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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

**WESTERN PROVINCE PROVINCIAL COUNCIL OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA**

(Ministry of Road Development, Animal Production & Development, Housing and Construction, Fisheries & Tourism)

WESTERN PROVINCE PROVINCIAL ROAD DEVELOPMENT AUTHORITY (AMENDMENT)

STATUTE No. 05 OF 2013

(Governor's Assent given on 30.10.2013)

Printed on the order of the Western Provincial Council.

WESTERN PROVINCE PROVINCIAL COUNCIL

Western Province Provincial Road Development Authority (Amendment)

Statute No. 05 of 2013

(Governor's Assent Given on 30.10.2013)

I, certify that the Provincial Road Development Authority (Amendment) Statute No. 05 of 2013 of the Western Province was approved at the Western Province Provincial Council Meeting held on 08th October 2013

SUNIL WIJERATHNE,
Chairman,

Western Province Provincial Council.



WESTERN PROVINCE PROVINCIAL ROAD DEVELOPMENT AUTHORITY (AMENDMENT)
STATUTE NO. 05 OF 2013

A Statute to amend the Western Provincial Road Development Authority Statute No. 04 of 1989.

Be it enacted by the Western Province Provincial Council of the Democratic Socialist Republic of Sri Lanka as follows :

Short title and
date of
operation.

01. This Statute may be cited as the Western Province Provincial Road Development Authority (Amendment) Statute No. 05 of 2013 and shall come into operation on such date as the Governor may approve ;

Amendment of
the preamble of
the principal
Statute.

02. The last word referred to as an “act” in the preamble of the Statute of the Western Province Provincial Road Development Authority Statute No. 4 of 1989 (hereinafter referred to as the Principal Statute) as been amended as a “Statute” in the Statute ;

Amendment to
of Sub-section 4
(b) in the
principal Statute.

03. Sub-section 4(b) of the Principal Statute is hereby amended by the deletion of the said Sub-section and the insertion of the following Sub-section :-

4(b) subject to the provision of the Statute, the Provincial Minister may make rules for the procedure in regard to the meeting and/or meetings of the Provincial Authority.

Replacement of
the Section 7 of
the principal
Statute.

04. The Section 7 of the Principal Statute is hereby amended by the deletion of the said Section and the insertion of the following Section.

Subject to the provision of Sub-section 7(1) 5 within any development area shall be :

- (a) To prepare Road Development Plan in such areas and Road Development ;
- (b) To prepare integrated Road Development Plans and implement related programs of the Road Development and Services in such areas ;
- (c) To formulate Road Development Plans including Capital Investment Plans and implementation of such plan ;
- (d) To enter into, perform and carry-out all contracts and agreement as may be necessary for the purpose of carrying-out any Road Development Project ;
- (e) To enter in to, perform an carryout joint venture, all such contract or agreement may be necessary for carrying out and Road Development Project ;
- (f) To undertake the completion of any Road Development Project or scheme in default of any person or institution failing to complete such project or scheme ;
- (g) To acquire, purchase or hold any moveable or immoveable property or dispose or give on a lease any moveable or immoveable property acquired or purchased or held by it ;

- (h) To prepare at the request of any institution, Road Development and Planning Schemes on behalf of such institution and to coordinate or assist in the execution of such projects or schemes ;
- (i) To provide Road Planning Services for the benefits of any institution or person ;
- (j) To charge a price or a fee for any services provided by the Provincial Authority.
- (k) To accept gift, grant, donations and/or subsidies in cash and or otherwise ;
- (l) To permit any of utility service providers for using a Road Reservation and charge rental for such work and enter into any agreement that may be necessary for the purpose of any such work ;
- (m) To allow any person or organization to display notice and banners or to fix gantries and hoardings or for erecting any temporary structure for any business in a Road Reservation and to charge rental from such person or organization for this purpose and to enter in to any agreement that may be necessary ;
- (n) To do all such act or things as are incidental to or consequential upon the exercise, Performance and discharge of its powers, duties and functions under this Statute.

