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The Gazette of the Democratic Socialist Republic of Sri Lanka EXTRAORDINARY

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PART IV (A) : PROVINCIAL COUNCIL

Provincial Councils Notifications

SOUTHERN PROVINCE PROVINCIAL COUNCIL

Southern Provincial Industrial Development Authority Statute, No.01 of 2002 of Southern Province Provincial Council

THE aforesaid statue passed by the Southern Province Provincial Council of the Democratic Socialist Republic of Sri Lanka on 08.03.2002 approved by the Governor of the Southern Province on 01.04.2002 is presented as the Southern Province Provincial Industrial Development Authority Statue, No. 01 of 2002 for public notice.

V. K. INDIKA,

Minister of Sports, Youth Affairs, Rural Industries
Southern Province Provincial Council

Ministry of Sports, Youth Affairs, Rural Industries,
Olcott Mawatha,
Galle.
27th August 2008.

SOUTHERN PROVINCE INDUSTRIAL DEVELOPMENT AUTHORITY STATUTE, No. 1 of 2002

A statue to for the promotion, development an improvement of Industrial Projects in the Southern Province for the establishment of an authority called Southern Province Industrial Development Authority and to make province for matters connected there with or industrial thereto. This statute inconsistent with the Industrial Development Act, No. 36 of 1969.

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

1. This Statute may be cited as the Southern Province Industrial Development Authority Statue No. 01 of 2002 and shall come into operation on such date as the Governor grants approval therefore.

Short tite and
date of
operation

PART 1

THE SOUTHERN PROVINCE INDUSTRIAL DEVELOPMENT AUTHORITY

Establishment
of the Southern
Province
Industrial
Development
Authority.

2. There shall be established an Authority called the Southern Province Industrial Development Authority, (herein after in this Statute, referred to as “the Authority”)

Authority to
be a
Corporation.

3. The “Authority” shall, by the name assigned to it by section 2, be a body corporation with perpetual and a Common Seal and may sue be sued in such name.

Objects of the
Authority.

4. The objects of the Authority shall be-
- (a) to encourage and promote the establishment and development of Industries in the Southern Province.
 - (b) to attract local and foreign investors to the Province for the purpose of establishing industrial projects and to assist investors by giving necessary advice;
 - (c) to work towards the creation of a stable economy and an environment suitable for investment where basic facilities would freely available;
 - (d) to undertake training and educational activities pertaining to the development of business talents, by holding training programmes, seminars, work shops, work programmes, conferences, educational tours and industrial research;
 - (e) to disseminate information and knowledge pertaining to industrial development;
 - (f) to encourage good relation among industrialist in the province and promote the proper co-ordination and inter-related growth of all industrial undertakings;
 - (g) to create markets for products within the Province and capture markets outside the province;
 - (h) to take action on the request made by industrialists who intend to get aid pertaining to marketing;
 - (i) to facilitate the obtaining of technical knowledge required for the modernization of industry and grant financial assistance to improve technical skills;
 - (j) to encourage new methods of management, production and distribution and promote quality development and the improvement of work performance; and
 - (k) undertake other development activities pertaining to the objects of the Authority with the approval of the Minister.

Advice to the
Minister

5. It shall be the responsibility of the Authority to submit advice to the Minister regarding any or all of the matters contained in section 4 or on any matter requested by the Minister.

Powers and
function of the
Authority

6. The Authority may –
- (1) acquire, hold, take or give on lease, mortgage or hire, pledge or sell or otherwise dispose of, any movable or immovable property;
 - (2) construct building on any land conveyed to, or acquired by the Authority;

