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The Gazette of the Democratic Socialist Republic of Sri Lanka

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PART IV (A) — PROVINCIAL COUNCILS

(Separate paging is given to each language of every Part in order that it may be filed separately)

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IMPORTANT NOTICE REGARDING ACCEPTANCE OF NOTICES FOR PUBLICATION IN THE WEEKLY “GAZETTE”

ATTENTION is drawn to the Notification appearing in the 1st week of every month, regarding the latest dates and times of acceptance of Notices for publication in the weekly *Gazettes*, at the end of every weekly *Gazette* of Democratic Socialist Republic of Sri Lanka.

All Notices to be published in the weekly *Gazettes* shall close at 12.00 noon of each Friday, two weeks before the date of publication. All Government Departments, Corporations, Boards, etc. are hereby advised that Notifications fixing closing dates and times of applications in respect of Post-Vacancies, Examinations, Tender Notices and dates and times of Auction Sales, etc. should be prepared by giving adequate time both from the date of despatch of notices to Govt. Press and from the date of publication, thereby enabling those interested in the contents of such notices to actively and positively participate please note that inquiries and complaints made in respect of corrections pertaining to notification will not be entertained after three months from the date of publication.

All notices to be published in the weekly *Gazettes* should reach Government Press two weeks before the date of publication *i.e.* notices for publication in the weekly *Gazette* of 22nd June, 2012 should reach Government Press on or before 12.00 noon on 08th June, 2012.

LAKSHMAN GOONEWARDENA,
Government Printer.

Department of Government Printing,
Colombo 08,
January 01, 2012.

Provincial Council Notifications

SOUTHERN PROVINCIAL COUNCIL

Statute of the Ayurveda and Indigenous Medicine Services (Amendment) No. 2 of 2012 of the Southern Provincial

I do hereby append below to the notice of all.

The above statute passed on 28.02.2012 by the Southern Provincial Council of the Democratic Socialist Republic of Sri Lanka which was sanctioned by H. E. Governor of the Southern Province on 14.03.2012.

SHAN WIJAYALAL DE SILVA,
Chief Minister,

Ministry of law and Order, Transport, Water Supply and
Drainage, Electricity, Health and Indigenous Medicine and
Local Government Southern Provincial.

Lower Dickson Road,
Galle,
10th May, 2012.

A Statute to provide for the Establishment of a Department of Ayurveda and Indigenous Medicine for the Southern Provincial Council, and for the Appointment of Provincial Commissioner of Ayurveda for the Establishment of an Ayurvedic Services Regulatory Board ; for the Establishment of the Ayurvedic Institutions ; for the promotion of Ayurvedic System of Medicine in Southern Province ; which is inconsistent with the provisions of the Ayurveda Act, No. 31 of 1961 ; and to provide for matters connected therewith or incidental thereto.

Be it enacted by the Southern Provincial Council as follows :—

Short title and date
of operation.

1. This Statute may be cited as the Southern Province Ayurveda and Indigenous Medicine Statute No. 04 of 2012 and shall come into operation on such date as the Governor of the Southern Province may give his assent.

PART I

ESTABLISHMENT OF SOUTHERN PROVINCE AYURVEDA AND INDIGENOUS MEDICINE DEPARTMENT

Establishments of
Southern Province
Ayurveda and
Indigenous
Medicine
Department.

2. There shall be established a Department known as Ayurveda and Indigenous Medicine Department of Southern Province (hereinafter in this Statute referred to as the Department) for the purpose of carrying out the objects specified in Section 4 of this Statute.

Appointment of
Provincial
Commissioner of
Ayurveda and
Indigenous
Medicine.

3. (1) There shall be appointed a person to be or to act as the Provincial Commissioner of Ayurveda and Indigenous Medicine (hereinafter in this Statute referred to as the Provincial Commissioner) who shall be the Head of the Department.

(2) There may be appointed such a Deputy Commissioner of Ayurveda and Assistant Commissioners for Galle, Matara and Hambantota and a number of other officers as may be necessary for the purpose of carrying out the objects of the Department.

(3) The Provincial Commissioner may delegate any of his powers or duties to the Assistant Commissioners of the Department.

