

CHAPTER 597

RENT

Act No. 7 of 1972,
Laws Nos. 34 of 1976,
10 of 1977,
Act No. 55 of 1980.

AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO RENT RESTRICTION.

[1st March, 1972. except sections 15, 16 and 17.*]

Short title and date of operation.

1. (1) This Act may be cited as the Rent Act.

(2) The provisions of this Act other than the provisions of sections 15, 16 and 17 thereof shall come into operation on the 1st day of March, 1972.

(3) The provisions of sections 15, 16 and 17 of this Act shall come into operation on such date as may be appointed by the Minister by Order published in the Gazette.*

Operation and application of Act.

2. (1) This Act shall be in operation—

(a) in every area in which the Rent Restriction Act (No. 29 of 1948), was, by virtue of the provisions of section 2 of that Act and by virtue of any Notification made under that section, in force immediately prior to the 1st day of March, 1972 ; and

(b) in every other area for the time being declared by the Minister, by Notification published in the Gazette, to be an area in which this Act shall be in operation.

(2) The Minister shall in every Notification under paragraph (b) of subsection (1), appoint the date on which the Notification shall take effect.

(3) The Minister may, by Order published in the Gazette, declare that this Act shall with effect from such date as may be specified therein cease to be in operation in any area, or in any part of any area, in which the Act has been in operation.

(4) So long as this Act is in operation in any area, the provisions of this Act shall apply to all premises in that area, other than—

(a) excepted premises;

(b) residential premises constructed after January 1, 1980, and let on or after that date;

(c) residential premises occupied by the owner on January 1, 1980, and let on or after that date ;

(d) residential premises in the occupation of—

(i) a person who has been issued with a valid *visa* under the Immigrants and Emigrants Act and whose total income exceeds one thousand rupees per month; or

(ii) a non-resident company,

and let to such person or company, as the case may be, on or before the coming into operation of this subsection which the Commissioner for National Housing, on application made by the landlord thereof, upon being satisfied of such facts, exempts from the application of this Act; and

(e) residential premises let after the 12th day of December, 1980—

(i) a person, who has been issued a valid *visa* under the

* Sections 15, 16 and 17 are not in operation on 31st December, 1980.

Immigrants and Emigrants Act and whose total income exceeds one thousand rupees per month; or

are situated, to the effect that such premises were ready for occupation on or after January 1, 1980; and

(ii) a non-resident company,

(B) the expression " non-resident company " means—

in respect of which the landlord thereof obtains the prior approval therefor of the Commissioner for National Housing who shall grant such approval if he is satisfied that the previous tenant has vacated such premises voluntarily or upon an order of court,

(a) a company to which Part IX of the Companies Ordinance* applies; or

(b) a company exempted under section 3 of the Companies (Special Provisions) Law; or

and the word " premises " wherever it occurs in this Act shall, unless the context otherwise requires, be construed as premises to which this Act applies, and the expressions " residential premises " and " business premises " shall be construed accordingly.

(c) a company recognized as an "existing company" under the Companies Ordinance* where the majority of the shareholders or the directors of such company are not resident in Sri Lanka; or

In this subsection—

(d) a company registered in Sri Lanka which is controlled and managed by persons outside Sri Lanka and whose principal office is situated outside Sri Lanka.

(A) the expression " residential premises constructed after January 1, 1980 " means—

(i) a residential premises situated within the administrative limits of a local authority, and in respect of which a certificate of conformity has been granted, after January 1, 1980, under the Housing and Town Improvement Ordinance, to the effect that such premises is as regards construction, drainage and in all other respects, in accordance with the law ; or

(5) The regulations in the Schedule to this Act shall have effect for the purpose of determining the premises which shall be excepted premises for the purposes of this Act, and may be amended from time to time, by regulation made under section 43.

3. (1) It shall not be lawful for the landlord of any premises—

Restriction on increase of rent. [§ 3, 55 of 1980.]

(ii) a residential premises situated in an area where the local authority thereof does not issue certificates of conformity, and in respect of which a certificate has been granted in the prescribed form after January 1, 1980, by the Assistant Government Agent of the administrative division within which such premises

(a) to demand, receive or recover as the rent of such premises in respect of any period commencing on or after the date of commencement of this Act any amount in excess of the authorized rent of such premises as defined for the purposes of this Act in section 6 ; or

(b) to increase the rent of such premises in respect of any such period to an amount in excess of such authorized rent.

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

[§ 3, 55 of 1980.]

(2) It shall not be lawful for the tenant of any premises to pay or offer to pay, as the rent of such premises, any amount in excess of the authorized rent of such premises as defined for the purposes of this Act in section 6.

(3) Any transfer to a tenant of any burden or liability previously borne by the landlord shall, for the purposes of this Act, be treated as an alteration of rent, and where, as the result of such transfer, the terms on which any premises are held are on the whole less favourable to the tenant than the previous terms, the rent shall be deemed to be increased, whether or not the sum periodically payable by way of rent is increased; and any increase of rent in respect of any transfer to a landlord of any burden or liability previously borne by the tenant where, as the result of such transfer, the terms on which any premises are held are on the whole not less favourable to the tenant than the previous terms, shall be deemed not to be an increase of rent for the purposes of this Act;

Provided that, for the purposes of this section, the rent shall not be deemed to be increased where the liability for rates is transferred from the landlord to the tenant, if a corresponding reduction is made in the rent.

Standard rent. [§ 4, 55 of 1980.]

4. (I) The standard rent per annum of any residential premises the first assessment of the annual value of which was made in respect of any period commencing on a day not later than the first day of January, 1969, and the annual value of which does not exceed the relevant amount, and of any business premises the annual value of which does not exceed the relevant amount, means—

(a) the amount of the annual value of such premises as specified in the assessment in force during the month of January, 1955, or if the assessment of the annual value of such premises is made for the first time after that month, the amount of such annual value as specified in such first assessment; or

(b) if the rates levied in respect of such premises are, under the terms of the

tenancy, payable by the landlord, the aggregate of the amount determined under paragraph (a) and of the amount payable per annum by way of rates in respect of such premises for the time being.

(2) The standard rent per annum of any residential premises, other than premises referred to in subsection (1), means the aggregate of—

(a) the amount of the annual value of such premises; and

(b) the amount payable per annum by way of rates in respect of such premises.

(3) In the case of any premises to which the provisions of subsections (1) and (2) do not apply, the standard rent per annum of the premises means such rent as may be fixed by the board on application made either by the landlord or the tenant for the time being of such premises.

(4) The standard rent of any premises per month or per quarter or per half-year shall be determined in proportion to the standard rent of the premises per annum.

5. (1) Where the landlord of any premises has, since the date by reference to which the standard rent of the premises is determined for the purposes of this Act, incurred, or hereafter incurs, expenditure on the improvement, repair or structural alteration of the premises (not including expenditure on decoration)—

Permitted increases. [§ 4, 55 of 1980.]

(a) in any case, where such landlord has obtained the prior consent of the tenant to effect such improvement, repair or structural alteration, and such tenant has agreed as to the amount to be expended thereon; or

(b) in any case where the tenant has withheld his consent to effect such improvement, repair or structural alteration and where the landlord has obtained the prior approval of the board to effect such improvement, repair, or structural alteration, at such amount as is authorized by the board,

the standard rent per annum of such premises may be increased for a period of five years by twenty-five *per centum* each year of the amount of the expenditure so incurred:

Provided, however, that the board may, on application made by the tenant of such premises, direct that the standard rent shall not be increased as hereinbefore provided, or reduce the amount by which the standard rent may be so increased on the ground that the improvement, repair or structural alteration was not carried out in accordance with the agreement reached with the tenant or the authorization of the board, as the case may be.

(2) An increase of the rent of any premises in accordance with the provisions of subsection (1) shall be a permitted increase for the purposes of this Act.

Authorized rent. [§ 4, 55 of 1980.]

6. For the purposes of this Act, the authorized rent of any premises shall be the standard rent of the premises determined under section 4, or where any increase of rent is permitted by section 5 in the case of such premises, the aggregate of the standard rent and every such permitted increase :

Provided, however, that the authorized rent of any premises shall not be less than the authorized rent or the receivable rent of those premises, as the case may be, under the provisions of this Act as were in force on March 1, 1972.

Prohibition of excessive advance, premium or other additional payment, [§ 7, 55 of 1980.]

*9. (I) No person shall, as a condition of the grant, renewal or continuance of the tenancy of any premises, demand or receive, or pay or offer to pay—

- (a) as an advance of rent, any amount exceeding the authorized rent for a period of three months; or
- (b) in addition to the rent of such premises, any premium, commission, gratuity or other like payment or pecuniary consideration whatsoever.

(2) Where a landlord is convicted of having received any amount in contravention of the provisions of

subsection (1), the Magistrate may make order requiring such landlord to refund such amount to the person from whom such amount was received.

(3) Where the Commissioner for National Housing is satisfied that the landlord of any premises has demanded any amount in contravention of the provisions of subsection (1), the Commissioner may make order directing such landlord not to grant the tenancy of such premises to any person other than a person authorized for the purpose by the board ; and where the landlord grants the tenancy of such premises in contravention of such order, the landlord shall be guilty of an offence under this Act.

(4) Where an order is made by the Commissioner for National Housing under subsection (3), the board shall, subject as hereinafter provided and notwithstanding anything in any other law, authorize such person as in its opinion is suitable to be the tenant of the premises, to occupy such premises.

(5) Where any person authorized by the board under subsection (4) to occupy any premises, occupies such premises, such person shall be deemed for the purposes of this Act to be the tenant of such premises and the provisions of this Act shall apply accordingly.

(6) The exercise of the power of the board to authorize persons to occupy premises under subsection (4) shall be subject to the right of the landlord of the premises to object to the first three persons proposed by the board to be so authorized.

10. (I) For the purposes of this Act, any part of any premises shall be deemed to have been let or sublet to any person, if, and only if, such person is in exclusive occupation, in consideration of the payment of rent, of such part, and such part is a defined and separate part over which the landlord or the tenant, as the case may be, has for the time being relinquished his right of control; and no person shall be deemed to be the tenant or the subtenant of any part of any premises by reason solely of the fact that he is permitted to use a room or rooms in such premises.

Letting of parts of premises and subletting of premises or part thereof.

* Sections 7 and 8 are repealed by Act No. 55 of 1980.

(2) Notwithstanding anything in any other law, the tenant of any premises—

(a) shall not, without the prior consent in writing of the landlord, sublet the premises to any other person ; or

(b) shall not sublet any part of the premises to any other person—

(i) without the prior consent in writing of the landlord ; and

(ii) unless prior to so subletting, he had applied to the board to fix the proportionate rent of such part of the premises and had informed the board and the landlord the name of the person to whom he proposes to sublet such part.

(3) As soon as may be after the board has fixed the proportionate rent of such part of the premises, the tenant shall in writing intimate to the landlord and to the subtenant the amount fixed by the board as the proportionate rent. Any sum received as rent which is in excess of the proportionate rent fixed by the board shall be refunded by the tenant to the subtenant or set off against the rent payable thereafter by the subtenant.

