

## CHAPTER 605

## TOWN AND COUNTRY PLANNING

*Ordinance* AN ORDINANCE TO AUTHORIZE THE MAKING OF SCHEMES WITH RESPECT TO THE  
 NO. 13 of 1946, PLANNING AND DEVELOPMENT OF LAND IN SRI LANKA, TO PROVIDE FOR THE  
*Acts* PROTECTION OF NATURAL AMENITIES AND THE PRESERVATION OF BUILDINGS  
 Nos. 9 of 1950, AND OBJECTS OF INTEREST OR BEAUTY, TO FACILITATE THE ACQUISITION OF  
 29 of 1953, LAND FOR THE PURPOSE OF GIVING EFFECT TO SUCH SCHEMES, AND TO PROVIDE  
 10 of 1955, FOR MATTERS INCIDENTAL TO OR CONNECTED WITH THE MATTERS AFORESAID.  
 22 of 1955.

[1st January, 1947.]

*Short title.* 1. This Ordinance may be cited as the  
 Town and Country Planning Ordinance.

(h) the Director of Works ;

[§ 6, Law 37 of  
 1973.1

(i) the Director of Highways ;

## PART I

(j) the Director of Health Services ;

## GENERAL PROVISIONS

(k) the Chief Valuer ; and

*Scope of  
 planning  
 schemes.*

2. A scheme may be made under this Ordinance with respect to land, whether there are or are not buildings thereon, with the general object of controlling the development of the land comprised in the area to which the scheme applies, of securing proper sanitary conditions, amenity and convenience, of preserving existing buildings and places of architectural, historic or artistic interest and places of natural beauty.

(l) not more than three other persons appointed by the Minister.

(2) Any of the officers mentioned in paragraphs (6) to (k) of subsection (1) who is unable to attend any meeting of the Central Planning Commission may authorize any other officer to be present on his behalf at such meeting ; and the officer so authorized shall be deemed for the purposes of such meeting to be a member of the commission.

*Constitution  
 of Central  
 Planning  
 Commission.*

3. (1) There shall be established for the purposes of this Ordinance a commission to be called the Central Planning Commission consisting of—

(3) Every person appointed under paragraph (l) of subsection (1) to be a member of the commission shall, unless he earlier vacates the office or is removed therefrom by the Minister, hold office for a period of three years from the date of his appointment ; any such person vacating the office by effluxion of time shall be eligible for reappointment.

(a) the Secretary to the Ministry as chairman ;

(6) the Commissioner of Local Government ;

(c) the Commissioner of Labour ;

(d) the Land Commissioner ;

(e) the Director of Commerce ;

(f) the Director of Development ;

(g) the Director, Town and Country Planning ;

Any such person who, without leave of the commission previously had and obtained, is absent from three consecutive meetings of the commission, shall be deemed to have vacated his office, and a new appointment may accordingly be made in his place.

(4) The Minister may, if he is satisfied that any proposed planning scheme or other matter which is being or is about to be considered by the Central Planning Commission affects or is likely to affect the interests of any department of Government which is not represented on the commission, authorize any member of that department to be present and to vote at meetings of the commission at which such scheme or matter is considered ; and any person so authorized shall, whenever such scheme or matter is considered at a meeting of the commission, be deemed to be a member of the commission.

(5) There may be appointed a person, by name or by office, to be or to act as secretary to the Central Planning Commission.

(6) The Minister may make rules with respect to the times and places at which meetings of the Central Planning Commission shall be held, and to the procedure to be followed at meetings of the commission. Subject to any rules so made the commission shall regulate its own procedure.

(7) All expenditure incurred in connexion with the transaction of business by the Central Planning Commission, and the performance of the duties imposed on the commission by or under this Ordinance shall be paid out of the Consolidated Fund.

4. It shall be the duty of the Central Planning Commission—

- (a) to advise the Minister with regard to the declaration of development areas and to the necessity for the preparation of planning schemes in any such area ;
- (h) to advise planning authorities with regard to the preparation of surveys of urban and rural areas and of planning schemes, and to investigate defects or delays in the preparation or execution of such schemes ;
- (c) to make such recommendations to the Minister as the commission may

consider necessary for the regulation of the development of land in any part of Sri Lanka, the creation of satellite towns and garden cities, the setting apart of land for the purpose of natural reserves, public parks and open spaces, the clearance of slums and the housing of workers, the improvement of existing roads and the establishment of new roads, and the preservation of places of historic or architectural interest or importance or of natural scenic beauty ;

- (d) to make to the Minister and to any planning authority such general or special recommendations as the commission may consider necessary with reference to the control of architectural design and of outdoor advertisements ;
- (e) to consider and examine all draft planning schemes submitted to the commission under this Ordinance, and to tender advice to the Minister with respect to the approval or modification of such schemes, and generally to advise the Minister on any matter which may be referred to the commission for such advice ;
- (f) to formulate for the guidance of the Minister and of planning authorities a national plan or policy setting out in outline general proposals relating to the use and development of land in Sri Lanka.

5. There may be appointed—

- (a) a person by name or by office to be or to act as Director, Town and Country Planning ;
- (b) such Assistants to the Director, Town and Country Planning, and such other officers and servants as may be necessary for the purpose of enabling the Director, Town and Country Planning to exercise and perform the powers, functions and duties conferred or imposed on him by or under this Ordinance.

Appointment of Director, Town and Country Planning, &c.

Duties of Central Planning Commission.

## PART II

DEVELOPMENT AREAS AND PLANNING AND  
EXECUTIVE AUTHORITIESUrban  
development  
areas.

6. (1) Every Municipality, and every town within the meaning of the Urban Councils Ordinance, shall be an urban development area for the purposes of this Ordinance.

(2) The Minister may, by Order published in the Gazette, declare-

- (u) that any town within the meaning of the Town Councils Ordinance and specified in the Order, or
- (h) that any area, other than a Municipality or a town referred to in subsection (1) or paragraph (a) of this subsection, specified in the Order,

shall be an urban development area for the purposes of this Ordinance.

(3) Any town, or any area referred to in paragraph (h) of subsection (2), which is declared by or under this Ordinance to be an urban development area shall, notwithstanding that it may be included in any regional development area, continue to be an urban development area and the provisions of this Ordinance shall apply accordingly.

Trunk road  
development  
areas.

7. (1) The Minister may, by Order published in the Gazette, declare that any area within a specified distance on either side of any principal thoroughfare shall be a trunk road development area for the purposes of this Ordinance :

Provided, however, that no area which is situated within any urban development area shall be declared under this section to be a trunk road development area or be included in any such area.

(2) Any area which is declared under this Ordinance to be a trunk road development area shall, notwithstanding that it may be included in any regional development area, continue to be a trunk road development area, and the provisions of this Ordinance shall apply accordingly.

8. (1) The Minister may, by Order published in the Gazette, declare that any area specified in such Order shall be a regional development area for the purposes of this Ordinance.

(2) Any urban development area or trunk road development area may be included in any regional development area :

Provided, however, that no urban development area or trunk road development area shall, at any time after an outline scheme or a detailed scheme has come into operation for such area or for any land therein, be included in any regional development area.

9. (1) The planning authority for the purpose of the preparation of any outline scheme or detailed scheme for any urban development area or any land in that area-

- (a) shall, if that area is a Municipality or a town referred to in subsection (1) of section 6 or in paragraph (a) of subsection (2) of that section, be the local authority for that Municipality or town, as the case may be ; or
- (b) shall, if that area is not a Municipality or a town as aforesaid, be the Director, Town and Country Planning and the Chairman of the Village Council in which the area is situated.

(2) The Director of Highways shall be the planning authority for the purpose of the preparation of any outline scheme or detailed scheme for any trunk road development area or for any land in any such area.

(3) A Regional Planning Committee, which shall be constituted in accordance with the provisions of section 12 for each regional development area, shall be the planning authority for the purpose of the preparation of a regional planning scheme for all areas in that region, including areas declared by or under this Ordinance to be urban development areas or trunk road development areas.

Executive  
authorities.

10. (1) Subject to the provisions of section 11, the executive authority for the purpose of the execution in any urban development area of any outline scheme or detailed scheme or of any provision in any regional planning scheme which applies to that area or any land therein—

- (a) shall, if that area is a Municipality or a town referred to in subsection (1) of section 6 or in paragraph (a) of subsection (2) of that section, be the local authority for that Municipality or town, as the case may be ; or
- (b) shall, if that area is not a Municipality or a town as aforesaid, be the Chairman of the Village Council for the village area in which that area is situated :

Provided, however, that if the Minister is satisfied that the Chairman is unable to execute such scheme, the executive authority shall be such authority as may be specified by the Minister by Notification published in the Gazette.

(2) The Superintending Engineer for each province shall be the executive authority for the purpose of the execution, in any trunk road development area in that province, of any outline scheme or detailed scheme or of any provision in a regional planning scheme which applies to that area or to any land therein.

