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**EXTRAORDINARY**

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**PART IV (A) — PROVINCIAL COUNCILS**

**Provincial Councils Notifications**

**WESTERN PROVINCE PROVINCIAL COUNCIL**

**Notification made as per Section 40(1) of Procedural Rules of Western Provincial Council**

I, for the acknowledgement of public, hereby notify that the approval of Board of Ministers of Western Province has been granted for the draft of Statute described in the following Schedule of this Statute of Western Provincial Tourist Board under the decision of Board of Ministers No. VI/113/03-2018-02(i) and dated 20.03.2018 and it is scheduled to be proposed by me for the approval of Western Provincial Council.

ISURA DEVAPRIYA,  
Chief Minister of Western Province  
Minister of Local Government, Economic Promotion,  
Power and Energy, Environmental Affairs,  
Water Supply and Drainage and Tourist Affairs.

10th October, 2018.

**TOURIST BOARD STATUTE OF THE WESTERN PROVINCE NO. .... OF 2018**

A statute to enhance the professional skills of those who engage in tourist affairs in the Western Province, provide the guidance necessary for them and support, services, improve the standard of tourist services, develop the infrastructure facilities in the vicinity of locations with tourist attraction and promote local and foreign tourist affairs of the province, establish the Western Provincial Tourist Board, repeal Tourist Board Statute of Western Province No. 03 of 1994 and to provide provision for the incidentals thereto.

Be it enacted by the Western Province Provincial Council of the Democratic Socialist Republic of Sri Lanka.



Short title and the date of operation.

01. This Statute shall be cited as the Western Provincial Tourist Board Statute No. .... of 2018 of Western Province and shall come into operation on receiving the assent of the Governor of the Western Province.

#### PART I

#### Establishment of the Western Provincial Tourist Board

Establishment of the tourist Board.

02. (1) Western Provincial Tourist Board, hereinafter referred to as the “Board” shall be established hereby
- (2) The Board shall, by the name assigned to it by the subsection (1) be a corporate establishment with perpetual succession and a common seal and may sue and be sued in such name.

#### PART II

#### Objectives and Powers of the Board

Objectives of the Board.

03. Objectives of the Board shall be as follows
- 1) Enhancing the professional skills of those who engage in formal and informal tourist services and who incline to jobs in the field of tourism and providing guidance and support services.
  - 2) Improving the service standard of institutions that provide formal and informal tourist services within the province.
  - 3) Developing the infrastructure facilities around the identified locations with tourist attraction.
  - 4) Promoting facilities to exercise multiple tourist experiences for the leisure and entertainment of local and foreign tourists.
  - 5) Advertising the identified locations with tourist attraction in the province in local and foreign level.
  - 6) Encouraging the entrepreneurs of the field of tourism in the province and providing advisory services.
  - 7) Developing the inter-provincial co-operation for advertising tourist affairs of the province in local and foreign level.

04. Powers of the Board are as follows

- (1) to purchase, rent or acquire, hold any movable or immovable property and also to sell subject to the conditions of entrusted instrument, lease or mortgage.
- (2) to establish and maintain premises related to the activities regarding the training of tourist affairs and the attainment of its objectives.
- (3) to enter into local and foreign agreements or contract within the extent of the power granted by the Constitution for attainment of the objectives of the Board.

- (4) to conduct, coordinate and direct training affairs leading to the attainment of the objectives and to regulate the trained.
- (5) to set up plans for the registration and direction of the institutions that render tourist services.
- (6) to order and levy fees or charges for the services rendered by the Board.
- (7) to prescribe work procedure necessary for the management of the staff of the Board.
- (8) to receive and bear donations necessary for the attainment of the objectives of the Board.
- (9) to organize tourist travel and to co-operate with tourist travel and other agencies and engage in them.
- (10) all the powers necessary to attain any matter that shall come under the objectives mentioned in this statute.

### PART III

#### Board of Directors

5. There shall be a Board of Directors to carry out all the administrative affairs of the Board consisting of the following.  

Board of Directors  
of the Board.

  - (1) Ex-officio members that shall be appointed ;  

Ex-officio members.

    - (a) Secretary of the Subject Ministry or his representative ;
    - (b) Commissioner of Local Government ;
    - (c) Deputy Chief Secretary (Finance) ;
    - (d) A representative appointed by the Secretary of the Ministry under which the subject of tourism comes; and
  - (2) There shall be three members appointed by the Minister. At least one person among them shall have a sound knowledge about field of tourism and experience in the same and one among them shall be appointed as the Chairman of the Board.  

