



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

**LAND REFORM (SPECIAL PROVISIONS)
ACT, No. 14 OF 1986**

[Certified on 20th June, 1986]

Printed on the Orders of Government

**Published as a Supplement to Part II of the Gazette of the Democratic
Socialist Republic of Sri Lanka of June 20, 1986**

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Price : Re. 1.20

Postage : 75 cents

*Land Reform (Special Provisions)
Act, No. 14 of 1986*

[Certified on 20th June, 1986]

L.D.—O. 11/83

AN ACT TO AMEND THE LAND REFORM LAW, NO. 1 OF 1972 ; THE LAND REFORM (SPECIAL PROVISIONS) ACT, NO. 39 OF 1981 ; AND TO MAKE SPECIAL PROVISION IN REGARD TO CERTAIN ORDERS AND DETERMINATIONS ; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

1. This Act may be cited as the Land Reform (Special Provisions) Act, No. 14 of 1986.

PART I

AMENDMENT TO THE LAND REFORM LAW, NO. 1 OF 1972

2. Section 5 of the Land Reform Law, No. 1 of 1972, as amended by the Land Reform (Special Provisions) Act, No. 39 of 1981 (hereinafter in this Part of this Act referred to as “the principal enactment”) is hereby amended by the repeal of subsection (2) of that section and the substitution of the following subsection therefor :—

“ (2) Where any person becomes, by reason of marriage or by way of inheritance, or both, the owner of any agricultural land in excess of the ceiling after the date of enactment of this subsection, the provisions of subsection (1) shall not apply, and such person may transfer by way of sale or otherwise, such excess within a period of two years from the date on which he becomes the owner of such agricultural land. Where such person fails to transfer such excess within such period, such excess shall, upon the expiration of such period—

(a) be deemed to vest in the Commission ; and

(b) be deemed to be held by that person under a statutory lease from the Commission.”

3. Section 15 of the principal enactment is hereby amended by the omission of paragraph (b) therefrom.

4. Section 21 of the principal enactment is hereby amended by the repeal of paragraph (b) of that section and the substitution of the following paragraph therefor :—

“ (b) make reference to a survey plan made—

(i) by the Surveyor-General or under his direction ; or

Short title.

Amendment of section 5 of Law No. 1 of 1972.

Amendment of section 15 of the principal enactment.

Amendment of section 21 of the principal enactment.

(ii) by a surveyor licensed under the Surveyors Ordinance and approved by an officer in the Survey Department holding a post not below that of Superintendent of Surveys,

of the agricultural land permitted to be retained by the lessees under paragraph (a) ; and ”.

Amendment of section 22 of the principal enactment.

5. Section 22 of the principal enactment is hereby amended in paragraph (bb) of subsection (1) of that section, by the substitution, for the words “by way of sale”, of the words “by way of sale or lease”.

Replacement of section 23 of the principal enactment.

6. Section 23 of the principal enactment is hereby repealed and the following new section substituted therefor :—

“ Agricultural land not to be alienated by the Commission to persons who are not citizens of Sri Lanka.

23. Any agricultural land vested in the Commission under this Law shall not be alienated by the Commission to a person who is not a citizen of Sri Lanka.”.

Amendment of section 28 of the principal enactment.

7. Section 28 of the principal enactment is hereby amended as follows :—

(a) by the repeal of sub-paragraph (ii) of paragraph (a) of subsection (3) of that section, and the substitution of the following sub-paragraph therefor :—

“ (ii) (A) in the case of agricultural land planted with tea, rubber or coconut, a sum calculated on the basis of the average annual yield per acre from the acreage in production of such agricultural land for the three accounting years immediately preceding the date on which such agricultural land was vested in the Commission, so however, that where average annual yield per acre of such agricultural land is equal to an amount specified in Column I hereto, the sum payable in respect of each acre of such agricultural land in production shall be equal to the sum specified in the corresponding entry in Column II hereto.

