



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

LOCAL GOVERNMENT SERVICE
(AMENDMENT)

ACT, No. 10 OF 1985

[Certified on 27th March, 1985]

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*(Local Government Service (Amendment)
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L. D.—O. 58/82.

AN ACT TO AMEND THE LOCAL GOVERNMENT SERVICE LAW,
No. 16 OF 1974

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Local Government Service (Amendment) Act, No. 10 of 1985.

Short title

2. The long title of the Local Government Service Law, No. 16 of 1974 (hereinafter referred to as the "principal enactment") is hereby amended, by the substitution for the words "TO PROVIDE FOR THE ESTABLISHMENT OF A LOCAL GOVERNMENT SERVICES ADVISORY BOARD AND A LOCAL GOVERNMENT SERVICE DISCIPLINARY BOARD; TO SPECIFY THE POWERS, DUTIES AND FUNCTIONS OF SUCH BOARDS;"; OF THE WORDS "TO PROVIDE FOR THE ESTABLISHMENT OF A LOCAL GOVERNMENT SERVICE COMMISSION; TO SPECIFY THE POWERS, DUTIES AND FUNCTIONS OF SUCH COMMISSION;";

Amendment
of the
long
title of
Law No 16
of 1974.

3. Section 2 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the words "Municipal Councils, Urban Councils, Town Councils and Village Councils", of the words "Municipal Councils, Urban Councils and Development Councils";

Amendment
of section 2
of the
principal
enactment

4. Part II of the principal enactment is hereby repealed and the following Part substituted therefor:—

Replacement
of Part II
of the
principal
enactment

"PART II

LOCAL GOVERNMENT SERVICE COMMISSION

Establishment
of the
Local
Government
Service
Commission.

3. (1) There shall be established a Local Government Service Commission (hereinafter referred to as the "Commission").

(2) Any legal proceeding instituted by or against the Chairman and any member of the Commission shall be instituted in the name of the Commission.

Constitution
of the
Commission.

4. (1) The Commission shall consist of a Chairman and not less than four other members; all of whom shall be appointed by the Minister.

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(2) A person shall be disqualified from being the Chairman or a member of the Commission or from continuing as Chairman or a member of the Commission—

(a) if he is, or becomes a member of Parliament;

(b) if he is, or becomes a member of any local authority.

(3) Where any member of the Commission, other than the Chairman is, by reason of illness or other infirmity or absence from Sri Lanka, temporarily unable to perform the duties of his office during any period, the Minister may appoint any other person to act in his place during such period.

(4) Where the Chairman is, by reason of illness or other infirmity or absence from Sri Lanka, temporarily unable to perform the duties of his office during any period, the Minister may appoint any other member of the Commission to act in his place during such period.

(5) A member of the Commission including the Chairman may resign his office by letter to that effect addressed to the Minister.

(6) The Minister may, without assigning any reason therefor, remove the Chairman or any other member of the Commission and such removal shall not be called in question in any court.

(7) Every member of the Commission, including the Chairman, shall, unless he vacates office earlier by death, resignation or removal, hold office for a term of five years :

Provided, however, that if the Chairman or any other member of the Commission vacates his office prior to the expiration of his term of office, his successor shall, unless such successor vacates his office earlier, hold office for the unexpired term of office of the person whom he succeeds.

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(8) The Chairman and other members of the Commission may be paid such remuneration as the Minister may with the concurrence of the Minister in charge of the subject of Finance, determine.

Proceedings of the Commission.

5. (1) The Chairman shall preside at all meetings of the Commission. In the absence of the Chairman from any meeting of the Commission the members present shall elect any member from among themselves, to preside at such meeting.

(2) The quorum for any meeting of the Commission shall be three members, and the Commission may regulate the procedure in regard to its meetings.

(3) All questions for decision at any meeting of the Commission shall be determined by the vote of the majority of the members present. In the case of an equality of votes the Chairman, or the member presiding shall have a casting vote.

(4) No act or proceeding of the Commission shall be invalidated by reason only of the existence of a vacancy among its members or any defect in the appointment of a member thereof.

Staff of the Commission.

5A. (1) There shall be a Secretary to the Commission who shall be appointed by the Minister.

(2) The other officers of the staff of the Commission shall be appointed from the service or the transferable service of the Government."

