



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

**HOUSING AND TOWN IMPROVEMENT
(AMENDMENT)**

ACT, No. 38 OF 1980

[Certified on 9th October, 1980]

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Housing and Town Improvement (Amendment)
Act. No. 38 of 1980

[Certified on 9th October, 1980]

L. D.—O. 82/79.

AN ACT TO AMEND THE HOUSING AND TOWN IMPROVEMENT
ORDINANCE.

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

1. This Act may be cited as the Housing and Town Improvement (Amendment) Act, No. 38 of 1980. Short title.

2. The Housing and Town Improvement Ordinance (hereinafter referred to as the “principal enactment”) is hereby amended by the substitution, for the expression “domestic building” wherever it occurs therein, other than in section 2, of the expression “residential building”. Amendment
of Chapter
263.

3. Section 2 of the principal enactment is hereby amended as follows :— Amendment
of section
2 of the
principal
enactment.

- (1) by the substitution, for the definition of the word “building” in that section, of the following new definition :—

“building” in relation to—

- (a) a house, means a building that is detached or joined to another building on any side, adapted or designed for use as a dwelling house, consisting of at least one living room, a cooking place and a latrine, but does not include a flat ;
- (b) a flat or an apartment, means a self-contained suite of rooms, on one or more than one floor, as the case may be, of a building of one or more than one storey, adapted or designed for use as a dwelling house ;
- (c) a residential building, means any building or a portion of a building adapted and designed for use as a dwelling house other than those mentioned in paragraphs (a) and (b), and includes a boarding house, hostel, lodging house, residential club and residential hotel ;
- (d) a dwelling attached to a building of another category, means a dwelling or a warehouse and a dwelling or a factory and a dwelling or a shop and a dwelling, adapted and

designed for use as a residence and includes a building or a portion of a building designed for use as the residence of a caretaker ;

- (e) a commercial building, means any building or a portion of a building which is used for professional or commercial purposes ;
- (f) a warehouse, means any building or a portion of a building which is used for bulk storage of goods and includes a parking garage but does not include a shop, boutique or other place used mainly for the sale of goods, nor a garage used solely for carrying out repairs ;
- (g) an industrial building, means any building or a portion of a building used or intended to be used as a factory or workshop and includes any depository or store or any office within the same site, the use of which is incidental to the use of such factory or workshop ;
- (h) a public building, means any building belonging to a public institution including a benevolent home, convalescent house, hospital, nursery, nursing home, orphanage and sanatorium ; or any building where people assemble for the purpose of recreation, amusement, entertainment, instructions, meeting or worship ;
- (i) an out building means any building of any category of buildings not falling within any one of the above-mentioned categories and includes any appurtenances of a building and any masonry boundary wall or gateway.' ;
and

- (2) by the omission of the definitions of "domestic building" and "public building" appearing in that section.

4. Section 28 of the principal enactment is hereby amended, by the substitution, for the word "manufacturing" occurring in paragraph (a) thereof, of the word "industrial".

5. The Schedule to the principal enactment, as amended by Act No. 39 of 1979, is hereby further amended as follows :—

- (1) in the proviso to rule 1—

- (i) by the omission of sub-paragraphs (a), (b), (c) and (d) thereof ; and

Amendment
of section
28 of the
principal
enactment.

Amendment
of the
Schedule
to the
principal
enactment.

- (ii) by the re-lettering of sub-paragraphs (e) and (f) thereof, as sub-paragraphs (a) and (b) of that proviso ;

(2) in rule 2—

- (i) by the substitution, for paragraph (1) thereof, of the following new paragraph :—

“ (1) Subject to any local by-laws requiring the reservation of a larger area in special localities, the total area covered by all the buildings (including verandahs, but excluding the structures mentioned in the next paragraph) on any site used for—

- (a) any residential building shall not exceed two-thirds of the total area of the site ;
or

- (b) any commercial or industrial building or warehouse, shall not exceed four-fifths of the total area of the site,

and the area not so covered shall belong exclusively to the residential building, factory or workshop, and shall be retained as part and parcel thereof.” ;

- (ii) by the omission of paragraph (2) thereof ;

