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EXTRAORDINARY

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No. 1788/8 - TUESDAY, DECEMBER 11, 2012

(Published by Authority)

PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

**NOTIFICATION PUBLISHED UNDER SECTION 123(1) OF THE LOCAL AUTHORITY ACT, No. 15 OF 1987
READ WITH SECTION 2 OF PROVINCIAL COUNCIL (CONSEQUENTIAL PROVISIONS)
ACT, No. 12 OF 1989**

THE By-law mentioned hereafter made by the Attanagalla Pradeshiya Sabha in terms of virtues vested upon it by Section 122 of Local Authority Act, No. 15 of 1987 read with Section 126 (xiv) of the said Act has been adopted by the resolution No. 03(i) of the General Meeting of the said Pradeshiya Sabha held on 28th of September, 2010. I, Prasanna Ranathunga, the Chief Minister and the Minister of Finance and Planning, Law and Order, Land, Education, Local Government and Provincial Administration, Power and Energy, Man Power and Employment, Economic Promotion and Trade of the Western Province Provincial Council do hereby notify the said By-law has been approved by me in terms of Section 123 (1) of the Local Authority Act, No. 15 of 1987 read with Section 2 of Provincial Council (Consequential Provisions) Act, No. 12 of 1989.

PRASANNA RANATHUNGA,

The Chief Minister and the Minister of Finance and Planning, Law and Order,
Land, Education, Local Government and Provincial Administration,
Power and Energy, Man Power and Employment, Economic Promotion
and Trade of the Western Province.

Office of the Chief Minister,
“Sravasthi Mandiraya”,
Colombo 07.
28th November, 2012.

By-law on Crematoriums

1. This By-law shall be cited as the By-law on Crematoriums of Attanagalla Pradeshiya Sabha.
2. This By-law shall be enacted for cremation of corpses, prescribing charges for that levying charges and regulating administration of crematoriums belong to Attanagalla Pradeshiya Sabha.
3. No corpse shall be cremated in any Crematorium belonging to the Pradeshiya Sabha without a permit, issued either by Chairman and or an officer authorized by him.
4. In the event, a person wishes to obtain a permit as has been mentioned in the By-law 3 (hereinafter referred to as the applicant) should prepare an application substantially according to the Schedule “A” and submit it to Chairman or an officer authorized by him together with the following documents :-

- (i) A written instrument which certifies the relationship between the applicant and the deceased. Birth Certificate of the applicant or Birth Certificate of the deceased or Marriage Certificate of the applicant or a certificate issued by the Grama Niladhari of the Grama Sewa Division where the deceased was resided is sufficient for this purpose ;
- (ii) In the event, an inquiry was carried out under Criminal Procedure Code regarding the death of the deceased, the certificate issued by the Coroner or Magistrate in terms of the Registration of Births and Deaths Act under Section 41(e) who conducted the inquiry, permitting the cremation of the corpse ;
- (iii) In the event, the corpse is a result of a still birth the certificate issued under Section 43(1) of the Registration of Births and Deaths Act.

5. After submitting the completed application to the Chairman, it shall be listed according to the order of receipt of applications.

6. If a corpse *is* accepted for cremation, the permit needs to be issued to the applicant after having levied the prescribed charge. The time when the corpse to be handed over to the Officer in Charge of the Crematorium shall be indicated in the permit.

7. In the event, a corpse is not accepted for cremation the reasons for refusal shall be informed in writing to the applicant.

8. Corpses could be accepted for cremation on every day from 12.00 a.m. to 7.00 p.m.

9. The applicant shall hand over the corpse to the Officer in Charge of the Crematorium on or before the time indicated. The Pradeshiya Sabha shall not be responsible for any losses or inconveniences caused arisen on account of any delay in handing over of the corpse.

10. The Officer in Charge of every Crematorium should record ; the name, address and National Identity Card Number of the applicant ; name of the deceased, his residential address before death ; the relationship between the applicant and the deceased, the date and time of cremation etc. with regard to each and every corpse cremated.

