

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

PRESCRIPTION (SPECIAL PROVISIONS)

ACT, No. 5 OF 2016

[Certified on 26th April, 2016]

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Prescription (Special Provisions) 1

Act, No. 5 of 2016

[Certified on 26th April, 2016]

L.D.—O. 21/2010.

AN ACT TO ENABLE SPECIAL LEGAL PROVISIONS TO BE MADE IN RESPECT

OF PERSONS WHO WERE UNABLE TO PURSUE THEIR RIGHTS IN COURT

FOR THE RECOVERY OF ANY IMMOVABLE PROPERTY INCLUDING LAND

DUE TO THE ACTIVITIES OF ANY MILITANT TERRORIST GROUP WHICH

PREVAILED IN SRI LANKA AND FOR MATTERS CONNECTED THEREWITH

OR INCIDENTAL THERETO

WHEREAS certain persons have been disadvantaged and Preamble.

therefore unable to pursue their rights in court for the

recovery of any immovable property including land due to

the activities of any militant terrorist group during the period

commencing on May 1st, 1983 and ending on May 18th,

2009:

AND WHEREAS it has now become necessary to enact

special legal provisions to enable such persons to pursue

their rights in court.

BE it enacted by the Parliament of the Democratic Socialist

Republic of Sri Lanka as follows:—

1. This Act may be cited as the Prescription (Special Short title.

Provisions) Act, No. 5 of 2016.

2. (1) If at the time, when the right of any person to sue Right to sue for

for the recovery of any immovable property including land immovable

property

shall have accrued, such person was a disadvantaged person, including land

possession of the aforesaid immovable property including of a

land by any other person shall not be taken as giving such disadvantaged

person.

other person any entitlement specified in section 3 of the

Prescription Ordinance (Chapter 68) to such immovable

property including land by virtue of such possession, so

long as the first mentioned person remained a disadvantaged

person.

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Act, No. 5 of 2016

Illustration

‘A’ is a disadvantaged person at the time ‘B’

commences to possess ‘A’s land – Prescription will

not begin to run against ‘A’ as long as ‘A’ continued

to be a disadvantaged person.

(2) Notwithstanding anything to the contrary in section

13 of the Prescription Ordinance (Chapter 68), the adverse

and undisturbed possession for thirty years of any immovable

property including land by any person claiming the same,

or by those under whom he claims, shall not be taken as

conclusive proof of title in the manner provided for by

section 3 of the Prescription Ordinance (Chapter 68), where

the person against whom the adverse and undisturbed

possession is being claimed was a disadvantaged person.

Avoidance of 3. For the avoidance of doubt, it is hereby declared that

doubt. if a disadvantaged person dies, the period during which he

was so disadvantaged shall inure to the benefit of his heir

or heirs and accordingly such heir or heirs shall be entitled

to the benefit granted to a disadvantaged person under

section 2 of this Act.

A disadvantaged 4. A disadvantaged person who was unable to pursue

person to be his rights for the recovery of any immovable property

entitled to

including land, shall be entitled to institute an action to

benefit from this

Act within two avail himself of the benefits conferred by this Act within

years after the two years after the coming into operation of this Act.

date of

operation of this

Act.

Provisions of the 5. The provisions of this Act shall not apply to or in

Act not to apply respect of any land which has been granted under the

to State land.

provisions of the Land Development Ordinance (Chapter

464), the Land Grants (Special Provisions) Act, No. 43 of

1979, or the State Lands Ordinance (Chapter 454).

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6. In this Act— Interpretation.

“activities of any militant terrorist group” means

any act which is defined as a “terrorist act” in

the Convention on the Suppression of

Terrorist Financing Act, No. 25 of 2005, as

amended by Act, No. 3 of 2013;

“disadvantaged person” means a person who was

unable to pursue his rights in a court in which

he was by law enabled to pursue such rights,

as a result of the circumstances which

prevailed due to the activities of any militant

terrorist group during the period commencing

on May 1st, 1983 and ending on May 18th,

2009.

7. In the event of any inconsistency between the Sinhala Sinhala text to

prevail in case

and Tamil texts of this Act, the Sinhala text shall prevail.

of inconsistency.

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