

ACTS OF PARLIAMENT 2008

List of Acts

- 01/2008 : Conventions Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances
- 02/2008 : Sri Saranankara Development Foundation (Incorporation)
- 03/2008 : Government Services Buddhist Association (Incorporation)
- 04/2008 : Bambalapitiya Flats Buddhist Society (Incorporation)
- 05/2008 : Defence Services Command and Staff College
- 06/2008 : Api Wenuwen Api Fund
- 07/2008 : Finance (Amendment)
- 08/2008 : Finance (Amendment)
- 09/2008 : Inland Revenue (Amendment)
- 10/2008 : Stamp Duty Special Provision (Amendment)
- 11/2008 : Economic Service Charge (Amendment)
- 12/2008 : Regional Infrastructure Development Levy (Amendment)
- 13/2008 : Butchers (Amendment)
- 14/2008 : Strategic Development Projects
- 15/2008 : Value Added Tax (Amendment)
- 16/2008 : Commissions of Inquiry (Amendment)
- 17/2008 : Parliamentary Staff Buddhist Association (Incorporation)
- 18/2008 : Sri Rathnajothe Community Development and Social Foundation (Incorporation)
- 19/2008 : K. R. G. Wijesundara National and Employees Welfare Foundation (Incorporation)

[20/2008 : Termination of Employment of Workmen \(Special Provisions\) \(Amendment\)](#)
[21/2008 : Industrial Disputes \(Amendment\)](#)
[26/2008 : Environment Conservation Levy](#)
[27/2008 : Attanagalla Development Foundation \(Incorporation\)](#)
[28/2008 : Muslim Foundation for Culture and Development \(Incorporation\)](#)
[29/2008 : Malwathu Maha Vihariya Tibbatuwawe Sri Siddhartha Sumangala Benevolent Foundation \(Incorporation\)](#)
[30/2008 : Buddhist Culture Centre of Nedimala Dehiwela \(Incorporation\)](#)
[31/2008 : University of Vocational Technology](#)
[32/2008 : School Teachers Pension \(Amendment\)](#)
[33/2008 : Information and Communication Technology \(Amendment\)](#)
[34/2008 : Dr. Soma Edirisinghe Fund \(Incorporation\)](#)
[35/2008 : Marine Pollution Prevention](#)
[36/2008 : Urban Settlement Development Authority](#)
[37/2008 : National Housing Development Authority \(Special Provisions\)](#)
[38/2008 : Grant of Citizenship to Persons of Chinese Origin \(Special Provisions\)](#)
[39/2008 : Sri Lanka Transport Board \(Amendment\)](#)
[40/2008 : National Thoroughfares](#)
[42/2008 : Credit Information Bureau of Sri Lanka \(Amendment\)](#)
[43/2008 : Appropriation](#)



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

**CONVENTIONS AGAINST ILLICIT TRAFFIC
IN NARCOTIC DRUGS AND PSYCHOTROPIC
SUBSTANCES ACT, No. 1 OF 2008**

[Certified on 23rd January, 2008]

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 January 25, 2008**

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 18.00

Postage : Rs. 10.00

*Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances
Act, No. 1 of 2008*

[Certified on 23rd January, 2008]

L. D. —O. 62/2003.

AN ACT TO GIVE EFFECT TO THE UNITED NATIONS CONVENTION AND THE SOUTH ASIAN ASSOCIATION FOR REGIONAL CO-OPERATION CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, TO WHICH THE GOVERNMENT OF SRI LANKA HAS BECOME A PARTY; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS a Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances was adopted at the 1988 United Nations Conference held in Vienna and signed at Vienna on December 20, 1988 (hereinafter referred to as the "1988 United Nations Convention") :

Preamble

AND WHEREAS a Convention on Narcotic Drugs and Psychotropic Substances was adopted at the Fifth Summit of the South Asian Association for Regional Co-operation held in Male and signed at Male on November 23, 1990 (hereinafter referred to as "the SAARC Convention"):

AND WHEREAS Sri Lanka being a party to the aforesaid Conventions is obliged to make legal provision to give effect to the provisions of the said Conventions in Sri Lanka, which provision is necessary to enable Sri Lanka to deal with the international aspects of illicit trafficking in narcotic drugs and psychotropic substances and to establish a mechanism to monitor the import, export and use of the substances set out in Table I and Table II of the 1988 Convention:

NOW THEREFORE be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. (1) This Act may be cited as the Conventions Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act; No. 1 of 2008.

Short title and
date of
operation.

2 *Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances
Act, No. 1 of 2008*

(2) Subsection (1) shall come into operation on the date that this Act is certified as an Act of Parliament and the other provisions of the Act shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*. Different dates may be appointed in respect of the different Parts of this Act, so however that—

- (a) the date appointed in respect of Part II shall not be earlier than the date on which the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, enters into force in respect of Sri Lanka; and
- (b) the date appointed in respect of Part III shall not be a date earlier than the date on which the South Asian Association for Regional Co-operation Convention in Narcotic Drugs and Psychotropic Substances enters into force in respect of Sri Lanka.

PART I

CONVENTION OFFENCES

Offences.

2. (1) Any person who, whether in or outside Sri Lanka, and whether he is a citizen of Sri Lanka or not, intentionally—
- (a) produces, manufactures, extracts, prepares, offers, offers for sale, distributes, sells, delivers, acts as broker for the supply of, dispatches, dispatches in transit, transports, imports or exports or traffics any narcotic drugs or psychotropic substances;
 - (b) cultivates opium poppy, coca bush or the cannabis plant, for the purposes of the production of any narcotic drug;
 - (c) possesses or purchases any narcotic drug or psychotropic substance, for any of the purposes described in paragraph (a);

*Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances* 3
Act, No. 1 of 2008

- (d)** procures, manufactures, stores, transports, sells, delivers or distributes any equipment, material or any substance; set out in Table I or Table II of the First Schedule to this Act, knowing that it is to be used in, or for, the unlawful cultivation, production or manufacture of, any narcotic drug or psychotropic substance;
- (e)** organizes, arranges or finances any of the acts described in paragraphs (a), (b), (c), or (d);
- (f)** acquires, possesses or uses any property, knowing at the time of such acquisition, possession or use, that such property was derived from an act described in paragraphs (a), (b), (c) (d) or (e) or from an act of participation in any such act;
- (g)** possesses any equipment or material or any substance, set out in Table I or Table II of the First Schedule to this Act, knowing that it is being or is to be used in, or for, the unlawful cultivation, production or manufacture of any narcotic drug or psychotropic substance;
- (h)** publicly incites or induces other persons by any means, to commit any of the offences described in this section, or to use narcotic drugs or psychotropic substances, unlawfully;
- (i)** converts or transfers any property, knowing that such property is derived from any act or acts described in paragraphs (a), (b), (c), (d) or (e), of this section, or from an act of participation in any such act, for the purpose of concealing or disguising the illicit origin of the property, or assisting any person who is involved in the commission of any such act or acts to evade the legal consequences of such acts;

4 *Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances*
Act, No. 1 of 2008

- (j) conceals or disguises the true nature, source, location, disposition, movement, rights with respect to, or ownership of, any property knowing that such property is derived from the commission of any act described in paragraphs (a), (b), (c), (d) or (e) of this section, or from an act of participation in any such act,

shall be guilty of an offence under this Act and shall on conviction after trial on indictment before the High Court, be punished with imprisonment for a term not less than ten years and not exceeding fifteen years:

Provided that, the acts referred to in paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i) and (j) shall have been committed in Sri Lanka:

Provided further, that the above provisions shall not be applicable to offences to which Part III of the Third Schedule to the Poisons, Opium and Dangerous Drugs Ordinance (Chapter 218) applies.

(2) Any person who—

- (a) attempts to commit; or
(b) abets the commission of; or
(c) conspires with any other person to commit,

any such offence as is referred to in subsection (1) shall be guilty of an offence under this Act and shall on conviction after trial on indictment by the High Court, be liable to, the same punishment as he would have been liable to, had he committed the offence, which he is convicted of having attempted to commit, or having abetted the commission of, or having conspired with any other person to commit.

(3) In this section “abet” has the same meaning as in sections 100 and 101 of the Penal Code and “conspires” has the same meaning as in section 113A of the Penal Code.

5

*Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances
Act, No. 1 of 2008*

(4) In imposing punishment on any person convicted of an offence under this section, the Court shall have regard to the following:—

- (a) the involvement in the commission of the offence, of an organized criminal group to which the offender belongs;
- (b) the involvement of the offender in any other international organized criminal activities;
- (c) the involvement of the offender in other illegal activities facilitated by the commission of the offence;
- (d) the use of violence or arms by the offender in the commission of the offence;
- (e) the fact that the offender holds a public office and the offence is connected with the office in question;
- (f) the victimization or use of minors in the commission of the offence;
- (g) the fact that the offence is committed in a prison or in an educational institution or social service institution or in their immediate vicinity or in any other place to which school children and students resort, for educational sports and social activities.

3. (1) The High Court of Sri Lanka holden in Colombo or the High Court of the Province established under Article 154P of the Constitution for the Western Province, holden in Colombo, shall, notwithstanding anything in any other law, have exclusive jurisdiction to hear, try and determine in the manner provide by written law, any offence under this Act.

High Court
vested with
jurisdiction to
hear offences
under the Act.

6 *Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances
Act, No. 1 of 2008*

(2) Where an act constituting an offence under this Act is committed outside Sri Lanka, the High Court referred to in subsection (1) shall have jurisdiction to try such offence as if it were committed within Sri Lanka, if—

- (a) the person who committed such act is present in Sri Lanka;
- (b) such act is committed by a citizen of Sri Lanka or by a national of another State which is a party to this Convention, or by a stateless person, who has his habitual residence in Sri Lanka;
- (c) such act is committed against, or on board a ship or aircraft registered in Sri Lanka at the time of the commission of the offence;
- (d) such act is committed against or on board a ship or aircraft registered under the laws of another State which is a party to this Convention, at the time of the commission of the offence;
- (e) the person in relation to whom the offence is alleged to have been committed is a citizen of Sri Lanka;
- (f) such act is committed in order to compel the Government of Sri Lanka, to do or abstain from doing, any act.

Rights of certain persons arrested for offences under this Act.

4. Where a person who is not a citizen of Sri Lanka is arrested for an offence under this Act, then he shall be entitled—

- (a) to communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to protect his rights or if he is a stateless person, which he requests and is willing to protect his rights; and

*Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances* 7
Act, No. 1 of 2008

(b) to be visited by a representative of that State.

5. Where in a prosecution for an offence under section 2 Evidence.
the question arises as to whether any drug or substance is a narcotic drug or a psychotropic substance or a substance specified in Table I or Table II of the 1988 United Nations Convention or the SAARC Convention, a report by the Government Analyst to the effect that such drug or substance is a narcotic drug or psychotropic substance or a substance specified in Table I or Table II of the 1988 United Nations Convention or the SAARC Convention, shall be admissible in evidence and shall be *prima facie* evidence of the facts stated therein.

For the purposes of this section "Government Analyst" shall include the Additional Government Analyst, a Deputy Government Analyst, a Senior Government Analyst or an Assistant Government Analyst.

6. (1) On indictment of any person in the High Court, Seizure and freezing.
for an offence under this Act—

(a) any article or substance in connection with which the offence was committed, or used in, or in connection with, the commission of such offence;

(b) the proceeds of such offence,

shall with effect from the date of filing of such indictment be liable to seizure or freezing as the case may be, on application made in that behalf to the High Court.

(2) The seizure of any article or substance or the freezing of proceeds in terms of subsection (1) shall be in force until the conclusion of the trial.

8 *Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances*
Act, No. 1 of 2008

Forfeiture.

7. (1) On the conviction of any person for an offence under section 2, the Court may Order that—

- (a) any article or substance in connection with which the offence was committed, or used in or in connection with, the commission of such offence;
- (b) the proceeds of such offence,

shall be forfeited to the State.

(2) any property forfeited to the State by an Order made under subsection (1), shall vest absolutely in the State. Such vesting shall take effect—

- (a) where no appeal is preferred to the Court of Appeal against the Order of forfeiture, on the expiration of the period within which an appeal may be preferred to the Court of Appeal against such Order of forfeiture;
- (b) where an appeal has been preferred, to the Court of Appeal against such Order of forfeiture and no appeal is preferred to the Supreme Court against the Order of the Court of Appeal affirming or upholding such Order of forfeiture, on the expiration of the period within which an appeal may be preferred to the Supreme Court from such Order of the Court of Appeal ; or
- (c) where an appeal has been preferred to the Court of Appeal against such Order of forfeiture and an appeal has been preferred to the Supreme Court from the determination of the Court of Appeal on the first mentioned appeal, upon the determination of the Supreme Court affirming or upholding the Order of forfeiture.

*Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances* 9
Act, No. 1 of 2008

(3) Where a Court is satisfied on the evidence adduced at a trial for an offence under section 2, that any funds standing to the credit of any account in any bank, are the proceeds of such offence, it may by written Order prohibit the manager of such bank from permitting or allowing the withdrawal of any funds from that account, until the conclusion of the trial of such offence.

8. An offence under section 2 shall be a cognizable offence and a non-bailable offence, within the meaning and for the purposes of the Code of Criminal Procedure Act, No. 15 of 1979.

Offences to be cognizable and non-bailable.

PART II

THE UNITED NATIONS CONVENTION AGAINST ILLICIT TRAFFIC
IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

CHAPTER I

NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

9. The Minister may from time to time, by Order published in the *Gazette*, certify for the purposes of this Part of this Act, the countries that are parties to the 1988 United Nations Convention. A country in respect of which, an Order made under this section is in force is hereinafter in this Part of this Act, referred to as "a convention country".

Parties to the Convention.

10. The Extradition Law, No. 8 of 1977 is hereby amended in the Schedule to that Law, by the addition immediately before Part B thereof, of the following paragraph:—

Amendment of Extradition Law, No. 8 of 1977.

“(5) An offence within the scope of the Conventions Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Act, No. 01 of 2008 (i.e. the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances signed at Vienna on December 20, 1988).”

10 *Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances*
Act, No. 1 of 2008

Interpretation in
relation to the
Extradition Law.

11. Notwithstanding anything contained in the Extradition Law, No. 8 of 1977 an offence specified in Part B of the Schedule to that Law and the Second Schedule to this Act shall for the purpose only of extradition under that Law, of any person accused or convicted of any such offence, as between Sri Lanka and a convention country, be deemed not to be a fiscal offence or an offence of a political character or an offence connected with a political offence or an offence inspired by political motives.

Extradition
arrangements
deemed to
provide for
offences in the
Second Schedule
to this Act.

12. Where there is an extradition arrangement in force between the Government of Sri Lanka and a convention country such arrangement shall be deemed for the purposes of the Extradition Law, No. 8 of 1977, to include provision for extradition in respect of the offences described in the Second Schedule to this Act.

Minister may
treat United
Nations
Convention as an
extradition
arrangement
between Sri
Lanka and a
Convention
country in
respect of
offences in the
Second Schedule
to this Act.

13. When there is no extradition arrangement in force, between the Government of Sri Lanka and a convention country, the Minister may, for the purposes of the Extradition Law, No. 8 of 1977, by Order published in the *Gazette*, treat the 1988 United Nations Convention as an extradition arrangement made by the Government of Sri Lanka with such convention country providing for extradition in respect of the offences described in the Second Schedule to this Act.

Duty of Minister
to notify
requesting State
of measures
taken against
persons for
whose
extradition a
request is made.

14. Where a request is made to the Government of Sri Lanka by or on behalf of the Government of a convention country for the extradition of any person accused or convicted of an offence described in the Second Schedule to this Act, the Minister shall, on behalf of the Government of Sri Lanka forthwith notify the Government of the Requesting State of the measures that Government of Sri Lanka has taken or proposes to take, for the prosecution or extradition of that person, for that offence.

*Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances* 11
Act, No. 1 of 2008

15. (1) The provisions of the Mutual Assistance in Criminal Matters Act, No. 25 of 2002 shall, wherever it is necessary for the investigation and prosecution of an offence under section 2 of this Act or an offence described in the Second Schedule to this Act, be applicable in respect of the providing of assistance as between the Government of Sri Lanka and other States who are either Commonwealth countries specified by the Minister by Order under section 2 of the aforesaid Act or Non-Commonwealth countries with which the Government of Sri Lanka entered into an agreement in terms of the aforesaid Act.

Assistance to
Convention
Countries &c..

(2) In the case of a country which is neither a Commonwealth country specified by the Minister by Order under section 2 of the aforesaid Act nor a Non-Commonwealth countries with which the Government of Sri Lanka entered into an agreement in terms of the aforesaid Act, then it shall be the duty of the Government to afford all such assistance to, and may through the Minister request all such assistance from, a convention country, as may be necessary for the investigation and prosecution of an offence under section 2 to the extent required for the discharge of its obligations under the United Nations Convention (including assistance relating to the taking of evidence and statements, the serving of process and the conduct of searches).

(3) The grant of assistance to a convention country may be made subject to such terms and conditions as the Minister thinks fit.

16. For the purposes of this Chapter—

“narcotic drug” means any drug included in Schedules, I, II and IV of the United Nations Convention on Narcotic drugs, 1961 and which are specified in the Third Schedule to the Act.

Interpretation
Chapter I of Part
II.

12 *Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances*
Act, No. 1 of 2008

“psychotropic substance” means any substance natural or synthetic or any natural material included in Schedules I, II, III and IV of the Convention on Psychotropic Substances, 1971 and which are specified in the Fourth Schedule to the Act.

CHAPTER II

ESTABLISHMENT OF THE PRECURSOR CONTROL AUTHORITY FOR THE MONITORING OF THE SUBSTANCES SPECIFIED IN TABLE I AND TABLE II USED IN THE ILLICIT MANUFACTURE OF NARCOTIC DRUGS OR PSYCHOTROPIC SUBSTANCES

Convention country.

17. For the purposes of this Chapter “convention country” shall be any country certified for the purposes of section 9.

Precursor Control Authority to be responsible for the administration of this part.

18. The Minister shall appoint a person or a body of persons as the Precursor control Authority (hereinafter referred to as “the Authority”) who shall be charged with the responsibility of administering the provisions of this Part of this Act. The Authority shall implement within Sri Lanka, in respect of the substances specified in Table I and Table II of the First Schedule to the Act, such measures as are required for monitoring the manufacture and distribution of the aforesaid substances as required by the provisions of the 1988 United Nations Convention in such manner as shall be prescribed by regulations made under the Act.

Duties of Authority.

19. The Authority shall ensure—

- (a) that persons seeking to import or export the substances specified in Table I and Table II of the First Schedule to the Act do so in terms of a valid licence in the manner prescribed, taking into consideration the requirements of the respective industries;
- (b) the taking of such measures as are necessary for the registration of the premises from which the licensee

*Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances* 13.
Act, No. 1 of 2008

will carry on the activities relating to the import or export of the substances specified in Table I and Table II of the First Schedule to the Act;

- (c) that the substances specified in Table I and Table II of the First Schedule to the Act are used only for the purposes they are imported or exported;
- (d) that any illicit manufacture of any narcotic drug or psychotropic substances using the substances specified in Table I and Table II of the First Schedule to the Act be duly reported and appropriate action taken to punish the offenders;
- (e) that every importer or exporter of any of the substances specified in Table I and Table II of the First Schedule to the Act submit to the Authority, quarterly returns reflecting the import, export, use, manufacture and distribution of such substances;
- (f) that details of all suspicious transactions in relation to any of the substances specified in Table I Table II of the First Schedule to the Act are notified to the Authority without delay by persons connected with the manufacture, import or export of any of such substances;
- (g) that proper records of matters prescribed are maintained and that such activities and records are monitored in the manner prescribed.

20. (1) No person shall import or export any substance specified in Table I and Table II of the First Schedule to the Act, except under the authority of a licence issued in that behalf in terms of the Import and Export Act, No. 1 of 1969, on application made in that behalf in the prescribed manner.

All substances in table I and Table II to be imported or exported on a licence.

14 *Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances*
Act, No. 1 of 2008

(2) The Controller of Imports and Exports shall, on receipt of an application for a licence for the import or export of any substance specified in Table I and Table II of the First Schedule to the Act; refer such application to the Authority for an endorsement to the effect that the substances and the quantities in respect of which the application is being made are in keeping with the requirements of the respective industry.

(3) The Authority shall forward its endorsement within ten days of the application being referred to it. The endorsement shall be based on the actual requirements of the respective industries, verified on the basis of the quarterly returns submitted to it by every importer or exporter.

(4) the Controller of Imports and Exports shall thereupon grant or for reasons stated refuse to grant, the licence to which the application and endorsement relates.

(5) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall on conviction after trial on indictment before the High Court, be punished with imprisonment for a term not less than three years and not exceeding five years.

Inspection of
records.

21: (1) The Authority shall have the power to enter and inspect at all reasonable hours after due notice, the premises where the licensee will carry on the activities relating to the import or export, use, manufacture and distribution of the substances specified in Table I and Table II of the First Schedule to the Act, and inspect any equipment being used, or books, documents or other records kept, relating to the same.

(2) Any person who resists or obstructs the Authority in the course of carrying out its duties in terms of subsection (1) shall be guilty of an offence and shall on conviction after trial on indictment before the High Court, be punished with imprisonment for term not less than one month and not exceeding three years.

*Conventions Against Illicit Traffic in Narcotic 15
Drugs and Psychotropic Substances
Act, No. 1 of 2008*

22. For the avoidance of doubts it is hereby stated that the provisions of this Part shall not apply to pharmaceutical preparations not to other preparations containing substances specified in Table I and Table II of the First Schedule to the Act that are compounded in such a way that such substances cannot be easily used or recovered, and in a yield which could constitute a risk to public health.

Avoidance of doubts.

PART III

THE SOUTH ASIAN ASSOCIATION FOR REGIONAL CO-OPERATION
CONVENTION ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

23. Where there is an extradition arrangement made by the Government of Sri Lanka with any State specified in the Fifth Schedule to this Act, and in force in the date on which this Part of this Act comes into operation. Such arrangement shall be deemed for the purposes of the Extradition Law, No. 8 of 1977, to include provision for extradition in respect of the offences described in Second Schedule to this Act.

Existing extradition arrangements with certain SAARC states deemed to provide for offences in the Second Schedule.

24. The Extradition Law, No. 8 of 1977 is hereby amended in the Schedule of the Law, by the addition, immediately before Part B thereof, of the following paragraph:—

Amendment of Extradition Law, No. 8 of 1977.

“(53) An offence within the scope of the Conventions Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, No. 01 of 2008 (i.e. the South Asian Association for Regional Co-operation Convention on Narcotic Drugs and Psychotropic substances signed at Male on November 23, 1990)”.

25. Where there is no extradition arrangement made by the Government of Sri Lanka with any state specified in the Fifth Schedule to this Act in force on the date on which this part of this Act comes into operation, the Minister may, for the purposes of the Extradition Law, No. 8 of 1977, by Order published in the *Gazette*, treat the SAARC Convention as an extradition arrangement made by the Government of Sri Lanka with that State providing for extradition in respect of the offences described in the Second Schedule to this Act.

Minister may treat Convention as an extradition arrangement between Sri Lanka and a SAARC state in respect of offences in the Schedule.

16 *Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances
Act, No. 1 of 2008*

Interpretation.

26. Notwithstanding anything in the Extradition Law, No. 8 of 1977, an offence specified in paragraphs (f) and (g) of Part B of the Schedule to that Law, and the Second Schedule to this Act shall, for the purposes only of extradition under that Law of any person accused or convicted of any such offence as between Sri Lanka and a State specified in the Fifth Schedule to this Act be deemed not to be a fiscal offence, or an offence of a political character, or an offence connected with a political offence, or an offence inspired by political motives.

Duty of Minister to notify requesting country, of measures taken against persons for whose extradition request is made.

27. (1) Where a request is made to the Government of Sri Lanka, by or on behalf of the Government of a State specified in the Fifth Schedule to this Act for the extradition of any person accused or convicted of an offence described in the Second Schedule to this Act the Minister shall, on behalf of the Government of Sri Lanka, forthwith notify the Government of the requesting State of the measures which the Government of Sri Lanka has taken, or proposes to take, for the prosecution or extradition of that person for that offence.

(2) Where it is decided that no order should be made under the Extradition Law, No.8 of 1977, for the extradition of any person accused or convicted of an offence specified in the Second Schedule to this Act pursuant to a request for his extradition under that Law by the Government of a State specified in the Fifth Schedule to this Act, the case shall be submitted to the relevant authorities so that prosecution for the offence which such person is accused of, or other appropriate action may be considered.

Assistance to SAARC states.

28. (1) The provisions of the Mutual Assistance in Criminal Matters Act, No. 25 of 2002 shall, wherever it is necessary for the investigation and prosecution of an offence under section 2 of this Act or an offence described in the Second Schedule to this Act, be applicable in respect of the providing of assistance as between the Government of Sri Lanka and a State specified in the Fifth Schedule to this Act with whom the Government of Sri Lanka has entered into an agreement in terms of the aforesaid Act.

*Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances
Act, No. 1 of 2008* 17

(2) In the case of a State specified in the Fifth Schedule with whom the Government of Sri Lanka has not entered into an agreement, it shall be the duty of the Government to afford all such assistance to and may through the Minister request all such assistance from, the relevant authorities of the State specified in the Fifth Schedule to this Act as may be necessary for the investigation and prosecution of an offence under section 2 to the extent required for the discharge of its obligations under the Convention (including assistance relating to the taking of evidence and statements, the serving of process and the conduct of searches).

(3) The grant of assistance to a convention country may be made subject to such terms and conditions as the Minister thinks fit.

PART IV

MISCELLANEOUS

29. The provisions of sections 3, 4, 5, 6, 7 and 8 of this Act shall *mutatis mutandis* apply to and in relation to the provisions of Parts II and III of the Act.

Provisions of sections 3, 4, 5, 6, 7 and 8 to apply to Parts II and III.

30. (1) Parliament may by Resolution amend the First Schedule to this Act, by adding any substance to Table I or Table II thereto, or omitting any drug from the aforesaid Tables or transferring any substance from one Table to the other, in order to give effect to the changes made to Table I and Table II of the 1988 United Nations Convention.

Amendment of First Schedule by Resolution of Parliament.

(2) Upon the Resolution seeking to amend the Schedule being approved by Parliament in accordance with the Standing Orders of Parliament, the Secretary to the Ministry of the Minister shall publish a Notification in the *Gazette* setting out the content of the Resolution in such manner as indicates the amendment made to the Schedule.

*Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances
Act, No. 1 of 2008*

Regulations.

31. (1) The Minister may make regulations under this Act for the any matter authorized or required to be made under this Act, or for the purpose of carrying out or giving effect to the principles and provisions of this Act.

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

- (a) the manner in which applications for licences and registration of premises under sections 19 and 20 are to be made, the forms to be used for such purpose and the fees to be charged ;
- (b) the registers and records that need to be maintained by importers and exporters in terms of sections 19 and 20 including details of-
 - (i) the names and addresses of importers or exporters and where possible the name of the consignees ;
 - (ii) the name of the substance being imported or exported with details of quantities ;
 - (iii) points of entry and dates of dispatch of the substances ;
 - (iv) the purpose, in relation to the particular industry, for which the substance is imported;
- (c) the matters to be included in the quarterly returns to be submitted in terms of section 20, reflecting the details of imports, exports, use, manufacture and distribution of the substances included in Table I and Table II of the 1988 United Nations Convention ; and
- (d) the manner of monitoring and the persons responsible for monitoring the activities and records specified in the Act.

*Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances* 19
Act, No. 1 of 2008

(3) 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 in the regulation.

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

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

32. 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.

33. In this Act—

Interpretation.

“cannabis plant” means any plant of the genus *cannabis* ;

“coca bush” means the plant of any species of the genus *Erythroxylon* ;

“narcotic drug” means any drug specified in the Third Schedule to the Act ;

“opium poppy” means the plant of the species *papaver sommiferum* ;

“Precursor Control Authority” means the person or body of persons that the Minister shall by Order published in the *Gazette* appoint as the Authority for the purposes of section 18 ;

20 *Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances*
Act, No. 1 of 2008

“proceeds” means any property derived from or obtained, directly or indirectly, through the commission of an offence established in accordance with paragraph (a) of subsection (1) of section 2 ;

“property” means, assets of every kind whether corporeal or incorporeal, movable or immovable, tangible or intangible and legal documents or instruments evidencing title to, or interest in such assets ;

“psychotropic substance” means any substance natural or synthetic or any natural material specified in the Fourth Schedule to the Act.

Conventions Against Illicit Traffic in Narcotic 21
Drugs and Psychotropic Substances
Act, No. 1 of 2008

FIRST SCHEDULE	
(Sections 2, 18, 19, 20 and 28)	
<i>Table I</i>	<i>Table II</i>
1. Acetic Anhydride HS Code : 2915.24 CAS No. 108-24-7	1. Acetone HS Code : 2914.11 CAS No : 67-64-1
2. N-Acetylanthranilic acid HS Code : 2924.23 CAS No. 89-52-1	2. Anthranilic acid HS Code : 2922.43 CAS No : 118-92-3
3. Ephedrine HS Code : 2939.41 CAS No. 299-42-3	3. Ethyl ether. HS Code : 2909.11 CAS No : 60-29-7
4. Ergometrine HS Code : 2939.61 CAS No. 60-79-7	4. Hydrocholic acid HS Code : 2806.10 CAS No : 7647-01-0
5. Ergotamine HS Code : 2939.62 CAS No. 113-15-5	5. Methyl ethyl ketone HS Code : 2914.12 CAS No : 78-93-3
6. Isosafrole HS Code : 2932.91 CAS No : 120-58-1	6. Phenylacetic acid HS Code : 2916.34 CAS No : 103-82-2
7. Lysergic acid HS Code : 2939.63 CAS No : 82-58-6	7. Piperidine HS Code : 2933.32 CAS No : 110-89-4
8. 3,4-Methylenedioxyphenyl 1-2-propanone HS Code : 2932.92 CAS No : 4676-39-5	8. Sulphuric acid ¹ HS Code : 2807.00 CAS No : 7664-93-9
9. Norephedrine HS Code : 2939.49 CAS No : 154-41-6	9. Toluene HS Code : 2902.30 CAS No : 108-88-3
10. 1-Phenyl-2-propanone HS Code : 2914.31 CAS No : 103-79-7	

**22 Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances
Act, No. 1 of 2008**

11. Piperonal HS Code : 2932.93 CAS No : 120-57-0	
12. Potassium permanganate HS Code : 2941.61 CAS No : 7722-64-7	
13. Pseudoephedrine HS Code : 2939.42 CAS No : 90-82-4	
14. Safrole HS Code : 2932.94 CAS No : 94-59-7	

The salts of the substances listed in Tables I and II, whenever the existence of such salts is possible, except those of hydrochloric and sulphuric acids.

SECOND SCHEDULE

(Section 11, 12, 13, 14, 15, 23, 25, 26, 27 and 28)

OFFENCES

1. The production, manufacture, extraction, preparation, offering, offering for sale, distribution, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation or exportation of any narcotic drug or any psychotropic substance.
2. The cultivation of opium poppy, coca bush or cannabis plant for the purpose of the production of narcotic drugs.
3. The possession or purchase of any narcotic drug or psychotropic substance for the purpose of any of the activities enumerated in item 1 above.
4. The manufacture, transport or distribution of equipment, materials or of substances listed in Table I and Table II of the First Schedule knowing that they are to be used in, or for, the illicit cultivation, production or manufacture of narcotic drugs or psychotropic substances.
5. The organization, management or financing of any of the offences enumerated in items 1, 2, 3, or 4 above.

*Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances* 23
Act, No. 1 of 2008

6. The conversion or transfer of property, knowing that such property is derived from any offence or offences established in accordance with items 1, 2, 3, 4 and 5 above or from an act of participation in such offence or offences.

7. The concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of property knowing that such property is derived from an offence or offences established in accordance with items 1, 2, 3, 4 or 5 above.

8. The acquisition, possession or use of property, knowing at the time of receipt, that such property was derived from an offence or offences established in accordance with items 1, 2, 3, 4 or 5 above.

9. The possession of equipment or materials or substances listed in Table I and Table II of the First Schedule knowing that they are being, or are to be used, in, or for, the illicit cultivation, production or manufacture of narcotic drugs or psychotropic substances.

10. Publicly inciting or inducing others, by any means, to commit any of the offences described in this Schedule or to use narcotic drugs or psychotropic substances illicitly.

24 *Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances*
Act, No. 1 of 2008

THIRD SCHEDULE

(Sections 16 and 33)

PART I

Drugs Included in Schedule I of the 1961 Convention on
Narcotic Drugs

	<i>Narcotic Drugs</i>	<i>Description/Chemical Name</i>
1	Acetorphine	3-O acetyl-7 α -(1-hydroxy-1-methylbutyl)-6,14-endoethenooripavine
2	Acetyl-alpha-methylfentanyl	N-[1-(α -methylphenethyl)-4-piperidyl] acetanilide
3	Acetylmethadol	3-acetoxy-6-dimethylamino-4,4-diphenylheptane
4	Alfentanil	N-[1-[2-(4-ethyl-4,5-dihydro-5-oxo-1H-tetrazol-1-yl)ethyl]-4-(methoxymethyl)-4-piperidinyl]-N-phenylpropanamide
5	Allylprodine	3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine
6	Alphacetylmethadol	α -3-acetoxy-6-dimethylamino-4,4-diphenylheptane
7	Alphameprodine	α -3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine
8	Alphamethadol	α -6-dimethylamino-4,4-diphenyl-3-heptanol
9	Alpha-methylfentanyl	N-[1-(α -methylphenethyl)-4-piperidyl] propionanilide
10	Alpha-methylthiofentanyl	N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl] propionanilide
11	Alphaprodine	α -1,3-dimethyl-4-phenyl-4-propionoxypiperidine
12	Anileridine	1-p-aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester
13	Benzethidine	1-(2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester
14	Benzylmorphine	3-benzyl, morphine
15	Betacetylmethadol	β -3-acetoxy-6-dimethylamino-4,4-diphenylheptane
16	Beta-hydroxyfentanyl	N-[1-(β -hydroxyphenethyl)-4-piperidyl] propionanilide

**Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances** 25
Act, No. 1 of 2008

<i>Narcotic Drugs</i>	<i>Description/Chemical Name</i>
17. <i>Beta</i> -hydroxy-3-methylfentanyl	N-[1-(β -hydroxyphenethyl)-3-methyl-4-piperidyl]propionanilide
18. Buprenorphine	B-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine
19. Buprenorphol	B-6-dimethylamino-4,4-diphenyl-3-heptanol
20. Bupropione	B-1,3-dimethyl-4-phenyl-4-propionoxypiperidine
21. Butoramide	1-(3-cyano-3,3-diphenylpropyl)-4-(2-oxo-3-propionyl-1-benzimidazolyl)piperidine
22. Cannabis and cannabis resin and extracts and tinctures of cannabis	Indian hemp and resin of Indian hemp
23. Clovitazem	2-(p-chlorobenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole
24. Coca leaf*	
25. Cocaine	Methyl ester of benzoylcegonine*
26. Codonime	Dihydrocodeinone-6-carboxymethyloxime
27. Concentrate of poppy straw	The material arising when poppy straw has entered into a process for the concentration of its alkaloids when such material is made available in trade
28. Desomorphine	Dihydrodesymorphine
29. Dextromoramide	(+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(pyrrolidinyl)butyl]morpholine
30. Diampramide	N-[2-(methylphenethylamino)propionanilide
31. Diethylthiarbutene	3-diethylamino-1,1-di(2'-thienyl)-1-butene
32. Difenozia	1-(3-cyano-3,3-diphenylpropyl)-4-phenylisonipecoic acid

- * For the calculation of estimates and statistics in accordance with the terms of the 1961 Convention, coca leaf preparations containing more than 0.1 per cent of cocaine and made direct from coca leaf should be considered to be coca leaf (preparations).

26 *Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances*
Act, No. 1 of 2008

	<i>Narcotic Drugs</i>	<i>Description/Chemical Name</i>
33	Dihydroetorphine	7,8-dihydro-7 α -[1-(R)-hydroxy-1-methylbutyl]-6,14-endo-etanotetrahydroorpavine
34	Dhydromorphine	
35	Dimenoxidol	2-dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate
36	Dimepheptanol	6-dimethylamino-4,4-diphenyl-3-heptanol
37	Dimethylthiambutene	3-dimethylamino-1,1-di(2 ^{thi} -thienyl)-1-butene
38	Dioxaphetyl butyrate	Ethyl-4-norpholino-2,2-diphenylbutyrate
39	Diphenoxylate	1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester
40	Dipipanone	4,4-diphenyl-6-piperidine-3-heptanone
41	Drotebanol	3,4-dimethoxy-17-methylmorphinan-6 β -14-diol
42	Ecgonine	Its esters and derivatives which are convertible to ecgonine and cocaine
43	Ethylmethylthiambutene	3-ethylmethylamino-1,1-di(2 ^{thi} -thienyl)-1-butene
44	Etomidate	1-diethylaminoethyl-2- <i>p</i> -ethoxybenzyl-5-nitrobenzimidazole
45	Etorphine	tetrahydro-7 α -(1-hydroxy-1-methylbutyl)-6,14-endo-etanotetrahydroorpavine
46	Etoxidine	1-[2-(2-hydroxyethoxy)ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester
47	Fentanyl	1-phenethyl-4-N-propionylanilinopiperidine
48	Furetidine	1-(2-tetrahydrofuryloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester
49	Heroin	diacetylmorphine
50	Hydrocodone	dihydrocodinone
51	Hydromorphone	14-hydroxydihydromorphine
52	Hydromorphone	dihydromorphinone

**Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances** 27
Act, No. 1 of 2008

	<i>Narcotic Drugs</i>	<i>Description/Chemical Name</i>
53.	Hydroxypethidine	4- <i>m</i> -hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester
54.	Isomethadone	6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone
55.	Ketobemidone	4- <i>m</i> -hydroxyphenyl-1-methyl-4-propionylpiperidine
56.	Levomethorphan*	(-)-3-methoxy-N-methylmorphinan
57.	Levomoramide	(-)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)butyl]morpholine
58.	Levophenacymorphan	(-)-3-hydroxy-N-phenacymorphinan
59.	Levorphanol*	(-)-3-hydroxy-N-methylmorphinan
60.	Metazocine	2'-hydroxy-2,5,9-trimethyl-6,7-benzomorphin
61.	Methadone	6-dimethylamino-4,4-diphenyl-3-heptanone
62.	Methadone intermediate	4-cyano-2-dimethylamino-4,4-diphenylbutane
63.	Methyldesorphine	6-methyl- Δ^8 -deoxymorphine
64.	Methyldihydromorphine	6-methyldihydromorphine
65.	3-methylfentanyl	N-(3-methyl-1-phenethyl-4-piperidyl)propionamide
66.	3-methylthiofentanyl	N-(3methyl-1-[2-(2-thienyl)ethyl]-4piperidyl)propionamide
67.	Metopon	5-methyldihydromorphinone
68.	Moramide intermediate	2-methyl-3-morpholin-1,1,1-diphenylpropane carboxylic acid
69.	Morpheridine	1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester
70.	Morphine	
71.	Morphine methorbromide and	other pentavalent nitrogen morphine derivatives including in particular the morphine-N-oxide derivatives, one of which is codeine-N-oxide
72.	Morphine-N-oxide	

* Dextromethorphan ((+)-3-methoxy-N-methylmorphinan) and dextrorphan ((+)-3-hydroxy-N-methylmorphinan) are isomers specifically excluded from this Schedule.

28 *Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances*
Act, No. 1 of 2008

<i>Narcotic Drugs</i>	<i>Description/Chemical Name</i>
73. MPPP	1-methyl-4-phenyl-4-piperidinal propionate (ester)
74. Myrophine	myristylbenzylmorphine
75. Nicomorphine	3,6-dinicotinylmorphine
76. Noracymethadol	(±)α-3-acetoxy-6-methylamino-4,4-diphenylheptane
77. Norlevorphanol	(-)-3-hydroxymorphinan
78. Normethadone	6-dimethylamino-4,4-diphenyl-3-hexanone
79. Normorphine	demethylmorphine
80. Norpipanone	4,4-diphenyl-6-piperidino-3-hexanone
81. Opium*	
82. Oxycodone	14-hydroxydihydrocodeinone
83. Oxymorphone	14-hydroxydihydromorphinone
84. Para-fluorofentanyl	4'-fluoro-N-(phenethyl-4-piperidyl)propionanilide
85. PEPAP	1-phenethyl-4-phenyl-4-piperidinol acetate (ester)
86. Pethidine	1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester
87. Pethidine intermediate A	4-cyano-1-methyl-4-phenylpiperidine
88. Pethidine intermediate B	4-phenylpiperidine-4-carboxylic acid ethyl ester
89. Pethidine intermediate C	1-methyl-4-phenylpiperidine-4-carboxylic acid
90. Phenadoxone	6-morpholino-4,4-diphenyl-3-heptanone

- * For the calculation of estimates and statistics in accordance with the terms of the 1961 Convention, all preparations made direct from opium are considered to be opium (preparations). If the preparations are not made direct from opium itself but are obtained by a mixture of opium alkaloids (as is the case, for example, with pantopon, omnopon and papaveretum) they should be considered as morphine (preparations).

**Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances** 29
Act, No. 1 of 2008

	<i>Narcotic Drugs</i>	<i>Description/Chemical Name</i>
91.	Phenampromide	N-(1-methyl-2-piperidinoethyl)propionanilide
92.	Phenazocine	2'-hydroxy-5,9-dimethyl-2-phenethyl-6,7-benzomorphan
93.	Phenomorphin	3-hydroxy-N-phenethylmorphinan
94.	Phenoperidine	1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester
95.	Piminodine	4-phenyl-1-(3-phenylaminopropyl)piperidine-4-carboxylic acid ethyl ester
96.	Piritramide	1-(3-cyano-3,3-diphenylpropyl)-4-(1-piperidine-4-carboxylic acid amide
97.	Probeptazine	1,3-dimethyl-4-phenyl-4-propionoxycycloheptane
98.	Propерidine	1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester
99.	Racemorphan	(±)-3-methoxy-N-methylmorphinan
100.	Racemoramide	(±)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)butyl]morpholine
101.	Racemorphan	(±)-3-hydroxy-N-methylmorphinan
102.	Remifinranil	1-(2-methoxy carbonyl ethyl)-4 (phenylpropionylamino) piperidine-4-carboxylic acid methyl ester
103.	Sufentanil	N-[4-methoxymethyl]-1-[2-(2-thienyl)ethyl]-4-piperidyl]propionanilide
104.	Thebacon	acetyldihydrocodeinone
105.	Thebaine	-
106.	Thiofentanyl	N-[1-[2-(2-thienyl)ethyl]-4-piperidyl]propionanilide
107.	Tilidine	(±)-ethyl-trans-2-(dimethylamino)-1-phenyl-3-cyclohexene-1-carboxylate
108.	Trimeperidine	1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine

30 *Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances*
Act, No. 1 of 2008

AND the isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation;

The esters and ethers, unless appearing in another Schedule, of the drugs in this Schedule whenever the existence of such esters or ethers is possible;

The salts of the drugs listed in this Schedule, including the salts of esters, ethers and isomers as provided above whenever the existence of such salts is possible.

PART II

Drugs Included in Schedule II of the 1961 Convention on
Narcotic Drugs

	<i>Narcotic Drugs</i>	<i>Description/Chemical Name</i>
1.	Acetyldihydrocodeine	
2.	Codeine	3-methylmorphine
3.	Dextropropoxyphene	α -(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-butanol propionate
4.	Dihydrocodeine	
5.	Ethylmorphine	3-ethylmorphine
6.	Nicodine	6-nicotinylcodeine
7.	Nicodicodine	6-nicotinyldihydrocodeine
8.	Norcodeine	N-demethylcodeine
9.	Pholcodine	Morpholinylethylmorphine
10.	Propiram	N-(1-methyl-2-piperidinoethyl)-N-2-pyridylpropionamide

And the isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation;

The salts of the drugs listed in this Schedule, including the salts of the isomers as provided above whenever the existence of such salts is possible.

Conventions Against Illicit Traffic in Narcotic 31
Drugs and Psychotropic Substances
Act, No. 1 of 2008

FOURTH SCHEDULE

(Section 31)

PART I

Substances in Schedule I of the U. N. Convention on Psychotropic Substances

<i>International Nnn-Proprietary Name</i>	<i>Other Non- Proprietary or Trivial Names</i>	<i>Chemical Name</i>
1. BROLAMFETAMINE	BOD	(±)-4-bromo-2,5-dimethoxy- α -methylphenethylamine
2. CATHINONE		(-)-(S)-3-aminopropiophenone
	DET	3-[2-(diethylamino) ethyl]indole
	DMA	(±)-2,5-dimethoxy- α -methylphenethylamine
	DMHP	3-(1,2-dimethylheptyl)-7, 8, 9, 10-tetrahydro- 6, 6, 9-trimethyl-6H-dibenzo[b,d]pyran-1-ol
	DMT	3-[2-(dimethylamino) ethyl] indole
	DOET	(±)-4-ethyl-2,5-dimethoxy- α -methylphenethylamine
3. ETICYCLIDINE	PCE	N-ethyl-1-phenylcyclohexylamine
4. ETRYPTAMINE		3-(2-aminobutyl) indole
	N-hydroxy MDA	(±)-N[α -methyl-3,4-(methylenedioxy)phenethyl] hydroxylamine
5. (+)-LYSERGIDE	LSD, LSD-25	9,10-didehydro-N,N-diethyl-6-methylergoline-8 β -carboxamide
	MDE, N-ethyl MDA	(±)-n-ethyl- α -methyl-3,4-(methylenedioxy)phenethylamine
	MDMA	(±)-N, α -dimethyl-3,4-(methylenedioxy)phenethylamine
	mescaline	3,4,5-trimethoxyphenethylamine
	methcathinone	2-(methylamino)-1-phenylpropan-1-one

**32 Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances
Act, No. 1 of 2008**

<i>International Non-Proprietary Name</i>	<i>Other Non- Proprietary or Trivial Names</i>	<i>Chemical Name</i>
	4-methylaminorexan	(±)-cis-2-amino-4-methyl-5-phenyl-2-oxazoline
	MMDA	5-methoxy-α-methyl-3,4-(methylenedioxy) phenethylamine
	4-MTA	A-methyl-4-methylthiophenethylamine
	parahexyl	3-hexyl-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran-1-ol
	PMA	p-methoxy-α-methylphenethylamine
	psilocine, psilotsin	3-[2-(dimethylamino)ethyl]indol-4-ol
6. PSILOCYBINE		3-[2-(dimethylamino)ethyl]indol-4-yl dihydrogen phosphate
7. ROLICYCLIDINE	PHP, PCPY	1-(1-phenylcyclohexyl)piperidine
	STP, DOM	2,5-dimethoxy-α,4-dimethylphenethylamine
8. TENAMFERAMING	MDA	α-methyl-3,4-(methylenedioxy) phenethylamine
9. TENOCYCLIDINE	TCP	1-[1-(2-thienyl)cyclohexyl]piperidine
	<ul style="list-style-type: none"> • tetrahydrocannabinol, the following isomers and their stereochemical variants: • 7,8,9,10-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol (9R,10aR)-8,9,10,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol (6aR,9R,10aR)-6a,9,10,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol 	

Conventions Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, No. 1 of 2008 33

<i>International Non-Proprietary Name</i>	<i>Other Non-Proprietary or Trivial Names</i>	<i>Chemical Name</i>
	• (6aR,10aR)-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol 6a,7,8,9-tetrahydro-6,6,9-trimethyl-3-6H-dibenzo[b,d]pyran-1-ol (6aR,10aR)-6a,7,8,9,10,10a-hexahydro-6,6-dimethyl-9-methylene-3-pentyl-6H-dibenzo[b,d]pyran-1-ol	
	TMA	(±)-3,4,5-trimethoxy- α -methylphenethylamine
The stereoisomers of substances in Schedule I are also controlled, unless specifically exempted, whenever the existence of such stereoisomers is possible within the specific chemical designation.		

PART II

Substances in Schedule II of the U.N. Convention on Psychotropic Substances

<i>International Non-Proprietary Name</i>	<i>Other Non-Proprietary or Trivial Names</i>	<i>Chemical Name</i>
1 AMFETAMINE	amphetamine	(±)- α -methylphenethylamine
2 AMINEPTINE		7-[(10,11-dihydro-5H-dibenzo[a,d]cyclohepten-5-yl)amino] heptanoic acid
	2 C-B	4-bromo-2,5-dimethoxyphenethylamine
3 DEXAMFETAMINE	dexamphetamine	(+)- α -methylphenethylamine
4 DRONABINOL	<i>Delta</i> -9-tetrahydrocannabinol and its stereochemical variants	(6aR, 10aR)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol
5 FENETYLINE		7-[2-[(α -methylphenethyl)amino]ethyl] theophylline

- This international non-proprietary name refers to only one of the stereochemical variants of *delta*-9-tetrahydrocannabinol, namely (-)-*trans-delta*-9-tetrahydrocannabinol

34 *Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances*
Act, No. 1 of 2008

	<i>International Non-Proprietary Name</i>	<i>Other Non- Proprietary or Trivial Names</i>	<i>Chemical Name</i>
6	LEVAMPETAMINE	levamphetamine Levomethamph- -amine	(-)-(R)- α -methylphenethylamine (-)-N, α -dimethylphenethylamine
7	MECLOQUALONE		3-(<i>o</i> -chlorophenyl)-2-methyl-4(3H)- quinazolinone
8	METAMFETAMINE	methamphetamine	(+)-(S)-N, α - dimethylphenethylamine
9	METAMFETAMINE RACEMATE	methamphetamine racemate	(\pm)-N, α -dimethylphenethylamine
10	METHAQUALONE		2-methyl-3- <i>o</i> -tolyl-4(3H)- quinazolinone
11	METHYPHENDATE		methyl α -phenyl-2- piperidine acetate
12	PHENCYCLIDINE	PCP	1-(1-phenylcyclohexyl)piperidine
13	PHENMETRAZINE		3-methyl-2-phenylmorpholine
14	SECOBARBITAL		5-allyl-5-(1-methylbutyl)barbituric acid
15	ZIPEPROL		α -(α -methoxybenzyl)-4-(β - methoxyphenethyl)-1- piperazineethanol

*Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances* 35
Act, No. 1 of 2008

PART III

**Substances in Schedule II of The U.N. Convention on
Psychotropic Substances**

	<i>International Non-Proprietary Name</i>	<i>Other Non- Proprietary or Trivial Names</i>	<i>Chemical Name</i>
1	AMOBARBITAL		5-ethyl-5-isopentylbarbituric acid
2	BUPRENORPHINE		21-cyclopropyl-7- α -[(s)-1-hydroxy-1,2,2-trimethylpropyl]-6,14-endo-ethano-6,7,8,14-tetrahydroorpavine
3	BUTALBITAL		5-allyl-5-isobutylbarbituric acid
4	CSTHINE	(+)-norpseudoephedrine	(+)-(S)- α -[(S)-1-aminoethyl]benzyl alcohol
5	CYCLOBARBITAL		5-(1-cyclohexen-1-yl)-5-ethylbarbituric acid
6	FLUNITRAZEPAM		5-(<i>o</i> -fluorophenyl)-1,3-dihydro-1,3-dihydro-1-methyl-7-nitro-2H-1,4-benzodiazepin-2-one
7	GLUTETHIMIDE		2-ethyl-2-phenylglutarimide
8	PENTAZOCINE		(2R*,6R*,11R*)-1,2,3,4,5,6-hexahydro-6,11-dimethyl-3-(3-methyl-2-butenyl)-2,6-methano-3-benzazocin-8-ol
9	PENTOBARBITAL		5-ethyl-5-(1-methylbutyl)barbituric acid

36 *Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances*
Act, No. 1 of 2008

PART IV

Substances in Schedule II of The U.N. Convention on
Psychotropic Substances

	<i>International Non-Proprietary Name</i>	<i>Other Non Proprietary or Trivial Names</i>	<i>Chemical Name</i>
1	ALLOBARBITAL		5,5-diallylbarbituric acid
2	ALPRAZOLAM		8-chloro-1-methyl-6-phenyl-4H-s-triazolo[4,3-a][1,4]benzodiazepine
3	AMFEPRAMONE	diethylpropion	2-(diethylamino)propiohexanoic acid
4	AMINOREX		2-amino-5-phenyl-2-oxazoline
5	BARBITAL		5,5-diethylbarbituric acid
6	BENZFETAMINE		benzphetamine N-benzyl-N,α-dimethylphenethylamine
7	BROMAZEPAM		7-bromo-1,3-dihydro-5-(2-pyridyl)-2H-1,4-benzodiazepin-2-one
8	BROTIZOLAM		2-bromo-4-(o-chlorophenyl)-9-methyl-6H-thieno[3,2-f]-s-triazolo[4,3-a][1,4]diazepine
		butobarbital	5-butyl-5-ethylbarbituric acid
9	CAMAZEPAM		7-chloro-1,3-dihydro-3-hydroxy-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one dimethylcarbamate (ester)
10	CHLORDIAZEPOXIDE		7-chloro-2-(methylamino)-5-phenyl-3H-1,4-benzodiazepine-4-oxide
11	CLOBAZAM		7-chloro-1-methyl-5-phenyl-1H-1,5-benzodiazepine-2,4(3H,5H)-dione
12	CLONAZEPAM		5-(o-chlorophenyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one
13	CLORAZEPATE		7-chloro-2,3-dihydro-2-oxo-5-phenyl-1H-1,4-benzodiazepine-3-carboxylic acid

**Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances 37**
Act, No. 1 of 2008

	<i>International Non-Proprietary Name -</i>	<i>Other Non- Proprietary or Trivial Names</i>	<i>Chemical Name</i>
14	CLOTIAZEPAM		5-(o-chlorophenyl)-7-ethyl-1,3-dihydro-1-methyl-2H-thieno[2,3-e]-1,4-diazepin-2-one
15	CLOXAZOLAM		10-chloro-11b-(o-chlorophenyl)-2,3,7,11b-tetrahydro-oxazolo-[3,2-d][1,4]benzodiazepine-6(5H)-one
16	DELORAZEPAM		7-chloro-5-(o-chlorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one
17	DIAZEPAM		7-chloro-1,3-dihydro-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one
18	ESTAZOLAM		8-chloro-6-phenyl-4H-s-triazolo [4,3-a][1,4]benzodiazepine
19	ETHCHLORVYNOL		1-chloro-3-ethyl-1-penten-4-yn-3-ol
20	ETHINAMATE		1-ethylcyclohexanolcarbamate
21	ETHYL LORAZEPATE		ethyl 7-chloro-5-(o-fluorophenyl)-2,3-dihydro-2-oxo-1H-1,4-benzodiazepine-3-carboxylate
22	ETILAMPETAMINE	<i>N-ethylamphamine</i>	<i>N-ethyl-a-methylphenethylamine</i>
23	FENCAMFAMIN		<i>N-ethyl-3-phenyl-2-norbornanamine</i>
24	PENPROPOREX		(±)-3-(<i>a</i> -methylphenylethyl) amino] propionitrile
25	FLUDIDAZEPAM		7-chloro-5-(o-fluorophenyl)-1,3-dihydro-1-methyl-2H-1,4-benzodiazepin-2-one
26	FLURAZEPAM		7-chloro-1-[2-(diethylamino)ethyl]-5-(o-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one

38 *Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances*
Act, No. 1 of 2008

	<i>International Non-Proprietary Name</i>	<i>Other Non- Proprietary or Trivial Names</i>	<i>Chemical Name</i>
		GHB	γ -hydroxybutyric acid
27	HALAZEPAM		7-chloro-1,3-dihydro-5-phenyl-1-(2,2,2-trifluoroethyl)-2H-1,4-benzodiazepin-2-one
28	HALOXAZOLAM		10-bromo-11b-(o-fluorophenyl)-2,3,7,11b-tetrahydroxazolo [3,2-d] [1,4]benzodiazepine-6(5H) one
29	KETAZOLAM		11-chloro-8,12b-dihydro-2,8-dimethyl-12b-phenyl-4H-(1,3)oxazino [3,2-d] [1,4]benzodiazepine-4,7(GH) dione
30	LEFETAMINE	SPA	(-)-N,N-dimethyl-1,2 diphenylethylamine
31	LOPRAZOLAM		6-(o-chlorophenyl)2,4-dihydro-2, [(4-methyl-1-piperazinyl) methylene]-8-nitro-1H-imidazo [1,2-a] [1,4]benzodiazepine-1-one
32	LORAZEPAM		7-chloro-5-(o-chlorophenyl)-1,3-dihydro-3-hydroxy-2H-1,4-benzodiazepin-2-one
33	LORMETAZEPAM		7-chloro-5-(o-chlorophenyl)-1,3-dihydro-3-hydroxy-1-methyl-2H-1,4-benzodiazepin-2-one
34	MAZINDOL		5-(p-chlorophenyl)-2,5-dihydro-3H-imidazo [2,1-a]isondol-5-ol
35	MEDAZEPAM		7-chloro-2,3-dihydro-1-methyl-5-phenyl-1H-1,4-benzodiazepine
36	MEFENOREX		N-(3-chloropropyl)- α -methylphenethylamine
37	MEPROBAMATE		2-methyl-2-propyl-1,3-propanedioldicarbamate
38	MESOCARB		3-(α -methylphenethyl)-N-(phenylcarbamoyl)sydnone imine

Conventions Against Illicit Traffic in Narcotic 39
Drugs and Psychotropic Substances
Act, No. 1 of 2008

	<i>International Non-Proprietary Name</i>	<i>Other Non- Proprietary or Trivial Names</i>	<i>Chemical Name</i>
39	METHYLPHENOBARBITAL		5-ethyl-1-methyl-5-phenylbarbituric acid
40	METHYPRYLON		3,3-diethyl-5-methyl-2,4-piperidine dione
41	MIDAZOLAM		8-chloro-6-(o-fluorophenyl)-1-methyl-4H-imidazo [1,5-a] [1,4] benzodiazepine
42	NIMETAZEPAM		1,3-dihydro-1-methyl-7-nitro-5-phenyl-2H-1,4-benzodiazepin-2-one
43	NITRAZEPAM		1,3-dihydro-7-nitro-5-phenyl-2H-1,4-benzodiazepin-2-one
44	NORDAZEPAM		7-chloro-1,3-dihydro-5-phenyl-2H-1,4-benzodiazepin-2-one
45	OXAZEPAM		7-chloro-1,3-dihydro-3-hydroxy-5-phenyl-2H-1,4-benzodiazepin-2-one
46	OXAZOLAM		10-chloro-2,3,7,11b-tetrahydro-2-methyl-11b-phenyloxazolo[3,2-d][1,4]benzodiazepine-6(5H)-one
47	PEMOLINE		2-amino-5-phenyl-2-oxazolin-4-one
48	PHENDIMETRAZINE		(+)-(2S,3S)-3,4-dimethyl-2-phenylmorpholine
49	PHENOBARBITAL		5-ethyl-5-phenylbarbituric acid
50	PHENTERMINE		α,α -dimethylphenethylamine
51	PINAZEPAM		7-chloro-1,3-dihydro-5-phenyl-1-(2-propynyl)-2H-1,4-benzodiazepin-2-one
52	PIPRADROL		1,1-diphenyl-1-(2-piperidyl)methano
53	PRAZEPAM		7-chloro-1-(cyclopropylmethyl)-1,3-dihydro-5-phenyl-2H-1,4-benzodiazepin-2-one

40 *Conventions Against Illicit Traffic in Narcotic
Drugs and Psychotropic Substances*
Act, No. 1 of 2008

	<i>International Non-Proprietary Name</i>	<i>Other Non- Proprietary or Trivial Names</i>	<i>Chemical Name</i>
54	PYROVALERONE		4'-methyl-2-(1-pyrrolidinyl) valerophenone
55	SECIBUTABRAITAL		5-sec-butyl-5-ethylbarbituric acid
56	TEMAZEPAM		7-chloro-1,3-dihydro-3-hydroxy-1- methyl-5-phenyl-2H-1,4- benzodiazepin-2-one
57	TETRAZEPAM		7-chloro-5-(1-cyclohexen-1-yl)-1,3- dihydro-1-methyl-2H-1,4- benzodiazepin-2-one
58	TRIAZOLAM		8-chloro-6-(o-chlorophenyl)-1- methyl-4H-s-triazolo[4,3-a][1,4]ben- zodiazepine
59	VINYLBITAL		5-(1-methylbutyl)-5-vinylbarbituric acid
60	ZOLPIDEM		N,N,6-trimethyl-2-p-tolylimidazo [1,2- α]pyridine-3-acetamide

FIFTH SCHEDULE

(Sections 23,25,26,27 and 28)

MEMBER STATES OF THE SOUTH ASIAN ASSOCIATION FOR
REGIONAL CO-OPERATION

1. Peoples Republic of Bangladesh
2. Kingdom of Bhutan
3. Republic of India
4. Republic of Maldives
5. Kingdom of Nepal
6. Islamic Republic of Pakistan
7. Islamic Republic of Afghanistan

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign),
Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT
INFORMATION, NO. 163, KIRULAPONA MAWATHIA, POLHENGODA, COLOMBO 05 before 15th December
each year in respect of the year following.



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

**SRI SARANANKARA DEVELOPMENT
FOUNDATION (INCORPORATION)
ACT, No. 2 OF 2008**

[Certified on 23rd January, 2008]

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 January 25, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 7.00

Postage : Rs. 5.00

*Sri Saranankara Development Foundation
(Incorporation) Act, No. 2 of 2008*

[Certified on 23rd January 2008]

L. D.—O. (Inc.) 21/2004

AN ACT TO INCORPORATE THE SRI SARANANKARA
DEVELOPMENT FOUNDATION

WHEREAS an Association called and known as “Sri Saranankara Development Foundation” has heretofore been formed at Baddegama in Sri Lanka for the purpose of effectually carrying out and transacting all objects and matters connected with the said Association according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said Association has heretofore successfully carried out and transacted the several objects and matters for which it was formed and has applied to be incorporated and it will be for the public advantage to grant such application :

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

1. This Act may be cited as the Sri Saranankara Development Foundation (Incorporation) Act, No. 2 of 2008.

Short Title.

2. From and after the date of commencement of this Act, such and so many persons as now are the members of the “Sri Saranankara Development Foundation” (hereinafter referred to as “the Foundation”) or shall hereafter be admitted members of the Corporation hereby constituted, shall be a body corporate (hereinafter referred to as the “Corporation”) with perpetual succession, under the name and style of “Sri Saranankara Development Foundation” and by that name may sue and be sued, with full power and authority to have, and use a common seal and alter the same at its pleasure.

Incorporation of the Sri Saranankara Development Foundation.

3. The general objects for which the Corporation is constituted are hereby declared to be —

General objects of the Corporation.

(a) to upgrade the economic and social conditions of the members of the Sri Saranankara Foundation ;

2 *Sri Saranankara Development Foundation
(Incorporation) Act, No. 2 of 2008*

- (b) to uplift the living conditions of the people and to develop the practices of the thrift ;
- (c) to upgrade the economic and social conditions of the disabled ;
- (d) to encourage the members of the Foundation to engage in self-employment ;
- (e) to establish and maintain libraries for uplifting the standards of children and elders ;
- (f) to collaborate or participate with any other institution or organisation, whether foreign or local having objects similar to those of the Corporation ;
- (g) to sponsor and conduct conferences, seminars, workshops, group studies and lectures in Sri Lanka and elsewhere ; and
- (h) to print, publish and distribute books, journals, leaflets, newspapers and magazines which the Corporation may consider desirable for the promotion and advancement of its objects.

Powers of the Corporation.

4. Subject to the provisions of this Act, and any other written law, the Corporation shall have the power to do, perform and execute all such acts, matters and things whatsoever as are necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them, including the power—

- (a) to purchase, acquire, rent, construct or otherwise obtain, lands or buildings which may be required for the purposes of the Corporation ;
- (b) to receive grants, gifts or donations, in cash kind whether from local or foreign sources ;

- (c) to erect or cause to be erected, any building or structure on any land belonging to, or held by, the Corporation ;
- (d) to make, draw, accept, discount, endorse, negotiate, buy, sell and issue bills of exchange, cheques, promissory notes and other negotiable instruments and to open, operate, maintain and close current savings and deposit accounts in any bank ;
- (e) to invest any funds not immediately required for the purposes of the Corporation in such manner as the Board may think fit ;
- (f) to undertake, accept, execute, perform and administer any lawful trusts and conditions affecting any movable or immovable property ;
- (g) to appoint, employ, dismiss or terminate the services of officers and servants of the Corporation and to pay them such salaries, allowances and gratuities as may be determined by the Corporation ; and
- (h) to train personnel in Sri Lanka for the purposes of the Corporation.

5. (1) The affairs of the Corporation shall, subject to the other provisions of this Act, be administered by a Board of Management (hereinafter referred to as the "Board") consisting of the office bearers and such other persons as may be provided for in the rules made under section 8, and elected in accordance therewith.

Management
of the affairs
of the
Corporation.

(2) The first Board of the Corporation shall consist of the members of the Board of Management of the Society holding office on the day immediately preceding the date of commencement of this Act

4 *Sri Saranankara Development Foundation
(Incorporation) Act, No. 2 of 2008*

Register of
members.

6. (1) The Board shall cause to be maintained a register in which every person who on the date of commencement of this Act, is a member of the Corporation, and thereafter only a person admitted a member of the Corporation shall have inscribed in such register his name.

(2) The register shall contain the following particulars :—

- (a) name, address and occupation of the each member of the Corporation ;
- (b) the date on which the name of the member was inscribed in the register ;
- (c) the date on which any person ceased to be a member.

Cancellation of
membership.

7. Cancellation of membership may cause due to one of the following reasons :—

- (a) at the death of the member ;
- (b) resignation ;
- (c) mental disorder ;
- (d) violation of any rules.

Rules of the
Corporation.

8. (1) It shall be lawful for the Corporation, from time to time, at any General Meeting and by a majority of not less than two-thirds of the members present and voting, to make rules, not inconsistent with the provisions of this Act or any other written law, for all or any of the following matters :—

- (a) the classification of membership, the admission, withdrawal or expulsion of members ;
- (b) the election of the office bearers, the resignation from , or vacation of, or removal from, office of office bearers, and their powers, conduct and duties ;

- (c) the election of the members of the Board and their powers, conduct and duties, and the terms of office of members of the Board ;
- (d) the powers, conduct, duties and functions of the various officers, agents and servants of the Corporation ;
- (e) the procedure to be observed and the summoning and holding of meetings of the Board the times, places, notices and agenda of such meetings, the quorum thereof and the conduct of business thereat ;
- (f) generally, for the management of the affairs of the Corporation and the accomplishment of its objects.

(2) Any rule made by the Corporation may be amended, altered, added to, or rescinded at a like meeting and in like manner as a rule made under subsection (1).

(3) The members of the Corporation shall be subject to rules of the Corporation.

9. (1) The Corporation shall have its own fund and all monies heretofore or hereafter received by way of gift, bequest, donation, subscription, fees or grants for and on account of the Corporation shall be deposited to the credit of the Corporation in one or more banks as the Board of Management shall determine.

Fund of the Corporation.

(2) There shall be paid out of the funds, any expenditure incurred by the Corporation in the exercise, performance and discharge of its powers, duties and functions under this Act.

10. All debts and liabilities of the Foundation existing on the day immediately preceding the date of commencement of this Act, shall be paid by the Corporation hereby constituted and all debts due to, subscriptions and contributions payable to, the Foundation on that day shall be paid to the Corporation for the purpose of this Act.

Debts due by and payable to the Foundation.

6 *Sri Saranankara Development Foundation
(Incorporation) Act, No. 2 of 2008*

Accounts and
Audit.

11. (1) The financial year of the Corporation shall be the calendar year.

(2) The Corporation shall cause proper accounts, to be kept of its income and expenditure, assets and liabilities and all other transactions of the Corporation.

(3) The accounts of the Corporation shall be audited by a qualified auditor.

(4) In this section, “qualified auditor means —

(i) 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 practice as an Accountant issued by the Council of such Institute; or

(ii) a firm of 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 practice as an Accountant issued by the Council of such Institute.

Corporation,
may hold
property
movable and
immovable.

12. The Corporation shall be able and capable in law, to acquire and hold any property, movable or immovable which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition or otherwise, and all such property shall be held by the Corporation for the purpose of this Act and subject to the rules of the Corporation made under section 8 with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Seal of the
Corporation.

13. The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of the Chairman and the Honorary Secretary or the Honorary Treasurer who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.

14. If upon the dissolution of the Corporation there remains after the satisfaction of all its debts and liabilities, any property whatsoever, such property shall not be distributed among the members of the Corporation but shall be given or transferred to some other Association or Associations having objects similar to those of the Corporation, and which is or are by the rules there of prohibited from distributing any income or property among its or their members. Such Association or Associations shall be determined by the Board at, or immediately before, the dissolution of the Corporation.

Property remaining on dissolution.

15. Nothing in this Act contained shall prejudice or affect the rights of the Republic, or of any body politic or corporate.

Saving of the rights of the Republic and others.

16. 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.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**GOVERNMENT SERVICES BUDDHIST
ASSOCIATION (INCORPORATION)
ACT, No. 3 OF 2008**

[Certified on 23rd January, 2008]

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 January 25, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 6.00

Postage : Rs. 5.00

*Government Services Buddhist Association
(Incorporation) Act, No. 3 of 2008*

{Certified on 23rd January, 2008}

L.D.—O. Inc. 33/2005.

AN ACT TO INCORPORATE THE GOVERNMENT SERVICES
BUDDHIST ASSOCIATION

WHEREAS an Association called and known as the “Government Services Buddhist Association” has heretofore been formed at Colombo for the purpose of effectually carrying out and transacting all objects and matters connected with the said Association according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said Association has heretofore successfully carried out and transacted the several objects and matters for which it was formed, and has applied to be incorporated, and it will be for the public advantage to grant such application :

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

1. This Act may be cited as the Government Services Buddhist Association (Incorporation) Act, No. 3 of 2008.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Government Services Buddhist Association (hereinafter referred to as the “Association”) or shall hereafter be admitted members of the Corporation hereby constituted, shall be a body corporate (hereinafter referred to as the “Corporation”) with perpetual succession, under the name and style of the “Government Services Buddhist Association” and by that name may sue and be sued with full power and authority to have and use a common seal and to alter the same at its pleasure.

Incorporation of the Government Services Buddhist Association.

3. The general objects for which the Corporation is constituted are hereby declared to be—

General objects of the Corporation.

(1) in relation to Buddhists, presently if employed in or who were previously employed in the public service—

(a) to take action to fulfil the religious, social, cultural and educational needs ;

2 *Government Services Buddhist Association
(Incorporation) Act, No. 3 of 2008*

- (b) to establish and develop mutual co-operation ;
- (c) to cultivate and foster spiritual development ;
- (d) to inculcate and promote the values such as honesty, efficiency, impartiality and good public relations ;

- (2) to take appropriate action as far as possible in respect of matters affecting those of the Buddhist faith in society
- (3) to work in collaboration with other organizations having objects similar to those of the Corporation; and
- (4) to take action for the welfare of the Buddhists in general.

General powers
of the
Corporation.

4. Subject to the provisions of this Act and any other written law, the Corporation shall have the power to do, perform and execute, all such acts, matters and things as are necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them, including the power to open, operate and close bank accounts, to borrow or raise moneys, with or without security, to receive or collect grants and donations, to invest its funds and to engage, employ and dismiss, officers and servants required for the carrying out of the objects of the Corporation.

Management of
the affairs of the
Corporation.

5. (1) The affairs of the Corporation shall, subject to the other provisions of this Act be administered by a Board of Management (hereinafter referred to as the "Board") consisting of the office-bearers and such other members as may be elected in accordance with the rules of the Corporation made under section 6.

(2) The first Board shall be the Board of Management of the Association holding office on the day preceding the date of commencement of this Act.

6. (1) It shall be lawful for the Corporation, from time to time, at any general meeting and by a majority of not less than two-thirds of the members present and voting, to make rules, not inconsistent with the provisions of this Act, or any other written law, in respect of all or any of the following matters :—

- (a) the classification of membership and the admission, withdrawal or expulsion of members ;
- (b) the election of the office-bearers, the resignation from, or vacation of, or removal from office of office-bearers, and their powers, conduct and duties ;
- (c) the election of the members of the Board, the resignation from or vacation of or removal from, office of membership of the Board and their powers, duties and functions ;
- (d) the powers, conduct, duties and functions of the officers, agents and servants of the Corporation ;
- (e) the procedure to be observed at, and the summoning and holding of, meetings of the Board, the times, places, notices and agenda of such meetings, the quorum therefor and the conduct of business thereat ;
- (f) the administration and management of the property of the Corporation, the custody of its funds, and the maintenance and audit of its accounts ;
- (g) generally for the management of the affairs of the Corporation and the accomplishment of its objects.

(2) Any rule made by the Corporation may be amended, altered, added to, or rescinded at a like meeting and in like manner as a rule made under subsection (1).

4 *Government Services Buddhist Association
(Incorporation) Act, No. 3 of 2008*

(3) The members of the Corporation shall be subject to the rules of the Corporation.

Fund of the Corporation.

7. (1) The Corporation shall have its own fund and all moneys received by way of gifts, testamentary dispositions, grants, donations, contributions or fees shall be deposited in the name of the Corporation in one or more banks as may be decided by the Board.

(2) All expenses borne by the Corporation in the exercise and discharge of the powers and functions of the Corporation shall be paid out of the Fund.

Accounts and Audit.

8. (1) The Corporation shall cause proper accounts to be kept of all the moneys received and expended by the Corporation.

(2) The accounts of the Corporation shall be examined and audited at least once in every year, and the correctness of the income and expenditure account and balance sheet shall be certified by an auditor or auditors who shall be an associate member of the Institute of Chartered Accountants of Sri Lanka appointed by the Corporation.

Debts due by and payable to the Association.

9. All debts and liabilities of the Association existing on the day preceding the date of commencement of this Act, shall be paid by the Corporation and all debts due to, and subscriptions and contributions payable to the Association, on that day shall be paid to the Corporation for the purposes of this Act.

Corporation may hold property movable or immovable.

10. The Corporation shall be able and capable in law to acquire and hold any property, movable or immovable, which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition or otherwise, and all such property shall be held by the Corporation for the purposes of this Act and subject to the rules of the Corporation, made under section 6 and it shall have full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

11. If upon the dissolution of the Corporation there remains, after the satisfaction of all debts and liabilities, any property whatsoever, that property shall not be distributed among the members of the Corporation, but shall be given or transferred to some other association having objects, similar to the objects of the Corporation which are by the rules thereof prohibited from distributing any income or profit among their members. The association shall be determined by the members of the Corporation at or immediately before the time of dissolution of the Corporation.

Property remaining on dissolution.

12. No member of the Corporation shall, for the purpose of discharging the debts and liabilities of the Corporation or for any other purpose, be liable to make any contribution exceeding the amount of such membership fees as may be due from him to the Corporation.

Limitation of liability of members.

13. The seal of the Corporation shall be in the custody of the Honorary General Secretary and it shall not be affixed to any instrument whatsoever except in the presence of the Honorary General Secretary and either the President or the Honorary Treasurer of the Corporation, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.

Seal of the Corporation.

14 Nothing in this Act contained shall prejudice or affect the rights of the Republic or of any body politic or corporate.

Savings of the rights of the Republic and others.

15. 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.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, NO. 163, KIRULAPONA MAWATHIA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**BAMBALAPITIYA FLATS BUDDHIST
SOCIETY (INCORPORATION)
ACT, No. 4 OF 2008**

[Certified on 28th January, 2008]

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 February 01, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 7.00

Postage : Rs. 5.00

*Bambalapitiya Flats Buddhist Society
(Incorporation) Act, No. 4 of 2008*

[Certified on 28th January, 2008]

L.D.—O. INC 34/2005.

AN ACT TO INCORPORATE THE BAMBALAPITIYA FLATS
BUDDHIST SOCIETY

WHEREAS a Buddhist Society called and known as the **Preamble.**
“Bambalapitiya Flats Buddhist Society” has heretofore been
formed in Sri Lanka for the purpose of effectually carrying
out and transacting all objects and matters connected with
the said Buddhist Society, according to the rules agreed to
by its members :

AND WHEREAS the said Bambalapitiya Flats Buddhist
Society has heretofore successfully carried out and transacted
the several objects and matters for which it was formed and
has applied to be incorporated, and it will be for the public
advantage to grant such application :

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

1. This Act may be cited as the Bambalapitiya Flats **Short title.**
Buddhist Society (Incorporation) Act, No. 4 of 2008.

2. From and after the date of commencement of this Act,
such and so many persons as now are members of the
Bambalapitiya Flats Buddhist Society (hereinafter referred
to as “the Buddhist Society”) or shall hereafter be admitted
as members of the Corporation hereby constituted, shall be
and become a body Corporate (hereinafter referred to as the
“Corporation”) with perpetual succession under the name
and style of the Bambalapitiya Flats Buddhist Society, and
by that name may sue and be sued, with full power and
authority to have and use a common seal, and alter the same
at its pleasure. **Incorporation of
the Bambalapitiya
Flats Buddhist
Society.**

General
objects of the
Corporation.

3. The general objects for which the Corporation is constituted are hereby declared to be—

- (a) to promote and protect the Buddhism and Buddhist rituals, practices and traditions of the Buddhists residing in and around the Bambalapitiya Flats ;
- (b) to sponsor and promote the study of, and research into, all aspects of Buddhism ;
- (c) to establish and maintain educational institutions to teach Buddhism and to inculcate in the people, the Buddha Dhamma and Buddhist values, and to encourage them to lead their lives in accordance with such Dhamma and Buddhist values ;
- (d) to establish and maintain Viharas, monasteries, shrines, hermitages and other religious institutions and to promote, foster and preserve, Buddhist festivals, rites, rituals, practices and traditions ;
- (e) to provide educational facilities and related services to the Buddhist community residing in and around the Bambalapitiya Flats ;
- (f) to promote peace and foster religious, ethnic and racial harmony in the community ;
- (g) to provide social and welfare services and to establish and maintain centres and institutions for the welfare of the Buddhist community in the Bambalapitiya National Flats ;
- (h) to establish and maintain libraries, information and resource centres for the benefit of the Buddhist in and around the Bambalapitiya Flats ;

Bambalapitiya Flats Buddhist Society 3
(Incorporation) Act, No. 4 of 2008

- (i) to help and assist Buddhist in and around Bambalapitiya Flats to engage in any technical or similar industry as self employment and to train them in any such industry ;
- (j) to hold exhibitions, lectures, seminars, workshops, classes, debates, conferences or other activities, in furtherance of the objects of the Corporation ; and
- (k) to establish friendly relations in collaboration with other associations, organisations or societies having objects similar to those of the Corporation in Sri Lanka or abroad.

4. (1) The management and administration of the affairs of the Corporation shall subject to the provisions of this Act and rules made under section 7 be administered by a Executive Committee (hereinafter referred to as “the Committee”) consisting of President, four Vice Presidents, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer and six other members as are elected in accordance with the rules of the Corporation from among the members who are permanent residents of the Bambalapitiya National Flats Complex.

Management of the affairs of the Corporation.

(2) The first Committee of the Corporation shall be the Committee holding office on the day immediately preceding the date of commencement of this Act, who shall hold office until the holding of the first Annual General Meeting of the Corporation.

5. (1) The Committee shall cause a register to be maintained in which every person who at the commencement of this Act, is a member of the Corporation and every person thereafter duly admitted a member of the Corporation hereby constituted, shall have his name inscribed.

Register of membership.

4 *Bambalapitiya Flats Buddhist Society
(Incorporation) Act, No. 4 of 2008*

(2) The register shall contain the following particulars:—

- (a) the name, address and occupation of each member of the Corporation ;
- (b) the date on which the name of the member was inscribed in the register ;
- (c) the date on which any person ceased to be a member.

Powers of the Corporation.

6. Subject to the provisions of this Act and any other written law, the Corporation shall have the power to do, perform and execute all such acts, matters and things whatsoever, as are necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them, including the power—

- (a) to purchase, acquire, rent, construct or otherwise obtain lands or buildings, which may be required for the purposes of the Corporation ;
- (b) to raise funds and receive grants, gifts or donations in cash or kind ;
- (c) to erect or cause to be erected, any building or structure on any land belonging to, or held by the Corporation ;
- (d) to make, draw, accept, discount, endorse, negotiate, buy, sell and issue bills of exchange, cheques, promissory notes and other negotiable instruments and to open, operate, maintain and close current, savings and deposit accounts in any bank ;
- (e) to invest any funds not immediately required for the purposes of the Corporation in such manner as the Committee may think fit ;

- (f) to undertake, accept, execute, perform and administer any lawful trusts and conditions affecting any movable or immovable property ;
- (g) to appoint, employ, dismiss or terminate the services of, officers and servants of the Corporation, and to pay them such salaries, allowances and gratuities as may be determined by the Corporation ; and
- (h) to train personnel in Sri Lanka for the purposes of the Corporation.

7. (1) It shall be lawful for the Corporation, from time to time, at any general meeting or at an extraordinary general meeting convened for such purpose and by a majority of not less than two-thirds of the members present and voting, to make rules not inconsistent with the provisions of this Act or any other written law, for all or any of the following matters :—

Rules of the
Corporation.

- (a) classification of membership, fees payable by members, admission, withdrawal, expulsion or resignation of members ;
- (b) election of the Committee or vacation of, or removal from office of a Committee Member and the powers, duties and conduct of the Committee ;
- (c) appointment, employment and dismissal of various officers, agents and servants of the Corporation, their powers, duties, functions and conduct and the payment of remuneration to them ;
- (d) appointment, employment and dismissal of an auditor and the payment of remuneration thereof ;
- (e) the procedure to be followed in the transaction of business at such meetings ;
- (f) the qualification and disqualifications for membership of the Committee and the Corporation ;

6 *Bambalapitiya Flats Buddhist Society
(Incorporation) Act, No. 4 of 2008*

- (g) the administration and management of the property of the Corporation ; and
- (h) generally for the management of the affairs of the Corporation and the accomplishment of its objects.

(2) The members of the Corporation shall be subject to the rules of the Corporation.

Funds of the Corporation.

8. (1) The Corporation shall have its own fund and all moneys heretofore or hereafter to be received by way of gift, bequest, donation, subscription, contribution, fees or grants for and on account of the Corporation shall be deposited to the credit of the Fund of the Corporation in one or more banks as the Committee shall determine.

(2) The Corporation may create a depreciation fund, reserve or sinking fund for the rehabilitation, improvement, development and preservation of, the property of the Corporation.

(3) There shall be paid out of the fund all sums of money which are required to defray any expenditure incurred by the Corporation in the exercise, performance and discharge of its powers, duties and functions under this Act.

(4) The moneys and property of the Corporation, however derived, shall be applied solely towards the promotion of the objects set out in this Act, and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise to the members of the Corporation.

Accounts and Audit.

9. (1) The Corporation shall cause proper accounts to be kept of all the moneys received and expended by the Corporation.

(2) The accounts of the Corporation shall be examined and audited at least once in every year, and the correctness of income and expenditure account and balance sheet shall be certified by an auditor who shall be an associate member of the Institute of Chartered Accountants of Sri Lanka appointed by the Corporation.

(3) The Financial year of the Corporation shall be the period commencing on the First day of April in any year and ending on the thirty first day of March of the following year.

10. All debts and liabilities of the Society existing on the day preceding the date of commencement of this Act, shall be paid and discharged by the Corporation and all debts due to, and any subscriptions and contributions payable to, the Society on that day shall be paid to the Corporation for the purposes of this Act.