(3) Where any provisions with respect to any land are included in any planning scheme in pursuance of any directions given under section 23, the Chairman of the Village Council for the village area in which such land is situated shall be the executive authority for the purpose of the execution of such provisions :

Provided, however, that if the Minister is satisfied that such Chairman is unable to execute such provisions the executive authority shall be such authority as may be specified by the Minister by Notification published in the Gazette.

11. Where any planning scheme for an urban development area contains any provision relating to any principal thoroughfare, the Superintending Engineer for the province in which the thoroughfare is situated, shall, to such extent as may be specified in the scheme, be the executive authority for the purpose of the execution of that provision.

Executive  
authorities  
in relation  
to roads.

12. (1) The Minister shall appoint for each regional development area a Regional Planning Committee which shall, save as otherwise provided in subsection (2), consist of-

Constitution  
of Regional  
Planning  
Committees.

- (a) the Government Agent of the administrative district and the Superintending Engineer of the province in which the area is situated, or where the area is situated wholly within any district, the senior officer of the Department of Highways stationed in that district ;
- (b) one representative of the local authority for each Municipality or town within the meaning of the Urban Councils Ordinance or the Town Councils Ordinance, which is included in the area being a member of, and recommended for appointment by, the local authority ;
- (c) a medical officer of health in the employment of Government or of a local authority ;
- (d) an officer of the Survey Department of a rank not below that of Assistant Superintendent of Surveys ;
- (e) the Chairman of the Village Council for each village area included in the development area ;
- (f) such other persons not exceeding five in number as the Minister may consider necessary, being persons who are not the holders of any office of emolument under the State.

(2) Every person appointed to be a member of the committee shall, unless he earlier vacates the office or is removed therefrom by the Minister, hold office for a period of three years from the date of his appointment ; any such person vacating the office by effluxion of time shall be eligible for reappointment.

Any such person who, without leave of the committee previously had and obtained, is absent from three consecutive meetings of the committee, shall be deemed to have vacated his office, and a new appointment may accordingly be made in his place.

(3) Where any regional development area does not contain any area which is not within a Municipality or town within the meaning of the Urban Councils Ordinance or the Town Councils Ordinance, nothing in subsection (1) (a) shall be deemed to require that any Government Agent shall be a member of the Regional Planning Committee appointed for that region.

(4) The Minister shall nominate one of the members of a Regional Planning Committee to be the chairman of that committee.

13. (1) Regulations may be made providing for the conduct of business by Regional Planning Committees and prescribing the procedure to be followed at meetings of such committees. Subject to any such regulations a Regional Planning Committee shall regulate its own procedure.

(2) Meetings of a Regional Planning Committee may be summoned by the chairman of the committee whenever he may deem it necessary :

Provided that the chairman shall summon a meeting whenever he is requested in writing so to do by not less than five members of the committee.

(3) The Director, Town and Country Planning shall be entitled to be present at any meeting of a Regional Planning Committee, **but** shall not have the right to vote at any such meeting.

14. Where a regional planning scheme comes into operation for any regional development area in accordance with the provisions of this Ordinance the Regional Planning Committee constituted for that area shall be dissolved.

**Dissolution of Regional Committees.**

15. (1) It shall be lawful for the Commissioner of Local Government to engage the services of such officers and servants and to incur such expenses as may be necessary for the purpose of enabling a Regional Planning Committee to prepare a regional planning scheme.

**Expenses of Regional Committees.**

(2) All expenses incurred for the purpose of the preparation of regional planning schemes shall be paid out of the Consolidated Fund from such sums as may be voted for the purpose by Parliament.

(3) The Deputy Secretary to the Treasury shall as soon as may be after the end of each financial year transmit to the Minister a statement setting **out** the total amount paid out of the Consolidated Fund in that year in defraying the expenses incurred under subsection (1) for the purpose of the preparation of a regional planning scheme for any regional development area ; and the Minister shall thereupon determine the share, if any, of **such** expenses which shall be borne by the local authority for each Municipality or town which is included within that area.

Regulations may be made prescribing the manner in which such determinations shall be made, and the matters which shall be taken into consideration for the purpose of such determinations.

(4) Every local authority shall, before the expiry of a period of one month after the receipt from the Commissioner of a statement specifying the sum due from that authority in accordance with any determination of the Minister under subsection (3), pay such sum out of the funds of that authority into the Consolidated Fund.

16. (1) All expenses incurred by a local authority in the preparation of a planning scheme shall be defrayed out of the funds of that authority.

**Expenditure on preparation of schemes for urban development area.**

**Transaction of business by Regional Committees.**

(2) (a) All expenses incurred by the Director, Town and Country Planning in the preparation of any scheme for any urban development area shall be paid out of the Consolidated Fund from moneys voted for the purpose by Parliament.

(h) The Deputy Secretary to the Treasury shall at the end of each financial year transmit to the Minister a statement showing the total amount paid under paragraph (a) in defraying the expenses incurred in that year in the preparation of any planning scheme, and such amount shall be refunded to the Consolidated Fund out of the funds of the authority by whom the scheme should have been prepared.

Expenses of Director of Highways.

17. All expenses incurred by the Director of Highways in the preparation of planning schemes shall be defrayed out of the Consolidated Fund from moneys voted for the purpose by Parliament.

PART III

PLANNING PROCEDURE

Application for directions to prepare a regional planning scheme.

18. The Regional Planning Committee for any regional development area may make application to the Minister to direct the preparation of a regional planning scheme for that area.

Application for direction, to prepare an outline scheme.

19. The planning authority for any urban development area or trunk road development area may at any time make application to the Minister to direct the preparation of an outline planning scheme for that area or for any land therein :

Provided that no such application shall be made in respect of any trunk road development area except with the prior approval of the Minister in charge of the subject of Principal Thoroughfares.

Application for direction to prepare a detailed scheme.

20. (I) The planning authority for any urban development area or trunk road development area may, at any time after an outline scheme for that area or any land therein has come into operation in accordance with the provisions of this Part,

make application to the Minister to direct the preparation of a detailed planning scheme for any land to which any provision of that outline scheme applies.

(2) Notwithstanding that an outline scheme has not come into operation for any urban development area or trunk road development area, the planning authority for that area may make application to the Minister to direct the preparation of a detailed planning scheme for any land in that area, if the authority is of opinion that the provisions proposed to be included in the detailed scheme are urgently necessary for the purpose of-

- (a) the regulation of the development of such land ; or
- (b) the improvement of the locality in which the land is situated ; or
- (c) the preservation of the amenities of the locality in which the land is situated.

Order for preparation of scheme

21. (1) Subject to the provisions of subsection (3), the Minister may, on application made to him in that behalf under the preceding provisions of this Part, by Order published in the Gazette direct that a regional planning scheme shall be prepared for any regional development area or that an outline scheme or a detailed scheme shall be prepared for the whole or any part of any urban development area or trunk road development area, as the case may be.

(2) Subject to the provisions of subsection (3), the Minister may, of his own motion or upon the recommendation of the Central Planning Commission, by Order published in the Gazette direct-

- (a) that a regional planning scheme shall be prepared for any regional development area ;
- (h) that an outline scheme shall be prepared for any urban development area or for any land in any such area ; or

(c) that a detailed scheme shall be prepared for any land in any urban development area to which any provision, which is contained in any outline scheme which has come into operation, is applicable.

(3) The Minister shall not make an Order directing the preparation of any outline scheme or detailed scheme for any area or land which is situated in any regional development area unless a regional scheme for that region has come into operation, or where no such scheme has come into operation, unless the Regional Planning Committee for that area consents to the making of the Order.

(4) No Order shall be made under this section at any time prior to the date of the publication in the Gazette of the general interim development order made under section 46.

Discretion of Minister as to area or land for which outline scheme or detailed scheme is to be prepared.

22. The question whether an outline scheme or a detailed scheme shall be prepared for the whole or a part only of any area, and any question as to the land in any such area for which any such scheme shall be prepared, shall be determined by the Minister in his discretion :

Provided, however, that the Minister shall, in determining any such question, have regard to such representations or recommendations as may be made to the Minister by the planning authority by which the scheme is to be prepared or by the Central Planning Commission.

Special provisions for planning of land contiguous to urban development areas.

23. (1) Where an Order is made under this Part directing the preparation of a planning scheme for any urban development area, and the Minister considers it expedient that the scheme should include any provisions with respect to any land which, though situated outside that area, is contiguous to any part of that area, the Minister, after reference to the Town Council or the Village Council for the town or village area in which such land is situated, may in the same or a subsequent Order direct the planning authority to

include in the scheme provisions with respect to such land :

Provided, however, that nothing in the preceding provisions shall be deemed to authorize the inclusion in any scheme for any urban development area of provisions with respect to land in any **other** urban development area.

(2) No provisions included in any planning scheme in pursuance of any directions given under subsection (1) shall be provisionally approved or sanctioned except after reference to the Town Council or Village Council for the town or village area in which the land to which such provisions relate is situated.

24. (1) Upon the publication in the Gazette of an Order under section 21 for the preparation of any scheme for any development area or for any land in any such area, it shall be the duty of the planning authority for that area, in accordance with the Order and on or before such date as may be specified therein, to prepare a draft scheme for that area or land :

Preparation of draft scheme.

