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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

EASTERN PROVINCE PROVINCIAL COUNCIL

IT is hereby noticed that the Eastern Province Tourism Bureau Statute No. 01 of 2016 was passed by the Council on 23rd of February 2016 and Hon. Governor's assent has been obtained on 11th of March 2016.

M. C. M. SHERIFF,
Provincial Council Secretary,
Eastern Province Provincial Council.

Provincial Council Secretariat,
Eastern Province Provincial Council,
Trincomalee,
14th of March 2016.

Eastern Province Tourism Bureau No.....2015

A statute to provide for the establishment of the Eastern Tourism Bureau for the development and control of the tourism industry within the Eastern Province and for matters connected therewith or incidental thereto. This statute is inconsistent with the provisions of the Tourist Development Act, No. 14 of 1968, insofar as they are inconsistent with the provisions of this Statute.

Whereas it is a fundamental duty of the Provincial Council of the Eastern Province to develop the tourism industry in the Eastern Province whilst safeguarding the cultural heritage of the Eastern Province and the moral values of the people. The Provincial Council of the Eastern Province is desirous of working in concurrence with the assisting the national tourism authorities of Sri Lanka in the formulation and implementation of "National Policy" on tourism in accordance with such principles as are enshrined in the Constitution.

Preamble

Now therefore be it enacted by the Provincial Council of the Eastern Province as follows :

1. (1) This Statute may be cited as the Eastern Province Tourism Bureau Statute No..... of 2015.
- (2) From the date on which this Statute come into operation. the provisions of the Tourist Development Act, No. 14 of 1968, insofar as they are inconsistent with the provisions of this Statute, remain suspended and inoperative in the Eastern Province.

Short Title and
date of operation



PART I

ESTABLISHMENT OF THE EASTERN PROVINCE TOURISM BUREAU

Eastern Tourism
Bureau

2. There shall be established a bureau, which shall be called the Eastern Province Tourism Bureau (hereinafter referred to as the “Bureau”)

Bureau to be a
body corporate

3. The Bureau shall by the name assigned to it by Section 2 be a body corporate with a common seal and shall have perpetual succession and may sue and be sued in such name.

Members of the
Bureau

4. (1) The composition of the Bureau shall consist of the following members.
- (a) five member who shall be appointed by the Minister (hereinafter referred to as “appointed members”) from the persons who have wide experience in Tourism and Hotel Management or Business Administration or from among persons who hold professional qualifications in marketing, financial management, law or any other related discipline.
 - (b) four other members (hereinafter referred to as ex officio members) namely
 - (i) the Secretary to the Ministry of Tourism in the Eastern Provincial Council
 - (ii) a Senior Officer of the Sri Lanka Tourism Development Authority nominated by the Minister-in-charge of the subject of Tourism.
 - (iii) an officer nominated by Deputy Inspector General of Police Eastern Province from among officers not below the rank of Superintendent of Police.
 - (iv) a Senior Officer of Treasury of the Eastern Province.
- (2) (a) The Minister shall appoint one of the Appointed Members to be the Chairman of the Bureau.
- (b) Subject to the provisions of paragraph (c) and (d) the term of office of the Chairman shall be three years.
- (c) The Minister may for reason assigned remove the Chairman from office of Chairman.
- (d) Where the Chairman of the Bureau is temporarily unable to perform the duties of his office due to ill health, other infirmity, absence from Sri Lanka or any other cause, the Minister may appoint any other Appointed Member to act as the Chairman.

Financial and
other interest of
the members

5. (a) The Minister shall, prior to appointing a person as a member of the Bureau, satisfy himself that such person has no financial or other interest in the affairs of the Bureau, as is likely to affect prejudicially, the discharge by such person of his functions as a member of the Bureau.
- (b) The Minister shall also satisfy himself, from time to time, that no member of the Bureau has since being appointed acquired any such interest.