Debts due by and payable to the Society.

11. The Corporation shall be able and capable in law to acquire and hold any property, movable or immovable, which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition or otherwise, and all such property shall be held by the Corporation for the purposes of this Act and subject to the rules of the Corporation to sell, mortgage, lease, exchange or otherwise dispose of same.

Corporation may hold property movable and immovable.

12. If upon the dissolution of the Corporation, there remains after the satisfaction of all debts and liabilities, any property whatsoever, such property shall not be distributed among the members of the Corporation, but shall be given or transferred to some other institution having objects, similar to the objects of the Corporation, and which, are by the rules thereof prohibited from distributing any income or profit among their members. Such institution shall be determined by the members of the Corporation at or immediately before the time of dissolution of the Corporation.

Property remaining on dissolution.

Seal of the Corporation.

13. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the President and the Secretary or the Treasurer who shall sign their names to the instrument in token of their presence and such signing shall be independent of the signing of any person as a witness.

Limitation of liability.

14. No member of the Corporation shall, for the purpose of discharging the debts and liabilities of the Corporation or for any other purpose, be liable to make any contribution exceeding the amount of such membership fees as may be due from him to the Corporation.

Savings of the rights of the Republic and others.

15. Nothing in this Act contained shall prejudice or affect the rights of the Republic, or of any body politic or corporate.

Sinhala text to prevail in case of inconsistency.

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

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**DEFENCE SERVICES COMMAND AND
STAFF COLLEGE ACT, No. 5 OF 2008**

[Certified on 19th February, 2008]

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 February 22, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 14.00

Postage : Rs. 7.50

*Defence Services Command and Staff College
Act, No. 5 of 2008*

[Certified on 19th February 2008]

L.D.—O. 28/2005.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A DEFENCE SERVICES COMMAND AND STAFF COLLEGE; TO IDENTIFY THE OBJECTIVES AND FUNCTIONS OF, AND TO PROVIDE FOR THE MANAGEMENT AND ADMINISTRATION OF, THE DEFENCE SERVICES COMMAND AND STAFF COLLEGE; 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 Defence Services Command and Staff College Act, No. 5 of 2008 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.

PART I

ESTABLISHMENT OF THE DEFENCE SERVICES COMMAND AND STAFF COLLEGE

2. (1) There shall be established a college, which shall be called the “Defence Services Command and Staff College” (hereinafter referred to as “the Staff College”).

Establishment of the Defence Services Command and Staff College.

(2) The Staff College 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. The Secretary to the Ministry of the Minister in charge of the subject of Defence shall be charged with the responsibility of ensuring the efficient management and administration of the Staff College in order to achieve the objectives for which the Staff College is established.

Staff College to be the responsibility of the Secretary, Ministry of Defence.

2 *Defence Services Command and Staff College
Act, No. 5 of 2008*

Objectives of the Staff College.

4. The objectives of the Staff College shall be ---

- (a) to develop the professional knowledge and understanding of officers of the armed forces selected for training at the Staff College in order to prepare and equip them for appointment to appropriate appointments and promotions in the respective service to which they belong;
- (b) to prepare and equip officers of the armed forces selected for training at the Staff College to function effectively, both in command and on the staff functions in single service and joint services environment, both in peace and war. A general education in relation to their functions shall also be given in order to enable them to perform effectively in command and staff appointments.

Functions of the Staff College.

5. For the purpose of carrying out its objectives, the Staff College shall be vested with all or any of the following functions:—

- (a) to admit student officers from the Armed Forces of Sri Lanka to follow the courses of study at the Staff College;
- (b) to admit student officers from the Department of Police and military establishments outside Sri Lanka, to follow the courses of study at the Staff College;
- (c) to admit public officers to follow courses of study as determined by the Board of Studies relating to defence and military management at the Staff College and where necessary to levy such fees as are prescribed;
- (d) to conduct examinations for the purpose of ascertaining the student officers admitted under paragraphs (a), (b) and (c) who have acquired proficiency in the selected courses of study;

- (e) to issue Certificates and grant and confer the designation "psc" (passed staff college) on student officers and public officers on the successful completion of the courses of study;
- (f) to erect, equip and maintain for the purposes of the Staff College, libraries, laboratories and other buildings;
- (g) to create Professorships, Lectureships and other posts as may be required for the efficient functioning of the Staff College;
- (h) to appoint such employees and agents as are necessary for the administration of the affairs of the Staff College;
- (i) to receive grants, gifts or donations, whether from local or foreign sources;
- (j) to borrow or raise money for the purpose of the Staff College in such manner and upon such security as the Board of Management may think fit;
- (k) to take or hold any movable or immovable property which may become vested in it by this Act or by virtue of any purchase, grant, gift, testamentary disposition or otherwise, and to sell, mortgage, lease, grant, convey, devise, assign, exchange or otherwise dispose of any such movable or immovable property;
- (l) to enter into and perform or carry out, whether directly or through any officer or agent authorized in that behalf by the Staff College, all such contracts or agreements as may be necessary for the attainment of the objectives of the Staff College;
- (m) to invest its funds in such a manner as the Board of Management may think fit; and
- (n) to do all such acts as are necessary for, conducive or incidental to the attainment of its objectives.

4 *Defence Services Command and Staff College
Act, No. 5 of 2008*

Seal of the Staff
College.

6. (1) The seal of the Staff College shall be in the custody of such person as Board of Management may decide from time to time.

(2) The seal of the Staff College may be altered in such manner as may be determined by the Board of Management.

(3) The seal of the Staff College shall not be affixed to any instrument or document except in the presence of the Chairman and one other member of the Board of Management, both of whom shall sign the instrument or document in token of their presence:

Provided that where the Chairman is unable to be present at the time when the seal of the Staff College is affixed to any instrument or document, any other member of the Board of Management authorized in writing by the Chairman in that behalf, shall be competent to sign such instrument or document in accordance with the preceding provisions of this subsection.

(4) The Staff College shall maintain a register of all instruments or documents to which the seal of the Staff College is affixed.

PART II

BOARD OF MANAGEMENT OF THE STAFF COLLEGE, THE COMMANDANT AND THE BOARD OF STUDIES AND THE BOARD OF DISCIPLINE

Constitution of
the Board of
Management of
the Staff
College.

7. (1) The management and the administration of the affairs of the Staff College shall be vested in a Board of Management (hereinafter referred to as the "Board") which shall consist of the following members appointed by the Minister in charge of the subject of Defence:—

(a) the Secretary to the Ministry of the Minister in charge of the subject of Defence, who shall be the Chairman;

- (b) the Additional Secretary to the Ministry of Minister in charge of the subject of Defence, who shall preside at any meeting of the Board in the absence of the Chairman;
- (c) the Chief of Defence Staff;
- (d) the Commander of the Army, the Commander of the Navy and the Commander of the Air Force;
- (e) the Secretary to the Treasury or his nominee;
- (f) the Vice-Chancellor of the University of Kelaniya;
- (g) the person holding office for the time being as the Commandant of the Staff College ; and
- (h) the person holding office for the time being as the “Brigadier Co-ordinating” at the Staff College, who shall be the Secretary of the Board.

(2) The Additional Secretary appointed under paragraph (b) of subsection (1) shall be a person to whom the subject of Staff College is assigned to, by the Ministry.

8. (1) The Staff College shall consist of such Wings as are from time to time deemed necessary, by the Board.

Wings of the Staff College.

(2) The Board shall on the recommendation of the Commanders of the respective Armed Forces of Sri Lanka, appoint the officers of the teaching staff and the permanent staff of the Staff College. who shall unless they vacate office earlier, hold office for a period not exceeding three years.

(3) The Board shall on the recommendation of the Commanders of the respective Armed Forces of Sri Lanka, appoint the other rank staff to the Staff College, who shall unless they vacate offices earlier, hold office for a period not exceeding three years.

6 *Defence Services Command and Staff College
Act, No. 5 of 2008*

Meetings and
quorum at
meetings of the
Board.

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

(2) Five members shall form a quorum at any meeting of the Board:

Provided that, of the five members at least two members shall be Commanders of any one of the Armed Forces of Sri Lanka.

Meetings of the
Board.

10. Subject to the other provisions of this Act, the Board may regulate its procedure in regard to the meetings of the Board and the transaction of business at such meetings.

Vacancy among
members not to
invalidate
proceedings of
the Board.

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

Annual
estimates.

12. The Board shall as soon as may be practicable, submit through the Secretary to the Ministry of the Minister in charge of the subject of Defence, the annual estimates or supplementary estimates, as the case may be, to the Treasury for the purpose of securing the necessary budgetary allocation for the Staff College.

The
Commandant.

13. (1) The Minister of Defence shall appoint as the Commandant of the Staff College (hereinafter referred to as "the Commandant") a qualified senior officer holding either the rank of Major General in the Army or Rear Admiral in the Navy or Air Vice Marshal in the Air Force, respectively, who shall be the Chief Executive Officer of the Staff College. The Commandant shall hold office for a period not exceeding three years, unless he vacates his office earlier by retirement, death, resignation or removal.

(2) The Commandant may resign his office as Commandant by written communication in that behalf

addressed to the Minister, forwarded through the Secretary to the Ministry of the Minister in charge of the subject of Defence.

(3) The Minister may, if he thinks it expedient to do so, by Order published in the *Gazette*, remove the Commandant from office for reasons assigned.

(4) A Commandant in respect of whom an Order under subsection (3) is made, shall vacate his office on the date of publication of such Order in the *Gazette*, or on such other date as may be specified in such Order.

(5) In the event of the person appointed as Commandant —

- (a) vacating his office or ceasing to be a member of the respective Armed Forces of Sri Lanka of which he was a member prior to the expiry of his term of office as Commandant, the Minister shall having regard to the provisions of subsection (1), appoint a qualified officer as Commandant and he shall, unless he earlier vacates office, hold office for a period not exceeding three years; or
- (b) being temporarily unable to discharge the function of his office by reason of ill health, absence from Sri Lanka or any other case, Minister shall having regard to the provisions of subsection (1), appoint the most senior person holding the rank of Chief Instructor in either the Army, Navy or Air Force wing, as the case may be, to act in his place as Commandant, during such period.

14. (1) The Commandant shall, subject to the general direction and control of the Board, be charged with the direction of the affairs of the Staff College and the discharge of the functions of the Staff College. He shall also be charged with the overall administrative and disciplinary control of the employees and student officers of the Staff College.

**Duties of the
Commandant.**

(2) The Commandant may in writing, with the approval of the Board, delegate to any employee of the Staff College such of his duties as he may from time to time consider necessary. Any employee to whom such functions are so delegated shall exercise them subject to the general or special directions of the Commandant. Notwithstanding such delegation it shall be competent for the Commandant where necessary to continue to discharge such functions.

(3) The Commandant may in consultation with the Board decide on the medical, welfare and recreational facilities to be provided for student officers by the Staff College.

(4) The Commandant may take necessary measures for the security and the protection of the Staff College.

The Board of
Studies of the
Staff College.

15. (1) The affairs of the Staff College relating to academic and defence studies shall be vested in the Board of Studies. The Board of Studies shall consist of—

- (a) the Commandant appointed under section 13;
- (b) a representative nominated by the Vice-Chancellor of the University of Kelaniya;
- (c) Chief Instructors of the Army, Navy and Air Force Wings.

(2) The Board of Studies shall discharge the functions assigned to, or conferred on, it, subject to the general direction and control of the Board and any rules which may be made in that behalf by the Board.

(3) The Board of Studies shall have control and general direction over the instruction, training, research and examinations of the Staff College.

(4) The Board of Studies shall be charged with the exercise, performance and discharge of the following powers, duties and functions:—

- (i) to identify and recommend to the Board the courses of study and the curricula of such courses which are to be offered by the Staff College;
- (ii) to decide on the degrees, diplomas, certificates and other academic distinctions which shall be awarded for the courses of study offered at the Staff College;
- (iii) to identify the training to be followed, the examinations to be passed and the other conditions to be satisfied by students who wish to qualify for such degrees, diplomas, certificates and other academic distinctions;
- (iv) to consider and report on any matter referred to it by the Board;
- (v) to present recommendations and reports to the Board on matters connected with the courses of study, teaching programmes, research programmes or examinations being conducted by the Staff College;
- (vi) to appoint committees, which may include persons not being members of the Board of Studies for the purpose of considering and reporting on any special subject or subjects;
- (vii) to recommend to the Board—
 - (a) the requirements for the admission of students to courses of study and examination;

10 *Defence Services Command and Staff College
Act, No. 5 of 2008*

- (b) the persons who are suitable for recognition as teachers or examiners;
- (c) the persons who, having passed the prescribed examinations and having satisfied other prescribed conditions, are eligible for the award of degrees, diplomas, certificates and other academic distinctions;
- (viii) to identify the mode and conditions of competition for fellowships, scholarships, exhibitions, bursaries, medals and other prizes; and
- (ix) to name the persons suitable for the award of fellowships, scholarships, exhibitions, bursaries, medals and other prizes.

Board of
Discipline.

16. The Board shall in consultation with the Commandant appoint a Board of Discipline consisting of the following:—

- (a) the Chief Instructors of the respective Wing; and
- (b) any other officer who in the opinion of the Commandant is required for the effective settlement of the particular misconduct.

Code of
Discipline and
exercise of
disciplinary
control.

17. (1) Every student officer shall be subject to the Code of Discipline of the Staff College. The Code of Discipline shall be as prescribed by regulations.

(2) Any student officer found to be in breach of such Code or who is found guilty of any breach by the Board of Discipline, may on recommendation being made by the Board of Discipline to the effect that the conduct of the student officer is not conducive to the best interest of the Staff College, be liable to be withdrawn from the course of study, by the Commandant.

(3) The disciplinary control of the permanent staff shall be exercised by the Commandant or any other officer of the Staff College authorized in that behalf by the Commandant.

(4) The maintenance of disciplinary control of the civilian staff of the Staff College shall be in the accordance with the procedure to be as specified by rules made by the Board.

(5) Every act of misconduct of student officers shall be reported to the respective Service Commander of such officer by the Commandant in order that disciplinary action as is deemed necessary in terms of the respective laws and regulations applicable to such service, be initiated.

(6) Any student officer who is found to be responsible for causing damage to government property, willfully or negligently shall be liable to indemnify the Staff College for such damage.

PART III

FINANCE

18. (1) There shall be established a Fund called “the Defence Service Command and Staff College Fund” (hereinafter referred to as “the Fund”).

Fund of the Staff
College.

(2) The Board shall be vested with the power to manage, control and operate the Fund.

19. There shall be paid into the Fund—

Payment into the
Fund.

(a) all such sums of money as may be voted from time to time by Parliament for the management and administration of the Staff College;

(b) all such sums of money as may be received by the Staff College by way of donations, gifts or grants from any source whatsoever, whether within or outside Sri Lanka;

12 *Defence Services Command and Staff College
Act, No. 5 of 2008*

- (c) all moneys received by way of fees in respect of the courses of study being provided by the Staff College; and
- (d) all such sums of money as may be received by the Staff College in the exercise, performance and discharge of its powers, duties and functions.

Payment out of
the Fund.

20. There shall be paid out of the Fund—

- (a) expenses necessary for the establishment, working and maintenance of the Staff College;
- (b) the payment of fees to the visiting lecturers; and
- (c) all such other payments as are approved by the Board as being necessary for the purpose of carrying out the objectives of the Staff College.

Audit of
Accounts.

21. (1) The Board shall direct the Accountant appointed in terms of section 22, to keep proper books of accounts and accounts of all income and expenditure, assets and liabilities and all other financial transactions of the Staff College.

(2) The provisions of Article 154 of the Constitution relating to the audit of accounts of public corporation shall apply to the audit of accounts of the Staff College.

(3) The financial year of the Staff College shall be the calendar year.

(4) The annual accounts of the Staff College shall be prepared by the Accountant who shall cause the same to be forwarded to the Board through the Commandant.

Appointment of
an Accountant.

22. (1) There shall be an Accountant for the Staff College, who shall be appointed by the Board.

(2) The Accountant shall be responsible to the Commandant of the Staff College for the administration and control of the Fund of the Staff College established under section 18 of this Act.

23. (1) All service personnel posted and attached to Staff College as student officers shall be entitled to such emoluments and allowances as may be stipulated in the respective services pay regulations applicable to them.

Payment of emoluments.

(2) All service personnel in the Staff College referred to above shall be entitled to any additional allowances as may be paid to those appointed to training establishments presently under the Sri Lanka Armed Forces.

(3) All service personnel of the Staff College referred to above may in addition be entitled to such other additional allowances as may be determined by the Board from time to time with the concurrence of the Minister of Finance.

(4) The period of training of a student officer in the Staff College shall be deemed to be reckonable service for the purpose of pension, gratuity and allowances.

24. The Board may, with the concurrence of the Minister and the Minister in charge of the subject of Finance, borrow by way of overdraft or otherwise such sums of money as may be necessary to effectively discharge the functions assigned to it.

Borrowing powers of the Board.

PART IV

GENERAL

25. (1) The Board may make rules in respect of the courses of study to be provided for student officers by the Staff College on the recommendation of the Commandant.

Board to make rules.

(2) Every rule made under subsection (1) shall be approved by the Minister upon the making thereof, and shall be published in the *Gazette*.

14 *Defence Services Command and Staff College*
Act, No. 5 of 2008

Regulations.

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

(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) to the management and administration of the affairs of the Staff College;

(b) setting out the Code of Discipline as required by section 17.

(3) 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.

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

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

**Protection for
action taken
under this Act or
on the direction
of the Staff
College.**

27. (1) No suit or prosecution shall lie—

(a) against the Staff College for any act which in good faith is done or purported to be done by the Staff College under this Act; or

(b) against any member, officer, servant or agent of the Staff College for any act which in good faith is done or purported to be done by him under this Act or on the direction of the Staff College.

Defence Services Command and Staff College 15
Act, No. 5 of 2008

(2) Any expenses incurred by the Staff College in any suit or prosecution brought by or against the Staff College and any costs paid to, or recovered by the Staff College 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) of this section in any suit or prosecution brought against him before any court in respect of any act which is done or purported to be done by him under this Act or on the direction of the Staff College 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.

28. The members of the Board and all officers and servants of the Staff College shall be deemed to be public officers within the meaning and for the purpose of the Penal Code (Chapter 19).

Members of the Board and officers and servants of the Staff College deemed to be public officers.

29. The Staff College shall be deemed to be a Scheduled Institution within the meaning and for the purpose of the Bribery Act (Chapter 26) and the provisions of such Act shall be construed accordingly.

Staff College deemed to be a Scheduled Institution within the meaning of the Bribery Act.

30. The provisions of the Universities Act, No.16 of 1978, shall not apply to, or in relation to, the Staff College established by this Act.

Provisions of Act, No. 16 of 1978, not to apply.

31. 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.

16 *Defence Services Command and Staff College
Act, No. 5 of 2008*

Interpretation.

32. In this Act unless the context otherwise requires—

“Armed Forces of Sri Lanka” means the Sri Lanka Army; the Sri Lanka Navy; and the Sri Lanka Air Force established respectively by the Army Act (Chapter 357), the Navy Act (Chapter 358) and the Air Force Act (Chapter 359);

“Wing” means a branch of the Staff College that conducts specialized training pertaining to a particular service or academic field. Generally, there will be three such Wings namely the Army Wing, the Navy Wing and the Air Force Wing.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**API WENUWEN API FUND
ACT, No. 6 OF 2008**

[Certified on 19th February, 2008]

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 February 22, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 14.00

Postage : Rs. 5.00

[Certified on 19th February, 2008]

L.D.—O 28/2007.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A FUND TO BE CALLED AND KNOWN AS THE “API WENUWEN API FUND” TO PROVIDE LOANS FOR THE CONSTRUCTION OR PURCHASE OF HOUSES FOR ARMED SERVICE PERSONNEL ; 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 Api Wenuwen Api Fund Act, No. 6 of 2008.

Short title.

2. (1) There shall be established a Fund to be called and known as the “Api Wenuwen Api Fund”, (hereinafter referred to as the “Fund”) for the purpose of giving effect to the aims and objects of the Fund as set out in section 4.

Establishment of the “Api Wenuwen Api Fund”.

(2) The Fund established under subsection (1) shall be a body corporate with perpetual succession under the name and style of “Api Wenuwen Api Fund” and by that name may sue and be sued with full power and authority to have and use a common seal and alter the same at its pleasure.

3. (1) The administration, management and control of the Fund shall be vested in a Board of Management (hereinafter referred to as the “Board”).

Board of Management of the Fund.

(2) The Board shall consist of—

(a) the following *ex-officio* members :—

(i) the Secretary to the Ministry of the Minister in charge of the subject of Defence, or his nominee ;

- (ii) a Deputy Governor of the Central Bank of Sri Lanka, nominated by the Governor of the Central Bank;
 - (iii) the President or a member of the Council of the Institute of Chartered Accountants nominated by the Institute of Chartered Accountants of Sri Lanka established by the Institute of Chartered Accountants of Sri Lanka Act, No. 23 of 1959;
 - (iv) the Director or a member of the Faculty of the Postgraduate Institute of Management of the University of Sri Jaywardenepura, nominated by the Board of Management of the Postgraduate Institute of Management; and
- (b) two members who shall be appointed by the Minister in charge of the subject of Defence from among those who possess necessary qualifications, experience or expertise in the fields of Law and Finance (hereinafter referred to as "appointed members").

(3) The Secretary to the Ministry of the Minister in charge of the subject of Defence shall be the Chairman of the Board.

(4) An appointed member of the Board may at any time resign his office by written communication addressed to the appointing authority with a copy to the Chairman of the Board.

(5) A person shall be disqualified from being appointed, or continuing in office, as a member of the Board, if such person—

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

- (b) is convicted of an offence involving moral turpitude, punishable with imprisonment for a term not less than six months; or
- (c) is under any law in force in Sri Lanka or any other country found or declared to be of unsound mind; or
- (d) is a person who, has been declared an undischarged insolvent or bankrupt under any law in force in Sri Lanka or any other country.

(6) (a) Any appointed member shall hold office for a period of three years from the date of appointment.

(b) Where an appointed member of the Board vacates his office by death, resignation or otherwise before the expiry of his term of office, his successor shall hold office for the unexpired period of the term of office of his predecessor.

(7) The Board shall appoint a person to be the Secretary to the Board.

(8) The Chairman of the Board shall preside at all meetings of the Board. In the absence of the Chairman from any meeting, the Deputy Governor of the Central Bank appointed under subparagraph (ii) of paragraph (a) of subsection (2) of section 3 shall preside at that meeting. In the absence of both the Chairman and the Deputy Governor, any member of the Board, who is present at the meeting, shall be elected by the other members, as the Chairman, for that meeting.

(9) (a) In the event of any difference of opinion between the members of the Board, the decision of the majority of the members present shall be binding and effectual.

(b) In the event of an equality of votes of the members of the Board, the Chairman shall have a casting vote.

(10) No act or proceeding of the Board shall be deemed to be invalid by reason only of the existence of any vacancy amongst its members.

(11) The quorum for any meeting of the Board shall be four members.

(12) Subject to the provisions of subsection (11), the Board may make rules to regulate the procedure with regard to its meetings and the transaction of business at such meetings.

The aims and
objects of the
Fund.

4. The aims and objects of the Fund shall be —

- (a) to formulate schemes to provide financial assistance for construction of houses for armed service personnel;
- (b) to provide assistance to armed service personnel eligible under the Act to obtain housing facilities;
- (c) to make provision for the grant of assistance to armed service personnel to obtain and repay the loans obtained by them from financial institutions ;
- (d) to formulate a scheme to ensure the repayment of the loans, in the event any armed service personnel dies or is permanently disabled or injured, in action or otherwise.

Powers of the
Board.

5. (1) The Board shall, in the name of the Fund, have the power to do all things necessary for or conducive or incidental to the carrying out the aims and objects of the Fund.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Board shall exercise and discharge the following powers and functions :—

- (a) to raise funds, to receive grants, gifts, and donations, in cash or in kind, whether from local or foreign sources;
- (b) to purchase, acquire or hold any property, movable or immovable, which may become vested in it by this Act or by virtue of any purchase, gift, grant, testamentary disposition or otherwise and to sell, mortgage, lease, grant, convey, devise, assign, exchange or otherwise dispose of any property to which the Fund may become entitled;
- (c) to conduct any lottery subject to the provisions of the Lotteries Ordinance (Chapter 45), in order to raise funds for the furtherance of the objects of the Fund;
- (d) subject to the provisions of the Act, to appoint officers, employees and servants, and to remunerate them and to make rules regarding the appointment, promotion, remuneration and disciplinary control of such officers, employees, and servants and the grant of leave and other benefits to them;
- (e) to enter into and perform, either directly or through officers, employees, servants and agents authorized in that behalf by the Board, all such contracts and agreements as may be necessary for the exercise, performance and discharge of the powers, duties and functions and for the carrying out the objects of the Fund;

- (f) to invest money belonging to the Fund at the discretion of the Board in any such investments as are authorized by law for the investment of money, to recall, invest and vary such investments at the discretion of the Board. and to collect any income arising or accruing from such investments;
- (g) to open, operate and close bank accounts and to borrow or raise money, with the property of the Fund as security or without such security, for the purposes of the Fund; and,
- (h) to do all such other acts or things as are incidental or conducive to the carrying out of the objects of the Fund.

The chief accounting officer to be responsible for the administration and management of the Fund.

6. There shall be a chief accounting officer of the Fund appointed by the Board who shall with the approval of the Board, be responsible for the administration and management of the Fund established under section 2, and in particular for the matters provided for in section 7 and section 8.

Payments into the Fund.

7. There shall be paid into the Fund—

- (a) any grants, gifts, donations received or any funds raised or received, either locally or from aboard;
- (b) any funds, grants, gifts, donations received or collected either locally or from abroad for the Fund, prior to the commencement of this Act;
- (c) any grant received from the government from time to time for the purpose of carrying out the aims and objects of the Fund;
- (d) such sums as may be transferred from time to time from the President's Fund established by the President's Fund Act, No. 7 of 1978;

- (e) any sum of money transferred from the National Defence Fund established under the National Defence Act, No. 9 of 1985;
- (f) any income from investments or other receipts due to the Fund.

8. There shall be paid out of the Fund—

Payments out of the Fund.

- (a) all expenses necessary to achieve the objects of the Fund;
- (b) the interest accrued on loans granted to armed services personnel;
- (c) all such other payments as are approved by the Board as being necessary for the purpose of carrying out the objects of the Fund.

9. There shall be an account maintained by the Fund at the Central Bank in the name of the “Api Wenuwen Api Fund” and the moneys paid into the Fund under section 7 shall be credited to the said Account.

Account to be maintained at the Central Bank.

10. The Fund shall, with the concurrence of the Minister in charge of the subject of Finance, be exempt from the payment of any tax on the income or profits of the Fund to such extent as is permitted in terms of the Inland Revenue Act, No. 10 of 2006.

Exempt of the Fund from taxes.

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

Accounts and Audit.

(2) The Board shall cause its books to be balanced as on the thirty-first day of December of the same year, and shall prepare the following financial statements and submit them to the Board, for its approval, on or before the thirty-first day of March in the following year :—

- (a) an income and expenditure account, containing details of all income and expenditure of the Fund in that year;

- (b) the balance sheet, containing the summary of all assets and liabilities of the Fund, held by the Fund as at thirty-first day of December;
- (c) a statement of cash flow showing all monies paid into the Fund and all monies paid out of the Fund in that year.

(3) The chief accounting officer of the Fund shall submit, under his signature, the income and expenditure account, the balance sheet, and the statement of cash flow prepared in accordance with subsection (2) to the Board, for its approval.

(4) The Board shall, by a resolution of the Board, approve the income and expenditure account, balance sheet and the statement of cash flow submitted to it by the chief accounting officer, under subsection (3).

(5) The Board shall cause the report of the chief accounting officer on the administration of affairs of the Fund which shall contain a detailed report of the steps taken for the furtherance of the objectives of the Act, to be transmitted to the Minister along with the following documents :—

- (i) the Auditor - General's report for the relevant year; and
- (ii) documents specified in subsection (2) of this section.

(6) The Minister shall cause copies of the report and documents transmitted to him under subsection (5) of this section to be laid before Parliament.

(7) The Auditor-General shall audit the accounts of the Fund every year in accordance with the Article 154 of the Constitution.

12. (1) The seal of the Fund —

The seal of the Fund.

- (a) shall be in the custody of the Board ;
- (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 documents in token of their presence. However the power to affix the seal may be delegated to any officer of the Fund, by a resolution of the Board.

(2) The Board shall cause to be maintained a Register of all documents to which the seal of the Board has been affixed.

13. (1) The Board may make rules in respect of any matter required by this Act.

Rules.

(2) No rule made by the Board shall have effect unless it has been approved by the Minister and published in the *Gazette*.

14. (1) The Minister may make regulations for matters required by the Act to be prescribed or in respect of which regulations are authorized to be made.

Regulations.

(2) In particular and 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 manner and the method of the distribution of the moneys in the Fund;
- (b) the circumstances or reasons to be considered in granting an extended period for the payment of the loan and the interest accrued thereon;
- (c) the manner and the method of payment of loan installments;

- (d) the criteria to be considered in assessing the eligibility for a loan;
- (e) the manner and form in which lotteries are to be conducted;
- (f) the manner and form of making an application for a loan; and
- (g) the manner in which loans granted from the Fund shall be recovered.

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

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

(5) Notice of the date on which any regulation is so disapproved shall be published in the *Gazette*.

Application for a loan.

15. Any armed service personnel who is eligible for a loan under this Act, may make an application in the prescribed form to the Board.

Manner of processing such application.

16. On receipt of such application, the officer authorized in that behalf by the Board shall process such application and intimate to the Board, the eligibility of such applicant with reasons for such decision. The Board, on satisfying itself about the selection of the applicant shall inform the applicant its decision. The decision of the Board shall be made within four weeks from the receipt of such application.

17. (1) Any applicant, who is aggrieved by the decision of the Board, may appeal to the Minister against such decision. Appeal to the Minister.

(2) On receipt of such appeal, the Minister shall, after giving a hearing to the applicant and also to a representative of the Board —

- (a) allow the appeal and reverse the decision of the Board;
- (b) call for further information to be furnished or evidence to be taken;
- (c) affirm the decision of the Board.

18. The decision of the Minister shall be communicated to the Board and also to the applicant, who shall comply with the decision. Decision of the Minister to be communicated to the applicant.

19. No writ against person or property shall be issued against any member of the Board or any officer, servant or agent in any action brought against the Fund. No writ to issue against person or property of a member or officer &c., of the Fund.

20. (1) Any expense incurred by the Fund on any suit, action or prosecution brought by or against the Board before any court shall be paid out of the moneys of the Fund and any cost recovered by the Board in any such suit, action or prosecution shall be credited to the Fund. Recovery of expenses in any suit.

(2) Any expense incurred in any writ, action or prosecution brought against any member of the Board, or any officer, employee, servant, or agent before any court, in respect of any act, which is done or is purported to be done by such person under any law or on the direction of the Board, shall be re-imbursed to him by the Fund.

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

21. All officers and servants of the Fund shall be deemed to be public servants within the meaning and for the purpose of the Penal Code (Chapter 19).

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

22. The Fund shall be deemed to be a scheduled institution within the meaning of the Bribery Act (Chapter 26).

Interpretation.

23. In the Act, "Armed Service Personnel" means the service personnel of the Sri Lanka Army, the Sri Lanka Navy and the Sri Lanka Air Force and a member of the Sri Lanka Police Force established respectively by the Army Act (Chapter 357), the Navy Act (Chapter 358), the Air Force Act (Chapter 359) and Police Ordinance (Chapter 53).

Sinhala text to prevail in case of inconsistency.

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

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local). Rs. 1,180 (Foreign). Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**FINANCE (AMENDMENT)
ACT, No. 7 OF 2008**

[Certified on 29th February, 2008]

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 February 29, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 4.00

Postage : Rs. 5.00

Finance (Amendment) Act, No. 7 of 2008

[Certified on 29th February, 2008]

L.D.—O. 4/2008.

AN ACT TO AMEND THE FINANCE ACT, NO. 11 OF 2004

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

- 1.** This Act may be cited as the Finance (Amendment) Act, No. 7 of 2008. Short title.
- 2.** The Finance Act, No. 11 of 2004 is hereby amended in Part II of that Act, (Imposition of Cellular Mobile Telephone Subscribers' Levy) by the substitution for the words "mobile telephone" wherever such words occur in that Part, of the words "mobile or cordless land telephone". Amendment of Part II of Act, No. 11 of 2004.
- 3.** In the event of any inconsistency between the Sinhala and the Tamil texts of this Act, the Sinhala text shall prevail. Sinhala text to prevail in case of inconsistency.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**FINANCE (AMENDMENT)
ACT, No. 8 OF 2008**

[Certified on 29th February, 2008]

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 February 29, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 4.00

Postage : Rs. 5.00

Finance (Amendment) Act, No. 8 of 2008

[Certified on 29th February, 2008]

L.D.—O. 67/2007.

AN ACT TO AMEND THE FINANCE ACT, No. 5 OF 2005

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

1. This Act may be cited as the Finance (Amendment) Act, No. 8 of 2008. Short title.

2. The Finance Act, No. 5 of 2005 (hereinafter referred to as the “principal enactment”) is hereby amended in section 2 of Part I of that Act (Imposition of Social Responsibility Levy) as follows :— Amendment of Section 2 of Act.No. 5 of 2005.
 - (1) by the repeal of paragraph (b) of that section, and the substitution therefor of the following new paragraphs :—
 - “(b) for the period commencing on January 1, 2006 and ending on December 31, 2007 at the rate of 1 *per centum* ; and
 - (c) for the period commencing on January 1, 2008 at the rate of 1.5 *per centum*.”; and
 - (2) by the repeal of second proviso to that section and the substitution therefor of the following :—

“Provided futher that the Social Responsibility Levy chargeable—

 - (a) under the provisions of the Inland Revenue Act, No. 38 of 2000, in terms of the provisions of this Part of this Act on income tax, shall, in respect of the period commencing on January 1, 2006 and ending on March 31, 2006 be calculated at the rate of 0.25 *per centum* ; and

2 *Finance (Amendment) Act, No. 8 of 2008*

(b) under the provisions of the Inland Revenue Act, No. 10 of 2006 in terms of the provisions of this Part of this Act on income tax shall—

(i) in respect of the period commencing on April 1, 2006 and ending on March 31, 2008 be calculated at the rate of 1.0 *per centum* ;

(ii) in respect of the period commencing on April 1, 2008 be calculated at the rate of 1.5 *per centum* ;”.

Insertion of new section 6A in the principal enactment.

3. The following new section is inserted immediately after section 6 of the principal enactment shall have effect as section 6A of that enactment:—

“Interpretation for this Part.

6A. For the purposes of this Part—

“ company ” shall have the same meaning in as in the Inland Revenue Act, No. 10 of 2006.”.

Amendment of Schedule I of the principal enactment.

4. Schedule 1 of the principal enactment is hereby amended by the substitution for item 5 thereof the following new items:—

“5. The Inland Revenue Act, No. 10 of 2006, other than the provisions of Chapters XVI, XVII and XXI and sections 36 and 65 in so far as such Act applies to the period commencing April 1, 2006 and ending on March 31, 2008.”.

6. The Inland Revenue Act, No. 10 of 2006 (other than the provision of Chapters XVI, XVII and XXI and sections 36 to 65, in so far as such Act applies to any company and to any period commencing on or after April 1, 2008.”.

5. The amendment made to— Retrospective effect.

(a) subsection (1) of section 2 of the principal enactment, by subsection (1) of section 2 of this Act shall for all purposes to be deemed to have come into operation on January 1, 2008 ;

(b) subsection (2) of section 2 of the principal enactment, by subsection (2) of section 2 of this Act and the amendment to the First Schedule made by section 4 of this Act shall come into operation on April 1, 2008.

6. 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.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**INLAND REVENUE (AMENDMENT)
ACT, No. 9 OF 2008**

[Certified on 29th February, 2008]

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 February 29, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 18.00

Postage : Rs. 10.00

Inland Revenue (Amendment)
Act, No. 9 of 2008

[Certified on 29th February, 2008]

L.D.—O. 1/ 2008

AN ACT TO AMEND THE INLAND REVENUE ACT, NO. 10 OF 2006

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

- 1.** This Act may be cited as the Inland Revenue (Amendment) Act, No. 9 of 2008. Short title.
- 2.** Section 7 of the Inland Revenue Act, No.10 of 2006, (hereinafter referred to as the “principal enactment”) is hereby amended as follows:— Amendment of section 7 of Act, No. 10 of 2006.

 - (1) in sub-paragraph (xvii) of paragraph (b) of that section, by the substitution for the words “being profits and income of that society”, of the words and figures “being profits and income of that society for any year of assessment ending on or before March 31, 2008 or for any year of assessment commencing on or after April 1, 2013,”;
 - (2) in sub-paragraph (iii) of paragraph (g) of that section, by the substitution for the words and figures “Presidents Fund Act, No. 7 of 1978.”, of the words and figures “Presidents Fund Act, No. 7 of 1978,”;
 - (3) by the addition immediately after paragraph (g) of that section, of the following new paragraphs:—

 - “(h) the profits and income for every year of assessment within a period of five years, commencing on April 1, 2008, of any registered society within the meaning of the Co-operative Societies Law, No. 5 of 1972;
 - (i) the profits and income of the Api Wenuwen Api Fund established by the Api Wenuwen Api Fund Act, No.6 of 2008.”.

Amendment of
section 8 of the
principal
enactment.

3. Section 8 of the principal enactment as amended by Act, No. 10 of 2007, is hereby further amended as follows:—

(1) in subsection (1) of that section :—

(a) by the substitution in paragraph (b) of that subsection, for the words “one half of the official emoluments paid to-”, of the words and figures “one half of the official emoluments for any year of assessment ending on or before March 31, 2008, paid to-”;

(b) by the substitution in paragraph (d) of that subsection, for the words “the emoluments arising in Sri Lanka and any income”, of the words and figures “the emoluments arising in Sri Lanka prior to April 1, 2008, and any income”;

(c) by the insertion immediately after paragraph (d) of that subsection, of the following new paragraph :—

“(dd) the emoluments arising in Sri Lanka and any income not arising in Sri Lanka of any individual who is an expert and who is not a citizen of Sri Lanka and is employed in Sri Lanka by any undertaking which has entered into an agreement with the Government of Sri Lanka, being an agreement which provides for the exemption from income tax of such emoluments or by any Strategic Development Project *Gazetted* by the Board of Investment of Sri Lanka under subsection (4) of section 3 of the Strategic Development Projects Act, No. 14 of 2008;

For the purpose of this paragraph, “expert” means an individual who has expertise in such field as may be determined by the Commissioner-General, as being a field in which sufficient expertise is not available among the citizens of Sri Lanka;”;

(d) in paragraph (h) of that subsection, by the substitution for the words “granted to the wife”, of the words “granted to the spouse”; and

(e) in paragraph (p) of that subsection, by the substitution for the words from “which in the opinion of the Commissioner-General” to the words “allotment of grant, as the case may be; and”, of the words “which in the opinion of the Commissioner-General is reasonable”;and

(2) in subsection (3) of that section, by the substitution for the words “whichever is earlier.”, of the words “whichever is earlier, but not later than April 1, 2008.”. be exempt from income tax”.

4. Section 9 of the principal enactment as amended by Act, No. 10 of 2007, is hereby further amended as follows:—

(1) by the substitution in paragraph (h) of that section, for the words and figures “or any bank established under the Regional Development Banks Act, No. 6 of 1997”, of the words and figures “or any bank established under the Regional Development Banks Act, No. 6 of 1997 or any registered society within the meaning of the Co-operative Societies Law, No. 5 of 1972;”;

Amendment of section 9 of the principal enactment.

*Inland Revenue (Amendment)
Act, No. 9 of 2008*

- (2) in paragraph (k) of that section, by the substitution for the words “External Rupee Account.”, of the words “External Rupee Account;”; and
- (3) by the addition immediately after paragraph (k) of that section, of the following new paragraphs:—
 - “(l) the interest or discount arising or accruing to any non-resident citizen of Sri Lanka, from the purchase of any Motherland Development Bond denominated in foreign currency and issued by or on behalf of the Government of Sri Lanka;
 - (m) the interest accruing or arising on or after April 1, 2008, from any investment made outside Sri Lanka to any person resident in Sri Lanka, where such interest is remitted to Sri Lanka through a bank.”.

Amendment of section 10 of the principal enactment.

5. Section 10 of the principal enactment as amended by Act, No. 10 of 2007, is hereby further amended in subsection (1) of that section, by the addition immediately after paragraph (i) of that subsection of the following new paragraph:—

- “(j) any dividend paid on or after April 1, 2008, by a company not resident in Sri Lanka to any shareholder resident in Sri Lanka, where the amount of such dividend is remitted to Sri Lanka through a bank.”.

Amendment of section 11 of the principal enactment.

6. Section 11 of the principal to enactment is hereby amended by the repeal of subsection (2) of that section, and the substitution therefor of the following subsection:—

“(2) There shall be exempt from income tax—

- (a) income accruing to the owner of any house from such house, the construction of which is completed prior to April 1, 2008, being

income for that year of assessment in which such construction was completed and for the four years of assessment immediately succeeding that year of assessment, if such house is used solely for residential purposes:

Provided that where the floor area of the house is one thousand and five hundred square feet or less, the income accruing to the owner shall be exempt from income tax for the year of assessment in which the construction of that house is completed and for the six years of assessment immediately succeeding that year of assessment; and

- (b) income accruing to the owner of any house from such house, the floor area of which is five hundred square feet or less and the construction of which is completed on or after April 1, 2008, being income for that year of assessment in which the construction was completed and for the four years of assessment immediately succeeding that year of assessment, if such house is used solely for residential purposes.”.

7. Section 13 of the principal enactment as amended by Act, No. 10 of 2007, is hereby further amended as follows:—

Amendment of section 13 of the principal enactment.

- (1) by the substitution in paragraph (a) of that section, for the words “earned in any year of assessment in foreign currency”, of the words and figures “earned in any year of assessment prior to April 1, 2008, in foreign currency”;
- (2) by the substitution in paragraph (c) of that section, for the words “the profits and income earned in foreign currency”, of the words and figures, “the profits and income earned in foreign currency in any year of assessment ending on or before March 31, 2008,”;

- (3) by the substitution in paragraph (d) of that section, for the words “the profits and income earned in foreign currency”, of the words and figures “the profits and income earned in foreign currency in any year of assessment ending on or before March 31, 2008,”;
- (4) by the insertion immediately after paragraph (dd) of that section, of the following new paragraph:—
- “(ddd) the profits and income earned in foreign currency by any resident company, any resident individual or any partnership in Sri Lanka, from services rendered in or outside Sri Lanka to any person or partnership outside Sri Lanka, being services rendered in the course of carrying on of any profession or vocation as is specified by the Commissioner- General by Notice published in the *Gazette*, as being in the interest of the national economy of Sri Lanka, if such profits and income (less such amount, if any, expended outside Sri Lanka as is considered by the Commissioner-General to be reasonable expenses) are remitted to Sri Lanka through a bank;”;
- (5) by the insertion immediately after paragraph (i) of that section, of the following new paragraph:—
- “(ii) the profits and income within the meaning of paragraph (a) of section 3, arising from the cutting and polishing of gems which are brought to Sri Lanka and exported after such cutting and polishing;”;
- (6) by the insertion immediately after paragraph (x) of that section, of the following new paragraph:—
- “(xx) an amount equal to the interest payable to any bank in Sri Lanka in respect of any loan granted, where the full amount of such loan is invested in any new undertaking referred to in section 24c;”;

- (7) by the insertion immediately after paragraph (y) of that section, of the following new paragraph:—

“(yy). any profits and income arising or accruing to any company, partnership or body of persons outside Sri Lanka, from any payment made in respect of the use on or after April 1, 2008, of any plant, machinery or equipment supplied by such company, partnership or body of persons to the Government of Sri Lanka, any public corporation, any Government Institution or to any other undertaking, for the use in any project approved by the Minister as being essential for the economic development of Sri Lanka;” and

- (8) by the addition immediately after paragraph (z) of that section, of the following new paragraphs:—

“(zz) the profits and income of any individual who is not a citizen of Sri Lanka and who is employed in Sri Lanka in any undertaking, being profits and income arising or derived from outside Sri Lanka during the period commencing from April 1, 2008, and ending on the date of cessation of such employment;

(zzz) the profits and income within the meaning of paragraph (a) of section 3, of any undertaking for the construction and sale of houses for low income families under a scheme approved by the Urban Development Authority or the National Housing Authority, being houses the floor area of which does not exceed five hundred square feet, if the sale of any such house takes place before April 1, 2013.”.

8. Section 17 of the principal enactment as amended by Act, No. 10 of 2007, is hereby further amended in subsection (1) of that section, by the substitution for the words from “in

Amendment of section 17 of the principal enactment.

which the undertaking commences to made profits” to the end of that subsection, of the following words and figures:—

“in which the undertaking commences to make profits from transactions entered into in that year of assessment or from the commencement of the year of assessment immediately succeeding the year of assessment in which the undertaking completes a period of two years reckoned from the date on which the undertaking commences to carry on commercial operations, whichever occurs earlier:

Provided that where the period for which the profits and income are exempt from income tax commences after March 31, 2008, the period for which such profits and income are exempt, shall be three years.”.

Amendment of section 18 of the principal enactment.

9. Section 18 of the principal enactment is hereby amended in subsection (1) of that section, by the substitution for the words “not more than twelve years as may be determined”, of the words “not more than twelve years commencing from not later than March 31, 2009, as may be determined”.

Amendment of section 19 of the principal enactment.

10. Section 19 of the principal enactment is hereby amended in subsection (1) of that section, by the substitution for the words from “in which the undertaking commences to make profits” to the end of that subsection, of the following words and figures:—

“in which the undertaking commences to make profits from transactions entered into in that year of assessment or from the commencement of the year of assessment immediately succeeding the year of assessment in which the undertaking completes a period of two years reckoned from the date on which the undertaking commences to carry on commercial operations, whichever occurs earlier:

Provided that where the period for which the profits and income are exempt from income tax commences after April 1, 2008, the period for which such profits and income are exempt, shall be three years.”.

11. Section 20 of the principal enactment is hereby amended in subsection (2) of that section as follows:—

Amendment of section 20 of the principal enactment.

- (1) by the substitution in paragraph (c) of that subsection, for the words and figures “April 1, 2008-”, of the words and figures “April 1, 2009-”; and
- (2) by the substitution in paragraph (e) of that subsection, for the words and figures “prior to April 1, 2008”, of the words and figures “prior to April 1, 2009”.

12. Section 21 of the principal enactment is hereby amended in paragraph (b) of subsection (2) of that section, by the substitution for the words and figures “not later than March 31, 2008”, of the words and figures “not later than March 31, 2009.”.

Amendment of section 21 of the principal enactment.

13. The following new section is hereby inserted immediately after section 21 of the principal enactment and shall have effect as section 21A of that enactment :—

Insertion of new section 21A in the principal enactment.

“Exemption of profits and income of undertakings relocated from certain districts.

21A. (1) The profits and income within the meaning of paragraph (a) of section 3 (other than any profits and income from the sale of any capital asset) of any company, from any relocated undertaking referred to in subsection (2), shall be exempt from income tax for each year of assessment within a period of five years, commencing on April 1, 2009.

(2) For the purpose of subsection (1), a “relocated undertaking” in relation to any company and to any year of assessment referred to in subsection (1), means an undertaking—

- (a) which prior to November 1, 2007, was being carried on by that company in any location within the

administrative district of Colombo or Gampaha, with not less than one hundred individuals employed therein ;

(b) which is relocated in any location outside the administrative district of Colombo and Gampaha and commencing from a date not later than March 31, 2009, continues to—

(i) carry on commercial operations; and

(ii) employ such number of individuals as is not less than the number employed as at November 1, 2007,

throughout that year of assessment ;

(c) in respect of which the expenditure incurred in the relocation is not less than one hundred million rupees ; and

(d) of which the profits and income within the meaning of paragraph (a) of section 3 (other than any profits and income from the sale of any capital asset) are exempt from income tax under any other provision of this Act or under any agreement entered into with the Board of Investment of Sri Lanka under section 17 of the Board of Investment of Sri Lanka Law, No. 4 of 1978, for a period extending beyond April 1, 2009.”.

14. Section 22 of the principal enactment is hereby amended in subsection (1) of that section, by the substitution for the words from “in which the undertaking commences to make profits”, to the end of that subsection, of the following words and figures :—

Amendment of section 22 of the principal enactment.

“in which the undertaking commences to make profits from transactions entered into in that year of assessment or from the commencement of the year of assessment immediately succeeding the year of assessment in which the undertaking completes a period of two years reckoned from the date on which the undertaking commences to carry on commercial operations, whichever occurs earlier:

Provided that where the period for which the profits and income are exempt from income tax commences after April 1, 2008, the period for which such profits and income are exempt, shall be three years.”.

15. Section 23 of the principal enactment is hereby amended as follows :—

Amendment of section 23 of the principal enactment.

(1) in subsection (1) of that section:—

(a) by the substitution for the words “of any venture capital company shall be exempt”, of the words “of any venture capital company, derived from any specified investment in any project referred to in paragraph (a), (b) or (c) hereafter, shall be exempt” ; and

(b) by the addition immediately after the proviso to that subsection, of the following further proviso :—

“Provided further that, where the venture capital company commences commercial

*Inland Revenue (Amendment)
Act, No. 9 of 2008*

operations on or after April 1, 2008, the period for which the profits and income are exempt from income tax, be three years.”; and

(2) in subsection (6) of that section, by the repeal of the definitions of the expressions “non-performing” and “under performing”.

Amendment of section 24 of the principal enactment.

16. Section 24 of the principal enactment is hereby as follows :—

- (1) in subsection (1) of that section, by the substitution for the words from “shall be exempt from income tax” to the end of that subsection, of the words “shall be exempt from income tax for a period of three years commencing from the year of assessment in which such business commences to make profits from transactions entered into in that year of assessment or from the commencement of the year of assessment immediately succeeding the year of assessment in which such business completes a period of two years reckoned from the date on which the business commences to carry on commercial operations, whichever earlier.”; and
- (2) by the repeal of subsection (2) of that section and the substitution therefor of the following subsection:—

“(2) The provisions of subsection (1) shall apply in respect of any business of providing accommodation to tourists in Manor Houses or Thematic Bungalows, carried on by a person registered on or after April 1, 2003 with the Ceylon Tourist Board and for a period of ten years from the date of such registration.”.

17. The following new sections are hereby inserted immediately after section 24B of the principal enactment and shall have effect as section 24C and section 24D of that enactment :—

Insertion of new sections 24c and 24D in the principal enactment.

“Exemption from income tax of the profits and income of any new undertakings located within the Eastern Province.

24c. (1) The profits and income within the meaning of paragraph (a) of section 3 (other than any profits and income from the disposal of any capital asset) from the operation of any new undertaking referred to in subsection (2), shall be exempt from income tax for a period of five years commencing from the year of assessment in which such undertaking commences to make profits from transactions entered into in that year of assessment or from the commencement of the year of assessment immediately succeeding the year of assessment in which such undertaking completes two years reckoned from the date on which the undertaking commences to carry on commercial operations, whichever occurs earlier.

(2) For the purpose of subsection (1), “new undertaking” means an undertaking which—

- (a) is not formed by the splitting up, reconstruction or the acquisition of an undertaking which was in existence before November 7, 2007 ;
- (b) commences commercial operations on or after November 7, 2007 ; and
- (c) is located within the Eastern Province,

and the sum invested in the undertaking before April 1, 2010 (other than in land), is not less than thirty million rupees.

Exemption of the profits and income of any new undertaking located in any lagging region.

24D. (1) The profits and income within the meaning of paragraph (a) of section 3 (other than any profits and income from the sale of any capital asset) of any new undertaking (other than any specified undertaking) located in any lagging region and referred to in subsection (2), shall be exempt from income tax for a period of five years commencing from the year of assessment in which such undertaking commences to make profits from transactions entered into in that year of assessment or from the commencement of the year of assessment immediately succeeding the year of assessment in which the undertaking completes two years reckoned from the date on which the undertaking commences to carry on commercial operations, whichever occurs earlier.

(2) For the purpose of subsection (1) :—

“lagging region” in relation to any year of assessment means any Divisional Secretary’s Division determined by the Minister in consultation with any appropriate authority and specified by Order published in the *Gazette* as being in a state of economic backwardness in the year of assessment immediately preceding that year of assessment ;

“new undertaking” means an undertaking—

- (a) which commences commercial operations on or after April 1, 2008 ; and
- (b) in which the sum invested in the acquisition of capital assets (other than land), after November 7, 2007 but before

March 31, 2010, is not less than thirty million rupees ; and

“specified undertaking” means an undertaking engaged in the sale of any article not produced or manufactured by such undertaking.”.

18. Section 25 of the principal enactment as amended by Act, No. 10 of 2007, is hereby farther amended as follows :—

Amendment of section 25 of the principal enactment.

- (1) in subsection (1) of that section:—
 - (a) by the substitution in sub-paragraph (ii) of paragraph (b) of the proviso to paragraph (a) of that subsection, for the words “being a ship which is owned or chartered by a company”, of the words “being a ship which is owned by a company” ; and
 - (b) by the substitution in paragraph (v) of the proviso to paragraph (k) of that subsection, for all the words from “his place of employment or *vice versa*.”, to the end of that proviso, of the words “his place of employment or *vice versa*.” ;
- (2) in subsection (2) of that section, by the substitution for the words and figure “of subsection (1)”, of the words and figure “of subsection (1)” ;
- (3) in subsection (3) of that section, by the substitution in paragraph (ii) of the further proviso to paragraph (b) of that subsection, for the words “for the replacement of such capital asset”, of the words “for the replacement of such capital asset” ; and

- (4) in subsection (7) of that section, by the substitution in sub-paragraph (vi) of paragraph (f) of that subsection, for the words “the proceeds of disposal of such asset, less any cost of acquisition other than lease rental paid on such assets by such person acquiring it”, of the words “the proceeds of disposal of such assets, less any cost of acquisition other than lease rental paid on such assets by such person acquiring it”.

Amendment of section 26 of the principal enactment.

19. Section 26 of the principal enactment as amended by Act, No. 10 of 2007 is hereby further amended as follows :—

- (1) in subsection (1) of that section, by the addition immediately after paragraph (u) of that subsection, of the following paragraph :—

“For the purposes of paragraphs (s), (t) and (u), of this subsection, the term “employee” shall have the same meaning as given to such term in section 131 of this Act; and

- (2) in subsection (2) of that section, by the substitution for the words and figures “under paragraph (a) or paragraph (d) of subsection (1) of section 25 :-”, of the words and figures “under paragraph (a) or paragraph (c) of subsection (1) of section 25 :—”.

Amendment of section 32 of the principal enactment.

20. Section 32 of the principal enactment as amended by Act, No. 10 of 2007 is hereby further amended as follows :—

- (1) in subsection (1) of that section—
- (a) by the substitution for the words “for any year of assessment shall be his total statutory income for the year, other than the-”, of the words “for any year of assessment shall be his total statutory income for the year other than the-”; and

- (b) in paragraph (c) of that subsection, by the substitution for the words and figures “deducted under section 134 or section 135, as the case may be;”, of the words and figure “deducted under section 134;”;
- (2) in subsection (2) of that section, by the substitution in the definition of the expression “interest income”, for the words and figure “sub-paragraph (b) of subsection (3) of this section,”, of the words and figure “sub-paragraph (b) of this subsection,”;
- (3) in subsection (3) of that section, by the addition immediately after paragraph (d) of that subsection of the following new paragraphs :—
 - “(e) the profits and income of such person from the sale of any Rupee Denominated Treasury Bond, purchased out of funds drawn from any Treasury Bond Investment External Rupee Account ;
 - (f) where such person is the Credit Guarantee Fund of the Central Bank of Sri Lanka, the interest accruing to such Fund from any Treasury Bond issued under the Registered Stocks and Securities Ordinance (Chapter 420) or from any Treasury Bill issued under the Local Treasury Bills Ordinance (Chapter 417) ;
 - (g) interest on which income tax has been deducted under section 95 and accruing to any person or partnership out side Sri Lanka, on any corporate debt security within the meaning of section 135, issued by or on behalf of any company in Sri Lanka and purchased by such person or partnership out of foreign currency brought into Sri Lanka and converted into Sri Lanka currency for such purchase ; and

- (h) the profits and income from the sale of any gem on which tax has been deducted by the National Gem and Jewellery Authority established by the National Gem and Jewellery Authority Act, No. 50 of 1993, under subsection (1) of section 161A of this Act.”;
- (4) in subsection (5) of that section—

 - (a) in paragraph (a) of that subsection, by the substitution for the words “such person for any year of assessment by way of”, of the words “such person for any year of assessment by way of”;
 - (b) in paragraph (b) of that subsection, by the substitution for the words “referred to in paragraph (c),”, of the words “referred to in paragraph (c) or paragraph (d),”;
 - (c) by the insertion immediately after paragraph (c) of that subsection, of the following new paragraph :—

 - “(d) any loss incurred on or after April 1, 2008, in any business of finance leasing to the extent of any profits from such business included in such total statutory income and the balance, if any, of such loss after such deduction, shall be deemed to be a loss for the year of assessment immediately succeeding that year of assessment.”;
- (5) in paragraph (a) of subsection (6) of that section, by the substitution for the words and figures “section 23 or section 24 of this Act,”, of the words and figures “section 23, section 24, section 24A, section 24B, section 24C or section 24D of this Act,”; and

- (6) in subsection (7) of that section, by the substitution for the words “shall be ascertained in the manner provided in this Act”, of the words “shall be ascertained in the manner provided for in this Act”.

21. Section 34 of the principal enactment as amended by Act, No. 10 of 2007 is hereby further amended as follows :—

Amendment of section 34 of the principal enactment.

(1) in subsection (2) of that section :—

(a) by the addition at the end of sub-paragraph (viii) of paragraph (b) of that subsection, of the following new sub-paragraph :—

“(ix) the Api Wenuwen Api Fund established by Api Wenuwen Api Fund Act, No. 6 of 2008;”;

(b) by the substitution in paragraph (h) of that section, for the words “(h) expenditure incurred” to the words “of any film:”, of the following :-

“(h) (i) expenditure incurred by any person in the production at a cost of not less than five million rupees, of any film the production of which was completed prior to April 1, 2007 ; or

(ii) expenditure incurred by any person in the production at a cost of not less than five million rupees, of any film the production of which was completed after April 1, 2007:”;

- (c) by the addition immediately after paragraph (m) of that subsection, of the following new paragraphs :—

“(n) expenditure not exceeding twenty five million rupees incurred in the construction and equipping of a cinema, being a cinema—

(i) in which the exhibition of cinematographic films commences on or after April 1, 2008 ; and

(ii) which is certified by the National Film Corporation of Sri Lanka established by the National Film Corporation of Sri Lanka Act, No. 47 of 1971 as being equipped with digital technology, Digital Theatre System and Dolby Sound Systems;

- (o) expenditure not exceeding ten million rupees incurred in the upgrading of a cinema, being a cinema—

(i) in which the exhibition of cinematographic films had commenced prior to April 1, 2008;

(ii) which was not equipped with digital technology, Digital Theatre Systems and Dolby Sound Systems, prior to April 1, 2008; and

(iii) which is certified by the National Film Corporation of Sri Lanka, established by the National Film Corporation of Sri Lanka

Act, No. 47 of 1971 as being equipped on or after April 1, 2008, with digital technology, Digital Theatre Systems and Dolby Systems;

- (p) expenditure incurred by any company in the relocation of any relocated undertaking referred to in subsection (2) of section 21A; and
 - (q) any sum invested by any person in an undertaking referred to in paragraph (zzz) of section 13.”;
- (2) in subsection (4) of that section :—
- (a) by the substitution in sub-paragraph (i) of paragraph (a) of that subsection, for the words and figure “(i), (j) and (k) of subsection (2)”, of the words and figure “(i), (j), (k), (n), (o) and (q) of subsection (2)”;
 - (b) by the substitution in sub-paragraph (iii) (B) of paragraph (a) of that subsection, for the words “twenty five million rupees ,”, of the words “thirty five million rupees.”;
 - (c) by the addition immediately after sub-paragraph (vi) of paragraph (a) of that subsection, of the following new paragraphs:—
 - “(vii) in respect of all qualifying payments referred to in paragraph (n) of subsection (2) made by him in that year of assessment, shall not exceed twenty five million rupees;
 - (viii) in respect of all qualifying payments referred to in paragraph (o) of subsection (2) made by him in that year of assessment, shall not exceed ten million rupees.”;

- (d) by the substitution in sub-paragraph (i) of paragraph (b) of that subsection, for the words and figures “(k),(l) and (m) of subsection (2),”, of the words and figures “(k), (l), (m), (n), (o) and (q) of subsection (2),”;
- (e) by the substitution in sub-paragraph (ii) (B) of paragraph (b) of that subsection for the words “twenty five million rupees,”, of the words thirty five million rupees,”;
- (f) by the addition immediately after sub-paragraph (iv) of paragraph (b) of that subsection of the following new sub-paragraph:—
 - “(v) in respect of all qualifying payments referred to paragraph (a) of subsection (2) by made by that company, shall not exceed one fifth of the assessable income or five hundred thousand rupees, whichever is less ;
 - (vi) in respect of all qualifying payments referred to in paragraph (n) of subsection (2) made by that company in that year of assessment, shall not exceed twenty five million rupees;
 - (vii) in respect of all qualifying payments referred to in paragraph (o) of subsection (2) made by that company in that year of assessment, shall not exceed ten million rupees.”;
- (3) in subsection (5) of that section, by the substitution for the words “paragraph (c), paragraph (l) or paragraph (m) of subsection (2)”, of the words “paragraph (c), paragraph (h) (ii), paragraph (l), paragraph (m), paragraph (n), paragraph (o) or paragraph (q) of subsection (2),”; and
- (4) in subsection (6) of that section, by the substitution for the words “referred to in paragraph (h) of

subsection (2)”, of the words “referred to in paragraph (h) (i) of subsection (2)”.

22. Section 35 of the principal enactment is hereby amended in the proviso to subsection (2) of that section, by the substitution for the words and figure “rate specified in Part I of the First Schedule”, of the words and figure “rate specified in Part V of the First Schedule”.

Amendment of section 35 of the principal enactment.

23. The following new section is hereby inserted immediately after section 40 of the principal enactment and shall have effect as section 40A of that enactment:—

Insertion of new section 40A in the principal enactment.

“Rates of income tax on the profits from employment of any pilot of any airline licensed under the Air Navigation Act.

40A. Such part of the taxable income of any citizen of Sri Lanka for any year of assessment commencing on or after April 1, 2008, as consists of his profits from employment as a pilot of any airline licensed under the Air Navigation Act (Chapter 365), shall, notwithstanding anything to the contrary in any other provision of this Act, be charged with income tax at the appropriate rates specified in Part I of the First Schedule to this Act, provided that the rate of at which income tax is so charged, shall not in any case exceed 20 per centum.”.

24. Section 46 of the principal enactment is hereby amended in subsection (1) of that section, by the substitution for the words “in any other provisions of this Chapter, or Chapter X, be chargeable with income tax”, of the words “in other provisions, but subject to the provisions of section 16 of this Act, be chargeable with income tax”.

Amendment of section 46 of the principal enactment.

25. Section 48 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 48 of the principal enactment.

“Rates of income tax for periods after the expiry of the tax exemption period.

48. (1) Such part of the taxable income of any person for any year of assessment referred to in subsection (2), which consists of the profits and income from:—

(a) any specified undertaking referred to in sections 17, 18 or 19;

*Inland Revenue (Amendment)
Act, No. 9 of 2008*

- (b) any new undertaking referred to in sections 20, 22, 24C and 24D;
- (c) any relocated undertaking referred to in sections 21 and 21A;
- (d) any venture capital company referred to in section 23;
- (e) any business referred to in section 24;
- (f) any new cinema or upgraded cinema referred to in section 24A; or
- (g) any re-opened abandoned factory referred to in section 24B,

shall, notwithstanding anything to the contrary in any other provision of this Act, be taxable at the rate specified in that subsection, as being applicable to that year of assessment.

(2) The rate of tax applicable to the year of assessment immediately succeeding—

- (a) the end of the period for which the profits and income are exempt from income tax, being any year of assessment commencing on or after April 1, 2008, (hereinafter referred to as the “first post-exemption year”) shall be five *per centum*;
- (b) the end of the first post-exemption year (hereinafter referred to as the “second post-exemption year”) shall be ten *per centum*; and
- (c) the end of the second post- exemption year shall be fifteen *per centum*.”.

26. Section 53 of the principal enactment is hereby amended in subsection (3) of that section, by the substitution for the words “shall be fifteen *per centum*.”, of the words “shall for any year of assessment commencing from April 1, 2008, be ten *per centum*.”.

Amendment of section 53 of the principal enactment.

27. Section 54 of the principal enactment is hereby amended by the substitution for the words and figures “referred to in paragraph (a) of subsection (1) of section 10:—”, of the words and figures “referred to in subsection (1) of section 10:—”.

Amendment of section 54 of the principal enactment.

28. Section 61 of the principal enactment as amended by Act, No. 10 of 2007, is hereby further amended in paragraph (b) of subsection (1) of that section as follows:—

Amendment of section 61 of the principal enactment.

- (1) by the substitution in sub-paragraph (ii) of that paragraph, for the words “gross dividends distributed by such company in such preceding year, where such company has in the preceding year distributed”, of the words “gross dividends distributed by such company out of such distributable profits, within a period of eighteen months immediately succeeding the commencement of such preceding year, where such company has within such period distributed”; and
- (2) in the definition in that paragraph of the expression “relevant part”:—
 - (a) by the repeal of paragraph (b) of that definition, and the substitution therefor of the following paragraph:—

“(b) to any registered society referred to in paragraph (h) of section 7, during the period referred to in that paragraph;”;
 - (b) by the addition immediately after paragraph (d) of that definition, of the following new paragraphs:—

“(e) to any unit trust or to any mutual fund;

(f) to Api Wenuwen Api Fund established by the Api Wenuwen Api Fund Act, No. 6 of 2008;”.

Amendment of section 62 of the principal enactment.

29. Section 62 of the principal enactment is hereby amended by the repeal of paragraph (a) of subsection (2) of that section, and the substitution therefor of the following paragraph :—

“(a) sums remitted or retained abroad out of the profits and income chargeable with income tax of the company and any sum received outside Sri Lanka by or on behalf of such company in relation to any trade, business, profession or vocation carried on in Sri Lanka by such company, the profits of which are chargeable with income tax in Sri Lanka, such sums not including any dividend paid by a resident company to such non-resident company;”.

Amendment of section 65 of the principal enactment.

30. Section 65 of the principal enactment as amended by Act, No. 10 of 2007 is hereby further amended as follows:—

(1) in subsection (1) of that section, by the insertion immediately after paragraph (b) of that subsection, of the following new paragraphs:—

“(c) the Api Wenuwen Api Fund established by the Api Wenuwen Api Fund Act, No. 6 of 2008;

(d) any registered society referred to in paragraph (h) of section 7, during the period referred to in that paragraph;

(e) any person who is exempt from income tax under section 10 in respect of any dividend received by such person as referred to in that section;”;

- (2) by the addition immediately after subsection (3) of that section, of the following new subsection:—

“(4) The excess of the aggregate of the deductions made by any resident company under subsection (1), over the tax payable by such company under sub-paragraph (i) of paragraph (b) of subsection (1) of section 61, shall be remitted to the Commissioner-General within a period of thirty days from the date on which the gross dividend referred to in that subsection, is paid.”.

- 31.** Section 79 of the principal enactment is hereby amended in subsection (7) of that section as follows:—

Amendment of section 79 of the principal enactment.

- (1) in the proviso to that subsection, by the substitution for the words “employment in Sri Lanka.”, of the words “employment in Sri Lanka.”; and
- (2) by the addition at the end of the proviso to that subsection, of the following further proviso:—

“Provided further that no individual shall be deemed to be a non-resident under the provisions of this subsection, on or after April 1, 2008.”.

- 32.** Section 95 of the principal enactment is hereby amended in the proviso to subsection (1) of that section, as follows:—

Amendment of section 95 of the principal enactment.

- (1) in paragraph (a) of that proviso, by the substitution for the words “and chargeable as aforesaid; and”, of the words “and chargeable as aforesaid;”; and
- (2) by the insertion immediately after paragraph (a) of that proviso of the following new paragraph:—

“(aa) the deduction of tax under this section from interest on any corporate debt security referred to in paragraph (g) of subsection

(3) of section 32 and paid or credited on or after April 1, 2008, shall, notwithstanding anything to the contrary in any other provision of this Act, be at the rate of ten *per centum*; and”.

Amendment of section 102 of the principal enactment.

33. Section 102 of the principal enactment is hereby amended in subsection (3) of that section, by the substitution for the words “the Commissioner-General may reduce or remit the tax”, of words “the Commissioner-General may reduce or remove the tax”.

Amendment of section 104 of the principal enactment.

34. Section 104 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the words and figure “addressed to the person referred to in subsection (1),”, of the words and figure “addressed to the person who carries on either the one or the other or both of the two associated undertakings, referred to in subsection (1),”.

Amendment of section 107 of the principal enactment.

35. Section 107 of the principal enactment is hereby amended as follows:—

(1) in the proviso to subsection (1) of that section, by the repeal of paragraph (a) of that proviso and the substitution therefor of the following paragraph:—

“(a) where such trade, business, profession or vocation is being carried on or exercised by any quoted public company or any other company having a turnover of not less than two hundred and fifty million rupees or net profit of not less than one hundred million rupees for the year, then, notwithstanding that a notice under this section has not been given to such quoted public company or other company, furnish for that year of assessment or for that other period, in respect of which the statutory income for that year of assessment is computed, such statement and such schedules as may be specified by the Commissioner-General, by notice published in the *Gazette*.”;

- (2) by the repeal of the proviso to subsection (2) of that section, and the substitution therefor of the following proviso:—

“Provided that a statement of accounts in support of a return of income for any year of assessment or for any other period on the profits of which the statutory income for that year of assessment is computed—

- (a) furnished by any quoted public company, in respect of any trade, business, profession or vocation carried on or exercised by such quoted public company;
- (b) furnished by any other company in respect of any trade, business, profession or vocation carried on or exercised by such company, where the turnover from such trade, business, profession or vocation, for that year of assessment or for that other period, is not less than two hundred and fifty million rupees or the statutory income from that trade, business, profession or vocation for that year of assessment or for that other period, is not less than one hundred million rupees; or
- (c) furnished by any partner of any partnership or by any person other than a company, in respect of any trade, business, profession or vocation carried on or exercised by such partnership or by such person, where the turnover from such trade, business, profession or vocation, for that year of assessment or for that other period, is not less than fifty million rupees or the divisible and profits of that partnership or the statutory income of such person, from that trade, business, profession or vocation for that year

30 *Inland Revenue (Amendment)*
Act, No. 9 of 2008

of assessment or for that other period, as the case may be, is not less than twenty five million rupees,

shall be prepared on the basis of an audit by an approved accountant.”.

Amendment of section 113 of the principal enactment.

36. Section 113 of the principal enactment as amended by Act, No. 10 of 2007, is hereby further amended in sub- paragraph (b) of subsection (3) of that section, by the substitution for the words “shall be paid on or before the fifteenth day of May of the year of assessment immediately succeeding the year of assessment”, of the words “shall be paid on or before the thirtieth day of September of that year of assessment”.

Amendment of section 131 of the principal enactment.

37. Section 131 of the principal enactment is hereby amended in the definition of the term “employer”, by the substitution for the words “body of persons of any organization -”, of the words “ body of persons or any organization, other than any Government Institution referred to in Chapter XV:—”.

Amendment of the Heading to Chapter XV of the principal enactment.

38. The heading of Chapter XV of the principal enactment is hereby repealed and the following heading substituted therefor :—

“PROVISIONS RELATING TO THE PAYMENT OF INCOME TAX BY A GOVERNMENT INSTITUTION AND DEDUCTION FROM TAX ON OFFICIAL EMOULMENTS OF ANY EMPLOYEE OF ANY GOVERNMENT INSTITUTION.”.

Amendment of section 132 of the principal enactment.

39. Section 132 of the principal enactment is hereby amended as follows:—

(1) in subsection (1) of that section—

(a) by the substitution for the words “for any year of assessment, shall be paid”, of the words and figures “for any year of assessment ending on or before March 31, 2008, shall be paid”; and

- (b) by the repeal of the proviso to that subsection and the substitution therefor of the following proviso:—

“Provided that such income tax so paid shall neither be refunded to such employee either in whole or in part or deducted from income tax otherwise payable by such employee, for that year of assessment.”;

- (2) in subsection (2) of that section, by the substitution for the words “the income tax in respect of”, of the words “the income tax referred to in subsection (1), in respect of ”; and
- (3) in subsection (4) of that section, by the repeal of the definition of the expression “Government Institution”.

40. The following new section is hereby inserted immediately after section 132 of the principal enactment and shall have effect as section 132A of that enactment:—

Insertion of section 132A in the principal enactment.

“Deduction from income tax on the official emoluments of any employee of any Government Institution. 132A. (1) There shall be deducted from the income tax payable for any year of assessment commencing on or after April 1, 2008, by any employee of any Government Institution, whose assessable income for that year of assessment includes any official emoluments, such amount as referred to in subsection (2).

(2) The deduction shall be an amount which bear to the income tax charged on such employee as referred to in subsection (1) for such year of assessment, the same proportion which the official emoluments (other than any pension, bonus, incentive payments, reward,

share of fines or other similar payment) of such employee for that year of assessment, bear to the total statutory income of that employee for that year of assessment.

For the purpose of subsections (1) and (2) of this section, “official emoluments” means profits from employment as specified in paragraph (a) of subsection (1) of section 4, received for services rendered.

(3) For the purpose of this Chapter, “Government Institution” means any institution or person which employs individuals holding any office referred to in paragraph (b) of subsection (1) of section 8.”.

Amendment of section 133 of the principal enactment.

41. Section 133 of the principal enactment is hereby amended as follows :—

(1) in subsection (3) of that section:—

(a) in paragraph (a) of that subsection—

(i) by the substitution in sub-paragraph (ii) of that paragraph, for the words “of Sri Lanka; or”, of the words “of Sri Lanka;”;

(ii) by the addition immediately after sub-paragraph (iii) of that paragraph, of the following new sub-paragraphs:—

“(iv) any registered society referred to in paragraph (h) of section 7, being interest paid to such society during the period referred to in that paragraph; or

(v) the Api Wenuwen Api Fund established by the Api Wenuwen Api Fund Act, No. 6 of 2008;”;

- (b) by the substitution in paragraph (c) of that subsection, for the words and figure “or section 96.”, of the words and figure “or section 95.”;
 - (2) in subsection (4) of that section, by the substitution for the words “under this section”, of the words and figure “under subsection (1) of this section”;
 - (3) in subsection (5) of that section, by the substitution for the words “where any interest payable to any person”, of the words and figures “ where any interest referred to in subsection (1) or any excess referred to in subsection (2) payable to any person”;
 - (4) in subsection (7) of that section—
 - (a) by the substitution for the words and figure “deducts income tax in accordance with the provisions of subsection (1) from any interest paid by it”, of the words and figures “deducts income tax from the interest paid in accordance with subsection (1) or on the excess in accordance with subsection (2)”;
 - (b) by the substitution for the word “interest” appearing in paragraphs (a), (c) and (d) of that subsection, of the words “interest or excess”;
 - and
 - (5) in subsection (8) of that section, by the substitution in paragraph (d) of that subsection for the word “interest”, wherever it appears in that paragraph of the words “interest or excess”.
- 42.** Section 152 of the principal enactment is hereby repealed.
- Repeal of section 152 of the principal enactment.

Amendment of section 153 of the principal enactment.

43. Section 153 of the principal enactment as amended by Act, No. 10 of 2007, is hereby further amended as follows:—

- (1) in subsection (1) of that section by the addition immediately after the proviso to that subsection, of the following further proviso:—

“Provided further that where it is proved to the satisfaction of the Commissioner-General that any person or partnership is registered with the Department of Inland Revenue as a person or partnership chargeable with the Economic Service Charge under the Economic Service Charge Act, No. 13 of 2006, the Commissioner-General shall direct that the provisions of this section relating to the deduction of income tax shall not apply, in relation to any specified fee payable on or after April 1, 2008 to such person or partnership.”;

- (2) in subsection (2) of that section, by the substitution in the definition of the expression “specified fee” for the words “or occupation of any”, of the words “or occupation, otherwise than as a place of residence, of any”.

Amendment of section 155 of the principal enactment.

44. Section 155 of the principal enactment is hereby amended by the substitution for the words “such rent, lease rent or other payment.”, of the following words and figures:—

“such rent, lease rent or other payment:

Provided that where it is proved to the satisfaction of the Commissioner-General that any person or partnership is registered with the Department of Inland Revenue as a person or partnership, chargeable with the Economic Service Charge under the Economic Service Charge Act, No. 13 of 2006, the Commissioner-General shall direct that the provisions of this section relating to

the deduction of income tax shall not apply, in relation to such rent, lease rent or other payment payable on or after April 1, 2008, to such person or partnership.”.

45. Section 156 of the principal enactment is hereby amended as follows:—

Amendment of section 156 of the principal enactment.

- (1) in subsection (1) of that section, by the substitution for the words “credit for income tax so deducted, duties of banks and financial institutions,”, of the words “credit for income tax so deducted, issue of directions, duties of banks and financial institutions,”; and
- (2) by the addition immediately after subsection (2) of that section, of the following new subsections:—

“(3) Any person or partnership who or which is liable to deduct income tax from any rent, lease rent or other payments made by such person or partnership under this Chapter, shall apply for and obtain a registration number from the Commissioner-General thirty days prior to the commencement of such deduction of tax and shall furnish a return on a monthly basis, containing such particulars as may be specified by the Commissioner-General in relation to such deductions.

(4) Any person or partnership who or which does not register or does not furnish any return as required under the subsection (3), shall be liable to a penalty not exceeding fifty thousand rupees which may be imposed by the Commissioner-General.”.

46. Section 160 of the principal enactment is hereby amended by the addition immediately after the proviso to that section, of the following further proviso:—

Amendment of section 160 of the principal enactment.

“Provided further that where it is proved to the satisfaction of the Commissioner-General that any

person or partnership is registered with the Department of Inland Revenue as a person or partnership chargeable with the Economic Service Charge under the Economic Service Charge Act, No. 13 of 2006, the Commissioner-General shall direct that the provisions of this section relating to the deduction of income tax shall not apply, in relation to any annuity, royalty or management fee payable on or after April 1, 2008, to such person or partnership.”.

Insertion of a new Chapter XXA in the principal enactment.

47. The following new Chapter is hereby inserted immediately after Chapter XX of the principal enactment and shall have effect as Chapter XXA of that enactment:—

“CHAPTER XXA

DEDUCTION OF INCOME TAX FROM THE SALE PRICE OF ANY GEM
SOLD AT ANY AUCTION CONDUCTED BY THE NATIONAL GEM AND
JEWELLERY AUTHORITY.

National Gem and Jewellery Authority to deduct income tax from the sale price of any gem sold at any auction.

161A. (1) The National Gem and Jewellery Authority established by the National Gem and Jewellery Authority Act, No. 50 of 1993, shall deduct from the sale price of any gem sold at any auction conducted by it, income tax of an amount equal to 2.5 *per centum* of the sale price of such gem from the sum payable to the seller of such gem and at the time such sum is paid to the seller.

(2) The provisions of Chapter XVI relating to the deduction of income tax from interest paid by banks and financial institutions, duties of banks and financial institutions, default in the deduction of income tax, issue of assessments on banks and financial institutions, appeals and penalty for default, shall, *mutatis mutandis* apply to and in relation to the deduction of income tax from the sale price of

any gem, duties of the National Gem and Jewellery Authority making such sale, default in the deduction of income tax, issue of assessments on the National Gem and Jewellery Authority, appeals and penalty for default under this Chapter, as if there were substituted in Chapter XVI for the words “banks and financial institutions”, of the words “National Gem and Jewellery Authority”, and for the word “interest”, of the words “sale price of any gem sold”, wherever they appear in that Chapter.”.

48. Section 162 of the principal enactment is hereby amended as follows:—

Amendment of section 162 of the principal enactment.

- (1) by the substitution for the words “an amount equal to fifteen *per centum* of those moneys,”, of the words “an amount equal to ten *per centum* of those moneys,”; and
- (2) by the substitution in the marginal note to that section, for the words “fifteen *per centum*”, of the words “ten *per centum*”.

49. Section 163 of the principal enactment is hereby amended as follows:—

Amendment of section 163 of the principal enactment.

- (1) in subsection (1) of that section, by the substitution for the words “after the fifteenth day of November immediately succeeding”, wherever those words appear in that subsection, of the words “after the fifteenth day of September immediately succeeding” ; and
- (2) in paragraph (b) of subsection (8) of that section, by the substitution for the words “sworn an affidavit that no fraud, evasion or willful default as been committed”, of the words “sworn an affidavit that no fraud, evasion or willful default has been committed”.

Amendment of section 164 of the principal enactment.

50. Section 164 of the principal enactment is hereby amended by the substitution for the words “notice of assessment to each person who has been assessed,” of the words “notice of assessment to each person and each partnership who or which has been assessed.”.

Amendment of section 208 of the principal enactment.

51. Section 208 of the principal enactment as amended by Act, No. 10 of 2007, is hereby further amended in subsection (4) of that section by the substitution for the words from “or an Assessor of Inland Revenue shall not exercise” to the end of that subsection, of the following words and figures:—

“or an Assessor of Inland Revenue shall not—

- (a) act under section 163; or
- (b) reach any agreement or make any adjustment to any assessment made under subsection (7) of section 165,

except with the written approval of the Commissioner - General or any Deputy Commissioner”.

Amendment of section 217 of the principal enactment.

52. Section 217 of the principal enactment as amended by Act, No. 10 of 2007, is hereby further amended in the definition of the phrase “approved by the Commissioner-General”, for the words “when used in relation to a provident or pension fund means,” of the words “when used in relation to a provident fund, gratuity fund or pension fund means,”.

Amendment of the Third Schedule to the principal enactment.

53. The Third Schedule to the principal enactment is hereby amended by the substitution for item 7 of that Schedule, of the following item:—

“7. Any society registered or deemed to be registered as a registered society under the Co-operative Societies Law, No. 5 of 1972.

On the taxable income for
any year of assessment
ending on or before

March 31, 2008 or
commencing on or after
April 1, 2013 *5 per centum.*”.

54. The Fifth Schedule to the principal enactment is hereby amended in item 15 of that Schedule, by the substitution for the words and figures “in accordance with section 46, and any dividend received from outside Sri Lanka and other dividends”, of the words and figures “in accordance with section 46 and any dividends received prior to April 1, 2008, from outside Sri Lanka, and other dividends”.

Amendment of the Fifth Schedule to the principal enactment.

55. (1) The amendments made to paragraph (h) of subsection (1) of section 8, subsection (1) of section 23, “section 26, section 62, section 107 and section 163 of the principal enactment, by section 3 (1) (d), section 15 (1) (a), section 19, section 29 and section 35 and section 49 respectively of this Act, shall be deemed for all purposes to have come into force on April 1, 2006

Retrospective effect.

(2) The amendments made to subsection (3) of section 32 of the principal enactment by the addition of a new paragraph (e) to that subsection, by section 20 (3) of this Act, shall be deemed for all purposes to have come into force on April 1, 2007.

