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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

UVA PROVINCE PROVINCIAL COUNCIL

Statute of "Uva Provincial Road" of No. 02 of 2010 of the Uva Provincial Council

THE above Statute having approved by the Democratic Socialist Republic of Sri Lanka on the 14th of October 2010, has been approved by the Hon. Governor of the Uva Province on the date 15th of November, 2010 and which is hereby published for the notification of the public.

K. D. SIRISENA,
Secretary,
Uva Provincial Council.

Council Secretariat,
Uva Provincial Council,
Kings Street,
Badulla,
30th November, 2010.

UVA PROVINCIAL ROAD STATUTE, No. 02 OF 2010

A Statute to provide regulations to form a legal procedure required to plan, construct, develop, maintain and administrate the roads in the Uva Province to the level mentioned in section 6 of List 1 of Schedule 9 of the 13th Amendment to the Constitution of Democratic Socialist Republic of Sri Lanka and for matters incidental thereto. This Statute is inconsistent with the Road Ordinance, No. 10 of 1861, Estate Road Ordinance, No. 12 of 1902, Estate Road (Deviation) Act, No. 18 of 1956 and Road Development Authority Act, No. 73 of 1981 to the extent mention below

As the Uva Provincial Council is bound to uplift the social, economical development of the people in the Province through maintaining a satisfactory road system in the Uva Province by developing, maintaining and administrating the existing roads in the Uva Povince and planning, constructing, developing, maintaining and administrating, the roads that will be constructed in the future in the Uva Province. Preamble

Be it enacted by the Provincial Council of Uva Province of the Democratic Socialist Republic of Sri Lanka ;

Short Title and Date of operation.

1. This Statute may be cited as “the Uva Provincial Road Statute, No. 02 of 2010” and shall come into operation on the date of receiving assent of the Governor of Uva Province.

PART I

GENERAL

Application of the Statute.

2. (1) This Statute should be applicable to all the roads published as mentioned in section 3 below subjected to the regulations provided hereinafter other than the roads maintained and administered by the Government Road Development Authority.

(2) With the enforcement of this Statute, Road Ordinance No. 10 of 1861, Estate Road Ordinance No. 12 of 1902, Estate Road (Deviation) Act, No. 18 of 1956, Road Development Authority Act, No. 73 of 1981 will be inconsistent with all the roads this Statute is applicable as mentioned in subsection (1) above.

(3) Any action mentioned here performed before the enforcement of this Statute should be considered as an action performed according to this Statute.

Declaration as a Provincial road.

3. A certain road as mentioned in subsection 6 of section 6 below can be declared as belonging to the Uva Provincial Council by the Minister in charge of Uva Provincial Road subject (hereinafter know as the Minister) through orders published in the *Gazette* of the Democratic Socialist Republic of Sri Lanka.

Uva Provincial Road Development Department

4. It is lawful that maintaining an institute named Uva Provincial Road Development Department (hereinafter known as the “Department”) to perform the duties and activities mentioned in this Statute.

Provincial Road Director.

5. (1) A Provincial Road, Director (hereinafter Known as the Director) should be appointed as the Head of the Department mentioned in Section 4 above. To assist him, Chief Engineers’ Divisional Engineers or a qualified and appropriate group of other officers and servants at Provincial, District and Divisional levels can be appointed.

(2) Director appointed under subsection (1) of section 5 above should be an officer in Class I of Sri Lanka Engineering Service.

(3) The Provincial Road Director and the other officers and servants should function under the general and special orders of the Minister and the Secretary of the Ministry in charged of Uva Provincial Road Development subject (hereinafter known as the “Secretary”) and under the supervision and administration of the secretary.

PART II

POWERS AND DUTIES

Powers and duties with the Minister in charge.

6. (1) If after considering the necessities regarding the Divisional requirements and planning the Minister in charge of Uva Provincial Road subject thinks that developing, formalising and managing the roads in a particular area in the Province are proper, that area may be declared as a Road Development area (hereinafter known as “Development area”) by in order published in the *Gazette*.

(2) In a particular order done under subsection (1) of section 6 above declaring a Development area that area should be shown demarcated by marking the limits and boundaries of that area.

(3) After the declaration of a Development area a Government authorized institute or any other person should not implement or allow to implement any kind of Road Development activity other than on the National Highways or bridges and culverts built on National Highways without the prior written approval of the Secretary.

(4) The Minister may issue General or Special directives occasionally to the Secretary regarding the performance of duties and activities required to achieve the objectives in this Statute and the Secretary should make them effective.

(5) It is the responsibility of the Minister to verify matters such as the implementation of regulations in the Statute and whether those affairs are implemented properly.

