



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**LOCAL AUTHORITIES (SPECIAL
PROVISIONS) ACT, No. 30 OF 2007**

[Certified on 08th August, 2007]

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*Local Authorities (Special Provisions)
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L. D. — O. 35/2007

AN ACT TO PROVIDE FOR CALLING OF FRESH NOMINATIONS AND THE HOLDING OF ELECTIONS IN RESPECT OF ONE MUNICIPAL COUNCIL AND EIGHT PRADESHIYA SABHAS IN THE EASTERN PROVINCE WHERE ELECTIONS TO SUCH COUNCIL AND SABHAS HAVE BEEN POSTPONED DUE TO UNFORSEEN AND URGENT CIRCUMSTANCES; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS Notices were published under section 26 of the Local Authorities Elections Ordinance, that nominations will be received in respect of elections to all Municipal Councils, Urban Councils and Pradeshiya Sabhas in the Eastern Province:

Preamble.

AND WHEREAS the dates of polls fixed for the holding of elections for the aforesaid Municipal Council and the eight Pradeshiya Sabhas, out of the aforesaid local authorities, were postponed from time to time due to urgent and unforeseen circumstances by Orders made under subsection (3) of section 38 of the Local Authorities Elections Ordinance:

AND WHEREAS persons who have tendered their nominations have either died or been displaced or have changed their party or due to the fact that a considerable number of persons who have tendered their nominations have gone abroad or where persons who were below the age of thirty-five at the time of tendering nominations are now over the age of thirty-five, it has become necessary to provide for the calling of fresh nominations in respect of the aforesaid Municipal Council and Pradeshiya Sabhas:

AND WHEREAS due to the period of time that has elapsed since the submission of nominations in respect of the aforesaid Municipal Council and eight Pradeshiya Sabhas, it has become necessary to provide for the calling of fresh nominations in respect of such Municipal Council and Pradeshiya Sabhas and to make provision for the holding of fresh elections in respect of the aforesaid Council and Sabhas.

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

Short title.

1. This Act may cited as the Local Authorities (Special Provisions) Act, No. 30 of 2007.

Provisions relating to nominations and deposits in respect of elections to certain Councils and Sabhas.

2. (1) Nomination papers submitted, under section 28 of the Local Authorities Elections Ordinance (Chapter 262) (hereinafter referred to as “the Ordinance”) in respect of elections to the Municipal Council and the Pradeshiya Sabhas specified in Schedules I and II, in response to the Notices published under section 26 of the Ordinance are hereby deemed to be of no force and effect and as if such nomination papers had never been submitted.

(2) The Notices published under subsection (3) of section 38 of the Ordinance, in respect of elections to the Municipal Council and the Pradeshiya Sabhas specified in Schedules I and II, are hereby revoked.

(3) Deposits made under section 29 of the Ordinance in respect of candidates nominated by an independent group for election to the Municipal Council or any of the Pradeshiya Sabhas specified in Schedules I and II, shall notwithstanding anything to the contrary in section 30 of the Ordinance, be refunded, on the production by the person who made the deposit, of the receipt issued to such person under subsection (3) of section 29 of the Ordinance, together with interest on such deposit at the rate of twelve *per centum, per annum*, from the date of deposit to the date of refund.

Steps to be commenced for holding of elections.

3. Steps shall be commenced under the Ordinance for the holding of elections to the Municipal Council and the Pradeshiya Sabhas specified in Schedules I and II:

Provided that the notice of nomination in terms of the Ordinance shall be published on such date as the Minister may determine by Order published in the *Gazette*, such date shall however, be a date not later than six months from the date of the coming into operation of this Act.

4. (1) Notwithstanding the provisions of any other law, any registered elector who reasonably fears that due to conditions prevailing in the area within which his polling station is situate, that he is unable to cast his vote freely at such polling station at an election held to elect members to the Municipal Council and eight Pradeshiya Sabhas as specified in Schedules I and II to this Act, may make an application in such format as specified by the Commissioner of Elections (hereinafter referred to as the “Commissioner”) within one week of notice of nominations, requesting that he may be allowed to cast his vote at another polling station as may be determined by the Commissioner in his absolute discretion.

Displaced persons.

(2) The Commissioner shall within a week of receipt of an application, inform such elector whether such application is accepted or rejected. The decision of the Commissioner shall be final and conclusive.

(3) Upon the Commissioner deciding to accept the application of a registered elector made in terms of subsection (1) he shall forthwith inform such elector of the polling station at which he is eligible to cast his vote.

(4) The Commissioner shall cause to be published a list of the names of the registered electors whose applications have been accepted in accordance with the provisions of subsection (2), by making copies thereof available for inspection at his office and at the relevant district offices.

(5) Where such vote is cast, such vote shall be counted along with the votes of the relevant local authority in which such elector is registered.

5. For the purposes of this Act “Commissioner of Elections” shall have the same meaning as in the Ordinance.

Interpretation.

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

Sinhala text to prevail in case of inconsistency.

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SCHEDULE I

Municipal Councils

1. Batticaloa Municipal Council

SCHEDULE II

Pradeshiya Sabhas

1. Eravur Pattu Pradeshiya Sabha
2. Koralai Pattu Pradeshiya Sabha
3. Koralai Pattu North Pradeshiya Sabha
4. Manmunai South and Eruvil Pattu Pradeshiya Sabha
5. Manmunai Pattu Pradeshiya Sabha
6. Manmunai West Pradeshiya Sabha
7. Manmunai South West Pradeshiya Sabha
8. Porathivu Pattu Pradeshiya Sabha

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