

## **Special Provincial Administration Act**

**Act No.** : 5302  
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### **SECTION ONE General Provisions**

#### **PART ONE Purpose, Scope and Definitions**

##### **Purpose**

**Article 1** — The purpose of this Act is to lay down incorporation, branches, management, duties, powers and responsibilities as well as the procedures and rules applicable to the functioning of the special provincial administration.

##### **Scope**

**Article 2** — This Act applies to the special provincial administration.

##### **Definitions**

**Article 3** — For the purposes of this Act,

a) ‘special provincial administration’ shall mean the public entity enjoying administrative and financial autonomy, which is set up to meet the local and common needs of the people dwelling in the province, and whose decision-making branch is elected and made up by electors,

b) ‘branches of special provincial administration’ shall mean the general provincial assembly, the provincial council and the governor.

#### **PART TWO**

##### **Incorporation and Boundaries of Special Provincial Administration**

##### **Incorporation**

**Article 4** — Special provincial administration shall be incorporated through the act on the incorporation of the province, and its legal nature shall come to an end upon the termination of the province.

##### **Jurisdiction of the special provincial administration**

**Article 5** — The jurisdiction of the special provincial administration shall include the provincial boundaries.

#### **PART THREE**

##### **Duties, Powers and Responsibilities of the Special Provincial Administration**

##### **Duties and responsibilities of the special provincial administration**

**Article 6** — The special provincial administration shall have the duty and entitlement to do the following, provided that they are of a local and common nature:

a) Within provincial boundaries: services relating to health, agriculture, industry and trade; environmental arrangement plan of the province, public works and housing, protection of soil, prevention of erosion, social services and assistance, granting micro loans to the poor, nurseries

and orphanages; procurement of plots of lands for primary and secondary education schools, and the meeting of their needs for the construction, maintenance and repairs of their schools,

b) Outside provincial boundaries: services relating to reconstruction, roads, water, sewage, solid wastes, environment, emergency assistance and rescue, culture, tourism, youth and sports affairs; supporting forest villages, afforestation, and establishment of parks and gardens.

Environmental arrangement plan of the province shall be performed under the coordination of the governor, and in cooperation with metropolitan municipalities in metropolises, and with the provincial municipality and special provincial administration in other provinces. Environmental arrangement plan of the province shall be approved by the municipal assembly and the general provincial assembly.

The order of priority to be followed in providing the services shall be determined in view of the financial status of the special provincial administration, the urgency of the service concerned and the level of development of the locality.

Services of the special provincial administration shall be provided in the places nearest to the citizens and through the most appropriate methods. In the provision of services, methods responsive to the status of the disabled, the elderly, the poor and the people with limited incomes shall be applied.

Coordination aimed at an integral and coherent provision of services between other local administrations and public institutions shall be ensured by the governor of that particular province.

Powers and responsibilities vested in the Ministry of Industry and Trade and organized industrial zones by the Organized Industrial Zones Act No. 4562 are not subject to this Act.

### **Powers and privileges of the special provincial administration**

**Article 7** — Powers and privileges of the special provincial administration are:

a) Carrying out any activities to fulfill the duties and services assigned to it by laws, and issuing and supervising the authorizations and licenses specified in laws for the activities of natural and legal persons.

b) Issuing regulations, issuing orders, introducing and implementing prohibitions and imposing the punishments set out in laws within the framework of the power vested in the special provincial administration by relevant laws.

c) Purchasing, selling, renting and renting out, exchanging or establishing limited rights in kind on real properties and chattels, with a view to providing the services.

d) Borrowing and accepting donations.

e) Deciding on the settlement of litigated disputes up to twenty five billion Turkish Liras, insofar as they are excluded from taxes, levies and charges.

f) Imposing, assessing and collecting taxes, levies and charges of the special provincial administration in pursuance of special legislation.

g) Licensing and supervising the non-sanitary institutions as well as public refreshment and recreational facilities.

Special provincial administration may organize public opinion polls and research with a view to identify the opinions and thoughts of the people.

Those who perpetrate offences to the detriment of the properties of the special provincial administration shall be deemed to have perpetrated those offences against the State-owned properties.

Revenues of the special provincial administration, generated by way of borrowing in consideration of projects, its taxes, levies and charges, conditional donations and its properties used directly for public services may not be seized.

### **Exemptions granted to the special provincial administration**

**Article 8** — All non-profit-oriented real properties of the special provincial administration, which are allotted for public use or open to public benefit, and their construction and use shall be exempt from any taxes, levies, charges and contributions and participation shares.

## **SECTION TWO**

### **Branches of the Special Provincial Administration**

#### **PART ONE**

#### **General Provincial Assembly**

##### **General provincial assembly**

**Article 9** — The general provincial assembly is the decision-making branch of the special provincial administration and is composed of the members elected by the electors in accordance with the rules and procedures specified in the relevant legislation.

##### **Duties and powers of general provincial assembly**

**Article 10** — Duties and powers of the general provincial assembly are:

- a) Discussing and deciding on strategic plans and investment and work programs, activities of the special provincial administration and the performance criteria for its personnel.
- b) Accepting the budget and the final account, making transfers in the budget between the units for which institutional coding is made and the initial levels of the functional classification.
- c) Discussing and deciding on the environmental arrangement plan of the province as well as the development (reconstruction) plans of the areas outside the municipal boundaries.
- d) Deciding on borrowings.
- e) Deciding on the establishment of partnerships subject to the Turkish Commercial Code with the establishments under the budget, or the termination of such partnerships, and on capital increases and establishment of real property investment partnerships.
- f) Allowing purchase, sale, exchange, allotment, and modification of the manner of allotment of real properties or conversion of an allotted real property into leased accommodation; deciding on the renting of the same for more than three years and establishment of rights in kind on such property, provided that they do not exceed twenty five years.
- g) Accepting conditional donations.
- h) Deciding on the agreed settlement of disputed special provincial administration receivables from five billion to twenty five billion Turkish Liras, which are excluded from taxes, levies or charges.
- i) Deciding on the award of concessions on behalf of the special provincial administration and performance of the special provincial administration investments on build & operate, or build, operate & transfer bases, and the privatization of companies, establishments and participations of the special provincial administration.
- j) Selecting members of the council as well as members of the specialization commissions.
- k) Adopting the resolutions to be issued by the special provincial administration.

l) Deciding on the development, cancellation and change of the seats of the special provincial administration and its affiliated organizations within the framework of the standard staffing procedure.

m) Deciding on mutual cooperation with local or foreign local administrations and unions of local administrations.

n) Deciding on the establishment of unions with other local administrations, participating in or leaving already-established unions.

o) Determining the price tariff to be applied to services subject to the discretion of the relevant parties, which are not included in the duties and services entrusted to the special provincial administration by the laws.

