

LAW ON SPECIAL PROVINCIAL ADMINISTRATION

(Law No: 5302)

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PART ONE General Provisions

CHAPTER ONE Purpose, Scope and Definitions

Purpose

Article 1- The purpose of this Law is to lay down the establishment, organs, administration, duties, powers, responsibilities and working procedures and principles of special provincial administration.

Scope

Article 2- This Law covers special provincial administrations.

Definitions

Article 3- For the purposes of this Law, the following definitions shall apply:

a) “Special provincial administration” means a public entity having administrative and financial autonomy which is established to meet the common local needs of the people in the province and whose decision-making body is elected by voters;

b) “Organs of special provincial administration” means the general provincial council, the provincial executive committee, and the governor.

CHAPTER TWO Establishment and Boundaries of the Special Provincial Administration

Establishment

Article 4- The special provincial administration shall be established by the law concerning the establishment of a province and its legal personality shall cease to exist when the province is abolished.

Purview of the special provincial administration

Article 5- The purview of the special provincial administration shall cover the boundaries of the province.

CHAPTER THREE

Duties, Powers and Responsibilities of the Special Provincial Administration

Duties and responsibilities of the special provincial administration

Article 6- Provided that such services be of local and common nature, the special provincial administration shall be mandated and authorized to provide:

a) Services that are related to youth and sports, health, agriculture, industry and trade; except for those metropolitan municipalities whose boundaries are the boundaries of the province, provincial environmental plan, public works and settlement, conservation of soil, prevention of erosion, culture, arts, tourism, social services and aids, provision of micro credits to the poor, day care centres and orphanages; provision of landlots to primary and secondary education institutions, construction, maintenance, and repair work of the buildings, as well as services to respond to other needs within the boundaries of the province;^{1 2 3}

b) Services that are related to land development planning and control, road, water, sewer, solid waste, environment, emergency aid and rescue (...)⁴; supporting the forest villages, forestation, establishment of parks and gardens outside the municipal boundaries.

(Supplementary paragraph: 3/7/2005-5393/85 Art.; Amended second paragraph: 24/7/2008-5793/42 Art.) Ministries and other central government agencies may realize the investments relating to such services as construction, maintenance and repair works, state and provincial roads, potable water, irrigation water, sewer, power transmission lines, health, education, culture, tourism, environment, land development planning and control, public works, settlement, youth and sports, and other investments within the purview of ministries and other central government agencies by transferring the appropriations in their budgets earmarked for such services to the special provincial administrations. The transfer shall be subject to the approval of the relevant minister, and such appropriations may not be used for other purposes. The work shall be completed according to the procedures and principles to which the special provincial administration is subject. The special provincial administrations may transfer appropriations from own budgets within their budgetary means. Investments to be realized through appropriations being transferred by ministries and other central government agencies in accordance with this paragraph may be carried out within the provincial boundaries without limitation as to the purview as specified in the first paragraph. **(Supplementary sentence: 6/4/2011-6225/1 Art.)** Those appropriations, which have been transferred to the special provincial administration to realize a particular project pursuant to this paragraph but understood that they could not be used for the earmarked project by the end of the year following the fiscal year when they were transferred, may be transferred, by the approval of the relevant Minister, to the same or another special provincial administration to be used under this paragraph and for another project or to the Housing Development Administration to be used under its respective legislation.

(Supplementary paragraph: 1/7/2006-5538/26 Art.; Amended third paragraph: 24/10/2011-Decree-Law-661/61 Art.) Expenditures may be covered from the budget of the special provincial administration for the purchase, operation, maintenance and repair of vehicles under the Law No. 237 of 5/1/1961 on Vehicles and office needs of the public

¹ By Article 24 of the Law No. 5340 of 28/4/2005, the expression “youth and sports” was added to come before the expression “health” in this subparagraph and inserted in the text.

² By Article 85 of the Law No. 5393 of 3/7/2005, the expression “culture, arts, tourism” was added to come after the expression “prevention of erosion” and inserted in the text.

³ By Article 26 of the Law No. 5538 of 1/7/2006, the expression “except for those metropolitan municipalities whose boundaries are the boundaries of the province” was added to come after the expression “provincial environmental plan” and inserted in the text.

⁴ By Article 85 of the Law No. 5393 of 3/7/2005, the expression “culture, tourism, youth and sports” was removed from the text.

entities, the construction, operation, maintenance and repair of public employee housing units and the expenditures needed for procuring equipment for security services.

The provincial environmental plan shall be drawn up under the coordination of the governor, together with metropolitan municipalities in metropolises, with provincial municipalities and special provincial administrations in other provinces. The provincial environmental plan shall be approved by the municipal council and the general provincial council. **(Supplementary sentence: 1/7/2006-5538/26 Art.)** For those metropolitan municipalities whose boundaries are the boundaries of the province, the metropolitan municipality shall draw up or cause to draw up the provincial environmental plan which shall be directly approved by the municipal council.

The priority of the performance of the services shall be determined by taking into consideration the financial status of the special provincial administration, the urgency of the service and the development level of the place the service is to be delivered.

The services of the special provincial administration shall be provided at the nearest places to the citizens using the most appropriate methods. During the performance of such services, the methods applied shall be appropriate for the people with disabilities, elderly, needy and low-income citizens.¹

The governor of that province shall coordinate the performance of services in an integrated and harmonized manner by other local governments and public entities.

The powers and responsibilities granted to the Ministry of Industry and Trade and to the organized industrial districts with the Law No. 4562 on Organized Industrial Districts lie outside the scope of this Law.

Powers and privileges of the special provincial administration

Article 7- The special provincial administration shall have the following powers and privileges:

a) Conduct all activities for the discharge of duties and services as prescribed by laws; issue and supervise permits and licenses that are specified in laws for the activities of natural and legal persons;

b) Within the special provincial administration's statutory purview, issue regulations, impose and enforce bans, and impose statutory penalties;

c) With a view to providing services, purchase, sell, rent or lease, exchange and establish limited property rights on such property;

d) Borrow loans and accept donations;

e) Decide to amicably settle and liquidate disputes in litigation up to 25 billion Turkish Liras other than cases relating to taxes, duties and charges;

f) Assess, accrue and collect the taxes, duties, charges, fees and contributions reserved to the special provincial administration under special laws;

g) Issue permits for, and inspect, polluting businesses and leisure and recreational facilities open to the public outside municipal boundaries. **(Supplementary sentence: 6/3/2007-5594/4 Art.)** However, all types of licenses including business licenses for all facilities in airports open to civil aviation shall be issued by the General Directorate of Civil

¹ By Article 70 of the Law No. 6462 of 25/4/2013, the expression "özürlü" in this subparagraph was amended as "engelli" [both expressions translate to English as "with disabilities", thus no change in English text].

Aviation. Procedures and principles concerning this issue shall be laid down in a regulation to be issued by the General Directorate of Civil Aviation.

The special provincial administration may conduct public opinion polls and surveys to find out the public views and opinions on its services.

