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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART IV (A) – PROVINCIAL COUNCILS

Provincial Council Notifications

SOUTHERN PROVINCE PROVINCIAL COUNCIL

STATUTE OF CO - OPERATIVE EMPLOYEES COMMISSION BEARING No. 05 OF 2019
UNDER THE SOUTHERN PROVINCE PROVINCIAL COUNCIL

I, UDALAMATHTHA GAMAGE DAYAWANSHA ARIYATHILAKA Minister of Agriculture, Agrarian Development, Irrigation, Water supplying and Drainage, Food supplying and Distribution and Trade and Co - operative Development of Southern Provincial Council hereby inform to the General Public that the Statute of Co - operative Employees commission No. 05 of 2019 which had already been approved dated 01.04.2019 by the Hon. Governor of Southern Province followed by the approval made dated 26.03.2019 by the Southern Provincial Council is enacted since 01st of April in 2019.

UDALAMATHTHA GAMAGE DAYAWANSHA ARIYATHILAKA,
Minister of Agriculture, Agrarian Development, Irrigation,
Water Supplying and Drainage, Food Supplying and
Distribution and Trade and Co - operative Development of
Southern Provincial Council

4th Floor, Dakshinapaya, Labuduwa, Galle,
At the Minister's Office, Ministry of Agriculture, Southern Province,
Dated 01st April 2019.



Co-operative Employees Commission of the Southern Province Statute

A STATUTE TO PROVIDE FOR THE ESTABLISHMENT OF A CO-OPERATIVE EMPLOYEES COMMISSION OF THE SOUTHERN PROVINCE; TO MAKE PROVISIONS IN RESPECT OF EMPLOYEES OF CO-OPERATIVE SOCIETIES IN THE SOUTHERN PROVINCE AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Short Title and the date of operation.

1. (1) This Statute may be cited as the Co-operative Employees Commission of the Southern Province Statute, No. 05 of 2019.
- (2) The provisions of the Co-operative Employees Commission Act, No. 12 of 1972 in so far as they are inconsistent with the provisions of this Statute, remain suspended and inoperative in the Southern Province.

Minister to exempt cooperative societies from the application of this Act.

2. The Minister may, in consultation with the Provincial Commissioner and the Commission, by order published in the Gazette, exempt from the application of the Provisions of this Statute-
 - (a) any such co-operative society as shall be specified therein; or
 - (b) any such class of co-operative societies as shall be so specified.

PART I

Establishment of The Co-operative Employees Commission of the Southern Province

Establishment of the Co-operative Employers Commission.

3. (1) A commission known as the Co-operative Employees Commission of the Southern Province (in this Statute referred to as the "Commission") is hereby established.
- (2) The Commission shall, by the name assigned to it by subsection (1), be a body corporate with perpetual succession and a Common seal and may sue and be sued in such name.

Constitution of the Commission.

4. The Commission shall consist of three members appointed by the minister taking into consideration the provisions of section 5 and those members shall be Attorneys - at Law who shall not be over 65 years of age and have been engaged in legal profession at least 10 years.

Disqualification for being a member of the Commission.

5. A Person shall be disqualified from being appointed or continuing as a member of the Commission, If he -
 - (a) Is an employee or a past employee of a co-operative Society;
 - (b) Is a person who is a member of any body of persons whether corporate or unincorporated which has as its objects, or one of its objects, the regulation of salaries, wages or conditions of services of any category of employees of co-operative societies;
 - (c) is a person who is an officer of a co-operative society;
 - (d) is or becomes, a member of Parliament or any Provincial Council or any local authority ;
 - (e) is not or ceases to be a citizen of Sri Lanka;
 - (f) is under any law in force in Sri Lanka or in any other country, found or declared to be of unsound mind;

