

WESTERN PROVINCE
PROVINCIAL COUNCIL OF THE
DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA
(MINISTRY OF HEALTH AND ECONOMIC INFRASTRUCTURE)

PROVINCIAL ROAD DEVELOPMENT AUTHORITY
STATUTE No. 04 OF 1989
(WESTERN PROVINCE)

I certify that the Provincial Road Development Authority Statute of the Western Province consisting of Sections 01 to 18 was approved at the Western Province Provincial Council meeting held on 27th September, 1989.

Chairman,
Western Province Provincial Council

WESTERN PROVINCE
PROVINCIAL COUNCIL OF THE
DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

(MINISTRY OF HEALTH AND ECONOMIC INFRASTRUCTURE)

PROVINCIAL ROAD DEVELOPMENT AUTHORITY
STATUTE No. 04 OF 1989
(WESTERN PROVINCE)

(GOVERNOR'S ASSENT GIVEN ON 24TH NOVEMBER, 1989)

**Western Province
Provincial Road Development Authority
Statute- A Statute inconsistent with the
Road Development Authority Act No.-73 of 1981**

A STATUTE TO PROVIDE FOR THE ESTABLISHMENT OF A
PROVINCIAL ROAD DEVELOPMENT AUTHORITY, TO
*SPECIFY THE POWERS, DUTIES AND FUNCTIONS OF SUCH
AUTHORITY AND TO PROVIDE FOR -MATTERS CONNECTED
THEREWITH OR INCIDENTAL THERETO.*

BE it enacted by the Western Province Provincial Council of the Democratic Socialist Republic of Sri Lanka as follows:

Short title and date of operation	1. This Statute may be cited as the Western Province Provincial Road Development Authority Statute No. 4 of 1989 and shall come into operation on such date as the Provincial Minister may appoint by Order published in the Gazette.
	PART I ESTABLISHMENT AND CONSTITUTION OF THE WESTERN PROVINCE PROVINCIAL ROAD DEVELOPMENT AUTHORITY
Establishment of a Provincial Road Development Authority.	<p>2. (1) There shall be established a Provincial Authority which shall be called the Western Province Provincial Road Development Authority (hereinafter referred to as the "Provincial Authority").</p> <p>(2) The Provincial Authority shall by the name assigned to it by subsection (1) be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in that name.</p> <p>(3) The Provincial Authority may, with the prior approval of the Provincial Minister in charge of the subject of Highways establish and maintain branch offices.</p>
Members of the Provincial Authority	<p>3.(1) The Provincial authority shall consist of the following members:-</p> <p>(a) three members (hereinafter referred to as "appointed members") who shall be appointed by the Provincial Minister in charge of the subject of Highways from among persons who appear to the Provincial Minister to have wide experience, and shown capacity, in civil engineering, highway</p>

	<p>engineering, commerce, finance or administration; and</p> <p>(b) Four other members who shall be</p> <p>(i) a senior officer of the Provincial Ministry of the Minister in charge of the subject of Highways nominated by such Minister;</p> <p>(ii) a senior officer of the Provincial Ministry of the Minister in charge of the subject of Finance nominated by such Minister;</p> <p>(iii) a member nominated by the Chairman of the Road Development Authority established by the Road Development Authority Act No. 73 of 1981.</p>
	<p>(iv) The government Town Planner or any officer of the Department of Town and Country Planning, nominated by him.</p> <p>(2) The Provincial Minister in charge of the subject of Highways will nominate one of the appointed members to be the Chairman of the Provincial Authority.</p> <p>(3) A person shall be disqualified from being appointed or continuing as a member of the Authority if he is or become a Member of the Provincial Council.</p> <p>(4) Before appointing a person to be a member of the Authority, the Provincial Minister shall satisfy himself that such person has no financial or other interest as is likely to affect prejudicially the discharge by such person of his functions as a member of the Provincial Authority. The Provincial Minister shall also satisfy himself, from time to time, that no member of the Provincial Authority has any such interest. Any person who is appointed by the Minister, or whom the Minister proposes to appoint, as a member of the Provincial Authority shall whenever requested by the Minister so to do, furnish to the Provincial Minister such information as the Minister considers necessary for the performance by him of his duties under this subsection.</p> <p>(5) A member of the Provincial Authority who is in any way, directly or indirectly interested in any contract made or proposed to be made by the Provincial Authority shall disclose the nature of his interest at a meeting of the Provincial Authority and such disclosure shall be recorded in the minutes of the Provincial Authority and the member shall not take part in any deliberation or decision of the Provincial Authority with regard to that contract.</p> <p>(6) Every appointed member of the Provincial Authority shall subject to the provisions of subsections (8) and (9), hold office for such term not exceeding three years reckoned from the date for his appointment as the Provincial Minister may at the time of appointment determine; and unless he has been removed from office under subsection (8) shall be eligible for reappointment.</p> <p>Provided that a member appointed by the Provincial Minister to fill a vacancy in the office of an appointed member of the Authority shall, unless he vacates office earlier, hold office for the unexpired portion of the term of office of the member whom he succeeds.</p> <p>(7) Subject to the provisions of subsection (9), the term of office of the Chairman shall be the period of his membership of the Provincial Authority.</p> <p>(8) The Provincial Minister may, by order published in the Gazette remove any appointed member from office without assigning any reason</p>