Persons who commit offences against the property of the special provincial administration shall be considered to have committed offences against State property. **(Supplementary sentence: 1/7/2006-5538/26 Art.)** Provisions of Article 75 of the Law No. 2886 on State Procurement also apply to the immovable properties of the special provincial administration.

The following may not be attached: proceeds obtained by the special provincial administration through loans against projects; taxes, duties and charges; conditional donations; property in actual use for public service purposes.

Exemptions granted to the special provincial administration

Article 8- Immovable properties which are owned by the special provincial administration and set aside for public service purposes or open to public use and do not yield revenues, and the construction and use of such properties shall be exempt from the payment of all taxes, duties, charges, fees and contributions except the value added tax and the special excise.¹

PART TWO Organs of the Special Provincial Administration

CHAPTER ONE General provincial council

General provincial council

Article 9- The general provincial council shall be the decision-making body special of the provincial administration and comprise members elected according to the principles and procedures provided for by the relevant law.

Duties and powers of the general provincial council

Article 10- The general provincial council shall have the following duties and powers:

- a) Deliberate and adopt the strategic plan, investment and work programs and performance criteria for activities and staff of the special provincial administration;
- b) Adopt the budget and final accounts and make budget transfers between level 1 units subject to institutional coding and level 1 services subject to functional classification;
- c) Except for those metropolitan municipalities whose boundaries are the boundaries of the province, deliberate on and approve the provincial environmental plan and the land development plans outside municipal boundaries;
- d) Decide to borrow loans;
- e) Decide to establish enterprises under the budget, establish or withdraw from enterprises subject to the Turkish Commercial Code No. 6762, increase their capital and establish real estate investment trusts;

¹ By Article 13 of the Law No. 5766 of 4/6/2008, the expression "except the value added tax and the special excise" was added to come after the expression "construction and uses" in this article and inserted in the text.

f) Decide to purchase, sell, exchange or allocate immovable property, alter the form of allocation or, convert any allocated movable property to liquid assets; lease immovable property for periods of more than three years and establish limited property rights over immovable property for periods not to exceed 25 years;

g) Accept conditional donations;

h) **(Annulled: by the Decision of the Constitutional Court No. E.:2005/32, K.:2007/3 dated 18/1/2007);**

i) Decide to grant concessions on behalf of the special provincial administration, make investments of the special provincial administration according to the build-operate or build-operate-transfer model and privatize companies, enterprises and shareholdings owned by the special provincial administration;

j) Elect the members of the provincial executive committee and specialist commissions;

k) Adopt regulations to be issued by the special provincial administration;

l) Decide to create, abolish and alter job positions in the special provincial administration and its affiliated entities in accordance with the standard job positions;

m) Decide to cooperate with domestic and international local governments and unions of local governments;

n) Decide to form unions with other local governments and join or withdraw from existing unions of this kind;

o) Set the fee schedules to be applied for services outside the statutory purview of the special provincial administration which will be provided upon the request of relevant parties;

Chair committee

Article 11- On the fifth day following the announcement of the election results, the general provincial council shall convene on its own. The eldest member shall preside at this meeting. At this meeting, the council shall elect from among its own members by balloting the council chairman, the first deputy chairman, the second deputy chairman and four secretaries, two of whom are alternates for a term of office covering the first two years. The chair committee elected after the first two years shall remain in office until the first nationwide local elections.

The election of the chair committee shall be completed within three days.

If the seat of the council chairman or a seat on the chair committee falls vacant, a new chairman or member shall be elected to complete the remainder of the term of office.

The council chairman shall preside at the proceedings of the general provincial council; in his absence, the meeting shall be chaired by the first deputy chairman, or in his absence, by the second deputy chairman.

The chairman of the general provincial council shall ensure that the council proceedings are conducted in an orderly fashion.

The principles and procedures governing the council proceedings shall be laid down in a regulation to be issued by the Ministry of Interior.

Council meetings

Article 12- The general provincial council shall meet in its usual venue in the first week of every month, excluding the one-month vacation to be determined by the general

provincial council, on the date determined in advance by the general provincial council.
(Repealed last sentence: 3/7/2005-5393/85 Art.)

Meetings for the deliberation on the budget shall last no longer than twenty days and other meetings no longer than five days.

Where it is essential for the council to convene elsewhere than at its usual meeting venue, the meeting shall be held at the venue designated by the council chairman provided that the councillors and the governor be informed in advance. In addition, the public shall be informed of the venue and time of the meeting by the usual means.

Council meetings shall be public. On a reasoned proposal by the council chairman or one of the councillors, it may be decided by the simple majority of the participants to hold the session in camera. Simple majority shall mean the majority that is not less than half of a certain number.

The council's deliberations shall be recorded in writing by the officers and signed by the chairman and the councillor-secretaries. By a resolution of the council, its meetings may also be recorded in audio and in video.

The heads of units of the special provincial administrations and public entities in the province may be invited to council meetings and consulted regarding the matters on the agenda.

(Supplementary paragraph: 30/5/2007-5675/2 Art.) The council chairman shall, when he deems necessary in emergencies, convene the general provincial council not to be more frequent than three times a year and not to be more than one union per such meeting. The call for extraordinary meeting and the agenda shall be notified in writing to the councillors at least three days in advance and also announced by the usual means. The council may not deliberate on anything other than the matters that have necessitated such extraordinary meeting.

Agenda¹

Article 13- The agenda shall be set by the council chairman and notified to councillors at least three days in advance. The subjects proposed by the governor shall be put on the agenda of the first upcoming meeting of the council. The agenda shall also be publicized through various means.

Provincial councillors may also propose the inclusion of subjects relating to the activities of the special provincial administration in the agenda. The proposal shall be included in the agenda with the acceptance of the simple majority of the participants in the meeting.

Quorum for meetings and resolutions

Article 14- The general provincial council shall convene with the simple majority of its full membership and shall pass resolutions by the simple majority of the participants. However, the quorum for decision making may not be less than one quarter of the full membership of the council. In the event of a tied vote, the council chairman shall have the casting vote. Where the outcome of the voting is tied, the voting shall be repeated and if no majority is obtained, the council chairman shall draw lots.

In the event of failure to secure the simple majority of the council's full membership on the occasion of a council meeting, the chairman shall adjourn the meeting and set a date

¹ By Article 20 of the Law No. 6360 of 12/11/2012, the expression "of the first upcoming meeting of the council" was inserted to come after the expression "subjects proposed by the governor" in the first paragraph of this Article.

and time to reconvene the council within three days. The following meeting shall be held with a quorum of no less than one quarter of the council's full membership.

If, during the deliberations, it becomes apparent from a roll-call held at the request of the chairman or of one of the councillors that there is no quorum for decisions, the provisions of the second paragraph shall apply.

Councillors shall vote in person. Those who are physically unable to vote in a ballot may vote through a proxy whom they shall appoint.

Voting shall be by balloting, signalling or roll calling. Votes shall be in favour, against or abstention.

