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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART IV (A) - PROVINCIAL COUNCILS

Provincia Council Notifications

UVA PROVINCE PROVINCIAL COUNCIL

Uva Provincial Construction and Engineering Consultation Bureau

Statue No. 11 of 2011 of the Uva Provincial Council

THE above statute having approved by the Democratic Socialist Republic of Sri Lanka on the 05th April 2012, has been approved by the Hon. Governor of the Uva Province on the date 18th of June 2012 and which is hereby published for the notification of the public.

W. M .M. G . ABEYSINGHE BANDA,
Secretary,
Uva Provincial Council.

Council Secretariat,
Uva Provincial Council,
King Street,
Badulla,
04th of July 2012.

Statute No. 11 of the year 2011 of Uva Provincial Construction and Engineering Consultation Bureau preamble.

Be this a statute to make provision to establish a Board with power to develop facilities of infrastructure of Uva province and to determine powers, duties, tasks and to make matters connected and consequential thereto. This is enacted by the Provincial Council of Uva.

01. This Statute shall be cited as Uva provincial construction and Engineering Consultation Bureau Statutes No. 11 of the year 2011, whilst it shall come into operation from the date of approval of the governor of Uva province. Title in brief and date of operation.

PART I

The establishment of the construction and Engineering consultation Bureau of Uva province and its content.

Establishment of Uva provincial construction and Engineering consultation Bureau.	02.	<ol style="list-style-type: none"> 1. Uva provincial construction and Engineering consultation Bureau shall be established and hereinafter called ‘Board’ 2. The Uva provincial construction and Engineering Board shall be a corporation. Whilst it shall have a continuous maintenance and common seal. Also through such name litigation or legal process can be executed. 3. With the approval and consent of the minister in-charge of the subject of contractions in the provincial council of Uva province hereinafter called; “Minister”; can establish branch offices, sections or units under this Board.
Objectives of the Board.	03.	<ol style="list-style-type: none"> The objectives of establishing this Board shall be as below. <ol style="list-style-type: none"> 1. To Participate in development of infrastructure facilities of Uva Province. 2. To obtain required human, physical resources and advisory services of. 3. To earn income for the Provincial Council by operating within and outside the province. 4. To participate in generating Employment in the province. 5. To executse as a pool giving required Technical knowledge and physical and Human resources in respect of engineering tasks within the province.
The Administra-tive Council and its members of the board.	04.	<ol style="list-style-type: none"> 1. An Administrative Council of seven (07) members shall be appointed to the Board while it should consist of the following members. <ol style="list-style-type: none"> a. Three personal who have the skill and experience in fields of one or more in subjects of administration, Accountancy and Engineering services of whom the “Minister” satisfies himself (hereinafter called appointed members) should be appointed by the Minister. In addition to these three members:- b. The Minister shall name four individuals (hereinafter called as nominated members) as members in the administrative Council from senior officers in service in fields of finance, irrigation, Highways and in building construction in the Uva Provincial Council public service.
Chairman of the consultation Bureau.	2.	Out of the appointed members One member should be appointed as the chairman of the administrative Council by the minister.
Inappropriate individuals	3.	A delegate who is delegating the parliament or provincial Council or a local government institute should not be appointed or nominated as a member of the administrative Council, while if and when any member of any local government institution, provincial council or parliament shall not be suitable or appropriate to be a member of the administrative council from the date of such appointment.

4. The minister should satisfy himself that as a member of the administrative council such member has not executed his duties and tasks detrimental procedures and harmful such tasks and duties in regard to financial or any other connection before appointing such member, Also the minister should satisfy himself from time to time that no member of the administrative council is connected to such harmful acts. Any member appointed by the minister or the minister has the idea of appointing such member should at any time supply the details of the task considered as necessary by the minister when he executes his task by himself under this sub-section.
5. If revealed any member of the administrative council possess any connection directly or in any other from in regard to any agreements made by the council or any agreements proposed to be made, such member should be dismissed from the administrative council of the board by the minister according to the sub-ordinance (8) below.
6. Each and every member appointed to the administrative council should hold the post only for a period not more than three years decided by the minister at the time of his appointment or counting from the date of his appointment under the sub-ordinance 8 and 9, while under sub-ordinance 8, he would not be unqualified to be reappointed unless he has been dismissed from the post. Also in appointing another appointed member such member can hold the post only for the balance period of the member who held the post prior to him.
7. The period of post of chairman shall be the period of his membership in the administrative Council, under regulations of the 9th sub ordinance.
8. Any appointed member can be dismissed from the post without giving any reason through an order published in the *gazette* by the minister.
9. When the minister has given an order under sub-section 8 in respect of a member of the administrative council, the period of the post should be vacant from the date of the order being published in the *gazette*.
10. Any member can relinquish or resign from the post as an appointed member, or member or the chairman of the administrative council at any time by submitting a letter stating his resignation from the post.
11. When any member is unable to perform the duties and tasks temporarily in his post due to being ill, due to being disabled or being away from Sri Lanka or any other reason the minister can appoint an acting member in place of him considering the provision given in sub-section 4 (1).
12. When the chairman of the administrative council is unable to perform the duties and tasks temporarily in his post, due to being ill, due to being disabled or being away from Sri Lanka or any other reason the minister can appoint another appointed member to work as the chairman.
13. The membership of any member of the administrative council shall be disentitled due to death, resignation or cessation of the period of membership.

