

CHAPTER 287

LAND GRANTS (SPECIAL PROVISIONS)

Act  
No. 43 of 1979.

AN ACT TO PROVIDE FOR THE VESTING IN THE STATE, OF AGRICULTURAL OR ESTATE LAND WHICH IS VESTED IN THE LAND REFORM COMMISSION UNDER THE LAND REFORM LAW; TO ENABLE THE TRANSFER, FREE OF CHARGE, TO THE LANDLESS, OF THE LANDS SO VESTED IN THE STATE; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[25th June, 1979.]

Short title.

1. This Act may be cited as the Land Grants (Special Provisions) Act.

(4) Where any agricultural or estate land is vested in the State by an Order made under subsection (1)—

Power of Minister to vest in the State, land vested in the Land Reform Commission.

2. (1) The Minister may—

(a) having regard to the need to augment the area of land available to the State, for the purposes of distribution;

(b) with the concurrence of the Minister in charge of the subject of Land Reform; and

(c) by an Order published in the Gazette,

vest in the State, any agricultural or estate land which is vested in the Land Reform Commission under the Land Reform Law.

(a) the State shall, with effect from the date of such Order, have absolute title to such agricultural or estate land free from all encumbrances (other than any servitude specified in such Order); and

(b) the State shall pay to the Land Reform Commission in respect of such agricultural or estate land, compensation of an amount equal to the compensation payable under the Land Reform Law in respect of such agricultural or estate land by the Land Reform Commission to the former owner of such agricultural or estate land.

(2) Every Order made under subsection (1) shall—

(a) specify the extent of agricultural or estate land vested in the State by such Order;

(b) make reference to the survey plan made by the Surveyor-General or under his direction in respect of such agricultural or estate land;

(c) specify any servitude attaching to such agricultural or estate land.

(3) Every Order made under subsection (1) shall be final and conclusive and shall not be called in question in any court.

3. The President may, by an instrument of disposition substantially in the Form set out in the Schedule hereto, transfer, free of charge, any portion of any land vested in the State by virtue of an Order made under section 2, to any citizen of Sri Lanka over eighteen years of age.

President may transfer free of charge lands vested in the State under this Act.

In transferring any State land under this section, the President shall have regard to—

(a) the fact that the prospective transferee does not own any land;

(b) the level of income of the family of the prospective transferee; and

(c) the capacity of the prospective transferee to develop such land.

Survey of land to precede transfer.

4. No State land shall be transferred under section 3 until after such land has been surveyed and demarcated to the satisfaction of the Land Commissioner.

to a court of competent jurisdiction, to a decree cancelling the instrument of disposition effecting such transfer and declaring such land to be vested in the State, free from all encumbrances.

Transfers to be subject to certain conditions.

5. (1) Every transfer of any State land under section 3 shall be deemed to be subject to the following conditions, whether or not such conditions are inserted in the instrument of disposition effecting such transfer :—

6. (1) Every instrument of disposition whereby a transfer of State land is effected under section 3 shall be signed and executed by the President.

Execution and authentication of instruments of disposition effecting transfers of State land under section 3.

(a) no disposition of such land shall be effected except with the prior consent in writing of the Land Commissioner ;

(2) The President may, if he thinks fit, instead of signing the original of any such instrument of disposition, cause a facsimile of his signature to be stamped thereon ; and any original so stamped shall be deemed to be signed by the President.

(b) the transferee shall carry out on such land such soil conservation measures as the Government Agent of the administrative district within which such land is situated, may from time to time require ;

(3) The facsimile of the signature of the President shall be stamped on the original of the instrument of disposition by, or in the presence of, the Secretary to the President or some other person authorized in that behalf by the President ; and the Secretary or such other person shall certify on such original that the President's signature was stamped thereon by him or in his presence, as the case may be.

(c) the transferee's title to such land shall be subject to any servitude attaching to such land ;

(d) such transfer shall be deemed not to confer any right to any mineral in, under, or upon such land and every such mineral shall be deemed to remain, and shall remain, the absolute property of the State ;

7. (1) A copy of every instrument of disposition signed or deemed to be signed in accordance with section 6 shall be authenticated by the signature of the Government Agent of the administrative district within which the land transferred by such instrument is situated and shall be deposited for purposes of record at the office of the Registrar of Lands of the district within which such land is situated.

