

A STATUTE TO PROVIDE FOR THE ESTABLISHMENT OF
THE PROVINCE HOUSING AND CONSTRUCTION
AUTHORITY, TO SPECIFY THE POWERS AND FUNCTIONS OF
SUCH AUTHORITY, AND TO PROVIDE FOR MATTERS
CONNECTED THEREWITH OR INCIDENTAL THERETO

This Statute is inconsistent with the National Housing Development
Authority Act, No.17 of 1979 enacted by the Parliament of the Democratic
Socialist Republic of Sri Lanka.

BE it passed by the Provincial Council of the ... Province of
the Democratic Socialist Republic of Sri Lanka.

Short title
and date of
operation.

1. This Statute may be cited as theProvince Housing
and Construction Statute, No. ... of 2019 and shall come into
operation on the date of the assent of the Governor.

Applica-
tion.

2. The provisions of this Statute shall apply to all the housing
projects undertaken, funded or assisted in whatever manner within the
province by the Provincial Council of such province.

PART I

Establishment and Constitution of theProvince
Housing and Construction Authority

3. (1) There shall be established an Authority which shall be
called the Province Housing and Construction Authority(hereinafter
referred to as the “Authority”) consisting of the persons who are members

Establish- thereof under section .

ment of
the
Province
Housing
and
Constructi-
on
Authority.

(2) The Authority shall, by the name assigned to it by subsection
(1) be a body corporate with perpetual succession and a common seal and
may sue and be sued in that name.

4. The objects of the Authority shall be-

Objects of
the
Authority.

- (a) to formulate schemes to establish provincial housing and construction projects;
- (b) to make a physical structure plan for the province with the objective of making available adequately serviced lands for new housing including housing estates, housing schemes, flats and apartment complexes, group housing and low income re-settlements;
- (c) to secure the co-operation of local authorities, public corporations and persons whether private or public in the implementation of the projects;
- (d) to engage itself directly or otherwise in the construction of flats, apartments, houses and other buildings for residential purposes;
- (e) to manufacture, import or supply building materials required for the construction of buildings;
- (f) to provide roads, water, electricity, gas, sewerage, other common amenities and infrastructure facilities to facilitate housing development;
- (g) to create investment opportunity for private sector, particularly in housing;
- (h) to make lands available to any person or entity for housing development;
- (i) to provide financial or other assistance to persons engaged in any activity which is similar to any of the objects of the Authority;
- (j) to implement, promote, coordinate, supervise and monitor all aspects of housing development programmes and projects including aided self-help housing projects, and

(k) to do all such acts as may be necessary or conducive to the attainment of any or all of the above objects.

5. (1) The Authority shall have power to do all such as may be necessary for the discharge of all or any of its objects.

(2) Without prejudice to the generality of the powers conferred on the Authority by subsection (1), the Authority shall have power-

(a) to prepare and execute proposal, plans and projects for-

(i) the construction, conversion, improvement and extension of any flat, apartment, house or other building for residential purposes;

(ii) the sale, lease, mortgage or rental of such flats, apartments, houses or other residential buildings;

(iii) the clearance and redevelopment of slums and tenements which are congested or insanitary;

(iv) the resettlement of persons displaced or likely to be displaced by any of the operation of the Authority;

(b) to manage all lands, flats, apartments, houses and other residential buildings or other property vested in or belonging to the Authority;

(c) to provide loans on such terms and conditions as may be prescribed to enable persons or entities -

(i) to purchase flats, apartments, houses or other living accommodation;

(ii) to purchase lands for construction of flats, apartments, houses and other residential accommodations;

(iii) to construct flats, houses and other residential accommodations;

(d) to conduct surveys necessary for the performances of the functions of the Authority;

(e) to encourage self-help housing projects with the provision

Powers
of the
Authority.

of common amenities and infrastructure facilities;

- (f) to accept gifts, grants or donations from whatever source whether in cash or otherwise, and to apply them for carrying out of any of its objects;
- (g) to obtain loans on such terms and conditions as may be approved by the Minister of the Board of Ministers for the purpose of carrying out any of its objects;
- (h) to charge rents for any flat, apartment, house or other residential accommodation provided by the Authority;
- (i) to undertake and execute any activity which, in the opinion of the Authority, are necessary to achieve any of its objects;
- (j) to secure and obtain technical and financial assistance from local sources in fulfilling the objects of the Authority; and
- (k) to do all such acts or things as are incidental to or consequential upon the exercise, performance and discharge of its powers, duties and functions.

