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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 Councils Notifications

#### NORTH CENTRAL PROVINCE PROVINCIAL COUNCIL

NORTH Central Province Industrial Development Authority Statute, No. 02 of 2003, published in *Gazette* No. 1325/14 of 28.01.2004 under Provincial Council notifications in Part IV (A) of the *Extraordinary Gazette* of the Democratic Socialist Republic of Sri Lanka, is cancelled hereby.

G. D. KEERTHI GAMAGE,  
Secretary,  
North Central Provincial Council.

08-474/1

#### NORTH CENTRAL PROVINCE PROVINCIAL COUNCIL

#### NORTH CENTRAL PROVINCE INDUSTRIAL DEVELOPMENT AUTHORITY STATUTE, No. 02 OF 2003

THE Statute approved by the provincial council of the North Central Province of the Democratic Socialist Republic of Sri Lanka and certified by the Governor of the North Central Province on December 11, 2003, is published below for information of all.

G. D. KEERTHI GAMAGE,  
Secretary,  
North Central Provincial Council.

## NORTH CENTRAL PROVINCE PROVINCIAL COUNCIL

### Industrial Development Authority Statute No. 2 of 2003

#### NORTH CENTRAL PROVINCE

A STATUTE TO PROVIDE FOR THE PROMOTION, DEVELOPMENT, EXPANSION MODERNIZATION, DIVERSIFICATION AND ENCOURAGEMENT OF INDUSTRIES IN THE PROVINCE ; FOR THE ESTABLISHMENT OF AN AUTHORITY KNOWN AS THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE NORTH CENTRAL PROVINCE ; AND CREATION OF AN INDUSTRIAL DEVELOPMENT ACCOUNT, AND FOR OTHER MATTERS CONNECTED HEREWITH OR INCIDENTAL THERE TO. THE PROVISIONS OF THIS STATUTE ARE INCONSISTENT WITH THE PROVISIONS OF THE INDUSTRIAL DEVELOPMENT ACT.

Be it enacted by the Provincial Council of the North Central 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 Industrial Development Authority Statute of the North Central Province, No. 02 of 2003 and shall come into operation on such date as the Minister may appoint by order published in *the Gazette*.

2. There shall be —

Establishment of Industrial Development Authority and creation of Industrial Development Account.

(a) established an authority called the Industrial Development Authority ; and

(b) Industrial Development Account should come into operation in accordance with the provisions of this Statute.

#### PART I

##### INDUSTRIAL DEVELOPMENT AUTHORITY OF THE NORTH CENTRAL PROVINCE

Industrial Development Authority of the North Central Province.

3. There shall be established an authority which shall be called the Industrial Development Authority of the North Central Province (hereinafter referred to as “the Authority”).

Authority to be a body corporate.

4. The Authority shall, by the name assigned to it by Section 3 be a body corporate and shall have perpetual succession and a common seal.

Objects of the Authority.

5. The objects of the Authority shall be—

- (a) to implement the provisions of the Statute ;
- (b) to bring forth new industries and promotion of existing industries in the Province ;
- (c) to make arrangements to register all new and existing industries with the authority by levying a fee ;
- (d) to control Industrial Development Account in a proper manner and to make proper management regarding receipt and expenditure ;

