

Land Reform (Special Provisions)

Act, No. 14 of 1986

[Certified on 20th June, 1986)

! L.U.-0. 11/83

ANACTTOAMENDTHE LAND REFORM LAW,NO. 1 OF 1972;mE

LAND REFORM (SPECIAL PROVISIONS) ACT, No. 39 OF 1981;

1 AND TO MAKE SPECIAL PROVISION IN RECARD TO CERTAIN ORDERS AND DETERMINATIONS; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THEREOX.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :-1.

This Act may be cited as the Land Reform (Special Provisions) Act, No. 14 of 1986.

1 PART I

AMRNDMENT TO THE LAND REFORM LAW, No. 1 OF 1972

2. Section 5 of the Land Reform Law, No. 1 of 1972, as amended by the Land Reform (Special Provisions) Act, No. 39 of 1981 (hereinafter in this Part of this Act referred to as “ the principal enactment “) is hereby amended by the repeal of subsection (2) of that section and the substitution of the following subsection therefor :-*

(2) Where any person becomes, by reason of marriage or by way of inheritance, or both, the owner of any agri-cultural land in excess of the ceiling after the date of enactment of this subsection, the provisions of subsection (1) shall not apply, and such person may transfer by way of sale or otherwise, such excess within a period of two years from the date on which he becomes the owner of such agricultural land. Where such person fails to transfer such excess within such period, such excess shall, upon the expiration of such period-(
u) be deemed to vest in the Commission ; and
(b) be deemed to be held by that person under a statutory lease from the Commission.“.

3. Section 15 of the principal enactment **is hereby amend**-ed by the omission of paragraph (h) therefrom.

4. Section 21 of the principal enactment is hereby amend-ed by th.e repeal of paragraph (21) of that section and the substitution of the following paragraph therefor : -‘

I (b) make reference to a survey plan made-(

i) by the Surveyor-General or under his direc-tion;

or

1-A 089739-8.476 @S/O&)

Short title.

Amendment
of section5
of Law No.1
of 1972.

Amendment
of section
15 of the
principal
enactment.

Amendment
of section
21 of the

principal
enactment..Ame11dmellIt
of section
22 of the
principal
enactment.
Replacement
of section 23
of the prin-cipal
enact-ment.

2 **limd Reform (Speck22 Provisions)**

Act, No. 14 of 1986

(ii) by a surveyor licensed under the Surveyors'

Ordinance and approved by an of&xx in the I Survey Department holding a post not below;

that of Superintendent of Surveys,

of the agricultural land permitted to be retained bj~ the lessees under paragraph (u) ; and “.

5. Section 22 of the principal enactment is hereby amend. ed in paragraph (bb) of subsection (1) of that section, by ~ the substitution, for the words “by way of sale “, of the1 words “ by way of sale or lease “.

6. Sectitx~ 23 of the principal enactment is hereby r@ I pealed and the follow:ng new section substituted there.1 for :- 1

*“ **Agricultu-ral**

land not 23. Any agricultural land vested in the Corn. to be aliena- rmission under this **Law** shall not be alienat. ted by the

Commission ed by the Commission to a person who it to persons not a citizen of Sri Lanka.“,

who are not
**citizens of
Sri Lanka.**

Amendment

of section 7. Section 28 of the principal enactment is hereby **28 oi the**

principal amended as fc~llows : -enactment

(u) by the repeal of sub-paragraph (ii) of paragraph (a) of subsection (3) of that section, and the substitu. tion of the following sub-paragraph therefor :-“

(ii) (A) in the case of agricultural land plan- ted with tea, rubber or coconut, a SUIII

calculated on the basis of the average annual yield per acre from the acreage k

in production of such agricultural land 1 for the three accounting years imme.’ diately preceding the date on which

such agricultural land was vested in the Commission, so however, that where\

average annual yield per acre of such agricultural land is equal to an amount1 specified in Column I hereto, the sumi

payable in respect of each acre of such{ agricultural land in production shall be; equal to the sum specified in the corres.

ponding entry in Column II hereto.

i. Land Reform (Special Provisions)

Act No. 14 of 1986

Over 1,500 lbs. . .

Over 1,000 lbs. but not exceeding

1,600 lbs. . .

Over 758 lbs. but not exceeding

2,000

1,000 lbs. . . . 1,500

760 lbs. and under . . . 1,000

over 1,000 lbs. . .

lbs, but not over 750

1,000 lbs.

Over 500 lbs, but not

750 lbs. . .

..

exceeding

..

exceeding

..

..

2,500

.. 2,500

Over 2,000 lbs but not exceeding

3,000 lbs. - 2,000

lbs. and under;

..

..

