



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

**NATIONAL THOROUGHFARES
ACT, No. 40 OF 2008**

[Certified on 01st December, 2008]

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AN ACT TO PROVIDE FOR THE PLANNING, DESIGN, CONSTRUCTION, DEVELOPMENT, MAINTENANCE AND ADMINISTRATION OF AN INTEGRATED PUBLIC ROAD NETWORK IN SRI LANKA; TO PROVIDE THE LEGAL FRAMEWORK NECESSARY TO FACILITATE PRIVATE SECTOR INVESTMENT AND PARTICIPATION IN ROAD CONSTRUCTION, DEVELOPMENT AND MAINTENANCE; TO ASSIST THE PROVINCIAL COUNCILS AND LOCAL AUTHORITIES IN THE DEVELOPMENT AND MAINTENANCE OF ROADS; TO PROMOTE AND FACILITATE COMMUNITY BASED ORGANISATIONS ENGAGING IN THE CONSTRUCTION, MAINTENANCE AND MANAGEMENT OF ROADS AND PUBLIC ROADS; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS it is the National Policy of Sri Lanka to formulate and implement within Sri Lanka a policy in relation to its National Highways whereby the Government is committed to provide for its citizens a modernised and integrated public road network operative within Sri Lanka, which network will be the result of a process of planning, design, construction, maintenance, development and administration:

Preamble.

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

1. This Act may be cited as the National Thoroughfares Act, No. 40 of 2008 and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette* (hereinafter referred to as “the appointed date”).

Short title and date of operation.

PART I

GENERAL

2. Subject to the provisions hereinafter provided, this Act shall apply to all national highways and to all roads and all public roads declared under section 4, other than roads maintained and administered respectively by a Provincial Council or a local authority.

Application of the Act.

Administration
of the Act.

3. (1) The Road Development Authority established under Act, No. 73 of 1981, (hereinafter referred to as “the Authority”) shall subject to the general directions and policy guidelines of the Minister, have the exclusive power of implementation and administration of the provisions of this Act in consultation with such other government departments or institutions as may be referred to in this Act.

(2) The Authority may also exercise all or any of the powers conferred upon the Authority by the Road Development Authority Act, No. 73 of 1981 in the implementation and administration of the provisions of this Act.

Declaration of a
road as a public
Road.

4. (1) The Minister may in consultation with the District Road Network Development Co-ordinating Committee established under section 8, by Order published in the *Gazette* declare a road to be a public road :

Provided that, any road which prior to the coming into operation of this Act has been declared to be a public road, shall from and after the date of the coming into operation of this Act, be deemed to be a public road, within the meaning of this section.

(2) Every public road declared under subsection (1) shall vest in the Authority and accordingly every such public road shall be administered and maintained by the Authority.

(3) For the purposes of this Act a public road includes a canal or river.

Powers of
officers and
servants.

5. (1) Subject to the general direction and control of the Authority, the Director-General, the Provincial Director, Chief Engineer and Executive Engineer of the Authority shall be responsible for the implementation and administration of the provisions of this Act.

(2) (a) It shall be lawful for the Director-General to delegate any function assigned to him by this Act, to the Provincial Director, Chief Engineer, Executive Engineer, any officer of the Authority or any community based organization as the case may be.

(b) It shall be lawful for the Provincial Director to delegate any function assigned to him by this Act, to the Chief Engineer or Executive Engineer or any community based organization as the case may be.

(c) It shall be lawful for the Chief Engineer to delegate any function assigned to him by this Act, to the Executive Engineer or any community based organization as the case may be.

(d) It shall be lawful for the Executive Engineer to delegate any function assigned to him by this Act to any community based organization.

(e) It shall be lawful for the Director-General to authorize any officer of the Authority, not being the Provincial Director, Chief Engineer or the Executive Engineer or a community based organization to discharge any function assigned by this Act to the Director-General, Provincial Director, Chief Engineer, Executive Engineer or the community based organization as the case may be.

PART II

ADVISORY BODIES

6. (1) There shall be established a Road Network Development Advisory Council (hereinafter Referred to as the "Advisory Council") consisting of the following:—

Establishment of Road Network Development Advisory Council.

(a) *Ex officio* members —

- (i) the Secretary to the Ministry of the Minister in charge of the subject of Highways, who shall be the Chairman of the Advisory Council;

- (ii) a representative from the Civil Engineering Department of the University of Sri Lanka, Moratuwa, nominated by the Head of the Department;
- (iii) a representative of the Institute of Chamber of Construction Industries nominated by the Institute;
- (iv) a representative of the Chamber of Commerce nominated by the Chamber;
- (v) a representative of the Institute of Engineers of Sri Lanka established under the Institute of Engineers of Ceylon Act, No. 17 of 1968, nominated by the Institute;
- (vi) the Director-General of the National Physical Planning Department or his representative;
- (vii) the Inspector-General of Police or an officer not below the rank of Deputy Inspector-General nominated by him;
- (viii) a representative of the Land Use Policy Planning Division of the Ministry of Lands nominated by the Minister in charge of the subject of Lands;
- (ix) a representative of the National Planning Department of the Ministry of the Minister in charge of Finance, nominated by such Minister;
- (x) a representative of the Ministry of the Minister in charge of the subject of Industries, nominated by such Minister;
- (xi) a representative of the Ministry of the Minister in charge of the subject of Tourism, nominated by such Minister;

- (xii) a representative of the Ministry of the Minister in charge of the subject of Transport, nominated by such Minister;
 - (xiii) the Surveyor-General or his representative;
 - (xiv) a representative from the Institute of Town Planners established by the Town Planners Act, No. 23 of 1986, nominated by the Institute; and
 - (xv) the Commissioner of Motor Traffic Commissioner or an officer not below the rank of an Assistant Commissioner of Motor Traffic nominated by him;
- (b) five members nominated by the Minister from among persons who are qualified and have experience in the fields of economics, infrastructure development, banking, power and energy, telecommunication and law.

(2) The functions of the Advisory Council shall be—

- (a) to advise the Minister in the formulation of the Hierarchical Public Road Network Policy of Sri Lanka (hereinafter referred to as “the Network Policy”) including bridges and ferry services with a view to, facilitate travel time and providing easy movement with improved facility;
- (b) to advise the Minister on the development of a hierarchical road network strategy designed to improve the quality of the roads;
- (c) to advise the Minister on measures required to be taken in relation to road research, road planning, road development technology and road safety measures;

- (d) to tender advise when required to do so on matters relating to planning of roads, national highways, expressways and restricted access highways that may be referred to the Advisory Council by the Authority;
- (e) to tender advise on any other matter that may from time to time be referred to the Advisory Council by the Minister.

(3) (a) Every member of the Advisory Council shall be appointed by the Minister and shall, unless he earlier vacates office by death, resignation or removal hold office for a period of three years from the date of appointment and shall be eligible for re-appointment. The Minister may, if he considers it expedient to do so, by Order published in the *Gazette*, remove from office any member of the Advisory Council for reasons assigned therefor.

(b) A member of the Advisory Council may at any time resign his office by letter to that effect addressed to the Minister.

(c) Where any member of the Advisory Council dies, resigns or is removed from office, the Minister may appoint any other person to be a member in place of the member who dies, resigns or is removed from office.

(d) A member appointed under paragraph (c) shall, unless he earlier vacates office by death, resignation or removal, hold office for the unexpired period of the term of office of his predecessor.

(e) The Advisory Council may discharge its functions notwithstanding any vacancy among its members or any defect in the appointment of any such member.

(f) Eight members of the Advisory Council shall constitute a quorum for any meeting of the Advisory Council

and subject to the provisions of this Act, the Advisory Council may regulate the procedure in regard to its meetings and the transaction of business at meetings.

(g) The members of the Advisory Council may be paid such remuneration as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance.

7. (1) There shall be established a District Road Network Development Co-ordinating Committee (hereinafter referred to as the “District Co-ordinating Committee”) for each District in Sri Lanka consisting of the following members—

District Road
Network
Development
Co-ordinating
Committee.

- (a) all Cabinet Ministers and other Ministers appointed by the President of Sri Lanka under the Constitution, from among the members of Parliament who represent that District in Parliament;
- (b) the Chief Minister of the relevant provincial Council;
- (c) all Ministers in the Board of Ministers of the relevant Provincial Council;
- (d) all members of the Parliament representing the relevant District;
- (e) all members of the Provincial Council representing the relevant District;
- (f) all Heads of Local Authorities within the relevant District;
- (g) Chief Secretary of the relevant Provincial Council;
- (h) District Secretary of the relevant District;

- (i) all Divisional Secretaries of the relevant District;
- (j) relevant Provincial Director of the Road Development Authority who shall be the Secretary of the District Co-ordinating Committee;
- (k) all District Heads of all Government Agencies of the relevant district;
- (l) a representative from each of the Community Based Organizations formed by the road user communities in the Districts.

(2) The Minister may nominate a person from among the members referred to in paragraphs (a) and (b) to be the Chairman of the District Co-ordinating Committee.

(3) The functions of the District Co-ordinating Committee shall be—

- (i) to formulate an Integrated Road Network Development and Maintenance Action Plan for the District;
- (ii) to co-ordinate and supervise all road network development and maintenance activities, within the District;
- (iii) to direct with the concurrence of the Minister, any Government Agency or any person to undertake any road network development project or scheme within the District and to regulate and supervise the implementation of such projects or schemes;
- (iv) to recommend the Minister to undertake and execute the road development projects including new constructions or any widening or deviation of an existing road.

(4) The Integrated Road Network Development and Maintenance Action Plan specified in subsection (3) means a plan specifying road development projects in the District to be undertaken by the Road Development Authority, the relevant Provincial Council, the relevant local authorities and other relevant agencies. Such Plan shall be prepared for a period of five years and shall include a Schedule of the required capital for the implementation of the development and maintenance projects set out therein.

(5) The provisions of subsection (3) of section 6 shall *mutatis mutandis* apply to and in relation to the period of membership, vacation of membership, appointment of a member to a vacant post in the District Co-ordinating Committee and other related matters of a District Co-ordinating Committee.

PART III

NATIONAL HIGHWAYS

8. (1) The Minister may by Order published in the *Gazette* declare any road or public road or classes of roads or public roads to be a national highway or national highways, as the case may be.

Declaration of
National
Highways.

