

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය

අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1646/16 - 2010 මාර්තු 23 වැනි අඟහරුවාදා - 2010.03.23

No. 1646/16 - TUESDAY, MARCH 23, 2010

(Published by Authority)

PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

Aesthetic Resort Administrative Authority Statute of Western Province bearing No.01 of 2010

I, Upali Kodikara the Minister of Transport, Sports and Youth Affairs, Arts and Cultural Affairs, Cooperative Development, Food Supplies and Distribution and Rural Development of the Western Province order to executive the Statute No. 01 of the Administrative Authority of the Western Province Aesthetic Resort of the Western Province with effect from 08th March, 2010. The statute has been signed by the Governor of the Western Province on 08th March, 2010 and it has already been approved by the Western Provincial Council on 09th February, 2010.

UPALI KODIKARA,

Minister of Transport, Sports and Youth Affairs,
Arts and Cultural Affairs, Cooperative Development,
Food Supplies and Distribution and Rural Development of the Western Province.

Ministry of Transport, Sports and Youth Affairs, Arts and Cultural Affairs,
Cooperative Development, Food Supplies and Distribution
and Rural Development of the Western Province,
No. 204, Denzil Kobbekaduwa Mawatha,
Battaramulla.
18th March, 2010.

AESTHETIC RESORT ADMINISTRATIVE AUTHORITY STATUTE OF WESTERN PROVINCE BEARING No. 01 OF 2010

This is a statute for the establishment of an Aesthetic Resort Administrative Authority of Western Province to provide provisions for the management and the maintenance of the Provincial Aesthetic Resort ; for encouragement and promotion of performance, music, entertainment and enjoyable activities, and also for all matters related or consequential thereto.

Be it passed by the Western Province Provincial Council of the Democratic Socialist Republic of Sri Lanka as follows :-

Short title and
the effective
date.

01. This statute may be cited as the Aesthetic Resort Administrative Authority statute bearing No. 01 of 2010 of the Western Province Provincial Council and shall come into effect on receipt of the assent of the Governor of the Western Province.

PART I

ESTABLISHMENT OF THE PROVINCIAL AESTHETIC RESORT ADMINISTRATIVE AUTHORITY AND ITS CONSTITUTION

Establishment of
the Western
Province
Provincial

02. (1) The Provincial Aesthetic Resort Administrative Authority (hereinafter called as “Administrative Authority”) is hereby established.

Aesthetic Resort.

(2) The Administrative Authority shall by the name assigned to it by Section 02 be body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

Members of the
Administrative
Authority.

03. (1) The Administrative Authority shall consist of following members.

(a) Members to be appointed ex-officio ; Viz.

(i) The Secretary to the Ministry charged with the subject of culture or a senior officer nominated by him.

(ii) Director, Cultural Affairs of Western Provincial Council.

(b) Members to be appointed by the Minister in-charge of the subject of Cultural Affairs. (hereinafter called “as Appointed Members”).

(I) A Senior Staff Officer of the Provincial Treasury to be appointed with the assent of the Minister in-charge of the subject of Finance ;

(II) Three members who shall be persons possessing broad experience and recognized competence in one or more such fields as Drama, Music, Dance, Cinematography.

(2) Provided that any person is a Member of Parliament, any Provincial Council or any Local Authority or was appointed to be a person of the similar capacity, such a person is unqualified to act as a Member of the Administrative Authority.

(3) A member appointed by the Minister in-charge of the subject of culture shall be the Chairman of the Board.

Terms of Office
of Members.

04. (1) (a) A member appointed by the Minister may hold the term of office for three (03) years except for the fact that the term of office expires with the death, the resignation or the removal of the member. further, he is eligible to be re-appointed except for the fact that he has been removed.

(b) A member appointed by the Minister may be removed from the Administrative Authority and a new member may be appointed by the Minister for the rest of the term of office of the former.

(c) In the event of the failure in performing an office of a Member for a period not less than three months due to the fact that any of the members has fallen ill or due to another debility or due to staying out of Sri Lanka or another reason.

