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

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**THE WORLD FELLOWSHIP OF BUDDHISTS  
SRI LANKA CENTRE (INCORPORATION)  
ACT, No. 1 OF 2009**

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[Certified on 22nd January, 2009]

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*The World Fellowship of Buddhists Sri Lanka  
Centre (Incorporation) Act No. 1 of 2009*

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L.D.—O. I.N.C. 4/2007.

AN ACT TO INCORPORATE THE WORLD FELLOWSHIP OF BUDDHISTS  
SRI LANKA CENTRE.

WHEREAS an Association called and known as the “World Fellowship of Buddhists Sri Lanka Regional Centre ” 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 World Fellowship of Buddhists Sri Lanka Centre (Incorporation) Act, No. 1 of 2009.

Short Title

2. From and after the date of commencement of this Act, such and so many persons as now are members of the World Fellowship of Buddhists Sri Lanka Regional Centre (hereinafter referred to as the “Centre”) 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 “World Fellowship of Buddhists Sri Lanka Centre”, (hereinafter referred to as “the Corporation”) 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 to alter the same at its pleasure.

Incorporation of the world fellowship of Buddhists Sri Lanka Centre.



2      *The World Fellowship of Buddhists Sri Lanka  
Centre (Incorporation) Act No. 1 of 2009*

General objects  
of the  
Corporation.

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

- (a) to represent Sri Lanka within the World Fellowship of Buddhists;
- (b) to encourage the membership to abide by Buddhist principles;
- (c) to develop unity among Buddhists within the region and world over;
- (d) to promote the Buddha Sasana among the Buddhists in the region as well as in other parts of the world;
- (e) to encourage and assist Buddhists particularly Buddhist women to organize themselves to further the Buddhist philosophy and Buddhist culture;
- (f) to undertake research activities on Buddhism and the publication of appropriate texts relating to Buddhism;
- (g) to provide appropriate facilities for the advancement of religious education of Buddhist Monks;
- (h) to organize and implement social, cultural, educational and rehabilitation programmes for persons of the Buddhist faith;
- (i) to promote peace, unity and friendship among persons of the Buddhist faith;
- (j) to implement programmes of the World Fellowship of Buddhists for the benefit of persons of the Buddhist faith;
- (k) to organize and conduct lectures, seminars, workshops, exhibitions and other appropriate programmes and activities for persons of the Buddhist faith in order to promote the objects of the Corporation;

- (l) to provide necessary assistance and facilities to Buddhist visitors to Sri Lanka particularly the representatives of the Centres of the World Fellowship of Buddhist; and
- (m) to liaise with other institutions and organizations having objects similar to those of the Corporaion.

**4.** (1) The management and administration of the affairs of the Corporation shall subject to the provisions of this Act be administered by an Executive Committee (hereinafter refferd to as the “Executive Committee”) consisting of office bearers and such number of Committee members elected in the manner as may be provided by the rules of the Corporation made under section 6.

Management of the affairs of the Corporation.

(2) The first Executive Committee of the Corporation shall consist of the members of the Executive Committee of the Centre who hold office on the day immediately preceding the date of commencement of this Act.

**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—

Powers of the Corporation.

- (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;

4 *The World Fellowship of Buddhists Sri Lanka  
Centre (Incorporation) Act No. 1 of 2009*

- (d) to invest any funds that are not immediately required for the purposes of the Corporation, in such manner as the Executive Committee 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 purposes for 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.

Rules 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 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, admission, withdrawal, expulsion or resignation of members and fees payable by the members;
- (b) the election of office bearers of the Executive Committee or vacation of or removal from office and the powers, duties and functions 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 Executive Committee, the Corporation or any sub-committee thereof,

filling of vacancies, notices and agenda of such meetings, the quorum and the conduct of business thereat;

- (e) the qualifications and disqualifications for members of the Executive Committee and 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 like 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 made under this section.

**7.** (1) The Corporation shall have its own fund.

Fund of the Corporation.

(2) All moneys received by way of gift, bequest, donation, subscription, contribution, fees or grant for and on account of the Corporation shall be deposited in one or more banks approved by the Executive Committee 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.

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

Accounts and Auditing.

(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 *The World Fellowship of Buddhists Sri Lanka  
Centre (Incorporation) Act No. 1 of 2009*

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

(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, who 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, who possesses a certificate to practice as an Accountant, issued by the Council of such Institute.

Debts due by and payable to the Centre.

**9.** All debts and liabilities of the Centre 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 centre on that day shall be paid to the Corporation for the purposes of this Act.

Limitation of liability of members.

**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 time to time to the Corporation.

Property remaining on dissolution.

**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 its or their members.

*The World Fellowship of Buddhists Sri Lanka Centre (Incorporation) Act No. 1 of 2009* 7

- 12.** The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of two members of the Executive Committee 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 or of 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.

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**PARLIAMENT OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF  
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**MADAMPE THANIWELLA MAHA DEVALE TRUST  
(INCORPORATION) ACT, No. 2 OF 2009**

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*Madampe Thaniwella Maha Devale Trust*  
*(Incorporation) Act, No. 2 of 2009*

[Certified on 30th January, 2009]

L.D.—O. Inc 11/2006.

AN ACT TO INCORPORATE THE MADAMPE THANIWELLA MAHA  
DEVALE TRUST

WHEREAS a trust called and known as “The Madampe Thaniwella Maha Devale Trust” has heretofore been formed for the purpose of effectually carrying out and transacting all objects and matters connected with the Trust Deed No. 67 dated the fourth of December 1997 attested by Victor Pragnawasa Karunaratne, Notary Public according to the rules agreed to by its members :

Preamble.

AND WHEREAS the Board of Trustees of the said Trust 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 Madampe Thaniwella Maha Devale Trust (Incorporation) Act, No. 2 of 2009.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the “Madampe Thaniwella Devale Trust” (hereinafter referred to as “The Trust”) and 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 Madampe Thaniwella Maha Devale Trust” 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 as may be decided by the Board of Management.

Incorporation of the Madampe Thaniwella Maha Devale Trust.

2            *Madampe Thaniwella Maha Devale Trust*  
                  *(Incorporation) Act, No. 2 of 2009*

General objects  
of the  
Corporation.

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

- (a) to maintain, improve and manage the Madampe Thaniwella Maha Devale and its shrine ;
- (b) to perform and observe all religious rites in Madampe Thaniwella Maha Devale ;
- (c) to organize, supervise and carry out the annual alms giving at the said Devale ;
- (d) to provide for the propagation of the Buddha dhamma among Buddhists and the fostering of the order of the Sangha ;
- (e) to provide for the teaching of Dhamma to Buddhists by Bhikkus and for the maintenance and welfare of such Bhikkus ; and
- (f) to encourage the Buddhists to live a life according to the teachings of Buddha.

Management of  
the affairs of the  
Corporation.

**4.** (1) The affairs of the Corporation shall, subject to the provisions of this Act, and any rule that may be made under section 6, be administered by a Board of Trustees (hereinafter referred to as “the Board”).

(2) The first Board of Trustees of the Corporation shall consist of the members of the Madampe Thaniwella Maha Devale Trust, holding office on the day immediately preceding the date of commencement of this Act.

General powers  
of the  
Corporation.

**5.** Subject to the provisions of this Act and any other written law the Corporation shall have the power —

- (a) 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 ;

- (b) to sell, mortgage, lease, exchange or otherwise dispose of any such property ;
- (c) to appoint, employ, remunerate, exercise disciplinary control over and dismiss such officers and servants as may be necessary for the purpose of carrying out the objects of the Corporation ;
- (d) to receive grants, gifts or donations in cash or kind whether from local or foreign sources;
- (e) to open, operate and close bank accounts and to borrow or raise money with or without security ;
- (f) to invest moneys belonging to the Corporation in such securities as may be determined by the Board.

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

Rules of the Corporation.

- (a) the classification of members and membership fees payable, their admission, withdrawal or expulsion from membership ;
- (b) the election of members to the Board and its powers and duties ;
- (c) the election of office bearers, their term of office, resignation from, vacation of or removal from office and their powers ;
- (d) the duties and functions of the officers, agents and servants of the Corporation ;
- (e) the procedure to be followed in the summoning and holding of meetings of the Board, the quorum therefore and the conduct of business thereat ; and

4 *Madampe Thaniwella Maha Devale Trust*  
(Incorporation) Act, No. 2 of 2009

(f) the administration and management of the property of the Corporation including its funds.

(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 made under this section.

Fund of the Corporation.

**7.** (1) The Corporation shall have its own fund and it shall consist of all moneys received by way of gifts, testamentary dispositions, grants, donations, contributions or fees in cash or kind.

(2) All moneys received shall be deposited in the name of the Corporation in one or more banks and be invested in any suitable manner to achieve the objects of the Corporation as may be decided by the Board.

(3) All expenditure incurred by the Corporation in the exercise, performance and discharge of the powers, duties and functions of the Corporation shall be paid out of the fund of the Corporation.

Accounts and audit.

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

(2) The accounts of the Corporation shall be audited by a qualified auditor as may be determined by the Board.

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, 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.

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

Debts due and payable to the Corporation.

**10.** 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 institute or institutes 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. Such institution or institutions shall be determined by the Board at or immediately before the dissolution of the Corporation.

Property remaining on dissolution.

**11.** The seal of the Corporation shall be in the Custody of a person or persons as may be determined by the Board of Trustees of the Corporation and 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.

Seal of the Corporation.

**12.** 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 other persons.

**13.** 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.

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

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**RETIRED SENIOR POLICE OFFICERS'  
ASSOCIATION (INCORPORATION)  
ACT, No. 3 OF 2009**

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*Retired Senior Police Officers' Association  
(Incorporation) Act, No. 3 of 2009*

[Certified on 05th February, 2009]

L.D.—O. (Inc) 29/2007.

AN ACT TO INCORPORATE THE RETIRED SENIOR POLICE OFFICERS'  
ASSOCIATION

WHEREAS an Association called and known as the “Retired Senior Police officers’ Association” has heretofore been established in Sri Lanka, for the purpose of effectually carrying out and transacting all objects and matters connected with the said Association :

Preamble.

AND WHEREAS the said Association 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 Retired Senior Police Officers’ Association (Incorporation) Act, No. 3 of 2009.

Short title.

**2.** From and after the date of commencement of this Act, such and so many persons as presently are members of the Retired Senior Police Officers’ Association (hereinafter referred to as the “Association” or “R.S.P.O.A”) 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 “Retired Senior Police Officers’ 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 Retired Senior Police Officers’ Association.

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

General objects of the Corporation.

(a) to foster a spirit of camaraderie and Esprit-de-Corps;



2 *Retired Senior Police Officers' Association  
(Incorporation) Act, No. 3 of 2009*

- (b) to afford Members an opportunity to meet together;
- (c) to promote the welfare of its members, their families and that of other retired Police Officers and their families, who are non-members of the Association;
- (d) to assist the spouse of members, in organising the "Ladies Wing" of the R. S. P. O. A.;
- (e) to grant financial and other assistance where possible, to its members and any other retired Police Officers;
- (f) to render to the country any service consistent with the object of the Association;
- (g) to help and assist the members when they are in need of medical assistance;
- (h) to collaborate with any other institution or organization, whether foreign or local having objects similar to those of the Corporation; and
- (i) to do any act or thing generally essential to achieve the above objectives.

Management of  
the affairs of the  
Corporation.

**4.** (1) The management of the affairs of the Corporation shall subject to the other provisions of this Act and the rules of the Corporation, be administered by an Executive Committee consisting of the President, two vice Presidents, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, not less than five committee members and two immediate Past Presidents elected in accordance with such rules made under section 6.

(2) The first Executive Committee of the Corporation shall consist of the members of the Executive Committee of the Association holding office on the day immediately preceding the date of commencement of this Act.

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 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 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;
- (d) to invest any funds not immediately required for the purposes of the Corporation, in such a manner as the Executive Committee may think fit;
- (e) to enter into agreements or contracts with any person, company or body of persons;
- (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 to execute disciplinary action on them;
- (g) to seek, receive or collect subscriptions, grants, donations and gifts whether in cash or kind from any person locally or foreign sources;
- (h) to operate, open and close bank accounts and to borrow or raise money with or without security; and
- (i) to do all such other acts or things as may be necessary or conducive to the carrying out of the objects of the Corporation.

4 *Retired Senior Police Officers' Association  
(Incorporation) Act, No. 3 of 2009*

Rules 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 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 :—

- (a) the classification of membership and the admission, withdrawal or expulsion of members;
- (b) the election of the members of the Executive Committee, the resignation from or vacation of or removal from office and their powers, conduct and duties;
- (c) the powers, conduct and duties and functions of the various officers, agents, servants of the Corporation, their appointments, the resignation from or vacation of and removal from office;
- (d) the procedure to be observed at the summoning and holding of meeting of the Executive Committee, the times, places, notices and agenda of such meetings and the quorum thereof 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 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 in like manner, as a rule at a like meeting and in like manner as a rule made under subsection (1).

(3) The members of the Corporation shall at all times be subject to the rules of the Corporation, made under this section.

7. (1) The Corporation shall have its own fund and all moneys heretofore or hereafter to be received by way of testamentary disposition, donations, subscriptions, contributions and fees shall be deposited in the name of the Corporation in one or more State Banks as may be decided by the Executive Committee.

Fund of the Corporation.

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

(3) There shall be paid out of the fund, all sums of moneys 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 however to the members of the Corporation.

8. The Corporation shall be able and capable in law to acquire and hold subject to any express trust or otherwise, 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 with full power to sell, mortgage, lease, exchange, grant, convey, devise, assign or otherwise dispose of the same.

Corporation may hold property movable and immovable.

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

Accounts and Auditing.

6 *Retired Senior Police Officers' Association  
(Incorporation) Act, No. 3 of 2009*

(2) The accounts of the Corporation shall be examined and audited at least once in every year and the correctness of income, expenditure and the balance sheet shall be certified by a qualified auditor or auditors appointed by the Corporation.

(3) 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 Chartered Accountants each of the resident partners of which, being a member of the Institute of Chartered Accountants of Sri Lanka or of any other Institute established by law, possesses a certificate to practice as an Accountant issued by the Council of such Institute.

Debts due by  
and payable to  
the Association.

**10.** All debts and liabilities of the Association on the day preceding 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 Association on the day shall be paid to the Corporation for the purpose of this Act.

Remains on  
dissolution of the  
Corporation.

**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 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 the members of the such institution or institutions and at the discretion of the Executive Committee of the Corporation.

*Retired Senior Police Officers' Association* 7  
*(Incorporation) Act, No. 3 of 2009*

- 12.** The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of President and the Secretary or such other person duly authorized by the Executive Committee 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 or any body 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.

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**PARLIAMENT OF THE DEMOCRATIC  
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**FOUNDATION FOR CIVILIAN BRAVERY  
(INCORPORATION) ACT, No. 4 OF 2009**

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[Certified on 16th February, 2009]

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*Foundation for Civilian Bravery  
(Incorporation) Act, No. 4 of 2009*

[Certified on 16th February, 2009]

L.D.O.—(INC) 12/2006

AN ACT TO INCORPORATE THE FOUNDATION FOR CIVILIAN BRAVERY

WHEREAS a Foundation called and known as “Foundation for Civilian Bravery” has heretofore been established in 1993 for the purpose of effectually carrying out and transacting all objects and matters connected with 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 is now desirable and expedient that the said Foundation should be incorporated and it will be for the public advantage to grant such application :

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

1. This Act may be cited as the Foundation for Civilian Bravery (Incorporation) Act, No. 4 of 2009.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members for the Foundation for Civilian Bravery (hereinafter referred to as “the Foundation”), or shall hereinafter 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 “Foundation for Civilian Bravery” 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 Foundation for Civilian Bravery.

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

General Objects of the Foundation.

(a) to foster and promote respect for the protection of Life;

- (b) to recognize and reward nationally and internationally the voluntary act of any Civilian to save life and on public property, at the risk of his life;
- (c) the promotion of safety measures for the protection of life ;
- (d) the advancement of education, knowledge and training on the various forms of dangers or misfortunes to Life and avoidance of them ;
- (e) to create awareness of various dangers to life and of safety methods and techniques ;
- (f) to promote activities in the sphere of protection of life and Civilian Bravery ;
- (g) to apply and promote measures against cruelty to human and non human life ;
- (h) to be the catalyst to establish an international organization to pioneer the concept of World Civilian Bravery and protection of life ;
- (i) to establish and maintain contact with international organizations having the same or similar objects for promoting Civilian Bravery and prevention of misfortunes and arrange international training, educational camps on misfortunes of mankind and its avoidance ;
- (j) to honour Civilian Bravery in protecting life ; and
- (k) to engage in and promote cultural activities and media exposures that help further the concept of Civilian Bravery and methods of life saving.

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 close bank accounts, to borrow and raise moneys with or without security, to receive or collect grants and donations from persons in or outside Sri Lanka, to invest its funds and to engage, employ and dismiss officers and servants for the purpose of 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 in force for the time being of the Corporation, be administered by an Executive Council consisting of the President, the Honorary Secretary, Honorary Treasurer and not less than two other members nominated by the President in accordance with the rules of the Corporation, made under section 6 of this Act.

Management of  
the affairs of the  
Corporation.

(2) The first Executive Council of the Corporation shall be the members of the Executive Council of the Foundation holding office on the day preceding the date of commencement of this Act.

(3) Notwithstanding anything contained in subsection (1), the founder President shall be the President of the Corporation.

(4) Where the post of President becomes vacant after founder President, the next or nearest of kin of his family shall be the President 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 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.

*Foundation for Civilian Bravery  
(Incorporation) Act, No. 4 of 2009*

- (a) classification of membership, fees payable by such class of members and their admission, withdrawal or expulsion of resignation ;
- (b) the election of members of the Executive Council and the office-bearers, resignation or removal from, or vacation of, office of, members of the Executive Council powers, duties and conduct of the members of the Executive Council, the appointment, powers, duties, functions and conduct of the various officers, agents and servants of the Corporation ;
- (c) the procedure to be observed at, and the summoning and holding of meetings of, Executive Council and the Corporaion, filling vacancies, notices and agenda of such meetings the quorum therefor and the conduct of business thereat ;
- (d) the qualifications and disqualifications for membership in the Executive Council and the Corporation ;
- (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 dissolution of the Corporation.