	<p>therefore and such removal shall not be called in question in any Court.</p> <p>(9) A member of the Provincial Authority in respect of whom an order under subsection (8) is made by the Provincial Minister shall vacate his office on the date of publication of such order in the Gazette.</p>
	<p>(10) An appointed member of the Provincial Authority may at any time resign his office as a member, or Chairman, by a letter in that behalf addressed to the Provincial Minister in charge of Highways.</p> <p>(11) Where any member of the Provincial Authority is temporarily unable to perform the duties of his office on account of ill health, other infirmity, absence from Sri Lanka or any other cause, then</p> <p>a) if he is an appointed member, the Provincial Minister may having regard to the provisions of the subsection (1) (a) appoint another person to act in place of that member; or</p> <p>b) if he is a member nominated under sub-paragraphs (i) to (ii) of paragraph (b) of subsection (1), the Provincial Minister who nominated that member may nominate another person to act in place of that member.</p> <p>(12) Where the Chairman of the Provincial Authority is temporarily unable to perform the duties of his office due to ill health., other infirmity, absence form Sri Lanka or any other cause, the Provincial Minister may appoint any other appointed member to act as Chairman.</p> <p>(13) All or any of the members of the Provincial Authority may be paid such remuneration, allowances, and other expenses out of the funds of the provincial Authority, as may be determined by the Minister with the concurrence of the Provincial Minister in charge. of the subject of Finance.</p>
<p>Proceeding of the provincial Authority</p>	<p>4. (1). The Chairman of the Provincial Authority shall preside at every meeting of the Provincial Authority at which he is present. In the absence of the Chairman at any meeting of the Provincial Authority, any member elected by the members present shall preside at such meeting.</p> <p>(2). The Provincial Authority shall meet, whenever it considers it necessary.</p> <p>(3). The person presiding at any meeting of the Provincial Authority shall, in addition to his own vote, have a casting vote.</p> <p>(4). The quorum for any meeting of the Provincial Authority shall be three members.</p> <p>(5) The Provincial Authority may act notwithstanding any vacancy among its members and any act or proceeding of the Provincial Authority shall not be or be deemed to be, invalid by reason only of the existence of any vacancy among its members or any defect in the appointment or nomination of a member thereof.</p> <p>(6). Subject to thee provisions of this Statute, the Provincial Authority may make rules for the procedure in regard to the meeting of the Provincial Authority and the, transaction of business at such meetings</p>

