



LOCAL AUTHORITIES ELECTIONS
(SPECIAL PROVISIONS) LAW,
No. 24 OF 1977
OF
THE NATIONAL STATE ASSEMBLY

[Certified on 17th December, 1977]

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*Local Authorities Elections (Special Provisions)
Law, No. 24 of 1977*

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L. D.—O. 20/77.

A LAW TO AMEND THE LOCAL AUTHORITIES ELECTIONS ORDINANCE, THE MUNICIPAL COUNCILS ORDINANCE, THE URBAN COUNCILS ORDINANCE, THE TOWN COUNCILS ORDINANCE AND THE VILLAGE COUNCILS ORDINANCE SO AS TO PROVIDE THAT THE MAYOR, THE DEPUTY MAYOR, THE CHAIRMAN AND THE VICE-CHAIRMAN AND THE MEMBERS OF EVERY LOCAL AUTHORITY CONSTITUTED UNDER THE AFORESAID ORDINANCES SHALL BE ELECTED DIRECTLY BY THE VOTERS OF THE LOCAL AUTHORITY AREA AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the National State Assembly of the Republic of Sri Lanka as follows:—

1. This Law may be cited as the Local Authorities Elections (Special Provisions) Law, No. 24 of 1977.

Short title.

PART I

2. Section 2 of the Local Authorities Elections Ordinance (hereafter in this Part referred to as the "principal enactment") is hereby repealed and the following section substituted therefor:—

Replacement
of section
2 of
Chapter 262

"Application
of Ordinance.

2. The provisions of this Ordinance shall apply to every Municipal Council, Urban Council, Town Council and Village Council constituted or to be constituted under the provisions of any written law applicable in that behalf."

3. Section 4 of the principal enactment is hereby amended by the repeal of paragraphs (a) and (b) of subsection (1) of that section and the substitution therefor of the following paragraphs:—

Amendment
of section
4 of the
principal
enactment.

"(a) The Commissioner of Elections shall be the Commissioner of Elections (Local Bodies) for the purposes of this Ordinance.

(b) There may, for the purposes of this Ordinance, be appointed, whether by name or by office, a fit and proper person or each of two or more such persons to be or to act as a Deputy Commissioner of Elections (Local Bodies)."

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Amendment
of section
5 of the
principal
enactment.

4. Section 5 of the principal enactment is hereby amended by the repeal of paragraph (a) of subsection (2) of that section and the substitution therefor of the following paragraph:—

“(a) each Deputy Commissioner may exercise or perform the powers or duties conferred or imposed by this Ordinance upon the Commissioner; and”.

Amendment
of section
6 of the
principal
enactment.

5. Section 6 of the principal enactment is hereby amended as follows:—

(a) by the repeal of subsection (2) of that section; and

(b) by the renumbering of subsection (1) of that section as section 6.

Amendment
of section
7 of the
principal
enactment.

6. Section 7 of the principal enactment is hereby amended as follows:—

(1) by the repeal of subsection (1) of that section and the substitution therefor of the following subsection:—

“(1) Every person—

(a) whose name is entered in any parliamentary register for the time being in operation for any electoral district; and

(b) who was, on the first day of June in the year of commencement of the preparation or revision of that parliamentary register, ordinarily resident in any electoral area which is situated wholly or partly within the electoral district,

shall be entitled to have his name entered in the electoral list of that electoral area.”; and

(2) by the repeal of subsection (3) of that section and the substitution therefor of the following subsection:—

“(3) The address at which a person was ordinarily resident in any electoral area on the first day of June in any year is hereafter in this Ordinance referred to as his “qualifying address”.

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

Replacement
of section
8 of the
principal
enactment.

" General
qualifications
for
membership.

8. Every person who is not disqualified as provided by section 9 shall be qualified at any time for election as a member of any local authority if—

(a) he was, on the date of the commencement of the preparation or revision of the parliamentary register for the time being in operation for any electoral district in which that electoral area or any part thereof is situated, qualified to have his name entered in that register; and

(b) he was, on the first day of June in the year of the commencement of the preparation or revision of that register, ordinarily resident in that electoral area."

8. Section 9 of the principal enactment is hereby amended as follows:—

Amendment
of section
9 of the
principal
enactment.

(1) by the insertion, immediately after subsection (1) of that section, of the following new subsection:—

" (1A) No person shall be qualified to be elected under this Ordinance or to sit or to vote as a member of any local authority if such person's name appears as a candidate in more than one nomination paper for the same general election."; and

(2) by the repeal of subsection (4) of that section.

9. The following new section is hereby inserted immediately after section 10, and shall have effect as section 10A, of the principal enactment:—

Insertion of
new section
10A in the
principal
enactment.

" Vacation of
office on
ceasing to
be member of
recognized
political
party.

10A. (1) If the elections officer of the district in which a local authority area is situated, is satisfied that any person whose name has been included as a candidate for election as a member of that local authority, in the nomination paper of a recognized political party,

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has ceased to be a member of that party, the elections officer shall, subject to the provisions of subsection (2), by notice published in the *Gazette* declare that such person—

(a) has vacated his office of member, if he had been elected as a member of that local authority; or

(b) has forfeited his rights to have his name retained in the nomination paper of that recognized political party for filling any casual vacancy,

and thereupon, such person shall vacate his office as member of that local authority or the name of such person shall be expunged from the nomination paper of that recognized political party, as the case may be, as from the date on which such declaration is published in the *Gazette*.

(2) The elections officer shall not publish the notice referred to in subsection (1) except after—

(a) notice to such person and such recognized political party; and

(b) expiry of a period of twenty-one days from the date of such notice.

Every such notice shall be sent by registered post.

(3) Whenever any person whose name has been included in the nomination paper of a recognized political party ceases to be a member of such party the secretary of that party shall furnish such information to the elections officer of the district in which the local authority, to which that nomination paper relates, is situated."

10. The heading and subheading appearing in Part III of the principal enactment immediately before section 12 thereof are hereby repealed and the following new heading and subheading substituted therefor:—

Replacement of heading and sub-heading appearing in Part III of the principal enactment.

“ DIVISION INTO POLLING DISTRICTS AND
PREPARATION OF ELECTORAL LISTS

DIVISION INTO POLLING DISTRICTS ”.

11. Section 12 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 12 of the principal enactment.

“ Parliamen-
tary
polling
district
deemed to be
polling
district
for local
elections.

12. (1) Each parliamentary polling district for the time being in force in any local authority area shall be deemed to be a polling district for the purpose of elections to that local authority:

Provided, however, that the elections officer may for the purpose of local elections by notification published in the *Gazette*, alter or modify any such parliamentary polling district.

(2) Where a parliamentary polling district comprises parts of more than one local authority area, each such part shall be deemed to be a polling district for the purpose of the general election of the members of the local authority of that area.

(3) Unless the elections officer considers it necessary or expedient in the special circumstances of any case to provide a separate polling station for the female voters there shall be for each polling district one polling station and no more.”.

12. The following new section is hereby inserted immediately after section 12, and shall have effect as section 12A, of the principal enactment :—

Insertion of new section 12A in the principal enactment.

“ Polling
districts
and
polling
stations.

12A. (1) Notwithstanding the provisions of section 12, where an order constituting a new local authority or altering the administrative limits of a local authority is made the elections

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officer of the district in which that local authority is situated may—

- (a) divide the electoral area of that local authority into polling districts in accordance with such directions as may be issued by the Commissioner;
- (b) assign to each such polling district a distinguishing letter or letters;
- (c) determine with respect to each such polling district the village or other area within which the polling station or stations for that polling district will be situated; and
- (d) publish in the *Gazette* a notice specifying—
 - (i) the polling districts into which that electoral area has been divided;
 - (ii) the distinguishing letter or letters assigned to each such polling district; and
 - (iii) the village or other area within which the polling station or stations for each such polling district will be situated.

(2) Unless the Commissioner otherwise directs, the division of an electoral area into polling districts shall be so made that each polling district, at the time of such division contains not more than one thousand five hundred voters.

(3) Subject to the provisions of subsection (2), the division of an electoral area into polling districts may be altered by the elections officer as occasion may require and upon any such alteration being made he shall publish in the *Gazette* a notice specifying, in relation

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to that electoral area, particulars mentioned in paragraph (d) of subsection (1) and the date on which such alteration shall come into effect.

(4) A notice published in the *Gazette* under subsection (1) or subsection (3) may from time to time be amended, in the particulars in paragraph (d) (iii) of subsection (1) required to be specified in that notice, after notifying the proposed amendments to the public in such manner as the Commissioner may determine and after giving an opportunity to the public for making representations in regard to the proposed amendments.

(5) Unless the elections officer considers it necessary or expedient, in the special circumstances of any case, to provide a separate polling station for female voters there shall be for each polling district, one polling station and no more."

13. The following new subheading is inserted immediately after section 12A of the principal enactment:—

Insertion
of new
subheading
in the
principal
enactment.

“ PREPARATION OF LISTS ”

14. The following new sections are hereby inserted immediately after the heading “ Preparation of lists ” and shall have effect as sections 12B, 12C, 12D, 12E and 12F of the principal enactment:—

Insertion
of new
sections 12B,
12C, 12D, 12E,
and 12F
in the
principal
enactment.

“ Parliamentary
registers
to be
used for
local
elections.

12B. For the purpose of a general election of members of any local authority for any electoral area, the elections officer shall prepare and certify an electoral list in Sinhala and Tamil and such list shall comprise the operative parliamentary register or registers or part of a register or parts of a register or any combination of them as correspond to the electoral area of such local authority.

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Electoral list to be used for 1978 for Municipal and Urban Councils elections.

12c. Notwithstanding the provisions of section 12B, for the purpose of a general election of members of any Municipal Council or Urban Council to be held in the year 1978, the elections officer shall prepare and certify an electoral list and such list shall comprise the parliamentary register or registers or part of a register or parts of registers or any combination of them that were used for the election of members to the National State Assembly in 1977 as correspond to the electoral area of such Municipal Council or Urban Council.

Electoral list open for inspection.

12d. Upon the certification of the electoral list under section 12B or section 12c, the list or copies thereof shall forthwith be open for inspection, free of charge, during office hours at the office of the local authority of the electoral area to which the list relates. A notice to the effect that the list is so open for inspection shall be published by the elections officer. The electoral list of any electoral area prepared and certified under section 12B or section 12c shall come into force on the date of such certification.

Elections officer to correct clerical errors.

12e. Nothing in this Ordinance shall be deemed to prohibit an elections officer, before certifying any electoral list, from correcting any clerical error which appears to him to have been made therein.

Application of provisions relating to preparation of lists.

12f. Where the Minister is of opinion that the alteration of the limits of the electoral area of any local authority is such that it is necessary that a new electoral list should be prepared, he shall by Order published in the *Gazette* direct that the electoral list to be used for the election of members of that local authority to be held immediately after the publication of such Order shall be prepared in compliance with the succeeding provisions of this Ordinance."

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15. Sections 13 and 14 of the principal enactment are hereby repealed.

Repeal of sections 13 and 14 of the principal enactment.

16. The subheading appearing immediately before section 15 of the principal enactment is hereby repealed.

Repeal of subheading immediately before section 15 of the principal enactment.

17. Section 15 of the principal enactment is hereby repealed.

Repeal of section 15 of the principal enactment.

18. The subheading appearing immediately before section 16 of the principal enactment is hereby repealed and the following subheading substituted therefor:—

Replacement of subheading appearing immediately before section 16 of the principal enactment.

“ NOTICE OF COMPLETION OF PREPARATION OF LISTS ”

19. Section 16 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 16 of the principal enactment.

“ Notice of completion of preparation of electoral list.

16. An elections officer shall, on the completion of the preparation of the electoral list of any electoral area, publish a notice in Sinhala and Tamil stating that such preparation has been completed. The list or copies thereof shall be open for inspection, free of charge, during office hours at the office of the local authority of such area and the notice aforesaid shall contain a statement to the effect that the list is so open for inspection.”

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Amendment
of section 17
of the
principal
enactment.

20. Section 17 of the principal enactment is hereby amended by the repeal of subsection (1) of that section and the substitution therefor of the following subsection:—

(1) Upon the publication of a notice under section 16 in respect of the electoral list of any electoral area—

(a) any person who claims to be entitled, under this Ordinance, to have his name entered in any such list and whose name is not so entered, may apply to have his name entered therein;

(b) any person whose name is entered in any such list and who objects to the name of any other person appearing therein, may apply to have the name of such other person erased therefrom.

Every application under paragraph (a) (hereinafter referred to as a "claim") and every application under paragraph (b) (hereinafter referred to as an "objection") shall be made in writing to the elections officer of the district in which the area is situated not later than fourteen days from the date of the publication of the notice.

Amendment
of section 18
of the
principal
enactment.

21. Section 18 of the principal enactment is hereby amended as follows:—

(1) by the repeal of subsection (1) of that section and the substitution therefor of the following subsection:—

"(1) Upon the expiry of a period of fourteen days from the date of the publication of the notice under section 16 in respect of the electoral list of any electoral area, the elections officer of the district in which the area is situated shall, if any claim or objection has been duly made in respect of the list, publish a notice—

(a) setting out each claim or objection so made;

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(b) indicating that at a time and date specified in such notice he will attend at the office of the local authority of the area or at such other place as he may specify in such notice for the purpose of hearing each such claim or objection; and

(c) calling upon every claimant and every person who desires to oppose any claimant, every objector and every person in regard to whom an objection has been made, to appear before him at the date and at the time and place so indicated.”; and

(2) by the repeal of subsection (5) of that section and the substitution therefor of the following subsection:—

“ (5) The elections officer shall, after deciding all the claims and objections made in respect of the electoral list, make such amendments in the list as he may deem necessary to give effect to any such decision.”.

22. Section 19 of the principal enactment is hereby amended as follows:—

Amendment
of section
19 of the
principal
enactment.

(1) by the repeal of subsection (1) of that section and the substitution therefor of the following new subsection:—

“ (1) No person shall be entitled to have his name entered or retained—

(a) in the electoral list of more than one electoral area; or

(b) more than once in the same electoral list under different qualifying addresses,

notwithstanding that he may be qualified to have his name so entered or retained.”; and

(2) by the repeal of subsection (3) of that section and the substitution therefor of the following subsection:—

“ (3) Where, in compliance with a notice under paragraph (a) of subsection (2), a person specifies—

(a) the electoral list in which he desires to have his name entered or retained,

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and the elections officer of the appropriate district is satisfied that such person is qualified to have his name entered or retained in that list, his name shall be entered or retained in that list and in no other electoral list; or

- (b) the qualifying address under which he desires to have his name entered or retained in the same electoral list, and the elections officer of the district in which the electoral area to which that list relates is situated is satisfied that such person is qualified to have his name entered or retained in that list under that address, his name shall be entered or retained under that address in that list and under no other address in that list."