(6) In addition to the above powers the Minister should have the following powers. By the orders published in the *Gazette* after providing the recommendation of the Director :—

- (a) Declaring a particular proposed road, estate road, canal or a river as a Provincial thoroughfare.
- (b) Enacting suitable orders and regulations to formalise the management regarding the use of a particular Provincial thoroughfare.
- (c) Ordering to stop, divert or direct to a different direction a particular existing road or a canal.
- (d) Enacting suitable regulations to prevent and control the construction of buildings within the building constructing limits,
- (e) Declaring a reservation for any existing road in a side or either side of it or as required.
- (f) Enacting orders for the affairs implementing the powers mentioned in this Statute.
- (g) Declaring a certain definite area as a Divisional Engineering Division for the performance of duties and activities in this statute.

7. (1) The powers, duties and activities of the Secretary, within a certain Development area in the Province, subjected to the regulation in Section 6 are as follows :—

Powers, duties, activities of the secretary.

- (a) Subjected to the directives that can be given occasionally to the Secretary by the Minister, Planning integrated roads, Planning Road Development Programmes, Preparing Capital Investment Plans, Planning Road Development Projects in that area.
- (b) Subjected to the directives that can be given occasionally to the Secretary by the Minister, approving of the integrated Road Plans, Road Development Programmes, Road Development Projects and Capital Investment Plans prepared for those areas.
- (c) Subjected to the directives that can be given occasionally to the Secretary by the Minister, implementing or suspending the implementation or cancelling the implementation of integrated Road Plans, Road Development Programmes, Road Development Projects and Capital Investment Plans prepared for that area.
- (d) Enter, perform and implement as a joint enterprise all the bonds or agreements that may be required for the job of doing a certain Road Development Project with a person, company, co-orporation in Sri Lanka.
- (e) Appear on behalf of person or company or co-orporation that has neglected the completion of a certain approved Road Developing Project or a scheme and take over the completion of that project or the scheme.
- (f) Disposal of certain movable or fixed assets acquired for duties mentioned in this Statute or movable or fixed assets possessed.

- (g) Preparation of Road Development Projects and Planning Schemes for a Government Authorized Institute on the request of that Institute and co-ordinating those Project or Schemes or assisting in implementing them.
- (h) Providing Road Planning or construction services for the benefit of Government authorized institutes or other persons.
- (i) Fixing charges for any of the services provided,
- (j) Accepting in cash or in any other form of gifts grants, donations or relief aids and use them for the implementation of activities in this Statute, and,
- (k) To implement the powers with the Secretary fulfill the duties and all the activities connected with performances or consequential therewith.

(2) when exercising the powers, performing the duties and activities by the Secretary under Subsection 1 of Section 7 here, when preparing or implementing a programme or some development affairs relevant to planning roads or development of roads within a certain Development Area. If a certain Local Government institutional area is in that Development Area or spread on that area, the Secretary should invite the Mayor or Chairman and an officer in that Local Government Institute as the case may be, to attend the meeting or meetings relevant to the said programme of the development affairs. The Mayor or the Chairman or the officer receiving such an invitation should attend the said meeting or meetings.

(3) Any of the said powers, duties and activities under this Section can be vested in writing to the Mayor or the Chairman or any other officer in the Local Government institute by the Secretary.

Authorized Officers.

8. (1) The powers vested with the secretary regarding the administration of regulation mentioned in this Statute and as vested to the amount decided by the Secretary should be implemented by the Director of the Road Development Department.

(2) Divisional Engineering Division should be decided so as to cover the Uva Province (hereinafter known as the "Province",) to administrate this Statute and Chief Engineers and Divisional Engineers should be appointed to cover the said Divisions.

(3) Chief Engineers and Divisional Engineers in charge of Divisions should be responsible for the administration of this Statute in the Province subjected to the command and control of the Road Director.

PART III

IMPLEMENTATION OF POWERS AND WORK MANAGEMENT

Authority to enter into Land.

9. Entering into a land adjoining or near a certain existing or intended road by the Divisional Engineer, Technical Officers in charge of certain duties this Statute is relevant, labourers and workmen assigned in services by them in instances required with the tools, equipment, vehicles and machinery is legal.

Transporting materials from a land.

10. (1) When Divisional Engineer, technical officers and labourers and workmen assigned in work by them with all the proper tools, equipment, vehicles and machinery required in justifiable instances are marking, measuring, building, working, opening, altering, diverting, repairing, clearing, improving, covering a certain existing or intended road or otherwise for assisting in whatever the way in marking, measuring, building, working, opening, altering, diverting, repairing, clearing, improving or covering, or otherwise searching, digging, cutting, excavating or transporting water, timber brushwood metal, gravel clay or any other material required for building, excavating, repairing, digging or renovating a bridge, culvert, tank,

drain, dam or ditch connected in whatever the way to it or otherwise building or repairing line houses or buildings on or close to such a highway for the use of an officer mentioned above or labourers, persons, animals vehicles, equipment, vehicles and machinery employed under him and without considering as a person entering illegally, it is legal to transport those labourers, persons, animals, vehicles, equipment, and machinery from a land situated adjoining or near such a thoroughfare across a land belonging to a certain person company or a co-orporation.

