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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART IV (B) — LOCAL GOVERNMENT

Local Government Notifications

MUNICIPAL COUNCIL ORDINANCE (CHAPTER 252)

BY virtue of powers vested in me under Section 289 of the Municipal Council Ordinance (Chapter 252)) to be read along with Section 2 and Section 326 of the Chapter 252 of the Provincial Councils (Consequential Provisions) Act, No. 12 of 1989, I, A. J. M. Muzammil, Governor of the Uva Province, do hereby publish the following rules made by me.

A. J. M. MUZAMMIL,
Governor,
Uva Province.

At the Office of the Governor,
Uva Province,
29th October, 2020.

Rules

1. These rules may be cited as the rules for the preparation and enforcement of Municipal Council budgets 2020. Short title.

2. The drafting of the budget and the supplementary budget for the next succeeding year which shall be submitted for the approval of the Council in terms of Section 211 and Section 214 of the Municipal Council Ordinance (Chapter 255), submitting same for the approval of the Council, making amendments to the budget proposal and adoption shall be carried out as per the procedure prescribed by these rules. Procedure of rules to be followed.



Preliminary activities on income and expenditure estimates.	3. It shall be the duty of the Accountant and the Commissioner to identify the income sources required for the drafting of the budget for the ensuing year and making preliminary arrangements for the preparation of provisions for expenditure projections and preparing reports on other recurrent expenditure for handling the assets of the Council and other recurrent expenditure
Adoption of the proposal of the Council prescribing income and publishing notices on specifying income.	4. (1) The Commissioner, in consultation with the Mayor shall draft the proposals of the Council prescribing, in respect of the rates, taxes, rent income that should be recovered and can be recovered to the Council and the fees to be levied for the services provided by the Council for the ensuing year and submit to the General Meeting to be held before 30 th day of September together with a report of the Standing Committee on Finance for the consideration of the Council. (2) It shall be the duty of the Mayor to publish in the gazette, the notices of the Council in regard to motions for prescribing rates, taxes and rent income adopted by the Council, before the 01 st of December every year.
Calling and prioritizing development proposals.	5. (1) It shall be the duty of the Mayor to cause a notice to be published before the 31 st of May every year in newspapers announcing to citizens to forward to him before 30 th of June the proposals expected to be included in the capital expenditure estimate and the development plan for the ensuing year and to announce same to the councilors at a general meeting that is held before the 31 st of May every year. (2) Out of the proposals received by the Mayor under Paragraph (1) above, it shall be the duty of the Secretary to select only such proposals, for which powers have been conferred for the execution by the Municipal Council Ordinance or any other written law and separate them by each ward and prioritize same and submit them to the Mayor and if there are any proposals to be disposed of, cite reasons for such disposal and notify same to the relevant party.
Draft expenditure estimate.	6. The accountant in consultation with the Mayor and with the concurrence of the Secretary, having taken into account the proposals for the capital expenditure for the ensuing year and actual expenditure borne during the past three years shall prepare the expenditure estimate of the council for the ensuing year adopting all strategies of participatory budgeting and incorporating the recurrent expenditure of the Council.
Income and receipts draft.	7. The Chief Accountant shall, in consultation with the Mayor and with the concurrence of the Commissioner, prepare the draft income and receipts estimate of the Council for the ensuing year.
Recommendations of the Finance and Policy Making Committee for income and expenditure estimate.	8. It shall be the duty of the Mayor, in terms of Section 211 and 212 of the Municipal Council Ordinance to submit the proposed estimate of the available Municipal income and details of the proposed expenditure respectively for the ensuing year prepared under Rule 6 and Rule 7 to a Council of the meeting held prior to 31 st October every year.
Final consideration of the budget for the ensuing year and procedure for moving amendments.	9. (1) Before the 15 th December every year, on any date deemed appropriate by the Mayor, the draft budget for the ensuing year shall be submitted to a special meeting of the Council for the final consideration and adoption. (2) Any Councilor of the Council may move amendments to the budget submitted to the Council by the Mayor for the ensuing year and such amendments shall be handed over to the Municipal Commissioner under his hand by the Councilor before three working days together with reasons on which the amendment is based.

- (3) If no amendments have been moved to the budget as per paragraph (2) above, it shall be announced at the said special meeting and if any amendments have been moved, it shall be the duty of the Mayor to cause a copy of such amendments to be available to each Councilor in the order they have been received immediately after the commencement of the meeting that finally considers the budget for the ensuing year.
- (4) After making a policy statement on the budget by the Mayor at a special meeting conducted under paragraph (1), the motion for the adoption of the budget prepared by him under the provisions referred to hereinafter of these rules shall be presented to the Council.
- (5) After the submission of the motion for the adoption of the budget for the ensuing year, the said motion shall be seconded by another Councilor.
- (6) After the submission of amendments moved to the budget by the relevant members in the order they have been received to the Council, the Council shall take no action in respect of such amendments unless such amendments have been seconded by another Councilor.
- (7) Any amendment moved by a Councilor shall not be submitted to the Council by another Councilor and if the Councilor who moved the amendment is not present in the Council at the time of its submission to the Council, such amendment shall be deemed as not having submitted to the Council.
- (8) After the submission of all amendments pertaining to the budget of the ensuing year to the general meeting, it shall be the duty of the Mayor to inform the Council together with a statement in writing whether he -
 - (a) is in agreement with all the amendments that have been moved; or
 - (b) not in agreement with all or any one of the amendments that have been moved and as to what such amendments are and reasons on which such disagreement is based.
- (9) After the announcement is made to the council by the Mayor under paragraph (8), the provisions of Rule 10 shall be adopted.
10. (1) In making a decision by the Council with regard to the adoption of every motion submitted to the Council under these regulations, the relevant voting and the declaration of results shall be in accordance with the following procedure.

Voting of the budget and supplementary budget and declaration of results.

 - (2) After the submission of any motion by the Mayor to the Council, such motion shall not be taken up for discussion in the Council unless seconded by another Councilor and when the motion has been seconded, it shall be the duty of the Mayor to make arrangements for it to be debated.
 - (3) After the conclusion of the debate of the Council on the motion, it shall be the duty of the Mayor to announce same to the Council and order the Municipal Secretary to take a vote.
 - (4) After the submission of a memo with results of the voting in such manner to identify those who have voted for and against the motion submitted to the Council, abstained from voting and those who were not present in the Council at the time of voting and those present at the time of the voting to the Mayor by the Municipal Secretary, that result shall be announced to the Council by the Mayor.

