



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

AGRARIAN SERVICES (AMENDMENT)
ACT, No. 9 OF 1990

[Certified on 6th March, 1990]

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L.D.—O 63/89

AN ACT TO AMEND THE AGRARIAN SERVICES ACT, No. 58 OF 1979

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

1. This Act may be cited as the Agrarian Services (Amendment) Act, No. 9 of 1990. Short title

2. Section 27 of the Agrarian Services Act, No. 58 of 1979 (hereinafter referred to as the “principal enactment”) is hereby amended by the addition, at the end thereof, of the following paragraph :— Amendment of section 27 of Act No. 58 of 1979.

‘For the purpose of this subsection, “interst” includes the “ande” rights of a tenant cultivator, the rights of a leasee of such land and the rights of the majority of the co-owners of land held in “thatumaru”’.

3. Section 29 of the principal enactment is hereby repealed and the following section substituted therefor :— Replacement of section 29 of the principal enactment.

“ Action by prescribed bank whose default is made.

29. (1) Where under the provisions of this Part default is made or deemed to be made in respect of any loan granted on a mortgage or charge on any agricultural land and the interest due thereon, the prescribed bank may notify the Magistrate’s Court, that the owner cultivator or occupier of such agricultural land is in default of the sum of money specified in such notice.

(2) The notice referred to in subsection (1) shall be filed of record in the Magistrate’s Court having jurisdiction over the place where such extent of agricultural land is situate and such sum, if any, as is found to be due shall be recovered in like manner as a fine imposed by such court notwithstanding that such sum may exceed the amount of the fine which that court may in the exercise of its ordinary jurisdiction impose.

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(3) For the purpose of subsection (2) a certificate under the hand of an officer authorized in that behalf by the prescribed bank to the effect that the sum specified therein is due to such bank from the defaulter named in the certificate shall be *prima facie* proof that such sum is due to such bank from such defaulter.

(4) Where the defaulter is a tenant cultivator and the prescribed bank reports to the Commissioner that it is impracticable or inexpedient to recover the said sum in default in the manner provided for in subsection (2) the Commissioner on being satisfied that such sum cannot be recovered in the manner provided for, may suspend the tenancy rights of such defaulter until such money is paid to the prescribed bank.

(5) All proceedings instituted in any court under subsection (2) shall have priority over all the other businesses of that court and shall in any event be disposed of within six months of the institution of the proceedings by the prescribed bank.”.

Amendment
of section
30 of the
principal
enactment.

4. Section 30 of the principal enactment is hereby amended as follows :—

(1) by the renumbering of that section as subsection (1) of that section ;

(2) by the insertion, immediately after the renumbered subsection (1), of the following new subsections :—

“ (2) any debt due or payable to a prescribed bank by any owner or occupier of agricultural land shall be a first charge upon—

(a) crops or other agricultural produce ; and

(b) cattle, fodder for cattle or agricultural implements,

where the loan granted by the prescribed bank has been utilized in whose or in part by the owner or occupier of the agricultural land for the raising

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of such crops or agricultural produce or for the purchase of such cattle, fodder for cattle or agricultural implements, as the case may be.

(3) The first charge referred to in subsection (2) may be enforced by the prescribed bank by seizure and sale of the property which forms the subject of the first charge.”

5. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala :
to prevail
case of
inconsiste