(4) Where the tenant of any premises has prior to the date of commencement of this Act sublet any part of such premises and where the landlord of any premises has prior to such date let any part of such premises, and where the proportionate rent of the part sublet or let, as the case may be, has not been fixed by the board, it shall be the duty of the tenant and the subtenant of the premises sublet and of the landlord and the tenant of the part of the premises let, to make an application to the board within thirty days of the date of commencement of this Act, to fix the proportionate rent of the part sublet or let, as the case may be, and the board shall fix such rent on the basis of the authorized rent or the receivable rent, as the case may be.

(5) Where the tenant of any premises sublets such premises or any part thereof without the prior consent in writing of the landlord, the landlord of such premises shall, notwithstanding the provisions of

section 22, be entitled in a court of competent jurisdiction to a decree for the ejectment of such tenant from such premises, and also for the ejectment of the person or each of the persons to whom the premises or any part thereof had been sublet.

(6) Where the tenant of any premises who has sublet such premises or any part thereof receives or recovers in respect of the premises or the part of the premises which he has sublet, any amount exceeding the authorized rent, or any amount exceeding such amount as the board has fixed as the proportionate rent of the part sublet, or receives or recovers, in addition to the authorized rent or the proportionate rent, any premium, commission, gratuity or other like payment or pecuniary consideration whatsoever, such tenant shall be guilty of an offence under this Act, and the landlord of such premises shall, notwithstanding the provisions of section 22, be entitled in an action instituted in a court of competent jurisdiction to a decree for the ejectment of such tenant from the premises. [§.8, 55 of 1980.]

(7) Nothing in subsection (2), subsection (5) or subsection (6) shall apply to the subletting of any premises or part thereof without the prior consent in writing of the landlord where such premises or part had been sublet prior to the date of commencement of this Act to any person, so long as that person continues to be the subtenant of the premises or part thereof.

(8) Where any premises are sublet by a tenant in whole or in part the tenant shall in relation to the subtenant or each of the subtenants be deemed for all purposes of this Act to be the landlord of the premises and the other provisions of this Act shall apply accordingly.

(9) No landlord of any premises shall let any part of such premises to any other person unless prior to so letting he had applied to the board to fix the proportionate rent of such part, and had informed the board the name of the person to whom he proposes to let such part.

(10) As soon as may be after the board has fixed the proportionate rent of the part of the premises let by the landlord, the

landlord shall in writing intimate to the tenant the amount fixed by the board as the proportionate rent. Any sum received as rent which is in excess of the proportionate rent fixed by the board shall be refunded by the landlord to the tenant or set off against the rent payable thereafter by the tenant.

(11) Where the landlord receives or recovers in respect of any part of the premises which he has let, any amount exceeding such amount as the board has fixed as the proportionate rent of such part, or receives or recovers, in addition to such proportionate rent, any premium, commission, gratuity or other like payment or pecuniary consideration whatsoever, He shall be guilty of an offence under this Act, and where the tenant of any such part pays or offers to pay any amount exceeding such proportionate rent in respect of such part, or pays or offers to pay in addition to such proportionate rent any premium, commission, gratuity or other like payment or consideration whatsoever, he shall be guilty of an offence under this Act.

(12) The board shall give priority over the other proceedings before the board, to the hearing and determination of any application made under subsection (2) (b) (ii) or subsection (9) for the fixing of the proportionate rent, and the board shall fix such rent on the basis of one hundred and twenty *per centum* of the authorized rent.

(13) Where any premises are let, sublet or occupied in separate parts, which are not separately assessed for the purpose of rates, and the aggregate of the amount demanded or received as the rent for such separate parts exceeds the authorized rent of the premises, the landlord shall be deemed to have contravened the provisions of section 3 of this Act:

Provided, however, that where any such premises are let, sublet or occupied in separate parts on or after the date of commencement of this Act, the landlord shall not be deemed to have contravened such provisions if the aggregate of the amount demanded as the rent for such separate parts does not exceed one hundred and twenty *per centum* of the authorized rent of such premises.

(14) Where any premises are let or sublet prior to the date of commencement of this

Act in separate parts which are not separately assessed for the purpose of rates, the landlord or the tenant, as the case may be, of such premises shall not demand, receive or recover as the rent of any part of such premises so let or sublet any amount in excess of the proportionate rent fixed for such part by the board under this Act, notwithstanding that such part has subsequent to the date on which it was let or sublet, been separately assessed for the purpose of rates.

11. (1) Subject to the provisions of subsection (2), no landlord or agent of the landlord of any premises shall enter into an agreement or other contract with the tenant or an agent of the tenant of such premises for the hire or lease of any furniture, fittings or appliances on such premises.

Contracts for the hire or lease of furniture, fittings, &c.

(2) Where any residential premises which are occupied by the landlord are let to a tenant on account of the landlord temporarily not requiring the use thereof, such landlord may enter into a separate agreement or contract for the hire or lease by the tenant of such furniture, fittings and appliances as were kept in such premises for the personal use of the landlord. Such agreement or contract shall not be entered into except with the prior permission of the board granted on application made by the landlord, and the period for which such agreement or contract shall prevail and the amount payable by the tenant in respect of the hire or lease of such furniture, fittings and appliances shall be as determined by the board when such permission is granted.

(3) Notwithstanding anything in any other law, no agreement or other contract entered into prior to the date of commencement of this Act between the landlord or an agent of the landlord, and the tenant or an agent of the tenant, of any premises, for the hire or lease of any furniture, fittings or appliances on such premises shall be valid or have effect in law, and no landlord shall receive any consideration or benefit arising from such agreement or contract except such consideration or benefit as accrued to him prior to the date of commencement of this Act.

12. (1) Notwithstanding anything in any other law, no landlord or tenant of any residential premises shall, unless so

Use of residential premises for other purposes.

[S. 8. 55 of 1980.]

[§ 8, 55 of 1980.]

authorized by the Commissioner for National Housing, use or permit any other person to use such premises wholly or mainly for any purpose other than that of residence.

(2) Where any residential premises are on the date of commencement of this Act used wholly or mainly for any purpose other than that of residence, the landlord or tenant of such premises, as the case may be, shall not continue to use such premises for such purpose after the expiry of six months from such date—

(a) unless such purpose is in the opinion of the Commissioner for National Housing a specified purpose ; or

(b) where such purpose is not in the opinion of the Commissioner for National Housing a specified purpose, for any period exceeding such period as may be determined by such Commissioner; or

(c) unless, as a result of structural alterations lawfully made to such premises prior to the date of commencement of this Act, the Commissioner for National Housing is of opinion that it would not be equitable to require that such premises shall be used for residential purposes.

In this subsection—

"residential premises" means any premises which at any time within a period of ten years prior to the date of commencement of this Act had been occupied wholly or mainly for the purpose of residence ; and

" specified purpose " means any of the purposes specified hereunder:—

(i) carrying on the business of selling goods by retail;

(ii) carrying on the business of a restaurant, an eating house, a hotel, a boarding house or a guest house;

(iii) carrying on a nursing home, a medical clinic or maintaining a hospital or the provision of any other professional service;

(iv) conducting a school or other educational institution or maintaining a library or maintaining an office of a registered trade union or of a Member of Parliament or of a recognized political party within the meaning of the Ceylon (Parliamentary Elections) Order in Council, 1946;*

(v) maintaining an office of a Government department or of a Corporation the capital of which has been wholly or partly provided by the Government;

(vi) conducting a sports club or other recreational or cultural institution.

13. (1) Where the board is satisfied, on application made by the tenant of any premises, or on an inspection of such premises carried out by it or under its authority, that the landlord—

Provision of amenities, repairs, Ac.

(a) has without reasonable cause discontinued or withheld any amenities previously provided for the benefit of the tenant; or

(b) has failed to carry out any repairs or redecoration necessary in the opinion of the board to maintain the premises in proper condition,

the board may make order directing the landlord to provide such amenities or to carry out such repairs or decoration as may be specified in the order; and it shall be the duty of the landlord to comply with the provisions of such order before such date as may be specified in that behalf in the order, or within such extended period as may be allowed by the board on application made by the landlord.

* See List of Enactments omitted from the Revised Edition.

(2) Where the board is satisfied that any delay in the provision of the amenities alleged to have been discontinued or withheld in an application made under subsection (1) or that any delay in the carrying out of the repairs or redecoration which the landlord is alleged in any such application to have failed to carry out, will cause injury to the occupants of the premises or hazard to their health or permanent damage to the premises, or seriously inconvenience the occupants, the board shall, before making the final order on such application, make an interim order directing the landlord to provide such amenities or to carry out such repairs or redecoration without delay, notwithstanding that there may be pending in any court, at the time of such application, any other action or proceedings relating to such premises.

(3) The board shall in any order under subsection (1) or subsection (2) directing the landlord to effect any repairs or redecoration authorize the tenant, in the event of the landlord failing to comply with the order, to carry out such repairs or redecoration and to incur for the purpose expenditure not exceeding such amount as may be specified in that behalf in the order ; and where any repairs or redecoration are carried out by the tenant in pursuance of the authority so conferred, the tenant shall be entitled to set off against the rent payable in respect of the premises the expenditure actually incurred by him for the purpose, or the amount specified in that behalf in the order, whichever is less.

(4) Where the tenant of any premises refuses to permit the landlord to carry out any repairs or redecoration necessary to maintain the premises in proper condition, the board may, on application made by the landlord, make order directing the tenant to permit the landlord to carry out such repairs or redecoration as may be specified in the order.

(5) The board may inspect or cause to be inspected periodically all premises within its area of jurisdiction for the purpose of ascertaining whether the premises are maintained in proper condition.

14. (1) Notwithstanding anything in any other law, the tenant of any residential premises which is purchased by any person under the Partition Law or which is allocated to a co-owner under a decree for partition shall be deemed to be the tenant of such purchaser or of such co-owner, as the case may be, and the provisions of this Act shall apply accordingly, and where such tenant is deprived of any amenities as a result of such partition, the owner of the premises where such amenities are located shall permit such tenant to utilize such amenities without making any payment therefor until such amenities are provided by such purchaser or co-owner or by the tenant under subsection (3).

(2) The board may, on application made by the tenant of any premises referred to in subsection (1), or by the owner of the premises where such amenities are located, by order fix the period within which such purchaser or co-owner shall provide the amenities.

(3) The board shall in any order under subsection (2) authorize the tenant, in the event of the purchaser or co-owner failing to provide the amenities within the period fixed by the board, to provide the amenities and to incur for the purpose expenditure not exceeding such amount as may be specified in that behalf in the order; and where such amenities are provided by the tenant in pursuance of the authority so conferred, the tenant shall be entitled to set off against the rent payable in respect of the premises, the expenditure actually incurred by him for the purpose or the amount specified in that behalf in the order, whichever is less.

15. (1) No landlord of any premises shall, either by himself or through any other person, without reasonable cause, discontinue or withhold any amenities or facilities previously provided for the tenant of, or the person in occupation of, such premises, or deprive, withhold or fail to repair or maintain in proper condition any essential supply or service previously provided to such tenant or person.

(2) In this section, " essential supply or service" includes supply of water, gas, electricity or lights including lights in passages and on staircases, lifts and conservancy and sanitary service.

Tenancy and amenities of premises purchased under Partition Law or allocated under partition decree.

Withholding amenities provided to tenants.

