



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

TRANSFER OF POWERS
(DIVISIONAL SECRETARIES)
ACT, No. 58 OF 1992

[Certified on 13th November, 1992]

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Transfer of Powers (Divisional Secretaries)
Act, No. 58 of 1992

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L.D.—O. 72/92

AN ACT TO PROVIDE FOR THE TRANSFER OF POWERS, FUNCTIONS AND DUTIES EXERCISED, PERFORMED AND DISCHARGED BY GOVERNMENT AGENTS UNDER VARIOUS LAWS, TO DIVISIONAL SECRETARIES; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

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

1. (1) This Act may be cited as the Transfer of Powers (Divisional Secretaries) Act, No. 58 of 1992.

Short title
and date
of operation.

(2) The provisions of sections 2, 8 and 9 shall come into operation on the date of commencement of this Act.

(3) The provisions of sections 3, 4, 5, 6 and 7 shall come into operation on such date as the Minister may appoint by Order published in the *Gazette* (hereinafter referred to as the "appointed date"). Different dates may be appointed in respect of different Divisional Secretaries' Divisions and in respect of different provisions and accordingly, a reference to "appointed date" in any such provision in relation to a Divisional Secretary's Division, shall be deemed to be a reference to the date on which such provision is brought into operation in such Divisional Secretary's Division; and where the provisions of section 4 are brought into operation in any Divisional Secretary's Division, the written law referred to in that section shall apply with respect to such Divisional Secretary's Division, subject to the amendments set out in that section.

2. The Minister may, by Order published in the *Gazette*, establish such number of Divisional Secretaries' Divisions for each Administrative District. Every such Order shall set out the names of each Divisional Secretary's Division so established (hereinafter referred to as a "Division") and the limits thereof.

Establishment of
Divisional
Secretaries'
Divisions.

3. (1) Each Division shall be assigned to a Divisional Secretary as his area of authority and such Divisional Secretary shall exercise, perform and discharge, within such Division, any power, duty or function conferred or imposed on, or assigned to, him by written law.

Assignment
of Division
to Divisional
Secretary.

(2) A Divisional Secretary shall, with the concurrence of his appointing authority, exercise, perform and discharge within his Division, any power, duty or function conferred or imposed on, or assigned to, him by a Statute of a Provincial Council or any power, duty or function delegated to him by the Governor of a Province.

Interpreta-
tion of
written law.

4. Save as provided in subsection (2), wherever in any other written law or in any notice, permit, communication, form or any other instrument or document issued, made, required, executed or authorised, by or under any such written law, any of the expressions "the Government Agent", "the Government Agent of the District", "the Government Agent of the Administrative District", "the Government Agent or Assistant Government Agent of the Administrative District", "the Government Agent, any Additional Government Agent, any Assistant Government Agent, or any Additional Assistant Government Agent", "the Government Agent of every Administrative District" or "the Government Agent of a Province" occurs, there shall be substituted therefor, the expression "the Divisional Secretary of the Divisional Secretary's Division".

(2) Wherever in Part II of the Irrigation Ordinance, the expression "Government Agent" occurs, there shall be substituted therefor, the expression "the District Secretary".

Savings
as to
contracts
and legal
proceedings.

5. (1) Every contract, agreement or other document, whatsoever, made, issued or executed prior to the appointed date by or in favour of a Government Agent of an Administrative District and subsisting on such date shall be deemed with effect from that date to have been made, issued or executed by, or in favour of, the Divisional Secretary of the Division to which that contract, agreement or other instrument or document relates.

(2) All actions and proceedings instituted by or against a Government Agent or the Attorney-General as representing a Government Agent, and pending on the day preceding the appointed date, shall, with effect from the appointed date, be deemed to be actions and proceedings instituted by or against the Attorney-General as representing the State and may be continued accordingly.

(3) All decrees and awards relating to the payment of money entered or made by any court or tribunal in any action or proceeding instituted by or against a Government Agent or the Attorney-General as representing a Government Agent, and remaining unsatisfied on the day preceding the appointed date, shall be deemed with effect from the appointed date, to be decrees or awards entered or made for or against the Attorney-General as representing the State and may be enforced accordingly.

6. For the avoidance of doubts, it is hereby declared that—

Construction
of written
law.

- (a) where on the day preceding the appointed date, any other written law confers on the Government Agent of an Administrative District the power to make any by-law, regulation, rule, order, notification or notice, such law shall with effect from the appointed date be construed as conferring power on the Divisional Secretary of each Division in that Administrative District to make for that Division, any such by-law, regulation, rule, order, notification or notice ;
- (b) where on the day preceding the appointed date, any other written law confers on the Government Agent of an Administrative District the power to issue any licence, permit, certificate of registration, or other document, such law shall with effect from the appointed date, be construed as conferring power on the Divisional Secretary of each Division in that Administrative District to issue for that Division, any such licence, permit, certificate of registration or other document ;
- (c) where on the day preceding the appointed date, any written law confers on the Government Agent of an Administrative District the power to determine any fees or charges, such law shall with effect from the appointed date, be construed as conferring on the Divisional Secretary of each Division in that Administrative District the power to determine for that Division, any such fees or charges ;

- (d) where on the day preceding the appointed date, any other written law requires any such notice, information, declaration, return or other document as relates to any matter in any part of an Administrative District to be delivered, sent or given to the Government Agent of that Administrative District, such law shall with effect from the appointed date be construed as requiring that notice, information, declaration, return or other document to be delivered, sent or given to the Divisional Secretary of the Division within which that part of that Administrative District lies.

7. (1) This Act shall not be deemed to affect the operation of any by-law, regulation, rule, order, notification or notice made by the Government Agent of an Administrative District under any other written law before the appointed date, and every such by-law, regulation, rule, order, notification or notice shall be deemed, with effect from the appointed date, to have been made by the corresponding Divisional Secretary.

(2) This Act shall not be deemed to affect the continuance in force of any licence, permit, certificate of registration or other document issued, and the validity of any instrument executed by the Government Agent of an Administrative District before the appointed date and every such licence, permit, certificate of registration or other document shall be deemed, with effect from the appointed date, to have been issued or executed by the corresponding Divisional Secretary.

(3) Where the Government Agent of an Administrative District has, before the appointed date, determined any fees or charges by virtue of the power conferred on him by any other written law, such determination shall not be affected by this Act.

(4) Where any act or thing is commenced by the Government Agent of an Administrative District under any other written law in any part of that Administrative District and is not completed before the appointed date, that act or thing may be carried on and completed by the Divisional Secretary of the Division within which that part of that Administrative district lies.

8. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala
text to
prevail
in case of
inconsistency

9. In this Act unless the context otherwise requires--

Interpre-
tation.

“Divisional Secretary” in relation to a Division, means the Divisional Secretary appointed for that Division by the Government and includes any Assistant Divisional Secretary who is authorised in writing by the Divisional Secretary to exercise, perform and discharge any power, duty or function conferred or imposed on, or assigned to, such Divisional Secretary.

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