

Provincial Council Notifications

WESTERN PROVINCE

POWERS OF SUPERVISION OF THE ADMINISTRATION OF LOCAL AUTHORITIES STATUTE NO. 04 OF 1991 OF THE WESTERN PROVINCE

A statute to make provision for the exercise of the powers of supervision of the administration of Local Authorities established within the Western Province and for matters connected therewith or incidental thereto.

(This Statute is inconsistent with the Section 277 of Part XIV of the Municipal Councils Ordinance (Chapter 252), Section 184 of part VIII of the Urban Councils Ordinance (Chapter 255) and Section 185 of the Pradeshiya Sabha Act, No. 15 of 1987).

Be it passed by the Provincial Council of the Western Province 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 Council (Devolution of Powers of Supervision of the administration of Local Authorities) Statute No. 04 of 1991 and shall come into operation on the date of receiving the assent of the Governor of the Western Province.
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Powers of Minister 2.
to dissolve Local
Authorities for
Incompetence

(1) If at any time the Minister of the Board of Ministers of the Provincial Council of the Western Province to whom the subject of Local Government has been assigned is satisfied that there is sufficient proof of -

- (a) incompetence and mismanagement; or
- (b) persistent default in performance of the duties imposed by the relevant law, statute or any other written law; or
- (c) persistent refusal or neglect to comply with any provisions of law or statute; or
- (d) abuse of the powers conferred by the relevant law statute or any other written law; or
- (e) persistent refusal to hold or attend meetings or to vote or to transact business at any meeting to be held,

On the part of any Local Authority, or any of the members of any Local Authority, or on the part of the Chief Executive Officer of any Local Authority, the Minister may as the circumstances of each case may require by Order Published in the Gazette:-

- (i) remove the Chief Executive Officer- of such Authority; or
- (ii) remove all or any of the members of such Authority from office; or
- (iii) dissolve such Local Authority;

and such order shall as soon as may be convenient be laid before the Provincial Council.

(2) The Minister shall before making an Order under sub-section (1) (i) or (ii) or (iii) appoint for the purpose of satisfying himself in regard to matters referred to in paragraph (1) a retired Judicial Officer to inquire into and report upon such matter within a period of three months, and the person so appointed shall in relation to such inquiry, have the powers of a Commission of inquiry under the Commissions of Inquiry Act

(3)

(a) Before appointing a retired Judicial Officer under sub-section (2) to inquire into any matter the Minister may, without hearing or other formality as a holding operation, pending the proposed inquiry and report by such officer preliminarily.

(i) suspend the Chief Executive Officer of the Local Authority from office and direct the Deputy Mayor or Vice Chairman of the Local Authority as the case may be, or where the office of Deputy Mayor or Vice Chairman of the Local Authority is vacant, or where the Deputy Mayor or Vice Chairman of the Local Authority has been suspended from office, the Municipal Commissioner or Assistant Commissioner of Local Government of the region to exercise the powers and perform the duties of the Chief Executive Officer; or

(ii) suspend any member of the Local Authority from office; or

(iii) suspend the Local Authority and direct the Municipal Commissioner or the Assistant Commissioner of Local Government of the Region as the case may be to exercise the powers and duties of the Local Authority.

(b) Upon the receipt of the report of the person appointed under sub-section (2) of this Section, the Minister may make an order under sub-section (1) of this Section or revoke the Order made under paragraph (a) of this subsection.

(4) By a subsequent order published in a like manner, the Minister may direct that a new Municipal Council in accordance with the provisions of the Municipal Councils Ordinance shall be constituted in place of the dissolved Municipal Council or that a new Local Authority be constituted in place of the dissolved Local Authority in accordance with provisions of the law applicable to the dissolved Local Authority in any other case.

(5) Every Order made under this section shall contain such directions as may be necessary for the purpose of giving effect to the Order and shall, on publication in the Gazette, have the force of statute.

(6) Where after a dissolution of a Municipal Council or any other Local Authority, a new Municipal Council or a new Local Authority is constituted for that Municipal Council or the Local Authority, the new Council or the Local Authority shall be the successor of the dissolved Municipal Council or Local Authority or the person or persons who, immediately prior to the Constitution of the New Council or Authority had exercised, performed or discharged the rights, privileges, powers, duties and functions conferred or imposed upon or vested in the Council under the Municipal Councils Ordinance or in the Local Authority under the relevant law or any other written law.

Interpretation

3. In this statute, unless the context otherwise requires:

'Local Authority' means any Municipal Council, Urban Council, Pradeshiya Sabha functioning within the Western Province.

'Chief Executive Officer' means - the Mayor of a Municipal Council or the Chairman of an Urban Council or a Pradeshiya Sabha.

'Relevant Law' means - the Municipal Councils Ordinance or Urban Councils Ordinance or Pradeshiya Sabha Act as the case may be.

Sinhala text to prevail in case of inconsistency

4. In the event of any inconsistency between the Sinhala and Tamil texts of the Statute, the Sinhala Text shall prevail.