However, unless sufficient materials can not be obtained from bare lands situated close by or public or abandoned lands, digging, cutting, transporting a garden, an access road to a house, a garden a paddy field or a jungle should not be done without the consent of the owner for any of the such materials. If sufficient materials can be obtained as stated above those materials can be obtained.

(2) For all the materials obtained that way and for the damages done in obtaining or transporting those materials a reasonable amount of compensation should be paid to its owner. Any pit or quarry from which any such material has been obtained should be railed or fenced by the officer so that they shall not be dangerous to any person or animal.

11.(1) When the Divisional Engineer, Technical Officers and labourers and workmen assigned in work by them are marking measuring, building, working, opening, changing, diverting, repairing, clearing or renovating or making, digging, repairing, clearing or renovating a certain bridge, culvert, fence, drain, dam or ditch situated on it or connected in whatever the way to it is legal to construct temporary buildings in lands adjoining to it or close to it for the use of those officers, labourers, workmen, animals, vehicles, tools and equipment employed by them and to keep all the animals employed by them properly tied and clustered in lands adjoining or close during the period they are working on a certain existing or intended road.

Construction of temporary building.

However, in a land Subjected to cultivation or in an instance where bare lands or public or abandoned lands are available close by for the said purpose such construction of any buildings or keeping of any animals clustered should not be done.

(2) Further, for any damages done to the land a reasonable compensation should be paid to the owner in all the instances.

12. It is legal to build a temporary by- road across certain suitable lands situated adjoining by or close by for the use during the period of implementing any work in the building of the road by the Divisional Engineer Technical Officers and labourers assigned in the work by them. Even then such a by-road should not be built over a land on which a building is standing or a covered compound or a home garden.

Temporary by-roads.

13. In an instance where it is considered necessary, construction or building of fences, hedges, ditches, drain banks and quarries can be done by the side of certain roads by the Divisional Engineer, Technical Officers and labourers assigned to work by them. Land owners or residents in the lands adjoining those fences, hedges, ditches, drains or banks should maintain them in order satisfactorily and reasonably repaired they are ordered hereby to maintain them that way.

Excavations done bordering to the road.

14. Divisional Engineer, Technical Officers and labourers assigned to work by them have the authority to build, clean and keep open all the ditches, drains or water ways, and also to build and lay any tunnels or bridges considered as necessary for the safety of any road or canal in a land or across a land situated adjoining or close to a land or a canal or to repair, build and maintain a road or a canal.

Building and maintenance of ditches and drains.

Cutting and removal of trees.

15. It is legal to cut and remove all the trees, bushes and shrubs and leaves or branches or roots of trees growing in a road or overhanging or making any obstruction or danger in it, and dumping to a land adjoining or close and entering to a land or premises together with persons, animals and tools that may be required for that purpose and to perform all the things required for cutting, pruning or removal of those trees, bushes, shrubs, leaves, branches, roots inside that by the Divisional Engineer, Technical Officers and labourers assigned to work by them.

Allowing road building materials to remain.

16. A certain period of time can be allowed to lapse by the Divisional Engineer, Technical Officers and the labourers assigned to work by them and the contractors included in the agreements for keeping the metal, gravel and other building materials, vehicles or machinery grouped, kept and heaped on a road as required to facilitate the repairing works or to prevent damages happening to a road recently repaired and during the period the road is being repaired and before the commencement of repair works and after completion of the repair works. Suitable precautions should be taken by the officers to prevent danger or damage happening to pedestrians walking and vehicles running on that road.

Allowing building materials to remain in lands.

17. It is legal to keep earth or other materials that may be required to use during the period any of the road building work is done in an adjoining or near by land by the Divisional Engineer, Technical Officers and labourers assigned to work by them.

Dumping rubbish in a land.

18. During the marking, measuring, building, working, opening, altering, diverting, repairing, clearing, renovating an existing or intended road or during the building, excavating, renovating, clearing or repairing a bridge, tank, drain, dam, ditch placed on it or connected in whatever the way with it, dumping all the earth and other rubbish that should be removed from such a site in a land situated adjoining or close to it is legal.

Even then, if earth and other rubbish removed are collected in an adjoining or nearby land under this Statute, the responsibility to remove from that place within a reasonable period and to arrange that place enabling to manage as usual lies with the employees of the relevant service.

Storing and using explosive materials.

19. The Divisional Engineer or a person authorized by him has the authority to store explosive materials and to transport from suppliers to sites subjected to the rules and regulations enacted under a separate Act by the Government or that will be enacted occasionally. They should possess a permit obtained from the relevant authorities to store and transport explosive materials and they should possess security rooms or vaults to store those explosive materials.

Compensation for damages.

