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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

Economic Development Bureau Statute No. of 2019 of Western Province 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 Economic Development Bureau under the decision of Board of Ministers No. VI/118/04-2018-02(i) and dated 25.04.2018 and it is scheduled to be proposed by me for the approval of Western Provincial Council.

ISURA DEVAPRIYA,

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

18th April, 2019.

STATUTE OF WESTERN PROVINCIAL ECONOMIC DEVELOPMENT BUREAU No. OF 2019

A statute to provide provisions for the establishment of the Western Provincial Economic Development Bureau : to promote, establish and engage in agricultural, industrial, commercial and trade enterprise and other income earning projects within the province : to formulate industrial and economic development plans and carry out co-ordination affairs : to promote scientific and industrial researches : to repeal the Statute of Western Provincial Economic Development Bureau No. 09 of 2010 and for other matters connected therewith or incidental 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 is cited as the Statute of Western Provincial Economic Development Bureau No. of 2019 and shall come into operation on the date of receiving the assent of the Governor of the Western Province.

PART I

Establishment of the Western Provincial Economic Development Bureau

Establishment of the Economic Development Bureau

02. (1) Western Provincial Economic Development Bureau, hereinafter referred to as the “Bureau” is established hereby
- (2) The Bureau shall, by the name assigned to it by the subsection (1) be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

PART II

Objectives and Powers of the Bureau

Objectives of the Bureau

03. Objectives of the Bureau are as follows
- 1) Developing and extending the economic and infrastructure facilities of the province, contributing to the development of the production and rendering all the services, encouraging the formation of employments and assisting for improvement.
 - 2) Preparing plans necessary for obtaining the contribution of foreign investors for the development of the province, to the extent of power granted by the Law and encouraging local investments.
 - 3) Preparing appropriate facilities to encourage investments and an investment friendly environment.
 - 4) Providing assistance to the relevant provincial ministry, which is in-charge of the subject, to identify and implement projects that support to increase the gross domestic production of the province and incomes.
 - 5) Conducting and providing consultation services regarding economic development.
 - 6) Developing the human resources necessary to conduct researches and training activities relevant to economic development and conducting research activities.
 - 7) Establishing, promoting and engaging in projects that earn incomes for the Provincial Council within the province.
 - 8) Commencing and implementing entrepreneur projects combining with the private sector where necessary.

04. Powers of the Bureau 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 invest certain amounts of Bureau's money which are not immediately necessary for the function of this statute, in securities or deposits with the approval of the Provincial Treasury, and as deemed as appropriate by the Bureau.
- (3) entering into agreements or contracts with other parties regarding any matter relevant to the objectives of the Bureau and fulfilling them.
- (4) determining the work procedures and service minutes regarding the appointments, transfers, termination of service, paying emoluments and disciplinary control of the officers of the Bureau.
- (5) obtaining technology, expertise knowledge or other aids on the assent of the Provincial Treasury and according to the national and Provincial Council policies.
- (6) obtaining loans subject to the approval of the subject Ministry.
- (7) establishing companies with other parties for the objectives of this statute.
- (8) all the powers necessary to attain any matter that can be counted under the objectives mentioned under this Statute.

PART III

Board of Management of the Bureau

5. There is a Board of Management, hereinafter referred to as the “Board” to implement all the administrative affairs of the Bureau.

Board of
Management of
the Bureau

(1) Ex-officio members appointed ;

Ex-officio members.

(a) A person nominated by the Chief Secretary of the province ;

(b) Deputy Chief Secretary (Finance) ;

(c) Deputy Chief Secretary (Planning) ; and

(2) Four representatives with the capability, experience and knowledge on formulating plans, investing affairs of public and private institutions, working with institutions that provide foreign aids in a manner of representing the fields of agriculture, industry, commerce and trade entrepreneur and law, appointed by the minister.

Appointed
Members

(3) One among appointed members shall be appointed as the Chairman of the Board, by the Minister

(4) Appointment letters regarding the appointments mentioned in above (1) and (2) shall be issued by the Minister.

Disqualifications
for being a
member.

6. A person shall be disqualified from being appointed or from continuing as a member of the Board :
- (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 has been 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 ; or
 - (f) if he bears reasons for a financial relationship directly or hiddenly with the Bureau, or
 - (g) if he is a member who has been removed under the Section 09 of this Statute or a person whose membership has been nullified.

Term of the Office
of the
Appointed
Members.

7. (1) Each appointed member of the Board shall hold the office for 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 his 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 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 present shall be elected to preside at such meeting.

Removing from
the
Membership

9. (1) Where the role of any appointed member is found unsatisfying by the Minister, in any occasion, the appointment of such appointed member may be terminated having presented explanations.
- (2) An appointed member of the Board may resign from his membership at any instance, after the acknowledgment of the Minister's acceptance of the resignation letter, forwarded to the Minister.

