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EXTRAORDINARY

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PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

My No. : NWP/PHD/Statute 2011.

NORTH WESTERN PROVINCE PROVINCIAL COUNCIL

North Western Provincial Housing and Construction Statute No. of 2011 of the North Western Province

IT is hereby notifying that the North Western Provincial Housing and Construction Statute No. of 2011 of the North Western Province is submitted by me to the North Western Provincial Council after thirty days from today. Anyone shall forward any matter regarding provisions made by this statute before that date to me.

K. SANATH NISHANTHA PERERA,
Minister of Road Development, Power,
Housing and Construction and Fisheries,
(North Western Province).

Provincial Ministry of North Western Province Road Development, Power,
Housing and Construction and Fisheries,
Chilaw Road,
Pabbala,
Kakkapalliya.

NORTH WESTERN PROVINCIAL HOUSING AND CONSTRUCTION
STATUTE NO. OF 2011 OF THE NORTH WESTERN PROVINCIAL COUNCIL

This statute is established in order to furnish housing and construction project activities and other related activities vested in the Constitution efficiently and effectively and to establish North Western Housing and Construction Development Fund.

North Western Province Provincial Council doth hereby impose as follows :-

1. This statute is referred to as North Western Provincial Housing and Construction Statute No. of 2011 of the North Western Provincial Council., It shall be come in to effect from the date of its approval by the Governor of the North Western Province.

Name and
Effective Date.

2. Objective of the statute are as follows :-

- (i) To implement housing and construction activities according to National Housing Policy of the North Western Province. Objective.
- (ii) To establish Housing and Construction Development Fund.
- (iii) To establish North Western Provincial Housing and Construction Department.

SECTION ONE

Composition and Role of the North Western Provincial Housing and Construction Department.

Establish North
Western
Provincial
Housing and
Construction
Department.

3. Establishment of a North Western Provincial Department of Housing and Construction Development for the fulfillment of the objectives indicated in the statute and implementing powers and activities vested by it.

4. (i) The Department, unbroken and with a common seal shall act as legally competent Institution to furnish Housing and Construction subject related activities, to take an action or maintain any action or provide settlements for Legal Proceedings.

(ii) Administrative activities of this Department shall govern by the Provisions addressed in the Administrative and Financial Regulations of the Government and the Provincial Council.

Head of the
Department.

5. The Province shall appoint the officer with the title of “Provincial Commissioner of Housing” for the implementation of the provisions of the Provincial Department of Housing and Construction.

Powers set upon.

6. Provincial Commissioner of Housing is the Head of this Department and he needs office staff to furnish provisions made by the statute. All officers with the present Commissioner who held departmental positions attached to this department shall be considered as employees appointed for this purpose. The Commissioner is empowered to assign his powers to other officers of the Department when it dimmed necessary.

Salaries and
Wages of the
Staff.

7. Salaries and wages of the officers of the Provincial Housing and Construction Department is expenditure for the Provincial Council Fund.

8. *Functions of the Department are as follows :*

Functions of the
Department.

- (i) Develop Housing and Construction field of the North Western Province in accordance with the National Policy and maintain activities of the Housing and Construction Fund.
- (ii) Implement Provincial Housing Development Programs and Projects including Flats, Quarters or other Housing Projects which providing Grants, Co-ordinating, Supervising and Post Surveys.
- (iii) Implementing activities related to Tenant Protecting Act and Housing Rent Act within North Western Province.
- (iv) Furnishing Construction activities related to First List 5 : 3 of Ninth Schedule in the 13 Amendment of the Constitution.
- (v) Prepare Plans for Housing Development Suggestions to minimize lack of houses, Acquisition of Properties and Receiving Bolsters.
- (vi) Implementing Housing Projects for Low Income Earners.
- (vii) Acquisition, Development or Rehabilitate Lands to implement Objectives of the Department.
- (viii) Providing lands for persons, implement all Housing Development related activities, helping them and Register Institutions who provide such facilities and Co-ordinate them.
- (ix) Initiating Small and Middle Level Housing Projects, continuing prevailing Projects and Supervising and Post Surveys.
- (x) Other all related activities which support to fulfill Objectives of the Department.

SECTION TWO

9. Establishing North Western Provincial Housing and Construction Development Fund.

The North Western Provincial Housing and Construction Development Fund hereinafter called as “Fund” shall establish to easy implementation of the provincial policies. The Fund shall maintained by the North Western Provincial Housing Department.

