



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**REHABILITATION OF PERSONS,
PROPERTIES AND INDUSTRIES
AUTHORITY
ACT, No. 29 OF 1987.**

[Certified on 2nd June, 1987]

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*Rehabilitation of Persons, Properties and Industries
Authority Act, No. 29 of 1987*

[Certified on 2nd June, 1987]

L.D.—O 70/83.

AN ACT TO ESTABLISH AN AUTHORITY TO ASSIST IN THE REHABILITATION OF CERTAIN PERSONS AND THE REPAIR, RESTORATION AND REHABILITATION OF CERTAIN PROPERTIES, INDUSTRIES AND BUSINESSES; 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 Rehabilitation of Persons, Properties and Industries Authority Act, No. 29 of 1987, and shall come into operation on such date (hereinafter referred to as the “appointed date”) as the Minister may appoint by Order published in the *Gazette*.

Short title
and date of
operation.

2. (1) There shall be established a body called the Rehabilitation of Persons, Properties and Industries Authority (hereinafter referred as “REPPIA”).

Establish-
ment of the
Rehabilita-
tion of
Persons,
Properties
and
Industries
Authority.

(2) REPPIA shall by the name assigned to it by this Act, be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

3. (1) REPPIA shall consist of a Board of five Directors appointed by the Minister.

Board of
Directors of
REPPIA.

(2) The Board of Directors shall exercise, perform or discharge the powers, duties or functions of REPPIA, subject to such special or general directions as the Minister may issue from time to time. It shall be the duty of the Board of Directors to comply with every such direction.

(3) The Minister shall appoint one of the Directors as Chairman of REPPIA.

(4) The provisions of the Schedule to this Act shall have effect in relation to the terms of office of the Directors of REPPIA, and the remuneration payable to Directors of REPPIA, meetings and the seal of REPPIA.

4. Subject to the other provisions of the Act, the functions of REPPIA shall be—

Functions of
REPPIA.

(a) to assist in the rehabilitation of affected persons by way of an outright grant or any such other means as REPPIA may deem necessary;

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(b) to assist the owner of any affected property to repair and restore such property either by way of an outright grant or subject to such reasonable conditions as may be agreed upon by REPPIA and such owner for securing the repayment of any expenditure incurred out of the Fund for the purpose of such repair and restoration ;

(c) to assist the tenant of any affected property being damaged property to repair and restore such property if the owner of such property is unable or unwilling to repair and restore such property and REPPIA is satisfied that, having regard to all the circumstances of the case, it is just and equitable to authorize such tenant to carry out the necessary repairs and restoration ;

(d) to order the demolition and removal of any affected property which consists of a building or structure ;
and

(e) to assist the proprietors of any affected industry, or business, to rehabilitate such industry or business, subject to such reasonable conditions as may be agreed upon by REPPIA and such proprietor for securing the repayment of any expenditure incurred out of the Fund for such rehabilitation.

**Powers of
REPPIA.**

5. For the purpose of discharging its functions, REPPIA may exercise all or any of the following powers :—

(a) to acquire in any manner, and hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of any movable or immovable property ;

(b) to clear and re-develop affected property vested in the State by virtue of a determination under section 22, or re-vested in the State under section 23 ;

(c) to enter into and perform all such contracts, as it may consider necessary for the discharge of its functions ;

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(d) to accept gifts, grants, donations or subsidies whether in cash or otherwise, and to apply them in the discharge of its functions;

(e) to do all such acts or things as are incidental to or consequential to the discharge of its functions.

6. (1) The Chairman shall be the Chief Executive Officer of REPPIA.

Appointment
of officers
and
servants.

(2) REPPIA may appoint such number of officers, agents and servants as it considers necessary for the discharge of its functions and for the administration and implementation of this Act.

(3) The officers, servants and agents shall be remunerated in such manner and at such rates and shall be subject to such conditions of service, as may be determined by REPPIA.

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

(5) Where any officer in the public service is temporarily appointed to the staff of REPPIA, the provisions of subsection (2) of section 13 of the Transport Board Law, No. 19 of 1978, shall, *mutatis mutandis*, apply to and in relation to him.

(6) Where any officer in the public service is permanently appointed to the staff of REPPIA, the provisions of subsection (3) of section 13 of the Transport Board Law, No. 19 of 1978, shall, *mutatis mutandis*, apply to and in relation to him.