Authentication of copies of instruments of disposition affecting transfers of State land under section 3.

(e) the transferee shall be liable for the payment of any irrigation rates payable under the Irrigation Ordinance in respect of such land ;

(f) the title to such land shall revert to, and vest in, the State if there is a failure by the transferee to comply with any condition to which such transfer is deemed to be subject by virtue of this subsection ; and

(2) Any such copy as is referred to in subsection (1) shall, if authenticated in the manner specified in that subsection, be primary evidence, within the meaning of section 62 of the Evidence Ordinance, of the instrument of which it purports to be a copy.

(g) such other conditions as may be prescribed in the interests of the proper utilization and management of such land.

8. Every instrument of disposition whereby a transfer of State land is effected under section 3 shall, when effected, be registered at the instance of the Government Agent of the administrative district within which such land is situated. No fee shall be paid or recovered for such registration.

Registration of instruments of disposition.

(2) Upon proof that there has been a failure to comply with or to observe any condition to which any transfer of State land under section 3 is deemed to be subject, the State shall be entitled, upon application

Nomination of successor to State land transferred under section 3.

9. (1) A person to whom any State land is transferred under section 3 or any person on whom the rights of the first-mentioned person in such land have devolved (in this subsection referred to as "the grantee") may nominate a successor who shall be entitled to succeed to the rights of the grantee in such land upon the death of the grantee. A nomination made in pursuance of this subsection shall be deemed not to be a disposition within the meaning of section 5 (1) (a).

(2) Any nomination of a successor made in pursuance of subsection (1) may at any time be cancelled by the person who made such nomination and a fresh nomination of a successor may be made by such person.

(3) The nomination of a successor and the cancellation of any such nomination shall be effected by a person to whom State land has been transferred under section 3 or any person on whom the rights of the first-mentioned person in such land have devolved—

(a) in a document substantially in the prescribed form executed and witnessed in duplicate before a Government Agent, a Registrar of Lands, a Notary or a Justice of the Peace ; or

(b) by his last will.

(4) The provisions of subsections (4), (5), (6), (7) and (9) of section 7 of the Agrarian Services Act shall, *mutatis mutandis*, apply to, and in relation to, a nomination effected in accordance with paragraph (a) of subsection (3).

(5) Regulations may be made prescribing the procedure for the registration of a document referred to in paragraph (a) of subsection (3).

Devolution of rights in State land transferred under section 3, in the absence of nomination under section 9.

10. Where a person to whom State land has been transferred under section 3 or any person on whom the rights of the first-mentioned person in such land have devolved (in this section referred to as "the grantee") dies and the grantee has not nominated a successor under section 9, or where the successor nominated by the

grantee under that section is dead, the rights of the grantee in such land shall devolve on his surviving spouse and, failing such spouse, on one only of the relatives of the grantee in the following order—

- (1) sons,
- (2) daughters,
- (3) grandsons,
- (4) grand-daughters,
- (5) father,
- (6) mother,
- (7) brothers,
- (8) sisters,
- (9) uncles,
- (10) aunts,
- (11) nephews,
- (12) nieces,

the oldest being preferred to the others where there are more relatives than two in any group, and the older being preferred to the other where there are only two relatives in any group.

In this section, "relative" means a relative by blood and not by marriage.

11. The burden of any condition to which any transfer of State land under section 3 is deemed to be subject, shall run with the land and shall be binding upon the transferee and upon all persons claiming that land through, from, or under, such transferee.

Conditions to which a transfer under section 3 is deemed to be subject, to run with the land.

12. Where any person to whom any State land is transferred under section 3 effects a disposition of that land without the prior consent in writing of the Land Commissioner given in accordance with the provisions of section 5 (1) (a) such disposition shall be void and inoperative for all purposes.

Disposition of land transferred under section 3 without the consent in writing, of the Land Commissioner void and inoperative.