Resolutions shall be signed by the council chairman and the councillor-secretaries and distributed to councillors at the following meeting.

Finalization of council resolutions

Article 15- The full text of resolutions passed by the general provincial council shall be communicated to the governor within five days. The governor may refer such resolutions of the council as he considers unlawful back to the council for review, stating his reasons for doing so, within five days. Resolutions that are not transmitted to the governor shall not enter into force.

Resolutions which are not referred back for review (...) ¹ shall become final.

(Annulled third paragraph: by the Decision of the Constitutional Court No. E.:2005/32, K.:2007/3 dated 18/1/2007).

Summaries of the general provincial council resolutions which have become final shall be made public by appropriate means within seven days following the meeting.

Specialist commissions

Article 16- (Amended first sentence: 3/7/2005-5393/85 Art.) The general provincial council may set up specialist commissions of three to five persons from among its own members to serve for one year. The planning and budget commission and the land development planning and public works commissions shall consist of seven members at most.

Specialist commissions shall be formed according to the ratio of the number of members of each political party group and the number of independent members in the general provincial council to the total number of members of the council. It is mandatory to set up an education, culture and social services commission, a land development planning and public works commission, an environment and health commission and a planning and budget commission.

The working period of commissions except the land development planning and public works commission shall be limited to the meeting period of the council. Following the meeting period of the council, the land development planning and public works commission shall conclude the matters assigned thereto within ten working days and the other commissions shall do so within five working days. Where the report is not presented to the council at the end of such periods, the matter shall be directly put on the agenda of the council by the council chairman.

District governors and heads of public entities in the province and, representatives of public professional organizations in provinces, universities and trade unions as well as village

¹ The expression "... and resolutions which are referred back for review but upheld by the simple majority of the full membership of the general provincial council" in the second paragraph of this article was annulled by the Decision of the Constitutional Court No. E.:2005/32, K.:2007/3 dated 18/1/2007.

and neighbourhood masters, and civil society organizations concerned with the items on the agenda may attend the meetings of specialist commissions discussing issues that lie within their spheres of responsibility and activity, and state their opinions without voting rights.

After a specialist commission has considered an item within its purview, this item shall be resolved by the general provincial council.

Commissions may enlist the aid of experts in the course of their work.

Commission reports shall be public, and publicized by various means, and copies shall be given to members of the public on request at a fee determined by the general provincial council.

Audit commission

Article 17- The general provincial council shall, at each January meeting, form by balloting an audit commission of three to five persons from among its own members to audit the revenues and expenditures and related accounting records and transactions of the special provincial administration for the previous year. The commission shall be formed according to the ratio of the number of members of each political party group and the number of independent members in the general provincial council to the total number of members of the council.

The commission shall work at the venue to be designated by the governor within the special provincial administration building and may receive assistance from the expert persons and organizations as well as the personnel of public entities upon the approval of the governor. It is mandatory that information and documents requested by the commission be provided to be returned later. **(Supplementary sentences: 12/11/2012-6360/21 Art.)** Persons assigned to the works of the audit commission from public entities other than the special provincial administration the audit commission shall be paid daily allowances at an amount determined by the general provincial council not to exceed the amount provided for in the third paragraph of Article 25 of the Law No. 5393 of 3/7/2005 on Municipality. The number of persons to be assigned to the order of the audit commission and the number of days of work shall be determined by the general provincial council. Qualifications required of the experts shall be laid down in the regulation on the working of general provincial councils.

The commission shall conclude its work by the end of February and submit the related report to the council chairman until the fifteenth day of the following month.

If a matter constituting an offence arises, the council chairman shall file a criminal complaint to the competent authorities.

Council's means to obtain information and exercise supervision

Article 18- The general provincial council shall exercise its powers to obtain information and supervise through questions, general debates and its assessment of the activity report.

Councillors may table a motion with the council chairman, asking him verbal or written questions on affairs of the special provincial administration. The governor or his designee shall answer the question verbally or in writing.

At least one third of the councillors may request the council chairman to open a general debate on a subject relating to the affairs of the special provincial administration. If the council accepts the request, it shall be placed on the agenda.

In the March meeting, the governor shall present the activity report of the previous year to the council.

If a majority of three quarters of the full membership of the council considers that the explanations given in the activity report are unsatisfactory, the resolution on the report's being unsatisfactory and the record of the debates shall be communicated to the Ministry of Interior for action.

Attendance ban on the chairman and individual councillors

Article 19- The chairman and members of the general provincial council shall not attend the council meetings where issues exclusively related with themselves or their relatives by blood or marriage up to and including the second degree or their adopted children are discussed.

Obligations of councillors

Article 20- During their terms of office and for a period of two years following the end of their terms of office, councillors may not either directly or indirectly enter into a contract with, or act as a broker or representative for, the special provincial administration or its affiliated entities.

Termination of council membership

Article 21- Membership in the general provincial council shall automatically end in the event of death or resignation.

If a councillor fails, without valid reason or without permission, to attend meetings for three consecutive union days or half of the meetings held in a year, it shall be decided by the simple majority of the full membership of the council, after hearing the councillor's defence submissions, that he shall lose his membership of the council.

In the event of loss of eligibility for membership of the general provincial council, the governor shall notify the Council of State, which shall rule that the councillor concerned shall lose his membership of the council.

Dissolution of the council

Article 22- The general provincial council shall be dissolved by a decision of the Council of State after the latter has been notified by the Ministry of Interior in the following cases:

- a) The general provincial council neglects to timely perform its statutory duties and such failure impedes or delays the works of the special provincial administration, or
- b) The general provincial council passes resolutions on political issues unrelated to the duties conferred on the special provincial administration.

The Ministry of Interior may, if deems necessary, request along with its notification concerning dissolution of the council that the council's meetings be postponed until the court decides. The Council of State shall rule on this point within one month.

The council elected in place of a council dissolved in this manner shall complete the remainder of its term of office.

Performance of duties of a disabled council

Article 23- The civil servant members of a provincial executive committee shall exercise the duties of the council in the following circumstances until the council is able to function or a new council is elected.

- a) The general provincial council has been dissolved, or its meetings have been postponed by the Council of State;

- b) Even after the substitute members are brought in, the council falls below half of its full membership;
- c) The council has been temporarily suspended from office;
- d) More than half of the full number of members of the council has been arrested.

Attendance allowance and other social rights of councillors

Article 24- For each day of attendance at meetings of the general provincial council and the specialist commissions, the chairman and other councillors shall be paid attendance allowances the amount of which shall be the product of the monthly coefficient applied to civil servants and index figures of 6,000 and 2,200 respectively.¹

Councillors shall be considered on leave when ill. In addition, if they give a valid reason, the council may grant them leave on request, provided that the period of leave not exceed half of the period covered by meetings in a year.

CHAPTER TWO Provincial Executive Committee

Provincial executive committee

Article 25- The provincial executive committee, to be chaired by the governor, shall consist of five members to be elected by the general provincial council every year from among its own members by balloting for a period of one year, and five members to be selected by the governor every year from among the heads of units one of whom shall be the head of the fiscal services unit.