Provided, however, that the date specified in any such Order may be varied, from time to time, by the Minister in his discretion.

(2) Where the Minister is satisfied that the planning authority for any urban development area has failed or refused to prepare or unreasonably delayed the preparation of a draft scheme for any area or land, as the case may be, in accordance with the provisions of subsection (1), the Minister may direct the Director, Town and Country Planning to prepare the draft scheme for that area or land.

25. (1) Every draft scheme which is prepared under section 24 shall be submitted to the Central Planning Commission ; and the commission shall, as soon as practicable, examine the draft scheme and transmit it to the Minister together with its recommendations with respect to the approval or modification thereof.

Provisional approval of draft scheme.

(2) Upon the transmission of a draft scheme to the Minister under the preceding provisions of this section, the Minister may, after consideration of the recommendations made by the Central Planning Commission with respect to the scheme-

- (u) provisionally approve the draft scheme, subject to such modifications or alterations, if any, as the Minister may consider necessary ; or
- (h) direct the planning authority or the Director, Town and Country Planning, as the case may be, to prepare a new draft scheme containing such provisions as may be specially or generally specified by the Minister.

(3) Where the Minister is satisfied that the planning authority for any urban development area has failed or refused to prepare or unreasonably delayed the preparation of a new draft scheme in accordance with any directions given by the Minister as hereinbefore provided, the Minister may direct the Director, Town and Country Planning to prepare the new draft scheme.

(4) Where a new draft scheme is prepared in pursuance of directions issued by the Minister as hereinbefore provided, the provisions of subsections (1) and (2) of this section shall apply in relation to that scheme in like manner as those provisions apply in the case of original draft schemes prepared under section 24.

(5) The powers conferred on the Minister by the preceding provisions of this section in relation to the approval, modification or alteration of draft schemes shall be exercised subject to the provisions of section 29.

Notice of approval of draft scheme and inspection of scheme.

26. (1) Where any draft scheme for any development area or for any land in that area has been provisionally approved by the Minister, it shall be the duty of the planning authority for that area, before the expiry of the prescribed period after the date of such approval-

- (a) to cause copies of the draft scheme and of every map, plan or sketch

accompanying such scheme to be prepared ; and

- (h) to cause a notice to be published, in the Gazette, and in such other manner as may be prescribed, to the effect that the draft scheme has been provisionally approved, and that copies of the scheme and of any maps, plans or sketches accompanying the scheme will be open for public inspection at such place or places as may be specified in the notice.

(2) Copies of every draft scheme which has been provisionally approved by the Minister and of every map, plan or sketch accompanying that scheme shall be open to public inspection free of charge during the prescribed period after the date of the publication in the Gazette of notice of the provisional approval of that scheme.

27. Any owner or occupier of any land to which any provision in a draft scheme relates, or any other person having any proprietary interest in any such land may, before the expiry of the prescribed period after the date of the publication in the Gazette of notice of the provisional approval of that scheme, lodge an objection with the planning authority against any provision contained in the scheme on either or both of the following grounds, or on such other grounds as may be prescribed :—

Objections to draft schemes.

- (a) that the provision is not necessary in the interests of the public or of the majority of the owners or occupiers of land affected by the provision ;
- (h) that the provision in its application to the property in which the objector has an interest inflicts undue hardship upon him.

28. (1) The planning authority shall consider all objections duly lodged under section 27 with that authority in respect of any draft scheme, and shall as soon as may be return the draft scheme to the Central Planning Commission together with—

Sanction of draft scheme by Minister.

- (a) a statement setting out the amendments or modifications, if any, which should in the opinion of

the authority be made in the draft scheme, and the reasons for which such amendments or modifications are proposed ;

- (h) copies of all objections duly lodged with the authority in respect of the draft scheme, and the recommendations of the authority as to the disposal of every such objection.

(2) After consideration by the Central Planning Commission of all such proposals as may be made under subsection (1) by a planning authority in connexion with any draft scheme, of all objections duly lodged under section 27 in respect of that scheme, and of the recommendations of the planning authority upon such objections, the commission shall transmit the draft scheme to the Minister together with the recommendations of the commission on the question whether the scheme should be sanctioned, with or without modifications.

(3) Upon the transmission of a draft scheme to the Minister under the preceding provisions of this section, the Minister may, after consideration of the recommendations made by the planning authority and the Central Planning Commission with respect to the scheme and of the objections lodged under section 27, sanction the draft scheme subject to such modifications or alterations, if any, as the Minister may consider necessary.

Restrictions as to approval or sanctioning of draft schemes.

29. (1) The Minister shall not under section 25 or section 28 provisionally approve or sanction any draft scheme which contains any provision relating to any road in respect of which any power may be exercised under the Thoroughfares Ordinance by the Director of Highways, or to the development of any land adjacent to any such road, unless-

- (a) the draft scheme contains an estimate of the probable expenditure likely to be incurred by the Government in the execution of the provision ; and
- (b) that provision, and the estimate referred to in paragraph (a), have

been approved by the Minister in charge of the subject of Principal Thoroughfares.

(2) Where a draft outline scheme or a draft detailed scheme is prepared for any area or land which is situated in any regional development area, the Minister shall not under section 25 or section 28 provisionally approve or sanction the draft scheme unless a regional scheme for that area has come into operation, or, where no such scheme has come into operation, except after consideration of such representations or recommendations as may be made to the Minister by the Regional Committee for that area.

30. (1) Where a regional scheme for any regional development area has come into operation the Minister may, before sanctioning under section 28 any draft outline scheme or detailed scheme for any area or land situated in that area, incorporate in the draft scheme, with such modifications as the Minister may consider necessary. all or any such provisions relating to that area or land as may be contained in the regional scheme.

(2) Where any provision contained in a regional scheme is incorporated in any draft scheme under subsection (1), the provision as so incorporated shall, on and after the date on which the draft scheme comes into operation in accordance with this Part, have effect in lieu of the provision contained in the regional scheme, but without prejudice to the validity of anything previously done or suffered to be done thereunder or to any right or duty previously conferred or imposed thereby.

31. Where any draft 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 be brought before Parliament for approval by motion made in that behalf by the Minister.

32. Every planning scheme which has been sanctioned by the Minister shall, if, where so required by section 31, approved by Parliament, come into operation upon the expiry of a period of fifteen days after

the publication in the Gazette by the Minister of a notification of such sanction, and where so required of such approval, or upon such later date as may be specified in the notification by the Minister.

Refusal to approve scheme not to prevent preparation of new scheme.

33. The refusal by Parliament to approve any draft scheme for any development area or any land in any such area, shall not be deemed to prejudice the power of the Minister to make a new Order under section 21 directing the preparation of a new draft scheme for that area or land.

Application for modification or revocation of planning schemes.

34. (1) The planning authority for any urban development area or any trunk road development area may, at any time after a planning scheme has come into operation for that area or for any land in that area, make application to the Minister-

(u) to direct the preparation of a new scheme for the modification or revocation of that planning scheme ; or

(b) to revoke any provision contained in that planning scheme.

(2) Any Village Council which is declared by this Ordinance or by any planning scheme to be the executive authority for the purpose of the execution of any provision of any planning scheme, in so far as it relates to any road or land adjacent thereto, or to any village area, may make application to the Minister-

(a) to direct the preparation of a new scheme for the modification or revocation of that provision ; or

(b) to revoke that provision.

Order or decision for modification or revocation, &c., of planning scheme.

35. (1) Subject to the provisions of subsection (2), the Minister may upon application made to the Minister in that behalf under section 34-

(a) by Order published in the Gazette direct the authority by whom such application was made to prepare a new scheme for the modification or revocation of the planning scheme to which the application relates, or of any provision contained in that planning scheme ; or

(h) determine that any provision contained in the planning scheme to which the application relates shall be revoked.

(2) The Minister shall not under subsection (1) make any Order or make any decision for the modification or revocation of any planning scheme or of any provision contained therein, unless the Minister is satisfied, after such investigation as he may consider necessary, that the scheme or provision, as the case may be-

(a) will entail the payment of an excessive amount by way of compensation to owners of land and other persons ; or

(h) cannot or should not be carried into execution owing to practical difficulties or unforeseen circumstances.

36. Every Order made under section 35 for the preparation of a new scheme shall have the like effect as an Order made under section 21 and the provisions of sections 22 to 28 and of sections 31 and 32 shall, in so far as they are applicable and subject to such modifications or adaptations as may be made in that behalf by regulation, apply in relation to the preparation and consideration of the new scheme and the coming into operation thereof; and where any such Order directs the preparation of a new scheme by a Village Council, that Council shall be deemed to be, and shall have all the powers which may under this Ordinance be exercised by, a planning authority.

Preparation of new scheme to modify or revoke planning scheme.

37. Every decision made under section 35 for the revocation of any provision in a planning scheme shall be published in the Gazette and shall come into operation upon such publication.

Coming into operation of decision to revoke any provision in a planning scheme.