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

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(8) At the request of the REPPIA, any member of the Local Government Service or any other officer or servant of a local authority or a Development Council, as the case may be, may with the consent of such member, officer or servant and the Local Government Service Commission, or the Local Authority or a Development Council, as the case may be, temporarily appointed to the staff of REPPIA, for such period as may be determined by REPPIA, with like consent or 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 REPPIA and the Local Government Service Commission, or that Local Authority or Development Council, as the case may be.

**REPPIA
Fund.**

7. (1) There shall be a Fund for the rehabilitation of affected persons and for the repair, restoration and rehabilitation of affected property (hereinafter referred to as the "Fund").

(2) There shall be credited to the Fund—

(a) all such balances lying to the credit of—

(i) the fund of REPIA established by the Emergency (Rehabilitation of Affected Property, Businesses or Industries) Regulations made under the Public Security Ordinance;

(ii) the Commissioner-General of Essential Services appointed under the Emergency (Miscellaneous Provisions and Powers) Regulations made under the Public Security Ordinance,

on the appointed date;

(b) all such sums as may be voted by Parliament from time to time for the purposes of this Act;

(c) all such sums as may be received by the Fund by way of donations, grants or gifts from any source whatsoever, whether in or outside Sri Lanka and all repayment of advances made from the Fund.

(3) There shall be paid out of the Fund, all such sums as may be required to defray any expenditure incurred in the administration and implementation of this Act and all such sums as are required to be paid out of the Fund by any provision of this Act.

8. (1) REPPIA shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of REPPIA.

**Audit of
Accounts of
REPPIA.**

(2) 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 REPPIA.

9. Any person authorized, in that behalf by REPPIA may take possession of any affected property, business or industry vested in the State by virtue of a determination under section 22 or re-vested in the State under section 23 of this Act.

**Taking
over
affected
property.**

10. (1) Any person who without lawful authority, proof whereof shall be on such person, enters or occupies any affected property, on or after the relevant date, shall be guilty of an offence under this Act, and shall, on conviction after trial before a Judge of the High Court sitting without a jury, be liable to imprisonment for a term not exceeding ten years.

**Unauthorized
entry
into
affected
property.**

(2) Where the Secretary to Ministry of the Minister (hereinafter referred to as "Secretary") is satisfied that any person is in unauthorized occupation of any affected property or that any tenant whose rights are protected under section 11 is not permitted to enter upon, or continue in occupation of any affected property, he may direct in writing, a police officer not below the rank of an Inspector of Police—

(a) in any case where any person is in unauthorized possession of any affected property, to eject such person and to place in occupation thereof, the person who is entitled to occupy such property ;

(b) in any case where a tenant of any affected property whose rights are protected under section 11, is not permitted to enter upon or continue in occupation of such property, to restore that tenant to possession. It shall be the duty of every such police officer to comply with every such direction.

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(3) A police officer acting in pursuance of a direction issued to him under subsection (2) may use such force as may be necessary for the purpose of ejecting any person who is in unauthorized occupation of any affected property and shall be entitled to the assistance of the armed forces for that purpose.

(4) Nothing in this section shall be deemed to affect the rights of any person ejected from any affected property under subsection (1) and claiming to be entitled to the occupation of the same to institute proceedings in any court to enforce his rights, if any, in, or over, such property. Any such proceeding shall be instituted within two months of such ejection.

Provisions
relating
to rights
of tenants
in or over
affected
property.

11. (1) Where any affected property consists of premises to which the Rent Act, No. 7 of 1972 (in this section referred to as "the Rent Act") applies, then—

(a) any person who was the tenant of such premises on the day immediately proceeding the relevant date shall be entitled to enter upon and occupy such premises and it shall be the duty of the landlord to permit such tenant to enter upon and occupy such premises ;

(b) such person shall be deemed not to be in arrears of rent in respect of such premises for the period commencing on the relevant date and ending on July 31, 1984 or the date on which such premises are repaired or restored which ever date is earlier ;

(c) no action shall be instituted for the ejection of such tenant from such premises under section 28 of the Rent Act in relation to the period commencing on the relevant date and ending on July 31, 1984 or the date on which such premises are repaired or restored which ever date is earlier ;

(d) where the landlord of such premises repairs or restores such premises, otherwise than with any money received from the Fund as an outright grant, incurring expenditure of such amount as is authorized or accepted by the Chairman, the standard rent of such premises may, if the Chairman issues a certificate to the effect that such repair or restoration have been properly effected, be increased for

a period of ten years by twelve *per centum* each year of the amount authorized or accepted by the Chairman. Every such increase shall be deemed to be a permitted increase for the purpose of the Rent Act;