- 7(2) (a) To prepare at the request of any institution, Road Development Project and/or projects for other Construction or Schemes within or outside the Development Area, on behalf of such institution and/or provide engineering construction services as required and/ or implement such projects or schemes ;
- (b) To acquire, purchase and hold any moveable or immoveable property or dispose of or give on a lease any moveable or immoveable property acquired or purchased or held by it, as may be necessary for the purpose of carrying out act or thing as stated in paragraph (a) above ;
- (c) To enter in to, perform and carry out any contracts or agreements as may be necessary for the purpose of carrying out any act or thing as stated in paragraph (a) above ;
- (d) To enter in to, perform or carrying out joint venture, all such agreement as may be necessary for the purpose of carrying out any act or thing as stated in paragraph (a) above ;
- (e) to set up branch offices appoint the staff and employees on contract, adhoc, temporary or assignment basis and to dismiss, determine the terms and conditions of services, to fix the wages or salary and other remuneration and to exercise disciplinary control, as may be necessary for the purpose of performing any act or thing as stated in paragraph (a) above.

the powers, duties and function of the Authority

- 7(3) (a) Disposal of immoveable property should be carried out, subject to the approval of the board of ministers of the Provincial Council as stated in paragraph 7(1)(g) and 7(2)b ;
- (b) when immoveable property is given on lease, road reservation should not be included in the said lease as stated in paragraph 7(1)(g) and 7(2)(b).
- 7(4) when enter into joint venture, prior approval of the Provincial Minister should be obtain for this purpose, as stated in paragraph 7(1)(e) and 7(2)(d).
- 7(5) in the exercise, performance and discharge of it powers, duties and functions under the Sub-section :
- (1) it shall be the duty of the Provincial Authority when formulating or implementing any program of development work relaing to the Planningar Road Development within any

Development Area to do so in consultation with any institution or organization, as the case may be, whose rights, interest or functions may be affected by the proposed work.

7(6) In the exercise performance and discharge of its powers, duties and functions under Sub-section (1) it shall be the duty of the Provincial Authority when formulating any program of the Development work relating to Road Planning Road Development with in any Development area, of and Local Authority falls within overlap the Development area, to invite the Mayor or Chairman of such Local Authority and an officer of that Local Authority nominated by the Mayor or Chairman, as the case may be, to be present and participate in the meeting or meetings of the Provincial Authority in relation to said programs of the Development Work.

To make rules under Section 7.

05. In Sub-section 7(1) under the paragraph (l) and (m), the Provincial Minister may make rules in the respect of discharge of powers.

06. The Section 13 of the Principal Statute is here by amended by the deletion of the said section and the insertion of the following section.

Replacement of the section 13 of principal Statute.

06. 13 (1) The Authority may subject to the provisions of Sub-section (2) and the written consent of the Provincial Minister, borrow or raise such sums as the Authority may acquire for meeting its obligation in the discharge of it duties under the this Statute :-

- (a) By way of temporary overdraft or otherwise ; or
- (b) By the issue of debentures and bond or seller's credit.

(2) the aggregate of the amounts outstanding in respect of any loan or fund raised by the Authority under Sub-section (1) shall not at any time exceed such sum as may be determined by the Provincial Minister in consultation with the Provincial Minister of Finance.

Amendment of Section 15 of the Principal.

07. Section 15 in the Principal Statute is here by amended by the deletion of the said Section and the insertion of the following section.

15 The Provincial Minister may make rule in respect of the management of the affairs of the Provincial Authority and all or any of the matter for which rules are authorized or required by this Statute to be made.

08. Immediately after the interpretation of "National Highways" in the interpretation section of the principal statute, the said interpretation section is here by amended by insertion of the following interpretation :-

"Institution" means a Ministry, Department, Corporation, Authority, Board and Provincial Council, in the Government, Provincial Ministry, Department, Corporation or Local Government Institution ;

"Person" means a legal person, partnership or natural person ;

"Utility Service Provider" means water, electricity and other communication services.