(2) The Minister may declare a road or a public road as a national highway under subsection (1) if he is satisfied that—

- (a) the road or public road crosses at least one provincial boundary and connects two or more provincial centres and is a principal thoroughfare for long distance movement of vehicular traffic;
- (b) the road or public road connects two trunk roads on which the volume of vehicular traffic is more than two hundred and fifty vehicles per day;
- (c) the road or public road passes through important town centres;

- (d) the road or public road has strategic bridge crossing points across major rivers, providing connection to other national highways;
- (e) the road or public road provides access to a place of national importance or a special project of the government; or
- (f) the road or public road provides access to an institution, structure, site or area the subject matter of which is set out in the List II (Reserved List) of the Constitution.

Declaration of
Expressways
&c..

9. (1) The Minister may by Order published in the *Gazette* designate a national highway declared in terms of section 8, to be—

- (a) an expressway; or
- (b) a restricted access highway.

(2) For a national highway to be designated as an expressway or as a restricted access highway, as the case may be, under subsection (1)—

- (a) the national highway should be designed specially for high speed movement of vehicular traffic with minimum interference to such high speed traffic movements;
- (b) the national highway should not serve the properties bordering it.

(3) The Minister may designate a national highway to be an expressway under subsection (1), if he is satisfied that the number of interchanges that affects high speed movement of vehicular traffic along that national highway is minimal.

(4) The Minister may designate a national highway to be a restricted access highway under subsection (1), if he is satisfied that the number of interchanges affecting high speed movement of vehicular traffic along that national highway is relatively more in number.

10. (1) Every declaration under sections 8 and 9 shall—
- (a) be accompanied by a plan—
- (i) specifying the land area which comprises the national highway;
 - (ii) specifying the interchanges along the national highway;
 - (iii) specifying the components of the national highway;
 - (iv) specifying the building limits and the length and breath of the right of way; and
- (b) specify the name by which such national highway shall be identified.
- Requirements of a declaration under sections 8 and 9.

PART IV

USER FEE NATIONAL HIGHWAYS

11. (1) The Minister may by Order published in the *Gazette*, designate the whole or part of an expressway, as a user fee national highway.

Minister to designate user fee national highways.

(2) The designation referred to in subsection (1) may if so required, specify a period during which such designation shall be in operation.

Authority to enter into agreements regarding user fee national highway.

12. (1) The Authority may enter into an agreement with any person including a Government Department, Public Corporation or Private Institution (hereinafter in this part referred to as the “operator”) in respect of the design, construction, operation, maintenance, development and overall management of a user fee national highway.

(2) The Director-General may by Order published in the *Gazette* delegate to the operator such powers, duties and functions of the Authority as may be specified therein. The Director-General may notwithstanding such delegation continue to exercise, perform and discharge the powers, duties and functions so delegated.

(3) The agreement referred to in subsection (1) may provide for—

- (a) the provision of funds for financing the design, construction, operation, development and maintenance of a user fee national highway or part thereof;
- (b) the purchase, lease or assignment of land for a user fee national highway;
- (c) the operation, management, maintenance and improvement of a user fee national highway;
- (d) the allocation of rights, liabilities and duties of each party to the agreement;
- (e) the mode of adjusting of transactions in conformity with foreign currency fluctuations and inflation;
- (f) the re-negotiation of the terms of such agreement and provisions for contingencies;
- (g) the mode of collecting user fees from the users of the user fee national highway;

- (h) the payment of remuneration of the operators and other employees;
- (i) the allocation and distribution of income derived from the fees referred to in paragraph (g);
- (j) the specifying of performance requirements, performance measures and consequences arising from failure to meet such performance requirements; and;
- (k) the settlement by conciliation or arbitration of disputes relating to the agreement including mandatory procedures, evidentiary provisions and allocation of the cost of conciliation or arbitration.

13. The Minister may, prescribe the fees to be levied from all vehicles used in a user fee national highway and may prescribe different fees for different categories of vehicles. The Minister may also prescribe the categories of vehicles exempted from the payment of the fee.

Minister to prescribe fees to be levied for user fee national highway.

14. (1) The driver of a vehicle used on a user-fee national highway shall pay the fee referred to in section 13 at the prescribed places and to the prescribed persons.

Driver of a vehicle on a user fee national highway to pay the fee.

(2) The driver of a vehicle who contravenes the provisions of subsection (1) shall commit an offence and shall on conviction after summary trial by a Magistrate be liable, in the case of —

- (a) first offence to a fine not exceeding five thousand rupees ; and
- (b) second or subsequent offence to a fine not exceeding fifty thousand rupees.

PART V

ACQUISITION OF LAND FOR CONSTRUCTION OF ROADS

Construction of a new road.

15. (1) The Minister may, on the recommendation of the relevant District Road Network Co-ordinating Committee, or Provincial Council or Local Authority as may be relevant, or the appropriate Divisional Secretary of the relevant area or Community Based Organization operating within such area, authorize —

- (a) the construction of a new road or a public road ; or
- (b) the widening of an existing road or public road or any deviations to such road or public road.

(2) The Minister shall, where he authorizes the construction of a new road or public road under subsection (1) direct the Authority to prepare a survey plan depicting the land area required for the construction of such road or public road, specifying the length and breadth of such road, including its reservations and its building limits.

(3) The Minister shall, where he authorizes the widening, improvement or any deviation of a road or a public road under subsection (1) direct the Authority to prepare a survey plan depicting the land required for such road or public road widening or for such deviation specifying the new length and breadth of such road, including its reservations and its new building limits.

(4) The Minister shall by Order published in the *Gazette* declare the land area or any interest therein depicted in the survey plan referred to in subsection (2) or subsection (3) as the case may be, to be a road reservation or a public road reservation as the case may be.

(5) Upon publication of the Order in the *Gazette*, the provisions of this Act, relating to the prohibition of the erection or re-erection of any structures within a building limit shall apply to and in relation to the area of land specified in such Order.

16. (1) The Minister may on the recommendation of the Advisory Council or the Authority or the Director-General as the case may be, authorize the construction of a new national highway.

Construction of
new National
Highways.

(2) The Minister shall where he authorizes the construction of a new national highway direct the Authority to prepare a survey plan of the proposed national highway depicting the area of land required for construction of such national highway including the facilities for recreation, leisure, marketing and other ancillary services, the length and breadth of such national highway, the reservations and the building limits, proposed interchanges and intersections along such highway, if any.

(3) The Minister may on the recommendation of the Advisory Council or the Authority or the Director General authorize the widening improvement or deviation of an existing national highway.

(4) The Minister shall where he authorizes widening improving or deviation of a national highway under subsection (3), direct the Authority to prepare a survey plan depicting the area of land that is required for such widening or for such deviation, including the facilities for recreational, leisure, marketing and other ancillary services specifying the new length and breadth of such national highway including its reservation and its new building limits and interchangers and intersections if any.

(5) The Minister shall by Order published in the *Gazette* declare the land area or any interest therein depicted in the survey plan referred to in subsection (2) or subsection(4), as the case may be, to be a national highway reservation.

(6) Upon publication of the Order in the *Gazette*, the provisions of this Act relating to the prohibition of the erection or re-erection of any structures within a building limit shall apply to and in relation to the area of land specified in such Order.

Prohibition of development work within a road reservation.

17. Upon declaration of a road reservation or a public road reservation or a national highway reservation under this part of the Act, no development work shall be executed or caused to be executed by any Government agency or any other person within the area so declared as a reservation, except with the prior written approval of the Authority.

Application of the Land Acquisition Act.

18. (1) Where any land or any interest in land is declared as a road reservation or a public road reservation or as national highway reservation, as the case may be —

- (a) such land or interest therein shall for the purposes of the Land Acquisition Act (Chapter 460) be deemed to be required for a public purpose ; and
- (b) that land or interest therein maybe acquired under the Land Acquisition Act (Chapter 460) by the Government for the Authority.

(2) Where the President is of opinion, upon the recommendation of the Minister, that any land or interest in land on which a reservation is declared to be a road reservation or a public road reservation or a national highway reservation is required for the purpose of carrying out a "public road project" or a "national highway project" as the case may be, and that such project would serve the just requirements of the general welfare of the people, the President may by Order published in the *Gazette*, declare such land or interest in land on which a road reservation is declared, as the case may be, as specified therein, is required for the purpose of such project.

(3) Upon the publication of the Order under subsection (2), the provisions of sections 3, 4, 5, 6, 7 and 8 of the Urban Development Projects (Special Provisions) Act, No 2 of 1980 shall *mutatis mutandis* apply to and in relation to the acquisition of the land under the provisions of this Act.

19. (1) Where the Minister certifies that any land or interest in land in any road reservation, or public road reservation or national highway reservation vested in a Local Authority, is required for the purposes of this Act, the Minister, in consultation with the Minister in charge of the subject of Local Government in the relevant Provincial Council may, by Order published in the *Gazette* vest such land or interest in such land in the Authority, with effect from such date as shall be specified in the Order, subject to such conditions, if any, as may be so specified.

Acquisition of land vested in a Local Authority.

(2) An Order made under subsection (1) shall confer on the Authority absolute title to any land or interest in land and to any buildings or structures on such land as are specified in such Order with effect from the date specified therein, free from all encumbrances. Compensation shall be payable by the Authority in respect of such land or interest in such land or buildings or other structures thereon.

20. (1) Where any crown land or part thereof is required for any of the purposes specified under this part of this Act, such purpose shall be deemed to be a purpose for which a special grant or lease to be made under section 6 of the Crown Lands Ordinance (Chapter 454).

Special grants under Crown Land Ordinance.

(2) All assets including any right of way over all national highways and other structures in the possession of, or which are being used by the Authority on the date immediately preceding the appointed date and which are specified in an Order made by the Minister and published in the *Gazette*, shall be transferred to and shall vest in the Authority with effect from the appointed date.

21. (1) The Authority may with the approval of the Minister and with the consent of the owners purchase any land or any interest therein specified in the survey plan and the Order referred to in sections 15, 16 and 19 of this Act.

Purchasing of land for re-settlement.

(2) The Authority may with the approval of the Minister purchase any land required for re-settlement of persons displaced or affected due to the implementation of any of the provisions of this Act.

Determination to be made by a Committee.

22. Purchase price of a land under section 21 and other related matters shall be determined by a Committee comprising —

- (a) the Secretary to the Minister in charge of the subject of Highways or his representative ;
- (b) the Secretary to the Minister in charge of the subject of Finance or his representative ;
- (c) the Secretary to the Minister in charge of the subject of Lands or his representative ;
- (d) the Chief Valuer or his representative ;
- (e) the registered licensed Valuer nominated by the Institute of Valuers.

Power of Authority to alienate land.

23. (1) The Authority may with the approval of the Minister for the purpose of maintenance of a road or a public road or a national highway, alienate any land or any interest therein held by the Authority, subject to such terms and conditions as may be determined by the Minister.