20. (1) Every person liable to suffer a damage or loss due to the implementation of any of the powers and authorities vested by this Statute to officers in charge of duties to which this Statute is applicable should be entitled to receive compensations. However, if that loss is said to have happened regarding a certain action, a reason or a thing, a request for that must be forwarded to the Divisional Engineer in any of the instance before a lapse of three months from the happening of that action, reason or thing and if the forwarding of that request is neglected during the above said period that request to obtain compensation for the alleged damage should not be allowed. Thereafter the applicant loses the right to claim compensations.

(2) When a request has been forwarded within the specified period mentioned above, and if an agreement can not be reached regarding the amount of compensation, that compensation amount can be decided by one mediator named by the Director and another mediator named by the person claiming the compensation. If both the mediators can not reach an agreement an arbitrator should be appointed by the Secretary, and according to the conditions agreed by the parties the decision given by the mediators or the arbitrator will be final.

PART IV

LIMITATIONS AND CONTROL OF OBSTRUCTIONS IN ROAD JOB ACTIVITY

21. Any person obstructing, hindering, threatening or assaulting an officer or a labourer involved in duties under the command and authority of the Divisional Engineer, should be an offender for an offence under this statute, and when convicted by a Magistrate in that regard, according to the seriousness of the crime and nature of the offence notwithstanding anything to the contrary in this statute or any other law should be subjected to a fine not less than Rupees Five Thousand and not more than Rupees Ten Thousand or an imprisonment not less than six months and not more than one year or a punishment of both the said ways.

Obstruction to activities.

22. (1) When constructing, maintaining and developing a Provincial thoroughfare belonging to the Provincial Council by a Co-orporation, a company, an estate, authority, a Local Authority by using the allocations set apart by the Government to that Co-orporation, Company, Estate, Authority, Local Authority, laying down of minimum standards that should be followed by these institutes and persons in performing those activities under the supervision of the Road Director is legal.

Laying down standards regarding works of other institutes and supervision.

(2) Entering into a land closeby or a site by the Road Director, or Chief Engineer or Divisional Engineer or an officer authorized by the Road Director for the purpose of measuring, marking or investigating of that road with labourers, tools and equipment is legal.

23. By an announcement published in the Gazette by the Road Director, it is legal to order limits regarding the following matters in respect of usages of a road, land or a building adjoining by the Divisional Engineer :—

Limits in the use of roads.

- (1) Constructing, setting or preparing an access road from a provincial road ;
- (2) Blocking out a land causing the increase of the number of access roads ;
- (3) Construction of a building, using a building as a shop or a commercial centre, putting up or constructing sign boards within a specified distance from the centre of a road ;
- (4) Walking or taking cattle across a specific section of a road ;
- (5) Use of a specific transport procedure along the road ;
- (6) Driving certain machinery on a road ;
- (7) Usages of roads when driving of vehicles is limited along a road or a direction.

A person breaking the limits ordered regarding the above matters should be an offender for an offence and when convicted by a Magistrate for that offence notwithstanding anything to the contrary in this statute or any other law should be subjected to a fine not exceeding Rupees Five Thousand.

24. (1) Without a written permission from the Divisional Engineer, no one should have permission under this Statute to construct or make an access road of any nature to a road or from a road. If a person needs the facility of an access road from a road permission from the above officer should be obtained by him. After investigating the relevant place suitable instructions should be given by the Divisional Engineer to the relevant party.

Allowing access roads.

(2) That access road permitted can be a cylindrical concrete culvert, a bridge, a platform or an arch. The cross-sectional width of the culvert made and the width of the access road should be ordered by the Divisional Engineer.

(3) The person who obtained permission should be responsible to see that no obstruction has been done to the side drain on the road and flow of water is not hindered in whatever the way. As a result of constructing the access road mixing or collecting of oil or rain water or high-tide should not be allowed and mixing or collection of any stones, gravel, earth or other rubbish inside the access road should not be allowed.

(4) It is legal to charge an amount of money by the Divisional Engineer for damages done to a road when constructing an access road. The relevant party should bear the entire expenditure in constructing an access road .

(5) Any person or institute breaking any of these orders will be an offender for an offence under this Statute and after conviction by a Magistrate notwithstanding anything to the contrary in this statute or any other law should be subjected to a fine not exceeding Rupees Five Thousand.

Permission for
Utility Services.

25. (1) For the purpose of establishing a system to provide services to the people (subjected to the regulation in certain rules relevant to Utility Services) under or on or nearby a road (hereafter defined as the Utility Services Suppliers) the Divisional Engineer has a possibility to enter into agreements with a person, co-operation, a company, a Local Authority or a department.

(2) When it is applied to establish such a Public Service under, on or near a road full details regarding depth and width the road is dug, place of construction, date expected to commence the construction affairs, period of construction and machinery that will be used should be submitted by the Utility Service Suppliers.