Establishing Fund.

10. Implementing Housing and Construction Development Projects focusing by the Department and directing to the Fund for the development of Housing and Construction field of the North Western Province in accordance with the National Policy, co-ordinating them and fulfilling objectives of the Department by Supervising and Post Surveying them.

Objectives and Tasks of the Fund.

11. The Department, unbroken and with a common seal shall act as legally competent Institution to take an action or maintain any action, or provide settlements for Legal Proceedings, acquisition of property, lands, vehicles, equipment and tools, possess them and engage them.

Fund is a legally competent Institution.

12. Staff of the Department shall be considered as the staff of this Fund. If special service is needed they could get such service paying relevant payments with the recommendation of the Administrative Board and the approval of the North Western Provincial Chief Secretary.

Staff and Specialized Services of the Fund.

13. Administrative Board with seven Members hereinafter called as “Administrative Board” shall establish to maintain the Fund and the Board should appoint by the Minister as follows :

Administrative Board.

- (i) Secretary of the Ministry of Housing and Construction of North Western Province.
- (ii) Secretary or nominated representative of the Ministry of Finance, of North Western Province.
- (iii) Deputy Chief Secretary (Finance) of the North Western Province.
- (iv) Commissioner of North Western Provincial Co-operative Development.
- (v) Three special skilled persons relating to Management, Planning and Law field that nominated by the Minister of Provincial Housing and Construction.

14. Secretary of the Ministry of Housing and Construction of North Western Province shall be the Chairman of the Fund.

Chairman of the Fund.

15. Commissioner of the Ministry of Housing and Construction of North Western Province shall be the Secretary of the Fund. He shall be the addresser of the Administrative Board Meetings of the Fund and has no franchise.

Secretary of the Fund.

16. Administrative Board shall appoint Committee Members and Advisory Board and they shall appoint to responsible any task or related subject.

17. Powers vested in the Fund are as follows :-

Powers of the Fund.

- (i) Administrative Board shall exist the powers to buy or acquire any movable or immovable asset to fulfill the objectives of the Fund.
- (ii) The Fund has powers to open, pertain or close bank accounts, receiving credits with or without guarantee, collection of money, receiving donations or local/foreign aids.
- (iii) Administrative Board shall exist the powers to implement all other related activities which support to fulfill Objectives of the Fund.

Accession
Period.

18. The Accession Period of the members appointed to the Administrative Board is 03 years. Vacancy of membership may be occurring due to completion of the period shall appoint again by the Minister. Accession period of the Administrative Board of Members shall descend the period the Officer serve in his Post. The appointment shall extinct after resign the Officer from his post and successor shall appoint for that vacancy.

Resigning
Members of the
Administrative
Board.

19. Vacancy of membership may be occur due to completion of the appointed by the Minister resignation of the post, dismiss by the Minister with is discretion and the minister should fill these Vacancies. Any member other than appointment considering his official status can resign after forwarding written request to the Minister. The Minister poses the power to dismiss any membership other than virtue Official and the vacancy shall fill up by the next member prior to the resigning member.

Unsuitable
Members.

20. Minister of the Parliament or Minister of the Provincial Council or Member of the Local Government is not suitable for appoint as the member of this Administrative Board.

Role of the
Secretary of the
Fund.

21. Secretary shall responsible for daily administrative tasks of the Fund. Secretary shall implement following activities under other provisions of the Fund.

- (i) Organizing services required for the purpose of furnishing Objectives of the Fund, taking legal actions.
- (ii) Implementing and furnishing activities and tasks provided to the Secretary by the Administrative Board.

Presiding Officer
of the
Administrative
Board.

22. Chairman shall be the presiding officer of the Administrative Board Meetings. If Chairman is absent temporarily appointed member shall be the presiding officer.

Allowances of
the
Administrative
Board.

23. Chief Secretary of the North Western Province shall approve the allowances of the Administrative Board under recommendation of the Secretary of the Ministry.

Administrative
Board Meetings.

24. (i) Committee should meet at least one month. Additional meeting can be called by the Chairman if necessary.

(ii) If four or more members request to call a meeting Chairman shall order the Secretary to hold a special meeting with 07 days of that request.

(iii) Decisions made by the Administrative Board shall be the priority of the votes. If they vote pro and con same the presiding officer shall vote such situations as crucial vote.