11. Before 72 hours after the cremation of the corpse, the applicant or a representative of him who requests ashes shall accept the ashes. Chairman or an Officer authorized by him shall have the power to dispose the ashes in any manner, they consider proper when ashes are not claimed within the prescribed period.

12. It is an offence to enter Crematorium premises without permission, either from Chairman or Officer in Charge. However, it shall be considered that a person/persons accompanying the permit holder are permitted to enter if permission has been granted to cremate a corpse.

13. Misbehaving so as to violate the order of the Crematorium or causing damages to properties of Pradeshiya Sabha in the Crematorium premises or causing obstructions to the duties of the Officer in Charge of the Crematorium and those of his assistants or decorating the Crematorium premises shall not be done.

14. A person if convicted by a court of law with due jurisdiction for violating the By-laws indicated in 12 and 13, he/she shall be levied a charge not exceeding Rs. 750.00.

15. (i) It is the duty of the Chairman to maintain the Crematorium in a suitable condition for cremation of corpses.

(ii) It is also the duty of the Chairman to display a notice conspicuously in the Crematorium, if a Crematorium is kept closed for a certain period of time either for maintenance or renovations.

16. Charges to be levied for cremation of corpses shall be amended by the Pradeshiya Sabha at times when considered necessary.

17. In this By-law unless the text otherwise, requires -

“Sabha” means, Attanagalla Pradeshiya Sabha ;

“Chairman” means, a person delegated with powers by a written law or there under for execution of the powers, functions and duties of the Chairman of “Pradeshiya Sabha” ;

“Officer in Charge of Crematorium” means, a person appointed to function as the in Charge of the Crematorium ;

“Corpse” means, a dead body of a human being, a part of a dead human being or a body delivered at a still birth.

12—719

SCHEDULE A

Application for cremating a Corpse at Attanagalla Pradeshiya Sabha Crematorium

1. Full Name of the applicant : _____.

Address : _____.

National Identity Card No : _____.

“Grama Seva” Division : _____.

2. Name of the deceased : _____.

Residential Address when alive : _____.

“Grama Seva Division” : _____.

National Identity Card No. : _____.

3. Applicant’s relationship to the deceased : _____.

4. Number and date of death certificate : _____.

5. Name and address of the Secretary who registered the death : _____.

6. How the death occurred : _____.

7. If an inquiry was held regarding the death date and time : _____.

8. Name and status of the inquiring officer : _____.

9. Conclusion of the inquiring officer : _____.

10. Whether permission is granted for cremation of the corpse : _____.

11. Date and time for cremation : _____.

I, certify that the information furnished by me above are true and correct. The relevant certificates are attached.

.....
Signature and date of the applicant

12-719

BY-LAWS**Kaduwela Municipal Council**

It is hereby notified that I, Prasanna Ranatunga, Chief Minister and Minister of Local Government in the Western Province Provincial Council sanctioned by virtue of powers vested in me under Sub-section (1) of Section 268 of the Municipal Council Ordinance, (Chapter 252) read with Section 2 of the Provincial Councils (Consequential Provisions) Act, No. 12 of 1989, approved the following By-laws made by the Kaduwela Municipal Council by virtue of Section (32) of the Section 272 of the Municipal Councils Ordinance, (Chapter 252) read with Sub-section (1) of Section 267 of such Ordinance.

PRASANNA RANATUNGA,
Chief Minister and Minister in charge of
Local Government, Western Province.

“Srawasthi Mandiraya”,
Sir Marcus Fernando Mawatha,
Colombo 07.
28th November, 2012.

BY-LAWS**PARKING OF THREE WHEELER TAXIES WITHIN THE AREA OF AUTHORITY OF KADUWELA MUNICIPAL COUNCIL**

1. These By-laws shall be cited as By-laws on regulation of parking and control of Three Wheeler Taxies and levy of charges therefore within the area of authority of the Kaduwela Municipal Council.

