



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

VOCATIONAL TRAINING
AUTHORITY
OF
SRI LANKA

ACT, No. 12 OF 1995

[Certified on 3rd July, 1995]

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Vocational Training Authority of Sri Lanka

Act No. 12 of 1995

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L.D.—O. 60/94

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE VOCATIONAL TRAINING AUTHORITY OF SRI LANKA, TO PECIFY THE POWERS, DUTIES AND FUNCTIONS OF THAT AUTHORITY ; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

1. This Act may be cited as the Vocational Training Authority of Sri Lanka Act, No. 12 of 1995, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette* (hereinafter referred to as the "appointed date").

Short title
and date of
operation.

PART I

ESTABLISHMENT AND CONSTITUTION OF THE VOCATIONAL TRAINING AUTHORITY OF SRI LANKA

2. (1) There shall be established in accordance with the provisions of this Act, an Authority which shall be called the Vocational Training Authority of Sri Lanka (hereinafter referred to as the "Authority").

Establishment of the Vocational Training Authority of Sri Lanka.

(2) The Authority shall, by the name assigned to it by subsection (1), be a body corporate with perpetual succession and a common seal and may sue and be sued in that name.

3. The functions of the Authority shall be—

Functions of the Authority.

(a) to continue every vocational training project or programme conducted by the Manpower Division and the Foreman Training Institute on the day immediately preceding the appointed date ;

(b) to formulate programmes for vocational training and to provide, directly, or through any agency in the public or private sector, vocational training to eligible persons so as to enable them to acquire the necessary skills required for employment ;

(c) to conduct National Trade tests and examinations and to issue certificates and other awards to persons who have undergone vocational training in accordance with the development plan prepared under the Tertiary and Vocational Education Act, No. 20 of 1990 ;

(d) to carry out research and development in vocational training ;

- (e) to co-ordinate, facilitate and assist, all forms of vocational training conducted by agencies in the public or private sector ;
- (f) to offer career-guidance and counselling services to enable persons who have undergone vocational training to choose careers according to their aptitudes and skills ;
- (g) to offer job placement services wherever possible, to persons who have satisfactorily completed vocational training ;
- (h) to engage in research activities on the manpower needs of the economy and the demand for job skills and employment opportunities ;
- (i) to set up organizations and programmes relating to vocational training ;
- (j) to liase, and establish links, with international vocational training organizations and institutions ;
- (k) to coordinate and facilitate the training of trainers required for vocational training by the public and private sectors.

**Powers
of the
Authority.**

4. (1) The Authority shall have the power to do all such acts as may be necessary for the discharge of all or any of its functions.

(2) Without prejudice to the generality of the powers conferred on the Authority by subsection (1), the Authority shall have the power—

- (a) to establish and manage centres or institutions for vocational training in any prescribed field ;
- (b) to assist financially or otherwise, the purchase of machinery or raw materials, or in the provision of any other facilities, for vocational training ;
- (c) to participate in any such programmes or activities relating to vocational training as may be determined by the Minister ;
- (d) to assess and evaluate, from time to time, the standards maintained and results obtained in the different fields of vocational training ;
- (e) to promote the introduction of new methodologies, techniques and equipment to obtain the maximum results from vocational training ;

- (f) to inspect and monitor centres and institutions for vocational training, to ascertain whether proper standards are being maintained therein ;
- (g) to levy and charge fees or other charges for services rendered, or facilities or equipment provided, by the Authority for vocational training ;
- (h) to acquire, hold, take or give on lease, mortgage or hire, pledge or, sell or otherwise dispose of, any movable or immovable property for the purpose of discharging the functions of the Authority ;
- (i) to provide financial assistance, welfare and recreational facilities, houses and other accommodation for the trainees, officers and servants of the Authority ;
- (j) to enter into and execute, whether directly or through any officer or agent authorized in that behalf by the Authority, all such contracts or agreements as may be necessary for the discharge of the functions of the Authority ;
- (k) to make rules in respect of the administration of the affairs of the Authority and in relation to its officers and servants, including their appointments, promotions, remuneration, disciplinary control and grant of leave to them ;
- (l) to enter into agreements with employers for the provision of vocational training to trainees selected for vocational training by the Authority ;
- (m) to ensure that every employer, whom the Authority intends to engage for the purpose of providing vocational training to a trainee, enters into a vocational training contract with such trainee prior to such training and for the registration of such contract with the Authority.

