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PART IV (A) — PROVINCIAL COUNCILS
PROVINCIAL COUNCILS NOTIFICATIONS

NORTHERN PROVINCE PROVINCIAL COUNCIL

Northern Province Tourism Bureau Statute No. 02 of 2017

NOTICE is hereby given that the Northern Province Provincial Council has adopted the Northern Province Tourism Bureau Statute No. 02 of 2017 on 24 August 2017 and that the Hon. Governor Northern Province has given his Assent to it on 10 January 2018.

K. THEIVENDRAM,
Secretary,
Council Secretariat,
Northern Provincial Council.

Council Secretariat,
A9 Road,
Kaithady,
11th January 2018.

**A STATUTE TO PROVIDE FOR THE ESTABLISHMENT OF A TOURISM BUREAU OF THE
NORTHERN PROVINCE; AND FOR THE MATTERS CONNECTED THERE WITH OR
INCIDENTAL THERE TO**

BE it enacted by the Northern Provincial Council of the Democratic Socialist Republic of Sri Lanka as follows: -

Preamble

1. This Statute may be cited as the Northern Province Tourism Bureau Statute No. 02 of 2017 and shall come into operation on such date as the Governor of the Northern Province may give his assent thereto.

Short title and date of operation.



PART I
ESTABLISHMENT OF TOURISM BUREAU OF THE NORTHERN PROVINCE

- Establishment of Tourism Bureau.
2. (1) There shall be established for the purpose of this Statute, an Bureau called the Tourism Bureau of the Northern Province (hereinafter referred to as the “Bureau”).
- (2) The Bureau shall, by the name assigned to it by this section be a body Corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.
- Objects of the Bureau.
3. The objects of this Bureau shall be -
- (a) to promote and develop tourism within the Northern Province in accordance with the National Policy on tourism;
 - (b) to develop and promote adequate, attractive and efficient tourist services, inclusive of the hospitality industry in a sustainable manner within the Northern Provincial Council Limit Subject to the Provision of Tourism Act, No. 38 of 2005;
 - (c) to collect information and publish such information, maps and other matters relating to tourism within the Northern Province in collaboration with recognized Tourism Associations of Sri Lanka;
 - (d) to encourage persons or bodies of persons in the private and / or public sector to participate in the promotion of the tourism industry and the promotional and training activities connected with such industry within the Northern Province;
 - (e) to work towards the enhancement of tourism and travel sectors in order to secure contribution for the expansion and development of Sri Lanka’s economy;
 - (f) to work in collaboration with the Sri Lanka Tourism Development Authority established under section 2 of the Tourism Act, No. 38 of 2005;
 - (g) to develop Northern Province as a tourist and travel destination both in Sri Lanka and abroad;
- Constitution of the Board of Management of the Bureau.
4. (1) The affairs of the Bureau shall be administered and managed by the Board of Management (hereinafter referred to as the “Board”), which shall consist of the following:
- (a) Five ex-officio member, -
 - I. the Secretary to the Northern Provincial Ministry of the Minister in charge of the subject of Tourism;
 - II. the Deputy Chief Secretary –Finance Northern Province
 - III. the Secretary to the Northern Provincial Ministry of the Minister in-charge of the subject of Local Government
 - IV. the Secretary to the Northern Provincial Ministry of the Minister in-charge of the subject of Northern Provincial Social Services or Director of Social Service; and
 - V. a representative of Sri Lanka Tourism Development Authority in consultation with the Chairman of the Sri Lanka Tourism Development Authority; and

