



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**SRI LANKA LAND RECLAMATION AND
DEVELOPMENT CORPORATION
(AMENDMENT) ACT, No. 35 OF 2006**

[Certified on 26th October, 2006]

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Sri Lanka Land Reclamation and Development Corporation (Amendment) Act, No. 35 of 2006

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L.D.—O. 43/2004.

AN ACT TO AMEND THE SRI LANKA LAND RECLAMATION AND DEVELOPMENT CORPORATION ACT, NO. 15 OF 1968

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Sri Lanka Land Reclamation and Development Corporation (Amendment) Act, No.35 of 2006.

Short title.

2. The Long Title of the Sri Lanka Land Reclamation and Development Corporation Act, No. 15 of 1968 (hereinafter referred to as the “principal enactment”) is hereby repealed and the following is substituted therefor :—

Replacement of Long Title of Act, No. 15 of 1968.

“AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A CORPORATION, TO BE KNOWN AS THE SRILANKA LAND RECLAMATION AND DEVELOPMENT CORPORATION FOR THE DEVELOPMENT AND RECLAMATION IN ACCORDANCE WITH THE NATIONAL POLICY RELATING TO LAND RECLAMATION AND DEVELOPMENT OF SUCH AREAS AS MAY BE DECLARED BY ORDER OF THE MINISTER; FOR SUCH CORPORATION TO UNDERTAKE CONSTRUCTION WORK AND CONSULTANCY ASSIGNMENTS IN THE FIELD OF ENGINEERING; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.”.

3. The following new sections are hereby inserted immediately after section 2 of the principal enactment and shall have effect as sections 2A and 2B of that enactment :—

Insertion of new sections 2A and 2B in Act, in the principal enactment.

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“Prohibition against filling or developing a Reclamation and Development Area. 2A. (1) No person shall without the written approval of the Corporation, fill or develop in any manner whatsoever, any extent of land situated within any area of land declared to be a Reclamation and Development Area under section 2.

(2) The Corporation may, on a written application made by any person seeking approval for filling or developing any extent of land within any area declared to be a Reclamation and Development Area, grant approval for the same, subject to such terms and conditions as it may consider necessary.

(3) Every person who acts in contravention of the provisions of subsection (1) or fails to comply with the terms and conditions subject to which an approval has been granted under subsection (2), shall be guilty of an offence under this Act.

(4) Where the chief executive officer of the Corporation is informed that any person is contravening the provisions of subsection (1) he shall take all appropriate measures to prevent such person from carrying on the unlawful activity, and may where necessary, obtain the assistance of the officer-in-charge of the Police Station within whose area of authority the extent of land or any part thereof in which the alleged unlawful activity is being carried on, is situated. It shall be the duty of such Police Officer to provide all necessary assistance to the chief executive officer or any officer or servant authorized in that behalf by the chief executive officer, to prevent such person, his agents or servants from carrying on the unlawful activity, in contravention of the provisions of subsection (1).

(5) Where under subsection (4), the chief executive officer of the Corporation or the officer or servant authorised by such chief executive officer, fails to prevent any person from carrying on an unlawful activity in contravention of the provisions of subsection (1), he may make an application to the Magistrate's Court within whose local jurisdiction the extent of land or any part thereof in which the alleged unlawful activity is being carried on, is situated, for the issue of an order restraining him or his agents or servants from acting in contravention of the provisions of subsection (1) and where necessary for an order granting him authority either to demolish any building or construction whether wholly or partly built which may have been erected on such extent of land or of taking such buildings or construction into his custody.

(6) If on the conclusion of the inquiry under subsection (5) the Magistrate is not satisfied that the person showing cause has lawful authority to fill or develop the extent of land, he shall —

- (a) make an order restraining such person or his agents and servants from doing any act in contravention of this section; and
- (b) where necessary, make order authorising the demolition of any building or construction built thereon.

(7) Where any person to whom approval has been granted under subsection (2) has failed to comply with the terms and conditions subject to which such approval was granted, the chief executive officer of the Corporation may direct

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such person to comply with the same and where such person fails to do so, he may make an application to the Magistrate's Court within whose jurisdiction the extent of land or any part thereof is situated, and obtain an order—

- (a) restraining such person, his agents and servants from acting in contravention of the terms and conditions imposed ; and
- (b) enabling the Corporation to carry out or cause to be carried out the work in compliance with the terms and conditions imposed and charge the cost of such operation on that person.

(8) The provisions of section 20A of this Act shall apply in respect of an application made under subsection (5) and subsection (7) respectively.