5. (1) The Authority shall consist of the following members :--

Constitution
of the
Authority.

- (a) six members appointed by the Minister of whom four members shall be from among entrepreneurs in the private sector ;

A member appointed under this paragraph is hereinafter referred to as an "appointed member."

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Act, No. 12 of 1995

- (b) a member nominated by the Minister in charge of the subject of Youth Affairs ;
- (c) a member nominated by the Minister in charge of the subject of Education ;
- (d) a member nominated by the Minister in charge of the subject of Industrial Development ;
- (e) a member nominated by the Minister in charge of the subject of Finance ;
- (f) the person holding office for the time being as the Commissioner of Labour or his representative ;
- (g) the Chairman of the National Apprentice and Industrial Training Authority established by the Tertiary and Vocational Education Act, No. 20 of 1990, or his representative.

(2) The Minister shall nominate two of the members of the Authority to be the Chairman and the Vice-Chairman respectively of the Authority and the members so appointed are hereinafter referred to respectively as the "Chairman" and the Vice-Chairman.

(3) The Chairman shall be the Chief Executive of the Authority.

**Term of
office of
members.**

6. (1) Every appointed member shall, unless he resigns or is removed from, or otherwise vacates office, hold office for a period of three years.

(2) An appointed member may at any time resign his office by a letter to that effect addressed to the Minister, and such resignation shall take effect upon it being accepted by the Minister.

(3) Where any appointed member is temporarily unable to discharge the functions of his office on account of ill health, absence from Sri Lanka or any other cause, the Minister may appoint some other person to act in his place.

(4) The Minister may, if he thinks it expedient to do so, remove any appointed member from office without assigning any reasons therefor, and thereupon that member shall be deemed to have vacated his office.

(5) Where an appointed member vacates office by resignation, removal or otherwise, the Minister may appoint another person in his place and the person so appointed shall hold office for the unexpired period of the term of office of the member whom he succeeds.

(6) An appointed member vacating office by effluxion of time shall be eligible for re-appointment.

7. (1) The Chairman or the Vice-Chairman of the Authority may resign from the office of Chairman or Vice-Chairman, as the case may be, by letter to that effect addressed to the Minister, and such resignation shall take effect upon it being accepted by the Minister.

Chairman
and Vice-
Chairman.

(2) The Minister may, if he thinks it expedient to do so, remove the Chairman or the Vice-Chairman from the office of Chairman or Vice-Chairman without assigning any reasons therefor.

(3) Subject to the provisions of subsections (1) and (2), the term of office of the Chairman and the Vice-Chairman shall be their period of membership of the Authority.

8. A person shall be disqualified from being appointed or continuing as a member of the Authority if he—

Disqualifica-
tion from
being
appointed or
continue as
a member
of the
Authority.

(a) is or becomes a Member of Parliament, a Member of a Provincial Council or a Member of a local authority ;

(b) is under any law in force in Sri Lanka or any other country, found or declared to be of unsound mind ;

(c) is a person who, having been declared an insolvent, or a bankrupt under any law in force in Sri Lanka or in any other country, is an undischarged insolvent or bankrupt ; or

(d) is serving or has served a sentence of imprisonment imposed by any court in Sri Lanka or in any other country.

9. The Minister may give the Authority such general or special directions in writing as to the exercise of its powers and the discharge of its functions under this Act and the Authority shall give effect to such directions.

Directions
of the
Minister.

Power of
Minister to
order
investigation
in to
activities of
the
Authority.