Amendment
of section
20 of the
principal
enactment.

23. Section 20 of the principal enactment is hereby amended by the repeal of subsection (1) of that section and the substitution therefor of the following subsection:—

"(1) If any claimant or objector or person in regard to whom an objection has been made is dissatisfied with the decision of any elections officer on any claim or objection relating to the electoral list of any electoral area he may not later than ten days from the date of such decision appeal therefrom to the Supreme Court on any question of law involved in such decision but not on any other grounds."

Replacement
of section 21
of the
principal
enactment.

24. Section 21 of the principal enactment is hereby repealed and the following section substituted therefor:—

"Order of the
Supreme
Court.

21. At the hearing of any appeal duly preferred in respect of any claim or objection under this Ordinance, the Supreme Court shall, after giving the appellant and the respondent or their respective attorneys-at-law an opportunity of being heard, make such order as to the claim or objection, and as to the payment of the costs of the inquiry as it

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thinks just; and such order if it directs the insertion or erasure of any name in the electoral list shall forthwith be complied with by the elections officer by whom the list was prepared."

25. Section 22 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement
of
section 22 of
the principal
enactment.

" Certification
of
electoral
list.

22. (1) In the case of each electoral area, the electoral list prepared and amended, where necessary, in accordance with the provisions of section 18 or section 19 or section 21, shall be certified by the elections officer of the district in which the area is situated.

(2) The elections officer may certify the electoral list under this section during the pendency of any appeal preferred under section 20 in respect of the list, and shall thereafter, if the order made by the Supreme Court on such appeal so directs, insert or erase any name in the list.

(3) Upon the certification as herein before provided of the electoral list, the list or copies thereof shall forthwith be open for inspection, free of charge, during office hours at the office of the local authority of the electoral area to which the list relates. A notice to the effect that that list is so open for inspection shall be published by the elections officer, and if any appeals are pending before the Supreme Court in respect of the list, the notice aforesaid shall include a statement setting out particulars of every such appeal.

(4) Nothing in this Ordinance shall be deemed to prohibit an elections officer, before certifying any electoral list, from correcting any clerical error which appears to him to have been made therein."

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Replacement
of
section 23 of
the principal
enactment.

26. Section 23 of the principal enactment is hereby repealed and the following section substituted therefor:—

"Date on which
electoral list
comes into
force.

23. The electoral list of any electoral area, prepared and certified under section 22, shall come into force on the date of such certification, subject to such alterations as may subsequently be made therein in accordance with section 22."

Replacement of
section 24
of the
principal
enactment.

27. Section 24 of the principal enactment is hereby repealed and the following section substituted therefor:—

"Elections to
be held
under
this
Ordinance.

24. Every general election of the members of a local authority shall be held in the manner hereinafter provided by this Ordinance."

Replacement
of
section 25
of the
principal
enactment.

28. Section 25 of the principal enactment is hereby repealed and the following section substituted therefor:—

"Date of
holding
elections.

25. Every general election of the members of a local authority shall—

(a) where such authority is a Municipal Council or an Urban Council or a Town Council, be held within the period of four months preceding the date on which the term of office of the members who are to be elected is due to commence; or

(b) where such authority is a Village Council, be held within the period of five months preceding the date on which the term of office of the members who are to be elected is due to commence."

Replacement
of
section 26
of the
principal
enactment.

29. Section 26 of the principal enactment is hereby repealed and the following section substituted therefor:—

Notice of
nomination
period.

26. Whenever a general election of the members of a local authority is due to be held in any year, the elections officer of the district in which the

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electoral area of such authority is situated shall publish a notice of his intention to hold such election. The notice shall specify the period (hereinafter referred to as the "nomination period") during which nomination papers shall be received by the returning officer during office hours at his office. Such nomination period shall commence on the day after the date of publication of the notice and shall expire at twelve noon on the twenty-first day after the date of the publication of the notice. The notice shall also specify the date, time and place at which the approved symbols, and, where there is more than one independent group, a distinguishing number, will be allotted.

30. Section 27 of the principal enactment is hereby amended as follows :—

Amendment of
section 27
of the
principal
enactment.

- (1) by the repeal of subsection (1) of that section and the substitution therefor, of the following subsection :—

“(1) For the purpose of every general election of the members of a local authority, the elections officer of the district in which the electoral area of such authority is situated shall appoint a person, by name or by office, to be or to act as the returning officer of such electoral area for the purpose of the election.”.

- (2) by the repeal of subsections (2) and (3) of that section; and

- (3) by the repeal of subsection (5) of that section and the substitution therefor of the following subsection :—

“(5) Any elections officer may exercise, discharge and perform, in any electoral area in his district, the powers, functions and duties vested in, assigned to or imposed on returning officers by or under this Ordinance.”.

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Insertion of
new sub-
heading
in the
principal
enactment.

31. The following new subheading is hereby inserted immediately after section 27 of the principal enactment :—

“ RECOGNIZED POLITICAL PARTIES ”.

Replacement of
section 27A
of the
principal
enactment.

32. Section 27A of the principal enactment is hereby repealed and the following section substituted therefor :—

“ Recognized
political
parties.

27A (1) Every political party which is treated as a recognized political party under the Parliamentary Elections Order in Council shall so long as that political party continues to remain as so treated under that Order shall be deemed to be a recognized political party for the purpose of local elections.

(2) Where a political party is deemed by virtue of the operation of the provisions of subsection (1) to be a recognized political party for the purpose of local elections, the approved symbol allotted to the candidates of such party under the Parliamentary Elections Order in Council shall be deemed to be the approved symbol allotted to that party until the date on which it ceases to be so entitled under subsection (1).

(3) The Commissioner shall once in every four years publish a notice calling for applications within such period as may be specified in the notice from the secretary of any political party other than a party which is already entitled to be treated as a recognized political party for the purpose of local elections to make on behalf of that party a written application to the Commissioner that such party be treated as a recognized political party for the purpose of local elections. The application shall also specify which one of the approved symbols such party desires to be allotted to such party if so treated.

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(4) Upon the receipt of an application duly made under subsection (3) on behalf of any political party, the Commissioner shall—

(a) if he is satisfied that such party has been engaged in political activity for a continuous period of at least five years prior to the making of such application make order—

(i) that such party shall be entitled to be treated as a recognized political party for a period of four years from the date of the order for the purpose of local elections; and

(ii) allotting an approved symbol to such party being the approved symbol specified in the application or any other approved symbol determined by him in his absolute discretion, but not being the approved symbol of any other political party which is entitled to be so treated;

(b) if he is not so satisfied make order disallowing the application.

(5) The order of the Commissioner on any application made under subsection (3) shall be final and conclusive and shall not be called in question in any court.”.

33. Sections 27B, 27C and 27D of the principal enactment are hereby repealed.

Repeal of sections 27B, 27C and 27D of the principal enactment.

34. Section 27E 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 27E of the principal enactment.

“(1) Where the Commissioner has reasonable cause to believe that difficulties may arise at any election which is due to be held in any electoral area

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by reason of the fact that there are rival sections of a recognized political party for the purpose of local elections all of whom claim to be that party, the Commissioner may, in order to remove such difficulties, issue in his absolute discretion a direction to the returning officer of that electoral area that, in the case of such election, such recognized political party is either any one such section or none of such sections. It shall be the duty of such returning officer or any other officer, at such election, to act in accordance with that direction."

Replacement of subheading appearing immediately after section 27A of the principal enactment.

35. The subheading appearing immediately after section 27E of the principal enactment is hereby repealed and the following subheading substituted therefor:—

"NOMINATION PAPERS."

Replacement of section 28 of the principal enactment.

36. Section 28 of the principal enactment is hereby repealed and the following new section substituted therefor:—

Nomination papers.

28. (1) Any person who is qualified, under this Ordinance, for election as a member of a local authority may be nominated as a candidate for election for the electoral area of such authority:

(2) Any recognized political party or any group of persons contesting as independent candidates (hereinafter referred to as an "independent group") may for the purpose of election as members of any local authority submit one nomination paper substantially in the form set out in the First Schedule, setting out the names, in order of priority, of such number of candidates as is equivalent to the number of members including the Mayor and Deputy Mayor to be elected for that local authority increased by one-third of such number of members. The returning officer shall as soon as practicable make a copy of each nomination paper received by him and display such copies of nomination paper on his notice-board.

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(3) The candidates whose names appear first and second in the nomination paper of each recognized political party and independent group shall in addition be candidates for election to the office of Mayor and Deputy Mayor, respectively.

(4) The written consent of each candidate to be nominated by a recognized political party or an independent group shall be endorsed on the nomination paper.

(5) Each nomination paper shall be signed by the secretary of a recognized political party and in the case of an independent group by the candidate whose name appears first in the nomination paper (hereinafter referred to as the "group leader") and shall be attested by a Justice of the Peace or by a notary public.

Such nomination paper shall be delivered to the returning officer within the nomination period by the secretary or the authorized agent, in the case of a recognized political party, or the group leader in the case of an independent group.

(6) The returning officer of an electoral area shall on application made at any date after the publication of the notice under section 26 and before the expiry of the nomination period for that electoral area, supply free of charge a nomination paper in the prescribed form to any recognized political party or any independent group; but nothing in this Ordinance shall be deemed to preclude the use of any form of nomination paper not supplied by the returning officer, so long as such form does not differ substantially from the form set out in the First Schedule.

(7) In any case where the total number of members to be elected for a local authority is such that one-third of that number would be an integer and a

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fraction, then, the next higher integer shall be deemed to be the one-third for the purpose of subsection (2).

(8) (a) Where it appears to the secretary of a recognized political party or group leader that there is any omission or clerical error in a nomination paper submitted by such party or independent group he may make an application to the returning officer before the expiry of the nomination period to correct such omission or error on such paper.

(b) Where the returning officer is satisfied that such omission or error is due to inadvertence the returning officer may allow such secretary or the authorized agent or group leader to correct such omission or error in his presence.

Replacement of
section 29
of the
principal
enactment.

37. Section 29 of the principal enactment is hereby repealed and the following section substituted therefor:—

" Deposits by
independent
groups.

29. (1) (a) A group leader or any person authorized by him shall, in respect of the candidates of such group, deposit in legal tender with the returning officer between the date of publication of the notice under section 26 and the submission of the nomination paper of that independent group, a sum calculated as hereinafter provided in paragraph (b).

(b) The deposit required by paragraph (a) shall—

(i) where the electoral area is that of a Municipal Council or an Urban Council, be a sum of two hundred and fifty rupees in respect of each candidate nominated by such independent group; and

(ii) where the electoral area is that of a Town Council or a Village Council, be a sum of one hundred rupees in respect of each candidate nominated by such independent group.

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(2) No deposit made by a group leader or person authorized by him on behalf of a candidate of any group under this section shall be accepted by the returning officer unless it is made within the time prescribed by subsection (1).

(3) Where the deposit under this section is accepted by the returning officer, such officer shall forthwith issue to the person by whom the deposit was made a receipt in writing signed by such officer acknowledging his acceptance of such deposit, and the receipt shall state—

(a) the name of the group leader by whom the deposit was made, or the authorized person by whom and on whose behalf the deposit was made;

(b) the number of candidates;

(c) the amount of the deposit; and

(d) the time and date of the deposit.”

38. Section 30 of the principal enactment is hereby amended as follows :—

Amendment of
section 30
of the
principal
enactment.

(1) by the repeal of subsection (2) of that section and the substitution therefor of the following subsection :—

“(2) Where the nomination paper of an independent group is rejected under the provisions of section 31, the deposit shall be returned to the person who made the deposit.”;

(2) by the repeal of subsection (3) of that section;

(3) by the repeal of subsection (4) of that section, and the substitution therefor of the following subsection :—

“(4) Where none of the candidates nominated by any independent group is elected and where the number of votes polled by such independent group does not exceed one-eighth of the total number of votes polled at that election, the deposit made in respect of the candidates of such group shall be declared forfeit and shall be transferred by the returning officer with whom it was made

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from the deposit account to the Consolidated Fund, and in every other case the deposit shall be returned to the person who made the deposit, as soon as may be after the result of the election is declared.”; and

(4) by the repeal of subsection (5) of that section.

Replacement of subheading appearing immediately after section 30 of the principal enactment.

39. The subheading appearing immediately after section 30 of the principal enactment is hereby repealed and the following subheading substituted therefor:—

“ PROCEEDINGS AFTER NOMINATION PERIOD ”.

Replacement of section 31 of the principal enactment.

40. Section 31 of the principal enactment is hereby repealed and the following section substituted therefor:—

“ Rejection of nomination papers.

31. (1) The returning officer shall, immediately after the expiry of the nomination period, examine the nomination papers received by him and reject any nomination paper—

- (a) that has not been delivered in accordance with the provisions of subsection (5) of section 28; or
- (b) that does not contain the total number of candidates required to be nominated under subsection (2) of section 28; or
- (c) in respect of which the deposit required under section 29 has not been made; or
- (d) where the consent of one or more candidates nominated has not been endorsed on the nomination paper; or
- (e) where the signature of the secretary in the case of a recognized political party or of the group leader in the case of an independent group does not appear on the nomination paper or where such signature has not been attested as required by subsection (5) of section 28.

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(2) Where any nomination paper has been rejected by the returning officer under subsection (1), the returning officer shall inform the secretary of the recognized political party or the group leader, as the case may be, who had submitted such nomination paper the fact of such rejection. The decision of the returning officer to reject such nomination paper shall be final and conclusive.

41. Sections 32, 33 and 34 of the principal enactment are hereby repealed.

Repeal of sections 32, 33 and 34 of the principal enactment.

42. Section 35 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 35 of the principal enactment.

Procedure where no nomination papers are received.

35. (1) Where in the case of any electoral area the returning officer finds at the expiry of the nomination period—

(a) that no nomination paper has been duly received on behalf of any recognized political party, or any independent group; or

(b) that all the nomination papers received by him have been rejected,

the returning officer shall forthwith report to the elections officer of the district in which the area is situated the fact that no nomination papers have been received or that all the nomination papers received by him have been rejected and the elections officer shall, not later than seven days after the receipt of such report, publish a notice prescribing a nomination period. The notice shall specify the period (hereinafter referred to as the "second nomination period") during which the nomination papers are to be received by the returning officer at his office and all the provisions of this Ordinance shall thereupon apply.

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(2) If during the second nomination period appointed for an electoral area no nomination papers have been received or all the nomination papers received have been rejected, the returning officer shall forthwith report the fact through the elections officer to the Commissioner and upon receipt of such report, the Commissioner shall cause a notice to be published in the *Gazette*, and in any such other manner as may appear to him to be best calculated to give publicity thereto, to the effect that no candidate stands duly nominated for such electoral area during the second nomination period.