- (3) open and maintain current, savings or deposit accounts in any bank or banks;
 - (4) encourage incentive related production in terms of the provisions of this Statute;
 - (5) enter into and perform, directly or through any officer or agent authorized in that behalf, all such joint agreements, contracts or co-operative agreements as may be necessary for the discharge of the functions of this statute;
 - (6) conduct research into every sphere of industrial development and assist and co-ordinate such activities;
 - (7) recover fees and rent in respect of the services rendered by the Authority and the buildings, premises of equipment rented or leased to the Authority;
 - (8) make payment of charges of rent in respect of the services rendered to the Authority or the buildings, premises or rented or leased to the Authority;
 - (9) appoint train, pay wages and salaries to staff, grant leave and exercise disciplinary control over the staff including the termination of their services;
 - (10) provide a list of duties to the staff, evaluate work performance and take action relating to same;
 - (11) establish provident fund schemes and any other welfare scheme for the benefit of the officers, servants and other employees of the Authority;
 - (12) import or obtain in any other manner, machinery, implements and vehicles necessary for the achievement of the objectives of the Authority;
 - (13) make payment of expenses essential to achieve the objectives of the Authority;
 - (14) accept and receive, grants donations and bequests of both movable and immovable property, material aid, advisory services, financial aid and any other means of assistance from local and through the Government of Sri Lanka, from foreign and international sources;
 - (15) enter into and implement joint ventures or joint projects with local or foreign organizations or personal, in order to achieve the objectives of the Authority, subjects to the provisions of this Statute;
 - (16) borrow such sums of money as may be necessary for the discharge of the function of the Authority, by way of overdraft facilities from Banks, financial organizations, or any other Government or private organizations, with the concurrence of the Minister;
 - (17) supply loan facilities, contribute to capital investments, grant facilities and other implements for the purpose of establishing various industries and employment generating projects under the guidance of the Authority;
7. The Authority may establish Departments, and Agency office for the purpose of carrying out the objectives of the Authority. Agencies and Departments of the Authority
 8. (1) An industry functioning within the Southern Province except an industry, enterprise or project established or maintained by the Government or by a public corporation shall apply to the Authority in the prescribed form to be registered with the Authority. Registration of Industries
 - (2) The fees relating to and the conditions subject to which and industry shall be registered shall be as prescribed.

- (3) If the Board is satisfied that the applicant has complied with the prescribed conditions and paid the prescribed fees it shall register such industry, and grant a certificate of registration.

PART II

BOARD OF DIRECTORS OF THE AUTHORITY

Board of
Directors

9. (1) The management and administration of the Authority shall be vested in a Board of Directors. The Board may exercise any power or discharge any function vested in the Authority by this Statute.
- (2) The Board of Directors shall consist of—
- (i) the following ex-officio members: –
- (a) The Deputy Chief Secretary (Planning) of the Southern Province Provincial Council.
 - (b) The Deputy Secretary of Industries of the Southern Province Provincial Council.
 - (c) The Director-General of Southern Province Development Authority.
 - (d) The Manager, Southern Province Industrial Development Board.
 - (e) The Assistant, Director of the Southern Province Handicraft Development Board.
 - (f) A representative of the Sri Lanka Export Development Board, established under Act, No.40, of 1979, nominated by that Board;
 - (g) A representative of the National Craft Council established under Act, No.35, of 1982, nominated by that Council;
 - (h) A representative of the Sri Lanka Southern Development Authority, established under the Sri Lanka Southern Development Authority Act, No. 18 of 1996 nominated by the Director-General of that Authority.
- (ii) Five members appointed by the Minister, hereinafter referred to as “appointed members”-
- (a) A person who has gained eminence in the field of banking in the Southern Province;
 - (b) An industrialist in the private sector in the Southern Province; and
 - (c) Two members with proven experience in the field of industry and commerce; and
 - (d) A person with proven experience in the field of handicrafts.
3. The Minister shall appoint one of the members of the Board of Directors to be the Chairman of the Board.

Disqualification
from being a
member

10. A person shall be disqualified from being appointed or continuing as a member of the Board if –
- (a) he is or becomes a member of Parliament or a member of a Provincial Council or a local authority;
 - (b) he is under any law in force Sri Lanka or in an other country found or declared to be of unsound mind;

- (c) he holds or enjoys any right or benefit under any contract made by or on behalf of the Board;
 - (d) he is serving or has served a sentence of imprisonment imposed by any court in Sri Lanka or any other country;
 - (e) he has any financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Board.
11. Every appointed member shall, unless he vacates office earlier, by death, resignation or removal, hold office for a period of three years from the date of his appointment, and shall unless he has been removed from office be eligible for re-appointment. Term of office of appointed members.
12.
 - (1) The chairman of the Board shall preside at every meeting of the Board. In the absence of the Chairman from any meeting of the Board, any member elected from among the members present shall preside at such meeting. Chairman of the Board.
 - (2) It shall be the duty of the Chairman to provide advice and guidance to the staff of the Authority on matters of policy that arise in the implementation of the decisions of the Board.
 - (3) The chairman shall be responsible for the general supervision and direction of the affairs of the Authority and for ensuring that the objects of the Authority are achieve.
13.
 - (1) The Minister may, for reasons assigned, remove any appointed member from office. Removal and registration of appointed members
 - (2) In the event of any vacancy of office by death, resignation or removal of any appointed member, the Minister may, having regard to the provisions of subsection (2) (ii) of section 9, appoint any other person to act in the place of such member. Any member so appointed shall hold office for the unexpired period of office of the member whom he succeeds.
 - (3) Any appointed member may, at any time resign from office by letter to that effect addressed to the Minister.
 - (4)
 - (a) Where an appointed member, by reason of illness, infirmity or absence from Sri Lanka is temporarily unable to discharge the duties of his office it shall be the duty of such member to inform the Minister in writing of such inability. Thereupon the Minister may, having regard to the provisions of sub-section (2) of section 9, appoint some other person to act in his place.
 - (b) Where the Chaiman is temporarily unable to discharge the duties of his office by reason of illness, infirmity or absence from Sri Lanka the Minister may appoint some other members of the Board to act in his place during the period of such absence.
14.
 - (1) The board shall meet as often as necessary and at least once in every month. Board Meetings
 - (2) The Board may, subject to the other provisions of this Statute and any rule made thereunder, regulate the procedure in regard to its meetings and the transaction of business at such meetings.
 - (3) Seven days prior notice of every Board meeting shall be given in writing to every member. Such notice shall contain the agenda for such meeting.