- (e) where the landlord refuses to effect repairs to such premises or refuses to restore such premises, and the tenant of such premises repairs or restores such premises, otherwise than with any money received from the Fund as an outright grant, incurring expenditure of such amount as is authorized by the Chairman and the Chairman issues a certificate that such repair or restoration has been properly effected, the tenant shall be entitled to set off against the rent payable in respect of such premises the amount authorized by the Chairman in such instalments as may appear to the Chairman to be just and equitable having regard to all the circumstances of the case:

Provided where the tenant has agreed to repair or restore such premises and has given an assurance to REPIA established by the Emergency (Rehabilitation of Affected Property, Business and Industries) Regulations made under the Public Security Ordinance that repairs or restoration of the affected property would be carried out by such tenant at his expense, the tenant shall not be entitled to claim any relief under this paragraph.

(2) Where any affected property consists of premises to which the Rent Act does not apply, then any person who was the tenant of such premises on the day immediately preceding the relevant date shall be deemed not to be in arrears of rent in respect of the period commencing on the relevant date and ending on the date on which such premises are repaired or restored.

(3) Where the standard rent at any premises is increased under paragraph (c) of subsection (1) by reason of any repairs or restoration made to such premises the landlord of such premises shall not be entitled to apply for an increase of rent under section 5 of the Rent Act in respect of the same repairs or restoration.

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(4) For the avoidance of doubts it is hereby declared that where the standard rent of any premises, the standard rent (determined under section 4) of which was, on the relevant date, under one hundred rupees a month, has increased, by reason of an increase made under paragraph (d) of subsection (1), to an amount exceeding one hundred rupees a month, the landlord of such premises shall not be entitled to institute any action or proceedings for the ejection of the tenant thereof on any ground set out in subsection (2) of section 22 of the Rent Act.

(5) For the purpose of this section a certificate under the hand of the Chairman that any premises were repaired or restored on a particular date shall be *prima facie* proof of the fact that such premises were repaired or restored, on that date.

Proceedings relating to the sale of affected property after the relevant date.

12. (1) Any person who sold any affected property after the relevant date but before December 31, 1983 may, within a period of two months after the appointed date institute an action in the District Court having jurisdiction over the area in which such property is situated for an order setting aside such sale or for the recovery of the difference, if any, between the price at which such property was sold and the market value of such property.

(2) Where any action is instituted under subsection (1), the Court may, if it is satisfied that the property in respect of which such action is instituted was sold at a price which is less than the market value of such property, make order setting aside such sale and restoring possession of such property to the person who was in possession thereof on the day immediately preceding the relevant date or requiring the payment of the difference between the sale price and the market price. Where the Court makes an order setting aside a sale it shall also order the repayment of the sale price.

(3) A certificate under the hand of the Chairman to the effect that the immovable property specified in such certificate is or is not affected property shall be admissible in evidence in any legal proceedings instituted under section 10, or under subsection (1) of this section and shall be *prima facie* proof of the facts stated therein.

(4) In this section "market value" in relation to any affected property means the price which such property would have fetched if sold in the open market on the day immediately preceding the relevant date, less such amount as is, in the opinion of the Court necessary to restore such property to its condition on the day immediately preceding the relevant date.

13. (1) The Chairman may, by a notice in writing, require any person to furnish any such information or to produce any such book, register or document as the Chairman may consider necessary for the proper exercise of his powers or the discharge of his functions, and it shall be the duty of any person who receives such notice to comply with the terms of such notice, unless he is prohibited by the provisions of any written law from furnishing such information or producing such book, register or document.

**Powers of
Chairman to
call for
information.**

(2) No information furnished or the contents of a book, register or document produced in compliance with terms of a notice issued under this section shall be published or communicated by the Chairman to any other person, except with the consent of the person furnishing such information or producing such book, register or document, as the case may be, or in the course of the discharge of his functions under this Act.

14. (1) Any affected property which consists of building or a portion thereof is—

**Demolition
of affected
building.**

(a) uninhabitable on account of it being burnt or otherwise damaged ; or

(b) in a state of disrepair,

the Chairman may direct the owner of such property in writing to demolish such building and clear all debris within a period specified in such direction.

(2) Where any person fails to comply with a direction issued under subsection (1) the Chairman may cause such building to be demolished.

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(3) Where any building or portion thereof has been demolished under subsection (2), it shall be lawful for REPPIA to sell the material resulting from such demolition, to apply the proceeds of such sale in the payment of the expenses incurred in the demolition and clearance, and to pay the excess, if any, to the owner of such building.

Occupation
and repair
of affected
property.

15. (1) No person shall, unless he has been authorized in writing by REPPIA, enter or occupy any affected property to which this section applies.