(3) The amendments made to paragraph (b) of subsection (2) of section 34 of the principal enactment and the insertion of new Chapter XXA to the principal enactment, by section 21 (1) (a) and section 47 respectively of this Act, shall be deemed for all purposes to have come into force on January 1, 2008.

“(4) The amendments made to the principal enactment by this Act, other than the amendments specifically referred to in subsections (1), (2) and (3) of this section, shall come into force on April 1, 2008.”.

56. 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 any inconsistency.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**STAMP DUTY (SPECIAL PROVISIONS)
(AMENDMENT) ACT, No. 10 OF 2008**

[Certified on 29th February, 2008]

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 February 29, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 4.00

Postage : Rs. 5.00

*Stamp Duty (Special Provisions) (Amendment)
Act, No. 10 of 2008*

[Certified on 29th February, 2008]

L. D.—O. 68/2007

AN ACT TO AMEND THE STAMP DUTY (SPECIAL PROVISIONS)
ACT, No. 12 OF 2006

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

1. (1) This Act may be cited as the Stamp Duty (Special Provisions) (Amendment) Act, No. 10 of 2008.

Short title and the date of operation.

(2) The provisions of this Act, shall be deemed for all purposes to have come into operation from January 1, 2008.

2. Section 6 of the Stamp Duty (Special Provisions) Act, No. 12 of 2006 (hereinafter referred to as the “principal enactment”) is hereby amended as follows:—

Amendment of section 6 of Act, No. 12 of 2006.

(1) in paragraph (*d*) of that section, by the substitution for the words “credit card holder; and”, of the words “credit card holder;”;

(2) by the insertion, immediately after paragraph (*d*), of the following new paragraphs:—

“(*dd*) in the case of a warrant to act as Notary Public, by the person applying for the office of Notary;

(*ddd*) in the case of a licence, by the person applying for the same; and”.

3. Section 8 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 8 of the principal enactment.

“Manner of payment of stamp duty.

8. (1) Otherwise than, when stamp duty is compounded in terms of section 7, the stamp duty payable on any specified instrument shall be paid by means of affixing adhesive stamps to the required value, prior to, or at the time of, the

2 *Stamp Duty (Special Provisions) (Amendment)*
Act, No. 10 of 2008

execution of the instrument. The value of the stamp duty so paid shall be specified on the face of the instrument so executed:

Provided that, share transfers executed in Sri Lanka shall be stamped within one month from the execution of the same.

(2) Stamp duty payable on any specified instrument relating to a mortgage or lease of any immovable property may be paid, prior to, or at the time of, the execution of the specified instrument, to a prescribed bank. Where however, the stamp duty cannot be so paid due to reasons beyond the control of the person by whom the stamp duty is payable, the stamp duty shall be paid to the prescribed bank within seven days from the date of such execution. The bank shall thereupon issue a certificate in the prescribed form certifying that the stamp duty has been duly paid and such certificate shall be affixed to the instrument so executed.

(3) Any person executing a specified instrument shall at the time of the execution of such specified instrument which is not stamped with an impressed stamp, cancel the stamps thereon by writing or marking in ink on or across each stamp, his name or initials, thereby preventing the stamp from being used again. Further, where such specified instrument bears an adhesive stamp of the value of fifty rupees or more, such stamp shall be cancelled by the person executing a specified instrument by perforating the same by either cutting or pricking the stamp with a suitable instrument.

Stamp Duty (Special Provisions) (Amendment) Act, No. 10 of 2008 3

(4) Any specified instrument bearing an adhesive stamp which has not been cancelled in the manner set out in subsection (3) shall be deemed to be unstamped to the extent of the value of such stamp.”.

4. 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.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**ECONOMIC SERVICE CHARGE
(AMENDMENT) ACT, No. 11 OF 2008**

[Certified on 29th February, 2008]

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 February 29, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 5.00

Postage : Rs. 5.00

*Economic Service Charge (Amendment)
Act, No. 11 of 2008*

[Certified on 29th February, 2008]

L.D.—O. 7/2008.

AN ACT TO AMEND THE ECONOMIC SERVICE CHARGE
ACT, No. 13 OF 2006

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

1. This Act may be cited as the Economic Service Charge (Amendment) Act, No. 11 of 2008. Short title.

2. Section 2 of the Economic Service Charge Act, No. 13 of 2006 (hereinafter referred to as the “principal enactment”) is hereby amended in subsection (1) of that section, by the substitution for the words “at the appropriate rate specified in the Schedule to this Act, ” of the following :— Amendment of section 2 of Act, No. 13 of 2006.

“at the appropriate rate specified in the Schedule to this Act :

Provided that notwithstanding anything to the contrary in this Act and the rates specified in the Schedule to this Act, the rate of the Economic Service Charge, chargeable in respect of the turnover arising on or after April 1, 2008 from the export of any articles or goods, shall not exceed 0.25 *per centum*.”.

3. Section 3 of the principal enactment is hereby amended in subsection (3) of that section, by the substitution for the words “tax payable by such person or partner of such partnership for that year of assessment” of the words— Amendment of section 3 of the principal enactment.

“tax payable by such person or partner of such partnership for that year of assessment :

Provided that, where there remains as at March 31, 2006, any amount of the economic service charge paid in accordance with the provisions of Part I of the Finance Act, No. 11 of 2004 after its deduction in

2 *Economic Service Charge (Amendment)*
Act, No. 11 of 2008

accordance with the provisions of that Act from the relevant income tax payable for any relevant year of assessment commencing before April 1, 2006—

- (a) if such amount includes any part of the economic service charge paid for the year of assessment ended on March 31, 2005 such part may be apportioned to each year of assessment falling within the three years of assessment immediately succeeding the year of assessment which ended on March 31, 2006 ; or
- (b) if such amount includes any part of the economic service charge paid for the year of assessment ended on March 31, 2006, such part may be apportioned to each year of assessment falling within the four years of assessment immediately succeeding the year of assessment which ended on March 31, 2006,

and the parts of the economic service charge so apportioned, shall be deducted to the extent it can be so deducted from the income tax payable by such person or such partnership for each such year of assessment.”.

Amendment of
the schedule of
the principal
enactment.

4. The Schedule to the principal enactment is hereby amended as follows :—

- (1) by the substitution for items 4 and 5 of the Schedule of the following items :—

“4. Such part of the relevant turnover arising before April 1, 2008 as consists, of turnover from any trade, business, profession or vocation—

- (i) the profits and income from which are chargeable with income tax at any rate specified in the Fifth Schedule to the Inland Revenue Act, other than in item 28 of that Schedule ;

0.5 per centum.

- (ii) carried on by any enterprise which has entered into an agreement under the Board of Investment of Sri Lanka Law No. 4 of 1978, being the relevant turnover during the period for which the profits and income of such enterprise are taxable at the rate equal to a rate specified in the Fifth Schedule to the Inland Revenue Act, No. 10 of 2006.

0.5 per centum.

- 4A. Such part of the relevant turnover arising on or after April 1, 2008 as consists, of turnover from any trade, business, profession or vocation—

- (i) the profits and income from which are chargeable with income tax at any rate specified in the Fifth Schedule to the Inland Revenue Act, other than in item 24 and item 28 of that Schedule ;

0.5 per centum.

- (ii) carried on by any enterprise which has entered into an agreement under the Board of Investment of Sri Lanka Law No. 4 of 1978, being the relevant turnover during the period for which the profits and income of such enterprise are taxable at the rate equal to a rate specified in the Fifth Schedule to the Inland Revenue Act, No. 10 of 2006.

0.5 per centum.

5. Such part of the relevant turnover as consists of the turnover from any trade or business which deals in the wholesale or retail (other than as distributor) of motor vehicles or liquor not manufactured by the dealer :—

- (i) arising prior to April 1, 2008

0.5 per centum

4 *Economic Service Charge (Amendment)*
Act, No. 11 of 2008

- (ii) arising on or after April 1, 2008
1.0 per centum".

- (2) by the substitution for item 11 of the Schedule of the following items :—

"11. Such part of the relevant turnover arising prior to April 1, 2008 as consists of—

- (i) the turnover from the export of apparels or the supply of locally manufactured textiles to apparel exporters to be used in the manufacture of apparels for export by such exporter.

0.1 per centum

- (ii) the turnover of a trading house approved by the Board of Investment so far as such trading house engages in the business of the export of apparels.

0.1 per centum

11A. Such part of the relevant turnover arising on or after April 1, 2008 as consists of—

- (i) the turnover from—
- (a) the export of apparels ; or
- (b) supply of locally manufactured apparels to any exporter of apparels for export :
- (c) supply of locally manufactured textiles to any exporter of apparels to be used in the manufacture of apparels for export by such exporter.

Economic Service Charge (Amendment) Act, No. 11 of 2008 5

- (ii) the turnover of a trading house approved by the Board of Investment in so far as such trading house engages in the business of the export of apparels.

0.1 per centum".

5. 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.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**REGIONAL INFRASTRUCTURE
DEVELOPMENT LEVY (AMENDMENT)
ACT, No. 12 OF 2008**

[Certified on 29th February, 2008]

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 February 29, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 4.00

Postage : Rs. 5.00

*Regional Infrastructure Development Levy
(Amendment) Act, No. 12 of 2008*

[Certified on 29th February, 2008]

L. D.—O. 3/2008

AN ACT TO AMEND THE REGIONAL INFRASTRUCTURE DEVELOPMENT
LEVY ACT, NO. 51 OF 2006

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

1. (1) This Act may be cited as the Regional
Infrastructure Development Levy (Amendment) Act,
No. 12 of 2008.

Short title and
date of
operation.

(2) The provisions of this Act shall be deemed, for all
purposes to have come into effect from January 1, 2008.

2. Section 2 of the Regional Infrastructure Development
Levy Act, No. 51 of 2006 (hereinafter referred to as the
“principal enactment”) as amended by Act, No. 47 of 2007
is hereby repealed and the following section substituted
therefor:—

Amendment of
section 2 of Act,
No. 51 of 2006.

“Imposition
of the
Regional
Infrastructure
Development
Levy.

2. (1) There shall be charged and levied
at the point of import a levy called the
Regional Infrastructure Development Levy
(hereinafter referred to as “the Levy”) on any
motor vehicle liable to the payment of Excise
Duty under the Excise (Special Provision) Act,
No. 13 of 1989, falling under the Harmonized
System Code Number specified in Column I of
the Schedule hereto and having a cylinder
capacity, seating capacity or weight as is
specified in the corresponding entry in Column
II of that Schedule, an amount calculated at
the rate specified in Column III of that
Schedule on the aggregate value comprising
the customs value of such motor vehicle
determined in terms of Schedule E of the
Customs Ordinance (Chapter 235) and all taxes,
duties and levies charged thereon at the point
of import.

2 *Regional Infrastructure Development Levy
(Amendment) Act, No. 12 of 2008*

(2) For the purpose of this section, the expression “motor vehicle” shall not include an auto trishaw.”.

Addition of a Schedule to the principal enactment.

3. The principal enactment is hereby amended by the addition immediately after section 7 thereof, of the following Schedule:—

“SCHEDULE (Section 2)

No.	Column I <i>H. S. Code No.</i>	Column II <i>Cylinder capacity / Seating capacity / Weight</i>	Column III <i>Rate</i>
1.	8703	Motor vehicle having a cylinder capacity not exceeding 1600	5.0 <i>per centum</i>
2.	8703	Motor vehicle having a cylinder capacity exceeding 1600 but not exceeding 2000	7.5 <i>per centum</i>
3.	8703	Motor vehicle having a cylinder capacity exceeding 2000	10 <i>per centum</i>
4.	8702	Motor vehicle having a seating capacity of less than 13 persons	10 <i>per centum</i>
5.	8702	Motor vehicle having a seating capacity of 13 or more persons but less than 17 persons	5.0 <i>per centum</i>
6.	8702	Motor vehicle having a seating capacity of 17 persons or more	7.5 <i>per centum</i>
7.	8704	Motor vehicle (possessing the specified weight)	5.0 <i>per centum</i> ”

Sinhala text to prevail in case of inconsistency.

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

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**BUTCHERS (AMENDMENT)
ACT, No. 13 OF 2008**

[Certified on 29th February, 2008]

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 February 29, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 4.00

Postage : Rs. 5.00

Butchers (Amendment) Act, No. 13 of 2008

[Certified on 29th February, 2008]

L.D.—O. 9/2008.

AN ACT TO AMEND THE BUTCHERS ORDINANCE

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

- 1.** This Act may be cited as the Butchers (Amendment) Act, No. 13 of 2008. Short title.
- 2.** Section 18 of the Butchers Ordinance (Chapter 272) (hereinafter referred to as “the principal enactment”) is hereby amended by the repeal of subsection (1) of that section and the substitution therefor of the following subsection :—

“(1) It shall not be lawful for any person (not a licensed butcher) to slaughter any cattle without a permit from the proper authority :

Provided that no pregnant or lactating cows shall be slaughtered whether under the authority of a permit or not.”.

Amendment of section 18 of Chapter 272.
- 3.** Section 20 of the principal enactment is hereby amended as follows :— Amendment of section 20 of the principal enactment.

 - (1) by the re-numbering of that section as subsection (1) thereof ; and
 - (2) by the addition immediately after the re-numbered subsection (1) of the following new subsection :—

“(2) Any person who slaughters a pregnant cow or a lactating cow in contravention of the provisions of subsection (1) of section 18, shall be guilty of an

2 *Butchers (Amendment) Act, No. 13 of 2008*

offence and shall be liable to a fine of rupees fifty thousand and to imprisonment of either description for a period not exceeding three years.”.

Sinhala text to prevail in case of inconsistency.

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

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**STRATEGIC DEVELOPMENT PROJECTS
ACT, No. 14 OF 2008**

[Certified on 29th February, 2008]

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 February 29, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 4.00

Postage : Rs. 5.00

*Strategic Development Projects
Act, No. 14 of 2008*

[Certified on 29th February, 2008]

L.D.—O. 5/2008.

AN ACT TO PROMOTE STRATEGIC DEVELOPMENT PROJECTS ; TO PROVIDE A TAX FREE PERIOD IN RELATION TO IDENTIFIED STRATEGIC DEVELOPMENT PROJECTS ; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

1. This Act may be cited as the Strategic Development Projects Act, No. 14 of 2008. Short title.

2. From and after the date of the coming into operation of this Act, there shall be certain projects identified in accordance with the following provisions contained herein, as Strategic Development Projects for the purposes of this Act, to which exemptions from the applicability of the provisions of the enactments specified in the Schedule to this Act, may from time to time be granted : Objective of the Act.

Provided that the period of any exemption granted in terms of this section shall in no event exceed a period of twenty-five years.

3. (1) The Board of Investment of Sri Lanka established by the Board of Investment of Sri Lanka Law, No. 4 of 1978, shall identify in consultation with the relevant line Ministries, any proposed project as a Strategic Development Project. Identification of Strategic Development Projects.

(2) On a project being identified in terms of subsection (1) as a Strategic Development Project, the Minister in charge of the subject of Investment shall by Notification published in the *Gazette* publish the relevant information relating to each proposed project and the exemptions to be granted in respect of the same.

(3) On the expiration of a period of thirty days from the date of the Notification published under subsection (2), the Minister

2 *Strategic Development Projects
Act, No. 14 of 2008*

in charge of the subject of Investment, shall in consultation with the Minister in charge of the subject of Finance take such steps as are necessary to inform the Cabinet of Ministers of—

- (a) the rationale for considering such project as a Strategic Development Project ; and
- (b) the period of exemption proposed to be granted,

and obtain the approval of the Cabinet of Ministers for the identification of the project as a Strategic Development Project and for the granting of exemptions to such Project in terms of section 2.

(4) If the Cabinet of Ministers grants approval for such Project to be considered as a Strategic Development Project and for the aforesaid exemptions to be granted to such Project in terms of section 2, the Minister in charge of the subject of Investment shall, within six weeks from the date on which the approval of the Cabinet is granted, by Order published in the *Gazette*, specify the name of the Strategic Development Project, the date of commencement of such Project and the date on which the exemptions from the enactments specified in the Schedule hereto, granted in terms of section 2 will become operative and the date from which the same shall cease to be operative.

(5) Every Order made in terms of subsection (4) shall be placed before the Parliament within three months from the date of publication of the Order in the *Gazette*.

Procedure for operation of order.

4. Every Order made under subsection (4) of section 3 shall,—

- (a) become operative immediately upon approval by Resolution of Parliament ; and
- (b) if not approved by Parliament, be deemed to be rescinded with effect from the date of such Resolution, without prejudice to anything previously done thereunder.

Strategic Development Projects 3
Act, No. 14 of 2008

5. In the event of any inconsistency between the Sinhala and the Tamil texts of this Act, the Sinhala text shall prevail. Sinhala text to prevail in case of inconsistency.

6. Unless the context otherwise requires, “Strategic Development Project” means a project which is in the national interest and which is likely to bring economic and social benefit to the country and which is also likely to change the landscape of the country, primarily through— Interpretation.

- (a) the strategic importance attached to the proposed provision of goods and services, which will be of benefit to the public ;
- (b) the substantial inflow of foreign exchange to the country ;
- (c) the substantial employment which will be generated and the enhancement of the income earning opportunities ; and
- (d) the envisaged transformation in terms of technology.

SCHEDULE

(Section 2)

1. The Inland Revenue Act, No. 10 of 2006
2. The Value Added Tax Act, No. 14 of 2002
3. The Finance Act, No. 11 of 2002
4. The Finance Act, No. 5 of 2005
5. The Excise (Special Provision) Act, No. 13 of 1989
6. The Economic Service Charge Act, No. 13 of 2006
7. The Debits Tax Act, No. 16 of 2002
8. Customs Ordinance (Chapter 235)

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**VALUE ADDED TAX (AMENDMENT)
ACT, No. 15 OF 2008**

[Certified on 29th February, 2008]

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 February 29, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 6.00

Postage : Rs. 5.00

Value Added Tax (Amendment) Act, No. 15 of 2008

[Certified on 29th February, 2008]

L. D. — O. 66/2007.

AN ACT TO AMEND THE VALUE ADDED TAX ACT, NO. 14 OF 2002

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

1. This Act may be cited as the Value Added Tax (Amendment) Act, No. 15 of 2008. Short title.

2. Section 2 of the Value Added Tax Act, No. 14 of 2002 (hereinafter referred to as the "principal enactment") is hereby amended in the second proviso to subsection (3) of that section, by the repeal of paragraph (b) thereof and the substitution therefor of the following:— Amendment of section 2 of Act, No. 14 of 2002.

"(b) any goods temporarily imported into Sri Lanka —

- (i) being plant, machinery or equipment of high value to be used for any project; or
- (ii) being goods to be used as exhibition material or as materials in any technical demonstration,

and which are re-exported after the completion of such project, exhibition or demonstration, as the case may be, with the approval of the Minister, up to the date of such competition, exhibition or demonstration."

3. Section 22 of the principal enactment is hereby amended as follows:— Amendment of section 22 of the principal enactment.

- (1) by the repeal of subparagraph (iv) of subsection (6) and all the words and figures up to the end of that subsection, and the substitution therefor of the following:

"(iv) if the input tax on any invoice or customs declaration referred to in paragraph (iii), as

2 Value Added Tax (Amendment) Act, No. 15 of 2008

the case may be, has not been deducted as provided for in this Act, from the output tax for any taxable period ending on or before the expiry of twelve months from the date of such tax invoice or customs declaration by furnishing within the said period of twelve months the return for that taxable period:

Provided however, notwithstanding the provisions of subsection (2), and the exemptions specified in item (i) and item (ii) of sub-paragraph (f) of Part II of the First Schedule to this Act, any registered person who is engaged in supplying of goods or services to any strategic development project or any other special project as is referred to in the aforesaid items, where the payment is borne by the Government, may be allowed input tax on the purchase of goods or services connected to supply of goods or services to such projects.";

- (2) in subsection (10) of that section, by the addition at the end of the proviso to that subsection, of the following:—

“Provided further, that for the purpose of ascertainment of the input tax allowable in terms of this subsection, of any person supplying goods or services to any strategic development project or any other special project, specified in item (i) and item (ii) of sub-paragraph (f) of Part II of the First Schedule to this Act, the value of the supply of the suppliers for the relevant period of such project shall be deemed to be a taxable supply on which the output tax is computed.”.

Amendment of section 25A of the principal enactment.

4. Section 25A of the principal enactment is hereby amended in subsection (1) of that section, by the repeal of paragraph (ii) thereof and the substitution therefor of the following:—

- "(ii) by any person on or after July 1, 2003 but prior to December 31, 2007; and

- (iii) by any person other than a Co-operative Society registered under the Co-operative Societies Law, No. 5 of 1972, on or after January 1, 2008."

5. Section 25c of the principal enactment is hereby amended in subsection (1) of that section, as follows:—

Amendment of section 25c of the principal enactment.

- (1) by the substitution for the words "being an asset which forms part of the leasing stocks of such person" of the words "being an asset which is leased under the provisions of the aforesaid Act."; and
- (2) by the addition, immediately at the end of that subsection of the following:—

"For the avoidance of doubts it is hereby declared that the value addition of such institution shall be computed, based on the net profit or loss before deducting the tax payable under this Chapter."

6. Section 25H of the principal enactment is hereby amended by the addition immediately after subsection (3) thereof, of the following new subsection :—

Amendment of section 25H of the principal enactment.

"(4) Every person or partnership registered under this Chapter shall furnish to the Commissioner-General of Inland Revenue not later than the twentieth day of the month immediately following the expiry of the relevant quarter, a return in such form and containing such particulars as may be specified by the Commissioner-General."

7. Section 26A of the principal enactment is hereby amended as follows:—

Amendment of section 26A of the principal enactment.

- (1) in subsection (1) of that section, by the substitution for the words "deduct from such payment one-third of the tax included in such payment, and" of the words "deduct from such payment one-third of the tax included in such payment as the 'VAT Advance Payment', and"; and

4 Value Added Tax (Amendment) Act, No. 15 of 2008

- (2) by the repeal of the marginal note to that section, and the substitution therefor of the following:—

"Deduction of VAT Advance Payments."

Replacement of section 48A of the principal enactment.

8. Section 48A of the principal enactment is hereby repealed and the following section substituted therefor:—

"Time Limit for the recovery of the tax in default.

48A. The Commissioner-General shall not, commence any action under sections 42, 43, 44 or 48 of this Act, for the recovery of tax in default where a period of five years has lapsed from the completion of three months from the end of any taxable period in which the assessment by which such tax was charged or levied becomes final and conclusive under section 37."

Amendment of the First Schedule to the principal enactment.

9. The First Schedule to the principal enactment is hereby amended in Part II thereof as follows :—

"(1) in paragraph (a) of that Part—

- (a) in item (iv), by the substitution for the words "gold coins and temporary import of any plant, machinery or equipment or any goods to be used as exhibition materials or as materials in any technical demonstration, and which are re-exported within twelve months from the date of import;" of the words "gold coins (effective from 17.07.2007);";
- (b) in item (xii) by the substitution for the words "yarn and dyes used for handloom industry and" of the words "yarn used for the textile industry and dyes used for the handloom industry, as identified under the Harmonized Commodity Description and Coding System Numbers for Customs purposes, and (effective from 01.01.2008)";

- (2) in paragraph (b) of that Part—
- (a) in item (i) (a) thereof, by the substitution for the words "education service by an education" of the words "education service by an education (effective from 01.01.2006)";
 - (b) by the repeal of item (xii) and the substitution therefor of the following:—
 - "(xii) all healthcare services provided by medical institutions or professionally qualified persons providing such care (effective from 01.07.2007)";
 - (c) by the addition immediately after item (xxi), the following:—
 - "(xxii) clay roof tiles (effective from 01.07.2007) or chemical naphtha (effective from 17.07.2007), to the extent that such clay roof tiles or chemical naphtha are manufactured in Sri Lanka;
 - (xxiii) unprocessed agricultural, horticultural or fishing products produced in Sri Lanka, including the local supply of unprocessed agricultural, horticultural or fishing products where value added tax has not been collected or paid to the Department of Inland Revenue on or after 01.07.2007;
 - (xxiv) unprocessed prawns produced in Sri Lanka, including the local supply of unprocessed prawns, where value added tax has not been collected or paid to the Department of Inland Revenue on or after January 1, 2004 (effective from 01.01.2008);

6 *Value Added Tax (Amendment) Act, No. 15 of 2008*

- (xxv) imported rattans (effective from 01.07.2007);
 - (xxvi) locally produced dairy products out of locally produced fresh milk in so far as such milk is produced in Sri Lanka and locally produced rice products containing rice produced in Sri Lanka (effective from 01.01.2008); and
 - (xxvii) locally manufactured sugar (effective from 01.01.2008).";
- (3) in paragraph (c) of that Part, by the addition immediately after item (xviii) of the following:—

- "(xix) (a) plant, machinery or equipment of high value to be used for any project; or
- (b) goods to be used as exhibition material or as materials in any technical demonstration.

and which are re-exported after the completion of such project, exhibition or demonstration, as the case may be, and in respect of which tax is differed in terms of paragraph (b) of the second proviso to subsection (3) of section 2 (effective from 17.07.2007);

- (xx) aircraft engines or aircraft spare parts identified under specified Harmonized Commodity Description and Coding System Numbers for Customs purposes (effective from 17.07.2007);

- (xxi) rattans under HS Code No. 1401.20 (effective from 01.07.2007);
 - (xxii) plant and machinery by an undertaking qualified for a tax holiday under section 24c of the Inland Revenue Act, No. 10 of 2006, for use by such undertaking for the purpose of manufacturing or for the provision of services. (effective from 01.01.2008)";
 - (xxiii) goods for any strategic development project or specified project referred to in paragraph (f) with the approval of the Minister of Finance.”;
- (4) by the insertion immediately after paragraph (e) of that Part, the following new paragraph :—

"(f) the supply of —

- (i) goods or services to any project identified as a Strategic Development Project, in terms of section 3(4) of the Strategic Development Projects Act, No. 14 of 2008 (effective from 01.01.2008); or
- (ii) goods or services to any specified project identified by the Minister in charge of the subject of Finance, taking into consideration the economic benefit to the country, on which project the tax is borne by the Government (effective from 01.01.2008) ; or
- (iii) goods or services by any co-operative society registered under the Co-operative Societies Law, No. 5 of 1972 (effective from 01.01.2008).".

Replacement
of Third
Schedule to
the principal
enactment.

10. The Third Schedule to the principal enactment is hereby repealed and the following Schedule substituted therefor:—

“THIRD SCHEDULE

BASIC RATE

- (a) the supply or import of—
- (i) Sugar upto December 31, 2007;
 - (ii) Dhall;
 - (iii) Potatoes upto June 30, 2007;
 - (iv) Onions upto June 30, 2007;
 - (v) Dried fish;
 - (vi) Chillies;
 - (vii) Hi-tech medical equipment or any machinery used for the manufacture of ticket issuing machinery, identified by the Commissioner-General of Inland Revenue under the Harmonized Commodity Description and Coding System Numbers, for Customs purposes;
 - (viii) Jewellery ;

[The import or supply of goods referred to in items (i) and (ii) of this Schedule shall be deemed for all purposes to have been exempt from Value Added Tax from October 1, 2004 to November 18, 2004.]

- (b) the import of—
- (i) Cine Films, cinematographic films exposed or developed, magnetic cine sound recorders, cinematographic cameras and projector parts

and accessories, apparatus and equipment for cinematographic laboratories, electric filament or discharge lamps and arc lamp carbon, identified by the Commissioner-General of Inland Revenue under the Harmonized Commodity Description and Coding System Numbers, for Customs purposes with the approval of the Chairman, National Film Corporation;

- (ii) Sugar (effective from 01.01.2008);
- (iii) Canned Fish, Chick Peas, Green Gram (effective from 05.06.2007);
- (iv) Potatoes (effective from 01. 07. 2007);
- (v) Onions (effective from 01. 07. 2007)."

11. The amendments made to—

Retrospective effect.

- (1) subsection (3) of section 2 of the principal enactment by section 2 of this Act, shall be deemed for all purposes to have come into operation from July 17, 2007;
- (2) subsection (6) and subsection (10) of section 22 of the principal enactment by section 3 of this Act, shall be deemed for all purposes to have come into operation from January 1, 2008;
- (3) section 25H [addition of new subsection (4) of the principal enactment by section 6 of this Act, shall be deemed for all purposes to have come into operation from January 1, 2007;
- (4) subsection (1) of section 26A of the principal enactment by section 7 of this Act, shall be deemed for all purposes to have come into operation from January 1, 2008;

10 *Value Added Tax (Amendment) Act, No. 15 of 2008*

- (5) section 48A [replacement of section] of the principal enactment by section 8 of this Act, shall be deemed for all purposes to have come into operation from January 1, 2006.

Indemnity.

12. Any person who collects the value added tax as provided for in this Act during the period commencing July 1, 2007 and ending on the date of the coming into operation of this Act, shall be deemed to have acted with due authority and such collection shall be deemed to have been, and to be, validly made and such person is hereby indemnified against all actions civil or criminal, in respect of such collection.

Sinhala text to prevail in case of inconsistency.

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

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**COMMISSIONS OF INQUIRY (AMENDMENT)
ACT, No. 16 OF 2008**

[Certified on 05th March, 2008]

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 March 07, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 7.00

Postage : Rs. 5.00

*Commissions of Inquiry (Amendment)
Act, No. 16 of 2008*

[Certified on 05th March, 2008]

L.D.—O. 17/2007.

AN ACT TO AMEND THE COMMISSIONS OF INQUIRY ACT
(CHAPTER 393)

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

1. This Act may be cited as the Commissions of Inquiry (Amendment) Act, No. 16 of 2008. Short title.

2. Section 2 of the Commissions of Inquiry Act, (Chapter 393) (hereinafter referred to as “the principal enactment”) is hereby amended as follows :— Amendment of section 2 of Chapter 393.

(1) in subsection (1) thereof, by the substitution for the words “an inquiry” of the words “an investigation or inquiry or both where appropriate” ;

(2) by the repeal

of paragraphs (a), (b) and (c) of subsection (1) thereof, and the substitution therefor of the following :—

“(a) the administration, management and functions of any department of Government, any statutory body, any public or local authority or any other institution ; or

(b) the conduct of any public officer, an employee of a statutory body, any public or local authority or any institution ; or

(c) any matter or incident in respect of which an investigation or inquiry or both an investigation and inquiry, as the case may be, will in his opinion, be in the national interest or for public safety or wellbeing.”;

(3) in subsection (1) thereof, by the substitution for the words “to inquire into and report upon such administration, conduct or matter.” of the words “to

2 *Commissions of Inquiry (Amendment)*
Act, No. 16 of 2008

investigate or inquire or to both investigate and inquire, as the case may be, and report upon such administration, management, functions, conduct, matter or incident ;

(4) by the addition immediately after subsection (2) thereof, of the following subsections :—

“(3) A member of the Commission appointed by Warrant issued under subsection (1) shall be removed, only if the President is satisfied that such member:—

(a) has abused or misused his office as a member or has abused or misused the powers conferred on him under this Act or by the Warrant appointing the Commission ;

(b) has engaged in bribery or corruption ; or

(c) is suffering from mental or physical infirmity.

(4) Upon the removal of a member in terms of subsection (3) the President shall forthwith report such fact to Parliament stating therein the reasons for the removal of such member.

(5) Where the Commission consists of more than one member, not less than one half of the total number of members present, (which shall include the Chairman of the Commission) may, notwithstanding any vacancy in the membership of the Commission, exercise the powers of the Commission under this Act.

(6) The reports of the Commission shall contain the views of all the members of the Commission, including dissenting views if any and such reports shall be signed by all the members save and except

where a member of the Commission dies, resigns, desires to be discharged, refuses or becomes unable to act as a member of the Commission or to place his signature in such report.”.

3. Section 5 of the principal enactment is hereby repealed and the following is substituted therefor :—

Replacement of section 5 of the principal enactment.

“Alteration or revocation of warrant. 5. The President may, at any time alter or revoke any warrant issued under this Act.”.

4. Section 7 of the principal enactment is hereby amended as follows :—

Amendment of section 7 of the principal enactment.

(1) by the re-numbering of that section as subsection (1) of that section ;

(2) by the insertion immediately after paragraph (b) of the re-numbered subsection (1) of that section of the following new paragraphs :—

“(bb) to make an application to any Court of law or any tribunal to obtain certified copies of any proceedings of any case, any document or any certified copy of such document or of any other material filed or recorded in such court of law or tribunal ;

(bbb) to require any person to produce any document, a certified copy thereof or any other material which is in his possession or custody ;

(bbbb) to require any person to provide to the Commission any information in writing which he is likely to possess;”.

(3) by the addition immediately after the re-numbered subsection (1) of that section, of the following new subsection :—

“(2) Where any report is rendered in terms of any Warrant issued to a Commission appointed

under this Act, such Commission may make recommendations to the relevant disciplinary authority with regard to the action that it considers necessary to be taken in respect of any person whose conduct is the subject of the inquiry or investigation or who is in any way implicated or concerned in the matter which such Commission was warranted to investigate or inquire into”.

Insertion of sections 23, 24, 25 and 26 in the principal enactment.

5. The following new sections are hereby inserted immediately after section 22 of the principal enactment and shall have effect as sections 23, 24, 25 and 26 of that enactment :—

“Assistance of public officers in investigations or inquiries.

23. Where a Commission of Inquiry appointed in terms of this Act, has been required by the President to conduct an investigation or inquiry or both an investigation and inquiry into any matter or incident, notwithstanding the generality of the powers conferred on such Commission, it shall be entitled to obtain the assistance of a public officer selected by the Commission, with the concurrence of the relevant appointing authority, and through such officer cause the conduct of investigations into any relevant matter or incident under its direction and supervision

Provided however, the Commission shall not arrive at any conclusion on such matter or incident investigated into, unless the Commission has examined the material collected in the course of such investigation and inquired into such matter or incident, observing the rules of natural justice.

Institution of Criminal Proceedings.

24. Notwithstanding anything to the contrary in the Code of Criminal Procedure Act, No. 15 of 1979 or any other law, it shall be

lawful for the Attorney-General to institute criminal proceedings in a court of law in respect of any offence, based on material collected in the course of an investigation or inquiry or both an investigation and inquiry, as the case may be, by a Commission of Inquiry appointed under this Act.

Commission to make rules.

25. (1) A Commission of Inquiry appointed under this Act, shall subject to the provisions of this Act and any other law, with the approval of the Minister, have the power to make rules relating to the organizational structure, mandates of subordinate structures and functions of officers of the Commission.

(2) The Commission shall subject to the rules made under subsection (1) and be governed by such rules.

(3) The Commission may from time to time amend the rules made under subsection (1).

(4) The rules made by the Commission shall as soon as practicable be published in the *Gazette*.

Powers of the Attorney-General.

26. (1) In the conduct of an inquiry or investigation under the provisions of this Act, the Attorney-General may—

- (a) appear before any Commission ;
- (b) place before the Commission any evidence or other material, which in the opinion of the Attorney-General is relevant to the investigation or inquiry as the case may be ;
- (c) examine any witness summoned by the Commission if it appears to him that

*Commissions of Inquiry (Amendment)
Act, No. 16 of 2008*

the evidence of such witness is material to, or has disclosed information relevant to, the investigation or inquiry as the case may be.

(2) On a request made by the Attorney-General, the Commission shall make available to the Attorney-General copies of all statements and testimonies recorded and any other material collected or received by such Commission in the course of the conduct of such inquiry or investigation as the case may be.”.

Sinhala text to prevail in case of inconsistency.

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

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**PARLIAMENTARY STAFF BUDDHIST
ASSOCIATION (INCORPORATION)
ACT, No. 17 OF 2008**

[Certified on 13th March, 2008]

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 March 14, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 6.00

Postage : Rs. 5.00

*Parliamentary Staff Buddhist Association
(Incorporation) Act, No. 17 of 2008*

[Certified on 13th March, 2008]

L.D.—O. (INC) 28/2005.

AN ACT TO INCORPORATE THE PARLIAMENTARY STAFF BUDDHIST
ASSOCIATION

WHEREAS an association called and known as the **Preamble.**
“Parliamentary Staff Buddhist Association” has heretofore
been formed for the purpose of effectually carrying out the
objects of the said Association and transacting all matters
connected with the said Association according to the rules
agreed to, by its members :

AND WHEREAS the said Association has heretofore
successfully carried out and transacted the several objects
and matters for which it was formed and has applied to be
incorporated and it will be for the public advantage to grant
the application :

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

1. This Act may be cited as the **Short title.**
Parliamentary Staff Buddhist Association (Incorporation) Act, No. 17 of 2008.

2. From and after the date of commencement of this Act, **Incorporation of
the Parliamentary
Staff Buddhist
Association.**
such and so many persons as now are members of the
Parliamentary Staff Buddhist Association (hereinafter referred
to as the “Association”) or shall hereafter be admitted as a
body corporate with perpetual succession under the name and
style of the “Parliamentary Staff Buddhist Association”
(hereinafter referred to as the “Corporation”) and by that name
may sue and be sued with full power and authority to have
and use a common seal and to alter the same at its pleasure.

3. The **General objects of
the Corporation.**
general objects for which the Corporation is
constituted are hereby declared to be—

- (a) to protect Buddhism and Buddhist culture and to
guide the members in the performance of Buddhist
activities ;

2 *Parliamentary Staff Buddhist Association
(Incorporation) Act, No. 17 of 2008*

- (b) to initiate and continue of Dana, Sheela and Bhavana practices and similar programmes to enable the members and their families to lead a righteous way of life ;
- (c) to take necessary steps to foster Buddhist activities through print and electronic media ; and
- (d) to cooperate with other local or foreign organizations having similar objectives in the performance of Buddhist activities.

General powers of the Corporation.

4. Subject to the provisions of this Act and any other written law, the Corporation shall have the power to do, perform and execute all such acts, matters and things as are necessary or desirable for the promotion or furtherance of objects of the Corporation or any one of them, including the power to open, operate and close bank accounts, to borrow or to raise money with or without security, to receive or collect grants, donations, to invest its funds and to engage, employ and dismiss officers and servants required for the carrying out of the objects of the Corporation.

Management of the affairs of the Corporation.

5. (1) The affairs of the Corporation shall subject to the rules made in accordance with section 6 of the Corporation be administered by a Committee of Management.

(2) The Committee of Management shall comprise a President, Vice President, Secretary, Assistant Secretary, Treasurer, Chief Organizer and twenty one Committee members.

(3) The first Committee of Management shall be the Committee of Management of the Association holding office on the day immediately preceding the date of commencement of this Act.

Rules of the Corporation.

6. (1) It shall be lawful for the Corporation from time to time, at any general meeting of the members and by a majority of not less than two thirds of the members present and voting, thereat to make rules not inconsistent with the provisions of this Act, or any other written law, for the admission, withdrawal,

resignation, retirement or expulsion of members, for the election of the Committee of Management and for the conduct of the duties of the Committee of Management and of the various officers, servants and agents of the Corporation, for the procedure to be followed in the transaction of business, at meetings of the Committee of Management and Corporation and otherwise generally for the management of the affairs of the Corporation and the attainment of its objects.

(2) Any rule made by the Corporation may be amended, altered, added to, or rescinded at a like meeting and in a like manner as a rule made under subsection (1):

Provided however, that no such alteration, addition, amendment or rescission shall have effect unless approved by the Committee of Management.

(3) The members of the Corporation shall be subject to the rules of the Corporation.

7. (1) The Committee of Management of the Corporation shall cause proper books of accounts to be kept of the income and expenditure of the Corporation. Accounts and Audits.

(2) The accounts of the Corporation shall be audited by a qualified auditor appointed by the Committee of Management.

(3) In this section "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 practice as an accountant issued by the Council of such institute ; or
- (b) a firm of 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 practice as an Accountant issued by the Council of such institute.

4 *Parliamentary Staff Buddhist Association
(Incorporation) Act, No. 17 of 2008*

Corporation may hold property movable or immovable.

8. The Corporation shall be able and capable in law to acquire and hold property movable or immovable which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition or otherwise and all such property shall be held by the Corporation for the purpose of this Act, and subject to the rules of the Corporation with full power to sell, mortgage, lease, exchange or otherwise dispose of same.

Seal of the Corporation.

9. The Seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of the President and another member of the Committee of Management authorized for that purpose under the rules of the Corporation in operation at the time who shall place their Signature to the instrument in token of their presence and such signing shall be independent of the signing of any person as a witness.

Fund of the Corporation.

10. (1) The Corporation shall have its own fund and all moneys, heretofore or thereafter received by way of gift, bequest, subscription, fees or grants for and on account of the Corporation shall be deposited in one or more banks as may be determined by the Committee of Management.

(2) There shall be paid out of the funds any expenditure incurred by the Corporation in the exercise, performance and discharge of its powers, duties and functions under this Act.

Debts due by and payable to the Corporation.

11. All debts and liabilities of the Association existing on the day preceding the date of commencement of this Act, shall be paid by the Corporation thereby constituted and all debts due to, subscriptions and contributions payable to the Association on such day shall be paid to the Corporation for the purpose of this Act.

Property remaining on dissolution.

12. If upon the dissolution of the Corporation, there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, such property shall not be distributed among the members of the Corporation, but shall be given or transferred to some other Association or Associations having objects similar to the objects of the

Corporation, and which is or are, by the rules thereof prohibited from distributing any income or property among its or their members. Such Association or Associations shall be determined by the members of the Corporation at, or immediately before, the time of the dissolution of the Corporation.

13. Nothing in this Act shall prejudice or affect the rights of the Republic, or of any body politic or corporate. **Savings of the rights of the Republic and others.**

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.**

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign). Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, NO. 163, KIRULAPONA MAWATHA, POLIENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**SRI RATHNAJOTHI COMMUNITY
DEVELOPMENT AND SOCIAL FOUNDATION
(INCORPORATION) ACT, No. 18 OF 2008**

[Certified on 26th March, 2008]

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 March 28, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 7.00

Postage : Rs. 5.00

*Sri Rathnajothis Community Development and
Social Foundation (Incorporation)
Act, No. 18 of 2008*

[Certified on 26th March, 2008]

L.D.—O. (INC) 13/2006

**AN ACT TO INCORPORATE THE SRI RATHNAJOTHI COMMUNITY
DEVELOPMENT AND SOCIAL FOUNDATION**

WHEREAS a Foundation called and known as the “Sri Rathnajothis Community Development and Social Foundation” has heretofore been established in Sri Lanka for the purpose of effectually carrying out and transacting all objects and matters connected with the said Foundation according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said Foundation has heretofore successfully carried out and transacted the several objects and matters for which it was established and has applied to be incorporated, and it will be for the public advantage to grant said application :

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

1. This Act may be cited as the Sri Rathnajothis Community Development and Social Foundation (Incorporation) Act, No. 18 of 2008.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the “Sri Rathnajothis Community Development and Social Foundation” or shall hereafter be admitted members of the Corporation hereby constituted, shall be a body corporate (hereinafter referred to as the “Corporation”) with perpetual succession, under the name and style of the “Sri Rathnajothis Community Development and Social Foundation” and by that name may sue and be sued, in all courts, with full power and authority to have and to use a common seal and to alter the same at its discretion.

Incorporation of
Sri Rathnajothis
Community
Development
and Social
Foundation.

2 *Sri Rathnajothe Community Development and
Social Foundation (Incorporation)
Act, No. 18 of 2008*

General objects
of the
Corporation.

3. The general objects for which the Corporation is constituted are hereby declared to be—

- (a) to develop the moral foundation of the community and to follow relevant measures in this regard ;
- (b) to implement programmes in respect of pre-schools, day-care centres, children's homes and child education ;
- (c) to assist in whatever ways possible to enhance the welfare and benefits of Sri Lankan students who unable to pursue their education due to poverty and disability ;
- (d) to establish libraries and organize necessary classes, lectures, seminars, conferences, workshops, discussions, dialogues, educational tours, exhibitions and publish newspapers and magazines with a view to ensure development of education ;
- (e) to help the poor, the elderly, the destitute and people with physical and mental disabilities by providing housing and other essential facilities to them ;
- (f) to inaugurate language training and vocational training courses in order to deploy the youth in productive services ;
- (g) to provide facilities to the youth to engage in income generating activities and to continue to give them necessary assistance in this regard ;
- (h) to implement programmes in relation to child health, adult health, disease control, clinics, exercises, sports and medical aid with a view to ensure welfare of the community ;

Sri Rathnajothi Community Development and Social Foundation (Incorporation) Act, No. 18 of 2008 3

- (i) to provide shramadana and similar voluntary services for the social development activities specially among the low-income groups and to inaugurate and carry out pilot projects in this regard ;
- (j) to assist persons with no regular employment to engage in any industry or trade or to commence and operate agricultural, industrial or commercial ventures and to organize training programmes and propaganda activities to help them to make use of the modern technological devises in this regard ; and
- (k) to collaborate with any other institutions whether foreign or local, having objects similar to those of the Corporation ;

4. Subject to the provisions of this Act, and any other written law, the Corporation shall have the power to do, perform and execute all such acts, matters and things whatsoever, as are necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them, including the power to open, operate and/or close bank accounts, to borrow and raise moneys with or without security, to receive or collect grants and donations, to invest its funds, and to engage, employ and dismiss personnel required for the carrying out of the objects of the Corporation.

General powers of the Corporation.

5. (1) The affairs of the Corporation shall, subject to the rules of the Corporation, be administered by a Board of Directors (hereinafter referred to as 'Board') consisting of the President, two Vice Presidents, the General Secretary, the Treasurer, the Auditor and eight other members elected by the members in accordance with the rules of the Corporation.

Management of the affairs of the Corporation.

(2) Notwithstanding anything to the contrary in subsection (1) of this section, the Chief Incumbant or a resident bikku of the kuli / Diyakadimulla Sripathi Pitivena shall be the President of the Board until he resigns or vacates such office.

4 *Sri Rathnajothis Community Development and
Social Foundation (Incorporation)
Act, No. 18 of 2008*

(3) The first Board of Directors of the Corporation shall be the Board of Directors of the Foundation holding office on the day preceding the date of commencement of this Act.

**Rules of the
Corporation.**

6. (1) It shall be lawful for the Corporation from time to time, at any general meeting to make rules by the votes of two-thirds of the members present and voting, not inconsistent with the provisions of this Act or any other written law for all or any one of the following matters :—

- (a) the classification of membership and the admission, withdrawal or expulsion of members ;
- (b) the election of the office-bearers of the Board who shall be a President, two Vice presidents, General Secretary, Treasurer and Auditor and eight other Executive Committee Members who shall be members of the Board of Directors ;
- (c) the powers, conduct, duties and functions of various officers, agents and servants of the Corporation ;
- (d) the procedure to be observed at meetings of the Board, the summoning and holding of meetings of the Board, times, places, notices and agenda of such meetings, the quorum therefor and the conduct of business thereat ;
- (e) the administration and management of the property of the Corporation ; the custody of its funds and maintenance and audit of its accounts ; and
- (f) generally, the management of the affairs of the Corporation.

(2) any rule made by the Corporation may be amended, altered, added to or rescinded at a like meeting and in like manner as a rule made under subsection (1) ;

(3) The members of the Corporation shall be subject to the rules of the Corporation.

Sri Rathnajothe Community Development and Social Foundation (Incorporation) Act, No. 18 of 2008 5

7. The Board shall cause to be maintained a register in which every person, who, on the date of commencement of this Act, is a member of the Corporation, and every person thereafter duly admitted a member of the Corporation shall have inscribed in such register his name, address and such other particulars as may be prescribed under the rules of the Corporation.

Register of members.

8. (1) The Corporation shall have its own fund and all the monies received by way of gift, bequest, donation, subscription, fees or grants for and on account of the Corporation shall be deposited to the credit of the Corporation in one or more banks as the Board of Directors shall determine.

Fund of the Corporation.

(2) There shall be paid out of the fund of the Corporation all sums of money to defray any expenditure incurred by the Corporation in the exercise, performance and discharge of its powers, duties and function under this Act.

9. The Board shall cause proper books of accounts to be kept of all sums of money received and expended by the Corporation and the accounts of the Corporation shall be examined and audited once at least every year and the balance sheet of the Corporation shall be certified by one or more auditor or auditors who is or are a member or members of the Institute of Chartered Accountants of Sri Lanka.

Accounts of the Corporation.

10. All debts and liabilities of the Foundation existing at the time of the coming into operation of this Act shall be paid and discharged by the Corporation hereby constituted, and all debts due to, and subscriptions and contributions payable to the Foundation on the day shall be paid to the Corporation for the purposes of this Act.

Debts due by and payable to the Foundation.

11. The moneys and property of the Corporation however derived shall be applied solely towards the promotion of its objects as set forth herein and no portion thereof shall be paid, or transferred directly or indirectly by way of dividend, bonus, profit or otherwise howsoever to the members of the Corporation

Application of moneys and property.

6 *Sri Rathnajothe Community Development and
Social Foundation (Incorporation)
Act, No. 18 of 2008*

Corporation may hold property movable and immovable.

12. The Corporation shall be able and capable in law to take and hold any property, movable or immovable, which may become vested in it by virtue of any purchase, grant, gifts, testamentary disposition or otherwise and all such property shall be held by the Corporation for the purposes of this Act and subject to the rules of the Corporation, with full power to sell, mortgage, lease exchange or otherwise dispose of the same.

Seal of the Corporation.

13. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the President and the Secretary or the Treasurer who shall sign their names to the instrument in token of their presence and such signing shall be independent of the signing of any person as a witness.

Liability of members.

14. No member of the Corporation shall, for the purpose of discharging the debts or liabilities of the Corporation or for any other purpose of this Act, be liable to make any contribution exceeding the amount of such member's one year's membership fees for the time being.

Dissolution or winding up.

15. In the event of the dissolution or winding up of the Corporation, if there remains after the satisfaction for all its debts and liabilities and outgoings, any property whatsoever, such property shall not be distributed among the members of the Corporation but the same shall be given or transferred to some institution or institutions having objects similar to the objects of the Corporation and which is or are by the rules thereof prohibited from distributing any income or property among its or their members at the discretion of the Board of Directors of the Corporation. If such property or any part thereof cannot be disposed of in accordance with the foregoing provisions or this section such property or part thereof shall be applied to some charitable object which shall be determined by the Board of Directors of the Corporation.

Sri Rathnajothi Community Development and Social Foundation (Incorporation) - Act, No. 18 of 2008 **7**

16. Nothing in this Act contained shall prejudice or affect the rights of the Republic or of anybody politic or corporate or of any other persons.

Saving of the rights of the Republic and others.

17. 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.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign). Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHIA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**K. R. G. WIJESUNDARA NATIONAL AND
EMPLOYEES WELFARE FOUNDATION
(INCORPORATION) ACT, No. 19 OF 2008**

[Certified on 26th March, 2008]

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 March 28, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 7.00

Postage : Rs. 5.00

*K. R. G. Wijesundara National and Employees
Welfare Foundation (Incorporation)
Act, No. 19 of 2008*

[Certified on 26th March, 2008]

L.D.—O. (INC.) 17/2006.

AN ACT TO INCORPORATE THE K. R. G. WIJESUNDARA NATIONAL AND
EMPLOYEES WELFARE FOUNDATION

WHEREAS an Association called and known as the “K. R. G. Wijesundara National and Employees Welfare Foundation” has heretofore been formed in Sri Lanka for the purpose of effectually carrying out and transacting all objects and matters connected with the said Association according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said Association has heretofore successfully carried out and transacted the several objects and matters for which it was formed and has applied to be incorporated and it will be for the public advantage to grant the application :

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

1. This Act may be cited as the K. R. G. Wijesundara National and Employees Welfare Foundation (Incorporation) Act, No. 19 of 2008.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the K. R. G. Wijesundara National and Employees Welfare Foundation (hereinafter referred to as the “Foundation”) and such other persons shall hereafter be admitted as members of the Corporation hereby constituted, shall be a body corporate with perpetual succession, under the name and style of the “K. R. G. Wijesundara National and Employees Welfare Foundation” (hereinafter referred to as “the Corporation”) and by that name may sue and be sued, with full power and authority to have and use a common seal and to alter the same at its pleasure.

Incorporation of the K. R. G. Wijesundara National and Employees Welfare Foundation.

2 *K. R. G. Wijesundara National and Employees
Welfare Foundation (Incorporation)
Act, No. 19 of 2008*

General objects
of the
Corporation.

3. The general objects for which the Corporation is constituted are hereby declared to be—

- (a) to work for the creation of a disciplined and morally sound society in Sri Lanka and specially among the members of the Corporation and to promote healthy and economic environment ;
- (b) to ensure the welfare of the members of Corporation and their families ;
- (c) to provide assistance to the people when natural or national disaster occur ;
- (d) to award prizes, certificates, scholarships and provide other assistance to deserving students in educational institutions which are identified by the Corporation ;
- (e) to contribute to educational and sports activities and to construct buildings and provide other facilities to under-developed schools particularly to the Nugawela Madhya Maha Vidyalaya ;
- (f) to open savings accounts with initial deposits of such sums as may be determined by the Corporation, for minor children of the members of the Corporation ;
- (g) to provide financial and other assistance to members of the Corporation for functions and ceremonies that take place within their families ;
- (h) to negotiate bank loans for housing needs of the members of the Corporation on the security of the assets of the Corporation ;
- (i) to contribute towards retirement schemes for the members of the Corporation ;

K. R. G. Wijesundara National and Employees Welfare Foundation (Incorporation) Act, No. 19 of 2008 3

- (j) to establish and maintain retirement homes and contribute towards their basic needs ;
- (k) to launch self-employment and vocational training centres, for the benefit of youths from the families of the members of the Corporation ; and
- (l) to serve the people without any discrimination of race or religion and to assist in creating a better nation.

4. (1) The management and administration of the affairs of the Corporation shall subject to the provisions of this Act and the rules of the corporation made under section 6 be administered by a Council (hereinafter referred to as the "Council") consisting of a Chairman, two Vice Chairmen, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer and such number of elected Committee members.

Management of the affairs of the Corporation.

(2) Notwithstanding anything to the contrary in subsection (1) Mr. K. R. G. Wijesundara, Founder of the Foundation and head of the Vijaya Group of Companies shall be the first Chairman of the Council and shall hold office for life.

(3) Notwithstanding anything to the contrary in subsection (1), after the demise of Mr. K. R. G. Wijesundara, his wife Mrs. N. P. W. P. Wijesundara shall, if she survives and succeed him as, the Chairperson of the Council and shall hold office for life.

(4) The members of the Council of the Foundation who are holding office on the day immediately preceding the date of commencement of this Act, shall be the first members of the Council of the Corporation and shall hold office until a Council is elected as provided under the provisions of this Act.

4 *K. R. G. Wijesundara National and Employees
Welfare Foundation (Incorporation)
Act, No. 19 of 2008*

**Powers of the
Corporation.**

5. Subject to the provisions of this Act and any other written law, the Corporation shall have the power to do, perform and execute all such acts and matters as are necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them, including the power—

- (a) to purchase, acquire, rent, construct and otherwise obtain lands or buildings which may be required for the purposes of the Corporation ;
- (b) to raise funds and receive grants, gifts or donations in cash or kind ;
- (c) to make, draw, accept, discount, endorse, negotiate, buy, sell and issue bills of exchange, cheques, promissory notes and other negotiable instruments and to open, operate, maintain and close accounts in any bank ;
- (d) to invest any funds that are not immediately required for the purposes of the Corporation, in such manner as the Council may determine ;
- (e) to appoint, employ, dismiss or terminate the services of officers and servants of the Corporation and exercise disciplinary control over them and to pay them such salaries, allowances and gratuities as may be determined by the Corporation ;
- (f) to train personnel in Sri Lanka or abroad for the purpose of the Corporation ; and
- (g) to do all other things as are necessary or expedient for the proper and effective carrying out of the objects of the Corporation.

K. R. G. Wijesundara National and Employees Welfare Foundation (Incorporation) 5
Act, No. 19 of 2008

6. (1) It shall be lawful for the Corporation, from time to time, at any general meeting of the Corporation and by a majority of not less than two-thirds of the members present and voting, to make rules, not inconsistent with the provisions of this Act or any other written law, for all or any of the following matters :—

Rules of the Corporation.

- (a) the classification of membership, admission, withdrawal, expulsion or resignation of members and fees payable by each class of members ;
- (b) the election of office bearers of the Council or vacation of or removal from office and the powers, duties and conduct of the office bearers ;
- (c) the appointment, powers, functions and duties and the terms and conditions of the various officers, agents and servants of the Corporation ;
- (d) the procedure to be followed at the summoning and holding of meetings of the Council, the Corporation or any sub-Committee thereof, filling of vacancies, notices and agendas of such meetings, the quorum and the conduct of business thereat ;
- (e) the qualifications and disqualifications for members of the Council and of the Corporation ; and,
- (f) the administration and management of the property of the Corporation for the accomplishment of the objects of the Corporation.

(2) Any rule made by the Corporation may be amended, altered, added to or rescinded at a meeting and in like manner, as a rule made under subsection (1) of this section.

(3) The members of the Corporation shall at all times be subject to the rules of the Corporation.

6 *K. R. G. Wijesundara National and Employees
Welfare Foundation (Incorporation)
Act, No. 19 of 2008*

Fund of the
Corporation.

7. (1) The Corporation shall have a fund called the “Wijesundara Foundation Trust Fund” (hereinafter referred to as the “Fund”).

(2) There shall be paid into the Fund all such sums of money received by the Council as may be received by way of gift, bequest, donation, subscription, contribution, fees or grants for and on account of the Corporation.

(3) There shall be paid out of the Fund all such sums of money as required to defray any expenditure incurred by the Council in the exercise, performance and discharge of its powers, duties and functions under this Act.

Accounts and
Auditing.

8. (1) The financial year of the Corporation shall be the calendar year.

(2) The Corporation shall cause proper accounts to be kept of its income and expenditure, assets and liabilities and all other transactions of the Corporation.

(3) The accounts of the Corporation shall be audited annually by a qualified auditor appointed by the Council.

(4) In this section “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 practice as an Accountant issued by the Council of such Institute ; or
- (b) a firm of 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 practice as an Accountant issued by the Council of such Institute.

K. R. G. Wijesundara National and Employees 7
Welfare Foundation (Incorporation)
Act, No. 19 of 2008

- 9.** All debts and liabilities of the Foundation existing on the day immediately preceding the date of commencement of this Act, shall be paid by the Corporation hereby constituted and all debts due to and subscriptions and contributions payable to the Foundation on that day shall be paid to the Corporation for the purposes of this Act. Debts due by and payable to the Foundation.
- 10.** No member of the Corporation shall, for the purpose of discharging the debts and liabilities of the Corporation, or for any other purpose, be liable to make any contribution exceeding the amount of such membership fees as may be due from them to the Corporation. Limitation of liability of members.
- 11.** If upon the dissolution of the Corporation, there remains after the satisfaction of all its debts and liabilities, any property whatsoever, such property shall not be distributed among the members of the Corporation, but shall be given or transferred to some other institution or institutions having objects, similar to those of the Corporation and which is or are by the rules prohibited from distributing any income or property among their members. Such institution or institutions shall be determined by the members of the Corporation at or immediately before the time of dissolution of the Corporation. Property remaining on dissolution.
- 12.** The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of two members of the Council of the Corporation and who shall sign their names to the instrument in token of their presence and such signing shall be independent of the signing of any person as a witness. Seal of the Corporation.
- 13.** Nothing in this Act contained shall prejudice or affect the rights of the Republic of any body politic or corporation. Saving of the rights of the Republic and others.
- 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.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**TERMINATION OF EMPLOYMENT OF
WORKMEN (SPECIAL PROVISIONS)
(AMENDMENT) ACT, No. 20 OF 2008**

[Certified on 28th March, 2008]

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 March 28, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 6.00

Postage : Rs. 5.00

*Termination of Employment of Workmen
(Special Provisions) (Amendment)
Act, No. 20 of 2008*

[Certified on 28th March, 2008]

L.D.—O. 17/2006.

AN ACT TO AMEND THE TERMINATION OF EMPLOYMENT OF WORKMEN
(SPECIAL PROVISIONS) ACT, NO. 45 OF 1971

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

1. This Act may be cited as the Termination of Employment of Workmen (Special Provisions) (Amendment) Act, No. 20 of 2008. Short title.

2. Section 6B of the Termination of Employment of Workmen (Special Provisions) Act, No. 45 of 1971 (hereinafter referred to as the “principal enactment”) is hereby amended in subsection (1) thereof, by the substitution for the words “within three months of the termination” of the words “within six months of the termination”. Amendment of section 6B of Act No. 45 of 1971.

3. Section 6C of the principal enactment is hereby amended by the substitution for the words and figures “under subsection (2) of section 6 or section 6A” of the words and figures “under section 6 or section 6A”. Amendment of section 6C of the principal enactment.

4. Section 7 of the principal enactment is hereby amended as follows :— Amendment of section 7 of the principal enactment.
 - (a) in subsection (1) of that section by the substitution for the words and figures “an order made under subsection (2) of section 6 or section 6A” of the words and figures “an Order made under section 6 or section 6A”;
 - (b) in subsection (2) of that section by the substitution for the words and figures “an order made under subsection (2) of section 6 or section 6A” of the words and figures “an Order made under section 6 or section 6A”; and

2 *Termination of Employment of Workmen
(Special Provisions) (Amendment)
Act, No. 20 of 2008*

- (c) in the marginal note of that section, by the substitution for the words and figure “the provisions of section 6” of the words and figures “an Order made under section 6 or 6A”.

Sinhala text to prevail in case of inconsistency.

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

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLIENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**INDUSTRIAL DISPUTES (AMENDMENT)
ACT, No. 21 OF 2008**

[Certified on 28th March, 2008]

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 March 28, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 6.00

Postage : Rs. 5.00

*Industrial Disputes (Amendment)
Act, No. 21 of 2008*

[Certified on 28th March, 2008]

L. D. — O. 19/2006.

AN ACT TO AMEND THE INDUSTRIAL DISPUTES ACT

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

1. This Act may be cited as the Industrial Disputes (Amendment) Act, No. 21 of 2008 Short title.

2. Section 31B of the Industrial Disputes Act as last amended by Act, No. 11 of 2003 is hereby further amended in subsection (7) of that section, by the substitution for the words “period of three months” of the words “period of six months”. Amendment of section 31B of Chapter 131.

3. 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.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign). Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, NO. 163, KIRULAPONA MAWATHA, POLHEENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**METHSITH DHARMADUTHA FOUNDATION
(INCORPORATION) ACT, No. 22 OF 2008**

[Certified on 28th March, 2008]

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 March 28, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 6.00

Postage : Rs. 5.00

Methsith Dharmadutha Foundation (Incorporation)
Act, No. 22 of 2008

[Certified on 28th March, 2008]

L.D.—O. (INC) 9/2006

AN ACT TO INCORPORATE THE METHSITH DHARMADUTHA
FOUNDATION.

WHEREAS a Foundation called and known as the “Methsith Dharmadutha Foundation” has heretofore been established for the purpose of effectually carrying out and transacting all objects and matters connected with the said Foundation according to the rules agreed to by its members:

Preamble.

AND WHEREAS the said Foundation has heretofore successfully carried out and transacted several objects and matters for which it was established and has applied to be incorporated, and it will be for the public advantage to grant the application:

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

1. This Act may be cited as the Methsith Dharmadutha Foundation (Incorporation) Act, No. 22 of 2008.

Short title

2. From and after the date of commencement of this Act, such and so many persons as presently are members of the Methsith Dharmadutha Foundation (hereinafter referred to as the “Foundation”) or shall hereafter be admitted members of the Corporation hereby constituted shall be a body corporate with perpetual succession under the name and style of the “Methsith Dharmadutha Foundation” (hereinafter referred to as the “Corporation”), and by that name may sue and be sued with full power and authority to have and use a common seal and to alter the same at its pleasure.

Incorporation of the Methsith Dharmadutha Foundation.

3. The general objects for which the Corporation is constituted are hereby declared to be,—

General objects of the Corporation.

(a) to promote and foster the spiritual and cultural practices and teaching of Buddha within the Sri Lankan Buddhists;

2 *Methsith Dharmadutha Foundation (Incorporation)*
Act, No. 22 of 2008

- (b) to practicing Buddha Dharma by holding worship services and to transmit the Maitreyan Tri-ratna by performing the relevant rituals for Buddhists;
- (c) to uplift and improve the socio-economic conditions of the Buddhist people of Sri Lanka and help them to attain a higher lift by practicing Buddha Dharma;
- (d) to provide financial aid and award scholarships to Buddhists children in indigent conditions;
- (e) to collaborate or amalgamate with any other institution or organization, whether foreign or local having objects similar to those of the Corporation.

General powers
of the
Corporation.

4. Subject to the provisions of this Act and any other written law, the Corporation shall have the power to do, perform and execute all such acts, matters and things as are necessary or desirable for the promotion, or furtherance of the objects of the Corporation or any one of them, including the power to open, operate and close bank accounts, borrow or raise the money with or without security, receive or collect grants and donations, to invest its funds, enter into contracts and agreements and to engage, employ and dismiss officers and servants required for the carrying out of the objects of the Corporation.

Management of
the affairs of the
Corporation.

5. (1) The affairs of the Corporation shall subject to the rules of the Corporation, be administered by a Board of Management elected in accordance with the rules of the Corporation made under section 6.

(2) The first Board of Management shall consist of the Board of Management of the Foundation, holding office on the day immediately preceding the date of commencement of this Act.

(3) The first Board of Management of the Corporation shall hold office for a period of three years from the date of commencement of this Act.

Methsith Dharmadutha Foundation (Incorporation) 3
Act, No. 22 of 2008

6. (1) It shall be lawful for the Corporation from time to time at any meeting of the Corporation and by a majority of not less than two-thirds of the members present and voting to make rules not inconsistent with the provisions of this Act or any other written law, for the following matters :—

Rules of the Corporation.

- (a) classification of membership, fees payable by each class of member, their admission, withdrawal or expulsion;
- (b) election of the Board of Management or vacation of, or removal from office of the office bearers and powers, duties and conduct of the Board of Management;
- (c) appointment, powers, duties, functions and conduct of the various officers, agents and servants of the Corporation;
- (d) the procedure to be observed at and the summoning and holding of meetings of the Board of Management, the Corporation or any sub-committee thereof, filling of vacancies, notices and agenda of such meetings, the quorum therefore and the conduct of business thereat;
- (e) the qualifications and disqualifications for membership in the Board of Management and the Corporation; and
- (f) the administration and management of the property of the Corporation and the accomplishment of the objects of the Corporation.

(2) Any rule made by the Corporation may be amended, altered to, or rescinded at a like meeting and in like manner as a rule made under subsection (1) of this section.

(3) The members of the Corporation shall be subject to the rules of the Corporation.

4 *Methsith Dharmadutha Foundation (Incorporation)*
Act, No. 22 of 2008

Accounts of the Corporation.

7. (1) The Board of Management of the Corporation shall cause proper books of accounts to be kept of the income and expenditure of the Corporation.

(2) All moneys received by way of donations, testamentary dispositions, transfers, contributions or fees shall be deposited in the name of the Corporation in one or more banks as the Board of Management shall determine.

(3) The Corporation may create any depreciation, reserve or sinking funds for the rehabilitation, improvement and the development of the property of the Corporation.

(4) The accounts of the Corporation shall be audited by any qualified auditor or auditors appointed by the Corporation.

Corporation to be non-profit making body.

8. (1) The Corporation shall be organized and operated as a non profit organization and no part or the gains, profits or dividends if any of the Corporation shall be distributed among the members of the Corporation.

(2) In the case of dissolution of the Corporation all the assets remaining after payment of all debts and liabilities thereof shall be transferred to an organization established or organize exclusively for charitable, religious or cultural purposes.

Fund of the Corporation.

9. (1) The Corporation shall have its own fund and all moneys heretofore or hereafter to be received by way of gifts, bequest, donations, subscriptions, fees or grants for and on account of the Corporation shall be deposited to the credit of the Corporation in one or more banks as the Board of Management shall determine.

(2) There shall be paid out of the fund, any expenditure incurred by the Corporation in the exercise, performance and discharge of its powers, duties and functions under this Act.

Methsith Dharmadutha Foundation (Incorporation) 5
Act, No. 22 of 2008

10. All debts and liabilities of the Foundation existing on the day preceding the date of commencement of this Act shall be paid by the Corporation hereby constituted and all debts due to, subscriptions and contributions payable to the Foundation on such day shall be paid to the Corporation for the purposes of this Act.
11. The Corporation shall be able and capable in law to acquire and hold any property movable or immovable which may become vested in it by virtue of purchase, grants, gifts, testamentary disposition or otherwise and all such property shall be held by the Corporation for the purposes of this Act and subject to the rules of the Corporation and shall have full power to sell, mortgage, lease, exchange or otherwise dispose of the same.
12. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of Chairman, the Secretary or the Treasurer who shall place their names to the instrument in token of their presence and such signing shall be independent of the signing of any person as a witness.
13. Nothing in this Act contained shall prejudice or affect the rights of the Republic or any body politic or corporate.
14. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.
- Debts due by and payable to the Corporation.
- Corporation may hold property movable and immovable.
- Seal of the Corporation.
- Saving of the rights of the Republic and others.
- Sinhala text to prevail in case of inconsistency.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, NO. 163, KIRULAPONA MAWATHA, POLIHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**OUR KIDS ORGANIZATION
(INCORPORATION)
ACT, No. 23 OF 2008**

[Certified on 29th April, 2008]

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 May 02, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 7.00

Postage : Rs. 5.00

Our Kids Organization (Incorporation)
Act, No. 23 of 2008

[Certified on 29th April, 2008]

L. D.—O. (Inc.) 25/2004

AN ACT TO INCORPORATE THE OUR KIDS ORGANIZATION.

WHEREAS an Association called and known as “Our Kids Organization” has heretofore been formed in Sri Lanka for the purpose of effectually carrying out and transacting all objects and matters connected with the said Association, according to the rules agreed to by its members:

Preamble.

AND WHEREAS the said Association has heretofore successfully carried out and transacted the several objects and matters for which it was formed and has applied to be incorporated and it will be for the public advantage to grant such application:

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

1. This Act may be cited as the Our Kids Organization (Incorporation) Act, No. 23 of 2008.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Our Kids Organization (hereinafter referred to as “the Organization”) or shall hereafter be “admitted, as members of the Corporation hereby constituted, shall become a body corporate (hereinafter referred to as the (“Corporation”) with perpetual succession under the name and style of “Our Kids Organization”, and by that name may sue, and be sued, with full power and authority to have, and use a common seal and alter the same at its pleasure.

Incorporation of the Our Kids Organization.

3. The general objects for which the Corporation is constituted are hereby declared to be—

General objects of the Corporation.

(a) to promote the recognition of mentally retarded children as an inherited resource of the country;

*Our Kids Organization (Incorporation)
Act, No. 23 of 2008*

- (b) to diagnose the special treatments required for mentally retarded children by proper counseling and provide necessary treatment accordingly;
- (c) to arrange home based programmes for children with slow mental development;
- (d) to provide special education for children with slow mental development;
- (e) to train the parents, guardians and other interested persons in interacting with and caring for children with slow mental development;
- (f) to seek the support and assistance from both local and international organizations for the welfare of mentally retarded children of Sri Lanka;
- (g) to campaign for social awareness of the needs of children who are mentally retarded;
- (h) to organize various seminars and workshops with a view to making the society aware that it is a fundamental duty of the society to work for the overall welfare of mentally retarded children;
- (i) to establish necessary institutions in suitable locations especially designed to satisfy the needs of mentally retarded children;
- (j) to render life-long care to mentally retarded children who would be rendered helpless when they come of age; and
- (k) to print, publish and distribute books, journals, leaflets, newspapers and magazines which the Corporation may consider desirable for the promotion and advancement of its objects.

Our Kids Organization (Incorporation) 3
Act, No. 23 of 2008

4. (1) The affairs of the Corporation shall, subject to the provisions of this Act, be administered by a Board of Trustees consisting of President, General Secretary, and such other members as may be elected in accordance with the rules of the Corporation made under section 7.

Management of the affairs of the Corporation.

(2) The first President and the General Secretary of the Board of Trustees of the Corporation shall be the President and the General Secretary of the Board of Trustees of the Organization, holding office on the day immediately preceding the date of commencement of this Act.

5. The Board of Trustees shall cause to be kept a register of members in which every person on the day preceding the date of commencement of this Act is a member of the Organization and every person thereafter duly admitted a member of the Corporation shall have his name inscribed.

Register of members.

6. Subject to the provisions of this Act and any other written law, the Corporation shall have the power—

Powers of the Corporation to acquire property, invest funds and raise loans, etc.

- (a) to purchase, acquire, rent, construct and otherwise obtain, lands or buildings which may be required for the purposes of the Corporation;
- (b) to borrow or raise money from the Government approved banks and other institutions (foreign and local) for the purposes of the Corporation with the approval of the Board of Trustees;
- (c) to make, draw, accept, discount, endorse, negotiate, buy, sell and issue bills of exchange, cheques, promissory notes and other negotiable instruments and to open, operate, maintain and close bank accounts;
- (d) to invest any funds not immediately required for the purposes of the Corporation in such manner as the Board of Trustees may think fit;

4 *Our Kids Organization (Incorporation)*
 Act, No. 23 of 2008

- (e) to solicit and receive subscriptions, grants, donations and gifts of all kinds;
- (f) to enter into agreements or contracts with any person, company or body of persons;
- (g) to undertake, accept, execute, perform and administer any lawful trusts and conditions affecting any real or personal property;
- (h) to appoint, employ, dismiss or terminate the services of officers and servants of the Corporation, and to pay them such salaries, allowances and gratuities as may be determined by the Corporation;
- (i) to train personnel in Sri Lanka or abroad for the purposes of the Corporation; and
- (j) to do all such other things as are necessary or expedient for the proper and effective carrying out of the objects of the Corporation.

Rules of the
Corporation

7. (1) It shall be lawful for the Corporation from time to time at any general meeting and by a majority of not less than two thirds of the members present and voting to make rules not inconsistent with the provisions of this Act, and other written law for all or any of the following matters:—

- (a) classification of membership, fee payable by each class of member, their admission, withdrawal, expulsion or resignation;
- (b) election of the Board of Trustees or vacation of or removal from office as office bearers and powers, duties and conduct of the Board of Trustees;
- (c) appointment, powers, duties, functions and conduct of the various officers, agents and servants of the Corporation;

- (d) the procedure to be observed at and the summoning and holding of meetings of the Board of Trustees, the Corporation or any sub-committee thereof, filling of vacancies, notices and agenda of such meetings, the quorum therefore and the conduct of business thereat;
- (e) the qualifications and disqualifications for membership in the Board of Trustees and the Corporation;
- (f) the administration and management of the property of the Corporation and the accomplishment of the objects of the Corporation;
- (g) subject to the provisions of subsection (2) of section 10 to determine the functions and duties of the Advisory Board.

(2) The members of the Corporation shall be subject to the rules of the Corporation made under subsection (1).

8. (1) The Corporation shall have its own fund and the Financial year shall be from the first day of January of any year to the thirty first day of December of the same year.

Fund of the Corporation.

(2) All moneys received by way of gift, bequest, donation, subscription, contribution fees or grants for and on account of the Corporation shall be deposited in a bank approved by the Board of Trustees to the credit of the Corporation.

In addition, the Board of Trustees shall determine a Government approved bank in which the money can be deposited in savings or in a current account.

9. (1) The Corporation shall cause proper accounts to be kept of all moneys received and expended by the Corporation.

Accounts.

6 *Our Kids Organization (Incorporation)*
Act, No. 23 of 2008

(2) The Annual Final Accounts of the Corporation should be examined and audited in every year by the Auditor of the Corporation and the reports should be submitted at the General Meeting.

Advisory Board.

10. (1) The Corporation may at a special general meeting and by simple majority of the members present thereat, elect an Advisory Board, consisting of not more than six members.

(2) The principal function of the Advisory Board so appointed shall be to advise the Board of Trustees on the manner in which the objects of the Corporation could be achieved.

(3) A member of the Advisory Board shall be entitled to be present and to speak, but not to vote, at any meeting of the Corporation or any meeting of the Board of Trustees, or any other committee established under this Act.

Debts due by and payable to the Organization.

11. All debts and liabilities of the organization existing on the day preceding the date of commencement of this Act, shall be paid by the Corporation hereby constituted and all debts due to, subscriptions and contributions payable to the organization on that day shall be paid to the Corporation.

Property remaining on dissolution.

12. If upon dissolution of the Corporation there remains after the satisfaction of all its debts and liabilities, any property whatsoever, such property shall not be distributed among the members of the Corporation but shall be given or transferred to some other association or associations having objects similar to the objects of the Corporation, and which is or are by the rules thereof prohibited from distributing any income or profit among its or their members. Such association or associations shall be determined by the members of the Corporation at, or immediately before, the time of dissolution of the Corporation.

13. The Seal of the Corporation shall be in the custody of the General Secretary and may be altered in such manner as may be determined by the Corporation and it shall not be affixed to any instrument whatsoever, except in the presence of the President and General Secretary who shall sign their names to the instrument in token of their presence and such signing shall be independent of the signing of any persons as a witness.

Seal of the Corporation.

14. Nothing in this Act contained shall prejudice or affect the rights of the Republic or any body politic or corporate.

Saving of the rights of the Republic and others.

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

Sinhala text to prevail in case of inconsistency.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local). Rs. 1,180 (Foreign). Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, NO. 163, KIRULAPONA MAWATHA, POLIHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**INSTITUTE OF DHARUTH THOWHEED
ASSALAFIYYA (INCORPORATION)
ACT, No. 24 OF 2008**

[Certified on 29th April, 2008]

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 May 02, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 7.00

Postage : Rs. 5.00

Institute of Dharuth Thowheed Assalafiyya
(Incorporation) Act, No. 24 of 2008

[Certified on 29th April, 2008]

L.D.—O. INC 27/2006

AN ACT TO INCORPORATE THE INSTITUTE OF DHARUTH THOWHEED
ASSALAFIYYA

WHEREAS an Institute called and known as the Institute of Dharuth Thowheed Assalafiyya has heretofore been established in Sri Lanka for the purpose of effectually carrying out and transacting all objects and matters connected with the said Institute, according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said Institute has heretofore successfully carried out and transacted the several objects and matters for which it was formed and has applied to be incorporated, and it will be for the public advantage to grant such application :

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

1. This Act may be cited as the Institute of Dharuth Thowheed Assalafiyya (Incorporation) Act, No. 24 of 2008.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are Members of the Institute of Dharuth Thowheed Assalafiyya (hereinafter referred to as the “Institute”) or shall hereafter be admitted as members of the Corporation hereby constituted, (hereinafter referred as the “Corporation”) shall be a body Corporate with perpetual succession under the name and style of the “Institute of Dharuth Thowheed Assalafiyya”, and by that name may sue and be sued, with full power and authority to have and use a common seal, and alter the same at its pleasure.

Incorporation of the Institute of Dharuth Thowheed Assalafiyya.

3. The general objects for which the Corporation is constituted are —

General objects of the Corporation.

- (a) to promote and foster the knowledge of Islam and to encourage research and study of Islamic Religion based on the teachings of Quran and Prophet Mohamed’s (SAW) Sunnah among the adherents of the Islam faith ;

2 *Institute of Dharuth Thowheed Assalafiyya*
(Incorporation) Act, No. 24 of 2008

- (b) to train and develop students of the Institute to study Islam and equip themselves with such knowledge to spread the message of Islam among the adherents of the Islam faith ;
- (c) to print, publish and distribute books, magazines, journals, periodicals, pamphlets, newspapers and produce audio, video and compact discs, multi media devices in English, Sinhala, Tamil and Arabic languages to promote the Islamic Religion of the adherents of the Islam faith ;
- (d) to organize and conduct classes, meetings, seminars, conferences, workshops and sittings among the students and the Muslim community to promote the knowledge of Islam and to encourage the practical observance of the principles of Islam ;
- (e) to provide assistance and facilities needed for educational, social and economical welfare of the Muslim community in Sri Lanka ; and
- (f) to establish and maintain friendly relations, receive and lend assistance with other Islamic Institutions engaged in similar pursuits, in and out side Sri Lanka.

General powers
of the
Corporation.

4. The Corporation shall subject to the provisions of this Act and of any other written law, have the power —

- (a) to purchase, acquire, rent, construct or otherwise obtain lands or buildings which may be required for the Corporation and to deal with or dispose of, the same, as it may deem expedient, with a view to promoting the objects of the Corporation ;
- (b) to solicit, raise and receive, subscriptions, grants, donations and gifts of all kinds, from any person, or body of persons, corporate or otherwise for the purposes of the Corporation ;

- (c) to appoint, remunerate and exercise disciplinary control over, such officers and servants as may be necessary for the purposes of the Corporation ;
- (d) to raise or borrow moneys for any purpose of the Corporation and to secure the discharge of any debt, or obligation of the Corporation in such manner it may think fit ;
- (e) to invest any funds not immediately required for the purposes of the Corporation, in such manner as the Board of Management may think fit ;
- (f) to establish, organize and maintain, different branches and institutions for the different activities, programmes and projects sponsored and conducted by the Corporation, for promoting the objects of the Corporation ;
- (g) to construct, alter or maintain any buildings required for the purposes of the Corporation ;
- (h) to undertake, accept, execute, perform and administer, any lawful trusts and conditions affecting any real or personal property ;
- (i) to subscribe or grant money for any charitable purpose ;
- (j) to enter into or perform, either directly or through its officers or servants or agents authorized in that behalf by the Corporation, all such contracts and agreements as may be necessary, for the exercise, discharge and performance of the powers, functions and duties of the Corporation, or for carrying out the affairs or for the furtherance of the objects of the Corporation ;

4 *Institute of Dharuth Thowheed Assalafiyya
(Incorporation) Act, No. 24 of 2008*

(k) to do all such acts, matters and things as are necessary or desirable for the promotion or furtherance of the objects of the Corporation.

Funds of the Corporation.

5. (a) The Corporation shall have its own fund and all moneys received by way of gift, bequest, donation, subscription, contribution, fees or grants for and on account of the Corporation shall be deposited to the credit of the Corporation in one or more banks as the Board of Management shall determine.

(b) The Corporation may establish different types of funds for the purpose of attaining all or any of the objects of the Corporation.

(c) There shall be paid out of the fund of the Corporation all such sums of money to defray any expenditure incurred by the Corporation in the exercise, performance and discharge of its powers, duties and functions under this Act.

Corporation may hold property movable or immovable.

6. The Corporation shall be able and capable in law to acquire and to hold both movable or immovable property, which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition or otherwise, and all such property shall be held by the Corporation for the purpose of this Act. The Corporation shall, subject to the rules of the Corporation, have the full power to sell, lease, rent, exchange or otherwise dispose of the same.

Management of the affairs of the Corporation.

7. The affairs of the Corporation shall, subject to the provisions of this Act and the rules of the Corporation, made under section 11, be administered by a Board of Management. The Board of Management shall be elected in terms of the rules of the Corporation. The first Board of Management of the Corporation shall be the Board of Management of the Institute of Dharuth Thowheed Assalafiyya holding office on the day preceding the date of the commencement of this Act.

8. The moneys and property of the Corporation howsoever derived shall be applied solely towards the promotion of its objects as set forth herein, and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, loan, bonus or otherwise, howsoever, by way of profit, to the members of the Corporation :

Corporation to be a non profit making organization.

Provided, however, that the provisions of this section shall not prohibit—

- (a) the payment, in good faith, of reasonable and proper remuneration to any officer or employee of the Corporation or to any member of the Corporation for any service by him to the Corporation ;
- (b) the payment of reasonable and proper rent for premises let to the Corporation by any member of the Corporation or by any Company of which a member of the Corporation is a shareholder ; and
- (c) the reimbursement or repayment of reasonable and proper expenses incurred, with the prior approval of the Board of Management, by any member, officer or employee of the Corporation, in the discharge or performance of his functions or duties or in promoting the objects of the Corporation.