- (iii) by the substitution, for paragraph (3) thereof, of the following new paragraph :—

“ (3) No projection shall be constructed over any part of the area so reserved, other than eaves sunshades which may project to an extent of 4 feet.” ;

- (iv) by the substitution, for paragraph (5) thereof, of the following new paragraph :—

“ (5) The local authority, subject to the approval of the Minister and any Board of Improvement Commissioners for the purpose of any improvement scheme, may exempt any area predominantly occupied by commercial buildings within the administrative limits of any Municipality from the operation of this rule in respect of any class of building on the ground of the high site value obtaining in any such area or other special cause.” ; and

- (v) by the omission of paragraph (6) thereof ;

- (3) in rule 3, by the substitution, for sub-paragraphs (b) and (c) thereof, of the following new sub-paragraphs :—

“ (b) where the residential building has only one habitable room, the floor area of such room must not be less than 120 square feet, and where the residential building has more than one such room, every additional room shall not be less than 90 square feet ;

(c) at least one side must be an external wall abutting on the open area to an extent of not less than two-thirds of the total length of the wall ; ” ;

- (4) in rule 4, by the substitution, for the word “ window ”, of the words “ window or door ” ;

- (5) in rule 5, by the substitution, for paragraphs (1) and (2) thereof, of the following new paragraphs :—

“ (1) Subject to any local by-laws requiring the reservation of a larger area in special localities, there must be in the rear of every residential building, an open space of not less than $7\frac{1}{2}$ feet in depth throughout extending along the entire width of the building. Such open space must belong exclusively to the building, unless the rear of the building abuts upon a public street or lane of not less than 20 feet in width, which is dedicated to public use provided that this shall not apply to existing public streets, less than 20 feet in width. Where such space of $7\frac{1}{2}$ feet is not possible, the local authority may allow any average of $7\frac{1}{2}$ feet taken along the full length of the rear of the building, provided the minimum width from any point of the boundary is not less than 3 feet.

(2) The height at the rear should not exceed the height laid down in rule 1. ” ;

- (6) by the rescission of rules 6 and 7 thereof ;

- (7) in rule 8—

(i) by the substitution, for paragraph (1) thereof, of the following new paragraph :—

“ (1) Every new street intended for carriage traffic which is defined or approved by a local authority or a Board of Improvement Commissioners shall be of not less than 40 feet in width :

Provided that where in any area which is mainly occupied by detached houses or flats and the street cannot serve as a thorough road, the Chairman may sanction in any of the circumstances mentioned in an entry in Column I of the Table set out hereunder, a width which is not less than the width specified in the corresponding entry in Column II of that Table.

TABLE

<i>Column I</i>	<i>Column II</i>
Where the street is intended for the service of—	
(a) not more than four premises,	the approved minimum width shall be 10 feet,
(b) more than four premises but not more than eight premises,	the approved minimum width shall be 15 feet ; and
(c) more than eight premises but not more than twenty premises,	the approved minimum width shall be 20 feet :

Provided that the Chairman may sanction a width not less than 18 feet, at any particular point which is not less than 10 *per centum* of the total length of the read, if he is of the opinion that it is impracticable to provide for that portion of the street, the approved minimum width, and he is satisfied that such further reduction will not endanger the safety of vehicles and passers by. ” ; and

(ii) by the substitution, for paragraph (3) thereof of the following new paragraph :—

“ (3) Nothing in this rule shall be deemed to prevent a local authority or a Board of Improvement Commissioners from defining or approving a street intended for foot traffic only, of not less than 15 feet in width. ” ; and

- (8) by the addition, immediately after rule 8 thereof, of the following new rules :—

“9. In any declared commercial area situated within a Municipal Council, space for vehicular parking should be provided on the basis of one parking space for every 1000 square feet of commercial floor area :

Provided that where the Chairman feels that it is impracticable to provide such space, this rule may be modified as necessary having regard to the circumstances of the case.

10. (1) No house or flat shall be constructed on any land which is in extent less than such minimum extent as may be determined by the Chairman.

(2) The number of flats to be so constructed shall not exceed such number as may be determined by the Chairman having regard to the extent of the land, access and other relevant details.”.

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