The secretary general shall chair the executive committee meeting which the governor is unable to attend.

The governor may invite the relevant heads of units to meetings of the executive committee for consultation, without voting rights, on items on the agenda.

Duties and powers of the executive committee

Article 26- The provincial executive committee shall have the following duties and powers:

- a) Review the strategic plan, the annual work program, the budget and the final accounts and inform the general provincial council of its opinion;
- b) Adopt and enforce expropriation decisions relating to works included in the annual work program;
- c) Determine the purposes for which the appropriation for contingencies is to be spent;
- d) Make budget transfers between level 2 services subject to functional classification;
- e) Impose statutory penalties;
- f) Decide to amicably settle and liquidate disputes in litigation up to five billion Turkish Liras other than cases relating to taxes, duties and charges;
- g) Implement council resolutions concerning the sale, exchange and allocation of immovable property; decide to lease such property for periods not exceeding three years;

¹ By Article 85 of the Law No. 5393 of 3/7/2005, the expression "and commission" was added to come after the expression "council in the first paragraph, and the expression "2,600" in the same paragraph was amended as "6,000" and inserted in the text.

- h) Determine the opening and closing hours of places open to the public outside municipal boundaries;
- i) Deliver opinion on matters referred by the governor;
- j) Perform the duties as prescribed by other laws.

Executive committee meetings

Article 27- The executive committee shall meet at least once a week at the date and time specified in advance. The governor may convene the executive committee in emergencies.

The executive committee shall convene with the simple majority of its full membership and make decisions by the simple majority of the participants. In the event of a tied vote, the committee chairman shall have the casting vote. Abstention shall not be allowed. **(Supplementary sentence: 12/11/2012-6360/23 Art.)** The provisions of this paragraph shall also apply to the meetings when the executive committee serves as the tender commission.

The agenda of the executive committee meeting shall be prepared by the governor. Members of the executive committee may propose matters for inclusion in the agenda.

Matters referred to the executive committee shall be deliberated and decided within a week.

The decisions taken shall be signed by the chairman and the members present at the meeting. Dissenters to a decision shall also state their reasons.

The governor may request the review of the executive committee decision in the next meeting which he deems to be in violation of the laws, bylaws and regulations and general provincial council resolutions. If the executive committee insists on its decision, then the decision shall be final. In this case, the governor may suspend the execution of the finalized executive committee decision and apply to administrative courts with a request for stay of execution within ten days. The objection shall be decided upon within sixty days by the Council of State.

The chairman and members of the executive committee may not attend the committee meetings at which matters concerning themselves or their relatives by blood or marriage up to and including the second degree or their adopted children are deliberated.

Allowance payable to members of the executive committee^{1 2}

Article 28- The non-civil servant members of the executive committee shall be paid gross monthly allowances the amount of which shall be the product of the monthly coefficient applied to civil servants and index figure 12,000. The civil servant members of the executive committee except the chairman shall be paid half of the index figure specified for the executive committee members.

¹ By Article 1 of the Decree-Law No. 666 of 11/10/2011, the expression “the chairman ... 14,000” in this paragraph was repealed.

² By Article 5 of the Decree-Law No. 666 of 11/10/2011, the expression “executive committee” in this Article was amended as “non-civil servant ... of the executive committee, and the expression “of the executive committee” as “of the executive committee except the chairman” and inserted in the text.

CHAPTER THREE

Governor

Governor

Article 29- The governor shall be the head of the special provincial administration and the representative of its legal entity.

Duties and powers of the governor

Article 30- The governor shall have the following duties and powers:

a) As the top administrator of the special provincial administration, govern the organization of the special provincial administration and protect the rights and interests of the special provincial administration;

b) Govern the special provincial administration in accordance with the strategic plan, formulate the institutional strategies of the special provincial administration, prepare, implement, monitor and appraise the budget and the performance criteria for activities and staff of the special provincial administration in accordance with such strategies, and submit reports on such subjects to the general provincial council;

c) Represent, or appoint a deputy to represent, the special provincial administration with government offices, at State ceremonies and before the judicial authorities whether as claimant or respondent;

d) Chair the provincial executive committee;

e) Manage the movable and immovable properties of the special provincial administration;

f) Pursue and collect the special provincial administration's revenues and receivables;

g) Conclude contracts subject to the decisions of the competent organs;

h) Implement the resolutions of the general provincial council and the executive committee;

i) Implement the budget, and approve budget transfers that lie outside the purview of the council and executive committee;

j) Appoint the special provincial administration's staff;

k) Oversee the special provincial administration, its affiliates and enterprises;

l) Accept unconditional donations;

m) Take necessary measures to ensure the peace, well-being, health and happiness of the residents of the province;

n) Spend the budget appropriation set aside for the poor and destitute;

o) Perform duties and exercise powers as conferred by laws on the special provincial administrations which do not require resolutions by the general provincial council or the provincial executive committee.

Strategic plan and performance plan

Article 31- Within six months of the nationwide local elections, the governor shall draw up the strategic plan in accordance with the development plan and programs and with the regional plan if any, and submit it to the general provincial council; he shall likewise draw

up the annual performance plan and submit it to the council before the beginning of the year concerned.

The strategic plan shall be prepared in consultation with universities if any, professional organizations and civil society organizations concerned with the subject, and enter into force after adoption by the general provincial council.

The strategic plan and the performance program shall serve as the basis for preparation of the budget and be deliberated and adopted by the general provincial council before the budget.

Delegation of powers

Article 32- The governor may, if he considers appropriate, delegate some of his duties and powers to lieutenant-governors, officials with managerial status of the special provincial administration and, in the districts, to district governors.¹

Delegation of representation power in case of dispute

Article 33- In the event of a dispute between the special provincial administration and the governor himself or his relatives by blood or marriage of the first or second degree or his adopted children, the chairman of the general provincial council or, in his absence, the deputy chairman or the persons designated by them shall initiate legal action and represent the special provincial administration in such cases.

CHAPTER FOUR Common Provisions Governing Organs

Suspension from office

Article 34- Organs of the special provincial administration or members thereof in respect of which or whom an investigation or prosecution is initiated on account of an offence connected with their duties may be suspended from office, as a temporary measure, pending the final judgment.

The measure of suspension from office shall be reviewed every two months. If the continuation of suspension from office no longer serves the public interest, it shall be lifted.

The measure of suspension from office shall be lifted in the cases where authorization pursuant to the Law No. 4483 on Trial of Civil Servants and Other Public Officials is not granted to initiate investigation on the organs of the special provincial administration or members thereof whom or which have been suspended from office due to investigation or prosecution, no prosecution is initiated, the public case is dismissed or ends in acquittal, or lapses due to general amnesty, or ends in a conviction for an offence which does not require removal from office.