10. The Minister may from time to time, order all or any of the activities of the Authority to be investigated and reported upon by such person or persons as he may specify, and upon such order being made, the Authority shall afford all such facilities and furnish such information, as may be necessary to give effect to such order.

Act not
invalidated
due to any
vacancy.

11. The Authority may act notwithstanding any vacancy among its members and any act or proceeding of the Authority shall not be or deemed to be, invalid by reason only of the existence of any vacancy among its members or any defect in the appointment or nomination of a member thereof.

Remuneration
of members
of the
Authority.

12. All or any of the members of the Authority shall be remunerated in such manner and at such rates as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

Meetings
of the
Authority.

13. (1) The meetings of the Authority shall be held once at least in every month.

(2) Subject to the other provisions of this Act, the Authority may regulate its procedure in regard to its meetings and the transaction of business at such meetings.

(3) The quorum for any meeting of the Authority shall be seven.

Seal of the
Authority.

14. (1) The seal of the Authority shall be in the custody of such person as the Authority may decide from time to time.

(2) The seal of the Authority may be altered in such manner as may be determined by the Authority.

(3) The seal of the Authority shall not be affixed to any instrument or document except in the presence of two members of the Authority both of whom shall sign the instrument or document in token of their presence.

(4) The Authority shall maintain a register of the instruments or documents to which the seal of the Authority has been affixed.

15. (1) The Minister may establish a Vocational Training Council (hereinafter referred to as the "Council") for any Vocational Training Centre or any Technical Institute or any class or group of vocations or for any prescribed matter connected with any vocational training.

Vocational
Training
Council

(2) The Minister shall appoint for each Council a Chairman and such number or other members as may be determined by the Minister. The powers, functions and duties of the council shall be as prescribed.

(3) The expenses of the administration of the Council, including the remuneration of the members of the Council, shall be paid by the Authority.

PART II

STAFF OF THE AUTHORITY

16. (1) The Authority may appoint to the staff of the Authority such officers and servants as the Authority may deem necessary for the discharge of its functions.

Staff of the
Authority.

(2) Subject to the other provisions of this Act, the Authority may—

- (a) dismiss and exercise disciplinary control of the officers and servants so appointed;
- (b) fix the salary, wages or other remuneration of such officers and servants;
- (c) determine the terms and conditions of service of such officers and servants;
- (d) establish and regulate a provident fund or pension scheme for the benefit of such officers and servants and make contributions to such fund or scheme.

(3) Rules may be made under this Act in respect of all matters referred to in subsection (2).

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

Appointment
of
officers
in the
public
service
to the
staff of
the
Authority.

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

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

(4) Where the Authority employs a person who has agreed to serve the Government for a specified period, any period of service to the Authority shall be regarded as service to the Government for the purpose of discharging the obligations of that person under such agreement.

(5) At the request of the Authority any member of the Local Government Service or any officer of any local authority may with the consent of that member, officer or servant be temporarily appointed to the staff of the Authority for such period as may be determined by the Authority with like consent, or with like consent be permanently appointed to such staff on such terms and conditions including those relating to pension or provident fund rights as may be agreed upon by the Authority and the Local Government Service Advisory Board or the local authority, as the case may be.

(6) Where a person is temporarily appointed to the staff of the Authority under subsection (5), that person shall be subject to the same disciplinary control as any other member of the staff.

Delegation of powers, functions and duties to officers and servants of the Authority.

18. The Authority may delegate any of its functions or powers. (other than the power conferred on it by this section) to any officer or servant of the Authority and any such function or power shall be exercised, or discharged by such officer or servant, subject to the special or general directions of the Authority.

PART III

VOCATIONAL TRAINING DEVELOPMENT FUND

19. The Authority may, with the concurrence of the Minister and the Minister in charge of the subject of Finance, or in accordance with the terms of any general authority given with the like concurrence, borrow, by way of over-draft or otherwise, or negotiate and obtain on credit terms, such sums as the Authority may require for the purpose of discharging its functions under this Act:

Borrowing
Powers
of the
Authority.

