

CHAPTER 602

URBAN DEVELOPMENT AUTHORITY (AMENDMENT)

Acts
Nos. 4 of 1982,
44 of 1984.

AN ACT TO AMEND THE URBAN DEVELOPMENT AUTHORITY LAW.

[Act No. 4 of 1982 -Commencement and Operation -22nd January, 1982.]
[Act No. 44 of 1984 -Commencement and Operation -28th November, 1984.]

Short title.

1. This Act may be cited as the Urban Development Authority (Amendment) Act.

therefor of the following paragraph :-

Amendment of
section 2 of
Chapter 602.
[§ 4, 44 of
1984.1

2. Section 2 of the Urban Development Authority Law (hereinafter referred to as the "principal enactment") is hereby amended as follows :-

' (a) the Chairman of the Urban Development Authority appointed under section 2 (hereinafter referred to as "the Chairman ") ' ; and

(1) by the insertion immediately after subsection (1) thereof, of the following new subsections :-

* (2) by the repeal of paragraph (l) thereof and the substitution therefor of the following paragraph :-

' (1A) There shall be a Chairman of the Authority, who shall be appointed by the Minister.

" (l) the person holding office for the time being as Director-General of the Authority, who shall be the Secretary of the Board ; "

(1B) Wherever the expression "Chairman of the Board" appears in this Law or in any other law for the time being in force in respect of the Urban Development Authority, there shall be substituted therefor the expression "Chairman of the Authority" ; and

4. Section 8 of the principal enactment is hereby amended as follows :-

Amendment of
section 8 of
the principal
enactment.
[§ 2.4 of 1982.1

(u) by the substitution for paragraph (e) of that section, of the following paragraph :-

(2) by the repeal of the marginal note thereto, and the substitution therefor of the following marginal note :-

" Establishment of the Urban Development Authority and appointment of Chairman."

" (e) to enter into, perform and carry out, whether directly or by way of joint venture with any person in or outside Sri Lanka, all such contracts or agreements as may be necessary for the purpose of carrying out any development project or scheme, as may be approved by the Government ; " ; and

Amendment of
section 4 of
the principal
enactment.
[§ 5, 44 of
1984.1

3. Section 4 of the principal enactment is hereby amended in subsection (1) thereof as follows :-

(b) by the substitution for paragraph (p) of that section, of the following paragraph :-

(1) by the repeal of paragraph (a) of that subsection and the substitution

"(a) to approve, co-ordinate,

* Deemed to have come into operation on 6th September, 1978 .— See section 10 of Act No. 44 of 1984.

regulate, control or prohibit any development scheme or project, or any development activity, of any **Government** agency or any other person in such areas ;”.

for preparation of development plan.

authority or local authorities within whose administrative limits the development area or part thereof for which the development plan is being prepared, is situate, or any person in such area —

Insertion of NEW Part IIA in the principal enactment. [§ 3, 4 of 1982.]

5. The following new Part is hereby inserted immediately after Part II, and shall have effect as Part IIA, of the principal enactment :—

“PART II A

PLANNING PROCEDURE

Preparation of development plan, &c.

8A. (1) With a view to promoting and regulating the integrated planning and physical development of lands and buildings in a development area or part thereof, the Authority shall, having regard to the amenities and services to be provided to the community, prepare a development plan for such development area or part thereof.

(2) Without prejudice to the generality of the powers conferred by subsection (1), a development plan may contain provisions in respect of all or any of the matters provided in the Schedule to this Law.

Appointment of Planning Committee.

8B. (1) For the purposes of advising the Authority on all matters pertaining to the preparation, implementation and enforcement of a development plan, there shall be appointed in terms of section 5, a committee (hereinafter referred to as the “Planning Committee”).

(2) Rules may be made for the conduct of business by the Planning Committee.

Power of Authority to call for information, &c., necessary

8C. (1) The Authority may, for the preparation of a development plan, by notice in writing, require the local

Preparation of draft development plan.

