



SALE OF STATE LANDS
(SPECIAL PROVISIONS) LAW,
No. 43 OF 1973
OF
THE NATIONAL STATE ASSEMBLY

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Sale of State Lands (Special Provisions)

Law, No. 43 of 1973

L. D.—O. 78/72.

A LAW TO PROVIDE FOR THE SYSTEMATIC SALE OF STATE LAND IN SRI LANKA TO CERTAIN PRESCRIBED CLASSES OF PERSONS FOR THE PURPOSE OF AGRICULTURAL DEVELOPMENT, FOR THE REPEAL OF CERTAIN PROVISIONS OF THE LAND DEVELOPMENT ORDINANCE AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Be it enacted by the National State Assembly of the Republic of Sri Lanka as follows:—

1. This Law may be cited as the Sale of State Lands (Special Provisions Law, No. 43 of 1973.

Short title

CHAPTER I

SALE OF STATE LAND

2. The Government Agent of each administrative district shall from time to time in such form as may be provided for the purpose make a report to the Land Commissioner of any State land available for alienation by way of sale under this Law for the purpose of agricultural development.

Government Agent to report on State land for sale in his district.

3. On the receipt of any report under section 2, the Land Commissioner shall decide what extent of the land referred to in the report, if any, should be sold.

Land Commissioner to take action on such report.

4. The decision of the Land Commissioner under section 3 shall be conveyed to the Government Agent together with instructions as to the mode and manner of the disposition of such land.

Land Commissioner to convey to Government Agent his decision.

5. (1) The Government Agent shall subject to any general or special instructions as may be issued by the Land Commissioner and any regulations relating, thereto, by a notification published in the prescribed manner call for applications for the alienation of State land by way of sale.

Notification of sale of State land.

(2) Every such notification shall be in the prescribed form and shall fix a date before which applications shall be made.

(3) Where a date has been so fixed in the notification, the Government Agent may, in his discretion, refuse to accept or to consider any application made after that date.

2 *Sale of State Lands (Special Provisions)*
Law, No. 43 of 1973

Persons to whom State land may be alienated.

6. (1) No State land shall be alienated under this Law to any person other than a person who is a citizen of the Republic of Sri Lanka.

(2) Any alienation of land in contravention of the provisions of subsection (1) shall be null and void and no right, title or interest shall pass or be deemed to have passed to the alienee under the instrument of such alienation.

(3) The persons to whom land shall be alienated shall be selected from such class of persons as may be prescribed.

(4) The mode and manner of selection of persons shall be in the prescribed manner.

(5) The Government Agent shall notify all applicants for the alienation of land whether they have been selected for such alienation of land or not.

Appeal to Land Commissioner.

7. (1) An appeal in the manner prescribed shall lie to the Land Commissioner on the following grounds:—

(a) that the notification calling for applications was not published in accordance with the provisions of section 5 (1) or any regulations made thereunder; or

(b) that the selection was made contrary to the provisions of subsections (1), (3) or (4) of section 6.

(2) The Land Commissioner shall hear and determine every appeal under subsection (1) within such time as may be prescribed for the purpose. The decision of the Land Commissioner on such appeal shall be final and conclusive and shall not be questioned in any court of law.

Government Agent not to alienate the land to which an appeal relates.

8. The Government Agent shall not alienate any land in respect of which an appeal has been preferred under section 7, till the decision on such appeal has been conveyed to him by the Land Commissioner.

Price to be paid for purchase of and.

9. The price at which such land shall be sold shall be determined by the Land Commissioner.

CHAPTER II

GRANTS AND PERMITS

10. (1) Where a person selected is notified under subsection (5) of section 6, he shall elect whether he will make immediate payment of the purchase amount in full or whether he desires to make payment in instalments. He shall notify the Government Agent of such election within two weeks of the date of selection.

Payment
immediate
or in
instalments.

(2) Where such person elects to make immediate payment of the purchase amount in full, he shall accordingly make payment to the Government Agent within one month of such election.

11. Upon the payment of the purchase amount in full under subsection (2) of section 10, such person shall be entitled to be placed in possession of the land purchased by him and to receive a grant in respect of such land.

When grant
is given.

12. Where such person fails to pay the purchase amount in full under subsection (2) of section 10, the Government Agent shall be entitled to refuse to sell such land to such person.

Cancellation
of
sale.