(2) No person shall unless he has—

(a) been authorized in writing by REPPIA ; and

(b) obtained any approval which he is required to obtain under the Urban Development Authority Law, No. 41 of 1978, the Municipal Councils Ordinance, the Urban Councils Ordinance, the Development Councils Act, No. 35 of 1980, or any other law,

repair, restore, reconstruct or demolish any affected property to which this section applies.

(3) This section applies to affected property vested in the State by virtue of a determination made under section 22 of or re-vested in the State under section 23 of this Act.

Application
of Inland
Revenue
Act, No. 28 of
1979 to
REPPIA.

16. (1) REPPIA shall—

(a) for the purpose of paragraph (b) of section 8 of the Inland Revenue Act, No. 28 of 1979, be deemed to be a Government institution ; and

(b) for the purposes of paragraph (n) of subsection (2) of section 31 of that Act, be deemed to be a Government department performing functions similar to REPIA established under the Public Security Ordinance.

(2) The Fund shall be deemed, for the purposes of paragraph (b) of subsection (2) of section 31 of the Inland Revenue Act, No. 28 of 1979, be deemed to be a fund established by the Government of Sri Lanka.

(3) Every gift made to the Fund shall, for the purpose of paragraph (e) of subsection (1) of section 54 of the Inland Revenue Act, No. 28 of 1979, be deemed to be a gift to the Government.

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17. All directors, officers and servants of REPPIA shall be deemed to be public servants within the meaning of, and for the purpose of the Penal Code.

Directors
and
officers
deemed
to be
public
servants.

18. REPPIA 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.

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

19. (1) No civil or criminal proceedings shall be instituted or maintained against the Secretary, the Chairman, Director or any officer or servant of REPPIA in respect of any act *bona fide* done or purported to be done or omitted to be done by him under this Act.

Protection
for action.

(2) Any expenses incurred by such person as is referred to in subsection (1) in any civil or criminal proceeding instituted against him in any court in respect of any act done or purported to be done or omitted to be done by him under this Act, shall, if the court holds that such act was done or omitted to be done in good faith, be paid out of the Fund, unless such expense is recovered by him in such proceedings.

20. Any person who—

Offences.

(a) refuses or fails to comply with any direction given or requirement imposed by REPPIA ; or

(b) resists or obstructs a person authorized by REPPIA, a police officer or a member of the armed forces, in the exercise by such person, officer or member, of the powers conferred on him by section 9 or section 10 ;

(c) contravenes or fails to comply with the provisions of this Act,

shall be guilty of an offence and shall after summary trial before a Magistrate, be liable unless otherwise expressly provided, to a fine not exceeding ten thousand rupees, or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

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Offences
by bodies of
persons.

21. Where an offence under this Act is committed by a body of persons, then—

(a) if that body is a body corporate, every director of the body corporate shall be deemed to be guilty of that offence; and

(b) if that body is a firm, every partner of that firm shall be deemed to be guilty of that offence:

Provided, however, that no such director or partner shall be deemed to be guilty of an offence under this Act, if he proves that such offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of that offence.

Divesting of
affected
property,
business or
industry
vested
in the
State
by virtue
of the
Emergency
Regulations.

22. (1) Every affected property, business or industry vested in the State by virtue of the Emergency (Rehabilitation of Affected Property, Business or Industries) Regulations made under the Public Security Ordinance, shall be deemed, with effect from the appointed date, to have been divested except any such affected property, business or industry as is determined by the Chairman in writing—

(a) being an affected property—

(i) in respect of which repairs or restoration have or has not commenced;

(ii) in respect of which repairs or restoration have or has been commenced but not completed;

(iii) the tenant of which has not been restored to possession;

(iv) in respect of which an inquiry is pending on the appointed date; or

(b) being affected business or industry in respect of which—

(i) rehabilitation or restoration has not commenced;

(ii) rehabilitation or restoration has commenced but not been completed;

(iii) the tenant of which has not been restored to possession;

(iv) an inquiry is pending on the appointed date.

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(2) The Chairman shall have the authority to divest by declaration in writing at any time any such property, business or industry as is excluded under subsection (1), where he is satisfied that—

(a) repairs or restoration to such property, have or has been completed or that the lawful tenant of such property has been restored to possession ; or

(b) rehabilitation or restoration of such business or industry has commenced or have or has been completed and every such declaration shall be final and conclusive,

and shall not be called in question in any Court.