(2) Any rule made by the Corporation may be amended, altered 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 made under this section.

Fund of the Corporation.

**7.** (1) The Corporation shall have its own fund and all moneys received by way of testamentary dispositions, transfers, donations, contributions or fees shall be deposited in the credit of the Corporation in one or more Banks as the Executive Council shall determine.

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

(3) The moneys of the Corporation shall be applied solely towards the promotion of the objects as 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.** (1) The financial year of the Corporation shall be the calendar year.

Accounts and audits.

(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 —

- (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.

**9.** 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 two office bearers of the Corporation designated by the rules in force, who shall

Seal of the Corporation.

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.

Register of  
Membership.

**10.** (1) The Council 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.

(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.

Debts due by  
and payable to  
the Association.

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

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, 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, made under section 6 with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Limitation of  
liability of  
members.

**13.** 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.

**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 institution or institutions having objects similar to those of the Corporation and which is or are by its or their rules prohibited from distributing any income or property among its members.

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.

**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.

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**PARLIAMENT OF THE DEMOCRATIC  
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**GRANT OF CITIZENSHIP TO STATELESS  
PERSONS (SPECIAL PROVISIONS)  
(AMENDMENT) ACT, No. 5 OF 2009**

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*Grant of Citizenship to Stateless Persons  
(Special Provisions) (Amendment)  
Act, No. 5 of 2009*

[Certified on 18th February, 2009]

L.D.—O. 61/2007.

AN ACT TO AMEND THE GRANT OF CITIZENSHIP TO STATELESS PERSONS  
(SPECIAL PROVISIONS) ACT, NO. 39 OF 1988

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 Stateless Persons (Special Provisions) (Amendment) Act, No. 5 of 2009. Short title.

**2.** Grant of Citizenship to Stateless Persons (Special Provisions) Act, No. 39 of 1988 (hereinafter referred to as the “principal enactment”) is hereby amended by the insertion immediately after section 2 of that Act, of the following new section which shall have effect as section 2A of that enactment:— Insertion of section 2A in Act, No. 39 of 1988.

“Grant of Citizenship to certain persons. 2A. Notwithstanding the provisions of section 2, any person who was a permanent resident of Sri Lanka with Indian Origin as at October 30, 1964, but who due to circumstances beyond the control of such person—

(a) was compelled to leave Sri Lanka; and

(b) thereupon took up residence in India,

and who consequently had, as at the day immediately preceding the date of the coming into operation of this Act, been unable to comply with the requirements of paragraph (a) of section 2, shall, if such person satisfies the requirements of paragraphs (b) and (c) of that section or is able to submit proof that such person is a

2 *Grant of Citizenship to Stateless Persons  
(Special Provisions) (Amendment)  
Act, No. 5 of 2009*

descendant of a person who was a permanent resident of Sri Lanka with Indian Origin, have the status of a citizen of Sri Lanka with effect from the date of commencement of this Act and shall be entitled to all the rights and privileges to which a citizens of Sri Lanka is entitled to by law.”.

Amendment of section 4 of the principal enactment.

3. Section 4 of the principal enactment is hereby amended in subsection (1) thereof—

- (1) by the substitution for the words and figures “by reason of the provisions of section 2”, of the words and figures “by reason of the provisions of section 2 or 2A”; and
- (2) by the substitution for the words “substantially in the Form set out in Schedule B to this Act.”, of the words and figures “substantially in the Form set out in Schedule B to this Act:

Provided however, any person who is entitled to the status of a citizen of Sri Lanka under the provision of section 2A, shall apply for a Certificate of Citizenship under this Act, only upon his arrival in Sri Lanka with the intention of permanently residing in Sri Lanka.”.

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.

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**GRANT OF CITIZENSHIP TO PERSONS OF  
INDIAN ORIGIN (AMENDMENT)  
ACT, No. 6 OF 2009**

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*Grant of Citizenship to Persons of Indian Origin  
(Amendment) Act, No. 6 of 2009*

[Certified on 18th February, 2009]

L.D.—O. 62/2007.

AN ACT TO AMEND THE GRANT OF CITIZENSHIP TO PERSONS OF INDIAN  
ORIGIN ACT, NO. 35 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 Grant of Citizenship to Persons of Indian Origin (Amendment) Act, No. 6 of 2009. Short title.
- 2.** Section 2 of the Grant of Citizenship to persons of Indian Origin Act No. 35 of 2003 (hereinafter referred to as the “principal enactment”) is hereby amended — Amendment of section 2 of Act, No. 35 of 2003.

  - (1) by the substitution for the words “shall be granted the status of a citizen of Sri Lanka” of the words “shall have the status of a citizen of Sri Lanka”; and
  - (2) by the repeal of the proviso thereof, and the substitution therefor, of the following :—

“Provided however, where on the date of the coming into operation of this Act, a permanent resident referred to above, holds an Indian Passport or other similar document, such person’s status of a citizen of Sri Lanka shall be effective only on his forwarding to the Commissioner a declaration in the special form of Declaration set out in the Schedule, stating his intention to voluntarily acquire citizenship of Sri Lanka and upon such Declaration being acknowledged by the Commissioner in writing.”.

*2 Grant of Citizenship to Persons of Indian Origin  
(Amendment) Act, No. 6 of 2009*

Insertion of section 2A in the principal enactment.

**3.** The following new section is hereby inserted immediately after section 2 of the principal enactment and shall have effect as section 2A of such enactment :—

“Grant of Citizenship to certain persons.

2A. Notwithstanding the provisions of section 2, any person who was a permanent resident of Sri Lanka with Indian Origin since October 30, 1964 or a descendent of such person, who due to circumstances beyond the control of such person—

(a) was compelled to leave Sri Lanka; and

(b) thereupon took up residence in India;

and who consequently had as at the day immediately preceding the date of the coming into operation of this Act, been unable to comply with the requirements of section 2, shall, if such person is able to submit proof that such person was a permanent resident of Sri Lanka with Indian Origin since October 30, 1964 or is a descendant of a person who has been a permanent resident of Sri Lanka with Indian origin since October 30, 1964, have the status of a citizen of Sri Lanka with effect from the date of commencement of this Act and shall be entitled to all the rights and privileges to which a citizen of Sri Lanka is entitled to by law:

Provided however, where on the date of the coming into operation of this Act, any person referred to above, holds an Indian Passport or other similar document, such person's status of a citizen of Sri Lanka, shall be effective only on his forwarding to the Commissioner a Declaration in the special form of Declaration

*Grant of Citizenship to Persons of Indian Origin* 3  
*(Amendment) Act, No. 6 of 2009*

set out in the Schedule, stating his intention to voluntarily acquire citizenship of Sri Lanka and upon such declaration being acknowledged by the Commissioner in writing.”.

**4.** Section 4 of the principal enactment is hereby amended in subsection (1) thereof—

Amendment of section 4 of the principal enactment.

(1) by the substitution for the words and figures “by virtue of the provisions of section 2”, of the words and figures “by virtue of the provisions of section 2 or 2A”; and

(2) by the substitution for the words “Form set out in the same Schedule.”, of the words and figures “Form set out in the same Schedule :

Provided however, any person who is entitled to the status of a citizen of Sri Lanka under the provision of section 2A, shall apply for a Certificate of Citizenship under this Act, only upon his arrival in Sri Lanka with the intention of permanently residing in Sri Lanka.”.

**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.



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**RANAVIRU SEVA AUTHORITY  
(AMENDMENT) ACT, No. 7 OF 2009**

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*Ranaviru Seva Authority (Amendment)  
Act, No. 7 of 2009*

[Certified on 18th February, 2009]

L.D.—O. 43/2007.

AN ACT TO AMEND THE RANAVIRU SEVA AUTHORITY  
ACT, NO. 54 OF 1999

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

1. This Act may be cited as the Ranaviru Seva Authority (Amendment) Act, No. 7 of 2009. Short title.
2. Section 3 of the Ranaviru Seva Authority Act, No. 54 of 1999 is hereby amended as follows :—  
Amendment of section 3 of the Ranaviru Seva Authority Act, No. 54 of 1999.
  - (1) by the repeal of subsection (1) of that section and the substitution therefor of the following :—  

“(1) The administration and management of the affairs of the Authority shall be vested in a Board of Management (hereinafter referred to as the “Board”) consisting of the following members appointed by the President :—

    - (a) the Secretary to the Ministry of the Minister in charge of the subject of Defence or a representative of that Ministry, nominated by such Secretary;
    - (b) the Deputy Chief of Staff of the Sri Lanka Army;
    - (c) the Deputy Chief of Staff of the Sri Lanka Navy;
    - (d) the Deputy Chief of Staff of the Sri Lanka Air Force;

2 *Ranaviru Seva Authority (Amendment)*  
*Act, No. 7 of 2009*

- (e) Deputy Inspector-General of Police in charge of Welfare;
- (f) a representative from the General Treasury, nominated by the Minister in charge of the subject of Finance; and
- (g) five other members appointed by the President. (A member appointed under this paragraph is hereinafter referred to as an “appointed member”).

(1A) The Chairpersons of Seva Vanitha Units that are functioning under the Ministry of Defence could participate at meetings of the Board of Management of the Ranaviru Seva Authority as observers.”.

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

“(2) Two of the members, appointed under paragraph (g) of subsection (1) shall be appointed by the President as the Chairman and the Vice Chairman of the Board respectively.”.

Sinhala text to prevail in case of inconsistency.

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

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**PARLIAMENT OF THE DEMOCRATIC  
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**MOTOR TRAFFIC (AMENDMENT)  
ACT, No. 8 OF 2009**

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*Motor Traffic (Amendment) Act, No. 8 of 2009*

[Certified on 11th March, 2009]

L.D. —O. 1/2007.

AN ACT TO AMEND THE MOTOR TRAFFIC ACT (CHAPTER 203)

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

1. This Act may be cited as the Motor Traffic (Amendment) Act, No. 8 of 2009. Short Title.
  
2. The Motor Traffic Act (Chapter 203) (hereinafter referred to as “the principal enactment”) is hereby amended—  
  - (1) by the substitution for the word “Commissioner” wherever that word occurs in the principal enactment, of the word “Commissioner-General” ;
  - (2) by the substitution for the words “demerit points” wherever these words occur in the principal enactment of the words “driver improvement points”;
  - (3) by the substitution for the word “highway” wherever that word occurs in the principal enactment of the word “road” ; and
  - (4) by the substitution for the word “lorry “ wherever that word occurs in the principal enactment, of the words “motor lorry”.Amendment of Chapter 203.
  
3. The heading to Part I of the principal enactment is hereby repealed and the following heading substituted therefor :—  
“REGISTRATION, POSSESSION AND USE OF MOTOR VEHICLES”  
Replacement of heading to Part I of the principal enactment.
  
4. Section 2 of the principal enactment is hereby amended as follows :—  
  - (1) by the repeal of subsections (2) and (2A) thereofAmendment of Section 2 of the principal enactment.

and the substitution of the following subsection therefor:—

“(2) The possession by a dealer or a manufacturer of an unregistered motor vehicle for the purposes of sale shall be deemed not to be a contravention of subsection (1) so long as the vehicle remains unsold and is not used on any road except under the authority of a dealer’s licence or manufacturer’s licence as the case may be, issued under Part III and is identified by a distinctive number assigned for that purpose by the Commissioner-General.”.

- (2) by the repeal of subsection (5) of that section and the substitution therefor of the following subsection :—

“(5) The use of a motor vehicle which upon importation into Sri Lanka is used on a road only for the purpose of and in the course of removal from the Customs premises or for the purpose of installing any equipment or which is being driven to or from any place specified by the Commissioner-General for the purpose of testing or registration, shall be deemed not to be a contravention of subsection (1), provided it is used under the authority of a dealer’s licence or temporary permit issued for the purposes of this subsection by the Commissioner-General valid for a period of seven days.”;

- (3) by the repeal of subsection (6) thereof ;
- (4) by the addition immediately after subsection (9) thereof of the following subsection which shall have effect as subsection (10 ) thereof :—

“(10) A person who contravenes the provisions of subsections (1) or (5) of this section shall be guilty of an offence and shall on conviction be liable to a fine not less than two thousand five hundred rupees and not exceeding five thousand rupees and



on a second conviction to a fine not less than five thousand rupees and not exceeding ten thousand rupees and on a third or subsequent conviction to a fine not less than ten thousand rupees and not exceeding fifteen thousand rupees.”.

5. The following new section is hereby inserted immediately after section 2 of the principal enactment and shall have effect as section 2A of that enactment :—

Insertion of new section 2A in the principal enactment.

“Motor vehicle fabricated unlawfully &... not to be used.

2A. (1) No person shall knowingly use a motor vehicle –

- (a) that has been manufactured, assembled, fabricated, innovated, adapted, modified, or the construction of which has been changed illegally or otherwise than in conformity with the prototype approved by the Commissioner-General;
- (b) that has been assembled otherwise than with branded new parts or without the permission of the manufacturer of those parts ;
- (c) that is mechanically defective ;
- (d) that fails to comply with prescribed standards of safety ;
- (e) that is stolen ;
- (f) that has a false identity ;
- (g) the chassis number of which has been tampered with ; or
- (h) which has been manufactured, assembled, fabricated, adapted, modified, or the

construction of which has been changed in any manner, without the prior written approval of the Commissioner-General.

(2) A person who contravenes the provisions of section 2A shall be guilty of an offence and shall on conviction be liable to a fine not less than fifty thousand rupees and not exceeding one hundred thousand rupees or to imprisonment of either description for a term of one month or to both such fine and imprisonment and on a second conviction to a fine not less than one hundred thousand rupees and not exceeding two hundred thousand rupees or to imprisonment for a term of two months or to both such fine and imprisonment and on a third or subsequent conviction to a fine not less than two hundred thousand rupees and not exceeding three hundred thousand rupees or to imprisonment for a term of six months or to both such fine and imprisonment and confiscation of the vehicle.”.

Amendment of section 3 of the principal enactment.

**6.** Section 3 of the principal enactment is hereby amended as follows:—

- (1) by the repeal of subsection (1) thereof and the substitution therefor the following subsection:—

“(1) No motor vehicle shall be registered unless that vehicle conforms to the provisions of this Act and regulations made hereunder in regard to the construction, weight, dimensions and equipment of motor vehicles of the class or description to which that vehicle belongs.”;

- (2) in subsection (2) thereof by the substitution for the words “exceeds two and a half metric tons” of the words “exceeds four thousand five hundred kilograms ; and

- (3) by the addition immediately after subsection (1) thereof of the following subsections which shall have effect as subsections (2), (3), (4) and (5) thereof:—

“(2) The Commissioner-General shall not register any motor vehicle —

- (a) if he has reason to believe —
- (i) that it has been manufactured, assembled, fabricated, innovated, adapted, modified, or its construction changed, illegally or otherwise than in conformity with the prototype approved by the Commissioner-General ;
  - (ii) that it has been assembled otherwise than with branded new parts or without the permission of the manufacturer of those parts;
  - (iii) that it is mechanically defective;
  - (iv) that it fails to comply with prescribed standards of safety;
  - (v) that it is stolen ;
  - (vi) that the identity of the vehicle is false or in doubt;
  - (vii) that the chassis number has been tampered with;
  - (viii) that the applicant for registration of the vehicle has failed to furnish particulars of a previous registration, if any;
  - (ix) that the applicant has furnished inaccurate particulars in the application for registration of the vehicle; or

(x) that the vehicle has been imported with forged documents or that the application for registration contains a forged signature or is accompanied by forged documents;

(b) where the motor vehicle comprises features which —

(i) are not in accordance with the particulars contained in the application;

(ii) are not in his opinion roadworthy or are by reason of its design, construction or any condition thereof or any equipment thereof are not in compliance with the provisions of this Act;

(iii) require the prior written approval of the Commissioner-General for the import thereof and has been imported without obtaining such approval;

(iv) have been manufactured, assembled, fabricated, adapted, modified or the construction of which has been changed in any manner, without the prior written approval of the Commissioner-General.

(3) The decision of the Commissioner-General not to register a motor vehicle by reason of his findings under paragraphs (a) or (b) shall be final.

(4) No person under the age of eighteen years shall be registered as the owner of a motor vehicle:

Provided however, that a person under the age of eighteen years may be registered as the beneficial

owner of a motor vehicle in which event the parent or guardian of such person shall be registered as the owner thereof.

(5) Any person who submits an application for registration, which contains a forged signature or is accompanied by forged documents shall be guilty of an offence and shall on conviction be liable to a fine not less than ten thousand rupees and not exceeding fifteen thousand rupees. ”.

7. Section 4 of the principal enactment is hereby amended in paragraph (a) of subsection (1) thereof, by the substitution for the words “a passenger service permit”, of the words, “the holder of a passenger service permit.”

Amendment of section 4 of the principal enactment.

8. Section 5 of the principal enactment is hereby amended in subsection (2) of that section by the repeal of paragraph (a) thereof, and the substitution therefor of the following paragraph :—

Amendment of section 5 of the principal enactment.

“(a) which is a motor cycle, light motor cycle, motor car, dual purpose vehicle, motor tricycle, motor tricycle van, motor lorry, light motor lorry, heavy motor lorry, motor coach, light motor coach, heavy motor coach, land vehicle, hand tractor, special purpose vehicle, motor ambulance, motor hearse or invalid carriage as the case may be shall be registered as such ;”.

9. Section 10 of the principal enactment is hereby amended as follows :—

Amendment of section 10 of the principal enactment.

