

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය

අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1585/23 - 2009 ජනවාරි 22 වැනි බ්‍රහස්පතින්දා - 2009.01.22

No. 1585/23 - THURSDAY, JANUARY 22, 2009

(Published by Authority)

PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

Alternative Electricity statute No.06 of 2008

I, Lalith Wanigarathna, Minister of Provincial Road, Co-operatives, Trade, Food, Water and Electricity Western Province declare that Alternative Electricity Statute No. 6 of 2008 Western Provincial Council is effective from 26th November, 2008 as ordered by the Honourable Governor of Western Province.

LALITH WANIGARATHNA,
Minister of Provincial Road, Co-operatives, Trade,
Food, Water and Electricity, Western Province.

Battaramulla,
19th December, 2008.

ALTERNATIVE ELECTRICITY STATUTE OF THE WESTERN PROVINCE PROVINCIAL COUNCIL

A Statute to make provisions for the supply of alternative energy services for the development, conservation and regulation of the sites and facilities within the province to generate and promote energy (except hydro power generated to feed the national grid) within the Western Province.

1. This Statute is cited as the Alternative Electricity Statute No. 06 of 2008.

Short title and
date of
operation.

This Statute shall come into operation on such a date approved by the Governor of the Western Province.

PART I

Incorporation

2. (i) There shall be established an Alternative Electricity Bureau herein-after referred to as “The Bureau” of the Western Province.
- (ii) The Bureau shall, by the name assigned to it by Sub-section (i) be a body corporate and shall have perpetual succession and common seal and may sue and be sued in such time.

Members of the Bureau

3. The Bureau shall consist of the following members appointed ex-officio:

- (a) (i) The Secretary to the Ministry in charge of the subject of Electricity in the Western Province,
- (ii) Deputy Chief Secretary (Finance) in the Western Province,
- (iii) Deputy Chief Secretary (Planning) in the Western Province,
- (iv) Deputy Chief Secretary (Engineering) in the Western Province,
- (v) The Accountant of the Ministry in charge of the subject to Electricity in the Western Province,
- (vi) The Director Planning of the Ministry in charge of the subject of Electricity in the Western Province,
- (vii) The Senior Engineer in charge of the Western Province of the Ceylon Electricity Board,
- (b) The Secretary to the Ministry in charge of the subject of Electricity shall be the ex-officio Chairman of the Bureau.
- (c) For every day the Bureau meets may be paid remuneration to every member attending the said meetings as determined by the Minister from time to time.

PART II

4. ADVISORY COUNCIL

Appointment of Advisory Council

- (i) An advisory Council shall be established by the Bureau to advise the Bureau on any or all matters which Minister may deem necessary for the purpose of implementing policies and enforcing the provisions of this Statute.
- (ii) There shall be appointed a certain number of members determined by the Bureau for the Advisory Council, subject to the conditions determined and implemented by the Bureau.
- (iii) The Advisory Council shall have the power to determine the number of members required for the quorum of the Advisory Council meetings including the power to specify and regulate such procedure. Every member of the Advisory Council shall, unless he resigns, dies or is removed earlier, hold office for a period of three years from the date of his appointment.
- (iv) A member may resign from office by forwarding a letter to the Chairman of the Bureau informing resignation.
- (v) A member who vacates office by resigning or on expiry of term of office shall be eligible for re-appointment.

- (vi) Where a member of the Advisory Council temporarily unable to perform the duties of his office on account of ill-health or other infirmity or absence from Sri Lanka the Bureau may appoint another person to act in his office.
- (vii) If the Bureau considers that any member deserves to be removed from the Advisory Council such member may be removed.

PART III

5. OBJECTIVE OF THE BUREAU

Objectives of the Bureau.