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| Incentive allowances to members. | 5. | All the members or any member out of them of the Board or administrative council can be paid an incentive allowance or any other expense from the funds of the Board on the consent of the minister in charge of the subject of finance in the cabinet. |
| The procedures of the administrative Council. | 6. | <p>1. In every meeting of the administrative council the chairman of the Board should preside over the chair provided the chairman is present. If the chairman is absent for any meeting of the administrative council, a member selected by the other members present shall preside over the chair.</p> <p>2. The administrative council should assemble at any other occasion the administrative council considers as necessary to do so.</p> <p>3. The chairperson of any meeting of the Administrative Council is entitled to an additional casting vote.</p> <p>4. The Quorum of any meeting of the administrative Council should consist of five members.</p> <p>5. The administrative council can act even if there is any vacancy among the members. Only because of the reason that the existence of any vacancy among members of the administrative council, or if there is any fault or error in appointing any member or nominating a member, the action or any task of the administrative council shall not become null and void while it also should not be treated as null and void.</p> <p>6. a. The administrative council can enact regulations in regard to conducting of meetings under the provision of this statute and for the procedures to maintain such meetings.</p> <p style="padding-left: 40px;">b. The regulations so enacted by the administrative council should not be executed until the minister approves the regulations enacted by the administrative council.</p> |
| Official seal of the Board. | 7. | <p>1. The official seal of the Board should be undercustody of the chairman of the council.</p> <p>2. The official Seal of the board can be changed according to the mode the administrative council shall decide.</p> <p>3. Except in presence of two members of the administrative council, the seal of the Board should not be placed in any accomplishment paper or document. The accomplishment paper or the document should be signed by those two members as a symbol that they were present.</p> |

PART II

The Powers duties and tasks of the board

8. 1. Preparation of reports and submitting reports as required in respect of civil or machinery or electric or electronic or any form of development project, programmes, industries having the nature of engineering or planning tasks, estimating, effecting, maintaining, administering, the progress supervising, giving required advice in the objective of development of infrastructure facilities within and outside Uva Province.

2. To effect or get effected, the development of programmes, industries or tasks indicated in sub-section (1) above, under any written law or conditions required in respect of agreements or bonds within the province of Uva or outside with someone entering into director or as a partnership business with the prior approve of the minister.
3. To take action to complete the task, industry, programme or such project or to take, legal action against such persons or person who have neglected or failed to complete such task, programme industry or development project as indicated in sub-section (1)
4. To effect the plans and capital investment plans approved by the minister.
5. To plan estimate, effect, coordinate or advise or assist in any other form in development projects, programmes, Industries, or tasks according to requests made by Government or Provincial Council or any other provincial council or an institution belonging to another provincial council or government, affiliated institution on behalf of them.
6. To levy a fee on any form of service supplied by this Board.
7. To accept donations aid, gifts as money in form of material or equipment and utilize them to fulfill the objectives of the Board.
8. To purchase moveable or immoveable property or to dispose such purchased property.
9. To supply required human or physical resources by purchasing or on rent basis or lease basis or in any other form in the basis of paying a fee.
10. To obtain on credit funds required by the Board to fulfill the responsibilities of Board under this statute from any state bank, a funding institution affiliated to the state or any other form through an overdraft on the written permission of the minister under the terms condition and orders given by the minister.
11. To accept possession of the lands belonging to the state or institution belonging or affiliated with state or the provincial council or provincial and utilize such lands for development.
12. It is the duty and the task of the Board that the powers, duties, and tasks as indicated in this statute to be effected, fulfilled and done when any development, projects, industrial programmes are prepare or effected according to the circumstances, to enquire from the relevant institutions whether if effects on the proposed, work, rights, connection or tasks of the Government or the Provincial Council or any other Provincial Council, Government Corporation or Board and prepare or effects them.
13. Making regulations regarding the matters mentioned firmly under this statute.
14. To fulfill the executing of power, duties and tasks indicated in the statute and all acts things connected relevantly and consequently should be the powers, duties and tasks of the Board.
9. If any Local Government or institution or any other institution is required to mediate when the Board effects its powers, duties, or tasks in performing work on development projects, industries programs or tasks it is the duty or the Board to invite the head of the Local Government institution or any other institution or any other institution for the meetings or programmes organized by the Board. Any head or systematically empowered officer of such Local Government institution or any other institution should participate in such meetings or programmes according to such invitations.