**Land Reform (Special Provisions)
Act, No. 14 of 1986**

3

<i>Column I</i>	<i>Column II</i>
<i>Average annual yield per acre</i>	<i>Amount of Compensation per acre</i>
	<i>Rs.</i>
<i>Tea</i>	
Over 1,500 lbs.	2,500
Over 1,000 lbs. but not exceeding 1,500 lbs.	2,000
Over 750 lbs. but not exceeding 1,000 lbs.	1,500
750 lbs. and under	1,000
<i>Rubber</i>	
Over 1,000 lbs.	2,500
Over 750 lbs. but not exceeding 1,000 lbs.	2,000
Over 500 lbs. but not exceeding 750 lbs.	1,500
500 lbs. and under	1,000
<i>Coconut</i>	
Over 3,000 nuts	2,500
Over 2,000 nuts but not exceeding 3,000 nuts	2,000
2,000 nuts and under	1,500 ; or

(B) in the case of agricultural land planted with cocoa, cinnamon, pepper, paddy or any other agricultural product, a sum calculated at the rate of Rs. 2,000 for each acre of such agricultural land in production ;

(C) in the case of agricultural land which had been prepared for planting or replanting on the date on which such agricultural land was vested in the Commission but which had not been planted or replanted with any agricultural product on that date, a sum calculated at the rate of Rs. 1,000 for each acre of such agricultural land ;

(D) in the case of agricultural land which had been planted or replanted with any agricultural product specified in Column I hereto on the date on which such agricultural land was vested in the Commission but which was not in production on that date, a sum calculated at the rates

*Land Reform (Special Provisions)
Act, No. 14 of 1986*

specified in the corresponding entry in
Column II hereto, for each acre of such
agricultural land—

<i>Column I</i> <i>Agricultural Product</i>	<i>Column II</i> <i>Rate per acre</i> <i>Rs.</i>
Paddy	1,000
Tea	1,000
Rubber	1,000
Coconut	1,500
Cocoa, cinnamon, pepper, or any other agricultural product	2,000

(E) in the case of uncultivated agricultural land, a sum calculated at the rate of Rs. 75 for each acre of such agricultural land.” ;
and

(b) in paragraph (c) of that subsection, by the omission, of the expressions “Paddy” and “2,500” appearing under Column I and Column II respectively, of that paragraph.

Amendment
of section 31
of the
principal
enactment.

8. (1) Section 31 of the principal enactment is hereby amended by the addition, at the end of that section of the following new subsection :—

“ (3) The compensation payable in respect of any agricultural land vested in the Commission, being agricultural land which was, on the day immediately preceding the day it was vested in the Commission subject to a lease with an unexpired period of at least fifteen years, shall, notwithstanding anything in the preceding provisions of this Law, be apportioned between the lessor and the lessee under such lease, in the ratio of forty *per centum* to sixty *per centum* :

Provided however that in any case where the lessee of such agricultural land has erected any buildings thereon, the share apportioned to the lessee in accordance with this subsection shall be increased by the Chairman of the Commission by such amount as is reasonable, having regard to the value of such buildings.”.

(2) The amendment made to the principal enactment by subsection (1) shall be deemed for all purposes to have come into operation on the date of commencement of the principal enactment and any award of compensation made in respect of any such agricultural land as is referred to in section 31 (3) of the principal enactment as inserted by subsection (1) of this section, in accordance with the provisions of that subsection as so inserted, shall be deemed to have been, and to be, validly made.

9. Section 42H of the principal enactment is hereby amended as follows:—

Amendment
of section 42H
of the
principal
enactment.

(a) by the insertion, immediately after paragraph (a) of subsection (1) of that section, of the following new paragraph:—

“ (aa) alienation, by way of sale or lease with the approval of the Minister, for non-agricultural purposes; ”; and

(b) by the insertion, immediately after subsection (1) of that section, of the following new subsection:—

“ (1A) It shall be lawful for the Commission to alienate, by way of lease under paragraph (a) or paragraph (aa) of subsection (1), estate land to any person in excess of fifty acres for such purposes as may be approved by the Minister, having regard to the need to increase the productivity of such land and to generate employment thereon. ”.

10. Section 42J of the principal enactment as amended by Act No. 39 of 1981, is hereby further amended as follows:—

Amendment
of section 42J
of the
principal
enactment.

(a) by the repeal of sub-paragraph (ii) of paragraph (a) of subsection (2A) of that section, and the substitution of the following sub-paragraph therefor:—

“(ii) (A) in the case of estate land planted with tea, rubber or coconut, a sum calculated on the basis of the average annual yield per acre from the acreage in production of such estate land for the three accounting years immediately preceding the date on which such estate land was vested in the Commission, so however, that where the average annual yield per acre of such estate land is equal to an amount specified in Column I thereto, the sum payable in respect of each acre of such estate land in

*Land Reform (Special Provisions)
Act, No. 14 of 1986*

production shall be equal to the sum specified in the corresponding entry in Column II hereto.

