



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

**DEVELOPMENT COUNCILS
(AMENDMENT)
ACT, No. 32 OF 1982**

[Certified on 17th September, 1982]

Printed on the orders of Government

Published as a Supplement to Part II of the **Gazette of the Democratic
Socialist Republic of Sri Lanka of September 17, 1982**

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE PUBLICATIONS BUREAU, COLOMBO

Price : 45 cents

Postage : 50 cents

Development Councils (Amendment)
Act, No. 32 of 1982

[Certified on 17th September, 1982]
L.D.—O. 30/82

AN ACT TO AMEND THE DEVELOPMENT COUNCILS ACT, NO. 35 OF 1980.

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

1. This Act may be cited as the Development Councils (Amendment) Act, No. 32 of 1982. Short title.

2. The Development Councils Act, No. 35 of 1980, (hereinafter referred to as the "principal enactment") is hereby amended in section 17A thereof (inserted by Act No. 45 of 1981), as follows:— Amendment
of section
17A of
Act No. 35
of 1980.

(1) by the insertion, immediately after subsection (3) of that section, of the following new subsections:—

"(3A) Every Gramodaya Mandalaya shall be a body corporate with perpetual succession and a common seal and shall have power to enter into contracts and may sue and be sued by the name and designation of the Gramodaya Mandalaya of the area for which it is established.

(3B) The common seal of the Gramodaya Mandalaya—

(a) shall be in the custody of the Secretary of the Gramodaya Mandalaya; and

(b) shall not be affixed to any contract or other instrument except with the sanction of the Gramodaya Mandalaya and in the presence of the Chairman and the Secretary of the Gramodaya Mandalaya who shall sign their names to such contract or other instrument in token of their presence.

(3C) Every Gramodaya Mandalaya shall, within the area for which such Gramodaya Mandalaya is established, exercise, discharge or perform any power, function or duty, conferred or imposed on, or assigned to, such Gramodaya Mandalaya by or under this Act or any other written law, and shall execute any work delegated to such Gramodaya Mandalaya by a Development Council, the Executive Committee of a Development Council or a District Secretary under this Act." ; and

- (2) by the insertion, immediately after subsection (5) of that section, of the following new subsections :—

“(5A) Every Pradeshiya Mandalaya shall be a body corporate with perpetual succession and a common seal and shall have power to enter into contracts and may sue and be sued by the name and designation of the Pradeshiya Mandalaya of the area for which it is established.

(5B) The common seal of the Pradeshiya Mandalaya—

(a) shall be in the custody of the Secretary of the Pradeshiya Mandalaya ; and

(b) shall not be affixed to any contract or other instrument except with the sanction of the Pradeshiya Mandalaya and in the presence of the Chairman and the Secretary of the Pradeshiya Mandalaya who shall sign their names to such contract or other instrument in token of their presence.

(5c) Every Pradeshiya Mandalaya shall, within the area for which such Pradeshiya Mandalaya is established, exercise, discharge or perform any power, function or duty, conferred or imposed on, or assigned to, such Pradeshiya Mandalaya by or under this Act or any other written law and shall execute any work delegated to such Pradeshiya Mandalaya by a Development Council, the Executive Committee of a Development Council or a District Secretary under this Act.”

Amendment
of section
18 of the
principal
enactment.

3. (1) Section 18 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution in paragraph (a) of that subsection, for the words “and accordingly any reference in those Ordinances or in any other written law to any Town Council or Village Council shall be deemed to be a reference to a Development Council ;”, of the following :—

“and accordingly any reference in those Ordinances or in any other written law—

(i) to any Town Council or Village Council shall be deemed to be a reference to a Development Council ;
and

(ii) to any Chairman of a Town Council or to any Chairman of a Village Council shall be deemed to be a reference to the Executive Committee of a Development Council or any person or persons such Executive Committee has, by resolution, authorized in that behalf;”.

(2) The amendment made to section 18 of the principal enactment by subsection (1) of this section shall be deemed to have come into force on the date of commencement of the principal enactment, and accordingly the Order made by the Minister under subsection (2) of section 18 of the principal enactment, and published in *Gazette Extraordinary* No. 142/6 of May 28, 1981, shall be applicable to paragraph (a) of subsection (2) of section 18 of the principal enactment, as amended by subsection (1) of this section.