(3) From the date of the publication of a notice under subsection (2) in respect of an electoral area, no further steps shall be taken under this Ordinance, for the nomination of candidates for the election of Mayor and Deputy Mayor and members for that local authority until the next general election of the members of that local authority:

Provided, however, that it shall be lawful for the Minister to nominate such number of persons who are eligible under this Ordinance for election as Mayor and Deputy Mayor, and members of that local authority, and the persons so nominated shall be deemed, for all purposes, to be elected under the provisions of this Ordinance."

Replacement of
section 36
of the
principal
enactment.

43. Section 36 of the principal enactment is hereby repealed and the following section substituted therefor:—

" Uncontested
elections.

36. (1) Where in the case of any electoral area—

(a) not more than one nomination paper has been submitted; or

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(b) after the rejection of a nomination paper or papers the candidates of only one recognized political party or one independent group stand nominated for election, then—

(i) the candidates whose names appear as first and second in such nomination paper shall be declared elected by the returning officer as Mayor and Deputy Mayor, respectively; and

(ii) such other candidates, in the order in which their names appear in such nomination paper, equivalent to the number of members to be elected to that local authority shall be declared elected as members.

(2) The returning officer shall report the result of the election through the elections officer of the district in which the electoral area is situated to the Commissioner and upon the receipt of the report, the Commissioner shall forthwith cause a notice of the result to be published in the *Gazette* and in such other manner as may appear to him to be best calculated to give publicity thereto.”

44. Section 37 of the principal enactment is hereby repealed and the following section substituted therefor:—

*Contested elections.

37. (1) If at the expiry of the nomination period appointed for an electoral area and after the rejection of any nomination paper, candidates of more

Replacement of section 37 of the principal enactment.

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than one recognized political party or of an independent group stand duly nominated for election, the returning officer of that electoral area shall forthwith allot—

(a) to each recognized political party for the purpose of that election, the approved symbol of that party; and

(b) in respect of each independent group any approved symbol and where there is more than one independent group an approved symbol and a distinguishing number determined—

(i) in the first instance by agreement among the group leaders, or

(ii) in the absence of such agreement by draw of lots cast or drawn in such manner as the returning officer may, in his absolute discretion, determine,

and such symbol shall be printed on the ballot paper opposite—

(i) the name of such party; and

(ii) in the case of an independent group, the words "Independent Group" and the distinguishing number allotted to that group.

In this Ordinance "approved symbol" means a symbol approved by the Commissioner for the purposes of this Ordinance by notification published in the *Gazette*.

(2) The approved symbol of any recognized political party for the purpose of local elections shall not, whether or not such party is contesting any election, be allotted under paragraph (b) of subsection (1) of this section to any independent group.

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(3) After the allocation of symbols under subsection (1), the returning officer shall forthwith—

- (a) adjourn such election to enable a poll to be taken in accordance with the provisions hereinafter set out;
- (b) report to the elections officer of the district in which the electoral area is situated that the election is contested; and
- (c) send to such elections officer copies of the nomination papers of the recognized political parties and independent groups and a statement of the symbols allotted to each party or group and where there is more than one independent group the distinguishing numbers allotted to each group.

45. Section 38 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of
section 38
of the
principal
enactment.

Notice of
poll.

38. (1) Upon the receipt of a report under section 37 in respect of an electoral area, the elections officer of the district in which the area is situated shall forthwith publish a notice in the *Gazette* specifying—

- (a) the electoral area in which the election is contested;
- (b) the names of the candidates in order of priority as set out in the nomination paper of each recognized political party and independent group for election as Mayor and Deputy Mayor and as members of that local authority and the approved symbol allotted to such party or group and in the case of an independent group the words

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“Independent Group” and the distinguishing number, if any;

(c) the day, other than a Sunday or a public holiday, on which the poll will be taken, such date being not less than fourteen days nor more than twenty-eight days from the date of the publication of the notice; and

(d) the situation of the polling station or polling stations for each of the polling districts in that electoral area and the particular polling stations, if any, reserved for female voters.

(2) Where due to any emergency it is necessary that the situation of any polling station should be different from that specified in a notice published under subsection (1), the elections officer may cause the situation of that station to be altered in such manner as he may in his absolute discretion determine.

(3) Where due to any emergency the poll for the election in any electoral area cannot be taken on the date specified in the notice relating to the election published under subsection (1), the elections officer may appoint another date for the taking of such poll and such other date shall not be earlier than the twenty-first day after the publication of the notice under section (1).’

Replacement of section 39 of the principal enactment.

45. Section 39 of the principal enactment is hereby repealed and the following section substituted therefor:—

“Death of candidate after nomination.

39. Whenever the death occurs of a candidate for election for any electoral area between the adjournment of the election for the purposes of the poll and the commencement of the poll, the elections officer of that district in which the area

is situated shall upon being satisfied of the fact of such death, expunge the name of that candidate from the nomination paper and shall publish a notice stating the fact of such death and that, notwithstanding such death, the nomination paper with the omission of the name of the deceased candidate is valid in respect of the other candidates in the order in which their names appear in that nomination paper and that a poll shall be taken as specified in the notice published under section 38 (1).”

47. Section 39A of the principal enactment is hereby amended as follows:—

Amendment of
section 39A
of the
principal
enactment.

(1) by the repeal of subsection (1) of that section and the substitution therefor of the following subsection:—

“ (1) The returning officer for an electoral area in which an election is contested shall, if that electoral area is an area to which this subsection applies, send by post to each voter whose name appears in the electoral list of that area an official poll card specifying—

- (a) the name of the local authority;
 - (b) the name, address and number of the voter as stated in the electoral list;
 - (c) the electoral district and the polling district;
 - (d) the polling station allotted to the voter; and
 - (e) the date and hours of the poll.”;
- and

(2) by the repeal of subsection (4) of that section and the substitution therefor of the following subsection:—

“ (4) The Minister may, from time to time, by Order published in the *Gazette*, declare that with effect from such date as shall be

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specified in the Order, the provisions of subsection (1) shall apply to every electoral area or areas as shall be so specified.”.

Amendment of
section 40
of the
principal
enactment.

48. Section 40 of the principal enactment is hereby amended as follows:—

(1) by the repeal of subsection (1) of that section and the substitution therefor of the following subsection:—

‘ (1) For the purposes of each election for any electoral area, the returning officer of that electoral area shall appoint one or more persons (hereinafter referred to as “presiding officers”) to preside at each polling station in his electoral area. Where more than one presiding officer is appointed to any one polling station, the returning officer shall declare which one of them is to be the senior presiding officer, and the senior presiding officer shall exercise general supervision over every other presiding officer, and over all arrangements for the conduct of the poll in that election.’; and

(2) by the repeal of subsection (3) of that section and the substitution therefor of the following subsection:—

“ (3) The returning officer may, if he thinks fit, preside at any polling station in his electoral area and the provisions of this Ordinance relating to presiding officers shall apply to such returning officer with the necessary modifications as to the things to be done by the returning officer in regard to the presiding officer or by the presiding officer in regard to the returning officer.”.

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49. Section 41 of the principal enactment is hereby repealed and the following section substituted therefor:—

" General
conduct
of poll.

41. The poll at every election for an electoral area shall be conducted in the manner hereinafter provided, and shall—

- (a) where such area is a Municipality, or a town, open at 8 a.m. on the day appointed for the purpose by notice under section 38 and shall close at 5 p.m. on that day; and
- (b) where such area is a village area, open and close at such times on the day aforesaid as the elections officer of the district in which the area is situated may appoint for the purpose by notice published in the area."

Replacement of
section 41
of the
principal
enactment.

50. Section 42 of the principal enactment is hereby repealed and the following section substituted therefor:—

" Votes
to be
given by
ballot.

42. The votes at every election for any electoral area shall be given by ballot. The ballot of each voter shall consist of a ballot paper in the form and containing the particulars hereinafter prescribed."

Replacement of
section 42
of the
principal
enactment.

51. Section 43 of the principal enactment is hereby repealed and the following section substituted therefor:—

" Electoral
list to be
conclusive
evidence
of right
to vote.

43. The electoral list for the time being in force for any electoral area shall be conclusive evidence for the purpose of determining whether or not a person is entitled to vote at any election for that electoral area, and the right of voting of any person whose name is contained in such list shall not be prejudiced by any appeal pending before the Supreme Court under this Ordinance in respect of the inclusion of such person's name in the

Replacement of
section 43
of the
principal
enactment.

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list, and any vote given by any such person during the pendency of any such appeal shall be as valid as though no such appeal were pending and shall not be affected by the subsequent decision of the appeal:

Provided that if any person, who by reason of his conviction of a corrupt practice or an illegal practice or by reason of the report of an Election Judge or by reason of his conviction of an offence under section 52 or section 53 of the Parliamentary Elections Order in Council, or by reason of the operation of section 4A of that Order, is incapable of voting at any election under that Order, votes at any election under this Ordinance, he shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a period not exceeding six months; and

Provided further that nothing in this section shall affect the liability of any person to any penalty for a contravention of any of the provisions of section 82 relating to plural voting."

Replacement of section 44 of the principal enactment.

52. Section 44 of the principal enactment is hereby repealed and the following section substituted therefor:—

" Supply of ballot boxes, &c.

44. For the purposes of each election for any electoral area, the returning officer of that area shall,—

(a) appoint such officers and servants as may be necessary for taking the poll and counting the votes;

(b) furnish each polling station in that electoral area with such number of compartments as may be necessary to accommodate a reasonable number of voters at

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any one time and to ensure that the voters are screened from observation when they mark their ballot papers;

(c) furnish each presiding officer with such number of ballot papers and ballot boxes as, in the opinion of the returning officer, may be necessary for the number of voters assigned to that polling station;

(d) provide each polling station with materials to enable voters to mark the ballot papers, with instruments for stamping thereon or perforating the official mark, and with copies of the electoral list, for the time being in force for that electoral area or that part of the list which contains the names of voters who are assigned to that polling station;

(e) do such other acts and things as may be necessary for effectually conducting the election in the manner provided by this Ordinance."

53. Section 45 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of
section 45
of the
principal
enactment.

* Notices
to be
exhibited
at polling
stations.

45. (1) During the taking of the poll, the presiding officer at every polling station shall cause to be exhibited—

(a) outside the polling station and in every compartment thereof, a notice substantially in the form as set out in the Second Schedule, giving directions for the guidance of voters; and

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(b) outside the polling station a notice specifying the name of each recognized political party or in case of an independent group the words "Independent Group" for each such group and the distinguishing serial number allotted to it together with the names of the candidates in order of priority as set out in the nomination papers of each recognized political party or independent group for election as Mayor and Deputy Mayor and as members of that local authority and the approved symbol allotted to such party or group.

(2) Every notice under this section shall be in Sinhala, Tamil and English.

Replacement of
section 47
of the
principal
enactment.

54. Section 47 of the principal enactment is hereby repealed and the following section substituted therefor :—

* Ballot
papers.

47. Every ballot paper shall be substantially in the form as set out in the Third Schedule, and—

(a) shall contain the names of the recognized political parties contesting the election in Sinhala, Tamil and English, arranged alphabetically in Sinhala in the order of the names of such parties and with the symbol allotted to each such party set out against the name of each such party, and immediately thereafter, if there are any independent groups contesting the election, the words, "Independent Group" repeated for each such group and the distinguishing number in the serial order and the symbol

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allotted to each such group set out against the distinguishing number of such group ;

(b) shall be capable of being folded up;

(c) shall have a number printed on the back ; and

(d) shall have attached a counterfoil with the same number printed on the face."

55. Section 49 of the principal enactment is hereby amended by the repeal of subsections (1), (2) and (3) of that section and the substitution therefor of the following subsections:—

Amendment of
section 49
of the
principal
enactment.

(1) The secretary of each recognized political party or its authorized agent and the group leader of each independent group may appoint not more than two agents (hereinafter referred to as "polling agents") to represent such party or group at each polling station during the taking of the poll. Notice in writing of every such appointment stating the names and addresses of the persons appointed shall be given by the secretary of the recognized political party or its authorized agent and the group leader of each independent group to the presiding officer at that station before the opening of the poll or during the poll.

(2) If a polling agent appointed under subsection (1) dies or becomes incapable of acting, the secretary of the recognized political party or its authorized agent or the group leader of the independent group, as the case may be, may appoint another polling agent in his place and shall forthwith give to the presiding officer notice in writing of the name and address of the polling agent so appointed.

(3) No person who—

(i) holds office for the time being as a member of any local authority; or

(ii) is an officer or servant of such authority, shall be eligible to be appointed or to act as the polling agent of any recognized political party or

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independent group at any polling station in the electoral area of such authority:

Provided, however, that any person holding office for the time being as a member of such authority may act as a polling agent of his recognized political party or independent group at any election at which he is a candidate."

Amendment of
section 50
of the
principal
enactment.

56. Section 50 of the principal enactment is hereby amended as follows:—

(1) by the repeal of subsection (1) of that section, and the substitution therefor of the following subsection:—

“(1) No person shall be admitted to vote at any polling station other than the polling station set apart for the group of voters to which he belongs.”;

(2) by the repeal of subsection (2) of that section; and

(3) in subsection (3) of that section by the omission of the words “of each candidate”.

Amendment of
section 52
of the
principal
enactment.

57. Section 52 of the principal enactment is hereby amended by the repeal of subsection (1) of that section and the substitution therefor of the following subsection:—

(1) The presiding officer of any polling station may, and if requested so to do by a polling agent, shall, require any voter, at the time he applies for a ballot paper but not afterwards, to make and subscribe all or any of the following declarations (which shall be exempt from stamp duty), namely:—

First—“ I, (*name in full*) of (*address*), hereby declare that I am the same person whose name appears as *A. B.* on the electoral list now in force for this electoral area. ”

(*Signature or mark of voter*)

Declared before me this day of 19.....

(*Signature of Presiding Officer*)

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Second.—“ I (*name in full*) of (*address*), hereby declare that I have not voted either here or elsewhere at this election for the election of members for this electoral area. ”

(*Signature or mark of voter*)

Declared before me this day of 19.....

(*Signature of Presiding Officer*).

58. Section 53A of the principal enactment is hereby amended by the substitution for subsection (2) of that section of the following subsection:—

Amendment of
section 53A
of the
principal
enactment.

“(2) The presiding officer of the polling station shall enter on a list, substantially in the form set out in the Seventh Schedule, the following particulars relating to each voter to whom a ballot paper was not delivered at such station under subsection (1)—

- (a) the number of such voter in the electoral list of the electoral area in which the election is held;
- (b) the name and address of such voter as it appears in such list; and
- (c) the ground on which the ballot paper was not delivered to such voter.

Such list is in this Ordinance called “ list of voters to whom ballot papers are not delivered under section 53A.”.

