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PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

Western Province Economic Development Bureau Statute, No. 09 of 2010

A STATUTE TO PROVIDE PROVISIONS FOR ALL CAUSES RELEVANT OR INCIDENTAL FOR ESTABLISHING AN ECONOMIC DEVELOPMENT BUREAU IN THE WESTERN PROVINCE FOR PROMOTING, ESTABLISHING AND ENGAGING IN AGRICULTURAL, INDUSTRIAL, COMMERCIAL AND TRADING ENTERPRISES AND OTHER PROJECTS WHICH EARN AN INCOME, AND FOR PREPARING, EXECUTING, COORDINATING INDUSTRIAL AND ECONOMIC DEVELOPMENT PLANS AND FOR PROMOTING SCIENTIFIC AND INDUSTRIAL EXPERIMENTS

BE it enacted by the provincial council of the Western Province of the Democratic Socialist Republic of Sri Lanka as follows:-

1. This statute shall be named as “the Western Province Economic Development Bureau statute, No. 09 of 2010”. It shall come in to effect from the date of reception of the approval of the Honourable Governor of the western Province.

Short title and the date of enactment.

PART I

Establishing an Economic Development Bureau in the Western Province and it's composition

2. (1) A bureau which shall be identified as the Western Province Economic Development Bureau (Which shall be referred to as the "bureau" hereafter) would be established.

Establishing the Economic Development bureau

(2) The bureau shall be a corporation by the name given for it in the sub section (1) and it should have a continuous existence and a common cachet. Further it shall be possible to file case by the bureau and being field case against the bureau by that name.

3. The members of the director board of the bureau should be the members of the bureau.

Members of the board

4. (1) A director board which shall be referred to as the "board" hereafter should be in the bureau and it should be consist of seven members appointed by the minister as mentioned below.

Director Board

- (a) (i) A nominee of the Chief Secretary of the Western Provincial Council,
- (ii) Deputy Chief Secretary of the Western Provincial council- Finance,
- (iii) Deputy Chief Secretary of the Western Provincial Council-Planning.
- (b) Four members appointed by the Minister from persons with experience and ability for compiling plans, investing activities of the Government and private sector, working with foreign aid institutions as representing the fields of agricultural, industrial commercial and trade enterprise, law to reflect the multi action divisions of the bureau which should be referred to as the "appointed members" hereafter.

(2) If a person—

Disqualifications
to be a member

- (a) is or be a member of the Parliament, of any Provincial Council or of any Local Government Institute;
- (b) is not a citizen of Sri Lanka or would be suspended to be a citizen of Sri Lanka ;
- (c) has been decided or declared as a confused person under any law exercised in Sri Lanka or in any other country;
- (d) is or was under a sentence of imprisonment ordered by a court in Sri Lanka or in any other country or;
- (e) is removed from the membership of the bureau due to a misconduct.

he is not suitable to appoint or function as a member of the bureau.

- (3) Every appointed member should bear the office for a term of three years unless he resigned earlier / died or dismissed from the office.
- (4) An appointed member could resign from his office by a letter directed to the Minister.
- (5) An appointed member who vacates his office by resigning or expiring the term of office would be suitable to appoint again.
- (6) (a) The Minister can remove an appointed member of the bureau from his office, when his conduct would not be satisfied.
- (b) A member who was removed from the office under the section (a), should not be suitable to serve or appoint again in the bureau as a director or in an other condition.
- (7) (a) If an assigned member who vacates his office not by expiring the term of office but in other way, any other person can be appointed by the minister, instead of the assigned member who vacates the office with attention to the provisions of the sub section (1) of section (b)
- (b) Only if an appointed member appointed by the section (a) vacated his office earlier, he should bear his office with in the unexpired term of the office of his predecessor.
- (8) In an occasion where a director can not perform the duty of his office temporarily or living outside the Sri Lanka, a person who is suitable for acting for him during the time of that inability or staying outside can be appointed by the Minister.

Paying
remunerative to
the members

5. The Remunerative should be paid to the members of the bureau according to the way and quantity decided by the Minister.

