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EXTRAORDINARY

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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

Resource Centers of Local Government Institutions of Western Province Statute No. of 2018

I, for the acknowledgement of the public, hereby notify that the approval of Board of Ministers of Western Province has been granted for the draft of Resource Centers of Local Government Institutions of Western Province Statute No.of 2018 by the Board of Ministers decision No. VI/107/01-2018 - 02 (iii) and dated 24.01.2018 and it has been scheduled to be proposed by me for the approval of the Western Provincial Council.

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

On 30th January, 2019.

**RESOURCE CENTERS OF LOCAL GOVERNMENT INSTITUTIONS OF WESTERN PROVINCE STATUTE
No. OF 2018**

A Statute to provide for the establishment of an institution named Resource Center of Local Government Institutions of Western Province ; to implement training programmes identifying the training necessities of the office bearers and the staff of Western Provincial Local Government Institutions, to extend the knowledge on the usage of Information Technology in order to make the public services of Local Government Institutions more efficient and for all the matters incidental thereto.



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

Short Title and the date of operation

1. This Statute may be cited as the “Resource Centers of Local Government Institutions of Western Province No. of 2018 of Western Province Provincial Council and shall, after receiving Governor’s assent, come into operation on such date.

PART I

Establishment of Resource Centers of Local Government Institutions of Western Province

Establishment

2. There shall be established the Local Government Institutions’ Resource Center of Western Province which is hereinafter referred to as the “Center”.
3. The Center 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.

Seal of the Center

4. (1) The seal of the Center shall be in the custody of the Chairman.
- (2) The seal of the Center may be altered in such manner as may be determined by the Center.
- (3) The seal of the Center shall not be affixed to any instrument, document or agreement except in the presence of a member of the Board of Directors and the Chairman and the said two shall sign such instrument, document or agreement in token of their presence.
- (4) The Center shall maintain a register of documents and letters on which the seal of the Center is affixed.

PART II

Objectives of the Center

Objectives

5. Objectives of the Center shall be as follow.
 - (1) Identification of the training necessities for the office bearers who are elected to the Western Provincial Local Government Institutions as well as for the staff members who are in the service of Western Provincial Local Government Institutions and conducting research necessary for that identification, implementing training programmes and carrying out necessary coordinating affairs.
 - (2) Educating the office bearers and the staff of Local Government Institutions about modern technological plans and the usage of Information Technology to uphold the public services of Western Provincial Local Government Institutions in a more efficient manner.
 - (3) Maintaining the training auditoriums, resource centers, research centers, laboratories and residential camps to implement training programmes aimed at Western Provincial Local Government Institutions.
 - (4) Implementing social awareness programmes on the powers, duties and functions of Local Government Institutions.

6. Center shall be consisted of the members mentioned below : Composition of the Center
- (1) Ex-Officio Members ; namely
 - (a) Secretary, Ministry of Local Government of Western Province
 - (b) Deputy Chief Secretary (Personnel and Training) Western Province
 - (c) Commissioner of Local Government - Western Province ; and
 - (2) Appointed Members, namely

A Mayor, Chairman and a Municipal Commissioner, a Secretary of Urban Council or Pradeshiya Sabha appointed by the Minister in charge of the subject of Local Government of Western Province ; representing the Municipal Councils, Urban Councils and Pradeshiya Sabha of Western Province.

Members' term of the office
 - (3) Among the ex-officio members appointed under the above subsection. Secretary to the Ministry of Local Government of Western Province shall be the Chairman of the Center. Chairman of the Center
 - (3) The Center may pay the remunerations to every member of the Center as determined from time to time by the Minister.
7. (1) All the matters and questions authorized by this statute as required to be determined by the Center shall be decided by the vote of the majority of the members of the Center present at meeting of the Center held in accordance with the provisions of this Statute. Decisions of the Center
- (2) In case of an equality of votes among members at a meeting, regarding a certain problem, the presiding Chairman or another member shall have a casting vote in addition to the vote he owns.
 - (3) The quorum of a meeting of the Center shall be three members.
 - (4) No act or decision or proceeding of the Center shall be invalidated or deemed to be invalidated by reason only of the existence of vacancy amongst its members or any defect in the appointment of any member thereof.
 - (5) The Director appointed under the Subsection 16 of this Statute shall function as the Secretary to the Center.
 - (6) The Secretary to the Center shall be entitled to be present and speak at any meeting of the Center, but shall not be entitled to vote at such meetings.
8. Powers and functions of the Center shall be as follows : Powers and functions
- (1) Planning and implementing training programmes necessary to develop the knowledge, attitudes and skills of the staff of Western Provincial Department of Local Government, office bearers and the staff of the Western Provincial Local Government Institutions and the staff affiliated to the provincial administration of Western Province ;
 - (2) Conducting training certificate courses for the staff affiliated with Western Provincial Department of Local Government and Local Government Institutions as applicable to the Provincial Administration ;