(1) by the repeal of subsection (2) of that section and the substitution therefor of the following subsection:—

“(2) The registered owner of a motor vehicle shall –

(a) forthwith inform the Commissioner General in the specified form, of any circumstance or

event which affects the accuracy of any entry in the registers relating to the motor vehicle and shall at the same time forward or deliver to the Commissioner-General the Certificate of Registration of such motor vehicle accompanied by the prescribed fee ; and

(b) where he intends to effect such alteration in a motor vehicle as will change the class, overall measurements, external appearance , wheel base or seating capacity as specified in the Certificate of Registration, obtain the prior approval of the Commissioner-General to effect such changes.”;

(2) by the addition, immediately after subsection (2) of that section, of the following subsections which shall have effect as subsections (3) and (4) thereof :—

“(3) The registered owner of a motor vehicle shall forthwith inform the Commissioner-General in the specified form of any circumstance or event which affects the accuracy of any entry in the registers relating to himself and shall at the same time forward or deliver to the Commissioner-General the Certificate of Registration of the motor vehicle accompanied by the prescribed fee.

(4) The registered owner of a motor vehicle who contravenes or fails to comply with any of the provisions of the preceding subsections shall be guilty of an offence and shall, on conviction be liable to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees.”.

**10.** The following new section is hereby inserted immediately after section 11 of the principal enactment and shall have effect as section 11 A of that enactment:—

Insertion of new section 11A in the principal enactment.

“Transfer to 11A. Where the registered owner of a motor vehicle wishes to transfer such vehicle he shall do so substantially in the prescribed Forms, A, A1, B, B1, C and C1.”.

**11.** Section 12 of the principal enactment is hereby amended as follows :—

Amendment of section 12 of the principal enactment.

(1) by the repeal of subsections (2) and (3) of that section and the substitution therefor of the following subsections :—

“(2) On the change of possession of a motor vehicle upon a voluntary transfer made by the registered owner —

(a) the registered owner shall, within fourteen days after such change of possession —

(i) transmit direct to the Commissioner General either by registered post or personal delivery, the duly perfected prescribed Form A ; and

(ii) shall deliver to the new owner the duly perfected prescribed Forms B, B1, C and C1, the Certificate of Registration relating to the motor vehicle or a duplicate thereof, and the revenue licence of that motor vehicle, and shall retain the duly perfected prescribed Form A1 as proof of change of possession ;

(b) such motor vehicle shall not be used at any time after fourteen days of such change of

possession unless the new owner has applied for registration as the new owner thereof :

Provided that this subsection shall not apply in any case where the change of possession of a motor vehicle is consequent on a contract of hiring where the period of hiring does not exceed three months.

(3) (a) A registered owner who fails to inform the Commissioner-General of the change of possession within fourteen days shall be guilty of an offence and shall on conviction be liable to a fine not less than three thousand rupees and not exceeding six thousand rupees.

(b) The new owner of a motor vehicle who fails to apply within fourteen days after change of possession to be registered as the new owner shall be guilty of an offence and shall on conviction be liable to a fine not less than one hundred rupees for each day after the fourteenth day up to the forty fourth day of such failure.

(c) The new owner of a motor vehicle who fails to apply within forty four days after change of possession to be registered as the new owner shall be guilty of an offence and shall on conviction be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees.

(d) A registered owner or a new owner who submits any document which is forged or which contains a forged signature shall be guilty of an offence and shall on conviction be liable to a fine not less than ten thousand rupees, and not exceeding fifteen thousand rupees.

(e) A police officer may detain a motor vehicle, the possession of which has changed and which is in use on a road for such period as may reasonably



be necessary for the purpose of verification of ownership and shall release it to the new owner—

- (i) on confirmation by the Commissioner-General that such vehicle has been registered in the name of the new owner thereof; and
- (ii) on production of the Certificate of Registration thereof.”;

(2) in subsection (4) of that section—

- (a) by the substitution in paragraph (a) thereof, for the words “within seven days” of the words, “within fourteen days” ;
- (b) by the substitution in paragraph (b) thereof for the words “within fourteen days”, of the words “within sixteen days”;
- (c) by the repeal of paragraph (e) of that subsection and the substitution therefor of the following paragraph :—

“(e) the provisions of subsection (2)(b) shall apply to that motor vehicle in like manner as they would apply, if there was a change of possession of that vehicle consequent upon a voluntary transfer made by the registered owner .”.

**12.** Section 13 of the principal enactment is hereby amended as follows :—

Amendment of section 13 of the principal enactment.

(1) by the repeal of subsection (1) of that section and the substitution therefor of the following subsection :—

“(1) Every application for the registration of a new owner upon any change of possession of any motor vehicle shall—

- (a) be made to the Commissioner General substantially in the prescribed Forms Band C;

(b) shall set out all particulars relating to that motor vehicle in respect of such of the matters specified in that form as may be applicable to that motor vehicle ;

and a receipt of acceptance shall be obtained from the Commissioner General.”;

(2) by the renumbering of subsection (2) of that section as subsection (3) thereof ;

(3) by the insertion immediately after subsection (1) of that section of the following subsection which shall have effect as subsection (2) thereof :—

“(2) (a) The new owner shall retain the duly completed prescribed Forms B1 and C1 .”.

Amendment  
of section 18  
of the  
principal  
enactment.

**13.** Section 18 of the principal enactment is hereby amended as follows :—

(1) by the re-numbering of that section as subsection (1) thereof ;

(2) in the re-numbered subsection (1) of that section by the substitution for all the words from “the Commissioner” to the end of that section, of the words “the owner shall report such fact to the Commissioner-General within fourteen days and shall also forward the Certificate of Registration to him and the Commissioner-General shall cancel the registration of such motor vehicle ;

(3) by the repeal of the proviso to subsection(1) ;

(4) by the insertion, immediately after subsection (1) of that section, of the following subsections which

shall have effect as subsections (2), (3), (4), (5) (6) and (7) thereof :—

“(2) The Commissioner-General may for reasons to be recorded, of his own motion, cancel the registration of a motor vehicle,—

(a) if he has reason to believe—

- (i) that it has been manufactured, assembled, fabricated, innovated, adapted, modified, or its construction changed, illegally or otherwise than in conformity with the prototype approved by the Commissioner-General ;
- (ii) that it has been assembled otherwise than with branded new parts or without the permission of the manufacturer of those parts;
- (iii) that it is mechanically defective;
- (iv) that it fails to comply with prescribed standards of safety;
- (v) that it is stolen ;
- (vi) that the identity of the vehicle is false;
- (vii) that the chassis number has been tampered with;
- (viii) that the applicant for registration of the vehicle has failed to furnish particulars of a previous registration if any;
- (ix) that the applicant has furnished inaccurate particulars in the application for registration of the vehicle; or

- (x) that the vehicle has been imported with forged documents or that the application for registration contains a forged signature or is accompanied by forged documents;
- (b) where the motor vehicle comprises features which—
  - (i) are not in accordance with the particulars contained in the application;
  - (ii) are not in his opinion roadworthy or which by reason of its design, construction or any condition thereof or any equipment thereof, are not in compliance with the provisions of this Act;
  - (iii) require the prior written approval of the Commissioner-General for the import thereof and has been imported without obtaining such approval;
  - (iv) have been manufactured, assembled, fabricated, adapted, modified or the construction of which has been changed in any manner, without the prior written approval of the Commissioner-General;
  - (v) the registered owner thereof is dead, or cannot be found or that such vehicle has ceased to be a motor vehicle ; or
- (c) the registration of such motor vehicle has been obtained on the basis of documents which were , or by representation of facts which was, false in any material particular,

or the engine number or the chassis number embossed thereon are different from such number entered in the Certificate of Registration,

after giving the owner an opportunity to make such representation as he may wish to make (by sending to the owner a notice by registered post to his address entered in the Certificate of Registration).

(3) The Commissioner - General shall, on receiving evidence or information to the effect that a motor vehicle has not been issued a revenue license for two consecutive years and has not been issued a Certificate of Non-user issued by the Licensing Authority for that period, forthwith require the registered owner to produce a valid revenue license or such Certificate of Non-user issued by the Licensing Authority and surrender the Certificate of Registration within a period of one month. If the owner fails to produce the revenue license or such Certificate of Non-user referred to in this section, the Commissioner - General shall cancel the registration of such motor vehicle.

(4) The Commissioner - General may order the examination of any vehicle, and if upon such examination and after giving the owner an opportunity to make any representation he may wish to make (by sending to the owner a notice by registered post to his address entered in the Certificate of Registration) he is satisfied that the vehicle is in such a condition that it is incapable of being used or its use in a public place would constitute a danger to the public and that it is beyond reasonable repair, he shall order that the vehicle be written off and shall cancel the registration of such motor vehicle.

(5) If a motor vehicle is declared unroadworthy consequent to an accident or other circumstance the Commissioner- General shall suspend the registration of such motor vehicle:

Provided however, that if on application made thereafter by the registered owner, in a prescribed form together with the prescribed fee, the Commissioner - General is satisfied that the vehicle has been made roadworthy and that it complies with the provisions of this Act and regulations made thereunder, he may remove the suspension.

(6) Where the registration of a motor vehicle has been cancelled under paragraph (b) of subsection (2) or where the identity of the vehicle or the identity of the owner of such vehicle is in question, such vehicle may be considered for re-registration under this Part, provided that—

- (a) the owner complies with the provisions of this Act and regulations made thereunder ; and
- (b) the vehicle is inspected by an officer authorized for the purpose by the Commissioner-General, and an endorsement to the effect that the owner has complied with the provisions of this Act is made on the Certificate of Registration.

(7) Upon the cancellation of the registration of a motor vehicle, the registered owner shall cease to use such vehicle and shall return the identification plate to the Commissioner - General within seven days from the date of being notified of such cancellation.

(8) (a) The Commissioner - General shall maintain a register of written off vehicles in accordance with the prescribed procedure, wherein

information regarding motor vehicles that are written off, is entered. Such register shall be made available for inspection by the public during office hours.

(b) Entries in the register of written off vehicles may be made, amended and removed only in accordance with regulations made hereunder.

(9) For the purposes of subsections (7) and (8) a motor vehicle shall be written off only if, –

- (a) the vehicle has been damaged by collision, fire, flood, accident, trespass or other event or circumstances ; and
- (b) the insurer of the vehicle or, if there is no insurer, the registered owner of the vehicle makes a determination that the extent of the damage is such that the vehicle's fair salvage value plus the cost of repairing it for use on a road or road related area would be more than its fair market value immediately before the event or circumstances that caused the damage.

(10) An insurer of a vehicle referred to in subsection (a) is taken to have made a determination under paragraph (b) of subsection (9) if the insurer—

- (a) allows a claim for the full insured value of the vehicle ; or
- (b) disposes of the vehicle to a third party.

(11) A registered owner of a vehicle referred to in subsection (9) (b) is taken to have made a determination under that section if the registered owner disposes of the vehicle to a motor wrecker.

(12) The Commissioner General shall ensure that a person who notifies the Commissioner General of a written-off vehicle, or who applies for an entry on the register of written-off vehicles to be amended or removed, is informed at the time of notification or application (as the case requires) that any information given or document submitted in connection with the notification or application, or a copy of such document, may be disclosed or used for investigation, law enforcement and allied purposes.

(13) The Minister may make regulations regarding the disposal of written off vehicles, and the records to be kept in that regard.

(14) Any person who contravenes any provision of this section shall on conviction be liable to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees and on a second or subsequent conviction to a fine not less than twenty thousand rupees and not exceeding thirty thousand rupees.”.

Insertion of new section 18B in the principal enactment.

**14.** The following new section is hereby inserted immediately after section 18A in the principal enactment and shall have effect as section 18B of that enactment :—

“Penalty for fraudulently using or mutilating etc. of certificate of registration.

18B. Any person who —

- (a) fraudulently uses or allows any other person to use ; or
- (b) imitates, alters, mutilates, defaces, or destroys a Certificate of Registration of a motor vehicle, shall be guilty of an offence and shall on conviction be liable to a fine not less than fifteen thousand rupees and not exceeding twenty five thousand rupees and on a second or



subsequent conviction to a fine not less than thirty thousand rupees and not exceeding fifty thousand rupees or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.”.

**15.** Section 19 of the principal enactment is hereby amended as follows :—

Amendment of section 19 of the principal enactment.

- (1) by the re-numbering of subsections (2) and (3) of that section as subsections (3) and (4) thereof;
- (2) by the insertion immediately after subsection (1) of that section of the following subsection which shall have effect as subsection (2) thereof:—

“(2) In particular and without prejudice to the generality of the foregoing provisions, the Minister may make regulations –

- (a) to regulate the width, height, wheel base, length and overhang of vehicles and trailers and the load carried thereon, the diameter of wheels and the width, nature and condition of tyres of such vehicles and trailers and to prohibit the use of any tyres likely to cause damage to the roads ;
- (b) to prohibit excessive noise from warning devices, noise emitted from engine exhaust and noise due to the design or condition of the motor vehicle or the loading thereof ;
- (c) to regulate the maximum unladen and laden weight of vehicles and trailers and the maximum axle load to be transmitted to the road or any specified area thereof by a motor vehicle of any class or description or by any

part or parts of such a vehicle in contact with the road and the conditions under which such weights may be required to be tested ;

- (d) to prescribe the particulars to be marked on vehicles and trailers ;
- (e) to specify the number and nature of springs and brakes on vehicles and trailers and to ensure that springs, brakes, silencers, emission, light, weight and steering gear shall be efficient and kept in proper working order and for empowering any person or classes of persons designated, named or described in such regulations to test and inspect any such springs, brakes, silencers, emission, light, weight and steering gear on a road or, subject to the consent of the occupier of any premises, on any such premises;
- (f) to regulate the appliances to be fitted for signalling the approach of a vehicle or enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear or for intimating any intended change of speed or direction of a motor vehicle and to regulate or to prohibit the use of any such appliances and to ensure that they shall be kept efficient and in proper working order ;
- (g) to regulate the lights to be installed in vehicles and trailers whether in respect of the nature of such lights, the positions in which they shall be fixed and the periods during which they shall be kept lighted or otherwise ;
- (h) to prescribe the safety equipment to be installed in vehicles ;

- (i) to control, in connection with the use of a motor vehicle, the emission of smoke, oily substance, ashes, water, steam, visible vapour, noxious fumes, sparks, cinders, gas or grit ;
- (l) to regulate the towing or drawing of motor vehicles by motor vehicles and the manner of attachments used therefor ;
- (k) to prohibit in connection with the use of a motor vehicle the use of any appliances or the commission of any act which is likely to cause annoyance or danger to other users of the road or its vicinity ;
- (l) to regulate the number of trailers that may be attached in train to any motor vehicle, the manner of attachment and the manner in which trailers shall be kept under control and the maximum weight thereof ;
- (m) to prescribe the number of persons to be employed in driving or attending to motor vehicles or trailers and to regulate the duties and conduct of such persons ;
- (n) to prescribe a maximum speed for motor vehicles of any class or description and to provide for exemption in special cases ; and prescribe the procedure of ascertaining the speed by the use of radar detectors and laser speed guns and photographic detection devices ;

For the purposes of this paragraph different speeds may be prescribed as the maximum speed of a motor vehicle or class of motor vehicles in respect of a road or part of a road or a road in any area;

- (o) to regulate or prohibit either generally or in specified areas or roads and either at all times or between specified hours, the use of horns or other warning appliances, and different rules may be made in respect of different classes or description of motor vehicles or in respect of the same class or description of vehicles in different circumstances ;
- (p) to prescribe the degree of transmission of light into a motor vehicle and the procedure for determining the intensity of light penetration ;
- (q) to specify the standards of emission of air pollutants ;
- (r) to regulate the installation of catalytic converters in any prescribed class of vehicles ;
- (s) to regulate the transport of chemicals, gas or other dangerous goods ;
- (t) to prohibit any class or classes or types of motor vehicles using the expressway or any road ; and
- (u) to prescribe procedures for de-registering of motor vehicles (cancellation from the register) and the fees to be charged therefor.”.

Insertion of new sections 19A, 19B and 19C in the principal enactment.

**16.** The following new sections are hereby inserted immediately after section 19 of the principal enactment and shall have effect as sections 19A, 19B and 19C of that enactment:—

“No person to fabricate, manufacture & c., motor vehicle except with permission of Commissioner-General. 19A. (1) No person shall fabricate, manufacture, assemble, innovate, adapt, modify or change the construction of a motor vehicle in Sri Lanka except with the prior written approval of the Commissioner-General.

(2) The Commissioner - General may upon application made in the prescribed Form and on payment of the prescribed fee, grant approval to such applicant to manufacture, assemble, fabricate, innovate, adapt, modify or change the construction of a motor vehicle as the case may be, subject to compliance by the applicant with terms and conditions which the Commissioner-General may specify by notice in writing, prior to the grant of such approval.

(3) Terms and conditions specified by notice under subsection (2), may include a requirement that the applicant's facility for manufacturing, assembling, fabricating, innovating, adapting, modifying or changing the construction of a motor vehicle as the case may be shall conform to specifications set out in such notice.

(4) The Commissioner-General shall refuse to grant the written approval referred to in subsection (1), where he is satisfied that the applicant has not complied with any term or condition specified under subsection (2). Written notice of such refusal shall be given to the applicant.

(5) Any person aggrieved by the refusal of the Commissioner-General to grant written approval under this section may, within fourteen days of the receipt of the written notice of such refusal, appeal in writing to the Motor Traffic Appeals Tribunal constituted under section 213AA, whose decision thereon shall be final.

(6) The Commissioner-General may, by notice in writing, require a manufacturer, assembler, fabricator, innovator, adaptor,

modifier or person engaged in the business of changing the construction of a motor vehicle, to effect such additions, improvements, or modifications as he may specify in such notice, to an existing facility for manufacturing, assembling, fabricating, innovating, adapting, modifying or changing the construction of a motor vehicle.

(7) The Commissioner-General shall cancel a written approval granted under subsection (2) where he is satisfied that the manufacturer, assembler, fabricator, innovator, adaptor, modifier or person engaged in the business of changing the construction of a motor vehicle—

(a) has failed to comply with the requirements of a notice sent to him under subsection (6) ; or

(b) (i) has carried on the business of manufacturing, assembling, fabricating, innovating, adapting, modifying or changing the construction of a motor vehicle in an improper or unsatisfactory manner ;

(ii) has failed to comply with any of the terms and conditions subject to which such written approval was granted ;  
or

(iii) has been convicted of an offence under this Part or has contravened the provisions of any regulation made thereunder.

