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EXTRAORDINARY

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PART IV (B) — LOCAL GOVERNMENT

LOCAL GOVERNMENT NOTIFICATION

Pradeshiya Sabha Act No. 15 of 1987

I, Raja Collure, being the Hon. Governor in the North Western Province do hereby publish the following Orders made by me by virtue of powers vested under Section 24 of Pradeshiya Sabha Act No. 15 of 1987 to be read with Section 2 of Provincial Councils (Incidental Provisions) Act No. 12 of 1989.

RAJA COLLURE,
Hon. Governor of the North Western Province.

At Kurunegala,
29th July, 2021.



Orders

Objectives of the Orders

1. These orders are published to authorize Pradeshiya Sabhas in the North Western Province to spend further time to take action pursuant to section 24 of Pradeshiya Sabha Act and to prescribe the procedure to publish notifications stating the name list of roads and paths in terms of section 24 of Pradeshiya Sabha Act and to make provisions on the matters related or incidental thereto considering the special circumstances that roads and paths which are already vested in and shall be deemed to be vested in Pradeshiya Sabhas in terms of section 23 of Pradeshiya Sabha Act should be permanently marked and demarcated and designs of such roads and paths should have been prepared in terms of section 24 of the said Act within three years of coming into effect of Pradeshiya Sabha Act No. 15 of 1987, that is before 11th May 1990, and even though it has been ordered to publish notices on them as prescribed in the orders, and since necessary orders have not been formulated yet and the time that the notices should be made is already over.

Short Title

2. These orders are cited as the orders with regard to planning roads, paths and publishing notifications specifying the names list of roads and paths maintained by the Pradeshiya Sabhas in the North Western Province.

Extension of period required to take action under Section 24 of the Act.

3. (1) By virtue of powers vested under Subsection(1) of Section 24 of Pradeshiya Sabha Act No. 15 of 1987, hereinafter referred to as “Act” to be read with Section 2 of Provincial Councils (Incidental Provisions) Act No. 12 of 1989, permission is hereby granted to each Pradeshiya Sabha in the North Western Province hereinafter referred to as “Sabha” to extend the required time period up to an additional period of twelve months from effective date of these orders are coming in to force, under Section 24 of the Act.

(2) If any Pradeshiya Sabha in the North Western Province hereinafter referred to as “Sabha” fails to complete the work within the period of twelve months permitted additionally under Subsection(1), and requires additional time to complete the work; Pradeshiya Sabhas can submit special matters that have caused to it and ask for permission for a longer period.

That the roads under Section 23 of the Act should also be identified and verified

4. (1) Roads and paths hereinafter referred to as “Road”, that should be deemed as vested in the Pradeshiya Sabha under section 23 of the Act, should be identified and a list of names of the roads and paths should be prepared in accordance with the format prescribed by the Commissioner of Local Government and the said list of names should be forwarded to the Regional Assistant Commissioner of Local Government hereinafter referred to as “Assistant Commissioner” for his/her approval.

(2) The Chairman shall take action to include all the roads vested in the Sabha in terms of Section 16 of the Act or included to immovable property vested by the Development Council of Kurunegala District or Puttlam District in terms of Section 17 of the Act as the case may be, in that schedule.

(3) The procedure given in the ensuing Orders should be followed in respect of publishing notices of roads and incidental matters thereto for which approval of the Assistant Commissioner has been given to be deemed as the roads vested in the Sabha from among the roads included in the schedule given in the Sub Section (1).

That data for each road should be collected and a road identification code should be given

5. (1) An identification code number should be given for each road approved by the Assistant Commissioner as per the format given in the First Schedule.

(2) It shall be the duty of the Chairman to make provisions to collect following details and relevant geographical Coordinate data of each road for which an Identification Code Number has been given.

- (i) Name of any road connected to the road at the starting point of the road and geographical coordinates at the left and right sides of the said starting point of the road;
- (ii) Whether the said road extends to the right side or to the left side from any road connected to the said road;
- (iii) Geographical Coordinates at the left and right sides of the road, at every place where the shape of a strait-line changes from the starting point of the road;
- (iv) Whether a bridge, culvert, a box culvert, causeway or a footbridge has been constructed over a river, canal, or any other water course flowing across the road and Geographical Coordinates indicating location of them.
- (v) If any abutment wall or any other supporter has been constructed for the safety of the road Geographical Coordinates of the starting point and end point of them.
- (vi) Geographical Coordinates of the starting point and end point of the drains constructed along the road;
- (vii) Among the electric poles erected along the road, the electric poles to which street lamps have been fixed and Geographical Coordination of their locations.
- (viii) The surface used for developing the road from the starting point up to the end point of the road and Geographical Coordinates of every location that the surface is difference from other places.
- (ix) Length of the road in meters;
- (x) Normal width of the road in meters; and
- (xi) Geographical Coordination of every location where the width of the road is changed.

6. Every document and plan prepared under these Orders shall be prepared using the Geographical Coordinates belong to Kandawala/ Sri Lanka Coordinate Structure.

That
Kandawala/ Sri
Lanka structure
should be used

7. It shall be the duty of the Chairman to prepare a plan for each road, according to the model in the Second Schedule based on the data collected on each road.

That the plan of
the roads should
be prepared

8. It shall be the duty of the Chairman to make provisions to prepare register consisting information on each road for which approval has been granted by the Assistant Commissioner, in accordance with the table given in the format in the Third Schedule hereto. If the Sabha has the capability to include any information in addition to the information given in the table in the Third Schedule, it may be possible to add sections to the table to include the said additional information as well.

