

PROTECTION OF TENANTS (SPECIAL PROVISIONS)

Act AN ACT TO MAKE SPECIAL PROVISION TO PREVENT LANDLORDS FROM EJECTING

No. 28 of 1970.

L4IWS

TENANTS BY RESORT TO THREATS, VIOLENCE AND HARASSMENT, BY

Nos. 7 of 1972, DISCONTINUING OR WITHHOLDING AMENITIES, BY INTERFERING IN THE USE

31 of 1974, AND OCCUPATION OF PREMISES OR BY OTHER MEANS, AND TO PROVIDE FOR

9 of 1978. MATTERS INCIDENTAL THERETO OR CONNECTED THEREWITH.

*[11th November, 1970, except sections 5 and 6. *]*

Short title.

Use of force

on tenants

and causing

damage to

premises.

Withholding

amenities

provided to

tenants.

1. This Act may be cited as the

Protection of Tenants (Special Provisions)

Act.

2. No landlord of any premises or other person shall, either by himself or through any other person, directly or indirectly, make use of, or threaten to make use of, any force, violence, or restraint, or inflict or threaten to inflict, any harm, damage or loss upon or against the tenant of, or any person in occupation of, such premises, or damage, remove or tamper with any part of such premises, in order to induce, compel or prevail upon, such tenant or person to vacate such premises, or to make any payment of money in excess of the authorized rent of such premises.

3. (1) No landlord of any premises or other person shall, either by himself or through any other person, without reasonable cause, discontinue or withhold any amenities or facilities previously provided for the tenant of, or the person in occupation of, such premises, or deprive, withhold or fail to repair or maintain in proper condition any essential supply or service previously provided to such tenant or person.

(2) In this section “ essential supply or service ” includes supply of water, gas, electricity and lights including lights in passages and on staircases, lifts and conservancy or sanitary service.

4. No landlord of any premises or other person shall, either by himself or through any other person, interfere or attempt to interfere in any manner in the occupation or use of any premises by the tenant of, or the person in occupation of, such premises or in any manner prevent access to such premises by such tenant or person.

5. (1) No landlord of any premises or other person shall, by himself or through any other person, eject or cause to be ejected from such premises, otherwise than on an order of a competent Court, the tenant of, or the person in occupation of, such premises notwithstanding anything to the contrary in any oral or written agreement by which such premises were let.

(2) (a) Where the tenant of, or the person in occupation of, any premises notifies the Commissioner that he has been ejected from such premises in contravention of the provisions of subsection (1), the Commissioner may hold an inquiry for the purpose of deciding the question whether or not such tenant or person has been ejected from such premises.

(b) The landlord of such premises and the person ejected shall be given an opportunity of being heard in person or through a representative at such inquiry. The Commissioner’s decision on such question shall, notwithstanding anything in any other law, be final and conclusive and shall

* Sections 5 and 6 shall be deemed to have come into operation on 27th May, 1970.-See section I I of this Act.

XIX/ 163.Cap. 5981 *PROTECTION OF TENANTS (SPECIAL PROVISIONS)*

Procedure for
ejectment.

not be called in question in any court, whether by way of writ, order, mandate or otherwise.

(c) Where the Commissioner decides that such tenant or person has been ejected, then,-

i) such tenant or person shall be

entitled to have the use and occupation of such premises restored to him : and

(ii) the Commissioner shall in writing order that every person in occupation of such premises shall, on such date as shall be specified in the order, vacate such premises and deliver possession thereof to the person ejected, and if any person ordered to vacate and deliver possession fails to comply with such order, he shall be ejected from such premises in accordance with the provisions of section 6.

Every order made under this paragraph shall be communicated by registered post to every person in occupation of such premises.

6. (1) Where any person who has been ordered under section 5 by the Commissioner to vacate any premises and to deliver possession thereof fails to comply with such order, the Commissioner or any person authorized in that behalf by the Commissioner, may present to the Magistrate's Court within whose local jurisdiction such premises are situated, a written report specifying the nature of such order and the person to whom it was issued, specifying the premises to which such order relates, stating that such person has failed as required by such order to vacate and deliver possession of such premises, praying for an Order to eject from such premises such person and all other persons in occupation of such premises, and mentioning the person to whom delivery of possession of such premises should be made.

(2) Where a written report is presented to the Magistrate's Court under subsection (1), such Court shall issue an Order directing the person specified in such report and all other persons in occupation of the premises specified in the order to be ejected forthwith
XIX/ 164

from such premises. After making such Order, the Court shall give notice of such Order through the Fiscal or a peace officer to the person against whom the Order is

made.