59. Section 54 of the principal enactment is hereby amended in subsection (1) of that section as follows:—

Amendment of
section 54
of the
principal
enactment.

- (1) by the omission of the words “ of the candidates ”, wherever those words occur; and
- (2) by the substitution for the words “ particular candidate ” of the words “ particular recognized political party or independent group.”.

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Replacement
of
section 55
of the
principal
enactment.

60. Section 55 of the principal enactment is hereby repealed and the following section substituted therefor:—

" Voting
by proxy
forbidden.

55. No voter shall be entitled to vote by proxy at any election for any electoral area."

Replacement
of section 56
of the
principal
enactment.

61. Section 56 of the principal enactment is hereby repealed and the following section substituted therefor:—

' Tendered
ballot
papers.

56. If a person, representing himself to be a particular voter named on the electoral list, applies for a ballot paper after another person has voted as such voter, the applicant shall, on making and subscribing the first declaration set out in section 52 (1), be entitled to receive and to mark a ballot paper in the same manner as any other voter, but the ballot paper (hereinafter referred to as "a tendered ballot paper") shall be of a colour differing from the other ballot papers, and instead of being put into the ballot box shall be given to the presiding officer and endorsed by him with the name of the voter and his number in the electoral list. The name of the voter and his number on the list shall be entered in a list to be known as "the tendered votes list". The tendered ballot papers shall be set aside in a separate packet and shall not be counted by the counting officer."

Replacement
of section 59
of the
principal
enactment.

62. Section 59 of the principal enactment is hereby repealed and the following section substituted therefor:—

' Procedure
on closure
of poll.

59. (1) As soon as practicable after the closure of the poll the presiding officer of each polling station shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

(a) each ballot box used at that station together with the key of the box, each such box remaining locked as it was at the time of

the opening of the poll and being sealed after the closure of the poll so as to prevent the introduction of any ballot papers thereafter;

(b) the unused and spoilt ballot papers placed together;

(c) the tendered ballot papers;

(d) the marked copies of the electoral list and the counterfoils of the ballot papers;

(e) the tendered votes list; and

(f) the list of voters to whom ballot papers are not delivered under section 53A,

and shall deliver the packets to the counting officer of the polling station in which the poll was held.

(2) The packets shall be accompanied by a statement (hereinafter referred to as "the ballot paper account") made by the presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of—

(a) ballot papers in the ballot box;

(b) unused and spoilt ballot papers; and

(c) tendered ballot papers.

63. Section 60 of the principal enactment is hereby repealed and the following section substituted therefor:—

Appointment of counting agents and other agents.

60. Each recognized political party or an independent group which has nominated candidates at any election for any electoral area may appoint not more than two agents (hereinafter referred to as the "counting agents") to attend at the counting of the votes at each place before the votes are counted at such election and not more than two agents to attend at the proceedings under section 65. Notice in writing of

Replacement of section 60 of the principal enactment.

such appointments, stating the names and addresses of the persons appointed, shall be given by the secretary of such recognized party or its authorized agent or the group leader to the counting officer or returning officer, as the case may be, before the counting or declaration of the result commences. The counting officer or returning officer, as the case may be, may refuse to admit to the place where the votes are counted or the place where the proceedings under section 65 takes place any counting agent or other agent whose name and address has not been so given.'.

Replacement
of section 61
of the principal
enactment.

64. Section 61 of the principal enactment is hereby repealed and the following section substituted therefor:—

" Notice of
the count
and
declaration
of result.

61. (1) The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as possible after the close of the poll, and shall give notice in writing of the time and places at which the count of the votes will be commenced, to the secretary or the authorized agent of a recognized political party or the group leader of an independent group contesting that election.

(2) The returning officer shall, before he proceeds to declare the result of an election under section 65, give notice in writing to the secretary or the authorized agent of a recognized political party or the group leader of an independent group contesting that election of the time and place at which the result will be declared."

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65. Section 62 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement
of section 62
of the
principal
enactment.

" The count.

62. (1) Except with the consent of the counting officer, no person other than the counting officer, the persons appointed to assist him, and the counting agents may be present at the counting of the votes.

(2) Before the counting officer proceeds to count the votes, he shall, in the presence of the counting agents, open each ballot box and, taking out the ballot papers therein, shall count and record the number thereof, and then mix together the whole of the papers contained in the ballot boxes.

(3) The counting officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards, and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers."

66. Section 63 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement
of section 63
of the
principal
enactment.

Rejected
ballot
papers.

63. (1) Any ballot paper—

(a) which does not bear the official mark; or

(b) on which votes are given for—

(i) more than one recognized political party; or

(ii) more than one independent group; or

(iii) a combination of one or more recognized political parties and independent groups; or

(c) on which anything is written or marked by which the voter can be identified except the printed number on the back; or

(d) which is unmarked or void for uncertainty,

shall be rejected by the counting officer. The counting officer shall endorse the word "rejected" on any such ballot paper.

(2) Where the counting officer is satisfied that any mark made on a ballot paper clearly indicates the intention of the voter to give his vote and the recognized political party or independent group for whom he gives his vote, the counting officer shall not reject the ballot paper under subsection (1) on the ground solely that it has not been marked in all respects in accordance with the directions given for the guidance of voters under the provisions of this Ordinance.

(3) Where the counting officer is satisfied that a ballot paper is not a forged or counterfeit ballot paper he shall not reject it solely on the ground that it is not stamped or perforated with the official mark. Before deciding not to reject a ballot paper under the preceding provisions of this subsection the counting officer shall show it to each counting agent if present and hear his views thereon.

(4) The counting officer shall not count any ballot paper which is rejected by him under subsection (1).

(5) The counting officer shall draw up a statement showing separately the number of ballot papers rejected, under each of the grounds specified in subsection (1), and shall on request allow any counting agent to copy the statement.

(6) The counting officer shall prepare a written statement in words as well as in figures of the number of votes given for each recognized political party and independent group, and such statement

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shall be certified by the counting officer and witnessed by one of his assistants or clerks and the agents of any party or group as are present and desire to sign.

(7) Before the counting officer makes a written statement referred to in subsection (6), such number of recounts may be made as the counting officer deems necessary; and a recount or recounts shall be made upon the application of a counting agent so however that the maximum number of recounts that shall be so made, on the application of any counting agent or all the counting agents, shall not exceed two.

(8) The decision of the counting officer as to any question arising in respect of any ballot paper shall be final and conclusive.

67. Section 63A of the principal enactment is hereby repealed and the following section substituted therefor:—

" Special provisions relating to powers duties or functions under section 62 or section 63.

63A. Any power, duty or function of a counting officer under section 62 or section 63 may be exercised, performed or discharged for and on his behalf by any of his assistants or clerks acting under the supervision and direction of such officer."

Replacement of section 63A of the principal enactment.

68. Section 64 of the principal enactment is hereby repealed and the following section substituted therefor:—

" Closure of the count.

64. (1) Upon the completion of the counting at any polling station, the counting officer shall seal up in separate packets the counted and rejected ballot papers.

(2) The counting officer shall deliver the packets referred to in subsection (1) to the returning officer together with the unused and spoilt ballot papers placed together, the tendered ballot papers, the marked copies of the electoral list and the counterfoils of the ballot papers, the tendered votes lists, the

Replacement of section 64 of the principal enactment.

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list of voters to whom ballot papers are not delivered under section 53A, the ballot paper account, the written statement of the number of votes given to each recognized political party or independent group and the record of the count under subsection (2) of section 62."

Replacement
of section 65
of the
principal
enactment.

69. Section 65 of the principal enactment is hereby repealed and the following section substituted therefor:—

Declaration
of election
of Mayor,
Deputy
Mayor and
members.

65. (1) (a) After the receipt of the documents referred to in section 64, the returning officer shall determine in the manner hereinafter provided in this section the candidates to be declared elected as Mayor, Deputy Mayor and members.

(b) The returning officer shall from the statements of the number of votes given at each polling station, add up and determine the number of votes given for each recognized political party and independent group.

(c) The candidates whose names appear first and second in the nomination paper of the recognized political party or independent group to which the highest number of votes has been given shall be declared elected by the returning officer as Mayor and Deputy Mayor, respectively.

(d) When an equality of votes is found to exist between two or more recognized political parties or two or more independent groups or two or more such parties or groups and the addition of a vote shall entitle the candidates of one such recognized political party or independent group to be elected, the determination of the recognized political party or independent group to which such additional vote shall be deemed to have been given shall be made by lot drawn in the presence of the returning officer in such manner as he shall determine.

(2) (a) Every recognized political party and independent group polling less than one-eighth of the total votes polled at the election shall be disqualified from having any candidates elected as the other members of the local authority.

(b) The votes polled by the disqualified parties and independent groups, if any, shall be deducted from the total votes polled at the election and the number of votes resulting from such deduction are hereinafter referred to as the "relevant number of votes."

(c) The relevant number of votes shall be divided by the number of members, other than the Mayor and Deputy Mayor, to be elected at that election for that local authority. The whole number resulting from such division (any balance votes not being taken into account) is hereinafter referred to as the "resulting number".

(d) The number of votes polled by each recognized political party and independent group (other than those parties or groups disqualified under paragraph (a)), beginning with the party or group which polled the highest number of votes, shall then be divided by the resulting number and the returning officer shall declare as elected from each such party and group in the order in which their names appear in the nomination paper, such number of candidates (excluding the candidates declared elected as Mayor and Deputy Mayor) as is equivalent to the whole number resulting from the division by the resulting number of the votes polled by such party or group. The remainder of the votes, if any, after such division, shall be dealt with, if necessary, under paragraph (e).

(e) Where after the declaration of the election of members as provided in paragraph (d) there are one or more members still to be declared elected, such member or number of members shall be declared elected on the remainder of the votes.

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referred to in paragraph (d) to the credit of each party or group after the declaration made under that paragraph and the votes polled by any party or group not having any of its candidates declared elected under paragraph (d), the candidate next in the order of priority in the nomination paper of the party or group having the highest of such votes being declared elected the next member and so on until all the members to be elected are declared elected.

(f) Where an equality of votes is found to exist in the balance number of votes to the credit of one or more parties and groups referred to in this subsection and the addition of a vote would entitle any candidate of such party or group to be declared elected under this subsection the determination of the party or group to which such one additional vote shall be deemed to have been given shall be made by lot drawn in the presence of the returning officer in such manner as he shall determine.

(3) For the purpose of this section the number of votes polled at any election shall be deemed to be the number of votes actually counted and shall not include any votes rejected or void.

Insertion
of new
section 65A
in the
principal
enactment.

70. The following new section is hereby inserted immediately after section 65, and shall have effect as section 65A, of the principal enactment:—

" Filling of
vacancies.

65A. (1) If the office of Mayor falls vacant due to death, resignation or for any other cause, the elections officer shall declare the Deputy Mayor elected as Mayor.

(2) If the office of Deputy Mayor falls vacant due to death, resignation or for any other cause, the elections officer shall declare elected as Deputy Mayor from the nomination paper of the recognized political party or independent group to which the Deputy Mayor who vacated office belonged the member whose name appears next after the name of such Deputy Mayor who vacated office.

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(3) If the office of a member falls vacant due to death, resignation or for any other cause, the elections officer shall declare elected as member the candidate whose name appears next after the last of the elected members in the nomination paper of the recognized political party or independent group to which the member who vacated office belonged.

(4) Where all the candidates whose names remain in the nomination paper of any recognized political party or independent group have been elected and a vacancy occurs to be filled by a candidate from such party or group the elections officer shall inform the Minister through the Commissioner—

(a) that a candidate has to be elected to fill a vacancy of a member ;
and

(b) that there remains no candidate to be elected from the nomination paper of the party or group to which that member belonged.

(5) Upon the receipt of such information, the Minister shall call upon the secretary of such recognized political party or the group leader of such independent group to nominate a candidate who is eligible under this Ordinance for election as member of that authority, to fill such vacant seat or office.

(6) The Minister shall, by Order published in the *Gazette*, appoint such person as member of that local authority to fill such vacancy or office and the person so appointed shall be deemed, for all purposes, to be a member under the provisions of this Ordinance, and shall hold office only until the expiry of the current term of office of the members elected at the last preceding general election.”

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Replacement
of section 66
of the
principal
enactment.

71. Section 66 of the principal enactment is hereby repealed and the following section substituted therefor :—

" Publication
of results.

66. (1) Upon the declaration of the result of any election of the Mayor and Deputy Mayor and members of the local authority of an electoral area, the returning officer of that electoral area shall—

(a) publish a notice specifying—

(i) the names of the two candidates elected as Mayor and Deputy Mayor ;
and

(ii) the names of the candidates elected as members ; and

(b) report the result through the elections officer of the district in which the area is situated to the Commissioner.

(2) The Commissioner shall forthwith upon the receipt of the report of the result cause the names of the two candidates elected as Mayor and Deputy Mayor, and the names of the candidates elected as members to be published in the *Gazette*."

Amendment
of section 67
of the
principal
enactment.

72. Section 67 of the principal enactment is hereby amended as follows :—

(1) by the repeal of subsection (1) of that section ;

(2) by the repeal of subsection (2) of that section, and the substitution therefor of the following subsection :—

" (2) The returning officer shall forward to the elections officer of the district in which the electoral area is situated all the packets of ballot papers in his possession, together with the statements under subsection (6) of section 63, the ballot paper account, tendered votes list, packets of counterfoils and the marked copies of electoral lists sent by the counting officers endorsing on each packet a description of its contents and the date of

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the election to which they relate, and the name of the electoral area in which the election was held.”.

73. Section 68 of the principal enactment is hereby repealed and the following section substituted therefor :—

Appointment of counting officers.

68. The returning officer may appoint any presiding officer of a polling station for any electoral area to count the votes polled at that polling station and a presiding officer so appointed to count the votes is referred to in this Ordinance as a “ counting officer ”.

Replacement of section 68 of the principal enactment.

74. The following new section is hereby inserted immediately after section 69, and shall have effect as section 69A, of the principal enactment:—

Death, withdrawal or disqualification of candidate not to invalidate nomination paper of party or group.

69A. The death or withdrawal or disqualification under this Ordinance for election or for sitting and voting as a member, whether before or after the general election of the members of a local authority, of any person or persons nominated by a recognized political party or independent group for election at that general election shall not invalidate or in any way affect the nomination paper of that party or group, and accordingly the candidature or election of any other person nominated by that party or group on that nomination paper shall not be invalidated by reason only of the fact of the death, withdrawal or disqualification of such person or persons.”.

Insertion of new section 69A in the principal enactment.

75. Section 73 of the principal enactment is hereby repealed and the following section substituted therefor :—

Secretary of a recognized political party or group leader may act as his own agent or assist his agent.

