



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

PROVINCIAL COUNCILS
(CONSEQUENTIAL PROVISIONS)

ACT, No. 12 OF 1989

[Certified on 30th May, 1989]

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Provincial Councils (Consequential Provisions).

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L.D.—O. 77/88

AN ACT TO MAKE INTERIM PROVISION FOR THE INTERPRETATION OF WRITTEN LAW ON MATTERS SET OUT IN LIST I OF THE NINTH SCHEDULE TO THE CONSTITUTION.

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

1. This Act may be cited as the Provincial Councils (Consequential Provisions) Act, No. 12 of 1989 and shall cease to have effect on such date as the Minister may, by Order published in the *Gazette*, appoint.

Short title

2. (1) Where any power or function is conferred on, or assigned to a Minister or to a public officer, as the case may be, by any written law made prior to November 14, 1987 on any matter set out in List I of the Ninth Schedule, such power or function may,—

Provision regarding interpretation of written law on matters set out in List I of the Ninth Schedule to the Constitution.

(a) if such power or function is conferred on, or assigned to, a Minister, be exercised or discharged, in relation to a Province and unless the context otherwise requires, by the Governor of that Province or the Minister of the Board of Ministers of that Province to whom the subject has been assigned ; and accordingly, references in every such written law to a Minister shall be deemed to include references to a Governor of a Province or the Minister of the Board of Ministers of such Province to whom the function has been assigned ; and

(b) if such power or function is conferred on, or assigned to, a public officer, be exercised or discharged, in relation to a Province and unless the context otherwise requires, by the officer of the provincial public service holding an office corresponding to the office held by such public officer ; and accordingly, references in every such written law to a public officer shall be deemed to include a reference to the officer of the provincial public service who holds an office corresponding to the office held by such public officer.

(2) Where any law made prior to November 14, 1987, on any matter set out in List I of the Ninth Schedule to the Constitution confers power on a Minister to make any Order, Proclamation, Notification, regulation or rule, such power shall, in relation to a Province and unless the context otherwise requires, be exercised by the Governor of that Province or the Minister of the Board of Ministers of that Province to whom that subject has been assigned, and accordingly, references in any provision of the law conferring that power, to a "Minister" shall be deemed to include a reference to the Governor of the Province or the Minister of the Board of Ministers of the Province to whom that subject has been assigned.

(3) Where any such law as is referred to in subsection (2) makes provision—

- (i) for any Order, Proclamation, Notification, regulation or rule made under that law to be laid before Parliament; or
- (ii) for the annulment or approval of any such Order, Proclamation, Notification, regulation or rule, by Parliament,

such provision shall have effect in relation to a Province as if references in it to Parliament were a reference to the Provincial Council established for that Province.

(4) In this Act, the expressions "public officer" and "written law" shall have the respective meanings assigned to them by the Constitution.