## PART IV

### CONTENTS OF PLANNING SCHEMES

38. Subject to the provisions of this Part, any planning scheme made under this Ordinance may contain such provisions as

General provisions as to contents of schemes.

may be necessary or expedient for regulating or prohibiting the use or development of land in the area to which the scheme applies, and in particular for all or any one or more of the matters specified in the First Schedule to this Ordinance.

First Schedule.

Schemes for trunk road development areas.

39. Notwithstanding anything in section 38, no planning scheme for any trunk road development area, or for any land in any such area, shall contain any provision relating to any of the matters referred to in the Second Schedule to this Ordinance.

Second Schedule.

Provision in outline scheme.

40. An outline planning scheme for any urban development area or trunk road development area may contain such provisions as may be necessary for the general regulation of the development of the land to which the scheme applies :

Provided that nothing in the preceding provisions of this section shall be deemed to prevent the inclusion in any outline scheme of detailed provision with respect to any one or more of the matters for which provision may be made in a scheme.

Provision in detailed scheme.

41. A detailed planning scheme for any urban development area or trunk road development area may contain detailed provision with respect to any one or more of the matters for which provision is authorized by this Ordinance to be made in such scheme.

Modification or suspension of other enactment.

42. ( 1) Any planning scheme may, where it is necessary for the purpose of securing proper planning or development, provide for the modification or the suspension of the operation of any provision of any other enactment in so far as that provision is similar to or inconsistent with any provision contained in the scheme.

(2) Where, for the purpose of securing proper planning or development, it is considered necessary to provide for the modification or the suspension of the operation of any provision of any other enactment in any planning scheme which is in operation, that scheme may be amended by regulation made under this Ordinance for the purpose of providing for such modification or suspension. Such regulation may provide that such amendment shall

take effect from a date specified therein, not being a date earlier than the date on which that scheme came into operation.

(3) Where any provision of any other enactment is modified by any planning scheme which is for the time being in operation, that provision shall, in its application to the area or land to which the scheme relates, apply subject to such modifications as may be specified in the scheme.

(4) Where any provision of any other enactment is suspended by any planning scheme which is for the time being in operation, that provision shall not, unless otherwise provided in the scheme, apply in the area or land to which the scheme relates or in such part of that area or land as may be specified in the scheme.

43. (1) In the event of any conflict or inconsistency between the provisions of any subsidiary legislation and the provisions of any planning scheme which is in operation, the provisions of such planning scheme shall prevail over the provisions of such subsidiary legislation.

Provisions of planning schemes to prevail over provisions of subsidiary legislation.

(2) For the purposes of this section, the expression " subsidiary legislation " means any by-law, regulation, rule, proclamation, order, notification, or other provision having the effect of law and made by a person by virtue of power conferred on him by any written law.

44. Any planning scheme may contain provision directing that the authority responsible for the execution of any provision in such scheme shall, for the purpose of giving effect to that provision, exercise the powers conferred on that authority by any written law other than this Ordinance.

Provision directing the use of powers conferred by other written law.

45. Where any planning scheme provides for the pooling and redistribution of Sites in any specified area, the scheme shall in addition contain provision for securing—

Special provisions as to redistribution of land.

(a) that after any land which is required for roads, open spaces and other public purposes has been set apart

for such purposes, the new site assigned to any person in lieu of the original site belonging to him will be of a value and extent proportionate to the value and extent of his original site, and will as far as possible enjoy any such special advantage in the way of position or frontage as was enjoyed by the original site ;

- (6) that if the new site assigned to any person will be insufficient in extent to be used as a building site, the new site will, if that person so requires, be purchased or acquired by the executive authority ;
- (c) that the cost of the preparation of any provision relating to the redistribution of sites, and of the execution of any such provision, will be borne by the owners of the sites in proportion to the value of the original sites belonging to them.

## PART V

### INTERIM DEVELOPMENT OF LAND

46. (1) The Minister shall make a general order (hereinafter referred to as " the general interim development order ") with respect to the interim development of land situated in the areas for which planning schemes are to be prepared, and may at any time make any such special order (hereinafter referred to as a " special interim development order ") as may be necessary with respect to the interim development of land in any specified area.

(2) An order made under subsection (1) may itself permit the development of land either unconditionally or subject to any condition specified in the order, or may empower any authority or officer so specified to grant permits for the development of land in accordance with the terms of the order and subject to such conditions and restrictions as may be set out therein.

(3) Every interim development order shall be published in the Gazette and shall come into operation upon such publication.

(4) Any special interim development order made in respect of any specified area may vary or modify any provision contained in the general interim development order in so far as that provision applies to land in the area in respect of which the special order is made.

47. (1) Notwithstanding anything in any other written law, no person shall at any time during the period commencing on the date of the publication in the Gazette of an Order for the preparation of a planning scheme for any development area and ending on the date on which the scheme so prepared comes into operation—

- (a) erect, re-erect, demolish, alter or repair any structure in that area ; or
- (b) lay out, construct, widen, extend or close, or attempt to lay out, construct, widen, extend, or close, any road, in that area ; or
- (c) develop any land in that area, or subdivide, convey, assign or otherwise dispose of or deal with any such land, in such manner as to constitute any part of the land into a separate holding,

unless authorized so to do by any provision contained in the general interim development order or in any special interim development order applicable to that area, or by a permit granted by the authority or officer specified in any such provision to be the authority or officer responsible for the regulation of the interim development of land in the area for which the planning scheme is to be prepared.

(2) (a) Where, at any time during the period specified in subsection (1), any person is convicted of an offence under section 82 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 any development area in contravention of any provision of that subsection or of any interim development order applicable to that area, the court may, on the application of the authority or officer responsible for the regulation of the interim development of land in that area, order that

person to alter, remove or demolish that work within such period as may be specified therein.

(6) Where any person who is required to alter, remove or demolish any work by an order made by a court under this subsection fails to do so within the period specified in the order, the authority or officer on whose application the order was made, may alter, remove or demolish that work. All expenses incurred by that authority or officer 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 a manner as may be provided by regulation.

Issue of permits for interim development.

48. No permit shall be granted under section 47 by any authority or officer except in such circumstances and in accordance with such conditions as may be specified in that behalf by the general interim development order, or by any special interim development order which is applicable to the grant of permits by that authority or officer.

Appeal against refusal of permit for interim development.

49. Any person who is aggrieved by the refusal of any authority or officer to grant a permit authorizing the execution of any work or the doing of any act referred to in paragraph (a) or paragraph (6) or paragraph (c) of section 47 (1) may, in accordance with regulations, appeal to the Minister against such refusal, and the decision of the Minister upon any such appeal shall be final.

Grant of permit not to affect other written law.

50. The provisions of section 47 relating to the execution of any work or the doing of any act shall be in addition to and not in substitution for the provisions of any other written law regulating the execution of such work or to the doing of such act; and the grant of a permit under this Part authorizing the execution of any work or the doing of any act shall not be deemed to authorize the execution of such work or the doing of such act otherwise than in accordance with the provisions of any other written law which may be applicable in the case of such work or act.

## PART VI

## EXECUTION OF SCHEMES

51. Upon the coming into operation of any planning scheme it shall be the duty of the authority responsible for the execution of any provision contained in the scheme to carry out and enforce that provision and generally to discharge and perform all such functions and duties as may be conferred or imposed on the authority by the scheme or by or under this Ordinance.

Duty of executive authority to execute provisions in schemes.

52. (1) For the purpose of carrying out or giving effect to any provision contained in a planning scheme or of securing compliance or conformity with any such provision, it shall be lawful for the executive authority or for any officer generally or specially authorized in that behalf by the authority, subject to the conditions and restrictions set out in section 53—

Powers exercisable by executive authorities.

- (a) to alter or re-erect any existing structure or work on any land to which such provision applies, for the purpose of bringing that structure or work into conformity with such provision, or to remove or demolish any existing structure or work the removal or demolition of which is necessary for the purpose of carrying out or giving effect to such provision ;
- (6) to alter, re-erect, remove or demolish any structure or work, not being an existing structure or work, which has been erected or executed in contravention of such provision, or which, although erected or executed under the authority of a permit granted under this Ordinance, has not been erected or executed in conformity with the conditions subject to which the permit was granted ;
- (c) to prohibit the use of any land or structure in any manner likely to contravene such provision, and where the condition, character or appearance of any land or structure has been or is being altered in consequence of the use thereof in

contravention of such provision, to enter upon or into such land or structure and to execute thereon all such work as may be necessary to restore it to its former condition, character and appearance ;

(d) to execute on any land any work which the owner of the land is required by such provision to execute, in any case where the authority is satisfied that the owner has delayed or is likely to delay the execution of that work and that such delay is likely to affect or prejudice the effective operation of such provision.

(2) All expenses incurred by the executive authority in the execution of any work referred to in subsection (1) upon, in or in respect of any land or structure shall be a first charge on that land or the land on which that structure is situated, as the case may be, and may be recovered from the owner thereof in such manner as may be provided by regulation.

