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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

UVA PROVINCE PROVINCIAL COUNCIL

Draft Statute No. /2019 of Uva Provincial Tourism Development Bureau of Uva Provincial Council

TO obtain the views of the public publish the above mentioned Draft Statute, proposed to be implemented in Uva Provincial Council.

Hereby inform that after 10 days of publishing this special *gazette* containing this notice, this draft will be submitted to the Uva Provincial Council for the approval. If expect to submit any views in relation to the points included in this statute, must inform me in writing to the following address within 10 days of this notice.

BALAGE SALIYA SUSMEDHA DE SILVA,
Uva Provincial Ministry of Sports, Youth Affairs, Tourism,
Transport, Cultural Affairs, Textiles and Small Industries,
Uva Provincial Council,
Badulla.

Ministry of Sports, Youth Affairs, Tourism,
Transport, Cultural Affairs, Textiles and Small Industries,
Uva Provincial Council,
Badulla,
14th March, 2019.



Tourism Development Bureau Statute No. of 2019 Uva Provincial Council

A Statute for the establishment of tourist development bureau of Uva Province, to develop, promote and regulate tourism industry within the Uva Province and deem the ordinance for all the other matters connected therewith or incidental thereto.

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

Short title and date shall come into operation

1. This statute may be cited as the statute of tourism development bureau of Uva Province No. of 2019 of Uva Provincial Council and shall come into operation since the date obtained approval of the Governor of Uva Province.

PART I

Establishment of Tourist Development Bureau of Uva Province

Establishing a bureau of tourism in Uva Province

2. (1) There shall be established a bureau known as tourism development bureau of Uva Province (hereinafter referred as “Bureau”) to be achieved the objective mentioned in the Section 3 of this Statute.

The Bureau shall be a corporate by the name assigned to it by Sub-section (1), perpetual succession and a common seal and may sue and be sued in such manner.

Objective of the Bureau

3. The objectives of the bureau shall be as follows :-
 - (1) Preparing policy and strategic plan consistent to the national level policy for development of sustainable tourism industry within Uva Province and enforcing programs efficiently and productively based on them.
 - (2) Within the participation of management accession working co-operatively with the varied parties of tourism industry and related including local and foreign tourists, hotel owners, tourism guides, local and foreign governments and private institutions.
 - (3) Deeming opportunities to the local and foreign tourists to enjoy the splendor of Uva simply and safely where the tourist destinations facilities have been developed in the Uva Province and places disseminated already among the tourists and conserving the popular natural and cultural heritage in the Uva Province for next generation which attract tourists.
 - (4) Identification of new tourist destination within the Uva Province, preparing development plan, and enforcing sustainable projects on a manner of elaborating the attractiveness of Uva Province by deeming funds from provincial council, locally, foreign and other sources.
 - (5) Creating vocational development among direct and indirect employees and entrepreneurs who associated with the tourism industry and ensuring their job guarantee.
 - (6) Enhancing the human capital of the province by providing vocational training and vocational guidance on the subjects of tourism and hospitality to the youths of the province.
 - (7) Acquainting new tourist market, preparing consecutive programs for propagation and promotion of the Uva Province as a tourism destination by refuting the target market and using process of contrived marketing.

- (8) Ensuring the sustainable tourism industry of the province by exchanging local and foreign experiences, creating new comprehension relevant to the subject of tourism *via* the coordination of local and foreign scholars and institutions.

4. The task and duties of the bureau shall be as follows :-

Task and duty of
the bureau

- (1) Registration shall be made for the tourist hotel and lodgings those currently function within Uva Province those not entered to the tourist development Act, No. 38 of 2005 or regulation therein, and registration and authorization shall be made for the tourist hotel and lodgings those newly started.
- (2) Regulating, monitoring the tourist hotel and other service providers for the quality development of the Tourist Industry of Uva Province and issuing license by ensuring the quality and make arrangements to prescribe fees and accumulate the said fees.
- (3) Creation and distribution of publication, photographs, videos, maps or any which oblige to make awareness about the popular and unpopular tourist attraction places within Uva Province, also creation of web sites which hold the information of tourist attract places in the province to be enhanced the image of the destination of Uva Provincial tourism, creating software related tourist guidance or form other technical facilities.
- (4) Tourist sector related human resources training shall be done on the aim of local and foreign job markets with the collaboration of Sri Lanka tourism and hotel management institutions, reputed universities and institution as such, also the training courses and training centers also to be run.
- (5) Recognition of new comprehension and noble guidance and manipulating them efficiently for development tourist industry *via* exchange experience programs and organizing workshops, survey and exploration for government officers and industrialists who those adhered to develop tourist industry of Uva Province.
- (6) Development of infrastructure facilities in tourist attract destination of Uva Province, and development of tourist road access, tourist holiday resort, information centers, tourist tranquil centers, fun sports facilities and establishment physical exercise centers, running them and fee levied from them.
- (7) Deem facilities for the tourist hotel and tourist shops which pay direct contribution to tourism industry development, make awareness and empower upon new tendency and challenge to the tourism industrialists those who engaged in the tourism industry and organize training programs and workshops.
- (8) Deem funds from local and foreign sources to develop the tourist industry and persuade to invest and achieve the target anticipated by manipulation of the bureau staff by the human and physical resource *via* equal utilization.
- (9) In accordance to the staff necessity of the bureau through recruiting employees, training and capacity building, creating task regulation related bureau staff to build noble staff, and performance appreciation and feedback.
- (10) To enforce the objectives of the bureau, acquisition of movable and/or immovable assets, endurance, leasing or renting or purchasing, mortgaging, exchanging, selling or otherwise excluding, machineries, plants, instruments and importing materials and to enforce the objectives of the bureau, instruments, financial aids, staff and acknowledging other aid and issuing them to recognized parties.