(8) The Commissioner - General shall before cancelling any written approval under

subsection (7), give notice in writing of his intention to do so, specifying a date, not less than fourteen days from the date of the notice, upon which such cancellation shall be made and calling upon such manufacturer, fabricator, assembler, innovator, adaptor, modifier or person changing the construction of a motor vehicle to show cause to the Commissioner-General as to why such written approval should not be cancelled.

(9) Where the Commissioner-General has cancelled any written approval granted to a person under the provisions of subsection (7), he shall forthwith inform such person of such cancellation by notice in writing.

(10) Any person aggrieved by the decision of the Commissioner General under subsection (7) may, within fourteen days of the receipt of the notice referred to in subsection (9), appeal in writing against such cancellation to the Motor Traffic Appeals Tribunal established under section 213AA, whose decision thereon shall be final.

(11) An order of cancellation shall not take effect until the expiration of a period of fourteen days from the date of receipt of the notice of cancellation under subsection (9).

(12) If within that period, the person aggrieved by such cancellation appeals to the Motor Traffic Appeals Tribunal established under section 213AA the order shall not take effect until such Tribunal confirms such order of cancellation or the appeal is dismissed.

(13) Where an order of cancellation becomes effective under subsections (7) or (11), the manufacturer, assembler, fabricator, innovator, adaptor, modifier or person changing the construction of a motor vehicle shall as from the date when such order becomes effective, cease to carry on the business of manufacturing, assembling, fabricating, innovating, adapting, modifying or changing the construction of a motor vehicle as the case may be.

(14) Where written approval has been granted to a manufacturer, assembler, fabricator, innovator, adaptor, modifier, or person changing the construction of a motor vehicle, for the carrying on of business in such capacity, and an order of cancellation has been made in respect of any such category of persons, such person shall, within seven days of the making of such order of cancellation, surrender to the Commissioner - General –

- (a) the letter of written approval issued to such person; and
- (b) the Certificate of Registration issued to him as a manufacturer, assembler, fabricator, innovator, adapter, modifier or construction changer, as the case may be,

(15) A manufacturer, assembler, fabricator, innovator, adapter, modifier, or person engaged in the business of changing the construction of a motor vehicle, the written approval for whose business has been cancelled under this section, may on satisfying the Commissioner - General that he has, since such cancellation—

- (a) complied with the requirements of a notice sent to him under subsection (6);



- (b) complied with the terms and conditions subject to which such written approval was previously granted ; and
- (c) is carrying on such business in a proper and satisfactory manner,

re-apply to the Commissioner-General-

- (i) for the grant of written approval for his business ; and
- (ii) for the issue of a Certificate of Registration as a manufacturer, assembler, fabricator, innovator, adapter, modifier or construction changer as the case may be.

(16) Any person aggrieved by the refusal of the Commissioner-General to re-issue written approval or issue or renew the Certificate of Registration issued to such person as a manufacturer, assembler, fabricator, innovator, adapter, modifier or construction changer as the case may be, may within fourteen days of the receipt of the written notice of refusal, appeal in writing to the Secretary of the Ministry of the Minister, whose decision thereon shall be final.

(17) A person who contravenes the provisions of subsections (1), (13) or (14) shall be guilty of an offence and shall on conviction be liable to a fine not less than fifty thousand rupees and not exceeding one hundred thousand rupees and to the confiscation of such motor vehicle.

(18) The Minister may make regulations in respect of the procedure for the issue of a Certificate of Registration as a manufacturer, assembler, fabricator, innovator, adapter, modifier or construction changer as the case may be, including the conditions to be attached to such Certificate and the conduct of such certificate holders.

Prohibition on assembly of motor vehicles except with branded new parts.

19B. (1) No person shall assemble a motor vehicle except –

- (a) with branded new parts ; and
- (b) with the prior written permission of the manufacturer of such parts.

(2) Any person who assembles a motor vehicle otherwise than in accordance with the provisions of subsection (1), shall be guilty of an offence and shall on conviction be liable to a fine not less than fifty thousand rupees and not exceeding one hundred thousand rupees.

Prohibition on importation of certain vehicles.

19C. (1) No person shall import a motor vehicle into Sri Lanka—

- (a) which is not in conformity with the prototype approved by the Commissioner-General; and
- (b) except under the authority of a permit issued in that behalf by the Commissioner-General.

(2) A person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not less than three hundred thousand rupees and not exceeding five hundred thousand rupees.”.

**17.** The following new section is hereby inserted immediately after section 24 of the principal enactment and shall have effect as section 24A of that enactment :—

Insertion of new section 24A in the principal enactment.

“Penalty for contravention of sections 21, 22, 23 and 24.

24A. A person who —

(a) contravenes the provisions of sections 21, 22, 23 and 24 of this Act ; or

(b) (i) fraudulently uses or allows any other person to use any identification plate, or

(ii) imitates, alters, mutilates, defaces or destroys any identification plate,

shall be guilty of an offence and shall on conviction be liable to a fine not less than fifteen thousand rupees and not exceeding twenty five thousand rupees and on a second or subsequent conviction to a fine not less than thirty thousand rupees and not exceeding fifty thousand rupees or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.”.

**18.** Section 29 of the principal enactment is hereby repealed and the following section substituted therefor :—

Replacement of section 29 of the principal enactment.

“Revenue licences for motor vehicles.

29. (1) (a) No revenue license for a motor lorry, light motor lorry, heavy motor lorry, motor coach, light motor coach, heavy motor coach, motor hearse or motor ambulance shall be issued by any licensing authority unless a Certificate of Fitness and an Emission Certificate issued in respect thereof under section 196, is produced.

(b) No revenue license for a motor cycle, light motor cycle, motor car, dual purpose vehicle, motor tricycle, motor tricycle van, land vehicle, hand tractor or special purpose vehicle shall be issued by any licensing authority unless an Emission Certificate issued in respect thereof under section 196, is produced.

(2) The Minister may make regulations—

- (a) providing for the amalgamation of the Certificate of Fitness and Emission Certificate if so required;
- (b) identifying new classes of vehicles in respect of which either the Certificate of Fitness or the Emission Certificate may be required.”.

Replacement of section 44 of the principal enactment.

**19.** Section 44 of the principal enactment is hereby repealed and the following section substituted therefor :—

“Visitor’s temporary licence .

44. (1) The Commissioner-General, may if he is satisfied upon application made in the prescribed form and accompanied by the prescribed fee and documents relating to the importation of a motor vehicle, that such motor vehicle has been imported into Sri Lanka—

- (a) for participation in a motor sports meet approved by the Minister in charge of the subjects of sports; or
- (b) for the purpose of being used by the owner of that vehicle during a visit to Sri Lanka ,

notwithstanding that no person has been registered as the owner of that vehicle, issue to

the owner a visitor's temporary licence in the prescribed form, authorizing the possession and use of the motor vehicle for a period not exceeding twelve months from the date of importation.

(2) The powers conferred on the Commissioner General by subsection (1) may in the case of motor vehicles imported through any Port in Sri Lanka, be exercised by the Government Agent or Divisional Secretary of the Administrative District within which the Port is situated or by the Superintendent of Customs of that Port.

(3) Every application made to, and a copy of every visitor's temporary licence issued by, any officer under subsection (2) shall be forwarded to the Commissioner-General within fourteen days from the date of issue.

(4) Every visitor's temporary licence shall specify the make, model, chassis number, engine number and colour of the motor vehicle and the details of distinctive plates issued under subsection (5).

(5) The Commissioner-General shall issue to such owner two plates bearing a distinctive number or numbers assigned for the purposes of this section.

(6) Such plates shall be displayed as prescribed and shall be returned to the Commissioner-General on the expiry of the licence.

(7) The owner of the visitor's temporary licence shall de-register the temporary registration of such vehicle prior to its exportation.”.

Amendment of section 102 of the principal enactment.

**20.** Section 102 of the principal enactment is hereby amended in subsection (5) of that section by the substitution of that words “eighteen years”, of the words “seventeen years”.

Amendment of section 106 of the principal enactment.

**21.** Section 106 of the principal enactment is hereby repealed and the following section substituted therefor:—

“Liability of insurer in respect of any decree.

106. (1) No sum shall be payable by an insurer under the provisions of section 105 in respect of any decree—

- (a) unless before or within seven days of the commencement of the action the plaintiff in the action in which such decree was entered has given notice of such action to such insurer; or
- (b) so long as execution of such decree is stayed pending appeal.

(2) Every notice given under subsection (1) shall—

- (a) specify the name of the court in which such action is instituted;
- (b) specify the number assigned to the action;
- (c) specify the names of, the parties to the action;
- (d) specify the number of the insurance policy in respect of which the action is instituted;
- (e) specify the nature of the action ; and

(f) require the insurer to answer the plaint before a date to be specified in such notice.

(3) Every notice shall be accompanied by a copy of the plaint filed in the action.

(4) An insurer to whom such notice is given shall be made a party to such action and shall be entitled to defend such action.”.

**22.** The following new section is hereby inserted immediately after section 112 of the principal enactment and shall have effect as section 112A of that enactment:—

Insertion of new section 112A of the principal enactment.

“Transfer of Certificate of Insurance. 112A. (1) Where a person in whose favour the Certificate of Insurance has been issued in accordance with the provisions of this Chapter transfers to another person the ownership of the motor vehicle in respect of which such insurance was taken together with the policy of insurance relating thereto, the Certificate of Insurance and the policy described in the Certificate shall be deemed to have been transferred in favour of the person to whom the motor vehicle is transferred with effect from the date of its transfer.

*Explanation* – For the removal of doubts, it is hereby declared that such deemed transfer shall include the transfer of rights and liabilities of the said Certificate of Insurance and policy of insurance.

(2) The transferee shall apply within forty-four days from the date of transfer in the prescribed Form to the insurer for making

necessary changes in regard to the fact of transfer in the Certificate of Insurance and the insurer shall make the necessary changes in the Certificate and the policy of insurance in regard to the transfer of insurance.”.

Replacement of section 122 of the principal enactment.

**23.** Section 122 of the principal enactment is hereby repealed and the following section substituted therefor :—

“Classification of driving licences for motor vehicles. 122. (1) For the purposes of this Act, motor vehicles shall be divided into the classes specified in Columns 1, 2 and 5 of the Schedule to this section and a licence for the classes specified in Columns 1, 2 and 5 shall be deemed to authorize the holder thereof to drive a motor vehicle of a class specified in Columns 1, 2, 3 and 5 as defined in I.S.O. Standard No. I.S.O. / TEC/ FDIS-18013-1-2005(E) hereof.

(2) Notwithstanding the provisions of subsection (1), the Minister may in exceptional circumstances make regulations to the effect that a driving licence other than a licence specified in subsection (1) shall be deemed to authorize the holder thereof to drive a motor vehicle of a class specified in such regulations.



SCHEDULE

	Column 1	Column 2	Column 3	Column 4	Column 5
	<i>Description</i>	<i>New classess</i>	<i>Validity other classes</i>	<i>Pictograph</i>	<i>Present Class</i>
1	(i) Motor Cycles Motorcycles of which engine capacity exceeds 100CC	A	A1, G1		D
	(ii) Light Motor Cycles Motorcycle of which engine capacity does not exceed 100CC	A1	G1		D
2	Dual purpose Motor vehicle of which Gross Vehicle Weight does not exceed 3500 kilograms and the seating capacity does not exceed 9 seats inclusive of the driver's seat, which may be combined with a trailer of which maximum authorized tare does not exceed 750 kilograms; motor vehicles in this class include an invalid carriage. And all cars where the seating capacity does not exceed 9 seats inclusive of the Driver's seat.	B	G1		C, C1
3	Motor Tricycle / Motor Tricycle van. Motor tricycle or van of which the tare does not exceed	B1	G1		E,F

	Column 1	Column 2	Column 3	Column 4	Column 5
	<i>Description</i>	<i>New classess</i>	<i>Validity other classes</i>	<i>Pictograph</i>	<i>Present Class</i>
	500 KG and Gross vehicle weight does not exceed 1000 kilograms; motor vehicle in this class include an invalid carriage.				
4	(i) Motor Lorry – Motor Lorry of which Gross Vehicle Weight is more than 17000 kilograms; may be combined with a trailer having a maximum authorized tare which does not exceed 750 kilograms	C	C1, G1 B, B1, J, G		B
	(ii) Light Motor Lorry- Motor Lorry of which Gross Vehicle Weight exceeds 3500 and does not exceeds 17000 kilograms; motor vehicles in this class may be combined with a trailer having a maximum authorized tare which does not exceed 750 kilograms; motor vehicles of this class include a motor ambulance and motor hearse.	C 1	G, G1, B, B1		B

	Column 1	Column 2	Column 3	Column 4	Column 5
	<i>Description</i>	<i>New classess</i>	<i>Validity other classes</i>	<i>Pictograph</i>	<i>Present Class</i>
5	Heavy Motor Lorry Combination of motor lorry and trailer (s) including Articulated Vehicles and its trailer (s) of which maximum authorized tare of the trailer exceeds 750 kilograms and Gross vehicle weight exceeds 3500 kilograms	CE	C, C1, B,B1, G, G1, J		B
6	(i) Motor Coach-Motor Coach where the seating capacity does not exceed 33 seats inclusive of the driver's seat; motor vehicles in this class may be combined with a trailer having a maximum authorized tare which does not exceed 750 kilograms.	D	D1, C, C1, B, B1, G, G1, J		A
	(ii) Light Motor Coach-Motor vehicles used for the carriage of persons and having a seating capacity of not less than 9 seats and not more than 33 seats inclusive of the driver's seat; motor vehicles in this class may be combined with a trailer having a	D1	C1, B, B1, G, G1		A1

	Column 1	Column 2	Column 3	Column 4	Column 5
	<i>Description</i>	<i>New classess</i>	<i>Validity other classes</i>	<i>Pictograph</i>	<i>Present Class</i>
	maximum authorized tare which does not exceed 750 kilograms.				
7	Heavy Motor Coach-Combination of motor coach having a seating capacity of 33 seats inclusive of the driver's seat and its trailer having a maximum authorized tare exceeding 750 kilograms or a combination of two motor coaches	DE	D, D1, CE, C, C1, B, B1, G, G1, J		A
8	Land Vehicle-Agricultural Land Vehicle with or without a Trailer	G	G1		G,G1
9	Hand Tractors-Two Wheel Tractor with a Trailer	G1			
10	Special purpose Vehicle,Vehicle used for construction, loading &c., excluding motor lorries, light motor lorries and heavy motor lorries, equipped with construction equipment and equipment for loading and unloading goods	J	G1		B G

**24.** The following new section is hereby inserted immediately after section 122 of the principal enactment and shall have effect as section 122A thereof :—

Insertion of new section 122A in the principal enactment.

“Classes of driving licences. 122A. (1) For the purposes of this Act driving licences or permits as the case may be shall—

- (a) in the case of motor vehicles belonging to the classes specified in items 1(i), 1(ii), 2, 3, and 8 of the Schedule to section 122, be of the following classes :—
  - (i) Learner’s Permit ; and
  - (ii) Regular Driving Licence for light vehicles ;
- (b) in the case of motor vehicles belonging to the classes specified in items 4(i), 4(ii), 5, 6 (i), 6 (ii), 7, 9 and 10 of the Schedule to section 122, be of the following classes :—
  - (i) Learner’s Permit ;
  - (ii) Regular Driving Licence for heavy vehicles.

(2) Every person who desires to obtain a driving licence under this Act for classes specified in items 4(i), 4(ii), 5, 6(i), 6(ii), 7, 9 and 10 of the Schedule to section 122 (heavy vehicles) shall at the time of applying therefor, possess a Regular Driving Licence for motor vehicles of the classes specified in items 2, 3 or 8 of such Schedule.”.

**25.** Section 123 of the principal enactment is hereby amended as follows :—

Amendment of section 123 of the principal enactment.

- (1) in subsection (1) of that section, by the substitution for the words “effective driving licence” wherever those words appear in that section, of the words “regular driving licence subject to a probation period.”

- (2) by the repeal of subsection (2) thereof and the substitution therefor of the following subsection:—

“(2) (a) A person who does not hold a driving licence and who wishes to learn or to be permitted to drive a motor vehicle shall make application to the Commissioner-General for a Learner’s Permit—

- (i) in the prescribed form; and
- (ii) accompanied by the prescribed levy and the prescribed documents.

(b) The Commissioner-General shall conduct a theory examination for the purpose of ascertaining whether the applicant is competent to be granted a Learner’s Permit and if such applicant is successful at such examination, and satisfies the Commissioner-General in regard to the requirements specified in paragraph (c) of this subsection, issue him with a Learner’s Permit.

(c) Every applicant for a Learner’s Permit shall prove to the satisfaction of the Commissioner-General—

- (i) in the case of an application for a Learner’s Permit to drive light vehicles that he has completed the age of seventeen years; and in the case of an application for a Learner’s Permit to drive heavy vehicles that he has completed the age of twenty years ; and
- (ii) that he is physically fit to drive the class or classes of vehicles in respect of which the application is made.

(d) Every person who is successful at the theory examination referred to in paragraph (b) shall—

- (i) apply to the Commissioner-General in the prescribed form accompanied by the prescribed fee, for the ‘L’ plate which shall be

fixed and maintained on a motor vehicle in accordance with the succeeding provisions of this section ;

- (ii) obtain an insurance cover in accordance with the provisions of section 99.

(e) A holder of an 'L' plate shall not permit or cause the owner or any other person in charge of a motor vehicle who is not the holder of an 'L' plate to use that plate for the purpose of learning:

Provided that—

- (i) no person other than the holder of a Learner's Permit and the person instructing him shall travel in such motor vehicle; where the person so instructing such learner is a registered driving instructor, the maximum number of learners carried in a motor vehicle belonging to the class referred to in item 2 of the Schedule to section 122 shall not exceed three persons and in motor vehicles of a class referred to in items 6(i), 6(ii) and 7 of the Schedule to section 122 shall not exceed six persons;
- (ii) the holder of a Regular Driving Licence which is valid for motor vehicles of that class and who should be at least twenty one years of age, shall accompany him for the purpose of instructing him and shall be seated at his side :

Provided however that the requirements herein contained shall not apply to motor cycles and tractors ; and

- (iii) there is carried above each identification plate fixed on the vehicle, in such manner as not to obstruct any such identification plate, a white board or plate bearing the letter 'L' painted thereon in red the dimensions of such letter being at least twice the corresponding dimensions of any letter forming part of the distinctive number on the identification plate.