53. (1) No Work or act shall be executed or done by the executive authority in pursuance of the powers conferred by section 52 in, upon or in relation to any land or structure which is not vested in the authority unless -

- (a) the execution of such work or the doing of such act is necessary for the purpose of carrying out or giving effect to any provision in a planning scheme, or is authorized by any provision contained in any such scheme ;
- (h) the authority has in the prescribed manner served on the owner and the occupier of the land or structure a notice specifying the work or act which the authority intends to execute or do, and the grounds upon which the authority is entitled to execute or do such work or act, and the prescribed period 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 executive authority to execute or do the work or act to which the notice relates, and the decision of the Minister on any such appeal shall be final.

In any case where an appeal is preferred to the Minister under this section, the period referred to in paragraph (b) of subsection (1) shall be deemed to be extended to the date on which the decision of the Minister on the appeal is communicated to the person by whom the appeal is preferred.

54. (1) Where any planning scheme contains provision for the pooling and redistribution of land. of land. redistribution of the sites in any specified area, every such site shall, for the purpose of enabling the executive authority to issue certificates of title under subsection (2), be deemed on the coming into operation of the scheme, or on such later date as may be specified therein, to be vested in the executive authority ; or where the executive authority is the Superintending Engineer, in the State.

(2) Where by any provision referred to in subsection (1) any new site is assigned to any person in lieu of the original site belonging to that person, the executive authority shall issue to that person a certificate in the prescribed form signed by the Chairman of that authority together with two plans showing respectively the new site and the original site, and certifying that the new site has been assigned to him in lieu of the original site ; every certificate so sealed and issued to any person shall be a sufficient document of the title of that person to the new site :

Provided that in any case where the executive authority is the Superintending Engineer of any province, the certificate under the preceding provisions shall be issued by the Government Agent of the relevant administrative district in that province.

(3) Where a certificate of title to a new site is issued to any person or persons under subsection (2), the new site and every

Conditions relating to exercise of powers conferred by section 52.

structure thereon shall vest in such person or persons, as the case may be, in the same shares and to the extent of the same interests as the original site in lieu of which the new site is assigned to such person or persons, subject to the same encumbrances, charges, trusts and other restrictions on alienation or otherwise, and to the same liabilities (other than such servitudes as may be expressly extinguished under the scheme) as such original site.

(4) Where in connexion with the execution of any provision in a planning scheme for the redistribution of sites, any question or dispute arises in respect of the title to any land or structure, or any rights thereto or interest therein, the Chairman of the executive authority, or where the Superintending Engineer is the executive authority, the Government Agent shall, if the question or dispute cannot be settled by agreement, refer it to the District Court, and such question or dispute shall be determined by the District Court as though it were referred to the court under the Land Acquisition Act, and all the provisions of that Act shall, *mutatis mutandis*, apply to the determination of the question or dispute so referred.

55. (1) No person shall, on or after the **date** on which any planning scheme comes into operation for any area-

- (a) erect, re-erect, alter or repair any structure in or upon any land in that area ; or
- (b) lay out, construct, widen, extend, or close, or attempt to lay out, construct, widen, extend, or close, any road in or upon any land in that area,

except under the authority of a permit issued by the executive authority.

(2) A permit shall be granted by the executive authority under subsection (1) unless the authority is satisfied that the work to be executed under the authority of the permit will be inconsistent with or in contravention of any provision in the planning scheme, or of any provision of any other written law relating to the execution

of such work which may be applicable in the area in which the work is to be executed.

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

56. Save as otherwise provided in this Ordinance or in any planning scheme, the provisions of this Ordinance and of any planning scheme shall be in addition to and not in substitution for or in derogation of any other written law relating to the powers and duties of the authorities or officers declared to be executive authorities for the purposes of this Ordinance, or to the execution of any work by any such authority or officer, or to the regulation and control by any such authority or officer of the development of any land or of the execution of any work thereon ; and in any case where any such authority or officer is, in the capacity of executive authority, required by any planning scheme to do or execute any act or work which such authority or officer is authorized to do or execute under the provisions of any other written law, all such powers as are conferred by such other law may be exercised by the executive authority for the purpose of doing or executing such act or work in like manner as though the act were to be done or the work executed under the provisions of such other law.

57. Upon the coming into operation of any planning scheme, the executive authority shall determine the units into which the area to which the scheme applies shall be divided for the purpose of the execution of the provisions of the scheme ; and where the authority is satisfied that, in any such unit, all work required to be executed by the authority under the scheme has been completed, the authority shall cause a notice to be published in the Gazette to the effect that all such work has been completed in that unit :

Provided, however, that no notice shall be published under this section in respect of any such unit unless all works of **construction**, demolition, alteration or

Application of other law in execution of schemes.

Notification of completion of work by executive authority.

Permits for execution, alteration, &c. of structures and for execution of works in connexion with roads.

t-erection, which are required to be executed by the executive authority under the scheme, have been completed.

PART VII

ACQUISITION OF LAND, COMPENSATION FOR INJURIOUS AFFECTATION, BETTERMENT CONTRIBUTIONS

Enforcement of provision for acquisition of land.

58. ( 1) Where provision is contained in any planning scheme authorizing the acquisition of any land, it shall be lawful for the executive authority responsible for the execution of that provision to purchase the land by agreement.

(2) In any case where the executive authority is unable or deems it inexpedient to purchase by agreement any land which that authority is, by any provision contained in a planning scheme, authorized to acquire, that land may be acquired under the Land Acquisition Act by the Government for that authority, and that Act shall, subject to the modifications set out in the provisions of this Part, apply for the purposes of the acquisition of that land.

Modification of section 45 (1) of Land Acquisition Act.

59. In the application of subsection (1) of section 45 of the Land Acquisition Act in any case where any land is to be acquired in pursuance of any provision contained in a planning scheme, that subsection shall have effect as though, for the words "date of publication of that notice in the Gazette ", occurring in that subsection, there were substituted the words "date on which the draft planning scheme relating to the land was first submitted to the Central Planning Commission ".

Modification of section 48 of Land Acquisition Act.

60. In the application of the provisions of section 48 of the Land Acquisition Act in any case where any land is to be acquired in pursuance of any provision contained in a planning scheme, the following matters shall be deemed to be added to the list of matters which shall not be taken into consideration :-

- (a) the special suitability or adaptability of the land or of any structures thereon for the purposes for which the land will be used by the executive authority ;

- (h) the income derived from any structure which has been certified by the executive authority to be unfit for human habitation ;

- (c) any improvements made at the cost of the executive authority or of the Government in, upon or in the proximity of the land which is to be acquired ;

- (d) the purpose for which the land has been used or is capable of being used, in a case where any planning scheme provides that such land shall not be used for that purpose ;

- (e) any temporary increase in the value of land due to the expectation of a rise of prices consequent upon the operation of a planning scheme.

61. Notwithstanding that the amount of compensation to be paid in respect of any land to be acquired in pursuance of any provision in a planning scheme has been finally determined under the Land Acquisition Act, the Minister may direct that possession of the land shall not be taken on behalf of the State until such time as possession is required by the executive authority for the purpose of carrying out or giving effect to any provision contained in the scheme.

62. Where any land is to be acquired in pursuance of any provision contained in a planning scheme, and the land is acquired under the Land Acquisition Act, the amount to be 'paid as compensation in respect of such land shall, if the authority responsible for the execution of that provision is a Municipal or Urban Council, or Town Council or Village Council, be paid out of the funds of the executive authority, and upon such amount being paid, such land may be vested in that authority in accordance with the provisions of such Act :

Provided, however, that nothing in the preceding provisions of this section shall apply in any case where any planning scheme provides that the compensation payable in respect of any land which is acquired shall be paid by the Government.

Use of  
acquired  
property by  
executive  
authority.

63. (1) Where possession is taken by the executive authority of any land which is purchased or acquired in pursuance of any provision contained in a planning scheme, the authority may proceed to execute in or upon such land any work necessary for the purposes of carrying out or giving effect to the scheme.

(2) Nothing in subsection (1) shall be deemed to prejudice or affect the right of the executive authority to sell or let any land or structures which have been purchased or acquired in pursuance of any provision contained in a planning scheme :

Provided, however, that in the case of the sale of any such land by the executive authority, the land shall first be offered for sale to the person from whom it was purchased or acquired at a price which shall not be more than the total of-

- (a) the amount paid to that person upon the purchase or acquisition ; and
- (b) such amount, if any, as the executive authority considers to be the amount by which the land has increased in value by reason of the execution of any one or more of the provisions of any planning scheme.

(3) Every offer which is made to any person in accordance with the requirements of the proviso to subsection (2) shall remain open for acceptance for a period of not less than one month.

Right to  
compensation  
for injurious  
affection, &c.

64. (I) Subject to the provisions of sections 65 and 66, any person—

- (a) whose property is injuriously affected by the coming into operation of any provision contained in a planning scheme or by the execution of any work under any such provision ; or
- (h) who, for the purpose of complying with any provision contained in a planning scheme or in making any claim in accordance with the preceding provisions of this Part relating to compensation, has incurred expenditure which has

been rendered abortive by a subsequent variation or revocation of the scheme,

shall, if he makes a claim within the time limited for the purpose by section 68, be entitled to recover as compensation from the executive authority, or where the executive authority is the Superintending Engineer, from the Government Agent on behalf of the Government, the amount by which his property has decreased in value, and in the case of property on which he has carried on a trade or business or profession, the amount of any resulting injury to that trade or business or profession, or, in so far as it was reasonably incurred, the amount of the abortive expenditure, as the case may be.

