



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

**LOCAL AUTHORITIES (SPECIAL PROVISIONS)
ACT, No. 21 OF 2012**

[Certified on 15th November, 2012]

Printed on the Order of Government

Published as a Supplement to Part II of the **Gazette of the Democratic
Socialist Republic of Sri Lanka** of November 16, 2012

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 5.00

Postage : Rs. 15.00

*Local Authorities (Special Provisions)
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L.D.—O. 19/2008.

AN ACT TO AMEND THE MUNICIPAL COUNCILS ORDINANCE, THE URBAN COUNCILS ORDINANCE AND THE PRADESHIYA SHABHA ACT, No. 15 OF 1987.

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

1. (1) This Act may be cited as the Local Authorities (Special Provisions) Act, No. 21 of 2012 and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

Short title and
the applicability.

(2) The provisions of sections 5, 9 and 13 of this Act shall be applicable to the election of a Mayor of a Municipal Council or a Chairman of an Urban Council or Pradeshiya Sabha, as the case may be, where such election is being held in terms of the provisions of the Local Authorities Elections Ordinance (Chapter 262) as amended by Act, No. 21 of 2012.

PART I

AMENDMENTS TO THE MUNICIPAL COUNCILS ORDINANCE
(CHAPTER 252)

2. Section 5 of the Municipal Councils Ordinance (Chapter 252) (hereinafter in this Part referred to as the “principal enactment”) is hereby repealed and the following section is substituted therefor :—

Replacement of
section 5 of
Chapter 252.

“Composition
of Municipal
Councils.

5. (1) Each Municipal Council shall consist of :—

- (a) such number of elected Councillors as determined by the Minister by Order made under section 3c of the Local Authorities Elections Ordinance (Cap. 262); and

- (b) such number of other Councillors not exceeding thirty *per centum* of the total number of elected Councillors as determined by the Minister by Order made under section 3c of the Local Authorities Elections Ordinance (Cap. 262), to be returned as Councillors under section 65A of that Ordinance, to represent those electors who have not secured any representation in the Council, at the election held for the election of Councillors.

(2) Where the number constituting thirty *per centum* referred to in paragraph (b) of subsection (1) is an integer and fraction, the integer shall be deemed to be the number which shall constitute such thirty *per centum*, for the purpose of that subsection.”.

Amendment of
section 13 of the
principal
enactment.

3. Section 13 of the principal enactment is hereby amended in subsection (3) of that section, by the substitution for all the words from “with the provisions of the Local Authorities Elections Ordinance,” to the end of that subsection, and the substitution therefore of the words “with the provisions of section 66A of the Local Authorities Elections Ordinance (Cap. 262), and the person so elected shall hold office as a Councillor, until the next succeeding general election of Councillors of that Council.”.

Amendment of
section 14 of the
principal
enactment.

4. Section 14 of the principal enactment as amended by Law No. 24 of 1977, is hereby further amended as follows:—

- (1) by the repeal of paragraph (b) of subsection (2) of that section, and the substitution therefor of the following paragraph:—

“(b) a Mayor or Deputy Mayor who resigns or vacates his office, shall however continue to be a Councillor.”; and

- (2) by the repeal of subsection (7) of that section and the substitution therefor of the following subsection:—

“(7) Whenever the office of Mayor of a Municipal Council falls vacant, notice of such vacancy shall forthwith be given by the Commissioner to the Commissioner of Local Government and the Commissioner of Local Government shall thereupon proceed to fill such vacancy in the manner provided for the same in the Local Authorities Elections Ordinance (Cap. 262).”.

5. Section 26 of the principal enactment is hereby amended by the repeal of subsection (3) thereof and the substitution therefor of the following:—

Replacement of subsection (3) of section 26 of the principal enactment.

“(3) A Councillor other than the Mayor shall not be eligible for election to—

- (a) any two Standing Committees, until every other Councillor has been elected to serve on at least two Standing Committees;
- (b) any three Standing Committees, until every other Councillor has been elected to serve on at least one Standing Committee:

Provided that, in any event a Councillor shall not be eligible to be elected to more than three Standing Committees.”.