(2) The provisions of the Crown Lands Ordinance shall not apply in relation to the alienation of any land by the Authority under this section.

(3) For the purposes of this section alienation includes sale, lease, rent, rent purchase or grant.

Part VI

EXECUTION OF WORKS

24. The direction and control of all work to be undertaken under this Act shall be vested in the Director-General subject to the general direction and control of the Authority.

Direction and control of works to be vested in Director-General.

25. (1) The Minister on the recommendation of the Authority or the Director-General acting under the delegation of powers to him by the Authority may, by Order published in the *Gazette* order —

Minister may order temporary closure of a road, public road or a national highway.

- (a) the temporary or permanent closure of —
 - (i) an existing road or a public road or national highway ; or
 - (ii) a section of a road or a public road or national highway ; or
 - (iii) a bridge on a road or a public road or national highway ; or
- (b) substitution of an alternate route or alternate section of a road, in lieu of an existing section of a road or a public road or a national highway.

(2) In the execution of any order under this section if it becomes necessary to acquire any land for such purpose, such land shall be deemed to be required for a public purpose and the provisions of Part V shall apply to and in relation to such acquisition.

26. (1) No person, Government Department, local authority or any other institution shall use the reservation of a road a public road or a national highway for the purpose of carrying on any gas, water, electricity, telecommunication or any other service, without the prior written approval of the Director General, Provincial Director, Chief Engineer or Executive Engineer of the Authority as the case may be.

No services to be carried on a road, a public road or a national highway without the permission of the Authority.

(2) The Authority may, with the approval of the Minister, charge a rental from any person referred to in this section for using a road reservation, a public road reservation or a national highway reservation for any of the services referred to in this section.

(3) Minister may from time to time on recommendation of the Advisory Council, prescribe the appropriate rental to be charged and other matters relating to charging of rental under this section.

(4) The Director-General, the Provincial Director, the Chief Engineer or the Executive Engineer as the case may be, may on behalf of the Authority enter into agreements, subject to the provisions of any special enactment in that behalf and subject to the approval of the Minister, with any person or Government Department, local authority or any other institution to authorize and regulate the use by such person or Government Department or local authority or any other institution of any road reservation, a public road reservation or a national highway reservation for the purpose of carrying on gas, water, electricity, telecommunication or any other service.

(5) In the event of the widening or the improvement or deviation of a road, a public road or a national highway, the Director-General or the Provincial Director or the Chief Engineer or the Executive Engineer, as the case may be, may by notice require any person to remove or shift any physical structure or pipe line erected or laid by such person at the own cost of that person within the time period specified in the notice.

(6) Where the Executive Engineer is unable or unwilling to remove any obstruction referred to in this section due to any resistance or if the person responsible for causing such obstruction cannot be found the Executive Engineer may make an application in that behalf to the Magistrate's Court having jurisdiction.

(7) The Magistrate may after considering the facts of the case, direct the fiscal to remove such obstruction forthwith.

(8) The provisions of this section shall from and after the appointed date, apply to any person, Government Department, local authority or other institution using any road reservation, public road reservation or a national highway reservation for any of the purposes connected with the supply of any of the services specified in the aforesaid provisions of this section, subject however to the provisions of paragraph (a) of subsection (2) of section 90 of this Act.

27. (1) No person shall, for the purpose of any public service, or private enterprise, make use of a road or a public road or a national highway or execute any work thereon, or set up or maintain any plant or erection thereupon, except under and in accordance with, the terms and conditions of agreement referred to in section 26:

No public service, or private enterprise, to make use of a road a public road or a national highway without authority.

Provided that before any excavation, digging or cutting of any road, any public road, or any national highway is allowed to commence in pursuance of any such agreement, the cost of restoration or repair of such road, public road or national highway after such excavation, digging or cutting as estimated by the Chief Engineer, and an additional refundable deposit as prescribed by the Director-General shall be paid to the Authority :

Provided further, if there is any additional cost incurred by the Authority outside of any amount estimated, such amount shall be deducted from the additional refundable deposit paid to the Authority and the balance remaining shall be thereafter be refunded.

(2) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence, and shall, on conviction after summary trial by a Magistrate be liable to a fine not exceeding fifty thousand rupees.

Executive
Engineer may
remove
obstructions.

28. (1) Notwithstanding anything contained in any agreement referred to in section 26 or anything to the contrary in any other written law, it shall be lawful for the Executive Engineer to issue notice to any person who has, in pursuance of an agreement referred to in section 26, caused an obstruction to any road, any public road or any national highway, or caused obstruction to the widening or improvement or deviation of a road, a public road, or a national highway, to remove or abate such obstruction to the satisfaction of the Executive Engineer, within such period of time as may be specified in that notice.

(2) Where such person fails or neglects to remove or abate such obstruction or to remove or shift such physical structure or pipeline, within such period of time it shall be lawful for the Executive Engineer or any person authorized by him to remove or abate such obstructions or to remove or shift such physical structure or pipeline and recover the costs incurred in that connection.

(3) No compensation shall be payable to such person for any breach of such agreement resulting from such removal or abatement or shifting, as the case may be.

Certain persons
to be
empowered to
survey, measure
&c., a road, a
public road or a
national
highway.

29. (1) Any officer or servant authorized by the Director-General may at all reasonable times of the day, and upon notifying the occupier thereof of their intention, enter upon any land adjacent to any existing or proposed road, public road or national highway or upon any land to be declared in future as new road reservation, new public road reservation or new national highway reservation with all necessary vehicles, equipment, tools and other requisites and perform all acts and things as may be necessary for the purpose of —

- (a) surveying, measuring, tracing, working, opening, altering, turning, repairing, clearing, improving or fencing thereupon ;

- (b) constructing, excavating, repairing, clearing or improving any bridge, causeway, earth retaining structure, culvert, drain, fence or ditch thereupon ; and
- (c) erecting of temporary quarters or repairing any building for the use of any such officer and his workmen.

(2) Any officer or servant authorized by the Director-General may at all reasonable times of the day and upon notifying the occupier thereof, of their intention, enter upon any land adjacent to any existing or proposed road, public road or national highway to search for, dig, cut, take and carry away water, timber, brushwood, stone gravel, sand or any other material from any land adjacent or near to any existing or proposed road or highway or national highway for the purpose of —

- (a) surveying, measuring, tracing, making, working, opening, altering, turning, repairing, clearing, improving or fencing thereupon ;
- (b) constructing, repairing, clearing or improving any bridge, causeway, culvert, earth retaining structure, fence or ditch thereupon ; and
- (c) erecting or repairing any temporary quarters or building for the use of any such officer and his workmen and labourers.

30. (1) In the event of the necessity arising to effect emergency repairs to a road, a public road or to a national highway, it shall be lawful for any officer or servant authorized by the Director-General to carry away from any land in the vicinity of any such road, public road or national highway, any material, which is required for such purpose.

Right of entry to lands in the vicinity of a road, a public road or a national highway.

(2) An officer or servant authorized by the Director-General to carry out any activity under the provisions of subsection (1) shall not be deemed to be a trespasser.

(3) No officer or servant authorized by the Director General under the provisions of subsection (1) shall obtain any material from any land if such materials can be conveniently obtained from any adjacent state land.

(4) The Authority shall pay to the owner of the land from which any material has been removed reasonable compensation for the material so removed and for any damage caused in obtaining and transporting the same.

(5) An officer or servant authorized by the Director-General under the provisions of subsection (1) shall take all safety measures for fencing or barricading of pits and quarries from where any such materials had been removed.

Erection of temporary buildings on land for construction of a road, a public road or a national highway.

31. (1) It shall be lawful for any officer or servant authorized by the Director-General when carrying out a survey for the improvement or construction of any road, any public road or any national highway, bridge, causeway, culvert or earth retaining structure, or carrying out improvements or repairs thereto, or constructing any new road, new public road or new national highway, bridge, causeway, culvert or earth retaining structure, to make and erect temporary buildings on any land adjacent thereto for the accommodation of such officers, workmen, machinery and equipment.

(2) No officer or servant authorized by the Director-General under the provisions of subsection (1), shall erect a building on any land under cultivation or on any developed land if there is suitable waste land or state land within close proximity available for the purpose.

(3) The Authority shall pay reasonable compensation for the use of such land for any damages done thereto, to the owner of such land.

32. (1) When surveying for a new road, public road, national highway, bridge, causeway, culvert or earth retaining structure or during the progress of work connected with the maintenance, repair or construction of a road, public road, national highway, bridge, causeway, culvert or earth retaining structure, or clearing any earthslip, it shall be lawful for any officer or servant authorized by the Director-General to dispose of any rubble or waste material by dumping the same on any land adjacent thereto.

Rubble and waste to be disposed on adjacent land.

(2) An officer or servant authorized by the Director General under the provisions of subsection (1) shall take all necessary steps to avoid unnecessary hardship to the owner or occupants of such land.

33. It shall be lawful for any officer or servant authorized by the Director-General to make a temporary road for the diversion of traffic through an adjacent land at any time during —

Construction of temporary roads.

- (a) closure of bridge, causeway, culvert or earth retaining structure for repairs or re-construction ;
or
- (b) closure of a road, a public road or a national highway or section of a road, a public road or a national highway for rehabilitation or reconstruction :

provided that such diversion shall not require the demolition of any building nor encroach on any enclosed garden or yard.

34. It shall be lawful for any officer or servant authorized by the Director-General to cut and remove all trees, bushes, shrubs, branches, leaves or roots that cause damage to a road, a public road or an national highway and obstruction to the passage of traffic, street lighting, visibility, road signs, traffic light signals and road furniture, and for that purpose to enter upon any land or premises with the

Cutting, lopping &c, of trees to facilitate construction of a road, a public road or a national highway.

necessary workmen, tools and equipment for the cutting, lopping and the removal of such trees, bushes, shrubs, branches or roots, as the case may be.

Erection of fences &c., alongside a road, a public road or a national highway.

35. It shall be lawful for any officer or servant authorized by the Director-General to put up or make fences, barricades, ditches, drains or bank alongside any road, public road or national highway.

Drains &c. to be kept open if so required for the construction of a road, a public road or a national highway.

36. An officer or servant authorized by the Director-General shall have power to make, scour, cleanse and keep open all ditches, drains, culverts and bridge openings, water courses. No owner or occupier of any adjacent lands shall do any act or thing that would interfere with or cause damage to the aforesaid acts.

Authorized officers to pay compensation for damage to property.

37. (1) Any person who sustains any loss or damage as a result of the exercise by any officer or servant authorized to carry out any act, in the exercise of any power conferred by this Act shall be entitled to receive compensation for the same.

