



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

**LOCAL AUTHORITIES
(SPECIAL PROVISIONS)
ACT, No. 48 OF 1983**

[Certified on 8th December, 1983]

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 December 09, 1983**

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Price : 90 cents

Postage : 60 cents

[Certified on 8th December, 1983]

L.D.—O. 53/83.

AN ACT TO AMEND THE LOCAL AUTHORITIES ELECTIONS ORDINANCE, THE DEVELOPMENT COUNCILS ELECTIONS ACT, NO. 20 OF 1981, THE MUNICIPAL COUNCILS ORDINANCE AND THE URBAN COUNCILS ORDINANCE; AND TO VALIDATE CERTAIN ELECTIONS TO LOCAL AUTHORITIES AND THE ACTS OF CERTAIN MEMBERS OF LOCAL AUTHORITIES.

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

1. This Act may be cited as the Local Authorities (Special Provisions) Act, No. 48 of 1983. Short title

PART I

AMENDMENTS TO THE LOCAL AUTHORITIES ELECTIONS ORDINANCE

2. The Local Authorities Elections Ordinance (in this Part of this Act referred to as “the principal enactment”) is hereby amended in subsection (1) of section 9 thereof as follows:—

*Amendment
of section 9 of
Chapter 262.*

(a) by the substitution, for sub-paragraphs (v) and (vi) of paragraph (d) of that subsection, of the following sub-paragraphs:—

“ (v) a public officer in any Government Department holding—

(A) any office created prior to November 18, 1970, the initial of the salary scale of which was, on November 18, 1970, not less than Rs. 6,720 per annum or such other amount per annum as would, under any subsequent revision of salary scales, correspond to such initial, or

(B) any office created after November 18, 1970, the initial of the salary scale of which is, on the date of the creation of that office, not less than the initial of the salary scale applicable, on that date, to an office referred to in item (A) or such other amount per annum as would, under any subsequent revision of salary scales, correspond to the first-mentioned initial; or

(vi) an officer in any public corporation holding—

(A) any office created prior to November 18, 1970, the initial of the salary scale of which was, on November 18, 1970, not less than Rs. 7,200 per annum or such other amount per annum as would, under any subsequent revision of salary scales, correspond to such initial, or

(B) any office created after November 18, 1970, the initial of the salary scale of which is, on the date of creation of that office, not less than the initial of the salary scale applicable on that date to an office referred to in item (A) or such other amount per annum as would, under any subsequent revision of salary scales, correspond to the first-mentioned initial ;” ; and

(b) by the substitution, for the proviso to paragraph (j) of that subsection, of the following proviso :—

“Provided that nothing herein contained shall extend to a person who holds a post the initial of the salary scale of which is—

(i) in the case of a post created prior to November 18, 1970, less than Rs. 6,720 per annum, on that date, or such other amount per annum as would, under any subsequent revision of salary scales, correspond to any such initial ; or

(ii) in the case of a post created after November 18, 1970, not less than the initial of any salary scale applicable, on the date of creation of that post, to a post referred to in paragraph (i) or such other amount per annum as would, under any subsequent revision of salary scales, correspond to the first-mentioned initial,

if he seeks election to a local authority under which he is not employed at the time of the election in question, or under which he was not employed during a period of one year immediately preceding such election ; or”.

3. Section 28 of the principal enactment is hereby amended by the repeal of subsection (4) of that section, and the substitution of the following subsection therefor:—

Amendment
of section
28 of the
principal
enactment.

“(4) The written consent of each candidate to be nominated by a recognized political party or an independent group shall be endorsed on the nomination paper and there shall be annexed to the nomination paper, an oath or affirmation, as the case may be, in the form set out in the Seventh Schedule to the Constitution, taken and subscribed or made and subscribed, as the case may be, by every such candidate.”.

4. Section 31 of the principal enactment is hereby amended in subsection (1) of that section, by the repeal of paragraph (d) of that subsection and the substitution of the following paragraph therefor:—

Amendment
of section
31 of the
principal
enactment.

“(d) where the consent of one or more candidates nominated has or have not been endorsed on the nomination paper or where the oath or affirmation in the form set out in the Seventh Schedule to the Constitution of one or more candidates has or have not been annexed to the nomination paper; or”.

5. Section 65A of the principal enactment is hereby amended by the repeal of subsections (5) and (6) of that section, and the substitution of the following subsections therefor:—

Amendment
of section
65A of the
principal
enactment.