Objects of the
Department.

4. The Department shall subject to the provision of the 13th amendment of the constitution be responsible for carrying out the following objects :—

(a) The promotion and development of the Ayurvedic system of Medicine within the Southern Province, with an view to preserving and improving the health of the people ;

- (b) The promotion of the Ayurvedic system of medicine as a Source of revenue to the Southern Provincial Council ;
- (c) The overall management and administration of the Ayurvedic Institutions referred to in this Statute.

PART II

AYURVEDIC INSTITUTIONS

- 5. (1) On and after such date as may be appointed by the Provincial Minister by Order published in the *Gazette* no person shall carry on or operate any Ayurvedic institution in any premises within the Southern Provincial Council –

Registration of
Ayurvedic
Institutions.

 - (a) Unless such person is authorized to carry on an Ayurvedic Institution by a Certificate of Registration issued by the Provincial Commissioner ; and
 - (b) Unless the identified premises are registered with the Provincial Commissioner for the time being as the premises which are to be used for the operation of an identified Ayurvedic Institution.
- (2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence and shall on conviction after summary trial by the Magistrate's Court be liable to a fine not exceeding Two Hundred Thousand Rupees or to an imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment.
- 6. (1) (a) Every application for the registration of an Ayurvedic Institution shall be submitted to the Provincial Commissioner in the prescribed form with the prescribed fee and all other prescribed documents.

Registration
Procedure.

 - (b) The fee referred to in paragraph (a) shall be non-refundable.
- (2) Provincial Commissioner shall on receipt of an application for registration under sub-section (1) obtain an observation report in the prescribed form, from the Ayurvedic Services Regulatory Board of the Southern Province established under Section 10 of this Statute.
- (3) The Regulatory Board shall submit the observation report within twenty one days from the date of receipt of the request referred to in sub-section (2) by the Provincial Commissioner.
- (4) The Provincial Commissioner or any person authorized by him in writing or any member of the Regulatory Board or any person authorized in writing by the Regulatory Board, may, for the purpose of this section, enter with or without prior notice at all reasonable hours the premises sought to be registered for the operation of an identified Ayurvedic Institution and inspect such premises and question the applicant or any person therein.
- (5) The Provincial Commissioner may after taking into consideration the Report and all other relevant factors, proceed to –
 - (a) Register the Ayurvedic Institution and issue the applicant a Certificate of Registration in the prescribed form authorising the applicant as the person responsible for the management and administration of such institution and register the premises wherein the Ayurvedic Institution is to be operated from ; *or*
 - (b) Reject the application and inform the applicant in writing of the reasons for such rejection.
- (6) (a) Any person dissatisfied with the decision of the Provincial Commissioner in rejecting the application may appeal against such decision to the Provincial Minister, within fourteen days of the date on which such decision was communicated to him.
 - (b) The Minister shall notify the applicant his decision within one month in receipt of the appeal.
- (7) (a) The Certificate of Registration referred to in this section shall be renewed annually.

(b) The Minister may by regulations prescribe the annual registration fee.

Ayurvedic
Institution.

7. For the purposes of this Statute. "Ayurvedic Institution" includes –

- (a) An Ayurvedic hospital ;
- (b) An Ayurvedic treatment centre or dispensary ;
- (c) An Ayurvedic health resort ;
- (d) An Ayurvedic massage centre ;
- (e) An Ayurvedic Pharmacy ; *and*
- (f) An Ayurvedic Herbarium and Herbal Garden.

Powers and
Functions of the
Provincial
Commissioner in
regard to Ayurvedic
Institutions.

8. (1) The Provincial Commissioner shall –

- (a) Establish and maintain or cause to be established and maintained, Ayurvedic Institutions within the Southern Province ;
- (b) Ensure that the Registers, data and statistics relating to Ayurvedic Institutions registered under this Statute are properly maintained and updated and scrutinize carefully the documents relating to the same ;
- (c) Specify prescribed standards which shall be required to be maintained by all Ayurvedic Institutions ; *and*
- (d) Determine whether the Ayurvedic Institutions registered under this Statute are being managed and operated in accordance with the provisions of this Statute.

