

Provincial Council Notifications

My No. CPC/A/12/90 (v).

CENTRAL PROVINCE PROVINCIAL COUNCIL

IT is hereby notified that the following Statute has been unanimously passed by the Central Provincial Council on 26th March, 1991 and the Honourable Governor's Assent has been received by his letter No. GCP/AS/03 of 25th June, 1991.

P. R. RANASINGHE,
Assembly Secretary,
Central Provincial Council.

Assembly Secretariat of the Central Provincial Council,
P. O. Box 92,
Pallekele,
Kundasale,
17th July, 1992.

Powers of Supervision of the Administration of Local Authorities Statute No. 07 of 1990

A STATUTE TO MAKE PROVISION FOR THE EXERCISE OF POWERS VESTED IN THE GOVERNOR OF THE CENTRAL PROVINCE RELATING TO THE SUPERVISION OF THE ADMINISTRATION OF LOCAL AUTHORITIES ESTABLISHED WITHIN CENTRAL PROVINCE AND MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO, AS SET OUT IN ITEM 4 (1), (2), (3), (4) OF LIST NO. 1 IN THE NINTH SCHEDULE OF THE 13TH AMENDMENT TO THE CONSTITUTION OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA.

Be it passed by the Provincial Council of the Central Province of the Democratic Socialist Republic of Sri Lanka as follows.

Short title and date
of operation.

1. This Statute may be cited as the Central Provincial Council (Devolution of the Powers of Supervision of the Administration of Local Authorities) Statute No. 07 of 1990 and shall come into operation on the date of receiving the assent of the Governor of the Province.



Powers of Minister to dissolve Local Authorities for incompetency.

2. (1) If at any time the Minister of the Board of Ministers of the Council to whom the subject of Local Government has been assigned is satisfied that there is sufficient proof of—

- (a) incompetence and mismanagement ; or
- (b) persistent default in performance of the duties imposed by the relevant law or other written law ; or
- (c) persistent refusal or neglect to comply with any provisions of law ; or
- (d) abuse of power conferred by the relevant law or any other written law ; or
- (e) persistent refusal to hold or attend meeting or to vote or to transact business at any meeting to be held by any Local Authority on the part of any of the members or The Chief Executive Officer, the Minister may as the circumstances of each case may require by order published in the *Gazette* :—

- (i) remove the chief executive of such Authority ;
- (ii) remove all or any of the members from office ;
- (iii) Dissolve the Council and thereupon any order shall as soon as convenient be laid before the Provincial Council.

2. (2) The Minister shall before making an Order under Sub-section (1) appoint for the purpose of satisfying himself in regard to matters referred to in paragraph (1) a retired Judicial Officer to inquire into and report upon such matter within a period of three months and the person so appointed shall in relation to such inquiry, have the powers of a Commission of Inquiry under the Commissions of Inquiry Act.

3. (a) When the Minister appoints a retired Judicial Officer under Sub-section (2) to inquire into any matter the Minister may, as the circumstances of each case may require, by order published in the *Gazette* :—

- (i) suspend the Mayor or Chairman of the Local Authority as the case may be from office and direct the Deputy Mayor or Vice Chairman, or where the office of Deputy Mayor or Vice Chairman is vacant, or where the Deputy Mayor or Vice Chairman has been suspended from office, the Municipal Commissioner or any Assistant Commissioner of Local Government to exercise the powers and perform the duties of the Mayor or Chairman as the case may be ; or
- (ii) suspend any members from office ; or
- (iii) suspend the Local Authority and direct the Municipal Commissioner or any Assistant Commissioner of Local Government as the case may be to exercise the powers and duties of the Local Authority.

(b) Upon the receipt of the report of the person appointed under Sub-section (2) of this Section, the Minister may make an order under Sub-section (1) of this Section or revoke the Order made under paragraph (a) of this Sub-section (3).

(c) Where the Minister removes the Mayor of a Municipal Council or the Chairman of any other local authority, such Mayor or Chairman shall also cease to be a Councillor and the provisions of the Local Authorities Elections Ordinance shall there-upon apply with regard to the filling of such vacancy.

4. By a subsequent order published in a like manner, the Minister may direct that a new Municipal Council in accordance with the provisions of the Municipal Councils Ordinance shall be constituted in place of the dissolved Municipal Council or a new Local Authority be constituted in accordance with the provisions of the law applicable to the dissolved Local Authorities in any other case.

5. Every Order made under this section shall contain such direction as may be necessary for the purpose of giving effect to the Order and shall, on publication in the *Gazette*, have the force of law.

6. Where after a dissolution of a Municipal Council or any other Local Authorities, a new Municipal Council or a new Local Authority is constituted for that Municipal or the Local Authority, the new Council or the Local Authority shall be the successor of the person or persons who, immediately prior to the constitution of the new Council or Authority had exercised, performed or discharged the rights, privileges, powers, duties and functions conferred or imposed upon or vested in the Council under the Municipal Councils Ordinance, in the case of a Municipality or a Local Authority under the relevant law or any other written law.

7. In this Statute unless context otherwise requires "The Chief Executive" means in case of a Municipal Council the Mayor and in case of an Urban Council and Pradeshiya Sabha, the Chairman.

Interpretation.