- (5) At a voting in respect of any motion as per above paragraph (3), every Councilor who voted against the motion shall hand over a written communication explaining reasons as to why he voted against the motion to the Municipal Secretary with a copy thereof to the Commissioner of Local Government prior to the expiry of seven days from the date on which the meeting was conducted.
- (6) It shall be the duty of the Municipal Secretary to attach a copy each of the result sheet of the voting referred to in paragraph (3) above and written communications referred to paragraph (5) above to the minutes of the relevant meeting.

Procedure to be followed when a budget has been rejected for the first time by the Council.

11. (1) Where the adoption of a budget or a supplementary budget has been rejected by the Council after such budget or supplementary budget has been submitted for the first time to the Council, the Mayor shall take action for the submission of a motion for the adoption of the budget or the supplementary budget at a meeting that will be convened in terms of the provisions of Section 215a of the Municipal Council Ordinance for its reconsideration and such motion shall be seconded by another Councilor.
- (2) At the time of the said budget or the supplementary budget being considered for the second time, any Councilor may move amendments, but there shall not be entitlement for moving amendments which are outside the amendments moved for the first time.
- (3) The procedure laid down in Rule 10 shall be adopted with regard to the adoption of the budget submitted for the second time.

Budget or supplementary budget submitted before the expiry of two years from the date of commencement of the office of the Council.

12. (1) On any date before the expiry of two years from the date of commencement of office of any Council, if the Council has rejected the adoption of the budget or the supplementary budget even after it has been submitted to the Council for reconsideration under Rule 11 having rejected the adoption of such budget or supplementary budget when it was presented for the first time, the Mayor shall have the power, immediately after the expiry of two weeks from the date of such rejection, to act as if such budget or the supplementary budget has been duly adopted by the Council.
- (2) It shall also be the duty of the Mayor to forward a written communication to each Councilor with a copy thereof to the Auditor General, the Commissioner of Local Government and the Assistant Commissioner of Local Government that he has decided to act in terms of the above power and announce same to the Council at the next meeting of the Council.

Budget or supplementary budget submitted after the expiry of two years from the date of commencement of the office of the Sabha.

13. (1) On any date after the expiry of two years from the date of commencement of office of any Council, if the Council has rejected the adoption of the budget or the supplementary budget even after it has been submitted to the Council for reconsideration under Rule 11 having rejected the adoption of such budget or supplementary budget when it was presented for the first time to the Council, the provisions of this rule set forth hereinafter shall be applicable.
- (2) The procedure set forth in paragraphs (4), (5) and (6) shall be adopted and shall be in force, if such rejection has been made where-
 - (a) no amendments have been moved to the budget or the supplementary budget: or
 - (b) the Mayor has agreed to the amendments moved to the budget or the supplementary budget.

- (3) The provisions of the proviso of Section 215a of the Municipal Council Act shall be applicable, if the adoption of the budget or the supplementary budget has been rejected by the Council, at a time the Mayor has not agreed to any one or several of the amendments moved to such budget or supplementary budget by Councilors.
- (4) Where the Sabha has rejected the adoption of the said budget or the supplementary budget in whichever way set out in paragraph (2), the Mayor shall, as soon as conveniently possible, submit-
 - (a) a report confirmed by the Commissioner whether preliminary activities with regard to the budget or the supplementary budget have been or have not been carried out under the terms of these regulations;
 - (b) copies of the amendments moved by the Members at the time of final consideration of the budget or the supplementary budget whereto the Mayor has not agreed and copies of written statements by the Mayor adducing reasons for such non-agreement,
 - (c) a copy of the result sheet indicating as to how the Members voted under Rule 10, where the said budget or the supplementary budget was presented for the first time and for the second time, and
 - (d) a copy of written communications submitted under Rule 10(5) by any Councilor who has voted against the budget of the supplementary budget when it was submitted for the first time and when it was submitted for the second time,

to the Commissioner of Local Government with a certificate of the Commissioner.

- (5) Taking the aforesaid report of the Mayor into consideration, the Commissioner of Local Government shall, within three days of the receipt of the said report, submit his observations and recommendations to the Minister as regard the rejection of the adoption of the budget or the supplementary budget by the Council.
- (6) Taking into consideration the observations and recommendations of the report of the Commissioner of Local Government under paragraph (5), the Minister may determine, within seven days of the receipt of the said report whether or not the said budget or the supplementary budget has been a budget or a supplementary budget duly passed by the Council, together with a written statement explaining reasons thereto and the said determination of the Minister shall be-
 - (a) conveyed forthwith to the Mayor by the Secretary of the Ministry in charge of the subject of Local Government in the Provincial Council with copies to the Auditor General and the Municipal Commissioner,
 - (b) the Municipal Secretary as soon as conveniently possible shall notify the said decision to the Councilors Members of the Council.
- (7) Under paragraph (6), in respect of the said budget or supplementary budget-
 - (a) where it has been determined by the Minister that it shall be deemed as duly adopted, unless there is contrary reason otherwise, apart from considering such budget or supplementary budget as valid, the Mayor shall continue in the office of the Mayor and the said decision shall be conveyed to the Council by the Mayor at the next meeting of the Council,