13. (1) Every grant issued under section 11 shall be substantially in a prescribed form and shall be subject to the following conditions:—

Form of
grant and
conditions
therein.

(i) the holder of the grant shall not dispose of the land comprised in the grant except with the prior written consent of the Government Agent;

(ii) the holder of the grant shall not dispose of a portion of such land which is less in extent than the unit of the subdivision as may be prescribed; and

(iii) the holder of the grant shall not dispose of such land or a portion thereof in such manner that the land be subject to co-ownership.

(2) Every regulation prescribing the unit of the subdivision in respect of any land sold for the purpose of the establishment of plantation crops shall be made with the concurrence of the Minister in charge of Plantation Industries.

4 *Sale of State Lands (Special Provisions)*
Law, No. 53 of 1973

Registration of grants.

14. (1) Every grant, when issued, shall be registered at the instance of the Government Agent in such manner as may be prescribed.

(2) No fees shall be paid or received for such registration.

Diagram to be attached to grant.

15. The land alienated on any such grant shall be described with reference to a plan prepared by or under the authority of the Surveyor-General and kept in his charge. There shall be attached to each grant a diagram of the land sold on that grant. The diagram shall be prepared by the Surveyor-General but it shall not be necessary for the diagram to bear on the face thereof a certificate to the effect that it was so prepared.

Copy to be supplied on payment of prescribed fee.

16. The Surveyor-General shall cause to be issued to any applicant a copy of any plan or of any part thereof on payment of the prescribed fee.

Payment in instalments.

17. When a person selected elects under section 10 to make payment for such land in instalments, the Government Agent shall allow payment of the purchase amount in such annual instalments subject to such terms including the payment of interest as the Minister may think fit or as may be prescribed by the Minister.

When Permit is granted.

18. (1) Where a person is allowed under section 17 by the Government Agent to make payment of the purchase amount in annual instalments, he shall be issued a permit, substantially in the prescribed form and placed in possession of the land alienated on such permit.

(2) Such permit issued under subsection (1) of this section shall contain—

- (a) the date on which such annual instalments shall commence;
- (b) the number of such instalments; and
- (c) the amount payable for each such instalment.

Survey of land and registration of permit.

19. The Government Agent shall cause the land alienated on such a permit to be surveyed by or under the authority of the Surveyor-General and the extent and the description of the land so surveyed shall be inserted in such permit. The Government Agent shall

after the particulars relating to such extent and description are inserted in the permit, cause the permit, to be registered; no fee shall be paid or received for such registration.

20. Unless such permit is earlier cancelled under section 27, the permit shall remain in force until the permit-holder has paid all such sums which he is required to pay under the permit and has received a grant in respect of that land under section 21.

Permit to remain in force till grant is obtained.

21. Where a permit-holder has paid all sums of money which he is required to pay under section 17, he shall be entitled to receive a grant in respect of that land under section 11.

Where permit is converted to a grant.

22. The conditions included in any such grant or permit shall as from the date of such grant or permit, run with the land and shall bind the original holder of the grant or permit-holder and all persons whomsoever who acquire any title thereto.

Conditions in a grant or permit to run with the land.

CHAPTER III

PROTECTION OF LAND HELD ON PERMITS OR GRANTS

23. The provisions of section 39 and 40 of the Land Development Ordinance shall apply to any grant or permit issued under this Law, in the same manner and extent as if such grant or permit were a grant or permit issued under the Land Development Ordinance.

Protection of lands held on permits or grants.

CHAPTER IV

DISPOSITIONS

24. The provisions of sections 42 to 47 (both inclusive) of the Land Development Ordinance shall apply to any land alienated under this Law by way of permit or grant as if such permit or grant were issued under the Land Development Ordinance and in the application of the aforesaid provisions, the said Ordinance shall be read and construed subject to the following modifications:—

Disposition of land on grant or permit.

~~From~~ paragraph (b) of section 43 of that Ordinance as if for the words "or registered society", there were substituted the words "or the Bank of Ceylon or a registered"

6 *Sale of State Lands (Special Provisions)*

Law, No. 43 of 1973

- (ii) in subsection (1) of section 47 of that Ordinance, as if for the words "under section 53 of the Co-operative Societies Ordinance" there were substituted the words "under section 58 of the Co-operative Societies Law, No. 5 of 1972:

Provided, however, that the permit-holder under this Law may with the written consent of the Government Agent, assign his right, title or interest in the land alienated to him under such permit.