(3) When that proposal as described above subsection (2) is received the Divisional Engineer should estimate the expenditure that will be incurred to rebuild the road or to repair the damages done to the road when performing that construction affairs by the Utility Service Suppliers. Before commencing the work that amount estimated should be paid by the Utility Services Suppliers and then the Divisional Engineer should enter into an agreement and grant the written permission to continue that construction works.

(4) In an instance where obstructions and hindrances to the road are done by the Utility Service Suppliers and in an instance when the Utility Service Suppliers are notified by the Divisional Engineer to remove those obstructions in a way to satisfy the Divisional Engineer and if that order is neglected by the Utility Service Suppliers or another Utility Service Suppliers could not be found for that the Divisional Engineer will perform those works and recovering the expenditure incurred for those works from the first Utility Service Supplier is legal.

(5) The limits regarding depth, width, place and the premises mentioned in the proposal submitted according to the sub section (2) above should be followed by Utility Service Suppliers. If it is considered that an alteration is required in it the Divisional Engineer should be immediately informed about that by the Utility Service Suppliers. After taking a suitable decision, if an additional payment has to be made, it should be notified in writing.

(6) Without obtaining the written permission of the Divisional Engineer alterations regarding depth, width, place or premises should not be done by the Utility Service Suppliers.

(7) In doing any work on the road by Utility Service Suppliers for any damages happened to that Public Utility Services System the Divisional Engineer or his officers or labourers will not be responsible.

26. (1) Building construction limits and weight limits regarding roads belonging to the Provincial Council are as follows :-

Building construction limits and weight limits.

- (a) While the limit of constructing buildings will be 7 metres (seven) each towards both sides from the road centre line in respect of a road declared by the Minister as a “C” class road by an order published in the *Gazette*, the weight of the vehicle not to exceed 12 metric tons including the total weight of materials or people, animals and materials loaded and the weight of the vehicle applicable respectively from road to road decided by the Director should be published by him in the *Gazette* ;
- (b) While the limit of constructing buildings will be 7 metres (Seven) each towards both sides from the road centre line in respect of a road declared by the Minister as a “D” class road by an order published in the *Gazette*, the weight of the vehicle with the full weight loaded not to exceed 10 metric tons applicable respectively from road to road decided by the Director should be published by him in the *Gazette* ;
- (c) While the limit of constructing buildings will be 5 metres (Five) each towards both sides from the road centre line in respect of a road declared by the Minister as an “E” class road by an order published in the *Gazette*, the weight of the vehicle with the full weight loaded not to exceed 8 metric tons applicable respectively from road to road decided by the Director should be published by him in the *Gazette*.

(2) It is not legal to construct a building, boundary wall or a gateway within the specified limit of constructing buildings. Other than the works such as changing the damaged and decayed sheltering sheets, repairing broken walls and colour washing doing any alteration in respect of existing structures is also not legal.

(3) The Divisional Engineer can give permission to a certain party for a temporary or permanent building, wall, gate, fence, notice board or any other kind of construction within the building limit on a no-compensation agreement. The said party should take action to demolish and remove any construction built on such a no-compensation agreement when informed in writing by the Divisional Engineer or an officer authorized by him and any compensation should not be paid for damages occurring in such an instance.

(4) The Minister has the authority to increase or decrease these limits by an order published in the *Gazette* after obtaining the recommendation of the Director. These limits can be ordered as applicable to a certain road or a certain section of it.

(5) The land area situated within the limits mentioned in sub section (1) above should be defined as the “Building Constructing Limits”.

(6) Regarding the roads that can be taken under this Statute weight limits and volume, in respect of vehicles, that is the length, width and height of the vehicle, should be declared by the Minister by orders published in the *Gazette* occasionally.

(7) It is in order to allow to exhibit properly by the Divisional Engineer the weight limits and volume, that is the length, width and the height of the vehicle, ordered by the Minister under sub-section (6) above from place to place on the relevant road to be seen easily.

(8) It is an offence to dig mine wells for mining or for the purpose of mining within that building constructing limits of a specified road. When convicted by a Magistrate in respect of that offence and according to the seriousness of the crime and the nature of the offence notwithstanding anything to the

contrary in this statute or any other law should be subjected to a fine from Rupees Five Thousand to Twenty - Five Thousand or an imprisonment not less than 06 months and not more than a year or both of the two penalties. The Director has the authority to recover according to the amount calculated by the Divisional Engineer on the damage happened to the relevant road through digging from a person so convicted.

(9) By allowing to remove illegal constructions in this building construction limits by the Divisional Engineer recovering the expenditure in respect of that activity from the relevant persons is legal. However, other than for repairs done to a building boundary wall or a gateway before the enforcement of this sub section for which a permit was necessary for repairs or for repair activities being performed for a building, boundary wall, gateway or any other structure, or a well, pond or a mine well existed on the day this Statute is enforced none of the above regulations in this subsection should be applicable, similarly none of the above regulations in this subsection should be applicable to structures such as bus halts, billboards, notice boards.

Control of building activity within proposed construction limits.