9. All debts and liabilities of the Institute existing on the day preceding the date of commencement of this Act shall be paid by the Corporation and all debts due to, and subscriptions and contributions payable to the Institute on that day shall be paid to the Corporation for the purposes of this Act.

Debts due to and payable to the Corporation.

10. (1) The financial year of the Corporation shall be the calendar year.

Accounts and audit of the Corporation.

(2) The Corporation shall cause proper books of accounts to be kept of its income and expenditure, assets and liabilities and all other transactions of the Corporation.

(3) The accounts of the Corporation and the balance sheet shall be audited at least once a year by any qualified auditor or auditors appointed by the Corporation.

(4) The Accounts of the Corporation and the balance sheet shall be open for inspection of the members of the Corporation at all reasonable times.

Rules of the Corporation.

11. (1) It shall be lawful for the Corporation, from time to time, at any general meeting of the Corporation and by a majority of not less than two-thirds of members present and voting, to make rules, not inconsistent with the provisions of this Act or any other written law for the purposes of this Act.

(2) Any rule made by the Corporation may be amended, altered, added to or rescinded at a like meeting and in a like manner as a rule made under subsection (1).

(3) The members of the Corporation shall be subject to the rules of the Corporation.

Property remaining on dissolution.

12. If upon the dissolution of the Corporation there remains any property after the satisfaction of all its debts and liabilities, such property shall not be distributed among the members of the Corporation, but shall be given or transferred to some other Institution or Institutions having objects similar to those of the Corporation, and which is or are by its rules prohibited from distributing any income or profit among its or their members. Such Institution or Institutions shall be determined by the members of the Corporation at or immediately before the time of dissolution of the Corporation.

Seal of the Corporation.

13. The Seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of two members of the Board of Management of the Corporation who shall sign their names to the instrument in token of their presence and such signing shall be independent of the signing of any person as a witness.

14. Nothing in this Act contained shall prejudice or affect the rights of the Republic, or of any body politic or corporate.

Savings of the rights of the Republic and others.

15. 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.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1.180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, NO. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**WADDUWA VIVEKARAMA COMMUNITY
DEVELOPMENT FOUNDATION
(INCORPORATION) ACT, No. 25 OF 2008**

[Certified on 15th May, 2008]

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 May 16, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 7.00

Postage : Rs. 5.00

*Wadduwa Vivekarama Community Development
Foundation (Incorporation) Act, No. 25 of 2008*

[Certified on 15th May, 2008]

L. D. — O. (INC.) 10/2004.

AN ACT TO INCORPORATE THE WADDUWA VIVEKARAMA COMMUNITY
DEVELOPMENT FOUNDATION

WHEREAS a Foundation called and known as the “Wadduwa Vivekarama Community Development Foundation” has heretofore been established at Wadduwa for the purpose of effectually carrying out and transacting all matters connected with the said Foundation, according to the rules agreed to by its members:

Preamble.

AND WHEREAS the said Foundation has heretofore successfully carried out and transacted the several objects and matters for which it was established and has applied to be incorporated and it will be for the public advantage to grant such application:

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

1. This Act may be cited as the Wadduwa Vivekarama Community Development Foundation (Incorporation) Act, No. 25 of 2008.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Wadduwa Vivekarama Community Development Foundation (hereinafter referred to as the “Foundation”) or shall hereafter be admitted as members of the Corporation hereby constituted, shall be a body corporate with perpetual succession under the name and style of the “Wadduwa Vivekarama Community Development Foundation”, (hereinafter referred to as “the Corporation”), and by that name may sue and be sued with full power and authority to have, and to use a common seal and alter the same at its pleasure.

Incorporation of
the Wadduwa
Vivekarama
Community
Development
Foundation.

2 *Wadduwa Vivekarana Community Development Foundation (Incorporation) Act, No. 25 of 2008*

General Objects
of the
Corporation.

3. The general objects for which the Corporation is constituted are hereby declared to be—

- (a) to construct, equip, maintain and manage buildings required for the purposes of the Wadduwa Vivekarana Viharaya ;
- (b) to provide medical facilities, clothing and shelter to the needy, orphaned and sick person of the Buddhist faith who shall be members of the Foundation ;
- (c) to establish, assist to establish and maintain vocational training centres and institutions to enable youths of Buddhist faith who shall be members of the Foundation to develop their vocational skills and to secure self-employment ;
- (d) to educate bhikkus in the Buddha Dhamma and Buddhist values and encourage them to lead their lives in accordance therewith ;
- (e) to promote peace and foster religious, communal, ethnic and racial harmony among the Buddhist Community ;
- (f) to establish and maintain Dhamma schools and pre-schools for those of the Buddhist faith ;
- (g) to establish and maintain libraries, information and resource centres for the dissemination of knowledge among those of the Buddhist faith ;
- (h) to promote, arrange, organize and hold, exhibitions, lectures, seminars, workshops, classes, debates, conferences or any other activity, in furtherance of the above objects of the Corporation ; and
- (i) to collaborate with other associations, organizations or societies having objects similar to those of the Corporation.

Wadduwa Vivekarama Community Development 3
Foundation (Incorporation) Act, No. 25 of 2008

4. (1) The management, control and administration of the affairs of the Corporation shall, subject to the provisions of this Act and the rules of the Corporation, made under section 8, be vested in a Board of Management (hereinafter referred to as "the Board") consisting of the patron who shall be the Chairman and such number of members elected from among the members of the Corporation in accordance with such rules.

Management of the affairs of the Corporation.

(2) The first Board of the Corporation shall be the Board of Directors of the Foundation holding office on the day immediately preceding the date of commencement of this Act, and which shall hold office until the holding of the first annual general meeting of the Corporation.

5. (1) The Viharadhipathi of the Wadduwa Vivekarama Viharaya, holding office for the time being shall be the Patron of the Corporation who shall act as the Chairman of the Corporation.

Patron of the Corporation.

(2) Where the Patron of the Corporation is, by reason of illness or other infirmity or absence from Sri Lanka, temporarily unable to perform the duties of his office, the senior pupil of the Patron, shall act in his place and perform all the duties of the Patron.

6. (1) The Board shall cause a register to be maintained in which every person who on the date of commencement of this Act, is a member of the Corporation and every person thereafter duly admitted as a member of the Corporation shall have his name inscribed.

Register of membership.

(2) The register shall contain the following particulars:—

- (a) the name, address and occupation of each member of the Corporation;
- (b) the date on which the name of the member was inscribed in the register;
- (c) the date on which any person ceased to be a member of the Corporation.

4 *Wadduwa Vivekarama Community Development Foundation (Incorporation) Act, No. 25 of 2008*

Powers of the Corporation.

7. Subject to the provisions of this Act and any other written law, the Corporation shall have the power to do, perform and execute all such acts, matters and things whatsoever, as are necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them, including the power—

- (a) to raise funds and receive grants, gifts or donations in cash or kind;
- (b) to erect or cause to be erected, any building or structure on any land belonging to, or held by, the Corporation;
- (c) to make, draw, accept, discount, endorse, negotiate, buy, sell and issue, bills of exchange, cheques, promissory notes and other negotiable instruments and to open, operate, maintain and close current, savings and deposit accounts in any bank;
- (d) to invest any funds not immediately required for the purposes of the Corporation in such manner as the Board may think fit;
- (e) to enter into and perform contracts and agreements as may be necessary, for the attainment of the objects of the Corporation; and
- (f) to appoint, employ, dismiss or terminate the services of, officers and servants of the Corporation, and to pay them such salaries, allowances and gratuities as may be determined by the Corporation.

Rules of the Corporation.

8. (1) It shall be lawful for the Corporation, from time to time, at any general meeting and by a majority of not less than two-thirds of the members present and voting, to make rules not inconsistent with the provisions of this Act, or any other written law for all or any of the following matters:—

- (a) classification of membership, fees payable by each class of members, their admission, withdrawal, expulsion or resignation;

- (b) election of the Board, vacation of or removal from office of the office bearers of the Board and powers, duties and conduct of the Board;
- (c) appointment, employment and dismissal of, officers, agents and servants of the Corporation, their powers, duties, functions and conduct and the payment of remuneration to them;
- (d) the procedure to be observed at, and the summoning and holding of, meetings of the Board, the Corporation or any sub-committee thereof, filling of vacancies, notices and agenda of such meetings, the quorum therefor and the conduct of business thereat;
- (e) the qualifications and disqualifications for membership of the Board and the Corporation;
- (f) the administration and management of the property of the Corporation; and
- (g) generally, for the management of the affairs of the Corporation and the accomplishment of its objects.

(2) All members of the Corporation shall be subject to the rules of the Corporation made under sub section (1).

9. (1) The Corporation shall have its own fund and all moneys heretofore received or hereafter to be received by way of gift, bequest, donation, subscription, contribution, fees or grants for and on account of the Corporation shall be deposited to the credit of the Corporation in one or more banks as the Board shall determine.

Fund of the Corporation.

(2) The Corporation may create any depreciation fund, reserve or sinking fund for the rehabilitation, improvement, development and preservation of the property of the Corporation.

6 *Wadduwa Vivekarama Community Development Foundation (Incorporation) Act, No. 25 of 2008*

(3) There shall be paid out of the fund all sums of money as are required to defray any expenditure incurred by the Corporation in the exercise, performance and discharge of its powers, duties and functions under this Act.

(4) The moneys and property of the Corporation, howsoever derived shall be applied solely towards the promotion of the objects set forth herein, and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise howsoever, to the members of the Corporation.

Accounts and
audit.

10. (1) The financial year of the Corporation shall be the calendar year.

(2) The Corporation shall cause proper accounts to be kept of its income and expenditure, assets and liabilities and all other transactions of the Corporation.

(3) The accounts of the Corporation shall be audited at least once in every year by a qualified auditor appointed by the Board.

(4) In this section “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 practice as an Accountant, issued by the Council of such Institute; or
- (b) a firm of 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 practice as an Accountant, issued by the Council of such Institute.

Debts due by
and payable to
the Foundation.

11. All debts and liabilities of the Foundation existing on the day preceding the date of commencement of this Act, shall be paid and discharged by the Corporation hereby constituted and all debts due to, and any subscriptions and contributions payable to, the Foundation on that day shall be paid to the Corporation for the purposes of this Act.

*Wadduwa Vivekarama Community Development 7
Foundation (Incorporation) Act, No. 25 of 2008*

12. The Corporation shall be able and capable in law to acquire and hold any property, movable or immovable, upon or by virtue of any instrument of purchase, grant, gift or lease or upon or by virtue of any testamentary disposition or otherwise, and all such property shall be held by the Corporation for the purposes of this Act and subject to the rules of the Corporation made under section 8 with full power (subject always to the provisions of any written law relating to trusts and of the relative instrument or disposition) to sell, mortgage, lease, exchange or otherwise dispose of the same.
- Corporation may hold property movable and immovable.
13. The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of the Chairman and the Treasurer or such other person duly authorised by the Board, both of whom shall sign their names on the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.
- Seal of the Corporation.
14. No member of the Corporation shall, for the purpose of discharging the debts and liabilities of the Corporation, or for any other purpose, be liable to make any contribution exceeding the amount of membership fees as may be due from him to the Corporation.
- Limitation of liability of members.
15. If upon the dissolution of the Corporation there remains after the satisfaction of all its debts and liabilities any property whatsoever, such property shall not be distributed among the members of the Corporation but shall be given or transferred to some other institution or institutions having objects similar to those of the Corporation and which is or are by the rules made under section 8 prohibited from distributing any income or property among its members.
- Property remaining on dissolution.
16. Nothing in this Act contained shall prejudice or affect the rights of the Republic or any body politic or corporation.
- Savings of the rights of the Republic and others.
17. 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.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLIHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**ENVIRONMENT CONSERVATION LEVY
ACT, No. 26 OF 2008**

[Certified on 06th June, 2008]

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 June 06, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 7.00

Postage : Rs. 5.00

*Environment Conservation Levy
Act, No. 26 of 2008*

[Certified on 06th June, 2008]

L. D.—O. 6/2008

AN ACT TO PROVIDE FOR THE IMPOSITION OF AN ENVIRONMENT CONSERVATION LEVY ON SPECIFIED ITEMS OWNED BY CONSUMERS, ON SPECIFIED ITEMS IMPORTED INTO OR MANUFACTURED IN SRI LANKA OR SPECIFIED SERVICES PROVIDED IN SRI LANKA, WHICH ARE LIKELY TO HAVE A HARMFUL IMPACT ON THE ENVIRONMENT; TO PROVIDE FOR THE COLLECTION AND RECOVERY OF SUCH LEVY; 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 Environment Conservation Levy Act, No. 26 of 2008. Short title.

2. (1) From and after the date of the coming into operation of this Act, there shall be imposed a levy to be called the "Environment Conservation Levy". The Environment Conservation Levy shall be imposed on— Imposition of Environment Conservation Levy.
 - (a) a specified item owned by a consumer;
 - (b) specified items imported into or manufactured in Sri Lanka; or
 - (c) specified services provided within Sri Lanka,

at such rate as shall be as specified by the Minister in charge of the subject of Finance in consultation with the Minister in charge of the subject of Environment, by Order published in *Gazette*, calculated on an *ad valorem* or specific basis.

(2) The Order made under subsection (1) may also specify the items on which and the categories in respect of which such Levy may be imposed.

Manner of collection, administration and recovery of Environment Conservation Levy.

3. (1) The Environment Conservation Levy, imposed under section 2, shall, notwithstanding anything to the contrary in this Act—

- (a) in the case of an item owned by a consumer, be collected through an institution specified by an Order published in the *Gazette* by the Minister in charge of the subject of Finance in consultation with the Minister in charge of subject of Environment;
- (b) in the case of an importer, be collected on every specified item imported by such importer, by the Director-General of Customs, in accordance with the provisions of the Customs Ordinance (Chapter 235);
- (c) in the case of a domestic manufacturer, be collected on every specified item manufactured by such manufacturer, by the Director-General of Excise appointed for the purposes of the Excise (Special Provisions) Act, No. 13 of 1989, in accordance with the provisions of that Act; and
- (d) in the case of a specified service, be collected on every specified service provided by a service provider, by the Director-General of Excise appointed for the purposes of Excise (Special Provisions) Act, No. 13 of 1989, in accordance with the provisions of that Act.

(2) The Environment Conservation Levy collected in terms of paragraphs (b), (c) and (d) of subsection (1), shall be collected, administered and recovered by the Director-General of Customs or Director-General of Excise appointed for the purposes of the Excise (Special Provisions) Act, No. 13 of 1989, in accordance with the provisions of the Customs Ordinance (Chapter 235) or Excise (Special Provisions) Act, No. 13 of 1989, as the case may be.

(3) The Central Environment Authority established under the National Environmental Act, No. 47 of 1980, shall take such steps as are deemed appropriate in the circumstances to substantiate the facts relating to such default and the Central Environment Authority shall thereupon recover the penalty and the amount in default and where necessary, shall instruct the Institution specified in an Order made under paragraph (a) of subsection (1) of section 3 or the Director-General of Customs or the Director-General of Excise appointed for the purposes of Excise (Special Provisions) Act, No. 13 of 1989, as the case may be, to proceed to recover such penalty and the amount in default. The Central Environmental Authority may for this purpose from time to time, issue such instructions and guidelines as may be necessary.

Sinhala text to prevail in case of inconsistency.

7. In the case of an inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

SCHEDULE

(Section 7)

Column I		Column II
<i>Persons liable to pay the Levy</i>		<i>Penalty to be paid</i>
1.	Consumer who owns a specified item	Not less than rupees five hundred and not more than rupees two thousand
2.	Importer	Not less than rupees five thousand and not more than rupees ten thousand
3.	Domestic Manufacturer	Not less than rupees five thousand and not more than rupees ten thousand
4.	Service Provider (within Sri Lanka)	Not less than rupees five thousand and not more than rupees ten thousand

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**ATTANAGALLA DEVELOPMENT
FOUNDATION (INCORPORATION)
ACT, No. 27 OF 2008**

[Certified on 15th July, 2008]

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 July 18, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 6.00

Postage : Rs. 5.00

*Attanagalla Development Foundation
(Incorporation) Act, No. 27 of 2008*

[Certified on 15th July, 2008]

L.D.—O. (INC) 23/2004

AN ACT TO INCORPORATE THE ATTANAGALLA DEVELOPMENT
FOUNDATION

WHEREAS an Association called and known as the “Attanagalla Development Foundation” has heretofore been established for the purpose of effectually carrying out and transacting all its objects and matters connected with the said Association according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said Association has heretofore successfully carried out and transacted the several objects and matters for which it was established, and has applied to be incorporated, and it will be for the public advantage to grant the application :

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

1. This Act may be cited as the Attanagalla Development Foundation (Incorporation) Act, No. 27 of 2008.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Attanagalla Development Foundation (hereinafter referred to as the “Foundation”) or shall hereafter be admitted as members of the Corporation hereby constituted, shall be a body corporate (hereinafter referred to as the “Corporation”) with perpetual succession under the name and the style of the “Attanagalla Development Foundation” and by that name may sue and be sued, with full powers and authority to have and use a common seal, and alter the same at its pleasure.

Incorporation of the Attanagalla Development Foundation.

3. The general objects for which the Corporation is constituted are hereby declared to be —

General objects of the Corporation.

(a) to provide of houses to poor Sri Lankans ;

*Attanagalla Development Foundation
(Incorporation) Act, No. 27 of 2008*

- (b) to provide food, clothing and drugs to orphaned children and conduct medical clinics for the poor ;
- (c) to take action towards the social, educational and cultural development of under privileged children in Sri Lanka, to grant of scholarships and establish foster parents schemes ;
- (d) to launch self-employment programmes to strengthen the economic position of women, impart knowledge and grant loans and assistance to them for self-employment projects ;
- (e) to establish and maintain Homes for the Aged, and orphanages and promote the welfare of the mentally retarded and the disabled ;
- (f) to develop the friendly relations between young people of Sri Lanka and other countries through suitable methods, to facilitate visits of delegate to and from Sri Lanka for the furtherence of the objectives of the foundation, and to organize national and international seminars ;
- (g) to conduct educational and vocational training programmes for the youth and opening up business enterprises, assist youth financially or otherwise to enable them to engage in self employment projects and to maintain trade stalls for the sale of their manufactured items and establish animal farms for the purpose of livestock development ;
- (h) to help places of religious worship, providing assistance to promote Dhamma School Education and to assist Buddhist Monks to pursue their education and provide medical assistance ;
- (i) to take all steps necessary to protect the environment and create awareness among the community ;

- (j) to make arrangements to give computer education and knowledge of languages to school leavers ;
- (k) to conduct lectures, seminars, discussions and demonstrations to promote the objects of the Corporation ; and
- (l) to co-ordinate with other institutions and organizations with similar objectives as the Corporation.

4. Subject to the provisions of this Act and any other written law, the Corporation shall have the power to — Powers of the Corporation.

- (a) obtain funds from local or foreign sources and to receive or collect grants or donations in cash or kind ;
- (b) invest moneys of the Corporation in such investments that may earn favourable returns, and withdraw the investments and re-invest ;
- (c) employ and engage officers and employees required for carrying out the objects of the Corporation, pay them gratuity and other remuneration and exercise disciplinary control over such officers and employees ;
- (d) open, operate and close bank accounts and borrow money with or without security ;
- (e) to do all such other things suitable or required to accomplish the objects of the Corporation.

5. (1) The affairs of the corporation shall, subject to the rules of the Corporation made under section 6 be administered by a Board of Management consisting of such number of members as may be provided for in such rules and elected in accordance therewith. Management of activities of the Corporation.

(2) The first Board of Management of the Corporation shall consist of the Members of the Board of Management of the Foundation holding office on the day immediately preceding the date of commencement of this Act.

Rules of the Corporation.

6. (1) It shall be lawful for the Corporation, from time to time at any general meeting and by a majority of not less than two-thirds of the members present and entitled to vote, to make rules not inconsistent with the provisions of this Act or any other written law, for the admission, expulsion or withdrawal of members, for the election of members of the Board of Management, for the performance of the duties of the Board of Management and of the various officers, agents and servants of the Corporation, for the procedure to be followed in the transaction of its business at meetings of the Corporation and of the Board of Management and otherwise generally for the management of the affairs of the Corporation and attainment of its objects. Such rules when made may at a like meeting and in like manner, be altered, added to, amended or rescinded.

(2) Every member of the Corporation shall be subject to the rules made by the Corporation.

Debts due by and payable to the Foundation.

7. All debts and liabilities of the Foundation existing on the day preceding the date of commencement of this Act shall be paid and discharged by the Corporation hereby constituted, and all debts due to, subscriptions and contributions payable to the Foundation on that day, shall be paid to the Corporation for the purposes of this Act.

Corporation may hold movable or immovable property.

8. The Corporation shall be able and capable in law, to acquire and hold any property, movable or immovable, which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition or otherwise, and all such property shall be held by the Corporation for the purposes of this Act, and subject to the rules of the Corporation made under section 6, it shall have full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

9. (1) The Corporation shall have its own fund and all moneys heretofore or hereafter received by way of gifts, bequests, donations, subscriptions, fees or grants for and on account of the Corporation, shall be deposited to the credit of the Corporation in one or more banks as the Board of Management shall determine .

Fund of the Corporation.

(2) There shall be paid out of the fund, any expenditure incurred by the Corporation in the exercise, performance and discharge of its powers, duties and functions under this Act.

10. The seal of the Corporation shall be in the custody of the Secretary and it shall not be affixed to any instrument whatsoever, except in the presence of the President and Secretary who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.

Seal of the Corporation.

11. (1) The financial year of the Corporation shall be the calendar year.

Accounts and audit.

(2) The Corporation shall cause proper accounts to be kept of its income and expenditure, assets and liabilities and all other transactions of the Corporation.

(3) The accounts of the Corporation shall be audited by a qualified auditor.

In this section "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 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

6 *Attanagalla Development Foundation
(Incorporation) Act, No. 27 of 2008*

established by law, possesses a certificate to practise as an Accountant issued by the Council of such Institute.

Property remaining on dissolution.

12. If upon the dissolution of the Corporation, there remains after the satisfaction of all its debts and liabilities any property whatsoever, such property shall not be distributed among the members of the Corporation, but shall be given or transferred to some other association or institution having objects similar to those of the Corporation.

Saving of the rights of the Republic and others.

13. Nothing in this Act contained shall prejudice or affect the rights of the Republic or of any body politic or corporate.

Sinhala text to Prevail in case of inconsistency.

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

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**MUSLIM FOUNDATION FOR CULTURE AND
DEVELOPMENT (INCORPORATION)
ACT, No. 28 OF 2008**

[Certified on 25th July, 2008]

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 July 25, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 6.00

Postage : Rs. 5.00

*Muslim Foundation for Culture and Development
(Incorporation) Act, No. 28 of 2008*

[Certified on 25th July 2008]

L. D.—O. (Inc.) 26/2005.

AN ACT TO INCORPORATE THE MUSLIM FOUNDATION FOR CULTURE AND
DEVELOPMENT

WHEREAS a foundation called and known as Muslim Foundation for Culture and Development has heretofore been established in Sri Lanka for the purpose of effectually carrying out and transacting all objects and matters connected with the said foundation, according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said foundation has heretofore successfully carried out and transacted the several objects and matters for which it was formed and has applied to be incorporated and it will be for the public advantage to grant the application :

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

1. This Act may be cited as the Muslim Foundation for Culture and Development (Incorporation) Act, No. 28 of 2008.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Muslim Foundation for Culture and Development (hereinafter referred to as the “Foundation”) and shall hereafter be admitted as members of the Corporation hereby constituted shall be a body corporate (hereinafter referred to as “the Corporation”) with perpetual succession, under the name and style of the Muslim Foundation for Culture and Development and by that name may sue and be sued, with full power and authority to have and use a common seal and alter the same as its pleasure.

Incorporation of Muslim Foundation for Culture and Development.

3. The general objects for which the Corporation is constituted are hereby declared to be—

General objects of the Corporation.

- (a) to promote Islamic culture and morality and encourage the study of Islam among Muslims in Sri Lanka ;

**2 Muslim Foundation for Culture and Development
(Incorporation) Act, No. 28 of 2008**

- (b)** to educate Muslim youth and the public on the ill-effects of consumption of liquor, drugs and smoking and to liberate the Muslim youth who are addicted to such habits ;
- (c)** to promote and enhance the national integrity and peace, ethnic harmony and social justice and equality in Sri Lankan context ;
- (d)** to educate Muslims to respect other religions, to promote the concept and practice of religious tolerance, in general, and to promote integrity between Muslims and other religious communities in Sri Lanka ;
- (e)** to promote and encourage the study of Islamic religion and Arabic Language and to facilitate the studies in fields of human rights, children's rights and women's rights ;
- (f)** to print, publish and distribute books, journals, magazines and pamphlets on Islam and other general education related to Islam; and
- (g)** to establish and maintain friendly relations with other religious, social and Islamic organizations, engaged in similar pursuits, in and outside Sri Lanka ;
- (h)** to promote social, economic, cultural and educational welfare activities of Sri Lanka.

**Management of
the affairs of the
Corporation.**

4. (1) The affairs of the Corporation shall, subject to the rules of the Corporation, made under section 06 be administered by a Board of Management.

(2) The first Board of Management of the Corporation shall be the Board of Management of the Muslim Foundation for Culture and Development, holding office on the day preceding the date of the commencement of this Act.

(3) It shall be lawful for the Board of Management at a meeting of the Board of Management by a majority of not less than two thirds of the members present and voting to co-opt any useful member of the Corporation, subject to the rules of the Corporation, to fill any vacancy that may arise by death, resignation, or removal of any members of the board.

5. Subject to the provisions of this Act and any other written law, the Corporation shall have the power to do, perform and execute all such acts, matters and things as are necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them, including the power to open and close bank accounts, to borrow or raise moneys with or without security, to receive and obtain donations, to raise and collect funds and to engage, employ and dismiss officers and servants required for the carrying out of the objects of the Corporation.

General powers of the Corporation.

6. (1) It shall be lawful for the Corporation, from time to time, at any general meeting of the Corporation and by a majority of not less than two-thirds of members present and voting, to make rules, not inconsistent with the provisions of this Act or any other written law, in respect of all or any of the following matters :—

Rules of the Corporation.

- (a) the admission, classification of membership withdrawal or expulsion of members ;
- (b) the election, of the members of the Board of Management and powers, conduct and duties of the members of the Board of Management ;
- (c) the election of office bearers, their term of office, resignation from or vacation of or removal from office of office bearers and their powers, conduct and duties ;
- (d) the procedures to be followed in the summoning and holding of meetings of the Board of Management, the quorum therefor and the conduct of business thereat; and

4 *Muslim Foundation for Culture and Development
(Incorporation) Act, No. 28 of 2008*

(e) the administration and management of the funds and properties of the Corporation.

(2) Any rule made by the Corporation may be amended, altered, added to or rescinded, at a like meeting and in like manner as a rule made under subsection (1).

(3) The members of the Corporation shall be subject to the rules of the Corporation.

Debts due and payable to the Corporation.

7. All debts and liabilities of the Foundation existing on the day immediately preceding the date of commencement of this Act, shall be paid by the Corporation and all debts due, subscriptions and contributions payable to the foundation on that day shall be paid to the Corporation for the purpose of this Act.

Corporation may hold property movable or immovable.

8. The Corporation shall be able and capable in law, to acquire and hold any property both movable and immovable which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition or otherwise, and all such property shall be held by the Corporation for the purpose of this Act, with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Property remaining on dissolution.

9. If upon dissolution of the Corporation there remains any property after the satisfaction of all its debts and liabilities, such property shall not be distributed among the members of the Corporation, but shall be given or transferred to some other Institution or Institutions having objects similar to those of the Corporation and which is or are by its rules prohibited from distributing any income or profit among its or their members. Such Institution or Institutions shall be determined by the members of the Corporation at or immediately before the time of dissolution of the Corporation.

Accounts and Audits.

10. (1) The Corporation shall cause proper accounts to be kept of its income and expenditure, assets and liabilities and all other transactions of the Corporation.

Muslim Foundation for Culture and Development 5
(Incorporation) Act, No. 28 of 2008

(2) The accounts of the Corporation shall be audited by a qualified auditor appointed by the Board of Management.

11. The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of the Chairman and the Honorary Secretary or the Honorary Treasurer who shall sign their names to the instrument in token of their presence and such signing shall be independent of the signing of any person as a witness.

Seal of the Corporation.

12. Nothing contained in this Act shall prejudice or affect the rights of the Republic or of any body politic or corporate.

Saving of the right of the republic and others.

13. In 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.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**MALWATHU MAHA VIHARIYA
TIBBATUWAVE SRI SIDDHARTHA
SUMANGALA BENEVOLENT FOUNDATION
(INCORPORATION) ACT, No. 29 OF 2008**

[Certified on 5th August, 2008]

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 August 08, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 7.00

Postage : Rs. 5.00

*Malwathu Maha Vihariya Tibbatuwawe
Sri Siddhartha Sumangala Benevolent Foundation
(Incorporation) Act, No. 29 of 2008*

[Certified on 5th August, 2008]

L.D.—O. INC. 16/2005.

**AN ACT TO INCORPORATE THE MALWATHU MAHA VIHARIYA TIBBATHUWAWA
SRI SIDDHARTHA SUMANGALA BENEVOLENT FOUNDATION**

WHEREAS a Foundation called and known as the “Malwathu Maha Vihariya Tibbatuwawe Sri Siddhartha Sumangala Benevolent Foundation” has been established in Kandy, for the purpose of effectually carrying out and transacting all objects and matters connected with the said foundation according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said Foundation has heretofore successfully carried out and transacted the several objects and matters for which it was created and has applied to be incorporated and it will be for the public advantage to grant the application :

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

1. This Act may be cited as the Malwathu Maha Vihariya Tibbatuwawe Sri Siddhartha Sumangala Benevolent Foundation (Incorporation) Act, No.29 of 2008.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as presently are members of the “Malwathu Maha Vihariya Tibbatuwawe Sri Siddhartha Sumangala Benevolent Foundation” (hereinafter referred to as the “Foundation”) or shall hereafter be admitted, as members of the Corporation hereby constituted, shall be a body corporate (hereinafter referred to as the “Corporation”) with perpetual succession under the name and style of the “Malwathu Maha Vihariya Tibbatuwawe Sri Siddhartha Sumangala Benevolent Foundation” and by that name may sue and be sued, with full power and authority to have and use a common seal and alter the same at its pleasure.

Incorporation of the Malwathu Maha Vihariya Tibbatuwawe Sri Siddhartha Sumangala Benevolent Foundation.

2 *Malwathu Maha Vihariya Tibbatuwawe
Sri Siddhartha Sumangala Benevolent Foundation
(Incorporation) Act, No. 29 of 2008*

Objects of the
Corporation.

3. The general objects for which the Corporation is constituted are hereby declared to be—

- (a) to sponsor and promote the study of and research into, all aspects of Buddhism ;
- (b) to establish and maintain educational institutions for the purpose of educating persons of the Buddhist faith and to teach Buddhism and to inculcate in the Buddhists the Buddha Dhamma and Buddhist values and to encourage them to lead their lives in accordance with the Dhamma and Buddhist values ;
- (c) to establish and maintain Viharas, Monasteries, Shrines, Hermitages and other religious institutions and to promote, foster and preserve, Buddhist festivals, rites, rituals, practices and traditions ;
- (d) to award scholarships, fellowships, prizes, certificates and other awards to Buddhists who have fulfilled the requirements for such awards and to provide educational facilities and services to them ;
- (e) to promote the training of the Sangha ;
- (f) to promote peace and foster religious harmony in the community ;
- (g) to provide social and welfare services and to establish and maintain centres and institutions for the welfare, training and rehabilitation of children, the destitute, the disabled, the impaired, the aged and the displaced who are Buddhists ;
- (h) to establish and maintain libraries, information and resource centres ;
- (i) to engage in any industry or trade and to conduct training programmes with a view to improving technical knowledge of Buddhist youth ;

- (j) to hold exhibitions, lectures, seminars, workshops, classes, debates, conferences or other activities, in furtherance of the objects of the Corporation ; and
- (k) to collaborate with other associations, organizations or societies having objects similar to those of the Corporation.

4. (1) The management, control and administration of the affairs of the Corporation shall subject to the other provisions of this Act and the rules to be made under section 5 of this Act, be administered by a Governing Council (hereinafter referred to as “the Council”) consisting of the office bearers and such other persons elected from among the members in accordance with the rules to be made under section 5.

Management of the affairs of the Corporation.

(2) Notwithstanding anything contained in subsection (1) the founder President of the Foundation holding office on the date of commencement of this Act, shall be the First President of the Corporation unless he vacates office earlier.

(3) After the demise of the first President of the Corporation the next successive Maha Nayake Thero of Malwatte Chapter shall become the next President of the Corporation and the same procedure shall be followed thereafter.

(4) The first Council of the Corporation shall consist of the members of the Governing Council of the Foundation, holding office on the date of the commencement of this Act.

5. (1) It shall be lawful for the Corporation from time to time, at any general meeting of the Corporation and by a majority of not less than two-thirds of the members present and voting to make rules not inconsistent with the provisions of this Act or any other written law, for the following matters:—

Rules of the Corporation.

- (a) the admission, classification of membership and the withdrawal or expulsion of members ;

4 *Malwathu Maha Vihariya Tibbatuwawe
Sri Siddhartha Sumangala Benevolent Foundation
(Incorporation) Act, No. 29 of 2008*

- (b) the election of office bearers, the resignation from or vacation of or removal from office of office bearers and their powers, conduct and duties ;
- (c) the election of the members of the Council and its powers, conduct and duties and the terms of office of the members of the Council ;
- (d) the procedure to be observed at the summoning and holding of meetings of the Council, the times, places, notices and agenda of such meetings and the conduct of business thereat ;
- (e) the administration and management of the property of the Corporation ; and
- (f) generally for the management of the affairs of the Corporation and the accomplishment of its objects.

(2) Any rule made by the Corporation may be amended, altered, added to or rescinded at a like meeting and in like manner as a rule made under subsection (1) of this section.

(3) The members of the Corporation shall upon the coming into operation of this Act, be subject to the rules made from time to time by the Corporation.

General powers
of the
Corporation.

6. Subject to the provisions of this Act or any other written law, the Corporation shall have the power to do, perform and execute, all such acts, matters and things as are necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them, including the power to open, operate and close bank accounts, to borrow or raise money with or without security, to receive or collect grants and donations, to invest its funds and to engage, employ and dismiss, officers and servants required for the carrying out of the objects of the Corporation.

7. (1) The Corporation shall have its own fund.

Fund of the Corporation.

(2) All moneys heretofore or hereafter received by way of gift, bequest, donation, subscription, contribution, fees or grants for and on account of the Corporation, shall be deposited to the credit of the Corporation in one or more banks as the Council shall determine.

(3) There shall be paid out of the fund all sums of money as are required to defray any expenditure incurred by the Corporation in the exercise, performance and discharge of its powers, duties and functions, under this Act.

(4) The moneys and property of the Corporation, however derived shall be applied solely towards the promotion of the objects set forth herein, and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise howsoever to the members of the Corporation.

8. All debts and liabilities of the Foundation on the date of commencement of this Act shall be paid to the Corporation hereby constituted and all debts due to, subscriptions and contributions payable to the Foundation on that day, shall be paid to the Corporation for the purposes of this Act.

Debts due by and payable to the Foundation.

9. The Corporation shall be able and capable in law to acquire and hold any property, movable or immovable, which may become vested in it by virtue of any purchase, testamentary disposition or otherwise, and all such property shall be held by the Corporation for the purposes of this Act and subject to the rules of the Corporation with power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Corporation may hold property movable or immovable.

10. (1) The financial year of the Corporation shall be the calendar year.

Audit and accounts.

6 *Malwathu Maha Vihariya Tibbatuwawe*
Sri Siddhartha Sumangala Benevolent Foundation
(Incorporation) Act, No. 29 of 2008

(2) The Corporation shall cause proper accounts to be kept of its income and expenditure, assets and liabilities and all other transactions of the Corporation.

(3) The accounts of the Corporation shall be audited by a qualified auditor.

(4) In this section, “qualified auditor” means—

- (i) 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 practice as an Accountant issued by the Council of such Institute ; or
- (ii) a firm of 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 practice as an Accountant issued by the Council of such Institute.

How the Seal of the Corporation is to be affixed.

11. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of such number of office bearers as may be provided for in the rules of the Corporation who shall sign their names to the instrument in token of their presence and such signing shall be independent of the signing of any person as a witness.

Property remaining on dissolution.

12. If upon the dissolution of the Corporation there remains after the satisfaction of all its debts and liabilities any property whatsoever, such property shall not be distributed among the members of the Corporation, but shall be given or transferred to some other institution or institutions having objects similar to those of the Corporation and which is or are, by the rules thereof prohibited from distributing any income or property among its or their members. The members of the Corporation shall determine such institution or institutions at the time of the dissolution of the Corporation or prior to dissolution.

Malwathu Maha Vihariya Tibbatuwawe 7
Sri Siddhartha Sumangala Benevolent Foundation
(Incorporation) Act, No. 29 of 2008

13. Nothing in this Act contained shall prejudice or affect the rights of the Republic or any body politic or corporate.

Saving of the rights of the Republic.

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.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**BUDDHIST CULTURAL CENTRE OF
NEDIMALA, DEHIWALA
(INCORPORATION)
ACT, No. 30 OF 2008**

[Certified on 7th August, 2008]

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 August 08, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 7.00

Postage : Rs. 5.00

*Buddhist Cultural Centre of Nedimala, Dehiwala
(Incorporation) Act, No. 30 of 2008*

[Certified on 7th August 2008]

L. D.—O. Inc. 1/2006.

AN ACT TO INCORPORATE THE BUDDHIST CULTURAL CENTRE OF
NEDIMALA, DEHIWALA

WHEREAS a Centre called and known as the “Buddhist Cultural Centre of Nedimala, Dehiwala” has heretofore been formed in Nedimala, Dehiwala, for the purpose of effectually carrying out and transacting all objects and matters connected with the said Centre according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said Centre has heretofore successfully carried out and transacted several objects and matters for which it was established and has applied to be incorporated, and it will be for the public advantage to grant the application :

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

1. This Act may be cited as the Buddhist Cultural Centre of Nedimala, Dehiwala (Incorporation) Act, No. 30 of 2008

Short title.

2. From and after the date of commencement of this Act, such and so many persons as presently are members of the Buddhist Cultural Centre of Nedimala, Dehiwala ((hereinafter referred to as the “Centre”) or shall hereafter be admitted members of the Corporation hereby constituted shall be a body corporate (hereinafter referred to as the “Corporation”) with perpetual succession under the name and style of the “Buddhist Cultural Centre of Nedimala, Dehiwala”, and by that name may sue and be sued with full power and authority to have and use a common seal and to alter the same at its pleasure.

Incorporation of the Buddhist Cultural Centre of Nedimala, Dehiwala.

3. The general objects for which the Corporation is constituted are hereby declared to be—

General objects of the Corporation.

- (a) to take steps to build up a virtuous and disciplined Buddhist Community through the distribution of books and magazines among them ;

2 *Buddhist Cultural Centre of Nedimala, Dehiwala*
(Incorporation) Act, No. 30 of 2008

- (b) to provide necessary facilities to Buddhists to practise methods of meditation ;
- (c) to collect all books on Buddhism and magazines published worldwide and to make arrangements for easy access to such books and magazines among Buddhists ;
- (d) to print ancient literature on Buddhism which are presently out of print and to translate such literature into other languages ;
- (e) to expand the existing branches of the Centre for the benefit of Buddhists ;
- (f) to establish a printing press for the sole purpose of printing books on Buddhism ;
- (g) to launch a distance learning course of study in Buddhism especially for the convenience of Buddhists who wish to acquire a further knowledge of Buddhism ;
- (h) to re-print the Buddha Jayanthi Tripitaka Volume ;
- (i) to establish and maintain pre-schools for the Buddhist children of low income groups ;
- (j) to provide books, magazines and educational instruments necessary for the development of educational and cultural activities of students of low income Buddhist families to pursue their education from the primary to the university level and to give them financial aid and award scholarships ;
- (k) to render assistance necessary and award scholarships for the educational and cultural pursuits and investigative research activities of Buddhist university students ;

Buddhist Cultural Centre of Nedimala, Dehiwala 3
(Incorporation) Act, No. 30 of 2008

- (l) to provide necessary facilities and assistance for foreign scholars to pursue research in Buddhism and Buddhist culture ;
- (m) to establish a well equipped Buddhist Information and Publication Centre and a Sales Centre of Books on Buddhism ;
- (n) to develop a friendly and cordial relationship between the Centre and social workers, intellectuals and philanthropists and also with similar welfare societies, organizations and foundations existing in other countries ;
- (o) to print, publish and distribute books, journals, bulletins, newspapers and magazines considered suitable by the Corporation for the promotion and development of the above objectives of the Corporation ;

4. (1) The affairs of the Corporation shall subject to the other provisions of this Act and the rules of the Corporation, made under section 7, be administered by a Board of Management (hereinafter referred to as the "Board") consisting of the Chairman, Vice Chairman, Chief Secretary, Assistant Secretaries, the Treasurer and five other members elected in accordance with such rules of the Corporation.

Management of the affairs of the Corporation.

(2) The first Board of the Corporation shall consist of the members of the Board of the Centre, holding office on the day preceding the date of commencement of this Act.

5. (1) The Board shall cause to be kept, a register of members in which every person on the day preceding the date of commencement of this Act is a member of the Centre and every person thereafter duly admitted as a member of the Corporation shall have his name inscribed.

Register of Membership.

4 *Buddhist Cultural Centre of Nedimala, Dehiwala
(Incorporation) Act, No. 30 of 2008*

(2) The register shall contain the following particulars :-

- (a) the name, address and occupation of each member of the Corporation ;
- (b) the date on which the name of the member was inscribed in the register ;
- (c) the date on which any person ceased to be a member.

Powers of the Corporation.

6. Subject to the provisions of this Act and any other written law, the Corporation shall have the power-

- (a) to purchase, acquire, rent, construct and otherwise obtain lands or buildings which may be required for the purposes of the Corporation ;
- (b) to borrow or raise money from the Government approved Banks and other institutions for the purposes of the Corporation ;
- (c) to make, draw, accept, discount, endorse, negotiate, buy, sell and issue bills of exchange, cheques, promissory notes and other negotiable instruments and to open, operate, maintain and close bank accounts ;
- (d) to invest any funds not immediately required for the purposes of the Corporation, in such a manner as the Board may think fit ;
- (e) to solicit and receive subscriptions, grants, donations or gifts of all kinds ;
- (f) to enter into agreements or contracts with any person, company or body of persons ;
- (g) to undertake, accept, execute, perform and administer any lawful trusts and conditions affecting movable or immovable property ;

- (h) to appoint, employ, dismiss or terminate the services of officers and servants of the Corporation and to pay them such salaries, allowances and gratuities as may be determined by the Corporation ; and
- (i) to train personnel in Sri Lanka or abroad for the purpose of the Corporation.

7. (1) It shall be lawful for the Corporation from time to time at any meeting of the Corporation and by a majority of not less than two-thirds of the members present and voting to make rules not inconsistent with the provisions of this Act or any other written law, for the following matters :-

Rules of the Corporation.

- (a) classification of membership, fee payable by each class of member, their admission, withdrawal, removal or resignation ;
- (b) election of the Board or vacation of or removal from office of office bearers and assigning their powers, duties and conduct ;
- (c) appointment, employment and dismissal of various officers, agents and servants of the Corporation and assigning their powers, duties, functions and conduct and the payment of remuneration to them ;
- (d) the procedure to be observed at the summoning and holding of meetings of the Board, Corporation or any sub-committee thereof, filling of vacancies, notices and agenda of such meetings, the quorum therefor and the conduct of business thereat,
- (e) the qualifications and disqualifications for membership in the Board and the Corporation ;
- (f) the administration and management of the property of the Corporation ;
- (g) generally for the management of the officers of the Corporation and the accomplishment of the objects.

6 *Buddhist Cultural Centre of Nedimala, Dehiwala
(Incorporation) Act, No. 30 of 2008*

(2) The members of the Corporation shall be subject to the rules of the Corporation.

Fund of the Corporation.

8. (1) The Corporation shall have its own Fund.

(2) All moneys received by way of gifts, bequests, donations, subscriptions, contributions, fees or grants for and on account of the Corporation shall be deposited in one or more bank approved by the Board to the credit of the Corporation.

(3) There shall be paid out of the Fund all sums of money as are required to defray any expenditure incurred by the Corporation in the exercise, performance and discharge of its powers, duties and functions under the Act.

Debts due by and payable to the Centre.

9. All debts and liabilities of the Centre existing on the day preceding the date of commencement of this Act shall be paid and discharged by the Corporation hereby constituted and all debts due to, subscriptions and contributions payable to the Centre on that day shall be paid to the Corporation for the purpose of this Act.

Financial year.

10. The financial year of the Corporation shall be the calendar year.

Accounts and audit.

11 (1) The Corporation shall cause proper accounts to be kept of all moneys received and expended by the Corporation.

(2) The Annual Final Accounts of the Corporation shall be examined and audited every year by the Auditor of the Corporation and the report shall be submitted at the annual General meeting.

Property remaining on dissolution.

12. If upon the dissolution of the Corporation there remains after the satisfaction of all debts and liabilities, any property whatsoever, such property shall not be distributed among the members of the Corporation but shall be given or

Buddhist Cultural Centre of Nedimala, Dehiwala 7
(Incorporation) Act, No. 30 of 2008

transferred to some other association or associations having objects, similar to the objects of the Corporation, and which is, or are by the rules thereof prohibited from distributing any income or profit among its or their members. Such association or associations shall be determined by the members of the Corporation at or immediately before the time of dissolution of the Corporation.

13. The Seal of the Corporation shall be in the custody of the Chairman and shall not be affixed to any instrument whatsoever, except in the presence of the Chairman and the Secretary who shall sign their names to the instrument in token of their presence and such signing shall be independent of the signing of any person as a witness.

Seal of the Corporation.

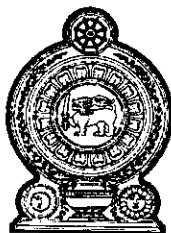
14. Nothing in this Act contained shall prejudice or affect the rights of the Republic or any body politic or corporate.

Saving of the rights of the Republic and others.

15. 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.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**UNIVERSITY OF VOCATIONAL
TECHNOLOGY ACT, No. 31 OF 2008**

[Certified on 28th August, 2008]

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 August 29, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 19.00

Postage : Rs. 12.50

University of Vocational Technology
Act, No. 31 of 2008

[Certified on 28th August, 2008]

L.D.—O. 47/2005

AN ACT TO PROVIDE FOR THE ESTABLISHMENT, MAINTENANCE AND ADMINISTRATION OF THE UNIVERSITY OF VOCATIONAL TECHNOLOGY; TO IMPART HIGHER EDUCATION AT UNIVERSITY LEVEL ON VOCATIONAL TECHNOLOGY ; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS having regard to the need and the importance of making available opportunities for achieving a higher educational qualification to those in Sri Lanka who have acquired Technical and Vocational Education and Training:

Preamble.

AND WHEREAS it has become necessary to ensure that the higher educational qualification obtained by those who pursue such studies will be a qualification which has recognition within as well as outside Sri Lanka:

AND WHEREAS at present there exists no institution in Sri Lanka equipped to provide higher educational qualifications to those who have acquired Technical and Vocational Education and Training:

AND WHEREAS it has become a matter of national importance to establish a University for the purpose of granting academic qualifications to those who have acquired such Technical and Vocational Education and Training:

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

1. This Act may be cited as the University of Vocational Technology Act, No. 31 of 2008, and the provisions of this Act other than this section, 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”). The provisions of this section shall come in to operation on the date on which this Act becomes an Act of Parliament.

Short title and date of operation.

PART I

ESTABLISHMENT OF THE UNIVERSITY OF VOCATIONAL TECHNOLOGY

Establishment of
the University of
Vocational
Technology.

2. (1) Notwithstanding anything to the contrary in the Universities Act, No. 16 of 1978, there shall be established a University called the University of Vocational Technology (hereinafter referred to as the "University").

(2) The University shall be a body corporate with perpetual succession and a common seal, and in the name assigned to the University by subsection (1), have full power to—

- (a) sue and to be sued in all courts ;
- (b) alter the seal at its pleasure ;
- (c) acquire by way of purchase or otherwise both movable and immovable property and to take, accept and hold any such property which may become vested in it by virtue of any such purchase or any grant or donation, lease, testamentary disposition or otherwise ;
- (d) sell, hypothecate, lease, exchange or otherwise dispose of any property acquired by it ;

Provided however, that any sale, hypothecation, lease, exchange or other disposition of any such property shall be invalid, if the same is made in contravention of any restriction, condition or prohibition imposed by law or by any appropriate Instrument or Order, by which any such property was vested in the University ; and

- (e) exercise, perform and discharge such powers, duties and functions as are conferred or imposed on or assigned to the University by this Act.

(3) The powers, duties and functions conferred, imposed or assigned to the University shall, unless otherwise expressly provided for by this Act, be exercised by the Board.

3. The seal of the University shall be in the custody of the Director-General of the University and shall not be affixed to any instrument or document except in his presence or in the presence of any other officer assigned by the Vice-Chancellor, and the Director-General or such other officer, as the case may be, shall sign such instrument or document in token of his presence.

Seal of the University.

PART II

OBJECTS AND POWERS OF THE UNIVERSITY

4. The objects of the University shall be to—

Objects of the University.

- (a) assist in the progressive development of students in technical and vocational education and training system, based on their aptitudes and abilities to acquire a university education ;
- (b) provide pedagogical training for those undergoing training while serving in the technical and vocational education sector and industry ;
- (c) assist in the development of course curricula for technical and vocational education and training ;
- (d) provide courses of study for middle level technical personnel having qualifications acceptable for admission to the University ;
- (e) provide courses of study for those with National Vocational Qualifications to upgrade their competency and acquire academic qualifications ;
- (f) provide extension courses on continuous professional development ; and
- (g) provide extension services to the public including institutions, in the construction, manufacturing and service sectors.

Powers of the
University.

5. The University shall subject to the provisions of this Act, have the power to—

- (a) admit students and provide instructions in any approved branch of technical and vocational education and training as the University may determine ;
- (b) make available opportunities for research and for the advancement and dissemination of knowledge ;
- (c) hold examinations and assess student performance ;
- (d) grant and confer degrees and other academic distinctions in conformity with any Statute made for the purpose ;
- (e) establish specialized institutes or schools ;
- (f) co-operate by way of exchange of teachers, students and scholars or otherwise with other institutions in Sri Lanka or institutions abroad, having objects or interests similar to or substantially similar to those of the University ;
- (g) make arrangements for the conduct of examinations for enabling those not instructed at the University to obtain degrees, diplomas and certificates from the University and to determine the courses of instruction for such examinations ;
- (h) provide facilities for higher education to persons employed by the University ;
- (i) confer honorary degrees or other distinctions on persons approved by the Academic Council and the Board, in conformity with any Statute made for the purpose ;
- (j) recognize examinations passed and periods of learning pursued at any University established or deemed to be established under the Universities Act,

- No. 16 of 1978 and any higher educational institutions and technical and vocational or professional institutions of the State, within Sri Lanka, for the purpose of admitting students to the University, as approved by the Admission, Accreditation and Quality Assurance Council and the Academic Council;
- (k) erect, equip and maintain for the purposes of the University, libraries, laboratories and other buildings for instructional purposes ;
 - (l) institute Senior Professorships, Professorships, Associate Professorships, Senior Lectureships, Lectureships, Assistant Lectureships and other non-academic posts, as may be required for the purposes of the University ;
 - (m) institute and award fellowships, scholarships, exhibitions, bursaries, medals and other prizes in conformity with any Statute made for the purpose ;
 - (n) charge fees for any extension services provided to the public or any institution, as the case may be, and disburse the income so generated for the attainment of the objects of the University, in such manner as shall be prescribed by any Ordinance ; and
 - (o) do all such other acts or things as may be necessary for effectively exercising any of the powers conferred by this Act and for the attainment of the objects specified in section 4.

PART III

POWERS OF THE MINISTER

6. (1) The Minister shall be responsible for the general direction and administration of this Act.

Responsibility
and powers of
the Minister.

6. *University of Vocational Technology,
Act, No. 31 of 2008*

(2) In fulfilling his responsibility under subsection (1), the Minister may from time to time issue to the Board such written directions as he may consider necessary, in regard to matters such as finance and medium of instruction. Every written direction issued under this subsection shall be tabled in Parliament within three months of the date of its issue.

(3) It shall be the duty of the Board to comply with all directions issued by the Minister under subsection (2).

(4) The Minister may from time to time for the purpose of effectively fulfilling his responsibilities relating to the administration of this Act, order all or any of the activities pertaining to the administration of the University to be investigated and reported upon by the Board.

(5) Upon receipt of the report of the Board in compliance with an order made under subsection (4), the Minister shall direct the Board to take such remedial action as he may consider necessary, with reference to the activity or the administration of the University pertaining to which the investigation under subsection (4) was carried out.

Where a situation prevails which is likely endanger national security etc.

7. Where the Minister is of the view that any situation prevailing in the University is likely to endanger national security or is detrimental or prejudicial to national policy or is likely to disrupt the smooth functioning of the University, he may direct the Board to take all such steps as he may deem necessary, to bring such situation under control.

Measures to be taken by the Minister in the event of a lockout etc.,

8. (1) Where the Minister is of the view that due to any strike, lockout or any other cause, the work or administration of the University has been seriously disrupted and that the different authorities of the University have failed to restore normal conditions, he may take all such measures as may be necessary to ensure the restoration of normalcy. Pending the restoration of normalcy, the Minister may by Order published in the *Gazette*, make such provisions as he may deem necessary in respect of all or any of the following matters :-

(a) the closure of University ;

Measures to be taken by the Minister in the event of a lockout etc.,

- (b) the appointment of any person by name or by office to be a competent authority for the purpose of exercising, performing or discharging, any power, duty or functions under this Act or under any appropriate Instrument, in lieu of any Officer, Authority or other body of the University ; and
- (c) any other matter connected with or relating to any of the matters aforesaid.

(2) An Order made by the Minister under subsection (1) shall come into force on such date as may be specified therein, and shall within one month of the *Gazetting*, be tabled in Parliament. The Order shall unless earlier rescinded, remain in force for a period not exceeding three months thereafter.

9. (1) The University shall before the expiry of a period of six months after the closure of each financial year, submit to the Minister a report containing a full account of its activities during that year. The Minister shall cause copies thereof to be tabled in Parliament.

Annual Report
of the
University.

(2) The University shall cause copies of the report submitted under subsection (1) to be made available to the public, on the payment of a fee to be determined by the University.

PART IV

CHANCELLOR AND OFFICERS OF THE UNIVERSITY

10. (1) The President shall nominate the Chancellor of the University. The Chancellor shall be the Head of the University and shall hold office for a period of five years from the date of such nomination.

Chancellor and
the officers of
the University.

(2) The Chancellor nominated under subsection(1) shall, when present, preside at each Convocation of the University.

(3) The Officers of the University shall be as follows :—

- (a) the Vice Chancellor ;
- (b) the Dean of each Faculty ;

- (c) the Director-General of the University ;
- (d) the Director, Media and Information Services ;
- (e) the Director, Finance ;
- (f) the Director, Admission, Accreditation and Quality Assurance ; and
- (g) any person holding a post declared by Statute to be that of an Officer.

The
Vice-Chancellor.

11. (1) The Vice-Chancellor of the University shall be appointed by the President in consultation with the Minister, from and out of a panel of three persons nominated by the Board.

(2) The panel of three persons shall be selected from amongst those who have academic qualifications, knowledge and experience in the field of construction or manufacturing or any other field of technology or service sector.

(3) A person shall not be appointed as a Vice-Chancellor, for more than two consecutive terms of office.

(4) The Vice-Chancellor shall be a full-time officer of the University and shall be the principal executive officer and the principal academic officer thereof. He shall be an *ex-officio* member and Chairman of both the Board and of the Academic Council. The Vice-Chancellor shall be entitled to convene, be present and speak at any meeting of any other Authority of the University or other body as may be prescribed by Ordinance, but shall not be entitled to vote at any such meeting, unless he is a member of such other Authority or other body.

(5) It shall be the duty of the Vice-Chancellor in accordance with such directions as may from time to time be lawfully issued to him in that behalf by the Board, to ensure that the provisions of this Act and of any appropriate Instrument are duly observed, and he shall have and may exercise all such powers as he may deem necessary for the purpose.

(6) Subject to the provisions of this Act, it shall be the duty of the Vice-Chancellor to give effect to and ensure that effect is given to the decisions of the Board and of the Academic Council.

(7) The Vice-Chancellor shall be the Accounting Officer of the University and shall be responsible for the maintenance of discipline within the University.

(8) The Vice-Chancellor shall, unless he vacates office earlier or is removed from office under subsection (9) of this section, hold office for a term of four years or until he has completed his sixty fifth year, whichever event occurs earlier.

(9) The Vice-Chancellor may for reasons assigned, be removed from office by the President.

(10) Where the Vice-Chancellor by reason of leave, illness, absence from Sri Lanka or for any other cause is temporarily unable to perform the duties of his office, the President shall within seven days of the occurrence of such inability, make such arrangements as he may think fit for carrying on the duties of the Office. Until such arrangements are made, the Director General of the University shall carry out the routine duties of the Office of the Vice-Chancellor.

(11) Where any vacancy occurs in the Office of the Vice-Chancellor, the President may within seven days of the occurrence of such vacancy, make such arrangement as he may think fit, for carrying on the duties of the Office until a permanent appointment is made. Until such arrangements are made, the Director-General of the University shall carry out the routine duties of the Office.

12. (1) There shall be a Dean of each Faculty who shall be the academic and administrative Head of that Faculty. The Dean shall be elected by the Faculty from among the Senior Professors, Professors, Associate Professors and Senior Lecturers who are members of such Faculty.

The Dean of a
Faculty.

(2) The Dean shall subject to the provisions of any appropriate Instrument, hold office for a period of three years reckoned from the date of his election and shall, unless disqualified from holding such office, be eligible for re-election, for a further period of three years.

(3) The Dean of a Faculty who is disqualified from continuing to function as an Officer of the University under section 55 of this Act, shall be removed from such office.

(4) Where owing to leave of absence, illness or other cause, the Dean of a Faculty is temporarily unable to perform the duties of his office for a period not exceeding three months, the Vice-Chancellor shall appoint a Senior Professor, Professor, Associate Professor or Senior Lecturer of that Faculty, to act in the post of Dean for such period.

(5) Where a Dean of a Faculty is removed, retires, resigns, or is for any other reason unable to perform the duties of his office for a period exceeding three months, the post of Dean of that Faculty shall be deemed to have become vacant, and a new Dean shall be elected in accordance with the provisions of subsection (1). The person so elected shall hold office for the un-expired part of the term of office of his predecessor.

The Director-
General.

13. (1) The Director-General of the University, shall be appointed by the Board upon the recommendation of a Selection Committee, the composition of which shall be prescribed by Ordinance, and shall function as a full-time Officer of the University. The Director-General shall also be the Assistant Accounting Officer of the University.

(2) The Director-General shall—

(a) subject to the direction and control of the Vice-Chancellor, be responsible for the general administration of the University and the disciplinary control of its non-academic staff ;

- (b) be responsible for the custody of the records and the property of the University ; and
- (c) exercise, perform and discharge such powers, duties and functions as may be conferred or imposed on or assigned to him by this Act or by any appropriate Instrument.

14. (1) The Director, Media and Information Services of the University shall be appointed by the Board upon the recommendation of a Selection Committee, the composition of which shall be prescribed by Ordinance, and shall function as a full-time Officer of the University.

**The Director,
Media and
Information
Services.**

(2) The Director, Media and Information Services shall—

- (a) subject to the direction and control of the Vice-Chancellor, be responsible for the general administration of the Media and Information Centre or Centres of the University ; and
- (b) exercise, perform and discharge such powers, duties and functions as may be conferred or imposed on or assigned to him by this Act or by any appropriate Instrument.

15. (1) The Director, Finance of the University, shall be appointed by the Board upon the recommendation of a Selection Committee, the composition of which shall be prescribed by Ordinance, and shall function as a full-time Officer of the University.

**The Director,
Finance.**

(2) The Director, Finance shall —

- (a) subject to the direction and control of the Director-General, be responsible for the general administration of the finances of the University and shall maintain its accounts in such form and manner as may be prescribed by Ordinance ; and

- (b) exercise, perform and discharge such powers, duties and functions as may be conferred or imposed on or assigned to him by this Act or by any appropriate Instrument.

(3) The Director, Finance shall have the custody of all the funds of the University.

The Director,
Admission,
Accreditation
and Quality
Assurance.

16. (1) The Director, Admission, Accreditation and Quality Assurance of the University, shall be appointed by the Board upon the recommendation of a Selection Committee, the composition of which shall be prescribed by Ordinance, and shall function as a full-time Officer of the University.

(2) The Director, Admission, Accreditation and Quality Assurance shall —

- (a) subject to the direction and control of the Vice Chancellor, be responsible for the admission criteria and for ensuring quality assurance of courses and other supporting services provided by the University ; and
- (b) exercise, perform and discharge such powers, duties and functions as may be conferred or imposed on or assigned to him by this Act or by any appropriate Instrument.

PART V

THE AUTHORITIES OF THE UNIVERSITY

The Authorities
of the
University.

17. The Authorities of the University shall be the following :—

- (a) the Board of Governors ;
- (b) the Admission, Accreditation and Quality Assurance Council ;

- (c) the Academic Council ;
- (d) the Faculty Boards ; and
- (e) such other bodies as may be prescribed by Ordinances to be Authorities of the University ;

18. (1) The Board of Governors of the University (in this Act referred to as the "Board") shall consist of—

The Board of
Governors of the
University.

- (a) the following *ex-officio* members :—
 - (i) the Vice Chancellor ;
 - (ii) the Dean of each Faculty ;
 - (iii) the Secretary to the Ministry of the Minister or any officer nominated by him ;
 - (iv) the Secretary to the Ministry of the Minister in charge of the subject of Finance or his nominee ;
 - (v) the Secretary to the Ministry of the Minister in charge of the subject of Higher Education or his nominee ;
 - (vi) the Head of the body entrusted with the responsibility of regulating the activities of Colleges of Technology ;
 - (vii) the Chairman of the Vocational Training Authority of Sri Lanka, established by the Vocational Training Authority of Sri Lanka Act, No. 12 of 1995 ; and
 - (viii) The Chairman of the National Apprentice and Industrial Training Authority, established by the Tertiary and Vocational Education Act, No. 20 of 1990 ; and
- (b) the following persons appointed by the Minister (in this section referred to as "appointed members") :—
 - (i) two members of the Academic Council nominated by such Council from among its members ;

(ii) such number of members as is equal to the total number of members referred to in sub-paragraphs (i), (ii), (iii), (iv), and (v) of paragraph (a) and sub-paragraph (i) of this paragraph, increased by one. Four members out of this number shall be appointed by the Minister from among persons who have rendered distinguished services in the educational, professional commercial, industrial, scientific or administrative spheres and shall include one representative each selected out of not less than two nominations received from each of the following organizations :—

(A) the Institution of Engineers, Sri Lanka ;

(B) the Institution of Incorporated Engineers, Sri Lanka ;

(C) the Ceylon Chamber of Commerce ; and

(D) the Board of Investment of Sri Lanka.

(2) The Chairman of the Board shall be the Vice Chancellor who shall preside at all meetings of the Board. If the Chairman is unable to preside at any meeting, the members present shall elect a member from among themselves to preside at such meeting. The Director-General of the University shall function as the Secretary of the Board.

(3) An appointed member of the Board shall, unless he vacates office earlier, hold office for a term of three years reckoned from the date of his appointment, and shall, unless removed from office, be eligible for re-appointment :

Provided however that if any appointed member vacates his office prior to the expiry of his term, his successor shall hold office for the unexpired term of office of the member whom he succeeds.

(4) An appointed member of the Board may resign his office by writing under his hand addressed to the Minister.

(5) An appointed member of the Board who is disqualified from continuing to be a member of an Authority of the University under section 55 of this Act, shall be removed from such office.

(6) An appointed member of the Board who for whatever reason absents himself from three consecutive meetings of the Board, shall be deemed to have vacated his office as a member and the Minister shall, having regard to the provisions of paragraph (b) of subsection (1), appoint another person to fill the resulting vacancy.

(7) An appointed member of the Board may be paid such allowance as the Minister, in consultation with the Minister in charge of the subject of Finance, shall determine.

(8) The quorum for a meeting of the Board shall be six members.

(9) The Board shall meet whenever necessary, provided that it shall meet not less than on ten occasions in each year.

(10) The Chairman of the Board shall whenever he thinks necessary or within one week upon the receipt by him of a written requisition from not less than one third the total membership of the Board, convene a Special Meeting of the Board.

19. (1) Subject to the provisions of this Act, the Board shall exercise, perform and discharge the powers, duties and functions conferred or imposed on or assigned to the University by this Act.

Powers, duties
and functions of
the Board.

(2) Without prejudice to the generality of the powers conferred upon it by subsection (1), the Board shall exercise, perform and discharge the following powers, duties and functions:-

- (i) approve courses of study recommended by the Academic Council ;

- (ii) determine from time to time the requirements for the admission of students to the University, having considered any recommendations made by the Admission, Accreditation and Quality Assurance Council ;
- (iii) hold, control and administer the property and funds of the University ;
- (iv) select a coat of arms for the University and determine its form ;
- (v) regulate and determine all matters concerning the University in accordance with the provisions of this Act and of any appropriate Instrument ;
- (vi) inquire into or investigate from time to time the financial needs of the University ;
- (vii) prepare from time to time corporate strategic plans and corresponding budgets for the University, for periods not less than three years at a time ;
- (viii) determine from time to time within the overall wage and salary policies of the Government, the quantum of remuneration that should be paid to the members of the staff of the University and other benefits that the staff is entitled to receive ;
- (ix) administer any funds placed at the disposal of the University for specific purposes ;
- (x) receive and accept, bequests, donations and grants of property made to the University ;
- (xi) consider the annual report and the annual accounts of the University and submit such report and accounts, along with any amendments that it may consider necessary, to the Minister ;
- (xii) prepare the budget estimates and the annual financial appropriations of the University and submit the same to the Minister ;
- (xiii) make Statutes as and when it seems fit for any matter in respect of which Statutes are required to be made under this Act ;

- (xiv) make By-laws in respect of any matter for which By-laws are authorized to be made under this Act;
- (xv) provide buildings, premises, furniture, equipment and other materials needed for the carrying on of the work of the University ;
- (xvi) appraise performance of persons in the staff of the University ;
- (xvii) appoint examiners, whether from the staff of the University or from elsewhere, after considering any recommendations made by the Academic Council, and determine the fees which may be paid to such examiners ;
- (xviii) appoint a Board of Welfare which shall include a representative of the students, for the promotion of the general well being of the students of the University. The composition, powers, duties and functions of such Board shall be as prescribed by Ordinance ;
- (xix) enter into, carry out or cancel contracts on behalf of the University and invest any moneys belonging to the University, including any unapplied income generated by the University, in the purchase of immovable property in Sri Lanka or vary such investments or place in fixed deposits in any bank approved by the Secretary to the Ministry of the Minister, any portion of such moneys not required for immediate expenditure ;
- (xx) determine after consultation with the Academic Council, the academic dress or insignia or both of the Vice Chancellor, the Officers, the graduates and students of the University ;

- (xxi) institute, abolish or suspend Senior Professorships, Professorships, Associate Professorships, Senior Lecturerships, Lecturerships and Assistant Lecturerships, in consultation with the Admission, Accreditation and Quality Assurance Council ;
- (xxii) institute, abolish or suspend any non-academic post in consultation with the Admission, Accreditation and Quality Assurance Council ;
- (xxiii) decide on the qualifications required for any post referred to in paragraphs (xxi) and (xxii) in consultation with the Admission, Accreditation and Quality Assurance Council ;
- (xxiv) establish collaborations and partnerships with public and private sector, for purpose of achieving the objects of the University ;
- (xxv) award fellowships, scholarships, exhibitions, bursaries, medals and other prizes, on the recommendation of the Academic Council ;
- (xxvi) establish such number of Faculties on the recommendations of the Academic Council ; and
- (xxvii) exercise all other powers of the University, the exercise of which is not otherwise provided for in this Act or in any appropriate Instrument.

(3) No resolution shall be passed by the Board in relation to any academic matter, unless the Academic Council has first been given an opportunity of recording and transmitting to the Board its opinion thereon.

In this section, "academic matter" means any matter, which is subject to the control and general direction of the Academic Council.

20. (1) The Board may make Ordinances in respect of all such matters as it may deem necessary to enable it to effectively exercise, perform and discharge its powers, duties and functions under this Act.

Power of the Board to make Ordinances.

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

- (a) all matters required to be prescribed by Ordinance or in respect of which Ordinances are authorized to be made by the Board under any other provision of this Act ;
- (b) the terms and conditions of service of the full time Officers of the University ;
- (c) the terms and conditions of service of the staff of the University ;
- (d) the establishment and maintenance of standards of instruction in the University for the grant of degrees, diplomas and other academic distinctions ;
- (e) the recognition of foreign degrees and diplomas and other academic distinctions ; and
- (f) any other matter connected with or incidental to any of the matters aforementioned.

(3) Every Ordinance made by the Board under this Act shall be published in the *Gazette* and shall come into operation on the date specified therein.

21. (1) The Admission, Accreditation and Quality Assurance Council of the University (hereinafter referred to as the "Quality Assurance Council") shall consist of—

The Admission, Accreditation and Quality Assurance Council.

- (a) the following *ex-officio* members:—
 - (i) the Director General of the Tertiary and Vocational Education Commission, established by the Tertiary and Vocational Education Act, No. 20 of 1990 ;

- (ii) the Dean of each Faculty of the University ;
 - (iii) the Director, Admission, Accreditation and Quality Assurance Council ;
 - (iv) the Director-General of the University ; and
 - (v) the Head of the body entrusted with the responsibility of regulating the activities of Colleges of Technology ; and
- (b) the following persons appointed by the Vice Chancellor (in this section referred to as "appointed member") :—
- (i) an officer of the Ministry of the Minister nominated by the Secretary to such Ministry ;
 - (ii) two representatives from the Board nominated by the Board from amongst its appointed members, one of whom at least shall be the member appointed to represent either the Institution of Engineers, Sri Lanka or the Institution of Incorporated Engineers, Sri Lanka ;
 - (iii) one representative from Academic Council, nominated by that Council from among its members ; and
 - (iv) two directors responsible for the National Vocational Qualifications and for Accreditation, from the Tertiary and Vocational Education Commission, established by the Tertiary and Vocational Education Act, No. 20 of 1990.

(2) The Chairman of the Quality Assurance Council shall be the Director-General of the Tertiary and Vocational Education Commission, who shall preside at all meetings of

such Council. If the Chairman is unable to preside at any meeting, the members present shall select a member present to preside at such meeting.

(3) The Director-General of the University shall be the Secretary to the Quality Assurance Council.

(4) The quorum for a meeting of the Quality Assurance Council shall be one half of its total membership and the Quality Assurance Council shall meet whenever necessary, provided that it shall meet on not less than on one occasion in each year.

(5) An appointed member of the Quality Assurance Council shall unless he vacates office earlier, hold office for a term of four years reckoned from the date of his appointment, and shall, unless removed from office, be eligible for re-appointment :

Provided that if any appointed member vacates his office prior to the expiry of his term, his successor shall hold office only for the unexpired term of office of the member who he succeeds.

(6) An appointed member of the Quality Assurance Council may resign his office by writing under his hand addressed to the Vice Chancellor.

(7) An appointed member of the Quality Assurance Council who is disqualified from continuing to be a member of an Authority of the University under section 55 of this Act, shall be removed from such office.

(8) An appointed member of the Quality Assurance Council who for whatever reason absents himself from three consecutive meetings of the Quality Assurance Council, shall be deemed to have vacated his office as a member and the Vice Chancellor shall, having regard to the provisions of paragraph (b) of subsection (1), appoint another person to fill the resulting vacancy.

- (ix) collaborations to be established with other national and international higher educational institutions and professional bodies, to further the objectives of the University ;
- (x) the appointment of such number of committees consisting of its own members and any other professionals outside its membership, as it may deem necessary to deliberate and report to it on any matters pertaining to its powers, which may be referred to such committee ; and
- (xi) any other matter that may be referred to it by the Board for its recommendation.

23. (1) The Academic Council shall consist of—

The Academic Council.

(a) the following *ex-officio* members:—

- (i) the Vice Chancellor ;
- (ii) the Dean of each Faculty ;
- (iii) every Senior Professor and Professor of the University ;
- (iv) the Director-General of the University ;
- (v) the Director, Media and Information Services ; and
- (vi) the Director, Admission, Accreditation and Quality Assurance Council ; and

(b) the following elected and appointed members :—

- (i) such number of Associate Professors and Senior Lecturers not exceeding seven representing each faculty, elected by the permanent teachers of such Faculty, from among their number ;

- (ii) such number of Lecturers and Assistant Lecturers as is equal to the total number of Faculties, elected by the Faculty Board to represent each of those Faculties ; and
- (iii) such number of members as is equal to the total number of Faculties, appointed by the Board from among persons who have rendered distinguished service in educational, professional, commercial, industrial, scientific or administrative spheres, as recommended by the respective Faculty Boards.

(2) Each member elected or appointed under paragraph (b) of subsection (1), shall hold office for a period of two years reckoned from date of his election or appointment, as the case may be.

(3) The quorum for a meeting of the Academic Council shall be one third of its total membership.

(4) The Academic Council shall meet whenever necessary, provided that, it shall meet not less than on ten occasions in each year.

(5) The Chairman of the Academic Council shall be the Vice Chancellor who shall preside at all meetings of the Academic Council. If the Chairman is unable to preside at any meeting, the members present shall elect a member from among those present to preside at such meeting.

Powers, duties and functions of the Academic Council.

24. (1) The Academic Council shall be the academic authority of the University and subject to the provisions of this Act and of any appropriate Instrument, shall have control and general direction of the standard of instruction, education, research and examinations in the University.

(2) Without prejudice to the generality of the powers conferred upon it by subsection (1), the Academic Council shall exercise, perform and discharge the following powers, duties and functions :—

- (i) draft, where appropriate after considering any reports submitted by the Faculty or the Faculties

concerned, regulations relating to courses of study and examinations, and to make recommendations to the Board regarding such courses of study for its approval ;

- (ii) recommend to the Board after considering any reports submitted by the Faculty or Faculties concerned, the names of persons suitable to be appointed as examiners ;
- (iii) evaluate any request made by a Faculty Board on any proposals relating to the institution, abolition or suspension of Senior Professorships, Professorships, Associate Professorships, Senior Lecturerships, Lecturerships and Assistant Lecturerships in the University, and make their recommendations on the same to the Quality Assurance Council ;
- (iv) recommend to the Board after considering any reports submitted by the Faculty or the Faculties concerned :—
 - (a) on schemes for the re-organization of existing Faculties ; and
 - (b) on the assignment of subjects of study to the respective Faculties ;
- (v) recommend to the Board the mode and conditions of competition for fellowships, scholarships, exhibitions, bursaries, medals and other prizes ;
- (vi) recommend to the Board on the award of fellowships, scholarships, exhibitions, bursaries, medals and other prizes ;
- (vii) appoint such number of Standing Committees, or *ad hoc* Committees or Boards from and out of the members of the Academic Council as it may deem fit, and in particular, the following :—
 - (a) Media and Information Services Committee ;

- (b) Research Committee ;
 - (c) Industry-University Partnership Committee ;
 - (d) Curriculum and Evaluation Committee ; and
 - (e) Leave and Awards Committee ;
- (viii) specify the terms of reference of the Committees and Boards appointed under paragraph (vii) and to either approve the reports submitted by any such Committee or Board with or without modification, or to reject such reports ;
- (ix) refer to the Quality Assurance Council any proposals made by a Faculty Board relating to the admission of students to any courses of study, along with their observations on the same ; and
- (x) recommend to the Board from time to time, regarding the establishment of such Faculties as it may deem necessary for developing its teaching, research and extension programmes.

The Faculty
Board.

25. (1) The Faculty Board of each Faculty of the University shall consist of the following persons :—

- (a) the Dean of the Faculty ;
- (b) all Senior Professors, Professors, Associate Professors, Senior Lecturers and Lecturers of the Faculty ;
- (c) the Director, Admission, Accreditation and Quality Assurance Council or his nominee ;
- (d) the Director, Media and Information Services or his nominee ;
- (e) two members of the permanent staff imparting instructions in the Faculty, excluding those referred to in paragraph (b), elected by themselves from among those in the permanent staff ;

- (f) two students elected by the students of the Faculty from among their number ; and
- (g) not more than five persons not being members of the staff of the University, elected by the Faculty from among persons of eminence from the industry, in the areas of study relevant to the Faculty.

(2) The members elected under paragraph (f) of subsection (1) shall hold office as a member for a period of one year, and all other elected members shall hold office for a period of three years, reckoned from the date of his election.

(3) The Chairman of the Faculty Board shall be the Dean of the Faculty who shall preside at all meetings of the Faculty Board. Where the Dean of the Faculty is unable to preside at any such meeting, the members present shall elect a member present, other than a member elected under paragraph (f) of subsection (1), to preside at such meeting.

(4) The quorum for a meeting of the Faculty Board shall be one half of its total membership and it shall meet whenever necessary, provided that it shall meet not less than on ten occasions in each year.

26. (1) Subject to the provisions of this Act, a Faculty Board shall exercise, perform and discharge the following powers, duties and functions :—

Powers duties
and function of
the Faculty
Board.

- (i) consider and report on any matter referred to it by the Academic Council;
- (ii) subject to the control of the Academic Council, regulate matters connected with teaching, examinations and research in the various branches of technical and vocational education and training ;
- (iii) present recommendations and reports to the Academic Council on all matters connected with the courses of study and examinations in the Faculty ;

- (iv) appoint committees, which may include persons other than members of the Faculty, for the purpose of considering and reporting on any special subject or subjects ; and
- (v) recommend to the Academic Council names of persons suitable to be appointed as examiners.

(2) The members elected under paragraph (f) of subsection (1) of section 25 shall be excluded from any meeting of the Faculty relating to examinations and connected matters, and any such meeting shall, notwithstanding such exclusion be deemed to have been duly held.

PART VI

CONVOCATION OF THE UNIVERSITY

Holding of the Convocation of the University.

27. (1) The University shall for the purpose of conferring degrees, hold a Convocation once in every year on such date or dates as may be approved by the Chancellor :

Provided that the University may hold a Special Convocation at any other time, as the Chancellor may determine.

(2) Notwithstanding the provisions of subsection (1), first degrees may be conferred without the holding of a Convocation.

(3) The procedure for the holding of a Convocation shall be prescribed by By-Law.

(4) The President shall when present, preside at a Convocation. In the absence of the President, the Chancellor shall preside at such Convocation and in the absence of both the President and the Chancellor, the Vice Chancellor shall preside.

PART VII

STAFF OF THE UNIVERSITY

28. Every appointment to the staff of the University shall be made by the Board in accordance with such schemes of recruitment and procedures, as prescribed by Ordinance for the same.

Board to appoint staff of the University.

29. The qualifications of all teachers of the University shall be determined by the Board in consultation with the Quality Assurance Council, while qualifications of all non-academic staff shall be determined by the Board, where it considers necessary, in consultation with the Quality Assurance Council.

Determination of qualifications of staff of the University.

30. (1) It shall be the duty of each Faculty Board to make written proposals to the Academic Council relating to the institution, abolition and suspension of posts of teachers required for such Faculty. The Academic Council shall consider and evaluate such proposals and thereafter make its recommendations to the Board.

Institution, abolition and suspension of posts in the staff of the University.

(2) It shall be the duty of the Director-General of the University to make recommendations to the Board relating to the institution, abolition and suspension of all non-academic posts in the University.

(3) The Board may where it considers it appropriate, prior to institution, abolition or suspension of any post of a teacher or of any non-academic post in the University, obtain the advice of the Quality Assurance Council regarding the same.

31. (1) Every appointment to a post of a teacher shall in the first instance be for a probationary period of three years, which period may be extended by the Board by one year at a time, for a further period not exceeding three years. At the end of the probationary period, the appointment may be confirmed in accordance with the requirements or conditions as to confirmation, provided for in the appropriate schemes of recruitment as prescribed by Ordinance.

Probationary periods and confirmation.

(2) Every appointment to a non-academic post shall in the first instance, be for a probationary period of three years and such appointment may thereafter be confirmed in accordance with the confirmation criteria as prescribed by Ordinance.

Retirement of teachers and persons holding a non-academic post.

32. (1) The holder of a post of teacher who has been confirmed in his post, shall hold such post until he has completed sixty years of age or if he completes sixty years of age in the course of an academic year, until the last day of such academic year, and shall thereafter be deemed to have retired from service:

Provided that the holder of such post may at any time pending an inquiry by the Board, be suspended for misconduct, inefficiency or dereliction of duty and may be dismissed or compulsorily retired if found guilty after such inquiry, on a resolution adopted by such Board.

(2) Notwithstanding the provisions of subsection (1), a teacher who has reached sixty years of age and who is in the opinion of the Board competent to continue to hold such post, may be recruited on a contract basis to serve as a teacher for a period of one year. The period of service however may be extended further by one year each at a time, until he completes sixty-five years of age.

(3) Public Administration Circulars relating to the age of retirement of public officers shall be applicable in regard to the age of retirement of those holding any non-academic in the University :

Provided that the holder of any such post may at any time pending an inquiry by the Board, be suspended for misconduct, inefficiency or dereliction of duty and may be dismissed or compulsorily retired if found guilty after such inquiry, on a resolution adopted by the Board.

(4) Where before completing the probationary period referred to in section 31, a person holding—

- (a) the post of a teacher, reach the age of sixty years ; or
- (b) a non-academic post, reach the age of retirement specified in the Public Administration Circular referred to in subsection (3),

such person shall be deemed to have retired from service from the date on which he reached that age.

(5) Every holder of a post in the University who is dismissed or is compulsorily retired from his post or is otherwise punished for misconduct, inefficiency or dereliction of duty, may appeal against such dismissal or retirement or other punishment, to the University Appeals Board.

33. (1) At the request of the Board, an officer in the public service may with the consent of that officer, the Secretary to the Ministry by or under which that officer is employed, the Secretary to the Ministry of the Minister in charge of the subject of Public Administration and the Public Service Commission, be temporarily appointed to the post of a teacher of the University, for such periods as may be determined by the Board with like consent, or with like consent be permanently appointed as a teacher.

Appointment of public officers to the staff of the University.

(2) 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 any officer in the public service who is temporarily appointed to the post of a teacher of the University and the provisions of subsection (3) of section 14 of that Act shall, *mutatis mutandis* apply to and in relation to any officer in the public service who is permanently appointed to the post of a teacher of the University.

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

Appointment of
teachers of
Higher
Educational
Institutions to the
staff of the
University.

34. At the request of the Board any teacher in the service of any Higher Educational Institution established under the Universities Act, No. 16 of 1978, may with the consent of such teacher, the University Grants Commission and the governing authority of that Institution, be temporarily appointed to the post of a teacher of the University for such period as may be determined by the Board with like consent, or with like consent be permanently appointed to such post, on such terms and conditions as may be agreed upon by the Board and such Higher Educational Institution and he shall be subject to the same disciplinary control as any other teacher in the staff of the University.

PART VIII

UNIVERSITY APPEALS BOARD

Appointment of
the Panel of
Inquiry and
Investigation.