(a) to furnish such information as may be specified in the notice and which in the opinion of the Authority is considered necessary ; and

(b) to make such recommendations, if any, as may be considered useful by the local authority or local authorities or person,

in the preparation of the development plan, within such period as may be specified in such notice.

(2) It shall be the duty of a local authority or any person who is required to furnish any information by a notice under subsection (1) to comply with such requirement within the time **specified** in such notice, except where the local authority or person is precluded from furnishing such information under the provisions of any law.

8D. Upon the preparation of a draft development plan, the Authority shall forward a copy of such plan to the local authority or authorities within whose administrative limits the development area or part thereof for which that plan is prepared is situate, for its or their comments, and it shall be the duty of the local authority or authorities, within sixty days of the receipt of such draft plan, to communicate its or their comments thereon, if any, to the Authority.

Draft development plan to be examined by Planning Committee and submitted to the Authority.

8E. (1) Upon the expiry of the period of sixty days referred to in section 8D, the draft development plan, together with the comments, if any, received thereon under that section, shall be examined by the Planning Committee, and the Planning Committee shall, as soon as practicable after such examination, submit such development plan together with its recommendations thereon, to the Authority.

(2) Upon the submission of the draft development plan to the Authority under subsection (1), the Authority shall transmit such development plan together with its recommendations thereon, to the Minister for approval or modification thereof.

Approval of development plan.

8F. Upon the transmission of the draft development plan to the Minister under subsection (2) of section 8E, the Minister may, after consideration of the recommendations made by the Authority with respect to the plan, approve the development plan, subject to such alterations or modifications, if any, as the Minister may consider necessary.

Notice of approval of development plan, &c.

8G. Where any draft development plan has been approved by the Minister, it shall be the duty of the Authority as soon as may be after such approval —

(a) to cause a notice to be published in the Gazette and in a daily newspaper in the Sinhala, Tamil and English languages circulating in the development area or part thereof to which the development plan relates, to the effect that the development plan has been

approved by the Minister and that it shall come into operation on the date of the publication of the notice in the Gazette ; and

(b) to cause copies of the development plan, together with the written statement, plans, maps and annexures thereto, to be available for inspection by the public at the head office of the Authority in Colombo, and at such offices of the Authority, and at the office or offices of the local authority or local authorities, situated in or near the development area or part thereof to which the development plan relates.

Amendment, &c., of development plan.

8H. (1) The Authority may, at any time after a development plan has come into operation in a development area or part thereof, with the approval of the Minister, amend, replace, revise or modify the development plan in so far as it relates to any particular part or parts of the development area or part thereof, where such amendment, replacement, revision or modification is necessary or expedient having regard to the amenities and services set out in the development plan.

(2) The provisions of sections 8C, 8D, 8E, 8F and 8G, shall, *mutatis mutandis*, apply in respect of the amendment, replacement, revision or modification of any development plan under subsection (1).

Permits to carry out or engage in development activities in development areas.

8J. (1) Notwithstanding the provisions of any other law, no Government agency or any other person shall carry out or engage in any development activity in any development

area or part thereof, except under the authority, and in accordance with the terms and conditions, of a permit issued in that behalf by the Authority.

(2) An application for a permit to carry out or engage in any development activity within a development area or part thereof shall be made to the Authority in such form, shall contain such particulars and be accompanied by such fees as may be prescribed by regulations made under this Law.

(3) A permit under subsection (1) shall be granted by the Authority under that subsection subject to such terms and conditions as the Authority may consider necessary, if the Authority is satisfied that —

- (a) in any case where the development plan has been submitted to the Minister for approval or the development plan has been approved by the Minister, the development activity proposed to be carried out or engaged in will not be inconsistent with or in contravention of any proposal or provision in such development plan ; and
- (b) in any case where no development plan has been prepared, the purpose for which such permit is required to carry out or engage in such development activity conforms to the future development of such area.

