

**THE GAZETTE OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of October 01, 2010

SUPPLEMENT

(Issued on 04.10.2010)



LOCAL AUTHORITIES (SPECIAL PROVISIONS)

A

BILL

**to amend the Municipal Councils Ordinance, the Urban Councils
Ordinance and the Pradeshiya Sabhas Act, No. 15 of 1987**

*Ordered to be published by the Minister of Local Government and
Provincial Councils*

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Local Authorities (Special Provisions)

L.D.—O. 19/2008

AN ACT TO AMEND THE MUNICIPAL COUNCILS ORDINANCE, THE URBAN
COUNCILS ORDINANCE AND THE PRADESHIYA SHABHAS ACT,
No. 15 OF 1987.

BE it enacted by the Parliament of the Democratic Socialist
Republic of Sri Lanka as follows:—

1. This Act may be cited as the Local Authorities Short title.
(Special Provisions) Act, No. of 2010.

5

PART I

AMENDMENTS TO THE MUNICIPAL COUNCILS ORDINANCE
(CHAPTER 252)

2. Section 5 of the Minicipal Councils Ordinance Replacement
(CHAPTER 252) (hereinafter in this Part referred to as the of section 5
of Chapter
10 “principal enactment”) is hereby repealed and the following 252.
section is substituted therefor :—

“Composition 5. (1) Each Municipal Council shall
of Municipal consist of :—
Councils.

15 (a) such number of elected Councillors as
determined by the Minister by Order
made under section 3c of the Local
Authorities Elections Ordinance (Cap.
262); and

20 (b) such number of other Councillors not
exceeding thirty *per centum* of the total
number of elected Councillors as
determined by the Minister by Order

5 made under section 3c of the Local Authorities Elections Ordinance (Cap. 262), to be returned as Councillors under section 65A of that Ordinance, to represent those electors who have not secured any representation in the Council, at the election held for the election of Councillors.”; and

10 (2) Where the number constituting thirty *per centum* referred to in paragraph (b) of subsection (1) is an integer and fraction, the integer shall be deemed to be the number which shall constitute such thirty *per centum*, for the purpose of that subsection.”.

15 3. Section 13 of the principal enactment is hereby amended in subsection (3) of that section, by the substitution for all the words from “with the provisions of the Local Authorities Elections Ordinance,” to the end of that subsection, and the substitution therefore of the words “with
20 the provisions of section 66A of the Local Authorities Elections Ordinance (Cap. 262), and the person so elected shall hold office as a Councillor, until the next succeeding general election of Councillors of that Council.”.

Amendment of section 13 of the principal enactment.

25 4. Section 14 of the principal enactment as amended by Law No. 24 of 1977, is hereby further amended as follows:—

Amendment of section 14 of the principal enactment.

(1) by the repeal of paragraph (b) of subsection (2) of that section, and the substitution therefor of the following paragraph—

30 “(b) a Mayor or Deputy Mayor who resigns or vacates his office, shall however continue to be a Councillor.”; and

- (2) by the repeal of subsection (7) of that section and the substitution therefor of the following subsection:—

5 “(7) Whenever the office of Mayor of a Municipal Council falls vacant, notice of such vacancy shall forthwith be given by the Commissioner to the Commissioner of Local Government and the Commissioner of Local Government shall thereupon proceed to fill such vacancy in the
10 manner provided for the same in the Local Authorities Elections Ordinance (Cap. 262).”.

5. Section 215A of the principal enactment is hereby amended as follows:—

Amendment
of section
215A of the
principal
enactment.

- 15 (1) by the substitution for all the words beginning from the words “Where a budget or supplementary budget” to the end of that section, of the following words—

20 “Where a budget is not passed by the Council within two weeks after it is resubmitted before such Council, the Mayor shall be deemed, at the expiry of such two weeks period, to have resigned from the office of Mayor.”; and

- (2) by the substitution for the marginal note to that section of the following marginal note:—

25 “ Effect of
not passing
the budget
by the
Council.”.

PART II

AMENDMENTS TO THE URBAN COUNCILS ORDINANCE (CHAPTER 255)

6. Section 5 of the Urban Councils Ordinance (Chapter 255) (hereinafter in this Part referred to as the “principal enactment”) is hereby repealed and the following section is substituted therefore:—

Replacement
of section 5
of Chapter
255.

“Composition of Municipal Councils. 5. (1) Each Urban Council shall consist of:—

10 (a) such number of elected Councillors as determined by the Minister by Order made under section 3c of the Local Authorities Elections Ordinance (Cap. 262) ; and

15 (b) such number of other Councillors not exceeding thirty *per centum* of the total number of elected Councillors as determined by the Minister by Order made under section 3c of the Local Authorities Elections Ordinance (Cap. 262), to be returned as Councillors under section 65A of that Ordinance, to represent those electors who have not secured any representation in the Council, at the election held for the election of Councillors.”; and

25 (2) Where the number constituting thirty *per centum* referred to in paragraph (b) of subsection (1) is an integer and fraction, the integer shall be deemed to be the number which shall constitute such thirty *per centum*, for the purpose of that subsection.”.