- (3) Maintaining a separate fund by the name of the Center ;
- (4) Directing Local Government Institutions to use information Technology to enhance the efficiency and the productivity of Local Government Institutions in a manner of enabling the regulation of provincial administration affairs and providing relevant consultations.
- (5) Obtaining the service of the professionals with expert knowledge in enhancing the knowledge through training programmes conducted by the Center.
- (6) Receiving, bearing whatsoever donations given by the name of the Center for the objectives of the Center by Government and Non-Government organizations, civil organizations in Sri Lanka and maintaining such financial donations under the each separate accounts of the fund of the Center as per the requirement ;
- (7) Ordering and levying charges for the services rendered by the Center ;
- (8) Entering into agreements with other parties to function under the objectives of the Center ;
- (9) Publishing books, magazines and documents necessary for enhancing the knowledge of the staff of Local Government Institutions together with the supply of necessary technical assistance to the extent as determined by the Center ;
- (10) Formulating all the posts which are determined by the Center as necessary ; in accordance with the relevant formal procedures.

Conversely, the staff of the Center at the initial stage of the Center shall function by the approved cadre of the Western Provincial Department of Local Government depending on the circumstances.

- (11) Engaging in actions determined by the Center as necessary or supportive to attain the objectives mentioned under the Statute.
- (12) To acquire in any manner whatsoever and hold, buy, hold or give on lease or hire, mortgage, sell or otherwise dispose of movable or immovable property.
- (13) Preparing and determining relevant schemes of work to appoint staff members of the Center to posts and to remove from the same.
- (14) Determining any paying allowances to resources persons from whom the services are obtained by the Center.
- (15) Paying remunerations to the staff of the Center including the Director of the Center. Such remuneration shall be 1/4 of the permanent salary of the post he bears.

Minister's ability
to issue orders to
the Center

9. In the act of executing powers by the Center under this Statute, in fulfilling duty and function, the Minister may generally or especially issue orders to the Center and the Center, subject to the said orders shall perform.
10. A Board of Consultants for providing consultations regarding the execution of powers and functions of this Statute may be appointed as determined by the rules formulated under this Statute.

PART III

Funds of the Center

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| 10. | <p>(1) The Center shall have its own Fund by its name</p> <p>(2) There shall be credited to the Fund of the Center ;</p> <p style="padding-left: 40px;">(a) all such sums of money as may be voted from time to time by the Provincial Council for the Center ;</p> <p style="padding-left: 40px;">(b) all such sums of money accumulated by the name of the Center in implementing objectives of the Center and executing and discharging powers and functions and all such sums of money to be levied for providing services of the Center.</p> <p style="padding-left: 40px;">(c) Financial donations received by the Center by the name of the Center in executing powers of the Center.</p> <p style="padding-left: 40px;">(d) Contributions allocated through the Annual Budget by the Western Provincial Local Government Institutions with the expectation of obtaining the services of the Center.</p> <p>(3) All such sums of money received by the Center and payable to the Fund of the Center shall be deposited in a State Bank.</p> | Funds of the Center |
| 12. | <p>(1) There shall be paid out of the Fund of the Center all such sums of money to defray any expenditure incurred by the Center in the management of the affairs of the Center and for any other activities authorized by the Center from time to time, in the exercise, fulfillment of the objectives of the Center, discharge and performance of powers, functions and duties of the Center and payment of remuneration to members and employees of Center.</p> <p>(2) The cheques and orders drawn on the Fund of the Center shall be signed by two persons authorized for this purpose by the Center.</p> | Expenditure |
| 13. | <p>(1) The Financial year of the Center shall be the calender year ;</p> <p>(2) In each year, the Chairman of the Center, shall, on or before a date to be specified in the rules under this Statute and according to the prescribed format, present to the Center as estimate for the ensuing year, embodying particulars of the income that may be received and of proposed expenditure in that year.</p> <p>(3) Before the commencement of the relevant financial year the estimate shall having finally considered together with amendments, if any, be passed by the Center itself.</p> <p>(4) The Chairman of the Center may at any time, if necessary, prepare a supplementary estimate and present it to the Center.</p> <p>(5) The Center may approve, alter, reject or add something to all or any of the subjects included in the estimate or any supplementary estimate.</p> | Budget |
| 14. | <p>(1) The Center shall cause proper accounts to be kept of its income and expenditure and assets and liabilities and all other transactions as determined by the rules enacted under this Statute.</p> | Accounts of the Centre |

- (2) The income and expenditure Account and the balance sheet of the Center in respect of each financial year shall be submitted to the Auditor General before the thirty first day of March of the succeeding year.