(2) In the exercise and performance of his powers and duties under this Statute, the Provincial Commissioner shall be subject to such general or special directions as may be issued, from time to time, by the Provincial Minister.

Regulations.

9. The Provincial Minister may make Regulations for or in respect of all or any of the following matters :–

- (a) The standards required to be maintained in any premises in which an Ayurvedic Institution is sought to be registered ;
- (b) The terms and conditions which shall be complied with and the standards to be maintained in an Ayurvedic Institution registered under this Statute and the proper maintenance and administration of such Institutions ;
- (c) The format of applications to be submitted under this Statute and the particulars to be contained therein ;
- (d) The records and books which shall be kept and maintained in registered Ayurvedic Institutions ;
- (e) The particulars to be included in the registers to be kept and maintained by the Commissioner under this Part of this Statute ;
- (f) The returns to be furnished from time to time in respect of Registered Ayurvedic Institutions particulars to be contained therein including particulars as to the number and description of cases admitted or treated and as to the staff employed therein ;
- (g) The powers of entry into and inspection of registered Ayurvedic Institutions ;
- (h) Fee to be charged from persons receiving services from an Identified Ayurvedic Institution either as registered inmates or out patients ;
- (i) Any other matter which the Provincial Commissioner of Ayurveda may from time to time consider to be necessary for the development of the field of Ayurveda.

PART III

AYURVEDIC SERVICES REGULATORY BOARD

Establishment of
Ayurvedic Services
Regulatory Board of
Southern Province.

10. The Minister shall establish a Board which shall be called and known as the Ayurvedic Services Regulatory Board of Southern Province (hereinafter in this Statute referred to as the "Regulatory Board").

11. (1) The Regulatory Board shall consist of the following members, namely – Constitution of the
Regulatory Board.
- (a) The Provincial Commissioner who shall be the Chairman of the Board ;
 - (b) The Secretary to the Provincial Ministry of the Provincial Minister to whom the subject of Ayurveda is assigned or any person nominated by him ;
 - (c) A Deputy Inspector-Generals of Police functioning for the time being in ths Southern province, nominated by the Inspector General of Police ;
 - (d) A Senior Superintendent of Police functioning for the time being in the Southern Province, nominated by the Inspector General of Police ;
 - (e) The Chief Legal Officer of the Southern Provincial Council ;
 - (f) A Senior official of the Tourism Development Authority established by the Tourism Act, No. 38 of 2005, nominated by the Chairman of the Authority ;
 - (g) The Director-General of the Sri Lanka Standards Institution established by the Sri Lanka Standards Protection Act, No. 6 of 1984 or his representative ;
 - (h) Three registered Ayurvedic Medical Practitioners possessing experience of more than ten years as such and Practicing in Southern Province, nominated by the Provincial Minister ; and
 - (i) An Attorney-at-Law possessing more than fifteen years practice, practicing in the Southern Province nominated by the Chief Minister.
- (2) Members referred to in paragraphs (a), (b), (c), (d), (e), (f) and (g) of subsection (1) shall hereinafter in this Statute be referred to as *ex-officio* members and members referred to in paragraphs (h) and (i) shall hereinafter in this Statute be referred to as Appointed Members.
12. (1) (a) The Provincial Minister shall appoint a professionally qualified person to be the Registrar of the Regulatory Board who shall be the principal Administrative Officer of the Regulatory Board. Appointment of
Registrar and other
staff.
- (b) The Registrar shall be responsible for the execution of all decisions of the Regulatory Board ;
 - (c) The Registrar shall be entitled to be present and speak at any meeting of the Regulatory Board but shall not entitle to vote ;
 - (d) If any vacancy occurs in the office of the Registrar, the Provincial Minister may appoint an Appointed Member of the Regulatory Board until an appointment is made under subsection (1).
- (2) (a) The Regulatory Board may with concurrence of the Provincial Minister appoint such other officers and servants as may be necessary for the carrying out of the functions of the Regulatory Baord.
- (b) The officers and servants of the Regulatory Board shall be remunerated in such manner and such rates as may be determined by the Provincial Minister in consultation with the Provincial Minister of the Provincial Ministry in charge of the subject of Finance.
13. The Regulatory Board shall exercise, perform and discharge the following powers, functions and duties :– Duties and functions
of the Regulatory
Board.
- (a) Formulation of quality assurance programmes for patient care in Ayurvedic Institutions and monitoring of the same ;
 - (b) Collection and pubilcation of relevant health information and statistics ;
 - (c) The implementation of a method of grading Ayurvedic Institution in accordance with the facilities offered by the Institutions ;
 - (d) Advise or assist the Provincial Commissioner whenever such advice or assistance is sought by the Provincial Commissioner ;