- (b) where it has been determined that it shall be deemed as rejected, after the expiry of a period of two weeks from the date the budget or supplementary budget was rejected for the second time, the Mayor shall be deemed to have resigned from the office of Mayor.
- (8) Where it is deemed that the Mayor has resigned from the office of the Mayor under paragraphs (3) and (7) above, the provisions of the Local Authorities Elections Ordinance (Chapter 262) shall apply in the election of the Mayor of that Council.
- Successor Mayor to submit the budget and where the Council is deemed to have been dissolved.
14. (1) Subsequent to the Mayor is deemed to have resigned from the office of Mayor under paragraph (3) of Rule 13 or under paragraph (7)(b), the budget or supplementary budget for the ensuing year shall be submitted to the Council by the successor Mayor appointed to the vacant office of the Mayor in terms of the Local Government Elections Ordinance (Chapter 262) at a meeting summoned for the consideration of the budget.
- (2) In like manner, it shall be the duty of the successor Mayor to take action to have the budget or if required, the supplementary budget adopted for each succeeding year after the said year.
- (3) In submitting, adopting and rejecting the budget or supplementary budget by the successor Chairman, the aforementioned provisions of these Regulations shall, mutatis mutandis, apply.
- (4) Notwithstanding anything to contrary in paragraph (3) if a budget or a supplementary budget submitted by the successor Mayor for adoption, after being rejected at the first instance, has been rejected even after being submitted for the second time to the Council for reconsideration, the Council shall be deemed to have been dissolved on the day that comes at the expiry of a period of two weeks from the date of rejection for the second time.
- (5) When the Council is deemed to have been dissolved as aforesaid, the Minister in charge of the subject of Local Government of the Province or the Governor, as the case may be, shall appoint a Special Commissioner who shall hold the office as a Special Commissioner for the unexpired period of the Council, in terms of powers conferred under Section 2 of the Provincial Councils (Consequential Provisions) Act, No. 12 of 1989.
- Adoption of the budget where the Council stands dissolved.
15. After the Council is deemed to have been dissolved under Rule 14, the Special Commissioner appointed to that Council, shall take decisions with regard to the preparation and adoption of the budget or supplementary budget, as the case may be, for the ensuing year and next succeeding years
- Spending money where budget has not been passed until the commencement of the financial year.
16. (1) Even if the budget of any Council could not be adopted before the commencement of the relevant year, it shall not be an obstacle for the spending of money for recurrent expenditure included in the proposed estimate on income and details of the proposed expenditure which have been submitted to the Council under Rule 8.
- (2) Provided that, money shall not be spent for any capital expenditure until such time the budget is deemed to have been passed.
- Supplementary budget.
17. At any time deemed necessary by the Mayor, a supplementary estimate may be prepared and submitted to the Council and the provisions of Section 214 of the Municipal Council Ordinance and the provisions from Rule 9 to Rule 15 (including those two Regulations) of these Regulations shall, mutatis mutandis, apply therein.

18. Where the provisions included in any other rule or Regulations in regard to the budget of a Council run contrary to the provisions included in these regulations, the provisions of these Regulations shall supersede such provisions. These Regulations to supersede provisions of any other rule.
19. Whatever mentioned in the above regulations, in related to budget for the year 2021 - Interim provisions.
- (a) The dates included in order 4(1), rule 5(1) and rule 8 should not be applicable.
20. In these Regulations, unless the context otherwise requires - Interpretation.
- “Successor Mayor” means the Mayor appointed to vacant office of the Mayor under Section 66(b)2 and under Section 66(g) of the Local Authorities Elections Ordinance (Chapter 252), after the Mayor is deemed to have resigned due to the operation of the provisions of the proviso of Section 215a of the Municipal Council Ordinance;
- “Minister” means the Minister of the Provincial Council to whom the subject of Local Government of the Provincial Council has been assigned and includes the Governor of the Province when the Provincial Council has been dissolve;
- “Mayor” has the same meaning given to Mayor in Section 327 of the Municipal Council Ordinance (Chapter 252);
- “Commissioner” has the same meaning given to Commissioner in Section 327 of the Municipal Council Ordinance (Chapter 252);
- “Municipal Secretary” means the officer in charge of the department which manages and directs the business of the Council;
- “Council” means a Municipal Council constituted in the Uva Province under the Municipal Council Ordinance.
21. In the event of any inconsistency between Sinhala, Tamil and English text of this *Gazette* Notification, the Sinhala text shall be prevail.

URBAN COUNCIL ORDINANCE (CHAPTER 255)

BY virtue of powers vested in me under Section 193 of the Urban Council Ordinance (Chapter 255) to be read along with Section 2 and Section 247 of Chapter 255 of the Provincial Councils (Consequential Provisions) Act, No. 12 of 1989, I, A. J. M. Muzammil, Governor of the Uva Province, do hereby publish the following rules made by me.

A. J. M. MUZAMMIL,
Governor,
Uva Province.

At the Office of the Governor, Uva Province,
29th October, 2020.

Rules

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| Short title. | 1. These rules may be cited as the rules for the preparation and enforcement of Urban Council budgets 2020. |
| Procedure of rules to be followed. | 2. The drafting of the budget and the supplementary budget for the next succeeding year which shall be submitted for the approval of the Council in terms of Section 178 of the Urban Council Ordinance (Chapter 255), submitting same for the approval of the Council, making amendments to the budget proposal and adoption shall be carried out as per the procedure prescribed by these rules. |
| Committee on finance and policy making. | <p>3. (1) At the general meeting of the Council of January every year, members shall be appointed to a committee on finance and policy making under Section 29 of the Urban Council Ordinance and the Chair of such committee shall be held by the Chairman of the Council.</p> <p>(2) Until such time the committee on finance and policy making, having considered in advance and reported to the General Meeting, a Urban Council shall not act conclusively with reference to any matter relating to the procedures of these rules.</p> |
| Preliminary arrangements on income and expenditure estimates. | 4. It shall be the duty of the Secretary and the Accountant to identify the income sources required for the drafting of the budget for the ensuing year and making preliminary arrangements for the preparation of provisions for expenditure projections and preparing reports on other recurrent expenditure for handling the assets of the Council and other recurrent expenditure. |
| Adoption of the proposal of the Council prescribing income and publishing notices on specifying income. | <p>5. (1) The Accountant, in consultation with the Chairman and with the concurrence of the Secretary shall draft the proposals of the Council prescribing, in respect of the rates, taxes, rent income that should be recovered and can be recovered to the Council and the fees to be levied for the services provided by the Council for the ensuing year and submit to the General Meeting to be held before 30th day of September together with a report of the Committee on Finance and Policy Making for the consideration of the Council.</p> <p>(2) It shall be the duty of the Chairman to publish in the <i>Gazette</i>, the notices of the Council in regard to motions for prescribing rates, taxes and rent income adopted by the Council, before the 01st of December every year.</p> |
| Calling and prioritizing development proposals. | 6. (1) It shall be the duty of the Chairman to cause a notice to be published before the 31 st of May every year in newspapers announcing to citizens to forward to him before 30 th of June the proposals expected to be included in the capital expenditure estimate and the development plan for the ensuing year and to announce same to the councilors at a general meeting that is held before the 31 st of May every year. |