35. (1) The Minister shall from time to time appoint from among persons who have knowledge and experience in the field of construction, manufacturing, academic, administration, finance, legal or service sectors, a Panel of Inquiry and Investigation consisting of not less than nine persons.

(2) A person appointed as a member of the Panel of Inquiry and Investigation shall hold office for a period of five years from the date of appointment and unless removed from office, be eligible for re-appointment.

(3) A member of the Panel of Inquiry and Investigation may resign from his office by writing addressed to the Minister.

36. (1) Where—

- (a) any appeal is made by any member of the staff of the University against an appointment, promotion, dismissal, suspension, disciplinary action taken against him or any salary anomaly ; or
- (b) any investigation is required to be made into any matter pertaining to the functions of the University,

the Board shall constitute a University Appeals Board consisting of three members, selected from and out of the persons appointed to the Panel of Inquiry and Investigation by the Minister under section 35, to inquire into such appeal or to conduct such investigation, as the case may be.

(2) The members of the University Appeals Board shall elect from among themselves one of its members to be the Chairman of such Board.

(3) The procedure for the conduct of the proceedings of a University Appeals Board shall be determined by the Board by Rules made in that behalf.

(4) At the conclusion of an inquiry into an appeal or the conduct of the investigation, as the case may be, it shall be the duty of the Chairman of the University Appeals Board to convey to the Board its decision and the reasons therefor, along with a report on such appeal or investigation. Further, a copy of the decision and of the reasons shall also be sent through registered post to the person who preferred the appeal, within one week of reaching such decision.

(5) The members of the University Appeals Board shall in respect of each appeal inquired into or investigation conducted by them, be paid such allowance as the Minister shall determine in consultation with the Minister in charge of the subject of Finance.

Appeal from the
decision of a
University
Appeals Board.

37. A person aggrieved by the decision of a University Appeals Board in respect of any appeal made under paragraph (a) of subsection (1) of section 36, may appeal against such decision to the Court of Appeal within fourteen days of the date on which the decision and the reasons therefor were sent to that person by registered post, under subsection (4) of section 36.

Expenses
incurred in any
suit or
prosecution to be
paid out of the
Fund.

38. (1) Any expense incurred by a University Appeals Board in any suit or prosecution brought by or against such University Appeals Board before any court shall be paid out of the University Fund, and any costs posts paid to, or recovered by a University Appeals Board in any such suit or prosecution, shall be credited to that Fund.

(2) Any expense incurred by a member of a University Appeals Board in any suit or prosecution brought against him before any court in respect of any act which is done or purported to be done by him under this Act or any appropriate Instrument, shall, if the court holds that the act was done in good faith, be paid out of the Fund of the University, unless such expense is recovered by him in such suit or prosecution.

PART IX

FINANCE

The University
Fund.

39. (1) The University shall have its own Fund into which shall be credited—

- (a) all moneys provided for its use by Parliament under sections 40 and 46 ;
- (b) all such sum of money as may be received by the University by way of donations or grants from any source whatsoever ;
- (c) fees paid to the University in accordance with the provisions of any By-Laws ; and
- (d) any other payments required to be made to the University in accordance with any rule or regulation made under this Act.

(2) There shall be paid out of the Fund of the University all such sums of money as are required to defray all expenditure incurred by the University in the exercise of its powers under this Act.

40. The Deputy Secretary to the Treasury shall as soon as may be practicable after the commencement of each financial year, pay to the University such sums of money as may be provided for by Parliament by way of annual appropriation, supplementary vote or otherwise, as a grant in aid of the University.

Grants in aid of the University.

41. The budget estimates and the annual financial appropriations of the University prepared with the assistance given by the Director, Finance under paragraph (d) of section 42, shall be considered by the Board before such date as may be prescribed by By-Law. The Board may make such alterations in such estimates and financial appropriations as it thinks fit, and shall submit them to the Minister together with the accounts of the University for the completed financial year and the Minister may, where he considers it necessary, amend any such estimates and financial appropriations.

Board to consider budget estimates and annual financial appropriations.

42. It shall be the duty of the Director, Finance of the University to-

Duties of Director, Finance.

- (a) keep the accounts of the University in such form and in such manner as may be prescribed by rules ;
- (b) receive all moneys paid into the Fund of the University and to credit such moneys to the proper heads of accounts;
- (c) make all authorized payments ;
- (d) assist the Board in the preparation of budget estimates and the annual financial appropriations of the University ; and
- (e) prepare any supplementary estimates under section 46 of this Act, where necessary.

Income from grants for specific purposes to be separately accounted for.

43. The income derived by the University from grants made for specific purposes or from endowments for specific objects, shall be separately accounted for in the accounts of the University and no payment shall be made from such income for the general purposes of the University or for any purposes or objects other than those for which such grants or endowments were made.

The Board to adopt budget estimates and annual financial appropriations.

44. The Board shall by resolution adopt the budget estimates, annual financial appropriations and annual accounts of the University prior to the submission of the same to the Minister under section 41.

Transfer of Funds from one vote to another.

45. It shall be lawful for the Board in case of necessity, to transfer funds from one vote to another of the annual estimates, subject to the approval in writing of the Treasury.

Supplementary estimates.

46. (1) In case of necessity and in order to meet any unforeseen expenditure, it shall be lawful at any time for Director, Finance, to prepare supplementary estimates of expenditure.

(2) Financial liability of a recurrent nature shall not be incurred without the prior approval of the Minister given with the concurrence of the Minister in charge of the subject of Finance.

(3) The supplementary estimates prepared under subsection (1) shall be submitted to the Board for its adoption and once adopted shall be made available to the Minister together with the annual appropriation for the succeeding year.

Financial year and audit of accounts.

47. (1) The financial year of the University shall be the calendar year.

(2) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to and in respect of the audit of accounts of the University.

48. The accounts of the University for each financial year, when audited, shall be published in the *Gazette*. Publication of audited accounts.

49. (1) The University shall within three months of the receipt of the Auditor-General's report in respect of each financial year, transmit to the Minister such report with any comments made thereon by the Board, together with the statement of accounts to which such report relate. Annual accounts and Auditor-General's report to be transmitted to Minister.

(2) The Minister shall cause copies of all the documents transmitted to him under subsection (1) to be tabled in Parliament before the end of the year next succeeding the year to which such accounts and report relate. The Vice-Chancellor of the University shall attend and answer any questions arising therefrom before the Public Accounts Committee of Parliament.

PART X

STUDENTS ASSEMBLY AND OTHER ASSOCIATIONS

50. (1) The University shall have a Student Assembly consisting of student representatives elected from among persons who are for the time being students of the University. Student Assembly.

(2) Every election to the Student Assembly shall be conducted by secret ballot at the commencement of each academic year, by such person or persons as may be nominated by the Vice-Chancellor.

(3) The term of office of the members of the Student Assembly shall expire at the end of the academic year in which the Student Assembly was elected.

51. (1) The Board may recognize any society or other association of students established for the sole purpose of furthering academic or social objectives and which will carry on such activities or functions as may be specified by the Board by By-Laws made in that behalf. Recognition of certain Societies and other associations.

(2) The membership of any society or other association established under subsection (1), shall consists entirely of students of the University.

(3) Subject to the provision of section 53, the Board may specify by By-Law, the mode of registration of societies and other associations recognized under subsection (1), their functions, the mode of conducting elections for the appointment of their office-bearers, and the duties and functions of such office-bearers.

Board to allocate money to Student Assembly etc, for approved activity.

52. The Board may from time to time allocate to the Student Assembly or to any society or other association recognized under section 51, such sums of money as may be deemed necessary by the Board, for approved activities.

Board to prescribe constitution, duties and functions of the Student Assembly.

53. The Board shall by Ordinance prescribe—

- (a) the duties and functions of the Student Assembly ;
- (b) the office bearers of the Student Assembly and the number of student representatives constituting the Student Assembly and their mode of election;
- (c) the duties and functions of the office bearers of the Student Assembly ;
- (d) the Standing Committee or Committees which a Student Assembly may appoint and the duties and functions of such Committee or Committees ;
- (e) the purpose or the purposes for which the funds allocated to the Student Assembly and to any society or other association recognized by the Board under section 51 shall be utilized; and

- (f) the form and the manner in which the accounts of the Student Assembly and any society or other association shall be maintained and audited.

54. (1) Where the Student Assembly or any society or other association conducts itself in a manner which in the opinion of the Vice-Chancellor is detrimental or prejudicial to the good name of the University or acts in contravention of any provision of this Act or any appropriate Instrument, the Vice-Chancellor may suspend or dissolve such Student Assembly, society or other association, as the case may be.

Suspension or dissolution of student Assembly, society or other association.

(2) Where the Student Assembly has been dissolved under subsection (1), the Vice-Chancellor may subject to the provisions of section 50, fix a date for the purpose of electing a new Student Assembly. Such new Student Assembly shall hold office until the end of the academic year in which it was elected.

PART XI

GENERAL PROVISIONS

55. A person shall be disqualified from being appointed to or continuing as a member of any Authority of the University or as an Officer of the University, where he—

Disqualification from being members of any Authority of the University.

- (a) is an undischarged bankrupt or is insolvent ;
- (b) is convicted of any offence involving moral turpitude ;
- (c) is under any law in force in Sri Lanka or any other country, found or declared to be of unsound mind ;
- (d) directly or indirectly by himself or by any person on his behalf or for his use or benefit holds or enjoys any right or benefit under any contract, other than his contract of employment, made by or on behalf of the University ;

- (e) is or becomes a Member of Parliament or a member of a Provincial Council or a local authority ;
- (f) had been removed from the membership of any Authority or from any Office of the University, for misconduct ;
- (g) is found to be unfit to continue to be a member of an Authority or continue to hold Office, by reason of illhealth or physical or mental infirmity ;
- (h) is found guilty of misconduct or corruption ; or
- (i) is found guilty of gross abuse of power of his Office.

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

56. All officers and members of the staff of the University shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

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

57. The University shall be deemed to be a Scheduled institution within the meaning of the Bribery Act and provisions of that Act shall be construed accordingly:

Prohibition of undesirable persons from entering precincts.

58. (1) Where the presence of any person within the University, other than of any Officer, member of the staff or a student of the University, is in the opinion of the Vice Chancellor not conducive to the welfare of the University or its students, the Vice-Chancellor may after giving such person an opportunity of being heard and with the consent of the Board, serve on such person by writing under his hand, a notice prohibiting such person from entering or remaining within the precincts of the University or within such part thereof as may be specified in such notice. Such prohibition shall remain in force until revoked by the Board.

(2) A certificate under the hand of the Vice-Chancellor to the effect that any person named in the certificate has been prohibited, in accordance with the provisions of subsection (1), from entering or remaining in the precincts of the University or any part thereof, shall be received and accepted by any court as evidence of the facts stated in such certificate, until the contrary is proved.

(3) A document purporting to be a certificate issued by the Vice-Chancellor and signed by him shall be received in evidence and shall, until the contrary is proved, be deemed to be a certificate issued by the Vice Chancellor under subsection (2).

(4) Any person who is prohibited under the provisions of subsection (1) from entering or remaining within the University precincts or part thereof and who without reasonable cause, enters or remains within such precincts or part thereof in contravention of such prohibition, shall be guilty of an offence and shall on conviction after summary trial by a Magistrate, be liable to a fine of one thousand rupees in respect of each day or part thereof on which he has entered or during which he has remained, within such precincts or part thereof.

(5) An offence under subsection (4) shall be a cognizable and a bailable offence within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979.

59. (1) Subject to the provisions of this Act, Statutes may be made by the Board in respect of all or any of the following matters:—

Statutes.

- (a) where not otherwise provided for, the filling of vacancies in and the convening of any Authority of the University ;
- (b) the determination of the degrees and other academic distinctions to be conferred ;

- (c) the conferment of honorary degrees or other distinctions ;
- (d) the institution and award of fellowships, scholarships, exhibitions, bursaries, medals and other prizes for which funds or property may in any manner whatsoever be provided ; and
- (e) all matters for which under the provisions of this Act, Statutes are authorized or required to be made.

(2) Every Statute made under subsection (1) shall be published in the *Gazette* and shall come into force on the date of such *Gazetting* or on such other date as may be specified therein.

By-Laws.

60. (1) Subject to the provisions of this Act, By-Laws may be made by the Board in respect of all or any of the following matters :—

- (a) the courses of study approved by the Board for the grant of degrees, diplomas and other academic distinctions ;
- (b) the conditions subject to which students shall be admitted to courses of study and examinations prescribed for degrees, diplomas and other academic distinctions ;
- (c) the fees to be charged for courses of study, examinations and award of degrees and other academic distinctions ;
- (d) all matters connected with the election of representatives to the various Authorities and other bodies of the University ;
- (e) the conditions and mode of appointment of examiners, their duties, the fees to be paid to them and the conduct and maintenance of standards at examinations ; and

(f) all matters for which under the provisions of this Act, By-Laws are authorized or required to be made.

(2) A By-Law in respect of any matter relating to or connected with teaching or the examinations of the University shall not be made by the Board, until a draft of such By-law has first been prepared and submitted to the Board by the Academic Council.

(3) Every By-Law made by the Board shall come into force on such date as shall be specified therein.

61. (1) Subject to the provisions of this Act, regulations may be made by the Academic Council in regard to any matter pertaining to the exercise, performance and discharge of its powers, duties and functions under this Act.

Regulations.

(2) All regulations made under subsection (1), shall come into force on such date as shall be specified therein.

62. (1) Subject to the provisions of this Act, an Authority of the University may make rules in respect of all matters:—

Rules.

(a) for which rules are required to be made under the provisions of this Act; and

(b) required to be provided for in order to enable such Authority to carry on its duties and functions under this Act.

(2) Rules made by an Authority of the University under subsection (1), shall come into force on such date as shall be specified therein.

63. The provision of the Universities Act, No. 16 of 1978, shall not apply to or in respect of the University established by this Act.

Provisions of Act, No. 16 of 1978 not to apply.

PART XII

INTERPRETATION

Interpretation.

64. In this Act, unless the context otherwise requires—

“appropriate Instrument” means any Ordinance, Statute, By-Law, regulation or rule made in accordance with the provisions of this Act ;

“Authority” means any Authority specified in section 17 of this Act ;

“By-Law” means a By-Law made by the Board under section 60 of this Act ;

“degree” means both undergraduate and postgraduate degrees awarded by the University ;

“non-academic staff” means all the members of staff other than the teachers of the University ;

“Ordinance” means any Ordinance made by the Board under section 20 of this Act ;

“principal executive officer” means the Vice-Chancellor of the University ;

“regulation” means any regulation made by the Academic Council under section 61 of this Act ;

“rule” means any Rule made by any Authority of the University under section 62 of this Act ;

“Statute” means any Statute made by the Board under section 59 of this Act ; and

“teacher” means a Senior Professor, Professor, Associate Professor, Senior Lecturer, Lecturer and an Assistant Lecturer.

65. 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.

66. (1) Notwithstanding anything to the contrary contained in any other provisions of this Act, pending the creation and organization of the Faculties, the constitution of the several Authorities and the appointment of the Officers and other staff of the University under this Act, the President shall in consultation with the Minister, appoint an Interim Committee consisting of—

Special Provisions pending the establishment of the University.

(a) a person who has academic qualifications and experience in the field of construction, manufacturing or any other field of technology or in the service sector, who shall function as the First Vice-Chancellor of the University; and

(b) the Director-General and one other Director of the National Institute of Technical Education of Sri Lanka, established by the National Institute of Technical Education of Sri Lanka Act, No. 59 of 1998.

(2) The Interim Committee appointed under subsection (1) shall subject to the provisions of subsection (4) of this section, function for a period of six months commencing from the appointed date and shall be responsible for taking all measures and arrangements necessary to enable the University to commence its operations under this Act and to achieve its objects after it commences its operations.

(3) In the discharge of its functions under subsection (2), the Interim Committee shall have the power to—

(a) allocate the staff, students, equipment, land, buildings and other facilities of the University and to determine the structure and composition of each Faculty and the disciplines and subjects that are to be assigned to such Faculties; and

- (b) exercise the powers of the Board and of any other Authority of the University, in respect of any matter concerning the University and the appointment of any person or persons, inclusive of Officers named under this Act, for the purpose of organizing, carrying out and directing the functioning of the University during such period.

(4) The period of six months referred to in subsection (2), may be extended by the Minister on the recommendation of the Secretary to the Ministry of the Minister for a period not exceeding a further six months, by Notification published in the *Gazette*. The Notification shall be required be brought before the Parliament for its approval, within one month of the date of its publication in the *Gazette*. A Notification not so approved shall be deemed to be rescinded as from the date of disapproval, but without prejudice to the validity of anything previously done thereunder.

(5) The date on which any Notification shall be deemed to be rescinded, shall be published in the *Gazette*.

The First Vice-Chancellor and the First Director-General etc., of the University.

67. (1) The First Vice-Chancellor appointed under paragraph (a) of subsection (1) of section 66 shall during his term of office exercise, discharge and perform in respect of the University, all such powers, functions and duties as are conferred or imposed on or assigned to the Vice-Chancellor under this Act and any appropriate Instrument.

(2) The First Director-General of the University and the Director, Finance of the University shall be appointed by the Secretary to the Ministry of the Minister at any time during the period of six months referred to in subsection (2) of section 66, and when so appointed shall, during their period of office exercise, discharge and perform in respect of the University all such powers, functions and duties as are conferred or imposed on them under this Act and any appropriate Instrument.

68. (1) Notwithstanding the provisions of the National Institute of Technical Education of Sri Lanka Act, No. 59 of 1998, the officers and servants of the National Institute of Technical Education of Sri Lanka established by such that Act, (in this section referred to as the "Institute") who are in the staff of that Institute as on the appointed date, shall, prior to the expiry of a period of two months from the appointed date, by a written communication addressed to the First Vice Chancellor of the University appointed under paragraph (a) of subsection (1) of section 66, inform such Vice-Chancellor, whether such officer or servant would or would not accept employment in the University in the event of being offered employment there.

Officers and servants of the National Institute of Technical Education of Sri Lanka to be offered employment in the University.

(2) All officers or servants of the Institute who are offered employment in the University by the First Vice Chancellor and who express a desire to accept such employment, shall become members of the staff of the University from the date specified in the Order made under subsection (1) of section 69, and shall be employed on terms not less favourable than their terms of employment in the Institute.

(3) Where any officer or servant of the Institute express a desire—

- (a) not to accept employment in the University; or
- (b) to accept employment in the University, but in view of the nature of the services performed by him in his employment in the Institute, he cannot be accommodated in the staff of the University,

such officer or servant shall be deemed to have retired from service from the date specified in the Order made under subsection (1) of section 69, and shall be eligible for the retirement benefits that such officer or servant would have been entitled to, if he retired from service in the Institute after reaching his age of retirement.

Repeal of the
National Institute
of Technical
Education of Sri
Lanka Act, No.
59 of 1998.

69. (1) The National Institute of Technical Education of Sri Lanka Act, No. 59 of 1998 shall stand repealed from such date as the Minister shall specify by Order published in the *Gazette*, provided the date to be so specified shall be a date after six months but within twelve months of the appointed date.

(2) Notwithstanding the aforementioned repeal of the Act, from and after the date specified in the Order made under subsection (1) of this section —

- (a) all movable and immovable property of the National Institute of Technical Education of Sri Lanka shall, from the date specified in the Order made under subsection (1), vest in the University;
- (b) all contracts and agreements entered into by or with the National Institute of Technical Education of Sri Lanka and subsisting on the day immediately preceding the date specified in the Order made under subsection (1), shall be deemed to be contracts and agreements entered into, by or with the University;
- (c) all sums of money lying to the credit of the Fund of the National Institute of Technical Education of Sri Lanka on the day immediately preceding the date specified in the Order made under subsection (1), shall stand transferred with effect from that date, to the Fund established by section 39 of this Act ; and
- (d) all liabilities of the National Institute of Technical Education of Sri Lanka existing on the day immediately preceding the date specified in the Order made under subsection (1), shall be deemed to be the liabilities of the University.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign). Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, NO. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**SCHOOL TEACHERS PENSION
(AMENDMENT) ACT, No. 32 OF 2008**

[Certified on 05th September, 2008]

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 September 05, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price: Rs. 4.00

Postage : Rs. 5.00

School Teachers Pension (Amendment)
Act, No. 32 of 2008

[Certified on 05th September, 2008]

L.D.—O. 66/2005

AN ACT TO AMEND THE SCHOOL TEACHERS PENSION
ACT, NO. 44 OF 1953

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

1. This Act may be cited as the School Teachers Pension
(Amendment) Act, No. 32 of 2008. Short title.

2. The School Teachers Pension Act, (Chapter 432)
(hereinafter referred to as "the principal enactment" is hereby
amended by the insertion of the following new sections
immediately after section 5 of that enactment which shall
have effect as sections 5A and 5B of that enactment :— Insertion of
Sections 5A and
5B in Chapter
432.

"Establishment
of the
Widowers
and Orphans
Pension
Fund.

5A. (1) There may be established and
regulated in accordance with regulations made
under this Act, a Widowers and Orphans Pension
Fund (hereinafter referred to as "the Widowers
and Orphans Pension Fund") for the grant of
pensions to the widowers and children of female
school teachers in the manner set out below.

(2) Regulations may be made under this Act
providing for the establishment, regulation,
administration and management of the
Widowers and Orphans Pension Fund, the
conditions and circumstances in which and the
restrictions subject to which the widowers and
children of female school teachers will be
eligible for the grant of pensions, fixing the
contributions, if any, to be made thereto by the
Government, fixing the contributions to be
made thereto by female school teachers,
authorizing the contributions of female school
teachers to be deducted from their salaries,
prescribing the procedure for making such

*School Teachers Pension (Amendment)
Act, No. 32 of 2008*

deductions, authorizing the payment of all such contributions in to the Widowers and Orphans Pension Fund and all matters incidental to or connected with the said Fund for which no express provision is made in this Act:

Provided that the Minister shall in making regulations under this section, as far as possible make provision similar to that made in respect of the same matter under the Widowers and Orphans Pension Act, No. 24 of 1983.

Section 5A
not to apply
to certain
categories.

5B. Notwithstanding the provisions of section 5A.—

- (a) the widowers and orphans of female public officers who are eligible to the payment of a pension under the Pension Scheme established under the Widowers and Orphans Pension Act, No. 24 of 1983; and
- (b) the widowers and orphans of the female members of the Local Government Service who are eligible to a pension under the Local Government Service Widowers and Orphans Pension Fund established under the Local Government Service Law, No. 16 of 1974.

shall not be entitled to a grant of pension under the provisions of this Act:

Amendment of
section 6 of the
principal
enactment.

3. Section 6 of the principal enactment is hereby amended by the substitution for the words "Pension Scheme and Pension Fund" of the following:—

"Pension Scheme, Pension Fund and the Widowers and Orphans Pension Fund";

School Teachers Pension (Amendment)
Act, No. 32 of 2008

3

4. The amendments made to the principal enactment by the provisions of this Act shall, for all purposes, be deemed to have come into effect on August 1, 1983.

Retrospective effect of the amendments.

5. 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.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign). Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLIHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**INFORMATION AND COMMUNICATION
TECHNOLOGY (AMENDMENT)
ACT, No. 33 OF 2008**

[Certified on 26th September, 2008]

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 September 26, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 7.00

Postage : Rs. 5.00

*Information and Communication Technology
(Amendment) Act, No. 33 of 2008*

[Certified on 26th September 2008]

L.D.—O. 30/2008.

AN ACT TO AMEND THE INFORMATION AND COMMUNICATION
TECHNOLOGY ACT, No. 27 OF 2003

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

1. This Act may be cited as the Information and
Communication Technology (Amendment) Act, No. 33 of
2008.

Short title.

2. The long title to the Information and Communication
Technology Act, No. 27 of 2003 (hereinafter referred to
as the “principal enactment”) is hereby amended by the
substitution for the words “TO PROVIDE FOR THE
ESTABLISHMENT OF THE NATIONAL COMMITTEE ON INFORMATION AND
COMMUNICATION TECHNOLOGY OF SRI LANKA; TO PROVIDE FOR THE
SETTING OUT OF A NATIONAL POLICY ON INFORMATION AND
COMMUNICATION TECHNOLOGY AND FOR THE PREPARATION OF AN ACTION
PLAN; TO PROVIDE FOR THE APPOINTMENT OF A TASK FORCE FOR
INFORMATION AND COMMUNICATION TECHNOLOGY; TO PROVIDE FOR THE
ESTABLISHMENT OF THE INFORMATION AND COMMUNICATION
TECHNOLOGY AGENCY OF SRI LANKA CHARGED WITH THE
IMPLEMENTATION OF THE NATIONAL POLICY IN BOTH THE PUBLIC
AND PRIVATE SECTORS” of the words “TO PROVIDE FOR THE
ESTABLISHMENT OF AN INTER-MINISTERIAL COMMITTEE ON
INFORMATION AND COMMUNICATION TECHNOLOGY; TO PROVIDE FOR
THE FORMULATION AND APPROVAL OF A NATIONAL POLICY; TO PROVIDE
FOR THE ESTABLISHMENT OF THE INFORMATION COMMUNICATION
TECHNOLOGY AGENCY OF SRI LANKA WITH AUTHORITY TO DEVELOP AND
IMPLEMENT STRATEGIES AND PROGRAMMES ON INFORMATION AND
COMMUNICATION TECHNOLOGY IN BOTH THE PUBLIC AND PRIVATE
SECTORS”.

Amendment of
the long title to
the Information
and
Communication
Technology Act,
No. 27 of 2003.

3. Section 1 of the principal enactment is hereby
amended as follows:—

Amendment of
section 1 of the
principal
enactment.

(1) by the substitution for the words and figures “1. (1)
This Act may be cited as” of the words and figures
“1. This Act may be cited as”;

2 *Information and Communication Technology
(Amendment) Act, No. 33 of 2008*

(2) by the repeal of subsection (2) of that section; and

(3) by the repeal of the marginal note of that section and the substitution therefor of the following:—

“Short title and the date of operation.”.

Replacement of the heading appearing immediately before section 2.

4. The heading appearing immediately before section 2 of the principal enactment is hereby repealed and the following new heading substituted therefor:—

“FORMULATION AND APPROVAL OF NATIONAL POLICY ON INFORMATION AND COMMUNICATION TECHNOLOGY”.

Replacement of sections 3, 4 and 5 of the principal enactment.

5. Sections 3, 4 and 5 of the principal enactment are hereby repealed and the following sections substituted therefor:—

“Inter-Ministerial Committee.

3. There shall be established an Inter-Ministerial Committee (hereinafter referred to as the “Committee”) appointed by the Cabinet of Ministers which shall consist of—

- (a) the Minister in charge of the subject of Information and Communication Technology or his nominee;
- (b) the Minister to whom the Information and Communication Technology Agency is assigned or his nominee;
- (c) the Minister in charge of the subject of Education and Higher Education or Education or Higher Education, or his nominee or their nominees as the case may be ;
- (d) the Chairman of the Board of Directors of the Information and Communication Technology Agency

Information and Communication Technology 3
(Amendment) Act, No. 33 of 2008

of Sri Lanka and one other member of the Board, nominated by the Chairman; and

- (e) such other number of persons representing the fields of public administration and telecommunications, and such other category of stakeholders, as may be determined by the Cabinet of Ministers.

Powers &c.,
of the
Committee.

4. (1) The Committee shall be charged with the task of advising the Government on the formulation of policies in relation to Information and Communication Technology, which may be approved by the Cabinet of Ministers under section 2.

(2) The Committee shall meet at least once every year.

(3) The procedure to be followed at the meetings of the Committee shall be prescribed.

Functions of
the
Committee.

5. Without prejudice to the generality of the powers conferred on the Committee by section 4, the functions of the Committee shall be, to—

- (a) formulate, on the recommendation of the Information and Communication Technology Agency of Sri Lanka, the National Policy Framework for submission to the Cabinet of Ministers for their approval under section 2;
- (b) periodically review the National Policy Framework and advise the Cabinet of Ministers of any changes which may become necessary to the same;

4 *Information and Communication Technology
(Amendment) Act, No. 33 of 2008*

- (c) provide guidance and facilitate the implementation of programmes and strategies by the Information and Communication Technology Agency of Sri Lanka, in both public and private sectors, as approved by the Cabinet of Ministers and were necessary issue directions from time to time to the relevant implementing agencies and stake holders;
- (d) identify, develop and cause to be adopted appropriate standards and recommend best practices for human resources development and market creation relevant to the field of Information and Communication Technology and services;
- (e) take steps to develop and deploy interoperable information technology systems, and improve the infrastructure facilities necessary for the development of the Information and Communication Technology sector in Sri Lanka;
- (f) promote and conduct research into all aspects of Information and Communication Technology;
- (g) to do such other things as may be necessary for the performance and discharge of the functions of the Committee and for the development of Information and Communication Technology in Sri Lanka; and

Information and Communication Technology 5
(Amendment) Act, No. 33 of 2008

(h) recommend where necessary the making of regulations to give effect to the provisions of the Act.”.

6. Section 6 of the principal enactment is hereby amended as follows:—

Amendment of section 6 of the principal enactment.

(1) in subsection (1) thereof by the substitution for the words “the Task Force and the Committee” of the words “the Committee and implement strategies and programmes on Information and Communication Technology. The Agency shall render all assistance as shall be required by the Committee in the exercise of its powers and the discharge of its functions and shall also function as the Secretariat to such Committee.”; and

(2) in subsection (2) of that section—

(i) by the omission of the words “and action plan” in paragraphs (b), (c), (d) and (g) thereof; and

(ii) by the repeal of paragraph (f) thereof and the substitution therefor of the following:—

“(f) identify the matters which need to be taken into consideration in the preparation and amendment or revision of the National Policy;”;

(iii) by the repeal of paragraph (h) thereof.

7. Section 7 of the principal enactment is hereby amended as follows:—

Amendment of section 7 of the principal enactment.

(1) by the repeal of subsections (1) and (2) of that section and the substitution therefor of the following:—

“(1) The Minister may, from time to time, in consultation with the stakeholders and consequent

6 *Information and Communication Technology
(Amendment) Act, No. 33 of 2008*

to the decisions made by the Committee, issue to the Agency and other public entities such directions and guidelines on matters relating to the development of Information and Communication Technology.”;

(2) by the re-numbering of subsection (3) of that section as subsection (2) thereof; and

(3) in subsection (2) of that section, by the omission of the words “the Task Force”.

Sinhala text to prevail in case of inconsistency.

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

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**DR. SOMA EDIRISINGHE FUND
(INCORPORATION) ACT, No. 34 OF 2008**

[Certified on 21st October, 2008]

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 October 24, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 7.00

Postage : Rs. 5.00

*Dr. Soma Edirisinghe Fund (Incorporation)
Act, No. 34 of 2008*

[Certified on 21st October, 2008]

L. D. —O. Inc. 29/2005.

AN ACT TO INCORPORATE THE DR. SOMA EDIRISINGHE FUND

WHEREAS a Fund called and known as the “Dr. Soma Edirisinghe Fund” has been established for the purpose of effectually carrying out and transacting all objects and matters connected with the said association according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said Fund has heretofore successfully carried out and transacted the several objects and matters for which it was established and has applied to be incorporated and it will be for the public advantage to grant such application :

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

1. This Act may be cited as the Dr. Soma Edirisinghe Fund (Incorporation) Act, No. 34 of 2008.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the “Dr. Soma Edirisinghe Fund” (hereinafter referred to as the “Fund”) or shall hereafter be admitted as members of the Corporation hereby constituted, shall be and become a body corporate (hereinafter referred to as the “Corporation”), with perpetual succession, under the name and style of the “Dr. Soma Edirisinghe Fund” and by that name may sue, and be sued, in all courts, with full power and authority to have, and use a common seal and alter the same at its pleasure.

Incorporation of Dr. Soma Edirisinghe Fund.

3. The general objects for which the Corporation is constituted are hereby declared to be—

General objects of the Corporation.

- (a) to encourage and assist students faced with economic or financial difficulties to pursue higher studies and to assist and actively encourage students

from low-income families or students who have lost one or both parents or students affected by similar disadvantages to pursue higher studies ;

- (b) to provide assistance and relief to the poor and destitute who require heart surgery, of kidney transplantation or surgery for illnesses related to cancer ;
- (c) to establish and maintain orphanages and homes for the aged and to establish social welfare centres ;
- (d) to provide welfare facilities for the deaf, dumb and the blind and disabled persons and to establish welfare homes ;
- (e) to provide wheel chairs, crutches and spectacles for the poor and destitute ;
- (f) to provide housing facilities for those who do not possess shelter and to provide assistance for the completion of construction of such houses ;
- (g) to assist financially by way of scholarships or otherwise, the voluntary workers and others who are engaged in the attainment of the objects of the Corporation ;
- (h) to establish and maintain libraries to subscribe for and issue books, journals, souvenirs and periodicals and to provide such other services as may be deemed desirable for attainment of the objects of the Corporation ;
- (i) to hold exhibitions, lectures, seminars, philosophical discussions, workshops, classes, debates, conferences, tours, journeys or other activities, in furtherance of the objects of the Corporation;

- (j) to co-operate and associate with other associations, societies or organizations having objects similar to those of the Corporation ;
- (k) to sponsor and conduct conferences, seminars, workshops, group studies and lectures in Sri Lanka and elsewhere in furtherance of the Corporation; and
- (l) to print, publish and distribute books, journals, leaflets, newspapers and magazines which the Corporation may consider desirable for the promotion and advancement of its objects .

4. (1) The Management, control and administration of the Corporation shall subject to the provisions of this Act and the rules of the Corporation, vest in a Governing Council (hereinafter referred to as "the Council") consisting of such number of members elected from among the members in accordance with the rules of the Corporation made under Section 6.

Management of the affairs of the Corporation.

(2) The members of the Council holding office on the day immediately preceding the date of commencement of this Act, shall be the members of the first Council of the Corporation.

(3) The Council shall have the power to appoint new members to fill the vacancies when there is a necessity.

5. Subject to the provisions of this Act and any other written law, the Corporation shall have the power-

General powers of the Corporation.

- (a) to borrow or raise money for the purposes of the Corporation ;
- (b) to make, draw, accept, discount, endorse, negotiate, buy, sell and issue bills of exchange, cheques, promissory notes and other negotiable instruments and to open, operate, maintain and close bank accounts ;

4 *Dr. Soma Edirisinghe Fund (Incorporation)*
Act, No. 34 of 2008

- (c) to invest any funds not immediately required for the purposes of the Corporation in such manner as the Council may think fit ;
- (d) to solicit and receive subscriptions, grants, donations and gifts of all kinds ;
- (e) to enter into agreements or contracts with any person or body of persons ;
- (f) to undertake, accept, execute, perform and administer any lawful trusts and conditions affecting any property ;
- (g) to appoint, employ, dismiss or terminate the services of officers and servants of the Corporation and to pay them such salaries, allowances and gratuities as may be determined by the Corporation ; and
- (h) to train personnel in Sri Lanka or abroad for the purposes of the Corporation.

Rules of the Corporation.

6. (1) It shall be lawful for the Corporation from time to time at any general meeting of Corporation and by a majority of not less than two-thirds of the members present and voting to make rules not inconsistent with the provisions of this Act or any other written law, for all or any of the following matters :—

- (a) the classification of membership fees payable by each class of members, their admission, withdrawal or expulsion or resignation ;
- (b) election of the Council, the resignation from, vacation of, or removal from office as office bearers and powers and duties of the Council ;
- (c) appointment, dismissal, powers, duties, functions and conduct of the various officers, agents, and servants of the Corporation ;

- (d) the procedure to be observed at the summoning and holding of meetings of the Council, the Corporation or any Sub-Committee thereof, filling of vacancies, notices and agendas of such meetings, the quorum therefor and the conduct of business thereat ;
- (e) the qualifications and disqualifications for membership in the Council and Corporation ;
- (f) the administration and management of the property of the Corporation ; and
- (g) generally for the management of the affairs of the Corporation and the accomplishment of its objects.

(2) The members of the Corporation shall be subject to the rules of the Corporation made under Section 6.

7. (1) The Fund shall consist of—

Fund of the Corporation.

- (a) all moneys lying to the credit of the Fund on the day immediately preceding the date of commencement of this Act ; and
- (b) all moneys that may accrue to the Corporation after the date of commencement of this Act.

(2) All moneys lying to the credit of the Fund shall be utilised to defray the expenses incurred in the management of the affairs of the Corporation and implementation of its objects.

8. (1) The financial year of the Corporation shall be the calendar year.

Auditing activities.

(2) The Corporation shall cause proper accounts to be kept of its income and expenditure, assets and liabilities and all other transactions of the Corporation.

6 *Dr. Soma Edirisinghe Fund (Incorporation)*
Act, No. 34 of 2008

(3) The accounts of the Corporation shall be audited by a qualified auditor.

(4) In this section, “qualified auditor” means—

- (i) 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
- (ii) a firm of 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 Council of such Institute.

Debts due and payable to the Fund.

9. All debts and liabilities of the Fund on the day preceding the date of commencement of this Act shall be paid by the Corporation hereby constituted and all debts due to, subscriptions and contributions payable to the fund on the day shall be paid to the Corporation for the purposes of this Act.

Corporation may hold property movable and immovable.

10. The Corporation shall be able and capable in law to acquire by purchase, exchange, gift, devise or bequest or in any other manner hold and enjoy subject to any express trust or otherwise for the benefit or the furtherance of the objects of the Corporation any property movable or immovable of any kind of nature whatsoever which may become vested in it by virtue, of any instrument of purchase, grant or lease exchange, assignment or by virtue of any testamentary disposition or otherwise and all such property shall be held by the Corporation for the purposes of this Act with full power from time to time to sell, mortgage, lease, exchange, grant, convey, devise, assign or otherwise dispose of them.

How the seal of the Corporation is to be affixed.

11. The seal of the Corporation shall be kept in the custody of the Corporation and shall not be affixed to any instrument whatsoever, except in the presence of two members

of the Corporation who shall sign their names to the instrument in token of their presence and such signing shall be independent of the signing of any person as a witness.

12. If upon the dissolution of the Corporation there remains after the satisfaction of all its debts and liabilities, any property whatsoever, such property shall not be distributed among the members of the Corporation, but shall be given or transferred to institutions having objects similar to the objects of the Corporation and which is or are by the rules prohibited from distributing any income or property, among its or their members.

Property remaining on dissolution.

13. Nothing in this Act contained shall prejudice or affect the rights of the Republic or of any body politic or corporate.

Saving of the rights of the Republic and others.

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.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign). Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLIHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**MARINE POLLUTION PREVENTION
ACT, No. 35 OF 2008**

[Certified on 23rd October, 2008]

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 October 24, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 23.00

Postage : Rs. 12.50

*Marine Pollution Prevention
Act, No. 35 of 2008*

[Certified on 23rd October , 2008]

L. D. —O. 11/2006.

AN ACT TO PROVIDE FOR THE PREVENTION, CONTROL AND REDUCTION OF POLLUTION IN THE TERRITORIAL WATERS OF SRI LANKA OR ANY OTHER MARITIME ZONE, ITS FORE-SHORE AND THE COASTAL ZONE OF SRI LANKA 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 Marine Pollution Prevention Act, No. 35 of 2008, 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 OF THE MARINE ENVIRONMENT PROTECTION AUTHORITY

2. (1) There shall be established an Authority to be called the Marine Environment Protection Authority (hereinafter referred to as “the Authority”) and which shall consist of the persons specified in section 3.

Establishment of the Marine Environment Protection Authority.

(2) Subject to the general direction and control of the Minister, the Authority shall be responsible for the administration of the provisions of this Act.

(3) The Authority 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 affairs of the Authority shall be vested in a Board of Directors (hereinafter referred to as “the Board”), consisting of the following :—

Board of Directors.

(a) three members appointed by the Minister who in the opinion of the Minister have experience, and

have a shown capacity, in areas relating to Shipping, Port Operations or Marine Pollution Prevention ;

(b) seven *ex-officio* Directors :—

- (i) the person for the time being holding office as the Secretary to the Ministry of the Minister in charge of the subject of Environment or his representative;
- (ii) the person for the time being holding office as the Secretary to the Ministry of the Minister in charge of the subject of Foreign Affairs or his representative;
- (iii) the person for the time being holding office as the Secretary to the Ministry of the Minister in charge of the subject of Finance or his representative;
- (iv) the person for the time being holding office as the Secretary to the Ministry of the Minister in charge of the subject of Fisheries or his representative;
- (v) the person for the time being holding office as the Director of Merchant Shipping;
- (vi) the person for the time being holding office as the Commander of the Sri Lanka Navy or his representative;
- (vii) the person holding office for the time being as the General Manager of the Authority.

(2) the Minister shall appoint one of the members appointed under paragraph (a) of subsection (1) to be the Chairman of the Authority (hereinafter referred to as the “Chairman”).

4. (1) A person shall be disqualified from being appointed as a member or for continuing as a member of the Board :—

Disqualifications
for being
appointed as a
member.

- (a) if such person is, or becomes, a member of Parliament, a member of any Provincial Council or a member of a local authority;
- (b) if such person is not, or ceases to be, a citizen of Sri Lanka;
- (c) if such person has been declared an insolvent or an undischarged bankrupt under any law in Sri Lanka or any other country;
- (d) if such person is found or declared to be of unsound mind under any law in force in Sri Lanka or any other country;
- (e) if such person is serving or has served a sentence of imprisonment imposed by a Court in Sri Lanka or any other country.

(2) The members and Chairman appointed respectively, by the Minister under subsection (1) and (2) of section 3 shall, subject to the provisions of this section, hold office for a term of three years and shall be eligible for reappointment.

(3) The Minister shall remove from office any member appointed under subsection (1) of section 3—

- (a) if he becomes subject to any of the disqualifications as set out in subsection (1) of this section;
- (b) if in the opinion of the Minister he becomes permanently incapable of performing his duties owing to any physical disability or unsoundness of mind; or
- (c) if he does any act which, in the opinion of the Minister is likely to bring the Authority into disrepute.

(4) In the event of vacation of office of the Chairman appointed under subsection (2) or any other member of the Authority appointed under subsection (1) of section 3 or the removal from office of any member of the Authority under the provisions of the preceding subsection, the Minister may appoint on the recommendation of the Board another person to hold such office for the unexpired period of the term of office of the member whom he succeeds.

(5) If the Chairman appointed under subsection (2) or any member of the Board appointed under subsection (1) of section 3 is temporarily unable to discharge the duties of his office due to ill health or absence from Sri Lanka or for any other reason for a period not exceeding three months, the Minister may on the recommendation of the Board appoint another person to act in his place as Chairman or as member, as the case may be.

(6) The Chairman appointed under subsection (2) or any other member appointed under subsection (1) of section 3 may at any time resign his office as a Chairman or member as the case may be, by letter in that behalf addressed to the Minister.

(7) The Chairman appointed under subsection (2) and every member of the Board appointed under subsection (1) of section 3 may be remunerated in such manner and at such rate, out of the fund of the Authority as may be determined by the Minister, with the concurrence of the Minister of Finance.

(8) The Chairman of the Authority shall, if present, preside at all meetings of the Board. In the absence of the Chairman at any such meeting, the members present shall elect from amongst the members present at such meeting, a member to preside at the meeting.

(9) The quorum for any meeting of the Board shall be five members.

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

(11) Meetings of the Board shall be held at least once in every month at such time and place as may be determined by the Board.

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

5. (1) The Seal of the Authority —

Seal of the
Authority.

- (a) shall be in the custody of the Chairman or a member authorized in writing in that behalf;
- (b) may be altered in such manner as may be determined by the Board;
- (c) shall not be affixed to any instrument or document except in the presence of two members of the Board, both of whom shall sign the instrument or document in token of their presence.

(2) The Board shall maintain a register of the instruments and documents to which the Seal of the Authority has been affixed.

PART II

FUNCTIONS OF THE AUTHORITY

6. The functions of the Authority shall be —

Functions of the
Authority.

- (a) to effectively and efficiently administer and implement the provisions of this Act and the regulations made thereunder ;
- (b) to formulate and execute a scheme of work for the prevention, reduction, control and management of pollution arising out of ship based activity and shore

- based maritime related activity, in the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka;
- (c) to conduct research in collaboration with other departments, agencies and institutions for both the government and the private sector, for the purpose of prevention, reduction, control and management of pollution arising out of any ship based activity or shore based maritime related activity, in the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka;
 - (d) to take measures to manage, safeguard and preserve the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka from any pollution caused by any oil, harmful substance or any other pollutant;
 - (e) to provide adequate and effective reception facilities for any oil, harmful substance or any other pollutant;
 - (f) to recommend adherence to all international Conventions and relevant Protocols dealing with marine pollution which the Government of Sri Lanka has or may ratify, accept, accede to or approve;
 - (g) to formulate and implement the National Oil Pollution Contingency Plan;
 - (h) to oversee, regulate and supervise the conduct of the contractors, service sub-contractors and person conducting or engaged in exploration of natural resources, including petroleum or related activities;
 - (i) to create awareness amongst different groups of the community, of the need to preserve the marine environment;
 - (j) to do all such other acts or things as may be necessary for the discharge of all or any of the above functions.

7. The Authority may exercise all or any of the following powers :— Powers of the Authority.

- (a) to effectively safeguard and preserve the territorial waters of Sri Lanka or any other maritime zone, it's fore-shore and the coastal zone of Sri Lanka from pollution arising out of any ship based activity or shore based maritime related activity ;
- (b) to conduct investigations and inquiries, and to institute legal action in relation to any pollution, arising out of any ship based activity or shore based maritime related activity ;
- (c) to oversee all sea transport of oil and bunkering operations that are carried out in the territorial waters of Sri Lanka or any other maritime zone, it's fore-shore and the coastal zone of Sri Lanka for the purpose of preventing of pollution ;
- (d) to acquire, hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of, any movable or immovable property ;
- (e) to employ such officers and servants as may be necessary for the purpose of discharging the functions of the Authority ;
- (f) to enter into and perform directly or through any officer or agent authorized in that behalf, all such contracts as may be necessary for the discharge of the functions of the Authority ;
- (g) to appoint any person by name or office to whom purpose of exercising all or any of the powers conferred on the Authority under this Act may be delegated ;
- (h) to open, operate and maintain accounts in any bank or financial institution, approved by the Board ;

- (i) to borrow such sums of money as may be necessary for the purpose of discharging the functions of the Authority ;
- (j) to accept and receive grants, donations and bequests, of property both movable and immovable, from sources in Sri Lanka and abroad and utilize them for the purpose of discharging the functions of the Authority ;
- (k) to make rules in respect of the management of the affairs of the Authority ;
- (l) to charge fees for any services provided by the Authority from any person or body of persons ;
- (m) to levy fees or charges in respect of the services provided by the Authority from all ships calling at Sri Lankan ports ; and
- (n) to do all such other acts or things as are necessary for the proper discharge of the functions of the Authority or are incidental to any of the powers specified in this Act or conferred on or assigned to the Authority.

Delegation of powers.

8. It shall be lawful for the Authority to delegate any power or function assigned to or conferred on it by this Act to any member of the Authority or any other designated officer of the Authority or to any other person, appointed for specific purposes under this Act.

Powers of inspections and surveys.

9. (1) It shall be lawful for the Authority or any person generally or specially authorized by the Authority in writing in that behalf, at any reasonable time of the day to enter upon any land or into any premises including oil installations for the purpose of making any survey, examination or investigation connected with or incidental to the exercise of any power, the discharge of any function or the performance of any duty by the Authority.

(2) It shall be lawful for the Authority or any person generally or specially authorized by the Authority in writing in that behalf, in consultation with the Director of Merchant Shipping at any reasonable time to board any ship in the prescribed manner within the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka visit any off shore installation in relation to the inspection of any apparatus, or pipe line, for the conduct of any survey, examination or investigation connected with or incidental to the exercise of any power, the performance of any duty or discharge of any function, of the Authority.

(3) It shall be lawful for the Authority or any officer authorized by the Authority in writing to board any fixed or mobile platform or any other relevant installation or enter any premises for carrying out such activities as may be prescribed.

(4) Every assistance shall be given to the Authority or to any person generally or specially authorized by the Authority, to carry out such surveys, examinations or investigations by the officers in charge for the time being of such off shore installation, apparatus or pipe line, as the case may be.

(5) Any person generally or specially authorized in that behalf by the Authority —

(a) may require the owner, operator, master or agent of any ship that is within the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka or is about to enter such waters, to provide information in respect of —

(i) the condition of the ship, its machinery and equipment ;

(ii) the nature and quality of its cargo ;

(iii) the nature of the cargo and fuel on board such ship and the manner in which and the locations at which the cargo and fuel of the ship are stored ; and

- (iv) such other matters relating to the ship or its cargo as may be required by the Authority for the implementation of the provisions of this Act ;
- (b) may in consultation with the Director Merchant Shipping, board any ship that is within the territorial waters of Sri Lanka or any other maritime zone, it's fore-shore and the coastal zone of Sri Lanka and conduct such inspections and tests as may be necessary to enable him to determine whether the owner, operator, master or agent of such ship has complied with the requirements laid down by the Act or any regulations made hereunder ; or
- (c) may inspect any record required to be kept by the owner, operator, master or agent of a ship regarding a ship and cause any entry in any such record to be copied and require the person in charge of the records to certify the copy made under this paragraph as a true copy of the original entry; or
- (d) may visit any off-shore installation, inspect any apparatus, pipeline or place on land and conduct such inspection as is necessary to enable him to determine whether the owner or person in charge of such off-shore installation, apparatus, pipeline or place on land had complied or is complying with the requirements laid down by this Act or any regulation made thereunder; or
- (e) may order the owner, operator, master or agent of any ship to proceed out of the territorial waters of Sri Lanka or any other maritime zone, it's fore-shore and the coastal zone of Sri Lanka declared by such route and in such manner as he may direct, and to remain outside such waters or to proceed to, and moor, anchor or remain for a specified period of time at a place identified by him within such waters —
 - (i) if he suspects on reasonable grounds that the ship has failed to comply with, or has

contravened Provision of the Act or any regulation made thereunder ; or

- (ii) if due to bad weather, poor visibility or condition of the sea, condition of the ship or any of its equipment, or any deficiency in its complement or the nature and condition of its cargo, he is satisfied that such an order is justified and would prevent the discharge, escape or dumping of any oil, harmful substances or other pollutant in the territorial waters of Sri Lanka or any other maritime zone, it's fore-shore and the coastal zone of Sri Lanka.

(6) Any person exercising any power conferred by this section shall not unreasonably detain or delay the ship from proceeding on any voyage.

(7) The Minister may prescribe the fees that may be charged for carrying out any test on the equipment and machinery required to be fitted to the ship by this Act or any regulation made thereunder.

(8) Where the Authority has reason to believe or is informed that —

- (a) a substantial quantity of oil, harmful substance or other pollutant has been discharged, or has escaped or has been dumped into the territorial waters of Sri Lanka or any other maritime zone, it's fore-shore and the coastal zone of Sri Lanka ; or

- (b) a grave or substantial discharge, escape or dumping of oil, harmful substance or other pollutant into territorial waters of Sri Lanka or any other maritime zone, it's fore-shore and the coastal zone of Sri Lanka is imminent, the Authority may —

- (i) order the owner, operator, master or agent of any ship within a specified area in the territorial waters of Sri Lanka or any other

maritime zone, it's fore-shore and the coastal zone of Sri Lanka to forthwith report its position to the Authority ; or

- (ii) order the owner, operator, master or agent of any ship or instruct the owner, operator or person in charge of any apparatus, pipe line, off - shore installation or place on land to take such steps as may be necessary to control or contain the oil, harmful substance or other pollutant or to take part in the cleaning up of such harmful substance or other pollutant.

Power to order taking of prescribed steps.

10. (1) It shall be lawful for the Authority to order the owner, operator, master or agent of any ship, or the owner , operator or person in-charge of the apparatus, or the owner or the occupier of the off-shore installation, or the owner or the operator of the pipeline, or the owner or the occupier of any place on sea or land connected to any of the aforesaid activities to take such steps as may be prescribed to prevent, mitigate, control and clean up any pollution.

(2) Any person who fails to comply with such order made under subsection (1) shall be guilty of an offence under this Act and shall upon conviction be liable to a fine not less than rupees five hundred thousand and not exceeding rupees one million.

Power to detain any ship.

11. Notwithstanding any proceedings instituted under this Act, any authorized officer may detain any ship, if he has reasonable cause to believe that any oil, harmful substance or other pollutant has been discharged from the ship into the territorial waters or any other maritime zone, it's fore-shore and the coastal zone of Sri Lanka and the ship may be so detained until the owner, operator, master or the agent of the ship deposits with the Authority such sum of money or furnishes such security as would, in the opinion of the Authority, be adequate to meet the liability of the owner, operator, master or agent under this Act.

12. (1) Any authorized officer may arrest without a warrant in the area other than within the area of the exclusive economic zone, any person who commits an offence under this Act or any regulation made thereunder and may produce him before a Judge of a High Court having jurisdiction or before the High Court exercising admiralty jurisdiction, as the case may be.

Power of arrest.

(2) Where an offence has been committed under this Act or any regulation made thereunder, any article that has been used in the commission of such offence, may be seized and detained in a place, as may be determined by the High Court having jurisdiction or by the High Court exercising admiralty jurisdiction, as the case may be.

13. (1) Every police officer or any of the following officers designated in writing in that behalf shall be an authorized officer for the purposes of section 12:—

Authorized officer deemed to be a peace officer.

- (a) a member of the armed forces ;
- (b) ship surveyors of the Merchant Shipping Division of the Ministry of the Minister in charge of the subject of Shipping ;
- (c) an officer of the Sri Lanka Ports Authority having specialized knowledge in the prevention, control and mitigate reduction of pollution.

(2) Every authorized officer shall be deemed to be a peace officer within the meaning and for the purposes of the Code of Criminal Procedure Act, No. 15 of 1979.

PART III

ESTABLISHMENT OF MARINE ENVIRONMENTAL COUNCIL

14. (1) There shall be established a Council which shall be called the Marine Environmental Council (hereinafter referred to as “the Council”) consisting of the following members :—

Establishment of the Marine Environmental Council and its functions.

- (a) the Secretary to the Ministry of the Minister in charge of the subject of Planning or his representative ;

- (b) the Secretary to the Ministry of the Minister in charge of the subject of Industries or his representative ;
- (c) the Secretary to the Ministry of the Minister in charge of the subject of Tourism or his representative ;
- (d) the Secretary to the Ministry of the Minister in charge of the subject of Foreign Affairs or his representative ;
- (e) the Secretary to the Ministry of the Minister in charge of the subject of Ports or his representative ;
- (f) the Secretary to the Ministry of the Minister in charge of the subject of Shipping or his representative ;
- (g) the Secretary to the Ministry of the Minister in charge of the subject of Petroleum and Petroleum Resources Development or his representative ;
- (h) the Director of the Coast Conservation Department or his representative ;
- (i) the Chairman of the Central Environmental Authority established by the National Environmental Act, No. 47 of 1980, or his representative ;
- (j) the Chairman of the Ceylon Petroleum Corporation established by the Ceylon Petroleum Corporation Act, No. 28 of 1961, or his representative ;
- (k) the Director-General of Department of Fisheries or his representative ;
- (l) the Director-General of Wild Life Conservation or his representative ;
- (m) the Director- General of the Disaster Management Centre or his representative ;

- (n) two members of the academic staff of a higher educational institution, specializing in the field of environmental protection or marine pollution, nominated by the Chairman of the University Grants Commission, established by the Universities Act, No. 16 of 1978 ;
- (o) a senior officer of the Ceylon Association of Ships Agents nominated by Chairman of such Association ;
- (p) two members from among registered non-governmental organizations involved in environmental protection activities, nominated by the Minister.

(2) The Minister shall appoint a member from amongst the members of the Council to be the Chairman of the Council.

(3) The functions of the Council shall be—

- (a) to advise the Authority on matters connected to the exercise, performance and discharge of the powers, duties and functions of the Authority ; and
- (b) to advise the Authority on any matter referred to the Council by the Authority.

15. (1) A person shall be disqualified from being appointed or from continuing as a member of the Council :—

- (a) if such person is, or becomes a member of Parliament, a member of any Provincial Council or of any Local Authority ;
- (b) if such person is not, or ceases to be, a citizen of Sri Lanka ;
- (c) if such person has been declared an insolvent or an undischarged bankrupt under any law in Sri Lanka or any other country ;

Disqualifications
for being
appointed a
member of the
Council.

- (d) if such person is found or declared to be of unsound mind under any law in force in Sri Lanka or any other country ;
- (e) if such person is serving or has served a sentence of imprisonment imposed by a Court in Sri Lanka or any other country.

(2) A member appointed by the Minister under subsection (1) of section 14 shall, subject to the provisions of subsections (3) and (4) of this section, hold office for a term of three years and shall be eligible for reappointment.

(3) The Minister shall remove from office any member appointed under subsection (1) of section 14 —

- (a) if he becomes subject to any of the disqualifications set out in subsection(1) of this section ;
- (b) if in the opinion of the Minister he becomes permanently incapable of performing his duties, owing to any physical disability or unsoundness of mind ; or
- (c) if he does any act which, in the opinion of the Minister is likely to bring the Authority into disrepute.

(4) In the event of vacation of office of the Chairman appointed under subsection (2) or any other member of the Council appointed under subsection (1) of section 14 or the removal from office of any member of the Council under the provisions of the preceding subsection, the Minister may appoint another person to hold such office during the un-expired part of the term of office of the member whom he succeeds.

(5) If the Chairman appointed under subsection (2) or any member of the Council appointed under subsection (1) of section 14 is temporarily unable to discharge the duties of his office due to ill health or absence from Sri Lanka or for

any other reason for a period not exceeding three months, the Minister may appoint another person to act in his place as Chairman or member, as the case may be.

(6) The Chairman appointed under subsection (2) or any member of the Council appointed under subsection (1) of section 14 may, at any time resign his office by letter in that behalf addressed to the Minister.

(7) The Chairman appointed under subsection (2) and every member of the Council appointed under subsection (1) of section 14 may be remunerated out of the Fund of the Authority at such rates as may be determined by the Minister with the concurrence of the Minister of Finance.

(8) The Chairman of the Council shall, if present, preside at all meetings of the Council, in the absence of the Chairman at any such meeting, the members present shall elect one of the members to preside at the meeting.

(9) The quorum for any meeting of the Council shall be eleven members.

(10) The Council may regulate the procedure in regard to the conduct of meetings of the Council and the transaction of business at such meetings.

PART IV

STAFF OF THE AUTHORITY

16. (1) There shall be a General Manager appointed by the Authority, who shall have adequate experience and qualifications in the field of shipping, port operations or the prevention and management of marine pollution.

Staff of the
Authority.

(2) The General Manager shall be the Chief Executive Officer of the Authority and subject to the general direction of the Board on matters of policy be responsible for the business of the Authority, the organisation and the exercise of the powers, and the discharge of the functions of the Authority and the administrative control of the officers and servants of the Authority.

(3) There shall be a Secretary to the Board appointed by the Authority, who shall have adequate experience and qualifications in the field of law or company secretarial practice.

(4) The Secretary shall be present at all meetings of the Board and be responsible for the maintenance of proper records of the minutes of all meetings of the Authority.

Conditions of
Employment.

17. (1) The Authority may appoint such officers and servants as it considers necessary for the efficient exercise, performance and discharge of its powers, duties and functions.

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

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

(4) 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.

(5) 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.

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

(7) The Authority may at its discretion whenever the need to do so arises in connection with the exercise or discharge of its powers and functions, obtain the services of a person or a body of persons possessing proven experience and who have shown capacity in areas relating to shipping, port operation and the prevention and management of marine pollution or any other related area as may be determined by the Authority, in the capacity of a consultant, at a fee to be decided by the Authority.

PART V

FINANCE

18. (1) The Authority shall maintain a fund to which shall be credited —

The Fund of the
Authority.

- (a) all such sums of money as may be voted, from time to time by Parliament for the use of the Authority ;
- (b) all such sums of money as may be received, by the Authority in the exercise, performance and discharge of the powers, duties and functions of the Authority ;
- (c) all such sums of money as may be received, by the Authority by way of loans, donations, gifts, bequests or grants from any source whatsoever, whether in or outside Sri Lanka ;
- (d) all such sums of money lying to the credit of the Marine Pollution Prevention Authority established under the Marine Pollution Prevention Authority Act, No. 59 of 1981 on the day immediately preceding the appointed date ;

(e) all such sums of money as may be received, by the Authority by way of fees, fines, charges, levies or penalties.

(2) There shall be paid out of the fund of the Authority all such sums of money as are required to defray any expenditure incurred by the Authority in the exercise, performance and discharge of its powers, duties and functions.

Accounts.

19. (1) The Authority shall cause proper accounts to be kept of its assets and liabilities, income and expenditure and all other transactions of the Authority.

(2) The financial year of the Authority shall be the calendar year.

**Audit of the
Accounts.**

20. The provisions of Article 154 of the Constitution shall apply to the audit of the accounts of the Authority.

PART VI

**RECEPTION FACILITIES AND PREVENTIVE MEASURES AGAINST
POLLUTION**

**Waste
Management.**

21. The Authority shall exercise the following powers when dealing with waste management :—

- (a) to provide reception facilities within or outside any port in Sri Lanka, in consultation with the Marine Environmental Council to enable any ship using such port or traversing Sri Lanka waters or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka to discharge or deposit any residue of oil or other pollutants ;
- (b) to direct the person in charge of all ports, harbours, terminals, repair yards of ships, dry docks or any other marine related facility used by ships which have any residue of oil to discharge, to provide adequate reception facilities for the purpose of such discharge :

For the purposes of this paragraph the Authority may seek the assistance of any other person for the provision of such facilities or arrange for the provision of such facilities by any other person ;

- (c) to direct the person in charge of all ports, harbours, terminals, repair yards of ships, dry docks or other marine related facilities used by ships which have any residue of oil discharge, to obtain the services of any such facility arranged by the Authority ;
- (d) to direct the person in charge of all ports, harbours terminals, repair yards of ships, dry docks or any other marine related facilities :—
 - (i) to prepare a waste management plan which shall be approved by the Authority and to regularly update such plan with the approval of the Authority; and
 - (ii) to carry out at prescribed intervals, an environmental impact assessment (EIA) by a Classification Society approved by the Authority.

22. (1) Every ship that enters the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka shall carry record books relating to oils, harmful substances or any other pollutants.

Record books relating to oils and pollutants.

(2) The master or the person in charge of any ship referred to in subsection (1) shall record in the oil record book, activities relating to :—

- (a) the loading of oil cargo ;
- (b) the transfer of oil cargo to, and from, a ship in the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka ;

- (c) internal transfer of oil cargo during a voyage ;
- (d) the discharge of oil cargo ;
- (e) the ballasting or cleaning of oil fuel tanks (whether cargo or bunker fuel tanks) ;
- (f) the discharge of ballast from, and cleaning of, such tanks ;
- (g) the separation of oil from water, or from other substances, in any mixture containing oil ;
- (h) disposal of any other oily residues ;
- (i) the disposal of any oil or water, or any other substance arising from operations in respect of any matter specified in the preceding sub-paragraphs ;
- (j) disposal of bilge water which has accumulated within the spaces of any machinery ;
- (k) any occasion on which oil or mixture containing oil is discharged from any ship, for the purpose of securing the safety of any ship or of preventing damage to any ship or cargo or for saving human lives ;
- (l) any occasion on which oil or a mixture containing oil is found to be escaping or to have escaped from the ship in consequence of damage to the ship or by reason of leakage or due to any other reason ;
- (m) closing of all applicable valves or similar valves subsequent to oil discharge operations ; and
- (n) all such other operations as may be prescribed.

(3) Any records required to be kept under subsection (1) of this section shall, be kept by the Master or the person in charge of the ship and where such ship is a barge —

- (a) in so far as they relate to the transfer of oil to the barge, by the person supplying the oil ; and
- (b) in so far as they relate to the transfer of oil from the barge, by the person to whom the oil is delivered.

(4) In the event of accidental discharge of oil, a statement shall be made in the oil record books, of the circumstances of, and the reasons for, the discharge.

(5) Each operation described in subsection (2) of this section shall be fully recorded in the relevant oil record book without delay, in order to complete all entries in the book appropriate to that operation. Each completed operation shall be signed by the master of the ship or the person in charge of the ship, and the entries in the oil record book shall be in the official language of the State whose flag the ship is entitled to fly and for ships holding an International Oil Pollution Prevention Certificate, in either the English or French language.

(6) The master or the person in charge of the ship referred to in subsection (1) of this section shall, record in the record book carried as an official log book or as a separate log book, records relating to the discharge or escape of pollutants that may be prescribed.

(7) The form of the record book and other records required to be maintained under this section shall be substantially in the prescribed form.

(8) If any ship fails to carry a record book referred to in subsection (1) of this section, the owner, operator, agent, master and the person in charge of the ship shall be guilty of an offence under this Act.

(9) Any person who makes an entry in any record book referred to in subsection (1) of this section or on any record kept under this section which to his knowledge is false or misleading in any material particular, shall be guilty of an offence under this Act.

(10) Any record book referred to in subsection (1) of this section, shall be kept in such a place as is readily available at all reasonable times for inspection by the Authority or by any person nominated by the Authority :

Provided however in the case of an unmanned ship under tow such record book shall be kept on board the ship and shall be preserved for a period of three years from the date of the last entry.

(11) (a) The Authority or any officer authorized in writing by the Authority may :—

- (i) board any ship which is in the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka and inspect the oil record book or the record books relating to harmful substance or pollutants ; or
- (ii) require the master of such ship or the person in charge of such ship to forward to the Authority a certified copy of the entries made in the record book relating to oil or other pollutant within twenty-four hours of a written notification relating to the same being communicated to such master or the person in charge of the ship ; or
- (iii) require the master of the ship or the person in charge of the ship to make a copy of any entry and certify such copy as a true copy of such entry ; and

(b) The master of the ship or the person in charge of the ship who fails to comply with the preceding provisions of this section shall be guilty of an offence.

(12) Any inspection carried out and the issue of certified copies under subsection (11) of this section shall be carried out with the least possible delay being caused to the ship.

(13) Any person who contravenes the provisions of subsections (8) and (9) shall be guilty of an offence under this Act and shall be liable on conviction to a fine not less than rupees three million and not exceeding rupees six million.

(14) In any proceeding instituted under this Act—

- (a) any record book carried on a ship or records kept or maintained in pursuance of the preceding provisions of this section shall be admissible in evidence and shall be *prima facie* evidence of the facts stated therein ;
- (b) any copy of an entry in such record book or record which is certified as a true copy, by the master of the ship or the person in charge of the ship on which the book is carried or by whom the record is required to be kept, to be a true copy of the entry, shall be admissible as evidence and shall be *prima facie* evidence of the facts stated therein ;
- (c) any document purporting to be a record book maintained or record kept in pursuance of the preceding provisions of this section, or purporting to be a certified copy as is referred to in paragraph (b) of this subsection shall, unless the contrary is proved, be presumed to be such a book, record or copy, as the case may be.

23. (1) Every ship entering the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka shall be fitted with such equipment for the prevention of the discharge of oil, harmful substances or any other pollutant as may be prescribed and shall comply with such other requirements, relating to or incidental to such prevention as may be prescribed.

Equipment in ships to prevent pollution.

(2) Any owner, operator, master or agent of a ship who contravenes the provisions of this section, or any regulation made thereunder shall be guilty of an offence under this Act and shall on conviction be liable to a fine not less than rupees three million and not exceeding rupees six million.

PART VII

MARITIME CASUALTIES

Maritime
Casualties.

24. (1) Where pollution is caused or there is an imminent threat of pollution to the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka or in relation to any interest in such waters or fore-shore, due to any maritime casualty or in consequence of any act resulting therefrom, the Authority may, direct—

- (a) the owner of the ship, the charterer of the ship or to any other person in possession of the ship ;
- (b) the master of the ship ;
- (c) any salvor in possession of the ship or to any person who is the servant or agent of any salvor in possession of the ship, and who is in charge of the salvage operation ;
- (d) any other person generally or specially authorized by the Authority,

to take such urgent and immediate measures in respect of the ship or its cargo or any oil on board the ship as may be necessary to prevent, mitigate or eliminate such pollution or the threat of such pollution.

(2) The directions issued to any person under subsection (1) may require—

- (a) the ship to be moved to a specified place, or to be removed from a specified area or locality ;

- (b) the ship not to be moved to a specified place or area or locality or by way of a specified route ;
- (c) any oil or other cargo to be either loaded or not to be loaded, unloaded or discharged as the case may be ;
- (d) that specified salvage measures are to be or are not to be so taken.

(3) If in the opinion of the Authority, the direction issued under this section is proved to be ineffective or inadequate for the purpose of preventing or mitigating or eliminating pollution or the threat of pollution, the Authority may —

- (a) undertake operations for the sinking or destruction of the ship or any part of it ;
- (b) undertake operations which may necessarily involve the taking over of control of the ship ;
- (c) undertake operations which may involve the loading, unloading or discharging of any oil.

(4) No action shall lie against the Authority or any person authorized by the Authority for damages in any civil Court, for any act done or purported to be done in good faith under this section.

25. (1) Every person who carries out any act in pursuance of any direction given by the Authority under section 24 shall ensure that —

- (a) any act done in order to prevent or mitigate or eliminate pollution or the threat of pollution shall be proportionate to the damage, actual or threatened, by such pollution ;
- (b) due respect is paid to the rights and interests of the flag state, third state and any other person.

Measures taken under section 24 to be proportionate to actual or threatened damage.

(2) Every person who —

- (a) contravenes or fails to comply with any direction given under section 24 ;
- (b) wilfully obstructs any person who is authorized to act in pursuance of any directions issued under section 24,

shall be guilty of an offence under this Act and shall be liable on conviction to a fine not less than rupees fifteen million and not exceeding rupees thirty five million.

PART VIII

PREVENTION OF POLLUTION-CRIMINAL LIABILITY

Discharge or escape of oil, harmful substance or other pollutant into the territorial waters of Sri Lanka or any other maritime zone.

26. If any oil, harmful substance or other pollutant is discharged or escapes into the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka from any ship or from any apparatus used for transferring oil, harmful substances or other pollutant to or from a ship (whether to or from a place on land or from another ship) or from an off-shore installation or from a pipeline or from any place on land or as a result of any operation for the exploration of the seabed or subsoil or the exploration of the natural resources thereof, then, subject to the provisions of this Act —

- (a) where the discharge or escape is from a ship, the owner, operator, master or the agent of the ship ; or
- (b) where the discharge or escape occurs during the course of transferring oil, harmful substances or a pollutant to or from a ship, the owner or the master of the ship or where the discharge or escape is from any apparatus used for transferring oil, harmful substances or a pollutant, the owner or the person in charge of the apparatus ; or
- (c) where the discharge or escape is from an off-shore installation or as a result of any operation for the exploration of the seabed or subsoil or the

exploration of the natural resources thereof, the owner or the occupier of that installation or the person carrying on the operation or the person in charge of the operation ; or

- (d) where the discharge or escape is from a pipe line, the owner or operator of the pipe line ; or
- (e) where the discharge or escape is from a place on land, the owner or the occupier of that place, or if the discharge or escape is caused by the act of another person who is in that place without the permission of the owner or occupier, that person,

shall be guilty of an offence under this Act and shall be liable on conviction to fine not less than rupees four million and not exceeding rupees fifteen million.

27. Any person who, except in accordance with the terms and conditions of a permit obtained from the Authority, dumps any oil, harmful substance or other pollutant into the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka shall be guilty of an offence under this Act and shall be liable on conviction to a fine not less than rupees four million and not exceeding rupees fifteen million.

Dumping of oil &c.. only under authority of a permit.

28. (1) The owner or operator of a ship or operator of an offshore installation, owner of a pipeline or any person authorized by such owner, may on an application made in writing in that behalf to the Authority, in such form as may be prescribed, obtain a permit authorizing such owner, operator or person to dump oil, any harmful substance or other pollutant into the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka.

Application for a permit.

(2) No permit shall be issued by the Authority or any person authorized in that behalf by the Authority to any person referred to in subsection (1) of this section except upon payment of such fee as may be prescribed by the Authority.

(3) A permit issued under subsection (1) of this section —

- (i) shall be in writing and continue to be in force for such period as may be specified therein ;
- (ii) shall set out the terms and conditions subject to which the permit is issued ;
- (iii) shall not be transferable.

Power to grant or refuse a permit.

29. (1) Upon receipt of an application for a permit under section 28, the Authority may having regard to the type of oil, harmful substance or pollutant to be dumped into the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka and the location of disposal, grant the required permit or where it is satisfied that the grant of such permit would harm any living species in such territorial waters or maritime zone, its fore-shore and the coastal zone of Sri Lanka or have an effect on the quality of the water or disrupt any marine activity, refuse to issue a permit or renew such permit, and shall forthwith communicate such decision to the applicant.

(2) Any person referred to in subsection (1) of section 28, who is aggrieved by the decision of the Authority may appeal to the Secretary to the Ministry of the Minister in charge of the subject of Marine Pollution, against such decision within thirty days from the date on which the decision was communicated to the applicant.

(3) The Secretary may on an appeal made under subsection (2) —

- (a) allow the appeal and direct the authorized officer against whose decision the appeal was made, to issue, renew or amend as the case may be, such permit or annul the order of suspension or cancellation ; or
- (b) disallow the appeal.

(4) The Authority shall comply with any direction issued to it under subsection (3).

30. Every permit issued under section 29 shall have attached thereto all such conditions as may be determined by the Authority having regard to the safety of the living species in the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka the quality of the water and marine activity. Such conditions may, among others, include conditions requiring —

Conditions to be attached to the permit.

- (a) that the report of the tested sample of the oil or substance or pollutant to be dumped into the sea by a competent officer of the Authority authorized in that behalf in writing, shall be exhibited in a conspicuous place of the ship ; and
- (b) that the vessel used under the authority of the permit shall be used only for the purpose specified in the permit and on the day specified therein and during the time specified therein.

31. The Authority may, at the time of the issue of a permit under section 29, specify therein by reference to the flag under which it is flying and other particulars as it may consider necessary, the vessel, which is authorized by the permit, to dump oil or any harmful substance or other pollutant into the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka.

Specification of the authorized vessel in the permit.

32. No permit issued under section 29 to any person specified in that section shall be transferable to any other person, and accordingly any such transfer shall be null and void.

Permit not transferable.

33. No person shall be made liable to any offence under section 24 or 26, if —

Exemption from liability.

- (a) the oil or harmful substance or other pollutant is discharged or dumped in consequence of the removal by the Authority of sunk, stranded or

abandoned vessels in the exercise of any power conferred by any written law or any act done on the written instructions of the Minister ;

- (b) the substances containing oil, harmful substances or other pollutants are discharged or dumped by the Authority, for the purpose of combating a specific incident of pollution by mitigating or eliminating the damage therefrom.

PART IX

PREVENTION OF POLLUTION-CIVIL LIABILITY

Civil Liability.

34. (1) Where any act referred to in section 24 or section 26, results in the pollution of the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka, the owner or the operator of the ship or the owner or the person in charge of the apparatus or the owner or the occupier of the off-shore installation or the owner or occupier of the pipe line or the owner or the occupier of the place on land for the time being, as the case may be or the person carrying on the operation of exploration of natural resources including petroleum or the person in charge of such operation shall be liable for —

- (a) any damage caused by the discharge, escape or dumping of any oil, harmful substances or other pollutant in to the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka under such Law or to the fore-shore or any interests related thereto ;
- (b) the costs of any measures taken for the purposes of preventing, reducing or removing any damage caused by the discharge, escape or dumping of any oil, harmful substance or pollutant into the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone or any interests related thereto.

(2) For the purpose of this section, interests related to the territorial waters of Sri Lanka or any other maritime zone, its fore-shore of Sri Lanka include —

- (a) marine, coastal, port or estuarine activities including fisheries activities ;
- (b) the promotion of tourism and the preservation and development of tourist attractions in the territorial waters of Sri Lanka or any other maritime zone or on the fore-shore including beaches and coral reefs ;
- (c) the health of the coastal population and their well-being ; and
- (d) the protection and conservation of living marine resources and wild life.

(3) Where any oil, harmful substance or other pollutant is discharged or escapes or is dumped from two or more ships and liability is incurred under this section by the owner or the operator of each ship and the damage or costs for which each owner or operator is liable cannot reasonably be separated from that for which the other or others is or are liable, each owner or operator shall be liable, jointly and severally with the other or others for the whole of the damage or costs for which the owner or the operator would be liable under this section.

35. (1) (a) The liability in respect of any one incident under section 34 shall be limited in accordance with such of the provisions of the International Convention on the Civil Liability for Pollution Damage, 1992 as may be incorporated into regulations made under this Act.

Limitation of liability.

(b) The maximum liability incurred by the owner or operator of a ship or the owner or person in charge of an apparatus or the owner or occupier of an off-shore installation, pipe line, or place on land, as the case may be, or any person carrying on the operation of exploration of natural resources including petroleum resources or the person in charge of

such operation under this Part of the Act shall be limited in accordance with the provisions of the International Convention on the Civil Liability for Pollution Damage, 1992 as may be incorporated into regulations made under this Act.

(2) Where any act referred to in section 34 occurs due to the negligence of the owner, or operator of a ship or the owner or person in charge of an apparatus or the owner or occupier of an off- shore installation, pipe line or place on land, as the case may be or any person carrying on the operation of exploration of natural resources including petroleum resources or the person in charge of such operation such person shall not be entitled to avail himself of the limitations provided in subsection (1) of this section.

**Compulsory
Insurance.**

36. (1) The owner or the operator of a ship carrying more than two thousand metric tones of oil in bulk as cargo, which enters or leaves a port in Sri Lanka or enters or leaves the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka or a terminal in such waters shall have in his possession a valid Certificate of Insurance or other financial security such as a guarantee of a bank or a certificate issued by an international fund, in respect of such ship, which is acceptable to the Authority and if the ship is registered in a State which is a party to the International Convention on the Civil Liability for Pollution Damage, 1992, a Certificate issued by the appropriate authority of that State.

(2) The Certificate of Insurance or other security required by subsection (1) in respect of a ship shall be carried in the ship and shall, on demand, be produced by the master, to the Authority or any person authorized in that behalf by the Authority.

(3) Where a ship enters or leaves or attempts to enter or leave a port in Sri Lanka or arrives at or leaves or attempts to arrive at or leave the territorial waters of Sri Lanka and other

maritime zone, its fore-shore and the coastal zone of Sri Lanka in contravention of subsection (1), the owner, operator or the master of such ship shall be guilty of an offence under this Act and be liable on conviction to a fine not less than rupees one million and not exceeding rupees five million.

(4) Where a ship fails to carry or the master of a ship fails to produce, a Certificate or security as required by subsection (2), the owner, operator or the master of the ship, shall be guilty of an offence under this Act and be liable on conviction to a fine not less than rupees one million and not exceeding rupees six million.

(5) Where a ship attempts to leave a port in Sri Lanka in contravention of this section the ship may be detained by the Authority.

37. (1) No owner, operator, master or agent of any ship and or occupier of any place shall, transfer oil between the hours of 6 p.m. and 6 a.m. of any day to, or from, a vessel in any harbour in Sri Lanka, unless notice (which can either be general or specific) has been given to the Harbour Master and the prior consent of the Fire Department has been obtained for the same.

Restrictions on
transfer of oil.

(2) If any oil is transferred to or from a vessel in contravention of the provisions of this section, the master of the vessel or the occupier of any place on land to or from which it is transferred shall be guilty of an offence under this act and be liable on conviction to a fine not less than rupees four million and not exceeding rupees five million.

(3) The notice referred to in subsection (1) shall state —

- (a) the place at which the transfer of oil shall take place ;
and
- (b) the time and the period within such the transfer shall
be carried out.

(4) The period referred to in subsection (3) within which the transfer shall be carried out shall in no event exceed a period of twelve months from the date of approval.

Duty to report discharge of oil or other pollutant into the territorial waters etc.

38. If any oil or other pollutant is discharged, escapes or is dumped for any reason whatsoever into the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka—

- (a) from a ship;
- (b) from an apparatus used to transfer oil or any other pollutant;
- (c) from an off-shore installation;
- (d) from a pipe-line;
- (e) from a place on land;
- (f) from a fixed or mobile platform.

then the owner, operator, master or agent of the ship or the owner or person in charge of the apparatus or the owner or occupier of the off-shore installation, pipe-line or place on land, as the case may be or any person carrying on an operation or exploration of natural resources including petroleum or the person in charge of such operation, shall forthwith report all details of such occurrence to the Authority. If any person fails to do so, he shall be guilty of an offence under this Act and shall be liable on conviction to a fine not less than rupees one million and not exceeding rupees five million.

Oil Spill Contingency Plan.

39. (1) The Authority shall have the power to direct, all persons in charge of ports, harbour terminals, repair yards of ships, dry docks, off shore installations, pipe lines or any other apparatus used for transferring oil to or from a ship, to submit an Oil Spill Contingency Plan within three months of the coming into operation of this Act. The plan shall contain such matters and be subject to such conditions as may be prescribed by regulations.

(2) Any person who fails to submit an Oil Spill Contingency Plan in accordance with the provision of subsection (1), shall be guilty of an offence under this Act and shall upon conviction, be liable to a fine not less than rupees seven hundred and fifty thousand and not exceeding rupees fifteen hundred thousand.

PART X

PREVENTION OF POLLUTION WHEN ENGAGED IN EXPLORATION OF NATURAL RESOURCES INCLUDING PETROLEUM OR ANY RELATED ACTIVITY

40. (1) Any person who intends to conduct or engage in exploration of natural resources including petroleum or any related activity shall —

- (i) conform to the prescribed national standards and install and maintain prescribed anti-pollution equipment for the purpose of ensuring the control and prevention of pollution;
- (ii) dispose of all industrial garbage in bulk in accordance with the prescribed conditions in relation to marine dumping;
- (iii) ensure that the equipment utilized for oil storage installation and oil pipelines conforms to the required standards of the Authority;
- (iv) obtain the prior written approval of the Authority to utilize chemical dispersant in the prescribed manner;
- (v) obtain a licence in the prescribed manner for the purposes of using dynamite or similar harmful explosives.

Standards to be observed by those engaged in exploration of natural resources including petroleum.

(2) Every person who intends to conduct or engage in the exploration of natural resources including petroleum or any related activity shall comply with the provisions of subsection (1).

Offences and penalties.

41. (1) Any person who contravenes the provisions of section 40 or any regulation made thereunder shall be guilty of an offence and shall on conviction be liable to a fine not less than rupees three million and not exceeding rupees six million and shall in addition be ordered by Court to remove or remedy the damage to the environment wherever it is possible and reimburse the expenses, if any, incurred by the Authority in clearing up the polluted area and compensate the State for any loss sustained by the State due to damage to the environment.

(2) Any person who —

- (i) causes marine or environmental pollution;
- (ii) fails to report to the Authority a major oil pollution accident;
- (iii) fails to observe the prescribed standards when utilizing chemical dispersants;
- (iv) fails to maintain the Anti-pollution Record Book in the prescribed manner;
- (v) makes false entries in the Anti-pollution Record Book;
- (vi) fails to carry out any direction given by the Authority,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding rupees three million.

PART XI

MISCELLANEOUS PROVISIONS

Detained ships proceeding to sea.

42. (1) If any ship is detained under section 11 or subsection (5) of section 36 and the ship proceeds to sea before it is released by the proper authority, the master, owner, operator, agent or any other person who is a party or privy to

the act of sending the ship to sea, shall be guilty of an offence under this Act and shall be liable on conviction to a fine not less than rupees six million and not exceeding rupees fifteen million.