- (g) is serving, or has served, a sentence of imprisonment on a criminal offence;
- (h) is directly or indirectly holds or enjoys any right or benefit under any contract made by or on behalf of the Commission;
- (i) is a person who, has been declared an insolvent or undischarged bankrupt under any law in force in Sri Lanka or any other country;
- (j) has any financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Commission; or
- (k) absents himself from three consecutive meetings of the Commission.
6. (1) The Minister shall, appoint one of the members of the Commission as the chairman of the Commission (hereinafter referred to as “the Chairman”) and another member as the Vice Chairman. Chairman of the Commission.
- (2) The Chairman shall be responsible for the preparation of the agenda for the meetings of the Commission and the submission for the consideration of the Commission of policies and measures considered by him to be necessary for the purpose of carrying out the principles and provisions of this Statute.
- (3) The Chairman may resign from the office of Chairman by letter addressed to the Minister and such resignation shall be effective from the date on which it is accepted by the Minister.
- (4) The Minister may for reasons remove the Chairman from the office of Chairman.
- (5) Subject to the provisions of Subsection (3) and (4) the term of office of the Chairman shall be the period of his membership of the Commission.
- (6) Where the Chairman is temporarily unable to perform the duties of his office due to ill health, other infirmity, absence from Sri Lanka or any other cause, the Minister may appoint any other appointed member to act as Chairman in addition to his normal duties as an appointed member.
7. (1) The commission may delegate any of the powers and functions of the Commission to the Chairman. Commission to delegate its powers to Chairman
- (2) The Chairman shall exercise the powers, duties or functions so delegated, subject to the general or special direction of the Commission.
8. (1) The Minister shall, prior to appointing a person as a member, satisfy himself that such person has no financial or other interest in the affairs of the Commission, as is likely to affect prejudicially the discharging of his functions as a member of the Commission. Financial interest of the members.
- (2) The Minister shall also satisfy himself from time to time, that no member of the Commission has since being appointed acquired any such interest.
- (3) (a) A member of the Commission who is in anyway, directly or indirectly, interested in any contract made or proposed to be made by the commission shall disclose the nature of his interest at a meeting of the Commission; and
- (b) Such disclosure shall be recorded in the minutes of the meetings of the Commission and the member shall not participate in any deliberation or decision of the Commission with regard to that contract.

Provisions relating to members.

9. (1) A member of the Commission may resign his office by letter addressed to the Minister and such resignation shall be effective from the date on which it is accepted by the Minister.
- (2) The Minister may for reasons assigned remove a member from office.
- (3) (a) Where a member of the Commission dies, resigns or is removed from office, the Minister shall, having regard to the provisions of Sections 4 and 5, appoint another member in his place.
- (b) The Minister shall appoint a member for a vacancy in paragraph (a) as soon as possible.
- (4) A member appointed under Sub Section (3) shall hold office for the unexpired period of the term of office of the member whom he succeeds.
- (5) Where a member is temporarily unable to perform the duties of the office due to ill health or absence from Sri Lanka or for any other reason, the Minister may having regard to the provisions of Sections 4 and 5 appoint another person to act in his place.
- (6) Subject to the preceding provisions of these sections, the term of office of an appointed member of the commission shall be three years and such member shall be eligible for re-appointment unless removed on disciplinary grounds.

Meetings of the Commission.

10. (1) The Chairman shall preside at every meeting of the commission. In the absence of the Chairman from any such meeting the Vice Chairman shall preside at such meeting.
- (2) (a) All matters for decision by the Commission shall be dealt with at a meeting of the commission and shall be determined by the majority of the members present and voting.
- (b) In the event of and equality of votes on any question considered at a meeting the member presiding at the meeting shall have a casting vote in addition to his original vote.
- (c) All decisions of the Commission supported by reasons shall be in writing and the seal of the Commission be affixed thereto.
- (3) (a) Any member of the Commission may be written notice, request the Chairman to call a meeting and the Chairman shall not otherwise than for justifiable reasons refuse to do so.
- (b) The Secretary appointed under Section 25 shall summon all meetings of the Commission.
- (4) No act or decision or proceeding of the Commission shall be invalidated by reason only of the existence of a vacancy among its members or any defect in the appointment of a member thereof.
- (5) The quorum for a meeting of the Commission shall be two members.
- (6) Subject to the provisions of Section, the Commission may regulate the procedure in regard to meetings of the Commission and the transaction of business at such meetings.