73. The secretary of a recognized political party which has nominated candidates for election at any election under this Ordinance or its authorized agent, or a group leader may himself do

Replacement of section 73 of the principal enactment.

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any act or thing which a polling agent or counting agent or other agent of such political party or independent group, if appointed, would have been required or authorized to do, or may assist such agent in doing any such act or thing, but before acting under this section the secretary of the recognized political party or its authorized agent or a group leader shall make a declaration hereinafter required to be made by such agent."

Replacement
of section 74
of the
principal
enactment.

76. Section 74 of the principal enactment is hereby repealed and the following section substituted therefor :—

" Non-attendance of the agents of recognized political parties or independent groups.

74. Where under this Part of this Ordinance any act or thing which is required or authorized to be done in the presence of the agent or agents of the recognized political parties or independent groups at any election under this Ordinance the non-attendance of any agent or agents of such party or group at the time and place appointed for the purpose shall not, if that act or thing is otherwise duly done, invalidate the act or thing done."

Amendment of
section 76
of the
principal
enactment.

77. Section 76 of the principal enactment is hereby amended in subsection (4) of that section by the repeal of paragraphs (b), (c) and (d) and the substitution therefor of the following paragraphs :—

" (b) otherwise obtain or attempt to obtain in a polling station information as to the recognized political party or independent group for whom a voter in that station is about to vote or has voted at such election ; or

(c) communicate at any time to pay person any information obtained in a polling station as to the recognized political party or independent group for whom a voter in that station is about to vote or has voted at such election, or as to the number on the back of the ballot paper given to a voter at that station ; or

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(d) directly or indirectly induce a voter at such election to display his ballot paper after he has marked it so as to make known to any person the recognized political party or independent group for or against which he has so marked his vote."

78. Section 79 of the principal enactment is hereby amended by the repeal of subsection (2) of that section and the substitution therefor of the following subsection :—

Amendment of
section 79
of the
principal
enactment.

" (2) Whoever gives or offers to give any gratification whatsoever to any person as an inducement or reward for giving or forbearing to give his vote in favour of any recognized political party or independent group at any election under this Ordinance, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for any term not exceeding six months or to both such fine and such imprisonment.

79. Section 81 of the principal enactment is hereby amended by the repeal of paragraphs (3), (4) and (5) of that section, and the substitution therefor, of the following paragraphs:—

Amendment of
section 81
of the
principal
enactment.

" (3) who, being a member or official of a religious order or organization,—

(a) denies or threatens to deny, to any member or adherent of that order or organization, or to any member of the family of such member or adherent, any spiritual ministrations, service or benefit, to which such member or adherent would in the ordinary course have been entitled ; or

(b) excludes, or threatens to exclude, such member or adherent from such order or organization,

in order to induce or compel such member or adherent to vote or refrain from voting for any recognized political party or independent group at such election, or to support or

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refrain from supporting any recognized political party or independent group at such election, or on account of such member or adherent having voted or refrained from voting for any recognized political party or independent group at such election, or having supported or refrained from supporting any recognized political party or independent group at such election, or

(4) who, being the employer of any other person—

(a) terminates or threatens to terminate such employment ; or

(b) denies or threatens to deny to such other person any benefit or service which such other person already enjoyed, or would have enjoyed, in the ordinary course of such employment,

in order to induce or compel such other person to vote or refrain from voting for any recognized political party or independent group at such election, or to support or refrain from supporting any recognized political party or independent group at such election, or on account of such other person having voted or refrained from voting for any recognized political party or independent group at such election, or having supported or refrained from supporting any recognized political party or independent group at such election, or

(5) who, at any time during the period commencing on the first day of the nomination period at any election and ending on the day following the date of the poll at such election,—

(a) utters at any religious assembly any word for the purpose of influencing the result of such election or inducing any voter to vote or refrain from voting for any recognized political party or independent group at such election, or

(b) for such purpose distributes or displays at any religious assembly any handbill, placard, poster, notice, sign, flag or banner, or

(c) holds or causes to be held a public meeting at a place of worship for the purpose of promoting the election of the candidates of any recognized political party or independent group at such election. ”.

80. Section 81A of the principal enactment is hereby amended as follows:—

Amendment of
section 81A
of the
principal
enactment.

(1) in subsection (1) thereof by the substitution—

(i) for paragraph (c) of that subsection of the following paragraph :—

“ (c) persuading any voter not to vote for any particular recognized political party or independent group; ” ; and

(ii) for paragraph (e) of that subsection of the following paragraph :—

“ (e) distributing or exhibiting any handbill, placard, poster or notice relating to the election (other than any official handbill, placard, poster or notice) or any symbol allotted under section 37 to any recognized political party or independent group.” ;

(2) in subsection (2A) of that section by the substitution for paragraphs (a) and (b) of that subsection of the following paragraphs:—

“ (a) who is a candidate nominated by any recognized political party or independent group at any election in any electoral area shall, on the day on which the poll is taken at such election, use in that area any building or structure (whether temporary or otherwise), other than the ordinary place of residence of such candidate for any purpose calculated to promote the election of the candidates of that recognized political party or independent group; or

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- (b) shall, at any time during the period commencing on the first day of the nomination period at any election in any electoral area and ending on the day immediately following the date on which the poll is taken at such election conduct, hold or take part in any procession other than a procession on May 1, in any year, or any procession for religious or social purposes; or ”.

Amendment of
section 81B
of the
principal
enactment.

81. Section 81B of the principal enactment is hereby amended by the repeal of subsection (1) of that section and the substitution therefor of the following subsection:—

“ (1) During the period commencing on the first day of the nomination period of any election under this Ordinance and ending on the day following the day on which the poll is taken at such election, no person shall, for the purposes of promoting the election of any candidate of a recognized political party or independent group at such election, display—

- (a) in any premises, whether public or private, any flag or banner except in or on any vehicle that is used for the conveyance of a candidate nominated by a recognized political party or independent group at such election; or
- (b) any handbill, placard, poster, notice or sign on any place to which the public have a right of, or are granted, access except in or on any premises on any day on which a meeting in support of a candidate nominated by a recognized political party or independent group at such election is due to be held in that premises; or
- (c) any handbill, placard, poster, notice or sign, flag or banner, on or across any public road; or
- (d) any handbill, placard, poster, notice or sign in or on any vehicle, except in or on any vehicle that is used for the conveyance of a candidate nominated by a recognized political party or independent group at such election.”

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82. Section 81c of the principal enactment is hereby amended in subsection (3) of that section by the substitution for paragraph (c) of that subsection of the following paragraph:—

Amendment of
section 81c
of the
principal
enactment.

“(c) where the returning officer for any electoral area is satisfied, upon written application in that behalf made to him by any person (not being a candidate nominated by a recognized political party or an independent group) so as to reach such officer seven days before the day on which a poll is taken at any election in that area, that such person is unable, by reason of any physical disability, to convey himself to and from the poll on foot or in any public transport service referred to in paragraph (b) of this subsection, the returning officer may give such person written authority, to use any vehicle, vessel or animal for the purpose of conveying himself to and from the poll, and accordingly the use of a vehicle, vessel or animal for the purpose of such conveyance by such person shall be deemed not to be a contravention of the provisions of subsection (1).”

83. Section 81d 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 81d
of the
principal
enactment.

“(1) Where there is published in any newspaper any false statement concerning or relating to,—

(a) the utterances or activities at any election under this Ordinance of any candidate of a recognized political party or independent group which is contesting such election; or

(b) the conduct or management of such election by such candidate of any recognized political party or independent group,

and such statement is capable of influencing the result of such election, then, every person who at the time of such publication was the proprietor,

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the manager; the editor, the publisher or other similar officer of that newspaper, or was purporting to act in such capacity, shall each be guilty of an offence unless such person proves that such publication was made without his consent or connivance, and that he exercised all such diligence to prevent such publication as he ought to have exercised having regard to the nature of his functions in such capacity and in all the circumstances."

Replacement
of section 82
of the
principal
enactment.

84. Section 82 of the principal enactment is hereby repealed and the following new section substituted therefor:—

" Plural
voting.

82. If any person votes more than once at any general election under this Ordinance whether in the same electoral area or different electoral areas or asks for a ballot paper for the purpose of so voting, such person shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to rigorous imprisonment for a term not exceeding one year."

Amendment
of section 84
of the
principal
enactment.

85. Section 84 of the principal enactment is hereby amended as follows:—

(a) by the omission of the words " of the wards ";
and

(b) by the omission of the words " or by-election ".

Replacement
of section 86
of the
principal
enactment.

86. Section 86 of the principal enactment is hereby repealed and the following section substituted therefor:—

" Expenses of
elections.

86. All expenses incurred under this Ordinance in the preparation of the electoral list of any electoral area, in connection with the nomination of candidates by recognized political parties and independent groups for the purpose of any election of any local authority, and in the conduct of a general election, shall be defrayed out of the Consolidated Fund."

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87. Section 89 of the principal enactment is hereby amended as follows:—

Amendment
of section 89
of the
principal
enactment.

(1) by the insertion, immediately after the definition of “appointed date”, of the following new definition:—

“ “authorized agent” means a person whose name appears first in the nomination paper submitted by a recognized political party;”

(2) by the omission of the definition of “Commissioner of Parliamentary Elections” and the substitution therefor, of the following definition:—

“ “Commissioner of Elections” means the Commissioner of Elections appointed under section 82 of the Constitution of Sri Lanka;”

(3) by the insertion, immediately after the definition of the “Commissioner of Elections”, of the following new definition:—

“ “Deputy Mayor” means the Deputy Mayor of a Municipal Council or the Vice-Chairman of an Urban Council, a Town Council or a Village Council;”

(4) by the insertion, immediately after the definition of “local elections”, of the following new definition:—

“ “Mayor” means the Mayor of a Municipal Council or the Chairman of an Urban Council, a Town Council or a Village Council;” and

(5) by the omission of the definition of “ward”.

88. The First Schedule to the principal enactment is hereby repealed and the following Schedule substituted therefor:—

Replacement
of the
First
Schedule
to the
principal
enactment.

“FIRST SCHEDULE

[Section 28 (2)]

FORM OF NOMINATION PAPER

..... Council

The party, being a recognized political party/An independent group of candidates hereby nominates the following persons, in the order of priority in which their names appear, as candidates for election at

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the general election to be held for the election of members of the Municipal Council/Urban Council/Town Council/Village Council, the first and second named candidates to be in addition, candidates for election as Mayor and Deputy Mayor, respectively/Chairman and Vice-Chairman, respectively of that Council.

1. Name	2. Address	3. Occupation	4. Signature signifying consent of candidate

.....
Signature of secretary of
recognized political
party/group leader

Name :

Address :

Signed by the abovenamed
..... Secretary of
recognized political party/
group leader in my presence
at on this
day of10

.....
Justice of the Peace or Notary
Public."

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89. The Second Schedule to the principal enactment is hereby repealed and the following Schedule substituted therefor:—

Replacement
of the
Second
Schedule
to the
principal
enactment.

[Section 45] "SECOND SCHEDULE

FORM OF DIRECTIONS FOR THE GUIDANCE OF A
VOTER IN VOTING, WHICH SHALL BE EXHIBITED
OUTSIDE EVERY POLLING STATION AND IN EVERY
COMPARTMENT OF EVERY POLLING STATION

Every voter shall have one vote which may be given to a recognized political party or to an independent group.

The voter will go into one of the compartments and place a cross (thus X) on the right-hand side of the ballot paper opposite the name and symbol of the recognized political party or the number and symbol of the independent group for which he votes.

The voter will then fold up the ballot paper so as to show the official mark on the back to the presiding officer and put the paper into the ballot box, and forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper, he can return it to the presiding officer, who will, if satisfied of such inadvertance, give him another ballot paper.

If the voter—

- (i) votes for more than one recognized political party, or
- (ii) votes for more than one independent group, or
- (iii) votes for a combination of one or more recognized political parties and independent groups, or
- (iv) places any mark on the paper by which he may be afterwards identified,

his ballot paper will be void and will not be counted.

If the voter takes a ballot paper out of the polling station or puts into a ballot box anything other than a ballot paper which he is authorized to put into that box, he will be liable, on conviction after summary trial before a Magistrate, to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment."

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Replacement
of the
Third
Schedule
to the
principal
enactment.

90. The Third Schedule to the principal enactment is hereby repealed and the following Schedule substituted therefor:—

[Section 47] "THIRD SCHEDULE

FORM OF FRONT OF BALLOT PAPER

Counterfoil No.	"A" PARTY	*
<i>Note.—The counterfoil is to have a number to correspond with that on the back of the ballot paper.</i>	"B" PARTY	*
	"C" PARTY	*
<i>The names of each recognized political party and the words "independent group" must be printed in Sinhala, Tamil and English.</i>	"INDEPENDENT GROUP" 1	*
	"INDEPENDENT GROUP" 2	*
	"INDEPENDENT GROUP" 3	*

* Here print symbol of each such party or group.

Replacement
of the
Fourth
Schedule
to the
principal
enactment.

91. The Fourth Schedule to the principal enactment is hereby repealed and the following Schedule substituted therefor:—

[Section 76 (1)] "FOURTH SCHEDULE

FORM OF DECLARATION OF SECRECY

I, solemnly promise and declare that I will not at this election for the electoral area of the Municipal Council/Urban Council/Town Council/Village Council, do anything forbidden by section 76 * of the Local Authorities Elections Ordinance, which has been read to me.

.....
Signature of Declarant.

.....
Signature of person taking the declaration.

* Note : This section must be read to the declarant by the person taking the declaration."

Repeal
of the
Sixth
Schedule
to the
principal
enactment.

92. The Sixth Schedule to the principal enactment is hereby repealed.

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93. The Seventh Schedule to the principal enactment is hereby amended by the omission of the following item:—

“Ward No.”

Amendment
of the
Seventh
Schedule
to the
principal
enactment.

PART II

94. Section 5 of the Municipal Councils Ordinance (hereafter in this Part referred to as the “principal enactment”) is hereby repealed and the following section substituted therefor:—

Replacement
of section 5 of
Chapter 252.

“Composition
of Municipal
Councils.

5. (1) Each Municipal Council shall consist of the Mayor and Deputy Mayor and such number of other Councillors as the Minister may prescribe by Order published in the *Gazette*.

(2) In determining the number of Councillors the Minister shall have regard to the area and population of the Municipality.

(3) Every Order made under subsection (1) shall as soon as may be convenient be laid before the National State Assembly.”

95. Section 6 of the principal enactment is hereby repealed.

Repeal of
section 6
of the
principal
enactment.

96. Section 12 of the principal enactment is hereby repealed.

Repeal of
section 12
of the
principal
enactment.