2. (i) There shall be a Committee (hereinafter referred to as a “Committee of Administration” consisting of the persons referred to in Part I of the First Schedule hereto to control the traffic of the Municipal Council area of Kaduwela ;
- (ii) A meeting of the Committee of Administration shall be held at least once in every three months and special meetings of the committee could be held on any occasion when deemed appropriate by the Mayor ;
- (iii) It shall be the duty of the Mayor to make available to the members of the Committee of Administration an agenda consisting of the items which are due to be discussed before at least four days excluding Sundays and Public Holidays ;
- (iv) Reports of the decisions taken at the meetings of the Committee of Administration should be kept and assent of the council should be obtained for the recommendations made by the Committee of Administration ;
- (v) The quorum for any meeting of the Committee of Administration shall be 1/3 of the members ;
- (vi) The functions set out in the Part II of the First Schedule shall be the functions of the Committee of Administration ;
- (vii) The Mayor of the Municipal Council who shall preside the meetings of the Committee of Administration ;
- (viii) The Secretary of the Municipal Council shall be the Secretary of the Committee of Administration.
3. (i) It shall be lawful to grant permission to use as the Three Wheeler Taxi Parks the places mentioned in the Column I of the Second Schedule (hereinafter referred to as the “Parking Place”) and to allow parking of number of Three Wheelers equal and to the maximum number mentioned in the Column II of the said Schedule ;
- (ii) The Committee of Administration may from time to time by a resolution vary, amend or remove the Parking Places referred to in Column I of the First Schedule and the maximum number referred in Column II of the said Schedule subject to the recommendation of the Committee of Administration ;

- (iii) The variations, amendments or removals made to the Second Schedule by the Council shall be published in the *Gazette* and shall come into effect from the date on which such notification is published in the *Gazette* or from a date specifically mentioned in the *Gazette* Notification ;
 - (iv) It shall be the duty of the Municipal Commissioner to display a notice board in each parking place indicating clearly the maximum number of Three Wheeler Taxis which could be parked at each parking place in all three languages ;
 - (v) The Committee of Administration may from time to time determine the number of Three Wheelers that are allowed to park at each parking place and the manner in which they may park. It shall be the duty of the Municipal Commissioner to demarcate the reservation of accommodation determined by the Committee of Administration in white or yellow coloured 4 inches lines.
4. (i) Parking of a Three Wheeler Taxi at any parking place without a valid permit issued by the Municipal Commissioner or an authorized Officer should not be done ;
- (ii) A Three Wheeler Taxi shall not be parked at any other parking place other than the place specifically mentioned in the permit issued for any Three Wheeler ;
- (iii) No Three Wheeler is allowed to park at a public place expecting a hire where there is no parking place ;
- (iv) It is an offence to park any motor vehicle or other vehicle not being a motor vehicle at any parking place.
5. (i) Any person intend to park a Three Wheeler in any parking place should submit an application form issued by the Municipal Commissioner prepared substantially to the Third Schedule and the required annexes ;
- (ii) The Municipal Council may from time to time by a resolution vary or alter the application fees. The Fees so determined by the Municipal Council shall be published in the *Gazette* and shall come in to operation on the date of such publication or on a later date specified in the *Gazette* notice ;
- (iii) It shall be the duty of the Municipal Commissioner to keep sufficient number of applications, to be issued to the applicants when they request for applications on payment of application fee ;
- (iv) Once a duly filled application is received, the Municipal Commissioner or the Authorized Office shall issue a permit prepared substantially to Part II of the 4th Schedule subject to the provisions laid in Part I of the Fourth Schedule for the duration applied for, i.e. ;
- Monthly
Quarterly basis
Annually
- (v) Any permit issued under the provisions of these By-laws, if not cancelled earlier, the said permit is valid ;
- till the last day of the month when it is a monthly permit,
till the last day of the relevant quarter, when it is issued on quarterly basis,
till the 31st day of December of the relevant year, when it is an annual permit.
6. (i) Every permit issued under these By-laws is subject to a fee referred to in the Fifth Schedule of these By-laws. Permit should be issued only after the payment of the fee referred to in the Fifth Schedule, on informing the applicant that a permit could be issued to him.
- (ii) The Municipal Council may by a resolution from time to time shall be able to vary the fee referred to the Fifth Schedule. The amendment made so will come in to operation from the date on which the said amendment is published in the *Gazette* or from a later date specified in the notification ;

(iii) It shall be the duty of the Municipal Commissioner to maintain a Register to enter the particulars of permits issued .