Declaration of an area as low lying marshy, waste or swampy.

2B. (1) The Minister may with the concurrence of the Minister in charge of the subject of Lands, by Order published in the *Gazette* determine any area of land other than an area declared to be a Reclamation and Development Area under section 2, as a low-lying, marshy, waste or swampy and specify in such Order the requirements to be complied with in filling or developing any such area.

(2) An Order under subsection (1) declaring an area as low lying, marshy, waste or swampy shall define such area by setting out the metes and bounds of such area.

(3) It shall be the duty of every person who proposes to carry out any filling or development activity in any area declared under subsection

(1), to comply with the requirements specified in the Order made under that subsection and any person who acts in contravention, thereof shall be guilty of an offence under this Act.

(4) Where an Order under subsection (1) is made, the local authorities or any authorities within the area declared by such Order, whose approval is required for the purpose of construction of buildings or sub-division, shall, in granting such approval, ensure that the requirements specified in that Order are complied with and where such requirements are not complied with, notwithstanding anything to the contrary in any other written law, have the power to refuse to approve such construction of buildings or sub-division as the case may be, until such requirements are complied with to its satisfaction.

(5) Where the chief executive officer of the Corporation is informed that any person is acting in contravention of subsection (3), he may make an application to the Magistrate's Court within whose local jurisdiction the area declared under subsection (1) is situated for the issue of an Order restraining such person or his agents or servants from acting in contravention of the provisions of subsection (3) and where necessary for an Order granting authority to demolish any building or construction whether wholly or partly built which may have been erected in any such area.

(6) The provisions of section 20A of this Act shall apply in respect of an application made under subsection (5).

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(7) If on the conclusion of the inquiry the Magistrate is not satisfied that the person showing cause has sufficient reason for not complying with the requirements specified in the Order made under subsection (1), he shall make an order restraining such person or his servants and agents from doing any act in contravention of this section and an order authorising the demolition of any building or construction erected thereon.”.

Renumbering of sections 4A and 4B as 4B and 4C.

4. The principal enactment is hereby amended by the renumbering of sections 4A and 4B of the principal enactment as sections 4B and 4C respectively of that enactment.

Insertion of new section 4A in the principal enactment.

5. The following new section is hereby inserted in Part I immediately after section 4 of the principal enactment and shall have effect as section 4A of that enactment :—

“Declaration of canal reservations.

4A. (1) Any area of land on a canal bank may be declared by Order published in the *Gazette*, as a canal reservation by the Minister with the consent of the local authority within whose area of authority such area of land is situated, and such Order shall define the area declared by setting out metes and bounds of that area.

(2) No building or any structure whether temporary or otherwise shall be constructed on any area declared to be a canal reservation under subsection (1) without the written approval of the chief executive officer of the Corporation. An approval given under this subsection shall be subject to such terms and conditions as may be determined by the chief executive officer on the recommendation of the Divisional Secretary or the Provincial Commissioner of Lands of the division or the Province respectively, where the land is situated.

(3) Every person who acts in contravention of the provisions of subsection (1) or fails to comply with such terms and conditions subject to which an approval has been granted under subsection (2) shall be guilty of an offence under this Act.

(4) Where the chief executive officer of the Corporation is informed that any person is acting in contravention of subsection (2) he may make an application to the Magistrate's Court within whose local jurisdiction the area declared as a canal reservation is situated for the issue of an order restraining him or his agents or servants from acting in contravention of the provisions of subsection (2) and for an order granting authority to demolish any building or structure constructed on any such area declared as a canal reservation.

(5) If on the conclusion of the inquiry the Magistrate is satisfied that the building or structure had been constructed without the written approval of the chief executive officer he shall make an order restraining such person or his servants and agents from doing any act in contravention of this section and further order the demolition of such building or structure as the case may be.

(6) Where any person to whom approval had been granted under subsection (2), has failed to comply with the terms and conditions subject to which such approval was granted, the chief executive officer may direct such person to comply with the same and where such person fails to do so, he may make an application to the Magistrate's Court within whose jurisdiction such canal reservation or any part thereof is situated and obtain an order—

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- (a) restraining such person, his agents and servants from acting in contravention of the terms and conditions imposed; and
- (b) enabling the Corporation to carry out or cause to be carried out, the construction work in compliance with the terms and conditions imposed and charge the cost of such construction work on that person.

(7) The provisions of section 20A of this Act shall apply in respect of an application made under subsection (4) and subsection (6).”.

Amendment of section 4B of the principal enactment.