	(4) Five members of the Board may by in writing summon a Special Meeting of the Board.
	(5) In the case of an equality of votes at any meeting, the Chairman shall, in addition to his own vote, have a casting vote.
Quorum.	15. The quorum for any meeting of the Board shall be seven members.
Programme of work.	16. Subject to other provisions of this Statute. The Board may prepare an annual programme of work for the Board.
Acts not invalidated by reason of vacancy.	17. No act, decision or proceeding of the board shall be deemed to be invalid by reason only of the existence of any vacancy in the Board or any defect in the appointment of any member thereof.
Remuneration of members.	18. The members of the Board shall be paid such remuneration as the Minister may determine in consultation with the Minister in charge of the subject of Finance.
Seal of the Authority.	19. (1) The seal of the authority may be determine and devised by the Board and may be altered in such manner as may be determined by the Board. (2) The seal of the Authority shall in the custody of the Chariman of the Board. (3) The seal of the Authority shall not be affixed to any instrument or document except with the sanction of the Board and shall be affixed in the presence of the Chairman and one member of the Board who shall sign the instrument or document in token their presence. (4) The Board shall maintain a register of the instruments and documents to which the seal of the Authority has been affixed.
Minister's instructions to the Board.	20. The Board shall be subject to the general and special instructions of the Minister, in the exercise of his power and responsibilities, and it shall be the duty of the Board to carry out such instructions.
Delegation of powers and duties by the Board.	21. (1) The Board may delegate any power, duty or function, conferred or imposed on, or assigned to the Board by or under this Statute, to any member or officer. (2) Such member of officer shall, in the exercise, performance or discharge of such power, duty or function be subject to the general and special directions of the Board.
Appointment of committees.	22. The Board may, with the prior approval of the Minister— (a) Appoint such committees consisting of such number of members as may be determined by the Board. (b) determine the terms of reference, power, functions and duties of such Committees. (c) make rules for the conduct of the business of such Committees.

PART III

APPOINTMENT OF THE DIRECTOR – GENERAL OF THE AUTHORITY AND STAFF OF THE BOARD

Appointment powers and duties of the Directors.	23. (1) The Board shall appoint to the staff of the Authority a Director General who shall be the principal Executive officer and of the Board.
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- (2) The Director – General shall, subject to the general and special directions of the Board and the general supervision of the Chairman exercise, perform and discharge such powers duties and functions as may be delegated to him by the Board. He shall be responsible for the administration and disciplinary control of the officers and servants of the Authority.
 - (3) Subject to the other provisions of this Statute, the Director – General shall exercise, perform and discharge such powers, functions and duties as may be entrusted to him by the Board, and in particular, he shall be responsible for –
 - (a) development of the aptitudes of the persons employed by the Authority;
 - (b) improvement of work performance of the Authority; and
 - (c) obtaining the necessary services to achieve the objectives of the Authority.
24. (1). The Board may appoint such officers and servants as the Board may deem necessary for the proper and efficient discharge of its functions. Other staff of the authority.
- (2) Subjects of the other provisions of this Statute, the Board may –
- (a) exercise disciplinary control over or dismiss, any officer or servants of the Authority;
 - (b) fix the wages or salaries or other remuneration of such officers and servants;
 - (c) determine the terms and conditions of service of such officers and servants; and
 - (d) establish and regulate a provident fund and any other welfare scheme for the benefit of the officers and servants of the Authority.
- PART IV
- FINANCE AND ACCOUNTS
25. (1) There shall be established a fund of the Southern Province to be called the Industrial Development Account (hereinafter referred to as “the fund”) Industrial Development Accounts.
- (2) There shall be paid into the Fund –
- (a) all such sums of money as may be voted from time to time by the Southern Province Provincial Council;
 - (b) all income derived by the Authority from the supply of service;
 - (c) all such sums of money as may be received by the Authority by way of foreign aid, grants and donations, bequests and loans with the approval of the Government of Sri Lanka;
 - (d) all such sums of money as may be received by the Authority by way of proceeds from the sale of any movable or immovable property of the Authority; and
 - (e) other income derived by the Authority in the exercise performance and discharge of its powers, duties and functions under this Statute.
26. (1) The Board shall cause proper accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Board. Audit and Accounts.
- (2) The Provisions of Article 154 of the Constitution of the Democratic Socialist Republic of Sri Lanka and Rules of the Southern Province Provincial Council shall apply to the matters of audit of accounts of the Authority.