	<p>(e) Obtain scientific, technological or expert assistance whenever such assistance is necessary for the carrying out the function and duties under this Statute ; and</p> <p>(f) Ensure that the Ayurvedic institutions registered under this Statute are functioning in accordance to the standards and specifications provided for by this Statute.</p>
Quorum for meeting of the Regulatory Board.	14. The quorum for any of the meetings of the Regulatory Board shall be six members.
The Regulatory Board to delegate its duties and functions.	15. The Regulatory Board may where it considers it necessary to do so, delegate the performance and discharge of its duties and functions under this Statute to any member of the Regulatory Board or any committee appointed by the Regulatory Board and such member or members or the Committee shall perform and discharge such duty or function subject to the general or special direction and control of the Regulatory Board.
Powers to entry and inspection.	<p>16. (1) The Chairman of the Regulatory Board or any person authorized in writing by the Chairman, may for the purpose of ascertaining whether the provisions of this Statute are being adhered to, enter upon any premises without prior notice at any time during the day or night and –</p> <p>(a) Inspect such premises ;</p> <p>(b) Question any person or patient therein ;</p> <p>(c) Inspect any register or record maintain there in and take copies of such records and registers ; and</p> <p>(d) Require the person in charge of such premises to take appropriate measures as may be necessary to comply with the provisions of this Statute.</p> <p>(2) The person in-charge of an Ayurvedic Institution and every person found therein shall afford the officials referred to in subsection (1) all reasonable assistance and furnish such officials with copies of the records or information, as may be required by them.</p>
Regulatory Board to seek Police Assistance.	<p>17. (1) For the purposes of carrying out the duties and functions under this Statute, the Regulatory Board may seek the assistance of the police and it shall be the duty of the police to provide such assistance.</p> <p>(2) The Chairman or any authorized person acting under the powers of Section 16 shall forthwith inform the police any serious violation of the provisions of this Statute and the Police may institute proceedings in the Magistrates Court against any person who violates any of the provisions of this Statute.</p>
Vexatious behavior etc. to be an offence.	<p>18. (1) Any authorized officer or servant acting under the powers of Section 16, who behaves or conduct himself in a vexatious or excessive manner or resorts to violence, shall be guilty of an offence and shall on conviction after summary trial by the Magistrate be liable to a fine not exceeding Fifty Thousand Rupees.</p> <p>(2) Any person who resist or obstruct an authorized officer acting on any general or special authority given under this Statute, without any just and equitable reason, shall be guilty of an offence and shall on conviction after summary trial by the Magistrate be liable to a period of imprisonment of either description not exceeding six months or to a fine not exceeding Fifty Thousand Rupees or to both such fine and imprisonment.</p>
Other matters relating to conducting the affairs of the Regulatory Board.	<p>19. The provisions of the Schedule to this Statute apply to –</p> <p>(a) The term of office of the members of the Regulatory Board ;</p> <p>(b) Removal and registration of appointed members of the Regulatory Board ;</p> <p>(c) Filling up of vacancies of the Regulatory Board ;</p> <p>(d) Conducting of the meetings of the Regulatory Board ;</p> <p>(e) Validation of the decisions of the Regulatory Board ;</p> <p>(f) The seal of the Regulatory Board ;</p> <p>(g) Disqualifications for being appointed as a member of the Regulatory Board ;</p> <p>(h) Delegation of the powers of the Regulatory Board ;</p>

- (i) Remuneration payable to the members of the Regulatory Board ;
- (j) Protection for action taken under this Act or on the direction of the Regulatory Board ;
- (k) Issuing of writs against the Regulatory Board ;
- (l) The Regulatory Board to be a Schedule institution.

