which the building is reoccupied :

Provided, however, that unless written notice of the date of the reoccupation of any building is given to the rating authority before the expiry of a period of three days from such date, the period for which such remission may be allowed in respect of that building shall be deemed to have terminated one month prior to the date of the reoccupation.

(4) Every person who gives notice under subsection (3) that any building is unoccupied, shall specify in the notice the address to which any communication may be sent to him by the rating authority for the purposes of this section.

(5) Where any question arises as to the period during which any building is or remains unoccupied, the decision of the rating authority thereon shall be final; notice of such decision shall be sent by post to the address specified in the notice relating to that building.

55. (1) If any amount due in respect of any rate on any rateable property or due as arrears of any rate is not paid into the office of the rating authority within the time fixed in the demand note issued in respect of that amount under section 53, a warrant which shall be substantially in the prescribed form and signed by the Mayor or Chairman of the authority, or by some other person duly authorized by the authority in that behalf, shall be issued to a collector or other officer of the authority directing him to levy such amount and the costs of recovery by seizure and sale of all and singular the movable or immovable property, wherever situate, of the owner of the rateable property, and of all movable property, to whomsoever belonging, which may be found in or upon the rateable property in respect of which such amount is due :

Warrant for recovery of rate.

Provided, however, that in any case where a warrant is issued for the levy of any amount due on any property belonging to the State and leased or let to any person, the warrant shall not direct the seizure and sale of the property or of the leasehold or other interest of any lessee or tenant of the property, but shall be limited to directing the seizure and sale of the movable or immovable property of the lessee or tenant.

(2) Where a warrant is issued by any rating authority under subsection (1) for the seizure and sale of any property, wherever situate, of any person, the officer or other person to whom the warrant is issued may, notwithstanding anything in any other law to the contrary, execute the warrant in any place in which any such property is situate, whether or not such place is within or outside the administrative area of the authority.

56. Notwithstanding anything to the contrary in this Ordinance, the rating authority may by resolution waive the whole or any part of any amount due on any

Power of local authority to waive amount due in respect of rates.

properly in respect of any rate, and any costs incurred for the purpose of recovering that amount, if it appears to the authority that the amount to be waived is inconsiderable or irrecoverable, or that it should be written off on the ground of the poverty of the person liable therefor; and, in any case where any such resolution is passed, no warrant shall be issued under this Part in respect of that amount, and any warrant that may have been issued in respect thereof shall be recalled.

(2) No property of any class or description set out hereunder shall be seized or sold in execution of any warrant issued under this Part;—

(a) the necessary wearing apparel, beds and bedding, and cooking utensils and implements of the person whose property is to be seized, and of his wife and children ;

(b) the tools, utensils and implements of trade or business of such person and, where such person is an agriculturist, the implements of husbandry and such cattle and seed grain as may be reasonably necessary to enable him to earn his livelihood as such;

(c) professional instruments and library, necessary for the carrying on of the profession or business of such person, to the value of five hundred rupees.

(3) Where a warrant is issued under this Part for the levy of any amount due on any rateable property in respect of any rate, no movable property which may be found in or upon such rateable property shall be seized or sold for the recovery of any arrears of such rate which became due in respect of any period prior to the two quarters next preceding the date of such seizure unless such movable property belongs to a person who was the owner or occupier of the property during the period in respect of which such arrears became due and payable.

**59.** (1) Subject to the provisions of section 58, it shall be the duty of the collector or other officer, to whom a warrant is issued under this Part for the seizure and sale of any property, to effect any such seizure as far as possible in accordance with the provisions of this section.

(2) Such movable property, wherever situate, of the owner as can be found, and as may, in the opinion of the collector or other officer, be sufficient to defray the amount leviable, shall be seized and sold before any other property is seized in execution of the warrant.

Order in which property must be seized-

**57.** The amount of the costs of recovery authorized to be levied under any warrant issued under this Part shall be determined in accordance with the following provisions :—

(a) a charge of ten *per centum* of the amount of the rate to be levied under the warrant, shall be made in respect of the cost of issue of the warrant;

(b) a charge of ten *per centum* of the amount of the rate to be levied under the warrant may be made in any case where goods are removed after seizure under the warrant; and a further charge not exceeding five cents per day shall be made for keeping such goods in safe custody during detention, but so, however that no such charge shall be made in respect of detention for more than one month ;

(c) in the case of the seizure of immovable property, or where goods seized are not removed after seizure, a charge not exceeding one rupee per day shall be made for keeping a person in possession of the property or goods;

(d) where a sale takes place, a charge not exceeding two and one-half *per centum* of the proceeds of sale shall be made in respect of the costs of sale.