- (i) If the member is an appointed member, another person may be appointed by the Minister in-charge-of the subject of Cultural Affairs of the Western Provincial Council to Act in place of the said member considering the provisions of the paragraph 3Z(1)9(B).
- (ii) If the member is an officer indicated under the sub-paragraphs 3(1)(A)(1) and (II), a person appointed to act in the post of the said officer shall be appointed to act in place of the said officer.
- (2) (a) For each day on which the Administrative Authority meets, a remuneration prescribed by the Minister shall be paid to each member relevant to the day so they meet. Meeting of the Administrative Authority.
- (b) All matters for which powers have been vested with, by this statute that the same be decided on by the Administrative Authority, shall be decided by the majority vote of the members who have been presented at the meeting of the Administrative Authority in accordance with the provisions of this Statute.
- (c) If the Chairman of the Administrative Authority is present, he shall take the chair at every meeting of the Administrative Authority. On an occasion when the Chairman is absent from such a meeting one person, out of the members who have been present at the moment. shall be selected by the said members to take the chair.
- (d) The quorum of any meeting of the Administrative Authority shall comprise three (03) persons.
- (e) The Administrative Authority may function despite being a vacancy among the members of the Administrative Authority.
- (f) An Act, a decision or a function of the Administrative Authority shall not be deemed to be invalid due to the occurrence of a vacancy of the members of the Authority or any shortcomings in the appointment of some members of the Administrative Authority.
- (g) If an appointed member of the Administrative Authority has not attended the meeting for three sessions without being informed of the same, his office is deemed to have been revoked.
- (h) The Administrative Authority shall meet once a month at least.
05. (a) The seal of the Administrative Authority shall be kept in the custody of the chairman. Seal of the Administrative Authority.
- (b) The seal of the Administrative Authority may be moulded in the manner to be decided by the Administrative Authority.
- (c) Except in the presence of two members of the Administrative Authority, while the seal of the Administrative Authority shall not be placed on any indenture, document or agreement, the said two members themselves shall sign the said indenture or the document or the agreement as evidences to the effect that they have been present. One of the two members should be the chairman of the Administrative Authority.

PART II

OBJECTIVES, POWERS, FUNCTIONS AND ACTIVITIES OF THE ADMINISTRATIVE AUTHORITY

6. (1) Objectives of the Administrative Authority shall be as follows.

Objectives

- (a) Management and Maintenance of the Provincial Aesthetic Resort.
- (b) Encouragement and promotion of performance, music, enjoyment activities and entertainments within the Province ;
- (c) Improvement and enhancement of the knowledge, understanding and practice regarding cultural and arts activities ;
- (e) Planning of programmes having cultural values within the Western Province and with other provinces, exchange of knowledge and planning of combined programmes.

Powers,
functions and
Activities of the
Administrative
Authority.

07. (1) Powers functions and activities of the Administrative Authority shall be as follows ;

- (a) Acceptance and use of awards, gifts or donations being received in cash or kind in accordance with the objectives of this statute.
- (b) Granting of monetary assistance, donations or scholarships for the purpose of achieving the objectives of the Administrative Authority subject to the rules made under this Statute ;
- (c) Taking action regarding appointment and promotion of officers and employees, dismissal from service, disciplinary control and granting other benefits ;
- (d) Prescribing charges on maintaining the Provincial Aesthetic Resort ;
- (e) Intervention in all matters relating to the functioning process of the Administrative Authority for financial activities such as monetary investment, use of money and banking activities, assigning of duties to officers and making inquiries ;
- (f) Payment of remuneration of officers and employees, fulfilling of service conditions and implementation of recruitment procedures of the Provincial Public Service with the approval of the Governor of Western Province.
- (g) Attachment of an officer of the Western Provincial Council to the Administrative Authority on the assent of the appointing Authority with the consent of the relevant officer ;
- (h) Administrative Authority shall have the power to perform activities in regard to the administration, financial activities and such other activities as per the decision of the Administrative Authority for facilitating the achievement of its objectives.
- (i) Administrative Authority shall have the power for whatever course of action to be taken for the purpose of getting fulfilled the matters contained in the above sections.

PART III

STAFF OF THE ADMINISTRATIVE AUTHORITY

Appointment of
the Director.

08. (1) While there should be a full-time Director to be appointed by the Administrative Authority, he shall work under the guidance of the Administrative Authority.

(2) While the Director to be appointed under this statute shall act as the Secretary of the Administrative Authority, he is not entitled to cast vote on behalf of the Administrative Authority. he can only express views.

(3) If it is considered by the Administrative Authority that the appointment of the Director should be terminated, the same can be done by the Administrative Authority with the approval of the Minister concerned.

09. Following powers are possessed by the Director.

Powers and functions belong to the Director.

- (a) Implementation of all policies and courses of action approved by the Administrative Authority ;
- (b) Administration of functions and supervision of the staff subject to the general orders of the Administrative Authority ;
- (c) Preparation of the agenda for the meeting of the Administrative Authority and submission of policies and courses of action which are considered by him as necessary for the implementation of the policies and the provisions of the statute ;
- (d) Implementation or fulfillment of powers of functions entrusted and prescribed to him by the Administrative Authority.