Use of force on tenants and causing damage to premises. [§ 9, 55 of 1980.]

16. No landlord of any premises or other person shall, either by himself or through any other person, directly or indirectly, make use of, or threaten to make use of, any force, violence, or restraint, or inflict or threaten to inflict, any harm, damage or loss, upon or against the tenant of, or any person in occupation of, such premises, or damage, remove or tamper with, any part of such premises, in order to induce, compel or prevail upon, such tenant or person to vacate such premises, or to make any payment of money in excess of the authorized rent of such premises or the proportionate rent of any part of such premises.

Interference with occupation by tenants.

17. (1) No landlord of any premises or other person shall, either by himself or through any other person, interfere or attempt to interfere in any manner in the occupation or use of any premises by the tenant of, or the person in occupation of, such premises or in any manner prevent access to such premises by such tenant or person.

(2) In this section and in sections 15 and 16, "person in occupation", in relation to any premises, means a person in occupation of the premises with the consent, express or implied, of the landlord of the premises.

Demolition of buildings.

18. Where any building used for residential purposes which is let to a tenant is demolished on an order made under the provisions of the Housing and Town Improvement Ordinance, the owner of the land on which the demolished building stood shall not construct any building or buildings on such land except with the permission of the board. The board in granting such permission may by order fix the number of residential units that shall be constructed on such land. Such owner shall let one of the residential units so constructed to the tenant of the demolished building, if such tenant makes a request therefor.

Demolition of buildings over fifty years old. [§ 10, 55 of 1980.]

18A. (1) The Commissioner for National Housing may—

(a) upon application made in that behalf by the owner of any building used for residential purposes and

constructed at least fifty years prior to the date of the application;

(b) after affording the occupants of such building an opportunity of being heard,

make order authorizing such owner to demolish such building if the Commissioner is satisfied that the re-development of the land on which such building stands is necessary for the more efficient utilization of such land.

(2) Where the Commissioner for National Housing makes an order under subsection (1) authorizing the owner of a building to demolish such building, the Commissioner shall—

(a) specify in such order, the number of residential units that shall be constructed by such owner within such period or periods as may be determined by the Commissioner on the land on which the demolished building stood ; and

(b) (i) provide alternate accommodation for the tenant, if any, of such building; or

(ii) order the owner of such building to pay to the tenant thereof, such compensation as the Commissioner determines to be reasonable, for loss of possession by such tenant; so however that the amount ordered to be so paid shall in no case be less than three times the authorized rent per annum of the building.

(3) An order made under subsection (t) shall be deemed to have been duly communicated to every occupier of the building in respect of which such order is made, if it is posted by the Commissioner for National Housing on some conspicuous part of such building.

(4) Every occupier of any building in respect of which an order is made under subsection (1) shall vacate such building not later than ninety days after the provisions of subsection (2) (b) (i) or 2 (A) (ii) are complied with.

(5) Where the occupier of any building in respect of which an order is made under subsection (1) fails to comply with the provisions of subsection (4) the owner of such building may, notwithstanding anything in this Act, apply to the District Court of the district in which such building is situated, praying for the recovery of possession of such building and for the ejectment therefrom, of such occupier.

The provisions of subsections (3), (4), (5), (6), (7), (8) and (9) of section 23 shall, *mutatis mutandis*, apply to the hearing and disposal of every such application.

(6) A decision of the Commissioner for National Housing under paragraph (b) -of subsection (2) shall not be called in question or examined by the court in any proceedings under this section.

(7) Where the owner of a building fails to construct the number of residential units within such period or periods as determined by the Commissioner for National Housing under subsection (2), the relevant area of land shall be acquired by the Government under Part VIII of the National Housing Act.

Number of independent units in residential premises not to be reduced.

19. Where any residential premises had been let before the date of commencement of this Act in separate parts which are not separately assessed for the purpose of rates and which are independent residential units, the landlord of such premises shall not, without the prior authority of the Commissioner for National Housing, by making any alterations to any such part or otherwise, reduce the number of independent residential units in such premises. The Commissioner may grant such authority only where the parts concerned are not let to tenants.

Construction of additional residential units on excess land.

20. (I) Where the tenant of any residential premises refuses to permit the landlord thereof to construct any building for residential purposes on the land within the boundaries of the premises, or to make such extensions to the existing buildings as are capable of being used for residential purposes, or refuses to permit any purchaser of such land to construct any other building for residential purposes on such land, the

landlord or the purchaser, as the case may be, may make application to the board for an order directing the tenant to permit the landlord or the purchaser, as the case may be, to so construct or make extensions; and the board may make order accordingly if the board is satisfied, having regard to the minimum requirements relating to land appurtenant to buildings imposed by by-laws or regulations of the appropriate local authority, and not taking into account any structure unlawfully constructed or which is not an essential part of the premises, that there is sufficient space in such land for such construction or extensions and that the building or buildings or extensions proposed to be constructed or made will not unduly interfere with the amenities and facilities enjoyed by the tenant or where such amenities or facilities may be interfered with, that the landlord or the purchaser, as the case may be, will provide to the tenant fresh adequate amenities and facilities; and the board may in such or subsequent order determine the number of residential units that shall be constructed on such land and the period within which such number of residential units shall be constructed and the amount of the rent to be paid by the tenant thereafter for his occupation of the existing premises.

(2) Where the number of residential units determined by the board under subsection (1) is not constructed, without reasonable cause, within the period determined thereunder or such extended period as may be allowed by the board on application made by the landlord or by the purchaser, the landlord or the purchaser, as the case may be, shall be guilty of an offence under this Act.

20A. (I) The Commissioner for National Housing may, on application made in that behalf and notwithstanding anything in this or any other law, make order authorizing the landlord of any premises where there is within the boundaries of such premises appurtenant land exceeding eight perches in extent, to construct any building for residential purposes on such land or to make such extensions to existing buildings

Construction of additional residential units on appurtenant land exceeding eight perches in extent. [§ 11, 55 of 1980.]

as are capable of being used for residential purposes;

Provided that no such order shall be made by the Commissioner unless he is satisfied—

(a) that the applicant has the financial capacity to construct the number of residential units within such period or periods as may be determined by the Commissioner; and

(b) that the building or extension proposed to be constructed or made will not unduly interfere with the amenities and facilities enjoyed by the tenant, or where such amenities or facilities may be interfered with, that the landlord will, before he takes possession of such land, provide to the tenant fresh adequate amenities and facilities.

Every order made under this subsection shall be communicated to the tenant of such premises and it shall be the duty of such tenant to permit the landlord of such premises to construct such building or to make such extensions as is or are referred to in such order.

(2) Where the tenant of any premises in respect of which an order is made under subsection (1) refuses to permit the landlord of such premises to construct such building or to make such extensions as is or are referred to in such order, the Commissioner for National Housing shall issue a certificate to the Magistrate's Court of the division within which such premises are situated, setting forth the following facts, namely :—

(a) that he has made order authorizing the landlord of such premises to construct a building for residential purposes on the appurtenant land within such premises or to make such extensions to existing buildings as are capable of being used for residential purposes ;

(b) that such order was communicated to the tenant of the premises;

(c) that such tenant has refused to permit such landlord to construct such building or to make such extensions; and

(d) praying for the delivery of possession of such part of the appurtenant land within such premises as is specified in the certificate (hereafter in this section referred to as " the relevant area of land ") to the landlord of such premises.

(3) Every certificate issued under subsection (2) shall be *primes facie* evidence of the facts stated therein.

(4) Upon receipt of a certificate issued under subsection (2), a Magistrate's Court shall forthwith issue, and if need be, re-issue, a writ of possession to the Fiscal of the district* in which the relevant area of land is situated requiring and authorizing such Fiscal before a date specified in the writ, and not being a date earlier than three or later than seven clear days of the date of the issue of such writ, to deliver possession of the relevant area of land to the person specified in the certificate issued by the Commissioner for National Housing under subsection (2). Such writ shall be sufficient authority for such Fiscal or any police officer authorized by him in that behalf to enter the relevant area of land with such assistants as the Fiscal or such officer shall deem necessary and to give possession accordingly.

(5) Where the number of residential units determined by the Commissioner for National Housing under subsection (1) is not constructed, without reasonable cause, within the period determined thereunder or such extended period as may be allowed by the Commissioner on application made by the landlord, the relevant area of land shall be required by the Government under Part VIII of the National Housing Act.

21. (1) The tenant of any premises may pay the rent of the premises to the authorized person instead of the landlord.

Rent may be paid to the authorized person instead of the landlord.

(2) Where any payment of any rent of any premises is made on any day in

* See also section 52 (1) of the Judicature Act. Fiscals are now attached to Courts.

accordance with the provisions of subsection (1), it shall be deemed to be a payment received on that day by the landlord of the premises from the tenant thereof.

(3) Where the rent of any premises is paid to the authorized person, the authorized person shall issue to the tenant of the premises a receipt in acknowledgment of such payment, and shall transmit the amount of such payment to the landlord of the premises. It shall be the duty of such landlord to issue to the authorized person a receipt in acknowledgment of the amount so transmitted to him.

(4) In this section, " authorized person ", with reference to any premises, means the Mayor, or Chairman of the local authority within whose administrative limits the premises are situated or the person authorized in writing by such Mayor or Chairman to receive rents paid under this section, or where the Minister so determines, the board of the area within which the premises are situated.

Proceedings for ejection.

22. (1) Notwithstanding anything in any other law, no action or proceedings for the ejection of the tenant of any premises the standard rent (determined under section 4) of which for a month does not exceed one hundred rupees shall be instituted in or entertained by any court, unless where—

- (a) the rent of such premises has been in arrear for three months or more after it has become due ; or
- (b) such premises, being premises which have been let to the tenant on or after the date of commencement of this Act, are, in the opinion of the court, reasonably required for occupation as a residence for the landlord or any member of the family of the landlord, or for purposes of the trade, business, profession, vocation or employment of the landlord ; or
- (bb) such premises, being premises which have been let to the tenant prior to the date of commencement of this Act, are, in the opinion of the

[§2, Law 10 of 1977.]

court, reasonably required for occupation as a residence for the landlord or any member of the family of the landlord ; or

- (c) such premises were let to the tenant for use as a residence by reason of his being in the service or employment of the landlord and the tenant has ceased to be in such service or employment; or
- (d) the tenant or any person residing or lodging with him or being his subtenant has, in the opinion of the court, been guilty of conduct which is a nuisance to adjoining occupiers or has been convicted of using the premises for an immoral or illegal purpose, or the condition of the premises has, in the opinion of the court, deteriorated owing to acts committed by or to the neglect or default of the tenant or any such person.

For the purposes of paragraph (b) of this subsection, any premises of which the landlord is a body of persons corporate or unincorporate shall be deemed to be required for the purposes of the business of the landlord, if they are, in the opinion of the court, reasonably required for any of the objects or purposes for which the body is constituted.

(IA) Notwithstanding anything in subsection (I), the landlord of any premises referred to in paragraph (bb) of that subsection shall not be entitled to institute any action or proceedings for the ejection of the tenant of such premises on the ground that such premises are required for occupation as a residence for himself or any member of his family, if such landlord is the owner of more than one residential premises and unless such landlord has caused notice of such action or proceedings to be served on the Commissioner for National Housing. [§ 2, Law 10 of 1977.]