(f) The holder of a Learner's Permit may on completion of a period of three months from the date of issue of such Learner's Permit and if he has satisfied the requirements set out in section 125, apply to the Commissioner-General in the prescribed Form accompanied by the prescribed levy to convert his Learner's Permit into a Regular Driving Licence.

(g) Regulations may be made prescribing—

- (i) any other requirement or condition for the issue of a Learners' Permit ; and
- (ii) the shape, size, colour, details of display and the procedure for the issue of 'L' plate.”.

- (3) by the addition, immediately after subsection (2) of that section of the following subsections which shall have effect as subsections (3), (4) (5), (6) and (7) thereof :—

“(3) (a) A Regular Driving Licence shall be subject to a minimum probationary period of one year from the date of issue and a maximum probationary period of two years from the date of issue.



(b) Where the holder of a Regular Driving Licence has within the probationary period of one year accumulated the prescribed number of driver improvement points as would result in the cancellation or suspension of his driving licence under section 133A, or driver improvement points over and above such prescribed number, the Commissioner-General shall extend the period of probation for a further period of one year.

(c) If the Commissioner-General is satisfied that the holder of a Regular Driving Licence under paragraph (b), has during the extended probationary period of one year accumulated the prescribed number of driver improvement points which would result in the suspension or cancellation of a driving licence under section 133A or driver improvement points over and above such prescribed number, he shall forthwith cancel such probationary licence.

(4) (a) For the purposes of this Act, every driving licence, irrespective of whether it is a Regular Driving Licence subject to a probationary period or a Regular Driving Licence, shall be treated as a valid driving licence for the class or classes of motor vehicles referred to therein.

(b) All levies recovered by the Commissioner-General in respect of the issue of every such licence or permit referred to in subsection (1) of section 122 shall be deemed to have been validly recovered under the provisions of this Act.

(5) (a) A person who contravenes the provisions of paragraph (a) of subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not less than three thousand rupees and not exceeding six thousand rupees and on a second or subsequent conviction to a fine not less than six thousand rupees and not exceeding ten thousand rupees.

(b) A person who contravenes the provisions of paragraph (b) of subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not less than four thousand rupees and not exceeding eight thousand rupees and on a second or subsequent conviction to a fine not less than eight thousand rupees and not exceeding twelve thousand rupees.

(6) (a) A person who contravenes the provisions of paragraph (d) of subsection (2) shall be guilty of an offence and shall on conviction be liable to the penalty specified in section 224.

(b) A person who contravenes the provisions of paragraph (e) of subsection (2), shall be guilty of an offence and shall on conviction be liable to the penalty specified in section 224.

(7) A person who contravenes the provisions of paragraph (a) of subsection (3) shall be guilty of an offence and shall on conviction, be liable to the penalty specified in section 224.”.

Replacement section 124 of the principal enactment.

**26.** Section 124 of the principal enactment is hereby repealed and the following section substituted therefor:—

“Application for a Learners Permit and Regular Driving Licence.

124. (1) Every application for a Learners Permit and Regular Driving Licence shall be made to the Commissioner-General in the prescribed Form, and shall be accompanied by—

(a) a Medical Certificate from the National Transport Medical Institute established under the National Transport Medical Institute Act, No. 25 of 1997 or a medical practitioner registered under the Medical Ordinance (Chapter 105) and duly

authorized by the National Transport Medical Institute or authorized by the Commissioner-General, which certifies that the applicant is physically fit to drive the class or classes of vehicles in respect of which the application is made ;

- (b) the prescribed levy ;
- (c) two copies of a photograph of the applicant of such size as may be prescribed and taken not earlier than six months prior to the date of the making of the application;
- (d) a declaration made by the applicant in the prescribed Form as to whether or not he is suffering from any disease or mental or physical disability as would be likely to cause his driving to be a source of danger to the public.

(2) Every applicant for a driving licence valid for motor vehicles belonging to the classes specified in items 1(i), 1(ii), 2, 3 and 8 of the Schedule to section 122 shall prove to the satisfaction of the Commissioner-General—

- (a) that he has completed the age of eighteen years ; and
- (b) that he has been a learner driver for at least three months from the date he obtained 'L' plate from the Commissioner-General.

(3) Every applicant for a driving licence valid for motor vehicles belonging to the classes specified in items 4(i), 4(ii), 5, 6(i), 6(ii),

7, 9 and 10 of the Schedule to section 122 shall prove to the satisfaction of the Commissioner-General that he –

- (a) has completed the age of twenty-one years ;
- (b) has been a learner driver of the class of vehicles in respect of which the application is made for at least three months from the date he obtained ‘L’ plate from the Commissioner-General;
- (c) possesses an adequate practical knowledge of the mechanism of motor vehicles as may be prescribed ;
- (d) possesses such educational and other qualifications as may be prescribed ;
- (e) possesses such physical requirements as may be prescribed ;
- (f) has been in possession of a Regular Driving Licence valid for motor vehicles belonging to the classes specified in items 2 and 3 of the Schedule to section 122, for a period of not less than two years.”.

Insertion of new sections 124B, 124C and 124D in the principal enactment.

**27.** The following new sections are hereby inserted immediately after section 124A of the principal enactment and shall have effect as sections 124B, 124C and 124D of that enactment :—

“Motor Traffic Appeals Board.

124B. (1) There shall be Motor Traffic Appeals Board (hereinafter in this Part referred to as “the Board”) consisting of the following members who shall be persons who have gained recognition or integrity:—

- (a) a nominee of the Secretary to the Ministry of the Minister in charge of the subject of Transport;

- (b) a retired examiner of Motor Traffic nominated by the Secretary to the Ministry of the Minister in charge of the subject of Transport; and
- (c) one person from the Police Department nominated by the Inspector General of Police.

(2) An applicant for a driving licence who has complied with the requirements set out in subsection (2) of section 123 and section 124, and who is aggrieved by the decision of the Commissioner-General refusing to issue him a driving licence may prefer an appeal to the Board against such decision.

(3) The Board shall within a period of thirty days from the date of preferring the appeal communicate its decision on such appeal to the applicant and the Commissioner-General, and the Commissioner-General shall give effect to such decision.

Medical  
Committee.

124c. (1) The Minister shall appoint a Medical Committee comprising of –

- (a) the Commissioner-General of Motor Traffic or his nominee ;
- (b) the Director -General of Health Services or his nominee ;
- (c) Specialist/Medical Officer registered under the Medical Ordinance (Chapter.) who has specialized in the particular field; and
- (d) a representative of the Ministry of the Minister in charge of the subject of Transport :

(2) The duties of the Medical Committee shall be to hear appeals from persons aggrieved by the refusal to issue Medical Certificates by medical practitioners or the National Transport Medical Institute under section 124D.

(3) A medical practitioner who wilfully issues a Medical Certificate which is incorrect as regards the medical condition of an applicant or is incorrect in regard to any material particulars specified therein shall be guilty of the offence of fraudulent issue of a medical certificate and shall on conviction be liable to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees and such practitioner shall also be reported to the Sri Lanka Medical Council.

Appeals to  
Medical  
Committee.

124D. (1) An applicant for a Learners Permit and Regular Driving Licence who is aggrieved by the refusal of a Medical Practitioner referred to in section 124 or the National Transport Medical Institute to issue him with a Medical Certificate may prefer an appeal against such refusal to the Medical Committee appointed under section 124C.

(2) Such Medical Committee shall within a period of seven days cause such applicant to be examined by a registered medical practitioner other than a medical practitioner referred to in paragraph (1) and shall if such medical practitioner certifies that the applicant is fit to be issued a driving licence, issue him a Medical Certificate and shall report such fact to the Sri Lanka Medical Council.

Amendment of  
section 125 of  
the principal  
enactment.

**28.** Section 125 of the principal enactment is hereby amended as follows :—

- (1) in subsection (1) of that section, by the substitution for the words “licence which it accompanies.” of the words, “licence which it accompanies and any

endorsement made on such form shall be deemed to have been made upon such driving licence.”;

- (2) in subsection (4) of that section, by the substitution for the words “driving a motor vehicle in a safe and proper manner.” of the words “driving a motor vehicle in a safe or proper manner :

Provided that, the Commissioner-General may refuse to issue a driving licence in circumstances that appear to him to be detrimental to the interest of the public.”;

- (3) by the repeal of subsection (5) thereof and the substitution therefor of the following subsection:—

“(5) No Regular Driving Licence shall be issued—

- (a) in respect of motor vehicles belonging to the clauses specified in items 1(i), 1(ii), 2, 3 and 8 and of the Schedule to section 122 to any person who has not attained the age of eighteen years ; and
- (b) in respect of motor vehicles belonging to the clauses specified in items 4(i), 4(ii), 5, 6(i), 6(ii), 7, 9 and 10 of the Schedule to section 122 to any person who has not attained the age of twenty-one years,

and, a licence issued to any such person shall be of no force or effect in law.”.

**29.** Section 126 of the principal enactment is hereby amended as follows :—

Amendment of section 126 of the principal enactment.

- (1) by the repeal of subsection (1) of that section and the substitution therefor of the following subsection :—

“(1) Unless otherwise prescribed by the Minister and subject to the provisions of

subsections (2) and (3) of section 126A and section 126B, Learners Permit and Regular Driving Licence issued in respect of motor vehicles —

(a) belonging to the classes specified in items 4(i), 4(ii), 5, 6(i), 6(ii), 7, 9 and 10 of the Schedule to section 122, shall be valid for a period of four years ;

(b) belonging to the classes specified in items 1(i), 1(ii), 2, 3 and 8 of the Schedule to section 122, shall be valid for a period of eight years.”.

(2) by the addition, immediately after subsection (3) of that section, of the following subsections which shall have effect as subsections (4) and (5) thereof :—

“(4) A person who drives a motor vehicle on a road at any time during which his driving licence has been suspended or cancelled or where the period of validity of such licence has expired shall be guilty of an offence and shall on conviction be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees.

(5) The Minister may make regulations prescribing the period of validity of driving licences issued under this Act for any class or classes of vehicles specified under section 122”.

Insertion of new sections 126B and 126C in the principal enactment.

**30.** The following new sections are hereby inserted immediately after section 126A of the principal enactment and shall have effect as sections 126B and 126C thereof :—

“Renewal of driving licences.

126B. (1) Subject to the provisions of subsections (2) and (3) of section 126 and section 126A every driving licence may, on the



expiry of the period for which it is issued, be renewed in the case of motor vehicles of a class referred to in items 1(i), 1(ii), 2, 3, 8 and 10 of the Schedule to section 122 for further periods of eight years each at a time and in the case of motor vehicles of a class referred to in items 4(i), 4(ii), 5, 6(i), 6(ii), 7 and 9 of the Schedule to section 122 for further periods of four years each, at a time.

(2) Every application for the renewal of a driving licence shall be in the prescribed Form and shall be accompanied by—

- (a) (i) in the case of belonging to the classes specified in items 1(i), 1(ii), 2, 3 and 8 of the Schedule to section 122 a Medical Certificate from the National Transport Medical Institute established under the National Transport Medical Institute Act, No. 25 of 1997 or from a medical practitioner registered under the Medical Ordinance (Chapter 105) or duly authorized by the National Transport Medical Institute or authorized by the Commissioner-General, which certifies that the applicant is physically fit to drive motor vehicles of the class or classes in respect of which such application is made ; and
- (ii) in the case of vehicles belonging to the classes specified in items 4(i), 4(ii), 5, 6(i), 6(ii), 7, 9 and 10 of the Schedule to section 122 a Medical Certificate from the National Transport Medical Institute established under the National Transport Medical Institute

Act, No. 25 of 1997 or by a Medical Practitioner registered under the Medical Ordinance (Chapter 105) duly authorized by the National Transport Medical Institute or authorized by the Commissioner-General, which certifies that the applicant is physically fit to drive motor vehicles of the class or classes in respect of which such application is made;

- (b) the prescribed levy ; and
- (c) two copies of a photograph of the applicant, of such size as may be prescribed, taken not earlier than six months prior to the date of the making of the application.

(3) Every application for the renewal of a driving licence shall be forwarded to the Commissioner-General three months prior to the expiry of a licence currently in force.

Amendment of section 128 of the principal enactment.

**31.** Section 128 of the principal enactment is hereby amended as follows:—

- (1) by the repeal of subsection (1) of that section and the substitution therefor of the following subsection:—

“(1) A driving licence, unless expressed to be valid for all classes of vehicles, shall be valid only for the class or classes of motor vehicles specified in Column 3 of the Schedule to section 122.”;

- (2) by the repeal of subsections (2) and (4);

**32.** The following new sections are hereby inserted immediately after section 128 of the principal enactment and shall have effect as sections 128A and 128B of that enactment :-

Insertion of new sections 128A and 128B in the principal enactment.

“Emergency service vehicles and public service vehicles.

128A. (1) No person, who is the holder of a driving licence valid for any class or classes of motor vehicles shall drive any emergency service vehicle or public service vehicle on any road unless he is specifically authorized to do so by a special endorsement of the Commissioner –General on his driving licence.

(2) A person wishing to drive an emergency service vehicle or a public service vehicle on any road shall make application to the Commissioner –General on the prescribed form accompanied by the prescribed levy.

(3) The Minister may make regulations prescribing the requirements, qualifications and tests to be conducted to qualify for an endorsement on a driving licence empowering a licence holder to drive an emergency service vehicle or public service vehicle as the case may be.

Special purpose vehicles.

128B. (1) A person wishing to drive a special purpose vehicle shall make application for a licence for that purpose to the Commissioner- General in the prescribed form accompanied by the prescribed levy.

(2) The Minister may make regulations prescribing the requirements to be satisfied, the qualifications necessary and the tests to be conducted for the purpose of determining whether a person qualifies to drive a special purpose vehicle.”.

Amendment of section 132 of the principal enactment.

**33.** Section 132 of the principal enactment is hereby amended as follows —

- (1) in subsection (1) of that section by the substitution for the words “not exceeding three months” of the words “not exceeding twelve months”; and
- (2) in subsection (5) of that section by the substitution, for the words “shall not apply to the issue of”, of the words “shall apply to the issue of”.

Insertion of new sections 132A and 132B in the principal enactment.

**34.** The following new sections are hereby inserted immediately after section 132 of the principal enactment and shall have effect as sections 132A and 132B thereof :—

“International Driving Permit.

132A. (1) Any person ordinarily resident in Sri Lanka, being the holder of a driving licence issued under Part VII of this Act, may on application made in the manner hereinafter provided, obtain an International Driving Permit authorizing him to drive a vehicle whilst abroad in any of the contracting States or Territories that have acceded to the Vienna Convention on Road Traffic of Eighth November, One Thousand Nine Hundred and Sixty Eight.

(2) An application for any such driving Permit shall be in the prescribed Form and be accompanied by the prescribed levy and may be submitted to the prescribed associations who shall forward the application to the Commissioner-General.

(3) Every applicant for an International Driving Permit shall be examined by an authorized officer appointed for the purpose by the Commissioner-General, prior to the issue of the said Permit.

(4) Such International Driving Permit shall be valid for a period of one year commencing from the date of issue.

(5) For the purpose of this section “prescribed association” means the Automobile Association of Ceylon or any other Association which is affiliated to the Alliance International de Tourism in Geneva, Switzerland, being the regulatory body for the issue of International Permits as may be prescribed by the Minister by Notification published in the *Gazette*.

Recognition of international driving permit or certificate in Sri Lanka.

132B. A person who is a *bonafide* visitor to Sri Lanka and who possesses a valid International Driving Permit issued by any of the Contracting States to, or the States or Territories that have acceded to the Vienna Convention of eighth November One Thousand Nine Hundred and Sixty Eight, shall be deemed to possess a driving licence issued under the provisions of this Act and to be authorized to drive the class or classes of vehicles specified in the driving permit:

Provided that—

- (a) the Permit is valid within the meaning of Article 41 of the Vienna Convention of 1968 ;
- (b) the holder carries such permit while driving in Sri Lanka and produces it on demand by a police officer or Examiner of Motor Vehicles for inspection ; and
- (c) the holder fulfils in all respects the conditions set out in Article 41 of the Vienna Convention of 1968.”.

Amendment of section 135 of the principal enactment.

**35.** Section 133A of the principal enactment is hereby amended as follows :—

- (1) by the repeal of subsection (1) of that section and the substitution therefor of the following subsection :—

“(1) Where the holder of a Learner’s Permit and Regular Driving Licence is convicted of any offence prescribed by the Minister under this section and the court does not suspend or cancel the driving licence of such holder, the court may—

- (a) if the Learner’s Permit and Regular Driving Licence of such holder is available, enter or cause to be entered upon such licence; or
- (b) if the Learner’s Permit and Regular Driving Licence of such holder is not available, direct the Commissioner to enter upon such licence, such number of driver improvement points prescribed in respect of the offence in respect of which the holder of such driving licence was convicted:

Provided however, that in the case of a Learner’s Permit and Regular Driving Licence issued in the form of a card without the micro chip such entry may be made on the Endorsement Form prescribed under section 125 and an entry so made shall for the purposes of this Act, be deemed to have been made upon such driving licence.”:

- (2) by the insertion immediately after the proviso to subsection (1) thereof of the following subsection which shall have effect as subsection (1A) thereof:—

“(1A) Where the holder of a Learner’s Permit and Regular Driving Licence on detection by a police officer admits liability for the contravention of any section prescribed by the Minister under

this section and makes, in lieu of prosecution for such contravention, payment of the fine prescribed in respect of that offence any police officer of the rank of sergeant or above shall enter such fine on the prescribed form under the subsection and forward a copy of the entry made thereon to the Commissioner- General for the purpose of record and on receipt of such record, the Commissioner-General shall enter upon such Learners Permit and Regular Driving Licence the number of driver improvement points prescribed in respect of such offence under this section.”;

- (3) by the repeal of subsection (3) thereof, and the substitution therefor of the following subsection:—

“(3) Where any court enters or causes to be entered driver improvement points on any driving licence under subsection (1), the court shall forward to the Commissioner-General a copy of the entry made on the licence.

