Sri Lanka Legislative Drafting Workshops

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A STATUTE TO PROVIDE FOR THE ESTABLISHMENT OF FULLY EQUIPPED DIVISIONAL HOSPITALS, PROVINCIAL HEALTH BOARD AND DIVISIONAL HEALTH SERVICES COMMITTEES, FOR ABOLISHING OF EXISTING REGIONAL HEALTH COMMITTEES AND HOSPITAL COMMITTEES FOR PROVIDING MORE EFFICIENT HEALTH SERVICE WITHIN THE PROVINCE AND PROVE FOR MATTERS CONNECTED THERE WITH OR INCIDENTAL THERETO:

This Statute is inconsistent with the Health Services, Act 1952

Be it passed by the Provincial Council of North Central Province of the Democratic Socialist Republic of Sri Lanka as follows:

Short title 1. This statute may be cited as the Health (Establishment and Development of Hospitals) statute 1998 and shall come into operation on such date as may be appointed by the Minister by order published in the Gazette.

PART 1

North Central Provincial Health Services Board

2. There shall be established a North Central Provincial Health Services Board (hereinafter referred to as the "Board")

3. The Board shall, by the name assigned to it by Section 2, be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in that name.

4. The objects of the Board shall be -

(a) to establish and maintain hospitals;

(b) to establish a well equipped hospital in each Divisional Secretary's division,
(c) to improve infrastructure facilities presently available in the divisional hospitals;
(d) to provide better health facilities to the people in that province.

5. The Board shall consist of the following members:
   (a) The provincial Director of Health who is an en-officio member and shall be appointed by the provincial health Minister;
   (b) A civil engineer with wide experience in building construction nominated by the buildings department;
   (c) One representative from each North Central Divisional Health Committee nominated by each Divisional committee.

   (2) The Minister shall appoint the Chairman and the vice Chairman of the Board from the members of the Board.

   (3) The Secretary to the Board shall be appointed by the members of the Board.

   (4) Where a member of the Board is by reason of illness, informity or absence from Sri Lanka temporarily unable to perform the duties of his office, the Minister may appoint any person to act in his place.

   (5) The Minister may remove any member of the Board at any time, and shall give reasons for such removal.

   (6) A member of the Board may resign from the Board by letter addressed to the Minister and his resignation shall take effect upon being accepted by the Minster.
(7) The term of office of the Board shall be three years.

(8) A member of the Board appointed in place of a member who resigns or is removed or otherwise vacates office, shall, unless he earlier resigns or vacates or is removed, hold office for the unexpired part of the term of office of the member whom he succeeds.

(9) Any member of the Board vacating office by etfuxion of time shall be eligible for reappointment.

(10) No act or proceeding of the Board shall be deemed to be invalid by reason only of the existence of any vacancy amongst its members or any defect in the appointment or nomination of a member thereof.

6. Seal

(1) The seal of the Board shall be in the custody of the Board.

(2) The seal of the Board may be altered in such manner as may be determined by the Board.

(3) The seal of the Board shall not be affixed, to any instrument or document except in the presence of the Chairman and a member of the Board both of whom shall sign the instrument in token of their presence.

7. Meetings

(1) The Chairman of the Board shall preside at all meetings of the Board. In the absence of the Chairman from any meeting of the Board the Vice-Chairman of the Board shall preside. In the absence of both the Chairman and the Vice-Chairman from any meeting of the Board, the members present shall elect one of their members to preside at the meeting.
(2) The Board shall meet at least once in three months and at such other time as the Board may determine.

(3) Every question which comes up for consideration before the Board shall be dealt with at a meeting of the Board, and shall be determined by the majority of the members present and voting.

(4) In the event of an equality of votes on any question considered at a meeting of the Board, the Chairman of that meeting shall have a casting vote in addition to his original vote.

(5) Subject to the provisions of this statutes the Board may regulate its own procedure.

8. The quorum for any meeting of the Board shall be ten.

9. The Minister may, after consultation with the Board, give the Board in writing general or special directions as to the exercise, discharge and performance of its powers and functions in relation to matters which appear to him to effect the interest in the province, and the Board shall give effect to such direction.

PART II

Powers and Functions of the Board

10. The functions of the Board shall be -

(a) to prepare a three year development plan relating to the Development activities of the health service in the province;
(b) to establish a well equipped hospital, in each Divisional Secretary's division;

(c) to provide better infrastructure facilities, renovate and maintain Hospitals which are presently operating in the province;

(d) to improve the standards of the dispensaries in the Divisions so as to provide medical facilities to the people;

(e) to give due considerations to the recommendations made by the Divisional Health Service committees and give effect to such recommendations where the Board considers to be appropriate;

(f) to do all such other acts and things as may be necessary to give effect to the objects of the statute.