Financial
year of the
Authority.

27. The financial year of the Authority shall be the calendar year.

Investment of
monies of the
Authority.

28. The Board may invest any sum of money belonging to the Authority in such manner as the Board may determine.

PART V

GENERAL

Regulations.

29. (1) The minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act, and for all matters which are required by this Act to be prescribed, or in respect of which regulations are required to be made.
- (2) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified therein.
- (3) Every regulation made by the Minister shall, as soon as convenient after its publication in the *Gazette*, be brought before the Provincial Council for approval.

Any such regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously done there-under. Notification of the date on which any regulation made by the Minister is so deemed to be rescinded shall be published in the *Gazette*.

Rules.

30. (1) The Board may make rules in respect of all matters which are required by this statute to be prescribed or in respect of which rules are authorized to be made under this Statute.
- (2) No rule made by the Board under subsection (1) shall have effect until it has been approved by the Provincial Council and notification of such approval is published in the *Gazette*.

Appointments
of public officers
to the staff of
the Board.

31. (1) At the request of the Board, any officer in the Provincial Public Service of the Southern Province may, with the consent of that officer and the Secretary to the Ministry under which that officer is employed and the Governor of the Southern Province be temporarily appointed to the staff of the Authority for such period as may be determined by the Board with like consent, or with like consent be permanently appointed to such staff.
- (2) Where the Authority employs any person who has entered into any contract with the Provincial Council by which he has agreed to serve the Provincial Council for a specified period, any period of service to the Authority by that person shall be regarded as service to the Provincial Council for the purpose of discharging his obligations under such contract.

Employees of
the Authority
deemed to be
public servants.

32. All officers and servants of the Authority shall be deemed to be public servants within the meaning of and the purposes of the Penal Code.

Protection of
action.

33. (1) No suit or prosecution shall lie –
- (a) against the Authority for any act which in good faith is done or purported to be done by the Board under this Statute.
- (b) against any member of the Board, officer, servant or agent of the Authority for any act which in good faith is done or purported to be done by him under this Statute or on the direction of the Board.

- (2) Any expense incurred by the Board in any suit or prosecution brought by, or against, the Authority before any Court shall be paid out of the Fund and any costs paid to, or recovered by, the Authority in any such suit or prosecution shall be credited to such Fund.
- (3) Any expense incurred by any such person as is referred to in paragraph (b) of subsection (1) in any suit or prosecution brought against him before any Court, in respect of any act which is done in good faith, be paid out of the Fund unless such expense is recovered by him in such suit or prosecution.
34. The Board shall, within a period of six months after the closure of each financial year submit a report giving a full account of the activities of the Authority during that year to the Minister who shall cause such report to be placed before the provincial Council prior to the end of the year next following the year to which such report relates. Board's report to be placed before the provincial council.
35. Any person who contravenes the provisions of this Statute or any regulation made there under shall be guilty of and offence under this Statute and shall on conviction after summary trial before a magistrate be liable to a fine not exceeding One Thousand Five Hundred Rupees or to imprisonment for a term not exceeding one month or to both such fine and imprisonment. Officers and staff subject to penal code.
36. In this statute unless the context otherwise requires – Interpretations.
- ‘Board’ means the Board of Directors of the Authority.
- ‘Chairman’ means the Chairman of the Board of Directors of the Authority.
- ‘Governor’ means the Governor of the Southern Province Provincial Council.
- ‘Minister’ means the Minister of the Southern Province Provincial Council in charge of the subject of industry.
- ‘Minister in charge of the subject of the Finance’ means the Minister of the Southern Province Provincial Council in charge of the subject of finance;
- ‘Province’ means the Southern Province of the Democratic Socialist Republic of Sri Lanka, set out in the Eight Schedule to the Constitution
- ‘Provincial Council’ means the Southern Province Provincial Council;