CHAPTER V

SUCCESSION

Last will of holder to have certain limitations.

25. (1) The holder of a grant or a permit-holder may make a specific disposition of the land held by him by last will.

(2) Any disposition under subsection (1) shall be invalid if such disposition in any way contravenes the conditions contained in such grant or permit or any of the provisions of this Law.

(3) Where any such disposition in a last will is not in accordance with subsection (2) of this section such disposition shall be invalid and the holder of such grant or permit-holder shall be deemed to have died intestate with respect to such land.

Devolution of title in case of intestacy.

26. If the holder of a grant or a permit-holder dies intestate or is deemed to have died intestate under subsection (3) of section 25 or if probate of any last will left by him is refused or recalled or set aside by Order of a court of competent jurisdiction, the title to such land shall devolve as prescribed in rule I of the Schedule to this Law.

CHAPTER VI

CANCELLATION OF PERMITS

Government Agent to cancel permits.

27. The Government Agent may by an endorsement on a permit issued under this Law or on a certified copy thereof cancel such permit where the annual instalments specified in such permit are not paid in accordance with the conditions of such permit:

Provided, however, that the person liable for the payment of moneys due under such permit has been afforded an opportunity of showing cause against the proposed cancellation.

Sale of State Lands (Special Provisions) 7
Law, No. 43 of 1973

28. Where any permit has been cancelled under section 27, the Government Agent may cause a notice to be served on any person in possession or occupation of the land alienated under that permit calling upon such person forthwith to vacate the land.

Notice to issue on party in occupation to vacate land.

29. Where any person on whom a notice has been issued under section 28 fails forthwith to vacate the land and deliver possession thereof in terms of the notice so issued and served upon him, the Government Agent, or some other person deputed by him for the purpose, may present to the Magistrate a written report stating the fact that the permit relating to such land has been duly cancelled and that the person named in such report is in unlawful possession or occupation of such land and has failed to vacate such land though served with a notice under section 28.

Report to a Magistrate if person served with notice refuses to vacate land.

30. Upon receipt of a written report presented to him under section 29, the Magistrate shall forthwith issue summons to the person named in such report to appear and show cause on a specified date why he should not be ejected from the land.

Summons to issue.

31. If on the date specified in a summons issued under section 30, the person to whom such summons was issued fails to appear, or appears and informs the court that he has no cause to show against an order of ejectment the court shall forthwith issue an order directing such person to be ejected from the land.

Order of ejectment where no cause is shown.

32. If the person to whom summons has been issued under section 30 appears on the date specified in such summons and states that he has cause to show against the issue of an order of ejectment, the Magistrate may proceed forthwith to hear and determine the matter or may set the case down for inquiry on some further date.

Inquiry if cause is shown.

33. If after the inquiry, the Magistrate is not satisfied that the person showing cause is entitled to the possession or occupation of the land, he shall make order directing such person forthwith to be ejected from such land.

Order of ejectment.

34. (1) The Magistrate shall, on the application of the Government Agent or other prescribed officer, direct the Fiscal or a peace officer to eject from the land any person bound by the order of ejectment and to deliver possession of the land to the Government Agent or other prescribed officer.

Execution of order of ejectment.

(2) The Fiscal or the peace officer entrusted with the execution of the order of ejectment shall comply with the directions of the Magistrate and make due return of the manner in which he executes the order.

(3) In executing an order of ejectment, the Fiscal or the peace officer or any officer authorized by either of them may use such force as may be necessary to enter the land, or eject any person bound by the order of ejectment and to deliver possession of the land to the Government Agent or other prescribed officer.

Instal-
ments al-
ready paid
to be re-
funded on
cancellat-
ion.

35. (1) Where any permit is cancelled under section 27, the Government Agent shall return to the permit-holder the instalments already paid on such permit.

(2) The Government Agent shall deduct from such amount paid as instalments, a sum calculated at such rate as may be prescribed for the period during which the land was occupied under such permit.

Alienees
under Land
Develop-
ment Ordi-
nance have
right to
purchase
under this
law.

36. (1) Every person who, on the day immediately prior to the commencement of this Law, is lawfully entitled to any land alienated under the Land Development Ordinance in the capacity of either permit-holder or owner, shall have the right to purchase such land within such time as specified for the purpose under this Law and obtain a grant of that land under section 11 of this Law.

(2) The amount to be paid by such person shall be determined by the Land Commissioner.