Seal of the provincial Authority	<p>5. (1) The seal of the Provincial Authority shall be in the custody of the Chairman of the Provincial Authority.</p> <p>(2) The seal of the Provincial Authority may be altered in such manner as may be determined by the Provincial Authority.</p> <p>(3) The seal of the Provincial Authority shall not be affixed to any instrument or document except in the presence of two members of the Provincial Authority one of whom shall be the Chairman of the Provincial Authority. Both such members shall sign such instrument or document in taken of their presence.</p>
	<p style="text-align: center;">PART 11</p> <p style="text-align: center;">DECLARATION OF ROAD DEVELOPMENT AREAS, AND POWERS DUTIES AND FUNCTIONS OF THE PROVINCIAL AUTHORITY</p>
Declaration of areas as road Development areas by order of the provincial Minister and effect of such orders	<p>6. (1) The Provincial Minister may, if he is of opinion, having taken into consideration the requirements of local Needs and planning, that it is expedient to regulate and control road development in any area within the Western Province, by order published in the Gazette declare such area to be a Road Development Area (hereinafter referred to as a "development area").</p>
	<p>(2) An order under subsection (1) declaring an area as a development area shall define that area by setting out the metes and bounds of such area.</p> <p>(3) Upon the declaration of a development area, no road development work shall be executed, or caused to be executed other than on National Highways or bridges and ferries on National Highways within such area, by any Government agency or any other person except with the prior written approval of the Provincial Authority.</p>
Power , duties and function of the Provincial Authority	<p>7(1) Subject to the provisions of subsection(2) the powers, duties functions of the Provincial Authority, within any development area of the Province shall be –</p> <p>(a) to carry out integrated road planning and development of roads within such areas, subject to any directions that may be given to the Provincial Authority by the Provincial Minister in charge from time to time;</p> <p>(b) to implement related programmes of road development work Activities and services in such areas that are consistent with integrated road planning in such areas, subject to any directions that may be given to the Provincial Authority by the Provincial Minister from time to time;</p> <p>(c) to formulate and submit road development plans including capital investment plans to the Provincial minister in charge of Highways;</p>
	<p>(d) to enter into, perform and carryout whether directly or by way of joint venture with any person in or outside Sri Lanka, all such contracts or agreements as may be necessary for the purpose of carrying out any road development project with the prior approval of the Provincial</p>

Minister of Highways ;

(e) to undertake the completion of any approved road development project or schemes in default by any person failing to complete such project or scheme;

(f) to implement road development plans and capital investment plans approved by the Provincial Minister of Highways;

(g) to formulate capital road improvement programmes within the province;

(h) to acquire and hold any movable or immovable property or dispose of any movable or immovable property acquired or held by it;

(i) to prepare at the request of any Government agency road development projects and planning schemes. on behalf of such agency and to co-ordinate with, or assist in, the execution of such projects or schemes;

(J) to provide road planning services for the benefit of Government agencies or other persons in such areas;

(k) to charge fees for any services provided by the Provincial Authority;

(1) to accept gifts, grants, donations or subsidies whether in cash or otherwise and to apply them for carrying out any of the objects of the Provincial Authority; and

(m) To do all such acts or things as are incidental to or consequential upon the exercise, performance and discharge of its powers, duties and functions under this Statute.

(2) In the exercise, performance and discharge of its powers, duties and functions under sub section (1), it shall be the duty of the Provincial Authority when formulating or implementing any programme of development work relating to road planning or road development within any development area to do so in consultation with any Government department or public corporation, as the case may be, whose rights, interests or functions may be affected by the proposed work.

(3) In the exercise, performance and discharge of its powers, duties and functions under sub section (1) it shall be the duty of the Provincial Authority when formulating or implementing any programme of development work relating to road planning or road development within any development area, if the area of any Local Authority falls within or overlaps the development area to invite the Mayor or Chairman of such Local authority and an Officer of that Local Authority, nominated by the Mayor or Chairman, as the case may be, to be present and participate in the meeting or meetings of the Provincial Authority in relation to the said programme of development work.