Members  
Appointed.
  - (3) The Minister shall issue the appointment letters for the appointments mentioned in the substitution (1) and (2)
6. A person shall be disqualified from being appointed or from continuing as a member of the Board :  

Disqualifications  
for being a  
member.

  - (a) if he is a Member of the Parliament, a Member of a Provincial Council, or a Member of the Local Authority ; or
  - (b) if he is not a citizen of Sri Lanka ; or
  - (c) if it is decided or declared that he is a lunatic by a certain law in force in Sri Lanka or any other country ; or

		(d) if he is, or was under a penalty order of imprisonment ordered by a Court of Sri Lanka or any other country ; or
		(e) if it has been declared by a Court that he has become insolvent.
Term of the Office of the Appointed Members.	7.	(1) Each appointed member of the Board shall hold the office of a period that does not exceed three years, counted from the date of appointment and as decided by the Minister at the time of making the appointment. Further, he shall not be ineligible for re-appointment except at the removal from the office under sub-section 9(1).
		(2) Where an appointed member resigns or is removed from office, the member appointed for it shall hold the office only for the unexpired part of the term of office of the member whom he succeeds.
Chairman's term of the office.	08.	(1) Chairman's term of the office shall be the period of membership of the Board, subject to the provisions of the subsection 9(1).
		(2) Where the Chairman by reason of illness or other infirmity or absence from Sri Lanka, temporarily unable to perform the duties of his office, the Minister may appoint another member of the Board of Directors to act in his place.
		(3) Where the role of the Chairman is found unsatisfying by the Minister, the appointment of the Chairman may be terminated.
		(4) The Chairman shall preside at all meetings of the Board, in the absence of the Chairman, one out of the members of the Board of Directors present shall be elected to preside at such meeting.
Removal from the Membership	9.	(1) Where the role of any appointed member is found unsatisfying by the Minister, the appointment of an appointed member may be terminated.
		(2) An appointed member of the Board may resign from the office at any instances as a member or as the Chairman, after the acknowledgment of the Minister's acceptance of the resignation letter, forwarded to the Minister.
	10.	(1) The quorum for any meeting of the Board of Directors shall be three members.
Work procedure of the Board.		(2) No act or proceeding of the Board shall be invalidated by reason of the existence of a vacancy among its members or any defect in the appointment of members thereof.
		(3) A meeting of the Board of Directors shall be held at least once a month. Work procedure of conducting meetings of the Board of Directors shall be in accordance with the rules made under this Statute.
		(4) All the members of the Board of Directors or any member of it may be paid remuneration allowance and other expenses from the fund of the Board with adherence to the circulars issued by the Provincial Treasury, instructions and provisions.
		(5) The Board of Directors may be able to delegate its own powers and functions necessary to control the affairs of the Board efficiently, to the Chairman, General Manager or an employee of the Board.

- (6) Where there is an equality of votes of the Board of Directors, regarding a certain matter, the member who presides at that meeting shall own a casting vote.
- (7) An eligible officer among the employee of the Board may be appointed as the Secretary of the Board of Directors.
11. 1. The seal of the Board shall be in the custody of the Director. The Seal of the Board.
2. The seal of the Board shall be in such manner as may be determined by the Board of Directors.
3. The seal of the Board shall not be affixed to any instrument, document or agreement what-so-ever except in the presence of the Chairman and any other member of the Board who shall sign the instrument, document or agreement in token of their presence.
4. The Board shall maintain a register of the documents to which the seal of the Board is affixed.
12. Written orders regarding the fulfillment of objectives of the Board and execution of powers may be prescribed to the Board by the Minister in charge of the subject and the Board of Directors shall act for such orders. Powers of the Minister regarding the Board.

#### PART IV

##### **Chief Executive Officer of the Board and the Other Staff**

13. 1. The Secretary of the subject Ministry shall appoint the Board's Chief Executive Officer, hereinafter referred to as the "General Manager"; a fulltime person that would be recruited as per the relevant approved scheme of recruitment. Chief Executive Officer of the Board.
- However, as long as a formal scheme of recruitment for the post of General Manager is not in force, an eligible person for the post of General Manager shall be appointed by the Secretary of the subject Ministry based on the consent of the Chief Secretary.
- (2) Directing the affairs of the Board, organizing and implementing the affairs related to powers and functions and administering the employees of the Board shall be vested upon the General Manager subject to the ordinary provision and control of the Board of Directors.
- (3) Other officers and employees considered as necessary for attaining its purpose efficiently, may be appointed by the Chairman subject to the approved scheme of recruitment, after receiving the assent of the Board of Directors. Other staff of the Board.
- (4) Based on the request of the Board of Directors, an officer who is in the Western Provincial Public Service, may be appointed for the staff of the Board for a period determined by the Board of Directors, on the accord of such officer and the Secretary of the provincial subject Minister in which such officer is in service and on the approval of the Governor.