(IB) Where any action or proceedings for the ejection of the tenant of any premises referred to in paragraph (bb) of subsection (1) is or are instituted in any court, on the ground that such premises are required for occupation as a residence for the landlord [§ 2, Law 10 of 1977.]

or any member of the family of the landlord, such action or proceedings shall have priority over all other business of that court.

[§ 2, Law 10 of 1977.]

(lc) Where a decree for the ejectment of the tenant of any premises referred to in paragraph (hb) of subsection (I) is entered by any court on the ground that such premises are reasonably required for occupation as a residence for the landlord or any member of the family of such landlord, no writ in execution of such decree shall be issued by such court until after the Commissioner for National Housing has notified to such court that he is able to provide alternate accommodation for such tenant.

[§ 2, Law 10 of 1977.]

(ID) Notwithstanding anything in any other law, where a writ in execution of a decree for the ejectment of the tenant of any premises referred to in paragraph (bh) of subsection (1) is issued by any court, the execution of such writ shall not be stayed in any manner by reason of any steps taken or proposed to be commenced in any court with a view to questioning, varying or setting aside such writ.

[§ 12, 55 of 1980.]

(IE) In any proceeding under subsection (1C) the court shall not inquire into the adequacy or the suitability of the alternate accommodation offered by the Commissioner for National Housing.

(2) Notwithstanding anything in any other law, no action or proceedings for the ejectment of the tenant of—

- (i) any residential premises the standard rent (determined under section 4) of which for a month exceeds one hundred rupees; or
- (ii) any business premises the standard rent (determined under section 4) of which for a month exceeds one hundred rupees and the annual value of which does not exceed the relevant amount,

shall be instituted in or entertained by any court, unless where—

- (a) rent has been in arrear for one month after it has become due ; or

(b) the premises are, in the opinion of the court, reasonably required for occupation as a residence for the landlord or any member of the family of the landlord or for the purposes of the trade, business, profession, vocation or employment of the landlord ; or

(bb) in the case of premises let to a tenant, whether before or after the date of commencement of this Act, and where the landlord is the owner of not more than one residential premises—

[§ 12, 55 of 1980.]

- (i) such premises are in the opinion of the court reasonably required for occupation as a residence for the landlord or any member of the family of the landlord; or
- (ii) the landlord of such premises has deposited prior to the institution of such action or proceedings a sum equivalent to five years' rent with the Commissioner for National Housing for payment to the tenant; or

(c) such premises were let to the tenant for use as a residence by reason of his being in the service or employment of the landlord and the tenant has ceased to be in such service or employment; or

(d) the tenant or any person residing or lodging with him or being his subtenant has, in the opinion of the court, been guilty of conduct which is a nuisance to adjoining occupiers or has been convicted of using the premises for an immoral or illegal purpose or the condition of the premises has, in the opinion of the court, deteriorated owing to acts committed by or to the neglect or default of the tenant or any such person.

For the purposes of paragraph (b) of this subsection, any premises of which the landlord is a body of persons corporate or

unincorporate shall be deemed to be required for the purposes of the business of the landlord, if they are, in the opinion of the court, reasonably required for any of the objects or purposes for which the body is constituted.

[§ 12, 55 of 1980.]

(2A) Where a decree for the ejection of the tenant of any premises referred to in paragraph (bb) of subsection (2) is entered by any court on any of the grounds referred to in that paragraph, the court shall forthwith issue a writ in execution of the decree to the Fiscal of the court requiring and authorizing him to deliver vacant possession of the premises to the landlord of such premises.

[§ 12, 55 of 1980.]

(2B) Notwithstanding anything in any other law, where a writ in execution of a decree for the ejection of the tenant of any premises referred to in paragraph (bb) of subsection (2) is issued by any court, the execution of such writ shall not be stayed in any manner by reason of any appeal from the judgment of such court.

[§ 12, 55 of 1980.]

(2c) Where any action or proceedings for the ejection of the tenant of any premises referred to in paragraph (bb) of subsection (2) is or are instituted in any court, such action or proceedings shall have priority over all other business of that court and shall in any event be disposed of within twelve months from the date of the institution of such action or proceedings.

(3) The landlord of any premises referred to in subsection (1) or subsection (2) shall not be entitled to institute, or as the case may be, to proceed with, any action or proceedings for the ejection of the tenant of such premises on the ground that the rent of such premises has been in arrear for three months or more, or for one month, as the case may be, after it has become due,—

(a) if the landlord has not given the tenant three months' notice of the termination of tenancy if it is on the first occasion on which the rent has been in arrear, two months' notice of the termination of tenancy if it is on the second occasion on which the rent has been in arrear and one month's notice of the

termination of tenancy if it is on the third or any subsequent occasion on which the rent has been in arrear; or

(b) if the tenant has prior to the institution of such action or proceedings tendered to the landlord all arrears of rent; or

(c) if the tenant has, on or before the date fixed in such summons as is served on him, as the date on which he shall appear in court in respect of such action or proceedings, tendered to the landlord all arrears of rent.

(4) The court may, where a tenant tenders to the landlord the arrears of rent after the institution of the action or proceedings and on or before the date mentioned in paragraph (c) of subsection (3), impose on such tenant a fine of such amount as may be determined by the court, if in the opinion of the court, there was no sufficient cause for the delay in the payment of the rent.

(5) Where any action or proceedings for the ejection of the tenant of any premises referred to in subsection (1) or subsection (2) is or are instituted on the ground that the rent has been in arrear for three months or more, or for one month, as the case may be, after it has become due, the court may, on being satisfied that the rent has been in arrear on account of the tenant's illness or unemployment or other sufficient cause, make order that a writ for the ejection of the tenant from those premises shall not issue if the tenant pays to the court the arrears of rent either in a lump sum on such date or in instalments on such dates, as may be specified in the order; and if the tenant pays to the court the arrears of rent on such date or dates, his tenancy of those premises shall, notwithstanding its termination by the landlord of those premises, be deemed not to have been terminated.

(6) Notwithstanding anything in any other law, the landlord of any premises referred to in subsection (1) or subsection (2) shall not be entitled to institute any action or proceedings for the ejection of

the tenant of such premises on the ground that such premises are required for occupation as a residence for himself or any member of his family, or for the purposes of his trade, business, profession, vocation or employment, if the landlord has not given to the tenant of such premises one year's notice in writing of the termination of the tenancy :

who had acquired ownership of such premises on a date prior to the specified date:

Provided, however, that the preceding provisions of this subsection shall not apply to the institution of any action or proceedings for the ejection of the tenant of any premises the annual value of which exceeds one hundred and fifty *per centum* of the relevant amount where such tenant had come into occupation thereof prior to the date of commencement of this Act.

Provided that the landlord of any premises referred to in paragraph (bb) of subsection (1) or paragraph (bb) of subsection (2) may institute an action or proceedings for the ejection of the tenant of such premises if such landlord has given to such tenant six months' notice in writing of the termination of the tenancy.

In this subsection, "specified date" means the date on which the tenant for the time being of the premises, or the tenant upon whose death the tenant for the time being succeeded to the tenancy under section 36 of this Act or section 18 of the Rent Restriction Act (No. 29 of 1948), came into occupation of the premises.

(7) Notwithstanding anything in the preceding provisions of this section, no action or proceedings for the ejection of the tenant of any premises referred to in subsection (1) or subsection (2) (i) shall be instituted—

(8) where a decree for the ejection of the tenant of any premises is entered by any court on the ground that the court is of opinion—

(a) on the ground that the premises are reasonably required for occupation as a residence for the landlord or any member of the family of the landlord or for the purposes of the trade, business, profession, vocation or employment of the landlord ; or

(a) that the premises are reasonably required for occupation as a residence for the landlord or any member of his family or for the purposes of the trade, business, profession, vocation, or employment of the landlord ; or

(b) where the landlord is the owner of not more than one residential premises, on the ground that—

(b) that in the case of premises where the landlord is the owner of not more than one residential premises—

(i) such premises are reasonably required for occupation as a residence for the landlord or for any member of the family of the landlord; or

(i) the premises are reasonable required for occupation as a residence for the landlord or any member of the family of the landlord; or

(ii) the landlord of such premises has deposited prior to the institution of such action or proceedings a sum equivalent to five years' rent with the Commissioner for National Housing for payment to the tenant,

(ii) the landlord of the premise; had deposited a sum equivalent to five years' rent where the standard rent thereof for a month exceeds one hundred rupees, with the Commissioner for National Housing for payment to the tenant,

where the ownership of such premises was acquired by the landlord, on a date subsequent to the specified date, by purchase or by inheritance or gift other than inheritance or gift from a parent or spouse

the court shall in such decree direct that no person, other than the landlord or some

[§ 2, Law 10 of 1977.]
[§ 12, 55 of 1980.]

[§ 12, 55 of 1980.]

[§ 12, 55 of 1980.]

member of his family whose name shall be specified in the decree, shall enter into occupation of the premises upon vacation thereof by the tenant or upon the ejectment therefrom of the tenant.

(9) Where, in any case to which subsection (8) applies, the landlord or other person whose name is specified in the decree, without reasonable cause, does not enter into occupation of the premises before the expiration of a period of three months after the date of the vacation thereof by the tenant or of his ejectment therefrom, or having thus entered into occupation of the premises, vacates them without reasonable cause within three years of the entry into such occupation or lets such premises or part thereof within such period, the tenant (hereinafter referred to as "the former tenant") may, at any time within fourteen days after the expiration of the said period of three months, or, as the case may be, at any time within fourteen days after the vacation of the premises by the landlord or the said other person, make application to the court for an order restoring him into possession of the premises. The landlord shall be named respondent to such application.

(10) Notice of any application made by the former tenant under subsection (9) shall be served on the person, if any, for the time being in occupation of the premises; and where notice is so served—

- (a) such person may, if he applies in that behalf to the court within fourteen days of the date of service on him of such notice, be added as a party to the proceedings upon the application; and
- (b) such person shall, whether or not he is so added as a party, be bound by any order made under subsection (11).

(11) Where the court is satisfied upon application made by the former tenant under subsection (9) that the landlord or other person whose name is specified in the decree, without reasonable cause, did not enter into occupation of the premises before the expiration of the period of three months after the date of the vacation of the premises

by the former tenant or his ejectment therefrom, or, having thus entered into occupation of the premises, has vacated them without reasonable cause within three years of the entry into such occupation, the court may make order for the delivery of possession of the premises to the former tenant, and may, if necessary, by the same or subsequent order, direct the ejectment from the premises of the landlord or any person claiming by, through or under him:

Provided, however, that where any person has been added as a party to the proceedings under subsection (10), no order shall be made under the preceding provisions of this subsection, if the court is of opinion that the person so added as a party was not aware at or before the time at which he entered into occupation, that a decree had been entered for the ejectment from the premises of the former tenant.

(12) Every order made under subsection (II) and every order dismissing an application made by the former tenant under subsection (9) shall be subject to an appeal to the Court of Appeal; and the provisions of the Civil Procedure Code shall apply in relation to any such appeal in like manner as though it were an appeal preferred against an order made by the court in the exercise of its ordinary jurisdiction.