PART IV

AYURVEDIC PERSONNEL

20. (1) On and after such date as may be appointed in that behalf by the Provincial Minister by order published in the *Gazette* no person shall function as an Ayurvedic personnel within Southern Provincial Council unless such person is registered for the time being with the Regulatory Board. Registration of Ayurvedic personnel.
- (2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence and shall on conviction after summary trial by the Magistrate be liable to a fine not exceeding Fifty Thousand Rupees or to a imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.
21. For the purposes of this Statute, Ayurvedic personnel includes – Ayurvedic personnel.
 - (a) Ayurvedic dispensers ;
 - (b) Ayurvedic attendants ; and
 - (c) Ayurvedic masseurs.
22. (1) Every application for registration as an ayurvedic personnel in the appropriate register shall be made in writing to the Registrar of the Regulatory Board in the prescribed form. Such application shall be supported by the prescribed documents. Applications for registration as Ayurvedic personnel.
- (2) Any person whose registration as an Ayurvedic personnel has been previously cancelled by the Regulatory Board, may re-apply to obtain registration and the Regulatory Board may entertain and dispose of such application in accordance with the provisions of this Statute.
23. (1) The Regulatory Board shall maintain separate registers for the registration of Ayurvedic personnel, namely – Registers.
 - (i) Ayurvedic dispensers ;
 - (ii) Ayurvedic attendants ;
 - (iii) Ayurvedic masseurs.
- (2) The Registrar of the Regulatory Board shall be responsible for keeping and maintaining the registers referred to in subsection (1).
- (3) Subject to the provisions of Section 24, the Minister shall in consultation with the Regulatory Board make regulations prescribing the qualifications required by any person to be registered as each one of the categories of Ayurvedic personnel referred to in subsection (1).
24. No person shall be entitled to be registered as an ayurvedic personnel unless such person – Qualifications Required to be registered as an Ayurvedic personnel.
 - (a) Is a citizen of Sri Lanka ;
 - (b) Holds a Certificate of Competency issued by an institution recognized by the Regulatory Board after following a course of study in that institution in the relevant field ; and
 - (c) Satisfies the Regulatory Board that he possesses sufficient knowledge and experience for the efficient practice of ayurvedic dispensing, ayurvedic attendance or ayurvedic massage therapy as the case may be.
25. The Regulatory Board may, refuse the application of any person for registration as an Ayurvedic Personnel or cancel, or suspend for a specified period, the registration of any person as such Ayurvedic personnel where that personnel has been found guilty of any misconduct in his capacity as such Ayurvedic personnel. Grounds on which registration may be refused, cancelled or suspended.

Registered
Ayurvedic personnel
entitled to practice.

26. Every registered Ayurvedic personnel shall be entitled to practice in the field in which such personnel is registered under this Statute within the Southern Provincial Council and charge fees for the services rendered.

Employing of
unregistered
Ayurvedic personnel
to be an offence.

27. (1) No person shall employ in an Ayurvedic institution any person to discharge functions as an Ayurvedic Dispenser, an Ayurvedic Attendant, an Ayurvedic Masseur as the case may be unless such person is duly registered and authorized under this Statute to discharge that function.

(2) The registered owner of an Ayurvedic institution shall notify the Regulatory Board once in every three months of the names of all staff members employed in that Ayurvedic Institution. Such Information shall be forwarded in the prescribed form.

(3) Any person contravenes the provisions of subsection (1) or (2) shall commit an offence and shall on conviction after summary trial by a Magistrate be liable to a fine not exceeding Two Hundred Thousand Rupees or imprisonment of either description for a term not exceeding twelve months or to both such fine and imprisonment.

Falsely pretending
to be an Ayurvedic
personnel to be an
offence.

