

Municipal Councils And Urban Councils (Amendment)

Act No 61 of 1981

AN ACT TO AMEND THE MUNICIPAL COUNCILS ORDINANCE  
AND THE URBAN COUNCILS ORDINANCE.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows  
:

Short title. **1.** This Act may be cited as the Municipal Councils and Urban Councils (Amendment) Act, No. 61 of 1981.

PART I

Amendment of section 40 of Chapter 252. **2.** Section 40 of the Municipal Councils Ordinance (hereafter in this Part referred to as the " principal enactment") is hereby amended in subsection (1) of that section by the insertion immediately after paragraph (u) of that subsection of the following new paragraph:

" (uu) to set apart such sums of moneys with the prior approval of the Minister for the payment of incentives to occupiers of residential premises who qualify for such payment on a recommendation made by the committee appointed under section 154A, in accordance with a scheme prepared by such committee ;" ;

Amendment of section 145 of the principal enactment. **3.** Section 145 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the words " on conviction to a fine not exceeding two hundred rupees, and, in the case of a continuing offence, to an additional fine not exceeding fifty rupees for each day ", of the words " on conviction to a fine not exceeding two thousand rupees, and, in the case of a continuing offence, to an additional fine not exceeding five hundred rupees for each day ".

Amendment of section 146 of the principal enactment. **4.** Section 146 of the principal enactment is hereby amended in subsection (1) of that section, by the substitution for the words " on conviction to a fine not exceeding five hundred rupees, and to an additional fine not exceeding one hundred rupees for each day", of the words " on conviction to a fine not exceeding five thousand rupees, and to an additional fine not exceeding one thousand rupees for each day ".

Amendment of section 147 of the principal enactment **5.** Section 147 of the principal enactment is hereby amended in subsection (3) of that section, by the substitution for the words " on conviction to a fine not exceeding five hundred rupees, and, in case of a continuing offence to an additional fine not exceeding fifty rupees for each day ", of the words " on conviction to a fine not exceeding five thousand rupees, and, in case of a continuing offence, to an additional fine not exceeding five hundred rupees for each day ".

Amendment of section 148 of the principal enactment. **6.** Section 148 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the words " on conviction to a fine not exceeding two hundred rupees for each day ", of the words " on conviction to a fine not exceeding two thousand rupees

for each day ".

Insertion of new section 148A in the principal enactment.

**7.** The following new section is hereby inserted immediately after section 148, and shall effect as section 148A, of the principal enactment:

" Closure 148A.  
order by-  
Magistrate.

(1) Where a person convicted by any court for the offence of using any premises for any trade or business without a licence issued in that behalf under this Ordinance or under any by-law made thereunder, continues to use such premises without a licence for such trade or business, whether by himself or by any other person on his behalf, a Magistrate may, upon an application for a closure order made by the Mayor, Commissioner or any officer authorized in that behalf by such Mayor or Commissioner, as the case may be, order the closure of such trade or business at such premises, until such time such person obtains a licence from the Council.

(2) In any proceedings under subsection (1), a certificate issued by the Mayor, Commissioner or any officer authorized in that behalf by such Mayor or Commissioner, as the case may be, setting out that the person mentioned in the certificate, continues to use such premises without obtaining a licence for any trade or business shall be prima facie evidence of the matters stated therein.

(3) In any case where such person fails to comply with the closure order issued under subsection (1) the Magistrate shall forthwith order the Fiscal of the court requiring and authorizing such Fiscal before a date specified in such order not being a date earlier than three or later than seven clear days from the date of issue of such order, to close any trade or business at such premises. Such order shall be sufficient authority for the said Fiscal or any police officer authorized by him in that behalf, to enter the premises with such assistants as the Fiscal or such officer shall deem necessary to close any such trade or business at such premises."

Insertion of new section 154A in the principal enactment.

**8.** The following new section is hereby inserted immediately after section 154, and shall have effect as section 154A, of the principal enactment:

" Payment 154A.  
of  
incentives.

(1) A Municipal Council shall appoint a committee consisting of not less than six Councilors for the purpose of preparing a scheme as regards the maintenance of residential premises and for making recommendations for the payment of an incentive to occupiers of such premises who qualify for such payment.

(2) The committee in preparing a scheme under subsection (1) and in making any recommendation for payment of an incentive to an occupier of any residential premises shall take into consideration :

(a) that the residential premises are well maintained and in good repair and in a clean and sanitary condition; and

(b) that the street including the pavement, and all surface drains as fronts, adjoins or abuts such premises are clean and kept free of any waste material.

(3) The committee may enter and inspect any residential premises with the consent of the occupier and ascertain any information from the occupier of such premises at all reasonable hours of the day for the purpose of making their recommendations."

Amendment of section 188 of the principal enactment.

**9.** Section 188 of the principal enactment is hereby amended in subsection (1) of that section by the insertion, immediately after paragraph (p) thereof, of the following new paragraph :

" (pp) all sums as may be set apart by the Council to pay as incentives to the occupiers of premises under section 154A ;".

Amendment of section 267 of the principal enactment.

**10.** Section 267 of the principal enactment is hereby amended by the repeal of subsection (3) of that section, and the substitution therefor of the following subsection :

" (3) Such by-laws may provide penalties for the contravention thereof as follows :

(a) in the case of a first offence, a fine not exceeding one thousand rupees ; - '

(b) in the case of a second or subsequent offence, a fine not exceeding two thousand rupees; and

(c) in the case of a continuing offence, an additional fine not exceeding two hundred and fifty rupees for every day during which the offence is continued after a conviction or after service of a written notice from the Mayor directing attention to such contravention."

Insertion of new section 268A in the principal enactment.