- (2) Out of the proposals received by the Chairman under Paragraph (1) above, it shall be the duty of the Secretary to select only such proposals, for which powers have been conferred for the execution by the Urban Council Ordinance or any other written law and separate them by each ward and prioritize same and submit them to the Chairman and if there are any proposals to be disposed of, cite reasons for such disposal and notify same to the relevant party.
7. The accountant in consultation with the Chairman and with the concurrence of the Secretary, having taken into account the proposals for the capital expenditure for the ensuing year and actual expenditure borne during the past three years shall prepare the expenditure estimate of the council for the ensuing year adopting all strategies of participatory budgeting and incorporating the recurrent expenditure of the Council. Draft expenditure estimate.
8. The Secretary shall, in consultation with the Chairman and with the concurrence of the Secretary, prepare the draft income and receipts estimate of the Council for the ensuing year. Income and receipts draft.
9. It shall be the duty of the Chairman to submit to the Committee on Finance and Policy Making, the proposed expenditure estimate and the proposed income and receipts estimate respectively for the ensuing year drafted in terms of Rule 7 and Rule 8 above for obtaining its recommendations. Recommendations of the Finance and Policy Making Committee for income and expenditure estimate.
10. (1) Before the 15th November of every year, on any day deemed appropriate by the Chairman, the draft budget for the ensuing year shall be submitted to an ordinary or general meeting of the Council for the final consideration and adoption. Final consideration and adoption of the budget for next succeeding year.
- (2) It shall be the duty of the Chairman to:
- (a) hand over the draft budget to every Councilor together with the agenda of the meeting; and
- (b) publish a notice in the *Gazette* and at least in two newspapers in all three languages stating that the people will be granted the opportunity to examine same at least prior to seven working days from the date on which the budget will be finally considered.
- (3) At the general meeting conducted for the consideration of the budget of the next succeeding year under this rule, subsequent to the presentation of a policy statement on the budget by the Chairman, the resolution for the adoption of the draft budget under the provisions of these rules shall be presented to the general meeting.
- (4) After the motion for the adoption of the budget for the ensuing year is presented by the Chairman, it shall be seconded by another Councilor.
- (5) After the seconding of the budget proposal of the Chairman, the consideration of the budget shall be in compliance with the provisions set out hereinafter.
11. (1) Any Councilor of the Council may move amendments to the budget submitted to the Council by the Chairman for the ensuing year and such amendments shall be handed over to the Secretary under his hand by the Councilor before three working days together with reasons on which the amendment is based. Moving amendments to the budget.
- (2) If no amendments have been moved to the budget as per paragraph (1) above, it shall be announced at the said general meeting and if any amendments have been moved, it shall be

the duty of the Chairman to cause a copy of such amendments to be available to each Councilor in the order they have been received immediately after the commencement of the meeting that finally considers the budget for the ensuing year.

- (3) After the seconding of the budget proposal submitted by the Chairman by another member, it shall be the duty of the Chairman to cause an opportunity to be accorded to the relevant Councilor or members who have moved the amendments, in the order they have been received, to submit them to the Council.
- (4) After the submission of amendments moved to the budget by the relevant members in the order they have been received to the Council, the Council shall take no action in respect of such amendments unless such amendments have been seconded by another Councilor.
- (5) Any amendment moved by a Councilor shall not be submitted to the Council by another Councilor other than the Councilor who moved the amendment and if the Councilor who moved the amendment is not present in the Council at the time of its submission to the Council, such amendment shall be deemed as not having submitted to the Council.
- (6) After the submission of all amendments pertaining to the budget of the ensuing year to the general meeting, it shall be the duty of the Chairman to inform the Council together with a statement in writing whether he -
 - (a) is in agreement with all the amendments that have been moved; or
 - (b) not in agreement with all or any one of the amendments that have been moved and as to what such amendments are and reasons on which such disagreement is based.
- (7) Thereafter the provisions of Rule 12 shall be followed for the consideration of the budget for the ensuing year.

Voting of the budget and supplementary budget and declaration of results.

12. (1) In making a decision by the Council with regard to the adoption of every motion submitted to the Council under these rules, the relevant voting and the declaration of results shall be in accordance with the following procedure.
- (2) After the submission of any motion by the Chairman to the Council, such motion shall not be taken up for discussion in the Council unless seconded by another Councilor and when the motion has been seconded, it shall be the duty of the Chairman to make arrangements for it to be debated.
- (3) After the conclusion of the debate of the Council on the motion, it shall be the duty of the Chairman to announce same to the Council and order the Secretary to take a vote.
- (4) After the submission of a memo with results of the voting in such manner to identify those who have voted for and against the motion submitted to the Council, abstained from voting and those who were not present in the Council at the time of voting and those present at the time of the voting to the Chairman by the Secretary, that result shall be announced to the Council by the Chairman.
- (5) At a voting in respect of any motion as per above paragraph (3), every Councilor who voted against the motion shall hand over a written communication explaining reasons as to why he voted against the motion to the Secretary with a copy thereof to the Commissioner of Local Government before the lapse of seven days from the date on which the meeting was conducted.

- (6) It shall be the duty of the Secretary to attach a copy each of the result sheet of the voting referred to in paragraph (4) above and written communications referred to paragraph (5) above to the minutes of the relevant meeting.
13. (1) Where the adoption of a budget or a supplementary budget has been rejected by the Council after such budget or supplementary budget has been submitted for the first time to the Council, the Chairman shall take action for the submission of a motion for the adoption of the budget or the supplementary budget at a meeting that will be convened in terms of the provisions of Section 178a of the Urban Council Ordinance for its reconsideration and such motion shall be seconded by another Member.
- (2) At the time of the said budget or the supplementary budget being considered for the second time, any Councilor may move amendments, but there shall not be entitlement for moving amendments which are outside the amendments moved for the first time.
- (3) The procedure laid down in Rule 12 shall be adopted with regard to the adoption of the budget submitted for the second time.
14. (1) On any date before the expiry of two years from the date of commencement of office of any Council, if the Council has rejected the adoption of the budget or the supplementary budget even after it has been submitted to the Council for reconsideration under Rule 13 having rejected the adoption of such budget or supplementary budget when it was presented for the first time, the Chairman shall have the power, immediately after the expiry of two weeks from the date of such rejection, to act as if such budget or the supplementary budget has been duly adopted by the Council .
- (2) It shall also be the duty of the Chairman to forward a written communication to each Councilor with a copy thereof to the Auditor General, the Commissioner of Local Government and the Assistant Commissioner of Local Government that he has decided to act in terms of the above power and announce same to the Council at the next meeting of the Council.
15. (1) On any date after the expiry of two years from the date of commencement of office of any Council, if the Council has rejected the adoption of the budget or the supplementary budget even after it has been submitted to the Council for reconsideration under Rule 13 having rejected the adoption of such budget or supplementary budget when it was presented for the first time to the Council, the provisions of this rule set forth hereinafter shall be applicable.
- (2) The procedure set forth in paragraphs (4), (5) and (6) shall be adopted and shall be in force, if such rejection has been made where-
- (a) no amendments have been moved to the budget or the supplementary budget: or
- (b) the Chairman has agreed to the amendments moved to the budget or the supplementary budget.
- (3) The provisions of the proviso of Section 178a of the Urban Council Act shall be applicable, if the adoption of the budget or the supplementary budget has been rejected by the Council, at a time the Chairman has not agreed to any one or several of the amendments moved to such budget or supplementary budget by Councilors.