**58.** (1) No property whatsoever of the State, whether movable or immovable, shall be liable to be seized or sold in execution of any warrant issued under this Part.

Amount of costs leviable under warrant.

Restrictions as to seizure of property.



(3) Where no movable property of the owner is found, or where the amount realized by the sale of movable property seized under subsection (2) is insufficient to defray the amount leviable, such movable property as can be found in or upon the rateable property to which the warrant relates shall be seized and sold.

(4) Where no movable property has been seized and sold under the preceding provisions of this section, or where the proceeds of sale of any movable property so seized is insufficient to defray the amount leviable, the collector or other officer, in accordance with such directions as the rating authority shall issue in that behalf, shall seize and sell either—

(a) the rents and profits of the rateable property to which the warrant relates, for a period sufficient in the opinion of such collector or officer to defray the amount recoverable; or

(b) the rateable property to which the warrant relates.

(5) No collector or other officer shall be liable in damages by reason of his failure to carry out any seizure and sale in accordance with the provisions of this section, unless the person who claims such damages proves to the satisfaction of the court that at the time when that person's property was being seized, he or some other person on his behalf pointed out to the collector or officer free and unclaimed property, which would have been sufficient to defray the amount leviable, and which should lawfully have been seized in the first instance as hereinbefore provided, and that the collector or officer failed to seize the property so pointed out.

(6) In this section—

" owner " means the owner of the rateable property to which the warrant relates; and

" amount leviable " means the amount of the rates and costs for the recovery of which a warrant has been issued.

**60.** It shall be lawful for the collector or other officer, to whom a warrant is issued under this Part, at any time between sunrise and sunset to enter upon and break open any building for the purpose of seizing any property which he is directed by such warrant to seize.

Power to break open buildings.

**61.** (1) The property seized in execution of any warrant issued under this Part shall be sold by public auction in accordance with the provisions of this section by the collector or officer to whom the warrant was issued or by some other person authorized in that behalf by the rating authority.

Sale of property seized.

(2) No property which, in the opinion of the collector or officer seizing such property, exceeds one thousand rupees in value shall be sold under this section—

(a) except after the expiry of a period of twenty-four days from the date of such seizure; and

(b) unless notice of the date, time and place fixed for the sale has, not less than twenty-one days before the date so fixed, been published in the Gazette and in a daily newspaper circulating in Sri Lanka.

(3) No property which, in the opinion of the collector or officer seizing such property, exceeds twenty-five rupees, but does not exceed one thousand rupees, in value, shall be sold under this section—

(a) except after the expiry of a period of eight days from the date of such seizure; and

(b) unless notice of the date, time and place fixed for the sale has, not less than six days before the date so fixed, been published in the Gazette and in a daily newspaper circulating in Sri Lanka.

(4) No property which, in the opinion of the collector or other officer seizing such property, does not exceed twenty-five rupees in value shall be sold under this section—

(a) except after the expiry of a period of eight days from the date of such seizure; and

(b) unless notice of the date, time and place fixed for the sale has, not less than six days before the date so fixed, been given by beat of tomtom in the place at which the property was seized.

(5) No property seized in execution of any warrant shall be sold under this section if, at or before the time fixed for the sale of such property, payment of the amount and of the costs recoverable under the warrant, is duly made to the rating authority by which the warrant was issued.

(6) The preceding provisions of this section shall be in addition to and not in substitution or derogation of the provisions of section 68 (2).

Surplus of proceeds of sale to be paid to owner on demand.

62. Where any property seized in execution of a warrant is sold under this Part, the rating authority shall, after deducting from the proceeds of sale the amount and costs leviable under the warrant, on demand made by the owner of the property so seized, pay the surplus if any to the owner:

Provided, however, that where no such demand is made before the expiry of one year from the date of the sale of any movable property or of ten years from the date of the sale of any immovable property the amount of such surplus shall be credited to the fund of the rating authority, and no person shall thereafter be entitled to demand or receive such amount.

