

CHAPTER 604

SPECIAL AREAS (COLOMBO) DEVELOPMENT

Ordinance
No. 40 of 1947,
Acts
Nos. 9 of 1950,
4 of 1951,
41 of 1952,
16 of 1954,
22 of 1955,
56 of 1961.

AN ORDINANCE TO ENABLE THE COMPULSORY ACQUISITION AND REDEVELOPMENT OF AREAS IN COLOMBO CONSISTING WHOLLY OR PARTLY OF LANDS ON WHICH DEMOLITION OPERATIONS HAVE BEEN CARRIED OUT UNDER EMERGENCY POWERS; TO ESTABLISH AND INCORPORATE A BOARD WITH POWER TO CARRY OUT OR TO SUPERVISE AND REGULATE THE REDEVELOPMENT OF SUCH AREAS; AND TO PROVIDE FOR MATTERS CONNECTED WITH OR INCIDENTAL TO THE MATTERS AFORESAID.

[1st October, 1947.]

Short title.

1. This Ordinance may be cited as the Special Areas (Colombo) Development Ordinance.

needed for a public purpose and be liable to compulsory acquisition ; and accordingly the Government Agent shall-

PART I

COMPULSORY ACQUISITION OF
SPECIAL AREASDeclaration of
special areas.

2. (1) Where the Minister is satisfied that any area within the town of Colombo, consisting of one or more lands on which demolition operations have been carried out under emergency powers or of one or more such lands together with any road or roads adjacent thereto and any other land or lands contiguous to any such land or any such road, should, in the interests of the public health or safety or of the amenities of the neighbourhood, be laid out and developed afresh, he may, by Order published in the Gazette, declare the area to be a special area for the purposes of this Ordinance.

(2) An Order declaring a special area under this section may define the area by setting out the assessment number or the metes and bounds of the land or each of the lands comprised in the area.

Government
Agent to take
order for the
acquisition of
land in special
areas.

3. (1) Where any area within the town of Colombo is declared to be a special area by Order published in the Gazette under section 2, the land or every land comprised in that area shall be deemed to be land

(a) forthwith take order for the acquisition of the land or each of the lands in that special area on which demolition operations have been carried out under emergency powers ; and

(b) save as otherwise expressly provided by section 8, upon the expiry of a period of three months after the date of the publication of such Order, take order for the acquisition of any other land in that special area.

(2) Nothing in the preceding provisions of this section shall apply to any land which forms a road or a portion of a road vested in the Council.

4. (1) Where the Government Agent considers that it is necessary for the purposes of section 3 that an inspection, examination or survey should be made of any land situated within the limits of any special area, it shall be lawful for the Government Agent or any person acting under the written authority of the Government Agent, together with such servants and workmen as may be necessary, to enter upon and to survey and take levels of that land or of any land in the same locality, to mark the levels and boundaries of that land, and to do all such other

Powers of the
Government
Agent.

acts as may be necessary for the purposes of such inspection, examination or survey :

Provided, however, that no person shall enter or do any act upon any land in pursuance of the powers conferred by the preceding provisions of this section except with the consent of the owner or occupier of that land, or after giving to such owner or occupier, not less than seven days' notice of his intention to enter that land or to do such act thereon.

(2) The Government Agent may, for the purposes of section 3, cause a notice to be served on any person requiring that person to furnish before a specified date such returns or information relating to the title of that person to any land situated within the limits of any special area or to such other matters affecting such land as may be within the knowledge of that person.

5. (1) Where the Government Agent is required by this Ordinance to take order for the acquisition of any land, the provisions of the Land Acquisition Act, subject to the exceptions, substitutions and modifications set out in the First Schedule to this Ordinance, shall apply for the purposes of such acquisition ; and any sum of money which may, under this Ordinance or under such provisions, be required to be paid or deposited by the Government Agent or by the Government by way of rent, compensation, costs or otherwise, shall be paid out of funds provided for the purpose by Parliament.

(2) The Land Acquisition (War Purposes) (Assessment of Compensation) Ordinance, No. 21 of 1944, shall not apply for the purpose of determining the compensation to be awarded under the Land Acquisition Act in respect of the acquisition under that Act of any land in any special area.

6. (1) Where in the case of any land referred to in section 3 (1) (a) any dispute with respect to any compensation or the amount of any compensation payable under paragraph (6) of regulation 2 (1) of the Defence (Compensation) Regulations, 194 1, arises after the 1st day of December, 1952, or had arisen prior to the 1st day of

December, 1952, but had not prior to that date been referred for determination as provided in regulation 7 of those regulations, then, notwithstanding anything in those regulations, the dispute shall, in default of agreement, be referred to and determined by the board of review constituted under the Land Acquisition Act.

Any such dispute may be heard at an ordinary meeting of the board of review.

(2) Regulations 7 and 9 of the Defence (Compensation) Regulations, 1941, and the Defence Compensation (Tribunals) Rules, 1943, shall apply in relation to the determination of any dispute referred to the board of review under subsection (1)-

(u) subject to the modification that all references therein to a tribunal or to the President or Registrar of the tribunal shall be construed as if they were references to the board of review or to the chairman or the secretary of the board of review, as the case may be ; and

(b) subject to such other modifications as the Minister in charge of the subject of Justice may make for that purpose by Order published in the Gazette.

7. (1) Where an Order in respect of any land referred to in section 3 (1) (a) is not published in the Gazette under section 38 of the Land Acquisition Act while such land is in the possession of any authority under emergency powers, the Government Agent is hereby empowered and required, forthwith upon the termination of the possession of such land under emergency powers, to take possession of such land and to retain such possession until possession of such land is taken on behalf of the State under section 40 of that Act.

Power of Government Agent to take and retain possession of lands.

(2) Where possession of any land referred to in section 3 (1) (a) is retained by the Government Agent under subsection (1), rent for the period during which such possession is so retained shall be payable by the board to the person who for the time being would be entitled to occupy such land but for the fact that possession thereof is so retained and the rent so payable shall be a sum equal to the rent which might

[§ 2, 56 of 1961.]

Land Acquisition Act to apply subject to certain exceptions, &c.

Determination of compensation under Defence (Compensation) Regulations.

reasonably be expected to be payable by a tenant in occupation of such land during that period under a lease granted immediately before the beginning of that period whereby the tenant undertakes to pay all usual rates and taxes and to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain such land in a state to command that rent.