- (c) Any person appointed by the Minister, or whom the Minister proposes to appoint as a member of the Bureau shall, whenever required by the Minister so to do, furnish such information as the Minister considers necessary for the purposes of this Statute.
- (d) A member of the Bureau who is in any way, directly or indirectly, interested in any contract made or proposed to be made by the Bureau shall disclose the nature of his interest at a meeting of the Bureau and such disclosure shall be recorded in the minutes of the Bureau and the member shall not participate in any deliberation or decision of the Bureau with regard to that contract.
6. (1) The Seal of the Bureau shall be as determined by the Bureau Seal of the Bureau
- (2) The Seal of the Bureau
- (a) shall be in the custody of such persons or persons as the Bureau may from time to time, determine ;
- (b) shall not be affixed to any instrument or document without the sanction of the Bureau and except in the presence of two members of the Bureau, both of whom shall sign the instrument or document in token of their presence.
- 7 (1) The Chairman shall preside at every meeting of the Bureau, Where the Chairman is absent, the members present shall elect a Chairman for that meeting from among themselves. Meetings of the Bureau
- (2) Every question which comes up for consideration before the Bureau shall be dealt with at a meeting of the Bureau and shall be determined by the majority of the members present and voting.
- (3) All acts done at any meeting shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any member thereof or that any
- (4) such member was disqualified, be as valid as if every such member had been duly appointed and was qualified to be such member.
- (5) No act or proceeding of a meeting shall be invalidated by reason only of any vacancy among the members of the Bureau.
- 8 The quorum for any of the meetings of the Bureau shall be five. The quorum
- 9 (1) Every appointed member of the Bureau shall hold office as long as he holds the office by virtue of which he has been appointed to the Bureau. Ex officio members
- 10 (1) Every appointed member of the Bureau shall, unless he vacates office earlier by death, resignation, or removal, held office for a period of three years, and shall be eligible for reappointment, unless removed from office. Provisions relating to Appointed Members
- (2) The Minister may for reasons assigned remove any appointed member from office.
- (3) Any appointed member may resign from office at any time by letter addressed in that behalf to the Minister and such resignation shall take effect upon it being accepted by the Minister.

(4) In the event of the death, resignation or removal from office of any appointed member, the Minister may having regard to the provisions of this Statute in relation to the appointment of that particular appointed member, appoint another person as member in his place. A person so appointed shall hold office for the unexpired period of the term of office of the member whom he succeeds.

(5) Where any appointed member is temporarily unable to perform his duties of his office due to ill health or absence from Sri Lanka or for any other reason, the Minister may having regard to the provisions of this Statute in relation to the appointment of that particular appointed member, appoint another person to act in his place.

Disqualifications
to be a member

11. A person shall be disqualified from being appointed or continuing as a member of the Bureau, if he.

(a) is or becomes a member of Parliament, any Provincial Council or of local authority

(b) is not, or ceases to be, a citizen of Sri Lanka ;

(c) directly or indirectly holds or enjoys any right or benefit under any contract made by or on behalf of the Bureau ;

(d) has any financial or other interest as it likely to affect prejudicially the discharge by him of his functions as a member of the Bureau ;

(e) is under any law in force in Sri Lanka or any other country, found or declared to be a unsound mind ;

(f) is a person who having been declared as insolvent or bankrupt ;

(g) is serving or has served a sentence of imprisonment imposed by any court in Sri Lanka or any other country

Remuneration of
members

12 The members of the Bureau may be paid such remuneration as may be determined by the Minister with the concurrence of the Minister signed the subject of Finance in the Provincial Council.

PART II

FUNCTIONS AND POWERS OF THE BUREAU

Functions of the
Bureau

13. The functions of the Bureau shall be :-

(a) to develop and control the tourism industry in the Eastern Province ;

(b) to make recommendation to the national tourism authorities on measures which may be introduced for the planning and development of the tourist industry.

(c) to develop identified tourist services within the Eastern Province with a view to improving the tourist industry of the Eastern Province.