28. (1) Any person without registering under this Part of this Statute as an Ayurvedic Dispenser, Ayurvedic Attendant, Ayurvedic Masseur –

(a) Uses the title of "Ayurvedic Dispenser", "Ayurvedic Attendant", "Ayurvedic Masseur", as the case may be, in English or its equivalent in any other language, either alone or in combination with any other word or letters ; or

(b) Uses any name, title or addition or description which implies that he is "a registered Ayurvedic Dispenser", "a registered Ayurvedic Attendant" or "a registered Ayurvedic Masseur" as the case may be ; or

(c) Practises for gain or render treatments pretending as Ayurvedic dispenser or Ayurvedic masseur or Ayurvedic attendant,

commits an offence and shall on conviction after summary trial in the Magistrates Courts be liable to a fine not exceeding Two Hundred Thousand Rupees or imprisonment up to six months or to both such fine and imprisonment.

Use of the term
Ayurveda.

29. (1) No person shall use the term "Ayurveda" within the Southern Provincial Council unless such person is authorize to do so in writing by the Provincial Commissioner or the Regulatory Board as the case may be.

(2) For the purposes of subsection (1) "use of the term "Ayurveda"" includes, using or citing the term –

(a) before a title or name ;

(b) on a name board, or sign board ;

(c) in any commercial advertisement appearing in the electronic or print media ; or

(d) in any notice, bill, brochure or leaflet.

(3) Any person contravenes any of the provisions of this section shall commits an offence and shall on conviction after summary trial in the Magistrates Court be liable to a fine not exceeding One Hundred Thousand Rupees or an imprisonment upto six months or to both such fine and imprisonment.

Regulations.

30. (1) The Provincial Minister may in consultation with the Regulatory Board make Regulations for or in respect of all or any of the following matters :–

(a) the procedure to be adopted for the registration of any person as an Ayurvedic personnel ;

(b) the qualifications required for a person to be registered as an Ayurvedic Personnel under the provisions of this Statute ;

(c) code of conduct rules and regulations to be observed by an Ayurvedic Personnel registered under this part of this Statute ;

(d) the format of relevant application forms and the particulars to be contained therein ;

(e) the period for which such registration or authorization shall be effective and the granting of certificates of renewal of such registration ;

- (f) the circumstances in which such registration may be refused or cancelled ;
 - (g) the circumstances in which the renewal of such registration may be refused ; and
 - (h) appeals to the Minister against the refusal of applications for such registration or the renewal of such registration or against the cancellation of such registration.
- (2) Every regulation made under subsection (1) shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.
- (3) Every regulation made under subsection (1) shall as soon as convenient after publication in the *Gazette*, be brought before Parliament for approval and any regulation which is not so approved shall be deemed to be rescinded as from the date of its disapproval but without prejudice to anything previously done thereunder.
- (4) Notification of the date on which any regulation is deemed to be rescinded shall be published in the *Gazette*.

PART X

GENERAL

31. Where an offence under this Statute is committed in or in relation to Ayurvedic Institution, then without prejudice to any proceedings that may be taken in respect of such offence against the person by whom it was committed, the person for the time being registered as the owner or proprietor of such Ayurvedic Institution as well as the person for the time being in charge thereof shall, each be guilty of such offence, unless he proves that such offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

Offences in relation to Ayurvedic Institutions.

32. (1) Every person who –

Miscellaneous offences.

- (a) obstructs, without any justifiable excuse, any person acting in the exercise of his powers under this Statute or any regulation made thereunder ;
- (b) being a person acting under the authority of this Statute, behaves or conducts himself in a vexatious or provocative manner, while exercising or discharging any power or function under this Statute ;
- (c) being a person acting under the authority of this Statute, discloses any information obtained by him in or in connection with the exercise of his powers or the discharge of his functions under this Act, to any person for any purpose other than a purpose for which he is authorized to disclose such information by this Statute ;
- (d) fails to furnish any return or information in compliance with any requirement imposed on him under this Statute or knowingly makes any false statement in any return or information furnished by him ; or
- (e) contravenes any of the provisions of this Statute or any regulation made thereunder, or fails to comply with any direction given to him under the provisions of this Statute.

shall be guilty of an offence under this Statute.

- (2) Every person who commits an offence under this Statute for which no punishment is expressly provided for shall on conviction after summary trial before a Magistrate, be liable to a fine not exceeding One Hundred Thousand Rupees or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (3) Where an offence under this Statute is committed by a body of persons, then –
- (a) if that body of persons is a body corporate, every director or relevant officer of that body corporate ; or
 - (b) if that body of persons is a firm, every partner of that firm,
- shall be deemed to be guilty of that offence.