Committees of the Commission.

11. (1) The Commission may establish committees to assist it in the exercise of its powers or performance of its functions or duties, consisting of such number of members as it may deem necessary.
- (2) The Commission may delegate any of its powers, functions or duties to a committee, but shall not be divested of any power, function or duty which it may have delegated to a committee.
- (3) The Commission may amend or revoke any decision made by such committee.

12. (1) The seal of the Commission shall be as determined by the Commission. The seal.
- (2) The seal of the Commission-
- (a) may be altered in such manner as may be determined by the Commission;
- (b) shall be in the custody of such person or persons as the Commission may determine; and
- (c) shall not be affixed to any instrument or document without the sanction of the Commission and except in the presence of two members of the Commission, both of whom shall sign the instrument or document in token of their presence.
- (3) The Commission shall maintain a register of documents to which seal of the Commission has been affixed.

13. The Chairman, Vice Chairman, and the other member of the Commission shall be paid such remuneration at such rates as may be determined by the Minister, on the recommended action of the chief secretary and with the concurrence of the Provincial Minister assigned the subject of Finance. Remuneration of members.

14. (1) The members of the Commission shall, take an oath or make an affirmation in the form set out in the Schedule to this Statute, on their first appointment. Taking of oaths by members and officers of the Commission.

- (2) The Secretary to the Commission, and such of the other officers of the Commission as may be required so to do by the Chairman, shall take an oath or make an affirmation in the form set out in this Schedule to this Statute, on their first appointment.

PART II Powers and Functions of the Commission

15. (1) The powers of the Commission shall be :- Powers of the Commission.
- (a) to determine all matters relating to methods of recruitment, terms and conditions of employment of employees of a co-operative society, and the principles to be followed by such societies in making appointments and making promotions from one post in a co-operative society to another post in the same society;
- (b) to conduct examinations for recruitment as employees of co-operative societies or to appoint boards of examiners for the purpose of conducting such examinations and to charge fees from candidates presenting themselves for examinations;
- (c) to determine the qualifications necessary for appointment to any post of a cooperative society, to fix the scales of salaries to be attached to any such post in any class or grade, to revise or adjust such scales of salaries, from time to time, in consultation with the Provincial Commissioner;
- (d) to establish such consultative machinery as the Commission may deem necessary to assist it in determining the remuneration and conditions of service of co-operative employees;
- (e) to order co-operative societies to pay salaries in accordance with the salary scales fixed by the Commission for any post or posts in any class or grade;
- (f) to determine the procedure or procedures to be followed by any co-operative society in exercising its rights of disciplinary action against its employees, to call upon any

- co-operative society to commerce disciplinary inquiries against its employees and to complete such inquiries within a time stipulated by the Commission, and to hear appeals arising out of any disciplinary orders made by any co-operative society;
- (g) to require any co-operative society to keep and maintain such register or records relating to employees of that society, in the form and manner as may be prescribed;
- (h) to require any co-operative society to furnish before a specified date such prescribed records, files, other documents or information as the Commission may require in respect of any employee of that society;
- (i) to appoint a panel or panels of officers to make such inquiries as are necessary in respect of appeals that may be referred by the Commission to such panel or panels to report thereon to the Commission;
- (j) to require any co-operative society to carry out such instructions, including instructions relating to reinstatement, as may be given by the Commission in regard to any employee of such society, where the conduct of the employee has been the subject of an inquiry and the employee has appealed to the Commission against the decision of the society;
- (k) to determine the general principles in accordance with which gratuity or other benefits may be granted to employees on the termination of their services;
- (l) to advise the Minister, in consultation with the Provincial Commissioner, in regard to the exemption of any co-operative society or class of co-operative societies from the operation of this Statute;
- (m) Give such directions to any cooperative society or an employ of such society or an employ of such society, as the Commission may deem necessary; and
- (n) to direct any relevant co-operative societies to carry out such instructions as may be given by the Commission after hearing an appeal made to the Commission against a transfer of a co-operative employee carried out under section 19 of this Statute
- (2) In the exercise of the powers vested in the Commission by Sub - section. (1) the Commission may modify, vary or revise or set aside any decision or determinations made by the Commission.