<p>6. A Director who has a direct or indirect relationship with an agreement that is made or proposed to make by the bureau should reveal the nature of his relationship in the board meeting. That revelation should be reported in the board report and that director should not participate in any discussion or decision hold of the board regarding that agreement.</p>	<p>The members of the bureau should reveal their relationship with an agreement that is proposed to made by the bureau.</p>
<p>However, a relationship that any director of the bureau could have with an agreement as an officer of a government department or a state corporation or as a director of a state corporation, should not be considered as a relationship according to the meaning of this section.</p>	
<p>7. Four members should be presented for quorum of any meeting of the board. Respective procedure that is relevant for board meetings and functions of the meeting could be regulated by the board under the provisions of this statue.</p>	<p>Regulating the quorum and the procedure of the meetings of the board.</p>
<p>8. Any function or action of the board should not be considered as an invalid action due to a vacancy among the directors of the board or any defect of the appointment of any director.</p>	<p>Validity of the functions of the board.</p>
<p>9. The functions of the bureau should be administrated by the board, and executing and accomplishing all powers and function of the bureau could be done for that purpose.</p>	<p>The members of the board should administrate its functions.</p>
<p>10. Any respective powers and actions that are necessary to administrate the functions of the bureau effectively could b e assign to the chairman, a director or any employee of the bureau by the board.</p>	<p>Powers of the board and delegation of functions.</p>
<p>11. (1) The chairman of the board should be appointed among the directors, by the Minister.</p>	<p>Chairman of the board.</p>
<p>(2) If the chairman could not temporarily perform duties of his office due to morbidity or other disability or living out side the Sri Lanka, a director could be appointed by the Minister to act instead of him.</p>	
<p>(3) The chairman should bear the chair at all meetings of the board. If the chairman is absent for any meeting, one Director should be appointed by the other presented directors to bear the chair of that meeting.</p>	
<p>(4) The chairman could resign from his office by a letter directed to the Minister.</p>	
<p>(5) The appointment of the chairman could be ended by the Minister, if the conduct or the Chairman is not satisfactory.</p>	
<p>(6) The term of the office of the Chairman should be the term of his office as a member of the board under provisions of the sub section (4) and (5).</p>	
<p>(7) The Chairman should have a casting vote in addition to his own vote in any meeting of the board.</p>	
<p>12. (1) The cachet of the bureau should be in the trust of the Chairman or any Officer of the bureau who is authorized by the board for the relevant purpose.</p>	<p>Cachet of the bureau.</p>
<p>(2) The cachet of the bureau could be changed in a way decided by the board.</p>	

- (3) The cachet of the bureau should not be placed on any instrument or document except in the presence of two directors or one director and an officer who is specially authorized by the board for the relevant purpose in an occasion of two directors could not be presented.

Ministers powers regarding the bureau.

13. The written orders could be given to the bureau by the minister with regard to the accomplishment of the duty and execution of the powers of the bureau and the bureau should implement these orders.

PART II

Objectives and the Authority of the Bureau

Objectives of the bureau.

14. (1) Developing and expanding economical and social infrastructure, contributing to promote production and providing all services, encourage and to assist to develop and to provide employment in the Western Province.

- (2) Making necessary strategies to get the contribution of national and foreign investors for the development of the Western Province and encourage domestic investments.
- (3) Providing suitable facilities to encourage investments and a beneficial atmosphere for investments.
- (4) Identifying projects that would be helpful to increase the gross domestic production and revenue of the Western Province and providing guidance to the provincial ministries of the relevant subjects to implement them.
- (5) Providing professional advisory services for other institutions in Sri Lanka.
- (6) Developing human resources that are needed to maintain research and training activities relevant to the economic promotion and conducting researches.
- (7) Making investing opportunities for economic promotion in the Western Province, acquiring domestic and foreign provisions, planning special projects.
- (8) Preparing short term and mid term plans for the development of the Western Province.
- (9) Inaugurating business / projects in collaboration with the private sector with the participation of relevant ministries of the provincial council in necessary occasions.
- (10) Preparing necessary plans to implement foreign aid projects with the agreement of the finance ministry of the central government and acquiring financial provisions.
- (11) Maintaining the fund of the Economic Development Bureau and manage it regularly.
- (12) Accomplishing coordinating activities with relevant provincial ministry when entering to an agreement with Government Institutions, Private institutions and Local Government Institutions.

General duties of the bureau.

15. (1) The bureau should have the authority to do necessary or beneficial or incidental functions to implement the objectives of the bureau ;

- (2) Without harming the expansion of the powers endowed by the sub section (1)—
 - (a) to invest in the subject of deposit or securities that are considered as suitable by the board with the approval of the provincial treasury, from the finance of the bureau that are not needed immediately for the functions of this statute;

- (b) To acquire, bear, take on lease or rent, lease out or rent out, pawn, sell any movable or fixed property or to discard them in an other way;
- (c) To enter directly or through the provincial ministry or through an officer or a representative of the bureau, to all pacts and agreements that are needed to execute the powers of the bureau and to implement the objectives of the bureau ;
- (d) To appoint other officers, servants and service providers to end up their service. to pay and to control remunerative and to direct and decide all matters regarding administration of its functions ;
- (e) To make rules regarding the administration of the functions of the bureau ;
- (f) To prepare methods to fulfill the objectives of the bureau ;
- (g) Acquiring funds, technology, specialist knowledge or other aids with agreement to the approval of the provincial treasury and national and provincial council policies ;
- (h) Prescribing service statutes, disciplinary procedures and recruiting procedures for the staff of the bureau with agreement to provincial treasury and the national policies and provincial council policies.

PART III

Fund of the bureau

16. (1) There should be a fund in the name of the bureau :

- (a) Finance discharged by the provincial council as grants to the bureau,
- (b) All money collected under the order of this statute,
- (c) All money received by the bureau as fares and charges,
- (d) All money received by the bureau as income gained from invests done by the bureau;
and
- (e) All money received by the bureau while executing and performing its powers, duties and functions

should be credited to the fund.