(2) In awarding any compensation payable in respect of property injuriously affected by the coming into operation of any provision contained in a planning scheme, account shall, subject to the provisions of sections 65 and 66, be taken of any additional injurious affection of the property by reason that after the date of the publication of an Order under section 21 directing the preparation of the scheme, the Minister has on an appeal preferred under section 49 refused to grant a permit authorizing the execution of any work on, or the doing of any act in relation to, that property.

65. In any case where any structure is erected or any work carried out on any land at any time after the date of the publication of a notice of the provisional approval of a draft scheme applicable to that land or to the area in which the land is situated, or in any case where any such land is after that date used for a purpose for which it had not been used before that date, no person shall be entitled to any compensation under paragraph (a) of section 64 (1) in respect of any loss or damage consequent upon the erection of that structure, or the execution of that work, or the change of the use to which the land was put, as the case may be, unless—

Exclusion of  
compensation  
in respect of  
loss consequent  
upon erection  
of new  
structure,  
change of use,  
&c.

- (a) the erection of such structure or the execution of such work or the change in the use of the land was authorized by permit under section

48 or is effected in pursuance of a contract made before the date aforesaid ; or

- (h) the erection of such structure or the execution of such work was commenced before the date aforesaid.

Provisions in planning scheme to exclude compensation for injurious affection.

66. (1) Subject to the provisions of subsection (2), a planning scheme may provide either generally or in respect of any specified land that no compensation shall be payable under paragraph (a) of section 64 (1) in the case of the injurious affection of property by the coming into operation of any one or more of the following provisions, that is to say :

- (a) a provision which restricts the purposes for which or the manner in which any land or any structures thereon may be used ;
- (b) a provision which prescribes the space about structures, or regulates the size of any building or plot, or the number of structures which may be erected on any such plot ;
- (c) a provision which regulates the size, height, elevation or design of structures ;
- (d) a provision which temporarily prohibits or restricts building operations or the development of land, pending the preparation or coming into operation of a detailed scheme ;
- (e) a provision which permanently prohibits or restricts building operations on any land, on the ground that, by reason of the situation or nature of the land, the erection of buildings thereon would be likely to cause danger or injury to health or would involve excessive expenditure of public money in the provision of the necessary roads, sewers, water supply or other public services ;
- (f) a provision which restricts the number, or prescribes the minimum width, of roads entering a principal thoroughfare ;
- (g) a provision which regulates the height and position of boundary walls, fences, trees or hedges at the corner or in the neighbourhood of bends or junctions of roads ;
- (h) a provision which, in the case of land which at no time within the period of five years immediately preceding the date on which the planning scheme comes into operation, was or formed part of the site of a building, fixes in relation to any street or proposed street a building line or set-back ;
- (i) a provision which prohibits the erection of structures on any sites on the ground that such sites in the opinion of the planning authority, have no satisfactory means of access ;
- (j) a provision which requires the removal or cutting of trees for the purpose of securing adequate light and ventilation for dwelling houses ;
- (k) a provision which prohibits or regulates the erection of advertisements visible from a public road or open space, or for the removal of any such advertisements ;
- (l) a provision which requires the compulsory fencing of land or the compulsory erection of boundary walls ;
- (m) a provision which enables any court to order the demolition or alteration of dwelling houses certified by the executive authority to be unfit for human habitation or of structures so certified to be dangerous ;
- (n) a provision which requires the preservation of any trees or groups of trees ;

(o) a provision which requires owners of land in commercial or business areas to erect arcades for the use of pedestrians.

(2) The Minister shall not approve any provision in any planning scheme which excludes compensation—

(a) unless the Minister is satisfied that, having regard to the objects of the scheme and to local circumstances, the provision is proper and reasonable ;

(h) where the provision in respect of which compensation is to be excluded relates to any of the matters mentioned in paragraphs (a) to (d) of subsection (I), unless the scheme contains provisions which are sufficient in the opinion of the Minister, to secure that existing structures may be maintained, and their existing use continued and that reasonable alterations and extensions may be made in proper cases ;

(c) where the provision in respect of which compensation is to be excluded relates to any matter mentioned in paragraph (h) of subsection (I), unless the Minister is satisfied that, in so far as that provision affects any plot of land belonging to any person, the area of the plot will not be diminished to such an extent as to render it less suitable for the erection of buildings in conformity with the provisions of the scheme and of any other written law which may be applicable.

(3) In considering whether any provision excluding compensation should be approved, the Minister shall have regard

(a) to the nature and situation and existing development of the land affected by the provision in respect of which compensation is to be excluded, and of neighbouring land not so affected ; and

(b) the interests of all persons who would be affected by the provision in respect of which compensation is excluded.

67. Where any provision contained in a planning scheme is revoked by a subsequent scheme, no compensation shall be payable in respect of any property on the ground that it has been injuriously affected by any provision contained in the subsequent scheme if and in so far as the later provision is the same, or substantially the same, as the earlier provision so revoked :

Effect of new schemes on rights to compensation.

Provided, however, that if at the date when the earlier provision is replaced by the provision in the subsequent scheme

(a) there is still outstanding any claim for compensation duly made in accordance with the provisions of this Part ; or

(h) the time originally limited for making such a claim has not expired,

any such outstanding claim or any claim made within the time so limited shall be entertained and determined, and may be enforced, in the same manner in all respects as if the earlier scheme had continued in operation.

68. (I) A claim under section 64 for compensation shall be made by serving on the executive authority, or where the executive authority is the Superintending Engineer, on the Government Agent, a notice in writing in the prescribed form setting out the amount claimed and the grounds of the claim.

Making of claims for compensation for injurious affection.

(2) For the purpose of enabling claims to be made under this section, it shall be the duty of the executive authority, when a planning scheme comes into operation or when any provision of any planning scheme is varied or revoked, to cause a notice in the prescribed form of the fact that the scheme has come into operation or that the provision has been varied or revoked, as the case may be, to be affixed on some conspicuous position on each land affected by the scheme or by the provision so varied or revoked.

(3) A claim under section 64 for compensation shall

(a) if made on the ground of the coming into operation of any provision contained in a planning scheme, be

made before the expiry of a period of one year from the date specified in that behalf in the notice affixed under subsection (2) on the land to which the claim relates ;

- (b) if made in respect of any expenditure rendered abortive by the variation or revocation of any provision contained in a planning scheme, be made before the expiry of a period of one year from the date specified in that behalf in the notice affixed under subsection (2) on the land to which the claim relates ;
- (c) if made on the ground of the execution of any work under any provision contained in a planning scheme, be made before the expiry of a period of one year from the date of the notification published under section 57 by the executive authority declaring that the work has been completed.

Determination of claims for compensation for injurious affection, &c.

69. (1) Where a claim is duly made by any person for compensation under section 64, the executive authority or the Government Agent, as the case may be, shall, after such inquiry as may be necessary, determine the amount of compensation, if any, which should be paid to that person in respect of the claim.

(2) Where the executive authority or the Government Agent is unable to settle by agreement the amount of compensation to be paid in respect of any claim, the Chairman of the authority or the Government Agent shall refer the matter for determination to the District Court, or, where the amount claimed by the claimant does not exceed one thousand five hundred rupees to the Primary Court ; and in making such reference shall state for the information of the court in writing under his hand-

- (a) the name of the claimant ; and
- (b) the amount of compensation, if any, which has been tendered, and the amount claimed by the claimant.

(3) Where any reference is made to a District Court or Primary Court under subsection (2) in relation to any claim, the court shall determine the amount of compensation, if any, which should be paid to the claimant.

70. Where any sum becomes payable by the Government Agent as compensation under section 64, that sum shall be paid out of moneys voted by Parliament for the purpose.

Payment of compensation in certain cases.

71. (I) Where the value of any property is increased by the coming into operation of any provision in a planning scheme or by the execution of any work under any such provision, the authority responsible for the execution of that provision may, subject to the restrictions imposed by 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.

Power to recover betterment contribution.

(2) A betterment contribution may be recovered from the owner of any property notwithstanding that the scheme under which the contribution is recovered does not apply to that property.

(3) (a) No betterment contribution shall be recovered from the owner of any property in respect of any planning scheme if the market value of the property at the time when the scheme came into operation did not exceed two thousand five hundred rupees.

(6) No betterment contribution shall be recovered in respect of any planning scheme from the owner of any property unless-

- (i) the scheme contains provision authorizing the recovery of betterment contributions from the owners of property in consequence of the operation or execution of the scheme ; and
- (ii) the executive authority has, before the expiry of a period of five years after the date on which the scheme came into operation, served a notice

in the prescribed form on the owner of the property specifying the amount claimed as betterment contribution.