<i>Column I</i>	<i>Column II</i>
<i>Average annual yield per acre</i>	<i>Amount of Compensation per acre</i>
	<i>Rs.</i>
<i>Tea</i>	
Over 1,500 lbs.	2,500
Over 1,000 lbs. but not exceeding 1,500 lbs.	2,000
Over 750 lbs. but not exceeding 1,000 lbs.	1,500
750 lbs. and under	1,000
<i>Rubber</i>	
Over 1,000 lbs.	2,500
Over 750 lbs. but not exceeding 1,000 lbs.	2,000
Over 500 lbs. but not exceeding 750 lbs.	1,500
500 lbs. and under	1,000
<i>Coconut</i>	
Over 3,000 nuts	2,500
Over 2,000 nuts but not exceeding 3,000 nuts	2,000
2,000 nuts and under	1,500 ; or

(B) in the case of estate land planted with cocoa, cinnamon, pepper, paddy or any other agricultural product, a sum calculated at the rate of Rs. 2,000 for each acre of such estate land in production ;

(C) in the case of estate land which had been prepared for planting or replanting on the date on which such estate land was vested in the Commission but which had not been planted or replanted with any agricultural product on that date, a sum calculated at the rate of Rs. 1,000 for each acre of such estate land ;

(D) in the case of estate land which had been planted with any agricultural product specified in Column I hereto on the date on which such land was vested in the Commission but which was not in production on that date, a sum calculated at the rate

specified in the corresponding entry in Column II hereto for each acre of such estate land—

Column I	Column II
Agricultural Product	Rate per acre
	Rs.
Paddy	1,000
Tea	1,000
Rubber	1,000
Coconut	1,500
Any other agricultural product ..	2,000.

(E) in the case of uncultivated estate land, a sum calculated at the rate of Rs. 75 for each acre of such estate land.” ;

(b) in paragraph (b) of that subsection, by the omission, of the expressions “Paddy” and “Rs. 2,000” appearing under Column I and Column II respectively of that paragraph ;

(c) in paragraph (c) of that subsection, by the substitution, for all the words from “No amount computed”, to “each acre of such estate land.”, of the following :—

“No person who elects to be paid compensation in respect of any estate land computed in accordance with the provisions of sub-paragraph (i) of paragraph (a) of this subsection, shall (after the addition, to the compensation so computed of any additional sum that such person is entitled to under paragraph (b) of this subsection and the deduction from the compensation so computed of any sum required to be deducted under paragraph (c), of this subsection), be paid a sum in excess of two thousand five hundred rupees for each acre of such estate land.” ; and

(d) by the repeal of subsection (5) of that section and the substitution of the following subsection therefor :—

“ (5) The provisions of sections 29 to 40 (both inclusive) shall, *mutatis mutandis*, apply in respect of estate lands vested in the Commission under this Part of this Law and the payment of compensation in respect of such estate lands.”.

Insertion
of new
section 59A
in the
principal
enactment.

11. The following new section is inserted immediately after section 59, and shall have effect as section 59A of the principal enactment :—

“Prescrip-
tion
Ordinance
not to apply
to lands
vested
in the
Commission.

59A. No person shall, by possession or user of any agricultural land or estate land vested in the Commission, acquire any prescriptive title to any such land and neither the Prescription Ordinance nor any other law relating to the acquisition of rights by virtue of possession or user shall apply to any such land unless undisturbed and uninterrupted adverse possession for a period of over one-third of a century is proved by such person.”.

PART II

AMENDMENT TO THE LAND REFORM (SPECIAL PROVISIONS) ACT, NO. 39 OF 1981

Amendment
of section 18
of Act No. 39
of 1981.

12. (1) Section 18 of the Land Reform (Special Provisions) Act, No. 39 of 1981 (in this Part of this Act referred to as “the principal enactment”) is hereby amended in subsection (6) of that section, by the omission of all the words from “and such land is on the date of such order” to the end of that subsection, and the substitution, of the following therefor :—

“any transfer effected in accordance with any such order or any such order as varied, modified or amended shall have the effect of transferring the right, title and interest in such agricultural land to the transferee.”.

