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EXTRAORDINARY

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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

Statute on Execution of Powers of the Local Government Authorities No. 02 of 2017

I, hereby notify that the Statute on Executing Powers of the Local Government Authorities No. 02 of 2017 described in the Schedule below has been assented by the Hon. Governor of Western Province on 19th of October 2017 after being passed by the Western Provincial Council on 19th of September 2017 and accordingly the said Statute shall be effective in the Western Province from 19th of October 2017.

ISURA DEVAPRIYA,
The Chief Minister of the Western Provincial Council
and the Minister of Finance, Planning, Law and Order,
Local Government, Provincial Administration,
Economic Development, Power and Energy,
Environment Affairs, Water Supply and Drainage
and Tourist Affairs,
Western Province.

At the Ministry of Local Government of Western Province,
Sravasthi Mandiraya,
Colombo 07,
on the date of 04th April 2018.

Statute to Execute Powers of Local Government Institutions No. 02 of 2017 of the Provincial Council of Western Province

A Statute to provide provisions to inspect the plans for the land getting prepared for any development purpose and plans for land subdivisions, all construction plans subjected for the duties of Local Government Institutions of any jurisdiction of Local Government Institution of Western Province, making directives relevant to it, including approving such plans and to make the provisions of Housing and Town Improvement Ordinance and the provisions of Town and Country Planning Ordinance effective for it and to determine the powers to the Local Government Institutions with regard to the matters incidental to it.



This statute shall repugnant to the subsections (1), (2), (3) and (4) of Section 23 of Urban Development Authority Act, No. 41 of 1978 of the National State Assembly amended by Urban Development Authority (Amendment) Act, No. 4 of 1982.

Be it in enacted by the Provincial Council of Western Province of the Democratic Socialist Republic of Sri Lanka.

Short Title and
date of Operation

This statute shall be cited as the Statute to Execute Powers of Local Government Institutions No. 02 of 2017 of Western Province and shall come into effect on such date assented by the Governor of the Western Province.

The objectives of
the statute

1. The objectives of the statute shall be as follows :

- (i) Approving, inspecting and making necessary directives either by a local government institution or the Mayor or Chairman, the plans of land and land subdivisions that are with residential, industrial, and commercial purposes in a jurisdiction of a Local Government Institution, plans for building constructions or plans related to any other development project.
- (ii) Determining the written law related to approving, inspecting and making necessary directives either by a local government institution or the Mayor or Chairman, the plans of land and land subdivisions that are with residential, industrial, and commercial purposes in a jurisdiction of a Local Government Institution, plans for building constructions or plans related to any other development project.
- (iii) Providing provisions to make the provisions of Housing and Town Improvement Ordinance and the provisions of Town and Country Planning Ordinance effective.

Effectiveness of
the provisions of
the Housing and
Town
Improvement
Ordinance

2. Operation of any provision mentioned under the Urban Development Authority Act, No. 41 of 1978 of National State Assembly or any directive made under it in the jurisdiction of Local Government Institutions of the Western Province, which prevents executing the powers, discharging duties or making an action mentioned under Housing and Town Improvement Ordinance in a jurisdiction of a Local Government Institution to approve, to operate a plan relevant for any part of land or a subdivision of land for the use of residential, industrial, commercial purpose, plan of a building relevant for a permanent construction or an amendment relevant for such plan or a plan relevant for any other development project, or to do directives relevant for it by a Local Government Institution, Mayor, Chairman in terms of the provisions of Housing and Town Improvement Ordinance shall be none effective from the date of operation of this Statute.
3. After the date of operation of this Statute, the Mayor, Chairman of Local Government Institutions may, in accordance with the provisions of the Housing and Town Improvement Ordinance, shall approve a plan relevant for any part of land or a subdivision of land in a jurisdiction of a Local Government Institution of Western Province, a plan of a building relevant for a permanent construction or an amendment relevant for such plan or a plan relevant for any other development project, issue a license for a development purpose, take legal actions for unauthorized constructions and functions incidental to it.

Making rules

4. (i) The Minister may make Rules under this Statute with regard to any matter relevant to operate provisions related to the objective under this Statute.
- (ii) Every such Rule made by the Minister shall be published in the *Gazette* and it shall be operative from the date of such publish or any future date mentioned in the *Gazette*.

- (iii) Rules made by the Minister shall be presented to the Provincial Council for approval within three months from the publishing in the *Gazette*. The Provincial Council may approve such Rules and shall notify about such approval by a *Gazette*. If not approved as such, it shall also be notified by a *Gazette* and such Rules shall be considered as terminated without prejudice for the actions taken under it till then.

In this statute, unless the text otherwise requires

Interpretation

“Local Government Institutions” means Pradeshiya Sabha, Urban Councils and Municipal Councils of Western Province.

“Chairman” means the Chairman elected for the Urban Council or Pradeshiya Sabha.

“Mayor” means the mayor elected for the Municipal Council.

“Minister” means the Minister in charge of the Local Government subject of the Western Province.

In an inconsistency between Sinhala and Tamil texts of this Statute, the Sinhala text shall prevail.

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