PART IV

MONEY

10 (1) Administrative Authority should have a fund in the name of the Administrative Authority.

Funds of the Administrative Authority.

Following monies shall be paid to the fund of the Administrative Authority.

- (a) All monies being appropriated from time to time by the Provincial Council for the use of the Administrative Authority.
- (b) All monies being received by the Authority is charged for the service to be rendered or facilities to be provided by the Administrative Authority or the monies being received in the implementation of powers and in performing functions and activities ;
- (c) All monies being received by the Authority as loans, donations, gifts or grants from whatever source inside or outside of Sri Lanka.

(2) All monies for an expenditure to be met by the Authority in the implementation of the powers, in taking necessary action and performing functions and all monies necessary to met expenses, may be met with the fund of the Administrative Authority.

Payments due to be made with the Fund.

(3) The initial capital of the Administrative Authority shall be Rs. 05 million. While the initial capital shall be paid with the Provincial Council's Fund in installments to be decided on by the Minister in-charge of the subject of Finance having consulted the Minister concerned, the said monies shall be credited to the Fund set up under Sub-section (1).

(4) The money necessary for the Authority to settle the liabilities of the Administrative Authority or perform the functions of the Administrative Authority under this statute may be borrowed by means of an overdraft or in another manner by the Administrative Authority with the assent of the Minister or in accordance with the terms of a common approval granted by him.

However, the total of the money, due to be paid on a certain occasion regarding temporary loans obtained by the Administrative Authority under this Sub-section, shall not exceed an amount of money to be decided on by the Minister concerned having consulted the Minister in-charge of the subject of Finance.

11. (01) The Financial year of the Administrative Authority should be the calendar year.

(02) The Trust of the Administrative Authority's Fund, making payments to the same, accounting, preparation of budget estimates and all other matters related and incidental thereto shall be regularized by the rules made by the Minister concerned.

Audit of
accounts

12. (01) The Provisions of the Article 154 of the constitution are applicable with regard to the audit of accounts.

(02) Accounts of the fund and a copy of the report of the Auditor General in regard to the same shall be submitted to the Minister concerned. He shall make necessary arrangements to forward the same to the Provincial Council along with the annual report of the Administrative Authority.

PART V

GENERAL PROVISIONS

13. (a) While all officers and employees of the Administrative Authority come under the disciplinary procedure mentioned in the volume II of the establishment code, in regard to the provisions of the penal code, they shall be considered as government officers and employees.

(b) While all officers and employees of the Administrative Authority shall be considered as a scheduled institution in terms of the Bribery Act, provisions of the said Act shall be applicable accordingly.

Power of making
rules

14. (01) Rules, which are not inconsistent with the provisions of this statute causing no harm to the powers vested with by this statute regarding all matters mentioned hereunder relevant to implement provisions, empower the same and levy charges or regarding one of such matters, may be made by the Minister concerned :-

(a) To prescribe the manner as to how the meetings of the Administrative Committee should be summoned and as to how the same should be held ;

(b) Powers and functions of the Director as the Chief Executive Officers of the Administrative Authority ;

(c) Procedures as regards the financial and administrative activities of the Administrative Authority ;

(d) For achieving objectives and performance of functions and activities of the Administrative Authority and whatever matters falling within the scope of this statute.

(2) While every rule to be made by the Minister shall be published in the Government Gazette, the same shall be operative with effect from the date so published or with effect from a subsequent date motioned in the rule.

(03) Every rule to be made by the Minister shall be submitted to the Provincial Council for its approval within three (03) months after the same being published in the Government Gazette. Although any order so not approved should be considered as rescinded from the date on which the same was not approved, no harm shall be caused to anything effected under the same.

Interpretation.

15. In this statute unless the context otherwise requires.

“Minister” means the Minister in-charge of the subject of Cultural Affairs of Western Provincial Council.

“Financial Minister” means the Minister in-charge of the subject of Finance of the Western Provincial Council.

“Ministry” means the Minister in-charge of the subject of Cultural Affairs of the Western Provincial Council.

“Secretary of the Ministry” means the Secretary of the Minister in-charge of the subject of Cultural Affairs of Western Provincial Council.

“Establishment Code” means the volume II of the Establishment Code issued by the Secretary of the Ministry of Public Administration.

16. If there is any inconsistency between the versions of Sinhala, Tamil and English, Sinhala version shall prevail.

04-251