PART THREE Organization of the Special Provincial Administration

Organization of the special provincial administration

Article 35- The organization of the special provincial administration shall consist of the general secretariat, units of financial affairs, health, agriculture, land development

¹ By Article 1 of the Law No. 5391 of 2/7/2005, the expression "to lieutenant-governors" was added to come after the expression "if deemed appropriate" in this article and inserted in the text.

planning and control, human resources and legal affairs. The establishment, abolition or unification of other units to be formed in accordance with the job position standards and requirements taking into consideration the population, physical and geographical structure, economic, social, cultural characteristics as well as the development potential of the province shall be made by a resolution of the general provincial council. Such units shall be established as divisions and branches in provinces having a metropolitan municipality and as branches in other provinces.

The secretary general shall arrange and execute the services of the special provincial administration on behalf of and in accordance with the directives of the governor and pursuant to the provisions of the legislation, resolutions of the general provincial council and executive committee, goals and policies of the special provincial administration, the strategic plan and the annual working program. To this end, the secretary general shall issue the necessary orders to the institutions of the special provincial administration and shall monitor and ensure the execution of such orders.

The Secretary General shall be accountable to the governor for the execution of the services mentioned above.

In provinces which have a total population up to 3,000,000, up to two positions of assistant secretary general may be established, and in provinces with higher population, up to four assistant secretary general positions may be established depending on the needs.

In districts, an organization of special district administration may be established under district governors to execute the tasks of the special administrations.

Standard job positions and employment

Article 36- The principles of job position standards shall be determined jointly by the Ministry of Interior and the State Personnel Department. Special provincial administrations shall carry out or cause to carry out the position standardization studies within the framework of such principles and standards.

The personnel of the special provincial administration shall be appointed by the governor and the general provincial council shall be informed thereof at the next meeting.

(Supplementary third paragraph: 3/7/2005-5393/85 Art.) Article 49 of the Law on Municipality shall apply to the employment of contracted personnel and part-time contracted personnel in the special provincial administrations.

(Supplementary paragraph: 24/10/2011-Decree-Law-661/62 Art.) The secretary general shall be appointed by the Minister of Interior on a proposal from the governor, and removed from office by the same procedure. In provinces which have metropolitan municipalities, persons appointed to the post of the secretary general shall enjoy the same supplemental indices, office, duty and representation allowances and pays and allowances paid pursuant to Article 152 of the Law No. 657 on Civil Servants in respect of the ministry's general directors in the general administrative service category; in other provinces, persons appointed to the post of the secretary general shall enjoy the same supplemental indices, office, duty and representation allowances and pays and allowances paid pursuant to Article 152 of the Law No. 657 on Civil Servants in respect of the ministry's heads of independent divisions in the ministry in the general administrative service category, and those appointed to the post of assistant secretary general shall enjoy likewise those provided for in respect of heads of divisions in the ministry in the general administrative service category. The time spent in the post of secretary general shall be deemed time spent as included the professional tenure.

(Supplementary paragraph: 24/10/2011-Decree-Law-661/62 Art.) Those who have been appointed to the post of secretary general while working in the special provincial administration shall, upon the expiry of their office, be appointed to the post of specialist in the special provincial administration. Those who have been appointed to the post of secretary general while working in other entities shall, within one month from the expiry of their office, be appointed to their respective posts or equivalent posts. Where the post they had vacated is full and there is no equivalent post, they shall be appointed to a position compatible with their service category prior to the appointment as secretary general, or if this is not possible, to a post of specialist in the special provincial administration. Those who are appointed as specialist shall work directly under the secretary general.

(Repealed paragraphs: 3/7/2005-5393/85 Art.)

(Repealed paragraph: 24/10/2011-Decree-Law-661/62 Art.)

Civil servants employed in public entities may, at the request of the governor and with their own consent and that of their entities, be appointed to the management positions of the special provincial administrations at the grade of head of unit and above. In the event of such appointments, account shall be taken of the requirements provided for in paragraph (B) of Article 68 of the Law No. 657 on Civil Servants. The staff of public entities employed in special provincial administrations on this basis shall be considered to be on leave of absence from their entities. All the financial rights attached to the positions to which such staff members are appointed and the social security and similar rights payable by their entities for the period for which they are appointed, shall be paid to such staff members by the special provincial administration. The period for which they are on leave shall be taken into account for promotion and retirement purposes and those who qualify for promotion shall be promoted with no further action required. Persons appointed in this manner shall, if they apply in writing to their original entities within fifteen days of the end of their period of appointment, be allowed to resume duties within one month in their original positions, or appointed to other positions compatible with their status if their original positions have been filled for requirements.¹

The time in service of civil administrators who have been appointed as general secretaries shall be included in their professional tenures. Within one month after the expiry of their terms of office as the secretary general, such persons shall be appointed to positions compatible with their professional seniority.

Civil servants of the special provincial administration with the exception of persons employed on a contractual basis or with worker status may, on the basis of successful performance, be paid bonuses up to twice a year by a decision of the executive committee, in proportion to their length of service, including sick leave and annual leave, such bonus being paid to no more than 10% of the total number of civil servants and not exceeding the amount obtained by multiplying the monthly salary coefficient applied to civil servants by an index figure of 20,000. At places having a metropolitan municipality, such figure shall be applied as 30,000.

¹ By Article 62 of the Decree-Law No. 661 of 24/10/2011, the expression “to their original posts” in this paragraph was amended as “allowed to resume duties in their original posts” and inserted in the text.

PART FOUR

Supervision on Special Provincial Administrations

Purpose of supervision

Article 37- The supervision on special provincial administrations shall include independently analyzing, comparing and measuring, assessing on the basis of evidence the service processes and results according to the legislation against the predetermined goals and objectives, performance criteria and quality standards, making the results into a report and informing the relevant parties in order to assist the special provincial administrations in preventing errors in their activities and acts and provide guidance for the development of their staff and organization, making their management and control systems valid, reliable and consistent.

Scope and types of supervision

Article 38- Special provincial administrations shall be subject to internal and external supervision. Supervision shall cover the legal compliance of acts, and financial and performance auditing.

Internal and external supervision shall be conducted in accordance with the provisions of the Law No. 5018 on Public Fiscal Administration and Control.

Furthermore, the administrative acts of the special provincial administration other than the financial transactions shall also be audited by the Ministry of Interior, by the governor or by the staff members to be assigned duty by the governor, in terms of compliance with the integrity of administration as well as with the development plan and strategies.

Affiliated entities and enterprises of the special provincial administrations shall be audited in accordance with the principles mentioned above.

The outcome of audits shall be made public, and communicated to the general provincial council.

Activity report

Article 39- The governor shall draw up an activity report in the manner prescribed in the fourth paragraph of Article 41 of the Law No. 5018 on Public Fiscal Administration and Control, indicating the activities conducted in accordance with the strategic plan and the performance goals, the goals and the extent of their achievement against the performance criteria determined and the reasons for any deviations therefrom.

The governor or the secretary general shall submit the activity report to the council during the meeting in March. A copy of the report shall be communicated to the Ministry of Interior and the report shall be made public.

