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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1,528/1 – 2007 දෙසැම්බර් 17 වැනි සඳුදා – 2007.12.17

No. 1,528/1 – MONDAY, DECEMBER 17, 2007

(Published by Authority)

PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

SOUTHERN PROVINCIAL COUNCIL OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

Draft Statute No. of 2007 of Pre-schools of Southern Provincial Council

I, the Chief Minister of Law and Order, Local Government, Education, Transport, Cultural, Environment, Information, Water Supply, Estate Infrastructure and Tourism of Southern Provincial Council, do hereby notify the draft document No. of 2007, Southern Provincial Pre-school Statute, which will be submitted to the Southern Provincial Council after two weeks from the day that it appears in the *Gazette Notification*. If any person needs to forward amendments or other information about the Pre-school Statute that, person could do the name within the specified period, given above.

Hon. SHAN WIJAYA LAL DE SILVA,
Chief Minister, Minister of Law and Order, Local Government,
Education, Transport, Cultural, Environment, Information,
Water Supply, Estate Infrastructure and Tourism,
Southern Provincial Council.

Lower Dickson Road,
Galle,
05th November, 2007.

PC/SP/1/2006.

A Statute to provide for the Administration, Supervision and Development of Pre-schools in the Southern Province and to provide for matters connected therewith or incidental thereto. The Provisions of this Statute are inconsistent with the Education Ordinance (Chapter 186).

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

01. This Statute may be cited as the Southern Province Pre-School Statute , No.....of 2007, and shall come into operation on such date as the Governor may give his assent therefor.

Short title and
date of
operation.

N.B.—*Gazette Extraordinary* series No. 1527/1 ends with No. 1527/23.

PART I

OBJECTIVES OF THE STATUTE AND ESTABLISHMENT OF THE STEERING COMMITTEE

Objectives of the Statute.

2. The objectives of the Statute shall be—

- (a) to promote the pre-school education in the Province ;
- (b) to maintain overall supervision over the pre-schools situated within the Province ; and
- (c) to create an environment conducive for the physical and mental development of pre-school children within the Province.

Establishment of a Steering Committee.

3. There shall be established a Steering Committee (hereinafter referred to as the “Committee”) for the purpose of carrying out the objectives of this Statute.

Constitution of the Committee.

4. (1) The Committee shall consist of the following :-

(a) *ex-officio* members,—

- (i) the Provincial Chief Secretary who shall be the Chairman ;
- (ii) the Secretary to the Ministry of the Minister in Charge of the subject of Education, for the Province ;
- (iii) the Competent Authority appointed under Section 11 ;
- (iv) Provincial Director of Health Services ;
- (v) the Commissioner of Probation and Childcare of the Province ;
- (vi) the Commissioner of Local Government ;
- (vii) the Provincial Director of Social Services ;
- (viii) the Director of the Child Secretariat ;
- (ix) the Provincial Deputy-Director of Education who shall be the Secretary of the Committee ; and
- (b) the following four persons, shall be appointed by the Minister (hereinafter referred to as the “appointed members”) namely—
 - (i) two persons who have had experience or have qualifications or shown expertise in the field of pre-school education ;
 - (ii) a person who is engaged in the subject of pre-school education in a non-governmental organization ;
 - (iii) a person who is qualified and is experienced in the field of law.

(2) A person shall be disqualified from being appointed or from continuing as a Member of the Committee, if —

- (a) he is or becomes a Member of Parliament or a Member of a Provincial Council ; or
- (b) he is under any law in force in Sri Lanka or in any other country found or declared to be of unsound mind ; or
- (c) he is having any financial or any other interest which is likely to affect his performance of his duties as a Committee Member ; or