## PART V

**Fund of the Board**

Fund of the Board	<p>14. There shall be a fund under the name of the Board, and to that fund,</p> <ul style="list-style-type: none"> <li>(a) Finance appropriated to the Board from the Provincial Council as grants.</li> <li>(b) All the finance collected as per the orders under this Statute.</li> <li>(c) All the finance received by the Board as fees and charges ;</li> <li>(d) All the finance received from Sri Lanka, outside of Sri Lanka or from any source in the form of donations, presents or grants or any other form ;</li> <li>(e) All the finance received by selling, renting, leasing or disposing the property, assets, goods and equipment owned by the Board ;</li> <li>(f) Finance received by the Provincial Council Fund or Local Government Institutions or any other institution to carry out a certain special project or certain functions.</li> <li>(g) Finance received as the profit, installment or any other form as a consequence of investing or depositing cash owned by the Board ;</li> <li>(h) Finance received by the Board from what-so-ever legal source, shall be credited.</li> </ul>
Making Payments from the Fund	<p>15. Payments may be made from the fund of the undermentioned.</p> <ul style="list-style-type: none"> <li>(1) Allowances payable to the members of the Board of Director of the Board ;</li> <li>(2) Salary and other grants payable to the officers of the Board and employees ;</li> <li>(3) Payments and allowances payable for the service providers of the Board ;</li> <li>(4) All the expenses borne by the Board in the act of carrying out an fulfilling the powers, functions, and purpose of the Board under this Statute.</li> </ul>
Financial Year	<p>16. The financial year of the Board shall be the calendar year.</p> <p>17. Accounts and books shall be kept and maintained regarding the earnings and expenses, assets and liabilities of the Board, Maintenance of accounts shall be in accordance with the regulations prescribed under this Statute.</p>
Accounts of the Board	<p>18. The Constituion No. 154 of the Constitution shall be applied for the auditing of the finance of the fund of the Board.</p>

PART VI

**General**

19. (1) The Minister may make regulations regarding the matters mentioned under this statute and all the matters or a certain matter relevant to implement, enforce provisions, and levy fees under this Statute without causing any harm to the powers of this Statute.
- (2) Under this Section, every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of publishing such manner or from a date mentioned in such regulation.
- (3) Every regulation made by the Minister, shall be forwarded to the Provincial Council for the approval within three months after publishing it in the *Gazette*. Any such regulation which is not so approved shall be deemed to be repealed as from the date of disapproval but without prejudice to anything previously done thereunder.

PART VII

**Interim Provisions**

20. (1) Since the date of receiving the approval of the Governor of Western Province for this Statute. Tourist Board Statute of Western Province No. 03 of 1994 of Western Province Provincial Council shall be repealed hereby. Interim Provisions
- (2) However, (a) All movable and immovable properties ;  
(b) All assets and liabilities ;  
(c) All responsibilities and engagements ;
- which were possessed by the Western Provincial Tourist Board established under the Tourist Board Statute of Western Province No. 03 of 1994 ; shall be considered as the movable and immovable properties, assets and liabilities, responsibilities and engagements of the Board under this Statute.
- (3) Functioned performed under the Tourist Board Statute of Western Province No. 03 of 1994 ; shall be deemed to be the functions performed under this Statute.
- (4) Every case filed by the Board or filed against the Board under the Tourist Board Statute of Western Province No. 03 of 1994 ; shall be deemed to be the cases filed under this Statute.
- (5) Officers and employees of the Western Provincial Tourist Board established under the Tourist Board Statute of Western Province No. 03 of 1994 ; shall be deemed to be the officers and employees of this Board.
21. All members, officers and servants of the Board shall be deemed to be public servants within the interpretation and for the functions of the Penal Code and the Authority shall be deemed to be a scheduled institution for the functions of the Bribery Act. Employees of the Board deemed to be public servants under Penal Code

Interpretation

22. In this Statute, unless the context otherwise requires-

“Province” means the Western Province ;

“Provincial Council” means the Western Province Provincial Council ;

“Minister” means the Minister in charge of the subject of Tourism in the Board of Ministers,  
Western Province ;

“Chief Secretary” means the Chief Secretary of the Western Province.

Sinhala Text to  
prevail in case of  
inconsistency

23. In the event of any inconsistency in the Sinhala and Tamil text, Sinhala text shall prevail.