Failure in services

Article 40- Where, at the request of the relevant ministry, the competent judge of the peace court finds that services of the special provincial administration are seriously failing and such failure is adversely affecting the population's health, peace and well-being to a vital degree, the Minister of Interior shall

a) Ask, and allow reasonable time to, the special provincial administration to remedy the failure in service provision in the light of the particular nature of the service;

b) If the failure cannot be remedied, ask the governor of the province concerned to provide the service in question. Then, the provincial governor shall at first remedy the failure by means of the equipment, staff and other facilities of the special provincial administration.

If that is impossible, he may also use the resources of other public entities. The provincial governor shall notify the Bank of Provinces of the cost consequently incurred and the Bank of Provinces shall place the amount at the disposal of the provincial governor's office out of the apportionment allocated to the special provincial administration concerned out of its total amount of tax revenue under the general budget for the following month.

Other provisions relating to supervision

Article 41- As regards the conduct of supervision and the preparation of the activity report, the relevant provisions of the Law No. 5018 on Public Fiscal Administration and Control and of the other legislation shall apply in cases not covered by the provisions of this Law.

PART FIVE Financial Provisions and Penalties

CHAPTER ONE Revenues and Expenditures of the Special Provincial Administration

Revenues of the special provincial administration

Article 42- The revenues of the special provincial administration shall be as follows:

- a) Taxes, duties, charges and contributions for the special provincial administration stipulated in laws;
- b) Apportionment of tax revenues under the general budget;
- c) Payments made by authorities funded under the general and special budgets;
- d) Revenues obtained from lease, sale and other uses of movable and immovable property;
- e) Fees to be collected for services provided, according to the fee schedules determined by the general provincial council;
- f) Revenues from interest and fines;
- g) Donations;
- h) Revenues obtained through enterprises, shareholdings and activities of all kinds;
- i) Other revenues.

Expenditures of the special provincial administration

Article 43- The expenditures of the special provincial administration shall be as follows:

- a) Expenditures on the acquisition, manufacture or construction, and maintenance of the special provincial administration's buildings, facilities, equipment and supplies, and repairs thereto;
- b) Salaries, wages, allowances, attendance allowances, travel expenditures paid to the staff and members of the elected organs of the special provincial administration, vocational training spending and other expenditures;
- c) Expenditures on all forms of infrastructure, construction, repairs and maintenance;

d) Expenditures on the pursuit and collection of taxes, duties, charges, contributions, service fees and other revenues;

e) Grants to villages and the unions established among villages within the framework of principles to be determined by the general provincial council;

f) Expenditures on equity shares and membership dues in respect of companies, organizations in which the special provincial administration is a founding partner and unions of which it is a member;

g) Expenditures on interest, other payments for debts and insurance;

h) Social welfare and aid payments to people on low income, the poor and destitute, the desolate, and the persons with disabilities;¹

i) Expenditures on litigation and enforcement;

j) Representation, ceremonial, hospitality and promotion expenditures;

k) Payments for lawyers' fees, consultants' fees and audit services;

l) Expenditures on joint services and other projects carried out with public-sector, private-sector and civil society organizations in Turkey and abroad;

m) Expenditures on socio-cultural and scientific events;

n) Expenditures on public opinion polls and surveys concerning the services of the special provincial administration;

o) Expenditures due to natural disasters;

p) Other expenditures on the performance of statutory duties and services.

CHAPTER TWO

Budget of the Special Provincial Administration

Budget of the special provincial administration

Article 44- The budget, which shall be drawn up in accordance with the province's strategic plan, shall set forth the revenue and expenditure estimates of the special provincial administration for the fiscal year and the following two years and authorize revenue collection and spending.

Detailed spending programs and funding programs shall be appended to the budget.

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

No extra-budgetary spending shall be allowed.

The governor and other officials with disbursement power shall be accountable for spending the budget appropriations efficiently, economically and appropriately.

Preparation and adoption of the budget

Article 45- The draft budget drawn up by the governor shall be submitted to the executive committee. The executive committee shall examine the budget and submit it to the general provincial council, together with its opinion, by the first day of November.

¹ By Article 70 of the Law No. 6462 of 25/4/2013, the expression "özürlü" in this paragraph was amended as "engelli" [both expressions translate to English as "with disabilities", thus no change in English text].

The general provincial council shall adopt the draft budget, unchanged or with amendments, before the beginning of the year. However, the council may not make amendments increasing expenditures and reducing revenues in such a manner as to impair budgetary balance.

(Supplementary paragraph: 12/11/2012-6360/24 Art.) Where the draft budget is not finalized within the time limit, the governor shall notify the case, including his opinion, to the Ministry of Interior. The decision of the Minister of Interior to be taken within thirty days shall be final.

Disbursement officer

Article 46- The top administrator of each disbursement unit to which appropriations are allocated under the special provincial administration budget shall be the disbursement officer. In districts, such powers shall be exercised by the district governor.

It is sufficient that the fiscal control officer of the special provincial administration approve the appropriations to be sent to districts. No ex-ante control shall be conducted on such appropriations when spending.

Final accounts

Article 47- The governor shall submit the final accounts for each year's budget to the executive committee in March, after the end of the accounting period. The final accounts shall be deliberated and decided upon at the May meeting of the general provincial council.

Provisions governing the budget shall apply to the deliberation and finalization of the final accounts.

Budget

Article 48- The principles and procedures governing budgets and accounting transactions of the special provincial administration shall be laid down in a regulation to be issued by the Ministry of Interior in consultation with the Ministry of Finance.

Continuation of the previous year's budget

Article 49- If, for any reason, the budget for the new year has not been finalized, the budget for the previous year shall continue to apply until the new budget is finalized.

Any measures taken prior to the adoption of the budget shall be regarded as having been taken under the budget for the new year.

Multi-year service contracts

Article 50- By a resolution of the general provincial council in the special provincial administration, and of the competent organ in affiliated entities of the special provincial administration, the following services may be awarded by tenders to third parties for a term not to go beyond the end of the third month following the date of the upcoming nationwide local elections: maintenance of parks, gardens and pools, vehicle rentals, engineering supervision, sanitation, food services, maintenance and repair works of equipment, computers, facsimile machines, photocopiers and other technology products.