(4) The Authority may take into consideration the recommendations of the Planning Committee, in granting or refusing to issue a permit under this section.

(5) Any person who is aggrieved by the refusal of the Authority to grant a permit under this section may, subject to regulations made under this Law, appeal to the Minister against such refusal and the decision of the Minister upon any such appeal shall be final.

(6) A permit issued under this section shall be valid for a period of one year :

Provided, however, that the Authority may on application extend the validity of a permit for a further period or periods not exceeding two years if the Authority is satisfied that the development activity referred to in the permit has been commenced but not been completed due to unforeseen circumstances ;

Provided further, that the expiry of a permit shall not preclude any subsequent application being made for a fresh permit for such purpose.

Development activity to be in conformity with permit, &c.

8K. (1) No development activity shall be carried out or engaged in, in contravention of, or in variance with, the permit issued in that behalf.

(2) Upon the completion of any development activity by any person under the authority of a permit issued in that behalf, it shall be the duty of such person to apply for and obtain a certificate from the Authority to the effect that the development activity carried out or engaged in, has been done so in conformity with the permit issued therefor.

(3) Upon the receipt of a certificate of conformity under subsection (2), no land or building shall be used for any purpose other than for the purpose specified in the permit issued in that behalf.

[§ 6, 44 of 1984.1

(4) Any person who occupies or allows to be occupied any building, in contravention of the provisions of subsection (2), shall be guilty of an **offence** and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding one thousand rupees, and where the **offence** is a continuing **offence** to an additional fine of one hundred rupees for each day during which such contravention continues."

8. Section 23 of the principal enactment is hereby amended as follows :-

Amendment of section 23 of the principal enactment. [§ 5.4 of 1982.1

(u) in subsection (1) of that section, by the substitution for the words "development project", of the words "development plan or development project";

†(b) in subsection (4) of that section, by the substitution, for the words "No person other than the Authority", of the words and figures "Subject to the provisions of subsection (5), no person other than the Authority"; and

†(c) by the addition, at the end of that section, of the following new subsection :-

"(5) The Authority may delegate to any officer of a local authority, in consultation with that local authority, any of its powers, duties and functions relating to planning within any area declared to be a development area under section 3, and such officer shall exercise, perform or discharge any such power, duty or function so delegated, under the direction, supervision and control of the Authority."

Amendment of section 13 of the principal enactment. [§ 7.44 of 1984.1

*6. Section 13 of the principal enactment is hereby amended in subsections (1), (2), (3) and (4) thereof by the substitution for the words "General Manager" wherever such words appear in these subsections of the words "Director-General".

Amendment of section 16 of the principal enactment. [§ 4, 4 of 1982.1

†7. Section 16 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution, for the words "increased by a reasonable amount on account of improvements, if any, effected to such land, after that date.", of the following :-

"increased by fifty *per centum* of the difference between that market value and —

(a) in the case of any land or interest therein, in respect of which no Order under the proviso to section 38 of the Land Acquisition Act has been made, the market value of the land or interest therein on the date of publication in the Gazette of the notice under section 7 of that Act; or

[Cap. 295.1

(b) in the case of any land or interest therein, in respect of which an Order under the proviso to section 38 of the Land Acquisition Act has been made, the market value of the land or interest therein on the date of publication of such Order."

[Cap. 295.1

9. The following new sections are hereby inserted immediately after section 26, and shall have effect as sections 26A and 26B, of the principal enactment :—

Insertion of new sections 26A and 26B in the principal enactment. [§ 6, 4 of 1982.1

"Delegation of powers, &c., by the Authority.

26A. The Authority may delegate to the Chairman or any officer of the Authority any of its powers, functions and duties under this Law.

Fines when recovered to be credited to the Fund of the Authority.

26B. All fines imposed for any **offence** under this Law or any regulation or rule made thereunder shall when recovered be credited to the Fund of the Authority."

* Deemed to have come into operation on 6th September, 1978. -See section 10 of Act No. 44 of 1984.