**Appeal against levy of betterment contribution.**

72. (1) In any case where the owner of any property is aggrieved by the decision of the executive authority 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-

- (u) determine that no contribution shall be recovered, if satisfied that the recovery of such contribution in such case is not authorized by the provisions of section 71 ; or
- (b) reduce the amount of the contribution sought to be recovered, if satisfied that such 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, as the case may be, on any appeal referred to in subsection (1) shall be final.

**Payment of betterment contribution.**

73. (1) Subject to the provisions of subsection (2), the amount due as a betterment contribution in respect of any property shall be recoverable by the executive authority in four equal annual instalments, the first of which shall be payable before the last day of the month succeeding the month in which a notice in respect of the contribution is served under section 71 (3) (h), or, in the event of an appeal against any decision to recover a betterment contribution, before the last day of the month succeeding the month in which notice of the determination of the District Court or Primary Court, as the case may be, upon such appeal is served on the owner of the property. The instalment due in any subsequent year shall be payable before the corresponding day in that year.

(2) Notwithstanding anything in subsection (1), the amount due as a betterment contribution, in respect of any property shall, in any case where the executive authority and the owner of the property so agree, be payable in such instalments and at such intervals, as may be fixed in such agreement.

(3) 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 VIII

### SUPPLEMENTARY PROVISIONS . REGULATIONS, &C.

74. (1) Subject to such regulations as may be made in that behalf, the Director, Town and Country Planning or any planning authority or executive authority may, for the purpose of the preparation or execution of any planning 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.**

(2) It shall be the duty of any person to whom a notice is sent under subsection (1) to comply with the requirements of the notice.

(3) Regulations may be made prescribing the form of notices and returns to be sent or furnished under this section.

75. (1) The Director, Town and Country Planning or any planning authority or executive authority or any officer or person 'specially or generally authorized in that behalf by such authority, may, for the purpose of the preparation or execution of any planning scheme or of the exercise or performance of the powers or duties **Powers of entry, &c.**

conferred or imposed on the said Director or the authority by or under this Ordinance, enter upon or into any land or structure situated in the area for which the scheme is to be made, or, as the case may be, to which the scheme applies, and may make such inspections, surveys, examinations or inquiries as may be necessary for any such purpose.

(2) Regulations may be made prescribing the manner in which and the times at which the powers conferred by subsection (1) may be exercised.

Power to allow owners or occupiers to execute work on behalf of executive authority

76. (1) Where the executive authority is authorized by or under this Ordinance to do or execute any act or work in, upon or in relation to any land or structure, it shall be lawful for the authority to arrange with the owner or occupier of such land or structure to do or execute such act or work.

(2) Where the cost of doing or executing any act or work which is authorized or required by or under this Ordinance to be done or executed in, upon or in relation to any land or structure by the executive authority, is not declared by this Ordinance to be recoverable from the owner of the land or structure, the executive authority may, if an arrangement is made under subsection (1) for the doing or execution of the act or work by the owner or occupier of the land or structure, pay to the owner or occupier, as the case may be, the amount of all expenses reasonably incurred by the owner or occupier in the doing or execution of the act or work.

Service of notices, &c.

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

- (a) by delivering it to that person ; or
- (h) 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.

Any such document required by or under this Ordinance to be served on the occupier of any land may be served by delivering it to some person on the land, or where there is no person on the land to whom the document may be so delivered, by affixing it in a conspicuous position on the land.

(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 any planning authority or executive authority shall be deemed to be duly served, sent or transmitted if it is delivered at, or sent by post to, the office of the authority addressed to the authority or to the Chairman or secretary, if any, of the authority.

78. Any permit, notice, order or other document required or authorized to be granted, served or issued by any planning authority or executive authority by or under this Ordinance shall be deemed to be sufficiently authenticated if signed by the Chairman of the authority or by some other officer or person authorized in writing in that behalf by the Chairman.

Signature of documents issued or served by authorities.

79. (1) Save as otherwise provided in subsection (2)-

Expenditure, &c.

- (a) all expenses incurred by any executive authority (other than the Superintending Engineer) in carrying out or giving effect to any provision of this Ordinance or of any planning scheme or regulation made thereunder shall be paid out of the funds of that authority ;
- (h) all sums recovered by an executive authority from the owners or occupiers of any lands or structures under this Ordinance or any planning scheme shall be paid into the funds of that authority.

(2) (a) All expenses incurred by the Superintending Engineer of any province as the executive authority for the purpose of

the execution of any planning scheme shall be paid out of moneys provided by Parliament for the purpose.

(h) All sums recovered by the Superintending Engineer of any province as the executive authority from the owners or occupiers of any lands or structures under this Ordinance or any planning scheme shall be credited to the Consolidated Fund.

Authority for expenditure from funds of local authorities and for imposition of special rate.

80. (1) The purposes for which any local authority may expend the funds at its disposal under any enactment regulating its powers and duties shall include the exercise of the powers and the performance of the duties conferred or imposed by or under this Ordinance on that authority in the capacity of a planning authority or an executive authority. Any such local authority may, with the consent of 'the Minister, for the purpose of meeting the expenses incurred in the exercise and fulfilment of such powers and duties, levy a special rate not exceeding five *per centum* per annum on the annual value of all rateable property situated within the administrative limits of that authority.

(2) Any special rate levied under subsection (1) by any local authority shall be in addition to any other rate levied by the authority under the provisions of any other enactment ; and all the provisions of any other written law relating to the levy, assessment and recovery of rates by that authority shall apply to such special rate in the same manner and for the same purpose as if they had been inserted herein.

Regulations.

81. (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 :-

- (a) 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 procedure to be adopted and the matters to be taken into consideration for the purpose of the preparation of civic surveys ;

(c) the procedure to be adopted by planning authorities in the preparation of draft schemes, and the particulars, estimates, plans, maps and notes which should be prepared in connexion with draft schemes ;

(d) the forms of all notices relating to draft schemes and sanctioned schemes, the times within which and the conditions subject to which objections may be made to provisions contained in draft schemes, and the matters to be taken into consideration by planning authorities in making their recommendations as to the disposal of such objections ;

(e) the measures to be taken by planning authorities for the purpose of securing the assistance and co-operation of owners of land in the preparation of draft schemes, and the adoption of schemes or proposals recommended by such owners ;

(f) the inspection of draft schemes and of sanctioned schemes by persons interested, and the fees, if any, to be paid for such inspection ;

(g) the holding of local inquiries for the purpose of enabling the Minister or the Central Planning Commission to obtain information relating to the necessity or desirability of including any provision in, or excluding any provision from, a planning scheme, the persons by whom such inquiries shall be held, the circumstances in which and the procedure according to which oral representations may be made and evidence adduced at such inquiries and the reports to be made to the Minister or to the commission upon such inquiries ;

- (h) the manner in which the expenses incurred in the preparation of schemes for regional development areas shall be apportioned between the local authorities whose administrative areas are included in the areas ;
- (i) the payment by planning authorities of expenses incurred by the Director, Town and Country Planning in connexion with the preparation of draft schemes ;
- (j) the issue of permits by executive authorities under this Ordinance, and the fees, if any, to be paid by applicants for such permits ;
- (k) appeals under this Ordinance, including the time within which such appeals shall be preferred and the fees payable upon such appeals ;
- (l) the time and mode of recovery, whether summary or otherwise, of any instalment due in respect of any property under section 73 or of any expenses referred to in section 47 (2) (b) or section 52 (2) ;
- (m) all matters connected with or incidental to the matters specifically referred to in this subsection.

(3) Any regulation made under this section may be limited in application to any specified area in Sri Lanka.

(4) No regulation shall have effect until it has been approved by Parliament. Notification of such approval shall be published in the Gazette.

(5) 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.

Offences.

82. (1) Every person who-

- (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 ; or

- (b) develops or subdivides or otherwise deals with any site or plot of land, or causes or permits any site or plot of land to be developed or subdivided or otherwise dealt with ; or

- (c) uses any land or structure, or causes or permits any land or structure to be used,

in contravention of any provision of this Ordinance or of any interim development order, planning scheme or regulation, shall be guilty of an offence.

(2) Every person who executes any work or does any act, or causes any work or act to be executed or done in or upon any building, place or thing declared in any planning scheme to be a building, place or thing of historical, architectural or natural interest or beauty, shall if such work or act is executed or done otherwise than in accordance with the provisions of the scheme, be guilty of an offence.

(3) Every person who fails to comply with any obligation imposed upon him by any planning scheme or any order or direction lawfully made or given thereunder, or to do any act or execute any work when required so to do by or under this Ordinance or any planning scheme, shall be guilty of an offence.

(4) Every person who, being the holder of any permit issued under this Ordinance, executes any work or does any act otherwise than in accordance with the conditions subject to which the permit is issued, shall be guilty of an offence.

(5) 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 planning scheme ; or

- (6) 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 a planning authority or executive authority for the purpose of inspection any document required by that authority in connexion with the preparation or execution of any planning scheme ; or

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

shall be guilty of an offence.

Offences by officers, &c., of planning authority.

83. Every officer or person in the employment of a planning authority who, except with written permission given by or on behalf of that authority—

(a) at any time prior to the publication in the Gazette of a notice under section 26 (1) in respect of any draft scheme prepared by that authority, communicates any information to any person relating to the contents of the draft scheme ; or

(b) at any time before a scheme prepared by that authority comes into operation, enters into or interests himself in any transaction for the purchase, lease or disposal of any land or structure in the 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.