- (d) he is serving or has served a sentence of imprisonment imposed by any Court in Sri Lanka or any other Country.
- (3) The Minister may, for reasons assigned therefor remove any member so appointed.
- (4) Any member appointed in place of a member who resigned or vacated office or is removed shall, unless he earlier resigns, or vacates his office by death, removal or retirement, hold office for the unexpired part of the term of office of the member whom he succeeds.
- (5) Where an appointed member is by reason of illness or other infirmity or absence from Sri Lanka, temporary unable to perform the duties of his office, the Minister may appoint another person to act in his place having regard to the provisions of paragraph (b) of subsection (1).
5. (1) Every *ex-officio* member of the Committee shall hold office so long as he holds the office by virtue of which he is a Member of the Committee. Term of office of the Committee.
- (2) Every appointed member shall, unless he earlier vacates his office by death, resignation, or removal, hold office for a period of two years from the date of his appointment to such office.
6. Any appointed member may, at any time resign from office by letter to that effect addressed to the Minister. Resignation of members of the Committee.
7. No act, decision or proceeding of the Committee be deemed to be invalid by reason only of the existence of a vacancy in the Committee or any defect in the appointment of any member thereof. Acts not in validated by reason of vacancy.
8. The Members of the Committee may be paid such remuneration as may be determined by the Chief Minister with the approval of the Governor. Remuneration of Members of the Committee.
9. (1) The meetings of the Committee shall be held at least once a month. However, if at least five members of the Committee so requires the Secretary of the Committee shall summon a special meeting of the Committee within seven days from the date of such request. Meetings of the Committee.
- (2) The Secretary to the Committee shall notify each member of the Committee in writing of the meeting, at least seven days prior to such meeting, and send such notice with the agenda of such meeting.
- (3) The quorum for any meeting shall be five members.
- (4) The Chairman shall preside at all meetings of the Committee. In the absence of the Chairman from any meeting of the Committee the members present may elect one of the members present to preside at such meeting.
- (5) Where the Chairman is temporarily unable to discharge the duties of his office by reason of illness, infirmity or absence from Sri Lanka, the Minister may appoint another Member of the Committee to act in his place during the period of such absence.
- (6) In the event of an equality of votes at any meeting of the Committee the person presiding the meeting shall, in addition to his own vote, have a casting vote. The Secretary of the Committee is not entitled to vote at the meetings of the Committee.
- (7) Subject to the provisions of this Statute, the Committee may regulate the procedure in regard to the meetings and the transaction of business at such meeting.

Functions of the Committee.

10. The functions of the Committee shall be to—

- (a) provide necessary guide-lines and assistance to uplift the standards of pre-school education ;
- (b) supervise and regulate the activities of the pre-schools registered within the Province ;
- (c) prescribe qualifications required for pre-school teachers ;
- (d) prescribe basic facilities required for pre-school education ;
- (e) identify the children with special educational needs and to formulate special educational programmes for them ;
- (f) formulate training programmes for pre-school teachers pertaining to modern techniques in pre-school education and other related fields ;
- (g) stipulate standards for administration and maintenance of pre-schools established and maintained within the Province ;
- (h) create awareness in the community of the importance of pre-school education for children below the age of five years ;
- (i) make rules necessary for the advancement of the objectives of this statute ; and
- (j) do all such other acts and things as may be necessary to carry out the objectives of this Statute.

PART II

APPOINTMENT OF THE COMPETENT AUTHORITY

Appointment of the Competent Authority.

11. (1) The Minister shall appoint—

- (a) the Provincial Director of Education to be the Competent Authority ; (in this Act referred to as the “Competent Authority”) ; and
 - (b) such number of officers and servants as may be necessary to assist the Competent Authority,
- for the implementation of the provisions of this Statute.

(2) The Competent Authority shall be subject to the general direction of the Committee, in implementing the provisions of this Statute.

(3) The Competent Authority may where he considers it necessary for the efficient implementation of the provisions of this Statute delegate any of the powers conferred on him by this Statute, to any officer or servant appointed under paragraph (b) of subsection (1).

Powers of the Competent Authority.