CHAPTER THREE

Borrowing and Economic Enterprises

Borrowing

Article 51- The special provincial administration may borrow loans and issue bonds in accordance with the following procedures and principles in order to cover the expenditures required by their duties and services:

a) Foreign loans may be contracted under the terms of Law No. 4749 on the Regulation of Public Financing and Debt Management and solely in order to finance projects included in the investment program of the special provincial administration.

b) A special provincial administration wishing to make use of an investment loan or cash loan from the Bank of Provinces shall be obliged to submit its repayment plan to this bank. If the Bank of Provinces considers the repayment plan inadequate, it shall reject the special provincial administration's request for a loan.

c) Bonds shall be issued in accordance with the relevant legislation in order to finance projects included in the investment program.

d) The domestic and foreign debt stock, including interest, of special provincial administrations and their affiliated entities and companies in which they hold more than 50% of the equity capital may not exceed the total amount of their latest final budget revenues increased by the revaluation rate provided for in the Law No. 213 on Tax Procedures. Such ceiling shall apply to the special provincial administration having a metropolitan municipality as one-and-a-half times that amount.

e) Special provincial administrations and their affiliated entities and companies in which they hold more than 50% of the equity capital may contract domestic loans by a resolution of the general provincial council provided that such loans not exceed a total of 10%, for the year concerned, of the amount of their latest final budget revenues increased by the revaluation rate provided for in the Law No. 213 on Tax Procedures; they may contract domestic loans exceeding 10% of that amount by a resolution of the simple majority of the full membership of the general provincial council and with the approval of the Ministry of Interior.

f) Loans contracted by special provincial administrations for projects approved by the Council of Ministers on a proposal from the Undersecretariat of State Planning Organization in respect of infrastructure investments of the special provincial administrations requiring high technology and substantial financial resources shall not be taken into account in the calculation of the amount provided for in subparagraph (d). The Undersecretariat of Treasury shall be consulted in respect of projects requiring foreign funding.

(Amended second paragraph: 23/1/2008 – 5728/565 Art.) Officials of the special provincial administration who contract loans in a manner contrary to the aforementioned procedures and principles shall be subject to the provisions of Article 257 of the Turkish Criminal Code No. 5237, unless their acts constitute an offence entailing a heavier penalty.

Special provincial administrations shall communicate the financial statements detailing their assets and liabilities to the Ministry of Interior, the Ministry of Finance, the Undersecretariat of State Planning Organization and the Undersecretariat of Treasury at quarterly intervals.

Founding companies

Article 52- In areas relating to the duties and services assigned to them, special provincial administrations may found capital companies according to the procedures provided for in the relevant legislation.

Founding enterprises

Article 53- With the permission of the Ministry of Interior, special provincial administrations may provide those of their services which carry their own revenue and expenditure by setting up enterprises under their budgets.

Such enterprises shall be audited pursuant to the procedures to which the special provincial administration is subject to.

Clearing and setting off debts and claims

Article 54- Excluding the Treasury receivables covered by the Law No. 4749, the private and public law debts and claims of special provincial administrations to and from administrations under the general budget, social security institutions, local governments and other public entities, shall be cleared and set off. Adequate and necessary amount of appropriations shall be made available in the budgets of such entities.

The principles and procedures concerning the clearing and offsetting transactions pursuant to this Article shall be laid down in a regulation to be issued by the Ministry of Finance upon the affirmative opinion of the Ministry Interior.

CHAPTER FOUR

Penalties

Administrative Sanctions¹

Article 55- (Amended first paragraph: 23/1/2008 – 5728/566 Art.) An administrative fine of 300 Turkish Liras shall be imposed on persons who violate the resolutions passed and duly announced by the general provincial council based on the powers conferred by the laws on issues within the purview of the special provincial administration unless their acts constitute an offence. In cases where the act has been committed in the context of a legal entity's activities, the fine on such legal entity shall be doubled.

(Amended second paragraph: 23/1/2008 – 5728/566 Art.) In cases where the acts mentioned in the first paragraph are committed by those parties that are engaged in trade, craft and professions in connection with human needs such as food, beverage, entertainment, leisure, accommodation, care and sanitation, an additional penalty shall be imposed in the form of temporary business closure from three to seven days.

In the case of damage to the facilities within the purview of the special provincial administration, the costs incurred by the special provincial administration in restoring such facilities shall be collected from the party that has caused the damage with a 30 per cent surcharge.

¹ The following amendments were made by the following articles of the Law No. 5728 of 23/1/2008 and inserted in the text:

a) By Article 566, the title "Penalties" of Article 55 was amended as "Administrative Sanctions",

b) By Article 567, the title "Power to impose penalties" of Article 56 was amended as "Power to impose administrative sanctions".

Power to impose administrative sanctions¹

Article 56- (Amended: 23/1/2008 – 5728/567 Art.)

The penalties mentioned in Article 55 shall be issued by the provincial executive committee. However, if the governor or the district governor ascertains that an act has been committed, they may impose an administrative fine of one hundred Turkish and the penalty of temporary closure of the business for up to three days.

Drawing up a written record

Article 57- The authorized staff of the special provincial administration shall prepare a written record for those who have committed punishable acts. The record shall indicate the location, time, description of the act and what provision of the legislation it has violated. The record shall be drawn up on the scene of the act and be signed by the parties and one copy shall be given to the relevant party and the other to the special provincial administration within ten days. In cases where the relevant party refrains from signing or taking the record, this shall be noted down on the record and be considered to have been notified by way of personal delivery of the record to the relevant neighbourhood master.

Objection to the record and adjudication

Article 58- Those persons for whom a written record has been drawn up may object to the special provincial administration within fifteen days following the date of notification. The objection may be made to district governorships in districts. Objections made to district governorships shall be sent to the special provincial administration within seven days.

Provincial executive committee shall decide on the written records that have or not been objected to within fifteen days.

Notification of decisions and objection

Article 59- (Repealed: 23/1/2008 – 5728/578 Art.)

Imposition of the sanction of temporary business closure¹

Article 60- (Amended: 23/1/2008 – 5728/578 Art.)

The sanction of temporary business closure shall be enforced by locking up and affixing a seal to the workplace during the term of the sanction.

Confiscation and destruction

Article 61- Without prejudice to the provisions of the Law No. 1593 on Public Health, substances that are prohibited by the special provincial administration from being sold or used shall be confiscated. Those that have been found to be harmful to health as a result of the analyses and tests shall be destroyed. Others shall be returned to owners. Those goods which are not taken back by their owners within thirty days shall be put into appropriate use by the special provincial administration.

¹ By Article 568 of the Law No. 5728 of 23/1/2008, the title “Imposition of penalties” of this Article was amended as “Imposition of the sanction of temporary business closure” and amended in the text.

PART SIX
Miscellaneous and Final Provisions

CHAPTER ONE
Miscellaneous Provisions

International relations

Article 62- Subject to the resolution of the general provincial council, the special provincial administration may be founding members or members of international organizations or bodies concerned with matters relating to their purview.

The special provincial administration may carry out joint activity or service projects with such organizations and bodies.

Activities undertaken under the terms of the first and second paragraphs shall be conducted in a manner consistent with Turkey's foreign policy and with international treaties, and be subject to prior authorization by the Ministry of Interior.

Duty and additional allowance¹

Article 63- Lieutenant-governors and district governors shall be obliged to carry out the tasks of the special provincial administration which are assigned to them by the governor and shall be accountable to the governor for the execution of such tasks. **(Repealed second sentence: 11/10/2011-Decree-Law-666/1 Art.)**

(Repealed second paragraph: 11/10/2011-Decree-Law-666/1 Art.)