PART II

Board of Directors

Composition of
the director board

5. (1) A board of directors should be formed to enforce the objective of the bureau and the board should be consisted five bureaucrats with four nominated members.
- (2) The appointed bureaucrats for board of directors should be consisted mentioned below.
 - (a) A senior officer of the ministry who appointed by the ministry of subject-in-charge of Uva Provincial tourism.
 - (b) An officer nominated by the commissioner of local government or the secretary of local government ministry.
 - (c) An officer of tourist hotel management institution of Uva Province.
 - (d) An officer tourist development authority.
 - (e) A lecturer of tourism and hotel management section who nominated by the vice chancellor of Uva Wellassa University.
- (3) The members nominated for the director board shall be consisted persons mentioned below.
 - (a) Two representatives of hotel owners association of Monaragala and Badulla district who nominated by the subject in-charge minister.
 - (b) A representative of the tourist guide association shall be nominated by the subject in-charge minister.
 - (c) A representative appointed by the minister subject in-charge that who hold specific knowledge relevant to the tourism sector.
- (4) A person hold proficiency and think appropriate to be participated in the meetings as monitors by director board otherwise persons who have ability with knowledge to achieve the objectives of the bureau may be invited.
- (5) If any nominated member desert his post or otherwise removed before the prescribed period, by the Secretary of the subject minister in-charge, if he is a bureaucrat or by the minister, if he is a member nominated, every members shall bear his post for three years since day of appointed.

Chairman of the
bureau

- (6) (1) The minister of the subject in-charge shall appoint a person among the members of the director board as a chairman who has an adequate knowledge concern to the subject of tourism and hotel management. The chairman should bear the post for three years.
- (2) The chairman of the director shall be presided all the meetings of the board.
- (7) The director board should meet minimum once in three month.
- (8) The incentive should pay in accordance to the attendance of the director board members as per the authorization of the governor for amount and the manner decided by the minister of the subject in-charge.

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| <p>6. (1) A secretary of the ministry should appoint an apt qualified person that who has knowledge of tourist industry as managing director of the bureau upon the approval of the provincial governor, he shall be the executive of the bureau.</p> <p>(2) With the approval of the board by management director and considered any event necessary to be deemed by him imposed to him or delegated any task or duty, can be delegated to any bureaucrat of the bureau, fulfilling and enforcing the task or duty by that bureaucrat subjected to the instruction and governance of the management director.</p> <p>(3) The management director should have the right to participate in all director board meetings and speak therein though no right to vote in any meetings as such.</p> <p>(4) The management Director should work to control the entire bureau including administration of employees and bureaucrats in bureau subjected to the common instruction and governance of the chairman and director board.</p> <p>(5) The remuneration what should be paid to the management director may be decided by the director board with the approval of provincial council.</p> <p>(6) The term of office for the management director of the bureau shall be three years and, may be removed from the post with the concurrence of the secretary of the minister by the minister of subject in-charge.</p> <p>(7) In any occasions that management director has been unable to enforce or complete any task or duty due to illness or being out of Sri Lanka or any other reason, other any senior officer may be appointed to work for him within the period he is absent with the concurrence of the director board by the minister.</p> <p>(8) The management director shall be responsible for all the administration of the bureau, the power, task and duty delegated to the director by the director board shall be enforced and fulfilled, subjected to the other ordinance of the statute.</p> <p style="padding-left: 40px;">(a) Capacity building of the officers and employees who have been deployed in service by the bureau.</p> <p style="padding-left: 40px;">(b) Upgrade the efficiency and productivity of the bureau to achieve the objective of the bureau.</p> <p style="padding-left: 40px;">(c) Organizing necessary services to fulfill the goal of the bureau would be the role of the management director.</p> | <p>Managing Director of the bureau</p> <p>Director may delegate his duties</p> |
| <p>7. (1) whilst recruiting employees for bureau, after-ward approval has been made by the management service department upon the staff necessity ; employees should be recruited following the prescribed recruiting procedurre.</p> <p>(2) Whilst employees engage in duty within the bureau, should follow the establishment code, financial regulations and the directives imposed time to time by the board of directors.</p> | <p>Appointing staff for bureau</p> |

PART III

Finance

Accounts of the
bureau

(8) A separate approved bank account should be maintained on the name of bureau.