For the purpose of this section the Inspector General of Police shall notify the Commissioner General of the commission of any offence under this section.”;

- (4) by the addition immediately after subsection (4) of that section, of the following subsection which shall have effect as subsection (5) thereof:—

“(5) The Minister may make regulations identifying the offences and the number of driver improvement points which shall be entered on a driving licence or assigned by the Commissioner-General on the commission of such offences.”.

**36.** Section 135 of the principal enactment is hereby amended as follows :—

- (1) in the proviso to subsection (1) of that section, by the substitution for the words, “extension of its

Amendment of section 133A of the principal enactment.

validity,” of the words “extension of its validity, replacement, renewal or additional endorsement,”.

- (2) by the insertion, immediately after subsection (1), of the following new subsections which shall have effect as subsections (1A), (1B), (1C) and (1D) thereof :—

“(1A) Any person who fails to carry a valid Learner’s Permit and Regular Driving Licence including the endorsement form while driving a motor vehicle shall be guilty of an offence and shall on conviction be liable to a fine not less than two thousand five hundred rupees and not exceeding five thousand rupees.

(1B) Where a driver of a motor vehicle does not possess a valid Learner’s Permit and Regular Driving Licence a police officer may detain such driver of the motor vehicle until such driver produces a valid Learner’s Permit and Regular Driving Licence. Where it is found that such driver does not hold a valid Learner’s Permit and Regular Driving Licence, such driver and owner of the motor vehicle shall be guilty of an offence and shall be liable to a fine not less than three thousand rupees and not exceeding six thousand rupees and to imprisonment of either description for a term of six months:

Provided however that the owner of such motor vehicle shall not be deemed to be guilty of an offence if he proves to the satisfaction of the Court that the vehicle was removed by such driver without his knowledge.

(1C) (a) Where the driver of a motor vehicle wilfully refuses to produce the Learner’s Permit and Regular Driving Licence on demand by a police officer, such police officer may take such driver and the vehicle into custody and produce such driver at the nearest police station for the purpose of investigation.



(b) Any person who wilfully refuses to produce the learner's permit or regular driving licence or endorsement form on demand by a police officer shall be guilty of an offence and shall on conviction before a Magistrate be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees:

Provided however, that no person shall be deemed to be guilty of an offence under this section, if he proves to the satisfaction of the court that his learner's permit or regular driving licence had at the time of the alleged contravention, been forwarded to the Commissioner-General for an additional endorsement or for an extension of its validity, or for replacement or renewal.

(1D) (a) No person shall drive a motor vehicle carrying or possessing a learner's permit or regular driving licence which is faded, defaced, damaged, or obscure.

(b) Any person who contravenes the provisions of paragraph (a) shall be guilty of an offence under this Act and shall on conviction be liable to the penalty specified in section 224;" ; and

- (3) in subsection (5) of that section, by the substitution for the words, "charged, may specify by endorsement" of the words, "charged, may cause to be specified by endorsement."

**37.** Section 138 of the principal enactment is hereby amended by the insertion, immediately after subsection (1) thereof of the following subsection which shall have effect as subsection (1A) thereof :—

Amendment of section 138 of the principal enactment.

“(1A) (a) If any person whose Learner's Permit and Regular Driving Licence is in the custody of the police or any court in connection with the commission of an offence under this Act or the commission of an offence related to the driving of a motor vehicle under any other written law, applies for a new Learner's Permit and Regular Driving Licence or a

duplicate Learner's Permit and Regular Driving Licence that person shall be guilty of an offence and any licence so obtained shall be of no effect.

(b) Any person who is guilty of an offence under paragraph (a) of this subsection shall on conviction be liable to a fine not less than five thousand rupees and not more than ten thousand rupees and on a second or subsequent conviction to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees and to the cancellation of his driving licence.

(c) If any person shall possess more than one driving licence issued by the Commissioner-General at any one time, or is in possession of the driving licence of another person without lawful authority he shall be guilty of an offence and shall on conviction be liable to a fine not less than ten thousand rupees and not exceeding fifteen thousand rupees and to the confiscation of such licence. ”.

Insertion of new section 138A of the principal enactment.

**38.** The following new section is hereby inserted immediately after section 138 of the principal enactment and shall have effect as section 138A thereof :—

“Commissioner General to be notified of change of residence.

138A. (1) Every holder of a driving licence shall notify the Commissioner-General either by registered post or personal delivery, of any changes in his residence and postal address within thirty days of such change and the Commissioner General shall endorse such changes in the respective endorsement form and record them in the appropriate registers.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence under this Act and shall on conviction be liable to the penalty specified in section 224.”.

Insertion of heading to Part VIIA.

**39.** The following new heading is hereby inserted immediately after Part VIIA of the principal enactment:—

“LICENCING OF DRIVING SCHOOLS AND INSTRUCTORS”.

**40.** Section 139 A of the principal enactment is hereby amended by the repeal of subsection (2) of that section and the substitution therefor of the following subsection:—

Amendment of section 139A of the principal enactment.

“(2) Any person who contravenes the provisions of subsection(1) shall be guilty of an offence and shall, on conviction be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment and on a second or subsequent conviction to a fine not less than fifteen thousand rupees and not exceeding twenty five thousand rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment.”.

**41.** Section 139B of the principal enactment is hereby amended by the repeal of subsection (2 )of that section and the substitution therefor of the following subsection:—

Amendment of section 139B of the principal enactment.

“(2) No instructor’s licence of any class shall be issued to any person unless he—

- (a) is the holder of a valid driving licence of a class which is specified under section 139BB to make him eligible to be issued an instructor’s licence of such class as is specified in that section ; and
- (b) possesses such suitable qualifications and experience as may be prescribed.”.

**42.** The following new section is hereby inserted immediately after section 139 B of the principal enactment and shall have effect as section 139BB thereof:—

Insertion of new section 139BB of the principal enactment.

“Instructor’s Licence and assistant instructor’s licence. 139BB. (1) An instructor’s licence issued under this Part shall be divided into three classes, namely Class A, Class B and Class C.

(2) An Assistant Instructor's Licence shall be of Class C.

(3) An Instructor or Assistant Instructor shall be eligible to be issued a Class C licence if he has been the holder of a valid Regular Driving Licence stated to be valid for a motor vehicle belonging to the classes specified in items 1(i), 2 and 3 of the Schedule to section 122, for a minimum period of five years immediately prior to the application. Such instructor's licence or Assistant instructor's licence shall authorize him to instruct learners of classes of motor vehicles belonging to the classes specified in items 1(i), 1(ii), 2, 3 and 8 of the Schedule to section 122.

(4) A person shall be eligible to be issued an Instructor's Licence of Class B, if he has been the holder of a valid Regular Licence stated to be valid for Motor Vehicles belonging to the classes specified in items 1(i) and 6 of the Schedule to section 122, for a minimum period of five years immediately prior to the application. Such instructor's licence shall authorize him to instruct learners of Motor Vehicles belonging to the classes specified in items 1(i), 1(ii), 2, 3, 4(i), 4(ii), 6(i), 6(ii), 8 and 10 the Schedule to section 122.

(5) A person shall be eligible to be issued an Instructor's Licence of Class A, if he has been the holder of a valid regular licence expressed to be valid for motor vehicles belonging to the classes specified in items 1(i), 5 and 7 of the Schedule to section 122, together with emergency service vehicle and public service vehicle endorsements valid for a minimum period of five years immediately prior to the application. Such instructor's

licence shall authorize him to instruct learners of motor vehicles belonging to the classes specified in items 1(i), 1(ii), 2, 3, 4(i), 4(ii), 5, 6(i), 6(ii), 7, 8, 9 and 10 of the Schedule to section 122.”.

**43.** Section 139E of the principal enactment is hereby amended as follows :—

Amendment of section 139E of the principal enactment.

- (1) in subsection (1) of that section—
  - (a) by the omission in paragraph (b) thereof of the word “or”;
  - (b) by the substitution in paragraph (c) of that subsection for the words, “regulations made thereunder.” of the words, “regulations made thereunder; or” ; and
  - (c) by the insertion immediately after paragraph (c) thereof, of the following new paragraph which shall have effect as paragraph (d) thereof :—
    - “(d) has accumulated more than the specified number of driver improvement points.”;
- (2) in subsection (4) of that section, by the substitution for the words “Secretary to the Ministry” of the words “Secretary to the Ministry of the Minister”;
- (3) in subsection (6) of that section, by the substitution for the words “Secretary to the Ministry” of the words “Secretary to the Ministry of the Minister” ; and
- (4) in subsection (8) of that section, by the substitution for the words “shall forthwith surrender it to the Commissioner”, of the words, “shall surrender such licence to the Commissioner - General within seven days of such cancellation.”.

Amendment of section 139F of the principal enactment.

**44.** Section 139F of the principal enactment is hereby amended in subsection (3) of that section by the substitution for the words “to a fine not less than five hundred rupees” of the words “to a fine not less than seven thousand five hundred rupees and not exceeding fifteen thousand rupees.”.

Amendment of section 139N of the principal enactment.

**45.** Section 139N of the principal enactment is hereby amended by the repeal of the definition of the expression “driving instructor”.

Replacement of section 145 of the principal enactment.

**46.** Section 145 of the principal enactment is hereby repealed and the following section substituted therefor:—

“Condition of motor vehicles.

145. (1) No motor vehicle shall be used on a road unless it is in all respects in such a condition that it will not cause or be likely to cause—

- (a) danger, discomfort, annoyance or harm to any person in the vehicle or any person using the road ;
- (b) danger to any vehicle on the road ; or
- (c) damage to any property on or adjoining the road.

(2) Where a driver of a motor vehicle contravenes any provision of subsection (1) such driver, and registered owner of such motor vehicle shall be guilty of an offence and shall on conviction be liable to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees.

(3) Where a driver of a motor vehicle contravenes the provisions of subsection (1) and thereby causes injury to any person such driver, and registered owner of such motor vehicle shall be guilty of an offence and shall

on conviction be liable to a fine not less than ten thousand rupees and not exceeding twenty five thousand rupees or to imprisonment for a term not exceeding two months or to both such fine and imprisonment and to the suspension of his driving licence for a period of six months.

(4) Where a driver of a motor vehicle contravenes any provision of sub-section (1) and thereby causes grievous injury to any person, such driver and registered owner of such motor vehicle shall be guilty of an offence, and shall on conviction be liable to a fine not less than twenty five thousand rupees and not exceeding thirty five thousand rupees or to imprisonment for a term not exceeding six months or to both such fine and imprisonment and to the suspension of his driving licence for a period of six months.

(5) Where a driver of a motor vehicle contravenes any provision of sub-section (1) and thereby causes the death of any person, such driver and registered owner of such motor vehicle shall be guilty of an offence, and shall on conviction be liable to a fine not less than fifty thousand rupees and not exceeding seventy five thousand rupees or imprisonment for a term not exceeding one year or to both such fine and imprisonment and to the suspension of his driving licence for a period of twelve months. ”.

**47.** Section 155 of the principal enactment is hereby amended as follows :—

- (1) in subsection (1) of that section, by the substitution for the words “efficient instrument” of the words “efficient warning instrument”;

Amendment  
of section 155  
of the principal  
enactment.

- (2) by the re-numbering of subsections (2), (3) and (4) of that section as subsections (4), (5) and (6) thereof ;
- (3) by the insertion, immediately after subsection (1) thereof, of the following subsections which shall have effect as subsections (2) and (3) thereof :—

“(2) (a) Notwithstanding the provisions of subsection (1), the driver of a motor vehicle shall not use, or cause or permit to be used the warning instrument of such vehicle except –

- (i) when necessary as a traffic warning to avoid an accident ; or
- (ii) as an indication of his intention to overtake another vehicle, provided however, that at night, such driver may flash the head lights for such purpose and also sound a warning instrument .

(3) No person shall use a motor vehicle that has been equipped with a multi-tone horn sounding a succession of different notes, or with any other sound producing device giving a harsh, shrill, loud or alarming noise :

Provided that such a multi-tone horn or other sound producing device may be fitted or used –

- (a) on a vehicle used by the fire brigade ;
- (b) on a vehicle used by members of the police or armed services ; or
- (c) on an ambulance responding to an emergency call. ”;



- (4) in the renumbered subsection (4) thereof, by the substitution for the words “ highway within the limits of an urban area.” of the word “road.”.
- (5) by the repeal of the renumbered subsection (5) of that section and the substitution of the following subsection therefor :—

“(5) Regulations may be made—

- (a) prohibiting or restricting for the purposes of this section the use of all warning instruments or any specified instrument in any area or part thereof during any specified hours of the day ;
  - (b) prescribing the maximum noise level that may emanate from a vehicle whether from the engine, the exhaust device or the horn;
  - (c) prescribing the maximum noise level that is permissible for any class or classes of vehicles with regard to a warning device or reverse warning device or any amplifying devices fitted on such class or classes of vehicles.”;
- (6) in the re-numbered subsection (6) of that section by the substitution, for the word and figure “subsection (3),” of the word and figure “subsection (5).”;
  - (7) by the insertion, immediately after the re-numbered subsection (6) of that section, of the following subsection which shall have effect as subsection (7) thereof:—

“(7) Any person who contravenes the provisions of this section shall be guilty of an offence and

shall on conviction be liable to a fine not less than three thousand rupees and not exceeding five thousand rupees and to the confiscation of such instruments.”.

Insertion of new section 155A in the principal enactment.

**48.** The following new section is hereby inserted immediately after section 155 of the principal enactment and shall have effect as section 155A thereof :—

“Emission in certain instances to be an offence

155A. (1) A person who drives or uses a motor vehicle that emits smoke, visible vapour, grit, sparks, ashes, cinder, grease or oily substances, which is likely to –

- (a) constitute a health hazard or cause annoyance or injury to any person ;
- (b) obscure the visibility of any other road user ; or
- (c) cause damage to any road or other public place or property,

shall be guilty of an offence, and shall on conviction be liable to a fine not less than two thousand rupees and not exceeding five thousand rupees and on a second or subsequent conviction, to a fine not less than five thousand rupees and not exceeding ten thousand rupees.

(2) An examiner or a police officer authorized by the Inspector -General of Police who has reason to believe that an offence under subsection (1) is being committed in respect of a motor vehicle which is on a road or other public place -

- (a) may stop and examine the vehicle and may measure or cause to be measured by

means of a prescribed apparatus, the emission of smoke or visible vapour from the vehicle ; or

- (b) may by notice in writing served on the owner of the vehicle either personally or by post require the production of such vehicle at a vehicle examination centre or police station on such date and at such time as may be specified in the notice for the purpose of—
  - (i) measuring the emission of smoke or visible vapour by means of a prescribed apparatus ; or
  - (ii) examining the vehicle to ascertain whether its condition is such that its use results in the commission of an offence under this section.

(3) An owner of a vehicle who is served with a notice under subsection (2) and who fails without reasonable cause to produce such vehicle on the date, time and place specified in such notice shall be guilty of an offence and shall on conviction, be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees.

(4) (a) The Minister may prescribe the standard of emission which shall be applicable in respect of motor vehicles.

(b) Such regulations may provide different standards in respect of different classes of motor vehicles.

(5) For the purposes of this section, “examiner” means an examiner of motor under this Act, or a person authorized in that behalf

by the Commissioner-General or by the Inspector General of Police.”.

Insertion of new section 157A in the principal enactment.

**49.** The following new section is hereby inserted immediately after section 157 of the principal enactment and shall have effect as section 157A of that enactment —

“Use of seat belts. 157A. (1) No person shall travel in a prescribed seat in a vehicle of a prescribed class or description unless he uses a seat belt of a type prescribed by the Minister.

(2) Regulations may be made prescribing:—

- (a) the seats to which the requirement applies ;
- (b) the class or description of vehicles ; and
- (c) the type or description of seat belts for the purposes of subsection (1).

(3) No person shall sell or offer for sale or have in his possession for sale any seat belt, which is not of a type prescribed by the Minister.

(4) Any person who contravenes the provisions of subsection (1) or (3) or any regulation made under this section shall be guilty of an offence and shall on conviction be liable to the penalty specified in section 224.”.

Amendment of section 160 of the principal enactment.

**50.** Section 160 of the principal enactment is hereby repealed and the following section substituted therefor :—

“Noise. 160. (1) The driver of a vehicle which is in motion or stationary shall not use or permit any person to use, and no person in the vehicle

shall use, any amplifying equipment with loudspeaker fitted to or carried on the vehicle :

Provided, however, that an amplifying equipment may be used in a motor vehicle, if the volume of the sound emanating from such equipment is so regulated as to ensure that it is confined within the vehicle and intended for the hearing only of the occupants thereof.

(2) All motor vehicles which have an internal combustion engine shall be equipped with an efficient silencing device through which all exhaust from the engine is projected and which prevents the creation of undue noise.

(3) An examiner, or a police officer authorized in that behalf by the Inspector General of Police may direct a driver of any vehicle to sound the warning device for the purpose of making a noise level reading.

(4) Regulations may be made prescribing—

- (a) the maximum noise levels that may emanate from engine exhaust device ;  
and
- (b) the maximum noise level permissible for different class or classes of vehicles with regard to horn, warning device or reverse warning device and amplifying devices fitted on such class or classes of vehicles.

(5) Any person who contravenes the provisions of this section shall be guilty of an offence and shall on conviction be liable to a fine not less than three thousand rupees and not exceeding five thousand rupees.

(6) For the purposes of this section “examiner” means an Examiner of Motor Vehicles appointed or deemed to be appointed under this Act and includes a person authorized in that behalf by the Inspector General of Police.”.

Amendment of section 161 of the principal enactment.