### **Presidential board of the assembly**

**Article 11** — General provincial assembly shall convene spontaneously on the fifth day following the announcement of the election results. This meeting shall be presided over by the oldest member. The Assembly shall elect the president of the assembly and second vice-presidents, and four clerk members, two of them being alternate members, in such meeting for two years among from its members and through secret ballot. The presidential board to be elected following the first two years shall continue to serve until the first local administration elections.

Election of the presidential board of the assembly shall be completed within three days.

Where the seat of the president of the assembly or the presidential board is vacant, such vacant seat shall be filled to complete the remaining term of office.

The general provincial assembly shall be chaired by the president of the assembly, or the first vice-president, in his/her absence, or the second vice-president in the latter's absence.

President of the assembly shall be required to ensure the order in the studies of the assembly.

Rules and procedures to apply to the operations of the general provincial assembly shall be laid down in a regulation to be issued by the Ministry of Internal Affairs.

### **Assembly's meetings**

**Article 12** — The general provincial assembly shall convene in the customary place of meeting on a date set by the general provincial assembly in the first week of every month, except the one-month holiday to be determined by the assembly. The meeting of November shall be the opening meeting of the term.

Duration of the meeting coinciding with the budget negotiations shall be twenty days at most, and other shall last five days at most.

Where convention at a place other the customary one proves obligatory, meeting shall be held at a place to be selected by the president of the assembly, provided that members and the governor is informed in advance. Furthermore, the place and date of the meeting shall be made public through customary methods.

Meetings of the general provincial assembly shall be open. Upon a reasoned proposal of the president or any member of the assembly, closed session may be agreed by the absolute majority of the attendants of the meeting. Absolute majority shall mean the majority which is no less than half of a certain number.

Meetings of the general provincial assembly shall be recorded by the officials in minutes, which is to be signed by the president and clerk members. Meetings may be recorded by means of audio or visual devices upon the decision of the assembly.

Staff of the special administration or the chief officers of the public institutions and organizations in the province may be invited to meetings of the assembly, in regard to the issues on the agenda, and their opinions may be obtained.

## **Agenda**

**Article 13** — The agenda shall be set out by the president of the assembly and be communicated to members in advance of at least three days. Matters proposed by the governor shall be placed on the agenda. The agenda shall be made public via various means.

Members of the general provincial assembly may propose the placement of issues concerning works of the special provincial administration on the agenda. Such proposal shall be placed on the agenda, if it is accepted by the absolute majority of attendants of the meeting

### **Quorum for meeting and decision**

**Article 14** — The general provincial assembly shall convene with the absolute majority of the whole number of members and take its decisions by the absolute majority of the attendants. However, the quorum for decision may not be less than one-fourth of the whole number of members. In case of equality of votes, the party for which the president of the assembly votes shall be deemed as the majority. In case of equality of votes in secret ballots, voting shall be repeated, and lots shall be drawn by the president of the assembly in case the equality is maintained.

If the majority of whole number of members is not attained in the meetings of the assembly, the president shall adjourn the assembly, setting the date and time of the next meeting to be held within three days at the latest. The next meeting shall be held by a number of members which is no less than one fourth of the whole number of members.

If during the meeting it is found that the quorum for decision is not attained in a counting to be made upon the request of the president or members, provisions of paragraph two shall apply.

Members shall cast their votes in person. Members who are physically disabled to cast secret votes may cast their votes by the hand of persons they will designate.

Voting shall be made either secretly, or by signs or by reading names. Voting shall be accepting, rejecting or abstaining.

Decisions shall be signed by the president and clerk members of the assembly, and be distributed to members in the following meeting.

### **Finalization of assembly decisions**

**Article 15** — Full texts of the decisions taken by the general provincial assembly shall be forwarded to the governor within five days at the latest. The governor shall be entitled to return the decisions s/he finds contrary to the law to the general provincial assembly within seven days, stating the grounds therefor, so that they are discussed again. Assembly decisions not submitted to the governor shall not enter into force.

Decisions not desired to be discussed again and those which are desired to be discussed again but are insisted on by the absolute majority of the whole number of members of the general provincial assembly shall finalize.

The governor shall be entitled to contest the decisions finalized through the insistence of the assembly in administrative courts.

Summaries of the decisions taken by the general provincial assembly shall be made public through various ways within seven days subsequent to the meeting at the latest.

### **Specialization commissions**

**Article 16** — During each opening meeting, the general provincial assembly may set up specialization commissions to comprise minimum three and maximum five persons to be selected from among the members. Planning and Budgeting, and Reconstruction and Public Works commissions may comprise seven persons at most.

Specialization commissions shall be composed by way of proportioning the number of members of each political party group and independent members in the general provincial assembly to the whole number of the assembly. It is obligatory to set up the education, culture and social services commission, the reconstruction and public works commission, the environment and health commission and the planning and budgeting commission.

Working times of the commissions other than the reconstruction and public works commission shall be limited to the duration of meeting of the assembly. Following the assembly meeting, the reconstruction and public works commission shall convene for maximum ten working days, and other commissions shall convene for maximum five working days, and they shall conclude the works entrusted to them. If the report is not submitted to the assembly at the end of this period, the issue shall be directly put on the agenda of the assembly by the president.