(2) Any person Authorized under this Act to detain a ship may, if he thinks it necessary, seek the assistance of the armed forces of Sri Lanka.

43. (1) Whenever —

- (a) any foreign ship is detained under this Act; and
- (b) any proceedings are instituted under this Act against the master or owner of such ship,

Notice to
Consular Office
on detention of
foreign ships.

notice shall forthwith be served by the Authority on the Consular Officer for the country under whose flag the ship is registered.

(2) The Notice to be served under subsection (1) shall specify the grounds on which the ship has been detained or on which the proceedings have been instituted.

44. Any notice, authority, order, direction or other communication required or authorized to be given or made by the Authority under this Act to any person (not being an officer appointed under this Act), by or under this Act shall be made or given in writing.

Notices to be in
writing.

45. (1) Where for the purposes of this Act any document is to be served on any person, that document may be served —

Service of
documents.

- (a) by delivering a copy thereof personally to the person on whom such document is required to be served, or by leaving such copy at his last known place of abode or by transmitting or sending such copy by post or facsimile;

- (b) by leaving the document on board the ship with the person being or appearing to be in command or charge of the ship, where the document is required to be served on —
- (i) the Master of the ship (in cases where there is a Master); or
 - (ii) a person who is a member of the crew of such ship;
- (c) if the document is to be served on the master of a ship, and there is no master and the ship is in the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka or the managing owner of the ship or, if there is no managing owner in the territorial waters of Sri Lanka, or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka on some agent of the owner residing in Sri Lanka or, where no such agent is known or can be found, by affixing a copy thereof in a conspicuous place of the ship.

(2) A person who obstructs the service of any document under this Act on the Master of a ship relating to the detention of the ship due to unseaworthiness shall be guilty of an offence under this Act and shall on conviction be liable to a fine not less than rupees seven million and not exceeding rupees eight million or to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment.

(3) Any owner or Master of a ship who is a party or privy to any obstruction referred to in subsection (2), shall be guilty of an offence under this Act and shall be liable on conviction to a fine not less than rupees two million and not exceeding rupees eight million or to imprisonment of either description for a term not exceeding two years, or to both such fine and imprisonment.

46. Where the owner, operator, master or the agent of a ship has been convicted of an offence under the provisions of this Act and any fine imposed or any liability incurred is not discharged or is not paid within the time ordered by the Court, the Court, shall, in addition to its powers for enforcing payment, have the power to direct that the amount remaining unpaid shall be levied by distraint and sale of the ship, her tackle, furniture and apparel.

Sale of a ship.

47. The provisions of this Act shall not apply to any ship belonging to the Sri Lanka Navy, the Sri Lanka Army, or the Sri Lanka Air Force respectively, to whom the provisions of the Army Act (Chapter 357), Navy Act (Chapter 358) and the Air Force Act, (Chapter 359) respectively apply.

Non application of the provisions of the Act.

48. (1) Notwithstanding anything to the contrary in the Judicature Act, No. 2 of 1978, every offence under this Act committed in the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka shall be triable by a High Court of a Province established under Article 154P of the Constitution, the High Court sitting in any judicial zone of Sri Lanka or by the High Court exercising admiralty jurisdiction.

Jurisdiction of the Courts.

(2) Notwithstanding anything to the contrary in any other written law, every prosecution instituted in respect of an act or omission referred to in Part VIII of this Act shall, be triable by High Court of a Province established under Article 154P of the Constitution, the High Court sitting in any judicial zone of Sri Lanka or by the High Court exercising admiralty jurisdiction and every such Court shall have jurisdiction to impose the maximum penalty provided by this Act.

(3) Where in any proceeding instituted under this Act any matter or question including the exercise of any power in respect of which no provision or adequate provision has been made by or under this Act or any other enactment, the court shall have power to make such orders and give such directions in so far as the same shall not conflict or be inconsistent with any provision made by or under this Act or any other law.

Certificate to be
prima facie
evidence of facts
stated therein.

49. In any prosecution for an offence under this Act, a Certificate issued under the hand of the Chairman to the effect that the pollution specified in the Certificate has in fact been caused, shall be admissible in evidence and shall be *prima facie* evidence of the matters contained therein.

Who may
prosecute.

50. Every prosecution in respect of an offence under this Act shall be conducted by the Attorney-General or by any other officer specially authorized in writing in that behalf.

Regulations.

51. (1) The Minister may make regulations for matters required by this Act to be prescribed and for matters in respect of which regulations are authorized by this Act to be made.

(2) In particular and 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) specifying the conditions relating to the issue of permits and licences by the Authority and the fees if any to be charged in respect thereof;
- (b) specifying the type of equipment to be fitted in ships for the prevention of pollution;
- (c) specifying any substance or class of substance other than oil which when added to water has the effect of contaminating such water so as to make the water unclean, noxious, impure or detrimental to the health, safety or welfare of any person, or harmful to marine life;
- (d) specifying the manner and form in which and the conditions subject to which the Oil Spill Contingency Plan is to be prepared and submitted;
- (e) specifying the type of equipment required to be installed by any person carrying on any trade, business or industry as the Authority may determine, for the purpose of the eliminating any oil or trade effluent and for the purpose of preventing or

reducing the discharge of any trade effluent into the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka;

- (f) specifying the procedure to be followed in conducting an investigation in respect of any casualties arising out of the discharge of any pollutant or pollutants by ships;
- (g) specifying the conditions subject to which reception facilities shall be provided, including the registration of persons providing such reception facilities and the fees to be levied for the provision of such facilities;
- (h) specifying the procedure to be adopted in respect of the exploration of natural resources including petroleum or any related activity in accordance with such directions as are issued by the Cabinet of Ministers in the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka;
- (i) specifying the standards to be maintained by the contractors and operators conducting or engaged in the exploration of natural resources including petroleum or any related activity in accordance with such directions as are issued by the Cabinet of Ministers;
- (j) specifying the standards, the quality of the equipment used, the type of mobile platforms and other related anti-pollution equipment, to be utilized for off-shore and shore based petroleum operations in accordance with such directions as are issued by the Cabinet of Ministers;
- (k) specifying the manner and method of compilation of the initial and the Final Environmental Examination report and the particulars to be specified in such report, the criteria required of the persons who are to be engaged in the compilation of such reports;

- (l) specifying the manner and form in which and the particulars to be contained in the Anti-Pollution Record Book maintained by an Operator; and
- (m) specifying the national standards relating to oily water discharge and the condition relating to marine dumping and the conditions to be adhered when using dynamite explosives ;
- (n) specifying the terms and conditions required to be adhered to, by a contractor relating to off-shore oil storage installation and oil pipe lines, and off-shore testing of oil wells and the measures to be taken for the disposal of oil, or mixtures of oil released into the sea ;
- (o) specifying the measures to be taken where a major oil spill occurs, specify particulars related to the chemical dispersant to be used for control or mitigation of pollution and the manner of utilization of such dispersant;
- (p) prescribe the Form to be used to obtain compensation for environmental damage and identify the particulars which are required to be furnished therein;
- (q) specifying the procedure to be adopted in respect of the exploration of oil in the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka;
- (r) identifying the procedure to be followed in the transportation of oil and carrying out of bunkering operations, the fees to be levied for the issue of licences for the same and the terms and conditions subject to which licences may be issued;
- (s) specifying the fees or charges to be levied for the issuing of licences or certificates or for the execution of any other instrument under this Act, for the provision of any services under the Act or for the performance of any essential monitoring functions.

(3) 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 in the regulation.

(4) Every regulation made by the Minister shall, as soon as convenient after its publication in the *Gazette*, be brought before Parliament for its 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 anything previously done thereunder.

(5) Notice of the date on which any regulation is rescinded shall be published in the *Gazette*.

52. (1) the Minister may give to the Authority general or special directions in writing for the purpose of giving effect to the principles and provisions of this Act and the Authority shall give effect to such directions.

Powers of the Minister in relation to the Authority.

(2) The Minister may, from time to time direct the Authority in writing to furnish to him in such form as he may require returns, accounts and other information with respect to the property and business of the Authority and the Authority shall carry out every such direction.

(3) The Minister may by order require all or any of the activities of the Authority to be investigated and reported upon by a person authorized by him in writing in that behalf, and upon such order being made, the Authority shall afford all such facilities as may be necessary for the implementation of such order.

53. Except where otherwise provided any person who contravenes any provision of this Act, or any regulation made thereunder, shall be guilty of an offence and on conviction be liable to a fine not exceeding rupees three million.

Offences and penalties.

54. (1) Any expense incurred by the Authority in any suit or prosecution brought by or against the Authority before any court, shall be paid out of the Fund of the Authority, and

Expenses to be paid out of the Fund.

any costs paid to or recovered by the Authority in any such suit or prosecution, shall be credited to the Fund of the Authority.

(2) Any expenses incurred by any member, officer or servant of the Authority or any member of the Council in any suit or prosecution brought by or against such person before any court, in respect of any act which is done or purported to be done by such person under this Act or on the directions of the Authority or Council, shall, if the Court holds that such act was done in good faith, be paid out of the Fund of the Authority, unless such expenses are recovered by him in such suit or prosecution.

Duty to co-operate.

55. (1) The master of any ship or a person in charge of any apparatus, pipe line, off-shore installation or place on land or any contractor service sub-contractor, operator or any person conducting or engaged in exploration of natural resources including petroleum operation or related activities under a Petroleum Resources Agreement in respect of fixed and mobile platforms and other related installations shall give the Authority or any person Authorized in writing in that behalf by the Authority all reasonable assistance in his power, to enable such Authority or person so authorized to perform or discharge his duties and functions under this Act or any regulations made thereunder and shall furnish to the Authority or any person authorized by the Authority, such information as he may reasonably require for the purpose.

(2) No person shall obstruct or hinders the Authority or any person authorized by the Authority from performing or discharging his duties or functions under this Act or any regulation made thereunder.

(3) Any person who obstructs or hinders the Authority or any person authorized by the Authority from performing or discharging his duties or functions under this Act or any regulations made thereunder shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding rupees five hundred thousand.

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

Officer of the Authority shall be deemed to be a public officer.

57. 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.

Authority deemed to be a scheduled institution.

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

Liability of the directors and certain officers for offences committed by that body.

(a) if that body of persons is a body corporate, every person who at the time of the commission of the offence was a director, general manager, agent, secretary or officer holding similar office of that body ; or

(b) if that body is not a body corporate, every person who at the time of the commission of the offence was a member of that body,

shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence so as to prevent the commission of that offence as he ought to have exercised having regard to the nature of his functions and the related circumstances.

59. The Marine Pollution Prevention Act, No. 59 of 1981 is hereby repealed.

Repeal of Marine Pollution Prevention Act, No. 59 of 1981.

60. Notwithstanding the repeal of the Marine Pollution Prevention Act, No. 59 of 1981-

Savings.

(1) all movable and immovable property which, on the day preceding the appointed date, is vested in the Marine Pollution Prevention Authority, shall vest, with effect from the appointed date, in the Authority;

- (2) all contracts and agreements entered into by or with Marine Pollution Prevention Authority and subsisting on the day preceding the appointed date shall be deemed, with effect from the appointed date, to be contracts and agreements entered into by or with the Authority ;
- (3) all permits memorandum of understanding (m. o. u.) or memorandums of corporation (m. o. c.) issued by the Marine Pollution Prevention Authority and which is in force immediately preceding the appointed date shall be deemed with effect from the appointed date to be permits memorandums of understanding (m. o. u.) or memorandums of corporation (m. o. c.) respectively issued by the Authority ;
- (4) all actions and proceedings instituted by or against the Marine Pollution Prevention Authority and pending, on the day preceding the appointed date, shall be deemed, with effect from the appointed date, to be actions and proceedings instituted by or against the Authority, as the case may be, and may be continued and completed accordingly;
- (5) all members, officers and servants of the Marine Pollution Prevention Authority immediately preceding the appointed date shall be deemed with effect from the appointed date to be members, officers and servants of the Authority ;
- (6) all judgments and orders made in favour or against the Marine Pollution Prevention Authority and remaining unsatisfied on the day preceding the appointed date, shall be, deemed with effect from appointed date to be judgments and orders made in favour or, against, the Authority, as the case may be and may be enforced accordingly ;

- (7) all interests, rights, assets, obligations, debts and liabilities of the Marine Pollution Prevention Authority on the day immediately preceding the appointed date shall be deemed with effect from the appointed date to be interests, rights, assets, obligations, debts and liabilities of the Authority ;
- (8) all rules and regulations made by the Marine Pollution Prevention Authority on the day immediately preceding the appointed date shall be deemed with effect from the appointed date to be rules and regulations of the Authority.

61. 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 any inconsistency.

62. In this Act unless the context otherwise requires— Interpretation.

“any other property” means, any property not permanently and intentionally attached to the shore line and includes freight at risk ;

“barge” means, a contraption which has no means of self propulsion either by way of sails or engine power and which has to be towed or is allowed to drift under the influence of the tide or current and includes a lighter or any similar vessel;

“bunkering” means, the transferring of oil, oil fuel or any oily mixture in the marine environment ;

“Central Environmental Authority” means, the Central Environmental Authority established by the National Environment Act, No. 47 of 1980;

“Ceylon Petroleum Corporation” means, the Ceylon Petroleum Corporation established by the Ceylon Petroleum Corporation Act, No. 28 of 1961 ;

“Classification society” means, Organizations independent of commercial and state influences that determine and publish—

- (a) safety and construction standards for ships, marine craft and other off-shore installations;
- (b) operational procedures of ships, marine craft and other off-shore installations. The level of standards imposed, are indicated by the classification number and letter.

“Coastal Zone” shall have the same meaning as in the Coast Conservation Act, No. 57 of 1981;

“contingency plan” means, a plan to maintain organizational frame work capable of effective response to prevent, reduce, monitor and combat environmental pollution and other pollution related to maritime emergency, such as any casualty, incident, occurrence or situation including failure of industrial installation resulting in pollution or imminent threat of pollution to the marine environment and to manage associated funding, equipment and training programmes ;

“contractor” has the same meaning as in the Petroleum Resources Act, No. 26 of 2003;

“Director of Merchant Shipping” means, the person appointed under section 3 of the Merchant Shipping Act, No. 52 of 1971;

“discharge” in relation to harmful substances or effluent containing such substance means any release caused from a ship or any other source and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying ;

“dumping” means, any deliberate disposal of waste or other matter into the sea and includes putting, throwing, casting or depositing; and the expression “dump” shall be construed accordingly ;

“environment” means, the physical factors of the surroundings of human beings including the land, soil, water, atmosphere, climate, sounds, odours, tastes and the biological factors of animals and plants of every description;

“foreshore” means, that area of the shore of the sea between the mean high water and the mean low water;

“harmful substance” means, any substance, which if introduced into sea, is liable to create hazards to human health, to harm living resource and marine life, to damage amenities or to interfere with other legitimate uses of the sea and includes any substance subject to control by this Act ;

“Higher Educational Institution” has the same, meaning as in the Universities Act, No. 16 of 1978;

“incident” in relation to pollution means any occurrence or any series of occurrences having the same origin, which cause the damage;

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

“mean high water line” means, plus 0.6 meters from the mean sea level;

“mean low water line” means, minus 0.6 meters from the mean sea level ;

“marine environment” means, the factors of the surroundings of human beings and the biological functions effecting animals and plants of every description including land, oil, water, atmosphere, climate, sound and odours, taste, within the marine eco-sphere as defined by the Act;

“marine emergency” means, any casualty, incident, occurrence or situation, however caused, resulting in substantial pollution or imminent threat of substantial pollution to the marine environment by oil ;

“maritime casualty” means, a collision of ships, standing or other incident of navigation or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to a ship or its cargo;

“maritime zone” means any maritime zone declared under the Maritime Zones Law, No. 22 of 1976 and includes—

- (a) the Contiguous Zone ;
- (b) the Exclusive Economic Zone ;
- (c) the Continental Shelf; and
- (d) the Pollution Prevention Zone;

declared by Proclamation in terms of the aforesaid Law, and any other Zone which may be declared at a future date under the said Law;

“master” means, in relation to a ship, includes every person except a pilot, having for the time being the command, charge or control of any ship;

“noxious liquid substance” means, any substance designated in Appendix II to the Annex II of International Convention for the Prevention of

Pollution from ships 1973, as modified by the Protocol of 1978 (MARPOL 73/78) or provisionally assessed under the provisions of regulation 3(4) of MARPOL 73/78 as falling into category A, B, C or D thereof;

“occupier” means, the person in actual occupation of a place or if there is no such person, the owner thereof;

“off shore installation” includes—

- (a) any installation or device (whether permanent or temporary) constructed, erected, placed or used in or on or above the sea-bed and subsoil of the territorial waters of Sri Lanka or used in or on any other maritime zone, its fore-shore and the coastal zone of Sri Lanka under such law;
- (b) any installation or device (whether permanent or temporary) constructed, erected, placed or used in or above the sea-bed and sub-soil or the continental shelf, in connection with the exploitation of the natural resources thereof;
- (c) anything afloat (other than a ship), if it is anchored or attached to the bed or shore of the territorial waters of Sri Lanka and the other maritime zones, its fore-shore and the coastal zone of Sri Lanka if it is anchored to the bed of the waters over the continental shelf in connection with exploration for and exploration of the natural resources thereof;
- (d) any installation or device constructed, erected, placed or used in or above the sea-bed and sub-soil of the territorial waters of Sri Lanka or placed or used above any other maritime zone, its fore-shore and the coastal zone of Sri Lanka the continental in connection with any scientific research activity;

“oil” means, petroleum in any form including crude oil, fuel oil, sludgeoil refuse and refined products, and without limiting the generality of the foregoing;

“oil fuel” means, any oil used as fuel in connection with the propulsion and auxiliary machinery of the ship in which such oil is carried;

“oily mixture” means, a mixture with any oil content;

“operator” in relation to a ship includes a charterer whether the ship be time chartered, voyage chartered or chartered by demise;

“owner” in relation to a ship means the person registered as the owner or in the absence of registration, the person owing or in possession;

“Petroleum Resource Agreement” has the same meaning as in the Petroleum Resources Act, No. 26 of 2003;

“pipe line” includes all pipe lines inclusive of open and close channels, natural or artificial (man made) used in the conveyance of oil, storm water, sewage, garbage and other pollutants;

“pollutant” means, any substance or any substance that is part of a class of substances, prescribed by the Minister to be a pollutant for the purpose of this Act, and includes nuclear waste and any waste contaminated by such substance whether in liquid solid or gaseous form which alters the Quality of any segment or element of the receiving environment so as to effect any beneficial use adversely or is hazardous or potentially hazardous to health;

“pollution” means, any direct or indirect alteration of the physical, thermal, chemical, biological or radioactive properties of any part of the marine environment by the discharge, emission or the deposit of wastes including the introduction by man, directly or indirectly of any substance or energy into

marine life so as to effect any beneficial use adversely or to cause a condition which is hazardous or potentially hazardous to public health, safety or welfare of the animals, birds, wild life aquatic life or to plants of every description and hindrance to marine activity including fishing and other legitimate uses of the sea and impairment of quality of uses of sea water;

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

“salvage” means, any act or activity undertaken to assist a vessel or any other property in danger in navigable water or in any other waters;

“ship” means, any vessel or boat or any other description of ship including hydrofoil boats, air cushion vehicles, submersibles, floating craft and fixed or floating platforms and oil rigs, used in navigation in the marine environment and includes all equipment, apparel and appurtenances (excluding supplies for sustenance) which are necessary for the navigation in the marine environment and conduct of the business of the ship;

“territorial waters of Sri Lanka” shall have the same meaning as in the Constitution of the Democratic Socialist Republic of Sri Lanka;

“terminal” means, any terminal (including oil terminal) jetty, pier or non-buoy, yard or dry dock (including the precincts thereof) in which vessels are constructed, reconstructed, repaired, refilled, finished or broken up;

“transfer” in relation to oil or any pollution means transfer in bulk;

“University Grants Commission” means, the University Grants Commission established by the University Act, No. 16 of 1978.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**URBAN SETTLEMENT DEVELOPMENT
AUTHORITY ACT, No. 36 OF 2008**

[Certified on 23rd October, 2008]

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 October 24, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 17.00

Postage : Rs. 10.00

*Urban Settlement Development Authority
Act, No. 36 of 2008*

[Certified on 23rd October, 2008]

L. D.—O. 37/2006.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF AN URBAN SETTLEMENT DEVELOPMENT AUTHORITY TO FORMULATE NATIONAL POLICY IN RELATION THERETO AND TO ENSURE THE IMPLEMENTATION OF SUCH POLICY; TO PROVIDE FOR THE IMPROVEMENT OF THE LIVING CONDITIONS OF PERSONS LIVING IN UNDERSERVED URBAN SETTLEMENTS BY UPGRADING AVAILABLE HOUSING UNITS OR BY PROVIDING BETTER HOUSING FACILITIES AND ACCESS TO MINIMUM URBAN SERVICES IN ORDER TO ENSURE A SUSTAINABLE URBAN SETTLEMENT DEVELOPMENT; 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 Urban Settlement Development Authority Act, No. 36 of 2008 and shall come into operation on such date as may be appointed by the Minister by Order published in the *Gazette*.

Short title and date of operation.

PART I

ESTABLISHMENT AND CONSTITUTION OF THE URBAN SETTLEMENT
DEVELOPMENT AUTHORITY

2. (1) There shall be established an Institution which shall be called the Urban Settlement Development Authority (hereinafter referred to as the "Authority").

Establishment of the Urban Settlement Development Authority.

(2) The Authority shall, be 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 by such name.

(3) The head office of the Authority shall be located in the Colombo District.

2 *Urban Settlement Development Authority
Act, No. 36 of 2008*

Constitution of
the Board of
Directors.

3. The management and administration of the affairs of the Authority shall be vested in a Board of Directors (hereinafter referred to as the "Board") which shall consist of—

(a) the following *ex-officio* members, namely:—

- (i) the Secretary to the Ministry of the Minister in charge of the subject of Finance or his representative;
- (ii) the Secretary to the Ministry of the Minister in charge of the subject of Local Government or his representative;
- (iii) the person holding the office for the time being, as the Chairman of the Urban Development Authority established under section 2 of the Urban Development Authority Law, No. 41 of 1978, or his representative;
- (iv) the person holding the office for the time being, as the Chairman of the National Housing Development Authority established under section 2 of the National Housing Development Authority Act, No. 17 of 1979, or his representative;

(b) the following members appointed by the Minister ensuring however that there is adequate gender representation (hereinafter referred to as the "appointed members") :—

- (i) three members to represent the interests of the local authorities of urban areas;
- (ii) four members from among persons who appear to the Minister to have knowledge and experience in urban settlement development.

4. A person shall be disqualified from being appointed, or continuing, as a member of the Board, if—
- Disqualification for being a member.
- (a) he is or becomes, a member of Parliament or any Provincial Council ;
 - (b) he is not or ceases to be a citizen of Sri Lanka;
 - (c) he is under any law in force in Sri Lanka or in any other country, found or declared to be of unsound mind;
 - (d) if he is serving or has served, a sentence of imprisonment imposed by any Court in Sri Lanka or any other country;
 - (e) if he holds or enjoys any right or benefit under any contract made by, or on behalf of the Authority; or
 - (f) if he has any financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Authority.

5. (1) An appointed member of the Board may resign his office by letter addressed to the Minister and such resignation shall be effective from the date on which it is accepted by the Minister.

Removal and resignation of members.

(2) The Minister may for reasons assigned remove an appointed member of the Board from office.

(3) Where an appointed member of the Authority dies, resigns or is removed from office, the Minister shall, having regard to the provisions of section 3, appoint another member in his place.

(4) A member appointed under subsection (3) shall hold office for the unexpired part of the term of office of the member whom he succeeds.

4 *Urban Settlement Development Authority
Act, No. 36 of 2008*

Term of office
of members.

6. Subject to the provisions of subsections (1) and (2) of section 5, the term of office of an appointed member of the Board shall be three years and such member shall be eligible for reappointment.

Remuneration or
allowance of
members.

7. The members of the Board shall be paid such remuneration or allowances at such rates as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

Chairman of the
Board.

8. (1) The Minister may appoint a Chairman from among the appointed members of the Board.

(2) The terms of office of the Chairman shall be three years and he shall be eligible for reappointment.

(3) If the Chairman is by reason of illness or absence from Sri Lanka, temporarily unable to perform the duties of his office, the Minister may appoint an appointed member of the Board to act in his place in addition to his normal duties as an appointed member.

(4) The Chairman shall not engage in any paid employment outside the duties of his office, without the approval of the Minister.

(5) The Chairman may resign from the office of Chairman by letter addressed to the Minister and such resignation shall be effective from the date on which it is accepted by the Minister.

(6) The Minister may from reasons assigned remove the Chairman from the office of Chairman.

(7) Subject to the provisions of subsections (5) and (6), the term of office of the Chairman shall be the period of his membership of the Board.

9. (1) The Chairman shall, if present, preside at every meeting of the Board. In the absence of the Chairman from any such meeting, a member elected by the members present, shall preside at such meeting.

Meetings of the Board.

(2) The quorum for any meeting of the Authority shall be five members.

(3) The Chairman or other member presiding at any meeting of the authority, shall in addition to his own vote, have a casting vote.

(4) Subject to the preceding provisions of this section, the Authority may regulate the procedure in regard to the meetings of the Authority and the transaction of business at such meetings.

10. (1) There shall be appointed by the Authority a Committee which shall be called the "Advisory Committee".

Establishment of a Advisory Committee.

(2) The Authority may seek advice of the Advisory Committee in approving and dealing with any such matter pertaining to the formulation and execution of proposals, plans, projects and action programs of the Authority.

(3) The Advisory Committee shall consist of a Chairman and not more than fourteen members ensuring that there is adequate gender representation.

(4) The Board shall set out the rules applicable thereto and determine the functions thereof.

11. No act, decision or proceeding of the Authority, shall be deemed to be invalid by reason only of the existence of any vacancy of the Board or any defect in the appointment of any member thereof.

Acts not invalidated by reason of a vacancy.

12. (1) The Seal of the Authority may be determined and devised by the Board and may be altered in such manner as may be determined by the Board.

Seal of the Authority.

(2) The Seal of the Authority shall be in the custody of such person as the Board may decide from time to time.

(3) The Seal of the Authority shall not be affixed to any instrument or document except with the sanction of the Board and in the presence of the Chairman and one member who shall sign the instrument or document in token of their presence:

Provided that, where the Chairman is unable to be present at the time when the Seal of the Authority is affixed to any instrument or document, any other member authorized in writing by the Chairman in that behalf shall be competent to sign such instrument or document in accordance with the preceding provision of this subsection.

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

Board to exercise its powers under the direction of the Minister.

13. In the exercise of its powers and the discharge of its functions, the Board shall comply with such general or special directions as may from time to time be issued to it by the Minister:

Provided that compliance by the Board with any general or special direction so issued shall be subject to the provisions of any other law for the time being in force.

Delegation of powers and functions of the Board.

14. (1) The Board may delegate, any of the powers and functions of the Board, to the Chairman.

(2) The Chairman to whom any of the powers and functions of the Board have been delegated under subsection (1) shall exercise and discharge the powers and functions so delegated, subject to the general or special directions of the Authority.

15. The powers and functions of the Authority shall be—

Powers and
functions of the
Authority.

- (a) to formulate and execute proposals, plans, projects and action programs also giving due consideration to such as may be received from communities of the urban settlements to improve living conditions of such settlements;
- (b) to implement related programs of development work which will improve the living conditions of the urban settlement engaging wherever possible the involved communities to the optimum level;
- (c) to implement housing credit schemes;
- (d) to provide financial grants to individuals in slum and shanty communities for improving their housing conditions subject to financial procedure of the Government;
- (e) to carry out in partnership with local authorities and local communities and institutions, surveys and studies to identify housing, infrastructure facilities and service needs of urban settlements and develop and maintain with regular updates a data base of such information;
- (f) to undertake implementation of urban housing development projects approved by the Government;
- (g) to work towards the upgrading of slum and shanty Communities and to undertake the development of such settlement areas;
- (h) to promote and secure the participation of local authorities and local communities in the planning and implementation of housing and settlement projects intended to benefit the resident population;

8 *Urban Settlement Development Authority
Act, No. 36 of 2008*

- (i) to carry out all acts necessary to select and settle people on urban land planned for settlement development within the framework of the existing national policy;
- (j) to enter into any contract with any person for the execution of urban settlement development projects;
- (k) to carry out building, engineering and other operations and undertake any work in connection with housing and infrastructure development and provision of urban services;
- (l) to further the general welfare and social and cultural progress of the community within any urban settlement area and to administer the affairs of such area;
- (m) to promote and secure the participation of private capital in the improvement of living conditions in any urban settlement area;
- (n) to acquire, hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of any movable or immovable property acquired or held by it; to grant, subject to any other provisions of this Act, freehold rights in any immovable property to individuals in slum and shanty communities to improve their housing conditions;
- (o) to call upon any Government agency or private institution to undertake urban settlement development projects in consultation or participation with the Authority;
- (p) to manage lands, flats, houses and other living accommodation and buildings or other property vested in or belonging to the Authority;

- (q) to charge rents or fees for any building, flat, house or other living accommodation or for any services or facilities provided by the Authority;
- (r) to manage and make available schemes of supervised credit to urban dwellers to purchase flats, houses or other living accommodation;
- (s) to accept from within or outside Sri Lanka gifts, grants, donations or subsidies, whether in cash or otherwise and to apply them for carrying out any of the objectives of the Authority;
- (t) with the concurrence of the Minister in charge of the subject of Finance, to borrow or raise money or secure obligations from sources either in Sri Lanka or abroad by the issue of debentures, debenture stock, bonds, mortgages or with any other securities upon such terms as the Authority may determine; and
- (u) to enter into partnerships with other government and non-governmental institutions and to establish subsidiaries to execute any of the functions of the Authority.

PART II

FINANCE

16. (1) The Authority shall have its own Fund. There shall be credited to the Fund of the Authority—
- Fund of the Authority.
- (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 of money received by the Authority in the exercise, performance and discharge of its powers, duties and functions;

10 *Urban Settlement Development Authority
Act, No. 36 of 2008*

- (c) all such sums of money as may be received by the Authority by way of loans, donations, gifts or grants from any sources whatsoever, whether in or outside Sri Lanka;
- (d) all revenue derived by the Authority from any property vested in or administered by the Authority;
- (e) all such sums of money collected by the Urban Development Authority as service charge from the property developers to finance low cost housing programs; and
- (f) all revenue derived by the Authority for services provided by the Authority.

(2) All sums of money required to defray any expenditure incurred by the Authority in the exercise, performance and discharge of its powers, duties and functions shall be charged on the Fund.

(3) The initial capital of the Authority shall be five thousand million rupees. The amount of the initial capital shall be paid out of the Consolidated Fund in such installments as the Minister in charge of the subject of Finance may in consultation with the Minister determine and such sums shall be credited to the Fund established under subsection (1).

Financial year
and the Audit of
accounts.

17. (1) The financial year of the Authority shall be the calendar year.

(2) The provisions of Article 154 of the Constitution relating to the auditing of accounts shall apply in relation to the audit of the accounts of the Authority.

(3) The provisions of Part II of the Finance Act, No. 38 of 1971, shall *mutatis mutandis* apply to the financial control of the Authority.

18. (1) The Board may, with the consent of the Minister or in accordance with the terms of any general authority given by him, borrow temporarily by way of overdraft or otherwise, such sums as the Board may require for meeting the obligations of the Authority or discharging its duties under this Act:

Borrowing powers.

Provided that the aggregate of the amounts outstanding in respect of temporary loans raised by the Board under this subsection shall not at any time exceed such sum as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance.

(2) The Board may, with the consent of the Minister given with the concurrence of the Minister in charge of the subject of Finance, borrow money for the provision of the working capital of the Authority, otherwise than by way of temporary loan under subsection (1) by the issue of debentures. The debentures so created and issued shall be referred to as "Urban Settlement Development Authority Debentures".

(3) The Urban Settlement Development Authority Debentures shall be issued, transferred, dealt with, redeemed and cancelled in accordance with such terms as may be determined by the Board with the approval of the Minister given with the concurrence of the Minister in charge of the subject of Finance.

(4) The Minister in charge of the subject of Finance shall guarantee the repayment of the principal and the payment of the interest on, any sum due on debentures issued or loans raised by the Authority.

PART III

STAFF OF THE AUTHORITY

19. (1) There shall be a Director-General of the Authority, appointed by the Minister who shall hold office for a period of three years. The Director General shall be the Secretary of the Board without right to vote.

Appointment of the Director-General.

12 *Urban Settlement Development Authority
Act, No. 36 of 2008*

(2) The Director-General shall, subject to the general and special direction and control of the Chairman, be charged with the direction of the business of the Authority, the organization and execution of the powers, functions and duties of the Authority and the administrative control of the employees of the Authority.

(3) The Director-General may with the approval of the Board, delegate in writing to any other employee of the Authority any of his powers, functions and duties as may from time to time be considered necessary, and any employee to whom any such powers functions or duties are so delegated shall exercise them subject to the general or special directions of the Director-General.

Appointment of officers, servants and agents.

20. (1) The Authority may appoint such officers, servants and agents as it considers necessary for the efficient exercise, performance and discharge of its powers, duties and functions and exercise disciplinary control over the staff of the Authority.

(2) 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 the Authority in consultation with the Minister in charge of the subject of Finance.

Appointment of public officers, officers of the Local Government Service to the staff of the Authority.

21. (1) At the request of the Board any officer in the public service may, with the consent of that officer and of 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 Board or with like consent be permanently appointed to such staff.

(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, him.

(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, him.

(4) Any officer or servant of a public corporation may with the consent of such officer or servant and the Board of Directors of such corporation, be temporarily or permanently appointed to the staff of the Board on such terms and conditions, including those relating to the provident fund rights, as may be agreed upon by the Board of Directors of that corporation and the members of the Board.

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

(6) At the request of the Authority, any member of the Local Government Service or any other employee of a local Authority, may with the consent of such member, employee and the Local Government Service Commission or the Local Authority, as the case may be, be temporarily appointed to the staff of the Authority for such period as may be determined by the Authority 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 Commission or the respective local authority.

(7) Where any member of the Local Government Service or any employee of any local authority is appointed temporarily under subsection (6) to the staff of the Authority, he shall be subject to the same disciplinary control as any other member of such staff.

(8) At the request of the Authority, any employee of a public corporation may, with the consent of such employee and the Governing Board of such Corporation, be temporarily appointed to the staff of the Authority for such period as may be determined by the Authority or with like consent be permanently appointed to the staff of the Authority under such terms and conditions, including those relating to pension or provident fund rights, as may be agreed upon by the Authority and the Governing Board of such Corporation.

PART IV

ACQUISITION OF IMMOVABLE AND MOVABLE PROPERTY AND SALE OF LANDS BELONGING TO THE AUTHORITY

Acquisition of
property
belonging to the
local authority
or public
corporation.

22. (1) Where the Minister certifies that any land or interest in land vested in a local authority or a public corporation is required by the Authority for any purpose of the Authority, the Minister may by Order published in the *Gazette* vest such land or interest in such land in the Authority with effect from such date as shall be specified in the Order subject to such conditions if any as may be specified therein.

(2) An Order made by subsection (1) shall confer on the Authority absolute title to any land or interest in land and to any buildings and other structures on such land as specified in the Order with effect from the date specified therein free of all encumbrances, and no compensation shall be payable by the Authority in respect of such land or interest in such land or buildings or other structures therein.

(3) No Order affecting any immovable property of any local authority or public corporation shall be made by the Minister under subsection (2) without the consent of the Minister in charge of the subjects of Local Government given with the consent of such local authority or that public corporation.

23. (1) Where any immovable property of the State is required for the purpose of the business of the Authority such purpose shall be deemed to be a purpose for which a special grant or lease of such property shall be made under section 6 of the Crown Lands Ordinance (Chapter 454) and accordingly the provisions of that Ordinance shall apply to a special grant or lease of such property to the Authority.

Requisition of State land.

(2) Where any movable property of a Government department or any public corporation is required for the purpose of the Authority the Minister may by Order published in the *Gazette* transfer to and vest in the Authority the possession and use of such movable property.

(3) No Order affecting any movable property of any Government department or public corporation shall be made by the Minister under subsection (2) without the consent of the Minister in charge of that department or public corporation.

24. Where the President upon a recommendation made by the Minister in charge of the subject of Urban Development, is of the opinion that any particular land in any urban area is urgently required for the purpose of carrying out an urban settlement development project which would meet the just requirements of the general welfare of the people, the President may by Order published in the *Gazette* declare that such land in the urban area is required for such purpose. The provisions of the Urban Development Projects (Special Provisions) Act, No. 2 of 1980 shall *mutatis mutandis* apply to and in relation to the acquisition of land in terms of this section.

Application of the Urban Development Projects (Special Provisions) Act, No. 2 of 1980.

25. Where any land or any interest in land in an urban area is required by the Authority for any of its purposes, that land or interest therein may be acquired under the Land Acquisition Act (Chapter 460) by the Government or the Authority and the provisions of that Act shall *mutatis mutandis* apply for the purposes of acquisition of that land

Application of the Land Acquisition Act.

or interest therein. Such land or interest therein shall for the purposes of the Land Acquisition Act be deemed to be required for a public purpose.

Alienation of
property.

26. (1) The Authority may, with the written approval of the Minister, alienate by way of sale, lease, rent or purchase any land or interest in land or building held by the Authority, subject to such terms and conditions including the use or uses for which the land or interest in land or building is alienated, as determined by the Minister:

Provided however, where any alienation is carried out by a grant or permit under the provisions of the Land Grants (Special Provisions) Act, No. 43 of 1979 or the Land Development Ordinance (Chapter 464), such grant or permit shall be issued by the President in terms of the provisions of such Act or Ordinance as the case may be.

(2) Without prejudice to the generality of the provisions of subsection (1) there shall be special conditions in the instrument of alienation to the effect that the alienation effected by the instrument of alienation may be cancelled or determined in the event of —

- (a) a failure to comply with any other condition specified in such instrument ;
- (b) any money due to the Authority under such instrument remaining unpaid for any such period as may be specified therein ;
- (c) the land or the interest in land, building is sold, gifted, leased or otherwise alienated without the written permission of the Director-General, except in case of an outright sale by the Authority.

(3) Nothing in the Crown Lands Ordinance (Chapter 454) shall affect or be deemed or construed to affect the alienation of any State land held by the Authority for the purpose of any urban housing development project or any related purpose.

27. Notwithstanding the provisions of any other written law to the contrary, no action shall lie against the Authority or any officer, servant or agent of the Authority, in respect of the cancellation or determination of an instrument of alienation under the provisions of section 26.

No action shall lie against the Authority.

PART V

PROVISIONS APPLICABLE TO LOANS

28. Every loan granted by the Authority to purchase or to construct a flat, housing unit or any other living accommodation shall be paid—

Loans.

- (a) by installment in such manner and within such period as may be specified by the Authority ; or
- (b) in any other manner as specified by the Authority.

29. (1) Every person—

Service of Notice.

- (a) to whom a loan is granted by the Authority ;
- (b) who obtains probate by way of a testamentary disposition to the estate of a person to whom a loan has been granted by the Authority ;
- (c) who under section 36 is appointed to represent the estate of a deceased borrower ; or
- (d) to whom any right, title or interest in any property mortgaged to the Authority as security for a loan granted by the Authority or in any other description of security for such a loan passes, whether by voluntary conveyance or by operation of law,

shall in writing notify the Authority of an address to which all notices may be sent to him.

(2) Any notice to be served on any person under subsection (1) shall be deemed to be properly served on that person if it is sent by registered post addressed to that person to the address notified by him. The service of notice shall be deemed to be effected at the time at which the letter would be delivered in the ordinary course of post.

Settlement of
loan.

30. (1) Where on the security of any property a loan is granted by the Authority, that property shall not be sold, gifted, leased or otherwise alienated so long as the loan is fully settled, except with the written permission of the Director-General and in accordance with such conditions as he may impose.

(2) Notwithstanding anything to the contrary in any written law any alienation or dispossession of any property to which subsection (1) applies, shall, if it is in contravention of that subsection, be invalid and have no force or effect in law.

Priority of a
mortgage of a
loan granted by
the Authority.

31. Where a loan is granted by the Authority on the mortgage of any property, that property shall, on and after the date of registration of such mortgage be charged with the payment of the loan with interest as priority to every other debt, mortgage or charge affecting it except a debt which is secured by a mortgage duly registered prior to such date and which is due to a creditor who in good faith advanced the money before the loan was granted by the Authority.

Form of
mortgage of
land.

32. (1) Every mortgage of property executed in favour of the Authority as security for any loan shall be substantially in such form as approved by the Authority.

(2) Any such mortgage as is referred to in subsection (1) may include a covenant that a higher rate of interest than that on which the loan was granted shall be paid, if the borrower fails or neglects to make any payment due on account of interest, principal or otherwise under the mortgage in full and on the due date.

33. Where default is made in the payment of any sum due on any loan granted on the mortgage of property whether that sum is due on account of principal or interest or of both, default shall be deemed to be made in respect of the whole of the unpaid portion of that loan and the interest due thereon.

Default of payment.

34. Where under the provisions of this Act default is made or is deemed to be made in respect of the whole of the unpaid portion of any loan and the interest due thereon, the Authority may at its discretion by Order in writing authorize any person specified in the Order, to enter upon any property mortgaged to the Authority as security for any loan in respect of which default has been made, to take possession of and to exercise the same powers in the control and management of such property as might have been exercised by the mortgagor if it had not made default.

Action for default.

35. Subject to the provisions of section 36 the Authority may by Order in writing authorize any person specified in the Order to sell by public auction any property mortgaged to the Authority as security for any loan in respect of which default has been made in order to recover the whole of the unpaid portion of such loan and the interest due thereon up to the date of sale together with moneys and costs recoverable under section 42.

Sale of property mortgaged to the Authority.

36. (1) Save as otherwise provided in subsection (2), the provisions of sections 34 and 35 shall apply in the case of any default, notwithstanding the fact that the borrower may have died or that any right, title or interest in the property mortgaged by the borrower as security for the loan may have passed by voluntary conveyance or by operation of law, to any other person.

Where borrower is dead.

(2) Where the borrower is dead and probate of his will or letters of administration to his estate have not been issued —

- (a) the District Court of the district in which the property mortgaged by the borrower as security for the loan is situated may, upon application made in that behalf by the Authority and after service of

notice of the application on such persons, if any, as the Court may Order, and if satisfied that the grant of probate or issue of letters of administration is likely to be delayed, appoint a person to represent the estate of the borrower for the purpose of this subsection ; and

- (b) the provisions of sections 34 and 35 shall not apply in the case of any default made by the borrower unless and until a representative of his estate is appointed under this subsection.

Publication of
notice to sell.

37. (1) Notice of every Order under section 35 authorizing the sale of any property shall be published in all three languages in the *Gazette* and in a daily newspaper in the Sinhala, Tamil and English languages and copies of such notice shall be served on the borrower, if he is alive and on every person who has in respect of that property notified his address under section 29.

(2) Where the language of any person on whom a copy of such notice is required to be served is either Tamil or English, then in addition to a copy of such notice a translation thereof in the language of that person shall be served on him.

Notice of sale.

38. Notice shall be published in the *Gazette* of the date, time and place of every sale which shall be published not less than fourteen days before the date fixed for the sale. Copies of such notice shall be —

- (a) served on the borrower, if he is alive, and on every person on whom the notice of the Order authorizing the sale is required to be served under section 37 ;
- (b) exhibited on or near the property which is to be sold ; and
- (c) affixed to the walls of the Pradeshiya Sabha and within the Grama Niladhari Division within the jurisdiction of which the property is situated.

39. (1) If the amount of the whole of the unpaid portion of the loan together with all interest due thereon according to the terms of the mortgage and of the moneys and costs, if any, recoverable by the Authority under section 42 is tendered to the Authority by the borrower or a person authorized by the borrower in that behalf before the date fixed for the sale of the property mortgaged to the Authority as security for the loan that property shall not be sold and no further steps shall be taken in pursuance of the Order under section 35 for the sale of that property.

Payments made before sale.

(2) If the amount of the installment or other payment in respect of which default has been made together with any interest due thereon according to the terms of the mortgage and of the moneys and costs, if any, recoverable by the Authority under section 42 is tendered to the Authority by the borrower or a person authorized by the borrower in that behalf before the date fixed for the sale of the property mortgaged to the Authority as security for the loan, the Authority may in its discretion direct that such property shall not be sold and that no further steps shall be taken in pursuance of the Order under section 35 for the sale of that property.

40. The Authority may fix an upset price below which the property mortgaged to the Authority as security for the loan shall not be sold to any person other than the Authority.

Fixing an upset price.

41. The Director-General of the Authority or any person authorized in writing by him, may at a sale by public auction of any property mortgaged to the Authority as security for any loan bid for and purchase that property for and on behalf of the Authority.

Bid at a public auction for the Authority.

42. (1) In addition to the amount due on any loan the Authority may recover from the borrower or any person acting in that behalf —

Additional costs charged by the Authority.

(a) all the moneys expended by the Authority in accordance with the covenants contained in the

mortgage bond executed by the person to whom the loan was made in the payment of premium and other charges under any policy of insurance effected in respect of the property mortgaged to the Authority and in the payment of all other costs and charges authorized by the aforesaid covenants to be incurred by the Authority ; and

- (b) the cost of advertising the sale and selling the mortgaged property :

Provided that the amount recovered as costs under paragraph (b) of this subsection shall not exceed such percentage of the loan as may be prescribed.

(2) Where the Director-General on behalf of the Authority purchased the mortgaged property he shall pay out of the Fund of the Authority the costs referred to in paragraph (a) and (b) of subsection (1) and he shall after such moneys and costs are recovered from the borrower under that subsection, credit to the Fund the amount so recovered.

Payment of
balance of
proceeds after
deduction of
amount due to
the Authority.

43. Where the mortgaged property is sold the Authority shall after deducting from the proceeds of the sale the amount due on the mortgage and the moneys and costs recoverable under section 42 pay the balance remaining, if any, either to the borrower or to any person legally entitled to accept the payment due to the borrower, or if the Authority is in doubt as to whom the money should be paid the money shall be paid into the District Court within whose jurisdiction the property is situated, to be drawn by the person entitled thereto.

Certificate of
Sale.

44. (1) Where the mortgaged property is sold the Director-General on behalf of the Authority shall sign a Certificate of Sale and thereupon all right, title and interest of the borrower to and in the property shall vest in the purchaser, and thereafter it shall not be competent for any person claiming any right, title or interest of the borrower to and in the property, through or under any disposition whatsoever made or registered after the date of the mortgage

of the property to the Authority in any Court to move to invalidate the sale for any cause whatsoever or to maintain any right title or interest to or in the property as against the purchaser.

(2) The Certificate of Sale signed by the Director-General on behalf of the Authority under subsection (1) shall be conclusive proof, with respect to the sale of any property that all the provisions of this Part relating to the sale of the property have been complied with.

(3) The Certificate of Sale shall be in such form as may be approved by the Authority.

45. Where the mortgaged property is sold no action or other proceedings shall after expiry of three months after the date of sale be commenced in any court nor any defence be setup in respect sale of any application made by the purchaser in Court under section 46 for the purpose of invalidating the sale for any cause whatsoever, or of maintaining any right, title or interest to or in the property as against the purchaser.

Prescriptive period.

46. (1) The purchaser of any property sold in pursuance of the preceding provisions of this Part, shall, upon application made to the District Court within whose jurisdiction the property is situated and upon production of a certified copy of the certificate of sale issued in respect of that property under section 44, be entitled to obtain an Order for delivery of vacant possession of that property.

Order for delivery of possession.

(2) Every application under subsection (1) shall be made by way of petition and affidavit to which shall be annexed a certified copy of the Certificate of Sale of the property issued under section 44 and for the purpose of such application and on all proceedings held in consequence of such application made under that subsection by any person other than and person for and on behalf of the Authority stamp duties and other charges shall be payable at the respective rates at which such duties and charges are payable under any written law for the time being in force.

(3) Upon the presentation of the application referred to in subsection (1) the District Court shall forthwith order the delivery of possession of the property to the purchaser and shall issue a writ of possession to the Fiscal of the Court requiring and authorized him before a date specified in the writ to deliver the possession of the property to the purchaser or to any other person appointed by him for the purpose and to eject the occupier and his dependents if any from the property and every other person occupying such property or any portion thereof. In executing the writ issued to the Fiscal, or the police officer or any person authorized by the Fiscal or the police officer may use such force as may be necessary to enter the building in accordance with the directions of the District Court which issued the Order.

Cancellation of sale before resale by the Authority.

47. Where the property is purchased by the Authority, the Authority may at any time before the Authority resells the property, cancel the sale by an endorsement to that effect on a certified copy of the Certificate of Sale upon the debtor or any person on his behalf paying the amount due in respect of the loan for which the property was sold, including the costs of seizure and sale, and interest on the aggregate sum at a rate not exceeding the prescribed rate. Such an endorsement shall upon registration in the office of the Registrar of Lands operate to re-vest the land in the debtor as though the sale under this Part had not been made.

Re-sale by the Authority.

48. (1) Where the property sold is purchased by the Authority and the sale is not cancelled under section 47 the Authority may at any time resell the property and transfer to the purchaser by endorsement on such copy of the Certificate of Sale as is certified by the Authority to be a true copy the right, title and interest to or in the property acquired by the Authority.

(2) An endorsement made under subsection (1) shall when it is registered in the office of the Registrar of Lands, vest in the purchaser specified in that endorsement the right, title and interest as is specified therein.

49. Nothing contained in sections 28 to 48 shall be deemed to preclude the Authority from recovering the amount due on any mortgage bond in accordance with the provisions of any other written law for the time being in force.

Authority not precluded from other methods of recovery.

PART VI

RECOVERY OF POSSESSION OF FLATS, LIVING ACCOMMODATION OR ANY OTHER BUILDING BELONGING TO THE AUTHORITY BY THE DIRECTOR GENERAL

50. (1) The provisions of this Part shall apply to every house, flat, living accommodation or any other building (hereinafter referred to as the "building") provided by the Authority for occupation by any person whether such occupation is upon the payment of any rent or otherwise.

Interpretation.

(2) Where a building is provided by the Authority for occupation by any person then, with reference to that building the expression "landlord" in this Part shall mean the Director-General appointed under section 19, and the expression "occupier" in this Part shall mean the person in occupation.

51. (1) The occupier of any building to which this Part applies and his dependents and every other person occupying such building or any portion thereof shall not be entitled to occupy such building or portion thereof after the date of law ul termination of the occupation of such building by the occupier and accordingly the occupier shall on that date vacate the building and deliver possession thereof to his landlord and depart from the land or premises in which such building is situated together with his dependents and every other person occupying such land or premises or any portion thereof.

Obligation to vacate building to which this Part applies.

(2) Where any building to which this Part applies is provided by the landlord for occupation by any person in the employment of that landlord that person's occupation of

such building, shall be deemed for the purpose of this Part to be lawfully terminated on the date of the lawful termination of the employment of that person.

(3) Where in any case referred to in subsection (2) the employment of the occupier is terminated without notice the reference in that subsection to the date of the lawful termination of his employment shall be deemed to be a reference to fourteen days after the actual date of termination.

Application to
the Court for
recovery of
possession and
service of Order
nisi.

52. (1) In any case where the occupier of any building to which this Part applies fails to comply with the provisions of subsection (1) of section 51 it shall be lawful for the landlord to file in the Magistrate's Court having jurisdiction over the area in which the building is situated an application praying for the recovery of possession of the building and for the ejection from the land and premises on which the building is situated, of the occupier his dependents and every other person occupying such land or premises or any portion thereof, and every such application shall be supported by an affidavit setting forth the time and manner of the termination of the occupation of the occupier.

(2) On receipt of an application under subsection (1) the Court shall cause to be served on the occupier a copy of the application and affidavit and an Order *nisi* requiring him—

- (a) to appear on a date specified in such Order being a date not later than two calendar months after the date of service of the Order ; and
- (b) to show cause as to why he should not deliver possession of the building as required by section 51 and leave the land or premises on which it is situated, together with his dependents and every other person occupying such land or premises or any portion thereof.

(3) An Order *nisi* under subsection (2) shall be deemed to have been served on the occupier if it is delivered to him by the Fiscal or by any person authorized by the Fiscal or where it cannot be so delivered, if it is pasted by the Fiscal or person authorized as aforesaid on some conspicuous part of the building to which the Order relates.

53. (1) If any occupier on whom an Order *nisi* is served under this Part appears before the Court on the date specified in the Order and by affidavit or by statement on oath or affirmation raises any defense which in the opinion of the Court necessitates an adjournment of the hearing, the Court shall immediately settle and record the issue or issues raised and shall having regard to the circumstances of the case appoint a date as early as possible for the hearing of evidence and in such case the Registrar of the Court shall thereupon issue summons to every such witness as may be required by the parties commanding his attendance at the time and place specified in the summons.

Adjournment of
hearing.

(2) Where any date is appointed under subsection (1) for the hearing of any case, the hearing shall not again be adjourned for any later date—

- (a) unless all the parties to the case consent to such adjournment ; or
- (b) unless the Court is satisfied upon evidence furnished on oath or affirmation or by affidavit that such adjournment is necessary by reason of the absence otherwise than by collusion of a witness who knows and is able to prove facts material to the case.

(3) On the date appointed under subsection (1) for the hearing of the case or on such other date if any to which such hearing may be adjourned under subsection (2), the Court shall hear and determine the issues raised and give judgment thereon notwithstanding anything to the contrary in any written law.

Order of
ejectment.

54. (1) If any occupier upon whom an Order *nisi* has been served under this Part, does not appear on the date specified in such Order or on such other date, if any, to which the hearing may be adjourned under this Part or having appeared fails to show good and valid cause why he should not as required by section 51, deliver possession of the building specified in the Order and depart from the land or premises on which it is situated together with his dependents and every other person occupying in such land or premises or any portion thereof the Order *nisi* shall be made absolute and the Court shall make an Order directing such person, his dependents and every other person occupying such land or premises to be ejected forthwith from such land or premises.

(2) No appeal shall lie against any Order of ejectment made by a Magistrate under subsection (1).

Non-compliance
with the Order
of ejectment.

55. (1) Where any person fails to comply with an Order made under section 54, the Magistrate shall on the application of the landlord issue a writ of possession to the Fiscal or a police officer to eject from the land or premises to which the Order relates all persons bound by the Order and to deliver possession of such land or premises to the landlord.

(2) The Fiscal or the police officer entrusted with the execution of the Order of ejectment shall comply with the direction of the Magistrate's Court by which such Order was made and shall make a due return of the manner in which he executed such Order.

(3) In executing an Order of ejectment the Fiscal or the police officer or any officer authorized by the Fiscal or the police officer may use such force as may be necessary to enter the land or premises to which that Order relates and to eject any person bound by the Order and to deliver possession of the land or premises in accordance with the direction of the Magistrate's Court which issued the Order.

56. (1) Nothing in this Part shall preclude any person who has been ejected from a land or premises or a building, under the provisions of this Part or any person claiming to be the legitimate occupier thereof from instituting an action against the landlord for the vindication of his right to occupy such land or premises, within six months from the date of the Order of ejection.

Limitations of actions to vindicate right of occupation.

(2) Where an action instituted under subsection (1) by any person against the landlord for vindication of his right to occupy any land or premises from which he has been ejected under this Act has been decided in favour of such person, such person shall be entitled to recover a reasonable compensation for the damage sustained by reason of his having been compelled to deliver up possession of such land and the building.

57. The provisions of this Part shall have effect notwithstanding anything to the contrary contained in any other written law, and accordingly in the event of any conflict or inconsistency between the provisions of this Part of this Act and such other law, the provisions of this Part of this Act shall prevail :

Provisions of this Part to prevail.

Provided that this Part shall not prejudice the rights of the landlord to proceed under the provisions of any other law to recover possession of any land or premises or building or to establish title thereto or claim any relief in respect of such land, premises or building.

PART VII

GENERAL

58. (1) The Minister may from time to time give the Authority, general or special directions as to the exercise of the powers and the performance of the duties of the Authority and such directions shall be carried out by the Authority.

Directions of the Minister.

(2) The Minister may from time to time direct the Authority in writing—

- (i) to furnish him such information in respect of the property, business and activities of the Authority, as he may require and the Authority shall carry out every such direction;
- (ii) to prepare annually a report of achievements highlighting variances from targets of the Authority, lessons learnt and views and observation of stakeholders and beneficiaries and to make public aware that the first Monday of October of every year is designated as World Habitat Day.

Exemption from the payment of stamp duty.

59. The Authority shall be exempt from the payment of stamp duty on any instrument or document executed by or on behalf of or in favour of the Authority to the extent as provided by the provisions of the Stamp Duty Act, No. 12 of 2006.

Regulations.

60. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act or, in respect of any matter which is required by this Act to be prescribed or in respect of which regulations are authorized 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 in the regulations.

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

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

61. It shall be lawful for the Chairman of the Board or any officer generally or specially authorized by him in writing, at any reasonable time, to enter upon any land or premises and then to do such acts as may be reasonably necessary for the purpose of carrying out or giving effect to any work of the Authority, or making of any survey, examination or investigation preliminary or incidental to the exercise of any power, or the discharge of any function of the Authority.

Enter and examine premises.

62. All directors, officers, servants and agents of the Authority shall be deemed to be public officers within the meaning and for the purpose of the Penal Code (Chapter 19).

All directors etc. deemed to be public offices.

63. The Authority shall be deemed to be a scheduled institution within the meaning of the Bribery Act (Chapter 26) and the provisions of that Act shall be construed accordingly.

Authority to be deemed to be a scheduled institution.

64. (1) Any expense incurred by the Authority in any suit or prosecution brought by or against the Authority before any court shall be paid out of the Fund of the Authority and any cost paid to be recovered by the Authority in any of such suit or prosecution shall be credited to the Fund of the Authority.

Recovery of expenses incurred by the Authority.

(2) Any expense incurred by any director, officer, servant or agent of the Authority in any suit or prosecution brought against such person before any court in respect of any act which is done or purported to be done by such person 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 of the Authority, unless such expense is recovered by such person in such suit or prosecution.

32 *Urban Settlement Development Authority
Act, No. 36 of 2008*

Rules. **65.** (1) The Authority may make rules in respect of all or any of the matters for which rules are required by this Act to be made.

(2) No rule made by the Authority under this Act shall have effect until it has been approved by the Minister.

(3) Every such rule shall upon approval by the Minister be published in the *Gazette*.

Contravention of the provisions of this Act to be an offence.

66. Every person who contravenes or fails to comply with any provision of this Act or any regulation or rule made or issued there under shall be guilty of an offence and shall on conviction before a Magistrate be liable to imprisonment of either description for a term not exceeding two years or to a fine not exceeding one thousand rupees or to both such imprisonment and fine.

Sinhala text to prevail in case of inconsistency.

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

68. In this Act unless the context otherwise requires —

Interpretation.

“urban settlement area” means an area declared by the Minister as an Urban Development Area under the provisions of subsection (1) of section 3 of the Urban Development Authority Act, No. 41 of 1978 and includes any areas outside of such area requiring connectivity with proposals, plans, projects and action programmes of the Authority as shall be approved by the Minister.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1.180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**NATIONAL HOUSING DEVELOPMENT
AUTHORITY(SPECIAL PROVISIONS)
ACT, No. 37 OF 2008**

[Certified on 31st October, 2008]

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 October 31, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 6.00

Postage :-Rs. 5.00

*National Housing Development Authority
(Special Provisions) Act, No. 37 of 2008*

[Certified on 31st October, 2008]

L.D.—O. 63/2007.

AN ACT TO MAKE SPECIAL PROVISIONS TO ENABLE OFFICERS AND SERVANTS WHO WERE EMPLOYED IN THE DEPARTMENT OF NATIONAL HOUSING AND WHO WERE SUBSEQUENTLY EMPLOYED BY THE NATIONAL HOUSING DEVELOPMENT AUTHORITY, TO BE ELIGIBLE FOR THE GRANT OF A PENSION; 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 National Housing Development Authority (Special Provisions) Act, No. 37 of 2008.

Short title.

2. Every officer and servant who was employed in the Department of National Housing on the day immediately preceding April 1, 1979 (other than an officer or servant who was in a transferable service) and who was subsequently employed by the National Housing Development Authority (hereinafter referred to as the "Authority") shall notwithstanding his employment by the Authority, be deemed to have continued in office as a public officer in the Department of National Housing from the date on which he was employed by the Authority until the end of his period of service with the Authority and shall, if his period of service with the Authority, when added to his period of service in the Department of National Housing, amounts to ten years or more, be eligible, at the end of his period of service with the Authority, for the grant of a pension under the Minutes of Pension.

Grant of pension to officers and servants employed in the Department of National Housing and subsequently employed by the National Housing Development Authority.

3. (1) Every person who becomes eligible for the grant of a pension under section 2, shall receive such pension subject to a refund which shall be made by him or his heirs to the Director of Pensions, of any gratuity paid to him in lieu of pension, upon his accepting permanent employment with the Authority.

Conditions to be satisfied before award is made.

2 *National Housing Development Authority
(Special Provisions) Act, No. 37 of 2008*

(2) Every person who becomes eligible for the grant of a pension under section 2, shall receive such pension subject to—

- (a) the withdrawal therefrom of the employer's contribution to the Employees Provident Fund, made in respect of him ; and
- (b) the withdrawal of the total amount of the contribution made in respect of him, towards the Employees Trust Fund.

(3) The amount recovered under paragraphs (a) and (b) of subsection (2) shall be credited to the revenue of the Authority.

Sinhala text to prevail in case of inconsistency.

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

Interpretation.

5. In this Act, unless the context otherwise requires—

“Employees Provident Fund” means the Employees Provident Fund established under Act, No. 15 of 1958;

“Employees Trust Fund” means the Employees Trust Fund established under Act, No. 46 of 1980;

“gratuity” means gratuity calculated under the Payment of Gratuities Act, No. 12 of 1983; and

“National Housing Development Authority” means the National Housing Development Authority established under the National Housing Development Authority Act, No. 17 of 1979.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, NO. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**GRANT OF CITIZENSHIP TO PERSONS OF
CHINESE ORIGIN (SPECIAL PROVISIONS)
ACT, No. 38 OF 2008**

[Certified on 31st October, 2008]

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 October 31, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 8.00

Postage : Rs. 5.00

*Grant of Citizenship to Persons of Chinese
Origin (Special Provisions) Act, No. 38 of 2008*

[Certified on 31st October, 2008]

L.D.—O. 74/2006

AN ACT TO MAKE PROVISION FOR THE GRANT OF THE STATUS OF A CITIZEN OF SRI LANKA TO PERSONS OF CHINESE ORIGIN; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS there are persons of Chinese origin residing in Sri Lanka since November 1948 who have not been granted the status of a Citizen of Sri Lanka and who have therefore faced many hardships due to being stateless :

Preamble.

AND WHEREAS the Government of Sri Lanka intends to take steps to grant the status of Sri Lanka citizen to these persons of Chinese origin, thereby enabling them to enjoy the rights of a citizen as guaranteed by the Constitution :

AND WHEREAS it is in the national interest that the problem of citizenship of persons of Chinese origin should be solved as expeditiously as possible :

NOW THEREFORE, be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Grant of Citizenship to Persons of Chinese Origin (Special Provisions) Act, No. 38 of 2008.

Short title.

2. Any person of Chinese origin, who —

(a) has been a permanent resident of Sri Lanka since November 15, 1948;

(b) is a descendent, presently resident in Sri Lanka, of a person who has been a permanent resident of Sri Lanka since November 15, 1948,

Entitlement of certain persons to apply for the grant of status of citizen of Sri Lanka.

shall be entitled to apply in terms of the provisions of this Act, for the grant of the status of a “Citizen of Sri Lanka”.

2 *Grant of Citizenship to Persons of Chinese
Origin (Special Provisions) Act, No. 38 of 2008*

Effect of
obtaining the
status of citizen
of Sri Lanka.

3. Every person, who becomes entitled to the status of citizen of Sri Lanka, shall, on obtaining the status of a citizen of Sri Lanka—

- (a) be entitled to all the rights and privileges of a citizen of Sri Lanka, as recognized by law;
- (b) be subject to the provisions of law for the time being in force, relating to deprivation, loss and renunciation of citizenship, in like manner and to the same extent as would be applicable to any citizen of Sri Lanka; and
- (c) be deemed from and after the coming into operation of this Act, to have renounced all rights to the civil and political status which such person may be entitled to, or would have been entitled to, under any law in force in the country of origin of such person or such person's parent, ancestor or husband, as the case may be, but for the promulgation of this Act;
- (d) in all matters relating to, or connected with, status, personal rights, duties and holding of property in Sri Lanka, be subject to the relevant laws of Sri Lanka.

Application for
Certificate of
Citizenship.

4. (1) Any person who is entitled to apply for the grant of the status of a citizen of Sri Lanka may if he so desires, forward an application to the Controller, substantially in the Form set out in Schedule A to this Act for the issue of a Certificate of Citizenship. Every application shall be accompanied by the of Declaration made under oath in the Form set out in the same Schedule.

(2) On receipt of an application under subsection (1), and where he is satisfied that the applicant is eligible to so apply in terms of section 2, the Controller shall forthwith transmit such application to the Minister for approval.

(3) The Minister may on consideration of the facts of each case, either—

- (a) approve and allow such application for the grant of the status of a citizen of Sri Lanka to the applicant; or
- (b) refuse to allow the application transmitted to him under subsection (2) where he is of the opinion that it is not in the national interest to grant the status of citizen of Sri Lanka to the applicant.

(4) Where the application referred to in subsection (2) has been approved by the Minister, the Controller shall take such steps as may be necessary in terms of the provisions of this Act, to grant the status of citizen of Sri Lanka to a person of Chinese Origin and proceed to issue to such person a Certificate of Citizenship substantially in the Form set out in the Schedule B to this Act.

(5) Where the Minister has refused an application under subsection (3) of this section such decision shall be final and conclusive and shall not be questioned in any Court of law, and it shall be the duty of the Controller to notify the applicant of such refusal.

5. (1) Where the applicant has a minor child or minor children, the applicant may, at the time of forwarding the application or by a written communication made subsequently in that behalf, request the grant of the status of citizen of Sri Lanka to such child or children as the case may be, and the inclusion of the details of such child or children in the Certificate of Citizenship issued to him in terms of section 4.

Inclusion of minor child in Certificate of Citizenship of applicant.

(2) Where a request is made under subsection (1), the Minister shall, in terms of the provisions of this Act, take such steps as may be necessary to grant the status of citizen of Sri Lanka to such child or children and forthwith require the details of the child or children to be included in the Certificate of Citizenship of the applicant.

4 *Grant of Citizenship to Persons of Chinese Origin (Special Provisions) Act, No. 38 of 2008*

Declaration to be made under oath.

6. (1) Every person who applies for the grant of the status of a citizen of Sri Lanka under this Act, shall be required, on a date which shall be notified to such person, to make or subscribe under oath or affirmation a Declaration as substantially set out in Schedule C, relating to the acquisition by him of the status of a citizen of Sri Lanka. On such person making the Declaration in terms of this section, the Controller shall cause to be issued to him a Certificate of Citizenship substantially in such Form as is set out in Schedule B. Such person shall be deemed to be a of Citizen of Sri Lanka as from the date on which he makes or subscribes under oath or affirmation the Declaration as required by this section.

(2) Every minor child or children as the case may be of the applicant, whose name is included in the Certificate of Citizenship shall have the status of a citizen of Sri Lanka from the date of the making or subscribing under oath or affirmation of the Declaration as required by this section, and be deemed to be a citizen of Sri Lanka.

Register to be maintained.

7. There shall be kept and maintained a Register with the names and details of the persons who have been granted the status of citizen of Sri Lanka under this Act, substantially as set out in Schedule D to this Act.

Act to prevail over other laws.

8. The provisions of this Act shall prevail notwithstanding anything to the contrary in any other law relating to the grant of Status of Citizen of Sri Lanka to persons of Chinese origin.

Act to be in specified for five years.

9. This Act shall be in force for a period of five years from the date on which the Act shall come into operation.

Sinhala text to prevail in case of inconsistency.

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

Interpretation.

11. For the purposes of this Act,—

“Controller”, means the Controller appointed under the Immigrants and Emigrants Act (Chapter 351) and includes such officers as are authorized in writing to exercise, perform and discharge any

Grant of Citizenship to Persons of Chinese Origin (Special Provisions) Act, No. 38 of 2008 5

power, duty or function conferred, assigned or imposed by the Controller, for the purposes of this Act;

“person of Chinese Origin” means a person belonging to the Chinese race, who has arrived in Sri Lanka prior to November 15, 1948 and who is legitimately resident in Sri Lanka or a person who is a descendant of such a person who is legitimately resident in Sri Lanka.

SCHEDULE A [Section 4]

Grant of Citizenship to persons of Chinese Origin Act, No. 38 of 2008

APPLICATION FOR A CERTIFICATE OF CITIZENSHIP

1. I, of, do hereby declare that I am entitled to be granted the status of a Citizen of Sri Lanka by virtue of the provisions of section 2 of the aforesaid Act, and that I have attained the age of majority and that I will continue to live in Sri Lanka.
2. I do hereby apply for the grant of a Certificate of Citizenship in terms of sections 4 and 5 of the aforesaid Act.
3. I further hereby apply for the inclusion of the name of my minor child in the Certificate of Citizenship to be issued to me by virtue of the provisions on section 5. The relevant particulars relating to myself, my spouse and my/minor child/children are set out below:—

PARTICULARS OF APPLICANT

- (a) Full name :
- (b) Address :
- (c) Occupation :
- (d) Sex: Male/Female :
- (e) Date of Birth/Place of Birth :
- (f) NIC No. (if any) :
- (g) (i) The date of permanent residence in Sri Lanka :
- (ii) The country of permanent residency prior to the residency in Sri Lanka :
- (h) Particulars of the applicants parents :

6 *Grant of Citizenship to Persons of Chinese Origin (Special Provisions) Act, No. 38 of 2008*

<i>Farther</i>	<i>Mother</i>
(i) Full name:	(i) Full name:
(ii) Date/Place of Birth:	(ii) Date/Place of Birth:
(iii) The date of permanent residency in Sri Lanka :	(iii) The date of permanent residency in Sri Lanka :
(iv) Address :	(iv) Address :
(v) The country of permanent residency prior to residency in Sri Lanka;	(v) The country of permanent residency prior to residency in Sri Lanka:
(vi) Nationality:	(vi) Nationality:

(d) If, applicant, applicants mother and father are born in Sri Lanka, particulars of the first ancestor who had permanent residency in Sri Lanka—

- (i) Full name:
- (ii) The date of permanent residency in Sri Lanka:
- (iii) Address: (Previous/Present):
- (iv) Relationship to the applicant:

PARTICULARS OF SPOUSE

- (i) Full name of the spouse:
- (ii) Date and place of birth:
- (iii) Address:
- (iv) Date and place of marriage:
- (v) Nationality:
- (vi) NIC No. (if any):

PARTICULARS OF MINOR CHILD/CHILDREN

	<i>Name</i>	<i>Sex: Male/Female</i>	<i>Date of Birth</i>	<i>Place of Birth</i>
(i)				
(ii)				
(iii)				
(iv)				
(v)				

Grant of Citizenship to Persons of Chinese Origin (Special Provisions) Act, No. 38 of 2008 7

OATH / AFFIRMATION [Section 6]

I, of do make oath and swear/solemnly, sincerely and truly declare and affirm that the foregoing particulars are true and correct, and that I have satisfied/fulfilled the conditions in terms of sections 2 and 4 of the Grant of Citizenship to Persons of Chinese Origin Act, No. 38 of 2008.

Date : Signature/Thumb impression of the applicant

*Affirmed/*Sworn at. this day of.

Before me.

.....
Signature of Justice of the Peace/Commissioner for Oaths

Name and address of the Justice of the Peace/Commissioner for Oaths:
Date:

*delete which ever is inapplicable

SCHEDULE B [Sections 4 (4) and 6]

Grant of Citizenship to Persons of Chinese Origin Act, No. 38 of 2008

CERTIFICATE OF CITIZENSHIP

By virtue of the powers vested in me by the provisions of sections 4 and 5 of the aforesaid Act, I, Minister of do hereby certify that the *person/persons specified hereto is a /are *citizen/citizens of Sri Lanka by virtue of the provisions of sections 4 and 5, of the Grant of Citizenship to Persons of Chinese Origin Act, No. 38 of 2008.

.....
Minister of

Date :

.....
Controller of Immigration and Emigration

Date :

8 *Grant of Citizenship to Persons of Chinese Origin (Special Provisions) Act, No. 38 of 2008*

(A) Particulars Relating to Citizen

1. Name:-
2. Name of the father :-
3. Name of the spouse :-
4. Address :-
5. Occupation :-
6. Sex : Male/Female :-
7. Date and place of birth:-
8. Date of registration :-
9. Date of Oath or Affirmation :-

(B) Particulars of the Minor Children (If any)

<i>Serial No.</i>	<i>Date of Registration</i>	<i>Name</i>	<i>Relationship (Relationship)</i>	<i>Date and Place of birth</i>

*Delete which ever is inapplicable

SCHEDULE C [Section 6]
Form of Declaration.

I, of do hereby solemnly, sincerely and truly declare and affirm/swear that I shall wholly renounce the allegiance towards any other State and that as a Citizen of Sri Lanka I shall uphold and abide by the Constitution of the Democratic Socialist Republic of Sri Lanka and the Law of Sri Lanka and that I shall faithfully discharge the obligations required of me.

Date : Signature/Thumb impression of the applicant

*Affirmed/*Sworn at this day of

Before me.

.....
Signature of Justice of the Peace/Commissioner for Oaths

Name and address and seal of the Justice of the Peace/
Commissioner for Oaths:
Date:

*delete whichever is inapplicable

Grant of Citizenship to Persons of Chinese 9
Origin (Special Provisions) Act, No. 38 of 2008

SCHEDULE D [Section 7]

Grant of Citizenship to persons of Chinese Origin Act, No. 38 of 2008

**FORM OF REGISTER TO BE MAINTAINED OF PERSONS TO WHOM CITIZENSHIP HAS
BEEN GRANTED**

- (1) Serial No. :-
- (2) Date of issue of Certificate of Citizenship :-
- (3) Name :-
- (4) Address :-
- (5) Sex : Male/Female :-
- (6) Relationship to the main applicant :-
- (7) Date of Birth :-
- (8) Place of Birth :-
- (9) Date of Oath/Affirmation :-
- (10) Number of Certificate :-
- (11) Name of the Officer Signing Certificate :-

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**SRI LANKA TRANSPORT BOARD
(AMENDMENT) ACT, No. 39 OF 2008**

[Certified on 07th November, 2008]

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 07, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 6.00

Postage : Rs. 5.00

Sri Lanka Transport Board (Amendment)
Act, No. 39 of 2008

[Certified on 07th November, 2008]

L. D.—O. 10/2008.

AN ACT TO AMEND THE SRI LANKA TRANSPORT BOARD
ACT, NO. 27 OF 2005

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

- 1.** This Act may be cited as the Sri Lanka Transport Board (Amendment) Act, No. 39 of 2008. Short title.

- 2.** The Sri Lanka Transport Board Act, No. 27 of 2005 (hereinafter referred to as the “principal enactment”) is hereby amended by the insertion immediately after section 1 thereof of the following new section which shall have effect as section 1A of that enactment :—

“Establishment of Sri Lanka Transport Board. 1A. (1) There shall be established a Board which shall be called the “Sri Lanka Transport Board” (hereinafter referred to as the “Board”).

(2) The Board 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 such name.”

Insertion of new section in the Act, No. 27 of 2005.

- 3.** Section 2 of the principal enactment is hereby amended as follows :—

(1) in subsection 1 of that section, by the substitution for the words, “There shall be established a Board which shall be called the “Sri Lanka Transport Board” (hereinafter referred to as the “Board”) and which shall consist of the following members :— “of the words,” The Board shall consist of-”;

Amendment of section 2 of the principal enactment.

2 *Sri Lanka Transport Board (Amendment)*
Act, No. 39 of 2008

(2) by the substitution for paragraph (iii) of that section, the following new paragraph :—

“(iii) an officer not below the rank of Additional Secretary of the Ministry of the Minister in charge of the subject of Finance or the Director-General of the Treasury nominated by the Secretary to the Treasury.”; and

(3) by the substitution for the marginal note to that section of the following :—

“Composition of the Board”.

Retrospective effect.

4. The amendment made to the principal enactment by section 1A of this Act, shall for all purposes be deemed to have come into force on the date of coming into operation of the principal enactment.

Sinhala text to prevail in case of inconsistency.

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

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**NATIONAL THOROUGHFARES
ACT, No. 40 OF 2008**

[Certified on 01st December, 2008]

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 December 05, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 34.00

Postage : Rs. 15.00

[Certified on 01st December, 2008]

L. D. — O. 34/2004

AN ACT TO PROVIDE FOR THE PLANNING, DESIGN, CONSTRUCTION, DEVELOPMENT, MAINTENANCE AND ADMINISTRATION OF AN INTEGRATED PUBLIC ROAD NETWORK IN SRI LANKA; TO PROVIDE THE LEGAL FRAMEWORK NECESSARY TO FACILITATE PRIVATE SECTOR INVESTMENT AND PARTICIPATION IN ROAD CONSTRUCTION, DEVELOPMENT AND MAINTENANCE; TO ASSIST THE PROVINCIAL COUNCILS AND LOCAL AUTHORITIES IN THE DEVELOPMENT AND MAINTENANCE OF ROADS; TO PROMOTE AND FACILITATE COMMUNITY BASED ORGANISATIONS ENGAGING IN THE CONSTRUCTION, MAINTENANCE AND MANAGEMENT OF ROADS AND PUBLIC ROADS; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS it is the National Policy of Sri Lanka to formulate and implement within Sri Lanka a policy in relation to its National Highways whereby the Government is committed to provide for its citizens a modernised and integrated public road network operative within Sri Lanka, which network will be the result of a process of planning, design, construction, maintenance, development and administration:

Preamble.

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

1. This Act may be cited as the National Thoroughfares Act, No. 40 of 2008 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

GENERAL

2. Subject to the provisions hereinafter provided, this Act shall apply to all national highways and to all roads and all public roads declared under section 4, other than roads maintained and administered respectively by a Provincial Council or a local authority.

Application of the Act.

Administration
of the Act.

3. (1) The Road Development Authority established under Act, No. 73 of 1981, (hereinafter referred to as “the Authority”) shall subject to the general directions and policy guidelines of the Minister, have the exclusive power of implementation and administration of the provisions of this Act in consultation with such other government departments or institutions as may be referred to in this Act.

(2) The Authority may also exercise all or any of the powers conferred upon the Authority by the Road Development Authority Act, No. 73 of 1981 in the implementation and administration of the provisions of this Act.

Declaration of a
road as a public
Road.

4. (1) The Minister may in consultation with the District Road Network Development Co-ordinating Committee established under section 8, by Order published in the *Gazette* declare a road to be a public road :

Provided that, any road which prior to the coming into operation of this Act has been declared to be a public road, shall from and after the date of the coming into operation of this Act, be deemed to be a public road, within the meaning of this section.

(2) Every public road declared under subsection (1) shall vest in the Authority and accordingly every such public road shall be administered and maintained by the Authority.

(3) For the purposes of this Act a public road includes a canal or river.

Powers of
officers and
servants.

5. (1) Subject to the general direction and control of the Authority, the Director-General, the Provincial Director, Chief Engineer and Executive Engineer of the Authority shall be responsible for the implementation and administration of the provisions of this Act.

(2) (a) It shall be lawful for the Director-General to delegate any function assigned to him by this Act, to the Provincial Director, Chief Engineer, Executive Engineer, any officer of the Authority or any community based organization as the case may be.

(b) It shall be lawful for the Provincial Director to delegate any function assigned to him by this Act, to the Chief Engineer or Executive Engineer or any community based organization as the case may be.

(c) It shall be lawful for the Chief Engineer to delegate any function assigned to him by this Act, to the Executive Engineer or any community based organization as the case may be.

(d) It shall be lawful for the Executive Engineer to delegate any function assigned to him by this Act to any community based organization.

(e) It shall be lawful for the Director-General to authorize any officer of the Authority, not being the Provincial Director, Chief Engineer or the Executive Engineer or a community based organization to discharge any function assigned by this Act to the Director-General, Provincial Director, Chief Engineer, Executive Engineer or the community based organization as the case may be.

PART II

ADVISORY BODIES

6. (1) There shall be established a Road Network Development Advisory Council (hereinafter Referred to as the "Advisory Council") consisting of the following:—

Establishment of Road Network Development Advisory Council.

(a) *Ex officio* members —

- (i) the Secretary to the Ministry of the Minister in charge of the subject of Highways, who shall be the Chairman of the Advisory Council;

- (ii) a representative from the Civil Engineering Department of the University of Sri Lanka, Moratuwa, nominated by the Head of the Department;
- (iii) a representative of the Institute of Chamber of Construction Industries nominated by the Institute;
- (iv) a representative of the Chamber of Commerce nominated by the Chamber;
- (v) a representative of the Institute of Engineers of Sri Lanka established under the Institute of Engineers of Ceylon Act, No. 17 of 1968, nominated by the Institute;
- (vi) the Director-General of the National Physical Planning Department or his representative;
- (vii) the Inspector-General of Police or an officer not below the rank of Deputy Inspector-General nominated by him;
- (viii) a representative of the Land Use Policy Planning Division of the Ministry of Lands nominated by the Minister in charge of the subject of Lands;
- (ix) a representative of the National Planning Department of the Ministry of the Minister in charge of Finance, nominated by such Minister;
- (x) a representative of the Ministry of the Minister in charge of the subject of Industries, nominated by such Minister;
- (xi) a representative of the Ministry of the Minister in charge of the subject of Tourism, nominated by such Minister;

- (xii) a representative of the Ministry of the Minister in charge of the subject of Transport, nominated by such Minister;
 - (xiii) the Surveyor-General or his representative;
 - (xiv) a representative from the Institute of Town Planners established by the Town Planners Act, No. 23 of 1986, nominated by the Institute; and
 - (xv) the Commissioner of Motor Traffic Commissioner or an officer not below the rank of an Assistant Commissioner of Motor Traffic nominated by him;
- (b) five members nominated by the Minister from among persons who are qualified and have experience in the fields of economics, infrastructure development, banking, power and energy, telecommunication and law.

(2) The functions of the Advisory Council shall be—

- (a) to advise the Minister in the formulation of the Hierarchical Public Road Network Policy of Sri Lanka (hereinafter referred to as “the Network Policy”) including bridges and ferry services with a view to, facilitate travel time and providing easy movement with improved facility;
- (b) to advise the Minister on the development of a hierarchical road network strategy designed to improve the quality of the roads;
- (c) to advise the Minister on measures required to be taken in relation to road research, road planning, road development technology and road safety measures;

- (d) to tender advise when required to do so on matters relating to planning of roads, national highways, expressways and restricted access highways that may be referred to the Advisory Council by the Authority;
- (e) to tender advise on any other matter that may from time to time be referred to the Advisory Council by the Minister.

(3) (a) Every member of the Advisory Council shall be appointed by the Minister and shall, unless he earlier vacates office by death, resignation or removal hold office for a period of three years from the date of appointment and shall be eligible for re-appointment. The Minister may, if he considers it expedient to do so, by Order published in the *Gazette*, remove from office any member of the Advisory Council for reasons assigned therefor.

(b) A member of the Advisory Council may at any time resign his office by letter to that effect addressed to the Minister.

(c) Where any member of the Advisory Council dies, resigns or is removed from office, the Minister may appoint any other person to be a member in place of the member who dies, resigns or is removed from office.