8. (1) The Provincial Minister may, from time to time give the Authority general or special directions as to the exercise, discharge and performance by the Authority of its powers, functions and duties and the

	<p>Authority shall give effect to such directions.</p> <p>(2) The Provincial Minister may, from time to time, direct in writing the Authority to furnish to him, in such form as he may require, returns, accounts and other information with respect to the property and business of the Provincial Authority and the Provincial Authority shall carry out every such direction.</p>
Delegation of powers &c. by the Provincial Authority.	<p>9. The Provincial Authority may delegate in writing to the Chairman or any officer of the Provincial Authority any of its powers, duties and functions under this Statute.</p>
	<p>PART III</p> <p>STAFF OF THE PROVINCIAL AUTHORITY</p>
General Manager of the Provincial Authority	<p>10. (1) The Provincial Authority shall, with the approval in writing of the provincial Minister, appoint a General Manager of the Provincial Authority.</p> <p>(2) The General Manager shall, subject to the general direction of the Authority on matters of policy, be charged with the direction of the business of the Authority, the organization and execution of the powers, functions and duties of the Provincial Authority and the administrative control of the employees of the Provincial Authority.</p> <p>(3) The General Manager may, with the approval in writing of the Provincial Authority, delegate in writing to any other employee of the Provincial Authority such of his powers, functions, or duties as he may from time to time consider necessary, and any employee to whom any such powers, functions or duties are so delegated shall exercise them subject to the general or special directions of the General Manager.</p> <p>(4) The General Manager may not be removed from office without the prior approval of the Provincial Minister in charge of the subject of Highways.</p>
Appointment &c. of the staff of Provincial Authority	<p>11 (1) The Provincial Public Service Commission may in Consultation with the Provincial ,Authority, subject to the other provisions of the Statute-</p> <p>(a) appoint, dismiss and exercise disciplinary control over such staff as may be deemed necessary by the Provincial Authority to carry out the functions of the Provincial Authority;</p>
	<p>(b) fix the wages or salary or other remuneration of such staff;</p> <p>(c) determine the terms and conditions of the service of such staff; and</p> <p>(d) Establish and regulate provident funds or schemes for the benefit of such staff and make contributions to any such fund or scheme.</p> <p>(2) At the request of the Provincial Authority any officer in the public service may, with the consent of that officer, the Secretary to the Ministry by or under which that officer is employed, and the Secretary to the Ministry of the Minister in charge of the subject of Public Administration, be temporarily appointed to the staff of the Provincial</p>

	<p>Authority for such period as may be determined by the Provincial Authority with like consent, or with like consent be permanently appointed to such staff.</p> <p>(3) Where the Provincial Authority employees any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service with the Provincial Authority by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.</p>
	<p>PART IV FINANCE</p>
<p>Fund of Provincial Authority.</p>	<p>12. (1) The Provincial Authority shall have its own Fund.</p> <p>(2) There shall be paid to the fund of the Provincial Authority.</p> <p>(a) all such sums of money as may be voted from time to time by the Provincial Council of the Western Province for the use of the Provincial Authority;</p> <p>(b) all such sums of money as may be received by the Provincial Authority in the exercise, performance and discharge of its powers, duties and functions;</p> <p>(c) all sums accruing to the credit of the Provincial Authority;</p> <p>(3) The Provincial Authority may utilize the funds of the Authority for the purpose of defraying any expenditure incurred in the management of the affairs of the Authority, the transaction of business of the Provincial Authority, the payment of remuneration to the members of the Provincial Authority and the employees of the Provincial Authority, the exercise of the powers and performance of the duties and functions of the Provincial Authority under this Statute and other written law, and for such other purposes as the Authority may authorise from time to time.</p> <p>(4) The initial capital of the Provincial Authority shall be one million rupees. The amount of the initial capital shall be paid out of the Provincial fund in such instalments as the Provincial Minister in charge of the subject of finance may in consultation with the Provincial Minister determine and such sums shall be credited to the fund established under subsection 01.</p>
<p>Borrowing powers of Provincial Authority.</p>	<p>13. The Provincial Authority may, with the consent of the Provincial Minister, or in accordance with the terms of any general authority given by him, borrow temporarily by way of over draft or otherwise, such sums as the Authority may require for meeting the obligations of the Authority in discharging its duties under this Statute.</p> <p>Provided that the aggregate of the amounts outstanding in respect of any temporary loans raised by the Provincial Authority under this section shall not at any time exceed such sum as may be determined by the Provincial Minister in consultation with the Provincial Minister in charge of the subject of Finance.</p>
<p>Financial year and the audit of accounts of the Provincial Authority.</p>	<p>14. (1) The financial year of the Provincial Authority shall be the calendar year.</p> <p>(2) The Provincial Authority shall cause proper books of accounts to be kept of the income and expenditure Assets and Liabilities and all</p>