(d) to protect and preserve all tourist attractions in the Eastern Province including historically significant buildings and monuments, and the places of scenic beauty in the Eastern Province.

- (e) to promote nationally and internationally all tourist attractions, facilities and services available in the Eastern Province in collaboration with the national tourism authorities ;
- (f) to regulate and control the tourism industry in the Eastern Province by indentifying the activities that may adversely affect the tourism industry in the Eastern Province and to take appropriate measures to eliminate or minimize such activities ;
- (g) to assist individuals and private enterprises engaged in tourism related business ventures in the Eastern Province, by providing them with financial infrastructural and other assistance ;
- (h) to promote employment apportunities particularly among the youth of the Eastern Province by introducing tourism related business ventures and small industries and providing them with required training and other assistance as may be required to carry on such ventures ;
- (i) to establish and maintain tourism and hotel management institutions in the Eastern Province with a veiw to introducing competent professionals in the field of tourism and hotel management ; and
- (j) to formulate Tourism Development Plan for the Eastern Province and update and review such development plans once in every two years.

14. The Bureau shall have the power to

Powers of the
Bureau

- (a) enter into contracts and agreements with any persons including government departments, public corporations or private institutions as may be necessary for discharging its functions ;
- (b) accept gifts, grants, donations whether in cash or otherwise and apply them for carrying out any of the fuctions of the Bureau ;
- (c) acquire, purchase and hold any movable or immovable property or give on lease, mortgage, pledge, sell or otherwise dispose of any movable or immovable property acquired, purchased or held by the Bureau.
- (d) import plant, machinery, equipment and material required for the purposes of the Bureau.
- (e) levy fees or charges for any services or facilities provided by the Bureau ;
- (f) obtain the services of consultants where necessary for the efficient discharge of the functions of the Bureau.

15. Where any person failed to utilize or utilize for other purpose any land situated within the Eastern Province, which has been alienated to such person for carrying out of a tourist development activity, it shall be lawful to the Minister to notify such misuse in writing to the Minister of the Cabinet of Ministers in charge of tourism and lands.

Power of the
Bureau to inform
non utilization of
alienated land

16. (1) The Bureau may establish branches within the Eastern Provice consisting of such number of persons or employees as may be as determined by the Bureau, for the proper exercise, discharge and performance of its powers, functions and duties.

Power to establish
divisions and
branches

	(2) The Bureau may delegate to such divisions or branches such of its powers. Functions and duties as may be determined by the Bureau.
Advising the Minister	17. It shall be the duty of the Bureau to advise the Minister, on any matter that may be referred to the Bureau by the Minister for its advice.
Power of Bureau to give directions in relation to employments	18 (1) It shall lawful to the Bureau to issue such directions to the employers in the tourist industry to give priority to permanent residents of the Eastern Province when recruiting people for employment in such industry. (2) For the purpose of Subsection (1) (a) “employers” means persons who run or manage tourist hotels and tourism related business ventures in the administrative limits of the Eastern Province. (b) The expression “employment” shall not include executive level positions.
Power of the bureau to engage in tourism related business ventures	19 (1) The Bureau may in consultation with the national tourism authorities, engage in tourism related business venture within the administrative limits of the Eastern Province. (2) For the purposes of this section “tourism related business ventures” include establishment and management of tourist hotels and restaurants and provision of transport facilities to tourists.
Bureau to act in concurrence with the provisions of the Tourism Act.	20. The Bureau may give due regard to the provisions of the Tourism Act, No. 38 of 2005 in the exercise, performance and discharge of the powers, functions and duties conferred on or assigned to the Bureau in terms of the provisions of this Part of this Statute.
Registration of tourist accommodation	21 (1) No premises situated within the administrative limits of the Eastern Province shall be used for the provision of accommodation to tourists unless such premises have been registered with the Bureau. (2) The provisions of this Section shall not apply to (a) any institution or tourist hotel approved under the Tourism Act, No. 38 of 2005, any rest house maintained by a local authority of Eastern Provision or a circuit bungalow administered by the Government or the Provincial Council ; and (b) any pilgrims rest in the charge of a religious institutions. (c) any premises which has more than five rooms (3) For the purpose of this section “premises” includes a private dwelling house, home stay lodge or any other similar place that provide accommodation to a tourist. (4) The Bureau shall be regulations specify the registration fee and the registration procedure.