7A. Any compensation payable by the State to any person under paragraph (b) of regulation 2 (1) of the Defence (Compensation) Regulations, 1941, in respect of any land referred to in section 3 (I) (a) may, if such compensation has not been already paid by the State to such person, be paid to such person by the board for and on behalf of the State. The payment of such compensation to such person by the board under the preceding provisions of this section shall operate as a satisfaction in full of such person's claim to such compensation from the State.

POSTPONEMENT OF AND EXEMPTION FROM COMPULSORY ACQUISITION

8. The owner of any land referred to in paragraph (6) of section 3 (1) may, before the expiry of the period of three months specified in that paragraph, serve a notice on the Government Agent requiring him to postpone the compulsory acquisition of such land until the coming into operation of a development scheme prepared under this Ordinance for the special area in which the land is situated ; and in such case, the Government Agent shall, unless the Minister by order made under section 10 exempts such land from compulsory acquisition, take order for the acquisition of such land on the coming into operation of such scheme.

9. In the event of any land the compulsory acquisition of which has been postponed by reason of the operation of the provisions of section 8 being ultimately acquired under this Ordinance, then, notwithstanding anything in any written or other law, no person shall be entitled to claim or receive any compensation from the Government Agent or the Government or

the authority in whom such land is vested as hereinafter provided in respect of any improvements made in or upon such land or any structure thereon after the expiry of the period of three months referred to in that section.

10. (1) The owner of any land in any special area, being land the compulsory acquisition of which has, by reason of the operation of the provisions of section 8, been postponed until the coming into operation of a development scheme for that area, may, before the expiry of a period of twenty-one days after the date of the publication in the Gazette of a notice under section 15 of the completion of the preparation of the scheme, apply in writing to the Minister for the exemption of that land from compulsory acquisition.

(2) Upon the receipt of an application for the exemption from compulsory acquisition of any land, the Minister may make order exempting or refusing to exempt such land from such acquisition.

(3) No order exempting from compulsory acquisition any land in any special area shall be made by the Minister under this section if the draft development scheme prepared under this Ordinance for that area provides-

- (a) for the use of such land or any portion thereof for the construction of a new road or for the widening, alteration, extension or diversion of an existing road or as a public open space ; or
- (b) for the adjustment or reconstitution of the boundaries of such land.

(4) No order refusing to exempt from compulsory acquisition any land in any special area shall be made by the Minister under this section unless the draft development scheme prepared under this Ordinance for that area provides-

- (a) for the use of such land or any portion thereof for the construction of a new road or for the widening, alteration, extension or diversion of an existing road or as a public open space ; or

Exemptions
from
compulsory
acquisition

Payment of
compensation
under the
Defence
(Compensation)
Regulations,
1941, in respect
of lands in
special areas.
[§ 3, 56 of
1961.]

Postponement
of compulsory
acquisition.

Exclusion of
claims for
compensation
for
improvements.

(6) for the adjustment or reconstitution of the boundaries of such land.

(5) Before making an order under this section refusing to exempt from compulsory acquisition any land in respect of which an application for such exemption has been made, the Minister shall give the applicant an opportunity of being heard, either in person or by a representative duly authorized by such applicant in that behalf.

(6) Every order made by the Minister under this section on any application for exemption from compulsory acquisition of any land shall be final and conclusive. The Minister shall cause a copy of such order to be served on the applicant and the Government Agent.

(7) (a) The Minister may, for the purposes of this section, cause a notice to be served on any person requiring that person to furnish before a specified date such returns or information relating to the title of that person to any land in respect of which an application for exemption from compulsory acquisition has been made or to such other matters affecting such land as may be within the knowledge of that person.

(b) Where the Minister considers that it is necessary for the purposes of this section that an inspection or examination should be made of any land in respect of which an application for exemption from compulsory acquisition has been made, it shall be lawful for the Minister or any person acting under the written authority of the Minister to enter upon such land and to do all such acts as may be necessary for the purposes of such inspection or examination :

Provided, however, that no person shall enter or do any act upon any land in pursuance of the powers conferred by the preceding provisions of this paragraph except with the consent of the owner or occupier of that land, or after giving to such owner or occupier, not less than seven days' notice of his intention to enter that land or to do such act thereon.

11. (1) It shall be a condition of every exemption from compulsory acquisition granted in respect of any land in any special area under section 10 that the owner of such

land shall, in lieu of the executive authority specified in the draft development scheme prepared for that area, carry out the provisions of that scheme in so far as they relate to such land at his own expense, and for that purpose, do all such work and take all such measures in, upon or in relation to such land or any structure thereon as may be necessary.

(2) For the purposes of this section, " owner " in relation to any land in respect of which an exemption from compulsory acquisition has been granted under section 10, means the owner of the land at the time of the granting of such exemption or any other person who may subsequently become the owner thereof.

PART II

PREPARATION AND EXECUTION OF DEVELOPMENT SCHEMES

12. (1) Upon the publication of an Order declaring a special area under section 2, it shall be the duty of the board hereinafter constituted and incorporated by this Ordinance, acting in consultation with the Director, Town and Country Planning and the Government Chief Valuer, to prepare a draft development scheme for that area.

Preparation of development schemes.

(2) Where the Minister is satisfied that the board has failed to prepare or unreasonably delayed the preparation of a draft development scheme for any special area, the Minister may direct the Director, Town and Country Planning to prepare the draft scheme for that area.

13. (1) A development scheme prepared under this Ordinance for any special area shall have as its sole object the redevelopment of the area as a whole and shall not provide for any matter other than the following or such other matters as may be necessary for the purpose of achieving that object :-

Contents of development schemes.

(a) The construction of new roads or the widening, alteration, extension, diversion, stopping up or improvement of existing roads, and the reservation of land for the

Condition of exemption from compulsory acquisition.

construction of new roads or for the widening, extension, alteration or diversion of existing roads.

- (b) The construction of works (including the erection of structures) for the provision of public services including-

(i) surface water drainage, sewerage and the disposal of sewage ;

(ii) lighting and the position and design of lamps and standards ; and

(iii) water supply.

- (c) The reservation of land for public open spaces and the regulation or prohibition of the erection of structures thereon.