Provided that the aggregate of the amounts outstanding in respect of any amount borrowed by the Authority under this section shall not at any time exceed such sum as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

20. (1) There shall be established a fund to be called the Vocational Training Development Fund (hereinafter referred to as "the Fund").

Vocational
Training
Development
Fund.

(2) There shall be paid into the Fund—

(a) all such sums of money as may be voted from time to time by Parliament for the use of the Authority;

(b) all sums lying to the credit of the Manpower Division and the Foreman Training Institute on the day immediately preceding the appointed date;

(c) all sums collected as fees, levies and charges in respect of vocational training or services, provided by the Authority under this Act;

(d) all such sums of money as may be received by the Authority by way of grants, or donations;

(e) all other sums received by the Authority in the exercise and discharge of its powers and functions under this Act.

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

Payments
out of
the Fund.

22. (1) Every trainee undergoing vocational training may be paid a training allowance from the Fund.

Training
allowance.

(2) The Authority shall in consultation with the Minister, determine the amount of the allowance to be paid to trainees. Different allowances may be so determined in respect of different categories of trainees, having regard to the educational qualifications and skills of the trainees in that category.

(3) A trainee undergoing training in any establishment recognised by the Authority may at the discretion of that establishment—

- (a) be entitled to receive from his employer any payment over and above the allowance he may receive from the fund ; or
- (b) be entitled to receive from his employer any payment over and above the allowance he may receive from the fund, for any piece work done by him for his employer ; or
- (c) be entitled to receive from his employer any payment by way of bonus or incentive payable to other workers in that establishment.

Provisions of Employees' Provident Fund Act, No. 15 of 1958, and Employees' Trust Fund Act, No. 46 of 1980, not to apply to trainees.

23. From and after the appointed date, the provisions of the Employees' Provident Fund Act, No. 15 of 1958, and the Employees' Trust Fund Act, No. 46 of 1980, shall not apply to trainees selected for vocational training by the Authority.

Financial year of the Authority.

24. The financial year of the Authority shall be the calendar year.

Audit of accounts of the Authority.

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

PART IV

GENERAL

Power of the Authority to call for information.

26. The Authority or any officer of the Authority authorised in writing in that behalf by the Authority may by notice in writing require any person to furnish to the Authority or to that officer, within such time as may be specified in such notice, all such information within the knowledge, of that person and relating to any matter specified in such notice, as may be necessary to enable the Authority to exercise and discharge its powers and functions under this Act.

27. (1) The Minister may, subject to the provisions hereinafter contained by Order published in the *Gazette*, transfer to the Authority—

Transfer of property, contracts or liabilities of the State to the Authority.

- (a) any vocational training centres or any technical institutes or any movable or immovable property of the State required for the discharge of the functions of the Authority ; and
- (b) any contract or liability of the State connected with any of the functions of the Authority.

(2) No movable property, contract or liability of the State shall be transferred to the Authority under subsection (1), without the concurrence of the Minister in charge of the subject of Finance.

(3) No immovable or property, of the State shall be transferred to the Authority under subsection (1), without the concurrence of the Minister in charge of the subject of Finance and the Minister to whom the subject of State lands is for the time being assigned.

(4) Upon publication of an Order under subsection (1) in the *Gazette*—

- (a) the properties specified in that Order shall vest in, and be the properties of, the Authority ;
- (b) the contracts specified in that Order shall be deemed to be the contracts of the Authority and all subsisting rights and obligations of the State under such contracts shall be deemed to be the rights and obligations of the Authority ;
- (c) the liabilities specified in that Order shall be deemed to be the liabilities of the Authority,

with effect from the date of such order.

28. The Minister may by Order published in the *Gazette*, approve the proposed acquisition of any land or any interest in any land, other than State land, for any purpose of the Authority, and where such an Order is so published, the land or the interest in any land specified in the Order, shall be deemed to be required for a public purpose and may be acquired under the Land Acquisition Act (Chapter 460) and when so acquired, shall be transferred to the Authority under that Act.