† Shall be deemed to have taken effect on 1st October, 1978. -See section 11 of Act No. 4 of 1982.

Replacement of section 28 of the principal enactment. [§ 7, 4 of 1982.1

10. Section 28 of the principal enactment is hereby repealed and the following section substituted therefor :—

“ Offences and penalties.

28. (1) Every person who contravenes or fails to comply with any provision of this Law or any regulation, rule, order, direction or requirement made or given thereunder shall be guilty of an **offence** under this Law, and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding fifty thousand rupees or to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment.

(2) Every person who is guilty of an **offence** under this Law, shall, in addition to the fine prescribed under this section, be liable to a fine of one thousand rupees for each day on which the **offence** is continued. after conviction. ” .

Insertion of new sections 28A, 28B and 28C in the principal enactment. [§ 8, 4 of 1982.]

11. The following new sections are hereby inserted immediately after section 28, and shall have effect as section 28A, section 28B and section 28C, of the principal enactment :-

“ Procedure to be followed in respect of **certain** development activities commenced, &c., contrary to terms and conditions of permit.

28A. (1) Where in a development area, any development activity is commenced, continued, resumed or completed without a permit or contrary to any term or condition set out in a permit issued in respect of such development activity, the Authority may, in addition to any other remedy available to the Authority under this Law, by written notice require the person who is executing or has executed such development activity, or has caused it to be executed, on or before such day as shall be specified in such notice, not being less than seven days from the date thereof —

(a) to cease such development activity forthwith ; or

(b) to restore the land on which such development activity is being executed or has been executed, to its original condition ; or

(c) to secure compliance with the permit under the authority of which that development activity is carried out or engaged in, or with any term or condition of such permit,

and for the purposes of compliance with the requirements aforesaid —

(i) to discontinue the use of any land or building ; or

(ii) to demolish or alter any building or work.

(2) It shall be the duty of the person on whom a notice is issued under subsection (1) to comply with any requirement specified in such notice within the time specified in such notice or within such extended time as may be granted by the Authority on application made in that behalf.

[§ 8, 44 of 1984.1

(3) (a) Where any person has failed to comply with any requirement contained in any written notice issued under subsection (1) within the time specified in the notice or within such extended time as may have been granted by the Authority, the Authority may, by way of petition and affidavit, apply to the Magistrate to make an Order authorizing the Authority to-

(u) to discontinue the use of any land or building ;

(b) to demolish or alter any building or work ;

(c) to do all such other acts as such person was required to do by such notice, as the case may be,

and the Magistrate shall after serving notice on the person who had failed to comply with the requirements of the Authority under subsection (1), if he is satisfied to the same effect, make Order accordingly.

(b) If such person undertakes to discontinue the use of the land or building or to demolish or alter the building or work, or to do such other acts as are referred to in paragraph (a) of subsection 3 of section 28A, the Magistrate may, if he thinks fit, postpone the operation of the Order for such time not exceeding two months as he thinks sufficient for the purpose of giving such person an opportunity of complying with such requirement.

[§ 8, 4 of 1982.1

(4) Where a mandatory order has been made under subsection (3), it shall be the duty of the police authorities to render all necessary assistance to the Authority in carrying out the order.

[§ 8.4 of 1982.1

(5) The Authority shall be entitled to recover any reasonable expenses incurred by the Authority in demolishing or altering any building or work in pursuance of an order made by the Magistrate under subsection (3).

[§ 8, 44 of 1984.1

(6) The preceding provisions of this section shall not affect any liability incurred by such person by reason of his failure to comply with such notice.

Vesting of lands in certain cases. [§ 8, 4 of 1982.1

28B. (1) In any case, where a person —

(a) has been convicted under section 28 for having

contravened any provision of section 8J (1) ; and

(b) where a notice has been issued under subsection (1) of section 28A and any requirement in such notice has not been complied with,

the Minister may, on an application being made therefor by the Authority, and upon being satisfied that the land or building, in the present state, could be utilized for any purpose by the Authority, by Order published in the Gazette vest such land in the Authority, with effect from such date as shall be specified in the Order.