- (d) Slum clearance including the demolition or alteration of insanitary, overcrowded, unhealthy or dangerous dwelling houses or other structures.

- (e) The demolition of structures which are inconsistent with the scheme and the alteration of structures so as to bring them into conformity with the scheme.

- (f) The construction of all such new structures in or upon any land as may be necessary for the purpose of ensuring the redevelopment of the area as provided in the scheme.

- (g) The adjustment or reconstitution of the boundaries of any plots of land which, by reason of their inconvenient shape or size, are likely to hinder the redevelopment of the area as provided in the scheme.

- (h) The prohibition or restriction of the use of land for any specified purpose.

- (i) The restriction, regulation and control of the erection, re-erection,

alteration, demolition and use of structures, and in particular for the matters specified in the Second Schedule to this Ordinance.

(2) In addition to the matters specified in subsection (1), a development scheme prepared under this Ordinance for any special area shall specify the executive authority who is to be responsible for the carrying out of any provision contained in that scheme. The authority so specified may be the board, the Council, the Director of Highways or the General Manager of the Ceylon Electricity Board.

(3) In addition to the matters specified in subsections (1) and (2), a development scheme may provide that any road or portion of a road which is vested in the Council shall be vested in the board for the purposes of the scheme.

(4) A development scheme prepared under this Ordinance for any special area shall be accompanied by a plan showing in detail the proposed new layout of the area as contemplated in that scheme.

14. (1) In addition to the matters Modification or suspension of other written law. specified in section 13, a development scheme prepared under this Ordinance for any special area may, where it is necessary for the purpose of giving effect to the scheme, provide for the modification or the suspension of the operation of any provision of any other written law in so far as that provision is similar to or inconsistent with any provision contained in that scheme.

(2) Where any provision of any other written law is modified by any development scheme for the time being in operation, that provision shall, in its application to the special area to which the scheme relates, apply subject to such modifications as may be specified in that scheme.

(3) Where any provision of any other written law is suspended by any development scheme for the time being in operation, that provision shall not apply in the special area to which the scheme relates.

Notice of completion of preparation of draft development scheme and inspection of scheme.

15. (1) Upon the completion of the preparation of any draft development scheme under section 12, it shall be the duty of the board forthwith-

- (a) to cause copies of such draft scheme and of the plan accompanying such draft scheme to be prepared ;
- (b) to transmit to the Minister a copy of such draft scheme and of the plan accompanying such draft scheme ; and
- (c) to cause a notice to be published in the Gazette and in such other manner as may be best calculated to give publicity thereto, to the effect that the preparation of such draft scheme has been completed and that copies of such draft scheme and of the plan accompanying such draft scheme will be open for public inspection at such place or places as may be specified in such notice.

(2) Copies of every draft development scheme which has been completed under section 12 and of the plan accompanying such scheme shall be open for public inspection, free of charge, for a period of twenty-one days after the date of the publication in the Gazette of notice of the completion of the preparation of such scheme.

Sanction of development scheme by Minister.

16. Upon the transmission of a draft development scheme to the Minister under section 15 and after the disposal under section 10 of the applications, if any, for exemption from compulsory acquisition made in respect of lands in the special area to which the scheme relates, the Minister may sanction the scheme subject to such modifications or alterations as he may deem necessary.

Approval of development scheme by Parliament.

17. Where any draft development scheme modifies or suspends, or purports to modify or suspend, the operation of any provision of any enactment for the time being in force such scheme shall not be sanctioned by the Minister until it has first been placed before and approved by Parliament.

18. Every development scheme which has been sanctioned by the Minister shall come into operation upon the expiry of a period of fifteen days after the date on which a Notification is published in the Gazette by the Minister to the effect that the scheme has been so sanctioned, or upon such later date as may be specified in such Notification by the Minister.

Coming into operation of development schemes.

19. (1) Upon the coming into operation of any development scheme for any special area, it shall be the duty of the executive authority specified in the scheme as the authority responsible for the carrying out of any provision contained in the scheme, save as otherwise expressly provided by section 20 or section 25, to carry out that provision, and for that purpose, to do all such work and to take all such measures in, upon or in relation to any land in that area or any structure thereon as may be necessary and all expenses incurred thereby by such authority shall be paid out of the fund of the board.

Execution of development schemes by executive authorities.

(2) Where the Minister is satisfied that the executive authority responsible for the carrying out of any provision contained in any development scheme for the time being in operation for any special area has unreasonably delayed to carry out that provision, the Minister may, by order, direct that authority to do all such work and to take all such measures in, upon or in relation to any land in that area or any structure thereon as may be necessary for the purpose, within such time as may be specified in such order, and it shall be the duty of that authority to comply with such order.

(3) For the purpose of doing any work or taking any measures in, upon or in relation to any land or structure thereon under the preceding provisions of this section, it shall be lawful for the executive authority responsible for the carrying out of any provision contained in any development scheme for the time being in operation or any person acting under the written authority of that executive authority to enter into or upon such land or structure, together with all such workmen, implements and materials as may be necessary for the purpose.

Execution of development schemes by owners of lands.

20. (1) Upon the coming into operation of any development scheme for any special area, it shall be the duty of the owner of any land in that area, being land which has been exempted from acquisition by order made by the Minister under section 10, to carry out the provisions of that scheme in so far as they relate to such land at his own expense, and for that purpose, to do all such work and to take all such measures in, upon or in relation to such land or any structure thereon as may be necessary.

(2) Where the board is satisfied that the owner of any land referred to in subsection (1) has unreasonably delayed to carry out the provisions of any development scheme for the time being in operation in so far as they relate to such land, it shall be lawful for the board or any person acting under the written authority of the board to enter into or upon such land or any structure thereon together with all the necessary workmen, implements and materials, and to do all such work and to take all such measures in, upon or in relation to such land or structure as may be necessary for the purpose of carrying out those provisions.

(3) All expenses incurred by the board in the doing of any work or the taking of any measures under subsection (1) in, upon or in relation to any land or any structure thereon shall be a first charge on such land, and may be recovered from the owner thereof in such manner as may be provided by regulation.