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| <p>Orders of the minister.</p> | <p>10. 1. The Minister is able to give general or special, orders in regard to the executing of powers by the Board and fulfilling its duties and tasks while the Board should execute such orders.</p> | |
| <p>vesting powers of the Board.</p> | <p>2. The Minister is able to order by a letter to the Board from time to time to submit him reports on the property and work of the Board, Accounts of the Board and other details according to the format ordered by him and the Board should execute and effect such orders.</p> | |
| | <p>11. The responsibility in executing power duties and tasks vested to the Board under this carter is the responsibility of the Administrative Council of the Board. The administrative Council can vest any powers, duties and tasks out of them to the Chairmen or any other officer through a letter.</p> | |

PART III

The staff of the Board

12. 1. The chief secretary of Uva Province should appoint a General Manager for the Board on a written approval of the Minister.
 2. The General Manager should be assigned to conduct the work in the Board, the powers of the Board, to execute the duties and tasks to perform, and carry out the supervision and administration of the employees, to act on matters relating to principles under the general supervision of the Administrative Council.
 3. If necessary that the powers, duties and tasks should be assigned to any other employee its able to do so with the approval of the administrative council and the particular employee should implement them under the common or special regulations of the general manager.
 4. The General Manager should not be vacated from post without the prior written approval of the Minister.
- Appointments of the staff of the Board.
13. 1. The chairman of the Board shall enquire from the secretary of the minister in charge of the subject and under the other provisions in this statute.
 - a. Appointing of a staff considered as required by the administrative council to fulfill the tasks of the board, to dismiss and to maintain discipline in respect of the staff.
 - b. To order the salaries, wages and other incentives of the staff.
 - c. To decide the service orders and conditions of the staff and,
 - d. To establish the Employees provident fund or other proposal for the benefit of the staff, regularize and can pay the membership fees to such a fund or proposal.
 2. Temporary employees can be appointed to the staff of Board for the periods decided on the discretion of the minister in charge of the subject and on such discretion of the administrative council under the provision of a written regulation or law by any officer of the state service by that officer, and if that officer has been in service by the minister or if

under any ministry by the secretary of that ministry and the discretion of the secretary of the minister in charge of the subject, If not permanent employees can be appointed to the staff on such discretion.

3. At any time when an individual has signed a Bond agreeing to serve a decided period to the state or the provincial council and at such an instant such individual being employed to serve the Board, Any period of service such individual performs to fulfill the bonded period of such agreement shall be treated as service done to the state or the provincial council.

PART IV Finance

14. 1. The Board should possess a fund for the Board itself. The account of the fund should be maintained in a Bank affiliated to the state. Fund of the Board.
2. The following monies should be deposited to the fund of the Board.
 - a. All monies that can be allocated by the provincial council for the use of the Board.
 - b. All monies received by the Board when the powers of the Board are executed to effect, fulfill, and perform the tasks.
 - c. All monies credited to the accounts of the Board.
3. The Board is able to utilize the monies of the sections, for the management of the tasks and powers of the Board, under the regulaitons or written rules or laws of the statute, to effect the business activities of the Board to pay incentives of the members of the Administrative council and employees in the Board, payments to execute the powers of the Board, payment of expenses in respect of performing the duties and tasks that can be empowered by the Board from time to time for other duties. Payments done from the funds.
4. The initial capital of the Board should be not less than Rs. Two and a half million (Twenty - five lakhs) The Minister in-charge of the subject of finance shall enquire from the Minister in -charge of the relevant subject and the instalments decided and arrived at the enquiry could be paid from the funds of the provincial council and such installments of funds should be credited to the fund established under section (1) above.
15. The required amount of money for the tasks of the board to be performed and to fulfill the responsibilities temporary loans can be obtained on an overdraft or in any other from under the discretion and consent of the Minister-in-charge of the subject or according to any other orders given by him in a common consent or permission. Powers of the Board to obtain loan.

However the total balances to be paid owing to such temporary loans obtained under this section should not be paid at any time without enquiring from the Minister-in-charge of the subject of finance in the Cabinet of Ministers and also should not exceed the amount determined to be paid by the Minister.

Financial year of
the Board and
auditing account.

16. 1 The financial year of the Board shall be from 1st January to 31st December.
- 2 The Board should take action to keep correct account books in respect of revenue and expenses and assets and liabilities and all other transaction of the Board.
- 3 Before handing over the responsibility of auditing of the Accounts of the Board in relevant to the provision in regulation No. 154 of the Constitution in regard to auditing of accounts of the state corporation the condition that the consent and agreement of the government and auditor general should be obtained, shall be relevant and subject to such condition, the auditing of the accounts of the Board too shall be relevant.