6. Section 189 of the principal enactment is hereby amended by the repeal of section 189 and the substitution therefor of the following:—

Replacement of section 189 of the principal enactment.

“Cheques, Orders &c. for payment out of the Municipal Fund.

189. All cheques and orders for the payment of moneys out of the Municipal Fund shall be signed by two officers authorized by the Council other than the Mayor and the Bank in

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which the Municipal Fund is established may pay all cheques or orders out of the said Fund which are so signed.”.

Amendment of section 215A of the principal enactment.

7. Section 215A of the principal enactment is hereby amended by the substitution for the words “the Council.” of the following:—

“the Council:

Provided that, if the Council according to section 214 and 215 of this Ordinance modifies or rejects all or any items in any budget or supplementary budget or adds any item thereto which was submitted to the Council at any time by the Mayor after a period of two years since the commencement of the term of office of the Council, and if the Mayor does not agree to such decision of the Council, he shall resubmit the said budget to the Council for further consideration. Where a budget or supplementary budget is not passed by the Council within two weeks after it is resubmitted for the second time, the Mayor shall be deemed to have resigned from the office of Mayor at the end of the said period of two weeks.”.

PART II

AMENDMENTS TO THE URBAN COUNCILS ORDINANCE (CHAPTER 255)

Replacement of section 5 of Chapter 255.

8. Section 5 of the Urban Councils Ordinance (Chapter 255) (hereinafter in this Part referred to as the “principal enactment”) is hereby repealed and the following section is substituted therefor:—

“Composition of Urban Councils.

5. (1) Each Urban Council shall consist of:—
(a) such number of elected Councillors as determined by the Minister by Order made under section 3c of the Local Authorities Elections Ordinance (Cap. 262) ; and

- (b) such number of other Councillors not exceeding thirty *per centum* of the total number of elected Councillors as determined by the Minister by Order made under section 3c of the Local Authorities Elections Ordinance (Cap. 262), to be returned as Councillors under section 65A of that Ordinance, to represent those electors who have not secured any representation in the Council, at the election held for the election of Councillors.

(2) Where the number constituting thirty *per centum* referred to in paragraph (b) of subsection (1) is an integer and fraction, the integer shall be deemed to be the number which shall constitute such thirty *per centum*, for the purpose of that subsection.”.

9. Section 12 of the principal enactment is hereby amended in subsection (3) of that section, by the substitution for the words “the provisions of written law for the time being applicable in that behalf,” of the words “the provisions of section 66A of the Local Authorities Elections Ordinance (Cap. 262)”.

Amendment of section 12 of the principal enactment.

10. Section 19 of the principal enactment as amended by Law No. 24 of 1977, is hereby further amended as follows:—

Amendment of section 19 of the principal enactment.

- (1) in subsection (1) of that section, by the substitution for the words “in accordance with the provisions of written law for the time being applicable in that behalf.”, of the words “in accordance with the provisions of the Local Authorities Elections Ordinance (Cap. 262).”;
- (2) in subsection (2) of that section, by the substitution for all the words from the words “vacates such office.”, to the end of that subsection, of the words

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“vacates such office. A Chairman or Vice-Chairman who resigns or vacates his office shall however continue to be a member of the Council.”; and

- (3) by the repeal of subsection (7) of that section and the substitution therefor of the following subsection :—

“(7) Whenever the office of Chairman of an Urban Council falls vacant, notice of such vacancy shall forthwith be given by the Secretary of the Council to the Commissioner of Local Government and the Commissioner of Local Government shall thereupon proceed to fill such vacancy in the manner provided for the same in the Local Authorities Elections Ordinance (Cap 262).”.

Amendment of section 159 of the principal enactment.

- 11.** Section 159 of the principal enactment is hereby amended by the repeal of subsection (2) thereof and the substitution therefor of the following:—

“(2) All cheques or orders for payment of moneys out of the Urban Council Local Funds shall, subject to the approval of the Commissioner be signed by two officers other than the Chairman of the Council, specially authorized by the Council for that purpose and the Bank in which the fund is established may pay all cheques or orders out of the said funds which are so signed.”.