(2) A person referred to in subsection (1) shall make an application to the Divisional Secretary of the area within a period of three months from the date on which the alleged damage had been caused requesting the payment of compensation for the same. No application made after this period shall be considered for this purpose.

(3) Where the amount of compensation cannot be agreed upon then such amount may be decided by arbitration by the arbitrator appointed by the Divisional Secretary.

Vexatious conduct of officers.

38. Any officer or servant exercising or discharging any power or function under this Act, who behaves or conducts himself in a vexatious manner or resorts to violence shall be guilty of an offence, and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding twenty five thousand rupees.

PART VII

PROTECTION OF ROADS, PUBLIC ROADS AND NATIONAL HIGHWAYS

39. (1) The owner or occupier of a land which abuts or adjoins a national highway declared to be as expressway or restricted access highway shall not—

Owners or occupiers of land adjacent to a national highway have no right of access thereto

- (a) enjoy the right of access to, or egress from, the expressway or restricted access highway ;
- (b) have any right of passage, right of use or right of way between the land and the expressway or restricted access highway ; and
- (c) be entitled to any rights which in anyway affect the expressway or restricted access highway.

(2) The Authority shall, before declaring a national highway to be an expressway or a restricted access highway, provide appropriate alternate access to an owner or occupier whose access is curtailed under subsection (1).

(3) Any person who acts in contravention of the provisions of subsection (1), shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate, in the case of first offence for a fine not exceeding ten thousand rupees and in the case of second or subsequent offence to a fine not exceeding one hundred thousand rupees.

40. (1) Notwithstanding the provisions of any other written law, no person shall commence any building, or erect any wall, fence or any other structure alongside any road, public road or national highway or place any temporary fence or enclosure on or alongside, any road, public road or national highway, for commencing or repairing any such building, fence, wall or any other structure, without giving one calendar month's notice in writing to the Executive Engineer of such intention.

No building to commence on land adjacent to a road, a public road or a national highway without notice.

(2) Where any person fails to give notice under subsection (1), it shall be lawful for the Executive Engineer with the sanction of the Chief Engineer to cause any such building to be demolished or any such fence, wall or structure to be dismantled and removed and to recover the costs of such removal from such person:

Provided that any such demolition, dismantling and removal shall be carried out only upon giving the owner or occupier adequate notice of such impending demolition, dismantling and removal as the case may be.

Obtaining permission for erection of temporary enclosures.

41. (1) It shall be lawful for the Executive Engineer to permit any person on payment of a fee to temporary use any part of a road, public road or national highway, to erect a temporary fence or enclosure in order to carry out demolition, repair or construction work to his house or building, including the right to erect decorations of a temporary character subject to following conditions :—

- (a) that the person to whom permission is granted shall at night-time keep a light of sufficient intensity upon the premises for so long as such temporary enclosure or structure is in existence ; and
- (b) that sufficient room on the road, public road or national highway shall be made available for the movement of traffic and pedestrians without hindrance.

(2) Any public officer connected with the distribution of any service to the public may, notwithstanding the provisions of section 40 or subsection (1) of section 41 make temporary use of any part of a road, public road or a national highway.

42. (1) The Minister may by Order published in the *Gazette* specify the building limit alongside a road, public road or a national highway or part of a road, a public road or a national highway.

Building limits alongside a road, a public road or a national highway to be declared by Order.

(2) Where a building limit of a road, a public road or a national highway has not been specified under subsection (1), the building limit for that road or public road or national highway shall be —

- (a) fifteen metres from the Centre of the carriageway of that national highway ;
- (b) seven decimal point five metres from the centre of the carriageway of that public road ; and
- (c) five metres from the centre of the carriageway of that road.

(3) No person shall after the appointed date except under the authority of licence granted by the Executive Engineer erect, re erect or make any addition to any building, gateway or any other structure or construct a basement or other underground structure or dig a well, pond shaft or any other structure (hereinafter in this Part of this Act referred to as "structure") within a building limit.

(4) (a) No licence, for the erection of any structure, shall be granted under subsection (3) by the Executive Engineer within ten (10) metres from the centre of a carriageway of national highway within a town limit and seven point five (7.5) metres from the centre of a carriageway of a national highway outside a town limit.

(b) For the purpose of this subsection the word "structure" does not include a boundary wall.

(c) No licence for the erection of any structure shall be granted under subsection (3) by the Executive Engineer between the limits prescribed in paragraph (a) and the

building limit, unless he is satisfied that the prohibition against the erection of any structure within such limit will cause serious hardship to the owner of the land on which such structure is to be erected and the written consent of the Provincial Director for the granting of the licence is obtained by the Executive Engineer. The Provincial Director shall not give such consent unless he is satisfied, having regard to the width of the road, public road or national highway, the visibility available for traffic and the proper upkeep of the road, public road or national highway, that the enforcement of the aforesaid prohibition is not for the time being essential.

(d) It shall be a condition of any licence granted by the Executive Engineer under subsection (3) for the erection of any structure that no compensation shall be payable—

- (i) in respect of such structure or part thereof within such building limit if such land is acquired under the Land Acquisition Act (Chapter 460) ; or
- (ii) in respect of any improvement or adaptation of the remaining part of such structure after the severance or removal of such structure within such limit for any purpose whatsoever.

(e) It shall be a condition of any licence granted by the Executive Engineer under subsection (3) for the re-erection of, or for any addition, any structure that if possession for the public use is taken at any time of the land on which such structure is situated or if such land is acquired under the Land Acquisition Act (Chapter 460), the compensation payable in respect of such structure shall be determined in accordance with the provisions of sections 46 and 47.

(5) (a) The Executive Engineer, shall not grant a licence under subsection (3), without the approval of the Provincial Director where the structure is of religious significance.

(b) Where the Executive Engineer seeks approval under paragraph (a), the Provincial Director shall hold an appropriate inquiry in respect of the matter, before granting the approval.

(c) Where the Provincial Director refuses approval under this subsection he shall give reasons in writing for such refusal.

(6) (a) Full particulars of every licence granted under subsection (3) including particulars of the condition set out in subsection (4) and of the land and the structure to which the condition relates and the value thereof shall be entered by the Executive Engineer in a register to be kept for the purpose at his office ; and the Executive Engineer shall cause a certified copy of every such entry to be registered in the office of the Registrar of lands having jurisdiction over the area in which such land is situated. The Registrar of Lands shall register all such copies free of any charge or duty.

(b) Upon the registration of any entry under paragraph (a), the conditions attached to such licence shall be binding upon the land and the structure affected thereby in accordance with the tenor of such condition, and to whomsoever the ownership or possession of the land, building or structure may at any time pass.

(c) Every register kept under paragraph (a) at the office of the Executive Engineer shall be made available for inspection to any person interested at any time when the office is open for the transaction of business.

43. Notwithstanding any provision in any other written law no Agency nor Authority whose approval is required for the erection of a structure shall grant approval for the erection of a structure within the building limit specified in section 42 unless such erection has been authorized by a licence granted by the Executive Engineer in accordance with the provisions of this Act.

Building
approval only
on obtaining
licence of
Executive
Engineer.

Modification of building limit.

44. The Minister may, upon the recommendation of the Authority or the Director-General by Notice published in the *Gazette* modify or extend the building limit in respect of any road, public road or national highway or part of a road, a public road or a national highway :

Provided however, that the Authority or the Director-General shall, before making such recommendation, have regard to the convenience of the public and to the need for preserving and continuing the amenities of the locality and for ensuring that the modification or extension shall not increase the cost of any proposed scheme for the development, diversion, deviation or widening of the road, public road or national highway or part of the road, public road or national highway or any part of the road, public road or national highway as the case may be which will be affected by such modification.

Procedure to be followed in case of erection of structures in contravention of section 42.

45. (1) If any person erects any structure or makes any addition to an existing structure in contravention of the provisions of section 42, the Executive Engineer shall, by written notice, require such person to demolish or remove such structure or any addition thereto on or before such date as may be specified in such notice, being a date not earlier than seven days from the date thereof.

(2) It shall be the duty of the person on whom a notice is issued under subsection (1) to comply with the requirements specified in such notice within the time specified therein or within such extended time as may be granted by the Executive Engineer, on application made in that behalf.

(3) (a) Where in pursuance of a notice issued under subsection (1), any structure, is not demolished or removed, within such time or extended time as the case may be, the Executive Engineer may apply to the Magistrate for a Mandatory Order, authorizing the Executive Engineer to cause such structure to be demolished or removed;

(b) The Magistrate, may if he is satisfied as to the existence of the facts, issue notice on the person who had failed to comply with the requirements of the notice issued by the Executive Engineer under subsection (1) to demolish or remove such structure and thereafter make order accordingly;

(c) If the person who had erected the structure in contravention of the provisions of section 42, undertakes to demolish or remove such structure, the Magistrate may, if he thinks fit, postpone the operation of the order for a period not exceeding sixty days, allowing time for such person to demolish or remove such structure.

(4) (a) Where a mandatory order has been made under paragraph (a) of subsection (3) for the removal of a structure of religious significance and where such structure can be safely removed, then subject to the provisions of paragraph (b) of subsection (3) such structure shall be removed and handed over to the organization or institution responsible for erecting such structure.

(b) Where the Executive Engineer is unable to hand over the structure as specified in paragraph (a), the Executive Engineer shall notify the same to the Magistrate and dispose of the structure on the instructions of the Magistrate with due respect and care.

(5) Where a mandatory order has been made under subsection (3) it shall be the duty of the Police to render all necessary assistance to the Executive Engineer in the execution of such order.

(6) The Executive Engineer shall be entitled to recover any reasonable expenses incurred by him in demolishing or removing any structure in pursuance of an order made by the Magistrate under subsection (3).

Determination
of compensation
in case of lands
with buildings
on it.