Relations with other organizations

Article 64- In matters within their purview, and in accordance with agreements reached by a resolution of the general provincial council, the special provincial administration may:

a) Take charge of the construction, maintenance, repair or transport works of other public entities, either in return for payment or free of charge, carry out joint service projects with such organizations and transfer the necessary funds for the purpose. In such cases the works concerned shall be completed in accordance with the provisions of the legislation to which the body performing the work is subject;

b) Meet the building, facilities and landlots and in-kind needs of the central government authorities for the performance of such authorities' essential services, and temporarily provide them with equipment and staff;

c) Carry out joint service projects with public professional organizations, associations, foundations and professional organizations covered by Law No. 507 on Tradesmen and Craftsmen;

d) Transfer their immovable property, or allocate it for periods not exceeding 25 years to other public entities to be used for the purposes of those authorities' essential duties and services. If such property is used for purposes other than that for which it has been allocated, the allocation shall be revoked. At the end of the allocation period, the property may be reallocated in accordance with the same principles. Such immovable property may also be leased to those organizations.

¹ By Article 1 of the Law No. 5391 of 2/7/2005, the title "Duty allowance and additional allowance to district governors" was amended as inserted in the text; and in the first paragraph, the expression "lieutenant-governors and" was added to come before "district governors" and the expression "to lieutenant-governors and" to come before "to district governors" and inserted in the text.

Immovable property transferred or allocated to public entities by the special provincial administrations may not be used as public employee housing or social facilities.

Voluntary participation in services of the special provincial administration

Article 65- The special provincial administration shall carry out programs designed to encourage the voluntary participation of individuals with a view to ensuring solidarity and participation in the province's provision of health care, educational, sporting and environmental services, traffic and cultural services and services for the elderly people, women, children, the persons with disabilities, the poor and destitute, and to increase effectiveness, economy and efficiency in service provision.¹

The qualifications required of volunteers and the procedures and principles governing their work shall be laid down in a regulation issued by the Ministry of Interior.

Correspondence

Article 66- The special provincial administration may correspond directly with public entities.

Distribution of lawyers' fees

Article 67- Lawyers' fees collected from the opposing parties under the terms of judgments rendered by courts in cases and enforcement proceedings resulting in decisions favourable to the special provincial administration shall be distributed to lawyers employed in job positions and officials on active duty in the legal service on the basis of analogy with the provisions of Law No. 1389 of 2.2.1929 on Counsels' Fees to Be Paid to Lawyers and Other Persons Concluding State Cases.

Application of the revaluation rate

Article 68- The money amounts except the payments of remuneration, attendance allowance and bonuses in laws shall be increased each year by the revaluation rate determined in accordance with the Law No. 213 on Tax Procedures.

Emergency planning

Article 69- The special provincial administration shall prepare the necessary disaster and emergency plans and make available the machinery and equipment in order to protect against or minimize damages caused by fires, industrial accidents, earthquakes and other natural disasters taking into consideration the characteristics of the province.

In the preparation of emergency plans, coordination shall be ensured with other provincial-scale emergency plans if any, and the opinions of relevant ministries, public entities, professional organizations, universities and other local governments shall be consulted.

Necessary measures shall be taken to train the public in line with the plans, and joint programs may be organized together with the administrations, entities cited in the second paragraph.

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

¹ By Article 70 of the Law No. 6462 of 25/4/2013, the expression "özürli" in this paragraph was amended as "engelli" [both expressions translate to English as "with disabilities", thus no change in English text].

Inapplicable provisions¹

Article 70- Limited to the duties and services for which this Law confers powers and responsibilities on special provincial administrations, the provisions of this Law shall govern and apply where the following legislative instruments have provisions contrary to this Law: Law No. 1593 of 24.4.1930 on Public Health, Law No. 2559 of 4.7.1934 on Police Duties and Powers, Law No. 5442 of 10.6.1949 on Provincial Administration, Law No. 492 of 2.7.1964 on Charges, Law No. 657 of 14.7.1965 on Civil Servants, Law No. 3194 of 3.5.1985 on Land Development Planning and Control, Law No. 3572 of 14.6.1989 on Amending and Adopting the Decree-Law on Business Licenses, (...) ¹ and Road Transport Law No. 4925 of 10.7.2003.

Repealed Provisions

Article 71- The Law on Special Provincial Administration of 13 March 1329 and the appendices and amendments thereto have been hereby repealed.

Transitional Article 1- The election of the council chairman to be held pursuant to Article 11 of this Law shall be carried out within one month following the publication date of this Law.

Until the formation of the provincial executive committee pursuant to the provision in Article 25 of this Law, the existing executive committee shall continue to discharge its duties.

Transitional Article 2- The establishment and cancellation of civil servant positions and amendments to vacant job positions until the implementation of the standard job positions in special provincial administrations, their affiliated entities and local government unions shall be subject to the approval of the Council of Ministers upon a proposal from the Ministry of Interior and the opinion of the Ministry of Finance and the State Personnel Department. Permanent worker job positions and temporary positions shall be subject to the approval of the Ministry of Interior within this period.

Transitional Article 3- The six-month period for the preparation of strategic plans as set out in the Article 31 of this Law shall be applied as one year for the first strategic plans that have to be prepared following the entry into force of this Law.

Transitional Article 4- (Supplementary: 25/6/2009-5917/36 Art.)

No debts shall be accrued on account of the payments made to the relevant recipients pursuant to Article 28 and 63 of this Law from 4/3/2005 to the date of entry into force of this Article; the collection of debts already identified shall be waived and the collection procedures shall be terminated.

Entry into force

Article 72- This Law shall enter into force on the date of publication.

Execution

Article 73- The Council of Ministers shall execute this Law.

¹ By Article 47 of the Law No. 5996 of 11/6/2010, the expression “Law No. 5179 of 27.5.2004 on Amending and Adopting the Decree-Law on Production, Consumption and Inspection of Foodstuffs” in this Article was removed from the text.

**LIST INDICATING DATE OF ENTRY INTO FORCE OF THE LEGISLATION
SUPPLEMENTING AND AMENDING THE LAW NO. 5302 OR OF THE
PROVISIONS ANNULLED BY THE CONSTITUTIONAL COURT**

Amending Law / Annulment Decision of Constitutional Court	Amended articles of the Law No. 5302	Date of entry into force
5340	6	5/5/2005
5391	32 and 63	13/7/2005
5393	6, 12, 15, 16 24 and 36	13/7/2005
5538	6, 7 and 10	12/7/2006
5594	7	10/3/2007
5675	12	7/6/2007
5728	51, 55, 56, 59, 60	8/2/2008
5766	8	6/6/2008
5793	6	6/8/2008
5917	Transitional Article 4	10/7/2009
5996	70	13/12/2010
6225	6	26/4/2011
Decree-Law/661	6, 36	2/11/2011
	28	15/1/2012
Decree-Law/666	28, 63	2/11/2011, to be effective from 14/1/2012
6360	13, 17, 27, 45	6/12/2012
6462	6, 43, 65	3/5/2013