2,000

1,500 ; or

(3) in the case of agricultural land planted with cocoa, cinnamon, pepper, paddy or any other agricultural product, a sum calculated at the rate of Rs. 2,000 for each acre of such agricultural land in production ;

(6) in the case of agricultural land which had been prepared for planting or replanting on the date on which such agricultural land was vested in the Commission but which had not been planted or replanted with any agricultural product on that date, a sum calculated at the rate of Rs. 1,000 for each acre of such agricultural land ;

(D) in the case of agricultural land which had been planted or replanted with any agricultural product specified in Column I hereto on the date on which such agricultural land was vested in the Commission but which was not in production on that date, a sum calculated at the rates.

(b) in paragraph (c) of that subsection, by the omission of the expressions "Paddy" and "2,500" appearing under Column I and Column II respectively of that paragraph.

Amendment of section 31. (1) Section 31 of the principal enactment is hereby amended by the addition, at the end of that section of the principal enactment- following new subsection :-

(3) The compensation payable in respect of any agricultural land vested in the Commission, being agri.

cultural land which was, on the day immediately preceding the day it was vested in the Commission subject to a lease with an unexpired period of at least fifteen years), shall, notwithstanding anything in the preceding provisions of this LOW, be apportioned between the lessor and the lessee under such lease, in the ratio of forty per centum to sixty per centum :

Provided however that in any case where the lessee of such agricultural land has erected any buildings thereon, the share apportioned to the lessee in accordance with this subsection shall be increased by the Chairman of the Commission by such amount as is reasonable, having regard to the value of such buildings. "

(2) The amendment made to the principal enactment by subsection (1) shall be deemed for all purposes to have come into operation on the date of commencement of the principal enactment and any award of compensation made, in respect of any such agricultural land as is referred to in section 31 (3) of the principal enactment as inserted by subsection (1) of this section, in accordance with the provisions of that subsection as so inserted, shall be deemed to have been, and to be, validly made. *Lund Reform, (Special Provisions)*

A & P. PI - & f-1986

Section 42 of the principal enactment is hereby amended as follows :- of the principal enactment.

(a) by the insertion, immediately after paragraph (a) of subsection (1) of that section, of the following new paragraph : - "

(aa) alienation, by way of sale or lease with the approval of the Minister, for non-agricultural purposes ; " ; and

* (b) by the insertion, immediately after subsection (1) of that section, of the following new subsection : - "

(1~) It shall be lawful for the Commission to alienate, by way of lease under paragraph (a) or paragraph (au) of subsection (1) estate land to any, person in excess of fifty acres, for such purposes as may be approved by the Minister, having regard to the need to increase the productivity of such land and to generate employment thereon. "

10. Section 42 of the principal enactment as amended by Amendment Act No. 39 of 1981, is hereby further amended as follows :- of section 41 of the principal

(a) by the repeal of sub-paragraph (ii) of paragraph (a) of subsection (2) of that section, and the substitution of the following sub-paragraph therefor : - *

1 "(ii) (A) in the case of estate land planted with tea, rubber or coconut, a sum calculated on the basis of the average annual

yield per acre from the acreage in production of such estate land for the three accounting years immediately preceding the date on which such estate land was vested

in the Commission, so however, that where, the average annual yield per acre of such estate land is equal to an amount specified in Column I hereto, the sum payable in respect of each acre of such estate land shall be equal to the sum specified in the corresponding entry in Column II hereto.

Land Reform (Special Provisions) Act, No. 14 of 1986

production shall be equal to the sum specified in the corresponding entry in Column II hereto.

Column I Column II

Average annual yield per acre of **Over**

1,600 lbs.

Over 1,000 lbs. but not exceeding

1,600 lbs.

Over 750 lbs. but not exceeding

1,000 lbs.

Over 600 lbs. and under

Over 1,000 lbs.

Over 750 lbs. but not exceeding

1,000 lbs.

Over 600 lbs. but not exceeding

1,000 lbs.

Over 3,000 nuts

Over 2,000 nuts but not exceeding

3,000 nuts

Over 2,000 nuts and under 1

2,600

2,000

1,600

1,000

2,500

2,000

1,600

1,000

2,600

2,000

1,600 : or

1,000

(II) in the case of estate land which had been planted with any agricultural product specified in Column I hereto on the date on

which such land was vested in the Commission, but which was not in production on

that date, a sum calculated at the rate

(B) in the case of estate land planted with cocoa, cinnamon, pepper, paddy or any other agricultural product, a sum calculated at the rate of Rs. 2,000 for each acre of such estate land in production ;

(C) in the case of estate land which had been prepared for planting or replanting on the date on which such estate land was vested in the Commission but which had not been planted or replanted with any agricultural product on that date, a sum calculated at the rate of Rs. 1,000 for each acre of such estate land ;

Land Reform (Special Provisions)

Act, No. 14 of 1986

, specified in the corresponding entry in Column II hereto for each acre of such estate land-Column

F

Agricultural Product

Column II

Rate per acre

m.