**51.** Section 161 of the principal enactment is hereby amended as follows:—

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

(a) by the insertion, immediately after sub-paragraph (iv) of paragraph (a), of the following sub-paragraph which shall have effect as sub-paragraph (v) of that paragraph:—

“(v) a driver who fails to report such accident forthwith to the officer-in-charge of the nearest police station shall on conviction be liable to a fine not less than three thousand rupees and not exceeding five thousand rupees.”;

(b) by the addition, immediately after paragraph (c) of that subsection, of the following paragraph which shall have effect as paragraph (d) thereof:-

“(d) The insurer to whom a claim for insurance is made in connection with such accident shall inform the officer-in-charge of the nearest police station of such accident, for the purpose of compiling statistical records relating to accidents giving—

(i) details relating to such accident ;  
and

(ii) the names and addresses of the parties involved in such accident, as informed to him by the person making the claim.;

(2) in subsection (2) of that section, by the omission of the words “or of security”;

(3) by the insertion, immediately after subsection (2) thereof, of the following subsection which shall have effect as subsection (3) thereof:—

“(3) A person who contravenes the provisions of paragraph (d) of subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees.”.

**52.** Section 194 of the principal enactment is hereby amended in subsection (5) of that section by the repeal of all the words from “to a fine not exceeding one thousand rupees” to the end of that subsection and the substitution of the words “to a fine not less than three thousand rupees and not exceeding five thousand rupees and on a second or subsequent conviction to a fine not less than five thousand rupees and not exceeding ten thousand rupees.”.

Amendment of section 194 of the principal enactment.

**53.** Section 195 of the principal enactment is hereby repealed and the following new section substituted therefor :—

Replacement of section 195 of the principal enactment.

“Approved garages, approved inspection and testing centres and certifying officers.

195. (1) The Commissioner-General may, upon application made in that behalf in the prescribed form by the registered owner of a garage or inspection and testing centre and upon payment of the prescribed levy and service charge, by Order declare—

(a) that the garage or inspection or testing centre specified in such order shall be an

approved garage or approved inspection or testing centre for the annual examination and certification of vehicles for the purposes of section 29; and

- (b) that such registered owner, and the other person or persons employed at such approved garage or approved inspection or testing centre and specified in the order, shall each be an approved certifying officer for the purpose of such examination and certification of motor vehicles at such approved garage or approved inspection or testing centre.

(2) Where the Commissioner-General makes an order under subsection (1), he shall issue to each approved certifying officer a letter of authority stipulating therein, the conditions subject to which such letter of authority is issued.

(3) The Commissioner-General may revoke or alter any order made under subsection (1) if there is a contravention of any condition specified in the letter of authority issued to any approved certifying officer of such approved garage or such approved inspection or testing centre in respect of which such order was made.

(4) The Commissioner-General may specify, in relation to each approved garage and approved inspection or testing centre the maximum number of motor vehicles which may be examined and certified at that approved garage or approved inspection or testing centre during the course of a day.



(5) Where the Commissioner-General rejects an application referred to in subsection (1), he shall state his reasons therefor in writing.

(6) The Minister may make regulations prescribing—

- (a) the equipment and facilities that should be made available at an approved garage or approved inspection or testing centre;
- (b) the qualifications required of an approved certifying officer;
- (c) the frequency of mandatory inspection for different classes or descriptions of motor vehicles ;
- (d) the amount of any deposit to be made by an approved garage or approved inspection or testing centre.”.

**54.** Section 196 of the principal enactment is hereby repealed and the following section substituted therefor :—

“Issue of  
Emission  
Certificate  
and  
Certificate of  
Fitness.

196. (1) Upon the production of a motor vehicle before an examiner or an approved certifying officer referred to in section 195 and upon payment of the prescribed levy or service charge, for the purpose of obtaining an Emission Certificate and a Certificate of Fitness as is referred to in section 29, an examiner or approved certifying officer shall on such criteria as may be prescribed, examine such vehicle and shall certify whether or not such Certificates may be issued in terms of this Act.

(2) An Emission Certificate and Certificate of Fitness issued in respect of a motor vehicle

Replacement of  
section 196 of  
the principal  
enactment.

shall remain in force for one year from the date of issue or such shorter period not less than three months as may be specified in such certificate.

(3) Where an examiner or approved certifying officer certifies that a motor vehicle is unfit for use, he shall state his reasons therefor.

(4) The registered owner of a motor vehicle which is certified after examination under the preceding provisions of this section to be unfit for use, may, appeal to the Commissioner - General against the issue of such Certificate and the decision of the Commissioner - General on such appeal shall be final.

(5) The Emission Certificate and Certificate of Fitness issued in respect of a motor vehicle under this section shall be—

- (a) carried in that vehicle at all times;
- (b) made available for inspection on demand by a police officer, Grama Niladhari or Examiner or authorized officer appointed under this Act, or by any person authorized in writing by the Commissioner - General :

Provided however, that such certificate shall be produced when required, before a Court, the Commissioner - General or a Licensing Authority.

(6) The registered owner of an approved garage or approved inspection or testing centre shall forward in the prescribed form to the

Commissioner General before the tenth day of the following month. a monthly summary of the Emission Certificates and Certificates of Fitness issued by him during each month.

(7) (a) If the registered owner of an approved garage or approved inspection or testing centre fails to send the monthly summary referred to in subsection (6) before the tenth day of each month, the Commissioner General shall, in the first instance, issue him with a warning that the order made under section 195 in respect of such garage may be revoked if such monthly summary is not sent within the time specified under subsection (6).

(b) If the registered owner of such approved garage or approved inspection or testing centre fails to send such monthly summary for three consecutive months the Commissioner General shall revoke the order made under section 195 in respect of that approved garage or approved inspection or testing centre.

(c) A person who contravenes the provisions of subsection (6) shall be guilty of an offence and shall on conviction be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees and on a second or subsequent conviction to a fine not less than ten thousand and not exceeding fifteen thousand rupees.

(8) Regulations may be made providing for the procedures for the examination of motor vehicles for the purpose of the issue of an Emission Certificates and Certificates of Fitness .”.

Insertion of new section 196B in the principal enactment.

**55.** The following new section is hereby inserted immediately after section 196A of the principal enactment and shall have effect as section 196B thereof :-

Effect of issue of a fraudulent Emission Certificate and Certificate of fitness.

196B. (1) Where any person issues a fraudulent Emission Certificate and Certificate of Fitness, or where there is a contravention of any one or more of the conditions specified in the letter of authority issued to an approved certifying officer, the Commissioner-General or any other Authority shall—

- (a) appropriate the full deposit made by such approved garage ;
- (b) revoke the authority given to such garage and to such approved certifying officer of such garage ; and
- (c) cancel any permit, licence or certificate obtained on the basis of the fraudulent Emission Certificate and Certificate of Fitness.

(2) Any approved certifying officer who issues a fraudulent Emission Certificate and Certificate of Fitness or contravenes any condition specified in a letter of authority issued to such approved certifying officer shall be guilty of an offence and shall, on conviction be liable to a fine not less than twenty thousand rupees and not exceeding twenty five thousand rupees.”.

Amendment of section 198 of the principal enactment.

**56.** Section 198 of the principal enactment is hereby amended as follows :—

- (1) by the substitution for the words “lorry or motor tricycle van” wherever those words occur in that section of the words “any motor vehicle”;

- (2) by the substitution for subsection (10) of that section of the following subsection:—

“(10) Any person who contravenes the provisions of subsection (9) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate be liable in the case of a first offence to a fine not less than five thousand rupees and not exceeding ten thousand rupees and in the case of a second or subsequent offence, to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees or to imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment.”.

- 57.** Section 199 of the principal enactment is hereby repealed.

Repeal of section 199 of the principal enactment.

- 58.** Section 200 of the principal enactment is hereby amended by the addition, immediately after subsection (2) of that section of the following subsection which shall have effect as subsection (3) thereof:—

Amendment of section 200 of the principal enactment.

“(3) Any person who commits an offence under subsection (1) shall be liable, on conviction to a fine not less than three thousand rupees and not exceeding five thousand rupees.”.

- 59.** Section 201 of the principal enactment is hereby repealed.

Repeal of section 201 of the principal enactment.

- 60.** The following new section is hereby inserted immediately after section 213A of the principal enactment and shall have effect as section 213AA of that enactment:—

Insertion of new section 213AA in the principal enactment.

“Motor Traffic Appeals Tribunal. 213AA. (1) There shall be a Motor Traffic Appeals Tribunal (hereinafter referred to as “the Tribunal”) consisting of the following members

who shall be persons of integrity, and eminence in their respective fields :—

- (a) one person from the Institute of Automotive Engineers established under the Institute of Automotive Engineers' of Sri Lanka (Incorporation) Act No. 48 of 1992 nominated by the Minister in charge of the subject of Science and Technology ;
- (b) one person having recognition in the field of law, nominated by the Minister in charge of the subject of Justice ; and
- (c) one person from the Ministry of Transport, nominated by the Minister in charge of the subject of Transport.

(2) The Minister shall appoint one member as the Chairman of the Tribunal.

(3) Every member of the Tribunal shall, unless he vacates office earlier by death or resignation by letter in that behalf addressed to the Minister or unless he is removed from office by the Minister under subsection (4) hold office for a period not exceeding three years as may be specified by the Minister in his letter of appointment. Any member vacating office by effluxion of time shall be eligible for reappointment.

(4) The Minister may remove from office any member of the Tribunal for reasons assigned.

(5) In the event of the vacation of office of any member the Minister shall appoint another person to succeed such member and the member so appointed shall hold such office for the unexpired period of the term of office of his predecessor.

(6) The Chairman of the Tribunal may summon meetings of such Tribunal whenever he deems it necessary :

Provided however, that such Chairman shall summon a meeting of such Tribunal, whenever he is requested in writing to do so by two members, of such Tribunal

(7) The quorum for any meeting of the Tribunal shall be two members.

(8) Regulations may be made providing for the conduct of business of the Tribunal and prescribing the procedure to be followed at meetings of such Tribunal. Subject to such regulations, and the provisions of subsection (6), the Tribunal may regulate its own procedure.

(9) No act or proceeding of the Tribunal shall be invalid by reason only of the existence of any vacancy therein or any defect in the appointment of any member thereof.

(10) The functions of the Tribunal shall be to hear appeals from persons aggrieved by -

(a) the refusal of the Commissioner-General to grant written approval under subsection (4) of section 19A; and

(b) the cancellation under subsection (7) of section 19A of any written approval granted by the Commissioner-General,

for the manufacture, assembly, fabrication, innovation, adaptation, modification or change of construction of a motor vehicle.”.

Insertion of new sections 213C, 213D and 213E in the principal enactment.

**61.** The following new sections are hereby inserted immediately after section 213B of the principal enactment and shall have effect as sections 213C, 213D and 213E thereof :—

“One Half of the fines to be credited to the Police Reward Fund.

213C. One half of all fines, other than fines imposed by Courts, recovered under the provisions of this Act other than monies specified under paragraph (b) of subsection (2) of section 213D shall be credited to the Consolidated Fund and the other half shall be credited to the Police Reward Fund, established under section 73 of the Police Ordinance (Chapter 53).

Motor Traffic Reward and Incentive Fund.

213D. (1) There shall be established for the purposes of this Act, a fund to be called the Motor Traffic Reward Fund (hereafter referred to as “the Reward and Incentive Fund .”)

(2) There shall be paid into the Reward and Incentive Fund—

(a) all sums directed to be paid thereto under section 213E or by the Director General of Customs or under any other written law ;

(b) one half of the fines, other than fines imposed by Court, recovered under court actions instituted by the Department of Motor Traffic ;



(c) one *percent* of the fees, levies and surcharges, charged under this Act.

(3) There shall be paid out of the Reward and Incentive Fund—

(a) all payments given as rewards to officers engaged in the regulation, supervision, inspection, investigation, detection and control of vehicles in accordance with regulations made hereunder ;

(b) the expenses incurred in the administration of the Fund ; and

(c) prescribed payments.

(4) Regulations may be made –

(a) prescribing the manner in which the Fund is to be administered ;

(b) in respect of matters connected with the Fund which are required by this Act to be prescribed ;

(c) in respect of all matters incidental to or connected with the establishment and administration of the Fund.

(5) The accounts of the Fund shall be audited by the Auditor General.

Surcharge  
for  
modification  
and alteration  
of vehicles.

213E. (1) Where a vehicle is modified, altered or changed as regards its construction, and identity or any changes are effected to its mechanical components, the Commissioner General shall have the power to impose such surcharges in accordance with the provisions of regulations made hereunder and such imposition shall be final and conclusive.

(2) The amount of the surcharges imposed by the Commissioner under the provisions of sub-section (1) shall be credited to the Motor Traffic Reward fund established under section 213D.”

Amendment of section 215B of the principal enactment.

**62.** Section 215B of the principal enactment is hereby amended by the substitution for all the words from , “be liable to imprisonment” to the end of that section, of the words “be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees or to imprisonment of either description for a term not exceeding six months.”.

Replacement of section 218 of the principal enactment.

**63.** Section 218 of the principal enactment is hereby repealed and the following section substituted therefor :—

“Penalty for driving without certificate of insurance or certificate of fitness or emission certificate. 218. A person who contravenes the provisions of section 99 or subsection (5) or (6) of section 196 shall be guilty of an offence and shall on conviction be liable to a fine not less than five thousand rupees and not exceeding twenty five thousand rupees or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

Amendment of section 219 of the principal enactment.

**64.** Section 219 of the principal enactment is hereby amended by the substitution for all the words from “shall be liable to a fine not less than” to the end of that section, of the words “shall be liable to a fine not less than twenty five thousand rupees and not exceeding fifty thousand rupees or to imprisonment for a period not exceeding three months, or to both such fine and imprisonment and the documents issued or registered shall be deemed to be invalid from the date of such issue or registration.”.

**65.** Section 220 of the principal enactment is hereby amended as follows :—

Amendment of section 220 of the principal enactment.

- (1) by the insertion, immediately after subsection (1) thereof, of the following subsection which shall have effect as subsection (1A) thereof :—

“(1A) Any person who fraudulently issues a driving licence shall be guilty of an offence and shall on conviction be liable to a fine not less than twenty five thousand rupees and not exceeding fifty thousand rupees and on a second or subsequent conviction to a fine not less than fifty thousand rupees and not exceeding one hundred thousand rupees.”.

- (2) in subsection (2) of that section —

- (a) by the omission in paragraph (a) thereof, of the words, “or certificate of security” ;
- (b) by the omission, in paragraph (b) thereof, of the words, “or security” ;
- (c) by the omission, in paragraph (c) thereof, of the words, “or a certificate of security” ;
- (d) by the substitution, for all the words from “be liable to a fine not less than one thousand rupees” to the end of that section, of the words “be liable to a fine not less than fifteen thousand rupees and not exceeding fifty thousand rupees and to imprisonment of either description for a term not exceeding three months and the documents issued or registered shall be deemed to be invalid from the date of such issue or registration.”.

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

- (a) by the omission, of the words “or a certificate of security ; and
- (b) by the substitution, for all the words from “liable to a fine not less than one thousand rupees” to the end of that section, of the words., “liable to a fine not less than fifteen thousand rupees and not exceeding twenty five thousand rupees or to imprisonment of either description for a term not exceeding two months or to both such fine and imprisonment.”.

Amendment of section 223 of the principal enactment.

**66.** Section 223 of the principal enactment is hereby amended by the substitution for all the words from “gives any information respecting the offence” to the end of that section, of the words “gives any information or makes any statement respecting the offence which he knows or believes to be false, shall where that offence is not an offence within the meaning of sections 38 (3) and 198 of the Penal Code, be guilty of an offence under this Act, and shall, on conviction be liable to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.”.

Replacement of section 224 of the principal enactment.

**67.** Section 224 of the principal enactment is hereby repealed and the following section substituted therefor:—

“General Penalty.

224. Any person guilty of any offence, for which no other punishment is expressly provided for in this Act, shall, on conviction after summary trial be liable to a fine not less than one thousand rupees and not exceeding two thousand rupees and on a second conviction to a fine not less than two thousand rupees and not exceeding three thousand

rupees and on a third or subsequent conviction to a fine not less than three thousand five hundred rupees and in addition to the cancellation of his driving license”.

**68.** The following new sections are hereby inserted immediately after section 232A of the principal enactment and shall have effect as sections 232B, 232C, 232D, 232E and 232F thereof:—

Insertion of new sections 232B, 232C, 232D, 232E and 232F in the principal enactment.

“Seizure and forfeiture of vehicles.

232B. (1) An Examiner of Motor Vehicles, an authorized officer or a police officer may, if he has reason to believe that a motor vehicle which has been fabricated, manufactured, assembled, innovated, adapted, modified or the construction of which has been changed in contravention of the provisions of section 19A has been used for the commission of or in connection with the commission of an offence under any law in force for the time being seize and detain such motor vehicle for such time as may be necessary for the purposes of any inquiry.

(2) Where any authorized officer seizes any motor vehicle under subsection (1), such motor vehicle shall be kept in the custody and control of the Commissioner-General pending inquiry.

(3) Where after due inquiry by an Examiner of Motor Vehicles or an authorized officer or a police officer, such examiner of Motor Vehicles authorized officer or police officer is satisfied that any motor vehicle seized -

(a) has been fabricated, manufactured, assembled, innovated, adapted, modified or its construction changed in contravention of the provisions of section 19A ; and

- (b) was used for the commission of or in connection with the commission of an offence under any law in force for the time being,

such officer shall submit a report of the facts elicited in the course of such inquiry to the Commissioner General of Motor Traffic and shall institute proceedings against the driver of such vehicle in a court of competent jurisdiction under section 2A and such other law.

(4) The Commissioner General of Motor Traffic shall, if he is satisfied in regard to the genuineness of the facts contained in the report give instructions for the forfeiture of such vehicle and such vehicle shall thereupon be forfeited.