11. The Board may exercise all or any of the following powers -

(a) to obtain data and information relating to the conditions of the hospitals in the province and the dispensaries in the Division;

(b) to accept grants or donations from persons whether in or outside Sri Lanka;

(c) to open and maintain current, savings or deposit account in any bank or banks;

(d) to make rules in respect of all matters in relation to establishment and maintenance of hospital buildings.

12. (1) the Board shall within three months from the commencement of this statute, shall prepare a development plan to be operative for a period of three years.
(2) In preparing the development plan under subsection (1), the Board shall take into account the following:

(a) Funds available to the Board;
(b) Cost of the constructions of the hospital buildings;
(c) Necessary personnel to be employed;
(d) Cost of the renovations of the existing hospitals and dispensaries;
(e) Cost in respect of the provision of the better infrastructure facilities.

(3) The Board shall make rules as regards the procedure for the implementation of the development plan.

13. (1) The Board may make rules in respect of any matter which is required to be prescribed.

(2) No rule made under subsection (1), shall have effect until it has been approved by the North Central Provincial Council and published in the Gazette.

(3) Every rule made under subsection (1) and confirmed by the North Central Provincial Council shall, upon its publication in the Gazette, be as valid and effectual as if it were herein enacted

PART III

Finance

14 (1) The Board shall have its own fund -

(2) There shall be credited to the fund of the Board-
(a) All such sums of money as may be voted from time to time by the North Central Provincial Council for the use of the Board.

(b) All such sums of money as may be received by the Board in the exercise, performance and discharge of its powers and functions, and

(c) As received by way of loans, donations, gifts or grants from any source whatsoever.

(3) There shall be paid out of fund all such sums of money as are required to defray any expenditure incurred by the Board in the exercise, performance and discharge of its functions.

15. (1) The Board shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Board.

(2) The accounts of the Board shall be audited by a qualified auditor.

16. The financial year of the Board shall be the calendar year.

**PART IV**

*North Central Divisional Health Service Committees*
There shall be a North Central Divisional Health Service Committee (hereinafter referred to as the "Committee") in every divisional area and shall consist of:

(a) Divisional Secretary of the division, appointed by the Minister, and who shall be the Chairman of the Committee;
(b) The Chairman of the Urban Council;
(c) The Chairman of the Pradeshiya Sabha;
(d) Administrative Officer-in-charge of the hospitals in the Divisional area;
(e) Five members from the voluntary organisation registered under the voluntary social service organisation (registration and supervision) Act.

(2) The terms of office of the members of the Committee shall be three years.

(3) A member of any such committee who vacates his office by effluxion of time shall be eligible for reappointment.

(4) In the event of death, resignation or vacation of office of any member of a committee, another person may be appointed to hold office during the remainder of the term of office of such member.

The functions of the committee shall be -
functions +
duties of
the Committee

(a) to obtain information and necessary data in relation
to the needs of the divisional area;
(b) to make recommendations to the Board;
(c) report to the Board as regards progress with the
health sector in the division

(2) It shall be lawful for any member of the committee to visit any
hospital or dispensary in the divisional area.

19. (1) The committee shall obtain data and information as regards
the Health facilities available in the hospitals and
dispensaries within two months from the commencement of
the office and submit recommendations to the Board.

20. The Committee shall submit to the Board a report of the progress
as regards the health service, once in every year.

21. The Minister shall at any time call for information as regards the
progress of the Development Plan and it shall be the duty of the
Chairman to give such information to the Minister.

22. The Board shall prepare a report every year as regards the activities
carried out by the Board.

PART V

General

23. (1) Every person who contravenes any provision of this statute
or any rule made thereunder or fails to comply with any
directions or requirements made or imposed on him under this statute, shall be guilty of an offence under this statute, and shall on conviction after trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a period not exceeding three months or to both such fine and imprisonment.

(2) Where an offence is committed by a body of persons then -
(a) If that body of persons is a body corporate, every person who at the time of Commission of the offence was a Chairman, Deputy Chairman or Secretary of that body, or
(b) If that body is not a body corporate every person who at the time of commission of the offence was a member of that body.

Shall be deemed to be guilty of that offence unless he proves that such offence was committed without his consent or concurrence and that he exercised all such diligence to prevent the commission of such offence as he ought to have exercised in the circumstances having regard to the nature of his functions.

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

In this statute, unless the context otherwise requires -
"Minister" means the Minister in charge of the subject of Health for the North Central Provincial Council;
"Provincial Council" means a North Central Provincial Council, established by Chapter XVIII of the constitution;

"Qualified Auditor" means a person registered with the institution of Chartered Accountants, as an auditor.