4. Section 23 of the principal enactment is hereby amended by the substitution for the words “two other officers”, of the words “one other officer”.

Amendment
of section
23 of the
principal
enactment.

5. The following new section is hereby inserted immediately after section 36, and shall have effect as section 36A, of the principal enactment:—

Insertion of
new section
36A in the
principal
enactment.

“Executive
Committee
may
delegate its
powers &c.

36A. (1) The Executive Committee of a Development Council may, subject to the approval of the Development Council, by resolution delegate to any officer of such Development Council any of the powers, functions or duties conferred or imposed on, or assigned to, such Executive Committee by or under this Act or any other written law.

(2) The exercise, discharge or performance by any officer of a Development Council of any power, function or duty delegated to such officer by resolution of the Executive Committee of a Development Council shall be subject to such conditions and restrictions, and limited to such purpose or purposes, as may be specified in the resolution, and any such delegation may at any time be varied or revoked by a resolution of the Executive Committee.

(3) Notwithstanding the delegation by the Executive Committee of a Development Council of any power, function or duty to any officer of such Development Council, the Executive Committee shall be entitled to exercise, discharge or perform any such power, function or duty."

Insertion of
new section
48A in the
principal
enactment.

6. The following new section is hereby inserted immediately after section 48, and shall have effect as section 48A, of the principal enactment:—

"District
Secretary
may delegate
his powers
&c.

48A. (1) The District Secretary of a Development Council may, subject to the approval of the Development Council and the Executive Committee thereof, by general or special order in writing delegate to any officer of the Development Council any of the powers, functions or duties, conferred or imposed on, or assigned to, him by or under this Act or any other written law.

(2) The exercise, discharge or performance by any officer of a Development Council of any power, function or duty delegated to him by the District Secretary of the Development Council by an order under subsection (1) shall be subject to such conditions and restrictions, and limited to such purpose or purposes, as may be specified in any such order, and such delegation may at any time be varied or revoked by order of the District Secretary.

(3) Notwithstanding the delegation by the District Secretary of a Development Council of any power, function or duty to any officer of such Development Council, the District Secretary shall be entitled to exercise, discharge or perform any such power, function or duty."

Amendment
of section
56 of the
principal
enactment.

7. (1) Section 56 of the principal enactment is hereby amended by the addition, at the end of that section, of the following new subsection:—

"(8) Every sum certified by any auditor to be due from any person to any Town Council or Village Council shall be recovered by the District Secretary of the Development Council within which such Town Council or Village Council was situated in the manner set out in the preceding provisions of this section."

(2) The amendment made to section 56 of the principal enactment by subsection (1) of this section shall be deemed to have come into force on the date of commencement of the principal enactment, and accordingly the provisions of section 56 of the principal enactment, as amended by subsection (1) of this section, shall apply in respect of any surcharge made under the Town Councils Ordinance or Village Councils Ordinance before the commencement of this Act.

8. Section 57 of the principal enactment is hereby amended as follows :—

Amendment
of section 57
of the
principal
enactment.

(1) by the substitution for the words "five thousand rupees," , of the words "fifty thousand rupees," ;
and

(2) in the marginal note to that section, by the substitution for the words "five thousand rupees." , of the words "fifty thousand rupees." .

9. Section 58 of the principal enactment is hereby amended as follows :—

Amendment
of section
58 of the
principal
enactment.

(1) by the substitution for the words "five thousand rupees," , of the words "fifty thousand rupees," ;
and

(2) in the marginal note to that section, by the substitution for the words "five thousand rupees" , of the words "fifty thousand rupees." .

10. The following new section is hereby inserted immediately after section 75, and shall have effect as section 75A, of the principal enactment :—

Insertion of
new section
75A in the
principal
enactment.

" Waiver of
sums, other
than taxes.

75A. A Development Council may by resolution waive the whole or any part of any sum of money (not being a sum for the waiver of which, provision is made by section 75) due to the Council from any person if it appears to the Council that the amount to be waived is inconsiderable or irrecoverable or that it should be written off on the ground of the poverty of the person liable therefor." .

Annual subscription of Bills and Laws of the Parliament Rs. 150 (Local), Rs. 200 (Foreign), payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, P. O. Box 500, COLOMBO 1, before 15th December each year in respect of the year following.