21. (1) No work or measures shall be done or taken by the board or by any other executive authority in pursuance of the powers conferred by section 19 or section 20 (2) in, upon or in relation to any land which is not vested in the board or any structure thereon, unless-

- (u) the doing of such work or the taking of such measures is necessary for the purpose of carrying out any provision contained in the development scheme for the time being in operation for the special area in which such land is situated ; and

- (b) the board or such other executive authority, as the case may be, has served on the owner and the occupier of such land a notice specifying the work which is to be done or the measures which are to be taken, and a period of at least one month has elapsed after the date of the service of the notice.

(2) Any person on whom a notice is served under subsection (1) may, subject to regulations, appeal to the Minister against the proposal of the board or any other executive authority to do any work or to take any measures to which the notice relates, and the decision of the Minister on such appeal shall be final and conclusive. In any case where any appeal is preferred to the Minister under this section, the period referred to in paragraph (6) of subsection (1) shall be deemed to be extended to the date on which the decision of the Minister is communicated to the person by whom the appeal is preferred.

PART III

VESTING AND DISPOSAL OF LANDS

22. (1) Where any land is acquired under this Ordinance, such land shall forthwith upon such acquisition, without any formal transfer thereof, vest in the board for the purposes of a development scheme prepared under this Ordinance for the special area in which such land is situated.

Land acquired under this Ordinance to be vested in board.

(2) Where, by reason of the operation of the provisions of subsection (1), any land is vested in the board for the purposes of a development scheme, the board may, pending the execution of such scheme, let such land or any structure thereon.

23. (1) Where any development scheme under this Ordinance provides that any road or a portion of any road which is vested in the Council shall be vested in the board for the purposes of such scheme, such road or portion of a road, as the case may be, together with the lands used for the purposes thereof and all lamps, lamp-irons, lamp-posts, pipes and other similar

Vesting of roads in the board.

Conditions relating to the exercise of the powers conferred by sections 19 and 20.

erections and things in, about or belonging thereto, shall forthwith upon the coming into operation of such scheme, without any formal transfer thereof, vest in the board for the purposes of such scheme.

(2) No compensation shall be payable by the board in respect of any property which vests in the board by reason of the operation of the provisions of subsection (1).

24. The board may, at any time after the coming into operation of any development scheme, sell or lease any land which is vested in the board under this Ordinance and is not required, under the scheme, as a reservation for the construction of a new road or for the widening, extension, alteration or diversion of an existing road or for a public open space.

25. (1) It shall be a condition of every sale of land in any special area under section 24—

(a) that, in lieu of the executive authority specified in the development scheme for the time being in operation for that area, the owner of the land shall at his own expense carry out the provisions of the scheme in so far as they relate to the land, and do all the necessary work and take all the necessary measures in, upon or in relation to such land or any structure thereon within such time as the board may, after consultation with the Minister, specify in writing at the time of the sale ; and

(6) that in the event of the owner failing to do so within the time so specified, the land shall forthwith revert in the board.

Where any land reverts in the board by reason of the operation of the preceding provisions of this subsection, the board shall pay, to the person who was the owner of the land, the price at which the land was sold by the board or the market value of the land at the time of such reversion, whichever is less, together with compensation in respect of any work actually done or measures

actually taken by that person for the purpose of carrying out the provisions of the development scheme.

(2) It shall be a condition of every lease of land in any special area under section 24 -

(a) that, in lieu of the executive authority specified in the development scheme for the time being in operation for that area, the lessee of the land shall at his own expense carry out the provisions of the scheme in so far as they relate to the land, and do all the necessary work and take all the necessary measures in, upon or in relation to the land or any structure thereon within such time as the board may, after consultation with the Minister, specify in writing at the time of the grant of the lease ; and

(6) that in the event of the lessee failing to do so within the time so specified, the lease shall terminate forthwith.

Where any lease of land terminates by reason of the operation of the preceding provisions of this subsection, the board shall pay, to the person who was the lessee of the land, compensation in respect of any work actually done or measures actually taken by that person for the purpose of carrying out the provisions of the development scheme.

(3) No compensation under either of the preceding subsections shall be payable by the board unless the work has been done or the measures have been taken in conformity with the provisions of the development scheme then in operation in relation to the land.

(4) For the purposes of this section, " owner " in relation to any land which is sold by the board under section 24, means the person to whom the land is sold or any other person who may subsequently become the owner of the land.

26. It shall be lawful for the board or any person acting under the written authority of the board to enter into or upon Power of board to enter, &c., land sold or leased.

Sale or lease of lands by the board.

Conditions of sale or lease of lands by the board.

any land which is sold or leased under section 24 for the purpose of ascertaining whether the provisions of any development scheme for the time being in operation in relation to the land are being or have been carried out on the land and to inspect the land or any structure thereon for that purpose :

Provided, however, that no person shall enter or inspect any land in pursuance of the powers conferred by the preceding provisions of this section except with the consent of the owner, lessee or occupier of the land, or after giving to such owner, lessee or occupier, not less than seven days' notice of the intention to do so.

27. (1) Upon the completion of the construction, under any development scheme for the time being in operation, of any new road or any new portion of an existing road, such new road or new portion of an existing road, as the case may be, together with the lands used for the purposes thereof and all lamps, lamp-irons, lamp-posts, pipes and other similar erections and things in, about or belonging thereto, shall forthwith, without any formal transfer thereof, vest in the Council.

(2) No compensation shall be payable by the Council in respect of any property which vests in the Council by reason of the operation of the provisions of subsection (1).

PART IV

BETTERMENT CONTRIBUTIONS

28. (1) Where the value of any property is increased by the coming into operation of any development scheme, or by the execution of any work under the provisions of a development scheme, the board may, subject to the provisions of subsection (3), recover from the owner of the property an amount (hereinafter referred to as "betterment contribution") not exceeding sixty per *centum* of the amount by which the value of the property is so increased.

(2) A betterment contribution may be recovered from the owner of any property the value of which is increased by the coming into operation of any development scheme or by the execution of any work under any provision in that scheme, notwithstanding that such property is situated outside the limits of the special area to which the scheme relates.

(3) (a) No betterment contribution shall be recovered in respect of any property which is sold or leased by the board under section 24.

(6) No betterment contribution shall be recoverable in respect of any property unless the board has, before the expiry of a period of ten years after the date on which the development scheme in respect of which the betterment contribution is recoverable came into operation, served a notice in the prescribed form on the owner of that property specifying the amount claimed as betterment contribution.