That is register
of roads should
be prepared

9. (1) The Sabha shall decide by an adoption of resolution that the roads approved by the Assistant Commissioner that can be deemed as road owned by the Sabha, shall be recognized as the roads owned by the Sabha and that a list of those roads shall be published in the Gazette under subsection (1) of Section 24 of the Act.

To admit as
roads of the
Sabha, publish
notices on them
and the duties of
a party that
owns a road

(2) It shall be the duty of the Chairman to publish a list of roads in the *Gazette* in accordance with the Third Schedule after taking the decision of the Sabha under Section (1).

(3) If there is any party claims regarding the ownerships of any road included in the said notification published in the *Gazette*, the said party shall have the right to act under the provisions of subsection (2) of Section 24 of the Act.

10. (1) Subsequent to the publication of a notification in the Gazette under the Order 9 (2), it shall be the duty of the Chairman to maintain a record containing information relating to the cases filed in the competent courts with regard to the ownership of any road included in such a notification.

A record of cases
filed in respect of
the ownership of
a road shall be
maintained

(2) As soon as the Sabha receives a notice from the court that a person has sued at the court against the said statement, it shall also be the duty of the Chairman to record the details of that case in that register and to make provisions to update that register from time to time as per the events up to the judgment of the said case.

That the necessary changes should be made in accordance with the judgment of the court

11.(1) When a case has been filed in a competent Court in respect of the ownership of any road included in the notice, before the last date specified by that notice under Order 9, it shall be the duty of the Chairman to make provisions to change the demarcation marks on that road and to make necessary changes in that plan based on the judgment of the said Court.

That the final notices confirming the ownership of the roads should be published

12. (1) The Sabha shall take an adoption of resolution that the following roads shall be deemed as the roads vested in the Sabha and that a list of those roads shall be published in the *Gazette*.

- (a) Roads which have been modified as required under Order 11; and
- (b) Roads in respect of which cases have not been filed as per the notice under Order 9

(2) The adoption of resolution under - subsection (1) and the publication of the notice thereon in *Gazette* shall take place not later than three months from the date of publication of the notice under Subsection 9 and before the expiry of a period of six months.

(3) In respect of any road for which a case had been filed in a competent Court as per the notice of the Order 9 (2) and a judgment has been given by the said Court subsequent to the publication of the notification under Section (2), the Sabha shall, as the case may be, act on making such necessary changes in accordance with the provisions of that final decision and to adopt a resolution and it shall be the duty of the Chairman to publish a notification in the *Gazette* with an additional list of names including those roads.

Roads which are deemed as owned by Sabha and termination of the use of a road.

13. (1) Every road included in a notice published under Order 12 shall be lawful to be deemed as a road vested in the Sabha.

(2) In case of any road deemed to be owned by the Sabha is ended to be used as a road under Section 24 of the Act and these Orders, it shall be the duty of the Chairman to make an amendment to the notice published under Order 12.

That a file and an inventory of roads shall be maintained.

14. It shall be the duty of the Chairman to prepare an electronic file containing the information relating to each road deemed as vested in the Sabha, and an electronic soft copy of the inventory of the said roads and to update it as and when necessary.

Interpretation

15. In these Orders unless the context requires otherwise -

The term “road” means a road, a path, a lane and stairway which are to be deemed to be vested in the Sabha under Section 23 of the Act and any reservation of such a road, a path, a lane and stairway and any bridge, culvert, box culvert, a causeway, an abutment wall, a drain constructed or dug or a footed bridge connected to it shall also be deemed as included to it.

“Road surface” means a developmental medium of a Mattel and tar mixture, inter locked blocks, concrete, asphalt concrete or gravel.

“Chairman” means the Chairman of any Pradeshiya Sabha in the North Western Province who acts under these Orders.

If there is an inconsistency then Sinhala text shall prevail

16. If there is any inconsistency between the Sinhala and Tamil texts in these orders, then the Sinhala text shall prevail.

FIRST SCHEDULE

Order 5 (I)

Allocation of Code Numbers for roads

The following matters should be included into the Code assigned for a certain road deemed as to be vested in the Sabha.

Code : Province/ Pradeshiya Sabha/ Base line Road / road owned by the Local Government Institute/ By road

Example : NWP / KUP / B247 / 04 / 00 or 08

- o “NWP” Should be used for the code assigned in respect of the province.
- o The code prescribed for the Pradeshiya Sabha should be assigned under the directions of the Commissioner of Local Government.
- o Base line road means a road owned by the Road Development Authority or Provincial Road Development Authority. The number assigned to that route in relation to that particular road in a notification published in the *Gazette* by that particular institute should be used for this purpose.
- o the next number of the Road Code should be a number given according to the sequence or roads extending from the Base Line Road. This number should consist of two digits.
- o “By Road” means a by road extending from a certain road owned by the Local Government Institute. In Case such a by road, a number should be given for the last two digits of the code. The last two digits should be “00” in case the road is owned by a Local Government Institute that is not a by road.

SECOND SCHEDULE

Order 6 (I)

Plan of the road

Code of the Road	Name of the Road	North Symbol
Grid (in Kandawala/Sri Lanka Coordinates)	<div>Map of the Road</div>	<div>Legend</div>
	<div>Schedule</div>	
	<div>Scale</div>	<div>Source : Designed by : Date :</div>
Grid (in Kandawala/Sri Lanka Coordinates)		

THIRD SCHEDULE

Order 8

Table Containing - Details of Roads

[illegible]