97. Section 13 of the principal enactment is hereby amended by the repeal of subsection (3) of that section and the substitution therefor of the following subsection:—

Amendment
of section 13
of the
principal
enactment.

“ (3) If any person elected as a Councillor refuses or resigns his office, or dies, or vacates his office under subsection (2) or if a casual vacancy occurs in any other manner in such office, the Mayor or the Commissioner, as the case may be, shall send a written communication to that effect to the elections officer. Upon the receipt of such communication, the elections officer shall proceed to fill the vacancy in

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accordance with the provisions of the Local Authorities Elections Ordinance, and the person thereupon elected shall serve as a Councillor until the expiry of the term of office of the Councillors elected at the last preceding general election.”

Replacement of subheading appearing in Part III immediately before of section 14 of the principal enactment.

98. The subheading appearing in Part III of the principal enactment immediately before section 14 is hereby repealed and the following subheading substituted therefor:—

“ MAYOR AND DEPUTY MAYOR ”,

Replacement of section 14 of the principal enactment.

99. Section 14 of the principal enactment is hereby repealed and the following section substituted therefor:—

“ Term of office of Mayor and Deputy Mayor.

14. (1) There shall be a Mayor and a Deputy Mayor for each Municipal Council who shall be Councillors and be elected in accordance with the provisions of the Local Authorities Elections Ordinance.

(2) (a) The Mayor or Deputy Mayor of a Municipal Council shall hold office for the term of office of the Council unless he resigns or vacates such office.

(b) Whenever a Mayor or Deputy Mayor vacates his office he shall at the same time cease to be Councillor.

(3) The Mayor of a Municipal Council shall subject to the provisions of section 28 of the Local Authorities (Special Provisions) Act, No. 48 of 1971, be the chief executive officer of the Council and all executive acts and responsibilities which are by this Ordinance or by any other written law directed or empowered to be done or discharged by the Council may, unless the contrary intention appears from the context, be done or discharged by the Mayor.

(4) The Mayor may by order in writing delegate to the Deputy Mayor or Commissioner or any officer of the Council any of the powers, duties or functions conferred or imposed upon or vested in the Mayor by this Ordinance or any other written law.

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(5) The exercise, discharge or performance by the Deputy Mayor or Commissioner or any other officer of the Council of any power, function or duty delegated to him by order of the Mayor shall be subject to the direction and control of the Mayor and shall be subject to such conditions and restrictions and limited to such purpose or purposes as may be specified in the order and any such delegation may at any time be varied or cancelled by order of the Mayor.

(6) During the period commencing on the date of occurrence of a vacancy in the office of Mayor and ending on the date of election of a new Mayor or during the period of absence of the Mayor on account of illness or other unavoidable cause the Deputy Mayor may exercise, discharge and perform the same powers, functions and duties as the Mayor.

(7) Whenever the office of Mayor of a Municipal Council falls vacant information of the occurrence of the vacancy shall forthwith be given to the elections officer of the district, in writing, by the Commissioner of the Council. Upon the receipt of such information the elections officer shall proceed to fill the vacancy in the manner prescribed in the Local Authorities Elections Ordinance.”

100. Section 15 of the principal enactment is hereby repealed.

Repeal of section 15 of the principal enactment.

101. Section 18 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 18 of the principal enactment.

“ Special meetings.

18. The Mayor may, whenever he thinks fit, and shall upon a written requisition signed by three Councillors, call a special meeting of the Council to be held at the Municipal office.”

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Replacement
of section 19
of the
principal
enactment.

102. Section 19 of the principal enactment is hereby repealed and the following section substituted therefor:—

“ Notice of
meetings.

19. The Mayor shall cause notice in writing of every general or special meeting or adjourned meeting of the Council, and of the business to be transacted thereat to be served on each Councillor at least four days before the meeting.”

Replacement
of section 22
of the
principal
enactment.

103. Section 22 of the principal enactment is hereby repealed and the following section substituted therefor:—

‘ Mayor or
Deputy
Mayor to
preside at
meetings of
Council.

22. The Mayor, or in his absence, the Deputy Mayor, shall preside at all meetings of the Council, and if both the Mayor and the Deputy Mayor are absent, the Councillors present shall elect one of their own number to preside at the meeting.”

Amendment
of section 170
of the
principal
enactment.

104. Section 170 of the principal enactment is hereby amended by the repeal of subsection (4) of that section and the substitution therefor of the following subsection:—

“(4) In the event of the vacation of the office of both the Mayor and the Deputy Mayor by death or resignation or for any other cause, then during the period intervening between the vacation of office of the Deputy Mayor and the election of a new Mayor the Commissioner may exercise, perform and discharge all the rights, privileges, powers, duties and functions vested in or conferred or imposed on the Mayor by this Ordinance or any other written law.”

Amendment
of section 188
of the
principal
enactment.

105. Section 188 of the principal enactment is hereby amended in subsection (1) of that section by the insertion immediately after paragraph (m) thereof of the following new paragraph:—

“(mm) all allowances payable to the Mayor, Deputy Mayor and Councillors at such rates as may be prescribed by regulations made under section 289.”

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106. The following new section is hereby inserted immediately after section 207, and shall have effect as section 207A, of the principal enactment:—

“ When Mayor may exercise power of Council relating to raising of loans.

207A. If the Council fails to sanction the raising of a loan for the purpose of fulfilling any duty imposed on the Council or carrying out any work which the Mayor considers to be necessary, the Mayor may, with the approval of the Minister, raise such loan and may exercise all the powers vested in the Council under the provisions of this Part as though such powers were conferred by this Part on the Mayor.”.

Insertion of new section 207A in the principal enactment.

107. The following new section is hereby inserted immediately after section 215, and shall have effect as section 215A, of the principal enactment:—

“ Mayor's powers with regard to budget.

215A. If the Council modifies or rejects all or any of the items in any budget or supplementary budget or adds any item thereto and the Mayor does not agree with any such decision of the Council, he shall re-submit the budget or supplementary budget to the Council for further consideration. Where a budget or supplementary budget is not passed by the Council within two weeks after it is re-submitted, such budget or supplementary budget shall, notwithstanding that it has not been passed by the Council, be deemed to be the duly adopted budget or supplementary budget of the Council.”.

Insertion of new section 215A in the principal enactment.

108. Section 216 of the principal enactment is hereby repealed and the following section substituted therefor:—

“ Reduction or increase of expenditure.

216. The Mayor may in case of necessity, during any year reduce or increase the expenditure under any head of the budget or of any supplementary budget, or may transfer the moneys assigned under one head of expenditure to another head:

Replacement of section 216 of the principal enactment.

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Provided that the total amount of expenditure sanctioned by the budget or by any supplementary budget passed by the Council shall not be exceeded.”.

Replacement
of section 217
of the
principal
enactment.

109. Section 217 of the principal enactment is hereby repealed and the following section substituted therefor:—

“ Lapse of
authority
for
expenditure
sanctioned
by budget.

217. The authority for expenditure conveyed by any budget or supplementary budget passed by a Municipal Council or deemed to be the duly adopted budget or supplementary budget of such Council shall expire at the end of the financial year to which such budget relates.”.

Amendment
of section 229
of the
principal
enactment.

110. Section 229 of the principal enactment is hereby amended as follows:—

(1) by the renumbering of that section as subsection (1) of section 229;

(2) by the insertion immediately after the renumbered subsection (1) of that section of the following new subsection:—

“ (2) If the Council rejects any or all the tenders laid before the Council or fails to sanction the contract referred to in subsection (1), the Mayor may, with the approval of the Minister, enter into such contract notwithstanding the provisions of paragraph (c) and (d) of subsection (1) of this section.”.

Amendment
of section 277
of the
principal
enactment.

111. Section 277 of the principal enactment is hereby amended as follows:—

(1) by the repeal of subsection (1) of that section and the substitution therefor of the following subsection:—

“ (1) If at any time the Minister is satisfied that there is sufficient proof of—

(a) incompetence and mismanagement;
or

(b) persistent default in the performance of the duties imposed by this Ordinance or any other written law; or

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- (c) persistent refusal or neglect to comply with any provisions of law; or
- (d) abuse of the powers conferred by this Ordinance or any other written law; or
- (e) persistent refusal to hold or attend meetings or to vote or to transact business at any meetings to be held,

on the part of the Mayor, or on the part of any Municipal Council, or of any of the Councillors thereof the Minister may as the circumstances of each case may require by Order published in the *Gazette*—

- (i) remove the Mayor from office; or
 - (ii) remove all or any of the Councillors of the Council from office and the provisions of section 13 (3) shall thereupon apply; or
 - (iii) dissolve the Municipal Council;
- and such Order shall as soon as may be convenient be laid before the National State Assembly.”; and

(2) by the insertion immediately after subsection (1) of that section of the following new subsections:—

“(1A) The Minister shall, before making an Order under subsection (1), appoint for the purpose of satisfying himself in regard to any of the matters referred to in subsection (1), a retired judicial officer to inquire into and report upon such matter within a period of three months, and the person so appointed shall in relation to such inquiry have the powers of a commission of inquiry appointed under the Commissions of Inquiry Act.

(1B) (a) When the Minister appoints a retired judicial officer under subsection (1A) to inquire into any matter the Minister may, as the circumstances of each case may require, by Order published in the *Gazette*—

- (i) suspend the Mayor from office and direct the Deputy Mayor or, where the office of the

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Deputy Mayor is vacant or where the Deputy Mayor has been suspended from office, the Municipal Commissioner to exercise the powers and perform the duties of the Mayor ; or

(ii) suspend any Councillor from office;
or

(iii) suspend the Council and direct the Municipal Commissioner to exercise the powers and duties of the Council and its Mayor.

(b) Upon the receipt of the report of the person appointed under subsection (1A), the Minister may make an Order under subsection (1) or revoke the Order made under paragraph (a) of this subsection.

(1c) Where the Minister removes the Mayor of a Municipal Council from office by Order under subsection (1), the Mayor shall also cease to be a Councillor and the provisions of the Local Authorities Elections Ordinance shall thereupon apply with regard to the filling of such vacancy.”.

Amendment
of section 284
of the
principal
enactment.

112. Section 284 of the principal enactment is hereby amended by the repeal of paragraph (a) of that section and the substitution therefor of the following paragraph:—

“(a) vary the limits of any Municipality;”.

Repeal of
section 285
of the
principal
enactment.

113. Section 285 of the principal enactment is hereby repealed.

Amendment
of section 289
of the
principal
enactment.

114. Section 289 of the principal enactment is hereby amended by the repeal of subsections (1) and (2) of that section and the substitution therefor of the following subsections:—

“(1) The Minister may make regulations generally for the purpose of giving effect to the principles and provisions of this Ordinance and in respect of any matter for which regulations are authorized or required by this Ordinance to be made or required by this Ordinance to be prescribed.

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(2) No regulation made under this section shall have effect unless it has been approved by the National State Assembly and notification of such approval is published in the *Gazette*."

115. Section 327 of the principal enactment is hereby amended in subsection (1) of that section by the substitution for the definition of "Mayor" and "Deputy Mayor" of the following new definitions:—

Amendment of section 327 of the principal enactment.

"“Mayor” and Deputy Mayor” means respectively the Mayor and Deputy Mayor elected in accordance with the provisions of the Local Authorities Elections Ordinance."

PART III

116. Section 5 of the Urban Councils Ordinance (hereafter in this Part referred to as the "principal enactment") is hereby repealed and the following section substituted therefor:—

Replacement of section 5 of Chapter 255.

" Composition of Urban Councils.

5. (1) Each Urban Council shall consist of the Chairman and Vice-Chairman and such number of other members, as the Minister may prescribe by Order published in the *Gazette*.

(2) In determining the number of members the Minister shall have regard to the area and population of that town.

(3) Every Order made under subsection (1) shall as soon as may be convenient be laid before the National State Assembly."

117. The subheading appearing immediately before section 6 of the principal enactment is hereby repealed, and the following subheading substituted therefor:—

Replacement of subheading appearing immediately before section 6 of the principal enactment.

" ELECTIONS AND DATE OF COMMENCEMENT OF TERMS OF OFFICE OF URBAN COUNCILS ETC."

118. Section 6 of the principal enactment is hereby repealed.

Repeal of section 6 of the principal

119. Section 12 of the principal enactment is hereby amended by the repeal of subsection (3) of that section and the substitution therefor of the following subsection:—

enactment. Amendment of section 12 of the principal enactment.

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“(3) If any person elected as a member of an Urban Council refuses or resigns his office, or dies, or vacates the office under subsection (2), or if a casual vacancy occurs in any other manner in such office, such office shall be filled in accordance with the provisions of written law for the time being applicable in that behalf and the persons so elected shall hold office until the next succeeding general election of members of that Council.”

Repeal of section 19 of the principal enactment.

120. Section 13 of the principal enactment is hereby repealed.

Replacement of subheading appearing immediately before section 14 of the principal enactment.

121. The subheading appearing immediately before section 14 of the principal enactment is hereby repealed and the following subheading is substituted therefor :—

“ALTERATION OF LIMITS OF TOWNS AND NUMBER OF MEMBERS, &c.”

Amendment of section 14 of the principal enactment.

122. Section 14 of the principal enactment is hereby amended by the substitution for paragraph (a) of that section of the following paragraph:—

“(a) vary the limits of any town;”

Repeal of section 15 of the principal enactment.

123. Section 15 of the principal enactment is hereby repealed.

Repeal of sections 17 and 18 of the principal enactment.

124. Sections 17 and 18 of the principal enactments are hereby repealed.

Replacement of section 19 of the principal enactment.

125. Section 19 of the principal enactment is hereby repealed and the following section substituted therefor:—

and Vice-Chairman.

19. (1) There shall be a Chairman and a Vice-Chairman for each Urban Council who shall be members and be elected in accordance with the provisions of written law for the time being applicable in that behalf.

(2) The Chairman or Vice-Chairman of an Urban Council shall hold office for the term of office of the Council unless he resigns or vacates such office. Whenever

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a Chairman or Vice-Chairman vacates his office he shall at the same time cease to be a member.

(3) The Chairman of an Urban Council shall subject to the provisions of section 28 of the Local Authorities (Special Provisions) Act, No. 48 of 1971, be the chief executive officer of the Council and all executive acts and responsibilities which are by this Ordinance or any other written law directed or empowered to be done or discharged by the Council may unless the contrary intention appears from the context, be done or discharged by the Chairman.

(4) The Chairman may by order in writing delegate to the Vice-Chairman or Secretary or any officer of the Council any of the powers, duties or functions conferred or imposed upon, or vested in the Chairman by this Ordinance or any other written law.

(5) The exercise, discharge or performance by the Vice-Chairman or Secretary or any other officer of the Council of any power, function or duty delegated to him by order of the Chairman shall be subject to the direction and control of the Chairman and shall be subject to such conditions and restrictions and limited to such purpose or purposes, as may be specified in the order and any such delegation may at any time be varied or cancelled by order of the Chairman.