Penalty for offences.

84. Save as otherwise provided in section 83, any person who commits any offence under this Ordinance shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred 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.

85. (I) In this Ordinance, unless the context otherwise requires-

Interpretation.

“ building line ”, when used with reference to a road, means a line defining the limit of the area on either side of the centre of the road upon which no structure or work, other than a boundary wall, fence or other authorized structure or work, shall be erected ;

“ building operations ” includes any road works preliminary or incidental to the erection of structures ;

“ Commissioner ” means the Commissioner of Local Government ;

“ curtilage ” means the area of land within the boundaries of any one plot on which any structure is erected ;

“ detailed scheme ” means a detailed planning scheme for any urban development area or trunk road development area or for any land in any such area ;

“ development ”, when used with reference to any land, includes the parcelling or subdivision of such land, the erection or re-erection of structures and the construction of works thereon, the carrying out of building operations thereon, and save as otherwise provided in subsection (2) of this section, any change in the purpose for which the land or any structure thereon is used ;

“ existing structure ” means any structure erected, constructed or carried out on any land at any time before the date of the publication in the Gazette of an Order under section 21 directing the preparation of a planning scheme for that land or for the area in which the land is situated, and includes any structure or work, as the case may be, which is—

(a) erected, constructed or carried out after that date in

- pursuance of a contract entered into before that date ;  
or
- (h) begun before, but completed after that date ; or
- (c) erected, constructed or carried **out** under a permit granted under section 47 ; and
- “ existing work ” has a corresponding meaning ;
- “ existing use ”, when used with reference to any land or structure thereon, means the use of the land or structure for a purpose of the same or a similar character to that for which the land or structure was **used** immediately before the date of the publication in the Gazette of an Order under section 21 directing the preparation of a planning scheme for the land or for the area in which the land is situated ;
- “ land ” includes land covered with water and any right in or over land ;
- “ local authority ”, when **used** with reference--
- (u) to a Municipal area, means the Municipal Council for that area ;
- (h) to a town within the meaning of the Urban Councils Ordinance, means the Urban Council for that town ;
- (c) to a town within the meaning of the Town Councils Ordinance, means the Town Council for that town ;
- “ Municipal area ” means the area within the administrative limits of a Municipal Council ;
- “ outline scheme ” means an outline planning scheme for any urban development area or trunk road development area, or for any land in any such area ;
- “ owner ”, when used with reference to any land or structure, includes the person for the time being receiving the rent of the land or structure, whether on his own account or as agent or trustee for any other person, or who would receive the rent if the land or structure were let to a tenant ;
- “ plot ” in relation to land means the entirety of any land which has been demarcated by boundary marks or is enclosed within boundary walls or fences. whether such land belongs to one single person or to a **set** of co-owners ;
- “ prescribed ” means prescribed by regulation ;
- “ principal thoroughfare ” means any road which is for the time being declared under section 5 of the Thoroughfares Ordinance to be a principal thoroughfare ;
- “ regional planning scheme ” means a planning scheme for any regional development area or for any land therein ;
- “ 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, grass margin, roundabout, **square**, drain, embankment or ditch belonging or appertaining to any road ;
- (h) any land adjoining any 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 or diversion of any road ;

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

- (2) (a) The use of any land for the purpose of agriculture, horticulture, or as a pasture ground ; and
- (h) the use of any land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of a dwelling house, as such, other than a purpose necessitating building operations,

shall not be deemed to be development of the land for the purposes of this Ordinance.

86. Nothing in this Ordinance or in any planning scheme shall apply in the case of any land or structure which belongs to the State or which is for the time being occupied on behalf of the State for the purposes of any of its armed forces.

Ordinance not to apply to land or structures belonging to the State or occupied by the armed forces.

87. Nothing in this Ordinance or in any planning scheme shall apply to any ancient monument within the meaning of the Antiquities Ordinance or to any land which is duly declared to be an archaeological reserve under section 33 of that Ordinance.

Ordinance not to apply to ancient monuments or archaeological reserves.

[Section 38.]

#### FIRST SCHEDULE

##### MATTERS FOR WHICH PROVISION MAY BE MADE IN PLANNING SCHEMES

- I. The prohibition, regulation or control of the use of land and the reservation of defined areas for specified purposes, and in particular
- (1) the declaration of zones for the erection of residential buildings or of various classes of residential buildings, and of zones in which the erection of residential buildings is prohibited or restricted ;
  - (2) the declaration of zones for the carrying on of special trades, industries, and undertakings, and of zones in which the carrying on of any such trades, industries or undertakings is prohibited ;
  - (3) the reservation of land for public or private open spaces and the regulation or prohibition of the erection of structures thereon ;
  - (4) the reservation of land for purposes of agriculture or horticulture and the regulation or prohibition of the erection of structures thereon ;
  - (5) the prohibition or restriction of the use or development of land for the purpose of the preservation of places and structures of religious, historical, architectural, archaeological or artistic interest ;
  - (6) the reservation of land for the erection of public buildings or for religious purposes and the prohibition or regulation of the erection of other structures on such land ;
  - (7) the temporary restriction of development in any area pending the determination of the zone in which such area should be included.
- II. The regulation and control of the siting, construction, extension, diversion, alteration, and closure of roads, and, in particular
- (1) the construction of new roads, the widening, diversion or alteration of existing roads, and the reservation of land for the construction of new roads or for the widening of existing roads ;
  - (2) the regulation of the alignment, width, level, construction and character of new or existing roads ;
  - (3) the imposition, upon the grant of permission to develop land, of conditions requiring the owners of such land to construct or improve roads, or to contribute to the cost of such construction or improvement ;
  - (4) the regulation and control of the construction or execution of works incidental to the working or improvement of roads, including the erection of shelters, the provision of seats, the planting and protection of trees and borders, and the provision of covered arcades for the use of pedestrians in commercial or industrial areas.

111 Slum clearance, including the demolition or alteration of insanitary, overcrowded, unhealthy or dangerous dwelling houses or other structures, the construction of new structures, the rehousing of the inhabitants of such dwelling houses, and the recovery of charges in respect of the execution of any provision for slum clearance from the owners of structures in the areas affected.

IV. The restriction, regulation and control of the erection, re-erection, alteration, demolition and use of structures, and in particular--

- (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 safety or amenity ;
- (6) the regulation of the objects which may be affixed to structures, and the authorization of projections in front of building lines or 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.

V. The construction of works for the provision of public services and the extension or improvement of such works including

- (1) surface water drainage, sewerage and the disposal of sewage ;
- (2) the prohibition, regulation and control of the deposit or disposal of refuse and waste material ;
- (3) lighting, including the position and design of standards and the allocation and acquisition of land for the erection of structures and works in connexion with lighting services ;
- (4) water supply, including the reservation and acquisition of land for reservoirs ;
- (5) the provision of burial or cremation grounds and of structures appurtenant thereto.

VI The preservation of existing amenities and the regulation of the development of land for the purpose of improving the amenities of the locality in which the land is situated, including

- (1) the prohibition, regulation and control of the exhibition, whether on land or water or in the air, of advertisements, signs and public notices, the issue of permits authorizing any such exhibition and the imposition and recovery of fees for such permits:
- (2) the prevention or control of nuisances arising from excessive noise or from the emission of smoke, gas, and noxious vapours or odours ;

- (3) the preservation of views and prospects, and features of natural or artistic interest or beauty ;
  - (4) the planting, preservation and protection of woods, plantations, trees, plants and flowers.
- VII. (1) The acquisition of land for public purposes, whether compulsorily or by purchase, agreement, lease or gift ;
- (2) the exchange of land ;
  - (3) the adjustment or reconstitution of the boundaries of any plot of land
  - (4) the pooling and redistribution of land ;
  - (5) the control of the parcelling of land.
- VIII. The establishment, extension or improvement of systems of transport whether by land or water.
- IX. Such special or general provisions as may be connected with or incidental to the matters mentioned in items I to VIII, **including—**
- (1) the persons or authorities by whom any provision in a planning scheme shall be executed, and by whom the cost of the execution of any such provision shall be borne ;
  - (2) the agreements which may be made by an executive authority for the purpose of giving effect to any provision in a planning scheme.

[Section 39.]

## SECOND SCHEDULE

MATTERS FOR WHICH PROVISION SHALL NOT BE MADE IN ANY PLANNING SCHEME  
FOR ANY TRUNK ROAD PLANNING AREA

A scheme for any trunk road planning area shall not contain provision for any one or more of the matters **mentioned—**

- (1) in paragraphs (3) to (7) of item I of the First Schedule ;
- (2) in item III of the First Schedule ;
- (3) in paragraphs (7) to (12) of item IV of the First Schedule ;
- (4) in paragraphs (4) and (5) of item V of the First Schedule ;
- (5) in paragraphs (3) and (4) of item VI of the First Schedule ;
- (6) in paragraphs (2) to (5) of item VII of the First Schedule.