- (e) to help in establishment of boards, societies and associations in the field of Industries in the province and to assist in management and financial matter whenever necessary ;
- (f) to conduct entrepreneurial development courses for existing and new industries ;
- (g) to improve the management of the Industrial Units of the province through training and advisory services ;
- (h) to provide infra-structure facilities to entrepreneurs through industrial colonies, industrial gardens and incubators ;
- (i) there shall be provisions for the cancellation of permits, in accordance with the provisions mentioned in the order made by the Minister under this statute, at instances, where land which have not been utilized for the specific purpose during the specific period by the entrepreneur to whom such land have been given on a long term lease basis for activities connected with industries ;
- (j) to maintain an updated system of information regarding the available resources in the province by conducting various surveys for information associated with industries ;
- (k) subject to surveys of the agricultural and mineral resources in the province in order to give value addition through manufactured goods ;
- (l) to provide with assisting services to attract local and foreign investors to the province ;
- (m) to provide entrepreneurs with services such as assignment of technology, obtaining and imparting of information on technology, up dating technology and new technology ;
- (n) to prepare an International network for imparting information on technology, trade and commerce with relevant to institutions of other countries ;
- (o) to prepare and develop programmes of work to assist new findings in technology and high tech activities invented by the existing industrialists ;
- (p) to make arrangements to impart relevant information regarding research and development activities carried out by Research Development Institutions, universities, and institutes of technology dissemination to industrialists of the province ;
- (q) to conduct seminars, workshops, local and foreign fairs and exhibitions to facilitate sale of industrial products ;
- (r) to promote sales out lets and intervene in finding a market to facilitate marketing of the products of the industrialists ;
- (s) to create an advisory service on a fees leaving basis for medium and large scale industries ;
- (t) to assist in coordinating activities with development and commercial banks regarding loan facilities to the industrialists ;
- (u) to assist in providing an understanding as Internationally about technology, production sale and marketing required by the new and existing industrialist of the province and to enter into agreements with local and foreign trading companies for sales promotions ;
- (v) to perform the tasks relevant to accomplishment of the requirement of this statute ;
- (w) to engage in actions Identified as to be carried out by the industrial development authority for the development of industries in the province in accordance with the intention of the Hon. Minister.
- (x) to identify young or other producers belongs to any other age groups in the North Central Province and to support them to promote their production and to keep them national and international recognition whenever necessary.

Powers of the  
Authority.

6. The Authority shall have the power :—

- (a) to make possession of, hold ; obtain on lease or rent, mortgage, or other wise dispose of movable or immovable property ; subject to any existing law ;
- (b) to cause researches to be conducted to develop industries according to the relevant provisions of the law ;
- (c) to enter into joint agreements or contracts to further any of the objects of the Authority in accordance with the provisions of the relevant law ;
- (d) to charge fees or rent for the facilities provided by the Authority ;
- (e) to appoint, employ, remunerate and enforce disciplinary control over the necessary staff and framing and enforcing rules and regulations necessary for this purpose ;
- (f) to allocate specific duties to the members of the staff and to evaluate their performances, take remedial steps where necessary ;
- (g) to obtain machinery equipment and vehicles required for fulfilling any of the above said objects of the Authority by way of importation or other wise ;
- (h) to make arrangements to achieve all the objects mentioned under No. 05 of the above section ; and
- (i) the authority may file action by its name and also may be filed action against (the authority against such action).

## PART II

### BOARD OF MANAGEMENT OF THE AUTHORITY

Board of  
Management.

7. (1) There shall be a Board of Management to act for and administer the affairs of the Authority (herein after referred to as “the Board”) consisting of three ex-officio members and six appointed members.
- (2) The ex-officio members of the Board shall be—
- (a) the Secretary to the Ministry of industries of the North Central Province ;
  - (b) the Director of industries development of the North Central Province ;
  - (c) a representative of the Ministry of Finance of the North Central Province.
- (3) The six appointed members to be nominated by the Minister with the consent of the Chief Minister (hereinafter referred to as “the appointed members”) shall be—
- (a) Regional Manager of Central Bank Anuradhapura or his representative appointed by him ;
  - (b) a private Sector Industrialist in the Province ;
  - (c) a representative in the field of handicraft in the Province ;
  - (d) a representative of the Commerce and Industries Board in the Province ;
  - (e) a representative of the Agro Business field in the Province ;
  - (f) a representative of the field of tourism in the Province.