46. Where any addition to a structure which has been built under the authority of a licence under section 42, is situated on any portion of land of which possession for the public use is taken under sections 15 and 18 of this Act, the determination of the compensation payable in such case shall, notwithstanding anything to the contrary in the Land Acquisition Act, (Chapter 460) be subject to the following provisions :—

- (a) where the whole of the structure is situated within the building limit, the value assigned to the structure as distinct from the land acquired shall be the value entered in the register under subsection (6) of section 42 or the market value of the structure at the time of the acquisition, whichever is the less and for the purpose aforesaid, such market value shall be the difference between the market value of the structure together with the land, and the market value at that time of the land as distinct from the structure ;
- (b) where only a part of the structure is situated within the building limit and the value entered in the register under subsection (6) of section 42 is the value of the entire structure in accordance with paragraph (a) of subsection (2) of section 47, the value assigned to that part of the structure, as distinct from the land acquired, shall be the value so entered or the market value of the entire structure at the time of the acquisition, whichever is the less: Market value shall for the aforesaid purpose be the difference between the market value of the entire structure with the land attached thereto at the time of acquisition, and the market value assigned at that time to the land so attached as distinct from the entire structure ;

(c) where only a part of the structure is situated within the building limit and the value entered under subsection (6) of section 42 is the value of that part in accordance with paragraph (b) of subsection (2) of section 47 the value assigned to that part of the structure, as distinct from the land acquired, shall be the value so entered in the register or the value of the part of the structure within the building limit at the time of the acquisition, whichever is less, and for the purpose aforesaid such value shall be the aggregate of —

(i) the estimated cost of the severance and removal of that part of the structure at that time : and

(ii) the estimated cost in the case of a building, of adapting at that time the part of the building which will then remain to the purpose for which the building is used at that time, and in the case of a boundary wall or gateway, of completing at that time such additions or repairs as may be necessary ;

(d) the value assigned to the land as distinct from the buildings thereon shall be the market value of the land at the time of the acquisition.

47. (1) The value of any structure, for the purpose of subsection (4) of section 42 —

(a) shall be fixed by agreement between the Chief Engineer and the owner or owners of the structure ;
or

(b) where it is not fixed by agreement, shall be determined by an arbitrator, appointed by the Provincial Director.

Valuation of
buildings &c..
within building
limits.

(2) In determining the value of any structure or any part thereof for the purposes of subsection (4) of section 42, the following principles shall be followed :—

- (a) where any structure or any part thereof the removal of which would render the remaining part useless, is situated within the building limit of any road, public road or national highway, and where, for that reason, the removal of the entire structure will become necessary in the event of the road, public road or national highway being widened or deviated, the value of the entire structure shall be determined ; and such value shall be the difference between the market value of the premises, that is to say, of the structure together with the land attached thereto, at the time of the valuation, and the market value at that time of the land as distinct from the structure ;
- (b) where only a part of a structure is situated within the building limit of any road, public road or national highway and after the severance and removal of such part, the remaining part will be capable of adaptation either to the original purpose of the structure or to any other purpose permitted by law, the value of the part within the building limit shall alone be determined and such value shall be the aggregate of —
 - (i) the estimated cost of the severance and removal of that part of the structure ; and
 - (ii) the estimated cost, in the case of buildings, of adapting the part of the building, which will then remain to the purpose for which the building was used at the time of the valuation, and in the case of a boundary wall, gateway or other structure or any basement or other underground structure or any pond, well or shaft of completing such additions or repairs as may be necessary ;

- (c) where at the time of valuation of any structure, the value of such structure, is found to have been increased by any alteration or improvement effected in the structure, then notwithstanding that the alteration or improvement may have been authorized by a licence under subsection (3) of section 42, the amount of the increase shall not be taken into account unless the alteration or improvement was necessary for the maintenance of the structure in a proper state of repair.

(3) Every award or agreement made or entered into as the case may be, under subsection (1) in respect of the value of any structure or part thereof, shall specify the particular paragraph or paragraphs of subsection (2) in accordance with which the value aforesaid was fixed or determined.

48. (1) Where the right of the owner of the land, part of which is situated within the building limit of any road, public road or national highway, to erect a building on the land, is restricted by reason of the provisions of section 42, such owner, may if he desires to erect a building, make application to the Minister requesting that the portion of vacant land at the rear of his land, of sufficient extent to afford him building facilities of the same nature as he would have enjoyed had the provisions of section 45 not been in force, be acquired for him at his expense, and the Minister may, upon the recommendation of the Authority or the Director-General (acting under the delegation of the powers to him by the Authority) and after such inquiry as he may deem necessary, order that a specified extent of the portion of vacant land at the rear of the land of such owner be acquired for him and the provisions of sections 15 and 18 of this Act, shall thereupon apply for the purposes of the acquisition of such extent of land.

Acquisition of adjacent land for owners affected by building limits.

(2) All costs, charges and other expenses incurred in the acquisition of any extent of land in pursuance of an order under subsection (1) shall be paid by the owner of the land upon whose application such extent of a land is acquired.

Application of the provisions of sections 42 to 48.

49. (1) For the purposes of sections 42 to 48 a road, a public road or a national highway shall be deemed to be under the control of the Authority if it is maintained by the Authority from funds provided by the Authority. A certificate under the hand of the Director-General to the effect that any road, public road or national highway is under the control of the Authority shall be admissible in evidence and shall be *prima facie* evidence of that fact.

(2) For the purposes of sections 42 to 48 the expression “boundary wall” includes every structure of whatever material and in whatever manner constructed, and every fence of whatever description, which serves or is intended to serve the purposes of a boundary wall.

Obstruction, encroachment &c., of a road, a public road or a national highway.

50. (1) The Executive Engineer may, where it appears to him that —

- (a) any road, public road or national highway has been obstructed or encroached ; or
- (b) that the boundary line of any road, public road or national highway has been altered without proper authority ; or
- (c) that any road, public road or national highway has been barricaded without proper authority,

by any person, direct such person by notice in writing to remove the said obstruction encroachment, alteration or barricade within the time as the Executive Engineer has specified in the Notice.

(2) Where any such obstruction, encroachment, barricade or alteration is not removed and the road, public road or national highway is not cleared or the boundary line is not restored within the time specified by the Executive Engineer, the Executive Engineer shall cause such obstruction, encroachment, barricade or alteration to be removed or cleared or restored as the case may be. Any expense incurred by the Executive Engineer in doing so shall be recovered from the offender as a debt due to the State.

(3) Where the Executive Engineer is unable or apprehends that due to any obstruction or resistance as will be or is likely to be offered, he will be unable to remove or clear to restore the road, public road or national highway of the obstruction, encroachment, barricade or alteration as the case may be, the Executive Engineer shall on application made in that behalf to the Magistrate's Court having jurisdiction over the area where the road, public road or national highway which was obstructed, encroached, barricaded or altered is situated, praying for an order of the Court directing the Fiscal to take down and remove or clear or restore such obstruction, encroachment, barricade or alteration as the case may be.

(4) Where an Order under subsection (3) is issued to the Fiscal by a Magistrate, he shall forthwith execute such Order and shall thereafter in writing report to Court such fact along with a narrative of the manner in which it was executed.

51. Any plan or survey made under the authority of the Director-General shall be admissible in evidence and shall be *prima facie* proof of the facts stated therein.

Survey to be *prima facie* proof.

52. For the purpose of the application of the provisions of the State Lands (Recovery of Possession) Act, No. 7 of 1979 to any road or public road or national highway to which this Act applies —

Application of the provisions of the State Lands (Recovery of Possession) Act.

- (a) every written notice issued under any provision of this Act shall be deemed to be a notice served under section 3 of the State Lands (Recovery of Possession) Act, No. 7 of 1979 ;
- (b) the expression "competent authority" in the State Lands (Recovery of Possession) Act No. 7 of 1979, shall deemed to include a reference to the Director-General, Provincial Director, Chief Engineer or Executive Engineer as the case may be of the Authority ;

- (c) the expression "state lands" in the State Lands (Recovery of Possession) Act, No. 7 of 1979, shall deemed to include a reference to every road or public road or national highway to which this Act applies.

Prescription Ordinance not to apply to lands required for a road, a public road or a national highway.

53. The Provisions of the Prescription Ordinance (Chapter 68) or of any other law relating to the acquisition of rights by virtue of possession or user shall not apply to road or public roads or national highways ; and no person shall be entitled to any exclusive rights of ownership, possession or user over or in respect of, a road or public road or national highway.

Protection of right to use a road, a public road or a national highway.

54. (1) It shall be the duty of the Authority to permit and protect the rights of the public to the use of any road, public road or national highway without any hindrance or inconvenience.

(2) It shall be the duty of the Authority to prevent, as far as possible, the temporary or permanent closure or obstruction of any road, public road or national highway.

Damaging a road, a public road or a national highway to be offence.

55. (1) Every person who, without lawful authority or excuse —

- (a) digs a drain or excavates on any part of a road, public road or a national highway which consists of a carriageway ; or
- (b) removes the soil or turf from any part of a road, public road or a national highway except for the purpose of improving the road, public road or a national highway without the consent of the Executive Engineer or Chief Engineer ; or
- (c) lights any fire or discharges any material on a road, public road or a national highway, causing damage to the same ; or

- (d) operates a vehicle in such a manner that the materials projecting from the vehicle damages the carriageway of a road, a public road or a national highway,

shall be guilty of an offence under this Act and shall be liable on conviction after summary trial by a Magistrate in the case of a first offence to a fine not exceeding five thousand rupees and in the case of second or subsequent offence, to a fine not exceeding fifty thousand rupees and in the case of continuing offence to a fine of five thousand rupees for each day after conviction during which the offence is continued.

(2) Every person who, without lawful authority or excuse damages, pulls down or obliterate a traffic sign, a traffic signal placed on or over a road, a public road or a national highway or a kilometer stone or a lamp post or a direction post or any other similar contrivance or device so placed on a road, a public road or a national highway, shall be guilty of an offence and shall on conviction after summary trial by a Magistrate be liable in the case of first offence to a fine not exceeding five thousand rupees and in the case of second or subsequent offence to a fine not exceeding fifty thousand rupees and in the case of a continuing offence to a fine of five thousand rupees for each day after conviction during which the offence is continued.

56. (1) Every person who, without either the prior consent of the Executive Engineer or without reasonable excuse, paints or inscribes or affixes or creates any picture, letter, sign, statue, hoarding or other mark upon the carriageway of a road, a public road or national highway or in a road, public road or national highway or on any road furniture shall be guilty of an offence and shall on conviction after summary trial by a Magistrate be liable in the case of first offence to a fine not exceeding five thousand rupees and in the case of second or subsequent offence to a fine not exceeding fifty thousand rupees and in the case of a continuing offence to a fine of five thousand rupees for each day after conviction during which the offence is continued.

Painting pictures &c, along a road, a public road or a national highway without lawful excuse an offence.

(2) It shall be lawful for the Executive Engineer to remove any picture, letter, sign, statue, hoarding, notice or other mark referred to in the subsection (1).

Director General to impose temporary load restrictions on a road, a public road or a national highway.

57. (1) The Director-General may, having regard to the safety of the users of a road, a public road or a national highway, impose temporary load restrictions on any road, on any public road or on any national highway or section of a road, a public road or a national highway or on any bridge.

(2) A person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall on conviction after summary trial by a magistrate, be liable, in the case of a first offence to a fine not exceeding ten thousand rupees and in the case of a second or subsequent offence to a fine not exceeding one hundred thousand rupees.