District administrators and the chief officers of the public organizations in the province and the professional organizations in the capacity of public institutions, universities and labor unions as well as quarter and village administrators, and non-governmental organizations may participate in and express their opinions to the meetings of specialization commissions where issues falling under their jurisdiction and scope of activity are discussed, but they shall not have the right to vote.

Works falling under the jurisdiction of specializations commissions shall be discussed in these commissions and they shall be concluded in the general provincial assembly.

The commission may utilize experts in its studies.

Commission reports shall be accessible, be made public via various means and may be provided to those who request them in return for a price to be fixed by the general provincial assembly.

### **Supervision commission**

**Article 17** — During the meeting held in January of every year, the general provincial assembly shall set up a supervision commission with minimum three and maximum five members from among its own members to be selected through secret ballot with a view to the supervision/ auditing of income and expenditure as well as accounts and transactions of the special provincial administration. The commission shall be composed by way of proportioning the number of members of each political party group and independent members in the general provincial assembly to the whole number of the assembly

The commission shall carry out its activities in a place determined by the governor within the special provincial administration's building, may utilize expert persons and organizations and also the staff of public institutions upon the approval of the governor. Information and documentation requested by the commission must be provided on condition that they are returned.

The commission shall complete its studies until the end of February and submit its relevant report to the president of the assembly until the fifteenth day of the succeeding month.

As regard the issues constituting offences, the presidency of the assembly shall indict before competent authorities.

### **Procedure followed by the assembly to gather information and conduct supervision**

**Article 18** — The general provincial assembly shall exercise its power to information and supervision by means of questions, general meeting and assessment of activity reports.

Assembly members may ask verbal or written questions for issues regarding the activities of the special provincial administration, making motions to the presidency of the assembly. The question shall be responded to by the governor or a person to be designated by him/her verbally or in writing.

At least one third of the general provincial assembly may file a request with the presidency of the assembly to hold a general meeting for a matter regarding the activities of the special provincial administration. Such request shall be placed on the agenda, only if it is accepted by the assembly.

During the March meeting, the governor shall submit the activity report of the preceding year to the assembly.

If the explanations in the activity report are not satisfactory to three-fourths of the whole number of members of the assembly, the minutes including the lack of quorum and the discussions made shall be sent by the President of the Assembly to the Ministry of Internal Affairs, so that the required action is taken.

#### **Meetings closed to the attendance by the president and members of the assembly**

**Article 19** — The president and members of the general provincial assembly may not attend the meetings in which issues relating exclusively to them or their blood relatives, including the second degree, and relatives-in-law.

#### **Obligations of members of the assembly**

**Article 20** — Members of the general provincial assembly may not undertake commitments, be involved in brokerage and representation works for the special provincial administration and its affiliated organizations during their term of office and for two years after their term of office expires.

#### **Expiry of term of office as a member of the assembly**

**Article 21** — Membership in the general provincial assembly shall be automatically expire upon death and resignation.

For members who attend three consecutive meetings or half of the meetings held in a year without an excuse or leave, the absolute majority of members may decide on the termination of their membership after taking their defense is heard.

Where eligibility to be selected as a member of the general provincial assembly is somehow lost, the Council of State may decide on the termination of the membership upon the notification of the governor.

#### **Dissolution of the assembly**

**Article 22** — The general provincial assembly shall be dissolved by a Council of State decision upon the notification of the Ministry of Internal Affairs if:

- a) it neglects the duties entrusted to it within the due time and this causes delays in the works of the special provincial administration,
- b) it takes decisions on political issues that are not relevant to the duties entrusted to the special provincial administration.

Where the Ministry of Internal Affairs deems necessary, it may request that meetings of the assembly are postponed until a decision is taken, along with its notification on the dissolution of the assembly. Council of State shall decide on the postponement of meetings within one month at the latest.

The assembly to succeed the dissolved assembly shall complete the remaining term of office.

#### **Performance of the duties of the vacant assembly**

**Article 23** — Where

- a) The general provincial assembly is dissolved by the Council of State or its meetings are postponed,

b) Its number of members is less than the whole number of members even after alternate members are brought,

c) It is temporarily suspended,

d) More than half of the whole number of the assembly is arrested,

functions of the general provincial assembly shall be fulfilled by the incumbent members of the council, until the assembly restores to its former operable condition or the new assembly is elected.

#### **Attendance fees and other social rights of members of the assembly**

**Article 24** — For each day of attendance in assembly meetings, the president of the general provincial assembly shall be paid an attendance fee to be found by multiplying the indicator 2600 by the coefficient applied to public servant salaries; and other members of the assembly shall be paid an attendance fee to be found by multiplying the indicator 2200 by the same coefficient.

Members of the general provincial assembly shall be deemed on leave while they are sick. Furthermore, they may be given leaves not exceeding the half of the meetings held within a year, provided that they have reasonable excuses.

## **PART TWO**

### **Provincial Council**

#### **Provincial council**

**Article 25** — The provincial council shall be chaired by the governor and comprise five members to be elected by the general provincial assembly every year from among its own members for one year through secret ballot and five members to be selected by the governor every year from among the chief officers, one being a chief officer of the financial services unit.

Meetings of the council not attended by the governor shall be chaired by the secretary general.

As regards the issues on the agenda, concerned chief officers may be invited to the meetings of the council by the governor, for their consultation and without any right to vote.

#### **Duties and powers of the council**

**Article 26** — Duties and powers of the council are:

a) Reviewing strategic plans and the annual work program as well as the budget and the final accounts, and declaring its opinion to the general provincial assembly.

b) Taking and implementing the expropriation decisions regarding the works included in the annual work program.

c) Determining the places of expenditure under the appropriation allotted for unforeseen costs.

d) Making transfers between the second levels of the functional classification in the budget.

e) Imposing the penalties foreseen in laws.

f) Deciding on the amicable settlement of disputes up to five billion Turkish Liras, which are excluded from taxes, levies and charges.

g) Implementing the decisions on the sale, exchange and allocation of real properties, and deciding on their renting provided that the duration is no more than three years.

h) Determining opening and closing hours of public places outside the municipal boundaries.

i) Declaring opinions on the issues referred by the governor.

j) Fulfilling other duties assigned by laws.