Paddy * . . . e 1,800

Tea * . 4 . . 1,000

Rubber c * es* 1,000

' Coconut . . 1,500

Any other agricultural product 2,000.

(E) in the case of uncultivated estate land, a sum calculated at the rate of Rs. 75 for each acre of such estate land.” ;

(b) in paragraph (b) of that subsection, by the omission, of the expressions “ Paddy” and a’ Rs. 2,000 ” appearing under Column I and Column II respectively of that paragraph ;

(c) in paragraph (c) of that subsection, by the substitution, for all the words from ” No amount computed 71 to “each acre of such estate land. “\$ of the following : -66

No person who elects to be paid compensation in respect of any estate land computed in accordance with the provisions of sub-paragraph (i) of paragraph (a) of this subsection, shall (after the addition, to the compensation so computed of any additional sum that such person is entitled to under paragraph (b) of this subsection and the deduction from the compensation so computed of any sum required to be deducted under paragraph (c) , of this subsection), be paid a sum in excess of two thousand five hundred rupees for each acre of such estate land. ” ; and

(c!) by the repeal of subsection (5) of that section and the substitution of the following subsection I therefor : -“

(5) The provisions of sections 29 r'to 40 (both inclusive) shall, *mutatis mutandis*, apply in respect of estate lands vested in the Commission under this Part of this Law and the payment of compensation in respect of such estate lands. 99...section 598 in the principal enactment.

Amendment of section 18 of Act No. 39 of 1981.

Amendment of section 21 of the principal enactment.

8 Land Reform (Special Provisions)

Act, No. 14 of 1986

11 . The following new section is inserted immediately after section 59, and shall have effect as section 598 of the principal enactment : -*

Prescription 598. No person shall, by possession or user Ordinance of any agricultural land or estate land vested not to apply

tv”,s:a,ndas

in the Commission, acquire any prescriptive title to any such land and neither the Pres-in the

Commission. cription Ordinance nor any other law relating to the acquisition of rights by virtue of possession or user shall apply to any such land unless undisturbed and unjnterrupted adverse possession for a period of over one-third of a century is proved by such per&n!‘.

PART II

AMENDMENT TO THE LAND REFORM (SPECIAL PROVISIONS) ACT, No. 39 OF 1981

12. (1) Section 18 of the Land Reform (Special Provi-sions) Act, No. 39 of 1981 (in this Part of this Act referred to as “ the principal enactment “) is hereby amended in subsection (6) of that section, by the omission of all the words from “ and such land is on the date of such order” to the end of that subsection, and the substitution, of the following therefor : -“

any transfer effected in accordance with any such order or any such order as varied, modified or amended shall have the effect of transferring the right, title and interest in such agricultural land to the transferee. “.

(2) Subsection (1) of this section shall be deemed for all purposes to have come into force on the date of com-mencement of the principal enactment.

13. Section 21 of the principal enactment is hereby amended by the repeal of subsection (1) of that section, and the substitution of the following subsection therefor :-“

(1) Where any lands have been acquired under the Land Acquisition Act on or after May 29, 1971, but prior to August 26, 1972, being lands which had they not been so acquired, would have vested in the Commission under the Land Reform Law No. 1 of 1972, and in respect of which, no award had been made, on the date of corn-mencement of thk Act under section 17 of the Land

: Acquisition Act, such lands shall, notwithstanding any-thing

in this Act or any other law, be deemed to have.*Lund Reform (Special Provisions)*

Act, No. 14 of 1986

9

vested in the Commission under the Land Reform Law, and accordingly, the owners of such lands shall be entitled to the rights of a a.atutory lessee under section 14 or sect-on 19 of that Law and may, within three months of the commencement of this Act, make an application to the Commission under section 14 of the Land Reform Law and under section 18 of the Land Reform Law a statutory declaration to the Commission. “.

PART III

VALIDATION OF CERTAIN *ORDERS*

14. Every Order of the Mnister made after September Validation 1, 1977 and prior to June 3, 1981, under subsection (3) of

section 13 of the Land Reform Law (in this section referred to as an “ order of variation “), amending, varying or modifying any order made by the Commission under sub-section (2) of that section shall be deemed not to have been, or to be, invalid by reason only of the fact that- (u) such Order of variation was made by the Minister on an appeal preferred to him after the expiration of the time limit specified in subsection (2) of section 13 of the Land Reform Law ; or (b) the Minister had earlier rejected, under subsection (3) of section 13 of the Land Reform Law, an appeal preferred to him, under subsection (2) of that section, against such order of the Commission.

of certain orders made by the Minister under section 13 (3) . . . of the Land Reform Law between September 1, 1977 and June 3, 1981.