Power of rating authority to purchase immovable property sold under warrant.

63. (1) Whenever any immovable property is sold in execution of a warrant issued under this Part by a rating authority, it shall be lawful for the rating authority or any person authorized in that behalf by the authority to bid at the sale of the property and to purchase the property for and on behalf of the rating authority.

(2) Where any such immovable property is purchased for and on behalf of the rating authority, the authority shall be entitled to take credit for the amount and costs leviable under the warrant for the sate of that property, and shall be liable only to pay over to the owner or other person entitled to the property sold the balance of the

purchase price after deduction of the amount and costs so leviable ;

Provided, however, that in any case where the amount realized at the sale of any immovable property is less than the amount and costs leviable under the warrant, nothing herein contained shall be deemed to preclude the rating authority from recovering the balance due to the authority after deduction of the amount realized at the sale.

64. (1) Where any immovable property which is sold in execution of a warrant issued by a rating authority under this Part is purchased by any person other than the rating authority, a certificate which shall be substantially in the prescribed form and signed by the Mayor or Chairman of the authority shall be issued to the purchaser; and such certificate shall be sufficient to vest the property in the purchaser free of all encumbrances.

Certificate of sale to purchaser other than rating authority.

(2) Every certificate issued under subsection (1) shall be liable to the stamp duty and to any registration or other charges payable on conveyances of immovable property under the provisions of any written law for the time being in force, and such duty and charges shall be payable by the person to whom the certificate is issued.

65. (1) Where any immovable property which is sold in execution of a warrant issued by a rating authority is purchased by the rating authority, a certificate which shall be substantially in the prescribed form and signed by the Mayor or Chairman of the authority, shall vest the property absolutely in the authority, free from all encumbrances ; and such certificate shall be received in all courts as conclusive evidence of the title of the authority to such property.

Certificate of sale where purchaser is rating authority.

(2) Every such certificate shall be liable to the stamp duty and to any registration or other charges payable on conveyances of immovable property under the provisions of any written law for the time being in force.

66. (1) It shall be lawful for any rating authority to sell and convey to any person, for valuable consideration, any immovable property vested in the authority under section 65.

Power of authority to sell immovable property vested in the authority.

(2) Where any immovable property is sold under subsection (1), the rating authority shall, after deducting from the proceeds of such sale the aggregate of the amounts specified in subsection (6), pay the surplus, if any, on demand to the person entitled to the property.

(3) No surplus remaining from the proceeds of sale of any property shall be paid to any person under subsection (2) unless demand of payment thereof is made to the rating authority before the expiry of a period of (en years from the date of the sale and conveyance of thai property under subsection(1):

Provided, however, that where such surplus is payable to a person who is then a minor, the said period often years shall not commence to run until majority is attained.

(4) If no demand is made to the rating authority for the payment of any surplus in accordance with the provisions of subsection (3), the amount of such surplus shall be credited to the fund of the rating authority, and no person shall thereafter be entitled to demand or receive such amount.

(5) The amounts which may be deducted under subsection (2) from the proceeds of a sale under this section of any immovable property shall be—

- (a) the amount of the rates due on the property in respect of the period prior to the seizure and sale thereof in execution of the warrant under this Part and remaining unpaid or unrecovered at the time of the sale of the property under this section ;
- (b) the amount of the rates which would have been due and payable at the date of the sale and conveyance of the immovable property under this section, if the property had not been seized and sold, together with an additional ten *per centum* of such amount;
- (c) the costs incurred by the rating authority in connexion with the seizure, purchase, surveying, vesting, maintenance, improvement,

and the sale and conveyance of the property; and

(d) the amount of any balance which may have been paid over to the owner or other person entitled under subsection (2) of section 63.

(6) After any payment of any surplus is made in accordance with the provisions of this section, no further claim in respect of such surplus shall be allowed against the rating authority at the instance of any person whatsoever:

Provided, however, that nothing herein contained shall affect the liability of any person who may receive the whole or any part of any such surplus to pay the same to the person lawfully entitled thereto.