(2) Where any land has been vested in the Authority under subsection (1), and—

(a) no permit had been obtained under section 8J for the execution of any development activity upon such land, no person shall be entitled to any compensation in respect of any such development activity ;

(b) where a permit has been obtained under section 8J for any development activity upon such land, no person shall be entitled to any compensation for such development activity except to the extent of the work carried out in accordance with the terms and conditions set out in the permit.

Offences by bodies of persons, &c. [§ 8, 4 of 1982.1

28C. Where an offence under this Law is committed—

(a) by a body of persons, then,—

(i) if that body is a body corporate (other than a

public corporation or local authority), every person who at the time of the commission of the **offence** was a director or secretary or other similar officer of that body, or

(ii) if that body is a public corporation, its Chairman, or where there is no Chairman, the chief executive officer thereof, or

(iii) if that body is a local authority, the District Secretary, in the case of a Development Council, or the Mayor or Chairman, as the case may be, in the case of a Municipal Council or Urban Council ; or

(iv) if that body is not a body corporate, every person who at the time of the commission of the **offence** was a member or partner of that body, or is its chief executive officer ; or

(b) by a Government department, the officer of that department responsible for the execution, or the causing of the execution, of the development activity in respect of which the **offence** was committed,

shall be liable for the commission of that **offence** unless he proves that the **offence** was committed without his consent or connivance, and that he exercised all due diligence to prevent the commission of that **offence** as he ought to have exercised, having regard to the nature of his functions and all other circumstances. ”.

12. The following new section is hereby inserted immediately after section 28C of the principal enactment and shall have effect as section 28D of that enactment :-

“ Application for an order to be disposed of within a given period.

28D. Every application for, an order made under paragraph (a) of subsection (3) of section 28A, shall be finally disposed of within a period of sixty days from the date of such application, and where the Magistrate makes an Order in pursuance of any application, authorizing the Authority-

(u) to discontinue the use of any land or building ; or

(6) to demolish or alter any building or work ; or

(c) to do such other acts as are referred to in paragraph (a) of subsection (3) of section 28A,

the Magistrate shall make all such Orders as are necessary to effect compliance with such Order within a period of ninety days from the date of the making of such application. ”.

Insertion of new section 28D in the principal enactment. [§ 9, 44 of 1984.]

13. Section 29 of the principal enactment is hereby amended as follows :—

(a) by the insertion, immediately before the [definition of “local authority ”, of the following new definitions :—

Amendment of section 29 of the principal enactment. [§ 9.4 of 1982.]

“development activity ” means the parcelling or sub-division of any land, the erection or re-erection of structures and the construction of works thereon, the carrying out of building, engineering and other operations on, over or under such land and any change in the use for which the land or any structure thereof is used, other than the use of any land for purposes of agriculture, horticulture and the use of any land within the **curtilage** of a dwelling

house for any purpose incidental to the enjoyment of a dwelling house, not involving any building operation that would require the submission of a new building plan ;

“ Government agency ” means a Government department, local authority or a public corporation ; ’ ;

(b) by the substitution, in the definition of “local authority ”, for the words “ means any Municipal Council, ”, of the words “means any Development Council, Municipal Council, ” ; and

(c) by the insertion, immediately after the definition of “physical planning”, of the following new definition :-

‘ “public corporation ” means any corporation, board or other body which was or is established by or under any written law other than the Companies Ordinance,* with funds or capital wholly or partly provided by the Government by way of grant, loan or otherwise. ”.