- (4) Where the Sabah has rejected the adoption of the said budget or the supplementary budget in whichever way set out in paragraph (2), the Chairman shall, as soon as conveniently possible, submit-
- (a) a report confirmed by the Secretary whether preliminary activities with regard to the budget or the supplementary budget have been or have not been carried out under the terms of these rules;
 - (b) copies of the amendments moved by the Members at the time of final consideration of the budget or the supplementary budget whereto the Chairman has not agreed and copies of written statements by the Chairman adducing reasons for such non-agreement,
 - (c) a copy of the result sheet indicating as to how the Members voted under Rule 12, where the said budget or the supplementary budget was presented for the first time and for the second time, and
 - (d) a copy of written communications submitted under Rule 12(5) by any Councilor who has voted against the budget of the supplementary budget when it was submitted for the first time and when it was submitted for the second time,
- to the Commissioner of Local Government with a certificate of the Secretary.
- (5) Taking the aforesaid report of the Chairman into consideration, the Commissioner of Local Government shall, within three days of the receipt of the said report, submit his observations and recommendations to the Minister as regard the rejection of the adoption of the budget or the supplementary budget by the Council.
- (6) Taking into consideration the observations and recommendations of the report of the Commissioner of Local Government under paragraph (5), the Minister may determine, within seven days of the receipt of the said report whether or not the said budget or the supplementary budget has been a budget or a supplementary budget duly passed by the Council, together with a written statement explaining reasons thereto and the said determination of the Minister shall be-
- (a) conveyed forthwith to the Chairman by the Secretary of the Ministry in charge of the subject of Local Government in the Provincial Council with copies to the Auditor General, the Commissioner of Local Government and the Assistant Commissioner of Local Government,
 - (b) the Secretary as soon as conveniently possible shall notify the said decision to the Members of the Council.
- (7) Under paragraph (6), in respect of the said budget or supplementary budget-
- (a) where it has been determined by the Minister that it shall be deemed as duly adopted, unless there is contrary reason otherwise, apart from considering such budget or supplementary budget as valid, the Chairman shall continue in the office of the Chairman and the said decision shall be conveyed to the Council by the Chairman at the next meeting of the Council,
 - (b) where it has been determined that it shall be deemed as rejected, after the expiry of a period of two weeks from the date the budget or supplementary budget was rejected for the second time, the Chairman shall be deemed to have resigned from the office of Chairman.

- (8) Where it is deemed that the Chairman has resigned from the office of the Chairman under paragraphs (3) and (7) above, the provisions of the Local Authorities Elections Ordinance (Chapter 262) shall apply in the election of the Chairman of that Council.
16. (1) Subsequent to the Chairman is deemed to have resigned from the office of Chairman under Rule 15, the budget or supplementary budget for the ensuing year shall be submitted to the Council by the successor Chairman appointed to the vacant office of the Chairman in terms of the Local Government Elections Ordinance (Chapter 262) at a meeting summoned for the consideration of the budget. Successor Chairman to submit the budget and where the Council is deemed to have been dissolved
- (2) In like manner, it shall be the duty of the successor Chairman to take action to have the budget or if required, the supplementary budget adopted for each succeeding year after the said year.
- (3) In submitting, adopting and rejecting the budget or supplementary budget by the successor Chairman, the aforementioned provisions of these rules shall, mutatis mutandis, apply.
- (4) Notwithstanding anything to contrary in paragraph (3), if a budget or a supplementary budget submitted by the successor Chairman for adoption, after being rejected at the first instance, has been rejected even after being submitted for the second time to the Council for reconsideration, the Council shall be deemed to have been dissolved on the day that comes at the expiry of a period of two weeks from the date of rejection for the second time.
- (5) When the Council is deemed to have been dissolved as aforesaid, the Minister in charge of the subject of Local Government of the Province or the Governor, as the case may be, shall appoint a Special Commissioner who shall hold the office as a Special Commissioner for the unexpired period of the Council, in terms of powers conferred under Section 2 of the Provincial Councils (Consequential Provisions) Act, No. 12 of 1989.
17. After the Council is deemed to have been dissolved under Rule 16, the Special Commissioner appointed to that Council, shall take decisions with regard to the preparation and adoption of the budget or supplementary budget, as the case may be, for the ensuing year and next succeeding years Adoption of the budget where the Council stands dissolved.
18. (1) Even if the budget of any Council could not be adopted before the commencement of the relevant year, it shall not be an obstacle for the spending of money for recurrent expenditure included in the proposed expenditure estimate which has been submitted to the Council under Rule 10. Spending money where budget has not been passed until the commencement of the financial year.
- (2) Provided that, money shall not be spent for any capital expenditure until such time the budget is deemed to have been passed.
19. At any time deemed necessary by the Chairman, a supplementary estimate may be prepared and submitted to the Council and the provisions of Section 178 of the Urban Council Ordinance and the provisions from Rule 7 to Rule 17 (including those two rules) of these rules shall, mutatis mutandis, apply therein. Supplementary budget.
20. (1) The Secretary shall take action to display adequate number of copies of every budget and every supplementary budget passed by the Council in the head office, every sub office and every public library of the Council for the study of the public without having to pay any fee and also to post a copy thereof, if a website is maintained by the Council. The budget and supplementary budget passed shall be made available to the public.

- (2) If a copy of whole such document or as copy of any part thereof is requested by any person, the Secretary shall make necessary arrangements to make such copies available having charged fees for copying. .

