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PART IV(A) – PROVINCIAL COUNCILS

Provincial Councils Notifications

NOTIFICATION MADE AS PER SECTION 40(1) OF PROCEDURAL RULES OF WESTERN PROVINCIAL COUNCIL

I, for the acknowledgement of public, hereby notify that the approval of Board of Ministers of Western Province has been granted for the draft of statute described in the following schedule of this statute of Special provisions of Western provincial Waste management, under the decision of Board of Ministers No. VI/94/09/-2017-02 (ii) and dated 04.10.2017 and it is scheduled to be proposed by me for the approval of Western provincial Council.

ISURA DEVAPRIYA

Chief Minister of Western Province
and Minister of Local Government, Economic promotion,
Power and Energy, Environmental Affairs,
Water Supply and Drainage
and tourist affairs.

Chief Minister's Office,
Srawasthi Mandiraya,
Colombo 07,
26th, April 2018.



Special Statute of Waste Management of Western Province.

This statute is regarding the waste management by Western Province Waste Management Authority which is incorporated under the Waste management Statute of the Western Province No. 01 of 2007, to empower the strategies that are being implemented by Local Government Authorities, to facilitate the regulations to the correct and suitable disposal of waste that are on the streets and in houses that are to be collected by the Local Government Authorities, to determine a price and a standard to the acceptance of waste except that are one the streets and in houses that are to be collected by the Local Government Authorities, to determine the charge for the waste management strategies that are being implemented in the Western Province by the Waste management Authority of the Western Province.

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

Short title and
effective date

1. THIS Statute may be cited as Special Statute of Waste management of Western Province and will be effective from the date of approval by the Governor.
2. (1) It is the duty of a Local Government Authority to receive waste, to take every action to dispose the received waste and to facilitate precautionary regulations by implementing the power granted by the relevant written law.
- (2) The charges for receiving waste collected from streets, non-waste that are collected from houses for disposal, for maintaining private waste management projects and regarding the garbage generated by commercial and business purposes must be conducted by Local Government Authority under the rules determined by this statute.

Disposing waste
is an offence.

3. (1) Anything to the contrary in any other written law or in this statute and it is an offence to transport waste from one place to another by hand, a bicycle, a tricycle, a cart or an animal, keeping or disposing such waste on a street or a public place disregarding the waste management programme or without taking precautionary actions stated in this statute or any written law operating by a Local Government Authority and in case of an officer of a Local Government Authority, an officer of the Authority by the power granted by the Director of Waste Management Authority of Western Province, a court officer or a police officer complained about a person as such, he shall be guilty of an offence and shall on conviction after summary trial before a magistrate, be liable to an imprisonment for a term not less than three months not exceeding six or to a fine of not less than Rs. 25,000 not exceeding Rs. 50,000 or both.
- (2) It is offence to transport and carry waste from one place to another by a motor vehicle or a boat. Keeping or disposing such waste on a street or a public place disregarding the waste management programme or precautionary actions stated in this statute or any written law implemented by a Local Government authority and in case of an officer of a Local Government Authority, an officer of the Authority by the power granted by the Director of Waste Management authority of Western Province, a court officer or a police officer complained as such a person, he shall be guilty of an offence and shall on conviction after summary trial before a Magistrate, be liable to an imprisonment for a term not less than three months not exceeding six months or to a fine not less than Rs. 25,000 not exceeding than Rs. 50,000 or both.

- (3) In the event of a particular person being found subsequently guilty under this section, every instrument that were being used to do the offence, vehicles and tools will be confiscated by an order of the magistrete other than from a particular punishment for that offence.

Provided that, the owner of the intruments, vehicles and the tools used for the offence being a third party, if the owner is able to prove to the content of the court that he had taken every precautionary to prevent the instruments, vehicles and tools from using them for the offence or that they are being used without his consent, then it should not be ordered to be confiscated.

- (4) The regulations made under this sentence should not be applied for any person that disposes waste by a license issued by the Director of the Waste management Authority of the Western Province, by an officer named by him, a Local Government Authority or a person that disposes waste on behalf of a Local Government Authority.
- (5) The fine charged under this sentence must be debited accordingly to the fund of Waste Management Authority or relevant Local Government Authority.

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| 4. | <p>(1) Anything to the contrary in any other written law, it is the duty of the Waste Management Authority to implement the waste management strategies through Local Government Authorities and provide facilities to them that are being decided by the Authority.</p> <p>(2) The Waste Management Authority of Western Province can charge a fee for implementing waste management strategies with in Western Province, for the cost of providing the reauired facilities for Local Government Authorities, and for maintaining a cleaner enviornment in particular places with in the administrative limits of each Local Government Authority, according to the criterion and the measurements made under the rules of this statute and the charged money should be collected to the fund of the Authority under the objectives of this sentences.</p> | Deciding strategies by the Authority |
| 5. | <p>(1) The Minister can make rules to the objectives of this statute coming in to action, to implement the powers, to implement every fact that is stated in the statute.</p> <p>(2) Every rule made by the Minister must be published in the <i>gazette</i> and should come into effect from the date of published or from a future date stated in the <i>gazette</i>.</p> <p>(3) The rules made by the Minister must be delivered for the approval of Provincial Council immediately after being published in the <i>gazette</i>. The Provincial Council must approve those rules and published the approval by a <i>gazette</i>.</p> | Power of making rules |

If they are not being approved, it must also be announced by a *gazette* and it must be considered that the actions taken under those rules have effect without prejudice.

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| 6. | In this statue, unless the context otherwise requires, | Interpretation |
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"Minister" means the Minister in charge of Local Government of Western Province;

"Authorized Officer" means any officer who is vested on power by the Director of waste Management Authority of Western Province or an officer who is being authorized with power by an executive chief of a Local Government Authority;

"Local Government Authority" means a Pradeshiya Sabha, an Urban Council, a Municipal Council, or any authority that act on behalf of it;

"Police Officer" means Sub Inspector of Police or an officer in a higher Designation;

"A Vehicle" in the meaning of Motor Traffic act;

"Waste" means unimportant things such as recrement, oversized recrement, ashes, swamps, mud, oil, human and animal shit, acidic and basics, animal carcasses and urban waste that are harmful to the existence and the health of human beings;

"A Street" is a path, a public road, a private road that two or more parties have the right to access, a drain related to any way or a road, a railway, a tunnel, a stream, a lake or a river.

"A Boat" is a mechanical or a non-mechanical instrument which can be used on water to be used for rowing on water.

7. In the event of an inconsistency between the Sinhala and Tamil statements of this statute, the Sinhala statement shall prevail.

Sinhala text to prevail in case of an inconsistency