14. The principal enactment is hereby amended by the addition, immediately after section 29 thereof, of the following Schedule :-

“ SCHEDULE

MATTERS FOR WHICH PROVISION MAY BE MADE IN THE DEVELOPMENT PLAN

1. The manner in which the land and buildings in the development area shall be used.
2. The allotment, reservation or zoning of land for different purposes.
3. The provision for regulating the uses of land and buildings in different zones such as residential, commercial, industrial and imposition of conditions and restrictions in regard to the floor **area** ratio, density, location, and height, number of storeys and **size** of building and **structures**, the size of plots, yards and open spaces, set backs from street, building lines and the use and maintenance of buildings, structures and appurtenant land.
4. The requirements for buildings in respect of-
 - (u) stability of different parts of **buildings**—foundations and superstructure ;
 - (b) **area** and height, levels of floors, standards of accommodation for rooms, location and standards for staircases and exits ;
 - (c) lighting and ventilation ;
 - (d) fire protection ;
 - (e) drainage of site and roof;
 - (f) specifications for materials of construction and code of practice ;
 - (g) standards and materials for plumbing and waste disposal, electrical wiring and installation such as pumps and lifts ;
 - (h) regulations regarding clear distances of buildings from electrical, telephone and telegraph and microwave and other lines.
 - (i) regulations in respect of unsafe buildings and prescribing standards of fitness for buildings and other matters incidental to the ensuring of stability, safety and amenity of buildings.
5. The control of architectural features, elevation and frontage of buildings and regulations for attaining urban design objectives.
6. The provision for preserving and promoting landscaping including preservation and planting of woodlands, trees and preservation of views and prospects, places of historical, architectural interest and scenic beauty.
7. The control of pollution, environmental quality and advertisement.
8. The provisions for car parking facilities, parking, loading and service bays for all types of vehicles.
9. The provisions for matters concerning and incidental to-
 - (a) traffic and transport facilities including special facilities for pedestrians and cyclists ;
 - (b) water supply, sewerage and drainage and waste disposal facilities ;
 - (c) power supply ;
 - (d) telecommunication.
10. The provision for laying out of land for building purposes including minimum standards for access ways and roads, reservation of parks, playgrounds and open spaces for other amenities and the imposition of conditions requiring the amount of land to construct or improve roads, and provide amenities or to contribute to the cost of such construction or improvement.
11. Provisions for reclamation of land.

Addition of Schedule to the principal enactment. [§ 10, 4 of 1982.1

* Repealed and replaced by the Companies Act, No. 17 of 1982.

- 12. The laying out and relaying out of land either vacant or already built upon, as building sites.
- 13. The construction, diversion, extension, alteration, improvement or closure of lanes, streets, roads and communications.
- 14. The construction, alteration, removal or demolition of buildings, bridges and other structures.
- 15. The redistribution of boundaries and the reconstitution of plots belonging to owners of property.
- 16. The demarcation of areas for special treatment and their detailed planning, development and redevelopment.
- 17. The stages by which the development plan shall be carried out.
- 18. The levy of fees and service charges in respect of different categories of developments. "

sections 16 and 23 respectively of the principal enactment shall be deemed to have taken effect on October 1, 1978.

16. The amendments made in the principal enactment by subsection (2) of section 5 and section 7 of Act No. 44 of 1984, to sections 4 (1) and 13 respectively of the principal enactment shall be deemed to have come into operation on September 6, 1978.

17. Where prior to the 22nd day of January, 1982, any officer of a local authority has on behalf of the Urban Development Authority, done any act in the exercise, performance or discharge of any power, duty or function relating to planning within any area declared to be a development area under section 3 of the principal enactment, such act shall not be deemed to have been or to be invalid by reason only of the fact that such officer was not legally empowered to exercise, perform or discharge such power, duty or function.

Retrospective effect of certain amendments. [§ 10.44 of 1984.1

Validation of certain acts done without legal authority by officer of local authority. [§ 12.4 of 1982.1

15. The amendments made in the principal enactment by section 4 and paragraphs (b) and (c) of section 5 of Act No. 4 of 1982, to

Retrospective effect of certain amendments. [§ 11, 4 of 1982.1