PART V

General Provisions

The Board has
the power to
make regula-
tions.

17. 1 The Board can make necessary rules in respect of managing of the matters relevant to the Board and empowered by this statute to make rules or all matters ordered or in regard such matter or each and every matters mentioned below.
 - a. Regarding investment of capital
 - b. Regarding obtaining loans and regulating connected conditions.
 - c. In connection with preparing agreements, insertion of needed conditions of agreements and signing agreements.
 - d. Regarding forming up funds, collecting revenue for same, obtaining needed donorships and deciding chief aims of the fund.
 - e. Regarding financial management, deciding limits of financial powers and assignation.
 - f. Regarding enacting regulations for payments of money.
 - g. In connection with assessment of loss.
 - h. In connection with disposing and auctioning goods.
 - i. In connection with internal auditing.
 - j. In connection with internal administration.
 - k. In connection with recruiting employees, deciding salaries and allowances, interdiction and dismissing from service.
 - l. In connection with taking actions regarding persons who is not obeying advices related to the post, not carrying out decesions or orders of the executive body.
 - m. In connection with fixing up rates and wages while rendering or getting services.
 - n. In connection with deciding procedures of meetings
 - o. In connection with preparing books which should be maintained quarterly reports, documents and progressive reports.
 - p. In connection with appointing jury in a conflict and deciding procedures what should be followed while making settlement.
 - q. In connection with deciding procedures what should be followed connected with submitting appeals, inquiring and informing decisions.
 - r. In connection with deciding methods, procedures and conditions regarding uplifting the administration, management, development, fruitfulness and efficiency of the bureau.
- 2 Approval of the minister should be obtained for regulations made by the board under this statute.
- 3 Regulations made by the minister under the sub-ordinance (2) above should be published in the *gazette* notification and they should be applied and empowered.

18. 1. In an instance where the Board requires to acquire an immovable property for the tasks of the Board and in an instance where the Minister approves that proposed acquisition of such property should be treated as a property required for a common purpose while accordingly it can be handed over to the Board after acquitting of such land under the Land Acquisition Act or the provision in a similar charter of the provincial council of Uva. Acquisition of lands.
 2. In an instance where any land situated in the province is required for some purpose of the Board, it shall be taken over by the provincial council according to section 1, 1, 2 of paragraph II of the 13th amendment of the Government Constitution of Democratic Socialist Republic of Sri Lanka and handed over to the Board, The Board should utilize such land for the relevant purpose while such land should be administered, supervised and utilize by the Board according to the laws and charters relevant to such utility.
 19. The chairman of the administrative council or any other officer empowered by him ordinarily or specially by letter and after serving a letter of notice to the owner or the resident of the land or the place at least three days prior to entering such land or place and performing any task of the Board or holding an investigation or an inquiry or perform some justifiably required task shall be lawful. The powers of entering into a place or a land offences and punishments.
 20. Each and every individual who commits an offence under this charter and any breach or violation of provision, regulation, order or any order given under this statute or any work or regulation contained in this statute is neglected, such individual shall be treated as committed an offence and if found guilty of such and offence before a magistrate after a brief court case such individual shall be subject to a fine not exceeding five thousand rupees or a term of imprisonment not more than two years or subject to both punishments. offences and punishments
 21. Unless any different interpretation is required in respect of words in this statute. interpretation.
- ‘Provincial Council’ shall be Uva provincial council of democratic Socialist Republic of Sri Lanka.
- ‘Governor’ Governor of Uva Province.
- “Minister” The Minister in charge of the subject of construction of Uva Province Provincial Council.
- “Chef Secretary” - The chief secretary of the Uva Province of the person who is appointed properly and performing duties and tasks presently.
- Secretary - The secretary of the ministry of construction of the Uva Province Provincial Council or the person who is appointed properly and performing duties and tasks presently.
- “The chairman of the Board” The Chairman of the administrative council of the Board.”
- “Local government institution: a municipal council or town council or a Pradeshiya Sabha or such a council or Sabha executing, effecting performing or fulfilling duties, tasks on similar or equal power to effect perform or activate tasks and duties through any law of matters under same or any authority established.

“State corporation”

except under the companies act a corporation authority or any other institution established or being established by government or provincial council under a law by supplying the whole capital or a Part of the capital or a part of the funds.

in different
interpretation or
complication in
words Sinhala
version is
effective.

22. In case there is a different interpretation or complication in the meaning in words of Sinhala, Tamil and English version the Sinhala version shall be effective of accepted as correct.

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