PART IV

STAFF OF THE BUREAU

- 22 (1) The Minister shall with the written consent of the Bureau, appoint a General Manager of the Bureau from among persons who hold post graduate qualifications in management, administration or any other related discipline. General Manager of the Bureau
- (2) The General Manager shall be the Chief Executive Officer of the Bureau.
- (3) The General Manager shall, subject to the general direction of the Bureau on matters of policy, be charged with the direction of the business of the Bureau and the execution of the powers, functions and duties of the Bureau and the administrative control of the employees of the Bureau.
- (4) The General Manager may attend the meetings of the Bureau and may express his views there at, however shall not have the right to vote.
- (5) The General Manager may, with the written approval of the Bureau, delegate in writing to any other employee of the Bureau such of his powers, functions or duties as he may, from time to time consider necessary, and any employees to whom any such powers, functions or duties are so delegated shall exercise them subject to the general or special directions of the General Manager.
- (6) The Minister may with the prior written consent of the Bureau and after assigning reasons therefor in writing remove the General Manager from office.
- 23 (1) The Bureau may, subject to the other provisions of this Statute Appointment of the Staff of the Bureau
- (a) appoint, train, promote, dismiss and exercise disciplinary control over its employees ;
- (b) fix the wages, salary or other remuneration of such employees
- (c) determine the terms and conditions of services of such employees ; and establish work standards for the employees and evaluate performance of such employees ;
- (d) establish and regulate provident funds or schemes for the benefit of such employees and make contributions to any such fund or scheme.
- (2) Regulations may be made by the Bureau in respect of all or any of the matters referred to in Subsection (1)
- (3) At the request of the Bureau any officer in the public service may temporarily be released and appointed to the staff of the Bureau for such period as may be determined by the Bureau subject to the provisions provided under establishment procedural regulations for Eastern Provincial Public Service.

PART V

FINANCE

Fund of the
Bureau

24. (1) The Bureau shall have its own fund
- (2) There shall be paid into the Fund
- (a) all such sums of money as may be voted upon from time to time by the Provincial Council for the use of the Bureau.
 - (b) all such sums of money as may be received by the Bureau by way of charges and levied for services provided by the Bureau under this Statute.
 - (c) all such sums of money received by the Bureau in the exercise performance and discharge of its powers functions and duties under this Statute.
 - (d) all such sums of money as may be received by the Bureau by way of loans, donations, gifts and grants from any source whatsoever ; and
 - (e) However the receipts described under paragraphs (b) (c) and (d) of this sub section shall first be credited to the Provincial Fund and thereafter paid to the fund.
- (3) There shall be paid out of the fund of the Bureau all such sums of money required to defray the expenditure incurred by the Bureau in the exercise, performance and discharge of its powers duties and functions under the provisions of this Statute.

Financial year and
audit of accounts

25. (1) The financial year of the Bureau shall be the calendar year
- (2) The Bureau shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other financial transactions of the Bureau.
- (3) The provisions of Article 154 of the Constitution relating to the audit of accounts of public corporations shall apply to the audit of the accounts of the Bureau and audit of accounts of the Bureau shall be carried out by a qualified auditor.

Maintenance of
the fund

26. The fund of the Bureau shall be maintained in accordance to the provisions provided under Part III of Provincial Councils Act, No. 42 of 1987.

