



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

**SUPERIOR COURTS COMPLEX BOARD
OF MANAGEMENT
ACT, No. 50 OF 1987**

[Certified on 24th December, 1987]

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*Superior Courts Complex Board of Management
Act, No. 50 of 1987*

[Certified on 24th December, 1987]

L.D.— O. 11/86

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BOARD OF MANAGEMENT TO MANAGE THE BUILDINGS OF THE SUPERIOR COURTS COMPLEX ; TO SPECIFY ITS OBJECTS AND POWERS ; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THEREFO.

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

1. This Act may be cited as the Superior Courts Complex Board of Management Act, No. 50 of 1987.

Short
title.

2. (1) There shall be a Board to be called "the Superior Courts Complex Board of Management" (hereinafter referred to as "the Board") to control, administer and manage the Superior Courts Complex and the buildings thereon.

Establish-
ment of the
Superior
Courts
Complex
Board of
Management.

(2) (a) The Board shall, by the name assigned to it by subsection (1), be a body corporate with perpetual succession and a common seal.

(b) All actions by or against the Board shall be instituted by or against the Marshal of the Board of Management of the Superior Courts Complex appointed under section 7.

(3) The Board shall, by Order published in the *Gazette*, define the limits of the Superior Courts Complex. The land and buildings falling within the limits specified in such Order shall be under the control of the Board.

3. (1) The Board shall consist of the following members :—

Superior
Courts
Complex
Board of
Management.

(a) the Chief Justice ;

(b) a Judge of the Supreme Court, appointed by the Chief Justice ;

(c) the President of the Court of Appeal ;

(d) a Judge of the Court of Appeal appointed by the President of the Court of Appeal ;

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Act, No. 50 of 1987*

- (e) the Secretary to the Ministry of the Minister in charge of the subject of Justice ;
- (f) the Secretary to the Ministry of the Minister in charge of the subject of Local Government, Housing and Construction ;
- (g) the President of the Bar Association of Sri Lanka ;
- (h) the Municipal Commissioner for the Colombo Municipal Council ;
- (i) a representative of the Ministry of the Minister in charge of the subject of Finance ; and
- (j) two members appointed by the President, from among persons who have shown recognized competence or eminence in law. A member appointed under this paragraph is hereinafter referred to as "an appointed member".

(2) Every appointed member shall, unless he earlier resigns or is removed from office, hold office for a period of three years.

(3) The President may, at any time and without assigning any reason therefor, remove an appointed member from office.

(4) An appointed member may resign his office by a letter addressed to the President.

(5) Where an appointed member vacates office by death, resignation or removal, the President, may, having regard to the provisions of paragraph (j) of subsection (1), appoint another member in place of the member vacating office. Every member so appointed shall hold office for the remainder of the period of office of the member whom he succeeds.

(6) Where an 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 President may appoint another person to act in his place.

(7) All or any of the members of the Board may be paid such remuneration from the Superior Courts Complex Fund established by section 8 as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

(8) An appointed member who vacates office by effluxion of time shall be eligible for reappointment.

4. (1) The Chief Justice shall preside at meetings of the Board. In the absence of the Chief Justice at any meeting of the Board, the most senior Judge present at such meeting shall preside thereat, and in the absence of a Judge at any meeting of the Board, the members present at such meeting shall elect, from among themselves, a Chairman to preside at such meeting.

Meetings
of the
Board.

(2) The quorum for a meeting of the Board shall be one-third the number of members of the Board holding office on the date of the meeting. Where one third of such number is an integer and fraction, the integer immediately higher to that integer and fraction shall be deemed to be the one-third for the purpose of this subsection.

(3) Subject to the provisions of subsection (2), the Board may regulate the procedure in regard to its meetings and the transaction of business at such meetings.

(4) No Act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy amongst its members or any defect or irregularity in the appointment of a member thereof.

5. The Seal of the Board—

Seal of the
Board.

(a) shall be in the custody of such person as the Board may from time to time determine;

(b) may be altered in such manner as may be determined by the Board; and

(c) shall not be affixed to any document except with the sanction of the Board and in the presence of two members of the Board who shall sign the document in token of their presence.

Object
of the
Board.

6. The object of the Board shall be to control, administer, manage and maintain the Superior Courts Complex, and the buildings thereon and to make such additions, alterations and improvements thereto as may be necessary to enhance the amenities of the complex and the buildings thereon.

Powers
of the
Board.

7. (1) The Board shall have the power to do all things necessary or conducive or incidental to the carrying out of its object.