Finance

(1) The below mentioned funds should be paid to the account of the bureau.

- (a) All the funds allege time to time by the Uva Provincial Council for bureau use up.
- (b) All the funds granted by the government
- (c) All the funds receiving as grant, donation and gift.
- (d) All other funds credited otherwise to the bureau's account under this statute or any other written law.
- (e) Income meets by providing consultancy service to the external persons and institutions to set service related tourist trade.
- (f) Income meets *via* providing consultancy service to the local government institutions whilst establishing prescribed place for the goal of tourist development.
- (g) All the funds receiving other training programmes related which are not carried out by Sri Lanka tourism and hospitality management institutions and conducting short term training program related to the hospitality.
- (h) All the funds procuring by publishing matters related to (instruction books, hand bills, recording clear vision and other related to) tourism trade.
- (i) Fund accumulating by training program which added value on behalf of small and medium scale entrepreneurs those who engaged in creating souvenir or keep sake.
- (j) All other funds procures to the bureau's account under this statute or by other written Act.

(2) While enforcing and accomplishing the task and duty upon the objective of the bureau, required all funds to be recovered the expenditure borne by the bureau should be paid from the fund.

9. The calender year should be the financial year of the bureau.

10. The bureau should be taken responsible to keep account books duly which are associated to the income, and expenditure, assets & liabilities and all other related matters.

11. Auditing concern, referring to the Provincial Council Act 23(1) No. 42 of 1987 and Section 23(2), the annual auditing shall be done by a qualified auditor that who appointed by the auditing general according to the ordinance of the constitution No. 154 constitution of accounts of the provincial council tourism bureau.

PART IV

General Ordinance

12. (1) In accordance to long term development plan, the management director should prepare annual development plan each year for the next year on 30th September or before every year and shall be submitted to the Minister for approval consequent to it.
- (2) Every year a descriptive report shall be prepared regarding the previous year related affairs by the management director each year and shall be submitted to the board of directors and the minister.
- (3) The report under Subsection (2) shall be submitted to the minister on 31st June every year or in advance.
- (4) That report should be submitted to the Uva Provincial Council within three months since the day received by the minister.
13. The minister may be issued common or special ordinance to the board regarding the enforcement and accomplishment the task and duties and power under this statute time to time, however taking steps according to the regulation as such shall be the duty of the board.
14. All the members of the bureau and bureaucrats of the authority, employees and representatives shall be considered as government servants in their tasks and according to the meaning of the penal cord. Bureau bureaucrats and employees considered as government servants under penal code
15. This bureau shall be considered as a scheduled institution according to the bribe Act, shall be comprehended in accordance to the ordinance of the Act. Bureau's bribe Act considered as schedule institution
16. Whichever activity supposed have been done authentically by a member of the bureau, officer or employee under this statute or upon any instruction of the director board or against any activities supposed have been done or done with good faith under this statute, no sue or to be sued any civil or criminal case.
 - (2) If any decision made by a court that said activity had been done with good faith, if any civil or criminal case filed against any person regarding any activity supposed done or to be done by the bureau upon the regulation of the board under this statute, any expense what had borne such person under Sub-section (1), should be paid by the account of the bureau.
17. (1) Power procured by this statute to make prescription or regulation through matters which may be necessary or concerned thereto. Minister may make regulations
- (2) All the regulations whatsoever made by the minister should be published in the *gazette*, on the day published accordingly or on the manner that instructions determined, should be enforced since the next day.
- (3) All the regulations whatsoever make by the minister and after publishing in the *gazette*, immediately submitted to the provincial council for approval. If any regulation that was not approved by the Provincial Council, since the day approved subject to the said regulation, shall be considered as been finite, not harming to the previous activity.

(4) Under the subsection above (1) the regulations made by the minister subsequent seconded in the provincial council and they should be executed as imposed through this statute.

Guilty and penal

18. If any ordinance violation in any regulation made by this statute or made under it or whoever neglect to act in accordance, shall be guilty for the offence, when become guilty in presence of the magistrate, not exceeding one year may double up, one way to be imprisoned or penalty not exceeding rupees one lakh or subjected to both such as imprisonment and penalty.

Interpretation

19. In this statute, unless the context otherwise requires-

“Provincial Council” means the Uva Provincial Council

“Governor” means the governor of Uva Province

“Minister” means the minister in-charge for tourism in the Uva Provincial Council.

“Minister’s Secretary” means the Secretary of the Minister in-charge for tourism in the Uva Provincial Council.

“Approved Bank” means approved government bank upon the recommendation of the minister in-charge for tourism in the Uva Provincial Council.

Sinhala text to prevail in

20. In the event of an inconsistency between the Sinhala and Tamil of this statute, the Sinhala text shall prevail.

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