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EXTRAORDINARY

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PART IV (A) — PROVINCIAL COUNCILS

Provincial Council Notifications

STATUTE No. 03 OF 2004 OF THE NORTH WESTERN PROVINCIAL COUNCIL

Fund for the Maintenance of Minor Irrigation and Rural Roads

THE undermentioned statute, ratified by the Provincial Council of the North Western Province of the Democratic Socialist Republic of Sri Lanka on 21.12.2004, approved by Governor of the North Western Province on 19.05.2005, is hereby published for the information of all concerned.

S. M. JAYATHILAKA,
Secretary,
North Western Provincial Council.

Council Office,
North Western Provincial Council,
Kurunegala,
03rd June, 2005.

STATUTE No. 03 OF 2004 OF THE NORTH WESTERN PROVINCIAL COUNCIL

FUND FOR THE MAINTENANCE OF MINOR IRRIGATION AND RURAL ROADS

A Statute to provide for the establishment of a fund known and “Fund for the Maintenance of Minor Irrigation and Rural Roads in the North Western Province” in order to accumulate and disburse funds required for the proper maintenance of minor irrigation and rural roads in the North Western Province, at the proper time and to provide for matters related to or indicated thereto.

North Western Provincial Council of the Democratic Socialist Republic of Sri Lanka enacts as follows :

The short title and the effective date	1. This Statute No. 03 of 2004 of the North Western Provincial Council may be cited as “The Statute on Maintenance Fund for the Maintenance of Minor Irrigation and Rural Roads” and it becomes effective from the date of approval by the Governor of the North Western Province.
Establishment of Minor Irrigation and Rural Roads Maintenance Fund in the North Western Province	2. (1) A Fund hereinafter referred to as the Fund known as “Maintenance Fund for the Maintenance of Minor Irrigation and Rural Roads in the North Western Province” is hereby established. (2) the Fund shall be in charge of the Secretary of the Provincial Ministry in charge of the subject of Irrigation in the North Western Province.
Infrastructure Maintenance Board	3. (1) The Administration, Management and Control of the fund shall come under the “Infrastructure Maintenance Board” which consists as hereinafter provided for. (2) The Infrastructure Maintenance Board, hereinafter referred to as the “Board” shall consist of— (a) Secretary, Ministry in charge of the subject of Irrigation in the NWP ; (b) Director, North Western Engineering Department ; (c) Director, North Western Road Development Department ; (d) Director Agriculture, North Western Province ; (e) Commissioner, Local Government, North Western Province ; (f) Head of the Agrarian Services in the Districts of Kurunegala and Puttalam to be appointed in consultation with the Commissioner of Agrarian Services ; (g) Two representatives from two Farmer Organizations in Kurunegala and Puttalam Districts ; (h) Commissioner of Co-operative Development, North Western Province ; (i) Two representatives from two NGO ; (j) A representative of a Commercial Organization in the North Western Province ; (k) Director-General of the Commercial and Industrial Board in the North Western Province ; (3) Secretary, Ministry in Charge of the subject of Irrigation in the NWP shall be ex-officio Chairman of the Board. (4) The Project Director of the Infrastructure Maintenance project meant for the alleviation of poverty will act as the Secretary to the Board during the operational period of Project, the Infrastructure Maintenance Engineer shall act as the Secretary to the Board.
Appointment of Members of the Board and therein Term of office	4. (1) (a) Members of the Board should be appointed— during the operational period of the Project by the Secretary of the line Ministry in charge of Regional Infrastructure Development or such subjects in consultation with the chief Secretary, North Western Province ; and (b) After the completion of the Project by the Chief Secretary, North Western Province, on the recommendation of the Secretary, Ministry in Charge of the subject of Irrigation in the North Western Province. (2) The tenure of office of a Member of the Infrastructure Maintenance Board referred to in Section 3(2) above shall be for a period of three years during the operational period of the Project, and after the implementation of the Project they shall be appointed for a period of two years by the Authorities referred to in Section 4(1) above. (3) The Appointing Authority has the absolute power to remove any Member, except an <i>ex-officio</i> Member, at any time, if the Appointing Authority is of the view that the Member so appointed is not holding the appointment duly or it is detrimental for him to hold the said post. (4) With the termination of office of any Member who holds Membership <i>ex-officio</i> , his Membership