6. Section 4B (as renumbered by section 3) of the principal enactment is hereby amended, by the substitution for the words “acquired by the Corporation under section 3 or section 3A or section 4.”, of the words “acquired by the Corporation under section 3 or section 3A or section 4 or construct and sell houses and buildings on any such land.”.

Amendment of section 8 of the principal enactment.

7. Section 8 of the principal enactment, is hereby amended as follows :—

(1) in paragraph (c) of that section by the substitution for the words “section 2 of this Act.”, of the words “section 2 of this Act; and”; and

(2) by the addition, immediately after paragraph (c) of that section, of the following new paragraph :—

“(d) to have the custody, management, improvement maintenance and control of canals and the prevention of pollution of canals.”.

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8. The following new sections are hereby inserted immediately after section 20 of the principal enactment and shall have effect as sections 20A and 20B of that enactment :—

Insertion of new sections 20A and 20B in the principal enactment.

“Procedure for application for restraining Order.

20A. (1) Every application for an order under subsection (5) of section 2A, subsection (5) of section 2B, subsection (4) of section 4A or subsection (2) of section 20c shall be supported by an affidavit verifying the matters set out in the application.

(2) Upon receipt of the application the Magistrate shall forthwith issue summons on the person named in the application to appear and show cause on the date specified in such summons (being a date not later than two weeks from the date of issue of such summons) as to why he or his servants or agents should not be restrained as prayed for in the application.

(3) If on the date specified in the summons the person to whom such summons has been issued fails to appear or informs the Court that he has no cause to show against the issuing of such order the Court shall forthwith issue an order as prayed for in the application.

(4) If the person on whom summons has been issued duly appears in Court and states that he has cause to show against issuing such order the Court may proceed forthwith or may set the case for inquiry on a later date.

(5) The Court shall be competent to call for any evidence from the chief executive officer of the Corporation in support of the application.

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(6) The Court may at the conclusion of the inquiry, issue an order as specified in section 2A, or section 2B or section 4A or section 20c as the case may be, or dismiss the application.

Certificate of chief executive officer to be *prima facie* evidence of the facts therein.

20B. Where in any proceeding instituted under this Act, a question arises as to whether any land is situated within,

- (a) an area declared by Order under section 2 to be a Reclamation and Development area ; or
- (b) an area determined by an Order under section 2B to be a low-lying, marshy, waste or swampy area ; or
- (c) an area declared by Order under section 4A to be a canal reservation,

a Certificate under the hand of the chief executive officer of the Corporation to the effect that the land specified in such certificate is situated in a reclamation and development area or a low-lying, marshy, waste or swampy area or a canal reservation, as the case may be, shall be admissible in evidence and shall be *prima facie* evidence of the facts stated therein.

Pollution of canals an offence.

20c. (1) Any person who pollutes or causes the pollution of any canal of which a canal reservation has been declared by Order under section 4A, by dumping or discharging into such canal any pollutant shall be guilty of an offence and be liable on conviction after summary trial before a Magistrate to a fine not less than one hundred thousand rupees and not exceeding

five hundred thousand rupees and in the event of the offence being continued after conviction therefor with a fine of one thousand rupees for each day that the offence is so continued.

(2) Where such pollution—

- (a) continues unabated for a period exceeding fourteen days after such conviction ; or
- (b) causes a serious threat to the maintenance of the free flow or safety or quality of water of such canal.

the Magistrate shall forthwith upon an application being made by the Corporation by Order require the persons causing such pollution to eliminate the causes of pollution by closing down any business, trade or the activity which is directly or indirectly responsible for causing such pollution with the assistance of the fiscal or police as shall be necessary in the circumstances .

(3) For the purpose of this section “pollution” and “pollutant” shall have the same meaning as in the National Environmental Act, No. 47 of 1980.”.

9. The following new section is hereby inserted immediately after section 22 of the principal enactment and shall have effect as section 22A of that enactment :—

“Penalty for offence for which no penalty is prescribed.

22A. Every person guilty of an offence under this Act for which no penalty is prescribed shall be liable to a fine not less than one hundred thousand rupees and not exceeding five hundred thousand rupees or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.”.

Insertion of new section 22A in the principal enactment.

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Amendment of section 28 of the principal enactment.

10. Section 28 of the principal enactment is hereby amended by the addition after the definition of the expression “Board” of the following new definition :—

‘ “retention area” means any low-lying area intended to store storm and run-off water for a limited period of time, until the available drainage system of the particular area is able to discharge the water.’.

Sinhala text to prevail in case of inconsistency.

11. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

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