- (a) To identify, conserve, develop and assist the alternative electricity sources,
- (b) To identify water resources available in the villages to which electricity cannot be supplied from the national grid and provide electricity to such villages by encouraging the community to establish small hydro power stations,
- (c) To encourage and assist the villagers to generate electricity using solar power by popularizing solar power in the villages where electricity is not available, and co-ordinate with the institutions which popularize solar power as an alternative source of electricity.
- (d) To popularize and assist the cultivation of Gliricidia as an alternative source of electricity,
- (e) To popularize and assist the generation of bio-gas as an alternative source of electricity,
- (f) To educate and assist community to utilize above alternative electricity, arrange programmes to assist such attempts and organize programmes to obtain assistance from the government and local government authorities for this purpose,
- (g) To assist the institutions which generate and popularize alternative electricity, register such institutions and extend provincial Council assistance for this purpose.

PART IV

6. POWERS AND DUTIES OF THE BUREAU.

- (i) To formulate policies and operational procedures required for the functioning of the Bureau,
- (ii) To appoint, supervise and advise the Administration Units appointed under Section 07 of this Statute,
- (iii) To appoint, supervise and advise the Regional Operational Committees established under Section 9 of this Statute,
- (iv) To formulate policies determined as required from time to time to promote and maintain alternative electricity projects aimed at public welfare and in compliance with this Statute,
- (v) To advise and supervise the proposals implemented and act as the final arbitrator on disputable matters,
- (vi) To acquire, hold, give on lease or hire, mortgage, sell or otherwise dispose of any movable or immovable property.

Powers of the Bureau.

- (vii) To enter into agreements required to perform and exercise the powers and duties of the Bureau accurately,
- (viii) To develop, conserve, and regulate sites and facilities within the province to promote small scale electricity generation except enriching the national grid,
- (ix) To generate power utilizing regeneratable sources of electricity including natural water currents, solar power, wind power, bio-gas, wood and fuel which have not been productively used,
- (x) to identify, plan, implement, follow up, manage, register projects relating to alternative sources of electricity and utilize any form of local and foreign donations received for the activities related to the said projects,
- (xi) To enter into agreements with the community based organizations in order to implement identified proposals.

PART V

7. The Bureau may appoint an Administration Unit to formulate policies and operational procedures required for the function of Regional Operational Committee appointed in terms of provisions in the Section 9 of this Statute and to extend necessary assistance to the Bureau in the maintenance of efficient alternative electricity service.

8. POWERS AND FUNCTIONS OF THE ADMINISTRATION UNIT

Powers of the
Administration
Unit.

- (a) To implement policy decisions as determined by the Bureau,
- (b) To levy charges on behalf of the Bureau on any service, facility or property provided by the Bureau,
- (c) To accept financial or material grants, donations, subsidies or gifts for the Bureau and utilize them for achievement of the goal,
- (d) To maintain and protect electricity generating projects presently available in the domain of the Western Province and expected to be identified in future,
- (e) To encourage the general public to use alternative electricity in domestic as well as in the development and manufacturing processes and provide assistance and guidance required for the purpose,
- (f) To identify new alternative electricity generating technologies and ascertain necessary information to minimize losses from the maximum use of alternative electricity and submit proposals to the Bureau,
- (g) To direct studies regarding the popularization of electricity generation and use of electricity among the general public and encourage for this purpose,
- (h) To appoint Regional Operational Committees to assist the Administration Unit for the maintenance of efficient alternative electricity service.

PART VI

9. Administration Unit may appoint a Regional Operational Committee under the chairmanship of the Divisional Secretary appointed ex-officio for the Divisional Secretariat Divisions in order to implement alternative electricity projects.

10. POWERS AND FUNCTION OF THE REGIONAL OPERATIONAL COMMITTEE.

Powers of the
Regional
Operational
Committee

- (i) To submit feasibility study report related to the referred alternative electricity proposals and obtaining an environmental evaluation report is a pre-qualification,
- (ii) To assign the relevant Community Based Organizations, Government Institutions or Local Government Authorities to implement alternative electricity projects,
- (iii) To implement alternative electricity projects,
- (iv) To examine alternative electricity projects in operation,
- (v) To control alternative electricity projects in operation,
- (vi) To follow up alternative electricity projects in operation,
- (vii) To maintain alternative electricity projects in operation,
- (viii) To resolve problems that arises or to refer to the Bureau the problems that cannot be solved,
- (ix) To accept persons with acceptable qualifications, Local Government Authorities, individuals and organizations on Consultancy Services subjected to the supervision of provincial Bureau.