29. (1) In any case where the owner of any property is aggrieved by the decision of the board to recover a betterment contribution in respect of that property, he may, subject to regulations, appeal to the District Court, or, where the amount sought to be recovered as a betterment contribution does not exceed one thousand five hundred rupees, to the Primary Court, and such court may on any such appeal-

Appeal
against levy
of betterment
contribution.

(a) determine that no contribution shall be recovered, if satisfied that the recovery of the contribution in such case is not authorized by the provisions of section 28 ; or

(b) reduce the amount of the contribution sought to be recovered, if satisfied that that amount is excessive having regard to the provisions of subsection (1) of that section.

(2) The determination of the District Court or the Primary Court on any appeal referred to in subsection (1) shall be final.

Roads to vest
in Council.

Power to
recover
betterment
contributions.

Payment of betterment contribution. Establishment of Colombo Special Areas Development Board. Objects of the board. Common seal of the board.	30. (1) The amount due as a betterment contribution in respect of any property shall be payable in such instalments and at such intervals as the board may determine (2) Any instalment due in respect of any property under this section shall be a first charge on that property and may be recovered from the person who is the owner of that property for the time being in such manner as may be provided by regulation. PART V ESTABLISHMENT OF THE COLOMBO SPECIAL AREAS DEVELOPMENT BOARD THE BOARD 31. (1) A board to be called the Colombo Special Areas Development Board (in this Ordinance referred to as "the board") is hereby established for the purposes of this Ordinance. (2) The board shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name. It shall, subject to the provisions of this Ordinance, be capable of acquiring, holding and alienating property, movable and immovable, and of doing and performing all such acts and things as bodies corporate may do and perform. 32. The general objects for which the board is constituted are hereby declared to be— (1) the preparation and execution, under this Ordinance, of development schemes for special areas ; and (2) the custody, management and control, pending the coming into operation of development schemes, of land which is vested in the board under this Ordinance for the purposes of such schemes. 33. The common seal of the board shall be officially and judicially noticed and shall be kept by such person and in such manner as the board may, from time to time,	determine and shall not be used except by the authority of the board and in the presence of at least two members thereof who shall sign the document to which the seal is affixed. 34. The board shall consist of the following members :— (a) Ex-officio members :- (i) The Deputy Secretary to the Treasury. (ii) The Solicitor-General. (iii) The Commissioner of Local Government. (b) Nominated members :- (i) Two whole-time salaried officers of the Government, nominated by the Minister. (ii) Four persons, each of whom shall be either a whole-time salaried officer of the Council or a member of the Council, nominated by the Minister. 35. (1) The Minister may appoint one of the members of the board to be the chairman of the board. (2) The members of the board may, if they think necessary, elect from amongst their number a deputy chairman. (3) The chairman of the board shall preside at every meeting of the board at which he is present. (4) In the absence of the chairman, the deputy chairman shall preside at meetings of the board ; and, in the absence of both the chairman and the deputy chairman, a member chosen by the majority of the members present, shall preside at any meeting of the board. 36. (1) The quorum for any meeting of the board shall be not less than four members of the board in office on the date of such meeting.
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(2) Any question which arises at any meeting of the board shall be decided by a majority of votes of the members present, the members present being not less in number than the quorum prescribed by this Ordinance.

(3) Where the votes of the members present at any meeting are equally divided in regard to any question, the chairman, deputy chairman or other member presiding at the meeting shall, in addition to his own vote as a member, have a casting vote.

Board to regulate its own procedure.

37. Subject to the provisions of this Ordinance, the board shall regulate its own procedure.

Minutes of meetings.

38. (I) The board shall cause minutes to be made in books provided for the purpose, of the proceedings of every meeting of the board.

(2) The minutes of the proceedings of each meeting shall be submitted at the next succeeding meeting, and if they are passed as correct they shall be confirmed by the signature of the person presiding at that meeting, and shall thereafter be prima facie evidence of the proceedings of which they are a record.

Vacation of office of nominated member.

39. A nominated member of the board shall be deemed to vacate his seat if he-

- (u) accepts or holds any office or place of profit under the board ; or
- (6) ceases to possess the qualification of being a whole-time salaried officer in the service of the Government or of the Council or of being a member of the Council, as the case may be ; or
- (c) is absent from more than three consecutive meetings of the board without the leave of the board ; or
- (d) by letter addressed to the Minister resigns his office ; or
- (e) is removed from office by the Minister.

40. If at any time a nominated member dies or vacates his office, the Minister may nominate another person in place of the member so dying or vacating his office.

Casual vacancies among nominated members.

41. If it appears to the Minister that a nominated member is unlikely to be able to discharge the duties of his office for a period of three months or more by reason of absence from Sri Lanka, illness, incapacity or any other cause whatsoever, he may appoint another person to act in the place of such member for such period as he may think fit.

Acting appointment in case of nominated member unable to discharge his duties owing to illness, &c.

42. Every member of the board, other than a member who is an officer in the service of the Government, shall be remunerated by the board for work done by him in his capacity as a member, according to such scale as the Minister may, with the concurrence of the Minister in charge of the subject of Finance, determine.

Remuneration of members.

STAFF OF THE BOARD

43. (1) The staff of the board shall consist of the following :-

Staff of the board.

- (a) an executive staff consisting of the following officers, namely, a secretary, a town planner, an engineer and a valuer ; and
- (b) a subordinate staff consisting of such number of officers and servants as the board may deem necessary.

(2) All appointments to the staff of the board shall be made by the board, subject, however, to the previous approval of the Minister in every case of an appointment to the executive staff of the board.

(3) The board may dismiss or remove from office any officer or servant of the board :

Provided, however, that no officer who is on the executive staff of the board shall be dismissed or removed from office except on a resolution of the board passed by a majority of the members for the time being and approved by the Minister.

(4) The board may assign to each officer or servant or each class of officers and servants of the board such salaries, allowances or remuneration as to the board may seem fit.

(5) The provisions of subsections (3) and (4) shall not apply in any case where an officer in the service of the Government is appointed to the executive staff of the board, and in such case, the salary, allowances and conditions of service of such officer shall be determined by the Minister after consultation with the board.

Delegation
by board of
powers, &c.,
to its officers.