12. Subject to the provisions of this Statute the Competent Authority shall have the following powers :-

- (a) to enter and inspect the places within which pre-schools are conducted, at any reasonable hour of the day ;

- (b) to require returns and information from the owners or managers of any pre-school within the Province ;
- (c) to introduce books, instruments and teaching methods for pre-school children ;
- (d) to register the pre-schools conducted within the Province ;
- (e) to organize seminars, workshops and training programmes for pre-school teachers ;
- (f) to levy and charge fees for any services provided under this Statute ;
- (g) to register private educational institutions conducting training programmes and courses for pre-school teachers ;
- (h) to issue directions to private educational institutions conducting training programmes for pre-school teachers ; and
- (i) generally, to do all other acts and things as are necessary, to facilitate the proper discharge of the functions of the Competent Authority.

PART III

REGISTRATION OF PRE-SCHOOLS

13. From and after the date of operation of this Statute no person shall establish or maintain a pre-school, except under the authority of, and otherwise than in accordance with the terms and conditions of a licence issued under this Statute.

Registration of
Pre-Schools.

Provided however, any person who prior to the date of operation of this Statute was conducting a pre-school may continue to do so for a period of six months from such date, but shall within one month prior to the expiration of the said period of six months apply for registration and obtain a licence under the provisions of this Statute.

14. The Standard of facilities required to be maintained in a premises in which a pre-school is being conducted or to be conducted shall be prescribed by rules.

Standard of
facilities for
pre-schools.

15. (1) Every application for registration under this Statute shall be made to the Competent Authority in the prescribed form, by a person conducting or proposing to conduct a pre-school and shall be accompanied by a declaration by the applicant that the particulars contained in the application are, to the knowledge and belief of the applicant, true and correct.
- (2) Where an application for registration is made to the Competent Authority under Subsection (1), he may call for such information or documents from the applicant which it considers necessary for the purpose of considering such application.
- (3) Competent Authority may, after considering the application and any information or document furnished to him under Subsection (2) register the applicant, if he is satisfied that—
 - (a) the applicant has the necessary qualifications and training to conduct a pre-school ; and
 - (b) the premises in which the pre-school is, conducted or to be conducted, complies with the standards of facilities prescribed under Section 14.

Application for
registration.

Issue of licences.	<p>16. (1) Where a person has been registered under the provisions of this Statute, the Competent Authority shall issue in the prescribed form and on payment of a prescribed fee a licence to such person authorizing him to conduct a pre-school. Every such licence shall be valid for a period of three years.</p> <p>(2) A licence issued under this section shall be subject to such terms and conditions as may be prescribed.</p> <p>(3) No licence issued under this Statute shall be transferable to any other person and accordingly any such transfer shall be null and void.</p> <p>(4) Every licence issued under this section shall at all times be exhibited in the principle office or place where the pre-school is conducted or to be conducted, by the person authorized by such licence.</p>
Register to be maintained by the Competent Authority.	<p>17. The Competent Authority shall keep and maintain in the prescribed form a register of every person registered under this Statute.</p>
Any change in particulars in the application for registration to be notified to the Competent Authority.	<p>18. Every holder of a licence issued under this Statute shall, within thirty days of any change in the particulars contained in his application for registration under this Statute, notify the Competent Authority in writing of such change.</p>
Renewal of licence.	<p>19. A licence issued under this Statute may be renewed by the Competent Authority for a period of three years, on application made to him in that behalf in the prescribed form within a period of three calendar months prior to the expiry of the licence in force.</p>
Cancellation of licence.	<p>20. The Competent Authority may cancel or refuse to renew a licence issued or renewed under this Statute, if it is satisfied after affording the holder an opportunity of being heard, that the holder of the licence has contravened any provision of this Statute or of any regulation or rule made hereunder or any term or condition to which such licence is subject.</p>
Appeals against refusal to register cancellation & c.	<p>21. (1) Any person who is aggrieved by the refusal of the Competent Authority to issue a licence to such person under section 16, or by cancellation or refusal to renew a licence issued or renewed under this Statute may, within thirty days after the receipt of the decision refusing to issue or renew or of cancellation of a licence, as the case may be, appeal in writing Against such decision to the Committee.</p> <p>(2) Any person aggrieved by the decision of the Committee on an appeal made to him under subsection (1), may within seven days from the decision of the Committee appeal in writing, against such decision to the Minister whose decision shall be final. Both such appeals shall be disposed of within a period of one month.</p>

PART IV

TEACHERS OF PRE-SCHOOLS

Qualifications for pre-school teachers.	<p>22. (1) A person shall not be eligible for appointment as a teacher of a pre-school, unless he or she possesses the minimum educational qualifications required for pre-school teachers.</p>
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- (2) The minimum educational qualifications required for teachers of pre-schools shall be as prescribed by rules.