Power to acquire land compulsorily.

Authority deemed to be a scheduled institution within the meaning of the Bribery Act.

29. The Authority shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of that Act, shall be construed accordingly.

Members, officers and servants of the Authority deemed to be public servants.

30. All members, officers and servants of the Authority shall be deemed to be public servants within the meaning, and for the purposes, of the Penal Code.

Protection of action taken under this Act or on the direction of the Authority.

31. (1) No suit or prosecution shall lie against any member, officer or servant of the Authority for any act which in good faith is done, or is purported to be done, by him under this Act or on the direction of the Authority.

(2) Any expense incurred by any such person as is referred to in subsection (1) in any suit or prosecution brought against such person before any court in respect of any act which is done, or is purported to be done, by him, under this Act or on the direction of the Authority shall, if the Court holds that such act was done in good faith, be paid out of the Fund unless such expense is recovered by him in such suit or prosecution.

Transitional provisions.

32. From and after the appointed date—

(a) all functions relating to vocational training discharged by the Manpower Division and the Foreman Training Institute on the day immediately preceding the appointed date shall be discharged, with effect from the appointed date, by the Authority; and

(b) all movable and immovable property of the Manpower Division and the Foreman Training Institute and all contracts entered into by the Manpower Division and the Foreman Training Institute and subsisting on the day immediately preceding the appointed date shall stand transferred to, and vest in the Authority, with effect from the appointed date.

33. Notwithstanding any other provision of this Act— **Savings.**

- (a) every contract of training entered into by the State on behalf of the Manpower Division and the Foreman Training Institute with any trainee and subsisting of the day immediately preceding the appointed date shall be deemed with effect from the appointed date to be a contract entered into by the Authority with that trainee under this Act; and
- (b) all rules made, or training standards prescribed, by the Manpower Division and the Foreman Training Institute and in force on the day immediately preceding the appointed date, shall be deemed with effect from the appointed date, to be rules made and training standards prescribed under this Act.

34. (1) The Minister may make regulations for the purpose of carrying out the provisions, and giving effect to the principles, of this Act. **Regulations.**

(2) Without prejudice to the generality of the powers conferred by subsection (1) the Minister may make regulations in respect of all or any of the following matters:—

- (a) the standards of education and physical fitness required to be satisfied for selection as trainees in different fields of vocational training;
- (b) the terms and conditions to be included in training contracts between trainees and the establishments or institutions in which they undergo vocational training;
- (c) the period of training for trainees in different fields of vocational training;
- (d) the types of practical training and institutional training to be undergone by trainees in different fields of vocational training;
- (e) the obligations of establishments or institutions undertaking vocational training under this Act;
- (f) the obligations of trainees undergoing vocational training under this Act;
- (g) the hours of work and leave entitlement of trainees undergoing vocational training under this Act;
- (h) all matters which are required by this Act to be prescribed.

(3) Every regulation made by the Minister under subsection (1), shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified therein.

(4) Every regulation made by the Minister shall, as soon as convenient after its publication in the *Gazette* be brought before Parliament for approval. Every regulation which is not so approved shall be deemed to be rescinded from the date of disapproval but without prejudice to anything previously done thereunder.

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

to prevail
in case of
incon-
sistency.

Inter-
pretation.
Sinhala text

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

36. In this Act unless the context otherwise requires—

“Foreman Training Institute” means the Foreman Training Institute of the department of Labour ;

“local authority” means any Municipal Council, Urban Council or Pradeshiya Sabha and includes any authority created or established by, or under, any law to exercise, perform or discharge the powers duties and functions corresponding to, or similar to, the powers, duties and functions exercised, performed or discharged by any such Council or Sabha ;

“Manpower Division” means the Manpower Division of the Department of Labour ;

“prescribed” means prescribed by regulation made under this Act ;

“Provincial Council” means a Provincial Council established by Chapter XVIIIA of the Constitution ;

“vocational training” means the systematic development of skills for remunerable employment.

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