30

7. Section 12 of the principal enactment is hereby amended in subsection (3) of that section, by the substitution for the words “the provisions of written law for the time being applicable in that behalf,” of the words “the provisions of section 66A of the Local Authorities Elections Ordinance (Cap. 262)”. Amendment of section 12 of the principal enactment.

8. Section 19 of the principal enactment as amended by Law No. 24 of 1977, is hereby further amended as follows:— Amendment of section 19 of the principal enactment.

(1) in subsection (1) of that section, by the substitution for the words “in accordance with the provisions of written law for the time being applicable in that behalf.”, of the words “in accordance with the provisions of the Local Authorities Elections Ordinance (Cap. 262).”;

(2) in subsection (2) of that section, by the substitution for all the words from the words “vacates such office.”, to the end of that subsection, of the words “vacates such office. A Chairman or Vice-Chairman who resigns or vacates his office shall however continue to be a member of the Council.”; and

(3) by the repeal of subsection (7) of that section and the substitution therefore of the following subsection :—

“(7) Whenever the office of Chairman of an Urban Council falls vacant, notice of such vacancy shall forthwith be given by the Secretary of the Council to the Commissioner of Local Government and the Commissioner of Local Government shall thereupon proceed to fill such vacancy in the manner provided for the same in the Local Authorities Elections Ordinance (Cap 262).”.

9. Section 178A of the principal enactment as amended by Law No. 24 of 1977, is hereby further amended as follows:—

Amendment of section 178A of the principal enactment.

- 5 (1) by the substitution for all the words beginning from the words “Where a budget or supplementary budget,” to the end of that section, of the following words :—

10 “Where a budget is not passed by the Council within two weeks after it is re-submitted before such Council, the Chairman shall be deemed, at the expiry of such two weeks period, to have resigned from the office of Chairman.”; and

- (2) by the substitution for the marginal note to that section of the following marginal note:—

15 “ Effect of not passing the budget by the Council.”.

20 **10.** Section 184 of the principal enactment as amended by Law No. 24 of 1977, is hereby further amended in subsection (3) of that section, by the substitution for the words “and the provisions of written law for the time being applicable in that behalf “, of the words “and the provisions of the Local Authorities Elections Ordinance (Cap. 262)”.

Amendment of section 184 of the principal enactment.

30 **11.** Section 249 of the principal enactment as amended by Law No. 24 of 1977, is hereby further amended in the definition of the expression “Chairman and Vice Chairman”, by the substitution for the words “the provisions of written law for the time being applicable in that behalf;”, of the words “the provisions of the Local Authorities Elections Ordinance (Cap. 262);”.

Amendment of section 249 of the principal enactment.

PART III

AMENDMENTS TO THE PRADESHIYA SABHA ACT

12. Section 4 of the Pradeshiya Sabha Act, No. 15 of 1987 (hereinafter in this Part referred to as the “principal enactment”) is hereby repealed and the following section is substituted therefore:—

Amendment
of section 4
of Act No.
15 of 1987.

“Composition of Pradeshiya Sabhas. 4. (1) A Pradeshiya Sabha constituted by an Order under subsection (1) of section 2, shall consist of:—

10 (a) such number of elected members as determined by the Minister by Order made under section 3c of the Local Authorities Elections Ordinance (Cap. 262); and

15 (b) such number of other members not exceeding thirty *per centum* of the total number of elected members as determined under paragraph (a), to be returned as members under the Local
20 Authorities Elections Ordinance (Cap. 262), to represent those electors who have not secured any representation in the Sabha, at an election held for the election of members .

25 (2) Where the number constituting thirty *per centum* referred to in paragraph (b) of subsection (1) is an integer and fraction, the integer shall be deemed to be the number which shall constitute such thirty *per centum*,
30 for the purpose of that subsection.”.

13. Section 169 of the principal enactment is hereby amended as follows:—

Amendment
of section
169 of the
principal
enactment.

- (1) by the substitution for all the words beginning from the words “Where a budget or supplementary budget,” to the end of that section, of the following words :—

“Where a budget is not passed by the Pradeshiya Sabha within two weeks after it is resubmitted before such Pradeshiya Sabha, the Chairman shall be deemed, at the expiry of such two weeks period, to have resigned from the office of Chairman.”; and

- (2) by the substitution for the marginal note to that section of the following marginal note:—

“Effect of not passing the budget by the Pradeshiya Sabha.”.

14. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text
to prevail in
case of
inconsistency.

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