(13) An order made under subsection (11) may be enforced in like manner as an order or decree falling under Head (C) of section 217 of the Civil Procedure Code.

(14) Where there is more than one landlord of any premises, the expression "the landlord" shall, with reference to such premises, be construed, for the purposes of this section, to mean all or any one or more of such landlords.

(15) Where, in any case to which subsection (8) applies, the landlord or other person whose name is specified in the decree, having entered into occupation of the premises vacates them without reasonable cause within three years of the entry into such occupation, such landlord or person shall be guilty of an offence under this Act.

[§ 12, 55 of 1980.]

(16) In subsections (9) to (13), "court" means the court in which the action for the ejectment of the former tenant was instituted.

Ejectment of occupiers of residential premises purchased or constructed with moneys provided by prescribed State institutions on mortgages of such premises.

23. (1) Where any residential premises are purchased by the tenant of such premises with moneys partly or wholly provided by a prescribed State institution on a mortgage of such premises created in favour of such institution, and where, consequent on such tenant defaulting in the payment of the moneys due upon such mortgage, such premises are sold to any person (hereinafter in this section referred to as "the landlord") the occupier for the time being of such premises, whether he be such tenant or any other person, shall not be entitled, notwithstanding anything in any other law, to occupy such premises after the expiry of a period of six months from the date of such sale and accordingly the occupier shall forthwith on the expiry of such period together with his dependants and subtenants, if any, vacate the premises and deliver possession thereof to the landlord, if he had not done so earlier.

(2) In any case where the occupier of any residential premises referred to in subsection (1) fails to comply with the provisions of subsection (1), it shall be lawful for the landlord to file, in the District Court of the district in which the premises are situated, an application praying for the recovery of possession of the premises, and for the ejectment therefrom of the occupier and his dependants and subtenants, if any.

(3) On receipt of an application under subsection (2), the court shall cause to be served on the occupier a copy of the application and a rule *nisi* requiring him—

- (a) to appear on a date specified in such rule, not being earlier than three, or later than seven, clear days after the date of the service of the rule ; and
- (b) to show cause why he should not deliver possession of the premises as required by subsection (1).

(4) A rule *nisi* under subsection (3) shall be deemed to have been duly served on the occupier if it is delivered to him by the Fiscal or any other person authorized by the Fiscal, or where it cannot be so

delivered, if it is posted by the Fiscal, or the person authorized as aforesaid, on some conspicuous part of the premises to which the rule relates.

(5) If any occupier upon whom a rule *nisi* is served under this section appears before the court on the date specified in the rule and, by affidavit or by statement on oath or affirmation, raises any defence, which in the opinion of the court necessitates an adjournment of the hearing, the court shall immediately settle and record the issue or issues raised and shall, having regard to the circumstances of the case, appoint a date not later than seven days from the date on which the occupier appeared before the court for the hearing of evidence; and in such case the Registrar of the court shall thereupon issue a summons to every such witness as may be required by the parties commanding his attendance at the time and place specified in the summons.

(6) Where any date is appointed under subsection (5) for the hearing of any case, the hearing shall not be adjourned for any later date—

- (a) unless all the parties to the case consent to such adjournment; or
- (b) unless the court is satisfied, upon evidence furnished on oath or affirmation or by affidavit, that such adjournment is necessary by reason of the absence otherwise than by collusion, of a witness who knows and is able to prove facts material to the case,

(7) On the date appointed under subsection (5) for the hearing of the case or on such other date, if any, to which such hearing may be adjourned under subsection (6), the court shall hear and determine the issues raised and give judgment thereon, notwithstanding anything to the contrary in any other written law.

(8) If any occupier upon whom rule *nisi* has been served under this section, does not appear on the date specified in such rule or on such other date, if any, to which the hearing may be adjourned under this section or, having appeared, fails to show good and

valid cause why he should not deliver possession as required by subsection (1) of the premises specified in the rule, the rule *nisi* shall be made absolute; and the court shall forthwith issue, and if need be reissue, a writ of possession to the Fiscal of the Court requiring and authorizing him before a date specified in the writ, not being earlier than three, or later than seven, clear days from the date of the issue of such writ, to deliver possession of the premises to the landlord or to any other person appointed by the landlord for the purpose and to eject the occupier and his dependants and subtenants, if any, from the premises. Such writ shall be sufficient for the said Fiscal or any police officer authorized by him in that behalf to enter the premises with such assistants as the Fiscal or such officer shall deem necessary and to give possession accordingly and to eject the occupier and his dependants and subtenants, if any, from the premises.

Where a writ of possession is issued under this subsection to the Fiscal, the execution of such writ shall not be stayed in any manner whatsoever by reason of any steps taken or proposed to be commenced in any court, with a view to questioning, varying or setting aside the decision on which such writ was issued,

(9) Any person who -is dissatisfied with any final judgment, or any order having the effect of a final judgment, pronounced or made by a District Court under this section may appeal to the Court of Appeal against such judgment or order; and the provisions of any other written law relating to appeals to the Court of Appeal from the judgments or orders of District Courts shall apply in the case of any appeal preferred under the preceding provisions of this subsection.

(10) No action for the recovery of any premises referred to in subsection (1) or for the ejectment of the occupier from such premises shall be taken except under the provisions of this section.

(11) Nothing In any other provisions of this Act shall apply to or restrict the institution or maintenance of any proceedings under this section in respect of any premises referred to in subsection (1).

(12) The provisions of this section shall, *mutatis mutandis*, apply in the case of

premises which were constructed with moneys partly or wholly provided by a prescribed State institution on a mortgage of such premises created in favour of such institution, and which in the opinion of such institution, were constructed for residential purposes.

(13) in this section, "prescribed" means prescribed by the Minister by Notification published in the Gazette.

24. Notwithstanding anything in any other provisions of this Act, where a decree for the ejectment of a tenant of any residential premises is entered by any court on the ground that the court is of opinion that the premises are reasonably required for occupation as a residence for the landlord or any member of his family, the landlord or member of his family in whose favour the decree was entered shall not, before the expiration of a period of ten years from the date of such decree, be entitled to institute any action or proceedings on such ground for the ejectment of the person who may subsequently have become the tenant of such premises or for the ejectment of any tenant of any other residential premises.

Prohibition of ejectment proceedings for ten years after obtaining a decree for ejectment.

25. (I) Where the tenant of any residential premises has been given notice of the termination of the tenancy on the ground that the rent of such premises has been in arrear and where any other person guarantees the payment of such rent and all rents payable by such tenant in the future, the board may, on application made to it by the tenant and if it is of opinion that a satisfactory guarantee has been provided, order the landlord to withdraw the notice.

Withdrawal of notice on provision of guarantee for payment of rent.

(2) Where the board has under subsection (1) ordered a landlord to withdraw a notice, such landlord shall, notwithstanding anything to the contrary in any other provisions of this Act, not be entitled to institute any action or proceedings for the ejectment of the tenant by virtue of his having given such notice.

26. (1) Where any residential premises the annual value of which exceeds the relevant amount have been let before the date of commencement of this Act in separate parts which are not separately

Ejectment of tenants of parts of premises.

assessed for the purpose of rates and which parts are independent living units, the grounds on which the landlord may institute action or proceedings for the ejectment of the tenant of any such part shall be the grounds on which the landlord of any premises the annual value or standard rent of which corresponds to the proportionate annual value or standard rent, as the case may be, fixed by the board for such part, may institute action or proceedings for the ejectment of the tenant of any such premises.

(2) The board, in fixing the proportionate annual value of any part under subsection (1), shall ensure that the aggregate of the proportionate annual values of all such parts does not exceed the annual value of the entire premises as specified in the assessment in force on the first day of January, 1969, or, where the assessment of the annual value of such premises was made for the first time after that date, the amount of such annual value as specified in such first assessment.

Ejectment of tenant of part of premises another part of which is occupied by the landlord.

27. (1) Notwithstanding anything in any other provisions of this Act, where any part of any residential premises is let on or after the date of commencement of this Act, or where any part of any residential premises the annual value of which exceeds the relevant amount has, prior to such date, been let, the landlord of such residential premises shall be entitled to institute action or proceedings for the ejectment of the tenant of that part of the premises—

- (a) if that part was not separately assessed for the purpose of rates on the day on which it was first let;
- (b) if the landlord was, during a period of not less than six months immediately prior to the date on which such action or proceedings is or are instituted, living in, and living only in, another part of such premises, such part not being only an extension (to the premises) constructed after the tenant for the time being came into occupation of the part let to him;
- (c) where any part of any residential premises the annual value of which

exceeds the relevant amount was let prior to the date of commencement of this Act, if the landlord thereof was living in, and living only in, another part of such premises during the whole of the period of six months prior to the first day of February, 1972, or where that part was let within six months prior to the first day of February, 1972, if the landlord was during the whole of the period commencing on the date on which such part was let and ending on the date of commencement of this Act living in, and was let and ending on the date of commencement of this Act living in, and living only in, another part of such premises; and

- (d) if the landlord has given one month's notice of the termination of the tenancy:

Provided, however, that the landlord of such residential premises shall not be entitled to institute action or proceedings under the preceding provisions of this subsection for the ejectment of the tenant of any part of such premises, if the ownership of such premises was acquired by the landlord on a date subsequent to the specified date by purchase, or by inheritance or gift other than inheritance or gift from a parent or spouse who had acquired ownership of such premises on a date prior to the specified date.

For the purposes of the foregoing proviso, " specified date " means the date on which the tenant for the time being of the part of the premises, or the tenant upon whose death the tenant for the time being of the part of the premises succeeded to the tenancy under section 36 of this Act or section 18 of the Rent Restriction Act (No. 29 of 1948), came into occupation of the part of the premises.

(2) Where any action or proceedings for the ejectment of a tenant is instituted in a court under subsection (1), such court—

- (a) shall as expeditiously as possible hear and determine such action or proceedings; and

(b) shall, where it decides that the tenant shall be ejected, make order for the delivery of possession of the part of the premises to the landlord on a date not later than three months from the date of such order and may, if necessary by the same or subsequent order direct the Fiscal to eject from the premises any person for the time being in occupation of such part of the premises and to deliver possession of such part of the premises to the landlord.

(3) Where an order under subsection (2) is issued to the Fiscal by a court, the execution of such order shall not be stayed in any manner by reason of any steps taken or proposed to be commenced in any court with a view to questioning, varying or setting aside such order.

28. (1) Notwithstanding anything in any other provisions of this Act, where the tenant of any residential premises has ceased to occupy such premises, without reasonable cause, for a continuous period of not less than six months, the landlord of such premises shall be entitled in an action instituted in a court of competent jurisdiction to a decree for the ejection of such tenant from such premises.

(2) The summons issued to be served on a tenant in an action referred to in subsection (1) shall be deemed to have been duly served on such tenant if the serving officer has affixed one of the duplicates of the summons to a conspicuous part of such premises and if a duplicate of the summons was sent by the court issuing the summons by registered post to the last known address of the tenant.

29. (1) Notwithstanding anything in any other law, no lease, agreement express or implied, or other contract entered into prior to the date of commencement of this Act in respect of the tenancy or rent of any residential premises the annual value of which exceeds the relevant amount, shall, with effect from the date of commencement of this Act, be valid or have any effect in law.