6. The Authority shall consist of the following members to be appointed by the Minister of the Board of Ministers -

- (a) an officer of the Ministry of the Minister of the Board of Ministers nominated by such Minister;
- (b) an officer of the Ministry of the Minister of the Board of Ministers in charge of the subject of Finance nominated by such Minister;
- (c) five other members from among persons who have technical qualifications as shall be prescribed and who appear to the Minister of the Board of Ministers to have had proven experience and shown capacity in all aspects of housing and construction, administration or finance (hereinafter referred to as “appointed members”).

7. (1) The Minister of the Board of Ministers shall appoint one of the appointed members of the Authority to be its Chairman (hereinafter referred to as the “Chairman”).

(2) The Chairman shall preside at all meetings of the Authority, and in his absence, the members present shall elect one of the members to preside at such meeting.

(3) If the Chairman is by reason of illness or absence from Sri

Lanka or temporarily unable to perform the duties of his office, the Minister of the Board of Ministers may appoint another member to act in his place.

(4) The Minister of the Board of Ministers may without assigning any reason therefor, terminate the appointment of the Chairman.

(5) The Chairman may at any time resign from the office of Chairman by letter addressed to the Minister of the Board of Ministers. Such resignation shall take effect upon it being accepted by the Minister of the Board of Ministers in writing.

Members of
the Authority

(6) Subject to the provisions of subsection (4) and (5) the term of office of the Chairman shall be his membership of the Authority.

8. (1) Every appointed member of the Authority shall hold office for a period ofyears from the date of his appointment, unless he vacates office earlier by death, resignation or removal.

(2) Any appointed member may at any time resign his office by letter addressed to the Minister of the Board of Ministers and such resignation shall take effect upon it being accepted by the Minister of the Board of Ministers in writing.

(3) The Minister of the Board of Minister may, by Order published in the Gazette remove, any appointed member of the Authority from office without assigning any reason therefor.

(4) An appointed member who has been removed from office shall not be eligible for re-appointment as a member of the Authority or to serve the Authority in any other capacity.

Chairman of
the Authority

(5) In the event of vacation of office by any appointed member, the Minister of the Board of Ministers may, having regard to paragraph (c) of section 6, may appoint any other person to fill such vacancy and such person shall hold office for the unexpired term of office of the member he succeeds.

(6) Where the appointed member is temporarily unable to perform the duties of his office on account of ill-health, absence from Sri Lanka or any other cause, the Minister of the Board of Ministers may appoint another person to act in place of such member.

9. A person shall be disqualified for being appointed or being a member of the Authority if he-

(a) is or becomes a member of Parliament, a member of a

Provincial Council or a member of a local authority;

- (b) is under any law in force in Sri Lanka or any other country, found or declared to be of unsound mind;
- (c) is a person who, having been declared an insolvent, or a bankrupt under any law in force in Sri Lanka or in any other country, is an undischarged insolvent or bankrupt, or
- (d) is serving or has served a sentence of imprisonment imposed by any court in Sri Lanka or in any other country.

10. No act or proceeding of the Authority shall be invalid by reason only of any vacancy among its members or any defect in the appointment of any member thereof.

Term of
Office of
appointed
members of
the
Authority.

11. Where the Minister of the Board of Ministers in consultation with the Minister of the Board of Ministers, in charge of the subject of Finance, decides that remuneration should be paid to each member of the Authority and determines the remuneration to be so paid, the Authority shall pay such remuneration.

12. Where any member, other than the Chairman, of the Authority is employed about the affairs of the Authority otherwise than as such member, the Authority shall pay to that member such remuneration, if any, (in addition to any remuneration to which he may be entitled in respect of his office as such member), as the Minister of the Board of Ministers may, in consultation with the Minister of the Board of Ministers in charge of the subject of Finance, determine.

13. The seal of the Authority-

- (a) shall be in the custody of such person as the Authority may from time to time determine;
- (b) may be altered in such manner as may be determined by the

Authority; and

- (c) Shall not be affixed to any document except with the sanction of the Authority and in the presence of two members of the Authority who shall sign the document in token of their presence.

Disqualifi-
cation for
being
appointed or
being a
member of

the

Authority.

14. The Authority may hold, take or give on lease or hire, mortgage, pledge and sell or otherwise dispose of any movable or immovable property.

PART II

Staff of the Authority

15. (1) The Chairman shall be the Director-General of the Authority and shall be its chief executive officer.

(2) The Director-General shall, subject to the general direction and control of the Authority, be charged with the conduct of the affairs and transactions of the Authority, the exercise, discharge and performance of its powers, functions and duties, and the administration and control of the officers and servants of the Authority.

Vacancy
among
members not
to invalidate
acts and
proceedings.