- (b) five other members (hereinafter referred to as the “appointed members”) appointed by the Minister in charge of the subject of Tourism (hereinafter referred to as “the Minister”) as follows: -
- (i) President or his representative of Northern Province Tourism Association;
 - (ii) four members in the field of Tourism including sub- sectors of Accommodation and Travels each of whom shall possess recognized qualifications and have distinguished themselves in the fields of Tourism.
- (2) The Minister shall appoint a person who is having qualifications and experience in the field of Tourism as a Chairman of the Bureau, who shall be the Chairman of the Board of Management.
- (3) Every appointed member shall unless he vacates office earlier by death, resignation or removal, hold office for a term of three years from the date of his appointment and shall unless he has been removed, be eligible for re appointment.
- (4) The Minister may, if he considers it expedient to do so, remove from office any appointed member after assigning reasons therefor.
- (5) Any appointed member may, at any time resign his office by letter addressed to the Minister sent by registered post.
- (6) In the event of vacation of office by death, resignation or removal of any appointed member, the Minister may having regard to the provisions of paragraph (b) of Sub section (1) appoint any other person to succeed such member. Any member so appointed shall hold office for the unexpired term of office of the member whom he succeeds.
- (7) Where an appointed member, by reason of illness, infirmity or absence from Sri Lanka for a period of not less than three months, is temporarily unable to perform his duties, it shall be the duty of such member to inform the Minister in writing of such inability. The Minister may, on receipt of such information, having regard to the provisions of paragraph (b) of sub section (1) appoint some other person to act in his place.
5. (1) The quorum for a meeting of the Board shall be five members.
- (2) The Chairman shall preside at every meeting of the Board. In the absence of the Chairman from any meeting of the Board, an ex-officio member elected by the members present shall preside at such meeting.
- (3) All questions for decision at any meeting of the Board shall be decided by the vote of majority of members present at such meeting. In the case of an equality of votes, the Chairman shall, in addition to his vote have a casting vote.
- (4) Subject to the preceding provisions of this section, the Board may regulate the procedure in relation to the meetings of the Board and the transaction of business at such meetings.
6. No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy in the Board or any defect in the appointment of a member of the Board.
7. The members of the Board shall, with the approval of the Provincial Council be remunerated in such manner and at such rates as may be determined by the Minister.

Quorum and meetings of the Board.

Acts or proceedings of the Board deemed not to be invalid by reason of any vacancy.

Remuneration of the members of the Board.

Disqualification from being a member of the Board.

8. A person referred to in paragraph (b) of Sub section (1) section 4 shall be disqualified from being appointed or continuing as a member of the Board –
- (a) if he is elected as a Member of Parliament, Member of any Provincial Council or any local Authority;
 - (b) if he has been declared an insolvent or an un-discharged bankrupt under any law in Sri Lanka or any other country;
 - (c) if he is under any law in force in Sri Lanka or any other country found or declared to be of unsound mind;
 - (d) if he is convicted of an offence involving in moral turpitude and punishable with imprisonment for a term not less than six months;
 - (e) if he is serving or has served a sentence of imprisonment or a suspended sentence for over six-month imprisonment imposed by a Court of Sri Lanka or any other country; or
 - (f) if he has any financial or other interest as is likely, to affect prejudicially the discharge by him of his functions as a member of the Board.

Seal of the Bureau.

9. (1) The seal of the Bureau shall be in the custody of such person as the Board may decide from time to time.
- (2) The seal of the Bureau may be altered in such manner as may be determined by the Board.
- (3) The seal of the Bureau shall not be affixed to any instrument or document except with the sanction of the Board and in the presence of two members of the Board nominated by the board itself who shall sign the instrument or document in token of their presence.
- (4) The Board shall maintain a register of the instruments and documents to which the seal of the Bureau has been affixed.

Powers, functions and duties of the Bureau.

10. The powers, functions and duties of the Bureau shall be –
- (a) to act in consultation with the Sri Lanka Tourism Development Authority established under the provisions of section 2 of the Tourism Act, No. 38 of 2005;
 - (b) to engage in, assist in or promote the improvement of facilities being provided for tourists;
 - (c) to assist the Sri Lanka Tourism Development Authority in operating tourist enterprises and providing tourist services and to coordinate the activities of the persons operating tourist enterprises and providing tourist services within the Northern Province;
 - (d) to acquire, hold, take on lease, hire, pledge or otherwise dispose of any movable or immovable property;
 - (e) to co-ordinate, assist and encourage studies, researches and trainings that are essential to achieve the objects of this Bureau;
 - (f) to receive grants, gifts or donations in cash or kind, Provided that, the Board shall obtain a prior written approval of the Department of External Resources of the Government in respect of all foreign grants, gifts or donations made to the Bureau;

- (g) to enter into such contracts and agreements as may be necessary for the furtherance of the objects of the Bureau;
- (h) to appoint, employ, terminate, remunerate, exercise disciplinary control over and dismiss officers and servants required for the carrying out of the objects of the Bureau; and
- (i) to do all other things as are necessary or expedient for the proper and effective carrying out of the objects of the Bureau.