PART VII

THE STAFF OF THE BUREAU

11. (i) A Director appointed by the Bureau shall serve fulltime and always function under the guidance of the Bureau,
- (ii) The Director shall be entrusted with, subject to the general command and control of the Chairman, direction of activities in the Bureau, organization and implementation of powers and duties of the Bureau and administration and control of the employees in the Bureau,
- (iii) Officers or employees who are deemed to be unnecessary in the efficient exercise of powers, performance and discharge of duties and functions of the Bureau may be removed from the post or office in accordance with the procedures laid down in terms of the provisions in this Statute.

Staff of the
Bureau.

PART VIII

12. FUNDS

- (i) There shall be established Fund in the name of Bureau,
- (ii) (a) All such sums of money approved by the Provincial Council for the benefit of the Bureau from time to time,

Fund of the
Bureau.

(b) All such sums of money as may be received by the Bureau in the exercise, performance and discharge of its powers, duties and functions,

(c) All such sums of money accrued to Bureau shall be credited to the fund of the Bureau.

All such sums of money received or to be paid into the fund of the Bureau shall be deposited in a State Bank approved by the Governor.

Expenses of the Bureau.

13. (i) The Bureau shall meet any expenses incurred in the management of the functions of the Bureau in payment of remuneration to the members and employees of the Bureau and in the exercise of powers and discharge of functions and duties under this Statute and any other functions approved by the Bureau from time to time,
- (ii) Cheques or bank drafts on all the payments made by the fund of the Bureau shall be signed by two persons authorized by the Bureau,

Budget of the Bureau.

14. (i) The financial year of the Bureau shall be the calendar year,
- (ii) The Chairman of the Bureau shall prepare an estimate each year for the following year including the particulars of income obtainable in that year and proposed expenditure as per the form indicated in the rules on or before a date specified by such rules and submit it to the Bureau,
- (iii) The Bureau shall consider finally the amendments if any available and pass the estimate with such amendments before the commencement of the year to which such estimate pertains,
- (iv) The Chairman of the Bureau, if necessary, may prepare an additional estimate at any time and submit it to the Bureau,
- (v) The Bureau may pass, change or reject any estimate or all or any of the subjects included in the additional estimate or add any subject,

Accounts of the Bureau.

15. (i) It shall cause action for proper maintenance of accounts specified by rules in respect of income and expenditure, assets and liabilities and all other transactions of the Bureau,
- (ii) Balance sheet and account of assets and liabilities for every finance year shall be presented to the Auditor General before 15th March in the consecutive year,

Audit of the Accounts

16. (i) The provisions of the Article 154 of the Constitution shall apply to the audit of the accounts of the Bureau,
- (ii) The Provisions of the Finance Act, No. 38 of 1971 shall *mutatis mutandis* apply to the relevant audit of the accounts,
- (iii) (a) The Bureau shall cause action to forward the Minister along with the following documents a report of the Director in respect of the administration of clarifications pertaining to the matters in the report of the Auditor General in respect of any year as referred to in 14(i),
- (i) The Auditor General's Report,
- (ii) The Balance Sheet, and
- (iii) The Profit and Loss account,
- (b) The Minister shall forward the copies of the report and documents submitted to him under paragraph (a) to the Provincial Council.

PART IX

17. (i) Where the Bureau intends that it is necessary to acquire any immovable property located within the area for the purpose of this Statute, on recommendations made by the Cabinet as per the request of the Minister in respect of the property expected to acquire, the Bureau may pass a resolution requesting,

Power to acquire immovable property.