(3) Upon the divesting of any affected property, business or industry, by virtue of the operation of subsection (1), or under subsection (2) such property, business or industry shall be deemed never to have vested in the State and any question which may arise as to any right, title or interest in, or over such property, business or industry shall be determined accordingly, and subject to the provisions of this Act, every arrangement, agreement or other notarially executed instrument in, or over the property, business or industry subsisting on the date on which such property, business or industry vested in the State, shall be deemed to be revived by operation of that subsection.

23. Where the ownership of any property, business or industry vested in the State by virtue of the Emergency (Rehabilitation of Affected Property, Business or Industries) Regulations made under the Public Security Ordinance has been restored, under those regulations, to the person who was the owner of such property, business or industry on the day immediately preceding the relevant date, on an undertaking given by such person to REPPIA established by those regulations, the Secretary may, if he is satisfied that such undertaking has not been complied with, by notice published in the *Gazette*, re-vest such property in the State.

Re-vesting
of divested
property.

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**Delegation
of powers.**

24. (1) REPPIA may delegate to the Chairman or any other Director or to any employee thereof any of its powers and duties.

(2) The Chairman, Director or employee to whom any of the powers or duties of REPPIA has been delegated under subsection (1) shall exercise and perform the powers and duties so delegated subject to the general or special directions of REPPIA.

Regulations.

25. (1) The Minister may make regulations in respect of all matters for which regulations are authorized or required, by this Act to be made.

(2) Every regulation made by the Minister 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.

(3) 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 as from the date of such disapproval but without prejudice to the validity of anything previously done thereunder.

(4) The date on which any regulation shall be deemed to be so rescinded shall be published in the *Gazette*.

**Interpreta-
tion.**

26. In this Act unless the context otherwise required—

“affected property” means any immovable property damaged or destroyed on or after July 24, 1983, and prior to August 8, 1983, by riot or civil commotion and includes such other property damaged or destroyed by a riot or civil commotion as is specified by the Minister, by Order published in the *Gazette*.

“affected business or industry” means any undertaking of an industrial or commercial nature damaged or destroyed on or after July 24, 1983, and prior to August 8, 1983, by riot or civil commotion and includes all movable and immovable property used for the purposes of that undertaking;

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"affected person" means any person whose property movable or immovable was damaged or destroyed or who was physically affected on or after July 24, 1983, and prior to August 8, 1983, by riot or civil commotion ;

"Chairman" means the Chairman of REPPIA appointed under section 3 ;

"premises" has the same meaning as in the Rent Act, No. 7 of 1972 ; and

"the relevant date" means July 24, 1983.

SCHEDULE

[Section 3(4)]

Provisions relating to the Directors of REPPIA

1. A person shall be disqualified from being appointed or from continuing as a Director, if he—

(a) is a Member of Parliament or a member of a local authority ; or

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

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

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

2. Any Director may resign from REPPIA by letter in that behalf addressed to the Minister.

3. The Minister may, without assigning any reason therefor remove any person appointed as a Director under section 3(1).

4. (1) Every Director shall, unless he vacates office earlier by death, resignation or removal, hold office for a term of three years from the date of his appointment and shall, unless he has been removed from office, be eligible for reappointment :

Provided that a Director appointed in place of a Director who dies or resigns or otherwise vacates office shall, unless he earlier vacates office, hold office for the unexpired part of the term of office of the Director whom he succeeds.

(2) Where the Chairman or any other Director becomes, by reason of illness, infirmity or absence from Sri Lanka, temporarily unable to discharge the functions of his office the Minister may appoint any other Director to act as Chairman or any other person to act in place of such Chairman or Director, as the case may be.

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5. The Chairman and the Directors shall be paid such remuneration out of the fund of REPPIA, as may be determined by the Minister.

6. (1) The term of office of the Chairman of REPPIA shall be the period of his membership of REPPIA.

(2) The Chairman may earlier resign his office as Chairman by letter in that behalf addressed to the Minister.

(3) The Minister may, at any time, without assigning a reason therefor, terminate the appointment of the Chairman.

7. (1) Subject to the other provisions of this paragraph, REPPIA may regulate its procedure in regard to its meetings and the transactions of business at such meetings.

(2) The quorum for a meeting of REPPIA shall be three members.

8. No act, decision or proceeding of REPPIA shall be invalidated by reason only of the existence of a vacancy among its Directors or any defect in the appointment of any of its Directors.

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

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

(3) The seal of REPPIA shall not be affixed to any instrument or document except in the presence of two Directors of REPPIA who shall sign the instrument or document in token of their presence.

(4) REPPIA shall maintain a register of the instruments or documents to which the seal of REPPIA is affixed.