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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART IV (A) — PROVINCIAL COUNCILS

Provincial Council Notifications

Uva Province, Provincial Road Development Authority Statute
A Statute concurrent with the Road Development Act, No. 73 of 1981
and amended Act, No. 05 of 1986

A Statute to provide provisions for the establishment of the, Provincial Road Development Authority of the Uva Province, to specify the powers and functions of such authority and to provide for matters connected therewith or incidental thereto.

It is passed by the Provincial Council of Uva Province according to the 9th Schedule of the 13th amendment to the Constitution of the Democratic socialist Republic of Sri Lanka, as follows.

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| 1. This Statute may be cited as the Provincial Roads Development Authority of the Uva Province Statute No. 01 of 2005 and shall come into operation from the date published in the <i>Government Gazette</i> , decided by the Minister of the Provincial Council. | Short title and the date of operation. |
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PART I

Establishment and Constitution of the Provincial Roads Development Authority of Uva Province

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| 2. (1) There shall be established an Authority which will be called as the provincial Roads Development Authority of Uva Province, hereinafter referred to as the "Provincial Authority." | Establishment of the provincial Road Development Authority. |
| (2) The Authority shall by the name assigned to it by subsection(1) be a body cooperates and shall have perpetual succession and common Seal and may sue and be sued in that name. | |
| (3) The Authority may with the prior approval of the Minister who is in charge of the roads subject, to establish and maintain such number of branch offices as may be required. | |
| 3. (1) The Authority shall consist the following members. | Members of the Provincial Authority. |
| (a) Three members (hereinafter referred to as "appointed members") who shall be appointed by the Minister from among persons who have wide experience and expertise in civil engineering, highway engineering, commerce planning and management ; and by six members who shall be, | |

- (b) (i) A Senior officer of the Ministry of roads, nominated by the Provincial Minister in charge of road subject.
 - (ii) A Senior officer of the Provincial Ministry of finance nominated by the Provincial Minister in charge of road subject.
 - (iii) A member, nominated by the Chairman of the Road Development authority, established by the Road Development Authority Act, No. 73 of 1981 and Act, No. 05 of 1988.
 - (iv) The Urban and Rural Designee or an officer nominated by him from the Department of Urban and Rural Designing.
 - (v) A representative nominated by the Department of Forest Conservation.
 - (vi) A representative nominated by the Chairman of the National Water Supply and Drainage Board.
- (2) The minister of roads shall appoint one of the appointed members to be the Chairman of the Provincial Authority.
- (3) A person shall be disqualified from being appointed or continuing as a Member of the Authority if he become as a Member of Parliament, a Member of a Provincial Council or a Member of a Local Government Institution.
- (4) Before appointing a person to be a member the Provincial Authority, the Provincial Minister shall satisfy himself that such persons 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 Minister shall also satisfy himself from time to time, that no members of the Provincial Authority has any such interest. Any person who is appointed by the Minister or whom the minister proposes to a appoint as a member of the Provincial Authority shall whenever requested by the minister to do so furnish to the Minister of Highways, such information as minister considers necessary for the performance by him of his duties under this sub section.
- (5) A member of the Provincial authority who is 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 authority and all members shall not take part in any deliberation or decision of the Provincial Authority with regard to that contract.
- (6) Every appointed member of the Provincial Authority shall subject to the Provisions of sub section 03(8) and 03(9) hold office for such term not exceeding 03 years reckoned from the date of his appointment as the Provincial Minister may at the time of appointment determine and unless he has been removed from office under sub Section 03(8), shall be eligible for re-appointment.
- (7) Subject to the Provisions of subsection 03(9), the term of office of the Chairman shall be the period of his membership of the Provincial Authority.
- (8) The Provincial Minister of Roads may by an order published in the *Gazette* remove any appointed member of the provincial Authority from Office without assigning any reasons, and that removal should not be questioned by any court of law.
- (9) A member of the Provincial Authority in respect whom an order under subsection 03(8) is made by the Provincial Minister shall vacate his office on the date of publication of such order in the *Gazette*.
- (10) A 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 of Roads.
- (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.