(3) The Director-General may, with the approval of the Authority, whenever he considers it necessary to do so, delegate to any officer or servant any powers, function or duty conferred or imposed on, or assigned to, him by this Statute and such officer or servant shall exercise, discharge and perform such powers, function or duty subject to the general or special direction of the Director-General.

Remunera-
tion of
members of
the Authority

16.(1) The Authority may appoint such officers and servants as may be necessary for the performance of the work of the Authority. The conditions of employment, of any officer or servant appointed under this subsection shall be determined by the Authority.

(2) Subject to the other provisions of this Statute, the Authority may-

Remuneration for employment of members of the Authority otherwise than as such member.

- (a) dismiss and exercise disciplinary control of the officers and servants so appointed;
- (b) fix the salary, wages or other remuneration of such officers and servants.

Seal of the Authority.

17.(1) The quorum for a meeting of the Authority shall be ... members and the Authority may regulate the procedure in regard to the meetings of such Authority and the transaction of business at such meetings.

(2) All questions for decision at a meeting of the Authority shall be decided by the vote of the majority of the members present. In case of an equality of votes the member presiding at that meeting shall have a casting vote.

18.(1) A member of the Authority who is directly or indirectly interested in a contract made or proposed to be made by the Authority shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the Authority.

(2) Any disclosure made by a member of the Authority under subsection (1) shall be recorded in the minutes of the Authority and that member-

The Authority may hold property.

- (a) shall not take part after the disclosure in any deliberation or decision of the Authority with respect to the contract to which the disclosure relates, and
- (b) shall be disregarded for the purpose of constituting a quorum of the Authority for any such deliberation or decision.

19. Subject to the other provisions of this Statute, the Authority may regulate its procedure.

Director-General.

20. (1) The Minister of the Board of Ministers shall appoint an Advisory Committee consisting of such number of persons as may be determined by him. The members of such Committee shall be persons

who have proven experience of all or any of the matters specified in section 4. Such Committee shall advise the Authority on any such question relating to any of the aforesaid matters as may be referred to it by the Authority.

(2) Every member of the Advisory Committee shall hold and vacate his office as such member in accordance with the terms of his appointment, but he may resign his office by letter addressed to the Minister of the Board of Ministers. He shall, on ceasing to be a member of such Committee, be eligible for reappointment.

(3) The Minister of the Board of Ministers shall appoint one of the members of the Advisory Committee to be the Chairman of such Committee.

(4) The Advisory Committee may regulate its procedure.

The Authority
may appoint
the necessary
staff etc.

PART III

Finance

21. (1) The Authority shall have its own Fund. There shall be paid into the Fund-

- (a) all such sums of money as may be voted from time to time by the Provincial Council for the use of the Authority;
- (b) all revenue derived by the Authority from any property vested in or administered by the Authority;
- (c) all revenue derived by the Authority for services provided by the Authority;
- (d) all other donations or grants made to the Authority; and
- (e) all sums of money accruing to the credit of the Authority.

Quorum.

(2) There shall be paid out of the Fund all such sums of money

required to defray any expenditure incurred in the management of the affairs of the Authority and the transaction of its affairs.

(3) The Authority shall have with the approval of the Minister of the Board of Ministers the power to make rules relating to the withdrawal of any moneys from the Fund and no sum shall be withdrawn from the Fund except in accordance with such rules.

Disclosure

of interest

of a member
of the

Authority in
contract made

or proposed
be made by

the Authority

22. The Financial year of the Authority shall be the calendar year.

23 (1) The Authority shall cause its accounts to be kept in such form and in such manner as the Minister of the Board of Ministers may direct.

(2) The Authority shall cause its books to be balanced as on the 31st day of December in each year and shall, before the thirty-first day of March next, cause to be prepared an income and expenditure account and a balance sheet containing a summary of the assets and liabilities of the Authority made up to the first-mentioned date. The income and expenditure account and the balance sheet shall be signed by the Chairman of the Authority, and by such officer of the Authority as may be authorized by the Authority to do so.

The

Authority
may regulate

its procedure

(3) The Authority shall have its accounts audited each year by the Auditor-General. For the purpose of assisting him the audit of such accounts, the Auditor-General may employ the services of any qualified auditor who shall act under his direction and control.

Advisory
Committee.

(4) For the purpose of meeting the expenses incurred by him in auditing the accounts of the Authority the Auditor-General shall be paid from the funds of the Authority such remuneration as the Minister of the Board of Ministers may determine with the concurrence of the Minister of the Board of Ministers in charge of the subject of Finance. Any remuneration received from the Authority by the Auditor-General shall, after deduction of any sums paid by him to any qualified auditor employed by him for the purpose of such audit, be dealt with as appropriate.