PART II

STAFF OF THE BUREAU

- 11. (1) There shall be appointed through the recruitment procedure by the Minister with the concurrence of the Board, a fit and proper person to be the Director of the Bureau, who shall be its Chief Executive Officer. Director of the Bureau.
- (2) The Director shall be entitled to be present at all meetings of the Board and to speak at such meetings, but shall not be entitled to vote at any such meetings.
- (3) The Director shall, subject to the general direction and control of the Chairman and the Board, be responsible for the conduct of all affairs of the Bureau, including the administrative control of the officers and employees of the Bureau.
- (4) The Director shall be paid such remuneration as may be determined by the Minister with the approval of the Provincial Council.
- (5) The Minister may with the concurrence of the Board and for reasons assigned therefor remove from office the Director appointed under subsection (1).
- 12. Whenever the Director is by reason of illness or absence from Sri Lanka or for any other cause unable to discharge or perform any of his functions or duties, the Minister may with the concurrence of the Board, appoint any other senior officer of the Bureau to act in his place during such absence. Temporary absence of the Director.
- 13. (1) The Board may appoint such officers and other employees as it considers necessary for the efficient exercise, discharge and performance of its powers, functions and duties under this Statute. Appointment of staff of the Bureau.
- (2) The officers and other employees appointed under subsection (1) shall be remunerated in such manner and at such rates and shall be subject to such conditions of service, as may be determined by the Board.
- 14. (1) At the request of the Board, any officer in the public service may, with the consent of that officer and the Secretary to the Ministry of the Minister in charge of the subject of Public Administration or the Governor of the Northern Province as the case may be, be temporarily appointed to the staff of the Bureau for such period as may be determined by the Board or with like consent, be permanently appointed to such staff. Appointment of public officers to the staff of the Bureau.
- (2) Where any public officer is temporarily appointed to the staff of the Bureau,
 - (a) if, at the time of his temporary appointment to the staff of the Bureau, his substantive post in the public service was a post declared to be pensionable under the Minutes on Pensions-

- (i) he shall while in the employ of the Bureau be deemed to have been absent from duty in the public service on leave granted without salary on grounds of public policy and accordingly section 10 (1) of those Minutes shall apply to him; and
 - (ii) in respect of him the Bureau shall pay out of the funds of the Bureau to the Treasury to be credited to the Consolidated Fund for every complete month during which he is in the employ of the Bureau, such sum not exceeding twenty-five per centum of the salary payable to him in his substantive post in the public service as may be determined Provincial Minister in charge of the subject of Finance as the case may be; and,
 - (b) if, at the time of his temporary appointment to the staff of the Bureau, he was a contributor to the Public Service Provident Fund established under the Public Service Provident Fund Ordinance; his service to the Bureau shall, for the purpose of that Ordinance, be deemed to be service of the Government or the Northern Provincial Council as the case may be; and accordingly he shall, while he is in the employ of the Bureau, continue to pay to the Public Service Provident Fund such contributions as he may be liable under that Ordinance to pay, and in respect of him the Bureau shall pay at the close of each financial year out of the funds of the Bureau to the Deputy Secretary to the Treasury to be credited to the appropriate account in the Public Service Provident Fund a sum equivalent to such contribution as the Government or the Northern Provincial Council as the case may be, is liable to pay to the Public Service Provident Fund in respect of him.
- (3) Where any public officer is permanently appointed to the staff of the Bureau,
 - (a) he shall be deemed to have left the public service;
 - (b) if at the time of his permanent appointment to the staff of the Bureau, his substantive post in the public service was a post declared to be pensionable under the Minutes on Pensions-
 - (i) he shall be eligible for such an award under those Minutes as might have been made to him if he retired from the public service on the date of his permanent appointment to the staff of the Bureau;
 - (ii) the amount of any such award made under those Minutes shall not be paid to him unless his employment in the staff of the Bureau is terminated by retirement on account of age or ill health or by the abolition of the post held by him in such staff or on any other ground approved by the Minister in charge of the subject of Public Administration or Provincial Minister in charge of the subject of Public Administration as the case may be; and,
 - (iii) in the event of his death while saving in the Bureau, such an award as might have been made in respect of him under those Minutes if he had died immediately before his permanent appointment to the staff of the Bureau may be made in respect of him; and,
 - (c) if, at the time of his permanent appointment to the staff of the Bureau, he was a contributor to the Public Service Provident Fund established by the Public Service Provident Fund Ordinance, he shall for the purpose of that Ordinance, be deemed to have left the service of the Government or the Northern Provincial Council as the case may be, upon the determination of his contract with the consent of the Government or the Northern Provincial Council as the case may be, otherwise than by dismissal.
- (4) Where the Board employs any person who has agreed to serve the Government or Northern Provincial Council as the case may be for a specified period under any agreement, any period of service to the Bureau by that person shall be regarded as service to the Government or Northern Province as the case may be, for the purpose of discharging the obligations of such agreement.