### **Meetings of the council**

**Article 27** — The council shall convene at the pre-specified place and time for at least once a week. The president may call the council for meeting in urgent situations.

The council shall convene with the absolute majority of the whole number of members and take decisions by absolute majority of attendants. In case of equality of votes, the party for which the president votes shall be deemed the majority. No abstentions may be cast.

Agenda of the council shall be prepared by the governor. Members of the council may propose items for the agenda.

The council shall discuss and agree on the items of the agenda within one week at most.

Decisions taken shall be signed by the president and attendants of the meeting. Those who object to decisions shall explain the reasons for such objections.

The governor may request that the council decisions s/he finds contrary to regulations and the general provincial assembly's decisions are revised. If the council persists in its decision, the decision finalizes. In this case, the governor shall suspend the implementation of the council decisions and shall file a claim to suspend the execution with the administrative courts within ten days. Such contest shall be decided on by the Council of State within sixty days at the latest.

The president and members of the council may not attend the meetings in which issues relating exclusively to them or their blood relatives, including the second degree, and relatives-in-law.

### **Payments to members of the council**

**Article 28** — The president of the council shall be paid a monthly fee to be found by multiplying the indicator 14000 by the monthly coefficient specified for Public servants; and members of the assembly shall be paid a monthly fee to be found by multiplying the indicator 12000 by the same coefficient. Incumbent members of the council shall be paid the half of the indicator specified for council members.

## **PART THREE**

### **Governor**

#### **Governor**

**Article 29** — The governor shall be the chief of the special provincial administration and the representative of its legal personality.

#### **Duties and powers of the governor**

**Article 30** — Duties and powers of the governor are:

a) As the highest ranking chief of the special provincial administration, steering and managing the special provincial administration, and protecting the rights and interests of the special provincial administration.

b) Managing the special provincial administration in line with the strategic plan; developing institutional strategies of the special provincial administration; developing and implementing, monitoring and assessing the budget, performance criteria for the activities and staff of the special provincial administration in accordance with such strategies; submitting reports in this regard to the assembly.

c) Representing the special provincial administration in Public departments and ceremonies, or representing it as a defendant or claimant at law or designating attorneys.

d) Presiding over the provincial council.

e) Managing the real properties and chattels of the special provincial administration.

- f) Follow up and collect the incomes and receivables of the special provincial administration.
- g) Making contracts on condition that agreement of competent authorities is obtained.
- h) Implementing the decisions taken by the general provincial assembly and the council.
- i) Implementing the budget, and making the transfers in the budget, which are not subject to the jurisdiction of the assembly and the council.
- j) Appointing the staff of the special provincial administration.
- k) Supervising the special provincial administration, its affiliated organizations and establishments
- l) Accepting unconditional donations.
- m) Taking necessary measures required for the peace, well-being, health and happiness of the people of the province.
- n) Using the appropriation allotted for the poor and dependants in the budget.
- o) Fulfilling the tasks and using the powers vested by laws in the special provincial administration, which do not require a decision by the general provincial assembly or the provincial council.

### **Strategic plan and performance plan**

**Article 31** — Within six months as from the general elections for local administrations, the Governor shall prepare development plans and programs, and strategic plans, in line with the regional plans, if any, and develop a yearly performance plan prior to the beginning of the relevant year, and submit them to the general provincial assembly.

The strategic plan shall be developed in consultation with universities and chambers of profession, if any, and non-governmental organizations concerned with the issue; it shall take effect after being adopted at the general provincial assembly.

Development of the budget shall be based on the strategic plan and the performance plan. The strategic plan and the performance plan shall be discussed and adopted in the general provincial assembly before the budget.

### **Assignment of powers**

**Article 32** — The governor may assign some of his/her duties and powers to the officials of the special provincial administration, who are in the capacity of a manager/director, or to district administrator in districts, wherever s/he may deem necessary.

### **Assignment of representative powers in case of dispute**

**Article 33** — Where first- and second-degree blood relatives or relatives-in-law of the governor are in dispute with the special provincial administration, initiation of legal proceedings and representation of the special provincial administration in such legal proceedings shall be undertaken by the president of the assembly, and in his/her absence, by the vice-president and the persons to be designated by them.

## **PART FOUR**

### **Common Provisions for Branches**

#### **Suspension from office**

**Article 34** — Branches of the special provincial administration against which investigations or prosecution has been initiated due to an offence relating to their duties, or members of such branches may be suspended from their offices as an interim measure until the final order.

The suspension from office shall be reviewed every two months. Suspension from office whose continuation is not considered conducive to public benefit shall be cancelled.

Suspension from office of the branches of the special provincial administration or members of such branches, due to investigations or prosecutions, shall be repealed where investigation is not allowed under the Law No. 4483 on Trial of Public Servants and Other Public Officers, where proceedings are dismissed, public action is rejected or a verdict of acquittal is rendered; where proceedings are lifted due to amnesty or in case of a conviction not necessitating suspension from office.

### **SECTION THREE**

#### **Organizational Structure of the Special Provincial Administration**

##### **Organizational Structure of the Special Provincial Administration**

**Article 35** — Organizational Structure of the Special Provincial Administration shall consist of the general secretariat, financial affairs, health, agriculture, reconstruction, human resources, legal affairs departments. Establishment, abolition or combination of other departments according to the norm staffing system and existing needs shall be made upon a decision of the general provincial assembly, in regard to the population, physical and geographical nature, economic, social, cultural characteristics as well as the potential development of the province.

Secretary general shall organize and provide the services of the general provincial assembly on behalf of the governor and in line with his/her commands, in accordance with legislative provisions, the decisions of the general provincial assembly, the purpose and policies of the special provincial administration, the strategic plan and the annual work program. To this end, s/he shall issue the relevant commands to the organizations of the special provincial administration, and supervise and ensure their implementation. Secretary general shall be answerable against the governor for the provision of the above services.

In provinces with a total population of up to 3.000.000, maximum two assistant secretary generals may be appointed; and in provinces with a population of more than the above, maximum four assistant secretary generals may be appointed.