13. Where it appears to the Government Agent of the administrative district within which any State land transferred under

Rectification of errors, &c., in instrument of disposition.

section 3 is situated that any instrument of disposition effecting such transfer contains any clerical or other error or requires amendment in respect of the description of the land comprised therein or in respect of the inscription or recital of the name or designation of the transferee or of any other material fact, such error may be rectified or such amendment may be made by an endorsement on such instrument of disposition signed by such Government Agent and the transferee; and any endorsement so signed shall be sufficient for all purposes to rectify the error or to effect the amendment; and the instrument on which any such endorsement is made shall have effect as though it had been originally issued or executed as so rectified or amended.

Alluvial and other accretions to any land transferred under section 3.

14. Any alluvial or other accretion to any State land transferred under section 3 shall, together with all rights appertaining or belonging to such accretion, be the property of the State and is hereby declared to be vested in the State.

Power to inspect any State land transferred under section 3.

15. The Government Agent of the administrative district within which any State land transferred under section 3 is situated, or any officer authorized in writing by such Government Agent, may at any time enter and inspect such land, for the purposes of ascertaining whether any condition to which such transfer is deemed to be subject is being complied with.

Administration of this Act.

16. (1) The Land Commissioner shall be responsible for and charged with the administration of this Act.

(2) In the exercise of his powers and in the performance of his duties under this Act, the Land Commissioner shall be subject to the general direction and control of the Minister.

Reference to Land Commissioner in case of doubt.

17. (1) Any public officer entrusted with any duties in respect of, or connected with, the implementation of this Act shall, on his own or at the instance of the Land Commissioner, refer to such Land Commissioner for decision, any question of doubt or difficulty in connexion with the performance of such duties.

(2) Any direction or decision of the Land Commissioner shall be duly complied with, or given effect, to by every such public officer.

18. (1) The Minister may make Regulations. regulations in respect of all or any of the matters which are required by this Act to be prescribed.

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified therein.

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the Gazette, be brought before Parliament for approval. Every regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval, but without prejudice to the validity of anything previously done thereunder. Notification of the date on which any regulation, is deemed to be so rescinded shall be published in the Gazette.

19. The provisions of this Act shall have effect notwithstanding anything contained in any other written law and accordingly, in the event of any conflict or any inconsistency between the provisions of this Act and such other written law, the provisions of this Act shall prevail. Provisions of this Act to prevail over any other law.

20. In this Act, unless the context otherwise requires— Interpretation.

“ agricultural land ” has the same meaning as in the Land Reform Law ;

“ disposition ” with its grammatical variations and cognate expressions, means any transaction of whatever nature affecting land or the title thereto, and includes any conveyance, transfer, surrender, exchange, lease or mortgage of land or the creation of a trust attaching to land ;

“ estate land ” has the same meaning as in the Land Reform Law ;

“ Land Commissioner ” means the Land Commissioner appointed under the Land Development Ordinance ;

established by the Land Reform Law ;

“ mineral ” has the same meaning as in the Mines and Minerals Law ;

“ Land Reform Commission ” means the Land Reform Commission

“ prescribed ” means prescribed by regulation made under section 18.

[Section 3.]

SCHEDULE

INSTRUMENT OF DISPOSITION EFFECTING TRANSFER OF LAND UNDER SECTION 3 OF THE LAND GRANTS (SPECIAL PROVISIONS) ACT, 1979

1. I, ..... , President of the Democratic Socialist Republic of Sri Lanka, do hereby transfer unto ..... (hereinafter called the transferee), free of any payment, the State land described in the First Schedule hereto, subject to the conditions set out in the Second Schedule hereto and the provisions of the Land Grants (Special Provisions) Act.

2. The title to the land transferred by this instrument shall revert to, and vest in, the State if the transferee fails to comply with any condition set out in the Second Schedule hereto or any provisions of the Land Grants (Special Provisions) Act.

Given under my hand this ..... day of ..... , 19.....

I certify under section 6 (3) of the Land Grants (Special Provisions) Act that the above facsimile of the President's signature was stamped hereon by me/in my presence.

Secretary to the President.