“(5) Upon the receipt of such information, the Minister shall call upon the secretary of such recognized political party or the group leader of such independent group to nominate a person who is eligible under this Ordinance for election as member of that authority, to fill such vacancy. A nomination made under this subsection, by the secretary of such recognized political party or group leader of such independent group shall be accompanied by an oath or affirmation, as the case may be, in the form set out in the Seventh Schedule to the Constitution, taken and subscribed or made and subscribed, as the case may be, by the person nominated to fill such vacancy. Upon receipt of such nomination, accompanied by such oath or affirmation, the Minister shall by Order published in the *Gazette*, appoint such person as a member of that local authority to fill such vacancy and the person so appointed shall be deemed, for all purposes, to be a member under the provisions of this Ordinance, and

shall hold office only until the expiry of the current term of office of the members elected at the last preceding general election :

Provided that where the secretary of such recognized political party or the group leader of such independent group fails to nominate a person to fill such vacancy within thirty days of his being called upon to do so and in the aforesaid manner, the Minister may, at any stage when he considers it expedient to do so, by Order published in the *Gazette* direct the Commissioner of Elections to hold an election to fill such vacancy. The person elected to fill such vacancy shall hold office only until the expiry of the term of office of the members elected at the last preceding general election.

(6) The provisions of this Ordinance relating to the holding of a general election of members of a local authority shall apply to, and in relation to, every election held under subsection (5) subject to the modifications set out in the Eighth Schedule.

(7) Where the offices of the Mayor and Deputy Mayor in any local authority are vacant when an election is held under subsection (5) to fill a vacancy in such local authority, the elections officer shall, after such election, declare elected as Mayor and Deputy Mayor of such local authority, the members whose names appear first and second in the nomination paper of the recognized political party or the independent group, which has a majority of the members in such local authority after such election.

(8) Where more than one recognized political party or independent group has a majority of the members in a local authority after an election held under subsection (5) to fill a vacancy in such local authority, the determination of the nomination paper of the recognized political party or independent group from which the Mayor and Deputy Mayor shall be declared elected under subsection (7) shall be made by lot drawn in the presence of the elections officer in such manner as may be determined by him.

(9) In subsections (7) and (8) "nomination paper" in relation to a recognized political party or independent group means the nomination paper submitted by such recognized political party or independent group at the general election of members of that local authority

or where the candidates whose names appear in such nomination paper have all been elected or where such recognized political party or independent group had not submitted a nomination paper at such general election, the nomination paper submitted by such recognized political party or independent group at the election held under subsection (5).’.

6. The following Schedule is hereby inserted immediately after the Seventh Schedule, and shall have effect as the Eighth Schedule, to the principal enactment:—

Insertion of
Eighth
Schedule
in the
principal
enactment.

‘EIGHTH SCHEDULE

[Section 65 A (6)]

1. As if the words “including the Mayor and Deputy Mayor” were omitted from section 28(2) of the Ordinance.
2. As if section 28(3) were omitted from the Ordinance.
3. As if for sub-paragraphs (i) and (ii) of section 36 (1) (b) of the Ordinance there were substituted the following:—

“the candidates, in the order in which their names appear in such nomination paper, equivalent to the number of vacancies to be filled in such local authority shall be declared elected.”.

4. As if the words “as Mayor and Deputy Mayor and” were omitted from sections 38(1)(b) and 45(1)(b) of the Ordinance.
5. As if the words “Mayor, Deputy Mayor and” were omitted from section 65(1)(a) of the Ordinance.
6. As if section 65(1)(c) were omitted from the Ordinance.
7. As if the word “other” were omitted from section 65(2)(a) of the Ordinance.
8. As if the words “other than the Mayor and Deputy Mayor” were omitted from section 65(2)(c) of the Ordinance.
9. As if the words “(excluding the candidates declared elected as Mayor and Deputy Mayor)” were omitted from section 65(2)(d) of the Ordinance.
10. As if for section 66 of the Ordinance there were substituted the following section:—

“Publication
of result.

66. Upon the declaration of the result of any election held under section 65A(5), the returning officer shall—

- (a) publish a notice specifying the names of the candidates elected as members; and

- (b) report the result through the elections officer of the district in which the electoral area is situated to the Commissioner, who shall forthwith upon the receipt by him of the report of the result, cause the names of the candidates elected as members to be published in the *Gazette*."

Validation
of certain
elections to
local
authorities
and certain
acts of
members of
local
authorities.

7. (1) A person shall be deemed not to have been disqualified from being elected as a member of a local authority by reason only of the fact that such person was, on the date of such election, being a date after January 1, 1982, and prior to the date of commencement of this Act—

- (a) a public officer in a Government Department holding an office the initial of the salary scale of which is Rs. 6,720 per annum or over ;
- (b) an officer in any public corporation holding an office the initial of the salary scale of which is Rs. 7,200 per annum or over ; or
- (c) a member of the Local Government Service, holding a post the initial of the salary scale of which is Rs. 6,720 per annum or over.