(7) In this section, the expression " person entitled " means the person who would have occupied such position in respect of the immovable property sold and conveyed under this section, if title thereto had not vested in the rating authority under section 65.

**67.** Where the occupier of any rateable property not being the owner or joint owner thereof, whose property is seized in execution of a warrant under this Part, or who, to avoid such seizure or the sale of any property so seized, pays the amount and costs leviabie under the warrant, the occupier shall be entitled to deduct the sum so paid by him from the rent which may be or become due from him to the owner or joint owner of the rateable property; and the receipt given by the rating authority for the sum so paid shall be deemed to be an acquittance in full for the like amount of rent:

Deduction of rates paid by tenant.

Provided, however, that nothing herein contained shall authorize any occupier to make any such deduction from the rent due from him, in any case where the occupier is, under the lease or other agreement with the owner or joint owner of the rateable property, liable to pay the amount due in respect of rates on that property.

**68.** (I) Regulations may be made providing for the registration of mortgages of immovable property situated within the rating areas of rating authorities and of the addresses of the mortgagees of such property.

Provision for cases where mortgaged property is sci/ed.

(2) Where any mortgage of any immovable property has been registered under any regulations made in that behalf, it shall be the duty of the rating authority, if that property is seized in execution of a warrant issued under this Part, to cause a notice specifying the date fixed for the sale of that property to be sent by post to the mortgagee at his registered address not less than twenty-one days before the date so fixed.

(3) It shall be lawful for the mortgagee of any immovable property which is seized in execution of a warrant issued under this Part, to pay and discharge the amount and costs leviable under the warrant; and in any such case the mortgagee shall be entitled to add the sum so paid to the amount due on the mortgage, and the sum so added shall, notwithstanding anything to the contrary in any written or other law, be secured by that mortgage.

(4) All sums paid to the Deputy Secretary to the Treasury under this section shall be credited to the Consolidated Fund.

70. (1) All such sums as may be payable in any year by any rating authority under section 69 and all such other expenses as may be incurred by any rating authority in and for the purposes of the administration of this Ordinance shall be paid out of the funds of that authority. Expenses of Ordinance to be met out of funds of authorities.

(2) All such sums and expenses as are required under subsection (1) to be paid out of the funds of any authority shall be deemed, for the purposes of the enactment by or under which the authority is constituted or established, to be expenses incurred in carrying out the provisions of that enactment.

71. (1) Any notice, demand note or other document required or authorized for the purposes of this Ordinance to be served on any person may be served— Service of notices, &c-

- (a) by delivering it to that person; or
- (b) by leaving it at the usual or last known place of abode of that person or, in the case of a company, at its registered office ; or
- (c) by sending it by post addressed to that person at his usual or last known place of abode, or in the case of a company, at its registered office; or
- (d) by delivering it to some adult person on the premises to which it relates, or where there is no adult person on those premises to whom it can be so delivered, by fixing it on some conspicuous part of those premises ;  
or
- (e) without prejudice to the foregoing provisions of this subsection, where the property to which the document relates is the place of business of that person, by leaving it at, or by sending it by post addressed to that person at, the said place of business-

**PART V**

**EXPENSES, REGULATIONS, INTERPRETATION, REPEALS. &c,**

69. (1) It shall be the duty of every rating authority, other than a Municipal Council, on or before the prescribed date in each year, to pay to the Deputy Secretary to the Treasury a proportion of the expenses incurred in the preceding year in and for the purposes of the exercise, discharge and performance of the powers, functions and duties conferred or imposed on the Local Government Valuer by or under the provisions of this Ordinance.

(2) The amount which shall be payable in any year by any rating authority under subsection (1) in respect of the expenses referred to in that subsection shall be determined in accordance with regulations.

(3) For the purposes of subsection (2), a statement under the hand of the Deputy Secretary to the Treasury of the amount of the expenses referred to in subsection (1), which have been incurred in any year, shall be conclusive proof of the amount of the expenses so incurred.

Payment by rating authorities of expenses of Local Government Valuer.

(2) Any notice, demand note or other document required or authorized for the purposes of this Ordinance to be served on or sent or transmitted to any public or rating authority shall be deemed to be duly served, sent or transmitted if in writing and delivered at or sent by registered post to the office of the authority.