(2) (a) The remunerative that should be paid to the members of the board.

- (b) Wages that should be paid to the officers, servants and employees of the bureau.
- (c) Remunerative and allowances that should be paid to the service providers of the bureau ; and
- (d) All money needed for any expense board by the bureau with regard to the execution and accomplishment of its powers, duties and functions.

should be paid from the fund.

- (3) The initial capital of the fund should be five million rupees. The initial capital should be paid from the provincial council fund by a number of installments decided by the minister and that amount should be credited to the fund established under the sub section (1)

Auditing the
accounts.

(4) The financial year of the bureau should be the calendar year.

(5) The trust of the fund of the bureau, paying money to that fund, accounting, preparing estimate for the budget and all causes relevant and consequent to these causes should be regulated by the rules made by the minister.

The provisions of the statute No. 154 of the constitution should be relevant for auditing the accounts.

Accounts of the fund and a copy of the report of the Auditor General regarding that should be presented to the minister. He should make arrangements to present it in the provincial council along with the annual report of the bureau.

PART IV

Staff of the bureau

17. (1) Officers and servants who are considered as to be needed to accomplish the functions of the bureau effectively, could be appointed by the bureau.

(2) The remunerative should be paid to the officers and servants appointed by the sub section (1) in the way and in the quantity decided by the bureau and with the agreement provincial council and they should be subjective to the service conditions decided by the bureau and the provincial council.

(3) (a) An Officer of the government Service could be appointed temporarily to the staff of the bureau for a term decided by the bureau with the consent of that officer and the authority of appointing the relevant officer on the request of the bureau. Or could be appointed permanently to that staff with the consent of aforesaid.

(b) When the bureau gets the service of a person who is bound to serve the Government for a certain period, any period that person serves in the bureau should be considered as a service to the Government for accomplishing functions of his bond under that agreement.

PART V

Acquisition of fixed property

18. (1) When the bureau suggests that it is necessary to acquire a fixed property situated in the province for the objective of this statute, a proposal of request can be agreed upon—

(a) when that property is a property of the government, as giving that property to the bureau for a function under the subject of 1:1:2 of the appendix 2 of the list 1 of the schedule No. 9 under the constitution;

(b) when that property is a private property, as acquiring by the minister of the subject of the land of the central government of behalf of the bureau for a purpose under the Land Acquisition Act,

by a cabinet recommendation made upon a request of the Subject Minister of the provincial council, with regard to the property which is expected to acquire.

(2) When a proposal under the sub section No. (1) is agreed upon by the provincial board of members the aforesaid proposal—

(a) is with regard to a property of the Government, a request should be made to the Government Institute, to which that property belongs.

(b) is with regard to a private property, a request should be made through the chief secretary by the secretary of the ministry of the subject of land of the government under the Land Acquisition Act.

PART VI

Common provisions

19. (1) Making rules that are incompatible to the provisions of this statute, without harming the powers assigned in this statute, with regard to all causes mentioned below or a certain cause from them, relevant to execution, enactment of provisions and charge fares under this statute can be done by the Minister:

Power of making rules

(a) Prescribing the way of calling meetings of the bureau and the way of conducting meetings

(b) financial and administration procedures of the bureau

(c) with regard to any causes for accomplishing the objectives of the bureau and that can be taken under the statute.

(2) Every rule that are made under this sentence should be published in the *Gazette* and that should come into effect from the day of publishing it or after a date mentioned in that rule.

(3) Every rule made by the minister should be presented to the provincial council for the approval within a period of three months after publishing it in the *Gazette*.

However any rule that is not approved in that way should be considered as separated rule since that date of unapproved, but any harm should not happen to any thing done before under that rule.

20. (1) All officers and servants of the bureau are included in the disciplinary procedure mentioned in the volume II of the Establishment Code and should be considered as Government Officers and Servants with regard to the provisions of the penal code.

(2) The bureau should be considered as a scheduled institute as signified in the Bribery Act.

21. In this statute, unless the text otherwise requires.

Section of interpretation.

“Minister” means the minister of the subject of economic promotion in the Board of Ministers in the Provincial Council of the Western Province.

“Minister of Finance” means the Minister of the Subject of Finance in the Board of Ministers in the Provincial Council of the Western Province.

“Board of Ministers” means the Board of Ministers of the Provincial Council of the Western Province.

“Minister of the Subject of Land of the Government” means the Minister of the Subject of the Land of the Government.

“Provincial Minister of the subject” means the Provincial Minister of each subject in the board in the Board of Ministers in the Provincial Council of the Western Province.

“Establishment Code” means the volume II of the Establishment Code issued by the Secretary to the ministry of Public Administration.

Sinhala text shall prevail in an inconsistency.

22. In the event of any inconsistency between the Sinhala, Tamil and English texts of this statute, the Sinhala text shall prevail