44. The board may in writing authorize the secretary or any other officer of the board to exercise, discharge or perform any power, function or duty vested in, assigned to or imposed on the board by or under this Ordinance.

Rules relating
to provident
fund and grant
of gratuities.
[§ 4, 56 of
1961.]

44A. (1) The board may make rules for or in respect of the following matters :-

- (a) the establishment, regulation, administration and management of a provident fund for the grant of benefits to officers and servants (other than daily-paid servants) of the board, the circumstances in which, and the conditions and restrictions subject to which, such officers and servants will be eligible for such grants, fixing the contributions to be made thereto by the board and such officers and servants and the payments to be made therefrom to such officers and servants or their nominees, authorizing the contributions of such officers and servants to be deducted from their salaries, prescribing the procedure for making such deductions, authorizing the payment of all such contributions into the fund and authorizing the investment of moneys paid into the fund and all matters incidental to or connected with the fund, for which no express provision is made ; and
- (b) the establishment, regulation, administration and management of a scheme for the grant of gratuities to daily-paid servants of the board

or their widows and children, the circumstances in which, and the conditions and restrictions subject to which, such servants or widows and children will be eligible for such grants, the payments to be made thereunder to such servants or widows and children, and all matters incidental to or connected with such scheme.

(2) No rule made by the board under subsection (1) shall come into force until it is approved by the Minister with the concurrence of the Minister in charge of the subject of Public Administration.

FUND OF THE BOARD

45. (1) The board shall establish a fund in such bank as may be approved by the Minister. Establishment of fund.

(2) There shall be payable into the fund of the board-

- (a) all grants made to the board by Parliament ;
- (b) all sums recovered as betterment contribution ;
- (c) all sums realized by sales, leases or other transactions of the board ; and
- (d) all sums declared to be so payable by this Ordinance or any regulation or rule made thereunder. [§ 5, 56 of 1961.]

(3) There shall be paid out of the fund of the board-

- (a) all sums payable as remuneration to members ;
- (b) all sums payable by the board as salaries, allowances or remuneration to its officers and servants ;
- (c) all expenses incurred by the board in the exercise, discharge and performance of the powers, functions and duties vested in, assigned to or imposed on the board by this Ordinance or any regulation made thereunder ; and

(d) all sums which the board is authorized or required to pay by this Ordinance or any regulation or rule made thereunder.

[§ 5, 56 of 1961.]

ACCOUNTS AND AUDIT

46. (1) The board shall cause its accounts to be kept in such form and in such manner as may be prescribed.

(2) The books of account of the board shall be kept at the office of the board.

47. (1) The board shall cause its books to be balanced on the 31st day of December in each year and shall, as soon as may be thereafter, cause to be prepared a profit and loss account and a balance sheet containing a summary of the assets and liabilities of the board made up to the date aforesaid.

(2) The profit and loss account and the balance sheet shall be signed by a majority of the members for the time being in office and by the officer responsible for the preparation of such account and balance sheet.

48. Every profit and loss account and balance sheet shall be accompanied by a report, signed by a majority of the members, as to the state and condition of the affairs of the board.

49. The accounts of the board shall be audited each year by the Auditor-General or an officer authorized by him in that behalf. The person performing the duty under this section is hereinafter referred to as "the auditor".

50. (I) The auditor shall examine the accounts of the board, ascertain the correctness of the balance sheet and furnish a report stating-

- (a) whether; or not he has obtained all information and explanations required by him ; and
- (6) whether, in his opinion, the accounts referred to in the report are properly drawn up so as to exhibit a true and correct view of the board's affairs.

(2) The report of the auditor shall be transmitted by him to the board.

51. (1) For the purpose of performing his duties under this Ordinance, the auditor may, by notice in writing, require the production before him of any books, deeds, contracts, accounts, vouchers, and any other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents or papers to appear before him at any such audit and examination or adjournment thereof, and to make and sign a declaration in respect of the same.

Powers of auditor.

(2) If any person neglects or refuses to produce any book, deed, contract, account, voucher, document or papers, or to make or sign any declaration when required to do so under subsection (I), he shall be guilty of an offence.

52. The board shall, on receipt of the auditor's report in each year, transmit such report together with the profit and loss account and the balance sheet to which such report relates, and the report of the members under section 48, to the Minister.

Annual accounts with reports of members and auditor to be transmitted to Minister.

53. The profit and loss account and the balance sheet shall be published in the Gazette together with the whole or with portions of the reports transmitted under section 52, as the Minister may determine.

Publication of accounts.

PART VI

SUPPLEMENTARY PROVISIONS, REGULATIONS, &c.

54. The board may, for the purposes of the preparation or execution of any development scheme, by notice require any person to furnish such returns or information relating to the title of that person to any land or structure to which the scheme applies or is to apply, or to the rent, if any, paid to or by that person for any such land or structure, or to such other matters affecting any such land or structure as may be within the knowledge of the person to whom the notice is sent.

Returns, information, &c.

Service of
notices, &c.

55. (1) Any notice, order, claim, instrument or other document required by or under this Ordinance to be served on any person may be served-

- (u) 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, by leaving it at the registered office of the company ; 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, to the registered office of the company.

(2) Any document which is served in accordance with any of the provisions of subsection (1) shall be deemed to have been duly served on the person to whom it is addressed.

(3) Any notice, claim, instrument or other document required by or under this Ordinance to be served on or sent or transmitted to the board shall be deemed to be duly served, sent or transmitted if it is delivered at, or sent by post to, the office of the board or to the chairman of the board.

Authentication
of documents
served or
issued by
board.

56. Any notice or other document required or authorized by or under this Ordinance to be served or issued by the board shall be deemed to be sufficiently authenticated if it is signed by the chairman of the board or by some other officer of the board authorized in that behalf by the chairman.

Regulations.

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

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters :-

- (u) all matters stated or required in this Ordinance to be prescribed or in respect of which regulations are

authorized or required by this Ordinance to be made ;

- (6) the particulars and estimates which should be prepared by the board in connexion with draft development schemes ;

- (c) appeals under this Ordinance, including the time within which such appeals shall be preferred and the fees payable upon such appeals ;

- (d) the time and mode of recovery, whether summary or otherwise, of any instalment due in respect of any property under section 30 or of any expenses referred to in section 20 (3) or section 63 (2) ;

- (e) 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. Notification of such approval shall be published in the Gazette.