- (4) The Minister shall appoint one of the members of the Board as its full time chairman and he shall be paid with a monthly allowance.
- (5) Where one Ministry in the Province handles the subject of Industries as well as Agriculture, the Minister may nominate an additional ex-officio member to the Board.
8. An appointed member shall hold office for a period of three years unless he earlier vacated office by resignation, death, removal or otherwise. Term of office of an appointed member.
9. An appointed member who vacates office by expiry of time shall be eligible for re-appointment. Eligibility of members for reappointment.
10. An appointed member may resign office by a letter addressed to the Minister. Resignation and removal of members.
11. A Member of Parliament, a Provincial Council or a Local Government Authority shall not be eligible to be as appointed member of the Board. Disqualification.
12. (1) If any member is temporarily unable to discharge the duties of his office due to ill health, absence from Sri Lanka or any other cause, the Minister may subject to Section 7 appoint some other person to act as member in his place. Appointment of acting members.
- (2) If the Chairman is unable to function in his office for reasons specified in Sub-section (1) ; the Minister may appoint another member of the Board to act for the Chairman during his absence.
13. The Board shall meet at least once in two month. Meeting of the Board.
14. The quorum for any meeting of the Board should be three. Quorum.
15. Subject to the other provisions of the Statute, the Board may formulate its own procedure in regard to its meetings and for transaction of business at such meetings by regulations. Procedure at meetings of the Board.
16. Any action or decision of the Board shall not be deemed to be invalid for reason any of a vacancy existing in the Board or a defect in an appointment of a member of the Board. Any action, etc., not to be invalid by reason of a vacancy in the Board.
17. The members of the Board shall be paid such remuneration as may be decided by the Minister. Remuneration.
18. (1) The common seal of the Authority shall be in the custody of such person as may be decided by the Board. Common Seal of the Authority.
- (2) The Seal of the Authority may be altered in such manner as the Board may decide.
- (3) The seal of the Authority shall not be affixed to any instrument or document, whatsoever, except in the presence of two members of the Board, both of whom shall sign such instrument or document in token of their presence.
- (4) The Board shall maintain a register of instruments and documents to which the seal of the Authority is so affixed.

Powers of the Board.

19. The Board shall have the power to exercise any or all the powers of the Authority referred to in Section 6 or any other provision of the Statute, in addition to exercising performing, and discharging the powers, functions and duties directly assigned to or conferred on the Board under or by this Statute.

Duties of the Board.

20. It shall be the duty of the Board.—

- (a) to render as far as possible, such services as are contemplated in the objects of the Board for the benefit of —
  - (i) the Provincial Council or any Ministry of the in the Provincial Council, or
  - (ii) any industry which is being carried out or is to be carried on in the Province, or
  - (iii) any local authority.
- (b) to take all such measures as may be necessary for the fulfillment of its objects.
- (c) either on its own motion or at the request of the Minister, to advise him on all matters relating to the promotion and development of industries.

Delegation of Powers, functions and duties of the Board.

21. (1) The Board may delegate to any member or officer of Board of its powers, functions or duties under this Statute.
- (2) Any such member or employee to whom any powers, functions of duties have been so delegated shall exercise, discharge, or perform them subject to the general or special direction of the Board.

Minister's direction to the Board.

22. (1) In the exercise, discharge and performance of its function and duties the Board shall be subject to, and act in accordance with, such general or special direction as the Minister may from time to time issue.
- (2) The Minister shall, in giving any direction under Sub section (1) with regard to any matter affecting the function assigned to any other Minister, shall do so in consultation with that Minister.

Staff of the Board, etc,

23. Subject to the other provision of this Statute, the Board may —

- (a) appoint, dismiss and exercise disciplinary control over the staff of the Board ;
- (b) fix the wages or salaries or other remuneration of such staff ;
- (c) determine the terms and conditions of service of such staff ;
- (d) establish and regulate a provident fund or scheme for the benefit of such staff and make contributions towards such fund or scheme by the Board.

Alimony Board of the authority.

24. There should be a advisory council to instruct the authority when necessary who should be appointed by the Minister from the following category of person and, their term of office should be limited to 3 years from date of appointment.

- (a) The Secretary to the Ministry of Agriculture of North Central Province or his representative.
- (b) The Dean of the Management Faculty of the Rajarata University or his representative.

- (c) The General Manager of Electricity Board of the North Central Province or his representative.
- (d) The General Manager of Water Board of the North Central Province or his representative.
- (e) Provincial Land Commissioner of North Central Province.
- (f) A Senior Lawyer who has expertise knowledge and experience regarding Business Law.
- (g) A representative of Road Development Authority.
- (h) A representative of Provincial Environmental Unit.
- (i) Regional Director of National Industrial Board, Anuradhapura.