7. (i) No motor vehicle or any other vehicle not being a motor vehicle shall be parked in a manner of obstructing Three Wheeler which entering to or exiting from the park ;

(ii) Repairs, other than a minor repair required for the removal of the Three Wheeler shall not be attended at the parking place itself ;

(iii) No one is allowed to wash or caused to be washed a Three Wheeler or a motor car of any other type within the parking place ;

(iv) No body othe than -

(a) the caretaker of the vehicle ;

(b) any perosn who has come to hire the vehicle ;

(c) a technician who has arrived to attend a minor repair of the vehicle ;

(d) A person who has been authorized by the Municipal Commissioner ,

should not loiter at the parking place when a Tree Wheeler is parked at the parking place.

(v) No body is allowed to consume liquor or narcotic and shall not behave immorality and shall not do an oppressive action of whatsoever ;

(vi) Every permit holder shall display the permit obtained by him pasting it on the front windscreen of the Three Wheeler.

8. (i) The Municipal Commissioner or the Authorized Officer may for reasons assigned cancel the permit issued to the permit holder, when an instance where the permit holder breached or violated any provision of these By-laws ;

(ii) Whenever the Municipal Commissioner or the Authorized Officer or a Police Officer request to produce the permit issued for the Three Wheeler taxi the caretaker shall produce it ;

(iii) The Municipal Commissioner or Authorized Officer or a Police Officer shall for reasons assigned remove temporarily a Three Wheeler or a several number or all of the vehicles from the parking place. Possessing of a valid permit shall not be a hindrance for such removal.

09. These By-laws are operative from 06.00 hours to 20.00 hours in the afternoon in every week day.

10. These Municipal Commissioner may from time to time delegate to an officer or officers of the Municipal Council assigned to him by these By-laws.

11. (i) Breach or violation of any provision of this By-law is an offence and on conviction by a Court be liable :

(a) in the case of first offence, a fine not exceeding one Thousand Rupees ;

(b) in the case of second or subsequent offence, a fine not exceeding Two Thousand Rupees ;

(c) in the case of a continuing offence, a fine not exceeding Rs. 250.00 for every day during which the offence is continued after conviction or after service of written notice from the Municipal Commissioner directing attention on such breach .

- (ii) When a permit holder or a caretaker found guilty by a Court, under *Para* (i) the permit issued for the relevant Three Wheeler will also be cancelled ;
- (iii) Whenever a permit is cancelled in the manner mentioned in *Para* (ii) or *Para* (i) of the By-law 8, the relevant person shall have the right to apply for a permit afresh. When an application has been submitted requesting for a permit afresh, it shall be the duty of the Municipal Commissioner to consider such application together with the applications received up to that stage .