27. (1) In an instance a new road is designed and steps are taken to commence the construction works of that on a future date, the land area on both sides of the road from the line decided by the Divisional Engineer, as shown or as described on a map or plan should be declared by the Minister as the limits of constructing buildings of the proposed road.

(2) When it is declared by the Minister, permission to build a certain new building within the reservation declared on such a declaration should not be awarded by the officers entrusted with the responsibility of issuing permission to construct buildings.

Encroaching land illegally.

28. (1) it is not legal to encroach a road or a land belonging to the Provincial Council situated adjoining to the limits of the buildings by a person.

(2) Divisional Engineer and officers working under his authority should have the authority under this Statute to do the surveying for the duty of verifying illegal encroachments.

(3) It is legal to evict or release such illegal encroaching people mentioned in sub section (2) of section 28 above by the Divisional Engineer or officers working under his authority.

Removal of illegal constructions, obstructions and improper encroachments.

29. (1) Ordering a person doing obstructions or improper encroachments on a Provincial thoroughfare to remove or stop those obstructions and improper encroachments immediately or on a given date or before that date by a notice in writing by the Divisional Engineer is legal. If taking action according to the order is rejected or neglected by the person receiving that order within a reasonable period, or otherwise if there is a doubt regarding the actual person who should receive that order, taking action to remove or stop such an obstruction or an improper encroachment immediately by the Divisional Engineer or when required by a person authorized in writing by the Divisional Engineer to enter a particular residence, a garden, an enclosure or any other premises with certain tools and things required to remove or stop that. Further, the person who has done obstruction and improper encroachments should pay the expenses incurred *bona fide* under this section by the Divisional Engineer or persons authorized by him when informed by the Divisional Engineer. If the relevant payments are not done by the said person it should be reported to the Magistrate Court having judiciary powers by the Divisional Engineer with an affidavit, and on reporting that way, the Court will recover the amount mentioned in the report with the payment of the costs which shall appear to the Court to have been properly incurred as a fine and credited to the General Fund of the Provincial Council. However, if a removal has been done after the due production of all this deeds, documents and instruments effecting the title of that premises, the Divisional Engineer is liable to pay for the entire losses and damages happened thereby. But if the party claiming to be the owner of that premises refuses or neglects to produce those deeds documents and instruments, or otherwise if they are

not produced the removal of that building, enclosure or encroaching should be caused by the Divisional Engineer. Then if it is adjudged that the premises belongs to the party claiming to be the owner, the Divisional Engineer is not liable to pay for any damage or loss happened.

PART V

DAMAGES AND OFFENCES DONE TO THOROUGHFARES AND PUNISHMENTS

30. Any of the following actions relevant to this Statute is an offence and after conviction by a Magistrates in a Magistrate Court notwithstanding anything to the contrary in this statute or any other law the person doing that offence will be subjected to a fine from Rupees Five Thousand to Twenty - five Thousand or an imprisonment not less than 6 months and not more than one year or a punishment of both the said ways :—

Damages done to thoroughfares.

- (1) Destruction of a road, a section of a road, a Mile post or Kilo meter post, lamp posts, dams, bridges, items controlling the vehicle driving, fences or any other construction or item pertaining to a road,
- (2) Removal or destruction of a tree grass sods or a fence grown under the authority of the Divisional Engineer in a road or on both sides of the road.
- (3) Removal of a barricade, barriers or any other thing placed for the purpose of preventing the use of the road or for the purpose of preventing a danger or damage to people using the road
- (4) When loading or when unloading or otherwise piling, collecting, putting up or heaping timber, timber logs, sand, stone or other materials on a road.
- (5) Gathering, collecting or taking away stones sand, gravel, earth, grass sods or any other material from a road.
- (6) Leading or chasing whatever kind of animals in a way to damage a road.
- (7) Obstructing rain water to flow along a side drain built for the water to flow or water to flow out from a culvert or any other construction.
- (8) Dragging timber, logs, stone, iron or other materials or hauling when taking by a trailer vehicle in a way to damage the road.
- (9) Driving machinery, without air filled wheels on a road.
- (10) Breaking or damaging any of a dam, ditch, drain or a pit pertaining to a road, or otherwise a waterway built on or across a road or on the surface of a road,
- (11) Digging, excavating mines or any other activity for whatever a purpose across, along or under a road.
- (12) Attaching additions to a house so as to project over the outer edge of a side drain of a road, or damaging or filling or doing any obstruction to the side drain of a road for the purpose of loading goods or unloading goods in front of a house, covering or closing over a section of a road or its side drain by what ever kind of temporary supports or any other method.
- (13) Closing a hole in a culvert or a construction in half or fully or obstructing it or raising a land adjoining a bridge, culvert or a road to a level higher than the existing level by filling earth or another method or erecting a construction or otherwise preventing water to flow freely, obstructing to it or taking some other action to stop it.
- (14) Clearing, Cutting, Excavating a land or a dam situated below the surface of a road or working in any other way to cause damages to the road.
- (15) Dumping stones, earth, sand, rubbish, paddy husks, saw dust or any other waste material or putting or diverting or allowing to flow waste water or impure water or allowing to happen so, to a thoroughfare or side drains of a road or a culvert or a bridge.