In districts, special district administration to act under the district administrator may be established to carry out the procedures of the special administration.

##### **Norm Staffing and employment of the staff**

**Article 36** — Principles and standards for norm staffing shall be jointly specified by the Ministry of Internal Affairs and Presidency of Public Personnel. Norm staffing works shall be undertaken by or delegated to others by the special provincial administration within the framework of these principles and standards.

Staff of the special provincial administration shall be appointed by the governor, and this shall be submitted for the information of the general provincial assembly in the first meeting.

Special provincial administrations may employ on contracts experts and technical staff they need, such as physicians, specialist physicians, veterinaries, lawyers, engineers, analyzers and software developers, architects, midwives, nurses, technicians, etc. involved in environment, health, veterinary medicine, technical, social and economic fields, culture and arts, information and communication, planning, research and development, training and consulting, insofar as the number and positions under the norm staffing system allows such employments. Those who will be employed on contracts in this way shall be obliged to fulfill the qualifications as required for the services they are to provide. No further appointments shall be made to the vacant seats or offices regarding services provided through contractual staff.

Amount of wages of those who are to be employed in accordance with paragraph three shall be determined by the general provincial assembly respecting the limits specified by the Council of ministers, provided that it does not exceed the ceiling wages to be fixed in the Budget Law. Those who are to be employed in this way shall in no way be paid a wage under whatever name other than the contractual wage or not be given an interest in cash or in kind as a wage. Provisions on those who are employed under paragraph (B) of Article 4 of the Public Servants Act No. 657 dated 14.7.1965, excluding endorsement requirements, shall apply to said staff, where this Act does not have any provision applicable thereto.

Those who are appointed to the Secretariat general shall enjoy exactly the same rights granted to directors general in ministries, included in the general administrative services class, in provinces with metropolitan municipalities, and the rights granted to exclusive chief officers, included in the general administrative services class, in other provinces. They shall be appointed upon proposal of the governor and approval of the Minister of Internal Affairs.

Public servants employed at public institutions and organizations may be appointed department director or top managers of special provincial administrations upon their request and the agreement of their institutions. Where such appointments are concerned, the requirements laid down in point (B) of Article 68 of the Public Servants Act No. 657 shall be taken into consideration. Those members of staff of public institutions and organizations who are thus employed in special provincial administrations shall be considered on leave from their institutions. During the period of time for which those members of staff are appointed, all financial rights belonging to the office they are appointed to as well as social security costs and other similar rights required to be met by their institutions shall be covered by the special provincial administration. The period of time during which they are on leave shall be taken into account in their promotions and retirement procedures; and those who are entitled to promotions shall be promoted without any further formality. Those who are appointed in this way shall be reappointed to their positions/ offices within maximum one month provided that they file an application with their previous institutions; or to other appropriate positions/ offices, if the previous positions/ offices have been lifted or indispensable appointments have been made to them.

As regards local administrators appointed as a secretary general, the period of time they spend in this duty shall be considered to have been spent in their professional ranking. Those who are appointed in this way shall be appointed to duties appropriate to their professional ranking by the Ministry of Internal Affairs within one month following the expiry of their office.

Officers of the special provincial administration, except the employees working on a contractual basis and workers, may be paid maximum two bonuses a year according to their status of achievement upon a council decision, which shall not exceed the amount to be found after multiplying the salary coefficient applied to Public servants by the indicator number 20000, in proportion to their periods of service (excluding sick and annual leaves), provided that it does not exceed 10% of the total number of officers. The above number shall be applied as 30000 where metropolitan municipalities exist.

## **SECTION FOUR**

### **Inspection of Special Provincial Administrations**

#### **Purpose of inspection**

**Article 37** — Purpose of inspection of special provincial administrations is to analyze, compare and appraise impartially processes and outcomes of services with regard to their accordance with the legislation, preset goals and objectives, performance criteria and quality

standards, evaluate them on concrete evidence and report attained results to the concerned authorities, with a view to assisting in the prevention of failures in their activities and operations, and guiding the special provincial administration organization through its development process and evolution of its management and control systems into a valid, reliable and consistent status.

### **Scope and types of inspection**

**Article 38** — Internal and external inspection shall be carried out in special provincial administrations. Inspection shall encompass inspections for the accordance of works and operations with the law, financial and performance inspections.

Internal and external inspections shall be performed in accordance with the provisions of the Law No. 5018 on Public Financial Management Control.

Furthermore, administrative acts/ operations of the special provincial administration other than financial ones shall be inspected by the Ministry of Internal Affairs, the governor or officers to be delegated by them in regard to their compatibility with the integrity of the administration and development plans and strategies.

Organizations and establishments affiliated to special provincial administrations shall be inspected in accordance with the above rules.

Results of inspections shall be announced to public and submitted for the attention of the assembly.

### **Activity report**

**Article 39** — The Governor shall develop an activity report to describe the activities performed according to strategic plans and performance goals, realization of goals according to the set performance criteria and reasons for occurring deviations, as specified under paragraph four of Article 41 of the Law on Public Financial Management and Control.

The activity report shall be submitted by the governor or the secretary general to the assembly in the meeting in March. A copy of the report shall be sent to the Ministry of Internal Affairs and be made public.

### **Impediment of services**

**Article 40** — If upon a request of the relevant ministry the competent judge in a court of peace finds that services of the special provincial administration is seriously impeded and this fact leads to vitally adverse effects on the health, peace and well-being of the people,

Then the Ministry of Internal Affairs shall: a) Request the special provincial administration to correct the impediments taking place in services within a reasonable period of time, depending on the nature of the concerned service.

b) Request the governor of the province to fulfill the concerned service, if impediments are not corrected. In this case, the governor shall in the first place correct the impediments by means of the equipment, tools, staff and other resources of the special provincial administration. Where this is not a viable alternative, s/he may make use of the facilities of other public institutions and organizations. Any cost to be incurred accordingly shall be communicated by the governor to the Bank of Provinces; and the Bank of Provinces shall, in turn, appropriate a share from the allotments of the special provincial administration over the total collection of general tax revenues of the special provincial administration of the concerned province for the following month, and send such appropriation to the governor.