**11.** The following new section is hereby inserted immediately after section 268, and shall have effect as section 268A, of the principal enactment:

" Power to 268A.

compound offences.

(1) Where any person contravenes any by-law made under subsection (5) of section 272, and where such person has not been previously convicted under section 267, the Mayor shall compound such offence, if so requested by the offender, for a sum of money equal to one-fourth of the maximum fine imposable

for such offence under section 267, and where a prosecution has been entered against any such offender, the Mayor shall compound such offence at any time before judgment with the consent of court.

(2) Any sum of money accepted by the Mayor under subsection (1) shall be credited to the Municipal Fund."

Replacement of section 312 of the principal enactment.

**12.** Section 312 of the principal enactment is hereby repealed and the following section substituted therefor:

" Penalty 312. Except where otherwise provided, every person who is guilty of an offence under the provisions of this Ordinance shall be liable for every such offence, to a fine not exceeding one thousand rupees, and in the case of a continuing offence to a further fine not exceeding two hundred and fifty rupees "for each day during which the offence is continued after conviction or after service of a written notice from the Mayor directing attention to such offence."

## PART II

Amendment of section 36 of Chapter 255.

**13.** Section 36 of the Urban Councils Ordinance (hereafter in this Part referred to as the " principal enactment") is hereby amended by the insertion immediately after paragraph (i) of that section of the following new paragraph :

" (ii) to set apart such sums of moneys with the prior approval of the Minister for the payment of incentives to occupiers of residential premises who qualify for such payment on a recommendation made by the committee appointed under section 209A, in accordance with a scheme prepared by such committee;"

Amendment of section 128 of the principal enactment

**14.** Section 128 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the words "punishable with a fine not exceeding two hundred rupees and with a further fine not exceeding fifty rupees for every day", of the words "punishable with a fine not exceeding six hundred rupees and with a further fine not exceeding five hundred rupees for every day ".

Insertion of new section 128A in the principal enactment.

**15.** The following new section is hereby inserted immediately after section 128, and shall have effect as section 123A, of the principal enactment:

" Closure 128A  
order by  
Magistrate.

(1) Where a person convicted by any court for the offence of using any premises for any trade or business without a licence issued in that behalf under this Ordinance or under any by-law made thereunder, continues to use such premises without a licence for such trade or business, whether by himself or by any other person on his behalf, a Magistrate may, upon an application for a closure order made by the Chairman, Secretary or any officer authorized in that

behalf by such Chairman or Secretary, as the case may be, order the closure of such trade or business at such premises, until such time such person obtains a licence from the Council.

(2) In any proceedings under subsection (1) a certificate issued by the Chairman, Secretary or any officer authorized in that behalf by such Chairman or Secretary, as the case may be, setting out that the person mentioned in the certificate, continues to use such premises without obtaining a licence for any trade or business shall be prima facie evidence of the matters stated therein.

(3) In any case where such person fails to comply with the closure order issued under subsection (1) the Magistrate shall forthwith order the Fiscal of the court requiring and authorizing such Fiscal before a date specified in such order not being a date earlier than three or later than seven clear days from the date of issue of such order, to close any trade or business at such premises. Such order shall be sufficient authority for the said Fiscal or any police officer authorized by him in that behalf, to enter the premises with such assistants as the Fiscal or such officer shall deem necessary to close any trade or business at such premises."

Amendment of section 153 of the principal enactment.

**16.** Section 153 of the principal enactment is hereby amended in subsection (2) of that section by the substitution for the words " such fine not exceeding two hundred and fifty rupees for any one act or omission constituting such contravention, and in the case of a continuing contravention, an additional fine not exceeding twenty-five rupees for every day ", of the words " such fine not exceeding seven hundred and fifty rupees for any one act or omission constituting such contravention, and in the case of a continuing contravention, an additional fine not exceeding two hundred and fifty rupees of every day ".

Insertion of new-section 153 A in the principal enactment.

**17.** The following new section is hereby inserted immediately after section 153, and shall have effect as section 153A, of the principal enactment:

"Power to 153A.  
compound offences.

(1) Where any person contravenes any by-law made under subsection (9) of section 157, and where such person has not been previously convicted under section 153, the Chairman shall compound such offence, if so requested by the offender, for a sum of money equal to one-fourth of the maximum fine imposable for such offence under section 153, and where a prosecution has been entered against any such offender, the Chairman shall compound such offence at any time before judgment with the consent

of court.

(2) Any sum of money accepted by the Chairman under subsection (1) shall be credited to the Fund of the Council. "

Amendment of section 159 of the principal enactment.

**18.** Section 159 of the principal enactment is hereby amended in subsection (1) of that section by the insertion immediately after paragraph (e) of that subsection of the following new paragraph :

" (ee) all sums as may be set apart by the Council to pay as incentives to the occupiers of premises under section 209A ;".

Insertion of new section 209A in the principal enactment.

**19.** The following new section is hereby inserted immediately after section 209, and shall have effect as section 209A, of the principal enactment:

"Payment 209A.  
of  
incentives.

(1) An Urban Council shall appoint a committee consisting of not less than six Councilors for the purpose of preparing a scheme as regards the maintenance of residential premises and for making recommendations for the payment of an incentive to occupiers of such premises who qualify for such payment.

(2) The committee in preparing a scheme under subsection (1) and in making any recommendation for payment of an incentive to an occupier of any residential premises shall take into consideration

(a) that the residential premises are well maintained and in good repair and in a clean and sanitary condition ; and

(b) that the street, including the pavement, and all surface drains as fronts, adjoins or abuts such premises are clean and kept free of any waste material.

(3) The committee may enter and inspect any residential premises with the consent of the occupier and ascertain any information from the occupier of such premises at all reasonable hours of the day for the purpose of making their recommendations."