

No. 44 of 1984

URBAN DEVELOPMENT AUTHORITY (SPECIAL PROVISIONS)

Act
No. 44 of 1984

AN ACT TO PROVIDE FOR THE VALIDATION OF CERTAIN ACTS DONE UNDER THE URBAN DEVELOPMENT AUTHORITY LAW; AND TO AMEND THE URBAN DEVELOPMENT AUTHORITY LAW; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Commencement—Z&h November, 1984.]

[Sections 5 (2) and 7 deemed to have come into operation on 6th September, 1978.]

Short title.

1. This Act may be cited as the Urban Development Authority (Special Provisions) Act, No. 44 of 1984.

of any person for an offence on account of any act or omission prior to the date of the coming into operation of this Act shall be instituted or continued against such person by reason of the provisions of this section.

PART I

Validation
of acts
previously
done.
[Cap. 602.1

2. Notwithstanding the provisions contained in section 1 of the Urban Development Authority Law, the provisions of the said Law as on the date on which the said Law was certified shall be deemed to have come into operation on September 6, 1978, and the provisions of any Act amending the said Law shall, if no express provision is made in such Act, be deemed to have come into operation on the day such Act was certified and if express provision is made in such Act, be deemed to have come into operation on the date specified therein, and accordingly-

For the avoidance of doubts it is hereby declared that any proceedings may be instituted or if pending may be continued in terms of the provisions of section 28A (3) of the said Law and the amending Acts as amended by this Act in respect of any act or omission prior to the date of the coming into operation of this Act, and accordingly it shall be lawful for any Magistrate to make any order referred to in the said section 28A (3).

(a) every act done or omitted to be done and every Order made in pursuance of or supposed pursuance of any such provision of law shall be deemed to have been valid and effectual as if the provisions of the said Law and the amendments had been in operation from the dates hereinbefore specified ;

(b) all actions, proceedings or things pending or incompleated on the date of the coming into operation of this Act shall be heard and determined or be carried on and completed in accordance with the provisions of the said Law and the amending Acts as amended by this Act :

3. No criminal or civil proceedings shall be instituted or maintained against any officer, servant or agent of the Urban Development Authority, for any bona fide act done or omitted to be done by him, during the period commencing on September 6, 1978, and ending on the date of the coming into operation of this Act, in pursuance or supposed pursuance of the provisions of the Urban Development Authority Law and the amendments thereto.

Indemnity.

PART II

Provided that, no proceedings for the prosecution or the punishment

*4. Section 2 of the Urban Development Authority Law (hereinafter referred to as

Amendment
of section 2
of Law.
[Cap. 602.1

* Amendments reproduced under the relevant Chapter in Volume I of the Supplement

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(SPECIAL PRO VISIONS)**

No. 44 of 1984]

the " principal enactment ") is hereby amended as follows :-

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

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

(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

- (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. " .

Amendment of section 4 of the principal enactment.

***5.** Section 4 of the principal enactment is hereby amended as follows :—

- (1) by the repeal of paragraph (a) thereof and the substitution **therefor** of the following paragraph :-

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

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

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

***6.** Section 8K of the principal enactment is hereby amended by the addition immediately after subsection (3) of the following new subsection :-

Amendment of section 8K of the principal enactment.

" (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, " .

***7.** 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 13 of the principal enactment.

***8.** Section 28A of the principal enactment is hereby amended as follows :-

Amendment of section 28A of the principal enactment.

- (1) by the repeal of subsection (3) thereof and the substitution **therefor** of the following subsection :-

" (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 ;

(6) 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,

* Amendments reproduced under the relevant Chapter in Volume I of the Supplement.

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. ” ;

(2) by the addition at the end of that section of the following new subsection :-

“ (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. ”.

*9. The following new section is hereby inserted immediately after section 28C of

Insertion of new section 28D in the principal enactment.

the principal enactment and shall have effect as section 28D of that enactment :—

“Applications 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-

- (a) to discontinue the use of any land or building ; or
- (b) 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. ”.

10. The provisions of subsection (2) of section 5 and the provisions of section 7, shall be deemed to have come into operation on September 6, 1978.

Retrospective effect of certain amendments.

* Amendment reproduced under the relevant Chapter in Volume I of the Supplement.