

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය

අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

අංක 1578/16 - 2008 දෙසැම්බර් 03 වැනි බදාදා - 2008.12.03
No. 1578/16 - WEDNESDAY, DECEMBER 03, 2008

(Published by Authority)

PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

**A Statute to Provide Financial Aids to the Local Government Authorities of the
Western Province No. 05 of 2008**

I, the Chief Minister and Minister of Finance, Planning, Law and Order, Local Government, Provincial Administration, Education, Transport, Employment and Cultural and Art Affairs of the Western Province Provincial Council, Pestheruwe Liyanaralalage Reginold Rosmand Cooray Wijayawarnasooriya, declare hereby that the Statute to Provide Financial Aids to the Local Government Authorities of the Western Province No. 05 of 2008 to which assent of the Hon. Governor was granted on 10.11.2008 having adopted by the Council at the Council meeting of the Western Province held on 23.09.2008 will be effective from 01.01.2009.

PESTHERUWE LIYANARALALAGE REGINOLD ROSMAND COORAY WIJAYAWARNASOORIYA,
Chief Minister and Minister of Finance, Planning, Law and Order, Local Government,
Provincial Administration, Education, Transport, Employment
and Cultural and Art Affairs of the Western Province Provincial Council.

Chief Minister's Office,
Western Province,
Srawasthi Mandiraya,
Colombo 07.
28th November, 2008.

A STATUTE to make provisions to provide financial aid to the Local Government Authorities of the Western Province taking into account the annual amount of receipts from stamp duties charged under the Financial Statute of the Western Province No. 06 of 1990 and to repeal the Statute for Transfer of Stamp Duties of the Western Province No. 05 of 1992.

Draft.

Be it enacted by the Provincial Council of the Western Province of the Democratic Socialist Republic of Sri Lanka.

01. This Statute shall be cited as the Statute for Provision of Financial Aids to the Local Government Authorities of the Western Province No. 05 of 2008 and it will be enforced from the 01st of January of the year subsequent to the date of assent of the Governor.

Short Title.

Objective.

02. This Statute is to make provisions to transfer a certain amount decided by the Committee appointed ex-officio as per the Section 03 below for providing Financial Aids to the Local Government Authorities (hereinafter referred to as the “Committee”), subjected to the maximum amount of revenue from stamp duties charged and collected in terms of the Financial Statue of the Western Province No. 06 of 1990 and the Financial (Amendment) Statute of the Western Province No. 05 of 1991, on transfer of any immovable property situated within the domain of the Provincial Council of the Western Province, within the second Calendar year followed by the year the said stamp duties charged and to repeal the Statute for Transfer of Stamp Duties of the Western Province No. 05 of 1992.

Composition of the Committee.

03. The persons who bear the following offices ; the Chief Secretary, the Secretary of the Ministry entrusted with the subject of Local Government, Commissioner of Local Government, Deputy Chief Secretary (Finance) and Commissioner of Provincial Revenue shall be the members of the Committee. The Chief Secretary will be the Chairman of the said Committee as well.

The role and responsibilities of the Committee.

04. (1) It is the role and responsibility of the Committee to decide the total amount of financial aids that shall be allocated within the calendar year conclusively cited in the above Section 2 to the Local Government Authorities of the Western Province from the revenue of stamp duties collected prior to two calendar years to the said calendar year to the Provincial Council Fund, and the amount of financial aids to be provided to each Local Government Authority to achieve the objective cited in the Sub Section 3 within the above conclusively cited calendar year.
- (2) The total amount of financial aid that will be decided by the Committee as per the above Sub-section (1) to be allocated to all the Local Government Authorities of the Western Province shall not be less than half of the revenue from stamp duty collected to the Provincial Council Fund of the Western Province in the Calendar year exclusively cited in the said Sub Section.
- (3) The Committee shall decide the amount of financial aid subjected to the provisions of Sub-sections (4) and (5) to be allocated to each Local Government Authority for a certain calendar year with the aim of achieving an equivalent regional development and improvement in the domains of the Local Government Authorities of the Western Province.
- (4) The amount of financial aid that will be allocated for each Local Government authority for a particular calendar year shall be decided on—
- (a) the ratio of the stamp duty levied for the lands transferred when transferring lands located in the domain of each Local Government ;
- (b) the percentage between the amount of revenue collected by each Local Government Authority within the related calendar year in terms of the subjects of Revenue legally assigned to the said Local Government Authorities and the actual revenue to be received ; and
- (c) the need for reducing gradually the economic discrepancies that exist among the domains of each Local Government.
- (5) The amount of financial aid that will be allocated to the Local Government Authorities under (c) of the Sub-section (4) here shall not exceed 10% of the total financial aids calculated under the Sub-section (2).

(6) The amount of financial aids that will be decided by the Committee to be allocated to each Local Government Authority shall be presented promptly to the Provincial Board of Ministers. The Committee shall be informed that the Board of Ministers accepted that decision or consider and report again if any notification shall be made to that decision.

05. From the day subsequent to December 31st of the year this Statute be enforced the provisions of the Statute for Transfer of Stamp Duties, No. 05 of 1992 of the Western Province will be void.

Void the Statute for Transfer of Stamp Duties No.05 of 1992.

06. Whatever be mentioned in the prior provisions of this Statute ; an amount decided by the Committee for each Local Government Authority for year 2009, based on the amount of stamp duties charged in 2007 and for 2010, based on the amount of stamp duties charged in 2008, shall be transferred as financial aid.

Interim Provisions.

07. In the Event of inconsistency between the Sinhala and Tamil texts of this Statute, the Sinhala text shall prevail.

Sinhala text to interpretation prevail in the event of inconsistency.

08. In this Statute, unless the context otherwise requires—

“Governor” means the Governor of the Western Province ;

“Provincial Council” means the Provincial Council of the Western Province of the Democratic Socialist Republic of Sri Lanka ;

“Local Authority” means any Municipal Council, Urban Council, Pradeshiya Sabha and includes any Authority created and established by or under any law to exercise, perform and discharge powers , duties and functions exercised, performed and discharged by any such Council or Sabha ;

“Calendar Year” means the period from 1st January to 31st December of any year ;

“Chief Secretary” means the officer who bears the post of the Chief Secretary of the Western Province ;

“Minister” means the Minister entrusted with the subject of finance of the Western Province ;

“Western Province Provincial Fund” means the Provincial Council Fund of the Western Province established as per the provisions of the Provincial Councils Act, No. 42 of 1987;

“Secretary of the Ministry entrusted with the subject of finance” means the person who bears the office of the Secretary of the Ministry entrusted with the subject of finance of the Western Province Provincial Council.

“Secretary of the Ministry entrusted with the subject of Local Government” means the person who bears the office of the Secretary of the Ministry entrusted with the subject of Local Government of the Western Province Provincial Council ;

“Deputy Chief Secretary (Finance)” means the person who bears the office of the Deputy Chief Secretary of the Western Province Provincial Council ;

“Provincial Board of Ministers” means the Board of Ministers of the Western Province ;

“Commissioner of Local Government” means the person who bears the office of the Commissioner of Local Government of the Western Province Provincial Council ;

“Commissioner of Provincial Revenue” means the Commissioner of Provincial Revenue of the Western Province Provincial Council.