(2) Subsection (1) of this section shall be deemed for all purposes to have come into force on the date of commencement of the principal enactment.

Amendment
of
section 21
of the
principal
enactment.

13. Section 21 of the principal enactment is hereby amended by the repeal of subsection (1) of that section, and the substitution of the following subsection therefor :—

“ (1) Where any lands have been acquired under the Land Acquisition Act on or after May 29, 1971, but prior to August 26, 1972, being lands which had they not been so acquired, would have vested in the Commission under the Land Reform Law No. 1 of 1972, and in respect of which, no award had been made, on the date of commencement of this Act under section 17 of the Land Acquisition Act, such lands shall, notwithstanding anything in this Act or any other law, be deemed to have

vested in the Commission under the Land Reform Law, and accordingly, the owners of such lands shall be entitled to the rights of a statutory lessee under section 14 or section 19 of that Law and may, within three months of the commencement of this Act, make an application to the Commission under section 14 of the Land Reform Law and under section 18 of the Land Reform Law a statutory declaration to the Commission.”

PART III

VALIDATION OF CERTAIN ORDERS

14. Every Order of the Minister made after September 1, 1977 and prior to June 3, 1981, under subsection (3) of section 13 of the Land Reform Law (in this section referred to as an “order of variation”), amending, varying or modifying any order made by the Commission under subsection (2) of that section shall be deemed not to have been, or to be, invalid by reason only of the fact that—

(a) such Order of variation was made by the Minister on an appeal preferred to him after the expiration of the time limit specified in subsection (2) of section 13 of the Land Reform Law ; or

(b) the Minister had earlier rejected, under subsection (3) of section 13 of the Land Reform Law, an appeal preferred to him, under subsection (2) of that section, against such order of the Commission.

Validation of certain orders made by the Minister under section 13 (3) of the Land Reform Law between September 1, 1977, and June 3, 1981.

15. (1) Every order made by the Commission under section 14(2) of the Land Reform Law, after September 1, 1977 and prior to June 3, 1981, granting approval for the transfer of any agricultural land and every transfer affected in accordance with any such order shall be deemed to have been, and to be, validly made or effected, as the case may be, as though—

(a) the provisions of section 18 of the Land Reform (Special Provisions) Act, No. 39 of 1981 had been in force on the date of such approval ; and

(b) the Commission had made an order under section 14 (2) of the Land Reform Law granting approval for the transfer of such land on an appeal made to it under subsection (1) of section 18 of the Land Reform (Special Provisions) Law, No. 39 of 1981.

Validation of certain approvals for the transfer of land under section 14 of the Land Reform Law.

(2) Every Order made by the Minister under section 14 of the Land Reform Law after September 1, 1977 and prior to June 3, 1981, amending, varying or modifying (in this subsection referred to as "an order of variation") an order made by the Commission under subsection (2) of that section and every transfer of any agricultural land effected in accordance with any such order of variation shall be deemed to have been, and to be, validly made or effected, as the case may be, as though—

- (a) section 18 of the Land Reform (Special Provisions) Act, No. 39 of 1981, was in force on the date on which such order of variation was made ;
- (b) such order of variation was made by the Minister under subsection (5) of section 18 of the Land Reform (Special Provisions) Act, No. 39 of 1981 on an appeal made to him under subsection (3) or subsection (4) of that section.

Validation
of certain
statutory
determina-
tion made
between
September 1,
1977 and
June 3, 1981.

16. Every cancellation by the Commission, after September 1, 1977, and prior to June 3, 1981, of a statutory determination made by it in respect of any person and every fresh statutory determination made by it in respect of that person shall be deemed to have been, and to be, validly made as though—

- (a) the provisions of section 19 of the Land Reform (Special Provisions) Act, No. 39 of 1981 had been in force on the date of such cancellation and fresh determination ; and
- (b) the Commission had made such cancellation and determination under subsection (2) of the aforesaid section of the Land Reform (Special Provisions) Act, No. 39 of 1981, on an appeal made to it under subsection (1) of the aforesaid section of the Land Reform (Special Provisions) Act, No. 39 of 1981.

Interpreta-
tion.

17. In this Part of this Act—

"the Commission" means the Land Reform Commission established by the Land Reform Law ; and

"Land Reform Law" means the Land Reform Law, No. 1 of 1972, as amended by Law No. 39 of 1975.