23. The Competent Authority shall maintain for the purposes of this Statute a register of Pre-school teachers which shall include the names and qualifications of Teachers and Principals of all registered pre-schools.

A register of pre-school teachers to be maintained.

24. (1) The Competent Authority may organize work shops, training programmes and seminars from time to time, for the Teachers and Principals of pre-schools registered under this Statute.

Training for pre-school teachers.

- (2) The Competent Authority may require the persons conducting pre-schools registered under this Statute, to cause such number of teachers from each pre-school, to participate in the programmes, organized by the Competent Authority under subsection (1).

- (3) It shall be the duty of the person conducting a pre-school registered under this Statute, to ensure the participation of at least one of the teachers of such pre-school in the training programme, when required by the Competent Authority to do so under subsection (2),

25. (1) Any private educational institution situated within the Province, which conducts courses or training programmes for pre-school teachers shall be registered with the Competent Authority, in the manner prescribed by rules.

Private educational institutions to be registered.

- (2) The Competent Authority shall maintain a register of private educational institutions, registered under this section.

- (3) It shall be the duty of any private educational Institution, registered under this section, to comply with any direction issued by the Competent Authority, in order to implement the provisions of this Statute.

PART V

GENERAL

26. (1) The Minister may, from time to time, give general directions in writing to the Committee as to the exercise of the powers, and discharge of the functions of the Committee, and the Committee shall give effect to such directions.

Power of the Minister to issue directions.

- (2) The Minister may, from time to time, direct the committee to furnish such information and to submit such reports on all or any or activities of the Committee and the Committee shall give effect to such direction.

27. The Competent Authority or any person authorized in writing by the Competent Authority may enter at any reasonable time of the day, any premises or places in which a person registered under this Statute is conducting a pre-school, for the purpose of ascertaining whether the provisions of this Statute and any regulation or rule made hereunder are being complied with.

Power of entry.

28. (1) The Minister may make regulations in respect of any matter required by this Statute to be prescribed or in respect of which regulations are required by this Statute to be made.

Regulations.

- (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 be submitted to the Provincial Council for approval as soon as convenient after its publication in the *Gazette*. Any regulation which is not so approved shall be deemed to be rescinded with effect from the date of such disapproval, but without prejudice to anything previously done thereunder.
- Rules
29. (1) The Committee may make rules in respect of any matter for which rules are required or authorized to be made under this Statute.
- (2) All rules made by the Committee 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.
- Offences and Penalties.
30. Any person who fails to comply with the provisions of this Statute or any rule or regulation made hereunder shall be guilty of an offence under this Statute and on conviction by summary trial before a Magistrate be liable to a fine not exceeding rupees ten thousand or to an imprisonment of either description, for a term not exceeding six months or to both such fine and imprisonment.
- Sinhala text to prevail in case of inconsistency.
31. In the event of any inconsistency between the Sinhala and Tamil text of this Statute, the Sinhala text shall prevail.
- Interpretation.
32. In this Statute unless the context otherwise requires —
- “Chief Minister” means the Chief Minister of the Southern Province ;
- “Governor” means the Governor of the Southern Province ;
- “Minister” means the Minister in charge of the subject of Education in the Provincial Council of Southern Province ;
- “Province” means the Southern Province of the Democratic Socialist Republic of Sri Lanka ;
- “Provincial Council” means the Provincial Council of Southern Province established under the Provincial Councils Act, No. 42 of 1987 ;
- “Provincial Director of Education” means the Director of Education for the Southern Province ;
- “Pre-School” means an institution providing early childhood education for children around three to five years age.