5. Part III of the principal enactment is hereby repealed.

6. Part IV of the principal enactment is hereby renumbered as Part III.

Repeal of Part III of the principal enactment.
Renumbering of Part IV as Part III of the principal enactment.

4. Local Government Service (Amendment)
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Replacement
of section 7
of the
principal
enactment.

17. Section 7 of the principal enactment is hereby repealed and the following section substituted therefor :—

“Minister to
delegate
his powers.

7. (1) The Minister may, from time to time, delegate any or all of his powers under this Act, to the Commission.

(2) Any member of the service aggrieved by an order of dismissal or any other order relating to a disciplinary matter, made by the Commission, in the exercise of the powers delegated to it under subsection (1), shall have a right to make a single appeal against such order to the Minister.”

Replacement
of section 8
of the
principal
enactment.

8. Section 8 of the principal enactment is hereby repealed and the following section substituted therefor :—

“Minister to
call for
files, &c.

8. The Minister may call upon the Commission to furnish such file, other document or information as the Minister may require in respect of the performance of the duties and exercise of the powers of the Commission.”

Replacement
of section 9
of the
principal
enactment.

9. Section 9 of the principal enactment is hereby repealed and the following section substituted therefor :—

“Commission
to delegate
its powers.

9. (1) The Commission may delegate to any public officer, head of a local authority, or any member of the service, subject to such conditions as may be prescribed by the Minister, its powers of appointment, transfer, dismissal or disciplinary control of any category of members of the service.

(2) Any member of the service aggrieved by any order of dismissal or any other order relating to a disciplinary matter made by any person to whom the Commission has delegated its powers under subsection (1), shall have a right of appeal to the Commission and the Commission shall on any such appeal have the power to alter, vary or rescind such order.”

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10. Section 10 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 10 of the principal enactment.

“Minister’s power to alter vary or rescind orders.”

10. The Minister shall have the power to alter, vary or rescind—

(a) any order of dismissal or any other order relating to a disciplinary matter, made on appeal or otherwise, by the Commission having regard to all the circumstances of the case;

(b) any appointment made by any person to whom the Commission has delegated its powers under section 9 having regard to the relevant scheme of recruitment.”

11. Sections 11, 12 and 12A of the principal enactment are hereby repealed.

Repeal of sections 11, 12 and 12A of the principal enactment.

12. Part V of the principal enactment is hereby renumbered as Part IV of the principal enactment.

Renumbering of Part V and Part IV of the principal enactment.

13. Section 14 of the principal enactment is hereby amended by the repeal of subsection (1) of that section, and the substitution therefor, of the following subsection:—

Amendment of section 14 of the principal enactment.

“(1) There shall be appointed a person to be or to act as the Director of Local Government Service to perform any duty or function imposed on him under this Law or delegated or assigned to him by the Minister by Order published in the Gazette”.

14. The following new section is hereby inserted immediately after section 16, and shall have effect as section 16A of the principal enactment:—

Insertion of new section 16A in the principal enactment

“Establishment of a widower’s and Orphan’s Pension Fund.”

16A. (1) There shall be established a Fund to be known as the Local Government Service Widowers’ and Orphans’ Pension Fund,

for the payment of pensions to the widowers and orphans of pensionable members of the service.

(2) The Fund established under subsection (1) shall be administered by the Director of Local Government Service or any state officer appointed by the Minister for this purpose."

Amendment of section 18 of the principal enactment.

15. Section 18 of the principal enactment is hereby amended by the substitution for the words "or any other state officer", of the words "or any state officer".

Insertion of new section 19A in the principal enactment.

16. The following new section is hereby inserted immediately after section 19 of the principal enactment and shall have effect as section 19A of that enactment:—

" Minister to give directions.

19A. (1) The Minister shall, having regard to the work or services to be exercised or performed by a local authority under any law, have the power to direct such local authority to create such post or posts as he may deem necessary.

(2) Every local authority shall forthwith comply with any direction of the Minister made under subsection (1)."

Amendment of section 20 of the principal enactment.

17. Section 20 of the principal enactment is hereby amended by the substitution for the words "Local Government Service Pension Fund or the Local Government Service Widows' and Orphans' Pension Fund or the Local Government Service Provident Fund", of the words "Local Government Service Pension Fund or the Local Government Service Widows' and Orphans' Pension Fund or the Local Government Service Widowers' and Orphans' Pension Fund or the Local Government Service Provident Fund".

