

(hh) to recommend to the Minister to declare any project or undertaking as "prescribed construction works".

Powers of the
Authority.

14 The Authority shall have such powers, as are necessary or incidental to the proper discharge of its functions, and in particular—

- (a) to acquire in any manner and hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of, any movable or immovable property;
- (b) to appoint, employ, remunerate officers, servants and agents for the purposes of this Act and to exercise disciplinary control over such officers, servants and agents;
- (c) to enter into, and perform, directly or through any servant or agent authorized in that behalf, all such contracts as may be necessary for the discharge of the functions of the Authority;
- (d) to open, maintain and close accounts in any financial institution as may be determined by the Authority;
- (e) to borrow such sums of money as may be necessary for the purpose of discharging the functions of the Authority;
- (f) to accept and receive, grants, donations and bequests, both movable and immovable from sources in or outside Sri Lanka, and utilize them for the discharge of the functions of the Authority;
- (g) to make rules for the administration of the affairs of the Authority;
- (h) to levy fees or charges as may be prescribed for any service rendered by the Authority; and
- (i) to do all other acts and things which from time to time in the opinion of the Authority, are necessary or incidental to the proper discharge of the functions of the Authority.

Director-General
of the Authority.

15. (1) There shall be appointed a Director-General by the Authority who shall be a qualified person as specified in section 27 and shall possess experience and qualifications in the field of construction and management. The Director-General shall be deemed to be a public officer.

(2) The Director-General shall, subject to the general direction and control of the Chairman be responsible for the administration and control of the officers and servants of the Authority.

(3) The retirement age of the Director-General shall be such as determined by the Ministry of the Public Administration, from time to time.

Staff of the
Authority

16. The Authority may appoint such officers and servants as it may consider necessary for the efficient exercise, discharge and performance of its powers, duties and functions and shall determine the remuneration payable to, and the conditions of service and disciplinary control over such officers and servants.

Appointment of
Public Officers.

17. (1) At the request of the Authority any officer in the public service may, with the consent of that officer and the Secretary to the Ministry in charge of the subject of Public Administration, be temporarily appointed to the staff of the Authority for such period as may be determined by the Authority or with like consent, be permanently appointed to such staff.

(2) Where any officer in the public service is temporarily appointed to the staff of the Authority, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No.37 of 1991 shall, *mutatis mutandis*, apply to and in relation to him.

(3) Where any officer in the public service is permanently appointed to the staff of the Authority, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No.37 of 1991 shall, *Mutatis Mutandis*, apply to and in relation to him.

(4) Where the Authority employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service with the Authority by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

(5) At the request of the Authority any officer of a Provincial Public Service may with the consent of that officer and the relevant Provincial Public Service Commission, be temporarily appointed to the staff of the Authority for such period as may be determined by the Authority or with like consent be permanently appointed to such staff.

Appointment of
committees for
implementation
of construction

18. (1) The Authority shall appoint the following Committees to formulate construction standards in the respective areas:-

standards.

- (a) the Technical Standards Committee;
- (b) the Environmental and Public Health Standards Committee;
- (c) the Ethical and Social Responsibility Standards Committee.

(2) The members of the standards formulation committees shall be selected by the Authority in consultation with relevant professional and academic bodies and other social and environmental organizations.

(3) The Authority shall prior to the implementation of standards present the proposed standards before a public forum.

(4) The Authority may categorize the standards as compulsory and voluntary. Compulsory standards shall be implemented as regulations under this Act. Voluntary standards would be implemented on voluntary basis which would be rewarded by way of a recognition scheme.

Approval of the
Research Projects

19. The Authority shall appoint a committee on Research and Publications, in consultation with relevant professional and academic organizations, which would advise the Authority on matters related to research and publications in connection with the construction industry.

PART IV

CONSTRUCTION INDUSTRY DEVELOPMENT FUND AND THE FUND OF THE AUTHORITY

Construction
Industry
Development
Fund.

20. (1) There shall be established a Fund known as the Construction Industry Development Fund (in this Act referred to as the "Development Fund").

(2) There shall be paid into the Development Fund—

- (a) all such sums of money as may be received by the Development Fund by way of loans, rents, donations, gifts or grants and sale of assets ;
- (b) all such sums collected as -
 - (i) the Construction Industry Development Cess;
 - (ii) any levy, or charge or tax made specifically for the

development of the construction industry from the contractors who are, on the day immediately prior to the coming into operation of this Act, registered with the Institute for Construction Training and Development established under the State Industrial Corporations Act, No.49 of 1957; and

- (iii) any form of donation or grant, whether from foreign or local sources.

(3) There shall be paid out of the Development Fund all such sums of money as are required to defray any expenditure incurred by the Development Fund in the exercise of the powers and discharge of the functions under this Act, subject to following guidelines:-

- (a) more than fifty per centum (50%) of the fund shall be reserved for the well being of the small scale contractors and self employed licensed craftsmen;
- (b) not less than five per centum (5%) of the fund shall be reserved for research and publications in the field related to construction industry, the proposal for which shall be approved by the Research and Publication Committee appointed under section 19; and
- (c) not less than five *per centum* (5%) of the fund shall be reserved for the purpose of rewarding and encouraging the inventions, applications and propagation of environmentally friendly and cost efficient construction technologies;
- (d) such amount as is determined by the Authority as is required to arrange long term insurance with pension benefits, for craftsmen registered with the Authority who are not entitled for any other form of retirement benefits under any other law.

(4) For the purposes of this section, the Minister shall with the concurrence of the Minister in charge of the subject of Finance, impose a cess to be called the "Construction Industry Development Cess". The rate of the cess to be so levied shall be as determined by the Minister by Order published in the Gazette.

The management
and
Administration of

21 (1) The management and administration of the affairs of the Development Fund shall be vested with the National Advisory Council

the Development Fund. on Construction.

(2) The Minister may make regulations specifying the manner in which the Development Fund should be administered subject to paragraphs (a), (b), (c) and (d) of subsection (3) of section 20.

Audit of accounts.

22. The provisions of Article 154 of the Constitution relating to audit of accounts of public corporations shall apply to the audit of the accounts of the Development Fund.

Application of Finance Act, No.38 of 1971.

23. The provisions of Part II of the Finance Act, No.38 of 1971 shall *mutatis mutandis* apply to the financial control of the Development Fund.

Fund of the Authority.

24. (1) The Authority shall have its own Fund (in this Act referred to as the "Fund").

(2) There shall be paid into the Fund of the Authority—

- (a) all such sums of money as may be voted, from time to time, by the Parliament for the use of the Authority including such sums of money needed to defray the salaries and other emoluments of the staff of the Authority;
- (b) all such sums of money as may be received by the Authority in the exercise, discharge and performance of its powers, functions and duties; and
- (c) all such sums of money as may be received by the Authority by way of loans, rents, donations, gifts, grants or levies and sale of assets.

(3) There shall be paid out of the Fund of the Authority all such sums of money as are required to defray any expenditure incurred by the Authority in the exercise, discharge and performance of its powers, functions and duties under this Act.

Audit of accounts.

25. The provisions of Article 154 of the Constitution relating to audit of accounts of public corporations shall apply to the audit of the accounts of the Fund of the Authority.

Application of provisions of the Finance Act, No. 38 of 1971.

26. The provisions of Part II of the Finance Act, No. 38 of 1971 shall *mutatis mutandis* apply to the financial control of the Authority.