- (a) if he is an appointed member, the Provincial Minister may having regard to the Provisions of subsection (1)(a) appoint another person to act in place of that member; or
- (b) if he is a nominated member, the person who nominated the member may nominate another person to act in place of that member.
- (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 from Sri Lanka or any other cause, the Provincial Council Minister of roads may appointment a member to act as Chairman.
- (13) The membership of a member of the authority shall ceased on his death, removal resignation or the effusion of time.
04. All or any of the members of the Provincial Authority may be paid such allowance, remuneration and other expenses out of the funds of the Authority as may be determined by the Provincial Minister, with the concurrence of the Minister in charge of the subject of finance.
05. (1) The Chairman of the Provincial Authority shall preside at every of the Provincial Authority at which is present. In the absence of the Chairman at any meeting of the Authority any members elected by the members present shall preside at such meeting.
- (2) The Provincial Authority shall meet whenever it considers it necessary Provided.
- (3) The person who resides at any meeting of the Provincial Authority shall in addition to his own vote, has a casting vote.
- (4) The quorum for any meeting of the Provincial Authority shall be five Members.
- (5) The Provincial Authority may act notwithstanding any vacancy among its members and any act or proceeding of the Authority shall not be or be deemed to be invalid by any reason only of the existence of any vacancy among its members or any defect in the appointment or nomination of a member thereof.
- (6) (i) Subject to the Provisions of this Statute, the Provincial authority may make rules for the procedures in regard to the meeting of the Authority and the transaction of business at such meetings.
- (ii) No such rules made by the Authority under this Statute shall have effect until it has been approved by the Provincial Minister.
06. (1) The seal of the Provincial Authority shall be in the custody of the Chairman of the Authority.
- (2) The seal of the Authority may be altered in such manner as may determined, by the Provincial Authority.
- (3) The seal of the Authority shall not be affixed to any instrument or document except in the presence of two members of the Authority. One of whom shall be the Chairman of the Provincial Authority. Both such members shall sign such instrument or document in token of their presence.

Remuneration allowances, other expenditures of Members.

Code of Meeting Conducts of the Provincial Authority.

Seal of the Provincial Authority.

PART II

Declaration of Road Development Areas and Powers, Duties and Functions of the Authority

07. (1) The Minister of the Provincial Council shall declare by a *Gazette Notification* that an area within the province (hereinafter called as Development Area) should be as a Road development area, considering the necessity and planning of the area.
- (2) An area which has declared as a Development Area shall be separated by demarking limits and boundaries, by an order under subsection 07(1).

Declaring Road development areas by Provincial Minister and its validity.

Powers, duties
and functions
of the provincial
Authority.

- (3) Any Government agencies or any others shall not implement development activities except the development works in bridges and culverts in National highways and highways without written approval of the Provincial Authority in Road development areas. (All National highways are excluded from the power of the Provincial Authority).
08. (1) Subject to the provisions of subsection 07(2) within any development area or regarding a highway.
- (a) To carry out integrated road planning and development within such areas subject to any directions that may be given to the Provincial Authority, by the Provincial Minister who is in charge the subject of Highways to time to time.
 - (b) To implement related programmes of road development works, activities and services in such area that are consistent with integrated road planning in such areas, subject to any directions given to the Provincial Authority by the Provincial Minister in time to time.
 - (c) To formulate and submit road development plans including capital investment plans to the Provincial Minister who is in charge the subject of Highways.
 - (d) Subject to any conditions in a written law, enter into perform and carry out, whether directly or by way of joint venture with any person in or outside of Sri Lanka. All such contracts or agreements as may be necessary for the purpose of carrying out any road development project.
 - (e) While taking Legal Action to undertake the completion of any approved development project on a road in default by any one, failing to complete such project.
 - (f) To implement development plans and capital investments plans approved by the Provincial Minister who is in charge the subject of highways, in respect of a road.
 - (g) To operate a construction unit for the implementation of matters mentioned in above (e) and (f), and other road development projects within the province planned by any other institutions.
 - (h) To formulate improvement programmes in respect of main roads within the province.
 - (i) To acquire and hold any movable or immovable assets or dispose of any movable or immovable assets acquired and hold.
 - (j) 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 project or scheme.
 - (k) To provide road planning services, on request for the benefit of Government Agencies or other persons in such areas.
 - (l) To charge fees for any service provided by the Provincial Authority.
 - (m) To accept gifts, grants, donation or subsidies whether in cash or otherwise and to apply them for carrying out any of the objects of the Provincial Authority ; and
 - (n) To get the approval of the Advisory Committee of the Ministry, of all Development Proposals and plans.
 - (o) 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 subsection (1) when implementing any programmes or development work relating to road planning and improvements of roads within any Development Area it shall be the duty of the Provincial Authority to implement such programmes or development work in consultation with any Government Departments or Co-operations. Those may have any right-over in or relevance to such programmes of work.