(2) Notwithstanding anything in any other provisions of this Act, it shall be lawful, with effect from the date of commencement of this Act, for the landlord of any residential premises and the person seeking to be the tenant thereof to enter into a written agreement whereby such premises are let to such person for a period specified therein, such period being not less than five years, or until the happening of an event specified therein, where at the end of such period or on the happening of such event, such premises will be required for occupation as a residence for the landlord or any member of his family; and no such contract or agreement shall, notwithstanding anything in any other written law, be valid or have effect in law unless it is registered with the board on application made either by such landlord or by such person within thirty days after it is entered into.

(3) Where an agreement under subsection (2) is entered into, the tenant shall vacate the premises at the end of the period specified in such agreement, or as the case may be, on the happening of the event specified therein.

(4) Where a tenant who has entered into an agreement under subsection (2), vacates the premises prior to the end of the period, or the happening of the event specified therein, the landlord or any member of his family may enter into occupation of such premises or the landlord may let such premises to any other tenant.

(5) Where the landlord or any member of his family, having entered into occupation of the premises under subsection (4), vacates the premises without reasonable cause within three years of the entry into such occupation, the landlord or the member of the family, as the case may be, shall be guilty of an offence under this Act.

(6) No landlord shall let any premises to a tenant under subsection (4) for any period exceeding the unexpired part of the period specified in the agreement entered into under subsection (2), or, as the case may be, for any period beyond the happening of the event specified in such agreement.

Ejection of tenants who cease to occupy premises for six months.

Agreements in respect of tenancy, rent, &c.

(7) Where, on the tenant vacating the premises in accordance with the agreement entered into under subsection (2) or on the tenant being ejected therefrom under subsection (13), such premises are not required, for any cause, for occupation as a residence for the landlord or any member of his family, the landlord shall so notify to the board, and the board may, as hereinafter provided and notwithstanding anything in any other law, authorize such person as in its opinion is suitable to be made the tenant thereof to occupy such premises.

(8) Where, at any time after an agreement has been entered into under subsection (2) and before the end of the period, or the happening of the event, specified therein, or at any time after the end of the period, or the happening of the event, specified therein, and before the tenant vacates the premises, the landlord considers that such premises will not be required for occupation as a residence for the landlord or any member of his family as contemplated when the agreement was entered into, the landlord shall so notify to the board, and the board may, if the tenant makes a request therefor authorize the tenant to continue to occupy such premises or, where the tenant does not make a request therefor, authorize as hereinafter provided and notwithstanding anything in any other law, such other person as in its opinion is suitable to be made the tenant thereof, to occupy such premises.

(9) Where at any time after the tenant vacates the premises, whether at the time specified in the agreement or thereafter, and before the landlord or any member of his family enters into occupation of such premises, the landlord considers that such premises will not be required immediately after such vacation, for occupation as a residence for the landlord or any member of his family, the landlord shall so notify to the board, and the board may, as hereinafter provided and notwithstanding anything in any other law, authorize such person as in its opinion is suitable to be made the tenant thereof, to occupy such premises.

(10) Where the landlord or any member of his family, having entered into occupation of the premises under the

preceding provisions of this section, intends to vacate the premises before the expiration of a period of three years after such entry the landlord or the member of his family, as the case may be, shall so notify to the board, and the board may as hereinafter provided and notwithstanding anything in any other law, authorize such person as in its opinion is suitable to be made the tenant thereof, to occupy such premises.

(11) Where any person authorized by the board under the preceding provisions of this section to occupy or continue to occupy any premises occupies or continues to occupy such premises, he shall be deemed to occupy or to continue to occupy such premises, as the case may be, under an agreement entered into under subsection (2), for such period, or until the happening of such event as may be specified by the landlord at the time of such authorization, except in a case where the landlord of such premises is prepared to let such premises to such person under the provisions of this Act otherwise than under an agreement under subsection (2).

(12) The exercise of the power of the board to authorize persons to occupy premises under the preceding provisions of this section shall be subject to the right of the landlord of the premises to object to the first three persons proposed by the board to be so authorized.

(13) Where any action for breach of an agreement under subsection (2) is instituted before a court, the court shall as expeditiously as possible hear and determine such action and shall, if such breach is proved, and if satisfied that the premises are required for occupation as a residence for the landlord or any member of his family, enter a decree for the ejection of the tenant without granting the tenant any further period of time for vacating the premises.

(14) Where the landlord or any member of his family does not enter into occupation of the premises without reasonable cause before the expiration of a period of three months after the date of vacation thereof by the tenant, or of his ejection therefrom, under the preceding provisions of this section, or, having thus entered into

occupation of the premises, vacates the premises without reasonable cause within three years of the entry into such occupation, the landlord or the member of his family, as the case may be, shall be guilty of an offence under this Act.

certificate of tenancy relating to such premises in the prescribed form. A certificate of tenancy given under this section by a landlord to a tenant shall be admissible in evidence and shall be *prima facie* evidence of the facts stated therein.

Continuance of original contract of tenancy.

***31.** Where an action for the ejectment of any person from any premises occupied by him as a tenant is dismissed by any court by reason of the provisions of this Act, his occupation of those premises for any period prior or subsequent to the dismissal of such action shall, without prejudice to the provisions of this Act, be deemed to have been or to be under the original contract of tenancy.

(2) Where the landlord of any premises refuses to give the tenant a certificate of tenancy, the board shall, upon application made to it by the tenant, give to the tenant a certificate of tenancy relating to such premises in the prescribed form, and a certificate of tenancy given by the board to the tenant shall be deemed to be a certificate of tenancy given by the landlord to the tenant.

Recovery of payments in excess of authorized rent. [§ 14, 55 of 1980.]

32. Where any tenant of any premises has paid by way of rent to the landlord, in respect of any period any amount in excess of the authorized rent, or the proportionate rent, as the case may be, of the premises or part thereof, such tenant shall be entitled to recover the excess amount from the landlord, and may, without prejudice to any other method of recovery, deduct such excess amount from the rent payable by him to the landlord.

36. (1) Notwithstanding anything in any other law, the succeeding provisions of this section shall have effect in the event of the death of the tenant of any premises. For the purposes of this subsection, a person shall be deemed to be the tenant of any premises notwithstanding that his tenancy of such premises has been terminated by the expiry of the notice of the termination of the tenancy given by the landlord thereof, if at the time of his death he was in occupation of such premises.

Continuance of tenancy upon death of tenant.

Statement as to standard rent, receipt, &c. [§ 15, 55 of 1980.]

33. (1) The landlord of any premises shall, on being requested in writing so to do by the tenant of the premises, supply the tenant with a statement in writing setting out the standard rent of the premises, the amount of any increase of rent which is claimed by the landlord to be a permitted increase, and, where it is applicable, the proportionate rent of any of such premises.

- (2) Any person who—
- (a) in the case of residential premises the annual value of which does not exceed the relevant amount and which has been let prior to the date of commencement of this Act—

(2) It shall be the duty of the landlord of any premises to issue to the tenant a receipt in acknowledgment of every payment made by the tenant by way of rent or advance, whether or not such receipt is demanded by the tenant.

- (i) is the surviving spouse or child, parent, brother or sister of the deceased tenant of the premises or was a dependant of the deceased tenant immediately prior to his death; and
- (ii) was a member of the household of the deceased tenant (whether in those premises or in any other premises) during the whole of the period of three months preceding his death, or

Power of board to determine authorized rent. [§ 16, 55 of 1980.]

34. The board may, upon an application made in that behalf by the landlord or the tenant of any premises, by order determine the amount of the authorized rent of the premises.

Certificate of tenancy.

35. (1) The landlord of any premises shall, upon being requested to do so by the tenant of such premises, give to the tenant a

* Section 30 is repealed by Act No. 55 of 1980.

(b) in the case of residential premises other than those referred to in paragraph (a)—

- (i) is the surviving spouse or the child (where the child is not less than eighteen years of age) of the deceased tenant; and
- (ii) was a member of the household of the deceased tenant (whether in those premises or in any other premises) during the whole of the period of three months preceding his death; or

(c) in the case of business premises—

- (i) is the surviving spouse or the child of the deceased tenant, where such spouse or child carries on in such premises the business carried on by the deceased tenant; or
- (ii) is a partner in the business, or heir to the business, carried on by the deceased tenant; or
- (iii) is the executor or administrator of the estate of the deceased tenant,

shall, subject to any order of the board as hereinafter provided, be deemed for the purposes of this Act to be the tenant of the premises:

Provided, however, that a person referred to in paragraph (b) shall not be so deemed if such person was not living in those premises during the whole of the aforesaid period of three months, unless he satisfies the board that the premises in which he was living during the aforesaid period or part thereof were unsatisfactory or not available for his continued occupation.

(3) The landlord of any premises referred to in subsection (1) shall make application to the board for an order declaring which, if any, of the persons who may be deemed to be the tenants under subsection (2) shall be

the person who shall for the purposes of this Act be deemed to be the tenant of the premises.

(4) Where an application is made under subsection (3), the board shall, after notice to all persons who may be deemed to be the tenants under subsection (2) and after due inquiry, make order declaring which, if any, of such persons shall be the person who shall for the purposes of this Act be deemed to be the tenant of the premises.

(5) Any person declared under subsection (4) as the person who shall for the purposes of this Act be deemed to be the tenant of the premises shall be so deemed with effect from the first day of the month succeeding that in which the death of the deceased tenant occurred, and the provisions of this Act shall apply accordingly.

(6) Notwithstanding anything in any other provisions of this Act, the landlord of any premises referred to in subsection (1) shall not be entitled to institute any action or proceedings for the ejectment from such premises of any person referred to in subsection (2) on the ground that the rent of such premises has been in arrear for any period ending on the date on which the board made order under subsection (4).

(7) In this section, " spouse " when used with reference to any person, means the husband or wife, as the case may be, of that person, and includes in the case of marriage by habit and repute or according to custom, any contracting party to that marriage, and " child " includes a child of parents who have contracted a marriage by habit and repute or according to custom.

37. (1) The board shall prepare, keep and maintain up to date a Rent Register in respect of each of the premises situated within its area of jurisdiction and for that purpose the board may require the landlord or tenant of any premises to furnish to the board such information and particulars as it may deem necessary. Rent Register.

(2) The landlord of any premises let prior to the date of commencement of this Act shall within three months of such date send by registered post to the board and also to

the tenant of such premises a statement in writing containing the following particulars:—

- (a) the name of the tenant;
- (b) the name and address of the landlord;
- (c) the assessment number and address of the premises, with the boundaries and the extent;
- (d) the square area of the building;
- (e) the amenities provided to the premises, prior to and after the commencement of the tenancy;
- (f) the standard rent of the premises;
- (g) the authorized rent of the premises ;
- (h) the proportionate rent of any part of the premises;
- (i) the date of commencement of tenancy;
- (j) the date on which rent becomes due under the tenancy;
- (k) the name and address of the person to whom rent is payable ; and
- (l) any other particulars pertaining to the tenancy of the said premises.

(3) Where any premises or part thereof are let on or after the date of commencement of this Act, the particulars required to be furnished under subsection (2) and particulars relating to any agreement entered into under section 29 shall be furnished by the landlord within six weeks of the date on which such premises are let.