(4) Upon the publication in the Gazette of a notification to the effect that a regulation made by the Minister has been approved by Parliament, that regulation shall be as valid and effectual as if it were herein enacted.

58. (1) The Minister may, by Order published in the Gazette, dissolve the board established by this Ordinance with effect from such date as may be specified in the Order.

(2) With effect from the date on which the Order dissolving the board is published in the Gazette under subsection (1)—

- (u) the Council or, where the Council [§ 6, 56 of 1961.] has been dissolved under section 277 of the Municipal Councils Ordinance and a Special Commissioner or Special Commissioners is or are appointed under that section, such Special Commissioner or Special Commissioners shall be the successor or successors of the board for the purposes of this Ordinance ;

(6) all the property of the board, whether movable or immovable, other than all moneys in the fund of the board, shall vest in the Council or Special Commissioner or Special Commissioners ;

(c) all the property, movable or immovable, which at any time after that date would have vested or re-vested in the board under this Ordinance if the board had not been dissolved, shall vest or re-vest, as the case may be, in the Council or Special Commissioner or Special Commissioners ;

(d) all moneys declared by or under this Ordinance to be payable into or out of the fund of the board shall, as the case may be, be payable into or out of the Municipal Fund ;

(e) all the rights, debts, liabilities and obligations of the board shall be transferred to the Council or Special Commissioner or Special Commissioners ; and

(f) all the powers, functions and duties vested in, assigned to or imposed on the board by or under this Ordinance shall be vested in, assigned to or imposed on the Council or Special Commissioner or Special Commissioners.

(3) The board shall, before the date specified in the Order published in the Gazette under subsection (1), transfer all moneys in the fund of the board to the Consolidated Fund.

59. (1) Every person who, on or after the date on which any development scheme comes into operation for any special area-

(u) executes any work or does any act, or causes or permits any work or act to be executed or done in or upon or in relation to any land or structure in that area ; or

(h) uses any land or structure in that area, or causes or permits such land or structure to be used,

in contravention of any provision of that scheme shall be guilty of an offence.

(2) Every person who-

(a) knowingly makes any false or incorrect statement in any application, return or other document made or furnished under or for the purposes of this Ordinance or of any development scheme ; or

(b) fails or refuses to furnish any information or return required by or under this Ordinance to be furnished by him ; or

(c) fails or refuses to produce to the board for the purpose of inspection any document required by the board in connexion with the preparation or execution of any development scheme ; or

(d) resists or obstructs any person in the exercise, discharge or performance of any power, function or duty conferred or imposed upon that person by or under this Ordinance,

shall be guilty of an offence.

(3) Where a person who is not authorized by the board to do so executes or causes to be executed any work or does or causes to be done any act in or upon any land in any special area or in or upon any structure on any such land or occupies or uses or causes to be occupied or used any such land or structure at any time during the period commencing on the date on which such land is vested in the board under this Ordinance and ending on the date on which a development scheme comes into operation for such area, he shall be guilty of an offence.

60. (1) Every officer or servant of the board who, except with written permission given by or on behalf of the board-

(a) at any time prior to the publication in the Gazette of a notice under section 15 (1) in respect of any draft development scheme prepared by

[§ 6, 56 of 1961.]

[§ 6, 56 of 1961.]

[§ 6, 56 of 1961.]

[§ 6, 56 of 1961.]

[§ 6, 56 of 1961.]

Offences.

[§ 7, 56 of 1961.]

Offences by officers, &c., of board.

the board, communicates any information to any person relating to the contents of the scheme ; or

- (b) at any time before any development scheme comes into operation, enters into or interests himself in any transaction for the purchase, lease, or disposal of any land or structure situated in the special area for which the scheme is prepared,

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 three months, or to both such fine and imprisonment.

61. Save as otherwise provided in section 60, any person who commits an offence under this Ordinance shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees, and in the case of a continuing offence to a further fine not exceeding fifty rupees for every day during which the offence continues.

62. No prosecution for an offence under this Ordinance shall be instituted in any court except with the written sanction of the board.

63. (1) Where any person is convicted of an offence under this Ordinance by reason of his executing any work or causing or permitting the execution of any work in or upon or in relation to any land or structure in contravention of any provision contained in any development scheme for the time being in operation and applying to that land or in contravention of the provisions of subsection (3) of section 59, the Magistrate by whom such person is convicted may, on the application of the board, make an order directing such person to alter, remove or demolish that work within such period as may be specified in the order.

(1A) Where any person is convicted under subsection (3) of section 59 of the offence of occupying or using any land or structure in any special area without being authorized by the board to do so, the

Magistrate by whom such person is convicted may, on the application of the board, issue a writ to the Fiscal requiring him before a date specified in the writ to eject such person from such land or structure and deliver possession thereof to the board. Such writ shall be sufficient authority for the Fiscal or any police officer authorized by him in that behalf to enter such land or structure with such assistants as the Fiscal or such police officer deems necessary and to execute such writ.

(2) Where any person who is required to alter, remove or demolish any work by an order made by a Magistrate under subsection (1) fails to do so within the period specified in the order, the board may cause such work to be altered, removed or demolished. All the expenses incurred by the board in the alteration, removal or demolition of that work shall be a first charge on the property of that person, and may be recovered from that person in such manner as may be provided by regulation.

64. Any fine imposed by any court under this Ordinance shall, when recovered, be paid by the court into the fund of the board.

65. (1) In this Ordinance, unless the context otherwise requires-

“ Council ” means the Colombo Municipal Council ;

“ development scheme ” means any development scheme prepared under this Ordinance for any special area ;

“ emergency powers ” means any power conferred by or under any defence regulation made under the Emergency Powers (Defence) Acts, 1939 and 1940, of the Parliament of the United Kingdom, as adapted, modified and extended to Ceylon by the Emergency Powers (Colonial Defence) Order-in-Council, 1939, and the Emergency Powers (Colonial Defence) (Amendment) Order-in-Council, 1940 ; and includes any power conferred by

Penalty for offences.

No proceedings except with written sanction of the board.

Order by court for demolition of any work, &c.

[§ 8, 56 of 1961.]

[§ 8, 56 of 1961.]

Disposal of fines.