PART III

Co-operative Societies and their Employees

Co-operative societies and their employees to be subject to directions of the Commission.

16. (1) Every Co-operative society, and any employee of such Society, shall comply with the directions as may be given by the Commission under Section 15.

2. Any employer of co-operative society who fails to appear before an inquiry or an official necessity of a Commission shall face an inquiry conducted by the Commission.

Decisions and directions of Commission to be binding on Co-operative societies.

17. Every decision or direction of the Commission in the discharge and exercise of its powers and functions under this Statute, shall be binding on all co-operative societies or any employee of such societies.

<p>18. Every Co-operative society shall pay, out of its funds, the salaries and other allowances, if any, to its employees.</p>	<p>Salaries of employees of Co-operative societies</p>
<p>19. (1) A Co-operative society may transfer any employee of such society from any one of its work places to any other of its work places, and where such transfer is made for any reasons other than on disciplinary grounds, such transfer shall not adversely affect the emoluments of any such employee.</p>	<p>Transfer of employees of co-operative societies</p>
<p>(2) The Commission may have the power to transfer any employee of a Co-operative society to another co-operative society as an employee of the latter society at the joint request of two employees holding posts of similar status, provided that the concurrence of the respective employers has been previously obtained.</p>	
<p>20. (1) No employee of a co-operative society shall be dismissed or otherwise be punished by such co-operative society except in accordance with the provisions of this Statute or any regulation or rule made thereunder.</p>	<p>Dismissal and punishment of employees of co-operative societies</p>
<p>(2) Nothing in the proceeding provisions of this section shall be deemed to render it unlawful for any co-operative society to continue and complete in accordance with the provisions that were in force prior to the date of coming into operation of this Statute, any disciplinary proceedings already pending against any of its employees in respect of any misconduct or breach of discipline or other cause of complaint which may have occurred or arisen before such date.</p>	
<p>21. (1) A Co-operative society shall not require any employee to furnish by way of security an amount in excess of such sum as the Minister may prescribe by regulations.</p>	<p>Security furnish by employees of Co-operative Societies</p>
<p>(2) A Co-operative society shall invest in a state bank in the name of the society any security furnished under sub section (1) and any interest accruing thereon shall be paid to the employee.</p>	
<p>22. Every Co-operative society shall -</p>	
<p>(a) keep and maintain the prescribed registers or records relating to its employees</p> <p>(b) furnish to the Commission such returns or reports relating to its employees as may be prescribed or such information as the Commission may, from time to time, require; and</p> <p>(c) Permit any member or servant of the Commission authorized in that behalf to enter any of its officers and to inspect and take copies of any books, accounts, records or other documents kept therein.</p>	<p>Duties of Co-operatives society in respect of its employees.</p>
<p>23. Every Co-operative society and every employee of such society shall contribute periodically to the Employees, Provident Fund and the Employees Trust Fund such amounts as may be required by any written law.</p>	<p>Provident Fund and the Employees' Trust Fund</p>
<p>24. Any co-operative society may, in the interest of its efficient operation.</p>	
<p>(a) engage on a contractual basis, the services of an expert or any specialist on such terms and conditions as the co-operative society may determine, with prior approval of the Commission; or</p> <p>(b) engage casual or daily paid employees or employees paid on a piece rate basis;</p>	<p>Engagement of contractual, casual or daily paid employees</p>

Provided however, that such employees shall not be employed for a period of over thirty days without the concurrence of the Commission.

PART IV

Secretary and the Staff of the Commission

Secretary of the Commission 25. There shall be a Secretary of the Commission, who shall be an officer of the Sri Lanka administrative service.

PART V

Finance

Financial Provisions. 26. The expenses of the Commission shall be paid out of the moneys provided for the purpose by the Annual Financial Statement of the Provincial Council of the Southern province.