 - (a) To acquire such property for a purpose under subject 1:2 in the appendix No. (1) and (2) in the Schedule 9 under the Constitution when such Government property ;
 - (b) To acquire by the Minister in charge of the subject of land of the Central Government on behalf of the Bureau for a purpose under the Land Acquisition Act, when such property is a private land,
 - (ii) Where the Provincial Board of Ministers has passed a resolution under Sub section (1), the said resolutions shall be forwarded through the Chief Secretary in the prescribed form by the Secretary to the Ministry in charge of the subject of alternative electricity,
 - (a) to the Government Institution to which such property belongs if it is a Government Property
 - or
 - (b) to the Minister in charge of the subject of land of the Central Government if it is a Private property,
 - (iii) Any amount of money payable for the acquisition of property to the Bureau on an application submitted under Sub-section (2) should be paid from the fund of the Bureau,
18. (i) The Minister may inspect the execution of powers of the Bureau with regard to the affairs under this Statute and may issue a normal or special written order to the Bureau by inspecting so and the Bureau should execute those orders,

Powers of the Minister
 - (ii) The Minister may command to the Bureau in writing from time to time to furnish him any information in writing required by him in relation to the activities of the Bureau,
19. (i) The Minister may make rules which are non inconsistent with the provisions in this Statute without prejudice to the expansion of powers delegated by this Statute with regard to all or any of the following matters pertaining to the exercise, enforcement of provisions and levy of charges under this Statute.

Power to make rules

 - (a) Conduct of meetings of the Bureau,
 - (b) Powers and duties of the Director of the Bureau as the Chief Executive Officer,
 - (c) Preparation of estimates,
 - (d) Maintenance of accounts,
 - (e) Paying remuneration to the members of the Bureau,
 - (f) Payments to the employees and officers of the Bureau,
 - (g) Regarding any matter which may be taken under this Statute in achieving goals of the Bureau,
 - (h) Performance with regard to the agreements enter into with the Community Based Organizations,

- (ii) Every rule made by the Minister under this Section shall be published in the *Gazette* and submitted to the Provincial Council for approval, within the 03 months after publication,
- (iii) Subsequent to publication of every rule made under Sub-section 2 a resolution for not to Act for not granting permission to that rule shall be submitted to the Provincial Council as soon as possible and it may be repealed or amended on a resolution passed by the Provincial Council. A notification of rescission or amendment shall be immediately published in the *Gazette*. Further, such repeal or amendment shall take effect with which may have been done or any proceedings which may have been initiated under that rule prior to that date.

Protection of
action taken
under this Statute

20. (i) NO SUIT OR PROSECUTION SHALL LIE
- (a) Against the Bureau for any action which in good faith is done by the Bureau under this Statute,
 - (b) Against any officer, employee or a representative of the Bureau for any Act, which in good faith is done or purported to be done by him under this Statutes or on the direction of the Bureau,
- (ii) Any expense incurred by any such person as referred to in sub-section (i) 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 was done in good faith, be paid out of the fund of the Bureau,

Members
Employees,
Public Servants
of the Bureau.

21. (i) Any member or any employee of the Bureau shall be deemed to be a public servant within the meaning of the penal code,
- (ii) The Bureau shall be deemed to be a government employer within the meaning of the Bribery Act.

Punishment for
obstruction to
officers, servants
of the Bureau.

22. Any person intentionally obstructs any officer in the performance or exercise of any task of him or assigned to him under this Statute or any law, any provision made there under or in terms of any provision shall be guilty of an offence and on being convicted after summary trial before a magistrate, liable to a fine not exceeding Rupees Fifty Thousand and not less than Rupees Fifty Thousand or an imprisonment not exceeding one year but not less than 03 months or to both fine and imprisonment.

23. INTERPRETATION

“Bureau” means the Alternative Electricity Bureau in the Western Province.

“Minister” means the Minister in charge of the subject of electricity in the Board of Ministers of the Western Provincial Council.

“Board of Ministers” means the Board of Ministers of the Western Provincial Council

“Province” means the Western Province.

“*Gazette*” means the *Gazette* of the Democratic Socialist Republic of Sri Lanka.