Amendment of section 178A of the principal enactment.

- 12.** Section 178A of the principal enactment as amended by the Local Authorities Elections (Special Provisions) Law No. 24 of 1977 is hereby further amended by the substitution for the words “supplementary budget of the Council” of the following:—

“supplementary budget of the Council:

Provided that, if the Council according to sections 178 and 178A of this ordinance modifies or rejects all or any items in any budget or supplementary budget or adds any

item thereto which was submitted to the Council at any time by the Chairman after a period of two years since the commencement of the term of office of the Council, and if the Chairman does not agree to such decision of the Council, he shall resubmit the said budget to the Council for further consideration. Where a budget or supplementary budget is not passed by the Council within two weeks after it is resubmitted for the second time, the Chairman shall be deemed to have been resigned from the office of Chairman at the end of the said period of two weeks.”.

13. Section 184 of the principal enactment as amended by Law No. 24 of 1977, is hereby further amended in subsection (3) of that section, by the substitution for the words “and the provisions of written law for the time being applicable in that behalf”, of the words “and the provisions of the Local Authorities Elections Ordinance (Cap. 262)”.

Amendment of section 184 of the principal enactment.

14. Section 249 of the principal enactment as amended by Law No. 24 of 1977, is hereby further amended in the definition of the expression “Chairman and Vice Chairman”, by the substitution for the words “the provisions of written law for the time being applicable in that behalf;”, of the words “the provisions of the Local Authorities Elections Ordinance (Cap. 262);”.

Amendment of section 249 of the principal enactment.

PART III

AMENDMENTS TO THE PRADESHIYA SABHA ACT, NO. 15 OF 1987

15. Section 4 of the Pradeshiya Sabha Act, No. 15 of 1987 (hereinafter in this Part referred to as the “principal enactment”) is hereby repealed and the following section is substituted therefor:—

Amendment of section 4 of Act No. 15 of 1987.

“Composition of Pradeshiya Sabhas. 4. (1) A Pradeshiya Sabha constituted by an Order under subsection (1) of section 2, shall consist of:—

- (a) such number of elected members as determined by the Minister

by Order made under section 3c
of the Local Authorities
Elections Ordinance (Cap. 262);
and

- (b) such number of other members
not exceeding thirty *per centum*
of the total number of elected
members as determined
under paragraph (a), to be
returned as members under the
Local Authorities Elections
Ordinance (Cap. 262), to
represent those electors who
have not secured any
representation in the Sabha, at
an election held for the election
of members .

(2) Where the number constituting thirty
per centum referred to in paragraph (b) of
subsection (1) is an integer and fraction, the
integer shall be deemed to be the number
which shall constitute such thirty *per centum*,
for the purpose of that subsection.”.

Replacement of
section 133 of
the principal
enactment.

16. Section 133 of the principal enactment is hereby
amended by the repeal of that section and the substitution
thereof of the following:—

“Cheques,
Orders &c.
for payment
out of the
Pradeshia
Sabha Fund.

133. All cheques and orders for the payment
of moneys out of the Pradeshia Sabha Fund
shall subject to the approval of the
Commissioner be signed by two officers
authorized by the Council other than the
Chairman of the Council and the Bank which
the Pradeshia Sabha Fund is established
may pay all cheques or orders out which are so
signed of the said Fund.”.

17. Section 169 of the principal enactment is hereby amended by the substitution for the words “budget of the Pradeshiya Sabha” of the following:—

Amendment of section 169 of the principal enactment.

“budget of the Pradeshiya Sabha:

Provided that, if the Council according to sections 168 and 169 of this Act modifies or rejects all or any items in any budget or supplementary budget or adds any item thereto which was submitted to the Council at any time by the Chairman after a period of two years since the commencement of the term of office of the Council, and if the Chairman does not agree to such decision of the Council, he shall resubmit the said budget to the Council for further consideration. Where a budget or supplementary budget is not passed by the Council within two weeks after it is resubmitted for the second time, the Chairman shall be deemed to have resigned from the office of Chairman at the end of the said period of two weeks.”.

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

Sinhala text to prevail in case of inconsistency.

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