Damage and obstruction to foot walk by excavation &c.,

58. (1) Where the foot walk of a road, a public road or a national highway is damaged—

- (a) by, or in consequence of any excavation or other work being carried out on the land adjacent to the road, public road or national highway;
- (b) by a motor vehicle being driven onto the road, public road or national highway,

the Executive Engineer may forthwith repair the damage and recover the expenses as are reasonably incurred by him in doing so, from the owner of the land or the person responsible for causing the damage.

(2) Where the foot walk of a road, public road or a national highway is obstructed by the parking of a vehicle, the person responsible for such parking shall be guilty of an offence under this Act and be liable on conviction after summary trial before a Magistrate to a fine not exceeding five thousand rupees and in the case of a second or subsequent offence to a fine not exceeding fifty thousand rupees and in

the case of a continuing offence to a fine of five thousand rupees for each day in respect of which such offence is continued after conviction.

59. (1) Every person who, without lawful authority or reasonable excuse, in any way wilfully obstructs the passage of vehicles or pedestrians along a road, public road or national highway, shall be guilty of an offence and be liable on conviction after summary trial by a Magistrate to a fine not exceeding five thousand rupees and in the case of second or subsequent offence to a fine not exceeding fifty thousand rupees and in the case of the continuing offences to a fine of five thousand rupees for each day after conviction during which the offence is continued.

Obstruction of road, public road or national highway to be an offence.

(2) A police officer may arrest without warrant any person who is committing an offence under this section.

60. Every person who without lawful authority or excuse deposits sand, stone, timber or any other material on a road, public road or national highway, shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate in the case of first offence to a fine not exceeding five thousand rupees and in the case of second or subsequent offence to a fine not exceeding fifty thousand rupees and in the case of a continuing offence to a fine of five thousand rupees for each day after conviction during which the offence is continued.

Depositing of sand, timber &c., on a road, a public road or a national highway to be an offence.

61. (1) It shall be lawful for the Executive Engineer or a police officer to require the owner of the sand, stone, timber, or any other material so deposited within the right of way of the road, public road or national highway to remove or re-deposit the same or cause it to be removed or re-deposited, away from the road, public road or national highway.

Removal of sand, stone, timber &c.,

(2) A person required to remove and re-deposit any sand, stone, timber or any other material under subsection (1) shall comply with the requirement within a period of three days,

and if he fails to do so, he shall be guilty of an offence and shall be liable on conviction after summary trial by a magistrate in the case of first offence to a fine not exceeding five thousand rupees and in the case of a continuing offence to a fine of five thousand rupees for each day after conviction during which the offence is continued.

(3) Where the owner fails to remove sand, stone, timber or any such material in compliance with the requirements set out in subsection (2), it shall be lawful for the Executive Engineer with the assistance of a police officer to cause such material to be removed to a suitable location away from the road, public road or national highway and to charge the costs of removal to the owner.

Restriction of planting trees, shrubs in or near a carriageway.

62. (1) Every person who, without the lawful authority or excuse, plants a tree or shrub in a made up carriageway, traffic island, shoulder or footwalk of a road, public road or national highway shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate in the case of the first offence to a fine not exceeding five thousand rupees and in the case of a continuing offence to a fine of five thousand rupees for each day after conviction during which the offence is continued.

(2) It shall be lawful for the Executive Engineer to require the person who planted such tree or shrub to remove it within three days or cause it to be removed.

Executive Engineer may grant permission to plant trees, shrubs, grass, plants &c..

63. (1) The Executive Engineer may permit any person to plant and maintain shrubs, trees, grass and plants within a roundabout or traffic island or along the shoulders of a road, public road or national highway. Such permission shall be granted subject to the requirement that the trees, shrubs and plants shall be grown only to such a height as is specified taking into consideration the movement of traffic and pedestrians safety and the visibility of the road, public road or national highway to drivers or riders.

(2) The Executive Engineer may permit a person or a body of persons to undertake the planting and maintenance of a specified area along a highway. The person or body of persons so responsible shall be permitted to place a name board not exceeding zero point seven five (0.75) metres height from the ground indicating the name of such person or body of persons.

64. Any person who—

Depositing of dropping things or pitching.

- (a) deposits on the carriageway, foot walk or shoulder of a road, public road or national highway, any matter or rubbish; or
- (b) pitches a booth, stall or stand on a road, public road or national highway; or
- (c) sends waste water or any other liquid waste from a house, building or garden to any part of a road, public road or national highway,

shall be guilty of an offence under this Act.

65. Any person who, without lawful authority or excuse drops earth, sand, stone or any such material or spills water, oil or any such fluid while transporting it in a vehicle, on a road, public road or national highway, shall be guilty of an offence under this Act.

Dropping earth, sand or stones &c. on a road, a public road or a national highway to be an offence.

66. No person other than a police officer or a member of the Armed Forces shall erect a gate or barrier across a road, public road or national highway without obtaining the prior permission of the Executive Engineer. Any person who so erects a gate or barrier shall be guilty of an offence under this Act.

Erection of barriers &c. across a road, a public road or a national highway.

Preventing soil being washed onto a road, a public road or a national highway.

67. The Executive Engineer may, by notice in writing to the owner or occupier of a land adjoining a road, public road or national highway, require him, within twenty eight days of the date of service of the notice, to carry out such works thereon as are necessary to prevent soil or refuse from that land being washed or carried on to the road or a public road or national highway or into a gully thereof so as to damage or obstruct the road or public road or national highway or choke the gully. Any person who fails to give effect to such notice within the stipulated time period shall be guilty of an offence.

Power to remove projections &c, across a road, a public road or a national highways.

68. The Executive Engineer may, by notice to the owner or occupier of any building, require him to remove or alter any unauthorised porch, projecting roof, projecting window, step, wall, gate or any such thing and which has been erected or placed in front of a building which causes an obstruction to the safe passage of vehicles and pedestrians along a road, public road or national highway. Any person who fails to give effect to such a notice within a reasonable time, shall be guilty of an offence.

Notice of commission of offence to be given to Executive Engineer.

69. (1) Where an offence is committed under the provisions of sections 64, 65, 66, 67 and 68 the Executive Engineer shall on being informed of such fact, give notice in writing to the person committing the offence, that he shall forthwith take measures to stop or abate the commission of the offence.

(2) If the person on whom notice is served under subsection (1) fails to comply with the requirements therein, such person shall be subject to summary trial by a Magistrate and shall on conviction be liable to a fine not exceeding ten thousand rupees and in the case of a continuing offence be liable to a fine of rupees five thousand for each day after conviction during which the offence is so continued.

(3) Where an offence under sections 64 to 68 is continued the Magistrate may issue a Mandatory Order authorizing the Executive Engineer to demolish or remove the structure or thing which is the subject of the offence. The Executive Engineer shall with the assistance of the Police cause such structure or thing to be removed and recover the cost so incurred from the offender.

70. (1) No person shall put-up any door or gate upon any premises to open outwards on to a national highway except with written consent of the Executive Engineer given in exceptional circumstances with the concurrence of the Chief Engineer.

Doors along a road, a public road or a national highways not to open outwards.

(2) Where a door or gate is put-up in contravention of subsection (1), the Executive Engineer may, by notice to the occupier, require him to alter the door or gate, so as not to open outward on to the national highway.

(3) A notice under subsection (2) may be served on the owner of the premises instead of on the occupier or may be served on both the owner and the occupier of the premises.

(4) Any person aggrieved by the refusal of consent under subsection (1) or by a requirement of a notice under subsection (2) may appeal to the Provincial Director.

(5) Subject to any order made on appeal, if a person on whom notice is served under subsection (2) requiring him to comply with the notice, fails to comply with the requirement of the notice within fourteen days from the date of service of the notice he shall be guilty of an offence and shall on conviction after summary trial by a Magistrate, be liable to a fine not exceeding one thousand rupees.

(6) Where a notice has been served upon any person under subsection (2) and he is guilty of an offence under subsection (5), then whether or not proceedings are instituted

against him in respect of the offence, the Executive Engineer may carry out the work required by the notice and recover the expenses reasonably incurred by him in so doing from the owner or occupier of the premises.

Cutting and felling of trees overhanging onto a road, a public road or a national highways.

71. (1) Where a tree, shrub or hedge overhangs a road, public road or national highway in such a manner as to obstruct or endanger the passage of vehicles or any user of a road, public road or national highway or interferes with the view of drivers of vehicles or the light from a public lamp, the Executive Engineer may, by notice issued either to the owner or occupier of the land on which the tree, shrub or hedge is located, require him within seven days to lop or cut it so as to remove the cause of the danger or interference as the case may be.

(2) Any person aggrieved by a notice under subsection (1) may appeal to the Provincial Director.

(3) Subject to any order made on appeal, if a person to whom a notice is served under subsection (1), fails to comply with the requirements of the notice within the specified period, the Executive Engineer may carry out the work required to be made by the notice and recover the expenses reasonably incurred in so doing from such person.

Permitting animals to stray on a road, a public road or a national highways an offence.

72. (1) If an animal is at any time found straying or lying on or within the reservation of a road, a public road or a national highway, its keeper or owner or both shall be guilty of an offence.

In this section 'keeper' in relation to an animal means the person in whose possession the animal is or should have been.

(2) Any person guilty of an offence under subsection (1), shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding one thousand rupees for the first offence and a fine not exceeding five thousand rupees for every subsequent offence.

(3) Any animal straying or lying on the national highway shall be seized by a cattle seizer authorized by the Executive Engineer and shall be tied in a premises owned or rented by such authorized Cattle Seizer and approved by the Executive Engineer :

Provided that such authorized Cattle Seizer is on contract with the Executive Engineer and every such animal seized by him shall be reported forthwith by the Executive Engineer to the nearest Police Station and to the Magistrate having jurisdiction over such place.

(4) The Executive Engineer shall ensure the safe custody of the animal seized and shall ensure the feeding of such animal.

(5) No such animal seized shall be delivered to the owner unless upon the payment of the fine imposed by the Magistrate.

(6) If no person claims the animal and pays the fine within seven days from the date of imposition of such fine, it shall be lawful for the Executive Engineer, to sell the animal by public auction and pay the proceeds from such sale to the Magistrate having jurisdiction over such place to be credited to the Consolidated Fund after the expenses reasonably incurred by the Executive Engineer in connection with seizing and feeding the animal being recovered.