### **Other provisions on inspection**

**Article 41** — Where this Act does not have any provision for the performance of inspections and development of activity reports, Law No. 5018 on Public Financial Management Control and provisions of other laws shall be applicable.

## **SECTION FIVE**

**Financial Provisions and Penalties**  
**PART ONE**  
**Revenues and Expenditure of the Special Provincial Administration**

***Revenues of the special provincial administration***

**Article 42** — *Revenues of the special provincial administration are as follows:*

- a) Taxes, levies, charges and participation shares of the special provincial administration as specified in laws.
- b) Shares from the tax revenues allotted in the general budget.
- c) Payments from administrations with private and general budget.
- d) Revenues to be generated from the rental, sale and otherwise evaluation of real properties and chattels.
- e) Fees in consideration of services, which are to be collected in accordance with the tariffs to be determined by the general provincial assembly.
- f) Interest and penalty revenues.
- g) Donations.
- h) Revenues in return for any undertaking, participation and activities.
- i) Other revenues.

**Expenditure of the special provincial administration**

**Article 43** — *Items of expenditure of the special provincial administration are as follows:*

- a) Costs incurred for the supply, construction, maintenance and repair of the buildings, facilities as well as vehicles and materials of the special provincial administration.
- b) Wages, fees, payments, attendance fees, travel allowances, training expenses paid to the staff of the special provincial administration and members of its elected bodies, and other costs.
- c) Any costs for infrastructure, construction, repair and maintenance.
- d) Costs to be incurred due to the follow-up and collection of taxes, levies, charges, participation shares, fees in consideration of services and other revenues.
- e) Aids to the villages and unions of villages within the framework of the principles to be set out by the general provincial assembly.
- f) Partnership shares, membership payment costs regarding the companies, corporations and unions to which the special provincial administration participates.
- g) Interests, other payments incurred for borrowing and insurance costs.
- h) Social services and assistance for the poor, the needy, the homeless and the disabled.
- i) Legal proceedings and executive costs.
- j) Costs for representations, celebrations, hosting and demonstration.
- k) Payments in consideration of the services of legal representation, consultancy, and inspection.
- l) Costs resulting from joint services conducted with public and private and non-governmental organizations both in Turkey and abroad, and other projects.
- m) Costs incurred for socio-cultural and scientific activities.

- n) Costs for public opinion polls and inquiries in regard to services of the special provincial administration.
- o) Natural disaster costs.
- p) Other costs incurred for the fulfillment of tasks and services entrusted by the law.

## **PART TWO**

### **Special Provincial Administration Budget**

#### **Special Provincial Administration Budget**

**Article 44** — The budget developed in accordance with the strategic plan of the province shall indicate the revenues and expenditure estimations for the fiscal year and following two years; it shall authorize collection of revenues and expending of costs.

The budget shall be attached detailed spending schedules and financing schedules.

The budgetary years shall be the same as the State's fiscal year.

No expenditures may be made out of the budget.

The governor and other officials entitled to expend shall be accountable for efficient, economical and proper expending of budget appropriations.

#### **Development and adoption of the budget**

**Article 45** — The governor shall prepare the budget and submit it to the provincial council at the beginning of September. The Council shall review the budget and submit it to the general provincial assembly before the first day of November as accompanied by its opinion thereon.

The general provincial assembly shall adopt the draft budget exactly the same or with alternations before the new year. Notwithstanding, the assembly may not make alterations, which may upset the budget's equilibrium, and thus increase expenditure and decrease revenues.

#### **Officials entitled to expend**

**Article 46** — The highest ranking administrator of each expenditure department for which an appropriation is allotted in the special provincial administration budget shall be entitled to make expenditure. This entitlement shall be enjoyed by the district administrator in districts.

Appropriations to be sent to districts should be endorsed by the financial controller of the special provincial administration. In the course of expending such appropriations, no further controlling shall be made prior to the expending.

#### **Final accounts**

**Article 47** — Final accounts of the budget of each year shall be submitted by the governor to the council within March following the end of the accounting term. Final account shall be discussed and concluded in the meeting of the general provincial assembly in March.

Budgetary provisions shall apply to the discussion and conclusion of the final account.

#### **Budget**

**Article 48** — Rules and procedures applicable to the budget and accounting operations of the special provincial administration shall be set out in a regulation to be issued by the Ministry of Internal Affairs in consultation with the Ministry of Finance.

#### **Continuity of the past year's budget**

**Article 49** — Where the budget of the new year is not finalized for any reason whatsoever, the past year's budget shall be implemented until the new budget is finalized.

Operations performed until the adoption of the budget shall be considered to have been performed according to the new year's budget.

### **Service commitments involving future years**

**Article 50** — Maintenance of parks, gardens and pools, car rents, controlling, cleaning and catering services, maintenance and repair of vehicles, computers, fax devices, photocopiers and other technological products may be assigned to third parties by way of contracting, upon decision of the general provincial assembly in special provincial administrations, or the decision of the competent body in organizations affiliated to special provincial administrations, provide that its duration does not go beyond the end of the third day following the first general elections for local administrations. ,

## **PART THREE**

### **Borrowing and Economic Engagements**

#### **Borrowing**

**Article 51** — The special provincial administration may borrow funds or issue bonds in accordance with the following procedures and rules with a view to meeting the costs necessitated by its duties and services:

a) External borrowing may be made within the framework of the Law No. 4749 on Public Financing and Debt Management, only if it serves the purpose of financing the projects included in the investment program of the special provincial administration.

b) Using investment loans and loan in cash from the Bank of Provinces, the special provincial administration must present its repayment plan to this bank. If the Bank of Provinces does not find the repayment plan satisfactory, it shall reject the loan demand of the special provincial administration.

c) Issuance of bonds shall serve the purpose of financing the projects included in the investment program and be in accordance with the relevant legislation.