(2) Subject to the provisions of subsection (3), a member of a local authority shall be deemed not to have been, or to be, disqualified from sitting or voting as a member of such local authority, by reason only of the fact that he was at any time during the period commencing on January 1, 1982, and ending on the date of commencement of this Act—

- (a) a public officer in any Government Department holding an office the initial of the salary scale of which is Rs. 6,720 per annum or over ;
- (b) an officer in any public corporation holding an office the initial of the salary scale of which is Rs. 7,200 per annum or over ; or
- (c) a member of the Local Government Service, holding a post the initial of the salary scale of which is Rs. 6,720 per annum or over.

(3) Nothing in subsection (2) shall be deemed to have affected, or to affect, the appointment, prior to the date of commencement of this Act, of any person as a member of a local authority to fill any vacancy in such local authority

arising by reason of the operation of section 9 (1) (d) (v) or (vi) or section 9 (1) (j) read with section 10 of the principal enactment.

(4) In this section "local authority" has the same meaning as in the principal enactment.

PART II

AMENDMENTS TO THE DEVELOPMENT COUNCILS ELECTIONS ACT, No. 20 OF 1981

8. Section 9 of the Development Councils Elections Act, No. 20 of 1981 (in this Part of this Act referred to as "the principal enactment") is hereby amended as follows:—

Amendment
of section 9
of Act No. 20
of 1981.

(a) by the substitution in paragraph (a) of that section for the words, "paragraphs (a), (c), (d), (e),", of the words, "paragraphs (a), (c), (d) (i), (ii), (iii), (iv), (v), (vi), (ix) and (x), (e),";

(b) by the insertion, immediately after paragraph (b) of that section, of the following paragraphs:—

* (bb) if such person is a public officer in any Government Department holding—

(i) any office created prior to November 18, 1970, the initial of the salary scale of which was, on November 18, 1970, not less than Rs. 6,720 per annum or such other amount per annum as would, under any subsequent revision of salary scales, correspond to such initial; or

(ii) any office created after November 18, 1970, the initial of the salary scale of which is, on the date of the creation of that office, not less than the initial of the salary scale applicable, on that date, to an office referred to in subparagraph (i) or such other amount per annum as would, under any subsequent revision of salary scales, correspond to the first-mentioned initial; or

(bbb) if such person is an officer in any public corporation holding—

(i) any office created prior to November 18, 1970, the initial of the salary scale of which was, on November 18, 1970, not

less than Rs. 7,200 per annum or such other amount per annum as would, under any subsequent revision of salary scales, correspond to such initial, or

- (ii) any office created after November 18, 1970, the initial of the salary scale of which is, on the date of creation of that office, not less than the initial of the salary scale applicable on that date to an office referred to in sub-paragraph (i) or such other amount per annum as would, under any subsequent revision of salary scales, correspond to the first-mentioned initial;” ; and

- (c) by the substitution, for the proviso to paragraph (h) of that section, of the following proviso :—

“Provided that nothing herein contained shall extend to a person who holds a post the initial of the salary scale of which is—

- (i) in the case of a post created prior to November 18, 1970, less than Rs. 6,720 per annum, on that date, or such other amount per annum as would, under any subsequent revision of salary scales, correspond to any such initial ; or

- (ii) in the case of a post created after November 18, 1970, not less than the initial of any salary scales applicable, on the date of creation of that post, to a post referred to in paragraph (i) or such other amount per annum as would, under any subsequent revision of salary scales, correspond to the first-mentioned initial,

if he seeks election to a Development Council under which he is not employed at the time of the election in question, or under which he was not employed during a period of one year immediately preceding such election ; or ”.

Amendment
of section
13 of the
principal
enactment.

9. Section 13 of the principal enactment is hereby amended by the repeal of subsection (2) of that section and substitution, of the following subsection therefor :—

“ (2) The written consent of each candidate to be nominated by a recognized political party or an independent group shall be endorsed on the nomination paper, and

there shall be annexed to such nomination paper, an oath or affirmation, as the case may be, in the form set out in the Seventh Schedule to the Constitution, taken and subscribed or made and subscribed, as the case may be, by every such candidate.”.

10. Section 17 of the principal enactment is hereby amended in subsection (1) of that section by the repeal of paragraph (d) of that subsection and the substitution, of the following paragraph therefor :—

Amendment
of section
17 of the
principal
enactment.

“ (d) where the consent of one or more candidates has or have not been endorsed on the nomination paper or where the oath or affirmation in the form set out in the Seventh Schedule to the Constitution of one or more candidates has or have not been annexed to the nomination paper ; or ”.

11. Section 65 of the principal enactment is hereby amended by the repeal of subsection (6) of that section and the substitution of the following subsection therefor :—

Amendment
of section
65 of the
principal
enactment.