PART III

FUND

15. (1) The Bureau shall have its own Fund. Fund of the Bureau.
- (2) There shall be paid into such Fund-
- (a) all such sums of money as may be voted upon from time to time by the Northern Provincial Council for the use of the Bureau;
 - (b) all such sums of money granted by the Government;
 - (c) all such sums received by way of grant, donation and gift etc.; and
 - (d) All such sums collected by way of the following;
 - I. For Consultancy services offered to individuals/ organizations regarding establishing any Tourism related services.
 - II. For Consultancy services offered to Local Authorities in establishing Tourist destinations.
 - III. For publication of Tourism related materials (Guide books, brochures, video presentations, etc.)
 - IV. For value addition training programs me to small and medium level entrepreneurs who are involved in making souvenirs / memorable items.
 - (e) All other sums otherwise accruing to the credit of Fund of the Bureau under this Statute or by any other written law.
- (3) There shall be paid out of the Fund all such sums of money required to defray the expenditure incurred by the Bureau in the exercise, discharge and performance of its powers, functions and duties.
16. The financial year of the Bureau shall be the calendar year. Financial year.
17. (1) The Board shall cause proper books of accounts to be kept of the assets and liabilities, income and expenditure and all other transactions of the Bureau. Accounts and audits.
- (2) The provisions of Section 23 (1) and 23 (2) of the Provincial Councils Act, No.: 42 of 1987, shall apply in this regard and the accounts of the Northern Province Tourism Bureau shall be audited annually by the Auditor General or a Qualified auditor appointed by the Auditor General in terms of Article 154 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

PART IV

GENERAL

18. The Director may with the approval of the Board and whenever he considers it necessary to do so, delegate to any officer of the Bureau, any function or duty imposed on or assigned to him and such officer shall discharge and perform such function or duty, subject to the direction and control of the Director. Director may delegate his functions.

- Annual report. 19. i. The Director shall cause to be prepared an annual development plan in respect of the following year accordance with the Long Term Plan and submit to the board and in turn to the Minister every year on or before 30th of September.
- ii. The Director shall cause to be prepared and submit a detailed report of the activities relating to previous year to the board and in turn to the Minister every year.
- iii. The report under subsection (ii) shall be forwarded to the Minister on or before thirtieth of June every year.
- iv. The Minister shall present such report to the Provincial Council within 3 months of receipt of same.
- Directions of the Minister 20. The Minister may, with the concurrence of the Board of Ministers from time to time issue such general or special directions to the Board relating to the exercise, performance and discharge of the powers, functions and duties under this Statute and it shall be the duty of the Board to comply with such directions.
- All members of the Board etc. deemed to be public officers. 21. All members of the Board, officers, servants and agents of the Bureau shall be deemed to be public officers within the meaning and for the purpose of the Penal Code (Chapter 19).
- Bureau deemed to be a Scheduled Institution. 22. The Bureau shall be deemed to be a Scheduled Institution within the meaning of the Bribery Act (Chapter 26) and the provisions of that Act shall be construed accordingly.
- Protection of action 23. (1) No action or prosecution shall be instituted-
- (a) against the Bureau, for any act, which in good faith is done or purported to be done by the Bureau under this Statute; or
- (b) against any member, officer or servant of the Bureau for any act which in good faith is done or purported to be done by him under this Statute or on the direction of the Board.
- (2) Any expenses incurred by any such person as is referred to in subsection (1), in any action or prosecution instituted against him in respect of any act which is done or purported to be done by him under this Statute or on the direction of the Board, shall be paid out of the Fund of the Bureau, if the Court holds that such act was done in good faith.
- Regulation. 24. The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this statute.
- i. Every regulation made by the Minister under subsection (i), shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.
- ii. Every regulation made by the Minister under subsection (i) shall within period of three months from the date of its publication in the *Gazette* be brought before the Northern Provincial Council for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done there under.
- iii. Notification of the date on which any regulation shall be deemed to be rescinded, shall be published in the *Gazette*.

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| 25. | Where any provision of this Statute is contrary to any provision of the Tourism Act, No. 38 of 2005, the provisions of the Tourism Act, No. 38 of 2005 shall supersede. | Provisions of Tourism Act, No. 38 of 2005 to supersede. |
| 26. | “Minister” means the Minister in charge of the subject of Northern Province Tourism is assigned; | Interpretation. |
| 27. | In the event of any inconsistency between the Tamil, Sinhala and English texts of this Statute, the Tamil text shall prevail. | Tamil text to prevail in the case of inconsistency. |
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