d) Internal and external debt stock, including interests, of the special provincial administration and its affiliated organizations as well as the companies in which they hold more than 50% of the total shares may not be more than the last finalized budget revenues, as increased by the revaluation rate specified in the Tax Procedures Act No. 213. This amount shall be applied after it is multiplied by one and a half, for special provincial administrations of the provinces having a metropolitan municipality.

e) The special provincial administration and its affiliated organizations as well as the companies in which they hold more than 50% of the total shares may undertake an internal borrowing not exceeding 10%, in total, of their last finalized budget revenues, as increased by the revaluation rate specified in the Tax Procedures Act No. 213, upon a general provincial assembly decision, and where this amount exceeds 10%, upon decision of the absolute majority of the whole number of members of the assembly and approval of the Ministry of Internal Affairs.

f) For those infrastructural investments of special provincial administrations which necessitate advanced technology and a large amount of funds, borrowings to be accepted by the Council of Ministers upon the proposal of the Undersecretariat for State Planning Organization shall not be taken into account in the calculation of the amount referred to in the point (d). For projects necessitating external funds, the Undersecretariat of Treasury shall be consulted.

For officials of special provincial administrations who incur debt in contradiction with the procedures and rules above, Article 240 of the Turkish Penal Code shall apply, where their acts does not require a heavier penalty.

The special provincial administration shall submit its financial statements including detailed illustrations of its assets and liabilities to the ministries of Internal Affairs and Finance as well as the State Planning Organization and the Undersecretariat of Treasury on a quarterly basis.



### **Incorporation of a company**

**Article 52** — The special provincial administration may incorporate capital stock companies in the filed of activities and duties assigned to it, in accordance with the procedures laid down in the applicable legislation.

### **Establishments**

**Article 53** — The special provincial administration may conduct its services, which brings special revenues or costs, by setting up establishments under the budget appropriations with the authorization of the Ministry of Internal Affairs.

Such establishments shall be inspected in accordance with the procedure applicable to the special provincial administration.

### **Exchanging and offsetting debts and receivables**

**Article 54** — Except the Treasury receivables under the Law No. 4749, receivables and debts of the special provincial administration, subject to private law or public law, against the general-budget organizations, social security organizations, local administrations and other public institutions and organizations shall be exchanged and offset. Adequate and necessary appropriations shall be included in the budgets of these institutions and organizations.

Rules and procedures applicable to exchange and offset transactions under this article shall be laid down in regulation to be issued by the Ministry of Finance, obtaining the affirmative opinion of the Ministry of Internal Affairs.

## **PART FOUR**

### **Penalties**

#### **Penalties**

**Article 55** — Those who act in contradiction with the decisions taken and duly announced by the general provincial assembly under the authority granted by laws, for the issues falling under the jurisdiction of the special provincial administration, shall be sentenced to a monetary penalty of up to three hundred million Turkish Liras, where legislation does not provide for any other penalty. Where the offence is perpetrated on behalf of any corporation, the penalty shall be doubled.

Where the offences referred to in paragraph one above are perpetrated by those who are involved in trade, arts and professions regarding certain needs such as eating, drinking, entertainment, resting, sleeping, care and cleaning, the workplace shall be closed for three to seven days as an additional penalty.

If the facilities under the jurisdiction and responsibility of the special provincial administration are damaged howsoever, the costs incurred by the special provincial administration to restore them to their previous conditions shall be collected from the damager with a 30% excess.

#### **Power to impose penalties**

**Article 56** — Penalties envisaged in Article 55 shall be imposed by the provincial council. However, where the governor or the district administrator identifies the perpetration of an offence, s/he may impose a penalty of up to one hundred million Turkish Liras and close down the workplace for up to three days.

#### **Issuance of a fact sheet**

**Article 57** — Authorized personnel of the special provincial administration shall draw up a fact sheet for those who commit acts and actions that necessitate penalties. The sheet shall indicate the place, time and quality of the act or action committed against the prohibition; it shall

also indicate the breached legislative provision. The sheet shall be drawn up in the place where the act and action was committed, be signed by parties and one copy of it shall be given to the concerned person and the other copy shall be delivered to the special provincial administration within ten days. Where the concerned person refrains from signing or receiving the sheet, this shall be recorded in the sheet. In this case, the fact sheet shall be delivered to the relevant village/quarter administrator, and thus be considered to have been made to the concerned person.

#### **Objection to the fact sheet and conclusion**

**Article 58** — Those for whom a fact sheet has been issued may file an objection with the special provincial administration within fifteen days following the date notification. Objections may be made through the agency of district administrators in districts. Objections filed with district administrators shall be forwarded to the special provincial administration within seven days.

Contested or non-contested fact sheets shall be concluded by the provincial council within fifteen days.

#### **Notification of decisions and objections**

**Article 59** — Decisions of penalty under this Act shall be notified in accordance with the Notifications Law No. 7201 of 11.2.1959.

Application to administrative judicial authorities shall not suspend implementation of monetary penalties.

#### **Implementation of penalties**

**Article 60** — If monetary penalties are not deposited in the account of the special provincial administration within thirty days following the date of notification, they shall be collected in accordance with the procedures of the Law No. 6183 on the Procedures for Collection of Public Claims.

The penalty to close down the workplace shall be implemented by sealing the workplace during term of penalty.

#### **Withdrawal and disposal**

**Article 61** — Without prejudice to the provisions of the General Public Health Law No. 1593, materials prohibited for use and sale by the special provincial administration shall be withdrawn. Those materials which are found harmful to health as a result of examinations and analyses shall be disposed of. Others shall be delivered to their owner. Goods not received by their owners within thirty days shall be treated properly by the special provincial administration.

## **SECTION SIX**

### **Miscellaneous and Final Provisions**

#### **PART ONE**

#### **Miscellaneous Provisions**

##### **Foreign Relations**

**Article 62** — The special provincial administration may be a founder member or an ordinary member of international organizations and institutions acting in fields relating to its scope of activity, subject to the general provincial assembly decision.

The special provincial administration may undertake activity and service projects in conjunction with such organizations and institutions.