12. In this By-laws unless the context otherwise requires -

- “Permit Holder” means, a person who has obtained a permit to park a Three Wheeler Taxi at a certain place ;
- “Permit” means, a permit issued under the provisions of this By-law to park a Three Wheeler at a certain place ;
- “Maximum Number” means, the maximum number of Three Wheelers decided by the Municipal Council under the 3rd By-law ;
- “Quarterly Basis” means, in case of the first quarter from 1st of January to 31st March, the second quarter from 1st of April to 30th June, the third quarter from 1st of July to 30th September and the fourth quarter from 1st of October to 31st of December ;
- “Three Wheeler Taxi” means, any Three Wheeler used for the transport of passengers or goods or passengers and goods on a hire which is registered under the Motor Traffic Act ;
- “Municipal Commissioner” means, the Municipal Commissioner of the Kaduwela Municipal Council or anybody who has been assigned the authority to perform his powers and functions for the time being ;
- “Parking Place” means, a place reserved by the Municipal Council under the By-law 3 of these By-laws to park Three Wheelers ;
- “Police Officer” means, anybody designated as a police officer in the Police Ordinance (Chapter 53) ;
- “Public Place” means, common road or a road reservation or a play ground or a canal or a river or a stream or a reservation of a river or a canal or a stream or the land where a Government institute is constructed or land belongs to the Municipal Council or any place of assembling the people within the Municipal Council area of Authority ;
- “Area of Authority” means, the area of authority of the Kaduwela Municipal Council established under the Municipal Council Ordinance (Chapter 252) ;
- “Authorized Officer” means, any officer of Kaduwela Municipal Council authorized by the Municipal Commissioner by a letter under By-law 10 of this By-law ;
- “Caretaker” means, the registered owner of the Three Wheeler who drives the vehicle by him or any other person who drive the vehicle with the consent of the owner ;
- “Municipal Council” means, the Kaduwela Municipal Council established under the Municipal Council Ordinance (Chapter 252) ;
- “Motor Vehicle” has the same meaning as in the Motor Traffic Act ;
- “Other vehicle” means, any vehicle operated by an engine which does not fall into the definition of the motor vehicle as in the Motor Traffic Act.

First Schedule

2nd By-law

Part I - List of Designations who shall be the members of the Committee of Administration.

01. Mayor of the Municipal Council . (Chairman of the Committee)

02. Municipal Engineer of the Municipal Council.

03. Two members of the Municipal Council who shall be elected by a resolution at the first general meeting of the Municipal Council in each year.

04. The Chief Revenue Inspector of the Municipal Council.

05. A representative named by the Chairman of the Provincial Road Development Authority.

06. A representative named by the Chairman of the Provincial Road Development Authority of the Western Province.

07. Officers in charge of the Traffic Divisions of Police Stations of Aturugiriya, Nawagamuwa and Talangama or representative named by him.

08. At a joint meeting of the Chairman of Three Wheeler Drivers Association established within the area of authority of Municipal Council and registered at the Municipal Council, three nominated representatives representing each area, one member for one area.

Part II - Functions of the Committee of Administration

- * Submission of recommendations to the council regarding the establishment and conduction of Three Wheeler parks.
- * Submission of the recommendations to the council regarding the maximum number of Three Wheelers that can be parked at a Three Wheeler Park and the manner in which they be parked.
- * To investigate and make recommendation to the council regarding the establishment of private parking points at the places where there are traffic congestion.

Second Schedule

3rd By-law

Places reserved for parking Three Wheelers and the maximum number of Three Wheelers allowed to park.

*Column I**Column II*

01.
02.
03.
04.
05.

Third Schedule

05th By-law

Application to obtain a Permit to Park, a Three Wheeler in Parking Place

01. Applicant's

- (i) Full Name : _____.
 - (ii) Permanent residential address : _____.
 - (iii) Local Authority relevant to the permanent residence : _____.
 - (iv) National Identity Card No. (Please attach a photocopy of the National Identity Card)
 - (v) Driving Licence No. if possess a valid Driving Licence : _____.
- (If the Three Wheeler is driven by the owner himself please attach a photocopy of the Driving Licence)

02. Three Wheeler Taxis -

- (i) Registration No. (Please attach a photocopy of the Certificate of Registration)
- (ii) Whether the vehicle is driven by the owner himself or any other person.
.....