	<p>other transactions of the Provincial Authority.</p> <p>(3) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to the audit of the accounts of the Provincial Authority, subject to the conditions that the concurrence of the Government and the Auditor General should be obtained prior to entrusting the responsibility for auditing the accounts of the Provincial Authority.</p>
	<p>PART V General</p>
Power of Provincial Authority to make rules	<p>15. (1) The Provincial Authority may make rules in respect of the management of the affairs of the Provincial Authority and all or any of the matters for which rules are authorized or required by this Statute to be made.</p> <p>(2) No rule made by the Provincial Authority under this Statute shall have effect until it has been approved by the Provincial Minister.</p>
Acquisition of immovable property under the Land Acquisition Act.	<p>16. (1) Where any immovable property is required to be acquired for the purpose of business of the Provincial Authority and the Provincial Minister approves of the proposed acquisition, that property shall be deemed to be required for a public purpose, and may accordingly be acquired under the provisions of the Land Acquisition Act or the corresponding statute of the Provincial Council of the western Province, and be vested in the Provincial Authority. Any sum payable for any such acquisition shall be paid by the Provincial Authority.</p>
State property both movable and immovable to made available to Provincial Authority	<p>(2) Where any state land within the Western Province is required for the purpose of any business of the Provincial Authority, the Provincial Minister may take steps in terms of clause 1-1:2 of Appendix 11 of the 13th Amendment to the Constitution, to make available to the Provincial Council of the Western Province, such state land to be administered, controlled and utilized by the said Provincial Council through the Provincial Authority.</p>
Power to enter any land or premises	<p>17. It shall be lawful for the Chairman of the Provincial Authority or any officer generally or specially authorized by him in writing, after giving at least three day's notice in writing to the owner or occupier of any land or premises, to enter upon such land or premises and there do such acts as may be reasonably necessary for the purpose of carrying out any work of the Provincial Authority, or of making any investigation or examination, or the discharge of any function, of the Authority.</p> <p>18. Every person who contravenes or fails to comply with any provision, of this Statute or any rule order direction or requirement made or given thereunder shall be guilty of an offence under this Statute, and shall on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either descriptions for a term not exceeding two years or to both such fine and imprisonment.</p> <p style="text-align: center;">In this Statute, unless the context otherwise requires-</p> <p style="text-align: center;">"-Provincial Minister" means the Minister of the Provincial</p>

	<p>Council who is in charge of the subject of Highways.</p> <p>"Government agency" means a Government department, a local authority or a public corporation;</p> <p>"improvements of roads" includes the widening of any road, the levelling of roads, the provision of pavements for the use of pedestrians, the treatment of a road for mitigating the nuisance of dust, the planting of trees and laying out of grass margins in roads, and the doing of any other work in respect of roads be beyond ordinary repairs essential to placing any existing roads in a proper state or repair;</p> <p>"local authority" means any Development Council, Municipal Council, Urban Council, -pradeshiya Sabhas and includes any Authority created and established by or under any law to exercise, perform and discharge powers, duties and functions corresponding or similar to the powers, duties and functions exercised, performed and discharged by such Council;</p> <p>"public corporation" means any corporation, board or other body which was or is established by or under any written law other than the Companies Ordinance, with funds or capital wholly or partly provided by the Government by way of grant, loan or otherwise;</p> <p>" road" has the same meaning as in the Thoroughfares Ordinance;</p> <p>" road development" means the constructions of new roads or the maintenance or improvements of existing roads;</p> <p>"national highways" means that National Highways declared by the Minister of Transport and Highways and published in the Gazette No. 561/5, of 6th June, 1989 of the Democratic Socialist Republic of Sri Lanka Extraordinary.</p>