Commission to maintain accounts. 27. The commission may open and maintain any account with any bank as it may think appropriate and such accounts shall be operated in accordance with prevailing financial regulations of the Provincial Council pertaining to financial transactions of public corporations.

Financial year and audit of accounts. 28. (1) The financial year of the commission shall be the calendar year.
(2) The commission shall cause proper books of accounts to be kept of the income and expenditure, asset and liabilities and all other transactions of the Commission.

(3) For the purpose of presenting a true and fair view of the financial performance and financial condition of the Commission, the commission shall prepare the accounts in accordance with the Provincial Council Financial Rules.

(4) The provision of Article 154 of the Constitution relating to the audit of the account of public co-operation shall apply to the audit of the accounts of the Commission.

Investment of funds. 29. Moneys belonging to the Commission may, with the approval of the Provincial Minister and with the concurrence of the Minister assigned the subject of Finance, be invested in government approved securities.

Borrowing powers of the Commission. 30. (1) The Commission may, with the written consent of the Minister and the Provincial Minister assigned with the subject of Finance and in accordance with the terms of any general authority given, borrow or obtain on credit terms such sums as the Commission may require for meeting the obligations of the Commission.

(2) The aggregate of the amount outstanding in respect of any loans raised by the Commission under this section shall not at any time exceed such amount as may be determined by the Minister.

PART VI

General

Minister to issue directions. 31. (1) The Minister may from time to time issue to the Commission such general or special directions in writing as to the exercise and performance of its powers and functions and it shall be the duty of the Commission to give effect to such directions,

(2) The Minister may direct the Commission to furnish to him in such form as he may require, returns, accounts or any other information relating to the work of the Commission and it shall be the duty of the Commission to due effect to such directions.

32. (1) The Commission shall within six months of the end of each financial year, submit to the Minister an annual report of the activities carried on by the Commission during that financial year, and cause a copy each of the following documents relating to that year to be attached to the report -

Commission to submit a report

(a) the audited Accounts of the Commission for the year;

(b) a report of proposed activities for the year immediately following the year to which such report and accounts relate.

(2) The Minister shall lay copies of the report and documents submitted under subsection (1) before the Provincial Council within six months from the date of receipt of such report.

33. Every member of the Commission and all officers and employees of the Commission shall, before entering upon his duties, sign a declaration pledging to observe strict secrecy in respect of all matters connected with the affairs of the Commission, which has come to his knowledge in the performance or exercise of his power and functions under this Act and shall by such declaration pledge himself not to disclose any such matter, except -

Declaration of Secrecy

(a) when required to do so by a court of law; or

(b) for the purpose of exercising or performing the powers, functions and duties under this Statute or any other written law.

34. (1) The Commission may in writing and subject to such conditions as may be specified therein, delegate to any officer of the Commission any of its powers, functions or duties and any such officer shall exercise or perform such power, function or duty in the name and on behalf, of the Commission.

Delegation of powers of the Commission.

(2) The Commission may, notwithstanding any delegation made under subsection (1), by itself exercise or perform any power, function or duty so delegated and may at any time revoke any such delegation.

35. The Secretary and the officers and employees of the Commission shall be deemed to be public officers within the meaning of and for the purposes of the Penal Code.

Officers and employees of the Commission deemed to be public Officers.

36. The Commission shall be deemed to be a Scheduled Institution within the meaning and for the purposes of the Bribery Act and the provisions of the Act shall be constructed accordingly.

Commission deemed to be a Schedule institution

37. (1) The Minister may make regulations in respect of all matters required by this Statute to be prescribe or in respect of which regulations are authorized by this Statute to be made.