Interpretation.

any such regulation continued or kept in force after the 24th day of February, 1946, under or by virtue of any Act of the Parliament of the United Kingdom applicable to Ceylon ;

“ Government Agent ” means the Government Agent or the Additional Government Agent or the Assistant Government Agent of the administrative district of Colombo ;

“ land ” includes land covered with water and any right in or over land ;

“ owner ” in relation to any land, includes the person for the time being receiving the rent of the land, whether on his own account or as agent or trustee for any other person, or who would receive the rent if the land were let to a tenant ;

“ prescribed ” means prescribed by regulation ;

“ regulation ” means a regulation made by the Minister under this Ordinance ;

“ road ” means any public or private highway, street, carriageway, cartway, lane or pathway, and includes—

(a) any bridge, footway, pavement, kerb, grass margin,

roundabout, square, drain, embankment or ditch belonging or appertaining to any road ;

(b) any land adjoining a road which has been reserved for the protection or benefit of the road ; and

(c) any land which has been marked off or reserved for the construction, widening, alteration or diversion of any road ;

“ special area ” means any area declared to be a special area by Order made under section 2 ;

“ structure ” includes any building, wall, fence, excavation or other erection or thing constructed or erected in or upon any land ;

“town of Colombo ” means the area within the administrative limits of the Council.

(2) A land requisitioned for the purpose [§ 9, 56 of of fire-gaps under emergency powers shall, 1961.] although no demolition operations may have been carried out thereon under such powers, be deemed, for the purposes of this Ordinance, to be a land on which demolition operations have been carried out under such powers.

[Section 5.]

FIRST SCHEDULE

Provisions of Land Acquisition Act	Exceptions, substitutions, and modifications
Sections 2, 3 and 4 .	These sections shall not apply.
Section 5 . . .	(1) In lieu of subsection (1) of this section, the following subsection shall have effect :— “ (1) Where any land is to be compulsorily acquired for the purposes of the Special Areas (Colombo) Development Ordinance, the Minister shall make a written declaration that such land is needed for a public purpose and will be acquired under this Act, and shall direct the acquiring officer of the district in which such land is situated to cause such declaration in the Sinhala, Tamil and English languages to be published in the Gazette and exhibited in some conspicuous places on or near such land. ”

Provisions of Land Acquisition Act	Exceptions, substitutions, and modifications
Section 38	(2) In lieu of subsection (2) of this section, the following subsection shall have effect :- "(2) A declaration made under subsection (1) in respect of any land shall be conclusive evidence that such land is needed for a public purpose. " In lieu of the proviso to that section, the following proviso shall have effect :- " Provided that where it becomes necessary to take immediate possession of any land on the ground of any urgency, the Minister may make an Order in respect of that land under the preceding provisions of this section at any time after a notice under section 7 is exhibited for the first time on or near that land. "
Section 45	In lieu of subsection (I) of this section, the following subsection shall have effect :- "(1) For the purposes of this Act the market value of a land in respect of which a notice under section 7 has been published shall- (u) where the land is a land of the description referred to in section (3) (I) (a) of the Special Areas (Colombo) Development Ordinance, and where an order in respect of the land was published in the Gazette under section 38 of this Act while such land was in the possession of any authority under emergency powers, be the amount which the land might be expected to have realized if sold as a separate entity in the open market by a willing seller at the time possession thereof was taken under the aforesaid powers, or (h) where the land is a land of the description referred to in section 3 (I) (a) of the aforesaid Ordinance and where an Order in respect of the land was published in the Gazette under section 38 of this Act while possession of the land was retained under section 7 of the aforesaid Ordinance, be the amount which the land might be expected to have realized if, at the time possession thereof was taken under emergency powers, the land was- (i) in the condition in which it is at the time of awarding compensation, and (ii) sold by a willing seller in the open market as a separate entity, or (c) where the land is a land of the description referred to in section 3 (I) (h) of the aforesaid Ordinance, be the amount which the land might be expected to have realized if sold by a willing seller in the open market as a separate entity on the date of publication of the notice under section 7 of this Act in the Gazette : Provided that in determining that amount, all such returns and assessments of income from, or of the capital or annual value of, that land as have been made or acquiesced in by the owner of that land for the purposes of any rate or tax imposed in respect of that land, shall be taken into consideration. In this subsection the expression " emergency powers " has the same meaning as in the Special Areas (Colombo) Development Ordinance. '
Section 48	This section shall have effect as though, for the full stop at the end of paragraph (h), a semicolon were substituted, and, immediately after that paragraph, the following new paragraphs were added :- "(i) any improvement made at the cost of the Government in, upon or in the proximity of the land ; (j) any improvements made in or upon the land, being improvements in respect of which a person is not entitled, under section 9 of the Special Areas (Colombo) Development Ordinance, to claim or receive compensation ; (k) any temporary increase in the value of the land due to the expectation of a rise of prices consequent upon the declaration of a special area under section 2 of the Special Areas (Colombo) Development Ordinance, or the preparation or coming into operation of a development scheme under that Ordinance. "
Section 49	This section shall have effect as though, for all the words from " and the Minister " to " by any authority, ", the words "for any authority, " were substituted.

1. The character, height and frontage line of structures and the spacing of structures.
 2. The regulation and control of the design and colour of structures, and of the materials of which structures may be built.
 3. The access, egress and approach to or from structures, and the regulation of the arrangement of structures on any plot of land.
 4. The regulation and control of the erection of temporary structures.
 5. The splaying or setting back or rounding off of angles of the boundaries of land or structures in the interests of the public safety or the amenities of the neighbourhood.
 6. The regulation of the objects which may be affixed to structures, and the authorization of projections in front of building lines or of set-backs.
 7. The area and extent of any curtilage, including the size, shape, width and depth thereof
 8. The percentage of the area of any curtilage which may be covered by structures and the extent of open spaces to be provided within any curtilage.
 9. The limitation of the number of structures of any specified description which may be constructed or erected in any specified area or on any specified extent of land.
 10. The regulation and control of the use and occupation of buildings or of the letting out of dwelling houses in separate parts.
 11. The demolition or alteration of structures which are inconsistent with any provision of any scheme or which are insanitary, unhealthy, dangerous, or otherwise unfit for human habitation.
 12. The prescribing of standards of fitness for dwelling houses.
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