These rules to supersede provisions of any other rule.

21. Where the provisions included in any other rule or rules in regard to the budget of a Council run contrary to the provisions included in these rules, the provisions of these rules shall supersede such provisions.

Interim provisions.

22. Whatever mentioned in the above rules, in related to the budget for the year 2021.

(a) The date included in rule 3, rule 5(1) and rule 6(1) should not be applicable.

(b) It should be applicable as prior to November 30th instead of prior to November 15th mentioned rule 10(1)

Interpretation.

23. In these rules, unless the context otherwise requires –

“Successor Chairman” means the Chairman appointed to vacant office of the Chairman under Section 66(b)2 and under Section 66(g) of the Local Authorities Elections Ordinance (Chapter 262), after the Chairman is deemed to have resigned due to the operation of the provisions of the proviso of Section 178a of the Urban Council Ordinance;

“Minister” means the Minister of the Provincial Council to whom the subject of Local Government of the Provincial Council has been assigned and includes the Governor of the Province when the Provincial Council has been dissolve;.

“Council” means an Urban Council constituted in the Uva Province under the Urban Council Ordinance;

“Secretary” means the person appointed to act as the Secretary of the Council under Section 27 of the Urban Councils Ordinance (Chapter 255).

24. In the event of any inconsistency between Sinhala, Tamil and English text of this *Gazette* Notification, the Sinhala text shall be prevail.

PRADESHIYA SABHA ACT, No. 15 OF 1987

BY virtue of powers vested in me under Section 184 of the Pradeshiya Sabha Act, No.15 of 1987 and Section 2 and 223 of the Provincial Councils (Consequential Provisions) Act, No. 12 of 1989 of the Pradeshiya Sabha Act, No. 15 of 1987, I, A. J. M. Muzammil, Governor of the Uva Province, do hereby publish the following rules made by me.

A. J. M. MUZAMMIL,
Governor,
Uva Province.

At the Office of Governor, Uva Province,
29th October, 2020.

Rules

1. These rules may be cited as the rules for the preparation and enforcement of Pradeshiya Sabha budgets 2020. Short title.
2. The drafting of the budget and the supplementary budget for the next succeeding year which shall be submitted for the approval of the Sabha in terms of Section 168 of the Pradeshiya Sabha Act No. 15 of 1987, submitting same for the approval of the Sabha, making amendments to the budget proposal and adoption shall be carried out as per the procedure prescribed by these rules. Procedure of rules to be followed.
3. (1) At the general meeting of the Sabha of January every year, members shall be appointed to a committee on finance and policy making under Section 12 of the Pradeshiya Sabha Act and the Chair of such committee shall be held by the Chairman of the Sabha. Committee on finance and policy making.
- (2) Until such time the committee on finance and policy making, having considered in advance and reported to the General Meeting, a Pradeshiya Sabha shall not act conclusively with reference to any matter relating to the procedures of these rules.
4. It shall be the duty of the Secretary to identify the income sources required for the drafting of the budget for the ensuing year and making preliminary arrangements for the preparation of provisions for expenditure projections for handling the assets of the Sabha and other recurrent expenditure. Preliminary arrangements on income and expenditure estimates.
5. (1) The Secretary, in consultation with the Chairman, shall draft the proposals of the Sabha prescribing, in respect of the rates, taxes, rent income that should be recovered and can be recovered to the Sabha and the fees to be levied for the services provided by the Sabha and submit to the General Meeting to be held before 30th of September together with a report of the Committee on Finance and Policy Making for the consideration of the Sabha. Adoption of the proposal of the Sabha prescribing income and publishing notices on specifying income.
- (2) It shall be the duty of the Chairman to publish in the *gazette*, the notices of the Sabha in regard to motions for prescribing rates, taxes and rent income adopted by the Sabha, before the 01st of December every year.
6. (1) It shall be the duty of the Chairman to cause a notice to be published in newspapers for citizens before 31st May every year and to announce to the members at the General Meeting held before the 31st of May every year requesting the proposals expected to be included in the **capital expenditure estimate and the development plan be submitted to** him before the 30th June. Calling and prioritizing development proposals.
- (2) Out of the proposals received by the Chairman under Paragraph (1) above, it shall be the duty of the Secretary to select only such proposals, for which powers have been conferred for the execution by the Pradeshiya Sabha Act or any other written law and separate them by each ward and prioritize same and submit them to the Chairman and if there are any proposals to be disposed of, cite reasons for such disposal and notify same to the relevant party.
7. The Secretary shall, in consultation with the Chairman and having regard for the proposals for the capital expenditure of the next succeeding year together with the actual expenditure incurred during the past three years, draft the expenditure estimate for the ensuing succeeding year adopting all strategies of participatory budgeting, incorporating the recurrent expenditure for the ensuing year. Draft expenditure estimate.
8. The Secretary shall, in consultation with the Chairman, prepare the draft income and receipts estimate of the Sabha for the ensuing year. Income and receipts draft.

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| <p>Recommendations of the Finance and Policy Making Committee for income and expenditure estimate.</p> | <p>9. It shall be the duty of the Chairman to submit to the Committee on Finance and Policy Making, the proposed expenditure estimate and the proposed income and receipts estimate for the ensuing year drafted in terms of Rule 7 and Rule 8 above for obtaining its recommendations.</p> |
| <p>Final consideration and adoption of the budget for next succeeding year.</p> | <p>10. (1) Before the 15th November of every year, on any day deemed appropriate by the Chairman, the draft budget for the ensuing year shall be submitted to an ordinary or general meeting of the Sabha for the final consideration and adoption.</p> <p>(2) It shall be the duty of the Chairman to:</p> <ul style="list-style-type: none"> (a) hand over the draft budget to every member together with the agenda of the meeting; and (b) publish a notice in the <i>gazette</i> and at least in two newspapers in all three languages stating that the people will be granted the opportunity to examine same at least prior to seven working days from the date on which the budget will be finally considered. <p>(3) At the general meeting conducted for the consideration of the budget of the next succeeding year under this rule, subsequent to the presentation of a policy statement on the budget by the Chairman, the resolution for the adoption of the draft budget under the provisions of these rules shall be presented to the general meeting.</p> <p>(4) After the motion for the adoption of the budget for the ensuing year is presented by the Chairman, it shall be seconded by another member.</p> <p>(5) After the seconding of the budget proposal of the Chairman, the consideration of the budget shall be in compliance with the provisions set out hereinafter.</p> |
| <p>Moving amendments to the budget.</p> | <p>11. (1) Any member of the Sabha may move amendments to the budget submitted to the Sabha by the Chairman for the ensuing year and such amendments shall be handed over to the Secretary under his hand by the member before three working days together with reasons on which the amendment is based.</p> <p>(2) If no amendments have been moved to the budget as per paragraph (1) above, it shall be announced at the said general meeting and if any amendments have been moved, it shall be the duty of the Chairman to cause a copy of such amendments to be available to each member in the order they have been received immediately after the commencement of the meeting that finally considers the budget for the ensuing year.</p> <p>(3) After the seconding of the budget proposal submitted by the Chairman by another member, it shall be the duty of the Chairman to cause an opportunity to be accorded to the relevant member or members who have moved the amendments, in the order they have been received, to submit them to the Sabha.</p> <p>(4) After the submission of amendments moved to the budget by the relevant members in the order they have been received to the Sabha, the Sabha shall take no action in respect of such amendments unless such amendments have been seconded by another member.</p> |