- (3) If any appointed member does not attend three consecutive meetings of the Board of Management, without obtaining the official approval of the minister, such member's membership becomes null.
10. (1) The quorum for any meeting of the Board shall be four members. Work procedure of the Advisory Committee
- (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 shall be held at least once a month. Work procedure of conducting meetings of the Board shall be in accordance with the rules made under this Statute.
- (4) All the members of the Bureau or any member of it may be paid remuneration allowance and other expenses, by the fund of the Bureau, with adherence to the circulars, instructions and provisions issued by the Provincial Treasury.
- (5) The Board may be able to delegate its own powers and functions necessary to control the affairs of the Board efficiently, to the Chairman, Director or an employee of the Bureau.
- (6) Where there is an equality of votes of the members of the Board, 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 Bureau can be appointed as the Secretary of the Board.
11. 1. The seal of the Bureau shall be in the custody of the Director. The Seal of the Bureau.
2. The seal of the Bureau shall be in such manner as may be determined by the Board.
3. The seal of the Bureau 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. Since the every commencement of the Bureau, the Bureau shall maintain a register of the documents to which the common seal of the Bureau is affixed.
12. Written orders regarding the fulfillment of objectives of the Bureau and execution of powers may be prescribed to the Bureau by the Minister in charge of the subject and the Board shall act for such orders. Powers of the Minister regarding the Bureau.

PART IV

Chief Executive Officer of the Bureau 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 "Director"; a fulltime person that would be recruited as per the relevant approved scheme of recruitment. Chief Executive Officer
- However, as long as a formal scheme of recruitment for the post of Director 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 Bureau shall be vested upon the Director subject to the ordinary provision and control of the Board.
- (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.
- (4) Based on the request of the Board, an officer who is in the Western Provincial Public Service, may be appointed temporarily to the staff of the Board for a period determined by the Board, on the accord of such officer and the Secretary of the provincial subject Ministry in which such officer is in service and on the approval of the Chief Secretary.

PART V

Fund of the Bureau

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| Fund of the Bureau | <p>14. There shall be a fund under the name of the Bureau, and to that fund,</p> <ol style="list-style-type: none"> (a) Finance appropriated to the Bureau from the Provincial Council as grants. (b) All the finance levied regarding the projects implement under this Statute. (c) All the finance received by the Bureau as fees and charges ; (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 ; (e) All the finance received by selling, renting, leasing or disposing the property, assets, goods and equipment owned by the Bureau ; (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. (g) Finance received as the profit, installments or any other form as a consequence of investing or depositing cash owned by the Bureau ; (h) Finance received by the Bureau from what-so-ever legal source, shall be credited. |
| Making Payments from the Fund | <p>15. Payments may be made from the fund for the undermentioned.</p> <ol style="list-style-type: none"> (a) Allowances payable to the members of the Board of Management of the Bureau ; (b) Salary and other grants payable to the officers, servants and employees of the Bureau ; (c) Payments and allowances payable for the goods and service providers of the Bureau ; (d) All the expenses borne by the Bureau in the act of carrying out an fulfilling the powers, functions, and purpose of the Bureau under this Statute. |
| Financial Year | <p>16. The financial year of the Bureau shall be the calendar year.</p> |

17. Accounts and books shall be kept and maintained regarding the earnings and expenses, assets and liabilities of the Bureau, Maintenance of accounts shall be in accordance with the regulations prescribed under this Statute. Accounts of the Bureau
18. No. 154 of the Constitution shall be applied for the auditing of the finance of the fund of the Bureau.

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. Rules
- (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. Statute of Economic Development Bureau of Western Province Provincial Council No. 09 of 2010 of shall be repealed hereby. Interim Provisions

However,

- (a) All movable and immovable properties ;
- (b) All assets and liabilities ;
- (c) All responsibilities and obligations ;

which were possessed by the Western Provincial Economic Development Bureau established under the Economic Development Bureau Statute No. 09 of 2010 ; 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 Economic Development Bureau Statute No. 09 of 2010 ; shall be deemed to be the functions performed under this Statute.
- (4) Every case filed by the Bureau or filed against the Bureau under the Economic Development Bureau Statute No. 09 of 2010 ; shall be deemed to be the cases filed under this Statute.
- (5) Officers and employees of the Western Provincial Economic Development Bureau established under the Economic Development Bureau Statute No. 09 of 2010 ; shall be deemed to be the officers and employees of this Board.

Employees of the
Board deemed to
be public servants
under the Penal
Code

21. All members, officers and servants of the Bureau shall be deemed to be public servants within the interpretation and for the functions of the Penal Code and the Bureau shall be deemed to be a scheduled institution for the functions of the Bribery Act.

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.