Audit of
Accounts

15. (1) The provisions of Article 154 of the Constitution shall be applicable in respect of the audit of accounts of the Center.

PART IV

Staff of the Center

Appointing Chief
Administrative
Officers of the
Center

16. (1) A person who bears a post in Staff Grade of Western Provincial Public Service and in service of a post of the Ministry of Local Government or Department of Local Government of Western Province, shall be appointed as the Director of the Center on secondary basis by the Secretary to the Ministry of Local Government of Western Province.

- (2) Directing the affairs of the Center, organizing, executing and performing powers, duties and functions, administration of the employees of the Center, control, shall be entrusted to the Director subject to the general command and the control of the Chairman.

Appointing
officers of
Western
Provincial Public
Service to the
Staff of the Center

- (3) Secretary to the Ministry of Local Government of Western Province may in accordance with the procedure imposed by the Center in terms of the provisions of this Statute may appoint any officers or employees to the posts or positions and remove from the post or position, as it considers necessary for the efficient exercise, discharge and performance of powers, functions and duties of the Center.
17. (1) At the request of the Center, any officer of the Western Provincial Public Service may, with the consent of that officer and the Western Provincial Public Service Commission and the Secretary to the relevant Ministry, be temporarily appointed to the Staff of the Center for such period as may be determined by the Center with like consent.
- (2) Where the Center employs any person who has entered into a contract with the Government or Western Provincial Council by which he has agreed to serve the Government or Western Provincial Council for a specified period, any period of service with the Center by that person shall be regarded as service to the Government or Western Provincial Council for the purpose of discharging the obligations of such contract.

PART V

General Provisions

Power to make
rules

18. (1) The Minister may, make rules for implementing the objectives of this Statute and to execute powers to implement all the matters that have been ordered to make rules by this Statute.
- (2) Every rule made by the Minister shall be published in the Gazette and shall come into operation on the date of publication or from a coming date mentioned in the Gazette.
- (3) Every rule made by the Minister shall as soon as may be convenient after publication be laid before the Provincial Council for approval. Provincial Council, having approved the rules, shall notify the said approval in a Gazette Notification.

Otherwise, the non-approval shall also be published in a *Gazette Notification* and shall be deemed as repealed without any prejudice to the actions taken thereunder since that day.

19. (1) Whenever the Center is of the opinion that any immovable property in the Province is required for the purpose of this Statute, such immovable property. Power to acquire immovable property
 - (a) where such property is a State property pass a resolution to make such property available to the Center for such purpose in terms of item 1 : 2 of the Appendix II of List 1 of the Ninth Schedule to the Constitution ; and
 - (b) where such property is a private property, to apply to the Minister in charge of the subject of lands of Central Government, pass resolution to acquire such property on behalf of the Center ;
- (2) Where the Provincial Board of Ministers has passed a resolution under subsection (1), the Secretary to the Ministry of Local Government shall, through the Chief Secretary refer such resolution to the Minister in charge of the subject of Land.
- (3) Any sums of money payable in relation to any acquisition of property for the Center, shall, on application make under subsection (2), be paid out of the Fund of the Center.
20. (1) Any member, officer and employee of the Center shall be deemed to be a public servant within the meaning and for the purposes of the Penal Code. Members and Officers deemed Public Servants
- (2) The Center shall be deemed to be a Scheduled Institution within the meaning of Bribery Act.
21. No suit or prosecution shall lay :
 - (a) against the Center for any act which in good faith is done or purported to be done by the Center under this statute ;
 - (b) against any member officer, servant or agent of the Center for any act which in good faith is done or purported to be done by any member, officer, servant or agent of the Center, under this Statute or on the direction of the Center.
22. In this Statute, unless the context otherwise required. Interpretation

“Minister” means the Minister in charge of the subject of Local Government of Western Province.

“Board of Directors” means the board of ministers of Western Provincial Council.

“Provincial Council” means the Western Province Provincial Council.

“Initial stage of the Center” means the period of time to the date of granting approval of the Governor of Western Province to the Board of Ministers’ decision which has been made by Western Provincial Board of Ministers on the fact that the Center has reached a point where it can function independently, having commenced the implementation of the Center under the Statute.
23. In the event of any inconsistency in the Sinhala and Tamil text, Sinhala text shall prevail. Sinhala text to prevail in case of inconsistency