(3) Any notice, demand note or other document required or authorized for the purposes of this Ordinance to be sent, transmitted or served by any rating authority shall be sufficiently authenticated if signed by any officer authorized in that behalf by the rating authority.

(4) Any notice, demand note or other document required or authorized for the purposes of this Ordinance to be sent, transmitted or served by any rating authority shall be in Sinhala and in Tamil.

Valuation, &c., not to be impeached for mistake or want of form.

**72.** No valuation, notice of valuation, demand note or other document made for the purposes of this Ordinance, and no seizure or sale of any property under this Ordinance, shall be deemed to be invalid or be impeached or otherwise affected by reason only of any mistake in the name of any person liable to be rated, or in the description of the property in respect of which the rate is made or levied, or in the amount of any valuation, or in the mode of seizure and sale, or by reason only of any other formal defect.

Appointment of Local Government Valuer and other officers.

**73.** (1) There may be appointed—

(a) a person by name or by office to be or to act as Local Government Valuer for the purposes of this Ordinance ;

(b) such Assistants to the Local Government Valuer and such other officers and servants as may be necessary for the purpose of assisting the Local Government Valuer in the exercise, discharge and performance of the powers, functions and duties conferred or imposed on him by or under this Ordinance.

(2) Any Assistant to the Local Government Valuer may, subject to the

general direction and control of the Local Government Valuer, exercise, perform and discharge any power, function or duty conferred or imposed on the Local Government Valuer by or under this Ordinance.

**74.** (1) The Minister may make Regulations. regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

(2) Without prejudice to the generality of the powers hereinbefore conferred, the Minister may make regulations for or in respect of—

- (a) all matters stated or required in this Ordinance to be prescribed or in respect of which regulations are authorized or required to be made under this Ordinance;
- (b) the classes of plant and machinery which shall for the purposes of section 43 (1) be deemed to be part of a rateable property;
- (c) the form of any book, register, demand note, valuation list, notice, return, statement, warrant or other document required or authorized to be used for the purposes of this Ordinance, and the particulars to be set out in any such document;
- (d) all matters connected with or incidental to the matters specifically referred to in this subsection.

(3) No regulation shall have effect until it has been approved by Parliament, and until notification of such approval has been published in the Gazette.

(4) Every regulation shall, upon the publication of a notification of the approval of that regulation under subsection (3), be as valid and effectual as if it were herein enacted.

**75.** (1) In this Ordinance, unless the Interpretation. context otherwise requires—

" annual value ", except when determined under section 44, means the annual rent, which a tenant might

reasonably be expected, taking one year with another, to pay for any rateable property, if the tenant undertook to pay all public rates and taxes due thereon, and if the landlord undertook to bear the cost of repairs, maintenance and upkeep, if any, necessary to maintain the property in a state to command that rent;

"capital site value", when used with reference to any land, means the probable price which would be paid for the land, exclusive of all buildings thereon, if the land were sold in the open market free of all mortgages, leases, encumbrances or other charges;

"Commissioner" means the Commissioner of Local Government;

"local authority" means any Municipal Council, Urban Council, Town Council, or Village Council;

"owner", when used with reference to any rateable property, means the person for the time being receiving the rent of that property, whether on his own account or as agent or trustee for any other person, or who would so receive that rent if the property was let at a rent;

"prescribed" means prescribed by this Ordinance or any regulation ;

"rate" means any rate which a rating authority is empowered or required to make and levy by virtue of the provisions of any written law, and includes the assessment tax which may be imposed by a Village Council under section 37 of the Village Councils Ordinance;

"rating area" means any area declared by section 3 to be a rating area for the purposes of this Ordinance;

"rating authority" means any local authority which is declared by section 3 to be a rating authority for the purposes of this Ordinance ;

"rating division" means any part of a rating area which is constituted a rating division under section 21;

"regulation" means a regulation made by the Minister under this Ordinance;

"Urban Council" means an Urban Council constituted under the Urban Councils Ordinance, and includes any Council which is deemed by that Ordinance to be an Urban Council.

(2) In the computation and assessment of the annual value of any rateable property, no allowance or reduction shall be made for any period of non-tenancy whatsoever.