Duties of officers regarding damages to thoroughfares.

31.(1) The Divisional Engineer has the authority to inform a person doing any damaging activity to a road to stop immediately, to minimize or to change that activity.

(2) It is legal to enter into a particular land by the Divisional Engineer or an officer authorized by him with their labourers, tools, equipment and machinery to stop or prevent a certain damage done to a thoroughfare. Any compensation for a damage happened as a result of that to the land or property should not be paid.

(3) The Divisional Engineer has the authority and the permission to prohibit all persons to ride an animal, or drag an animal or a cart or driving vehicles along a road or a certain section of a road for a certain period the Divisional Engineer considers necessary for repairing, making or renovating purposes of a road or in a dangerous situation.

Oppressions to thoroughfares.

32. Any of the activities mentioned below will be an offence under the Statute and when convicted regarding such an offence by a Magistrate Court notwithstanding anything to the contrary in this statute or any other law should be subjected to a fine not less than Rupees Five Thousand and not more than Rupees Twenty Five Thousand or an imprisonment not less than six months and not more than two years or both the punishments.

- (1) Obstructing or preventing willingly by driving a vehicle, cart, boat, raft or any other transport along a public thoroughfare.
- (2) Constructing a fence or any other obstruction or keeping it for long in a road, canal or a river causing it dangerous and obstructive for easy riding.
- (3) Remaining or allowing to remain a cart, vehicle, motor vehicle, container or machinery on a road for a longer period than necessary to remove it in an accident unless in an occurrence of an accident or a negligence.
- (4) Remaining any machinery, broken vehicle or any other vehicle on a thoroughfare without a light during the period between sunset to sunrise.
- (5) Remaining stones, bricks, timber, oil, glass or any other material on a road, a river or a canal or throwing any of them in that road, river or canal.
- (6) Collecting tubes, pipes or any other thing or tying coir rope, rope or wire along or across a thoroughfare.
- (7) Hanging mats, clothes, flags or other certain materials for sale, exhibition purposes or some other purpose on a thoroughfare or in a thoroughfare or otherwise tying ropes or creepers along or across a thoroughfare and hanging clothes for drying.
- (8) Releasing cattle, buffaloes, goats, sheep, horses, dogs or animals belonging to any of the kind to a thoroughfare or into a thoroughfare
- (9) Keeping the animals mentioned in Sub-section (8) above tied and tethered allowing them to go to a thoroughfare or into a thoroughfare.
- (10) Washing vehicles, motor vehicles cattle or other animals or other things in a thoroughfare.
- (11) Obstructing or closing down drains or culverts on either side of a thoroughfare when reaching the boundaries of land or properties owned.
- (12) Constructing notice boards or name boards or any other permanent or temporary structure on the road surface or road shoulders or in the road reservation or on a side drain of a thoroughfare.

33. (1) It is legal to enter a land or a property by the Divisional Engineer, his officers, labourers with tools and equipments necessary to prevent remove, break or destroy an obstruction done on a thoroughfare or into a thoroughfare. Duties of the officers regarding oppressions done to thoroughfares.

(2) It is legal to take necessary and suitable procedures to recover the expenses incurred by the Divisional Engineer, his officers, labourers with the necessary tools and equipments in respect of preventing an obstruction done on the thoroughfare or into the thoroughfare.

(3) It is legal to seize any animal mentioned in subsections (8) and (9) of section 32 above by the Divisional Engineer or any person authorized by the Divisional Engineer and hand over the custody of that animal to the nearest Police Station. The owner will not be entitled to claim any compensation for the animals seized as mentioned above by the Divisional Engineer or a person authorized by the Divisional Engineer.

(4) Police or any other authority or a Government officer has the permission to keep such an animal tied or tethered in a road until that animal is loaded or unloaded. However, such tying or tethering should be done in a way not to cause any difficulty to persons using the road.

34. (1) If a land or a relation to that land is required to build, widen, divert, alter a road or to maintain as a reservation or for the construction of a bridge, a culvert, a course way a wall or any other structure, or build a fence, drain, dam or cut a ditch or for any road development purpose the said, land and the relation can be acquired as and when required by the Government on behalf of the Uva Provincial Council under the Land Acquisition Act (Authority 460). Acquisition of properties.

(2) In an instance a crown land in this Province is required for the activities of this Statute action should be taken in accordance with the section 1-1:2 in Appendix II in the 13th Amendment of the Constitution.

35. The under mentioned regulations should be applicable for the calculation of the amount of compensation that should be paid in respect of land acquisition or any other purpose. Payment of compensation.