(3) Where any person fails to comply with an Order made under subsection (2), the Magistrate's Court shall, notwithstanding anything in any other law, on the application of the person by whom the written report under subsection (1) was presented, direct the Fiscal or a peace officer to eject from the premises to which the Order relates, all persons bound by the Order and to deliver possession of such premises to the person mentioned in such report as the person to whom delivery of possession of such premises should be made.

(4) The Fiscal or the peace officer entrusted with the execution of the Order of ejectment shall comply with the directions of the Magistrate's Court by which such Order was made and shall make a due return of the manner in which he executed such Order.

(5) In executing an Order of ejectment the Fiscal or the peace officer or any person authorized by the Fiscal or the peace officer may use such force as may be necessary to enter the premises to which the Order relates and to eject any person bound by the Order and to deliver possession of such premises in accordance with the directions of the Magistrate's Court which issued the Order.

7. It shall be lawful for the Powers of the Commissioner or any officer authorized by Commissioner. him in writing in that behalf,-(

u) to institute a prosecution in respect of any offence under this Act ;

(6) to make such inquiry as may be necessary in the event of any complaint being made of any contravention of the provisions of this Act ; and

(c) for the purposes of such inquiry-(

i) to examine any witness on oath, if he thinks fit to do, and to summon any person to

appear before him, and to. *PROTECTION OF TENANTS (SPECIAL PROVISIONS)* [Cap. 598

Prosecution

to be with

sanction of

Commissioner.

Punishment
for offences.
Offences by
bodies
corporate,
associations,
clubs or firms.

Retrospective
operation of
sections 5
and 6.

require any person to produce
any document including a
document of title which may
in his opinion be relevant ;
and

(ii) to enter upon any premises at
any reasonable time of the day
for the purpose of inspecting
such premises or of obtaining
information with respect to
the matter of the complaint.

8. No prosecution in respect of an
offence under this Act may be commenced.
except at the instance of or with the
sanction of the Commissioner.

9 . (1) E v e r y p e r s o n w h o a c t s i n
contravention of the provisions of section 2
or section 3 or section 4 of this Act shall be
guilty of an offence under this Act, and shall
be liable on conviction after summary trial
before a Magistrate to imprisonment of
either description for a period which shall
be not less than one month and not more
than six months.

(2) Every person who, on or after the
date of commencement of this Act, acts in
contravention of the provisions of section 5
of this Act shall be guilty of an offence
under this Act, and shall be liable on
conviction after summary trial before a
Magistrate to imprisonment of either
description for a period which shall be not
less than one month and not more than six
months.

10. Where a person committing an
offence under this Act is a company or
other body corporate, or an association of
persons (whether incorporated or not) or a
firm, or a club, every director, manager,

secretary, agent or other officer or person concerned with the management thereof, and every partner of the firm shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

11. The provisions of sections 5 and 6 of this Act shall for all purposes be deemed to have come into operation on May 27, 1970.

12. The provisions of this Act shall cease to be operative on the expiry of a this Act. [§ 2, Law 7 of period of thirteen years* after the date of 1972 I

commencement of this Act. [§2, Law 31 of 1974.1

[§ 3, Law 9 of 1978.1

13. The provisions of this Act shall, for all purposes and in all respects, be as valid as though such provisions were in an Act for the amendment of the Ceylon Ceylon (Constitution) Order-in-Council, 1946, enacted by Parliament after compliance with the requirement imposed by the proviso to subsection (4) of section 29 of that Order-in-Council.

14. In this Act, unless the context otherwise requires-“

authorized rent ” shall have the same meaning as in the Rent Act ;

“C o m m i s s i o n e r ” m e a n s t h e Commissioner for National Housing and includes the Deputy Commissioner for National Housing or an Assistant Commissioner for National Housing ;

“ eject ” means in relation to the tenant of, or the person in occupation of, any premises, to deprive, by using direct or indirect methods, such tenant or person of his right to use and occupy the whole or any part of such premises ;

“ landlord ” means the person for the time being entitled to receive the rent of any premises ;

“ person in occupation ” in relation to any premises means any person in lawful occupation of such premises, and includes-(

a) any person who is in occupation of such premises or 'part thereof with the consent of the tenant or landlord of such premises ; and

* " Thirteen years " has been subsequently replaced by "eighteen years " by the Protection of Tenants

(Special Provisions) (Amendment) Act, No. 16 of 1984.

7 Repealed by the Constitution of Sri Lanka adopted and enacted on 22nd May, 1972.

XIX{ 165.Cap. 5981 *PROTECTION OF TENANTS (SPECIAL PROVISIONS)*

(b) any person to whom such " premises " means any building or part of premises or part thereof have been lawfully sublet by the a building together with the land tenant thereof ; and appertaining thereto.

XIX/ 166