(7) If a person, without lawful authority or excuse, releases any animal seized for the purpose of being impounded or already impounded or damages any place where the animal is impounded, he shall be guilty of an offence and be liable on conviction after summary trial by a Magistrate in the case of first offence to a fine not exceeding five thousand rupees and in the case of a continuing offence to a fine of five thousand rupees for each day after conviction during which the offence is continued.

Depositing or throwing anything onto a road, a public road or a national highway to be an offence.

73. (1) If a person without lawful authority or excuse deposits or throws anything whatsoever on or onto a road, public road or national highway as a result of which a user of a road, public road or national highway is injured or likely to be injured or endangered, he shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate in the case of first offence to a fine not exceeding five thousand rupees and in the case of a continuing offence to a fine of five thousand rupees for each day after conviction during which the offence is continued.

(2) If a person without lawful authority or excuse, lights any fire or discharges any fire work so as to injure or endanger a user of a road, public road or national highway, he shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate in the case of first offence to a fine not exceeding five thousand rupees and in the case of a continuing offence to a fine of five thousand rupees for each day after conviction during which the offence is continued.

(3) If a person without lawful authority or excuse, allows any dirt, filth or offensive matter or thing to run or flow unto a road, public road or national highway from any premises, he shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding five thousand rupees and in the case of a continuing offence to a fine of five thousand rupees for each day after conviction during which the offence is continued.

Placing ropes across a road, a public road or a national highway to be an offence.

74. A person who places a rope or any apparatus across a road or public road or national highway, for any purpose in such a manner so as to cause danger to users of a road or a public road or a national highway shall, unless he proves that adequate warning of the danger was given by him to such users, be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding two thousand rupees.

75. (1) The Executive Engineer may, by notice to the occupier of a premises adjoining a road, a public road or a national highway, require him within twenty eight days from the date of service of the notice to construct or erect and thereafter maintain such gutters as may be necessary to prevent water from the roof or any other part of the premises falling upon the road, public road or the national highway.

Executive Engineer may require occupier of premises to do certain acts.

(2) A person aggrieved by a requirement of a notice made under this section may appeal to the Divisional Secretary of the area.

(3) Subject to any order made on appeal, if a person to whom notice is served under this section fails to comply with the requirements of the notice within the period of time specified in subsection (1), he shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding one thousand rupees and if the offence is continued after conviction, he shall be guilty of a further offence and be liable to a fine not exceeding one hundred rupees for each day on which the offence is so continued.

76. (1) No person shall, in connection with any building or demolition or alteration, repair, maintenance or cleaning of any building, erect or retain, on or over a road, public road or national highway any scaffolding or other structure which obstructs the road or public road or national highway, unless he is authorized to do so by a licence issued by the Executive Engineer and complies with the terms and conditions of the licence.

Licence to be obtained for the erection of scaffoldings &c., on road, a public road or a national highway.

(2) If a person applies to the Executive Engineer for a licence in respect of any structure referred to in subsection (1) and furnishes the Executive Engineer with such particulars relating to the structure as the Executive Engineer

may reasonably demand, it shall be the duty of the Executive Engineer to issue a licence unless he considers—

- (a) that the structure would cause an obstruction to a road, public road or national highway ; and
- (b) that a structure erected otherwise than as proposed by the applicant would cause less obstruction to the road, public road or national highway than the proposed structure.

(3) If on an application for a licence under subsection (2), the Executive Engineer refuses to issue a licence or issues a licence containing terms to which the applicant objects, the applicant may appeal to the Provincial Director against the refusal or the terms of the licence and on such appeal the provincial Director may—

- (a) in the case of an appeal against a refusal, direct the Executive Engineer to issue a licence in respect of the application ; or
- (b) in the case of an appeal against the terms of the licence, alter or vary the terms.

(4) It shall be the duty of a person to whom a licence is issued by the Executive Engineer in respect of a structure—

- (a) to ensure that the structure is adequately lit during the hours of darkness; and
- (b) to comply with any directions given to him in writing by the Executive Engineer with respect to the erection and maintenance of any traffic control devices.

(5) A person who contravenes the provisions of subsection (1) or who fails without reasonable excuse to comply with the terms of a licence issued under subsection (1) or to

perform a duty imposed on him under subsection (4), shall be guilty of an offence and shall on conviction after summary trial by a Magistrate be liable to a fine not exceeding five thousand rupees.

77. (1) A person may, with the consent of the Executive Engineer, temporarily deposit building materials or other things on a road, public road or national highway or make temporary excavations in it.

Depositing of building materials &c. along a road, a public road or a national highway to be done with consent of the Executive Engineer.

(2) The Executive Engineer may give his consent under subsection (1), subject to such conditions as he thinks fit, including in particular, conditions for preventing damage or ensuring access, to utility services.

(3) Any person aggrieved by the refusal of consent under subsection (1) or any person to whom such a consent is given, subject to conditions, may appeal to the Provincial Director, against the refusal or the conditions, as the case may be.

(4) It shall be the duty of the person who makes such a deposit or excavation under subsection (1), to comply with any directions given to him in writing by the Executive engineer with respect to the erection and maintenance of traffic signs in connection with such deposit or excavation.

(5) Where a person places any building materials or any other thing on, or makes an excavation in a road, public road or national highway he shall not allow the obstruction or excavation to remain in the road, public road or national highway any longer than the period allowed by the Executive Engineer and in addition he shall—

- (a) ensure that the obstruction or excavation to be properly fenced and to be properly lit during the hours of darkness; and
- (b) if required by the Executive Engineer, remove the obstruction or fill in the excavation.

(6) any person who—

- (a) without reasonable cause or excuse fails to comply with any condition subject to which a consent is given under subsection (1); or
- (b) without reasonable cause or excuse fails to perform the duty imposed on him under subsection (4); or
- (c) fails to perform a duty imposed on him under subsection (5),

shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding five thousand rupees in respect of each day on which such contravention or failure occurs.

Precautions to be taken when carrying out road works.

78. (1) A person or contractor who is responsible for executing works on a road or public road or national highway shall—

- (a) erect such barriers and traffic signs as are required by the Executive Engineer for preventing danger to traffic, for regulating traffic and warning traffic of danger, until the work is completed and shall remove them as soon as the work is completed ; and
- (b) ensure that the works to be properly guarded and lit during the hours of darkness.

(2) If any person or contractor fails to comply with requirements of subsection (1), he shall be guilty of an offence and, shall on conviction after summary trial by a Magistrate be liable to a fine not exceeding five hundred rupees in respect of each day on which failure continues.

(3) Any person who, without lawful authority or excuse—

- (a) takes down, removes or alters any barrier, traffic sign, or light erected or placed in pursuance of

subsection (1), for the purpose of warning the users of a road, public road or national highway of any obstruction or for the purpose of protecting the users of the road, public road or national highway from danger arising out of an obstruction; and

(b) extinguishes a light so placed,

shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding four thousand rupees.

PART VIII

USE OF EXPRESSWAYS AND RESTRICTED ACCESS HIGHWAYS

79. (1) A person shall not walk on an expressway or a restricted access highway. Prohibited users.

(2) On an expressway or a restricted access highway, a person shall not —

(a) ride or take an animal other than an animal being conveyed in a motor vehicle or the trailer of a motor vehicle ; or

(b) drive a three wheeler, hand tractor or ride or take a bicycle ; or

(c) drive a vehicle other than —

(i) a motor vehicle ; or

(ii) the trailer of a motor vehicle ; or

(d) drive a vehicle or combination of vehicles that is or are not capable of attaining and maintaining on a level road such speed as is prescribed ; or

(e) drive a vehicle of a prescribed type.

(3) The driver of a vehicle on an expressway or restricted access highway shall not make a "U" turn except at a place indicated by a sign permitting "U" turns.

(4) For the purpose of subsection (3) a "U" turn occurs when a vehicle turns to travel in the opposite direction along the same or a parallel carriageway.

(5) The provisions of this section shall not apply to any person engaged in maintenance or construction work on an expressway or a restricted access highway.

(6) A person who fails to comply with requirements of this section shall be guilty of an offence and be liable on conviction after summary trial by a Magistrate in the case of first offence to a fine not exceeding five thousand rupees and in the case of a second or subsequent offence, to a fine not exceeding fifty thousand rupees.

PART IX

OPERATION AND MAINTENANCE OF ROADS BY THE USER COMMUNITY

Maintenance of roads by community based organizations.

80. (1) The Minister may, whenever it appears necessary so to do for ensuring the participation of all persons living in the area or in the human settlement within any Divisional Secretariat Division by Order, published in the *Gazette*, handover the operation and maintenance of any road or public road other than a national highway to a community based organization formed by such persons.

(2) An Order referred to in subsection (1) shall specify the length and width of such road and road reservations if any.

(3) Before an Order under subsection (1) is published in the *Gazette* the Executive Engineer shall sign an agreement with the relevant community based organization.

(4) The terms and conditions of the agreement referred to in subsection (3) shall *inter alia* include —

- (a) the provision of technical or financial assistance to the community based organization by the Authority or the relevant Divisional Secretary or the relevant Local Authority ;
- (b) directions for the receiving of donations and contributions by the community based organization;
- (c) the administration and auditing of the accounts of the community based organization ;
- (d) the duties and obligations of the community based organization, the user community the Authority, the relevant Divisional Secretary and the relevant Local Authority towards the operation and maintenance of such road.

PART X

MISCELLANEOUS

81. (1) Every notice required to be served under this Act shall be in the Sinhala, Tamil and English Languages.

Language of notices.

(2) Every notice addressed to any person may be sent by registered post or served personally upon such person or such notice may be left with some member of his household or it may be affixed to some conspicuous part of his house and a notice served in any of foregoing methods shall be deemed to be personal service.

82. (1) The driver of a vehicle entering an expressway or restricted access highway shall —

Entering and leaving an expressway.

- (a) if there is no acceleration lane, give way to vehicle traveling on the expressway or restricted access highway ;

- (b) if there is an acceleration lane, use it and when merging into the traffic on the expressway or restricted access highway, show due diligence not to endanger other road users.

(2) The driver of a vehicle leaving an expressway or restricted access highway shall —

- (a) move into the traffic lane appropriate to the expressway or restricted access highway exit in proper time ; and
- (b) enter the deceleration lane, if there is one, as soon as is practicable.

(3) The driver of a vehicle shall not enter an expressway or a restricted access highway at a place other than at the authorized access point.

(4) A person who fails to comply with requirements of this section shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate in the case of first offence to a fine not exceeding five thousand rupees and in the case of a second or subsequent offence to a fine not exceeding fifty thousand rupees.

Stopping of
vehicles.