(1) In respect of land and properties acquired for the purpose of building new thoroughfares compensations should be paid in accordance with the regulations in the Land Acquisition Act (Authority 460).

(2) In respect of paying compensation regarding a building or any other construction situated within the building construction limit of an existing land, compensation should be paid taking into consideration the regulations in the National Policy in force.

36. (1) It is the responsibility of all the Law enforcing officers such a officers in the Police Department, Divisional Secretary, Grama Seva Niladharis, Technical Officers, Peace Officers to provide their assistance within their respective territories to the officers of the Uva Provincial Road Development Department in respect of activities done in thoroughfares and prevention of crimes and offences mentioned in this Statute within their respective territories. Assisting officers enforcing the Law.

(2) Every such officer aware of such an offence or a crime according to his personal knowledge or on the information supplied by other persons should make a complaint properly regarding that to the Director under this Statute.

Discipline of officers.

37. Every authorized officer or a person performing any violent deed, a misbehavior, a grievance or an uncalled for vexatious annoyance under the pretence of acting under the authority of this Statute should be an offender for an offence under this Statute.

Offences and Penalties.

38. When relevant punishments are not definitely ordered for an offence by the regulations mentioned under this Statute, every person breaching a regulation or an order given in a command of this Statute or neglecting to act accordingly should be an offender for an offence under this Statute, and on conviction by a brief court inquiry held before a Magistrate notwithstanding anything to the contrary in this statute or any other law will be subjected to a fine not less than Rupees Five Thousand and not more than Rupees Twenty - Five Thousand or an imprisonment of not less than six months and not more than two years or to both the punishments.

Recovery of Expenditure.

39. (1) By the expenses that can be recovered under this Statute mean the amount of expenses actually incurred by or for the Provincial Council and an additional amount of Twenty five *percent* (25%) added to that amount. That is, the expenditure should be calculated by adding an additional amount of Twenty-five *percent* (25%) to the actual expenditure.

(2) A bill showing the amount of money that has to be recovered should be prepared and certified by the Divisional Engineer and should be handed over to the person responsible by the Divisional Engineer ordering the person responsible to pay the amount in the bill in full on or before the date specified.

(3) In an instance that person not acting according to the order in sub-section (2) of Section 39, adding an additional amount of Twenty-five *percent* (25%) to the actual expenditure and after certifying should be referred that matter to the judiciary in order to recover expenditure.

40. No person is entitled to exclusive rights regarding ownership, possession or use in respect of a road or a section of a road this Statute is applicable.

41. If any person is putting up any construction, a wall or any kind of a fence in the building construction limits mentioned in section 26 a permission for that should be obtained from the Divisional Engineer and he should enter in to an agreement with the Divisional Engineer to the effect that he will remove the said wall or whatever the kind of fence put up on his own willingness without asking for any compensation when widening or developing the road is being done and if not removed no hindrance or obstruction will be done for the removal by the Road Development Department and that expenses incurred by the Department for such a removal and with the Departmental charges will be paid to the Divisional Engineer within seven days of being informed to pay.

42. All the notifications specified to be given under this Statute should be issued in Sinhala, Tamil and English languages. Handing over of any notification or permit or order or command addressed to any person personally to that relevant person or pasting in a place clearly seen in his residence or handing over to the office in case of a company or a corporation or sending under registered post to that person or company or corporation should be considered as a proper handing over.

If any inconsistency the Sinhala version shall be enforced.

43. If there is any inconsistency among the Sinhala, Tamil or English versions of this Statute the Sinhala version should be enforced.

44. In this Statute unless the context otherwise requires :—

Interpretation.

“Province” means the Uva Province consisting of the two administrative Districts Badulla and Moneragala.

“Provincial Council” means the Provincial Council of the Uva Province.

“Provincial Minister” means the Minister of Uva Provincial Council in charge of Road Development.

“Secretary” means the Secretary of the Ministry in charge of the Uva Provincial Road Development.

“Roads” has the same meaning given to it in the Thoroughfare Ordinance.

“Development of Road” means the construction of new roads and maintenance and renovation of new and existing roads.

“Canal” means any public canal including the full extent of water way from bank to bank together with the sides, towing paths, banks, drains and ditches.

“Provincial Road Director” means the Director of the Uva Provincial Road Development Department.

“Chief Engineer” means all the Chief Engineers or Chief Executive Engineers of the Uva Provincial Road Development Department.

“Divisional Engineer” means all the Divisional Engineers or Divisional Executive Engineers or Executive Engineers in charge of Divisions.

“National Highways” means National Highways declared by the Minister in charge of Highways in the Democratic Socialist Republic of Sri Lanka and published in the *Gazette*.

“Public duty” means a duty considered as a public duty under this Statute or under any written law.

“Utility Services” means any activity such as digging drains to bury telephone wires, digging drains for laying water pipes, erecting electric posts, telephone posts.

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