15. (1) Every order made by the Commission under validation section 14(2) of the Land Reform Law, after September 1, 1977 and prior to June 3, 1981, granting approval for the transfer of any agricultural land and every transfer affected in accordance with any such order shall be deemed to have been, and to be, validly made or effected, as the case may be, as though-

(a) the provisions of section 18 of the Land Reform (Special Provisions) Act, No. 39 of 1981 had been in force on the date of such approval ; and (b) the Commission, had made an order under section 14 (2) of the Land Reform Law granting approval for the transfer of such land on an appeal made to it under subsection (1) of section 18 of the Land Reform (Special Provisions) Law, No. 39 of 1981.

Validation of certain statutory provisions between 1977 and 1981
10 Land Reform (Special Provisions) Act, No. 14 of 1986

(2) Every Order made by the Minister under section 14 of the Land Reform Law after September 1, 1977 and prior to June 3, 1981, amending, varying or modifying (in this subsection referred to as “an order of variation “) an order made by the Commission under subsection (2) of that section and every transfer of any agricultural land effected in accordance with any such order of variation shall be deemed to have been, and to be, validly made or

effected, as the case may be, as though-(
u) section 18 of the Land Reform (Special Provisions)
Act, No. 39 of 1981, was in force on the date on
which such order of variation was made ;
(b) such order of variation was made by the Minister
under subsection (5) of section 18 of the Land
Reform (Special Provisions) Act, No. 39 of 1981
on an appeal made to him under subsection (3) or
subsection (4) of that section.

16. Every cancellation by the Commission, after
September 1, 1977, and prior to June 3, 1981, of a statutory
determination made by it in respect of any person and every
fresh statutory determination made by it in respect of that
person shall be deemed to have been, and to be, validly
made as though-(

u) the provisions of section 19 of the Land Reform
(Special Provisions) Act, No. 39 of 1981 had been
in force on the date of such cancellation and fresh
determination ; and

(b) the Commission had made such cancellation and
determination under subsection (2) of the aforesaid
section of the Land Reform (Special Provisions)
Act, No. 39 of 1981, on an appeal made to it under
subsection (1) of the aforesaid section of the Land
Reform (Special Provisions) Act, No. 39 of 1981.

17. In this Part of this Act-

the Commission ” means the Land Reform Commission
established by the Land Reform Law ; and

“Land Reform Law ” means the Land Reform Law,

No. 1 of 1972, as amended by Law No. 39 of 1975..*Land Reform (Special Provisions)*
(Amendment)

Act, No. 18 of 1986

[Certified on 24th July, 1986]

L. D.-O. 6/86.

AN ACT TO AMEND THE LAND REFORM (SPECIAL PROVISIONS)

ACT, NO. 39 OF 1981

BE it enacted by the Parliament of the Democratic Socialist
Republic of Sri Lanka as follows :-1.

This Act may be cited as the Land Reform (Special short
Provisions) (Amendment) Act, No. 18 of 1986. title.

2. Section 42 of the Land Reform (Special Provisions) Amendment

Act, No. 39 of 1981 (hereinafter referred to as the “principal Act

enactment”) is hereby amended by the repeal of subsection (2) thereof and
by the substitution therefor, of the .

following subsection : -“

(2) (i) Where any public company
receives any amount as compensation computed
in accordance with the provisions of
subsection (2) or subsection (2) or sub-section
(2B), it shall be the duty of such
company, notwithstanding anything in the
Companies Ordinance or any other law, to

distribute such compensation at any meeting
its liabilities as are allowed by the Commission
as being reasonable and having been
incurred bona fide, to the share holders of
such company within six months from the
date of receipt of the compensation or where
such compensation is received in instalments,
within six months from the receipt of each
instalment. No deduction shall be made by
any such company from the amount of such
compensation other than the amount of such
liabilities as are allowed by the Commission
as hereinbefore provided.

(ii) Where the share capital of any such
company as is referred to in subsection (1) is
divided into different classes of shares, the
distribution of the compensation shall be in accordance with the rights attached to
each
class of shares.

2-A 088(8&~,-0 @8/a).(iii) For the purposes of paragraph (A), the
expression " compensation " includes any
interest which has accrued due on such
compensation and the expression " liabilities "
in relation to a company, does not include
compensation or any other payment to any
company for loss of business or to any
director, employee or any other servant of
any company for loss of office. "*"

3. The amendment made to the principal enactment by retrospective-section
2 of this Act shall be deemed for all purposes to have effect as if it
came into force on June 3, 1951, and accordingly where at the time of
the hearing in any court or tribunal of any appeal, action,
application or other proceeding (whether such appeal,
action, application or proceeding was preferred or instituted
before or after the date of commencement of this Act) any
question arises as to whether the expression "compensation
" includes any interest which has accrued due on such
compensation and as to the nature of the liabilities that can
be deducted from such compensation, such question or
matter shall be determined in accordance with the
provisions of the principal enactment as amended by
section 2 of this Act.