- (5) Any amendment moved by a member shall not be submitted to the Sabha by another member other than the member who moved the amendment and if the member who moved the amendment is not present in the Sabha at the time of its submission to the Sabha, such amendment shall be deemed as not having submitted to the Sabha.
 - (6) After the submission of all amendments pertaining to the budget of the ensuing year to the general meeting, it shall be the duty of the Chairman to inform the Sabha together with a statement in writing whether he -
 - (a) is in agreement with all the amendments that have been moved; or
 - (b) not in agreement with all or any one of the amendments that have been moved and as to what such amendments are and reasons on which such disagreement is based.
 - (7) Thereafter the provisions of Rule 12 shall be followed for the consideration of the budget for the ensuing year.
12. (1) In making a decision by the Sabha with regard to the adoption of every motion submitted to the Sabha under these rules, the relevant voting and the declaration of results shall be in accordance with the following procedure :
- Voting of the budget and supplementary budget and declaration of results.
- (2) After the submission of any motion by the Chairman to the Sabha, such motion shall not be taken up for discussion in the Sabha unless seconded by another Member and when the motion has been seconded, it shall be the duty of the Chairman to make arrangements for it to be debated.
 - (3) After the conclusion of the debate of the Sabha on the motion, it shall be the duty of the Chairman to announce same to the Sabha and order the Secretary to take a vote.
 - (4) After the submission of a memo with results of the voting in such manner to identify those who have voted for and against the motion submitted to the Sabha, abstained from voting and those who were not present in the Sabha at the time of voting and those present at the time of the voting to the Chairman by the Secretary, that result shall be announced to the Sabha by the Chairman.
 - (5) At a voting in respect of any motion as per above paragraph (3), every Member who voted against the motion shall hand over a written communication explaining reasons as to why he voted against the motion to the Secretary with a copy thereof to the Commissioner of Local Government within seven days from the date on which the meeting was conducted.
 - (6) It shall be the duty of the Secretary to attach a copy each of the result sheet of the voting referred to in paragraph (4) above and written communications referred to paragraph (5) above to the minutes of the relevant meeting.
13. (1) Where the adoption of a budget or a supplementary budget has been rejected by the Sabha after such budget or supplementary budget has been submitted for the first time, the Chairman shall take action for the submission of a motion for the adoption of the budget or the supplementary budget at a meeting that will be convened in terms of the provisions of Section 169 of the Act for its reconsideration and such motion shall be seconded by another Member.
- Procedure to be followed when a budget has been rejected for the first time by the Sabha.
- (2) At the time of the said budget or the supplementary budget being considered for the second time, any Member may move amendments, but there shall not be entitlement for moving amendments which are outside the amendments moved for the first time.

- (3) The procedure laid down in Rule 12 shall be adopted with regard to the adoption of the budget submitted for the second time.

Budget or supplementary budget submitted before the expiry of two years from the date of commencement of the office of the Sabha.

14. (1) On any date before the expiry of two years from the date of commencement of office of any Sabha, if the Sabha has rejected the adoption of the budget or the supplementary budget even after it has been submitted to the Sabha for reconsideration under Rule 13 having rejected the adoption of such budget or supplementary budget when it was presented for the first time, the Chairman shall have the power, immediately after the expiry of two weeks from the date of such rejection, to act as if the said budget or the supplementary budget has been duly adopted by the Sabha.
- (2) It shall also be the duty of the Chairman to forward a written communication to each Member with a copy thereof to the Auditor General, the Commissioner of Local Government and the Assistant Commissioner of Local Government that he has decided to act in terms of the above power and announce same to the Sabha at the next meeting of the Sabha.

Budget or supplementary budget submitted after the expiry of two years from the date of commencement of the office of the Sabha.

15. (1) On any date after the expiry of two years from the date of commencement of office of any Sabha, if the Sabha has rejected the adoption of the budget or the supplementary budget even after it has been submitted to the Sabha for reconsideration under Rule 13 having rejected the adoption of such budget or supplementary budget when it was presented for the first time, the provisions of this rule set forth hereinafter shall be applicable.
- (2) The procedure set forth in paragraphs (4), (5) and (6) shall be adopted and shall be in force, if such rejection has been made where-
- (a) no amendments have been moved to the budget or the supplementary budget: or
- (b) the Chairman has agreed to the amendments moved to the budget or the supplementary budget.
- (3) The provisions of the proviso of Section 169 of the Padeshiya Sabha Act shall be applicable, if the adoption of the budget or the supplementary budget has been rejected by the Sabha, at a time the Chairman has not agreed to any one or several of the amendments moved to such budget or supplementary budget by Members.
- (4) Where the Sabha has rejected the adoption of the said budget or the supplementary budget in whichever way set out in paragraph (2), the Chairman shall, as soon as conveniently possible, submit-
- (a) a report confirmed by the Secretary whether preliminary activities with regard to the budget or the supplementary budget have been or have not been carried out under the terms of these rules;
- (b) copies of the amendments moved by the Members at the time of final consideration of the budget or the supplementary budget where to the Chairman has not agreed and copies of written statements by the Chairman adducing reasons for such non-agreement,
- (c) a copy of the result sheet indicating as to how the Members voted under Rule 12, where the said budget or the supplementary budget was presented for the first time and for the second time, and

- (d) a copy of written communications submitted under Rule 12(5) by any Member who has voted against the budget of the supplementary budget when it was submitted for the first time and when it was submitted for the second time,

to the Commissioner of Local Government with a certificate of the Secretary.

