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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

NORTH WESTERN PROVINCE PROVINCIAL COUNCIL

Industrial services bureau of the Provincial Council North Western Province (amendment) statute No. of 2018 of the Provincial Council of North Western Province

IT is hereby notified that the Industrial Services Bureau Statute of North Western Province Statute No. of 2018 of the Provincial Council of North Western Province as amended and published below shall be submitted to the Provincial Council of North Western Province at the expiry of thirty days from today. Matters pertaining to the provisions contained in the Statute, if any, shall be referred to me before such date.

D. G. B. M. DHARMASIRI DASSANAYAKE,
Chief Minister of the North Western Province
and Minister of Finance & Planning, Engineering Services,
Law and Order, Education, Local Authority and Provincial Administration,
Economic Promotion, Environment,
Water Supply & Drainage and Tourism.

Chief Ministry and the Ministry of Finance and Planning,
Engineering Services, Law and Order, Education,
Local Authority and Provincial Administration,
Economic Promotion, Environment,
Water Supply & Drainage and Tourism.
1st Floor,
Provincial Council Office Complex,
Kurunegala.



NORTH WESTERN PROVINCE PROVINCIAL COUNCIL**Industrial services bureau of north western province (amendment) statute No. of 2018**

A STATUTE TO AMEND THE INDUSTRIAL SERVICES BUREAU OF NORTH WESTERN PROVINCE STATUTE NO.11 OF 1990 AS AMENDED BY THE INDUSTRIAL SERVICES BUREAU OF THE NORTH WESTERN PROVINCE STATUTE NO.06 OF 2003

Be it enacted by the Provincial Council of the North Western Province as vested with the power in compliance with Article 21 of List I (Provincial Councils) of Ninth Schedule to the Constitution of the Democratic Socialist Republic of Sri Lanka as follows:

Short title and date of operation	1. This Statute may be cited as the Industrial Services Bureau (Amendment) Statute No.of 2018 and shall come into force, on receiving the assent of the Governor.
Replacement of the long title of statute, No.11 of 1990	2. The Industrial Services Bureau Statute No. 11 of 1990, as amended by Statute No. 6 of 2003, (hereinafter referred to as the “Principal Statute”), is hereby amended, by the substitution for the long title thereof, of the following:- “a statute to provide for the establishment of the industrial services bureau of the north western province for accelerating economic growth through enterprise development with a view to improving the standard of living of the people of the province and for matters connected therewith or incidental thereto.”
Amendment of section 1 of the Principal Statute	3. Section 1 of the Principal Statute is hereby amended by the substitution for the words, “as approved by the Governor” of the words, “as may be appointed by the Minister in charge of the subject of industries for the North Western Province, by order published in the <i>Gazette</i> ”.
Replacement of sections 2,3,4,5,6 and 7 of the Principal Statute	4. Sections 2,3,4,5,6 and 7 in Part I of the Principal Statute are hereby repealed, amended and the following parts are substituted therefor :- “Industrial Services Bureau”
	2. (1) There shall be established a Bureau which shall be called the Industrial Services Bureau of the North Western Province and hereinafter, in this statute, referred to as the Bureau. (2) The Bureau shall, by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.
Objects of the Bureau	3. The objects of the Bureau shall be : (a) Development and promotion of enterprises; (b) Creation of a conducive environment to attract entrepreneurs into the province for increasing economic growth; (c) Provision of Business Development Services to entrepreneurs and enterprises; (d) Promotion of public private partnership in enterprises; and (e) Identification, planning, execution, management and evaluation of local or foreign projects.
Functions of the Bureau	4. The Bureau shall perform all functions that are necessary to achieve the objects of the Bureau including the following : (a) Promote industrial and enterprise development; perform the necessary action; (b) Creation of a conducive investment environment for increased economic activity by introducing incentive schemes and infrastructure development