Provided however, that a director or an officer of such body corporate or partner of such firm shall not be deemed to be guilty of such offence if he proves that such offence was committed without his knowledge or that he used all due diligence to prevent the commission of such offence.

- (4) An officer or servant authorized in writing by the Provincial Commissioner shall be deemed to be a public officer within the meaning of Section 136 of the Code of Criminal Procedure Act, No. 15 of 1979, for the purpose of instituting proceedings in respect of offences under this Statute.

PART V

INTERPRETATION

Interpretation.

33. In this Act unless the context otherwise requires –

"ayurveda" includes the Ayurveda, Siddha, Unani and traditional systems of medicine and surgery, indigenous to Sri Lanka and other systems of medicine which are indigenous to certain foreign countries and which are recognized by the laws of their respective countries and any other, natural, parallel, oriental, complementary or optional system of treatment or a system of preventing diseases or a quarantine system or a health promotion system that carries a similar meaning. The term "ayurvedic" shall be construed accordingly ;

"ayurvedic attendant" means a person registered as an ayurvedic attendant under this Statute ;

"ayurvedic dispenser" means a person registered as an ayurvedic dispenser under this Statute ;

"ayurvedic health resort" means an institution that provides instruction, training of services in keeping with the ayurvedic system of medicine, adopting one or more of the methods as advocated by such institution for the promotion of health, beauty care, physical and mental well being, by the massaging, application of medicinal oils, use of herbal baths, scented oils and incensed fumes and diet control in combination with the natural scenic environment and includes an Ayurvedic massage part our or Ayurvedic spa or similar institution ;

"ayurvedic herbal garden" includes a place set up for the cultivation of medicinal plants for research, training or commercial purposes of maintenance of herbal nurseries, obtaining the yield, collection and exhibition of different parts of medicinal plants separately, distribution of information relating thereto ;

"ayurvedic hospital" means any premises (however described) used for intended to be used for the reception, nursing and treatment of persons suffering from any illness or infirmity and includes as an ayurvedic nursing home or ayurvedic maternity home, but does not include an ayurvedic treatment centre ;

"ayurvedic masseur" means a person registered as an ayurvedic masseur under this Statute ;

"ayurvedic pharmacy" means any place used to perform one or more functions relating to the sale, offer for sale, import and export of ayurvedic drugs, raw or dried substances used in the manufacture of ayurvedic drugs, medicinal plants or their parts, instruments, tools and surgical appliances used to diagnose diseases and treat, cure, prevent, mitigate or control such diseases. However, it does not include an ayurvedic drug manufactory ;

"ayurvedic treatment centre or dispensary" means any place used or intended to be used to examine, advise, prescribe treatment or treat any person suffering from any disease, disorder of infirmity in accordance with Ayurvedic system of medicine, but does not include an Ayurvedic pharmacy ;

"Chief Minister" means the Chief Minister of the Southern Provincial Council ;

"Provincial Minister" means Provincial Minister of the Southern Provincial Council to whom the subject of the Ayurveda system of medicine and related matters, is assigned.