**76.** On and after the first day of January in the year specified in any Order under section 2 whereby the provisions of this Ordinance are applied in the case of the rate or rates which may be made or levied by the local authority for any area, being an area to which any enactment mentioned in the first column of the Schedule is applicable, the provisions of that enactment shall, in their application to that area, have effect subject to the amendments and modifications set out respectively in the corresponding entries in the second column of that Schedule:

Modification of Ordinances mentioned in the Schedule.

Provided, however, that, notwithstanding the preceding provisions of this section, any rate made or imposed for that area under any enactment mentioned in the Schedule in respect of any period prior to the appointed year, shall be levied and recovered under and in accordance with the provisions of that enactment in like manner as though that enactment had not been so amended or modified.

**77.** Notwithstanding the provisions of any other written law for the time being in force, the provisions of this Ordinance shall apply in the case of—

Application of Ordinance to rates, valuation lists, &c., made in respect of the appointed year.

(a) any rate made for any rating area, in respect of the period commencing on the first day of January in the appointed year, and the levy, payment and recovery of any such rate; and

(b) the preparation, revision, deposit and approval of every quinquennial list required by section 20 or section 21 to come into force for any such rating area or any division thereof on the first day of January in the appointed year, the service of notices of valuation of properties included in any such list, the making and determination of objections in respect of matters

included in any such list, and the institution and determination of actions for the revision of the decisions of the rating authority upon such objections.

78. Nothing in this Ordinance shall apply in the case of the levy, payment, collection or recovery of any tax imposed by or under the Police Ordinance.

Ordinance not to apply to taxes under Police Ordinance.

[Section 76.]

SCHEDULE

COLUMN I

COLUMN II

ENACTMENT

AMENDMENT OR MODIFICATION

The Municipal Councils Ordinance.

1. In section 327 (I), the definition of "annual value "shall be omitted.
2. In section 272—
  - (a) the words " and assessment " in paragraph (a) of subsection (7) shall be omitted ;
  - (b) the words " rates or ", in paragraph (d) of subsection (7), shall be omitted ;
  - (c) subsection (12) shall be repealed and the following shall be substituted therefor :—

"(12) Revenue, including the collection of taxes. "

3. The following section shall have effect in lieu of sections 230, 231 and 232:—

'Making and levy of rates, 230, (1) The Council shall, from time to time, make and levy a rate or rates on the annual value of rateable property situated within the town.

(2) In this section, " annual value " and " rateable property " have respectively the same meanings as in any enactment for the time being in force relating to the making and collection of rates by local authorities and to the valuation of property for the purposes of such rates.'

4. Sections 233 to 243 shall not have effect.
5. In section 244, the words "rate or", wherever they occur collectively in that section, shall be omitted.
6. The following section shall have effect in lieu of section 252 :—

" Warrant for recovery of taxes.

252. If the amount of any tax or taxes imposed under this Ordinance is not paid into the Municipal office within such time as the Mayor shall direct, a warrant signed by the Mayor shall be issued to some collector or other officer of the Council named therein directing him to levy such tax or taxes and the costs of recovery by seizure and sale of the property on account of which such tax or taxes may be due, and of all and singular the movable and immovable property of the defaulter; and the said warrant shall be substantially in the form contained in the Fifth Schedule, with such variations as the circumstances require :

Provided that the Council may by resolution waive the whole or any part of any tax and any costs incurred for the purpose of recovering that tax if it appears to the Council that the amount to be waived is inconsiderable or irrecoverable or that it should be written off on the ground of the poverty of the person liable therefor, and, in any case where any such resolution is passed, no warrant shall be issued and any warrant that may have been issued shall be recalled. "

**COLUMN I**

**COLUMN II**

ENACTMENT

AMENDMENT OR MODIFICATION

The Municipal  
Councils  
Ordinance  
(contd.)

- 7. Section 254 shall not have effect.
- 8. In section 255, the words "rate or", wherever they occur collectively in that section, shall be omitted.
- 9. In section 256—
  - (a) the words " rate or rates or ". wherever they occur collectively in that section, shall be omitted ;
  - (h) the words " rate or ", in the proviso to that section, shall be omitted,
- 10. In section 259, the words " rate or ", in the proviso to that section, shall be omitted.
- 11. In sections 261, 262 and 264, the words " rates or ". wherever they occur collectively in any of those sections, shall be omitted.
- 12. In section 265, the words " rates and ", in subsection (2). shall be omitted.