Special pro-
visions to
apply in
respect of
land acquir-
ed under
the Land
Redemp-
tion Ordi-
nance and
alienated
by way
of grant or
permit issu-
ed under
the Land
Develop-
ment Ordi-
nance.

37. The following provisions shall apply in respect of the issue of a grant for alienation of land under subsection (1) of section 36 of this Law where such land had been acquired under the provisions of the Land Redemption Ordinance, No. 61 of 1942, and was held on a permit or a grant issued under the Land Development Ordinance—

(a) The grant shall be in the prescribed form.

(b) The provisions of sections 13, 23, 24, 25, 26, 44, 45 and 51 of this Law shall not apply to the land held on such grant.

(c) The grant shall have effect as if it were an absolute grant of land made under section 2 of the Crown Lands Ordinance and the provisions of that Ordinance shall apply to the right, title and interest of the alienee of the land under such grant.

Sale of State Lands (Special Provisions) 9
Law, No. 43 of 1973

38. (1) Upon an application being made to him by such person under section 36, the Government Agent shall require such person to elect within a specified time whether he will make immediate payment of the purchase amount in full or whether he desires to make payment in instalments.

Where application is made by alienees under the Land Development Ordinance.

(2) Where a person elects to make immediate payment of the purchase amount in full, he shall accordingly make payment to the Government Agent within one month of such election.

(3) Where a person elects to make payment in instalments, the Government Agent shall endorse on that permit or grant issued to such person under the Land Development Ordinance, or on a slip attached thereto and signed by the Government Agent, the manner in which such instalments shall be paid.

(4) Where no permit has actually been issued to such person under the Land Development Ordinance, the Government Agent shall issue to such person a permit under section 18.

39. Upon an endorsement being made on his permit or grant under section 38, such person shall, in place of the annual payments specified on such permit or grant, pay annually to the Government Agent the amounts endorsed on such permit or grant in the manner specified therein.

New manner of payment.

40. Upon an endorsement being made on his permit or grant under subsection (3) of section 38, such person shall be deemed to be a permit-holder under section 18 and the provisions of this Law relating to permit-holders shall apply to such persons notwithstanding anything contained in his permit or grant issued under the Land Development Ordinance.

Provisions of this law to apply to old permits.

41. Where a person has paid all the sums of money required to be paid under section 38 or section 39 he shall receive a grant of that land under section 11 of this Law in place of the permit or grant issued under the Land Development Ordinance or the permit issued under section 38 of this Law.

Grant under the Land Development Ordinance converted to a grant under this law.

42. Where any person who on the day immediately prior to the commencement of this Law, is lawfully entitled to any land alienated under the Land Development Ordinance, does not exercise the right to purchase such land under section 36 of this Law, the Minister may cancel such alienation on the payment of such compensation as may be determined by him

Alienation of land under the Land Development Ordinance to be cancelled.

CHAPTER VII

Regulations

Power to
make re-
gulations.

43. (1) The Minister may from time to time make regulations for the purposes of carrying out or giving effect to the principles and provisions of this Law.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1) of this section, the Minister may make regulations in respect of all or any of the following matters:—

- (a) the classification of the purposes for which the land may be sold under this Law;
- (b) the classification of the persons to whom land may be sold under this Law;
- (c) the manner in which persons shall be selected for the land;
- (d) the forms of notifications and the manner in which they should be published;
- (e) the maximum period to be allowed for the payment of the purchase amount in instalments;
- (f) the form of grants and permits;
- (g) the fees to be recovered under this Law;
- (h) the registration of grants and permits;
- (i) the procedure to be observed in cancelling permits;
- (j) the sum which may be deducted by the Government Agent on cancellation of a permit;
- (k) the form of notices or other process and the manner of publishing or serving such notice or process;
- (l) all other matters which are required by this Law to be prescribed or in respect of which regulations are required to be made; and
- (m) all matters incidental to or connected with the matters referred to in this Law.

(3) Where regulations are made for—

(a) the classification of purposes for which land may be sold under this Law and any such purpose is for the establishment of plantation crops; and

(b) the selection of persons to whom land may be sold under this Law for the establishment of plantation crops;

such regulations shall be made with the concurrence of the Minister in charge of Plantation Industries.

(4) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication.

(5) Every regulation made by the Minister shall, as soon as convenient after publication in the *Gazette* be brought before the National State Assembly for approval. Any regulation which is not so approved shall be deemed to be rescinded from the date of disapproval, but without prejudice to anything previously done thereunder.