(4) The particulars furnished by the landlord under subsections (1), (2) and (3) and by the tenant under subsection (1) shall be entered in the Rent Register.

(5) In the event of a dispute between the landlord and the tenant regarding any of the afore-mentioned particulars the board shall make a decision after due inquiry. Such decision shall be final and conclusive.

(6) Any tenant or subtenant of any premises shall have the right to apply to the board to have his name entered in the Rent Register as a tenant or subtenant, as the case may be, of such premises. The board after notice to the landlord or to the landlord and the tenant, as the case may be, and after due inquiry, shall if satisfied, enter such person's name in the Rent Register as a tenant or subtenant of such premises. The decision of the board shall be final and conclusive.

(7) Where a change occurs in any of the particulars afore-mentioned, such change shall be notified to the board, by the person who has furnished such particulars, within six weeks of the occurrence of such change.

38. (1) There shall be for each area in which this Act is in operation such number of Rent Boards as may be determined by the Minister, constituted in the manner hereinafter provided.

Constitution of Rent Board.

(2) Each board in any Municipality, or town within the meaning of the Urban Councils Ordinance or the Town Councils Ordinance, shall consist of—

- (a) four persons appointed by the Minister, being persons who are not members of the Municipal Council, or Urban Council or Town Council, as the case may be, and two at least of whom shall be tenants of residential premises who are not owners or landlords of residential premises; and

- (b) the Chief Valuer:

Provided, however, that in the case of any board in the Municipality of Colombo, the Municipal Assessor shall be a member in lieu of the Chief Valuer.

The Minister shall nominate one of the members appointed by him to be the chairman of the board.

(3) The board for any area not mentioned in subsection (2) shall consist of—

- (a) four persons appointed by the Minister one of whom shall be nominated by him to be the chairman of the board ; and

[§17, 55 of 1980.]

(b) the Chief Valuer.

(4) Any officer of the department of the Chief Valuer authorized by him for the purpose may represent the Chief Valuer at any meeting of any board and shall be deemed for the purposes of the meeting to be a member of the Board.

(5) Any officer of the department of the Municipal Assessor authorized by him for the purpose may represent the Municipal Assessor at any meeting of any board in the Municipality of Colombo and shall be deemed for the purposes of the meeting to be a member of the board,

(6) Every person appointed under this section to be a member of any board shall, unless he earlier vacates the office by resignation or revocation of appointment, hold office for a period of three years commencing on the date of his appointment. Any member vacating office by effluxion of time shall be eligible for reappointment.

39. (1) Every application to the board under this Act shall be made in such manner as may be prescribed.

(2) At any meeting of the board three members shall constitute a quorum.

(3) Before making any order upon any application under this Act, the board shall give all interested parties an opportunity of being heard and of producing such evidence, oral or documentary, as may be relevant in the opinion of the board.

(4) The board may examine any witness on oath if it thinks fit to do so, and may summon any person to appear before it, and may require any person including any officer of a local authority or a department of Government or a corporation to produce any document including a document of title, which may be relevant in the opinion of the board.

(5) The board may, in such circumstances and according to such scale or scales as may be prescribed, award costs when dealing with any application made to the board under this Act.

(6) Any sum ordered by the board to be paid as costs by any person may be recovered, on application made to the Magistrate's Court having jurisdiction in the place where such person is resident, in like manner as a fine imposed by the court, notwithstanding that such sum may exceed the amount of the fine which the court may in its ordinary jurisdiction impose.

(7) All documents, notices or summons issued under the hand either of the chairman of the board or the secretary thereto, if appointed in accordance with regulations made in that behalf, shall be deemed to be issued by the board.

(8) The opinion of the majority of the members of the board present at any meeting shall be deemed to be the decision of the board on any matter. In case of an equality of votes, the chairman shall have a casting vote.

(9) In the absence of the chairman of the board from any meeting of the board, the members present shall elect some other member to be the chairman of that meeting.

(10) The proceedings of the board shall be open to the public, and minutes of such proceedings, including a summary of any oral evidence given before the board, shall be kept by or under, the direction of the chairman.

(11) Any interested party may, with the permission of the board, be represented before the board by an attorney-at-law or other person authorized in writing by that party.

(12) The proceedings of the board shall be deemed to be judicial proceedings within the meaning and for the purposes of Chapter XI of the Penal Code, and the members of the board shall be deemed to be public servants within the meaning of that Code.

(13) Every order made by the board at any meeting shall be reduced to writing and signed by the chairman, and a copy of the order shall be forthwith transmitted by registered post or delivered to the applicant and to the respondent.

(14) Regulations may be made prescribing the fees to be paid by persons

Proceedings
before the
board.

making applications to the board, and providing generally (but without prejudice to the preceding provisions of this section) for the procedure to be followed in the consideration and decision of applications, and other matters arising before the board under this Act.

40. (1) There shall be for the purposes of this Act a Board of Review consisting of not more than seven persons appointed by the Minister. Such persons shall be persons who hold or have held judicial office or are attorneys-at-law. The Minister shall nominate one of the members so appointed to be the Chairman of the Board of Review and may nominate another member of the Board of Review to be the Vice-Chairman of the Board of Review who shall in the absence of the Chairman perform the functions and exercise the powers vested in the Chairman under this Act.

(2) Every member of the Board of Review shall unless he earlier vacates the office by resignation or revocation of appointment, hold office for a period of two years commencing on the date of his appointment. Any member vacating office by effluxion of time shall be eligible for reappointment.

(3) There may be appointed, by name or by office, a secretary to the Board of Review.

(4) Any person who is aggrieved by any order made by any Rent Board under this Act may, before the expiry of a period of twenty-one days after the date of the receipt by him of a copy of the order, appeal against the order to the Board of Review :

Provided, however, that no appeal shall lie except upon a matter of law.

For the purposes of this subsection, the copy of an order which is transmitted to any person by registered post shall be deemed to have been received by him on the date on which it is delivered in the ordinary course of post at his address.

(5) (a) Every appeal to the Board of Review shall be heard at a meeting of not less than three members of that Board selected by the secretary to the Board by the drawing of lots. The decision made on such

appeal at such meeting shall be deemed to be the decision of the Board of Review on such appeal.

(b) The members of the Board hearing any appeal may request the secretary to summon a meeting of the whole Board. The quorum for such a meeting shall be five.

(c) Where the decision of the members of the Board of Review who hear any appeal is not unanimous, the decision of the majority of them shall be deemed to be the decision of that Board.

(d) The Chairman of the Board of Review, if he is one of the members of the Board hearing any appeal to that Board, or, if he is not one of them, one of those members chosen by the members present shall preside at a meeting of those members.

(e) The powers conferred on the Board of Review by the succeeding provisions of this section may be exercised by the members of that Board who hear any appeal to that Board.

(6) At the hearing of any appeal by the Board of Review, the appellant and the respondent shall each be entitled to be heard in person or by an attorney-at-law, but, save with the express consent of the Board, shall not be entitled to adduce any evidence whether oral or documentary.

(7) In any case where the Board of Review thinks fit so to do, whether of its own motion or on the application of any party to an appeal, the Board may examine any witness on oath, and may summon any person to appear before it, and may require any person to produce any document which it considers relevant, including any document of title.

(8) All documents, notices and summonses issued under the hand either of the Chairman of the Board of Review or of the Secretary to the Board shall be deemed to be issued by the Board.

(9) The proceedings of the Board of Review shall be deemed to be judicial proceedings within the meaning and for the purposes of Chapter XI of the Penal Code, and the members of the Board shall be deemed to be public servants within the meaning of that Code.

Board of Review.

(10) The Board of Review may in disposing of any appeal under this section award costs against any party. The provisions of subsection (6) of section 39 shall apply, *mutatis mutandis*, where any costs are awarded under this subsection.

travelling expenses payable to any person referred to in paragraph (c) of subsection (2) of this section and all other expenses incurred in the administration of this Act, shall be paid out of moneys provided by Parliament for the purpose.

(11) The decision of the Board of Review on any appeal under this section shall be reduced to writing and signed by the members of the Board who heard the appeal. They shall set out the reasons for the decision. Such decision shall be final and conclusive and—

(2) Regulations may be made—

(a) shall, in so far as it annuls or varies the order of the Rent Board against which the appeal was preferred, be substituted for and take the place of that order for the purposes of this Act; and

(a) prescribing the fees or rates of fees to be paid by persons making applications to any board under this Act, and providing for the recovery of any such fees;

(b) shall be binding on and followed by every Rent Board.

(b) providing for the payment of remuneration and travelling allowances to members of the Board of Review or of any Rent Board ; and

(12) Regulations may be made—

(c) providing for the payment of travelling expenses to any person who, on being summoned by a board on its own motion, appears before it for the purpose of giving any evidence or producing any document.

(a) prescribing the fees to be paid by persons preferring appeals to the Board of Review and the time and mode of the payment of such fees ;

42. (1) Every person who contravenes or fails to comply with the provisions of sections 3 (1) and (2); 9 (1) and (3); 10 (3), (4), (6), (9), (10), (11), (13) and (14); 11(1), (2) and (3); 12 (1) and (2); 14(1); 15 (1); 16 ; 17 (1); 18 ; 19 ; 20 (2); 21 (3); 22 (15); 29 (3), (5), (6),(7),(8),(9),(10) and (14); 33 (1) and (2); 35 (1); and 37 (2), (3) and (7) of this Act or any order made by any Rent Board shall be guilty of an offence under this Act. Offences and penalties, [§ 18. 55 of 1980.]

(b) prescribing the form and the manner in which such appeals shall be preferred ;

(c) requiring the record of the proceedings before the Rent Board to be transmitted to the Board of Review in the event of any appeal; and

(2) Every person guilty of an offence under this Act shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five thousand rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment.

(d) providing generally (but without prejudice to the provisions of subsections (5) to (11)) for the hearing and disposal of appeals and for the procedure to be followed at any such hearing.

* (4) Where an offence under this Act is committed by a body of persons, then—

Financial provisions.

41. (1) The remuneration and allowances payable to a member of the Board of Review or of any Rent Board or to an authorized officer within the meaning of subsection (1) of section 44 and the

(a) if that body of persons is a body corporate, every director and officer of the body corporate; or

* Subsection (3) is repealed by Act No. 55 of 1980.

(b) if that body of persons is a body unincorporate, every director, manager, secretary, agent or other officer or person concerned with the management thereof, and in the case of a partnership, every partner,

shall be deemed to be guilty of that offence ;

Provided, however, that a director or an officer of such body corporate, or a director, manager, secretary, agent or other officer or person concerned with the management of such body unincorporate, or a partner of such partnership, shall not be deemed to be guilty of such offence if he proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(5) Where any prosecution against the landlord of any premises for any alleged contravention of the provisions of section 3 or section 9 is instituted by or at the instance of the tenant of such premises, then no prosecution against such tenant for any contravention of those provisions by reason of any payment or offer of payment alleged to have been made by him in respect of those premises, shall be instituted or maintained—

(a) at any time while the proceedings in the prosecution against the landlord are pending; or

(b) at any time after the proceedings have terminated, if the landlord is, in such proceedings, convicted of the offence with which he was charged.

In this subsection, "tenant M includes any person seeking to be the tenant of any premises.