- (5) Taking the aforesaid report of the Chairman into consideration, the Commissioner of Local Government shall, within three days of the receipt of the said report, submit his observations and recommendations to the Minister as regard the rejection of the adoption of the budget or the supplementary budget by the Sabha.

- (6) Taking into consideration the observations and recommendations of the report of the Commissioner of Local Government under paragraph (5), the Minister may determine, within seven days of the receipt of the said report whether or not the said budget or the supplementary budget has been a budget or a supplementary budget duly passed by the Sabha, together with a written statement explaining reasons thereto and the said determination of the Minister shall be-

- (a) conveyed forthwith to the Chairman by the Secretary of the Ministry in charge of the subject of Local Government in the Provincial Council with copies to the Auditor General, the Commissioner of Local Government and the Assistant Commissioner of Local Government,

- (b) the Secretary as soon as conveniently possible shall notify the said decision to the Members of the Sabha.

- (7) Under paragraph (6), in respect of the said budget or supplementary budget-

- (a) where it has been determined by the Minister that it shall be deemed as duly adopted, unless there is contrary reason otherwise, apart from considering such budget or supplementary budget as valid, the Chairman shall continue in the office of the Chairman and the said decision shall be conveyed to the Sabha by the Chairman at the next meeting of the Sabha,

- (b) where it has been determined that it shall be deemed as rejected, after the expiry of a period of two weeks from the date the budget or supplementary budget was rejected for the second time, the Chairman shall be deemed to have resigned from the office of Chairman.

- (8) Where it is deemed that the Chairman has resigned from the office of the Chairman under paragraphs (3) and (7) above, the provisions of the Local Authorities Elections Ordinance (Chapter 262) shall apply in the election of the Chairman of that Sabha.

16. (1) Subsequent to the Chairman is deemed to have resigned from the office of Chairman under Rule 15, the budget or supplementary budget for the ensuing year shall be submitted to the Sabha by the successor Chairman appointed to the vacant office of the Chairman in terms of the Local Government Elections Ordinance (Chapter 262) at a meeting summoned for the consideration of the budget.
- Successor Chairman to submit the budget and where the Sabha is deemed to have been dissolved.
- (2) In like manner, it shall be the duty of the successor Chairman to take action to have the budget or if required, the supplementary budget adopted for each succeeding year after the said year.

- (3) In submitting, adopting and rejecting the budget or supplementary budget by the successor Chairman, the aforementioned provisions of these rules shall, *mutatis mutandis*, apply.
- (4) Notwithstanding anything to contrary in paragraph (3) if a budget or a supplementary budget submitted by the successor Chairman for adoption, after being rejected at the first instance, has been rejected even after being submitted for the second time to the Sabha for reconsideration, the Sabha shall be deemed to have been dissolved on the day that comes at the expiry of a period of two weeks from the date of rejection for the second time.
- (5) When the Sabha is deemed to have been dissolved as aforesaid, the Minister in charge of the subject of Local Government of the Province or the Governor, as the case may be, shall appoint a Special Commissioner who shall hold the office as a Special Commissioner for the unexpired period of the Sabha, in terms of powers conferred under Section 2 of the Provincial Councils (Consequential Provisions) Act, No. 12 of 1989.

Adoption of the budget where the Sabha stands dissolved.

17. After the Sabha is deemed to have been dissolved under Rule 16, the Special Commissioner appointed to that Sabha, shall take decisions with regard to the preparation and adoption of the budget or supplementary budget, as the case may be, for the ensuing year and next succeeding years

Spending money where budget has not been passed until the commencement of the financial year.

18. (1) Even if the budget of any Sabha could not be adopted before the commencement of the relevant year, it shall not be an obstacle for the spending of money for recurrent expenditure included in the proposed expenditure estimate which has been submitted to the Sabha under Rule 10.
- (2) Provided that, money shall not be spent for any capital expenditure until such time the budget is deemed to have been passed.

Supplementary budget.

19. Whenever deemed necessary by the Chairman, a supplementary estimate may be prepared and submitted to the Sabha and the provisions of Section 168 of the Pradeshiya Sabha Act and the provisions from Rule 7 to Rule 17 (including those two rules) of these rules shall, *mutatis mutandis*, apply therein.

The budget and supplementary budget passed shall be made available to the public.

20. (1) The Secretary shall take action to display adequate number of copies of every budget and every supplementary budget passed by the Sabha in the head office, every sub office and every public library of the Sabha for the study of the public without having to pay any fee and also to post a copy thereof, if a website is maintained by the website.
- (2) If a copy of whole such document or any part thereof is requested by any person, the Secretary shall make necessary arrangements to make such copies available having charged fees for copying.

These rules to supersede provisions of any other rule
 Interim provisions

21. Where the provisions included in any other rule or rules in regard to the budget of a Sabha run contrary to the provisions included in these rules, the provisions of these rules shall supersede such provisions.
22. Whatever mentioned in the above rules, in related to budget for the Year 2021 -
 - (a) The dates included in rule 3, rule 5(1) and rule 6(1) should not be applicable.
 - (b) It should be applicable as prior to November 30th instead prior to 15th mentioned in rule 10(1).

23. In these rules, unless the context otherwise requires –

Interpretation.

“Successor Chairman” means the Chairman appointed to vacant office of the Chairman under Section 66(b)2 and under Section 66(g) of the Local Authorities Elections Ordinance (Chapter 262), after the Chairman is deemed to have resigned due to the operation of the provisions of the proviso of Section 169 of the Pradeshiya Sabha Act;

“Minister” means the Minister of the Provincial Council to whom the subject of Local Government of the Provincial Council has been assigned and includes the Governor of the Province when the Provincial Council has been dissolve;

“Sabha” means a Pradeshiya Sabha constituted in the Uva Province under the Pradeshiya Sabha Act, No. 15 of 1987;

“Secretary” means the person appointed to act as the Secretary of the Pradeshiya Sabha.

24. In the event of any inconsistency between Sinhala, Tamil and English text of this *Gazette* Notification, the Sinhala text shall be prevail.