The Village  
Councils  
Ordinance.

- 1. In section 37—
  - (a) for the words " may be imposed and levied under this section ", occurring in subsection (1), there shall be substituted the words " may be made or imposed, and levied, ";
  - (6) for the words " an assessment lax not exceeding nine *per i-enluni* of lthe annual value of all buildings and all lands ". occurring in paragraph {a} of subsection (2). there shall be substituted the following:
    - " a rate not exceeding nine *per centum* per annum on the annual value of rateable property";
  - (r) for the words " no assessment tax shall be imposed or levied", occurring in the first proviso to subsection (2), there shall be substituted the words " no rate shall be made or levied ":
  - (J) the words " assessment tax or", wherever they occur collectively in the second or the third proviso to subsection (2), shall be omitted ;
  - (f) for the words " land tax ", in subsection (3). there shall be substituted the words " acreage tax ",
  - (/) for the word "lax", in subsection (4), there shall be substituted the words "acreage tax ";
  - {g} for the words " land tax ", in subsection (5), there shall be substituted the words " acreage lax ".
- 2. In section 42 (2) the following paragraph shall be substituted for paragraph (iii) thereof:—
  - " (iii) taxation of land including the form of the returns, siaiemenis or information that may be called lor for ihc purposes of any acreage tat. and the manner in which ihe^ are to be called for by the Chairman and furnished by the inhabitants. "
- 3. In section 52 (1), for the words " land tax ", occurring in paragraph (/>) thereof, there shall be substituted the words " acreage tax ".
- 4. In section 58 (1) the definition of " annual value " shall be omitted.

The Urban  
Councils  
Ordinance.

- I. In subsection (5) of section 157—
  - (a) for the words " rates and charges, ". there shall be substituted the word " charges, ";
  - (A) for the words " rates, taxes or charges. ", there shall be substituted the words " taxes or charges. ".



COLUMN I

COLUMN II

ENACTMENT

AMENDMENT OR MODIFICATION

The Urban Councils Ordinance (contd.)

2. The following section shall have effect in lieu of section 160 :

" Power to make and levy rates. 160. (1) The Urban Council of a town may, subject to such limitations, qualifications, and conditions as may be prescribed by the Council, make and levy a rate on the annual value of rateable property situated within the town.

(2) The Urban Council of a town may under subsection (1) impose special rates for different areas or parts of the town in respect of any special public services provided for any such area or part.

(3) In this section and in section 161, "annual value" and "rateable property" have the same meaning as in any enactment for the time being in force relating to the making and collection of rates by local authorities and to the valuation of property for the purposes of such rates. "

3. The following section shall have effect in lieu of section 161 :—

" Exemption from special rate. 161. Where any special rate is made by the Urban Council of any town, in respect of any special public service provided for any specified area or part of the town, any rateable property, situated in that area or part, which is not benefited by such service, or within which other provision is made for the said or a like service to the satisfaction of the Council, shall be exempt from the special rate. "

4. Section 166 shall not have effect.

5. In sections 167, 168, 169 and 172, the words " rate or " wherever they occur collectively in any of those sections, shall be omitted.

6. In section 170—

(a) the words " rates and " where they occur collectively in subsection (1), and the words " rates ", wherever it occurs therein, shall be omitted ;

(A) subsection (2) shall be omitted.

The Town Councils Ordinance.

1. In subsection (5) of section 156—

(a) for the words " rates and charges ", there shall be substituted the word " charges ";

(b) for the words " rates, taxes or charges ", there shall be substituted the words " taxes or charges ".

2. In subsection (1) of section 159, there shall be substituted for all the words from "of the annual value" to " town ", the words " on the annual value of rateable property situated within the town ".

3. Sections 160 and 165 shall not have effect.

4. In sections 166, 167, 168 and 171, the words " rate or" wherever they occur collectively shall be omitted.

5. In section 169—

(a) the words " rates and " where they occur collectively in subsection (I), and the word " rates ", wherever it occurs therein, shall be omitted ;

(b) subsection (2) shall be omitted.

6. In section 244 (1) the definition of " annual value " shall be omitted.