‘ (6) Upon the receipt of such information, the Commissioner shall require the secretary of the recognized political party or the group leader of the independent group to which the member who vacated the seat belonged, to nominate a member of such party or group to fill such vacancy. A nomination made, under this subsection, by the secretary of such recognized political party or the group leader of such independent group shall be accompanied by an oath or affirmation, as the case may be, in the form set out the Seventh Schedule to the Constitution, taken and subscribed or made and subscribed, as the case may be, by the person nominated to fill such vacancy. Upon receipt of such nomination, accompanied by such oath or affirmation, the Commissioner shall declare such person to be a member of the Development Council in respect of which the vacancy occurred and cause the name of the member so declared to be published in the *Gazette* :

Provided that where the secretary of such recognized political party or the group leader of such independent group fails to nominate a person to fill such vacancy within thirty days of his being required to do so and in the aforesaid manner, the Commissioner shall forthwith inform the Minister, who may, on receipt by him of such information and at any stage when he considers it expedient to do so, by Order published in the *Gazette*, direct the Commissioner to hold an election to fill such vacancy. The provisions of this Act relating to the holding

of elections to Development Councils shall apply to, and in relation to, an election held under this proviso, subject to the modifications set out in the Fourth Schedule to this Act. Every person elected as a member of a Development Council at an election held in pursuance of an Order made by the Minister under this section shall hold office for the unexpired period of the term of office of the member whom he succeeds.

(7) Where the office of Chairman of a Development Council is vacant when an election is held under subsection (6) to fill a vacancy in such Council, the returning officer shall, after such election, declare elected as Chairman the member whose name appears first in the nomination paper of the recognized political party, or the independent group, which has a majority of members in such Council after such election.

(8) Where more than one recognized political party or independent group has a majority of the members in a Development Council after an election held under subsection (6) to fill a vacancy in such Council, the determination of the nomination paper of the recognized political party or independent group from which the Chairman shall be declared elected under subsection (7), shall be made by lot drawn in the presence of the returning officer in such manner as may be determined by him.

(9) In subsection (7) and (8) "nomination paper" in relation to a recognized political party or independent group means the nomination paper submitted by such recognized political party or independent group at the general election of members of the Council or where the candidates whose names appear in such nomination paper have all been elected or where such recognized political party or independent group had not submitted a nomination paper at such general election, the nomination paper submitted by such recognized political party or independent group at the election held under subsection (6).'

12. The following Schedule is hereby inserted immediately after the Third Schedule, and shall have effect as the Fourth Schedule, to the principal enactment:—

'FOURTH SCHEDULE [Section 65(6)]

1. As if section 18(1)(b) were omitted from the Act.
2. As if the words "and the name of the Chairman" were omitted from section 18(2) of the Act.
3. As if section 58(1)(g) were omitted from the Act.
4. As if the words "and the name of the Chairman" were omitted from section 60 of the Act.'

Insertion of
Fourth
Schedule
in the
principal
enactment.

PART III

AMENDMENTS TO THE MUNICIPAL COUNCILS ORDINANCE AND
THE URBAN COUNCILS ORDINANCE

13. The following new section is hereby inserted immediately after section 286, and shall have effect as section 286A, of the Municipal Councils Ordinance :—

Insertion of
new section
286A
Chapter 252.

“Commis-
sioner to
exercise
powers of
Council and
Mayor in
certain
cases.

286A. Where the Council is not able to discharge its functions by reason of the Mayor, and Deputy Mayor ceasing to hold office, the Commissioner shall, during any period that elapses between the occurrence of the vacancies in respect of those offices and the filling of those vacancies in accordance with the provisions of the Local Authorities Elections Ordinance, have, exercise, perform and discharge all the rights, privileges, powers, duties and functions vested in, or conferred or imposed on, the Council, the Mayor or Deputy Mayor by this Ordinance or by any other written law.”.

14. The following new section is hereby inserted immediately after section 184, and shall have effect as section 184A, of the Urban Councils Ordinance :—

Insertion of
new section
184A in
Chapter 255.

“Secretary
to exercise
powers
of Council,
Chairman
and Vice-
Chairman
in certain
cases.

184A. Where an Urban Council is unable to discharge its functions by reason of the Chairman and Vice-Chairman ceasing to hold office, the Secretary shall, during any period that elapses between the occurrence of the vacancies in respect of those offices and the filling of those vacancies in accordance with the provisions of the Local Authorities Elections Ordinance, have, exercise, perform and discharge all the rights, privileges, powers, duties and functions vested in, or conferred or imposed on, the Council, the Chairman or Vice-Chairman by this Ordinance or by any other written law.”.