### PART III

#### FINANCE AND ACCOUNTS

25. (1) There shall be operated and maintained a separate account of the Provincial Fund called the "Industrial Account" (hereinafter referred to as the industrial Account') constituting. Industrial Account.
- (a) Funds allocated to it by the Provincial Council ;
  - (b) All income received for the services provided by the Authority ;
  - (c) All loans and foreign aid received by the Authority with the approval of the Government of Sri Lanka ;
  - (d) Any other income derived from the activities of the Board.
- (2) The maintenance and operation of the Industrial Account shall be 23 - land 23-2 subject to the provisions of Chapter of the Provincial Councils Act, No. 42 of 1987 relating to the Provincial Fund.
- (3) All sums of money as may be required from time to time, by the Board for the purposes of Sub-section (4), shall be transferred to the Industrial Account from the Provincial Fund.
- (4) There shall be paid out of the Industrial Account all sums of money required to defray legitimate expenditure incurred by the Board in exercising its powers or in discharging or perform its functions or duties under this Statute.
- (5) The Minister with the concurrence of the Provincial Council shall have the possibility of taking steps to get a sum of money required from time to time for a purpose of the Authority, when such sum of money could not be covered from the receipts of the Industrial account.
- (6) There shall be maintained a financial code exclusive to the authority for the control of financial activities of the Industrial Development Authority. The authority shall be vested with the power of acting according to the procedure of the said financial code, after submitting it to the approval of the Board of Directors and thereafter referring to the approval of the Minister of Industries.
26. The financial year of the Authority shall be the calendar year. Financial year of the Authority.

auditing of the  
Accounts of the  
Authority.

27. The Accounts of the Authority in respect of each financial year shall be submitted to the Auditor General for audit before the lapse of six months from the end of the financial year. It is relevant the section 154 of the constitution and section 23-1 and 23-2 of the Provincial Council Act, No. 42 of 1989.

#### PART IV

#### GENERAL

Regulation.

28. (1) The Minister may make regulations for the purpose of carrying out and giving effect to the principles and provisions of this statute and for all matters stated or required by this statute 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 force 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 such disapproval but without prejudice to anything previously done thereunder. Notification of the date on which any regulation made by the Minister is so deemed to be rescinded shall be published in the *Gazette*.

Land required for  
the purposes of  
this statute.

29. Where any land situated within the Province is required for any of the purposes of this Statute ; Orders have to be carried out in regarding to land Development Statute No. 2 of 2002 of North Central Province.

Contracts with  
any public  
corporation,  
company, etc,

30. The Board may subject to the Provisions of this Statute or any other written law, enter into and perform or carry out all such contracts and agreements with any public corporation, company or other body of persons as may be necessary for the purposes of this Statute.

Employees of  
the Board  
deemed to be  
Public Servants.

31. All officers and employee of the Board shall be deemed to be public servants within the meaning and for the purposes of the Panel Code.

Secrecy.

32. All officers, employees and members of the Board shall safeguard the secrecy within the purview of the law.

Protection for  
action taken  
under the  
Statute.

33. Any expenses Incurred by any such person as is referred to in sub-section (1) in any suit or prosecution brought against him before any court in respect of any act which is done or purported to be done by him under this Statute or on the direction of the Board shall, if the court hold that the act was done in good faith is paid out of the Industrial Account.

Interpretation.

34. In this Statute, unless the context otherwise required.

- \* “Industries” means all industries including rural micro, small, medium and large scale industries.
- \* “company” means any company registered under the companies Act, No. 17 of 1987.
- \* “Provincial Council” means the Provincial Council of the North Central Province.



- \* “Minister” means the Minister of the Cabinet of Ministers in charge of the subject of industries of the Provincial Council.
- \* “Province” means the North Central Province of the Democratic Socialist Republic of Sri Lanka ; and
- \* “Public Corporation” means a corporation, board or other body which was or is established by or under any written law other than the companies Act, No. of with funds or capital wholly or partly provided by the Government by way of grants, loans or otherwise.

35. In the event of any inconsistency between the Sinhala and Tamil texts of this Statute, the Sinhala text shall prevail.

Sinhala text to prevail in the even of inconsistency.

08-474/2