(d) A member appointed under paragraph (c) shall, unless he earlier vacates office by death, resignation or removal, hold office for the unexpired period of the term of office of his predecessor.

(e) The Advisory Council may discharge its functions notwithstanding any vacancy among its members or any defect in the appointment of any such member.

(f) Eight members of the Advisory Council shall constitute a quorum for any meeting of the Advisory Council

and subject to the provisions of this Act, the Advisory Council may regulate the procedure in regard to its meetings and the transaction of business at meetings.

(g) The members of the Advisory Council may be paid such remuneration as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance.

7. (1) There shall be established a District Road Network Development Co-ordinating Committee (hereinafter referred to as the "District Co-ordinating Committee") for each District in Sri Lanka consisting of the following members—

District Road
Network
Development
Co-ordinating
Committee.

- (a) all Cabinet Ministers and other Ministers appointed by the President of Sri Lanka under the Constitution, from among the members of Parliament who represent that District in Parliament;
- (b) the Chief Minister of the relevant provincial Council;
- (c) all Ministers in the Board of Ministers of the relevant Provincial Council;
- (d) all members of the Parliament representing the relevant District;
- (e) all members of the Provincial Council representing the relevant District;
- (f) all Heads of Local Authorities within the relevant District;
- (g) Chief Secretary of the relevant Provincial Council;
- (h) District Secretary of the relevant District;

- (i) all Divisional Secretaries of the relevant District;
- (j) relevant Provincial Director of the Road Development Authority who shall be the Secretary of the District Co-ordinating Committee;
- (k) all District Heads of all Government Agencies of the relevant district;
- (l) a representative from each of the Community Based Organizations formed by the road user communities in the Districts.

(2) The Minister may nominate a person from among the members referred to in paragraphs (a) and (b) to be the Chairman of the District Co-ordinating Committee.

(3) The functions of the District Co-ordinating Committee shall be—

- (i) to formulate an Integrated Road Network Development and Maintenance Action Plan for the District;
- (ii) to co-ordinate and supervise all road network development and maintenance activities, within the District;
- (iii) to direct with the concurrence of the Minister, any Government Agency or any person to undertake any road network development project or scheme within the District and to regulate and supervise the implementation of such projects or schemes;
- (iv) to recommend the Minister to undertake and execute the road development projects including new constructions or any widening or deviation of an existing road.

(4) The Integrated Road Network Development and Maintenance Action Plan specified in subsection (3) means a plan specifying road development projects in the District to be undertaken by the Road Development Authority, the relevant Provincial Council, the relevant local authorities and other relevant agencies. Such Plan shall be prepared for a period of five years and shall include a Schedule of the required capital for the implementation of the development and maintenance projects set out therein.

(5) The provisions of subsection (3) of section 6 shall *mutatis mutandis* apply to and in relation to the period of membership, vacation of membership, appointment of a member to a vacant post in the District Co-ordinating Committee and other related matters of a District Co-ordinating Committee.

PART III

NATIONAL HIGHWAYS

8. (1) The Minister may by Order published in the *Gazette* declare any road or public road or classes of roads or public roads to be a national highway or national highways, as the case may be.

Declaration of
National
Highways.

(2) The Minister may declare a road or a public road as a national highway under subsection (1) if he is satisfied that—

- (a) the road or public road crosses at least one provincial boundary and connects two or more provincial centres and is a principal thoroughfare for long distance movement of vehicular traffic;
- (b) the road or public road connects two trunk roads on which the volume of vehicular traffic is more than two hundred and fifty vehicles per day;
- (c) the road or public road passes through important town centres;

- (d) the road or public road has strategic bridge crossing points across major rivers, providing connection to other national highways;
- (e) the road or public road provides access to a place of national importance or a special project of the government; or
- (f) the road or public road provides access to an institution, structure, site or area the subject matter of which is set out in the List II (Reserved List) of the Constitution.

Declaration of
Expressways
&c..

9. (1) The Minister may by Order published in the *Gazette* designate a national highway declared in terms of section 8, to be—

- (a) an expressway; or
- (b) a restricted access highway.

(2) For a national highway to be designated as an expressway or as a restricted access highway, as the case may be, under subsection (1)—

- (a) the national highway should be designed specially for high speed movement of vehicular traffic with minimum interference to such high speed traffic movements;
- (b) the national highway should not serve the properties bordering it.

(3) The Minister may designate a national highway to be an expressway under subsection (1), if he is satisfied that the number of interchanges that affects high speed movement of vehicular traffic along that national highway is minimal.

(4) The Minister may designate a national highway to be a restricted access highway under subsection (1), if he is satisfied that the number of interchanges affecting high speed movement of vehicular traffic along that national highway is relatively more in number.

10. (1) Every declaration under sections 8 and 9 shall—
- (a) be accompanied by a plan—
- (i) specifying the land area which comprises the national highway;
 - (ii) specifying the interchanges along the national highway;
 - (iii) specifying the components of the national highway;
 - (iv) specifying the building limits and the length and breath of the right of way; and
- (b) specify the name by which such national highway shall be identified.
- Requirements of a declaration under sections 8 and 9.

PART IV

USER FEE NATIONAL HIGHWAYS

11. (1) The Minister may by Order published in the *Gazette*, designate the whole or part of an expressway, as a user fee national highway.

Minister to designate user fee national highways.

(2) The designation referred to in subsection (1) may if so required, specify a period during which such designation shall be in operation.

Authority to enter into agreements regarding user fee national highway.

12. (1) The Authority may enter into an agreement with any person including a Government Department, Public Corporation or Private Institution (hereinafter in this part referred to as the “operator”) in respect of the design, construction, operation, maintenance, development and overall management of a user fee national highway.

(2) The Director-General may by Order published in the *Gazette* delegate to the operator such powers, duties and functions of the Authority as may be specified therein. The Director-General may notwithstanding such delegation continue to exercise, perform and discharge the powers, duties and functions so delegated.

(3) The agreement referred to in subsection (1) may provide for—

- (a) the provision of funds for financing the design, construction, operation, development and maintenance of a user fee national highway or part thereof;
- (b) the purchase, lease or assignment of land for a user fee national highway;
- (c) the operation, management, maintenance and improvement of a user fee national highway;
- (d) the allocation of rights, liabilities and duties of each party to the agreement;
- (e) the mode of adjusting of transactions in conformity with foreign currency fluctuations and inflation;
- (f) the re-negotiation of the terms of such agreement and provisions for contingencies;
- (g) the mode of collecting user fees from the users of the user fee national highway;

- (h) the payment of remuneration of the operators and other employees;
- (i) the allocation and distribution of income derived from the fees referred to in paragraph (g);
- (j) the specifying of performance requirements, performance measures and consequences arising from failure to meet such performance requirements; and;
- (k) the settlement by conciliation or arbitration of disputes relating to the agreement including mandatory procedures, evidentiary provisions and allocation of the cost of conciliation or arbitration.

13. The Minister may, prescribe the fees to be levied from all vehicles used in a user fee national highway and may prescribe different fees for different categories of vehicles. The Minister may also prescribe the categories of vehicles exempted from the payment of the fee.

Minister to prescribe fees to be levied for user fee national highway.

14. (1) The driver of a vehicle used on a user-fee national highway shall pay the fee referred to in section 13 at the prescribed places and to the prescribed persons.

Driver of a vehicle on a user fee national highway to pay the fee.

(2) The driver of a vehicle who contravenes the provisions of subsection (1) shall commit an offence and shall on conviction after summary trial by a Magistrate be liable, in the case of —

- (a) first offence to a fine not exceeding five thousand rupees ; and
- (b) second or subsequent offence to a fine not exceeding fifty thousand rupees.

PART V

ACQUISITION OF LAND FOR CONSTRUCTION OF ROADS

Construction of a
new road.

15. (1) The Minister may, on the recommendation of the relevant District Road Network Co-ordinating Committee, or Provincial Council or Local Authority as may be relevant, or the appropriate Divisional Secretary of the relevant area or Community Based Organization operating within such area, authorize —

- (a) the construction of a new road or a public road ; or
- (b) the widening of an existing road or public road or any deviations to such road or public road.

(2) The Minister shall, where he authorizes the construction of a new road or public road under subsection (1) direct the Authority to prepare a survey plan depicting the land area required for the construction of such road or public road, specifying the length and breadth of such road, including its reservations and its building limits.

(3) The Minister shall, where he authorizes the widening, improvement or any deviation of a road or a public road under subsection (1) direct the Authority to prepare a survey plan depicting the land required for such road or public road widening or for such deviation specifying the new length and breadth of such road, including its reservations and its new building limits.

(4) The Minister shall by Order published in the *Gazette* declare the land area or any interest therein depicted in the survey plan referred to in subsection (2) or subsection (3) as the case may be, to be a road reservation or a public road reservation as the case may be.

(5) Upon publication of the Order in the *Gazette*, the provisions of this Act, relating to the prohibition of the erection or re-erection of any structures within a building limit shall apply to and in relation to the area of land specified in such Order.

16. (1) The Minister may on the recommendation of the Advisory Council or the Authority or the Director-General as the case may be, authorize the construction of a new national highway.

Construction of
new National
Highways.

(2) The Minister shall where he authorizes the construction of a new national highway direct the Authority to prepare a survey plan of the proposed national highway depicting the area of land required for construction of such national highway including the facilities for recreation, leisure, marketing and other ancillary services, the length and breadth of such national highway, the reservations and the building limits, proposed interchanges and intersections along such highway, if any.

(3) The Minister may on the recommendation of the Advisory Council or the Authority or the Director General authorize the widening improvement or deviation of an existing national highway.

(4) The Minister shall where he authorizes widening improving or deviation of a national highway under subsection (3), direct the Authority to prepare a survey plan depicting the area of land that is required for such widening or for such deviation, including the facilities for recreational, leisure, marketing and other ancillary services specifying the new length and breadth of such national highway including its reservation and its new building limits and interchangers and intersections if any.

(5) The Minister shall by Order published in the *Gazette* declare the land area or any interest therein depicted in the survey plan referred to in subsection (2) or subsection(4), as the case may be, to be a national highway reservation.

(6) Upon publication of the Order in the *Gazette*, the provisions of this Act relating to the prohibition of the erection or re-erection of any structures within a building limit shall apply to and in relation to the area of land specified in such Order.

Prohibition of
development
work within a
road reservation.

17. Upon declaration of a road reservation or a public road reservation or a national highway reservation under this part of the Act, no development work shall be executed or caused to be executed by any Government agency or any other person within the area so declared as a reservation, except with the prior written approval of the Authority.

Application of
the Land
Acquisition Act.

18. (1) Where any land or any interest in land is declared as a road reservation or a public road reservation or as national highway reservation, as the case may be —

- (a) such land or interest therein shall for the purposes of the Land Acquisition Act (Chapter 460) be deemed to be required for a public purpose ; and
- (b) that land or interest therein maybe acquired under the Land Acquisition Act (Chapter 460) by the Government for the Authority.

(2) Where the President is of opinion, upon the recommendation of the Minister, that any land or interest in land on which a reservation is declared to be a road reservation or a public road reservation or a national highway reservation is required for the purpose of carrying out a "public road project" or a "national highway project" as the case may be, and that such project would serve the just requirements of the general welfare of the people, the President may by Order published in the *Gazette*, declare such land or interest in land on which a road reservation is declared, as the case may be, as specified therein, is required for the purpose of such project.

(3) Upon the publication of the Order under subsection (2), the provisions of sections 3, 4, 5, 6, 7 and 8 of the Urban Development Projects (Special Provisions) Act, No 2 of 1980 shall *mutatis mutandis* apply to and in relation to the acquisition of the land under the provisions of this Act.

19. (1) Where the Minister certifies that any land or interest in land in any road reservation, or public road reservation or national highway reservation vested in a Local Authority, is required for the purposes of this Act, the Minister, in consultation with the Minister in charge of the subject of Local Government in the relevant Provincial Council may, by Order published in the *Gazette* vest such land or interest in such land in the Authority, with effect from such date as shall be specified in the Order, subject to such conditions, if any, as may be so specified.

Acquisition of land vested in a Local Authority.

(2) An Order made under subsection (1) shall confer on the Authority absolute title to any land or interest in land and to any buildings or structures on such land as are specified in such Order with effect from the date specified therein, free from all encumbrances. Compensation shall be payable by the Authority in respect of such land or interest in such land or buildings or other structures thereon.

20. (1) Where any crown land or part thereof is required for any of the purposes specified under this part of this Act, such purpose shall be deemed to be a purpose for which a special grant or lease to be made under section 6 of the Crown Lands Ordinance (Chapter 454).

Special grants under Crown Land Ordinance.

(2) All assets including any right of way over all national highways and other structures in the possession of, or which are being used by the Authority on the date immediately preceding the appointed date and which are specified in an Order made by the Minister and published in the *Gazette*, shall be transferred to and shall vest in the Authority with effect from the appointed date.

21. (1) The Authority may with the approval of the Minister and with the consent of the owners purchase any land or any interest therein specified in the survey plan and the Order referred to in sections 15, 16 and 19 of this Act.

Purchasing of land for re-settlement.

(2) The Authority may with the approval of the Minister purchase any land required for re-settlement of persons displaced or affected due to the implementation of any of the provisions of this Act.

Determination to be made by a Committee.

22. Purchase price of a land under section 21 and other related matters shall be determined by a Committee comprising —

- (a) the Secretary to the Minister in charge of the subject of Highways or his representative ;
- (b) the Secretary to the Minister in charge of the subject of Finance or his representative ;
- (c) the Secretary to the Minister in charge of the subject of Lands or his representative ;
- (d) the Chief Valuer or his representative ;
- (e) the registered licensed Valuer nominated by the Institute of Valuers.

Power of Authority to alienate land.

23. (1) The Authority may with the approval of the Minister for the purpose of maintenance of a road or a public road or a national highway, alienate any land or any interest therein held by the Authority, subject to such terms and conditions as may be determined by the Minister.

(2) The provisions of the Crown Lands Ordinance shall not apply in relation to the alienation of any land by the Authority under this section.

(3) For the purposes of this section alienation includes sale, lease, rent, rent purchase or grant.

Part VI

EXECUTION OF WORKS

24. The direction and control of all work to be undertaken under this Act shall be vested in the Director-General subject to the general direction and control of the Authority.

Direction and control of works to be vested in Director-General.

25. (1) The Minister on the recommendation of the Authority or the Director-General acting under the delegation of powers to him by the Authority may, by Order published in the *Gazette* order —

Minister may order temporary closure of a road, public road or a national highway.

- (a) the temporary or permanent closure of —
 - (i) an existing road or a public road or national highway ; or
 - (ii) a section of a road or a public road or national highway ; or
 - (iii) a bridge on a road or a public road or national highway ; or
- (b) substitution of an alternate route or alternate section of a road, in lieu of an existing section of a road or a public road or a national highway.

(2) In the execution of any order under this section if it becomes necessary to acquire any land for such purpose, such land shall be deemed to be required for a public purpose and the provisions of Part V shall apply to and in relation to such acquisition.

26. (1) No person, Government Department, local authority or any other institution shall use the reservation of a road a public road or a national highway for the purpose of carrying on any gas, water, electricity, telecommunication or any other service, without the prior written approval of the Director General, Provincial Director, Chief Engineer or Executive Engineer of the Authority as the case may be.

No services to be carried on a road, a public road or a national highway without the permission of the Authority.

(2) The Authority may, with the approval of the Minister, charge a rental from any person referred to in this section for using a road reservation, a public road reservation or a national highway reservation for any of the services referred to in this section.

(3) Minister may from time to time on recommendation of the Advisory Council, prescribe the appropriate rental to be charged and other matters relating to charging of rental under this section.

(4) The Director-General, the Provincial Director, the Chief Engineer or the Executive Engineer as the case may be, may on behalf of the Authority enter into agreements, subject to the provisions of any special enactment in that behalf and subject to the approval of the Minister, with any person or Government Department, local authority or any other institution to authorize and regulate the use by such person or Government Department or local authority or any other institution of any road reservation, a public road reservation or a national highway reservation for the purpose of carrying on gas, water, electricity, telecommunication or any other service.

(5) In the event of the widening or the improvement or deviation of a road, a public road or a national highway, the Director-General or the Provincial Director or the Chief Engineer or the Executive Engineer, as the case may be, may by notice require any person to remove or shift any physical structure or pipe line erected or laid by such person at the own cost of that person within the time period specified in the notice.

(6) Where the Executive Engineer is unable or unwilling to remove any obstruction referred to in this section due to any resistance or if the person responsible for causing such obstruction cannot be found the Executive Engineer may make an application in that behalf to the Magistrate's Court having jurisdiction.

(7) The Magistrate may after considering the facts of the case, direct the fiscal to remove such obstruction forthwith.

(8) The provisions of this section shall from and after the appointed date, apply to any person, Government Department, local authority or other institution using any road reservation, public road reservation or a national highway reservation for any of the purposes connected with the supply of any of the services specified in the aforesaid provisions of this section, subject however to the provisions of paragraph (a) of subsection (2) of section 90 of this Act.

27. (1) No person shall, for the purpose of any public service, or private enterprise, make use of a road or a public road or a national highway or execute any work thereon, or set up or maintain any plant or erection thereupon, except under and in accordance with, the terms and conditions of agreement referred to in section 26:

No public service, or private enterprise, to make use of a road a public road or a national highway without authority.

Provided that before any excavation, digging or cutting of any road, any public road, or any national highway is allowed to commence in pursuance of any such agreement, the cost of restoration or repair of such road, public road or national highway after such excavation, digging or cutting as estimated by the Chief Engineer, and an additional refundable deposit as prescribed by the Director-General shall be paid to the Authority :

Provided further, if there is any additional cost incurred by the Authority outside of any amount estimated, such amount shall be deducted from the additional refundable deposit paid to the Authority and the balance remaining shall be thereafter be refunded.

(2) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence, and shall, on conviction after summary trial by a Magistrate be liable to a fine not exceeding fifty thousand rupees.

Executive Engineer may remove obstructions.

28. (1) Notwithstanding anything contained in any agreement referred to in section 26 or anything to the contrary in any other written law, it shall be lawful for the Executive Engineer to issue notice to any person who has, in pursuance of an agreement referred to in section 26, caused an obstruction to any road, any public road or any national highway, or caused obstruction to the widening or improvement or deviation of a road, a public road, or a national highway, to remove or abate such obstruction to the satisfaction of the Executive Engineer, within such period of time as may be specified in that notice.

(2) Where such person fails or neglects to remove or abate such obstruction or to remove or shift such physical structure or pipeline, within such period of time it shall be lawful for the Executive Engineer or any person authorized by him to remove or abate such obstructions or to remove or shift such physical structure or pipeline and recover the costs incurred in that connection.

(3) No compensation shall be payable to such person for any breach of such agreement resulting from such removal or abatement or shifting, as the case may be.

Certain persons to be empowered to survey, measure &c., a road, a public road or a national highway.

29. (1) Any officer or servant authorized by the Director-General may at all reasonable times of the day, and upon notifying the occupier thereof of their intention, enter upon any land adjacent to any existing or proposed road, public road or national highway or upon any land to be declared in future as new road reservation, new public road reservation or new national highway reservation with all necessary vehicles, equipment, tools and other requisites and perform all acts and things as may be necessary for the purpose of —

(a) surveying, measuring, tracing, working, opening, altering, turning, repairing, clearing, improving or fencing thereupon ;

- (b) constructing, excavating, repairing, clearing or improving any bridge, causeway, earth retaining structure, culvert, drain, fence or ditch thereupon ; and
- (c) erecting of temporary quarters or repairing any building for the use of any such officer and his workmen.

(2) Any officer or servant authorized by the Director-General may at all reasonable times of the day and upon notifying the occupier thereof, of their intention, enter upon any land adjacent to any existing or proposed road, public road or national highway to search for, dig, cut, take and carry away water, timber, brushwood, stone gravel, sand or any other material from any land adjacent or near to any existing or proposed road or highway or national highway for the purpose of —

- (a) surveying, measuring, tracing, making, working, opening, altering, turning, repairing, clearing, improving or fencing thereupon ;
- (b) constructing, repairing, clearing or improving any bridge, causeway, culvert, earth retaining structure, fence or ditch thereupon ; and
- (c) erecting or repairing any temporary quarters or building for the use of any such officer and his workmen and labourers.

30. (1) In the event of the necessity arising to effect emergency repairs to a road, a public road or to a national highway, it shall be lawful for any officer or servant authorized by the Director-General to carry away from any land in the vicinity of any such road, public road or national highway, any material, which is required for such purpose.

Right of entry to lands in the vicinity of a road, a public road or a national highway.

(2) An officer or servant authorized by the Director-General to carry out any activity under the provisions of subsection (1) shall not be deemed to be a trespasser.

(3) No officer or servant authorized by the Director General under the provisions of subsection (1) shall obtain any material from any land if such materials can be conveniently obtained from any adjacent state land.

(4) The Authority shall pay to the owner of the land from which any material has been removed reasonable compensation for the material so removed and for any damage caused in obtaining and transporting the same.

(5) An officer or servant authorized by the Director-General under the provisions of subsection (1) shall take all safety measures for fencing or barricading of pits and quarries from where any such materials had been removed.

Erection of temporary buildings on land for construction of a road, a public road or a national highway.

31. (1) It shall be lawful for any officer or servant authorized by the Director-General when carrying out a survey for the improvement or construction of any road, any public road or any national highway, bridge, causeway, culvert or earth retaining structure, or carrying out improvements or repairs thereto, or constructing any new road, new public road or new national highway, bridge, causeway, culvert or earth retaining structure, to make and erect temporary buildings on any land adjacent thereto for the accommodation of such officers, workmen, machinery and equipment.

(2) No officer or servant authorized by the Director-General under the provisions of subsection (1), shall erect a building on any land under cultivation or on any developed land if there is suitable waste land or state land within close proximity available for the purpose.

(3) The Authority shall pay reasonable compensation for the use of such land for any damages done thereto, to the owner of such land.

32. (1) When surveying for a new road, public road, national highway, bridge, causeway, culvert or earth retaining structure or during the progress of work connected with the maintenance, repair or construction of a road, public road, national highway, bridge, causeway, culvert or earth retaining structure, or clearing any earthslip, it shall be lawful for any officer or servant authorized by the Director-General to dispose of any rubble or waste material by dumping the same on any land adjacent thereto.

Rubble and waste to be disposed on adjacent land.

(2) An officer or servant authorized by the Director General under the provisions of subsection (1) shall take all necessary steps to avoid unnecessary hardship to the owner or occupants of such land.

33. It shall be lawful for any officer or servant authorized by the Director-General to make a temporary road for the diversion of traffic through an adjacent land at any time during —

Construction of temporary roads.

- (a) closure of bridge, causeway, culvert or earth retaining structure for repairs or re-construction ;
or
- (b) closure of a road, a public road or a national highway or section of a road, a public road or a national highway for rehabilitation or reconstruction :

provided that such diversion shall not require the demolition of any building nor encroach on any enclosed garden or yard.

34. It shall be lawful for any officer or servant authorized by the Director-General to cut and remove all trees, bushes, shrubs, branches, leaves or roots that cause damage to a road, a public road or an national highway and obstruction to the passage of traffic, street lighting, visibility, road signs, traffic light signals and road furniture, and for that purpose to enter upon any land or premises with the

Cutting, lopping &c, of trees to facilitate construction of a road, a public road or a national highway.

necessary workmen, tools and equipment for the cutting, lopping and the removal of such trees, bushes, shrubs, branches or roots, as the case may be.

Erection of fences &c., alongside a road, a public road or a national highway.

35. It shall be lawful for any officer or servant authorized by the Director-General to put up or make fences, barricades, ditches, drains or bank alongside any road, public road or national highway.

Drains &c. to be kept open if so required for the construction of a road, a public road or a national highway.

36. An officer or servant authorized by the Director-General shall have power to make, scour, cleanse and keep open all ditches, drains, culverts and bridge openings, water courses. No owner or occupier of any adjacent lands shall do any act or thing that would interfere with or cause damage to the aforesaid acts.

Authorized officers to pay compensation for damage to property.

37. (1) Any person who sustains any loss or damage as a result of the exercise by any officer or servant authorized to carry out any act, in the exercise of any power conferred by this Act shall be entitled to receive compensation for the same.

(2) A person referred to in subsection (1) shall make an application to the Divisional Secretary of the area within a period of three months from the date on which the alleged damage had been caused requesting the payment of compensation for the same. No application made after this period shall be considered for this purpose.

(3) Where the amount of compensation cannot be agreed upon then such amount may be decided by arbitration by the arbitrator appointed by the Divisional Secretary.

Vexatious conduct of officers.

38. Any officer or servant exercising or discharging any power or function under this Act, who behaves or conducts himself in a vexatious manner or resorts to violence shall be guilty of an offence, and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding twenty five thousand rupees.

PART VII

PROTECTION OF ROADS, PUBLIC ROADS AND NATIONAL HIGHWAYS

39. (1) The owner or occupier of a land which abuts or adjoins a national highway declared to be as expressway or restricted access highway shall not—

Owners or occupiers of land adjacent to a national highway have no right of access thereto

- (a) enjoy the right of access to, or egress from, the expressway or restricted access highway ;
- (b) have any right of passage, right of use or right of way between the land and the expressway or restricted access highway ; and
- (c) be entitled to any rights which in anyway affect the expressway or restricted access highway.

(2) The Authority shall, before declaring a national highway to be an expressway or a restricted access highway, provide appropriate alternate access to an owner or occupier whose access is curtailed under subsection (1).

(3) Any person who acts in contravention of the provisions of subsection (1), shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate, in the case of first offence for a fine not exceeding ten thousand rupees and in the case of second or subsequent offence to a fine not exceeding one hundred thousand rupees.

40. (1) Notwithstanding the provisions of any other written law, no person shall commence any building, or erect any wall, fence or any other structure alongside any road, public road or national highway or place any temporary fence or enclosure on or alongside, any road, public road or national highway, for commencing or repairing any such building, fence, wall or any other structure, without giving one calendar month's notice in writing to the Executive Engineer of such intention.

No building to commence on land adjacent to a road, a public road or a national highway without notice.

(2) Where any person fails to give notice under subsection (1), it shall be lawful for the Executive Engineer with the sanction of the Chief Engineer to cause any such building to be demolished or any such fence, wall or structure to be dismantled and removed and to recover the costs of such removal from such person:

Provided that any such demolition, dismantling and removal shall be carried out only upon giving the owner or occupier adequate notice of such impending demolition, dismantling and removal as the case may be.

Obtaining permission for erection of temporary enclosures.

41. (1) It shall be lawful for the Executive Engineer to permit any person on payment of a fee to temporary use any part of a road, public road or national highway, to erect a temporary fence or enclosure in order to carry out demolition, repair or construction work to his house or building, including the right to erect decorations of a temporary character subject to following conditions :—

- (a) that the person to whom permission is granted shall at night-time keep a light of sufficient intensity upon the premises for so long as such temporary enclosure or structure is in existence ; and
- (b) that sufficient room on the road, public road or national highway shall be made available for the movement of traffic and pedestrians without hindrance.

(2) Any public officer connected with the distribution of any service to the public may, notwithstanding the provisions of section 40 or subsection (1) of section 41 make temporary use of any part of a road, public road or a national highway.

42. (1) The Minister may by Order published in the *Gazette* specify the building limit alongside a road, public road or a national highway or part of a road, a public road or a national highway.

Building limits alongside a road, a public road or a national highway to be declared by Order.

(2) Where a building limit of a road, a public road or a national highway has not been specified under subsection (1), the building limit for that road or public road or national highway shall be —

- (a) fifteen metres from the Centre of the carriageway of that national highway ;
- (b) seven decimal point five metres from the centre of the carriageway of that public road ; and
- (c) five metres from the centre of the carriageway of that road.

(3) No person shall after the appointed date except under the authority of licence granted by the Executive Engineer erect, re erect or make any addition to any building, gateway or any other structure or construct a basement or other underground structure or dig a well, pond shaft or any other structure (hereinafter in this Part of this Act referred to as "structure") within a building limit.

(4) (a) No licence, for the erection of any structure, shall be granted under subsection (3) by the Executive Engineer within ten (10) metres from the centre of a carriageway of national highway within a town limit and seven point five (7.5) metres from the centre of a carriageway of a national highway outside a town limit.

(b) For the purpose of this subsection the word "structure" does not include a boundary wall.

(c) No licence for the erection of any structure shall be granted under subsection (3) by the Executive Engineer between the limits prescribed in paragraph (a) and the

building limit, unless he is satisfied that the prohibition against the erection of any structure within such limit will cause serious hardship to the owner of the land on which such structure is to be erected and the written consent of the Provincial Director for the granting of the licence is obtained by the Executive Engineer. The Provincial Director shall not give such consent unless he is satisfied, having regard to the width of the road, public road or national highway, the visibility available for traffic and the proper upkeep of the road, public road or national highway, that the enforcement of the aforesaid prohibition is not for the time being essential.

(d) It shall be a condition of any licence granted by the Executive Engineer under subsection (3) for the erection of any structure that no compensation shall be payable—

- (i) in respect of such structure or part thereof within such building limit if such land is acquired under the Land Acquisition Act (Chapter 460) ; or
- (ii) in respect of any improvement or adaptation of the remaining part of such structure after the severance or removal of such structure within such limit for any purpose whatsoever.

(e) It shall be a condition of any licence granted by the Executive Engineer under subsection (3) for the re-erection of, or for any addition, any structure that if possession for the public use is taken at any time of the land on which such structure is situated or if such land is acquired under the Land Acquisition Act (Chapter 460), the compensation payable in respect of such structure shall be determined in accordance with the provisions of sections 46 and 47.

(5) (a) The Executive Engineer, shall not grant a licence under subsection (3), without the approval of the Provincial Director where the structure is of religious significance.

(b) Where the Executive Engineer seeks approval under paragraph (a), the Provincial Director shall hold an appropriate inquiry in respect of the matter, before granting the approval.

(c) Where the Provincial Director refuses approval under this subsection he shall give reasons in writing for such refusal.

(6) (a) Full particulars of every licence granted under subsection (3) including particulars of the condition set out in subsection (4) and of the land and the structure to which the condition relates and the value thereof shall be entered by the Executive Engineer in a register to be kept for the purpose at his office ; and the Executive Engineer shall cause a certified copy of every such entry to be registered in the office of the Registrar of lands having jurisdiction over the area in which such land is situated. The Registrar of Lands shall register all such copies free of any charge or duty.

(b) Upon the registration of any entry under paragraph (a), the conditions attached to such licence shall be binding upon the land and the structure affected thereby in accordance with the tenor of such condition, and to whomsoever the ownership or possession of the land, building or structure may at any time pass.

(c) Every register kept under paragraph (a) at the office of the Executive Engineer shall be made available for inspection to any person interested at any time when the office is open for the transaction of business.

43. Notwithstanding any provision in any other written law no Agency nor Authority whose approval is required for the erection of a structure shall grant approval for the erection of a structure within the building limit specified in section 42 unless such erection has been authorized by a licence granted by the Executive Engineer in accordance with the provisions of this Act.

Building
approval only
on obtaining
licence of
Executive
Engineer.

Modification of building limit.

44. The Minister may, upon the recommendation of the Authority or the Director-General by Notice published in the *Gazette* modify or extend the building limit in respect of any road, public road or national highway or part of a road, a public road or a national highway :

Provided however, that the Authority or the Director-General shall, before making such recommendation, have regard to the convenience of the public and to the need for preserving and continuing the amenities of the locality and for ensuring that the modification or extension shall not increase the cost of any proposed scheme for the development, diversion, deviation or widening of the road, public road or national highway or part of the road, public road or national highway or any part of the road, public road or national highway as the case may be which will be affected by such modification.

Procedure to be followed in case of erection of structures in contravention of section 42.

45. (1) If any person erects any structure or makes any addition to an existing structure in contravention of the provisions of section 42, the Executive Engineer shall, by written notice, require such person to demolish or remove such structure or any addition thereto on or before such date as may be specified in such notice, being a date not earlier than seven days from the date thereof.

(2) It shall be the duty of the person on whom a notice is issued under subsection (1) to comply with the requirements specified in such notice within the time specified therein or within such extended time as may be granted by the Executive Engineer, on application made in that behalf.

(3) (a) Where in pursuance of a notice issued under subsection (1), any structure, is not demolished or removed, within such time or extended time as the case may be, the Executive Engineer may apply to the Magistrate for a Mandatory Order, authorizing the Executive Engineer to cause such structure to be demolished or removed;

(b) The Magistrate, may if he is satisfied as to the existence of the facts, issue notice on the person who had failed to comply with the requirements of the notice issued by the Executive Engineer under subsection (1) to demolish or remove such structure and thereafter make order accordingly;

(c) If the person who had erected the structure in contravention of the provisions of section 42, undertakes to demolish or remove such structure, the Magistrate may, if he thinks fit, postpone the operation of the order for a period not exceeding sixty days, allowing time for such person to demolish or remove such structure.

(4) (a) Where a mandatory order has been made under paragraph (a) of subsection (3) for the removal of a structure of religious significance and where such structure can be safely removed, then subject to the provisions of paragraph (b) of subsection (3) such structure shall be removed and handed over to the organization or institution responsible for erecting such structure.

(b) Where the Executive Engineer is unable to hand over the structure as specified in paragraph (a), the Executive Engineer shall notify the same to the Magistrate and dispose of the structure on the instructions of the Magistrate with due respect and care.

(5) Where a mandatory order has been made under subsection (3) it shall be the duty of the Police to render all necessary assistance to the Executive Engineer in the execution of such order.

(6) The Executive Engineer shall be entitled to recover any reasonable expenses incurred by him in demolishing or removing any structure in pursuance of an order made by the Magistrate under subsection (3).

Determination
of compensation
in case of lands
with buildings
on it.

46. Where any addition to a structure which has been built under the authority of a licence under section 42, is situated on any portion of land of which possession for the public use is taken under sections 15 and 18 of this Act, the determination of the compensation payable in such case shall, notwithstanding anything to the contrary in the Land Acquisition Act, (Chapter 460) be subject to the following provisions :—

- (a) where the whole of the structure is situated within the building limit, the value assigned to the structure as distinct from the land acquired shall be the value entered in the register under subsection (6) of section 42 or the market value of the structure at the time of the acquisition, whichever is the less and for the purpose aforesaid, such market value shall be the difference between the market value of the structure together with the land, and the market value at that time of the land as distinct from the structure ;
- (b) where only a part of the structure is situated within the building limit and the value entered in the register under subsection (6) of section 42 is the value of the entire structure in accordance with paragraph (a) of subsection (2) of section 47, the value assigned to that part of the structure, as distinct from the land acquired, shall be the value so entered or the market value of the entire structure at the time of the acquisition, whichever is the less: Market value shall for the aforesaid purpose be the difference between the market value of the entire structure with the land attached thereto at the time of acquisition, and the market value assigned at that time to the land so attached as distinct from the entire structure ;

(c) where only a part of the structure is situated within the building limit and the value entered under subsection (6) of section 42 is the value of that part in accordance with paragraph (b) of subsection (2) of section 47 the value assigned to that part of the structure, as distinct from the land acquired, shall be the value so entered in the register or the value of the part of the structure within the building limit at the time of the acquisition, whichever is less, and for the purpose aforesaid such value shall be the aggregate of —

(i) the estimated cost of the severance and removal of that part of the structure at that time : and

(ii) the estimated cost in the case of a building, of adapting at that time the part of the building which will then remain to the purpose for which the building is used at that time, and in the case of a boundary wall or gateway, of completing at that time such additions or repairs as may be necessary ;

(d) the value assigned to the land as distinct from the buildings thereon shall be the market value of the land at the time of the acquisition.

47. (1) The value of any structure, for the purpose of subsection (4) of section 42 —

(a) shall be fixed by agreement between the Chief Engineer and the owner or owners of the structure ;
or

(b) where it is not fixed by agreement, shall be determined by an arbitrator, appointed by the Provincial Director.

Valuation of buildings &c.. within building limits.

(2) In determining the value of any structure or any part thereof for the purposes of subsection (4) of section 42, the following principles shall be followed :—

- (a) where any structure or any part thereof the removal of which would render the remaining part useless, is situated within the building limit of any road, public road or national highway, and where, for that reason, the removal of the entire structure will become necessary in the event of the road, public road or national highway being widened or deviated, the value of the entire structure shall be determined ; and such value shall be the difference between the market value of the premises, that is to say, of the structure together with the land attached thereto, at the time of the valuation, and the market value at that time of the land as distinct from the structure ;
- (b) where only a part of a structure is situated within the building limit of any road, public road or national highway and after the severance and removal of such part, the remaining part will be capable of adaptation either to the original purpose of the structure or to any other purpose permitted by law, the value of the part within the building limit shall alone be determined and such value shall be the aggregate of —
 - (i) the estimated cost of the severance and removal of that part of the structure ; and
 - (ii) the estimated cost, in the case of buildings, of adapting the part of the building, which will then remain to the purpose for which the building was used at the time of the valuation, and in the case of a boundary wall, gateway or other structure or any basement or other underground structure or any pond, well or shaft of completing such additions or repairs as may be necessary ;

- (c) where at the time of valuation of any structure, the value of such structure, is found to have been increased by any alteration or improvement effected in the structure, then notwithstanding that the alteration or improvement may have been authorized by a licence under subsection (3) of section 42, the amount of the increase shall not be taken into account unless the alteration or improvement was necessary for the maintenance of the structure in a proper state of repair.

(3) Every award or agreement made or entered into as the case may be, under subsection (1) in respect of the value of any structure or part thereof, shall specify the particular paragraph or paragraphs of subsection (2) in accordance with which the value aforesaid was fixed or determined.

48. (1) Where the right of the owner of the land, part of which is situated within the building limit of any road, public road or national highway, to erect a building on the land, is restricted by reason of the provisions of section 42, such owner, may if he desires to erect a building, make application to the Minister requesting that the portion of vacant land at the rear of his land, of sufficient extent to afford him building facilities of the same nature as he would have enjoyed had the provisions of section 45 not been in force, be acquired for him at his expense, and the Minister may, upon the recommendation of the Authority or the Director-General (acting under the delegation of the powers to him by the Authority) and after such inquiry as he may deem necessary, order that a specified extent of the portion of vacant land at the rear of the land of such owner be acquired for him and the provisions of sections 15 and 18 of this Act, shall thereupon apply for the purposes of the acquisition of such extent of land.

Acquisition of adjacent land for owners affected by building limits.

(2) All costs, charges and other expenses incurred in the acquisition of any extent of land in pursuance of an order under subsection (1) shall be paid by the owner of the land upon whose application such extent of a land is acquired.

Application of the provisions of sections 42 to 48.

49. (1) For the purposes of sections 42 to 48 a road, a public road or a national highway shall be deemed to be under the control of the Authority if it is maintained by the Authority from funds provided by the Authority. A certificate under the hand of the Director-General to the effect that any road, public road or national highway is under the control of the Authority shall be admissible in evidence and shall be *prima facie* evidence of that fact.

(2) For the purposes of sections 42 to 48 the expression “boundary wall” includes every structure of whatever material and in whatever manner constructed, and every fence of whatever description, which serves or is intended to serve the purposes of a boundary wall.

Obstruction, encroachment &c., of a road, a public road or a national highway.

50. (1) The Executive Engineer may, where it appears to him that —

- (a) any road, public road or national highway has been obstructed or encroached ; or
- (b) that the boundary line of any road, public road or national highway has been altered without proper authority ; or
- (c) that any road, public road or national highway has been barricaded without proper authority,

by any person, direct such person by notice in writing to remove the said obstruction encroachment, alteration or barricade within the time as the Executive Engineer has specified in the Notice.

(2) Where any such obstruction, encroachment, barricade or alteration is not removed and the road, public road or national highway is not cleared or the boundary line is not restored within the time specified by the Executive Engineer, the Executive Engineer shall cause such obstruction, encroachment, barricade or alteration to be removed or cleared or restored as the case may be. Any expense incurred by the Executive Engineer in doing so shall be recovered from the offender as a debt due to the State.

(3) Where the Executive Engineer is unable or apprehends that due to any obstruction or resistance as will be or is likely to be offered, he will be unable to remove or clear to restore the road, public road or national highway of the obstruction, encroachment, barricade or alteration as the case may be, the Executive Engineer shall on application made in that behalf to the Magistrate's Court having jurisdiction over the area where the road, public road or national highway which was obstructed, encroached, barricaded or altered is situated, praying for an order of the Court directing the Fiscal to take down and remove or clear or restore such obstruction, encroachment, barricade or alteration as the case may be.

(4) Where an Order under subsection (3) is issued to the Fiscal by a Magistrate, he shall forthwith execute such Order and shall thereafter in writing report to Court such fact along with a narrative of the manner in which it was executed.

51. Any plan or survey made under the authority of the Director-General shall be admissible in evidence and shall be *prima facie* proof of the facts stated therein.

Survey to be *prima facie* proof.

52. For the purpose of the application of the provisions of the State Lands (Recovery of Possession) Act, No. 7 of 1979 to any road or public road or national highway to which this Act applies —

Application of the provisions of the State Lands (Recovery of Possession) Act.

- (a) every written notice issued under any provision of this Act shall be deemed to be a notice served under section 3 of the State Lands (Recovery of Possession) Act, No. 7 of 1979 ;
- (b) the expression "competent authority" in the State Lands (Recovery of Possession) Act No. 7 of 1979, shall deemed to include a reference to the Director-General, Provincial Director, Chief Engineer or Executive Engineer as the case may be of the Authority ;

- (c) the expression "state lands" in the State Lands (Recovery of Possession) Act, No. 7 of 1979, shall deemed to include a reference to every road or public road or national highway to which this Act applies.

Prescription Ordinance not to apply to lands required for a road, a public road or a national highway.

53. The Provisions of the Prescription Ordinance (Chapter 68) or of any other law relating to the acquisition of rights by virtue of possession or user shall not apply to road or public roads or national highways ; and no person shall be entitled to any exclusive rights of ownership, possession or user over or in respect of, a road or public road or national highway.

Protection of right to use a road, a public road or a national highway.

54. (1) It shall be the duty of the Authority to permit and protect the rights of the public to the use of any road, public road or national highway without any hindrance or inconvenience.

(2) It shall be the duty of the Authority to prevent, as far as possible, the temporary or permanent closure or obstruction of any road, public road or national highway.

Damaging a road, a public road or a national highway to be offence.

55. (1) Every person who, without lawful authority or excuse —

- (a) digs a drain or excavates on any part of a road, public road or a national highway which consists of a carriageway ; or
- (b) removes the soil or turf from any part of a road, public road or a national highway except for the purpose of improving the road, public road or a national highway without the consent of the Executive Engineer or Chief Engineer ; or
- (c) lights any fire or discharges any material on a road, public road or a national highway, causing damage to the same ; or

- (d) operates a vehicle in such a manner that the materials projecting from the vehicle damages the carriageway of a road, a public road or a national highway,

shall be guilty of an offence under this Act and shall be liable on conviction after summary trial by a Magistrate in the case of a first offence to a fine not exceeding five thousand rupees and in the case of second or subsequent offence, to a fine not exceeding fifty thousand rupees and in the case of continuing offence to a fine of five thousand rupees for each day after conviction during which the offence is continued.

(2) Every person who, without lawful authority or excuse damages, pulls down or obliterate a traffic sign, a traffic signal placed on or over a road, a public road or a national highway or a kilometer stone or a lamp post or a direction post or any other similar contrivance or device so placed on a road, a public road or a national highway, shall be guilty of an offence and shall on conviction after summary trial by a Magistrate be liable in the case of first offence to a fine not exceeding five thousand rupees and in the case of second or subsequent offence to a fine not exceeding fifty thousand rupees and in the case of a continuing offence to a fine of five thousand rupees for each day after conviction during which the offence is continued.

56. (1) Every person who, without either the prior consent of the Executive Engineer or without reasonable excuse, paints or inscribes or affixes or creates any picture, letter, sign, statue, hoarding or other mark upon the carriageway of a road, a public road or national highway or in a road, public road or national highway or on any road furniture shall be guilty of an offence and shall on conviction after summary trial by a Magistrate be liable in the case of first offence to a fine not exceeding five thousand rupees and in the case of second or subsequent offence to a fine not exceeding fifty thousand rupees and in the case of a continuing offence to a fine of five thousand rupees for each day after conviction during which the offence is continued.

Painting pictures &c, along a road, a public road or a national highway without lawful excuse an offence.

(2) It shall be lawful for the Executive Engineer to remove any picture, letter, sign, statue, hoarding, notice or other mark referred to in the subsection (1).

Director General to impose temporary load restrictions on a road, a public road or a national highway.

57. (1) The Director-General may, having regard to the safety of the users of a road, a public road or a national highway, impose temporary load restrictions on any road, on any public road or on any national highway or section of a road, a public road or a national highway or on any bridge.

(2) A person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall on conviction after summary trial by a magistrate, be liable, in the case of a first offence to a fine not exceeding ten thousand rupees and in the case of a second or subsequent offence to a fine not exceeding one hundred thousand rupees.

Damage and obstruction to foot walk by excavation &c.,

58. (1) Where the foot walk of a road, a public road or a national highway is damaged—

- (a) by, or in consequence of any excavation or other work being carried out on the land adjacent to the road, public road or national highway;
- (b) by a motor vehicle being driven onto the road, public road or national highway,

the Executive Engineer may forthwith repair the damage and recover the expenses as are reasonably incurred by him in doing so, from the owner of the land or the person responsible for causing the damage.

(2) Where the foot walk of a road, public road or a national highway is obstructed by the parking of a vehicle, the person responsible for such parking shall be guilty of an offence under this Act and be liable on conviction after summary trial before a Magistrate to a fine not exceeding five thousand rupees and in the case of a second or subsequent offence to a fine not exceeding fifty thousand rupees and in

the case of a continuing offence to a fine of five thousand rupees for each day in respect of which such offence is continued after conviction.

59. (1) Every person who, without lawful authority or reasonable excuse, in any way wilfully obstructs the passage of vehicles or pedestrians along a road, public road or national highway, shall be guilty of an offence and be liable on conviction after summary trial by a Magistrate to a fine not exceeding five thousand rupees and in the case of second or subsequent offence to a fine not exceeding fifty thousand rupees and in the case of the continuing offences to a fine of five thousand rupees for each day after conviction during which the offence is continued.

Obstruction of road, public road or national highway to be an offence.

(2) A police officer may arrest without warrant any person who is committing an offence under this section.

60. Every person who without lawful authority or excuse deposits sand, stone, timber or any other material on a road, public road or national highway, shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate in the case of first offence to a fine not exceeding five thousand rupees and in the case of second or subsequent offence to a fine not exceeding fifty thousand rupees and in the case of a continuing offence to a fine of five thousand rupees for each day after conviction during which the offence is continued.

Depositing of sand, timber &c., on a road, a public road or a national highway to be an offence.

61. (1) It shall be lawful for the Executive Engineer or a police officer to require the owner of the sand, stone, timber, or any other material so deposited within the right of way of the road, public road or national highway to remove or re-deposit the same or cause it to be removed or re-deposited, away from the road, public road or national highway.

Removal of sand, stone, timber &c.,

(2) A person required to remove and re-deposit any sand, stone, timber or any other material under subsection (1) shall comply with the requirement within a period of three days,

and if he fails to do so, he shall be guilty of an offence and shall be liable on conviction after summary trial by a magistrate in the case of first offence to a fine not exceeding five thousand rupees and in the case of a continuing offence to a fine of five thousand rupees for each day after conviction during which the offence is continued.

(3) Where the owner fails to remove sand, stone, timber or any such material in compliance with the requirements set out in subsection (2), it shall be lawful for the Executive Engineer with the assistance of a police officer to cause such material to be removed to a suitable location away from the road, public road or national highway and to charge the costs of removal to the owner.

Restriction of planting trees, shrubs in or near a carriageway.

62. (1) Every person who, without the lawful authority or excuse, plants a tree or shrub in a made up carriageway, traffic island, shoulder or footwalk of a road, public road or national highway shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate in the case of the first offence to a fine not exceeding five thousand rupees and in the case of a continuing offence to a fine of five thousand rupees for each day after conviction during which the offence is continued.

(2) It shall be lawful for the Executive Engineer to require the person who planted such tree or shrub to remove it within three days or cause it to be removed.

Executive Engineer may grant permission to plant trees, shrubs, grass, plants &c..

63. (1) The Executive Engineer may permit any person to plant and maintain shrubs, trees, grass and plants within a roundabout or traffic island or along the shoulders of a road, public road or national highway. Such permission shall be granted subject to the requirement that the trees, shrubs and plants shall be grown only to such a height as is specified taking into consideration the movement of traffic and pedestrians safety and the visibility of the road, public road or national highway to drivers or riders.

(2) The Executive Engineer may permit a person or a body of persons to undertake the planting and maintenance of a specified area along a highway. The person or body of persons so responsible shall be permitted to place a name board not exceeding zero point seven five (0.75) metres height from the ground indicating the name of such person or body of persons.

64. Any person who—

Depositing of dropping things or pitching.

- (a) deposits on the carriageway, foot walk or shoulder of a road, public road or national highway, any matter or rubbish; or
- (b) pitches a booth, stall or stand on a road, public road or national highway; or
- (c) sends waste water or any other liquid waste from a house, building or garden to any part of a road, public road or national highway,

shall be guilty of an offence under this Act.

65. Any person who, without lawful authority or excuse drops earth, sand, stone or any such material or spills water, oil or any such fluid while transporting it in a vehicle, on a road, public road or national highway, shall be guilty of an offence under this Act.

Dropping earth, sand or stones &c. on a road, a public road or a national highway to be an offence.

66. No person other than a police officer or a member of the Armed Forces shall erect a gate or barrier across a road, public road or national highway without obtaining the prior permission of the Executive Engineer. Any person who so erects a gate or barrier shall be guilty of an offence under this Act.

Erection of barriers &c. across a road, a public road or a national highway.

Preventing soil being washed onto a road, a public road or a national highway.

67. The Executive Engineer may, by notice in writing to the owner or occupier of a land adjoining a road, public road or national highway, require him, within twenty eight days of the date of service of the notice, to carry out such works thereon as are necessary to prevent soil or refuse from that land being washed or carried on to the road or a public road or national highway or into a gully thereof so as to damage or obstruct the road or public road or national highway or choke the gully. Any person who fails to give effect to such notice within the stipulated time period shall be guilty of an offence.

Power to remove projections &c, across a road, a public road or a national highways.

68. The Executive Engineer may, by notice to the owner or occupier of any building, require him to remove or alter any unauthorised porch, projecting roof, projecting window, step, wall, gate or any such thing and which has been erected or placed in front of a building which causes an obstruction to the safe passage of vehicles and pedestrians along a road, public road or national highway. Any person who fails to give effect to such a notice within a reasonable time, shall be guilty of an offence.

Notice of commission of offence to be given to Executive Engineer.

69. (1) Where an offence is committed under the provisions of sections 64, 65, 66, 67 and 68 the Executive Engineer shall on being informed of such fact, give notice in writing to the person committing the offence, that he shall forthwith take measures to stop or abate the commission of the offence.

(2) If the person on whom notice is served under subsection (1) fails to comply with the requirements therein, such person shall be subject to summary trial by a Magistrate and shall on conviction be liable to a fine not exceeding ten thousand rupees and in the case of a continuing offence be liable to a fine of rupees five thousand for each day after conviction during which the offence is so continued.

(3) Where an offence under sections 64 to 68 is continued the Magistrate may issue a Mandatory Order authorizing the Executive Engineer to demolish or remove the structure or thing which is the subject of the offence. The Executive Engineer shall with the assistance of the Police cause such structure or thing to be removed and recover the cost so incurred from the offender.

70. (1) No person shall put-up any door or gate upon any premises to open outwards on to a national highway except with written consent of the Executive Engineer given in exceptional circumstances with the concurrence of the Chief Engineer.

Doors along a road, a public road or a national highways not to open outwards.

(2) Where a door or gate is put-up in contravention of subsection (1), the Executive Engineer may, by notice to the occupier, require him to alter the door or gate, so as not to open outward on to the national highway.

(3) A notice under subsection (2) may be served on the owner of the premises instead of on the occupier or may be served on both the owner and the occupier of the premises.

(4) Any person aggrieved by the refusal of consent under subsection (1) or by a requirement of a notice under subsection (2) may appeal to the Provincial Director.

(5) Subject to any order made on appeal, if a person on whom notice is served under subsection (2) requiring him to comply with the notice, fails to comply with the requirement of the notice within fourteen days from the date of service of the notice he shall be guilty of an offence and shall on conviction after summary trial by a Magistrate, be liable to a fine not exceeding one thousand rupees.

(6) Where a notice has been served upon any person under subsection (2) and he is guilty of an offence under subsection (5), then whether or not proceedings are instituted

against him in respect of the offence, the Executive Engineer may carry out the work required by the notice and recover the expenses reasonably incurred by him in so doing from the owner or occupier of the premises.

Cutting and felling of trees overhanging onto a road, a public road or a national highways.

71. (1) Where a tree, shrub or hedge overhangs a road, public road or national highway in such a manner as to obstruct or endanger the passage of vehicles or any user of a road, public road or national highway or interferes with the view of drivers of vehicles or the light from a public lamp, the Executive Engineer may, by notice issued either to the owner or occupier of the land on which the tree, shrub or hedge is located, require him within seven days to lop or cut it so as to remove the cause of the danger or interference as the case may be.

(2) Any person aggrieved by a notice under subsection (1) may appeal to the Provincial Director.

(3) Subject to any order made on appeal, if a person to whom a notice is served under subsection (1), fails to comply with the requirements of the notice within the specified period, the Executive Engineer may carry out the work required to be made by the notice and recover the expenses reasonably incurred in so doing from such person.

Permitting animals to stray on a road, a public road or a national highways an offence.

72. (1) If an animal is at any time found straying or lying on or within the reservation of a road, a public road or a national highway, its keeper or owner or both shall be guilty of an offence.

In this section 'keeper' in relation to an animal means the person in whose possession the animal is or should have been.

(2) Any person guilty of an offence under subsection (1), shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding one thousand rupees for the first offence and a fine not exceeding five thousand rupees for every subsequent offence.

(3) Any animal straying or lying on the national highway shall be seized by a cattle seizer authorized by the Executive Engineer and shall be tied in a premises owned or rented by such authorized Cattle Seizer and approved by the Executive Engineer :

Provided that such authorized Cattle Seizer is on contract with the Executive Engineer and every such animal seized by him shall be reported forthwith by the Executive Engineer to the nearest Police Station and to the Magistrate having jurisdiction over such place.

(4) The Executive Engineer shall ensure the safe custody of the animal seized and shall ensure the feeding of such animal.

(5) No such animal seized shall be delivered to the owner unless upon the payment of the fine imposed by the Magistrate.

(6) If no person claims the animal and pays the fine within seven days from the date of imposition of such fine, it shall be lawful for the Executive Engineer, to sell the animal by public auction and pay the proceeds from such sale to the Magistrate having jurisdiction over such place to be credited to the Consolidated Fund after the expenses reasonably incurred by the Executive Engineer in connection with seizing and feeding the animal being recovered.

(7) If a person, without lawful authority or excuse, releases any animal seized for the purpose of being impounded or already impounded or damages any place where the animal is impounded, he shall be guilty of an offence and be liable on conviction after summary trial by a Magistrate in the case of first offence to a fine not exceeding five thousand rupees and in the case of a continuing offence to a fine of five thousand rupees for each day after conviction during which the offence is continued.

Depositing or throwing anything onto a road, a public road or a national highway to be an offence.

73. (1) If a person without lawful authority or excuse deposits or throws anything whatsoever on or onto a road, public road or national highway as a result of which a user of a road, public road or national highway is injured or likely to be injured or endangered, he shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate in the case of first offence to a fine not exceeding five thousand rupees and in the case of a continuing offence to a fine of five thousand rupees for each day after conviction during which the offence is continued.

(2) If a person without lawful authority or excuse, lights any fire or discharges any fire work so as to injure or endanger a user of a road, public road or national highway, he shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate in the case of first offence to a fine not exceeding five thousand rupees and in the case of a continuing offence to a fine of five thousand rupees for each day after conviction during which the offence is continued.

(3) If a person without lawful authority or excuse, allows any dirt, filth or offensive matter or thing to run or flow unto a road, public road or national highway from any premises, he shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding five thousand rupees and in the case of a continuing offence to a fine of five thousand rupees for each day after conviction during which the offence is continued.

Placing ropes across a road, a public road or a national highway to be an offence.

74. A person who places a rope or any apparatus across a road or public road or national highway, for any purpose in such a manner so as to cause danger to users of a road or a public road or a national highway shall, unless he proves that adequate warning of the danger was given by him to such users, be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding two thousand rupees.

75. (1) The Executive Engineer may, by notice to the occupier of a premises adjoining a road, a public road or a national highway, require him within twenty eight days from the date of service of the notice to construct or erect and thereafter maintain such gutters as may be necessary to prevent water from the roof or any other part of the premises falling upon the road, public road or the national highway.

Executive Engineer may require occupier of premises to do certain acts.

(2) A person aggrieved by a requirement of a notice made under this section may appeal to the Divisional Secretary of the area.

(3) Subject to any order made on appeal, if a person to whom notice is served under this section fails to comply with the requirements of the notice within the period of time specified in subsection (1), he shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding one thousand rupees and if the offence is continued after conviction, he shall be guilty of a further offence and be liable to a fine not exceeding one hundred rupees for each day on which the offence is so continued.

76. (1) No person shall, in connection with any building or demolition or alteration, repair, maintenance or cleaning of any building, erect or retain, on or over a road, public road or national highway any scaffolding or other structure which obstructs the road or public road or national highway, unless he is authorized to do so by a licence issued by the Executive Engineer and complies with the terms and conditions of the licence.

Licence to be obtained for the erection of scaffoldings &c., on road, a public road or a national highway.

(2) If a person applies to the Executive Engineer for a licence in respect of any structure referred to in subsection (1) and furnishes the Executive Engineer with such particulars relating to the structure as the Executive Engineer

may reasonably demand, it shall be the duty of the Executive Engineer to issue a licence unless he considers—

- (a) that the structure would cause an obstruction to a road, public road or national highway ; and
- (b) that a structure erected otherwise than as proposed by the applicant would cause less obstruction to the road, public road or national highway than the proposed structure.

(3) If on an application for a licence under subsection (2), the Executive Engineer refuses to issue a licence or issues a licence containing terms to which the applicant objects, the applicant may appeal to the Provincial Director against the refusal or the terms of the licence and on such appeal the provincial Director may—

- (a) in the case of an appeal against a refusal, direct the Executive Engineer to issue a licence in respect of the application ; or
- (b) in the case of an appeal against the terms of the licence, alter or vary the terms.

(4) It shall be the duty of a person to whom a licence is issued by the Executive Engineer in respect of a structure—

- (a) to ensure that the structure is adequately lit during the hours of darkness; and
- (b) to comply with any directions given to him in writing by the Executive Engineer with respect to the erection and maintenance of any traffic control devices.

(5) A person who contravenes the provisions of subsection (1) or who fails without reasonable excuse to comply with the terms of a licence issued under subsection (1) or to

perform a duty imposed on him under subsection (4), shall be guilty of an offence and shall on conviction after summary trial by a Magistrate be liable to a fine not exceeding five thousand rupees.

77. (1) A person may, with the consent of the Executive Engineer, temporarily deposit building materials or other things on a road, public road or national highway or make temporary excavations in it.

Depositing of building materials &c. along a road, a public road or a national highway to be done with consent of the Executive Engineer.

(2) The Executive Engineer may give his consent under subsection (1), subject to such conditions as he thinks fit, including in particular, conditions for preventing damage or ensuring access, to utility services.

(3) Any person aggrieved by the refusal of consent under subsection (1) or any person to whom such a consent is given, subject to conditions, may appeal to the Provincial Director, against the refusal or the conditions, as the case may be.

(4) It shall be the duty of the person who makes such a deposit or excavation under subsection (1), to comply with any directions given to him in writing by the Executive engineer with respect to the erection and maintenance of traffic signs in connection with such deposit or excavation.

(5) Where a person places any building materials or any other thing on, or makes an excavation in a road, public road or national highway he shall not allow the obstruction or excavation to remain in the road, public road or national highway any longer than the period allowed by the Executive Engineer and in addition he shall—

- (a) ensure that the obstruction or excavation to be properly fenced and to be properly lit during the hours of darkness; and
- (b) if required by the Executive Engineer, remove the obstruction or fill in the excavation.

(6) any person who—

- (a) without reasonable cause or excuse fails to comply with any condition subject to which a consent is given under subsection (1); or
- (b) without reasonable cause or excuse fails to perform the duty imposed on him under subsection (4); or
- (c) fails to perform a duty imposed on him under subsection (5),

shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding five thousand rupees in respect of each day on which such contravention or failure occurs.

Precautions to be taken when carrying out road works.

78. (1) A person or contractor who is responsible for executing works on a road or public road or national highway shall—

- (a) erect such barriers and traffic signs as are required by the Executive Engineer for preventing danger to traffic, for regulating traffic and warning traffic of danger, until the work is completed and shall remove them as soon as the work is completed ; and
- (b) ensure that the works to be properly guarded and lit during the hours of darkness.

(2) If any person or contractor fails to comply with requirements of subsection (1), he shall be guilty of an offence and, shall on conviction after summary trial by a Magistrate be liable to a fine not exceeding five hundred rupees in respect of each day on which failure continues.

(3) Any person who, without lawful authority or excuse—

- (a) takes down, removes or alters any barrier, traffic sign, or light erected or placed in pursuance of

subsection (1), for the purpose of warning the users of a road, public road or national highway of any obstruction or for the purpose of protecting the users of the road, public road or national highway from danger arising out of an obstruction; and

(b) extinguishes a light so placed,

shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding four thousand rupees.

PART VIII

USE OF EXPRESSWAYS AND RESTRICTED ACCESS HIGHWAYS

79. (1) A person shall not walk on an expressway or a restricted access highway. Prohibited users.

(2) On an expressway or a restricted access highway, a person shall not —

- (a) ride or take an animal other than an animal being conveyed in a motor vehicle or the trailer of a motor vehicle ; or
- (b) drive a three wheeler, hand tractor or ride or take a bicycle ; or
- (c) drive a vehicle other than —
 - (i) a motor vehicle ; or
 - (ii) the trailer of a motor vehicle ; or
- (d) drive a vehicle or combination of vehicles that is or are not capable of attaining and maintaining on a level road such speed as is prescribed ; or

(e) drive a vehicle of a prescribed type.

(3) The driver of a vehicle on an expressway or restricted access highway shall not make a "U" turn except at a place indicated by a sign permitting "U" turns.

(4) For the purpose of subsection (3) a "U" turn occurs when a vehicle turns to travel in the opposite direction along the same or a parallel carriageway.

(5) The provisions of this section shall not apply to any person engaged in maintenance or construction work on an expressway or a restricted access highway.

(6) A person who fails to comply with requirements of this section shall be guilty of an offence and be liable on conviction after summary trial by a Magistrate in the case of first offence to a fine not exceeding five thousand rupees and in the case of a second or subsequent offence, to a fine not exceeding fifty thousand rupees.

PART IX

OPERATION AND MAINTENANCE OF ROADS BY THE USER COMMUNITY

Maintenance of roads by community based organizations.

80. (1) The Minister may, whenever it appears necessary so to do for ensuring the participation of all persons living in the area or in the human settlement within any Divisional Secretariat Division by Order, published in the *Gazette*, handover the operation and maintenance of any road or public road other than a national highway to a community based organization formed by such persons.

(2) An Order referred to in subsection (1) shall specify the length and width of such road and road reservations if any.

(3) Before an Order under subsection (1) is published in the *Gazette* the Executive Engineer shall sign an agreement with the relevant community based organization.

(4) The terms and conditions of the agreement referred to in subsection (3) shall *inter alia* include —

- (a) the provision of technical or financial assistance to the community based organization by the Authority or the relevant Divisional Secretary or the relevant Local Authority ;
- (b) directions for the receiving of donations and contributions by the community based organization;
- (c) the administration and auditing of the accounts of the community based organization ;
- (d) the duties and obligations of the community based organization, the user community the Authority, the relevant Divisional Secretary and the relevant Local Authority towards the operation and maintenance of such road.

PART X

MISCELLANEOUS

81. (1) Every notice required to be served under this Act shall be in the Sinhala, Tamil and English Languages.

Language of notices.

(2) Every notice addressed to any person may be sent by registered post or served personally upon such person or such notice may be left with some member of his household or it may be affixed to some conspicuous part of his house and a notice served in any of foregoing methods shall be deemed to be personal service.

82. (1) The driver of a vehicle entering an expressway or restricted access highway shall —

Entering and leaving an expressway.

- (a) if there is no acceleration lane, give way to vehicle traveling on the expressway or restricted access highway ;

- (b) if there is an acceleration lane, use it and when merging into the traffic on the expressway or restricted access highway, show due diligence not to endanger other road users.

(2) The driver of a vehicle leaving an expressway or restricted access highway shall —

- (a) move into the traffic lane appropriate to the expressway or restricted access highway exit in proper time ; and
- (b) enter the deceleration lane, if there is one, as soon as is practicable.

(3) The driver of a vehicle shall not enter an expressway or a restricted access highway at a place other than at the authorized access point.

(4) A person who fails to comply with requirements of this section shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate in the case of first offence to a fine not exceeding five thousand rupees and in the case of a second or subsequent offence to a fine not exceeding fifty thousand rupees.

Stopping of
vehicles.

83. (1) A driver of a vehicle on an expressway or restricted access highway shall not stop the vehicle except —

- (a) at a marked parking site in accordance with any restrictions applying to the use of that site ;
- (b) where necessary to avoid injury to a person or damage to property ;
- (c) in obedience to a signal or other instruction which the person is required by law to obey ;

- (d) where necessary for the purpose of facilitating the carrying out of maintenance or construction on the expressway or restricted access highway authorized by the Authority ;
- (e) where the vehicle is so disabled that it is impossible to avoid stopping ;
- (f) where the vehicle is stopping in compliance with a request to render assistance to a disabled vehicle ;
- (g) where the person is reporting a traffic accident or other situation or incident to the police, the Authority or other traffic authority, either directly or by means of an emergency telephone or similar device ; or
- (h) where the vehicle is being operated in accordance with an agreement with the Authority to remove impediments to traffic.

(2) A driver of a vehicle which is stopped on an expressway or restricted access highway shall move the vehicle off the carriageway.

(3) A person who is unable to move a stopped vehicle off the carriageway and roadside of an expressway or restricted access highway as required by subsection (2) shall signal the presence of the vehicle by means of a triangle warning device at a distance, sufficient to provide adequate warning to the drivers of approaching vehicles.

(4) A person who fails to comply with requirements of this section shall be guilty of an offence and be liable on conviction after summary trial by a Magistrate in the case of first offence to a fine not exceeding five thousand rupees and in the case of a second or subsequent offence to a fine not exceeding fifty thousand rupees.

Restriction on
placing beams
&c..

84. (1) No person shall place or fix any traffic sign, overhead beam, pipe, cable, wire, gantries hoardings or rail or other similar apparatus over, along or across a road, a public road or a national highway without the consent of the Executive Engineer. The Executive Engineer may when giving his consent attach such reasonable terms and conditions thereto as he thinks fit.

(2) Subject to subsection (3) a person aggrieved by the refusal of a consent under subsection (1), or by the terms and conditions attached to such a consent, may appeal to the Provincial Director.

(3) No appeal lies under subsection (2) against any term or condition attached by the Executive Engineer to a consent given by him under this section, if he declares the terms or condition to be necessary for the purpose of ensuring the safety of persons using a road, public road or national highway to which the consent relates or for preventing interference with traffic thereon.

(4) A person who contravenes the provisions of subsection (1), or the terms or conditions of any consent given thereunder shall be guilty of an offence and be liable on conviction after summary trial by a Magistrate to a fine not exceeding five hundred rupees for each day on which the offence is so continued.

Control of
constructions
&c..

85. (1) No person shall construct a vault, mine, pit or any such thing under any road, public road or national highway without the consent of the Executive Engineer, and Executive Engineer may, by notice served on a person who has constructed a vault, mine, pit or any such thing in contravention of the provisions of this section require him to remove it or to alter or modify it, as specified in the notice.

(2) No person shall carry out any excavation exceeding three meters in depth, within a distance of fifty meters from the centre of a road, public road or national highway without the consent of the Executive Engineer.

(3) No person shall carry out any sand mining at or near any bridge, causeway or any structure within a distance of one hundred and fifty meters from the extreme edge of the bridge, causeway or structure, or at or near any road, public road or national highway within a distance of one hundred meters from the extreme edge of the roadway without the consent of the Executive Engineer.

(4) A person aggrieved by a refusal of consent or by a requirement of a notice under subsection (1), may appeal to the Divisional Secretary.

(5) Any person who contravenes the provisions of subsection (1), (2), or (3) shall be guilty of an offence and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding two thousand rupees.

(6) Subject to an order made on appeal, if a person fails to comply with a requirement of a notice served on him under subsection (1), or with the provisions of subsection (2) or (3), he shall be guilty of a further offence and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding five hundred rupees for each day during which the failure continues.

(7) It shall be lawful for the Executive Engineer to close any vault, mine, pit or any such thing constructed in contravention of the provisions of subsection (1), (2) or (3) and to recover expenses reasonably incurred by him in so doing from the offender.

86. (1) The Minister may, for reason to be stated, by Order published in the Gazette, prohibit or restrict access by the public to or from any public road or national highway or any part of such public road or national highway.

Power to restrict access to a road, a public road or a national highway.

(2) Upon the making of an Order under subsection (1) no person shall connect any access way to that public road or national highway, without the approval in writing of the Executive Engineer given in concurrence with the Chief Engineer of the relevant District.

(3) Any person who contravenes the provisions of subsection (2) shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding twenty five thousand rupees. He shall also be liable to pay to the Executive Engineer the cost incurred by the Engineer in restoring the public road or national highway to its original state by removing the connection made by such person.

(4) The Executive Engineer may, where he deems it expedient in the circumstances in lieu of instituting action under subsection (3) —

- (a) require the offender to forthwith remove the connection made by him and restore the public road or national highway to its original state ; or
- (b) if the offender fails to remove the connection made by him, proceed to remove such connection and take steps to restore the public road or national highway to its original state and recover the cost incurred by him in doing so, from the offender.

Clearance of
Executive
Engineer
essential.

87. Notwithstanding anything to the contrary in any other written law, it shall be the duty of any individual, authority or institution, granting licences for carrying on any business abutting any road, public road or national highway, to obtain the consent of the Executive Engineer of the area before issuing such licence.

Duty of Police
officers and
Grama
Niladharis.

88. It shall be the duty of all police officers and all Grama Niladharis to aid and assist in the prevention of any offence as may be committed in contravention of the provisions of this Act within their respective jurisdictions.

Regulations.

89. (1) The Minister may make regulations for the purpose of carrying out or giving effect to any matter which is prescribed under this Act, or in respect of which regulations are required to be made.

(2) In particular and without prejudice to the generality of the powers conferred on him by subsection (1), the Minister may make regulations in respect of all or any of the following matters, namely :—

- (a) the speed which a motor vehicle must be capable of attaining in order to use a expressway or restricted access highway ;
- (b) the types of vehicle which may be used on a road, a public road, national highway or expressway or restricted access highway ;
- (c) the collection and payment of fees in respect of user fee national highways ;
- (d) the form to be used in giving notice of infringement of the provisions of this Act ;
- (e) restrictions on the use of national highways or expressways or restricted access highways including the time at which prescribed vehicles may not be used on national highways or expressways or restricted access highways ;
- (f) the prevention of ribbon development along the roads, public roads or national highways or expressways or restricted access highways ;
- (g) duties and obligations of the Authority under the agreements it may enter in pursuant to section 12 of this Act.

(3) 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.

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

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

Repeal of
Thoroughfares
Ordinance and
Transitional
Provisions.

90. (1) Thoroughfares Ordinance (Chapter 193) shall be repealed with effect from appointed date.

(2) Notwithstanding the repeal of the Thoroughfares Ordinance (Chapter 193) —

(a) all contracts and agreements entered into under the Thoroughfares Ordinance (hereinafter referred to as the “repealed Ordinance”) and subsisting on the day preceding the appointed date shall be deemed, with effect from the appointed date to be contracts and agreements entered into by the Authority and may be enforced accordingly ;

(b) all actions, matters, proceedings or things instituted under the repealed Ordinance and pending on the day preceding the appointed date shall be deemed, with effect from the appointed date to be proceedings instituted by or against the Authority and may be enforced accordingly ;

(c) all decrees or orders entered by any court or tribunal under the repealed Ordinance shall be deemed with effect from the appointed date to be decrees or orders entered by or against the Authority and may be enforced accordingly ;

- (d) all declarations, notifications, licences and orders made or issued under the repealed Ordinance and subsisting on the day immediately preceding the appointed date, shall be deemed with effect from the appointed date to be declarations, notifications, licences and orders made or issued under the provisions of this Act and shall be construed accordingly.

91. 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.

92. In this Act, unless the context otherwise requires — Interpretation.

"carriageway" means the travel way of a road, a public road or a national highway designed for use by vehicular traffic and does not include the shoulder and verge ;

"centre of the national highway for a single carriageway" means the centre of the carriageway as determined in the survey plan or as determined by the Executive Engineer at the site ;

"centre of the national highway for a dual carriageway" means the centre of the centre median of the national highway ;

"Chief Engineer" means the Chief Engineer of the Road Development Authority designated under the Road Development Authority (Special Provisions) Act, No. 5 of 1988 ;

"Director-General" means the Director-General of the Road Development Authority appointed under section 12 of the Road Development Authority Act, No 73 of 1981 ;

"Executive Engineer" means the Executive Engineer of the Road Development Authority for any division designated under the Road Development Authority (Special Provisions) Act, No. 5 of 1988 ;

"inter changes" means the points along an expressway or a restricted access highway at which access may be gained by motor vehicles to or from other public roads ;

"prescribed" means prescribed by regulation made by the Minister in charge of the subject ;

"Provincial Director" means the Provincial Director of the Road Development Authority for any Province ;

"public road" means any road intended for normal motor vehicular traffic including national highways, except the streets within a Town Plan area or Municipality Plan area ;

"reservation" in relation to a road, a public road or national highways means all land adjoining and beyond the drains or the verge of a public road or highway or national highway which has been reserved for its safety, protection and benefit and for the future development of the road, public road or national highway ;

"right of way" includes the carriageway, shoulders, verge drains and the reservations of a road or public road or national highway ;

"road" includes —

- (a) all public carriageways, fly overs, viaducts, interchanges, cart ways and pathways, as well as all bridges, drains and embankments, causeways and ditches belonging or appertaining to a road ;

- (b) all land adjoining any road, which has been reserved for its protection or benefit ;
- (c) all land which has been marked off and reserved for the construction of any road ;
and
- (d) all waste land which, not being private property, lies within a distance of ten metres of the centre of public carriageways and cart ways and three metres of the centre of public pathways. (The burden of proving that such waste land is private property lying on the person asserting the same ;)

"Road Development Authority" means Road Development Authority established under the Road Development Authority Act, No. 73 of 1981 and shall be deemed to include any Authority or other body which may be established by or under any written law, in place of the Road Development Authority, or to which the powers in relation to "roads" or any part thereof presently exercised by the Road Development Authority may be transferred ;

"user-fee national highway" means , an expressway, in respect of which a fee is chargeable from the users thereof or part thereof ;

"vehicle" means a conveyance that is designed to be propelled or drawn by any means whether or not it is capable of being so propelled or drawn and includes —

- (a) a bicycle or other pedal powered vehicle ;
and
- (b) a trailer ;

"works" means all road works and shall include —

- (a) works associated with the erection or creation of a structure ;
- (b) creation, modification or felling of a trench ;
- (c) earthwork ;
- (d) interference with land or a structure.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLIHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**CREDIT INFORMATION BUREAU OF
SRI LANKA (AMENDMENT)
ACT, No. 42 OF 2008**

[Certified on 03rd December, 2008]

Printed on the Order of Government

Published as a Supplement to Part II of the **Gazette of the Democratic
Socialist Republic of Sri Lanka** oDecember 05, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 14.00

Postage : Rs. 7.50

*Credit Information Bureau of Sri Lanka
(Amendment) Act, No. 42 of 2008*

[Certified on 03rd December, 2008]

L.D.—O. 39/2005.

AN ACT TO AMEND THE CREDIT INFORMATION BUREAU OF
SRI LANKA ACT, NO. 18 OF 1990.

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

1. This Act may be cited as the Credit Information Bureau of Sri Lanka (Amendment) Act, No. 42 of 2008. Short Title.

2. The Long Title to the Credit Information Bureau of Sri Lanka Act, No. 18 of 1990 (hereinafter referred to as “the principal enactment”) is hereby amended by the substitution for all the words “FROM LENDING INSTITUTIONS” to “WITH A VIEW TO FACILITATING THE” of the following:— Amendment of the Long Title to Act, No.18 of 1990.

“FROM LENDING INSTITUTIONS, CONSUMERS OF CREDIT GRANTING INSTITUTIONS AND FOR THE PROVISION OF THAT INFORMATION ON REQUEST TO THE SHAREHOLDERS OF THE BUREAU AND AUTHORITIES AND INSTITUTIONS ENTITLED TO RECEIVE INFORMATION WITH A VIEW TO FACILITATING THE”.

3. Section 4 of the principal enactment is hereby amended by the substitution for the word “Colombo” wherever it appears in that section, of the word “the Western Province”. Amendment of section 4 of the principal enactment.

4. Section 5 of the principal enactment is hereby amended in subsection (1) of that section by the repeal of paragraphs (vii) and (viii) and the substitution therefor of the following paragraphs:— Amendment of section 5 of the principal enactment.

“(vii) a person nominated by the Monetary Board from amongst persons who are Directors on the Board of Directors of licensed specialized banks ;

2 *Credit Information Bureau of Sri Lanka
(Amendment) Act, No. 42 of 2008*

- (viii) a person elected by the shareholding leasing establishments ; and
- (ix) the person holding office as the General Manager of the Bureau;”.

Replacement of section 6 of the principal enactment.

5. Section 6 of the principal enactment is hereby repealed, and the following section substituted therefor :—

“Functions of the Bureau.

6. The functions of the Bureau shall be—

- (a) to collect, collate and synthesize credit and financial information from the categories of persons or bodies of persons specified in section 7A ;
- (b) to provide credit and financial information, on request to the persons or bodies of persons specified in section 7B ;
- (c) to undertake the function of credit rating and to sell such credit ratings to any foreign and local agencies, or to any person making a request for such ratings ;
- (d) to provide credit scoring of persons on request of lending institutions and credit granting institutions of the Bureau and other value added services in Sri Lanka ;
- (e) to undertake research and training projects for lending institutions who are shareholders of the Bureau, and participating credit granting institutions ; and

- (f) to operate a filing office of secured transactions to register the security interest of movables, if so directed by the government,

with a view to facilitating the distribution of credit to all sectors of the economy and to the informal sector, in particular.”.

6. Section 7 of the principal enactment is hereby amended as follows :—

Amendment of section 7 of the principal enactment.

- (1) by the repeal of paragraphs (a) and (b) of that section and the substitution thereof of the following:—

“(a) to maintain a data bank, of the institutions specified in section 7A ;

(b) to collect, collate and synthesize, credit and financial information from any of the persons referred to in section 7A ;”;

- (2) by the repeal of paragraph (d) of that section and the substitution thereof of the following paragraphs :—

“(d) to furnish credit and financial information or any category of such information or to provide credit scoring or other value added services on request and in confidence, to the persons or body of persons specified on section 7B subject to such terms and conditions as may be determined by the Bureau ;

(dd) to undertake to collect information relating to cheque returns from commercial banks, for the purpose of providing additional services such as decision supporting systems to lending institutions and participating credit granting institutions of the Bureau ;”;

- (3) by the repeal of paragraph (e) of that section and the substitution therefor of the following paragraph :—

“(e) to levy such fees or other charges or require the payment of an identified subscription, for the credit and financial information being furnished or the services being provided ;”;

- (4) by the insertion immediately after paragraph (m) of the following new paragraph :—

“(mm) to enter into agreements for joint ventures for any alliance with any person or company for the effective discharge of the functions set out in section 6 and for carrying on any enterprise providing supporting services for the conduct of its business ;

(mmm) to operate a filing office of secured transactions in order to register the security interest of movables, if so directed by the government with such offer ;”.

Insertion of new sections 7A and 7B of the principal enactment.

7. The following new sections are hereby inserted immediately after section 7 of the principal enactment and shall have effect as sections 7A and 7B of that enactment:—

“Persons or body of persons in respect of whom credit and financial information can be collected.

7A. The Bureau may, in the discharge of its functions under this Act, collect information in respect of,—

- (a) borrowers and prospective borrowers of lending institutions from such institutions ;
- (b) consumers and prospective consumers of credit granting institutions, from such institutions ;

- (c) holders and prospective holders of insurance policies from Insurance Companies and also information in respect of credit granted on the surrender value of such policies ;
- (d) persons from the Commissioner of Registration of Persons falling within the provisions of the Registration of Persons Act, No. 32 of 1968 ;
- (e) firms and partnerships from the Registrars of Business Registration ; and
- (f) companies from the Registrar of Companies, established under the Companies Act, No. 7 of 2007.

Persons to whom the Bureau may give information on request.

7B. (1) The Bureau may, in cases where a request is made to it, in the exercise of its powers, furnish credit and financial information available with it. to the following persons or body of persons :—

- (a) lending institutions who are shareholders of the Bureau for the purposes of evaluating or ascertaining of creditworthiness or credit standing of any person and reviewing and monitoring of existing borrowers and collection of outstanding credit of existing borrowers and opening and maintenance of current accounts by licensed commercial banks ;
- (b) the Central Bank for the purposes of ascertaining the suitability of any person to be appointed or elected or

nominated to be a Director or a Chief Executive Officer of a lending institution and for purposes of regulation and supervision of lending institutions and to improve quality of credit analysis of such institutions ;

- (c) any government agency or institution declared by the Minister in charge of the subject of Finance to be entitled to receive such information to evaluate the creditworthiness of an applicant to be issued a license or provided with a concession in terms of the applicable law to issue a license or to grant such concessions ;
- (d) participating credit granting institutions for the purpose of evaluating and ascertaining of credit worthiness and credit standing of any person and reviewing and monitoring of existing consumers and collection of outstanding credit of existing consumers ;
- (e) borrowers and prospective borrowers of lending institutions or consumers and prospective consumers of credit granting institutions and to any other person to whom such information relates ;
- (f) international Credit Bureaus subject to the consent of the person to whom such information relates ;
- (g) to any insurance company, with the consent of the person to whom the information relates, for the purpose of

underwriting or ascertaining the credit worthiness and insurability of such person ; and

- (h) such other persons or bodies of persons whom the Minister may, on the recommendation of the Monetary Board, from time to time identify for the purposes of this section by Order published in the *Gazette*.

(2) The Bureau may in furnishing such information, impose such terms and conditions as may from time to time be determined by the Board, including the identification of the purposes for which such information may be used.”.

8. Section 10 of the principal enactment is hereby amended by the repeal of subsections (3) and (4), and the substitution thereof of the following :—

Amendment of section 10 of the principal enactment.

“(3) Notwithstanding the provisions of subsection (1) of this section the Board may —

- (a) allocate or transfer shares of the Bureau to lending institutions according to proportion of such issued share capital as may be determined by the Board with the written approval of the Monetary Board ;
- (b) allocate shares to any person engaged in the advancement of technology relating to the activities referred to in paragraphs (a), (b), (c) and (d) of section 6.

(4) The allocation or transfer of shares of the Bureau, after the initial issue of shares shall be determined by the Bureau and made with the written approval of the Monetary Board.