(6) Notification of the date on which any regulation made by the Minister is so deemed to be rescinded shall be published in the *Gazette*.

CHAPTER VIII

GENERAL

44. No person shall, by possession of any land alienated on a permit acquire any prescriptive title thereto against any other person or against the Republic of Sri Lanka.

No prescriptive title to be acquired to land alienated under permit.

45. (1) A Notary shall not attest any instrument operating as a disposition of any land held on a grant or permit under this Law which contravenes the provisions of this Law.

Notary prohibited from attesting instrument of disposition of land held under grant or permit.

(2) An instrument executed or attested in contravention of the provisions of this section shall be null and void.

46. A Notary who knowingly attests any deed in breach of the provisions of section 45 shall be guilty of an offence and shall, on conviction by a Magistrate after summary trial, be liable to a fine not exceeding five hundred rupees.

Notary attesting deed in breach of section 45 guilty of an offence.

12 *Sale of State Lands (Special Provisions)*
Law, No. 43 of 1973

Punish-
ment for
encroachers.

47. (1) Where any person encroaches on any land which has been alienated under this Law on a permit, he shall be guilty of an offence and shall on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(2) Proceedings under subsection (1) shall be instituted by the Government Agent of the administrative district in which the land encroached on is situated, or by any officer authorised in that behalf by such Government Agent.

(3) It shall not be open to any person who has encroached on any land under subsection (1) to assert or prove that the land does not belong to the State or question the validity of any permit issued in respect of such land.

(4) A conviction under subsection (1) shall operate as an order of ejectment made under section 33 and on such conviction the Government Agent of the administrative district in which the land encroached on is situated or any other prescribed officer may apply to the Magistrate under section 34 for the enforcement of such order of ejectment.

Action
re vindi-
catio may
be main-
tained
against
State in
respect of
alienated
land.

48. (1) Nothing in this Law contained shall preclude any person claiming to be entitled to any land which has been alienated from instituting an action against the State for the vindication of his title thereto; but nothing in this section shall enable or authorize the holder of a grant or the permit-holder to sue the State for the vindication of title to such land alienated to such holder of a grant or a permit-holder, as the case may be.

(2) Notwithstanding anything in any other law—

(a) the State shall be entitled to institute action against any person in whose favour an action against the State for vindication of title to any land referred to in subsection (1) has been decided for the value of any improvement effected on that land by the State or any person to whom such land has been alienated under this Law; and

Sale of State Lands (Special Provisions) 13
Law, No. 43 of 1973

(b) no action shall be maintainable in any court of law against the State for damages arising from the occupation of such land by any person to whom such land has been so alienated.

49. (1) Where an action instituted by any person against the State for vindication of title to any land alienated under this Law has been decided in favour of such person, and where the Minister approves the acquisition of that land by the State, that land shall accordingly be deemed to be required for a public purpose and may be acquired compulsorily under the land Acquisition Act.

Power to acquire land the title of which has been vindicated under section 48.

(2) For the purposes of the assessment of compensation in respect of any land which is referred to in subsection (1) and which is acquired under the Land Acquisition Act, subsection (1) of section 45 of that Act shall have effect as if there were substituted, for the words "on the date of publication of that Notice in the *Gazette*" occurring in that subsection, the words "on the day immediately preceding the date of alienation of that land by the State under the Sale of State Lands (Special Provisions) Law."

50. No suit shall lie against any state officer for anything done by him in good faith under this Law.

Protection of state officers.

51. No written law other than the provisions of this Law, relating to succession to land upon an intestacy shall have any application in respect of any land alienated under this Law.

General law not to apply to land sold under this Law.

52. Any land alienated under this Law shall be deemed to be "agricultural land" within the meaning of that expression as defined in the Agricultural Productivity Law, No. 2 of 1972.

Agricultural Productivity Law to apply to land alienated under this Law.

53. Chapters II and III (sections 8—24 both inclusive) of the Land Development Ordinance are hereby repealed.

Repeal of Chapters II and III of Land Development Ordinance.

54. (1) The Agricultural and Industrial Credit Corporation Ordinance as amended by section 90 of the Land Development (Amendment) Act, No. 16 of 1969 is hereby further amended in subsection (1) of

Amendment of other written law.

