



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

RECONSTRUCTION AND
REHABILITATION FUND
ACT, No. 58 OF 1993

[Certified on 25th November, 1993]

Printed on the Order of Government

Published as a Supplement to Part II of the Gazette of the Democratic
Socialist Republic of Sri Lanka of November 26, 1993

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 7

Price : 60 cents.

Postage : Re. 1.00

*Reconstruction and Rehabilitation Fund
Act, No. 58 of 1993*

[Certified on 25th November, 1993]

L. D.—O. 110/90

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A FUND
CALLED THE RECONSTRUCTION AND REHABILITATION FUND
FOR THE PROVISION OF FUNDS FOR RELIEF AND REHABILITA-
TION PROJECTS; AND TO PROVIDE 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 Reconstruction and Rehabilitation Fund Act, No. 58 of 1993. Short title.

2. (1) There shall be established a Fund to be called the "Reconstruction and Rehabilitation Fund" (hereinafter referred to as "the Fund"). Establishment of the Reconstruction and Rehabilitation Fund.

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

3. (1) The administration, management and control of the Fund shall be vested in a Board of Governors constituted as hereinafter provided. Board of Governors of the Fund.

(2) The Board of Governors of the Fund (hereinafter referred to as "the Board") shall consist of—

(a) the Prime Minister;

(b) the Minister in charge of the subject of Reconstruction, Rehabilitation and Social Welfare;

(c) the Speaker;

(d) the Leader of the Opposition;

(e) the Secretary to the Prime Minister;

(f) the Secretary to the Treasury or his nominee;

(g) the Secretary to the Ministry of the Minister in charge of the subject of Reconstruction, Rehabilitation and Social Welfare; and

(h) two other members appointed by the Prime Minister, each of whom shall, subject to the provisions of subsections (3) and (4), hold office for such period as may be specified in the letter of appointment issued to him by the Prime Minister.

(3) The Prime Minister may in his absolute discretion revoke the appointment of any member appointed by him under paragraph (h) of subsection (2).

(4) Any member of the Board appointed under paragraph (h) of subsection (2) may at any time resign from the Board by letter in that behalf addressed to the Prime Minister.

(5) The Board may regulate the procedure in regard to its meetings and the transaction of business at such meetings.

(6) No act or proceeding of the Board shall be deemed to be invalid by reason only of the existence of a vacancy among its members or any defect in the appointment of a member thereof.

(7) The Prime Minister shall be the Chairman of the Board.

**Powers of
the Fund.**

4. (1) The Board shall, in the name of the Fund, have the power to—

- (a) acquire, hold or manage property, whether movable or immovable ;
- (b) sell, mortgage, exchange or otherwise dispose of, or deal with, any property, whether movable or immovable, to which the Fund may become entitled ;
- (c) perform all such acts or things as may be necessary to give effect to the provisions of this Act.

**The Recons-
truction
and Rehabili-
tation Fund
Account.**

5. (1) The Board shall maintain an account called "The Reconstruction and Rehabilitation Fund Account" at the Central Bank and there shall be credited to such account—

- (a) all sums of money that may accrue to the Fund after the date of commencement of this Act ;
- (b) all sums of money that may be received by the Fund, by way of donations, grants or gifts from any source whatsoever.

(2) It is hereby declared that a donation in money to the Fund is, for the purpose of the application of the Inland Revenue Act, No. 28 of 1979, a donation made in money to a Fund established by the Government.

6. It shall be the duty of the Board to apply the money belonging to the Fund in such manner as the Board may determine, subject to the directions of the Prime Minister—

Purposes for which the money of the Fund may be applied.

- (a) for the relief of persons affected by any disaster ;
- (b) for the reconstruction of property affected by any disaster ;
- (c) for the rehabilitation of property or persons affected by any disaster ;
- (d) for any other purpose connected with the prevention of any disaster or mitigation of the effects of any disaster.

7. Any moneys belonging to the Fund may be invested by the Board in such manner as the Board may determine subject to such directions as may be given by the Prime Minister.

Investment of money of the Fund.

8. The Board shall have the power, subject to the directions of the Prime Minister—

Officers and servants of the Fund.

- (a) to appoint such officers and servants of the Fund as may be necessary for the administration and management of the affairs of the Fund ;
- (b) to determine the remuneration payable to the officers and servants so appointed ;
- (c) to pay such remuneration and the other expenses incurred in the administration of the affairs of the Fund, out of the income of the Fund.

9. (1) The Board shall cause proper books of accounts to be kept of the income and expenditure of the Fund.

Audit and accounts.

(2) The Auditor-General shall audit the accounts of the Fund every year. For the purpose of assisting him in the audit of such accounts, the Auditor-General may employ the services of any qualified auditor who shall act under his direction and control.

(3) For the purpose of meeting the expenses incurred by him in the audit of the accounts of the Fund, the Auditor-General shall be paid out of the income of the Fund, such remuneration as the Board may determine. Any remuneration received from the Fund by the Auditor-General, shall, after the deduction therefrom of any sums paid by him to any qualified auditor or auditors employed by him for the purpose of such audit, be credited to the Consolidated Fund.

(4) The Auditor-General shall, as soon as practicable after the thirty-first day of December of each year, prepare a report on the administration of the affairs of the Fund during that year together with a statement of the income and expenditure of the Fund, and of the investment of the moneys belonging to the Fund, during that year.

(5) In this section, the expression "qualified auditor" means—

- (a) an individual who, being a member of the Institute of Chartered Accountants of Sri Lanka or of any other Institute established by law, possesses a certificate to practise as an Accountant issued by the Council of such Institute ; or
- (b) a firm of Chartered Accountants each of the resident partners of which, being a member of the Institute of Chartered Accountants of Sri Lanka or of any other Institute established by law, possesses a certificate to practise as an Accountant issued by the Council of such Institute.

Auditor-General's report and statement to be placed before Parliament.

10. The Auditor-General shall transmit the report and statement prepared by him in pursuance of subsection (4) of section 9 to the Minister in charge of the subject of Finance, who shall cause such report and statement to be placed before Parliament.

Power of Board to make rules.

11. The Board may make such rules as it may consider necessary in relation to any matter affecting or connected with, or incidental to, the exercise, discharge and performance of its powers, functions and duties.

Officers and servants of the Fund deemed to be public servants within the meaning of the Penal Code.

12. All officers and servants of the Fund shall be deemed to be public servants within the meaning, and for the purposes, of the Penal Code.

Board deemed to be a Scheduled institution within the meaning of the Bribery Act.

13. The Board 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.

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

Sinhala text
to prevail
in case of
inconsistency.

15. In this Act, unless the context otherwise requires—
“disaster” means—

Interpreta-
tion.

- (a) a flood, earthquake, cyclone, storm, landslide, calamity or other natural happening;
- (b) any explosion, fire, oil spill, or accident of any kind;
- (c) any infestation, plague, or epidemic;
- (d) an attack directed against the State whether or not made by an enemy and whether by bombs or missiles or by atomic, chemical or other means, that causes or threatens to cause loss of life or property or injury to persons or damage to property or distress to person or that in any way endangers the safety of the public or any part thereof.

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