(5) The Monetary Board shall in granting approval for the allotment or transfer of shares of the Bureau under subsection (3) and (4), ensure that at all times—

- (a) the Monetary Board shall retain not less than fifteen *per centum* of the issued share capital of the Bureau ;
- (b) the aggregate shareholding held by the Monetary Board and any other lending institution which is a public corporation shall not be less than fifty one *per centum* of the issued capital of the Bureau ; and
- (c) any lending institution which is not a public corporation or any other person referred to in paragraph (b) of subsection (3) shall not hold more than ten *per centum* of the issued share capital of the Bureau.”.

Replacement of section 12 of the principal enactment.

9. Section 12 of the principal enactment is hereby repealed and the following section substituted therefor :—

“Borrowings by the Board. 12. (1) The Bureau may from time to time borrow sums of money from any lending institution or from any other local or foreign institution on such terms and conditions as may be determined by the Board.

(2) The Bureau may issue debentures or other securities for the purpose of carrying out the functions of the Bureau, in accordance with such terms as may be determined by the Board.

(3) No borrowings by the Bureau under subsection (1) shall be made without the concurrence of the majority of shareholders if the aggregate borrowings of the Bureau were at any time to exceed a sum equivalent to twice the paid up capital of the Bureau.”.

10. The following new section is hereby inserted immediately after section 19 of the principal enactment and shall have effect as section 19A of that enactment :—

Insertion of new section 19A in the principal enactment.

"Annual General Meeting of the Board.

19A. (1) The Board shall hold an Annual General Meeting of the shareholders of the Bureau within nine months after the closure of each financial year of the Bureau.

(2) The annual report and accounts presented by the Bureau shall be considered at that meeting.

(3) The manner of summoning of the Annual General Meeting and the procedure to be followed in the transaction of business at that meeting shall be determined by the Board and published as it may consider appropriate."

11. Sections 21 and 22 of the principal enactment are hereby repealed and the following sections substituted therefore:—

Amendment of sections 21 and 22 of the principal enactment.

"Bureau to call for information.

21. (1) The Bureau or any other person authorized by the Bureau in that behalf may, by notice in writing require any institution specified in section 7 A to furnish information under this Act either to the Bureau or any other person authorized, within such period as shall be specified in the notice, all such information required by that notice.

(2) Notwithstanding anything to the contrary in the respective laws establishing any institution specified in section 7 A or any other law or in any agreement entered into between the consumers or borrowers and such institution, it shall be the duty of any such institution to furnish information under this Act,

or required to furnish in response to a notice under subsection (1) any return or information, to comply with the requirements of such notice within such time as is specified therein.

(3) The Bureau shall not publish or communicate to any person, otherwise than to the extent required for the discharge of its functions under the Act, any information contained in any return furnished in compliance with the requirements of a notice issued under subsection (1).

Duty not to disclose information.

22. (1) No director, officer or servant of the Bureau, shall except for the purpose of this Act or when required to do so by any other written law, disclose any information furnished to the Bureau under this Act or produce before a Court or other Institution, any return or other information furnished to the Bureau under this Act.

(2) No director, officer or servant employed in any institution authorized to receive credit information shall except for the purpose of this Act or when required to do so by any other written law, disclose any information furnished by the Bureau under this Act or produce before a Court or other Institution, any return or other information furnished by the Bureau under this Act.”.

Amendment of section 23 of the principal enactment.

12. Section 23 of the principal enactment is hereby amended in subsection (2), by the substitution for the words “lending institution” of the words “institution authorized to receive credit information”.

Insertion of new sections 26A, 26B and 26C in the principal enactment.

13. The following new sections are hereby inserted immediately after section 26 of the principal enactment and shall have effect as sections 26A, 26B and 26C of that enactment :—

"Bureau to suspend furnishing of credit information.

26A. (1) The Bureau may, if it is satisfied that there is adequate proof that a person being a director, officer or servant of any institution specified in section 7B entitled to receive credit or financial information or other value added services from the Bureau, has committed an offence under paragraphs (a), (b), (c) and (e) of subsection (1) of section 27, make an order to suspend the furnishing of any such information or the provision of any other services, to such institution.

(2) The Bureau shall before making an order under subsection (1), give any institution, mentioned in subsection (1), an opportunity of being heard.

(3) Where the Bureau has decided to withhold the release of credit and financial information or the provision of such other services under the provisions of paragraph (1) above the Bureau shall require such shareholder lending institution if it holds shares in the Bureau, to forthwith transfer the shares held by such institution in the share capital of the Bureau, if any, to the Monetary Board at a consideration determined by the Board.

Financial Ombudsman to hear and determine disputes.

26B. The Financial Ombudsman shall have the sole and exclusive jurisdiction in the first instance to hear and determine any complaint relating to a dispute between the Bureau and any institution referred to in sections 7A and 7B and any person to whom such information relates, in respect of information contained in any credit and financial information issued by the Bureau.

Regulations.

26C. (1) The Minister may make regulations in respect of all matters required by this Act to be prescribed or in respect of which regulations are authorized by this Act to be made.

(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:—

- (a) specifying the Code of Conduct, to be observed by the institutions specified in section 7B;
- (b) setting out the procedure to enable any person to whom the credit and financial information to be released relates to dispute the error records relating to data included in the credit and financial information report and to get those reports corrected if proved to be inaccurate;
- (c) specifying the relevant particulars to be included in different types of reports to be issued by the Bureau relating to credit and financial information to be released, as the Board may consider necessary and such rules and regulations shall not be inconsistent with the provisions of this Act;
- (d) specifying the forms and formats to be used by institutions and persons in furnishing information and returns to the Bureau in terms of this Act.”.

Amendment of section 27 of the principal enactment.

14. Section 27 of the principal enactment is hereby amended as follows :—

(1) In subsection (1) thereof—

- (a) by the repeal of paragraph (c) and the substitution therefor of the following :—

“(c) contravenes the provisions of this Act or any rule or regulation made thereunder;”;

(b) in paragraph (d), by the substitution for the words “Bureau, discloses any information” of the words “Bureau, or any Joint Venture or alliance discloses any information”;

(c) by the repeal of paragraph (e) and the substitution therefor of the following :—

“(e) being a director, officer or servant of any institution specified in section 7B entitled to receive information from the Bureau discloses any credit or financial information obtained by such institution from the Bureau to any person for any purpose other than a purpose for which he is authorized to disclose such information by this Act;”;

(2) in subsection (2), by the substitution for the words “not exceeding one hundred thousand rupees” of the words “not exceeding one million rupees”.

(3) in subsection (4), by the substitution for the words and figures “under section 27 (1) (a) or (b) was committed, compound such offence for a sum not exceeding fifty thousand rupees” of the words and figures “under subsection (1) was committed, compound that offence for a sum not exceeding one million rupees”.

15. Section 29 of the principal enactment is hereby amended as follows:—

Amendment of section 29 of the principal enactment.

(1) by the insertion, immediately before the definition of the expression “ Bank of Ceylon”, of the following new definitions :—

*Credit Information Bureau of Sri Lanka
(Amendment) Act, No. 42 of 2008*

“associate member” means any institution specified in Section 7B of this Act which has entered into subscription agreement with the Bureau on terms and conditions relating to payments of fees and other terms regarding the authority by the Bureau to release credit and financial information and the provision of other services;

“borrower” means any person to whom any credit limit has been granted by any Lending Institution, either availed of or not, and includes—

- (a) in the case of a company or corporation, its subsidiaries and its Associate Companies;
- (b) in the case of a firm, owner or any partner thereof or any person who was a partner during the preceding two years; and
- (c) in the case of an individual, any firm in which such individual is a partner, proprietor or was a partner during the preceding two years.

- (2) by the insertion immediately after the definition of the expression “Central Bank”, of the following definition:—

“credit information” means any information relating to—

- (i) details of credit facilities granted by a lending institution to any borrower or class of borrowers;
- (ii) the nature of security taken by a lending institution from any borrower or class of borrowers as the case may be for credit facilities granted to any borrower or class of borrowers;

- (iii) the guarantee or any other fund based facility furnished by a lending institution for any of its constituent or any class of its constituents;
- (iv) any guarantees furnished by the borrowers and consumers on behalf of himself or any other person to a lending institution or a credit granting institution;
- (v) details of credit facilities granted by a credit granting institution to a consumer;
- (vi) the means, antecedents, history of credit transactions and the credit worthiness of any borrower or class of borrowers or consumers;
- (vii) history of any credit facility for a limited or unlimited period depending on the nature of such credit facility or class of credit facilities as determined by the Board of Directors from time to time;
- (viii) the particulars relating to cheque returns of any constituent of a commercial bank for bank for a period of two years from the date of return of such cheque;
- (ix) any other information which the Bureau may consider to be relevant for the more orderly regulation of credit policy;
- (x) details of concessions granted to any person by a government agency during a period of two years;

- (xi) details of insurance policies payable in instalments provided by insurance companies;
- (xii) details of requests made by any institution entitled to receive credit and financial information or the person to whom such information relates;
- (xiii) a credit score,

and includes persons name, date of birth or registration of birth, identity card number, past and current addresses, contact details, marital status, name of spouse, past and current employment/business, details and other related information relevant to persons' identity;

“credit granting institution” means any institution providing goods and services or utility services on credit and declared by the Minister in charge of the subject Finance on the recommendation of the Board having regard to the impact of the provision of such goods, services and utilities on credit, on the National Economy, by Order published in the *Gazette*;”;

- (3) by the repeal of the definition of the expression “Development Finance Corporation of Ceylon”;
- (4) by the insertion, immediately after the definition of the expression “Finance Company”, of the following new definitions :—

“finance leasing establishment” means a Finance Leasing Establishment within the meaning of Finance Leasing Act, No. 56 of 2000;

“financial information” means data extracted from the balance sheet, the profit and loss account, statement of income and other accounts maintained by a company or other business registered under the Business Registration Ordinance (Chapter 149), which have been audited by a qualified auditor registered with the Institute of Chartered Accountants of Sri Lanka;

“Financial Ombudsman” means the person holding office under the corporate body by the name Financial Ombudsman of Sri Lanka (Guarantee) Ltd. incorporated under the Companies Act, No. 7 of 2007;

“Insurance Company” means a company registered under the Regulation of Insurance Industry Act, No. 43 of 2000;

“lending institution” means—

- (a) a licensed commercial bank;
- (b) a licensed specialized bank;
- (c) a finance company;
- (d) a finance leasing establishment;
- (e) a Special Purpose Vehicle in which any institution referred to in (a), (b), (c), or (d) above, owns ninety *per centum* (90%) of the share capital;
- (f) any other institution, engaged in providing credit, declared by the Minister in charge of the subject of

Finance, on the recommendation of the Board having regard to the financial stability of that institution, by Order published in the *Gazette*, to be a lending institution for the purposes of this Act;”;

- (5) by the repeal of the definition of the expression “lending institution”.
- (6) by the insertion, immediately after the definition of the expression “licensed commercial bank” of the following :—

“licensed specialized bank” means a licensed specialized bank within the meaning of the Banking Act, No. 30 of 1988 ;

- (7) by the repeal of the definition of the expressions “National Development Bank of Sri Lanka” and “National Savings Bank”;
- (8) by the insertion, immediately after the definition of the expression “People’s Bank” of the following:—

“participating credit granting institution” means a credit granting institution which has entered into an agreement with the Bureau to be Associate Member of the Bureau;

“Special Purpose Vehicle” means a body corporate or unincorporate, including a trust, established solely for the purpose of securitization and activities connected therewith or incidental thereto;

“value added services” means the provision of additional information or statistic by using information collected from Institutions

referred to in section 7A of this Act, or in terms of any other written law with a view to facilitating the use of credit and financial information for permissible purposes by the institutions eligible to receive such information or minimizing the possible frauds and defaults of credit and the provision of statistical or market trend analysis reports;”;

16. 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.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, NO. 163, KIRULAPONA M^AWATHA, P^OLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

APPROPRIATION ACT, No. 43 OF 2008

[Certified on 08th December, 2008]

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 December 11, 2008

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 24.00

Postage : Rs. 12.50

Appropriation Act, No. 43 of 2008

[Certified on 08th December, 2008]

L.D.—O. 42 /2008.

AN ACT TO PROVIDE FOR THE SERVICE OF THE FINANCIAL YEAR 2009 ; TO AUTHORISE THE RAISING OF LOANS IN OR OUTSIDE SRI LANKA, FOR THE PURPOSE OF SUCH SERVICE ; TO MAKE FINANCIAL PROVISION IN RESPECT OF CERTAIN ACTIVITIES OF THE GOVERNMENT DURING THAT FINANCIAL YEAR ; TO ENABLE THE PAYMENT BY WAY OF ADVANCES OUT OF THE CONSOLIDATED FUND OR ANY OTHER FUND OR MONEYS OF, OR AT THE DISPOSAL, OF THE GOVERNMENT, OF MONEYS REQUIRED DURING THAT FINANCIAL YEAR FOR EXPENDITURE ON SUCH ACTIVITIES ; TO PROVIDE FOR THE REFUND OF SUCH MONEYS TO THE CONSOLIDATED FUND AND TO MAKE PROVISION FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

1. This Act may be cited as the Appropriation Act, No. 43 of 2008. Appropriation for financial year, 2009.

2. (1) Without prejudice to any other law authorising any expenditure and subject to the provisions of subsection (4) of this section, the expenditure of the Government which it is estimated will be rupees one thousand and twenty two billion one hundred and fifty nine million four hundred and sixty thousand for the service of the period beginning on January 1, 2009 and ending on December 31, 2009 (in this Act referred to as the “financial year 2009”), shall be met —

- (a) from payments which are hereby authorised to be made out of the Consolidated Fund or any other fund or moneys of or at the disposal of the Government ; and
- (b) from the proceeds of loans which are hereby authorised to be raised whether in or outside Sri Lanka, for and on behalf of the Government, so however that the aggregate of such proceeds does not exceed rupees eight hundred and forty thousand million.

(2) The sum of rupees one thousand and twenty two billion one hundred and fifty nine million four hundred and sixty thousand referred to in subsection (1), may be expended as specified in the First Schedule to this Act.

(3) The provisions of subsection (1) shall have effect without prejudice to the provisions of any other written law, authorising the raising of loans for and on behalf of the Government.

(4) The estimated expenditure of the Government authorized by law to be charged on the Consolidated Fund, will be rupees seven hundred and thirty eight thousand seven hundred and seventy nine million five hundred and sixty eight thousand, for the service of the period beginning on January 1, 2009 and ending on December 31, 2009. The Expenditure Heads and the law under which such expenditure is authorized to be made, are as specified in the Second Schedule to this Act.

Financial provisions in respect of certain activities of the Government for the financial year 2009.

3. (1) The receipts of the Government during the financial year 2009, from each activity specified in Column I of the Third Schedule to this Act shall be credited to the account of such activity, but the aggregate of receipts so credited shall be not less than the minimum limit specified in the corresponding entry in Column III of that Schedule. The net surplus, if any, of such activity, shall be paid to the Consolidated Fund before the expiry of six months after the close of the financial year 2009.

(2) For the purpose of determining the net surplus under subsection (1), the following charges shall be set off against the revenue of each activity :—

- (a) the working, establishment and other expenses of the activity whether paid or accrued, properly chargeable to the revenue of the activity ; and
- (b) provision to cover the depreciation of the movable and immovable property of the activity.

(3) The expenditure incurred by the Government during the financial year 2009 on each activity specified in Column I of the Third Schedule to this Act, shall be paid out of the receipts of the Government from such activity during that financial year, but such expenditure shall not exceed the maximum limit specified in the corresponding entry in Column II of that Schedule.

(4) The debit balance outstanding at the end of the financial year 2009 of any activity specified in Column I of the Third Schedule to this Act, shall not exceed the maximum limit specified in the corresponding entry in Column IV of that Schedule and the total liabilities of that activity at the end of that financial year, shall not exceed the maximum limit specified in the corresponding entry in Column V of that Schedule.

4. Whenever at any time during the financial year 2009, the receipts of the Government from any activity specified in Column I of the Third Schedule to this Act are insufficient to meet the expenditure incurred by the Government on such activity, the Minister may from time to time by Order, direct that such sums as he may deem necessary to meet such expenditure shall be payable by way of advances, out of the Consolidated Fund or any other fund or moneys of or at the disposal of the Government, so however that the aggregate of the sums so advanced shall not exceed the maximum limit of expenditure specified in the corresponding entry in Column II of that Schedule. Any sum so advanced in respect of such activity shall be refunded to the Consolidated Fund in such manner, as the Minister may by Order direct.

Payment from the Consolidated Fund or any other fund or moneys of or at the disposal of the Government, of advances for expenditure on the activities referred to in section 3, during the financial year 2009.

5. (1) Any moneys which by virtue of the provisions of the First Schedule to this Act, have been allocated to Recurrent Expenditure under any Programme appearing under any Head specified in that Schedule, but have not been expended or are not likely to be expended, may be transferred to the allocation of Capital Expenditure within that Programme or to the allocation of Recurrent Expenditure or Capital Expenditure under any other Programme within that Head, by Order of the Secretary to the Treasury or by Order either of a Deputy Secretary to the Treasury or the

Power to transfer unexpended moneys allocated to Recurrent Expenditure, to another allocation within the same Programme or to another Programme under the same Head of expenditure.

Director General of the National Budget Department, who may be authorized in that behalf by the Secretary to the Treasury.

(2) No moneys allocated to Capital Expenditure under any Programme appearing under any Head specified in the First Schedule to this Act, shall be transferred out of that Programme or to any allocation of Recurrent Expenditure of that Programme.

Money allocated to the "Development Activities" Programme may be transferred to any other Programme under any other Head.

6. (1) Any money allocated to Recurrent Expenditure or Capital Expenditure under the "Development Activities" Programme appearing under the Head "Department of National Budget" specified in the First Schedule, may be transferred subject to guidelines stipulated in printed Budget Estimates approved by Parliament for the relevant year, to any other Programme under any other Head in the Schedule, by Order of the Secretary to the Treasury or by Order either of a Deputy Secretary to the Treasury or the Director-General of the National Budget Department, who may be authorized in that behalf by the Secretary to the Treasury. The money so transferred shall be deemed to be a supplementary allocation made to the particular Ministry, and a report containing the amount of money so transferred and the reasons for the transfer, shall be submitted to Parliament within two months of the date of the said transfer.

(2) Details of all transfers made under subsection (1), including the reasons for such transfers, shall be incorporated in the reports relating to the Government's fiscal performance, which are required to be tabled in Parliament under the Fiscal Management (Responsibility) Act, No. 3 of 2003.

Power of Minister to limit expenditure previously authorized.

7. Where the Minister is satisfied —

(a) that receipts from taxes and other sources will be less than the amounts anticipated to finance authorised expenditure ; or

- (b) that amounts originally appropriated for a particular purpose or purposes are no longer required,

he may with the approval of the Government, withdraw in whole or in part any amounts previously released for expenditure under the authority of a warrant issued by him, from the Consolidated Fund or from any other fund or moneys of or at the disposal of the Government, to meet any authorized expenditure.

8. (1) The Minister with the approval of the Government may, on or before May 31, 2010, by Order vary or alter—

- (a) any of the maximum limits specified in Column II, Column IV and Column V ;
- (b) the minimum limits specified in Column III,

of the Third Schedule to this Act.

(2) No Order made under subsection (1) shall have effect, unless it has been approved by Parliament by Resolution.

(3) Any Order made under subsection (1) shall, if so expressed therein, be deemed to have had effect from such date prior to the date of making such Order, as may be specified therein.

9. Parliament may by Resolution amend the Third Schedule to this Act, by adding to the appropriate Columns of that Schedule any activity and providing for —

- (a) all or any of the maximum limits relating to such activity;
- (b) the minimum limit relating to such activity.

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

Power of Minister to vary the maximum and minimum limits specified in the Third Schedule to this Act.

Power of Parliament to amend the Third Schedule to this Act.

Sinhala text to prevail in case of inconsistency.

FIRST SCHEDULE — Estimate — 2009
Sums Payable for General Services

<i>Head No.</i>		<i>Recurrent Expenditure Rs.</i>	<i>Capital Expenditure Rs.</i>
	Head 1 – 22		
	Recurrent		6,487,958,000
	Capital		4,770,059,000
	Made up as follows :—		
Head 1	His Excellency the President		
	Programme 01 Operational Activities	2,736,313,000	1,164,650,000
	Programme 02 Development Activities	—	3,000,000,000
Head 2	Office of the Prime Minister		
	Programme 01 Operational Activities	156,750,000	39,500,000
Head 3	Judges of the Superior Courts		
	Programme 01 Operational Activities	46,565,000	—
Head 4	Office of the Cabinet of Ministers		
	Programme 01 Operational Activities	33,870,000	10,400,000
Head 5	Parliament		
	Programme 01 Operational Activities	1,347,290,000	150,000,000
Head 6	Office of the Leader of the House of Parliament		
	Programme 01 Operational Activities	19,280,000	1,650,000

Head 7	Office of the Chief Govt. Whip of Parliament			
	Programme 01 Operational Activities	23,655,000	1,100,000	
Head 8	Office of the Leader of the Opposition of Parliament			
	Programme 01 Operational Activities	51,980,000	1,400,000	
Head 11	The Constitutional Council			
	Programme 01 Operational Activities	11,218,000	200,000	
Head 12	Public Service Commission			
	Programme 01 Operational Activities	114,670,000	4,340,000	
Head 13	Judicial Service Commission			
	Programme 01 Operational Activities	33,377,000	2,300,000	
Head 14	National Police Commission			
	Programme 01 Operational Activities	47,625,000	1,300,000	
Head 15	Administrative Appeals Tribunal			
	Programme 01 Operational Activities	11,725,000	275,000	
Head 16	Commission to Investigate Allegations of Bribery or Corruption			
	Programme 01 Operational Activities	119,995,000	56,150,000	
Head 17	Department of Elections			
	Programme 01 Operational Activities	1,068,590,000	30,300,000	
Head 18	Auditor General			
	Programme 01 Operational Activities	501,075,000	233,000,000	
Head 19	Office of the Parliamentary Commissioner for Administration			
	Programme 01 Operational Activities	5,820,000	200,000	

Appropriation Act, No. 43 of 2008

<i>Head No.</i>		<i>Recurrent Expenditure Rs.</i>	<i>Capital Expenditure Rs.</i>
Head 20	Office of the Finance Commission		
	Programme 01 Operational Activities	33,050,000	65,434,000
Head 21	National Education Commission		
	Programme 01 Operational Activities	23,610,000	5,560,000
Head 22	Human Rights Commission of Sri Lanka		
	Programme 01 Operational Activities	101,500,000	2,300,000
	Ministry of Religious Affairs and Moral Upliftment		
	Recurrent	646,847,000	
	Capital	562,655,000	
	Made up as follows :—		
Head 101	Minister of Religious Affairs and Moral Upliftment		
	Programme 01 Operational Activities	70,237,000	305,715,000
Head 201	Department of Buddhist Affairs		
	Programme 01 Operational Activities	25,455,000	95,780,000
	Programme 02 Development Activities	374,655,000	—
Head 202	Department of Muslim Religious and Cultural Affairs		
	Programme 02 Development Activities	35,465,000	80,675,000
Head 203	Department of Christian Religious and Cultural Affairs		
	Programme 02 Development Activities	55,165,000	13,840,000

Head 204	Department of Hindu Religious and Cultural Affairs			
	Programme 02 Development Activities	55,995,000		65,605,000
Head 205	Department of Public Trustee			
	Programme 01 Operational Activities	29,875,000		1,040,000
	Ministry of Finance and Planning			
	Recurrent		35,985,455,000	
	Capital		50,511,895,000	
	Made up as follows :—			
Head 102	Minister of Finance and Planning			
	Programme 01 Operational Activities	1,049,815,000		23,125,000
	Programme 02 Development Activities	—		776,000,000
Head 237	Department of National Planning			
	Programme 01 Operational Activities	75,175,000		101,829,000
Head 238	Department of Fiscal Policy			
	Programme 01 Operational Activities	2,138,767,000		3,175,000
Head 239	Department of External Resources			
	Programme 01 Operational Activities	154,505,000		17,650,000
Head 240	Department of National Budget			
	Programme 01 Operational Activities	61,092,000		44,800,000
	Programme 02 Development Activities	21,725,000,000		28,947,500,000
Head 241	Department of Public Enterprises			
	Programme 01 Operational Activities	34,595,000		7,200,000

<i>Head No.</i>		<i>Recurrent Expenditure Rs.</i>	<i>Capital Expenditure Rs.</i>
Head 242	Department of Management Services		
	Programme 01 Operational Activities	26,731,000	1,796,000
Head 243	Department of Development Finance		
	Programme 01 Operational Activities	601,615,000	400,000
	Programme 02 Development Activities	—	2,200,000,000
Head 244	Department of Trade, Tariff and Investment Policy		
	Programme 01 Operational Activities	620,219,000	320,000
Head 245	Department of Public Finance		
	Programme 01 Operational Activities	64,728,000	2,850,000
Head 246	Department of Inland Revenue		
	Programme 01 Operational Activities	1,448,840,000	670,700,000
Head 247	Sri Lanka Customs		
	Programme 01 Operational Activities	1,618,450,000	1,550,000,000
Head 248	Department of Excise		
	Programme 01 Operational Activities	355,722,000	71,500,000
Head 249	Department of Treasury Operations		
	Programme 01 Operational Activities	5,227,665,000	1,236,650,000
	Programme 02 Development Activities	—	14,466,800,000
Head 250	Department of State Accounts		
	Programme 01 Operational Activities	25,605,000	1,850,000

Head 251	Department of Valuation Programme 01 Operational Activities	174,800,000	48,850,000
Head 252	Department of Census and Statistics Programme 01 Operational Activities	520,500,000	334,800,000
Head 296	Department of Import and Export Control Programme 01 Operational Activities	35,460,000	1,650,000
Head 323	Department of Legal Affairs Programme 01 Operational Activities	4,611,000	1,050,000
Head 324	Department of Management Audit Programme 01 Operational Activities	21,560,000	1,400,000
	Ministry of Defence, Public Security, Law and Order		
	Recurrent		158,370,989,000
	Capital		22,189,050,000
	Made up as follows :—		
Head 103	Minister of Defence, Public Security, Law and Order Programme 01 Operational Activities	1,558,139,000	4,198,600,000
Head 222	Sri Lanka Army Programme 01 Operational Activities	78,343,000,000	5,613,000,000
Head 223	Sri Lanka Navy Programme 01 Operational Activities	22,567,700,000	4,860,000,000
Head 224	Sri Lanka Air Force Programme 01 Operational Activities	16,000,000,000	4,500,000,000

Head No.		Recurrent Expenditure Rs.	Capital Expenditure Rs.
Head 225	Department of Police		
	Programme 01 Operational Activities	32,799,300,000	2,766,000,000
Head 320	Department of Civil Security		
	Programme 01 Operational Activities	7,062,500,000	242,000,000
Head 325	Coast Guard Department of Sri Lanka		
	Programme 01 Operational Activities	40,350,000	9,450,000
	Ministry of Plan Implementation		
	Recurrent	163,695,000	
	Capital	31,175,000	
	Made up as follows :—		
Head 104	Minister of Plan Implementation		
	Programme 01 Operational Activities	113,225,000	11,125,000
Head 280	Department of Foreign Aid and Budget Monitoring		
	Programme 02 Development Activities	50,470,000	20,050,000
	Ministry of Nation Building and Estate Infrastructure Development		
	Recurrent	20,557,076,000	
	Capital	47,175,562,000	
	Made up as follows :—		
Head 105	Minister of Nation Building and Estate Infrastructure Development		
	Programme 01 Operational Activities	29,253,000	2,200,000
	Programme 02 Development Activities	8,832,936,000	47,169,262,000

Head 218	Department of Commissioner General of Samurdhi			
	Programme 01	Operational Activities	11,681,150,000	3,200,000
Head 305	Department of Up-Country Peasantry Rehabilitation			
	Programme 02	Development Activities	13,737,000	900,000
	Ministry of Disaster Management and Human Rights			
	Recurrent		362,725,000	
	Capital		1,637,760,000	
	Made up as follows :—			
Head 106	Minister of Disaster Management and Human Rights			
	Programme 01	Operational Activities	95,034,000	78,000,000
	Programme 02	Development Activities	117,900,000	1,336,560,000
Head 304	Department of Meteorology			
	Programme 02	Development Activities	149,791,000	223,200,000
	Ministry of Tourism			
	Recurrent		101,929,000	
	Capital		1,808,622,000	
	Made up as follows :—			
Head 107	Minister of Tourism			
	Programme 01	Operational Activities	101,929,000	5,622,000
	Programme 02	Development Activities	—	1,803,000,000

Head No.		Recurrent Expenditure Rs.	Capital Expenditure Rs.
	Ministry of Post and Telecommunication		
	Recurrent	6,822,635,000	
	Capital	242,042,000	
	Made up as follows :—		
Head 108	Minister of Post and Telecommunication		
	Programme 01 Operational Activities	81,635,000	12,952,000
	Programme 02 Development Activities	20,000,000	75,000,000
Head 308	Department of Posts		
	Programme 01 Operational Activities	6,721,000,000	154,090,000
	Ministry of Justice and Law Reforms		
	Recurrent	6,247,090,000	
	Capital	1,929,135,000	
	Made up as follows :—		
Head 110	Minister of Justice and Law Reforms		
	Programme 01 Operational Activities	327,278,000	211,900,000
	Programme 02 Development Activities	—	50,100,000
Head 228	Courts Administration		
	Programme 01 Operational Activities	2,504,170,000	1,017,410,000

Head 229	Department of Attorney General			
	Programme 01 Operational Activities	380,910,000	33,500,000	
Head 230	Department of Legal Draftsman			
	Programme 01 Operational Activities	46,010,000	66,500,000	
Head 231	Department of Debt Conciliation Board			
	Programme 01 Operational Activities	5,806,000	175,000	
Head 232	Department of Prisons			
	Programme 01 Operational Activities	2,831,700,000	278,200,000	
Head 233	Department of Government Analyst			
	Programme 01 Operational Activities	69,145,000	256,700,000	
Head 234	Registrar of Supreme Court			
	Programme 01 Operational Activities	71,106,000	10,850,000	
Head 235	Department of Law Commission			
	Programme 01 Operational Activities	10,965,000	3,800,000	
	Ministry of Healthcare and Nutrition			
	Recurrent	43,990,864,000		
	Capital	15,009,030,000		
	Made up as follows :—			
Head 111	Minister of Healthcare and Nutrition			
	Programme 01 Operational Activities	39,098,946,000	1,020,210,000	
	Programme 02 Development Activities	4,891,918,000	13,988,820,000	

Head No.		Recurrent Expenditure Rs.	Capital Expenditure Rs.
	Ministry of Foreign Affairs		
	Recurrent Capital		4,815,863,000
			806,255,000
	Made up as follows :—		
Head 112	Minister of Foreign Affairs		
	Programme 01 Operational Activities	117,143,000	8,255,000
	Programme 02 Development Activities	4,698,720,000	798,000,000
	Ministry of Ports and Aviation		
	Recurrent Capital		255,991,000
			36,756,209,000
	Made up as follows :—		
Head 113	Minister of Ports and Aviation		
	Programme 01 Operational Activities	255,991,000	9,420,000
	Programme 02 Development Activities	—	36,746,789,000
	Ministry of Transport		
	Recurrent Capital		14,301,852,000
			14,760,350,000
	Made up as follows :—		
Head 114	Minister of Transport		
	Programme 01 Operational Activities	123,630,000	70,600,000
	Programme 02 Development Activities	4,075,000,000	3,969,250,000

Head 306	Department of Sri Lanka Railways Programme 02 Development Activities	9,392,193,000	9,439,000,000
Head 307	Department of Motor Traffic Programme 02 Development Activities	711,029,000	1,281,500,000
	Ministry of Petroleum and Petroleum Resources Development		
	Recurrent	136,080,000	
	Capital	305,610,000	
	Made up as follows :—		
Head 115	Minister of Petroleum and Petroleum Resources Development Programme 01 Operational Activities	136,080,000	305,610,000
	Ministry of Trade, Marketing Development, Co-operatives and Consumer Services		
	Recurrent	709,485,000	
	Capital	1,070,253,000	
	Made up as follows :—		
Head 116	Minister of Trade, Marketing Development, Co-operatives and Consumer Services Programme 01 Operational Activities	489,939,000	935,413,000
Head 297	Department of the Registrar of Companies Programme 01 Operational Activities	24,550,000	—
Head 298	Department of Measurement Units, Standards and Services Programme 01 Operational Activities	49,875,000	102,000,000
Head 299	National Intellectual Property Office of Sri Lanka Programme 01 Operational Activities	14,360,000	—

Head No.		Recurrent Expenditure Rs.	Capital Expenditure Rs.
Head 300	Department of Food Commissioner		
	Programme 01 Operational Activities	81,385,000	26,775,000
Head 301	Department of Co-operative Development (Registrar of Co-operative Societies)		
	Programme 01 Operational Activities	40,351,000	5,820,000
Head 302	Co-operative Employees Commission		
	Programme 01 Operational Activities	9,025,000	245,000
	Ministry of Highways and Road Development		
	Recurrent	123,883,000	
	Capital	77,004,625,000	
	Made up as follows :—		
Head 117	Minister of Highways and Road Development		
	Programme 01 Operational Activities	123,883,000	14,225,000
	Programme 02 Development Activities	—	76,990,400,000
	Ministry of Agricultural Development and Agrarian Services		
	Recurrent	32,081,817,000	
	Capital	11,334,885,000	
	Made up as follows :—		
Head 118	Minister of Agricultural Development and Agrarian Services		
	Programme 01 Operational Activities	257,705,000	20,950,000
	Programme 02 Development Activities	27,429,625,000	10,298,085,000

Head 281	Department of Agrarian Development		
	Programme 01 Operational Activities	161,810,000	38,500,000
	Programme 02 Development Activities	2,399,200,000	245,500,000
Head 285	Department of Agriculture		
	Programme 01 Operational Activities	194,080,000	17,750,000
	Programme 02 Development Activities	1,408,340,000	377,300,000
Head 289	Department of Export Agriculture		
	Programme 02 Development Activities	231,057,000	336,800,000
	Ministry of Power and Energy		
	Recurrent		1,635,930,000
	Capital		36,405,375,000
	Made up as follows :—		
Head 119	Minister of Power and Energy		
	Programme 01 Operational Activities	1,635,930,000	355,375,000
	Programme 02 Development Activities	—	36,050,000,000
	Ministry of Child Development and Women's Empowerment		
	Recurrent		986,808,000
	Capital		240,210,000
	Made up as follows :—		
Head 120	Minister of Child Development and Women's Empowerment		
	Programme 01 Operational Activities	200,840,000	132,550,000
	Programme 02 Development Activities	644,927,000	99,610,000

<i>Head No.</i>		<i>Recurrent Expenditure Rs.</i>	<i>Capital Expenditure Rs.</i>
Head 217	Department of Probation and Child Care Services		
	Programme 01 Operational Activities	11,994,000	825,000
	Programme 02 Development Activities	129,047,000	7,225,000
	Ministry of Public Administration and Home Affairs		
	Recurrent	89,460,000,000	
	Capital	2,575,000,000	
	Made up as follows :—		
Head 121	Minister of Public Administration and Home Affairs		
	Programme 01 Operational Activities	464,300,000	787,000,000
Head 253	Department of Pensions		
	Programme 01 Operational Activities	80,875,600,000	16,350,000
Head 254	Department of Registrar General		
	Programme 01 Operational Activities	448,875,000	107,200,000
Head 255	District Secretariat, Colombo		
	Programme 01 Operational Activities	360,170,000	161,575,000
Head 256	District Secretariat, Gampaha		
	Programme 01 Operational Activities	490,925,000	36,400,000
Head 257	District Secretariat, Kalutara		
	Programme 01 Operational Activities	402,410,000	30,400,000
Head 258	District Secretariat, Kandy		
	Programme 01 Operational Activities	548,165,000	61,700,000

Head 259	District Secretariat, Matale Programme 01 Operational Activities	287,075,000	42,500,000
Head 260	District Secretariat, Nuwara-Eliya. Programme 01 Operational Activities	215,250,000	199,525,000
Head 261	District Secretariat, Galle Programme 01 Operational Activities	489,525,000	55,400,000
Head 262	District Secretariat, Matara Programme 01 Operational Activities	389,375,000	47,650,000
Head 263	District Secretariat, Hambantota Programme 01 Operational Activities	308,915,000	55,800,000
Head 264	District Secretariat, Kachcheri - Jaffna Programme 01 Operational Activities	257,800,000	41,950,000
Head 265	District Secretariat, Kachcheri - Mannar Programme 01 Operational Activities	72,965,000	37,550,000
Head 266	District Secretariat, Kachcheri - Vavuniya Programme 01 Operational Activities	86,685,000	29,100,000
Head 267	District Secretariat, Kachcheri - Mullaitivu Programme 01 Operational Activities	65,950,000	16,400,000
Head 268	District Secretariat, Kachcheri - Killinnochchi Programme 01 Operational Activities	71,425,000	23,950,000
Head 269	District Secretariat, Kachcheri - Batticaloa. Programme 01 Operational Activities	240,480,000	44,950,000

<i>Head No.</i>		<i>Recurrent Expenditure Rs.</i>	<i>Capital Expenditure Rs.</i>
Head 270	District Secretariat, Ampara Programme 01 Operational Activities	404,690,000	105,200,000
Head 271	District Secretariat, Kacheheri - Trincomalee Programme 01 Operational Activities	160,875,000	32,350,000
Head 272	District Secretariat, Kurunegala Programme 01 Operational Activities	763,465,000	81,150,000
Head 273	District Secretariat, Puttalam Programme 01 Operational Activities	315,850,000	75,300,000
Head 274	District Secretariat, Anuradhapura Programme 01 Operational Activities	392,075,000	48,150,000
Head 275	District Secretariat, Polonnaruwa Programme 01 Operational Activities	183,225,000	50,600,000
Head 276	District Secretariat, Badulla Programme 01 Operational Activities	325,225,000	123,550,000
Head 277	District Secretariat, Monaragala Programme 01 Operational Activities	221,800,000	163,450,000
Head 278	District Secretariat, Ratnapura Programme 01 Operational Activities	341,105,000	44,550,000
Head 279	District Secretariat, Kegalle Programme 01 Operational Activities	275,800,000	55,300,000

Ministry of Mass Media and Information
 Recurrent 1,400,305,000
 Capital 492,850,000

Made up as follows :—

Head 122	Minister of Mass Media and Information		
	Programme 01	Operational Activities	27,700,000
	Programme 02	Development Activities	220,000,000
Head 210	Department of Information		
	Programme 01	Operational Activities	120,150,000
Head 211	Department of Government Printer		
	Programme 01	Operational Activities	125,000,000

Ministry of Urban Development and Sacred Area
 Development 286,563,000
 Recurrent 10,010,048,000
 Capital

Made up as follows :—

Head 123	Minister of Urban Development and Sacred Area Development		
	Programme 01	Operational Activities	9,548,000
	Programme 02	Development Activities	9,403,000,000
Head 311	Department of National Physical Planning		
	Programme 01	Operational Activities	2,500,000
	Programme 02	Development Activities	595,000,000

Head No.	Ministry of Social Services and Social Welfare	Recurrent Expenditure Rs.	Capital Expenditure Rs.
	Ministry of Social Services and Social Welfare		
	Recurrent Capital	669,208,000	
	Capital	204,150,000	
	Made up as follows :—		
Head 124	Minister of Social Services and Social Welfare		
	Programme 01 Operational Activities	233,854,000	23,900,000
	Programme 02 Development Activities	147,002,000	130,300,000
Head 216	Department of Social Services		
	Programme 01 Operational Activities	84,777,000	22,900,000
	Programme 02 Development Activities	203,575,000	27,050,000
	Ministry of Housing and Common Amenities		
	Recurrent Capital	108,406,000	
	Capital	889,375,000	
	Made up as follows :—		
Head 125	Minister of Housing and Common Amenities		
	Programme 01 Operational Activities	107,406,000	7,375,000
	Programme 02 Development Activities	1,000,000	882,000,000
	Ministry of Education		
	Recurrent Capital	22,639,414,000	
	Capital	4,619,850,000	
	Made up as follows :—		
Head 126	Minister of Education		
	Programme 01 Operational Activities	333,245,000	99,300,000
	Programme 02 Development Activities	20,832,887,000	4,404,250,000

Head 212	Department of Examinations			
	Programme 02	Development Activities	1,450,250,000	65,000,000
Head 213	Department of Educational Publications			
	Programme 02	Development Activities	23,032,000	51,300,000
	Ministry of Labour Relations and Manpower			
	Recurrent			1,105,554,000
	Capital			431,700,000
	Made up as follows :—			
Head 127	Minister of Labour Relations and Manpower			
	Programme 01	Operational Activities	91,438,000	62,800,000
	Programme 02	Development Activities	220,408,000	61,025,000
Head 221	Department of Labour			
	Programme 01	Operational Activities	421,460,000	118,900,000
	Programme 02	Development Activities	372,248,000	188,975,000
	Ministry of Rural Industries and Self Employment			
	Promotion			
	Recurrent			448,330,000
	Capital			171,450,000
	Made up as follows :—			
Head 128	Minister of Rural Industries and Self Employment			
	Programme 01	Operational Activities	448,330,000	38,450,000
	Programme 02	Development Activities	—	133,000,000

Head No.		Recurrent Expenditure Rs.	Capital Expenditure Rs.
	Ministry of Vocational and Technical Training		
	Recurrent	2,412,712,000	
	Capital	2,227,675,000	
	Made up as follows :—		
Head 129	Minister of Vocational and Technical Training		
	Programme 01 Operational Activities	110,862,000	13,850,000
	Programme 02 Development Activities	1,483,750,000	1,885,825,000
Head 215	Department of Technical Education and Training		
	Programme 01 Operational Activities	95,300,000	10,300,000
	Programme 02 Development Activities	722,800,000	317,700,000
	Ministry of Local Government and Provincial Councils		
	Recurrent	78,182,310,000	
	Capital	32,354,920,000	
	Made up as follows :—		
Head 130	Minister of Local Government and Provincial Councils		
	Programme 01 Operational Activities	182,310,000	503,700,000
	Programme 02 Development Activities	—	7,872,500,000
Head 312	Western Provincial Council		
	Programme 01 Operational Activities	1,922,620,000	—
	Programme 02 Development Activities	—	2,235,696,000

Head 313	Central Provincial Council		
	Programme 01 Operational Activities	12,176,120,000	—
	Programme 02 Development Activities	—	3,017,764,000
Head 314	Southern Provincial Council		
	Programme 01 Operational Activities	10,297,920,000	—
	Programme 02 Development Activities	—	2,152,513,000
Head 315	Northern Provincial Council		
	Programme 01 Operational Activities	8,348,664,000	—
	Programme 02 Development Activities	—	2,209,112,000
Head 316	North Western Provincial Council		
	Programme 01 Operational Activities	12,293,900,000	—
	Programme 02 Development Activities	—	1,899,689,000
Head 317	North Central Provincial Council		
	Programme 01 Operational Activities	6,270,402,000	—
	Programme 02 Development Activities	—	1,997,896,000
Head 318	Uva Provincial Council		
	Programme 01 Operational Activities	7,906,644,000	—
	Programme 02 Development Activities	—	2,709,976,000
Head 319	Sabaragamuwa Provincial Council		
	Programme 01 Operational Activities	8,892,820,000	—
	Programme 02 Development Activities	—	2,673,529,000
Head 321	Eastern Provincial Council		
	Programme 01 Operational Activities	9,890,910,000	—
	Programme 02 Development Activities	—	5,082,545,000

Head No.	Description	Recurrent Expenditure Rs.	Capital Expenditure Rs.
	Ministry of Enterprise Development and Investment Promotion		
	Recurrent	203,835,000	
	Capital		1,569,910,000
	Made up as follows :—		
Head 132	Minister of Enterprise Development and Investment Promotion		
	Programme 01 Operational Activities	144,760,000	1,444,210,000
	Programme 02 Development Activities	59,075,000	125,700,000
	Ministry of Science and Technology		
	Recurrent	1,079,768,000	
	Capital		2,010,160,000
	Made up as follows :—		
Head 133	Minister of Science and Technology		
	Programme 01 Operational Activities	144,380,000	9,750,000
	Programme 02 Development Activities	935,388,000	2,000,410,000
	Ministry of Constitutional Affairs and National Integration		
	Recurrent	229,385,000	
	Capital		168,525,000
	Made up as follows :—		
Head 134	Minister of Constitutional Affairs and National Integration		
	Programme 01 Operational Activities	108,830,000	108,100,000
	Programme 02 Development Activities	62,470,000	11,275,000

Head 236	Department of Official Languages			
	Programme 01	Operational Activities	58,085,000	49,150,000
	Ministry of Plantation Industries			
		Recurrent	1,708,883,000	
		Capital	3,296,250,000	
	Made up as follows :—			
Head 135	Minister of Plantation Industries			
	Programme 01	Operational Activities	94,791,000	16,550,000
	Programme 02	Development Activities	1,455,942,000	2,868,350,000
Head 293	Department of Rubber Development			
	Programme 02	Development Activities	158,150,000	411,350,000
	Ministry of Sports and Public Recreation			
		Recurrent	790,544,000	
		Capital	1,186,950,000	
	Made up as follows :—			
Head 136	Minister of Sports and Public Recreation			
	Programme 01	Operational Activities	92,375,000	5,560,000
	Programme 02	Development Activities	103,220,000	148,550,000
Head 219	Department of Sports Development			
	Programme 01	Operational Activities	75,058,000	650,000
	Programme 02	Development Activities	265,465,000	687,140,000

<i>Head No.</i>		<i>Recurrent Expenditure Rs.</i>	<i>Capital Expenditure Rs.</i>
Head 294	Department of National Zoological Gardens		
	Programme 02 Development Activities	117,511,000	222,350,000
Head 322	Department of National Botanical Gardens		
	Programme 02 Development Activities	136,915,000	122,500,000
	Ministry of Indigenous Medicine		
	Recurrent		797,544,000
	Capital		1,102,095,000
	Made up as follows :—		
Head 138	Minister of Indigenous Medicine		
	Programme 01 Operational Activities	150,399,000	102,850,000
	Programme 02 Development Activities	—	104,000,000
Head 220	Department of Ayurveda		
	Programme 01 Operational Activities	182,156,000	33,400,000
	Programme 02 Development Activities	464,989,000	861,845,000
	Ministry of Fisheries and Aquatic Resources		
	Recurrent		970,650,000
	Capital		6,684,968,000
	Made up as follows :—		
Head 139	Minister of Fisheries and Aquatic Resources		
	Programme 01 Operational Activities	128,500,000	15,400,000
	Programme 02 Development Activities	504,700,000	6,413,568,000

Head 290	Department of Fisheries and Aquatic Resources		
	Programme 01 Operational Activities	226,860,000	63,775,000
Head 291	Department of Coast Conservation		
	Programme 01 Operational Activities	110,590,000	192,225,000
	Ministry of Livestock Development		
	Recurrent		401,830,000
	Capital		959,965,000
	Made up as follows :—		
Head 140	Minister of Livestock Development		
	Programme 01 Operational Activities	105,750,000	24,465,000
	Programme 02 Development Activities	13,345,000	353,900,000
Head 292	Department of Animal Production and Health		
	Programme 01 Operational Activities	77,300,000	22,500,000
	Programme 02 Development Activities	205,435,000	559,100,000
	Ministry of Cultural Affairs and National Heritage		
	Recurrent		1,255,384,000
	Capital		1,847,100,000
	Made up as follows :—		
Head 142	Minister of Cultural Affairs and National Heritage		
	Programme 01 Operational Activities	128,615,000	7,875,000
	Programme 02 Development Activities	446,815,000	1,559,575,000

<i>Head No.</i>		<i>Recurrent Expenditure Rs.</i>	<i>Capital Expenditure Rs.</i>
Head 206	Department of Cultural Affairs		
	Programme 01 Operational Activities	48,030,000	2,020,000
	Programme 02 Development Activities	167,445,000	109,520,000
Head 207	Department of Archaeology		
	Programme 01 Operational Activities	35,225,000	3,525,000
	Programme 02 Development Activities	297,655,000	42,700,000
Head 208	Department of National Museums		
	Programme 01 Operational Activities	16,289,000	1,010,000
	Programme 02 Development Activities	70,027,000	36,150,000
Head 209	Department of National Archives		
	Programme 01 Operational Activities	19,215,000	4,875,000
	Programme 02 Development Activities	26,068,000	79,850,000
	Ministry of Parliamentary Affairs		
	Recurrent	292,975,000	
	Capital		34,550,000
	Made up as follows :—		
Head 143	Minister of Parliamentary Affairs		
	Programme 01 Operational Activities	292,975,000	34,550,000

Ministry of Re-settlement and Disaster Relief Services
 Recurrent 2,404,881,000
 Capital 2,545,225,000

Made up as follows :—

Head 145 Minister of Re-settlement and Disaster Relief Services
 Programme 01 Operational Activities 161,300,000
 Programme 02 Development Activities 2,383,925,000

Ministry of Industrial Development
 Recurrent 345,371,000
 Capital 926,825,000

Made up as follows :—

Head 149 Minister of Industrial Development
 Programme 01 Operational Activities 11,800,000
 Programme 02 Development Activities 890,600,000

Head 303 Department of Textile Industries
 Programme 02 Development Activities 24,425,000

Ministry of Foreign Employment Promotion and Welfare
 Recurrent 77,919,000
 Capital 432,725,000

Made up as follows :—

Head 151 Minister of Foreign Employment Promotion and Welfare
 Programme 01 Operational Activities 432,725,000

Head No.		Recurrent Expenditure Rs.	Capital Expenditure Rs.
	Ministry of Irrigation and Water Management		
	Recurrent		1,339,925,000
	Capital		10,813,475,000
	Made up as follows :—		
Head 152	Minister of Irrigation and Water Management		
	Programme 01 Operational Activities	65,300,000	15,345,000
	Programme 02 Development Activities	118,370,000	8,464,050,000
Head 282	Department of Irrigation		
	Programme 01 Operational Activities	293,600,000	37,750,000
	Programme 02 Development Activities	862,655,000	2,296,330,000
	Ministry of Land and Land Development		
	Recurrent		1,944,744,000
	Capital		1,928,950,000
	Made up as follows :—		
Head 153	Minister of Land and Land Development		
	Programme 01 Operational Activities	109,638,000	11,650,000
	Programme 02 Development Activities	121,835,000	1,525,470,000
Head 286	Department of Land Commissioner		
	Programme 02 Development Activities	157,525,000	304,750,000

Head 287	Department of Land Settlement			
	Programme 02	Development Activities	70,735,000	3,350,000
Head 288	Department of Surveyor General			
	Programme 01	Operational Activities	139,410,000	23,580,000
	Programme 02	Development Activities	1,345,601,000	60,150,000
	Ministry of Yourth Affairs			
	Recurrent			633,643,000
	Capital			1,122,075,000
	Made up as follows :—			
Head 156	Minister of Yourth Affairs			
	Programme 01	Operational Activities	17,920,000	2,500,000
	Programme 02	Development Activities	615,723,000	1,119,575,000
	Ministry of Environment and Natural Resources			
	Recurrent			1,604,440,000
	Capital			3,335,450,000
	Made up as follows :—			
Head 160	Minister of Environment and Natural Resources			
	Programme 01	Operational Activities	153,880,000	14,100,000
	Programme 02	Development Activities	301,500,000	2,387,650,000
Head 283	Department of Forests			
	Programme 01	Operational Activities	745,260,000	328,600,000
	Programme 02	Development Activities	—	15,000,000

<i>Head No.</i>		<i>Recurrent Expenditure R.s.</i>	<i>Capital Expenditure R.s.</i>
Head 284	Department of Wildlife Conservation		
	Programme 01 Operational Activities	403,800,000	566,850,000
	Programme 02 Development Activities	—	23,250,000
	Ministry of Internal Administration		
	Recurrent		708,810,000
	Capital		1,301,300,000
	Made up as follows :—		
Head 161	Minister of Internal Administration		
	Programme 01 Operational Activities	31,510,000	2,800,000
Head 226	Department of Immigration and Emigration		
	Programme 01 Operational Activities	487,350,000	541,000,000
Head 227	Department of Registration of Persons		
	Programme 01 Operational Activities	189,950,000	757,500,000
	Ministry of Youth Empowerment and Socio Economic Development		
	Recurrent		69,545,000
	Capital		515,450,000
	Made up as follows :—		
Head 163	Minister of Youth Empowerment and Socio Economic Development		
	Programme 01 Operational Activities	69,545,000	3,950,000
	Programme 02 Development Activities	—	511,500,000

Ministry of Community Development and Social Inequity			
Eradication			
	Recurrent	58,710,000	
	Capital	300,400,000	
Made up as follows :—			
Head 164	Minister of Community Development and Social Inequity Eradication		
	Programme 01 Operational Activities	58,710,000	400,000
	Programme 02 Development Activities	—	300,000,000
Ministry of Water Supply and Drainage			
	Recurrent	149,470,000	
	Capital	28,564,000,000	
Made up as follows :—			
Head 166	Minister of Water Supply and Drainage		
	Programme 01 Operational Activities	103,220,000	9,500,000
	Programme 02 Development Activities	46,250,000	28,554,500,000
Ministry of Export Development and International Trade			
	Recurrent	454,981,000	
	Capital	973,725,000	
Made up as follows :—			
Head 167	Minister of Export Development and International Trade		
	Programme 01 Operational Activities	367,565,000	964,000,000
Head 295	Department of Commerce		
	Programme 01 Operational Activities	87,416,000	9,725,000

Head No.		Recurrent Expenditure Rs.	Capital Expenditure Rs.
	Ministry of Public Estate Management and Development		
	Recurrent	79,781,000	
	Capital	10,800,000	
	Made up as follows :—		
Head 168	Minister of Public Estate Management and Development		
	Programme 01 Operational Activities	79,781,000	10,800,000
	Ministry of Construction and Engineering Services		
	Recurrent	339,602,000	
	Capital	107,908,000	
	Made up as follows :—		
Head 169	Minister of Construction and Engineering Services		
	Programme 01 Operational Activities	60,130,000	8,458,000
	Programme 02 Development Activities	36,000,000	50,000,000
Head 309	Department of Buildings		
	Programme 01 Operational Activities	50,540,000	7,800,000
	Programme 02 Development Activities	144,419,000	20,300,000
Head 310	Government Factory		
	Programme 01 Operational Activities	27,378,000	11,750,000
	Programme 02 Development Activities	21,135,000	9,600,000

Ministry of Higher Education
 Recurrent 11,634,460,000
 Capital 10,533,050,000

Made up as follows :—

Head 171 Minister of Higher Education
 Programme 01 Operational Activities 90,460,000 8,050,000
 Programme 02 Development Activities 368,000,000 5,375,000,000
Head 214 University Grants Commission
 Programme 02 Development Activities 11,176,000,000 5,150,000,000

Ministry of Supplementary Plantation Crops Development
 Recurrent 169,925,000
 Capital 115,075,000

Made up as follows :—

Head 172 Minister of Supplementary Plantation Crops Development
 Programme 01 Operational Activities 74,425,000 10,075,000
 Programme 02 Development Activities 95,500,000 105,000,000

SECOND SCHEDULE

Expenditure of the Government, Authorised by Law and to be Charged on the Consolidated Fund - 2009

Head No.	Spending Unit under which provision included in printed estimates	Base Legislation	Expenditure Programme	Recurrent	Capital	Total RS
1	His Excellency the President	Article 36 of the Constitution	Programme 1-Perational Activities	1,770,000		1,770,000
3	Judges of the Superior Courts	Article 108 of the Constitution	Programme 1-Perational Activities	18,582,000		18,582,000
5	Parliament	Article 65 of the Constitution	Programme 1 - Perational Activities	920,000		920,000
12	Public Service Commission	Article 56 of the Constitution	Programme 1 - Perational Activities	2,220,000		2,220,000
16	Commission to Investigate Allegations of Bribery or Corruption	Bribery or Corruption Commission Act, No. 19 of 1994	Programme 1 - Perational Activities	2,680,000		2,680,000
17	Department of Elections	Article 103 of the Constitution	Programme 1 - Perational Activities	725,000		725,000
18	Auditor General	Article 153 of the Constitution	Programme 1 - Perational Activities	725,000		725,000
19	Office of the Parliamentary Commissioner for Administration	Article 156 of the Constitution	Programme 1 - Perational Activities	680,000		680,000
239	Department of External Resources	The Bretton Woods Agreements of No.10, 1978 (Special Provision)	Programme 1 - Perational Activities	180,000,000		180,000,000
249	Department of Treasury Operations	Ceylon Development Loans Act (Chp 407) National Development Loan (1945) Ordinance (Chp 408) National Development Loan (1950) Act, (Chp 409) Registered stock and Securities Ordinance Amendment Act, No. 32 of 1995 Foreign Loans Act (as mended)	Programme 1 - Perational Activities	246,917,000,000	475,314,264,000	722,231,264,000

253 Department of Pensions	Widow's and Orphan's Pension Fund Ordinance (Chp431)	Programme 1 - Operational Activities	16,340,000,000	16,340,000,000
	No.1 of 1890 and subsequent amendments			
	Widowers & Pensions Act, No. 24 of 1983.			
	Widow's and Orphan Pensions Act, No. 24 of 1984			
	Widow's and Orphan's Scheme (Armed Forces) Act, No. 18 of 1970			
	School Teacher's Pensions Ordinance (Chp432)			
111 Ministry of Health Care and Nutrition	Medical Ordinance (Chp 105)	Programme 1 - Operational Activities	2,000	2,000
Total Provision Under Special Law			263,465,304,000	475,314,264,000
			738,779,568,000	

THIRD SCHEDULE — ESTIMATE — 2009
Limits of Advance Account Activities — 2009

SRL No.	Ministry/Department	Item No.	I Activities of the Government	II Maximum Limits of Expenditure of activities of the Government		III Minimum Limits of Receipts of activities of the Government		IV Maximum Limits of Debit Balances of activities of the Government		V Maximum Limits of Liabilities of activities of the Government	
				Rs.	Rs.	Rs.	Rs.	Rs.	Rs.		
1	His Excellency the President	00101	Advances to Public Officers	27,554,000	8,900,000	75,000,000	—	—	—	—	
2	Office of the Prime Minister	00201	Advances to Public Officers	9,498,000	2,000,000	25,000,000	—	—	—	—	
3	Judges of the Superior Courts	00301	Advances to Public Officers	2,078,000	1,350,000	8,000,000	—	—	—	—	
4	Office of the Cabinet of Ministers	00401	Advances to Public Officers	4,170,000	1,000,000	16,000,000	—	—	—	—	
5	Parliament	00501	Advances to Public Officers	36,842,000	17,000,000	150,000,000	—	—	—	—	
6	Office of the Leader of the House of Parliament	00601	Advances to Public Officers	3,078,000	800,000	7,000,000	—	—	—	—	
7	Office of the Chief Whip of Parliament	00701	Advances to Public Officers	3,192,000	600,000	7,000,000	—	—	—	—	
8	Office of the Leader of the Opposition of Parliament	00801	Advances to Public Officers	3,676,000	900,000	7,500,000	—	—	—	—	
9	Public Service Commission	01201	Advances to Public Officers	7,441,000	2,000,000	25,000,000	—	—	—	—	
10	Judicial Service Commission	01301	Advances to Public Officers	5,234,000	1,000,000	12,000,000	—	—	—	—	
11	National Police Commission	01401	Advances to Public Officers	5,190,000	400,000	10,000,000	—	—	—	—	
12	Administrative Appeals Tribunal	01501	Advances to Public Officers	1,334,000	40,000	2,000,000	—	—	—	—	

13	Commission to Investigate Allegations of Bribery or Corruption	01601	Advances to Public Officers	10,431,000	2,500,000	25,000,000	—
14	Commission to Investigate Allegations of Bribery or Corruption	01602	Advancing monies to be used in bribery detection as bribes	7,000,000	2,000,000	6,000,000	—
15	Department of Elections	01701	Advances to Public Officers	31,652,000	11,000,000	80,000,000	—
16	Auditor- General	01801	Advances to Public Officers	68,714,000	30,000,000	280,000,000	—
17	Office of the Parliamentary Commissioner for Administration	01901	Advances to Public Officers	2,034,000	200,000	4,000,000	—
18	Office of the Finance Commission	02001	Advances to Public Officers	4,183,000	950,000	15,000,000	—
19	National Education Commission	02101	Advances to Public Officers	3,091,000	600,000	6,000,000	—
20	Minister of Religious Affairs & Moral Upliftment	10101	Advances to Public Officers	7,323,000	1,400,000	18,000,000	—
21	Minister of Finance and Planning	10201	Advances to Public Officers	21,433,000	5,500,000	70,000,000	—
22	Minister of Defence, Public Security, Law and Order	10301	Advances to Public Officers	65,519,000	21,000,000	160,000,000	—
23	Minister of Plan Implementation	10401	Advances to Public Officers	7,158,000	1,850,000	14,000,000	—
24	Minister of Nation Building and Estate Infrastructure Development	10501	Advances to Public Officers	86,224,000	13,300,000	200,000,000	—
25	Minister of Disaster Management & Human Rights	10601	Advances to Public Officers	3,709,000	600,000	7,000,000	—

SRL No.	Ministry/Department	Item No.	I Activities of the Government	II Maximum Limits of Expenditure of activities of the Government	III Minimum Limits of Receipts of activities of the Government	IV Maximum Limits of Debit Balances of activities of the Government	V Maximum Limits of Liabilities of activities of the Government
26	Minister of Tourism	10701	Advances to Public Officers	6,407,000	1,500,000	18,000,000	—
27	Minister of Posts and Telecommunications	10801	Advances to Public Officers	12,414,000	1,900,000	45,000,000	—
28	Minister of Justice and Law Reforms	11001	Advances to Public Officers	16,604,000	6,000,000	50,000,000	—
29	Minister of Health Care and Nutrition	11101	Advances to Public Officers	1,057,691,000	575,000,000	2,000,000,000	—
30	Minister of Foreign Affairs	11201	Advances to Public Officers	32,514,000	18,500,000	100,000,000	—
31	Minister of Ports and Aviation	11301	Advances to Public Officers	9,557,000	3,000,000	32,000,000	—
32	Minister of Transport	11401	Advances to Public Officers	9,668,000	3,000,000	28,000,000	—
33	Minister of Petroleum and Petroleum Resources Development	11501	Advances to Public Officers	3,704,000	800,000	6,500,000	—
34	Minister of Trade, Marketing Development, Co-operatives and Consumer Services	11601	Advances to Public Officers	9,611,000	2,300,000	21,000,000	—
35	Minister of Highways and Road Development	11701	Advances to Public Officers	5,890,000	1,900,000	20,000,000	—
36	Minister of Agricultural, Development and Agrarian Services	11801	Advances to Public Officers	19,103,000	9,500,000	80,000,000	—

37	Minister of Power and Energy	11901	Advances to Public Officers	9,354,000	1,900,000	28,000,000	—
38	Minister of Child Development and Women's Empowerment	12001	Advances to Public Officers	23,205,000	3,900,000	50,000,000	—
39	Minister of Public Administration and Home Affairs	12101	Advances to Public Officers	33,637,000	10,000,000	90,000,000	—
40	Minister of Mass Media and Information	12201	Advances to Public Officers	10,556,000	2,900,000	23,000,000	—
41	Minister of Urban Development and Sacred Area Development	12301	Advances to Public Officers	10,556,000	2,800,000	94,000,000	—
42	Minister of Social Services and Social Welfare	12401	Advances to Public Officers	14,072,000	6,000,000	34,000,000	—
43	Minister of Housing and Common Amenities	12501	Advances to Public Officers	10,441,000	2,000,000	20,000,000	—
44	Minister of Education	12601	Advances to Public Officers	994,595,000	650,000,000	2,900,000,000	—
45	Minister of Labour Relations and Manpower	12701	Advances to Public Officers	31,262,000	4,500,000	60,000,000	—
46	Minister of Rural Industries and Self-employment Promotion	12801	Advances to Public Officers	7,546,000	1,900,000	20,000,000	—
47	Minister of Vocational and Technical Training	12901	Advances to Public Officers	24,391,000	4,000,000	45,000,000	—
48	Minister of Local Government and Provincial Councils	13001	Advances to Public Officers	10,617,000	2,800,000	30,000,000	—
49	Minister of Enterprise Development and Investment Promotion	13201	Advances to Public Officers	4,965,000	1,300,000	10,000,000	—
50	Minister of Science and Technology	13301	Advances to Public Officers	31,690,000	9,500,000	60,000,000	—

SRL No.	Ministry/Department	Item No.	I Activities of the Government	II Maximum Limits of Expenditure of activities of the Government		III Minimum Limits of Receipts of activities of the Government		IV Maximum Limits of Debit Balances of activities of the Government		V Maximum Limits of Liabilities of activities of the Government	
				Rs.	Rs.	Rs.	Rs.	Rs.	Rs.		
51	Minister of Constitutional Affairs and National Integration	13401	Advances to Public Officers	11,011,000	1,900,000	35,000,000	—	—	—	—	
52	Minister of Plantation Industries	13501	Advances to Public Officers	8,560,000	2,800,000	28,000,000	—	—	—	—	
53	Minister of Sports and Public Recreation	13601	Advances to Public Officers	5,312,000	1,900,000	28,000,000	—	—	—	—	
54	Minister of Indigenous Medicine	13801	Advances to Public Officers	12,552,000	1,900,000	20,000,000	—	—	—	—	
55	Minister of Fisheries and Aquatic Resources	13901	Advances to Public Officers	9,668,000	3,500,000	40,000,000	—	—	—	—	
56	Minister of Livestock Development	14001	Advances to Public Officers	7,516,000	3,600,000	26,000,000	—	—	—	—	
57	Minister of Cultural affairs & National Heritage	14201	Advances to Public Officers	33,473,000	8,300,000	58,000,000	—	—	—	—	
58	Minister of Parliamentary Affairs	14301	Advances to Public Officers	3,710,000	1,000,000	14,000,000	—	—	—	—	
59	Minister of Resettlement and Disaster Relief Services	14501	Advances to Public Officers	8,787,000	3,500,000	15,000,000	—	—	—	—	
60	Minister of Industrial Development	14901	Advances to Public Officers	12,007,000	4,800,000	45,000,000	—	—	—	—	

61	Minister of Foreign Employment, Promotion and Welfare	15101	Advances to Public Officers	3,222,000	500,000	7,000,000
62	Minister of Irrigation and Water Management	15201	Advances to Public Officers	10,787,000	2,900,000	32,000,000
63	Minister of Land and Land Development	15301	Advances to Public Officers	27,290,000	4,800,000	52,000,000
64	Minister of Youth Affairs	15601	Advances to Public Officers	7,104,000	1,900,000	30,000,000
65	Minister of Environment and Natural Resources	16001	Advances to Public Officers	10,314,000	3,400,000	37,000,000
66	Minister of Internal Administration	16101	Advances to Public Officers	3,650,000	400,000	6,000,000
67	Minister of Youth Empowerment and Socio Economic Development	16301	Advances to Public Officers	2,636,000	500,000	6,500,000
68	Minister of Community Development and Social Inequity Eradication	16401	Advances to Public Officers	3,646,000	430,000	8,000,000
69	Minister of Water Supply and Drainage	16601	Advances to Public Officers	4,961,000	1,600,000	23,000,000
70	Minister of Export Development and International Trade	16701	Advances to Public Officers	3,254,000	800,000	9,000,000
71	Minister of Public Estate Management and Development	16801	Advances to Public Officers	3,163,000	500,000	10,000,000
72	Minister of Construction and Engineering services	16901	Advances to Public Officers	4,248,000	900,000	20,000,000
73	Minister of Higher Education	17101	Advances to Public Officers	4,813,000	1,600,000	17,000,000
74	Minister of Supplementary Plantation Crops Development	17201	Advances to Public Officers	2,112,000	400,000	10,000,000

SRL No.	Ministry/Department	Item No.	I Activities of the Government	II Maximum Limits of Expenditure of activities of the Government	III Minimum Limits of Receipts of activities of the Government	IV Maximum Limits of Debt Balances of activities of the Government	V Maximum Limits of Liabilities of activities of the Government
75	Department of Buddhist Affairs	20101	Advances to Public Officers	23,524,000	3,800,000	35,000,000	—
76	Department of Muslim Religious and Cultural Affairs	20201	Advances to Public Officers	3,140,000	600,000	10,000,000	—
77	Department of Christian Religious Affairs	20301	Advances to Public Officers	2,575,000	200,000	5,000,000	—
78	Department of Hindu Religious and Cultural Affairs	20401	Advances to Public Officers	4,741,000	500,000	11,000,000	—
79	Department of Public Trustee	20501	Advances to Public Officers	5,781,000	900,000	16,000,000	—
80	Department of Cultural Affairs	20601	Advances to Public Officers	23,861,000	6,000,000	50,000,000	—
81	Department of Archaeology	20701	Advances to Public Officers	53,745,000	15,000,000	120,000,000	—
82	Department of National Museums	20801	Advances to Public Officers	13,858,000	3,500,000	35,000,000	—
83	Department of National Archives	20901	Advances to Public Officers	6,380,000	1,500,000	18,000,000	—
84	Department of Information	21001	Advances to Public Officers	12,784,000	3,000,000	35,000,000	—
85	Department of Government Printer	21101	Advances to Public Officers	70,122,000	35,700,000	175,000,000	—
86	Department of Examinations	21201	Advances to Public Officers	28,828,000	11,000,000	100,000,000	—
87	Department of Educational Publications	21301	Advances to Public Officers	8,505,000	2,500,000	25,000,000	—

88	Department of Educational Publications	21302	Printing Publicity and Sales of Publications	2,400,000,000	4,000,000,000	100,000,000
89	Department of Technical Education and Training	21501	Advances to Public Officers	83,724,000	130,000,000	—
90	Department of Social Services	21601	Advances to Public Officers	27,950,000	75,000,000	—
91	Department of Probation and Child Care Services	21701	Advances to Public Officers	18,102,000	45,000,000	—
92	Department of Commissioner General of Samurdhi	21801	Advances to Public Officers	22,791,000	70,000,000	—
93	Department of Sports Development	21901	Advances to Public Officers	7,148,000	30,000,000	—
94	Department of Ayurveda	22001	Advances to Public Officers	55,088,000	130,000,000	—
95	Department of Labour	22101	Advances to Public Officers	92,802,000	200,000,000	—
96	Sri Lanka Army	22201	Advances to Public Officers	2,473,028,000	3,675,000,000	—
97	Sri Lanka Navy	22301	Advances to Public Officers	754,395,000	600,000,000	—
98	Sri Lanka Navy	22302	Stores (Explosive items)	520,000,000	435,000,000	—
99	Sri Lanka Air Force	22401	Advances to Public Officers	603,707,000	1,175,000,000	—
100	Department of Police	22501	Advances to Public Officers	1,470,349,000	3,200,000,000	—
101	Department-of Immigration and Emigration	22601	Advances to Public Officers	31,703,000	140,000,000	—
102	Department of Registration of Persons	22701	Advances to Public Officers	23,254,000	65,000,000	—
103	Courts Administration	22801	Advances to Public Officers	172,557,000	650,000,000	—
104	Department of Attorney General	22901	Advances to Public Officers	24,533,000	65,000,000	—
105	Department of Legal Draftsman	23001	Advances to Public Officers	6,771,000	17,000,000	—
106	Department of Debt Conciliation Board	23101	Advances to Public Officers	1,034,000	3,000,000	—

SRL No.	Ministry/Department	Item No.	I Activities of the Government	II Maximum Limits of Expenditure of activities of the Government	III Minimum Limits of Receipts of activities of the Government	IV Maximum Limits of Debit Balances of activities of the Government	V Maximum Limits of Liabilities of activities of the Government
107	Department of Prisons	23201	Advances to Public Officers	151,575,000	80,000,000	400,000,000	—
108	Department of Prisons	23202	Prisons Industrial and Agricultural Undertakings	82,000,000	90,000,000	30,000,000	15,000,000
109	Department of Government Analyst	23301	Advances to Public Officers	10,094,000	2,000,000	26,000,000	—
110	Registrar of Supreme Court	23401	Advances to Public Officers	14,828,000	4,200,000	34,000,000	—
111	Department of Law Commission	23501	Advances to Public Officers	2,064,000	290,000	15,000,000	—
112	Department of Official Languages	23601	Advances to Public Officers	10,539,000	2,000,000	27,000,000	—
113	Department of National Planning	23701	Advances to Public Officers	10,278,000	1,800,000	22,000,000	—
114	Department of Fiscal Policy	23801	Advances to Public Officers	5,132,000	800,000	15,000,000	—
115	Department of External Resources	23901	Advances to Public Officers	10,326,000	2,800,000	30,000,000	—
116	Department of National Budget	24001	Advances to Public Officers	10,390,000	2,400,000	40,000,000	—
117	Department of Public Enterprises	24101	Advances to Public Officers	5,163,000	1,300,000	17,000,000	—
118	Department of Management Services	24201	Advances to Public Officers	6,700,000	1,300,000	20,000,000	—

119	Department of Development Finance	24301	Advances to Public Officers	4,075,000	300,000	10,000,000
120	Department of Trade Tariffs and Investment Policy	24401	Advances to Public Officers	7,163,000	1,300,000	20,000,000
121	Department of Public Finance	24501	Advances to Public Officers	6,683,000	900,000	20,000,000
122	Department of Inland Revenue	24601	Advances to Public Officers	72,330,000	39,000,000	325,000,000
123	Sri Lanka Customs	24701	Advances to Public Officers	87,943,000	27,000,000	300,000,000
124	Sri Lanka Customs	24702	Expenses in Connection with Seized and forfeited goods	5,500,000	1,800,000	14,000,000
125	Department of Excise	24801	Advances to Public Officers	52,558,000	15,000,000	150,000,000
126	Department of Treasury Operations	24901	Advances to Public Officers	9,339,000	2,500,000	30,000,000
127	Department of State Accounts	25001	Advances to Public Officers	9,710,000	1,500,000	20,000,000
128	Department of State Accounts	25002	Advances for Payments on behalf of other Governments	5,300,000	5,300,000	4,700,000
129	Department of State Accounts	25003	Miscellaneous Advances	200,000,000	560,000,000	400,000,000
130	Department of Valuation	25101	Advances to Public Officers	21,035,000	10,000,000	65,000,000
131	Department of Census and Statistics	25201	Advances to Public Officers	54,834,000	13,000,000	180,000,000
132	Department of Pensions	25301	Advances to Public Officers	42,790,000	3,800,000	95,000,000
133	Department of Registrar General	25401	Advances to Public Officers	65,427,000	18,000,000	190,000,000
134	District Secretariat, Colombo	25501	Advances to Public Officer	48,562,000	28,500,000	180,000,000
135	District Secretariat, Gampaha	25601	Advances to Public Officers	63,323,000	40,500,000	260,000,000
136	District Secretariat, Kalutara	25701	Advances to Public Officers	65,264,000	27,200,000	225,000,000

SRL No.	Ministry/Department	Item No.	I Activities of the Government	II Maximum Limits of Expenditure of activities of the Government		III Minimum Limits of Receipts of activities of the Government		IV Maximum Limits of Debit Balances of activities of the Government		V Maximum Limits of Liabilities of activities of the Government	
				Rs.	Rs.	Rs.	Rs.	Rs.	Rs.		
137	District Secretariat, Kandy	25801	Advances to Public Officers	67,015,000	29,500,000	155,000,000	—	—	—	—	
138	District Secretariat, Matale	25901	Advances to Public Officers	45,674,000	20,000,000	150,000,000	—	—	—	—	
139	District Secretariat, Nuwara-Eliya.	26001	Advances to Public Officers	32,181,000	13,000,000	125,000,000	—	—	—	—	
140	District Secretariat, Galle	26101	Advances to Public Officers	65,827,000	32,500,000	200,000,000	—	—	—	—	
141	District Secretariat, Matara	26201	Advances to Public Officers	49,013,000	28,500,000	165,000,000	—	—	—	—	
142	District Secretariat, Hambantota	26301	Advances to Public Officers	43,209,000	16,500,000	125,000,000	—	—	—	—	
143	District Secretariat/ Kachecheri, Jaffna	26401	Advances to Public Officers	39,523,000	14,500,000	75,000,000	—	—	—	—	
144	District Secretariat/ Kachecheri, Mannar	26501	Advances to Public Officers	15,511,000	2,100,000	45,000,000	—	—	—	—	
145	District Secretariat/ Kachecheri, Vavuniya	26601	Advances to Public Officers	13,619,000	4,200,000	35,000,000	—	—	—	—	
146	District Secretariat/ Kachecheri, Mullaitivu	26701	Advances to Public Officers	13,600,000	2,800,000	25,000,000	—	—	—	—	
147	District Secretariat/ Kachecheri, Killinochchi	26801	Advances to Public Officers	13,233,000	2,100,000	26,000,000	—	—	—	—	
148	District Secretariat/ Kachecheri, Batticaloa.	26901	Advances to Public Officers	34,676,000	18,200,000	85,000,000	—	—	—	—	

149	District Secretariat, Ampara	27001	Advances to Public Officers	57,226,000	29,500,000	72,000,000
150	District Secretariat/ Kachcheri, Trincomalee	27101	Advances to Public Officers	27,508,000	10,000,000	65,000,000
151	District Secretariat Kurunegala	27201	Advances to Public Officers	100,260,000	57,000,000	320,000,000
152	District Secretariat, Puttalam	27301	Advances to Public Officers	50,992,000	24,200,000	120,000,000
153	District Secretariat, Anuradhapura	27401	Advances to Public Officers	64,182,000	25,500,000	165,000,000
154	District Secretariat Polonnaruwa	27501	Advances to Public Officers	28,215,000	12,100,000	73,000,000
155	District Secretariat Badulla	27601	Advances to Public Officers	46,501,000	16,500,000	130,000,000
156	District Secretariat, Monaragala	27701	Advances to Public Officers	32,340,000	23,500,000	100,000,000
157	District Secretariat, Ratnapura	27801	Advances to Public Officers	51,636,000	35,400,000	115,000,000
158	District Secretariat, Kegalle	27901	Advances to Public Officers	47,222,000	26,600,000	130,000,000
159	Department of Foreign Aid and Budget Monitoring	28001	Advances to Public Officers	5,220,000	1,300,000	30,000,000
160	Department of Agrarian Development	28101	Advances to Public Officers	336,505,000	73,000,000	800,000,000
161	Department of Irrigation	28201	Advances to Public Officers	164,586,000	87,000,000	375,000,000
162	Department of Forest	28301	Advances to Public Officers	87,043,000	28,000,000	290,000,000
163	Department of Wildlife Conservation	28401	Advances to Public Officers	44,115,000	18,000,000	100,000,000
164	Department of Agriculture	28501	Advances to Public Officers	169,300,000	108,160,000	600,000,000
165	Department of Agriculture	28502	Maintenance of Agricultural Farms and Seed Sales	321,000,000	321,000,000	50,000,000
166	Department of Land Commissioner	28601	Advances to Public Officers	24,662,000	9,000,000	75,000,000
167	Department of Land Settlement	28701	Advances to Public Officers	7,543,000	2,300,000	26,000,000
168	Department of Survey General	28801	Advances to Public Officers	156,760,000	93,000,000	440,000,000

SRL No.	Ministry/Department	Item No.	I Activities of the Government	II Maximum Limits of Expenditure of activities of the Government		III Minimum Limits of Receipts of activities of the Government		IV Maximum Limits of Debit Balances of activities of the Government		V Maximum Limits of Liabilities of activities of the Government	
				Rs.	Rs.	Rs.	Rs.	Rs.	Rs.		
169	Department of Export Agriculture	28901	Advances to Public Officers	31,320,000	19,300,000	98,000,000	—	—	—	—	
170	Department of Fisheries and Aquatic Resources	29001	Advances to Public Officers	26,920,000	9,000,000	90,000,000	—	—	—	—	
171	Department of Coast Conservation	29101	Advances to Public Officers	19,155,000	5,500,000	83,000,000	—	—	—	—	
172	Department of Animal Production and Health	29201	Advances to Public Officers	27,754,000	10,800,000	98,000,000	—	—	—	—	
173	Department of Rubber Development	29301	Advances to Public Officers	20,333,000	5,900,000	31,700,000	—	—	—	—	
174	Department of National Zoological Gardens	29401	Advances to Public Officers	16,608,000	4,300,000	50,000,000	—	—	—	—	
175	Department of Commerce	29501	Advances to Public Officers	5,258,000	1,000,000	20,000,000	—	—	—	—	
176	Department of Import and Export Control	29601	Advances to Public Officers	5,264,000	1,000,000	25,000,000	—	—	—	—	
177	Department of the Registrar of Companies	29701	Advances to Public Officers	5,671,000	1,000,000	25,000,000	—	—	—	—	
178	Department of Measurement Units, Standards and Services	29801	Advances to Public Officers	10,070,000	2,000,000	25,000,000	—	—	—	—	

179	National Intellectual Property Office of Sri Lanka	29901	Advances to Public Officers	4,156,000	900,000	12,000,000	—
180	Department of Food Commissioner	30001	Advances to Public Officers	14,746,000	3,000,000	60,000,000	—
181	Department of Co-operative Development (Registrar of Co-operative Societies)	30101	Advances to Public Officers	6,336,000	1,100,000	25,000,000	—
182	Co-operative Employees Commission	30201	Advances to Public Officers	2,054,000	250,000	5,000,000	—
183	Department of Textile Industries	30301	Advances to Public Officers	9,617,000	3,000,000	38,000,000	—
184	Department of Meteorology	30401	Advances to Public Officers	15,041,000	5,500,000	60,000,000	—
185	Department of Up-Country Peasantry Rehabilitation	30501	Advances to Public Officers	2,112,000	500,000	5,000,000	—
186	Department of Sir Lanka Railways	30601	Advances to Public Officers	607,021,000	282,000,000	1,800,000,000	—
187	Department of Sir Lanka Railways	30602	Railway Stores Advance Account	1,200,000,000	1,200,000,000	3,850,000,000	500,000,000
188	Department of Motor Traffic	30701	Advances to Public Officers	29,664,000	12,000,000	95,000,000	—
189	Department of Posts	30801	Advances to Public Officers	610,921,000	404,000,000	1,650,000,000	—
190	Department of Buildings	30901	Advances to Public Officers	23,408,000	9,000,000	78,000,000	—
191	Government Factory	31001	Advances to Public Officers	33,981,000	12,000,000	120,000,000	—
192	Government Factory	31002	Government Factory Stores Advance Account	120,000,000	120,000,000	10,000,000	—
193	Government Factory	31003	Government Factory Work Done Advance Account	240,000,000	260,000,000	30,000,000	—

SRL No.	Ministry/Department	Item No.	I Activities of the Government	II Maximum Limits of Expenditure of activities of the Government	III Minimum Limits of Receipts of activities of the Government	IV Maximum Limits of Debit Balances of activities of the Government	V Maximum Limits of Liabilities of activities of the Government
194	Department of National Physical Planning	31101	Advances to Public Officers	16,231,000	8,000,000	90,000,000	—
195	Department of Civil Security	32001	Advances to Public Officers	75,122,000	150,000	4,000,000	—
196	Department of National Botanical Gardens	32201	Advances to Public Officers	10,843,000	4,500,000	35,000,000	—
197	Department of Legal Affairs	32301	Advances to Public Officers	700,000	50,000	1,185,000	—
198	Department of Management Audit	32401	Advances to Public Officers	2,088,000	500,000	1,900,000	—
Total				18,667,600,000	11,167,600,000	39,977,985,000	615,000,000

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.