14 *Sale of State Lands (Special Provisions)*
 Law, No. 43 of 1973

section 51 of that Ordinance by the insertion, immediately after paragraph (bb) of that subsection of the following new paragraph:—

“(bbb) to grant loans of money to the holder of a grant of land alienated by way of sale under the provisions of the sale of State Lands (Special Provisions) Law.”

(2) The People’s Bank Act, No. 29 of 1961, as amended by section 90 of the Land Development (Amendment) Act, No. 16 of 1969, is hereby further amended in paragraph (a) of subsection (1) of section 5 of that Act as follows:—

(a) by the renumbering of subparagraph (v) of that paragraph as subparagraph (vi); and

(b) by the insertion, immediately after subparagraph (iv) of that paragraph of the following new subparagraph:—

“(v) short-term medium-term and long-term loans and other accommodation to persons who are holders of grants of land alienated by way of sale under the provisions of the Sale of State Lands (Special provisions) Law.”

55. In this Law, unless the context otherwise requires—

“ Agricultural and Industrial Credit Corporation of Ceylon ” means the Corporation established under the Agricultural and Industrial Credit Corporation Ordinance;

“ alienation ” with its grammatical variations and cognate expressions means the alienation of State land under this Law;

“ Bank of Ceylon ” means the Bank established under the Bank of Ceylon Ordinance;

“ citizen of Sri Lanka ” means an individual who is a citizen of Sri Lanka under any law for the time being in force relating to citizenship;

“ court ” means any Court of Justice constituted under the Courts Ordinance and includes a Rural Court:

Sale of State Lands (Special Provisions) 15
Law, No. 43 of 1973

- “ disposition ” with its grammatical variations and cognate expressions means any transaction of whatever nature affecting land or title thereto and includes any conveyance, devise, donation, exchange, lease, mortgage or transfer of land;
- “ Government Agent ” includes an Additional Government Agent, Assistant Government Agent, Additional Assistant Government Agent, District Land Officer and any officer authorized by the Government Agent in writing in respect of any particular matter or provision of this Law;
- “ grant ” unless the context otherwise requires means a grant of land from the Republic of Sri Lanka under this Law;
- “ holder of a grant ” means any person to whom a grant has been issued under this Law;
- “ Land Commissioner ” means the officer appointed under section 3 of the Land Development Ordinance and includes an Additional Land Commissioner, Deputy Land Commissioner and any other officer of his Department authorized by the Land Commissioner in writing in respect of any particular matter or provision under this Law;
- “ peace officer ” means a police officer and includes any Grama Sevaka appointed by the Government Agent in writing to perform police duties;
- “ People’s Bank ” means the Bank established under the People’s Bank Act, No. 29 of 1961;
- “ permit ” means a permit for the occupation of land issued under this Law or the Land Development Ordinance;
- “ permit-holder ” means any person to whom a permit has been issued under this Law or under the Land Development Ordinance;
- “ plantation crops ” means tea, rubber, coconut and includes any other crop which comes within the purview of the Ministry of Plantation Industries;

16 *Sale of State Lands (Special Provisions)*
Law, No. 43 of 1973

“ prescribed ” means prescribed by this Law or by the regulations made thereunder;

“ registered society ” shall have the same meaning as in the Co-operative Societies Law, No. 5 of 1972;

“ Surveyor-General ” means the Surveyor-General of Sri Lanka or any other officer deputed to act on his behalf for the purpose of this Law to the extent of which such officer is deputed;

“ title ” means right, title or interest; and

“unit of subdivision” means the minimum extent of land below which a land held under a permit or grant under this Law cannot lawfully be subdivided.

SCHEDULE

RULES

1. Title to land alienated on a grant or permit under this Law shall devolve on the surviving spouse of the deceased holder of the grant or permit-holder and failing such spouse on one only of the relatives of such holder of the grant or permit-holder in the order of priority in which they are respectively mentioned in the table below, the older being preferred to the younger where there are more relatives than one in any group.

TABLE

1. sons
2. daughters
3. grand sons
4. grand daughters
5. father
6. mother
7. brothers
8. sisters
9. uncles
10. aunts
11. nephews
12. nieces

In these “ relative ” means a relative by blood and not by marriage.

2. Where in any group of relatives mentioned in the Table in Rule I there are two or more persons of the same age who are equally entitled and willing to succeed the Government Agent may nominate one of such persons to succeed to the land and such decision of the Government Agent shall be final and conclusive.