(6) During the period commencing on the date of occurrence of a vacancy in the office of Chairman and ending on the date of election of a new Chairman or during the period of absence of the Chairman on account of illness or other unavoidable cause, the Vice-Chairman may exercise, discharge and perform the same powers, functions and duties as the Chairman.

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(7) Whenever the office of Chairman of an Urban Council falls vacant information of the occurrence of the vacancy shall forthwith be given to the elections officer of the district in writing by the Secretary of the Council. Upon the receipt of such information the elections officer shall proceed to fill the vacancy in accordance with the provisions of written law for the time being applicable in that behalf."

Repeal of sections 20, 21 and 22 of the principal enactment.

126. Sections 20, 21 and 22 of the principal enactment are hereby repealed.

Amendment of section 26 of the principal enactment.

127. Section 26 of the principal enactment is hereby amended by the repeal of subsections (2) and (3) of that section and the substitution therefor of the following subsections:—

"(2) All matters or questions authorized by this Ordinance or by any other written law, to be decided by the members of an Urban Council shall be decided by the majority of members present and voting at any general or special meeting.

(3) Where the votes of the members present at any meeting are equally divided in regard to any question, the Chairman, Vice-Chairman or other member presiding at the meeting shall, in addition to his vote as a member, have a casting vote."

Amendment of section 27 of the principal enactment.

128. Section 27 of the principal enactment is hereby amended by the repeal of subsection (2) and subsection (3) of that section and the substitution therefor of the following subsections:—

"(2) The Secretary of an Urban Council shall be the chief administrative officer of the Council and shall exercise, perform and discharge such powers, duties and functions as are conferred or imposed upon him by this Ordinance or by rules made under section 193 or by any other written law for the time being in force.

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(3) In the event of the vacation of the offices of both the Chairman and the Vice-Chairman by death, resignation, removal or any other cause, then, during the period intervening between the vacation of the office of the Vice-Chairman and the election of a new Chairman, the secretary of the Council shall, in addition to the powers referred to in subsection (2), have authority, subject to the approval of the Commissioner and subject to such limitations and conditions as may be prescribed by rules under section 193, to incur expenditure on behalf of the Council, to make payments out of the local fund, and to exercise and perform such of the powers, duties and functions of the Chairman as may be specified by the Commissioner or prescribed by rules as aforesaid."

129. Section 39 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement
of section 39
of the
principal
enactment.

Consent of
Council.

39. (1) The Chairman shall not enter into any contract on behalf of the Council for any work or service the cost of which exceeds five hundred rupees, or any contract enduring for a longer period than the time elapsing between the making of such contract and the end of the financial year, without the sanction of the Council.

(2) If the Council fails to sanction any contract the Chairman may with the approval of the Commissioner enter into such contract notwithstanding the provisions of subsection (1)."

130. Section 159 of the principal enactment is hereby amended in subsection (1) of that section by the insertion immediately after paragraph (g) of the following new paragraph:—

Amendment
of section 159
of the
principal
enactment.

"(gg) all allowances payable to the Chairman, Vice-Chairman and members in accordance with rules made under section 193;"

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Insertion
of new
section 174A
in the
principal
enactment.

131. The following new section is hereby inserted immediately after section 174, and shall have effect as 174A, of the principal enactment:—

“ When
Chairman
may
exercise
powers of
Council
relating to
raising of
loans.

174A. If the Council fails to sanction the raising of a loan for the purpose of fulfilling any duty imposed on the Council or carrying out any work, which the Chairman considers to be necessary, the Chairman may, with the approval of the Commissioner, raise such loan and may exercise all the powers vested in the Council under the provisions of sections 173 and 174 as though such powers were conferred by those sections on the Chairman.”

Insertion
of new
section 178A
in the
principal
enactment.

132. The following new section is hereby inserted immediately after section 178, and shall have effect as 178A, of the principal enactment:—

“ Chairman's
powers
with
regard to
budget.

178A. If the Council modifies or rejects all or any of the items in any budget or supplementary budget or adds any item thereto and the Chairman does not agree with any such decision of the Council he shall re-submit the budget or supplementary budget to the Council for further consideration. Where a budget or supplementary budget is not passed by the Council within two weeks after it is re-submitted, the budget or supplementary budget shall, notwithstanding that it has not been passed by the Council, be deemed to be the duly adopted budget or supplementary budget of the Council.”

Replacement
of section 179
of the
principal
enactment.

133. Section 179 of the principal enactment is hereby repealed and the following section substituted therefor:—

“ Variation of
expenditure
proposed in
budget.

179. The Chairman may, in case of necessity during the course of any year, reduce or increase the expenditure under any head or transfer the moneys appropriated under one head to any other head, in the budget or in any supplementary budget adopted for that year,

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but so, however, that the total amount of expenditure sanctioned by such budget or supplementary budget is not exceeded.”.

134. Section 184 of the principal enactment is hereby amended as follows:—

Amendment
of section 184
of the
principal
enactment.

(1) by the repeal of subsection (i) of that section and the substitution therefor of the following subsection:—

“(1) If at any time the Minister is satisfied that there is sufficient proof of—

- (a) persistent refusal to hold or attend meetings or to vote or to transact business at any meetings that may be held; or
- (b) wilful neglect, or misconduct in the performance of the duties imposed by this Ordinance; or
- (c) persistent disobedience to or disregard of the directions, instructions or recommendations of the Minister or of the Commissioner; or
- (d) incompetence and mismanagement; or
- (e) abuse of the powers conferred by this Ordinance,

on the part of the Chairman or on the part of any Urban Council or any of the members thereof, the Minister may, as the circumstances of each case may require, by Order published in the *Gazette*—

- (i) remove the Chairman from office;
or
- (ii) remove all or any of the members of the Council from office, and the provisions of section 12 (3) shall thereupon apply: or
- (iii) dissolve the Council;

and such Order shall as soon as may be convenient be laid before the National State Assembly.

(2) by the insertion, immediately after subsection (1) of that section, of the following new subsections:—

“(1A) The Minister shall before making an Order under subsection (1), appoint for the purpose of satisfying himself in regard to any of the matters referred to in subsection (1), a retired judicial officer to inquire into and report upon such matter within a period of three months, and such officer shall in relation to such inquiry have the powers of a commission of inquiry appointed under the Commissions of Inquiry Act.

(1B) (a) When the Minister appoints a retired judicial officer under subsection (1A) to inquire into any matter, the Minister may as the circumstances of each case may require by Order published in the *Gazette*—

(i) suspend the Chairman from office and direct the Vice-Chairman or, where the office of Vice-Chairman is vacant, or where the Vice-Chairman has been suspended, the Assistant Commissioner of Local Government of the region to exercise the powers and perform the duties of the Chairman; or

(ii) suspend any member from office; or

(iii) suspend the Council and direct the Assistant Commissioner of Local Government of the region to exercise the powers and perform the duties of the Council and its Chairman.

(b) Upon the receipt of the report of the person appointed under subsection (1A) the Minister may make an Order under subsection (1) or revoke the Order made under paragraph (a) of this subsection.”; and

(3) by the repeal of subsection (3) of that section and the substitution therefor of the following subsection:—

“(3) Where the Minister removes the Chairman of an Urban Council from office by Order under subsection (1) the Chairman shall be deemed to vacate forthwith the office of member of the Council as well as the office of Chairman and the provisions of written law for the time being applicable in that behalf shall thereupon apply with regard to the filling of such vacancy.”.

135. Section 193 of the principal enactment is hereby amended in subsection (2) of that section, by the insertion immediately after paragraph (g) thereof, of the following new paragraph:—

Amendment
of section 193
of the
principal
enactment.

“(gg) for prescribing the rates at which allowances payable to the Chairman, Vice-Chairman and members of Urban Councils ;”.

136. Section 249 of the principal enactment is hereby amended in subsection (1) of that section by the substitution for the definition of “ Chairman ” of the following definition:—

Amendment
of section 249
of the
principal
enactment.

“ Chairman and Vice-Chairman ” means respectively a Chairman and Vice-Chairman of an Urban Council elected in accordance with the provisions of written law for the time being applicable in that behalf.”.

PART IV

137. Section 5 of the Town Councils Ordinance (hereafter in this Part referred to as the “ principal enactment ”) is hereby repealed and the following section substituted therefor:—

Replacement
of section 5 of
Chapter 256.

“ Composition
of Town
Councils.

5. (1) Each Town Council shall consist of the Chairman and Vice-Chairman and such number of other members, as the Minister may prescribe by Order published in the *Gazette*.”

(2) In determining the number of members the Minister shall have regard to the area and population of the town.

(3) Every Order made under subsection (1) shall as soon as may be convenient be laid before the National State Assembly.”.

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Replacement
of subheading
immediately
before
section 6
of the
principal
enactment.

138. The subheading appearing immediately before section 6 of the principal enactment is hereby repealed and the following subheading substituted therefor:—

“ELECTIONS AND DATE OF COMMENCEMENT OF TERM OF OFFICE OF TOWN COUNCILS, &c.”

Repeal of
section 6
of the
principal
enactment.

139. Section 6 of the principal enactment is hereby repealed.

Amendment
of section 12
of the
principal
enactment.

140. Section 12 of the principal enactment is hereby amended by the repeal of subsection (3) of that section and the substitution therefor of the following subsection:—

“(3) If any person elected as a member of a Town Council refuses or resigns his office, or dies, or vacates the office under subsection (2), or if a casual vacancy occurs in any other manner in such office, such office shall be filled in accordance with the provisions of written law for the time being applicable in that behalf and the person so elected shall hold office until the next succeeding general election of members of that Council.”

Repeal of
section 13
of the
principal
enactment.

141. Section 13 of the principal enactment is hereby repealed.

Replacement
of subheading
appearing
immediately
before
section 14
of the
principal
enactment.

142. The subheading appearing immediately before section 14 of the principal enactment is hereby repealed and the following subheading substituted therefor:—

“ALTERATION OF LIMITS OF TOWNS AND NUMBER OF MEMBERS, &c.”

Amendment
of section 14
of the
principal
enactment.

143. Section 14 of the principal enactment is hereby amended by the substitution for paragraph (a) of that section, of the following paragraph:—

“(a) vary the limits of any town;”

Repeal of
section 15
of the
principal
enactment.

144. Section 15 of the principal enactment is hereby repealed.

Repeal of
Sections 17
and 18
of the
principal
enactment.

145. Sections 17 and 18 of the principal enactment are hereby repealed.

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146. Section 19 of the principal enactment is hereby repealed and the following section substituted therefor:—

“ Chairman
and Vice-
Chairman.

Replacement
of section 19
of the
principal
enactment.

19. (1) There shall be a Chairman and a Vice-Chairman for each Town Council who shall be members and be elected in accordance with the provisions of written law for the time being applicable in that behalf.

(2) The Chairman or Vice-Chairman of a Town Council shall hold office for the term of office of the Council unless he resigns or vacates such office. Whenever a Chairman or Vice-Chairman vacates his office he shall at the same time cease to be a member.

(3) The Chairman of a Town Council shall subject to the provisions of section 28 of the Local Authorities (Special Provisions) Act, No. 48 of 1971, be the chief executive officer of the Council, and all executive acts and responsibilities which are by this Ordinance or any other written law directed or empowered to be done or discharged by the Council may, unless the contrary intention appears from the context, be done or discharged by the Chairman.

(4) The Chairman may by order in writing delegate to the Vice-Chairman or Secretary or any other officer of the Council any of the powers, duties or functions conferred or imposed upon or vested in the Chairman by this Ordinance or any other written law.

(5) The exercise, discharge or performance by the Vice-Chairman or the Secretary or any other officer of the Council of any power, function, or duty delegated to him by order of the Chairman shall be subject to such conditions and restrictions and limited to such purpose or purposes as may be specified in the Order; and any such delegation may at any time be varied or cancelled by order of the Chairman.

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(6) During the period commencing on the date of occurrence of a vacancy in the office of Chairman and ending on the date of election of a new Chairman or during the period of absence of the Chairman on account of illness or other unavoidable cause the Vice-Chairman may exercise the same powers and perform the same duties as the Chairman.

(7) Whenever the office of Chairman of a Town Council falls vacant information of the occurrence of the vacancy shall forthwith be given to the elections officer of the district in writing by the Secretary of the Council. Upon the receipt of such information the elections officer shall proceed to fill the vacancy in accordance with the provisions of written law for the time being applicable in that behalf."

Repeal of
section 20,
21 and 22
of the
principal
enactment.

147. Sections 20, 21 and 22 of the principal enactment are hereby repealed.

Amendment
of section 25
of the
principal
enactment.

148. Section 25 of the principal enactment is hereby amended by the repeal of subsections (2) and (3) of that section and the substitution therefor of the following subsections:—

"(2) All matters or questions authorized by this Ordinance or by any other written law, to be decided by the members of a Town Council shall be decided by the majority of members present and voting at any general or special meeting.

(3) Where the votes of the members present at any meeting are equally divided in regard to any question, the Chairman, Vice-Chairman or other member presiding at the meeting shall, in addition to his vote as a member, have a casting vote."

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149. Section 26 of the principal enactment is hereby amended by the repeal of subsections (2) and (3) of that section and the substitution therefor of the following subsections:—

Amendment of
of section 26
of the
principal
enactment.

“(2) The Secretary of a Town Council shall be the chief administrative officer of the Council and shall exercise, perform and discharge such powers, duties and functions as are conferred or imposed upon him by this Ordinance or by rules made under section 192 or by any other written law for the time being in force.

(3) In the event of the vacation of the offices of both the Chairman and Vice-Chairman by the death, resignation, removal or any other cause, then, during the period intervening between the vacation of the office of the Vice-Chairman and the election of a new Chairman, the Secretary of the Council shall, in addition to the powers referred to in subsection (2), have authority, subject to the approval of the Commissioner and subject to such limitations and conditions as may be prescribed by rules under section 192, to incur expenditure on behalf of the Council, to make payments out of the local fund, and to exercise and perform such of the powers, duties and functions of the Chairman as may be specified by the Commissioner or prescribed by rules as aforesaid.”

150. Section 38 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of
section 38
of the
principal
enactment.

“ Consent
of Council.

38. (1) The Chairman shall not enter into any contract on behalf of the Council for any work or service the cost of which exceeds two hundred and fifty rupees, or any contract enduring for a longer period than the time elapsing between the making of such contract and the end of the financial year, without the sanction of the Council.

(2) If the Council fails to sanction any contract the Chairman may with the approval of the Commissioner enter into such contract notwithstanding the provisions of subsection (1) ”

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Amendment
of section 158
of the
principal
enactment.