- (c) Attract entrepreneurs/ investors into the Province by identifying viable enterprises and providing necessary Business Development Services;
 - (d) Carry out business skills training and educational activities and conduct training programmes, conferences, seminars, workshops, study tours and other such programmes in order to disseminate knowledge and information ;
 - (e) Organize, coordinate and participate in trade fairs and business delegations for business and market promotion;
 - (f) Respond to and act upon requests from entrepreneurs seeking assistance in marketing ; and to encourage promotion of manufacturing, in areas where market opportunities are available ;
 - (g) Connect with local and foreign funding institutions and Non Governmental Organizations in achieving the objects of the Bureau; and ensuring its sustainability and provide management and consultancy services for the projects implemented by them;
 - (h) Promote the application of modern methods of management, production and distribution in order to enhance quality and improve productivity;
 - (i) Provide technological solutions required for the technical and environmental issues of small, medium and large scale entrepreneurs;
 - (j) Prepare Technical Reports, Assessment Reports, Valuation Reports and Feasibility Study Reports for Public and Private sectors;
 - (k) Perform duties in and outside the Province for ensuring the sustainability and continuance of the Bureau in terms of the National Policy and achieving the above objects.
5. It shall be the duty of the Bureau to advise the Minister on any matter or matters referred to in the Principal Statute that may be referred to the Bureau by the Chief Minister. Responsibility of the Bureau
6. The Bureau shall have such powers, as may reasonably be necessary achieve its objects and carry out its functions and in particular may. Powers of the Bureau
- (a) Acquire, in any manner whatsoever, and hold, take or give on lease or hire, mortgage, pledge any movable or immovable property;
 - (b) Open and maintain Current Accounts, Savings Accounts or Depositories for the staff of the Bureau, in whatsoever Bank approved by a Board of Management;
 - (c) Take money as loans which may be necessary for carrying out its functions, from whatsoever Bank approved by the Board of Management;
 - (d) Establish and operate industrial/enterprises promotion and development centres;
 - (e) Enter into joint venture agreements or contractual agreements or collaborative agreements in order to carry out the objects of the Bureau ;

- (f) Conduct, assist, co-ordinate and encourage research into all aspects of enterprise development ;
- (g) Levy fees or charges for any services rendered by the Bureau ;
- (h) Pay fees or charges for any services rendered to the Bureau ;
- (i) Make regulations in respect of its employees including the appointment, training, promotion, remuneration, motivation, incentives and allowances, disciplinary control, conduct and grant of leave;
- (j) Establish work standards for its employees, evaluate performance and take corrective action thereon;
- (k) Import plant, machinery and equipment required for the purposes of the Bureau and receive equipment, funds and any other assistance for carrying out the objects of the Bureau;
- (l) Hire external Consultants where necessary and make payments for the same;
- (m) Take any other necessary action to carry out the objects of the Bureau.

Departments, Divisions and Agencies of the Bureau 7. The Bureau may establish and maintain such number of departments, divisions and agencies of the Bureau it may deem necessary for the proper and effective conduct of its business.

Replacement of the heading of Part II of the Principal Statute

5. The new heading “Board of Management of the Bureau” is hereby substituted for the heading “Board of the Bureau” in Part II of the Principal Statute.

Replacement of Section 8 of the Principal Statute

6. Section 8 of the Principal Statute is hereby replaced and the following section substituted therefor :-

“Board of Management”

- 8.(1) There shall be a Board of Management of the Bureau (hereinafter referred to as the Board of Management) to be vested with the administration, management and control over the activities of the Bureau.

- (2) The Board of Management may, for the purpose of administration of the activities of the Bureau, carry out all powers, duties and functions vested, assigned or entrusted with the Bureau under this Statute.

Insertion of new section 8A to the new statute

7. The following new section is hereby inserted immediately after section 8 of the Principal statute and shall be in operation as section 8A of the Principal statute.

“Composition of the Board of Management”

- 8 a (1) The Board of Management shall comprise of the following members :

- (a) Four ex-officio members as follows :-

(i) Chief Secretary, North Western Province;

(ii) Secretary to the Chief Ministry of North Western Province;

- (iii) Secretary to the Ministry of Agriculture of the North Western Province
- (iv) Secretary to the Ministry of Textile, Small Industries and Rural Industries of the North Western Province.
- (b) Five members appointed by the Chief Minister considering the recommendation of the Chief Executive Officer (hereinafter referred to as “appointed members”) as follows ;
 - (i) An Executive Officer in the public sector or private sector commercial or development bank, serving in a capacity, not lower in value than that of an Assistant General Manager, to represent the banking sector;
 - (ii) A leading businessman / Chief Executive Officer from a large scale manufacturing establishment located in the North Western Province to represent the industrial sector;
 - (iii) An owner of a large scale private sector enterprise or a Chief Executive Officer from the Corporate sector to represent the trade, service or corporate sector;
 - (iv) A Senior Lecturer in a University in the fields of Management or Economics or Agriculture or Engineering or a Head of Department or a Dean or an expert in the policy making field of industry, trade or commerce at national level;
 - (v) A Chartered Accountant from a leading Provincial or National level organization serving in a leading private institution;
- 8. Section 9 of the Principal Statute is hereby amended as follows :A Provincial Councilor, a Member of Parliament, a Member of Local Authority, a person of unsound mind, an insolvent person or an accused person convicted by Court for an offence punishable shall not be entitled to function as a member of the Board of Management of the Bureau. Amendment of section 9 of the Principal Statute
- 9. Section 10 of the Principal Statute is hereby amended as follows : Amendment of section 10 of the Principal Statute
 - (1) By substitution of words “all appointed members” for “all nominated members”;
 - (2) By substitution of the following side note for the same therein;”
“tenure of the appointed members”
- 10. The words in section 11 of the Principal statute “in case a member fails, by the Chief Minister subject to section 9, in consultation with the Minister as a member” shall be substituted and amended as “in case an appointed member fails, subject to the provisions in sections 8A and 9 by the Chief Minister as a member”. Amendment of section 11 of the Principal Statute
- 11. Section 12 of the Principal Statute is hereby repealed and substituted by the following section : Amendment of section 12 of the Principal Statute
- 12 (1) An appointed member may resign from his post by a letter addressed to the Chief Minister. “Resignation and removal of appointed members” Replacement
- (2) The Chief Minister may remove an appointed member if he feels appropriate and by reasoning for the same.