83. (1) A driver of a vehicle on an expressway or restricted access highway shall not stop the vehicle except —

- (a) at a marked parking site in accordance with any restrictions applying to the use of that site ;
- (b) where necessary to avoid injury to a person or damage to property ;
- (c) in obedience to a signal or other instruction which the person is required by law to obey ;

- (d) where necessary for the purpose of facilitating the carrying out of maintenance or construction on the expressway or restricted access highway authorized by the Authority ;
- (e) where the vehicle is so disabled that it is impossible to avoid stopping ;
- (f) where the vehicle is stopping in compliance with a request to render assistance to a disabled vehicle ;
- (g) where the person is reporting a traffic accident or other situation or incident to the police, the Authority or other traffic authority, either directly or by means of an emergency telephone or similar device ; or
- (h) where the vehicle is being operated in accordance with an agreement with the Authority to remove impediments to traffic.

(2) A driver of a vehicle which is stopped on an expressway or restricted access highway shall move the vehicle off the carriageway.

(3) A person who is unable to move a stopped vehicle off the carriageway and roadside of an expressway or restricted access highway as required by subsection (2) shall signal the presence of the vehicle by means of a triangle warning device at a distance, sufficient to provide adequate warning to the drivers of approaching vehicles.

(4) A person who fails to comply with requirements of this section shall be guilty of an offence and be liable on conviction after summary trial by a Magistrate in the case of first offence to a fine not exceeding five thousand rupees and in the case of a second or subsequent offence to a fine not exceeding fifty thousand rupees.

Restriction on
placing beams
&c..

84. (1) No person shall place or fix any traffic sign, overhead beam, pipe, cable, wire, gantries hoardings or rail or other similar apparatus over, along or across a road, a public road or a national highway without the consent of the Executive Engineer. The Executive Engineer may when giving his consent attach such reasonable terms and conditions thereto as he thinks fit.

(2) Subject to subsection (3) a person aggrieved by the refusal of a consent under subsection (1), or by the terms and conditions attached to such a consent, may appeal to the Provincial Director.

(3) No appeal lies under subsection (2) against any term or condition attached by the Executive Engineer to a consent given by him under this section, if he declares the terms or condition to be necessary for the purpose of ensuring the safety of persons using a road, public road or national highway to which the consent relates or for preventing interference with traffic thereon.

(4) A person who contravenes the provisions of subsection (1), or the terms or conditions of any consent given thereunder shall be guilty of an offence and be liable on conviction after summary trial by a Magistrate to a fine not exceeding five hundred rupees for each day on which the offence is so continued.

Control of
constructions
&c..

85. (1) No person shall construct a vault, mine, pit or any such thing under any road, public road or national highway without the consent of the Executive Engineer, and Executive Engineer may, by notice served on a person who has constructed a vault, mine, pit or any such thing in contravention of the provisions of this section require him to remove it or to alter or modify it, as specified in the notice.

(2) No person shall carry out any excavation exceeding three meters in depth, within a distance of fifty meters from the centre of a road, public road or national highway without the consent of the Executive Engineer.

(3) No person shall carry out any sand mining at or near any bridge, causeway or any structure within a distance of one hundred and fifty meters from the extreme edge of the bridge, causeway or structure, or at or near any road, public road or national highway within a distance of one hundred meters from the extreme edge of the roadway without the consent of the Executive Engineer.

(4) A person aggrieved by a refusal of consent or by a requirement of a notice under subsection (1), may appeal to the Divisional Secretary.

(5) Any person who contravenes the provisions of subsection (1), (2), or (3) shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding two thousand rupees.

(6) Subject to an order made on appeal, if a person fails to comply with a requirement of a notice served on him under subsection (1), or with the provisions of subsection (2) or (3), he shall be guilty of a further offence and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding five hundred rupees for each day during which the failure continues.

(7) It shall be lawful for the Executive Engineer to close any vault, mine, pit or any such thing constructed in contravention of the provisions of subsection (1), (2) or (3) and to recover expenses reasonably incurred by him in so doing from the offender.

86. (1) The Minister may, for reason to be stated, by Order published in the Gazette, prohibit or restrict access by the public to or from any public road or national highway or any part of such public road or national highway.

Power to restrict access to a road, a public road or a national highway.

(2) Upon the making of an Order under subsection (1) no person shall connect any access way to that public road or national highway, without the approval in writing of the Executive Engineer given in concurrence with the Chief Engineer of the relevant District.

(3) Any person who contravenes the provisions of subsection (2) shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding twenty five thousand rupees. He shall also be liable to pay to the Executive Engineer the cost incurred by the Engineer in restoring the public road or national highway to its original state by removing the connection made by such person.

(4) The Executive Engineer may, where he deems it expedient in the circumstances in lieu of instituting action under subsection (3) —

- (a) require the offender to forthwith remove the connection made by him and restore the public road or national highway to its original state ; or
- (b) if the offender fails to remove the connection made by him, proceed to remove such connection and take steps to restore the public road or national highway to its original state and recover the cost incurred by him in doing so, from the offender.

Clearance of
Executive
Engineer
essential.

87. Notwithstanding anything to the contrary in any other written law, it shall be the duty of any individual, authority or institution, granting licences for carrying on any business abutting any road, public road or national highway, to obtain the consent of the Executive Engineer of the area before issuing such licence.

Duty of Police
officers and
Grama
Niladharis.

88. It shall be the duty of all police officers and all Grama Niladharis to aid and assist in the prevention of any offence as may be committed in contravention of the provisions of this Act within their respective jurisdictions.

Regulations.

89. (1) The Minister may make regulations for the purpose of carrying out or giving effect to any matter which is prescribed under this Act, or in respect of which regulations are required to be made.

(2) In particular and without prejudice to the generality of the powers conferred on him by subsection (1), the Minister may make regulations in respect of all or any of the following matters, namely :—

- (a) the speed which a motor vehicle must be capable of attaining in order to use a expressway or restricted access highway ;
- (b) the types of vehicle which may be used on a road, a public road, national highway or expressway or restricted access highway ;
- (c) the collection and payment of fees in respect of user fee national highways ;
- (d) the form to be used in giving notice of infringement of the provisions of this Act ;
- (e) restrictions on the use of national highways or expressways or restricted access highways including the time at which prescribed vehicles may not be used on national highways or expressways or restricted access highways ;
- (f) the prevention of ribbon development along the roads, public roads or national highways or expressways or restricted access highways ;
- (g) duties and obligations of the Authority under the agreements it may enter in pursuant to section 12 of this Act.

(3) 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 therein.

(4) Every regulation shall, as soon as convenient after 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 the disapproval, but without prejudice to anything previously done thereunder.

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

Repeal of
Thoroughfares
Ordinance and
Transitional
Provisions.

90. (1) Thoroughfares Ordinance (Chapter 193) shall be repealed with effect from appointed date.

(2) Notwithstanding the repeal of the Thoroughfares Ordinance (Chapter 193) —

- (a) all contracts and agreements entered into under the Thoroughfares Ordinance (hereinafter referred to as the “repealed Ordinance”) and subsisting on the day preceding the appointed date shall be deemed, with effect from the appointed date to be contracts and agreements entered into by the Authority and may be enforced accordingly ;
- (b) all actions, matters, proceedings or things instituted under the repealed Ordinance and pending on the day preceding the appointed date shall be deemed, with effect from the appointed date to be proceedings instituted by or against the Authority and may be enforced accordingly ;
- (c) all decrees or orders entered by any court or tribunal under the repealed Ordinance shall be deemed with effect from the appointed date to be decrees or orders entered by or against the Authority and may be enforced accordingly ;

- (d) all declarations, notifications, licences and orders made or issued under the repealed Ordinance and subsisting on the day immediately preceding the appointed date, shall be deemed with effect from the appointed date to be declarations, notifications, licences and orders made or issued under the provisions of this Act and shall be construed accordingly.

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

Sinhala text to prevail in case of inconsistency.

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

"carriageway" means the travel way of a road, a public road or a national highway designed for use by vehicular traffic and does not include the shoulder and verge ;

"centre of the national highway for a single carriageway" means the centre of the carriageway as determined in the survey plan or as determined by the Executive Engineer at the site ;

"centre of the national highway for a dual carriageway" means the centre of the centre median of the national highway ;

"Chief Engineer" means the Chief Engineer of the Road Development Authority designated under the Road Development Authority (Special Provisions) Act, No. 5 of 1988 ;

"Director-General" means the Director-General of the Road Development Authority appointed under section 12 of the Road Development Authority Act, No 73 of 1981 ;

"Executive Engineer" means the Executive Engineer of the Road Development Authority for any division designated under the Road Development Authority (Special Provisions) Act, No. 5 of 1988 ;

"inter changes" means the points along an expressway or a restricted access highway at which access may be gained by motor vehicles to or from other public roads ;

"prescribed" means prescribed by regulation made by the Minister in charge of the subject ;

"Provincial Director" means the Provincial Director of the Road Development Authority for any Province ;

"public road" means any road intended for normal motor vehicular traffic including national highways, except the streets within a Town Plan area or Municipality Plan area ;

"reservation" in relation to a road, a public road or national highways means all land adjoining and beyond the drains or the verge of a public road or highway or national highway which has been reserved for its safety, protection and benefit and for the future development of the road, public road or national highway ;

"right of way" includes the carriageway, shoulders, verge drains and the reservations of a road or public road or national highway ;

"road" includes —

- (a) all public carriageways, fly overs, viaducts, interchanges, cart ways and pathways, as well as all bridges, drains and embankments, causeways and ditches belonging or appertaining to a road ;

- (b) all land adjoining any road, which has been reserved for its protection or benefit ;
- (c) all land which has been marked off and reserved for the construction of any road ;
and
- (d) all waste land which, not being private property, lies within a distance of ten metres of the centre of public carriageways and cart ways and three metres of the centre of public pathways. (The burden of proving that such waste land is private property lying on the person asserting the same ;)

"Road Development Authority" means Road Development Authority established under the Road Development Authority Act, No. 73 of 1981 and shall be deemed to include any Authority or other body which may be established by or under any written law, in place of the Road Development Authority, or to which the powers in relation to "roads" or any part thereof presently exercised by the Road Development Authority may be transferred ;

"user-fee national highway" means , an expressway, in respect of which a fee is chargeable from the users thereof or part thereof ;

"vehicle" means a conveyance that is designed to be propelled or drawn by any means whether or not it is capable of being so propelled or drawn and includes —

- (a) a bicycle or other pedal powered vehicle ;
and
- (b) a trailer ;

"works" means all road works and shall include —

- (a) works associated with the erection or creation of a structure ;
- (b) creation, modification or felling of a trench ;
- (c) earthwork ;
- (d) interference with land or a structure.

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