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

(a) to receive grants, gifts or donations, in cash or kind, from local or foreign sources;

(b) to let out or lease, any building or land in the Superior Courts Complex;

(c) to enter into and perform, either directly or through officers, servants or agents authorized in writing in that behalf by the Board, all such contracts and agreements as may be necessary for carrying out its object or the exercise of its powers;

(d) subject to the other provisions of this Act, to appoint a "Marshal of the Board of Management of the Superior Courts Complex" who shall be the Chief executive officer of the Board and such other officers and servants as may be necessary for carrying out its object or the exercise of its powers and to exercise disciplinary control (including the power of dismissal) over such Marshal, officers and servants;

(e) to determine the remuneration and terms of service of the Marshal, officers and servants appointed under paragraph (d);

(f) to open and maintain, current, savings or deposit accounts in any bank or banks;

(g) to appoint from among its members, committees consisting of such number of members as it thinks fit, for the purpose of inquiring into, and reporting on, any matter relating to the powers and functions of the Board.

8. (1) There shall be a Fund to be called "the Superior Courts Complex Fund" (hereinafter referred to as "the Fund").

Superior
Courts
Complex
Fund.

(2) The Control and Management of the Fund shall be vested in the Board.

(3) There shall be paid into the Fund—

(a) all donations and gifts received by the Board from local or foreign sources;

(b) all sums received by the Board as rent for any buildings or land let or leased by the Board;

(c) any grant received from the Government under section 9.

(4) There shall be paid out of the Fund—

(a) expenses incurred by the Board in the control administration, management and maintenance of the Superior Courts Complex and the buildings thereon and in making additions, alterations and improvements thereto;

(b) expenses incurred by the Board in the payment of salaries, gratuities and other emoluments to officers and servants of the Board;

(c) all sums required to defray expenditure incurred by the Board in the exercise and discharge of its powers and functions; and

(d) any sum which is required to be paid out of the Fund by any provision of this Act.

9. The Government may grant annually to the Board, a grant (including a grant for customs duty) adequate for the purpose of carrying out the object of the Board.

Annual grant
by the
Government.

10. Every donation made in money or otherwise to the Board shall, 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 donation made in money or otherwise to a fund established by the Government.

Exemption
from certain
taxes.

Audit of
accounts.

11. (1) The Board shall cause proper accounts to be kept of the receipts and expenditure, assets and liabilities and all other transactions of the Fund.

(2) Article 154 of the Constitution shall apply to the audit of the accounts of the Fund.

Duties of the
Marshal.

12. (1) The Board may delegate to the Marshal of the Board of Management of the Superior Courts Complex appointed under section 7, any power, duty or function, conferred or imposed on, or assigned to, the Board by this Act :

Provided that the Board may at any time, notwithstanding such delegation, exercise, perform or discharge such power, duty or function.

Appointment
of public
officers to
the Board.

13. (1) At the request of the Board 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 the Board for such period as may be determined by the Board with like consent, or be permanently appointed to such staff.

(2) At the request of the Board, any scheduled public officer within the meaning of Article 114 of the Constitution may with the consent of that officer and the Judicial Service Commission, be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent, or be permanently appointed to such Board.

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

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

(5) Where the Board employs any person who has entered into a contract with the Government to serve the Government for a specified period, any period of service to the Board by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

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

Protection of members of the Board and officers, &c., of the Board for action taken under this Act.

(2) Any expenses incurred by the Board in any suit or prosecution brought by or against the Board before any court shall be paid out of the Fund, and any costs paid to, or recovered by, the Board in any such suit or prosecution shall be credited to the Fund.

(3) Any expenses incurred by any such person as is referred to in subsection (1) in any suit or prosecution brought against him 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 Board 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.

15. All officers and servants of the Board shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Officers and servants of the Board deemed to be public servants under the Penal Code.

16. 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.

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

17. Nothing in this Act shall affect or prejudice, or be deemed to affect or prejudice, the powers and privileges, of the Supreme Court and the Judges thereof, and of the Court of Appeal and the Judges thereof.

Preservation of privileges of Supreme Court and Court of Appeal.

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Amendment
of section 18
of Act No. 7
of 1979.

18. Section 18 of the State Lands (Recovery of Possession) Act, No. 7 of 1979, is hereby amended as follows:—

(a) in the definition of “competent authority” by the insertion immediately after item (g) of the following item:—

“ (gg) Marshal of the Board of Management of the Superior Courts Complex, when such land is vested in, or under the control of, the Superior Courts Complex Board of Management;”; and

(b) in the definition of “State land” by the substitution, for the words and figures “Sri Lanka Ports Authority, Act, No. 51 of 1979, as the case may be;”, of the words, and figures “Sri Lanka Ports Authority Act, No. 51 of 1979, or the Superior Courts Complex Board of Management Act, No. 50 of 1987, as the case may be.”.

Interpretation.

19. In this Act unless the context otherwise requires—
“Superior Courts Complex” means the area of land falling within the limits defined by an Order made under subsection (3) of section 2.