(5) For the purposes of this section, the expression “qualified auditor” means-

- (a) an individual who, being a member of the Institute of Chartered Accountants of Sri Lanka, or of any other Institute established by law, possesses a certificate to practise as an Accountant issued by the Council of such Institute; or
- (b) a firm of Accountants each of the resident partners of which being a member of the Institute of Chartered Accounts of Sri Lanka or of any other Institute established by law, possesses a certificate to practise as an Accountant issued by the Council of such Institute.

(6) The Auditor-General and any person assisting him in the audit of the accounts of the Authority shall have access to all such books, deeds, contracts, accounts, vouchers and other documents of the Authority, as the Auditor-General may consider necessary for the purposes of the audit, and shall be furnished by the members or officers of the Authority with such information within their knowledge as may be required for such purposes.

(7) The Auditor-General shall examine the accounts of the Authority and furnish a report-

- (a) stating whether he has or has not obtained all the information and explanations required by him;
- (b) Stating whether the accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Authority; and
- (c) Drawing attention to any item in the accounts which in his opinion may be of interest to the Council in any examination of the activities and accounts of the Authority.

Fund of the Authority.

(8) The Auditor-General shall transmit his report to the Authority.

24. (1) The Authority shall furnish to the Minister of the Board of Ministers such information as he may call for from time to time in respect of the Activities and financial position of the Authority.

(2) The Minister of the Board of Ministers may, from time to time, give the Authority general directions, and, after consultation with the Authority, give the Authority special directions, as to the exercise of the powers and the discharge of duties of the Authority, and such directions shall be carried out by the Authority.

25.(1) The Authority shall annually prepare a written report of the Authority's completed, including any information furnished to, and direction given by, the Minister of the Board of Ministers under section 21 and shall transmit to the Minister of the Board of Ministers -

- (a) a copy of such report;
- (b) a copy of the income and expenditure account and balance sheet in respect of such year certified by the Auditor-General; and
- (c) A copy of the Auditor-General's report furnished under subsection (8) of section 20.

Financial

Year of the
Authority.

(3) The Minister of the Board of Ministers shall lay copies of the report and statements referred to in subsection (1) before the Council.

Accounts and
audit thereof

PART IV

General

26 .The Authority may establish and regulate a provident fund for the benefit of all or any of the employees of the Authority and their dependents or nominees, and may make contributions to such fund out of the moneys of the Authority.

27. Any State land within theProvince may, subject to such conditions as may be determined by the Minister of the Board of Ministers with the concurrence of the Minister of the Board of Minister for the time

being in charge of the subject of lands, be made available for the use of, or be alienated to, the Authority for any purpose of the Authority.

28. (1) No suit or prosecution shall lie against any member, officer, servant or agent of the Authority for any act which in good faith is done or purports to be done by him under this Statute or on the direction of the Authority.

(2) Any expense incurred by the Authority in any suit or prosecution brought by or against the Authority before any court shall be paid out of the funds of the Authority, and any costs paid to, or recovered by, the authority in any such suit or prosecution shall be credited to the funds of the Authority.

(3) Any expense incurred by any such person as is referred to in subsection (1) in any suit or prosecution brought against him before any court in respect of any act which is done or purports to be done by him under this Statute or on the direction of the Authority shall, if the court holds that such act was done in good faith, be paid out of the funds of the authority, unless such expense is recovered by him in such suit or prosecution.

29. No writ against person or property shall be issued against a member of the Authority in any action brought against the Authority.

30. (1) The Authority may make regulation generally for the purpose of giving effect to the principles and provisions of this Statute and particularly in respect of any matter which is stated or required by this Statute to be prescribed, or for or in respect of which regulations are required or authorized by this Statute to be made.

(2) No regulation made under this Statute shall have effect until it is approved by the Minister of the Board of Ministers, confirmed by the Council, and published in the *Gazette*.

31. The provisions of the laws set out in the Schedule hereto shall have no application in relation to any property, business and any activity of the Authority.

SCHEDULE

1. Ceiling on Housing Property Law
2. Housing and Town Improvement Ordinance.
3. Protection of Tenants (special Provisions) Act.
4. Rent Act.

Information
furnished to,
and direction
given by, the
Minister of
the Board of
Ministers.

Annual
Report.

Provident
Fund.

State lands.

Protection

of members

etc. of the
Authority for
action taken
under this
Statute or on
the direction
of the
Authority.

No writ to
issue against
persons or
property of a

member of tl
Authority.

Regulations.

Inapplicabi-
lity of certai
laws to the
Authority.