Regulations.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may, in consultation with the Commission, make regulations in respect of all or any of the following matters-

(a) the fees to be charged under this Statute;

(b) the registers or records relating to employees of a co-operative society, which shall be maintained under section 15(g);

- (c) the residential qualifications required to be maintained in order to be appointed to any post in a co-operative society;
- (d) the amount of security to be furnished by an employee of a co-operative society;
- (e) conduct of examinations for recruitment as an employee of a co-operative society;
- (f) the recruitment procedure, appointment, promotion, transfer, resignation and termination of services of employees of a co-operative society;
- (g) the terms and conditions of employment of such employees and the salary scales, payment of allowances and gratuities, the grant of advances, promotion, leave, the interdiction of officers, dismissals or the imposition of any other form of punishment to such employees and any appeal therefrom;
- (h) such other matters relating to the terms of employment, or the conditions of service, of such employees as are deemed necessary.

(3) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(4) (a) Every regulation made by the Minister shall, within six months after its publication in the *Gazette*, be brought before the Provincial Council for approval.

(b) Any such regulation which is not so approved shall be deemed to be rescinded as from the date of its disapproval, but without prejudice to anything previously done thereunder.

(5) Notification of the date on which any regulation made by the Minister is deemed to be so rescinded shall be published in the *Gazette*.

Powers of the Commission to make rules

38. (1) The Commission may make rules in respect of all or any of the following matters-

- (a) the matters in respect of which the Commission is required or authorised to make rules under any other provision of this Statute;
- (b) the meetings of the Commission and the procedure to be followed at such meetings ; and
- (c) any other matter connected with the affairs of the Commission.

(2) Every rule made by the Commission shall be published in the *Gazette*.

Offences and penalties.

39. (1) Any Co-operative society or any employee thereof -

- (a) which or who contravenes the provisions of this Statute; or
- (b) which or who willfully neglects or refuses or fails to do any act required by the Commission to be done, or to furnish any information required for the purposes of this Statute by the Commission or other duly authorised person;

- (c) which or who willfully makes a false return or furnishes false information;
- (d) which or who obstructs, without any justifiable or lawful basis, any person acting in the exercise of his powers under this Statute or any regulation made thereunder;
- (e) acting under the authority of this Statute, behaves or conducts himself in a vexatious or provocative manner, while exercising or discharging any power, function or duty under this Statute;
- (f) which or who contravenes any of the provisions of this Act or any regulation made thereunder, or fails to comply with any direction given to him under the provisions of this Act,

commits an offence under this Statute.

(2) Every co-operative society or employee which or who commits any offence under subsection (1) shall, on conviction by a Magistrate, be liable to a fine not exceeding twenty thousand rupees or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(3) Where any offence under this Statute is committed by a co-operative society, every officer of that society shall be deemed to be guilty of the offence, unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

(4) On the conviction of any co-operative society for failure to carry out any such instructions given by the Commission as requires the reinstatement of any employee, such co-operative society shall be liable-

- (a) to pay, in addition to any punishment that may be imposed on such co-operative society under subsection (2) a fine of five hundred rupees for each day on which the failure is continued after conviction thereof; and
- (b) to pay such employee the remuneration which would have been payable to him if he had been in such service on each such day and on each day of the period commencing on the date on which he should have been reinstated in service according to the instructions of the Commission and ending on the date of the conviction of such co-operative society, computed at the rate of salary or wages to which he would have been entitled if his services had not been terminated.

Any sum which a co-operative society is liable to pay under paragraph (b) of this subsection may be recovered on the order of the Court by which it was convicted as if it were a fine imposed on it by that court and the amount so recovered shall be paid to the employee.

40. Every person who, otherwise than in course of his duty, directly or indirectly, by himself or by any other person, in any manner whatsoever influences or attempts to influence any decision of the Commission or any member thereof shall be guilty of an offence, and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding twenty thousand rupees or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

Interference with the Commission.

41. No member of the Commission, nor the Secretary of the Commission, nor any member of the staff of the Commission, nor any other person shall publish or disclose to any person, otherwise than in the exercise of his official functions, the contents of any document, communication or information whatsoever which has come to his notice in the course of his duties.

Unauthorised disclosure of information prohibited.

Repeals and savings

42. (1) The Co-operative Employees Commission of the Soluthern Province Statue No. 01 of 1998 is hereby repealed.