- would cease and the successor shall be appointed for the balance period of Membership.
- (5) Any Member, except an *ex-officio* Member, may resign from the Membership by submitting a written request to the Appointing Authority.
 - (6) The term of office of a member re-appointed to a vacancy occurring as a result of resignation or removal of any Member shall be limited to the balance period of appointment of the previous Member.
 - (7) The quorum of the Board shall be six and two of them should be *ex-officio* members.
5. (1) A Separate Bank Account in respect of the Fund should be maintained in a State Bank by the Project Implementing Unit and with the implementation of the Project the Bank Account of the Fund should be maintained by the Secretary of the Provincial Ministry in Charge of the subject of Irrigation. Accounts of the Fund
- (2) (a) Monies provided by the Japanese fund for Alleviation of Poverty, Government of Sri Lanka and the relevant Farmer Organizations for the selected Minor Irrigation work selected for maintenance by the Project during the operational period of the Project and monies provided by the Government of Sri Lanka and relevant Farmer Organizations after the operational period of the Project ;
 - (b) Monies provided by the Japanese Fund for Alleviation of Poverty and the Government of Sri Lanka for the rural roads selected for maintenance by the Project during the operational period of the Project and monies provided by the Government of Sri Lanka, North Western Provincial Council and Pradeshiya Sabhas after the operational period of the Project.
 - (c) Monies that may be received from other sources as grants, donations or presents, or monies received by some other means, may be credited to the Fund.
6. Action should be taken as follows :-
- (a) During the operational period of the Project, to expand from the Fund an amount equivalent to percentages of 40% of the estimated amount for annual maintenance of minor irrigation work from the Japanese funds for poverty alleviation ; 10% from the funds provided by the Sri Lanka Government and 50% from the funds provided by the relevant Farmer Organization and after the operational period of the Project 10% from the funds provided by the Sri Lanka Government and 90% from the funds provided by Farmer Organizations ; Utilizing Funds
 - (b) In the case of rural roads, during the operational period of the Project to expand from the Fund during first, second and third years and amount equivalent to percentages of 50%, 40% and 20% respectively, of the annual maintenance estimate prepared by the project Director from the Japanese funds for poverty alleviation ; 50%, 60% and 80% from the funds provided by the Sri Lanka Government and after the operational period of the Project, 100% from the funds provided by the Sri Lanka Government ;
 - (c) 45% of the estimated amount of priority maintenance work of minor irrigation and rural roads schemes selected by the Project to be expanded from the Japanese fund for Poverty Alleviation and 55% from the Sri Lanka Government funds.
 - (d) Out of the funds provided by the Government of Sri Lanka, if there is any balance at the end of the Calendar Year such balance amount should be refunded to the Government of Sri Lanka.
7. (1) The functions and the objectives of the project during the period of implementing the Project should be discharged by the Implementation Unit of the Project and an Infrastructure Maintenance unit comprising the following may be established by the Secretary to the Ministry in Charge of the subject of Irrigation in the North Western Province for the performance of such functions and objectives of the fund after the duration of the Project. Infrastructure Maintenance Unit

	<i>Designation</i>	<i>No. of Posts</i>
	Rural Infrastructure Maintenance Engineer	01
	Social Economist	01
	Accountant	01
	Technical Assistants	03
	Clerks	03
	Stenographer/Computer Operator	01
	Draughtsman	01
	K.K.S.	01
	Driver	01
Allowance payable to the Members of the Board	8. An allowance determined by the Cabinet of Minister, North Western Provincial Council, may be paid to the Chairman and the Members of the duly appointed Infrastructure Maintenance Board for attending Board Meetings.	
Accounts of the Fund and Auditing of Accounts	9. (1) The maintenance of accounts pertaining to all income and expenditure of the Fund should be done by the Project Director during the operational period of implementing of the Project and after the duration of the Project by the Secretary to the Ministry in Charge of the subject of Irrigation in the North Western Province. (2) The accounts of the Fund should be audited by the Government Auditor-General.	
Minister empowered to make Regulations.	10. (1) Necessary regulations pertaining to powers of the Board, responsibilities, enforcement and discharge of functions or any other matters incidental thereto may be made by the Minister in Charge of the subject of Irrigation in the North Western Province and regulations so made, should be published in the <i>Gazette of the Democratic Socialist Republic of Sri Lanka</i> and shall be effective from the date of such publication or any specific date referred to in such regulations. (2) After such publication, the Minister should submit such regulations to the Provincial Council, as early as possible, and the Council may approve, make any amendment or repeal such regulations. (3) Such repeal or amendment should be published in the <i>Gazette</i> and affect without prejudice to any act or legal proceedings instituted under the said regulations, prior to the date of such publication.	
Interpretation	11. In this Statute— “Council” means the North Western Provincial Council ; “Minister” means the Minister in charge of the subject of Irrigation in the Provincial Council of the North Western Province ; “State Bank” means the Bank of Ceylon and the People’s Bank.	
Sinhala text to prevail in case of Inconsistency	12. In the event of any inconsistency between the Sinhala and Tamil texts of this Statute, the Sinhala text shall prevail.	