151. Section 158 of the principal enactment is hereby amended in subsection (1) of that section, by the insertion immediately after paragraph (f) thereof, of the following new paragraph:—

“(ff) all allowances payable to the Chairman, Vice Chairman and members in accordance with rules made under section 192.”.

Insertion
of new
section 173A
of the
principal
enactment.

152. The following new section is hereby inserted immediately after section 173, and shall have effect as section 173A, of the principal enactment:—

“ When
Chairman
may
exercise
powers of
Council
relating to
raising of
loans.

* 173A. If the Council fails to sanction the raising of a loan for the purpose of fulfilling any duty imposed on the Council or carrying out any work which the Chairman considers to be necessary, the Chairman may with the approval of the Commissioner raise such loan and may exercise all the powers vested in the Council under the provisions of sections 172 and 173 as though such powers were conferred by those sections on the Chairman.”.

Insertion
of new
section 177A
of the
principal
enactment.

153. The following new section is hereby inserted immediately after section 177A, and shall have effect as section 177A, of the principal enactment:—

“ Chairman's
powers with
regard to
budget.

177A. If the Council modifies or rejects all or any of the items in any budget or supplementary budget or adds any item thereto and the Chairman does not agree with any such decision of the Council he shall re-submit the budget or supplementary budget to the Council for further consideration. Where a budget or supplementary budget is not passed by the Council within two weeks after it is re-submitted, such budget or supplementary budget shall notwithstanding that it has not been passed by the Council, be deemed to be the duly adopted budget or supplementary budget of the Council.”.

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154. Section 178 of the principal enactment is hereby repealed and the following section substituted therefor:—

“Variation of expenditure proposed in budget.

178. The Chairman may, in case of necessity during the course of any year, reduce or increase the expenditure under any head, or transfer the moneys appropriated under one head to any other head, in the budget or in any supplementary budget adopted for that year, but so, however, that the total amount of expenditure sanctioned by such budget or supplementary budget is not exceeded.”.

Replacement of section 178 of the principal enactment.

155. Section 183 of the principal enactment is hereby amended as follows:—

Amendment of section 183 of the principal enactment.

(1) by the repeal of subsection (1) of that section and the substitution therefor of the following subsection:—

“(1) If at any time the Minister is satisfied that there is sufficient proof of—

- (a) persistent refusal to hold or attend meetings or to vote or to transact business at any meetings that may be held; or
- (b) wilful neglect, or misconduct in the performance, of the duties imposed by this Ordinance; or
- (c) persistent disobedience to or disregard of the directions, instructions or recommendations of the Minister or of the Commissioner; or
- (d) incompetence and mismanagement; or
- (e) abuse of the powers conferred by this Ordinance,

on the part of the Chairman or on the part of any Town Council or any of the members thereof, the Minister may as the circumstances of each case may require, by Order published in the *Gazette*—

- (i) remove the Chairman from office; or

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(ii) remove all or any of the members of the Council from office, and the provisions of section 12 (3) shall thereupon apply; or

(iii) dissolve the Council;

and such Order shall as soon as may be convenient be laid before National State Assembly; ”;

(2) by the insertion, immediately after subsection (1) of that section, of the following new subsections:—

“ (1A) The Minister shall before making an Order under subsection (1), appoint for the purpose of satisfying himself in regard to any of the matters referred to in subsection (1), a retired judicial officer to inquire into and report upon such matter within a period of three months, and such officer shall in relation to such inquiry have the powers of a commission of inquiry appointed under the Commissions of Inquiry Act.

(1B) (a) When the Minister appoints a retired judicial officer under subsection (1A) to inquire into any matter, the Minister may, as the circumstances of each case may require, by Order published in the *Gazette*—

(i) suspend the Chairman from office and direct the Vice-Chairman or, where the office of Vice-Chairman is vacant or where the Vice-Chairman has been suspended, the Assistant Commissioner of Local Government of the region to exercise the powers and perform the duties of the Chairman; or

(ii) suspend any member from office; or

(iii) suspend the Council and direct the Assistant Commissioner of Local Government of the region to exercise the powers and perform the duties of the Council and its Chairman;

(b) Upon the receipt of the report of the person appointed under subsection (1A) the Minister may make an Order under subsection (1) or revoke the Order made under paragraph (a) of this subsection. ”; and

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(3) by the repeal of subsection (3) of that section and the substitution therefor of the following subsection:—

“(3) Where the Minister removes the Chairman of a Town Council from office by Order under subsection (1), the Chairman shall be deemed to vacate forthwith the office of member of the Council as well as the office of Chairman and the provision of written law for the time being applicable on that behalf shall thereupon apply.”

156. Section 192 of the principal enactment is hereby amended in subsection (1) of that section by the insertion immediately after paragraph (g) of the following paragraph:—

Amendment
of section 192
of the
principal
enactment.

“(gg) for prescribing the rates at which allowances payable to the Chairman, Vice-Chairman and members of Town Councils;”.

157. Section 244 of the principal enactment is hereby amended in subsection (1) of that section by the substitution for the definition of “Chairman” of the following definition:—

Amendment
of section 244
of the
principal
enactment.

“ “Chairman and Vice-Chairman” means respectively a Chairman and Vice-Chairman of a Town Council elected in accordance with the provisions of written law for the time being applicable in that behalf;”.

PART V

158. Section 8 of the Village Councils Ordinance (hereafter in this Part referred to as the “principal enactment”) is hereby repealed and the following section substituted therefor:—

Replacement
of section 8 of
Chapter 257.

“ Composition
of Village
Councils.

8. (1) Each Village Council shall consist of the Chairman and Vice-Chairman and such number of other members as the Minister may, for the purpose of the constitution the Council, prescribe by Order published in the *Gazette*.”.

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(2) In determining the number of members the Minister shall have regard to the area and population of the village area.

(3) Every order made under subsection (1) shall as soon as may be convenient be laid before the National State Assembly."

Repeal of section 8A of the principal enactment.

159. Section 8A of the principal enactment is hereby repealed.

Replacement of section 10 of the principal enactment.

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

" Commencement of term of office of Village Council and date of constitution of such Council.

10. The term of office of a Village Council to be constituted for any village area under this Ordinance shall commence on such date as the Minister may appoint by Order published in the *Gazette*. Such date shall be deemed to be the date of the constitution of the Council for all the purposes of this Ordinance and the Council shall be deemed to be duly constituted on that date notwithstanding that the full number of members prescribed under section 8 may not have been duly elected."

Replacement of section 15 of the principal enactment.

161. Section 15 of the principal enactment is hereby repealed and the following section substituted therefor:—

Filling of casual vacancies.

15. If any person elected as a member of a Village Council refuses or resigns his office, or dies or vacates his office by virtue of the provisions of section 13, or if a casual vacancy occurs in any other manner in such office, such office shall be filled in accordance with the provisions of written law for the time being applicable in that behalf and the persons so elected shall hold office until the next succeeding general election of members of that Council."

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162. Sections 16, 17, 18, 19, 20 and 21 of the principal enactment are hereby repealed.

Repeal of sections 16, 17, 18, 19, 20 and 21 of the principal enactment.

163. Section 22 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 22 of the principal enactment.

“ Term of office of Chairman and Vice-Chairman.

22. (1) There shall be a Chairman and Vice-Chairman for each Village Council who shall be members and be elected in accordance with the provisions of written law for the time being applicable in that behalf.

(2) The Chairman or Vice-Chairman of a Village Council shall hold office for the term of office of the Council unless he resigns or vacates such office. Whenever a Chairman or Vice-Chairman vacates his office he shall at the same time cease to be a member.

(3) The Chairman of a Village Council shall subject to the provisions of section 28 of Local Authorities (Special Provisions) Act, No. 48 of 1971, be the chief executive officer of the Council and all executive acts and responsibilities which are by this Ordinance or any other written law directed or empowered to be done or discharged by the Council may, unless the contrary intention appears from the context, be done or discharged by the Chairman.

(4) The Chairman may by order in writing delegate to the Vice-Chairman or any officer of the Council any of the powers, duties or functions conferred or imposed upon or vested in the Chairman by this Ordinance or any other written law.

(5) The exercise, discharge or performance by the Vice-Chairman or any other officer of the Council of any power, function or duty delegated to him by order of the Chairman shall be subject to the

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direction and control of the Chairman and shall be subject to such conditions and restrictions and limited to such purpose or purposes as may be specified in the order and any such delegation may at any time be varied or cancelled by the order of the Chairman.

(6) During the period commencing on the date of occurrence of a vacancy in the office of Chairman and ending on the date of election of a new Chairman or during the period of absence of the Chairman on account of illness or other unavoidable cause the Vice-Chairman may exercise the same powers and perform the same duties as the Chairman.

(7) Whenever the office of Chairman of a Village Council falls vacant information of the occurrence of the vacancy shall forthwith be given by the officer in charge of the Council office. Upon the receipt of such information the elections officer shall proceed to fill the vacancy in accordance with the provisions of written law for the time being applicable in that behalf.

(8) On vacating office whether by operation of law or by resignation, the Chairman of a Village Council shall hand over charge of all minute books, accounts, records, furniture and other property of the Council, either personally or by a duly authorized person—

(a) to the person duly elected to succeed him as Chairman, within forty-eight hours of the receipt of notice of the election of such successor, or

(b) where a successor is not elected within a period of fourteen days of the occurrence of the vacancy, to the Assistant Commissioner or an officer or person deputed in that behalf by the Assistant

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Commissioner within forty-eight hours after the expiry of the aforesaid period of fourteen days."

164. Section 22c of the principal enactment is hereby repealed.

Repeal of section 22c of the principal enactment.

165. Section 23 of the principal enactment is hereby repealed.

Repeal of section 23 of the principal enactment.

166. Section 24 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 24 of the principal enactment.

" Chairman or Vice-Chairman to preside at meetings of Council.

24. The Chairman or in his absence, Vice-Chairman shall preside at all meetings of the Council and if both the Chairman and Vice-Chairman are absent the members present shall elect one of their own number to preside at the meetings. "

167. Section 26 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 26 of the principal enactment.

" Quorum.

26. The quorum for any meeting of a Village Council shall be one-third of the number of members of the Council in office on the date of that meeting."

168. Section 29 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 29 of the principal enactment.

" Powers of Councils to be vested in the majority

29 (1) All matters or questions authorized by this Ordinance or by any other written law to be decided by a Village Council shall be decided upon by the majority of members present at any meeting of the Council held in accordance with the provisions of this Ordinance.

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(2) Where the votes of the members present at any meeting are equally divided in regard to any question the Chairman, Vice-Chairman or other member presiding at the meeting shall, in addition to his vote as a member have a casting vote."

Amendment
of section
36 of the
principal
enactment.

169. Section 36 of the principal enactment is hereby amended as follows:—

(1) by the renumbering of that section as subsection (1) of section 36;

(2) in the renumbered subsection (1) of that section, by the insertion immediately after paragraph (t) thereof, of the following new paragraph:—

"(tt) to spend any part of the communal fund in the payment of allowances to the Chairman, Vice-Chairman and members at such rates as may be prescribed by rules made under section 52;" and

(3) by the insertion, immediately after the renumbered subsection (1) of that section of the following new subsection:—

"(2) If the Council rejects any or all the tenders laid before the Council or fails to sanction the contract referred to in subsection (1), the Chairman may with the approval of the Assistant Commissioner enter into such contract."

Amendment
of section
43 of the
principal
enactment.

170. Section 43 of the principal enactment is hereby amended by the insertion immediately after subsection (1) of that section of the following new subsection:—

"(1A) If a Council fails to sanction the raising of a loan for the purpose of fulfilling any duty or carrying out any work which the Chairman considers to be necessary he may with the approval of the Commissioner of Local Government raise such loan and may exercise all the powers vested in the Council under this section or section 50 as though such powers were conferred by those sections on the Chairman."

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171. Section 49 of the principal enactment is hereby amended by the repeal of subsection (3) of that section.

Amendment
of section
49 of the
principal
enactment.

172. Section 52 of the principal enactment is hereby amended in subsection (1) of that section by the insertion immediately after paragraph (eb) of the following new paragraph:—

Amendment
of section
52 of the
principal
enactment.

“(ec) the rates at which allowances payable to the Chairman, Vice-Chairman and members of a Village Council;”.

173. Section 54 of the principal enactment is hereby amended as follows:—

Amendment
of section
54 of the
principal
enactment.

(1) by the repeal of subsection (1) of that section and the substitution therefor of the following subsection:—

“(1) If at any time the Minister is satisfied that there is sufficient proof of—

(a) incompetence and mismanagement;
or

(b) persistent refusal or wilful neglect to perform the duties imposed by this Ordinance; or

(c) misconduct in the performance of those duties; or

(d) persistent disobedience to or disregard of the directions, instructions or recommendations of the Minister, or

(e) abuse of the powers conferred by this Ordinance.

on the part of the Chairman of a Village Council or any of the members thereof the Minister may as the circumstances of each case may require by Order published in the *Gazette*—

(i) remove the Chairman from office; or

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(ii) remove all or any of the members of the Council from office and the provisions of section 15 shall thereupon apply; or

(iii) dissolve the Village Council and either direct that a general election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing a fresh Village Council for the village area for which the dissolved Village Council was constituted or direct any public officer to administer the affairs of that village area for such period as may be specified in the Order;

and such Order shall as soon as may be convenient be laid before the National State Assembly. ” ;

(2) by the repeal of subsection (2) of that section and the substitution therefor of the following new subsection : —

“(2) The Minister shall before making an Order under subsection (1) appoint, for the purpose of satisfying himself in regard to any of the matters referred to in subsection (1), a retired judicial officer to inquire into and report upon such matter within a period of three months, and such officer shall in relation to such inquiry have the powers of a commission of inquiry appointed under the Commissions of Inquiry Act.” ; and

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(3) by the insertion immediately after subsection (2) of that section of the following new subsection:—

“(2A) (a) When the Minister appoints a retired judicial officer under subsection (2) to inquire into any matter, the Minister may, as the circumstances of each case may require, by Order published in the *Gazette*—

(i) suspend the Chairman from office and direct the Vice-Chairman or, where the office of Vice-Chairman is vacant or where the Vice-Chairman has been suspended, the Assistant Commissioner of Local Government of the region to exercise the powers and perform the duties of the Chairman;

or

(ii) suspend any of the members from office;

or

(iii) suspend the Council and direct the Assistant Commissioner of Local Government of the region to exercise the powers and perform the duties of the Council and its Chairman.

(b) Upon the receipt of the report of the person appointed under subsection (2) the Minister may make an Order under subsection (1) or revoke the Order made under paragraph (a) of this subsection.”

174. Section 58 of the principal enactment is hereby amended in subsection (1) of that section by the omission of the definition of “ward”.

Amendment
of section
58 of the
principal
enactment.