(2) Notwithstanding the repeal of the aforesaid Statute-

- (a) every regulation, rule, order, notice, guideline or direction issued, requirement imposed, determination or delegation made under the repealed Statute and in force on the date immediately preceding the date of coming into force of this Statute shall with effect from the date of coming into force of this Statute be deemed to be a regulation, rule, order, notice, guideline, direction, requirement, determination or delegation issued, imposed or made, as the case may be, under the provisions of this Statute;
- (b) all property movable and immovable belonging to the Co-operative Employees Commission established under the repealed Statute on the date immediately preceding the date of coming into force of this Statute shall with effect from the date of coming into force of this Statute, vest in and be deemed to be the property of the Co-operative Employees Commission established under this Statute;
- (c) all suits, prosecutions, actions, proceedings, matters or things which have been instituted by or against the Co-operative Employees Commission established under the repealed Statute and which are pending in the date immediately preceding the date of coming into force of this Statute, shall with effect from the date of the coming into force of this Statute, be deemed to be suits, prosecutions, actions, proceedings, matters or things which have been instituted by or against the Co-operative Employees Commission established under the this Statute and be heard by that court;
- (d) any decree, order or award entered or made in favour of or against the Co-operative Employees Commission established under the repealed Statute by any court or tribunal or other body in any action, matter, proceeding or thing shall, with effect from the date of coming into force of this Statute, be deemed to be a decree, order or award entered or made in favour of or against the Co-operative Employees Commission established under this Statute and may be enforced accordingly;
- (e) all officers and servants in the permanent employment of the Co-operative Employees Commission established under aforesaid Statute on the date immediately preceding the date of coming into force of this Statute shall, with effect from the date of coming into force of this Statute be deemed to officers and servants in the permanent employment of the Co-operative Employees Commission established under this Statute; and
- (f) all debts, obligations, assets and liabilities incurred, all contracts and agreements executed or enforced into and all matters and things engaged agreed to be done by, with or for the Co-operative Employees Commission established under repealed Statute and in force on the date immediately preceding the date of coming into force of this Statute, be deemed to be debts, obligations, assets and liabilities incurred, all contracts and agreements executed or enforced into and all matters and things engaged or agreed to be done by, with or for the Co-operative Employees Commission established under this Statute.

43. In this Statute, unless the context otherwise requires-

Interpretation

“Co-operative society” means a co-operative society registered under Co-operative societies Act, No. 05 of 1972 but does not include any Co-operative society in respect of which an order under section 2 of this statute is in force.

“District” means any administrative district within the Southern Province;

“employee” means a person who is employed by any Co-operative society and is paid salaries and other emoluments by such Co-operative society out of its funds, but does not include an officer;

“employer” means any cooperative society which pays out of its funds the salaries and other emoluments to its employees;

“Minister” means the Provincial Minister to whom the subject of Co-operative development in the Southern Province is assigned;

“Society officer” includes every person who is president, Vice President, Secretary, Treasure, appointed by a general meeting.

“Prescribe” means prescribed by regulations;

“Province” means the Southern Province;

“Provincial Commissioner” means the provincial Commissioner of Co-operative Development and Registrar of Co-operative Societies of the Southern Province appointed under section 2 of the Co-operative Societies Act, No. 05 of 1972.

“Provincial Council” means the Southern Provincial Council established under Article 154A of the Constitution.

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

Sinhala text to prevail in case of inconsistency.

Schedule

{section 14 (1)}

Oath or affirmation of members of the Commission

I, having been appointed the Chairman/member of the Co-operative Employees Commission of the Southern province do swear/solemnly and sincerely affirm that I will, without fear or favour, affection or ill- will discharge the functions of the office of Chairman/member of the Co-operative Employees Commission of the Southern province and that I will not, directly or indirectly, reveal any matter relating to such functions to any person otherwise than in the course of duty.

Sworn/ Affirmed before me this day of

.....
signature of Affirmant/Deponent

.....
Judge of the Provincial High Court