Regulations.

43. (1) The Minister may make all such regulations as may be necessary for the purpose of carrying out or giving effect to the provisions and principles of this Act.

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the Gazette, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval, but without prejudice to anything previously done thereunder.

(4) Notification of the date on which any regulation made by the Minister is so deemed to be rescinded shall be published in the Gazette.

(5) Any regulation made by the Minister shall when approved by Parliament be as valid and effectual as if it were herein enacted. Notification of such approval shall be published in the Gazette,

44. (1) In this section, "authorized officer " means every officer who is declared by Order of the Minister to be an authorized officer for the purposes of this Act.

Enforcement of Act by authorized officers.

(2) The Minister shall in every declaration made under subsection (1) in relation to any officer specify the area or areas in which such officer may exercise the powers and functions of an authorized officer under this section; and any area so specified in respect of any such officer is hereinafter referred to as "the area of his appointment ".

Every Order under subsection (1) shall be published in the Gazette.

(3) It shall be lawful for an authorized officer—

(a) to institute a prosecution in respect of any offence under this Act alleged to have been committed within the area of his appointment;

(b) to make to the board, at the request of the tenant of any premises situated within the area of his appointment, any application authorized by this Act to be made to the board by such tenant;

(c) to make such inquiry as may be necessary in the event of any complaint being made to him of

any contravention of this Act alleged to have been committed within the area of his appointment; and for the purposes of such inquiry, to enter upon any premises at any reasonable time of the day for the purpose of inspecting such premises or of obtaining information with respect to the matter of the complaint; and

(d) generally to make such inquiries and to take such steps, and, in accordance with regulations made in that behalf, to exercise such powers of inspection or otherwise, as may be necessary to secure compliance with the provisions of this Act.

(4) Every authorized officer shall be deemed to be a public servant within the meaning of the Penal Code.

Delegation of powers of the Commissioner for National Housing, [§ 19, 55 of 1980.]

44A. (1) The Commissioner for National Housing may delegate any power, duty or function conferred or imposed on, or assigned to, him by any provision of this Act to the Government Agent for an administrative district or to the Assistant Government Agent of an administrative division.

(2) Where any power, duty or function is delegated, in pursuance of the provisions of subsection (1), to the Government Agent of an administrative district or to an Assistant Government Agent of an administrative division by the Commissioner for National Housing, such Government Agent or Assistant Government Agent may, subject to such general or special directions as may be issued by the Commissioner for National Housing, from time to time, exercise, perform and discharge such power, duty or function in respect of any premises within the limits of the administrative district or division to which his appointment relates.

Removal of difficulties.

45. It shall be lawful for the Minister by Order published in the Gazette, to make such provision as he may in his discretion consider necessary or expedient for the purpose of providing for any unforeseen or special circumstances, or of resolving, determining or adjusting any doubt, question or matter, which may arise in

relation to the application of this Act or in respect of which no provision or no effective provision is made in this Act.

Every Order made under this section shall upon publication thereof in the Gazette have the force of law and be as valid and effectual as if it were herein enacted.

46. (1) The Rent Restriction Act (No 29 of 1948), as amended from time to time is hereby repealed.

Repeal and transitional provisions.

(2) Notwithstanding the repeal of the Rent Restriction Act—

(a) every order or decision made by the Rent Control Board or the Board of Review under that Act in relation to any premises shall be deemed to be an order or decision made by the Rent Board or the Board of Review, as the case may be, under the corresponding provisions of this Act, and shall have effect accordingly;

(b) each Rent Control Board constituted under section 19 of that Act shall continue to hold office, and shall be deemed to be a Rent Board, under this Act, and the members thereof shall, until fresh appointments are made under this Act, hold office in like manner as though section 38 of this Act had been in operation at the time of the appointment of such members;

(c) the Board of Review constituted under section 21 of that Act shall continue to hold office under this Act, and the members thereof shall until fresh appointments are made under this Act hold office in like manner as though section 40 of this Act had been in operation at the time of the appointment of such members;

(d) all regulations made under that Act and in force on the day immediately preceding the date of commencement of this Act shall be deemed to be regulations made

under this Act, and may accordingly be amended, added to or rescinded by regulations made under this Act;

was acquired by the landlord under the circumstances specified in subsection (7) of section 22; or

(e) all proceedings which are pending on the day immediately preceding the date of commencement of this Act before any Rent Control Board under that Act shall be heard and continued before that Rent Control Board in all respects as though that Act had not been repealed ; and all appeals which are pending on the day immediately preceding the date of commencement of this Act before the Board of Review constituted under section 21 of that Act shall be heard and continued before that Board of Review in all respects as though that Act had not been repealed ;

(ii) for the ejectment of the tenant from any residential premises the annual value of which exceeds the relevant amount; or

(iii) for the ejectment, from any residential premises, of any person entitled under section 18 of the Rent Restriction Act (No. 29 of 1948), to give notice to the landlord thereof to the effect that he proposes to continue in occupation of the premises as tenant thereof,

(f) any requirement made, certificate issued, payment made, notice, determination, direction or approval given, application made or thing done under that Act shall, if in force on the day immediately preceding the date of commencement of this Act, continue in force and shall, so far as it could have been made, issued, given or done under this Act, have effect as if made, issued, given or done under the corresponding provisions of this Act.

shall, if such action or proceedings is or are pending on the date of commencement of this Act, be deemed at all times to have been and to be null and void.

(b) any appeal preferred to the Supreme Court from any judgment or decree of a court in any such action or proceedings as is or are referred to in paragraph (a) and is pending before the Supreme Court on the date of commencement of this Act shall be deemed at all times to have been and to be null and void ; and

Pending actions.

47. Notwithstanding anything in the Rent Restriction Act (No. 29 of 1948), or in any other law—

(a) any action or proceedings instituted in a court before the date of commencement of this Act—

(i) for the ejectment of the tenant from any residential premises the standard rent of which for a month exceeds one hundred rupees and the annual value of which does not exceed the relevant amount, where such action is instituted on the ground that such premises are reasonably required for occupation as a residence for the landlord or any member of his family, and where the ownership of such premises

(c) proceedings shall not be taken for the enforcement of any judgment or decree in any such action or proceedings as is or are referred to in paragraph (a), and where such proceedings have begun before the date of commencement of this Act but have not been completed on such date, such proceedings shall not be continued.

48. In this Act, unless the context Interpretation. otherwise requires—

" annual value " of any premises means the annual value of such premises assessed as residential or business premises, as the case may be, fo

the purposes of any rates levied by any local authority under any written law and as specified in the assessment under such written law, and where used in relation to the relevant amount, means the annual value of the premises as specified in the assessment in force during the month of January, 1968, or if the assessment of the annual value of the premises is made for the first time after that month, the amount of such annual value as specified in such first assessment;

any authority created and established by or under any law to exercise, perform and discharge powers, duties and functions corresponding to or similar to the powers, duties and functions exercised, performed and discharged by such Council;

" board", in relation to any premises, means the Rent Board established under section 38 for the area in which the premises are situated ;

" member of the family " of any person means the spouse of that person, or any son or daughter of that person over eighteen years of age ;

" business premises " means any premises other than residential premises as hereinafter defined;

" premises " means any building or part of a building together with the land appertaining thereto;

" landlord ", in relation to any premises, means the person for the time being entitled to receive the rent of such premises and includes any tenant who lets the premises or any part thereof to any subtenant;

"prescribed" means prescribed by regulation;

" reasonable cause" includes a cause approved or sanctioned by the board;

" local authority " means—

" regulation " means a regulation made under section 43 ;

" relevant amount " means—

(1) in relation to residential premises—

(a) any Development Council established under the Development Councils Act or any other authority, body or institution created and established by or under any law, vested with the exercise, performance and discharge of the powers, duties and functions of any Municipal Council, Urban Council, Town Council and Village Council under the Municipal Councils Ordinance, Urban Councils Ordinance, Town Councils Ordinance and Village Councils Ordinance respectively, or under any other law;

(a) Rs. 2,000, if such premises are situated in the Municipality of Colombo;

(b) Rs. 1,500, if such premises are situated in any other Municipality;

(c) Rs. 1,000, if such premises are situated in a town within the meaning of the Urban Councils Ordinance; and

(d) Rs. 500, if such premises are situated in a town within the meaning of the Town Councils Ordinance, or in any area other than an area referred to in the preceding provisions of this paragraph;

(2) in relation to business premises—

(b) any Municipal Council, Urban Council, Town Council or Village Council and includes

(a) Rs. 6,000, if such premises are situated in the Municipality of Colombo;

[§ 20, 55 of 1980.]

- (b) Rs. 4,000, if such premises are situated in any other Municipality;
- (c) Rs. 2,000, if such premises are situated in a town within the meaning of the Urban Councils Ordinance; and
- (d) Rs. 1,000, if such premises are situated in a town within the meaning of the Town Councils Ordinance, or in any area other than an area referred to in the preceding provisions of this paragraph;

"residential premises" means any premises for the time being occupied wholly or mainly for the purposes of residence.

49. Notwithstanding anything in this Act or any other law, any lease, agreement express or implied or other contract entered into prior to the 12th day of December, 1980, in respect of the tenancy or rent of any residential premises in the occupation of and let to—

- (i) a person who has been issued with a valid *visa* under the Immigrants and Emigrants Act and whose total income exceeds one thousand rupees per month ; or
- (ii) a non-resident company,

shall with effect from the 12th day of December, 1980, be deemed to be invalid and cancelled for all purposes.

Cancellation of certain agreements and leases. [§ 22, 55 of 1980.]

[§ 2 (4) and (5).]

SCHEDULE

REGULATIONS AS TO EXCEPTED PREMISES

1. Any premises of which the landlord is a local authority shall be excepted premises for the purposes of this Act.
2. Any premises of which the landlord is the Commissioner for National Housing shall be excepted premises for the purposes of this Act.
3. Any business premises (other than premises referred to in regulation 1 or regulation 2) situated in any area specified in Column I hereunder shall be excepted premises for the purposes of this Act if the annual value thereof as specified in the assessment made as business premises for the purposes of any rates levied by any local authority under any written law and in force on the first day of January, 1968, or, where the assessment of the annual value thereof as business premises is made for the first time after the first day of January, 1968, the annual value as specified in such assessment, exceeds the amount specified in the corresponding entry in Column II:

<i>I</i> Area	<i>//</i> Annual Value
	Rs.
Municipality of Colombo	6,000
Municipality of Kandy, Galle or any other Municipality	4,000
Town within the meaning of the Urban Councils Ordinance	2,000
Town within the meaning of the Town Councils Ordinance	1,000

4. Any business premises situated in any area in which the Act is in operation (not being a Municipality or a town within the meaning of the Urban Councils Ordinance or the Town Councils Ordinance) shall be excepted premises for the purposes of this Act—

- (a) if on the date of commencement of this Act such premises were let at a rent exceeding Rs. 1,500 per annum; or
- (b) where such premises were not let on that date, if they are first let thereafter at a rent exceeding Rs. 1,500 per annum:

Provided, however, that the board may on the application of the tenant, declare that any premises referred to in the preceding provisions of this regulation are not excepted premises, if the board is satisfied that the fair rental value of the premises is not more than Rs. 1,500 per annum.