The activities to be performed under paragraph one and two must be conducted in accordance with the foreign policy and international agreements, and prior consent of the Ministry of Internal Affairs must be obtained.

### **Tasks and supplementary payments of district administrators**

**Article 63** — District administrators shall be obliged to fulfill the tasks of the special provincial administration assigned by the governor and answerable against the governor for such fulfillment. In consideration of the fulfilled tasks, district administrators shall be paid a monthly payment to be found by multiplying the indicator 12000 by the salary coefficient applied to Public servants.

Provisions of paragraph (c) of Article 5 of the Law No. 4505 on Making Amendments to Certain Laws Concerning Social Security and on Payment of Representation Security as well as the Decree No. 631 on Making Amendments to Regulations on Financial and Social Rights of Public Servants and other Public Officers and Certain Laws and Decrees shall not apply to the disbursement of the payments specified in this Article and Article 28.

### **Relations with other organizations**

**Article 64** — For issues falling under the jurisdiction and scope of activity of the special provincial administration in accordance with the agreement to be made upon a decision of the general provincial assembly, the special provincial administration may:

a) undertake, in return for a fee or free of charge, construction, maintenance, repair and transportation works of other public institutions and organizations or perform joint service projects with these organizations and carry out necessary fund transfers to this end. In such a case, the work shall be completed in accordance with the legislative provisions applicable to the organization undertaking the performance of the work.

b) may meet the needs for buildings, facilities, plots of land and needs in kind, or employ vehicles and personnel temporarily, with a view to the fulfillment of principal duties and services of the central administration.

c) may undertake joint service projects in cooperation with professional organizations, associations, foundations, serving as a public institution, and chamber of profession falling under the Law No. 507 on Tradesmen and Craftsmen.

d) may allocate their own real properties to other public institutions and organizations so that they are used in their principal duties and services, provided that duration of such allocations does not last more than twenty five years. If such real properties are used out of their intended use, the allocation shall be cancelled. At the end of the allocation, reallocation on the same terms shall be possible. Such properties may be rented out to the same institutions.

Real properties afforded or allocated by special provincial administrations in accordance with points (b) and (d) may not be used as a public residence and social facility.

### **Voluntary participation in the services of the special provincial administration**

**Article 65** — The special provincial administration shall implement programs intended for the participation of volunteers for the purpose of ensuring solidarity and participation in the provision of health, educational, sports, environmental, traffic and cultural services as well as services toward the elderly, the women and children, the disabled, the poor, etc. and increasing the effectiveness, savings and efficiency in such services.

Qualification of volunteers and the rules and procedures applicable to their employment shall be laid down in a regulation to be issued by the Ministry of Internal Affairs.

### **Communication**

**Article 66** — The special provincial administration may communicate directly to public institutions and organizations.

#### **Disbursement of counseling fees**

**Article 67** — Provisions of the Law No. 1389 on the Counseling Fees to be Awarded to Attorneys-at-Law Representing the State Before the Courts dated 2.2.1929 shall apply to disbursement of counseling fees collected from the opposing party due to the cases and attachment prosecutions resulted in favor of the special provincial administration to the attorneys-at-law holding an office and the officers serving at the legal office

#### **Implementation of the revaluation rate**

**Article 68** — The monetary amounts in this Act, except fees, attendance fees and bonus payments, shall be increased every year according to the revaluation rate to be specified in accordance with the Tax Procedures Law No. 213.

#### **Emergency planning**

**Article 69** — The special provincial administration shall develop necessary disaster and emergency plans and prepare required teams and equipment in order to guard against fire, industrial accidents, earthquakes and other natural disasters or mitigate their effects, considering the characteristics of the province.

During the development of emergency plans, coordination with other provincial emergency plans, if any, shall be ensured and relevant ministries, public institutions, professional organizations as well as universities and other local administrative bodies shall be consulted.

After taking necessary measures toward the training of the people in line with plans, programs may be made in collaboration with the administrative bodies, institutions and organizations referred to in paragraph two.

In the event of fires and natural disasters outside the province, the special provincial administration may provide aid and support to such regions.

#### **Inapplicable provisions**

**Article 70** — As regards the duties and services to which the special provincial administration is assigned, in the case of discrepancies between this Act and the General Public Health Law No. 1593 of 24.4.1930, Law No. 2559 on the Duties and Powers of the Police dated 4.7.1934, Provincial Administration Act No. 5442 dated 10.6.1949, Law on Charges No. 492 dated 2.7.1964, Public Servants Act No. 657 dated 14.7.1965, Reconstruction Law No. 3194 dated 3.5.1985, Law No. 3572 on Amendment and Adoption of the Decree on Licenses for Opening Workplaces and Working Licenses dated 3.5.1985, Law No. 5179 on Amendment and Adoption of the Decree on Production, Consumption and Inspection of Foodstuff dated 27.5.2004 and the Highway Transportation Law No. 4925 dated 10.7.2003, provisions of this Act shall prevail.

#### **Repealed provisions**

**Article 71** — The Special Provincial Administration Act of 13 March 1329 and the annexes and amendments to this Law shall be repealed.

**Provisional Article 1** — Election of presidential board of the assembly to be made in accordance with Article 11 of this Act shall be made within one month at the latest from the publication of this Act.

The existing provincial council shall continue to serve until a council in accordance with Article 25 of this Act is set up.

**Provincial Article 2** — Creation and cancellation of officer seats/offices until the norm staffing is introduced in special provincial administrations and affiliated organizations as well as

local administrative bodies shall be made upon a Council of Ministers Resolution in consultation with the Ministry of Finance and State Personnel Department and upon a proposal from the Ministry of Internal Affairs. Permanent worker offices and temporary worker positions shall be subject to the endorsement of the Ministry of Internal Affairs within this period.

**Provisional Article 3** — The six-month period for the development of strategic plans provided for in Article 31 of this Act shall be applied as one year for initial strategic plans that are required to be developed following the entry into force of this Act.

**Entry into force**

**Article 72** — This Act shall enter into force on the date of its publication.

**Enforcement**

**Article 73** — Provisions of this Act shall be enforced by the Council of Ministers.