



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

PROVINCIAL COUNCILS (AMENDMENT)
ACT, No. 27 OF 1990

[Certified on 6th July, 1990]

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Provincial Councils (Amendment)

Act, No. 27 of 1990

[Certified on 6th July, 1990]

L.D.—O. 33/90

AN ACT TO AMEND THE PROVINCIAL COUNCILS ACT, NO. 42 OF 1987

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

1. This Act may be cited as the Provincial Councils (Amendment) Act, No. 27 of 1990.

Short title.

2. Section 5 of the Provincial Councils Act, No. 42 of 1987 (hereinafter referred to as the "principal enactment") is hereby amended by the addition at the end of that section of the following new subsection:—

Amendment of section 5 of Act No. 42 of 1987.

"(3) Where the Governor of a Province communicates to the Chairman of a Provincial Council established for that province that in the opinion of the Governor, a member of such Provincial Council has, on the date specified in such communication, expressly repudiated or manifestly disavowed obedience to the Constitution, in contravention or violation of, the oath or affirmation taken and subscribed, or made and subscribed by such member under section 4, such member shall be disqualified from sitting and voting as a member of such Provincial Council, with effect from the date specified in such communication."

3. The following new section is hereby inserted immediately after section 5 and shall have effect as section 5A of the principal enactment:—

Insertion of new section 5A in the principal enactment.

"Dissolution of a Provincial Council.

5A. Where the Governor of a Province communicates to the President that—

- (a) more than one half of the total membership of such Provincial Council has, on or about the date specified in that communication, expressly repudiated or manifestly disavowed obedience to the Constitution or otherwise acted in contravention of the oath or affirmation taken and subscribed, or made and subscribed; by such members under section 4; or—

Provincial Councils (Amendment)

Act, No. 28 of 1990

[Certified on 6th July, 1990]

L. D.—O. 20/89

AN ACT TO AMEND THE PROVINCIL COUNCILS ACT, No. 42 OF 1987

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

1. This Act may be cited as the Provincial Councils (Amendment) Act, No. 28 of 1990.

Short title.

2. Section 25 of the Provincial Councils Act, No. 42 of 1987 (hereinafter referred to as "the principal enactment") is hereby amended in subsection (1) of that section, by the substitution for the words "five months before the expiration of such financial year", of the words "three months before the commencement of such financial year".

Amendment of section 25 of Act No. 42 of 1987.

3. The following new section is inserted immediately after section 27 and shall have effect as section 27A of the principal enactment :—

Insertion of section 27A in the principal enactment.

"Powers of Governor.

27A. Where a Provincial Council has been dissolved before the annual financial statement for the financial year has been approved, or a Provincial Council ceases, for any other reason to function, the Governor may, notwithstanding anything in the preceding provisions of this Part, authorise the issue from the Provincial Fund, and the expenditure of such Funds, as he may consider necessary for the administration of the province, until the expiry of a period of three months from the date on which the new Provincial Council is summoned to meet or the date on which the Provincial Council resumes functioning."

4. Section 32 of the principal enactment is hereby amended by the insertion, immediately after subsection (2) thereof, of the following new subsections:—

Amendment of section 32 of the principal enactment.

"(2A) The Provincial Public Service Commission of a province may, subject to such conditions as may be prescribed by the Governor of that Province, delegate to the Chief Secretary or any officer of the provincial public service of that Province, its powers of appointment, transfer, dismissal, and disciplinary control of officers of the provincial public service.

(2B) Any officer of the provincial public service of a Province aggrieved by any order made by the Chief secretary or any officer of the provincial public service of that Province, to whom the Provincial Public Service Commission of that Province has delegated its powers under the preceding subsection, shall have a right of appeal to such Provincial Public Service Commission."

Amendment
of section
33 of the
principal
enactment.

5. Section 33 of the principal enactment is hereby amended in subsection (8) of that section, by the substitution for the words "Provincial Public Service Commission of that Province", of the words "Provincial Public Service Commission of that Province, on appeal or otherwise, or by the Chief Secretary or any officer of the provincial public service of that Province, to whom such Provincial Public Service Commission has delegated its powers under section 32".

Amendment
of section
34 of the
principal
enactment.

6. Section 34 of the principal enactment is hereby amended by the substitution for the words "-any decision of a Provincial Public Service Commission or any member thereof shall", of the words "any decision of a Provincial Public Service Commission or any member thereof, or of any Chief Secretary or any officer of a provincial service exercising any powers delegated by any such Commission shall".

Sinhala
text to
prevail
in case of
inconsis-
tency.

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