03. If the Three Wheeler is driven by any other person, his,

- (i) Full Name : _____.
- (ii) Permanent residential address : _____.
- (iii) National Identity Card No. (Please attach a photocopy of the National Identity Card)
- (iv) No. of the valid Driving Licence : (Please attach a photocopy of the valid Driving Licence)

04. Whether the right side of the Entrance and Exit of the Three Wheeler has been covered ? Yes/No

05. Name of the parking place where the permit to be obtained according to the preference.

- | | |
|-------------|------------|
| (i) | (ii) |
| (iii) | (iv) |
| (v) | (vi) |

06. If there is a permit obtained earlier, the date of expiry of its valid period :

07. On what basis the permit is applied ? Monthly basis / Quarterly basis / Annual basis *.

08. I, declare that I have read the By-laws relating to the regulation of parking and control of Three Wheelers within the area of authority of the Kaduwela Municipal Council and agree to abide by them and I am aware the consequences that may be caused if my driver or I violate the provisions lay down there in and I have given an understanding about them to my Three Wheeler driver. I further declare that above mentioned particulars are true and accurate

and I am aware that the Municipal Commissioner has the authority to reject the issuing of a permit to me if any particulars contained herein are found to be false and the Municipal Commissioner has the authority to cancel it without giving any prior notice, if the inaccuracy is detected after the issuance of the permit.

Date :

(* Delete whatever inapplicable)

.....

Signature of Applicant.

Issuance of a permit to the above applicant to park the Three Wheeler No. at
..... Park on monthly basis/quarterly basis/annual basis is approved.

Issuance of a Permit refused under the following reasons.

Date :

.....

Municipal Commissioner.

Amount paid : Rs. Receipt No.

No. of the Permit issued :

Date :

.....

District Officer.

District Office

Noted under No. in page No. of the Three Wheeler Taxi Permit Register.

Date :

.....

Officer in charge of the Subject.

Detach and hand over to the applicant

The application dated submitted by Mr./.....Mrs./..... Miss.
..... to obtain a permit to park the Three Wheeler No. at a particular
place is hereby acknowledged.

(Timea.m./p.m.)

Date :

.....

District Officer,
for Municipal Commissioner.

Fourth Schedule

05th By-law

Part I - Conditions relating to issuing of permits

- * When issuing permits for parking of Three Wheelers, all applications received at that particular point of time, should be taken into consideration together.
- * If the application for permit has not been duly submitted along with the required information and requisite annexes, they should be rejected.
- * When issuing permits, residents who are residing closer to the parking place should be given priority.
- * When issuing permits for a particular parking place, and there are several applicants with equal eligibility requirements, priority should be given, according to the date of receipt of application.

- * When a permit is seeking, the right side of the Three Wheeler should have covered preventing passengers getting in and getting off.
- * Permit should be issued only in the name of its registered owner.
- * When the permit holder needs a renewal he should submit his renewal application 14 days prior to the date of expiry of existing permit.
- * If an application is submitted for renewal of a permit and if it found that the particular application has not been submitted 14 days prior to the expiry of existing permit, it should be taken into consideration as a new application along with other applications received by that time.

Part II - Speciment permit

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	வட்டணை முச்சக்கர வண்டி P
	තැව්තුම් ස්ථානය: நிறுத்திவைக்கும் இடம்: Place of Parking
	අවසරපත්‍රධාරියාගේ නම: அனுமதிப் பத்திரதாரரின் பெயர்: Permit Holder's name:
	රථය පදවන්නාගේ නම: வண்டி ஓட்டுநரின் பெயர்: Name of the Driver:
	විලංගු කාලය: from: செல்லுபடியாகும் காலம்: Date of validation to
	දිනය: திகதி 20 Date

Permit should be prepared in a square of 13 centimetre

Fifth Schedule

6th By-law

Schedule of Charges for permits

<u>Parking Place</u>	<u>Charges for permit</u>		
	<u>Monthly</u>	<u>Quarterly</u>	<u>Annually</u>
01.	Rs.	Rs.	Rs.
02.	Rs.	Rs.	Rs.
03.	Rs.	Rs.	Rs.
04.	Rs.	Rs.	Rs.
05.	Rs.	Rs.	Rs.