SCHEDULE

PROVISIONS APPLICABLE TO THE REGULATORY BOARD

1. The Regulatory Board in the exercise of its powers and the discharge of its functions and duties under this statute, be subject to such general or special directions as may be issued, from time to time, by the Minister. Regulatory Board to be subject to general and special directions of the Provincial Minister.
2. (1) Every question which comes up for consideration before the Regulatory Board shall be dealt with at a meeting of the Regulatory Board and shall be determined by the majority of the members of the Regulatory Board present and voting. Proceedings of Regulatory Board.
 - (2) In the event of an equality of votes on any question considered at a meeting of a Regulatory Board the Chairman of that meeting shall have a casting vote in addition to his original vote.
 - (3) All acts done or decisions taken at any meeting of the Regulatory Board shall, notwithstanding that it be afterwards discovered that there was some defect in the election or appointment of any member thereof or that any such member was disqualified, be as valid as if every such member had been duly elected or appointed and was qualified to be such member.
 - (4) No act or proceeding of the Regulatory Board shall be invalidated by reason only of any vacancy in the Regulatory Board.
3. Every Ex-officio member of any of the Regulatory Board shall hold office as long as he holds the office by virtue of which he has been appointed to the Regulatory Board. Ex-officio members.
4. (1) Every Appointed Member of the Regulatory Board shall, unless he vacates office earlier by death, resignation, or removal, hold office for a period of three years and shall be eligible for re-appointment, unless removed on disciplinary grounds. Provisions relating to Appointed Members.
 - (2) The Chief Minister, in consultation with the Provincial Minister may, if he considers it expedient to do so remove from office, by an order published in the *Gazette* any Appointed Member, for reasons assigned.
 - (3) Any Appointed Member may resign from office at any time by letter addressed in that behalf to the Chief Minister and such resignation shall take effect upon it being accepted by the Chief Minister.
 - (4) In the event of the death, resignation or removal from office of any Appointed Member, the Provincial Minister may having regard to the provisions of this Statute, appoint another person to act in his place. A person so appointed shall hold office for the unexpired period of the term of office of the member whom he succeeds.
 - (5) Where any Appointed Member is temporarily unable to perform the duties of his office due to ill health or absent from Sri Lanka or for any other reason, the Provincial Minister may having regard to the provisions of this Statute, appoint another person to act in his place.
5. (1) The seal of the Regulatory Board shall be as determined by the Provincial Commissioner with the concurrence of the Regulatory Board. The Seal.
 - (2) The seal of the Regulatory Board –
 - (a) shall be in the custody of such person or persons as the Regulatory Board may, from time to time, determine ;
 - (b) shall not be affixed to any instrument or document except in the presence of two members of the Regulatory Board, both of whom shall sign the instrument or document in token of their presence.

Disqualifications to
be a member.

6. A person shall be disqualified from being appointed or continuing as a member of the Regulatory Board, if he —

- (a) is or becomes a Member of Parliament, any Provincial Council or of any local authority ;
- (b) directly or indirectly holds or enjoys any right or benefit under any contract made by or on behalf of the Department or the Regulatory Board ;
- (c) is under any law in force in Sri Lanka or any other country, found or declared to be of unsound mind ;
- (d) is a person who having been declared as insolvent or bankrupt under any law in force in Sri Lanka or in any other country, is an undischarged insolvent or bankrupt ; or
- (e) is a person who has been convicted of any offence by any Court in Sri Lanka or any other country.

Remuneration for
attendance at
meetings.

7. The members of the Regulatory Board shall be paid such remuneration for attendance at meetings of the Regulatory Board as may be determined by the Provincial Minister with the concurrence of the Provincial Minister-in-charge of the subject of Finance.

Protection for action
taken under this
Statute or on the
direction of the
Regulatory Board.

8. No suit or prosecution shall lie –

- (a) against the Regulatory Board for any act which in good faith is done or purported to be done by the Regulatory Board under this Statute ; or
- (b) against any member, officer, servant or agent of the Regulatory Board for any act which in good faith is done or purported to be done by him under this Statute or on the direction of the Regulatory Board.

No writ to issue
against person or
property of a member
of the Regulatory
Board.

9. No writ against person or property shall be issued against a member of the Regulatory Board in any action brought against the Regulatory Board.

The Regulatory
Board deemed to be a
scheduled
institution within
the meaning of the
Bribery Act.

10. The Regulatory Board shall be deemed to be a Scheduled institution within the meaning of the Bribery Act and the provisions of that Statute shall be construed accordingly.

Power of the
Regulatory Board to
make rules.

11. (1) The Regulatory Board may make rules in respect of all or any of the following matters :—

- (a) the matters in respect of which the Regulatory Board is required or authorized to make rules under any other provision of this Statute ;
- (b) the meetings of the Regulatory Board and the procedure to be followed at such meetings ; and
- (c) any other matter connected with the affairs of the Regulatory Board.

(2) No rule made by the Regulatory Board under this Statute shall have effect until it is approved by the Minister and published in the *Gazette*.

22nd September, 2010.