18. The following new section is hereby inserted immediately after section 20 and shall have effect as section 20A of the principal enactments:—

Insertion
of new
section 20A
in the
principal
enactment.

“ Appointment
of members
of the
service
to the
staff of any
Government
Department,
Corporation or
Statutory
Board.

20A. (1) At the request of any Government Department, Corporation or Statutory Board, any member of the service may with the consent of such member and the Commission be released from such service for the purpose of being temporarily appointed to the staff of such Government Department, Corporation or Statutory Board as the case may be, for such period as may be determined by such Government Department, Corporation or Statutory Board or be released for the purpose of being permanently appointed to such staff.

(2) Where any member of the service is temporarily appointed to staff of any Government Department, Corporation or Statutory Board and if at the time of such temporary appointment his substantive post in the service was a post declared to be a pensionable post in terms of regulation 3 of the Local Government Service Pension Regulations of 1975, the said Government Department, Corporation or Statutory Board shall pay to the Director of Local Government Service to be credited to the Local Government Service Pension Fund for every complete month during which he is in the employment of such Government Department, Corporation or Statutory Board such sum not exceeding twenty-five *per centum* of the salary payable to him in his substantive post in the service as may be determined by the Minister in charge of the subject of Local Government.

(3) Where any member of the service is at the time of his temporary appointment to the staff of any Government Department, Corporation or Statutory Board a contributor to the Local Government Service Provident Fund established by section 17 his service to such Government Department, Corporation

or Statutory Board shall, for the purposes of this Law be deemed to be service in the Local Government Service and accordingly he shall, while he is in the employment of such Government Department, Corporation or Statutory Board, continue to pay to the Local Government Service Provident Fund such contributions as he is liable under this Law to pay and in respect of him such Government Department, Corporation or Statutory Board shall pay at the close of each financial year to the Director of Local Government Service to be credited to the Local Government Service Provident Fund, a sum equivalent to such contribution as the appropriate local authority would have been liable to pay to the Local Government Service Provident Fund had such member not been temporarily appointed to the staff of such Government Department, Corporation or Statutory Board.

(4) Where a member of the Service was at the time of his permanent appointment to the staff of any Government Department, Corporation or Statutory Board, a contributor to the Local Government Service Provident Fund established by section 17 he shall be deemed to have relinquished his post in the service."

Amendment
of section 23
of the
principal
enactment

19. Section 23 of the principal enactment is hereby amended in subsection (2) of that section as follows:—

(1) by the substitution for paragraph (b) of that subsection of the following paragraph:—

"(b) the administration, regulation, supervision and control of each of the Funds referred to in sections 15, 16, 16A and 17 ;"

(2) by the substitution for paragraph (d) of that subsection of the following paragraph:—

"(d) the conditions and circumstances in which, and the restrictions subject to which, widows, widowers and children of members of the service will be eligible for the grant of pen-

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sion under the Local Government Service Widows' and Orphans' Pension Fund established under section 16 and the grant of pension under the Local Government Service Widowers' and Orphans' Pension Fund established under section 16A, the fixing of the contributions to be made to such Fund by the authority administering such Fund and by the members of the service, the payments to be made from such Fund to such widows, widowers and children, the authorizing of contributions of such members to be deducted from their salaries, and the procedure for making such deductions ;”.

20. Section 25 of the principal enactment is hereby amended by the substitution for the definition of “local authority”, of the following definition—

Amendment of section 25 of the principal enactment.

“local authority” means any Municipal Council, Urban Council or Development Council ;”.

21. The Schedule to the principal enactment is hereby amended as follows :—

Amendment of the Schedule to the principal enactment.

(a) by the deletion of items 2, 3 and 4 of the Schedule ;

(b) by the insertion immediately after item 1 of the Schedule, of the following new item :—

“2. Any post in the district service established by the Development Councils Act, No. 35 of 1980, the maximum salary assigned to which does not exceed the amount prescribed for the purposes of subsection (2) of section 36, of that Act.”.

22. (1) Every member of the Local Government Service Advisory Board and the Local Government Service Disciplinary Board holding office on the day immediately prior to the date of commencement of this Act, shall cease to hold such office with effect from the date of commencement of this Act.

Transitional provisions.

(2) Every reference in the principal enactment to the Local Government Service Advisory Board and the Local Government Service Disciplinary Board shall be read and construed as a reference to the Local Government Service Commission established under this Act.

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