Annual Report

27. (1) The Bureau shall submit to the Minister Audited reports and Administrative Reports of the year completing the calendar year enable him to place before the Provincial Council of the Eastern Province not later than three months of the following year.
- (2) The Minister shall lay the documents who received under Subsection (1) before the Eastern Provincial Council as provided.

Borrowing power
of the Bureau

28. The Bureau may with the consent of the Minister and in accordance with the provisions of the Section 21 of the Provincial Council Act, No. 42 of 1987 borrow such sums as the Bureau may require for meeting the obligations of the Bureau in discharging its powers under this Statute.

PART VI

GENERAL

- 29 (1) The Bureau may in writing and subject to such conditions as may be specified therein, delegate to any officer or employees of the Bureau any of its powers, functions or duties under this Statute or any regulation or rule made there under and any such officer or employee shall exercise, perform or discharge such power, function or duty in the name and on behalf of the Bureau. Delegation of powers of the Bureau
- (2) The Bureau may, notwithstanding any delegation made under subsection (1), by itself exercise perform or discharge any power, function or duty so delegated and may at any time revoke any such delegation.
- 30 (1) The Minister may from time to time issue to the Bureau such general or special directions in writing as to the exercise, performance and discharge of its powers, functions and duties and it shall be the duty of the Bureau to give effect to such directions. Directions by the Minister
- (2) The Minister may from time to time direct the Bureau to furnish to him in such form as has he may require, returns, accounts and any other information with respect to the work of the Bureau. and it shall be the duty of the Bureau to give effect to such directions.
- 31 All members of the Bureau, the General Manager and the officers and servants of the Bureau shall be deemed to be public officers the meaning of and for the purposes of the Penal Code. Members deemed to be public officers
- 32 Every person who Miscellaneous offences
- (a) obstructs, without any reasonable cause, any person acting in the exercise of his powers under this Statute or any regulation made thereunder ;
- (b) being a person acting under the authority of this Statute, behaves or conducts himself in a vexatious or provocative manner, while exercising or discharging any power or function under this Statute.
- (c) fails without any reasonable cause to furnish any return or information in compliance with any requirements imposed on him under the Statute or knowingly makes any false statement in any return or information furnished by him.
- Shall be guilty of an offence under this Statute and shall on conviction after summary trial before a competent court, be liable to a fine not exceeding fifty thousand rupees.
- 33 (1) The Minister may make regulations in respect of all matters required by this Statute. Regulations
- (2) Every regulation made by the Minister shall be published in the Gazette and shall come in to operation on the date of such publication, or on such later date as may be specified in the regulation.
- (3) Every regulation made by the Minister shall as soon as convenient after its publication in the Gazette, be brought before the Provincial Council for approval.

(4) Any such approval sought to the regulations or not sought as provided under the subsections (3) shall be published in the Gazette.

(5) Any such regulations which is not sought approval as provided under subsection (3) shall be deemed to be rescinded as from the date of its disapproval without prejudice to any action previously done there under in the Statute, unless the context otherwise requires.

Interpretation

34. “Minister” means the Minister of the Board of Ministers of the Eastern Provincial Council to whom the subject of tourism has been assigned.

“Provincial Council” means the Provincial Council of the Eastern Province.

Secretary means the Secretary of the Ministry of the Minister of the Board of Ministers of the Eastern Province to whom the subject of tourism has been assigned.

“National Tourism Authorities” include the Sri Lanka Tourism Development Authority, the Sri Lanka Institute of Tourism and Hotel Management, the Sri Lanka Tourism Bureau and the Sri Lanka Convention Bureau established by the Tourism Act, No. 38 of 2005.

“Local Authority” includes a Municipal Council, Urban Council and a Pradeshiya Sabha established under Municipal Councils and Urban Councils Ordinance and Pradeshiya Sabha Act respectively

“Tourist” includes a Sri Lanka national or a foreign national.

Tamil text to
prevail in case of
inconsistency

In the event of any inconsistency between the Tamil and Sinhala texts of the Statute, the Tamil text shall prevail.

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