Amendment of section 14 of the Principal Statute	12. Section 14 of the Principal Statute is hereby amended by the deletion of the words “in consultation with the Minister” in subsection (2) thereof.
Amendment of section 15 of the Principal Statute	13. Section 15 of the Principal Statute is hereby amended by the insertion of the following new subsection : “(4) The membership of a nominated member, who absents himself from three consecutive meetings of the Board of Management, without informing the Chairman, shall cease thereafter. He will not be eligible for re-appointment to the Board”.
Amendment of section 21 of the Principal Statute	14. Section 21 of the Principal Statute is hereby amended by the substitution for the word “by the Minister”, of the words “by the Chief Minister”
Amendment of sections 23 and 24 of the Principal Statute	15. Sections 23 and 24 in Part III of the Principal Statute are hereby amended by the substitution, for the word “Director”, wherever it occurs in that part and in the marginal notes therein, of the words “Executive Director”.
Replacement of section 30 of the Principal statute	16. Section 30 of the Principal Statute is hereby repealed and amended by the following section substituted therefor :- “Audit of the accounts of the Bureau “ 30. “The provisions of section 23 of the Provincial Councils Act, No. 42 of 1987 shall apply to the audit of the accounts of the Bureau, with other necessary amendments”
Amendment of section 31 of the Principal statute	17. Section 31 of the Principal Statute is hereby repealed and amended by the following section substituted therefor:- “Management Audit” 31. “The Board may engage qualified management auditors to ensure how far successful carrying out the objects off the Bureau in achieving the same. The management shall give effect to such advice as may be given by the Board based on the recommendations of the management auditors.”
Amendment of section 32 of the Principal statute	18. Section 32 of the Principal Statute is hereby repealed and amended by the following section substituted therefor :- “Annual Report” 32. “The Board shall, at the end of each financial year, prepare an Annual Report relating to the activities undertaken by the Bureau during that financial year and shall transmit such Report to the Chief Minister who shall cause it to be laid before the Provincial Council before the expiry of twelve months of the close of the relevant financial year.”
Amendment of section 34 of the Principal statute	19. The Principal Statute is hereby amended by the substitution for the word ‘Board’ of the word ‘Board of Management’ wherever it appears in any of the provisions of the Principal statute. 20. Section 34 in Part V of the Principal Statute is hereby amended by the insertion of the words “including Financial and Administrative Regulations” at the beginning of the first sentence of that section.
Amendment of section 42 of the Principal statute	21. Section 42 of the Principal Statute is hereby repealed and amended by the following section substituted therefor :-

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

“Interpretation”

“Governor” shall mean the Governor of the North Western Province ;

“Industrial Services” shall include all Business Development Services ;

“Provincial Council” shall mean the Provincial Council of the North Western Province”;

“Chief Minister” shall mean the Chief Minister of the North Western Province;

“Province” shall mean the North Western Province of the Democratic Socialist Republic of Sri Lanka;

“Qualified auditor” shall mean;

(a) a person who is a member of the Chartered Accountants Association of Sri Lanka or any other firm established by law and holds the certificate issued by the Council of such institution to engage in the profession as an Accountant;

(b) a chartered accounting firm where each resident partner of an accounting firm is a member of the Chartered Accountants Association of Sri Lanka or any other firm established by law and holds a certificate issued by the council of such institution to engage in the profession as an Accountancy firm;

“incentive schemes” shall mean the encouraging schemes;

“enterprises” shall mean agriculture, fisheries, livestock, trade, commercial business and corporate, industries and enterprises.

22. Section 42 of the Principal Statute is hereby amended by the insertion of the following new section, as section 43 immediately after section 42

Insertion of section 43 of the Principal statute

43. “In the event of any inconsistency between the Sinhala and Tamil texts of this Statute, the Sinhala text shall prevail.”

“Sinhala text to prevail in case of inconsistency”