(iv) Rules of procedure shall prepare under provisions and regulations of the Statute to implement meetings of the Administrative Board. All minutes shall be registered and all presenting members should sign the registry.

(v) Any decision made by the Administrative Board shall not be void due to an error of appointment of the Chairman or any committee member.

25. The Committee consists as follows :

- (i) Money provided timely by the North Western Provincial Council.
- (ii) Money provided timely by the Treasury.

Composition of
the Fund.

(iii) Decentralized Budget Allocations of the Ministers of Parliament and the Provincial Council.

(iv) Cash received from Exhibitions, Sales Outlets, Lotteries or such kind of things.

(v) Payments received from the Housing Rent Act, No. 7 of 1972.

(vi) Rental or Interests.

(vii) Money Received implementing powers vested in the Fund.

(viii) Legally received Donations, Funds or Grants from locally or foreign and movable and immovable assets.

(ix) Money or movable or immovable assets conferring by the Line Ministry or related Institution, Government Department, State Co-operation or other Institution.

(x) Money provided by the Local Government Institutions.

26. All expenditure used to fulfill the objectives of the Fund and implement the powers of the Fund shall be cost to the Fund. Expenditures of the Fund.

27. Money received for the Fund shall save one or more Bank Accounts. Account for Fund.

28. Funds shall used for implementing the objectives and powers of the Fund with the approval of the Administrative Board. Approval for Expenditure. Cash Account.

29. Administrative Board shall keep accounts of income and Expenditures and all transactions for each year, and prepare Annual Cash Statement of the project activities. Circulation year.

30. Circulation Year shall be 01 of January to 31 December.

31. Administrative Board shall prepare and publish Annual Accounts Report for each year. The Accounts Report shall incur to audit the internal Audit Section of the Provincial Council. Auditing Accounts.

32. Auditor's general shall vest the power to audit the Fund. Powers of Auditor's General.

33. The Fund shall provide any payment decided by the Administrative Board to settle expenditures of Auditing activities. Cost of Auditing.

34. Secretary of the Fund shall submit a report of Audited Annual Accounts and implemented activities by the Fund to the Minister with the approval of the Administrative Board and the Minister shall submit it to the Provincial Council 06 Months prior to the circulation year. Submitting Annual Report to the Provincial Council.

SECTION THREE

GENERAL PROVISIONS

35. The Fund shall prepare common seal and kept it with the Secretary. Common Seal.

36. The seal shall not used in any letter other than in front of the Chairman, Secretary or Accountant of the Fund, and they shall sign on that letter confirm the present of representatives. Using the Seal.

37. Secretary shall prepare a register of letters that use common seal. Seal Letters.

Powers of the Minister.	38. Minister shall issue common or specific instructions or orders time to time furnishing responsibilities and implementing powers of his duties, Administrative Board shall bound to implement them.
Minister can prepare orders.	39. Minister shall prepare orders to implement objectives and provisions stated in this Statute and to implement any task stated in this statute to furnish any order.
Published in the Gazette.	40. (i) All orders issued by the minister shall be published in the <i>Gazette</i> . (ii) All orders published in the <i>Gazette</i> shall be submitted to the Approval of the Provincial Council. (iii) All orders which were not approved by the Provincial Councils should be separated without prejudice, but any action taken under that order shall not be dissolved. (iv) Any Order prepared by the Minister considered as dissolved shall be published in the <i>Gazette</i> indicating the date of dissolution.
Officers of the Fund considered as Government Officers.	41. All members and officers of the Fund shall be considered as "Government Officers" under sense of the Penal Code.
Sinhalese text to prevail in case of inconsistency.	42. In the event of any inconsistency between Sinhalese, Tamil and English texts of this statute, the Sinhalese text shall prevail.
Interpretation.	43. In this Statute unless the context otherwise requires : 1. "Provincial Council" means North Western Provincial Council. 2. "Minister" means minister of Housing and Constructions of the North Western Province. 3. "Chairman" means the Housing and Construction Fund of the North Western Province. 4. "Secretary" means the Commissioner of the Housing and Construction of the North Western Province. 5. "Fund" means Housing and Construction Development Fund of the North Western Province. 6. "Department" means Housing and Construction Department of North Western Province. 7. "State Bank" means State Mortgage Bank, Bank of Ceylon, Peoples Bank and National Savings Bank.