(5) Any motor vehicle forfeited under subsection (4) shall upon forfeiture vest absolutely in the State. Such vesting shall take effect—

- (a) after the expiration of the period within which an appeal may be preferred to the Court of Appeal against the order of forfeiture ; or
- (b) where an appeal has been preferred to the Court of Appeal against the order of forfeiture upon the determination of such appeal confirming or up holding the order of forfeiture.

(6) In the application the aggrieved person shall be described as the plaintiff and the

Examiner, authorized officer or police officer as the case may be, as the defendant. The application shall contain—

- (a) the name of the Court of Appeal and the date of making of the application to the court ;
- (b) the name and address of the Examiner of Motor Vehicles, authorized officer or police officer; and
- (c) a plain and concise statement of the matter which has to be determined by the court, namely, that the seizure and forfeiture of the motor vehicle, which is the subject matter of the application was unlawful and that the court shall determine—
  - (i) that such seizure and forfeiture was unlawful ; and
  - (ii) that such vehicle shall be forthwith returned to the plaintiff.

(7) In any proceedings in the Court of Appeal on any application made to it in respect of the seizure and forfeiture of any motor vehicle the burden of proving that such seizure and forfeiture under that subsection was unlawful, shall lie on the plaintiff.

(8) The Minister may make regulations specifying the procedure for the disposal of vehicles that have been forfeited under this section.

Reduction of  
disqualification  
period.

232c. (1) Where a person is convicted of an offence under this Act and the Court makes order disqualifying him from driving for any period not less than twelve months, such period of disqualification may be reduced by the Court if by a date specified in the Order under this section such person successfully completes a course approved by the Minister for the purpose of this section and designated by a Court.

(2) The reduction made by an order under this section in a period of disqualification imposed by the Court shall be a period specified in the order of not less than three months and not more than one quarter of the unreduced period and accordingly, where the period imposed is twelve months the reduced period shall be nine months, and where the period imposed by the order is six months, the reduced period shall be three months.

(3) The Court shall not make an Order under this section unless—

- (a) it is satisfied that a place on the course specified in the order is available for the offender ;
- (b) the Court has explained the effect of the order to the offender and has informed him of the amount of the fees for the course and the requirement that he must pay them before the commencement of the course ; and
- (c) the offender has agreed that the order should be made.



(4) The date specified in an order as the latest date for completion of a course must be at least two months before the last day of the period of disqualification as reduced by the order.

(5) On the successful completion of the course, a Certificate shall be issued by the officer who conducted the course to the Registrar of the Court which made the order. If the Certificate referred to is received by the Registrar of the Court before the end of the period of disqualification imposed but after the end of the period as it would have been reduced by the order, the order shall have effect as if the reduced period ended on the day on which the certificate is received by the Court.

(6) Where the course is not completed before the end of the period of disqualification as reduced by the Court, the Court may order the convicted person to remain disqualified until the approved course is completed successfully.

Protection  
of action.

232D. (1) No suit or prosecution shall be instituted against any officer for any act which in good faith is done or purported to be done by such officer under this Act.

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

Detention of drivers. 232E. A police officer may detain, for such time as is reasonably necessary for purposes of inquiry and investigation, the driver of a motor vehicle at a police station—

- (a) who, on being requested to give his name and address refuses or fails to do so, or gives a name and address which the police officer reasonably suspects to be false;
- (b) who is involved in an accident resulting in death or grievous injury;
- (c) who, he reasonably suspects has consumed alcohol or drugs;
- (d) who, in his opinion is in possession of false or forged documents or false identification number plates;
- (e) who, in his opinion is in possession of a motor vehicle with a forged or altered chassis and engine number; or
- (f) whom he reasonably suspects is in possession of a stolen vehicle.

Detention of vehicles. 232F. (1) An Examiner of Motor Vehicles or a police officer who has reason to believe that the provisions of this Act or regulations made thereunder in regard to construction, equipment and use have not been complied with in respect of any vehicle, may require the driver of such vehicle to drive it to the nearest police station and may if necessary detain it for such time as may be reasonably necessary for the purpose of inspection and investigation.

(2) A police officer may also detain a motor vehicle at any police station, if -

- (a) the driver is unable to produce a valid policy of insurance under section 99 ;
- (b) the driver does not possess a valid driving licence; or
- (c) the vehicle belongs to a dealer, repairer or manufacturer who does not hold a Dealer's Registration Certificate, Repairer's Registration Certificate or Manufacturer's Registration Certificate.

(3) An Examiner of Motor Vehicles or a Police officer may also detain a motor vehicle at any police station or at any premises of the Department of Motor Traffic if he has reasonable grounds to believe that,—

- (a) the documents submitted for registration of such vehicle are false or forged documents;
- (b) the vehicle has a forged, tampered or altered chassis or engine number;
- (c) the vehicle is mechanically defective;
- (d) the vehicle is stolen or if he reasonably suspects it to be stolen; or
- (e) the vehicle is fitted with false or forged identification plates.”.

Insertion of new sections 239D and 239E in the principal enactment.

**69.** The following new sections are inserted immediately after section 239C and shall have effect as sections 239D and 239E thereof :—

“Offences to be cognizable 239D. Notwithstanding anything to the contrary in the Code of Criminal Procedure Act, No 15 of 1979, every offence under this Act shall be a cognizable offence within the meaning and for the purposes of the Code of Criminal Procedure Act.

Offences triable by Magistrate’s Court. 239E. All offences under this Act shall be triable by a Magistrate’s Court.”.

Sinhala text to prevail in case of inconsistency.

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

Amendment of section 240 of the principal enactment.

**71.** Section 240 of the principal enactment is hereby amended as follows :—

- (1) by the insertion, immediately before the definition of the expression “animal” of the following new definitions:—

“accident” means an accident—

- (a) which occurs or originates on a road, street or any other place open to public traffic ;
- (b) which results in one or more persons being killed or injured or causes damage to property ; and
- (c) in which at least one moving vehicle was involved, and includes collisions between vehicles, between vehicles and pedestrians

and between vehicles and animals or fixed objects and includes accidents in which one vehicle alone is involved.;

“Act” means the Motor Traffic Act, (Chapter 203);

“anchor fitting” means the terminal part of a seat belt designed to be attached to a vehicle or seat;”;

“approved certifying officer” means a certifying officer referred to in section 195 who examines a motor vehicle for the purpose of issuing a certificate of fitness under section 196 ;

“approved garage” means a garage declared by the Commissioner-General or by the Provincial Commissioner of Motor Traffic to be an approved garage by order under section 195 for the purpose of the examination and certification of fitness of motor vehicles prior to the issue of annual revenue licences ;

(2) by the insertion, immediately after the definition of the expression “animal” of the following definition :—

“assembled illegally” means the assembling of a motor vehicle—

- (a) otherwise than with branded new parts ;
- (b) without the prior written permission of the manufacturer of those parts ; or
- (c) without the prior written approval of the Commissioner-General.”;

- (3) by the substitution for the definition of the expression ‘articulated vehicle’ of the following definition:—

“articulated vehicle” means a motor vehicle comprising a Prime Mover and a Semi Trailer;”;

- (4) by the insertion immediately after the definition of the expression “ at night” of the following definition :—

“branded” means branded with the trade name of a manufacturer registered with the Registrar of Trade Marks or with the equivalent authority of the foreign country from which the branded parts originated and includes parts branded by a manufacturer who has entered into an agreement with the original manufacturer of such parts;

“buckle component” means each one of the two parts of the buckle assembly designed to be latched to each other to complete the buckle assembly;”;

“Certificate of Fitness” means the Certificate issued under section 196 of this Act, and which includes a statement on the mechanical condition of the vehicle;

- (5) by the insertion, immediately after the definition of the expression “Certificate of Insurance” of the following definitions:—

“Certificate of Registration” means a Certificate issued by the Commissioner General to the effect that a motor vehicle has been duly registered under the provisions of this Act ;”;

- (6) by the substitution for the definition of the expression “Commissioner” of the following definition:—

“ “Commissioner-General” means the Commissioner General of Motor Traffic appointed under section 204 of this Act” ;

- (7) by the insertion, immediately after the definition of the expression “Commissioner General” of the following definitions :—

“ “dealer” means a person who is engaged in the business of hypothecation, sale, importation, leasing or hire purchase of motor vehicles in an approved garage and includes an importer;”;

“death” means the death of any person who was killed outright or who died within thirty days of a motor accident as a result of that accident”;

- (8) by the repeal of the definition of the expression; “driving instructor” and the substitution therefor of the following definition:—

“driving instructor or assistant driving instructor” means a person who possesses a valid instructor’s licence and is employed in a driving school and who gives instructions in the driving of a motor vehicle for a fee or reward, as approved by the Commissioner - General;

“driving licence” means a licence issued under Part VII of this Act ;

“driving school” means an establishment where persons are given instruction in the driving

of motor vehicles for fee or reward and registered under the provisions of this Act;

“dual purpose vehicle” means a motor vehicle designed and constructed for the purpose of carrying both persons and goods contemporaneously, provided that the number of persons being carried (including the driver) does not exceed nine in number, and the gross vehicle weight does not exceed three thousand five hundred kilograms”;

“emergency service vehicle” means –

(a) a vehicle used by the Fire Brigade or Police or an ambulance, responding to an emergency call and identified :—

(i) in the case of the Fire Brigade, by the use of a red light ;

(ii) in the case of a vehicle used by the Police by the use of a red and blue light; and

(iii) in the case of an ambulance, by the use of a red light; and

(b) any other vehicle responding to an emergency using blinking blue light or blinking amber light with the approval of the Commissioner-General of Motor Traffic ;”;

“Emission Certificate” means the Certificate containing a statement to the effect that the emission of smoke, visible vapour, grit, sparks, ashes, cinder, greases or oily substance emanating from the vehicle is within the permitted limit.



- (9) by the substitution for the definition of the expression “examiner” of the following definition :—

‘ “examiner” means an examiner of motor vehicles appointed or deemed to be appointed under this Act and includes a Chief Examiner and Deputy Chief Examiner ;”;

- (10) by the insertion immediately after the definition of the expression “examiner” of the following definition:—

“ “fabricated illegally” means the fabrication carried out on a chassis or a part of a chassis or body or part of a body of a motor vehicle, which causes changes to its prototype without the prior written approval of the Commissioner-General.”.

“fatal accident” means an accident involving a single moving vehicle or several moving vehicles in which one or more persons are killed within thirty days of such accident;

“goods” includes livestock and anything (other than equipment ordinarily used with the vehicle) carried by a vehicle except a living person but does not include baggage or personal effects carried in a motor car or in a trailer attached to a motor vehicle or the personal baggage of passengers travelling in the vehicle;”;

- (11) by the insertion, immediately after the definition of the expression “Grama Seva Niladhari” of the following definitions :—

‘ “grievous injury” means an injury resulting in one or more of the kinds of hurt enumerated in section 311 of the Penal Code (Chapter (19) ;

“gross vehicle weight” means the total weight of the vehicle and load certified and registered by the registering authority as permissible for that vehicle;

- (12) by the insertion, immediately after the definition of the expression “hand tractor” of the following definition:—

“ “heavy motor coach” means a combination of a motor coach having a seating capacity of not more than thirty three seats inclusive of the driver’s seat and its trailer and having a maximum authorized tare weight exceeding seven hundred and fifty kilograms or a combination of two motor coaches ;

“heavy motor lorry” means a combination of a motor lorry and trailer, or trailer or an articulated vehicle and its trailer and such trailer having an authorized tare weight in excess of seven hundred and fifty kilograms and such motor lorry and trailer or trailers or articulated vehicle and trailer or trailers having a gross vehicle weight in excess of three hundred and fifty kilograms;”;

- (13) by the repeal of the definition of “highway”;

- (14) by the insertion, immediately after the definition of “heavy motor lorry” of the following definitions:—

“ “Inspection Certificate” means a Certificate granted by an officer authorized by the Commissioner-General where, after an examination of a motor vehicle, he is

satisfied that the body, engine and the chassis of the vehicle conforms to the provisions of this Act and regulations made thereunder ;

“inspection and testing centre” means an inspection and testing centre approved by the Commissioner - General under section 195;

“instructor” includes an assistant instructor ; and

“instructor’s licence” includes an assistant instructor’s licence;

- (15) by the substitution for the definition of the expression “land vehicle” of the following definition:—

“ “land vehicle” means a mechanically or electrically propelled vehicle or a vehicle propelled by solar energy or a vehicle propelled by liquid petroleum gas, including a vehicle including a trailer the gross vehicle weight of which does not exceed three thousand five hundred kilograms and which is constructed wholly or mainly for use on land in connection with an agricultural purpose or the carriage of construction material and garbage;”;

- (16) by the insertion, immediately after the definition of the expression “land vehicle” of the following definitions :—

“lap belt” means a seat belt designed to provide pelvic restraint only ;

“lap-sash seat belt” means a seat belt combining a lap strap designed to provide pelvic restraint and the torso strap designed to provide upper torso restraint;”;

- (17) by the repeal of the definition of the expression “Licencing Authority” and the substitution of the following definition therefor:—

“Licencing Authority” means the authority empowered to issue revenue licences under the Constitution of the Democratic Socialist Republic of Sri Lanka;

- (18) by the insertion, immediately after the definition of the expression “Licensing Authority” of the following definition:—

“light motor coach” means a motor vehicle not being a motor ambulance or motor hearse having a seating capacity of ten or more persons and less than thirty four persons, including of the driver’s seat and their effects and includes a trailer so constructed or adapted of which the authorized tare does not exceed seven hundred and fifty kilograms ;

“light motor lorry” means a motor lorry the gross vehicle weight of which exceeds 3500 kilograms and does not exceed 17000 kilograms and which may be combined with a trailer having a minimum authorized tare which does not exceed 750 kilograms, and includes a motor hearse and ambulance;”;

- (19) by the repeal of the definition of “lorry” ;

- (20) by the insertion, immediately after the definition of “local authority” of the following definition :—

“ “manufacturer” means a person who is engaged in the business of building bodies for attachment to chassis in an approved factory ;”;

“ “manufactured, innovated, adapted , modified or the construction of which has been changed illegally” means the manufacture, innovation, adaptation, modification or the change of construction of a motor vehicle without the prior written approval of the Commissioner-General, under subsection (2) of section 19A”;

- (21) by the substitution for the definition of the expression “moped” of the following definition:—

“ “moped” means a motor cycle with an internal combustion engine having a cylinder capacity not exceeding fifty cubic centimetres and which is equipped with pedals by means of which it can be propelled;”;

- (22) by the repeal of the definition of “motor coach” and the substitution of the following definitions therefor :—

“motor coach” means a motor vehicle not being a motor ambulance or motor hearse having a seating capacity of more than thirty three persons (including the driver) and their effects and includes a trailer so constructed or adapted which does not exceed seven hundred and fifty kilograms;

“motor cycle” means a motor vehicle, including a moped other than a motor tricycle or a motor tricycle van designed to travel on not more than three wheels, and having a tare which together with the tare of any side car attached thereto, does not exceed two hundred and fifty kilograms ;”;

- (23) by the insertion, immediately after the definition of the expression “Motor hearse” of the following definition:—

“motor lorry” means a motor vehicle constructed or adapted wholly or mainly for the carriage of goods the gross vehicle weight of which is more than 17000 kilograms and which may be combined with a trailer so constructed or adapted having a maximum authorized tare which does not exceed 750 kilograms;”;

- (24) by the repeal of the definition of “motor tricycle” and “motor tricycle van” and the substitution of the following definitions therefor:—

“motor tricycle” means a motor vehicle designed to travel on three wheels and having a tare which does not exceed 500 kilograms and which is constructed wholly or mainly for the carriage of passengers;

“motor tricycle van” means a motor vehicle which is designed to travel on three wheels and having a tare which does not exceed 500 kilograms the gross vehicle weight of which does not exceed 1000 kilograms and which is constructed or adapted wholly or party for the carriage of goods;”;

- (25) by the repeal of the definition of “motor vehicle” and the substitution therefor of the following definition :—

“motor vehicle” means—

- (a) any mechanically and/or electrically, and/or solar energy propelled vehicle or vehicle propelled by liquid petroleum gas or vehicle propelled by alternative fuel including a tractor or trailer which is intended or adapted for use on roads but does not include a road-roller ;
  - (b) any mechanically and/or electrically and/or solar energy propelled vehicle, or vehicle propelled by liquied petroleum gas or vehicle propelled for altenative fuel or intended for use on land in connection with an agricultural or constructional purpose such as leveling dredging, earthmoving, forestry or any similar operation but does not include a road-roller;” ;
- (26) by the substitution for the definition of the expression “owner” of the following new definition :—

“owner” in relation to a motor vehicle means a person in whose name a motor vehicle stands registered and where such person is a minor, the guardian of such minor and in relation to a motor vehicle which is the subject of a hire purchase agreement or an agreement of lease or an agreement of hypothecation, the person in possession of the vehicle under that agreement;”;

- (27) by the insertion, immediately after the definition of the expression “passenger” of the following definition:—

“ “permit” means a permit issued by the Commissioner-General” ;

- (28) by the insertion, immediately after the definition of the expression “private coach” of the following definitions :—

“public place” means a road, street, way or other place, whether a thoroughfare or not to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down by an omnibus ;

“public service vehicle” means any motor vehicle used or adapted to be used or kept for the carriage of passengers for a fee or reward ;”;

- (29) by the insertion immediately after the definition of the expression “register” of the following definition :-

“registered owner” in relation to a motor vehicle or a trailer means a person in whose name such motor vehicle or trailer is registered;”;

- (30) by the insertion, immediately after the definition of “repealed Ordinance” of the following definitions :-

“road” means the entirety of any public way or any other road to which the public has access and includes a national highway, express way and restricted access highway and any bridge or culvert over which such road passes ;

“sash guide” means a system of one or more devices which locate the torso strap of a lap-sash seat belt;



“seat belt” means an arrangement of straps, anchor fittings securing buckle, adjusting devices, and at least one sash guide device designed to restrain a motor vehicle occupant in the event of an impact or accident ;

“special purpose vehicle” means a mechanically propelled vehicle specially constructed for purposes of agriculture, construction or loading and unloading of goods ;

“stopping place” means a place set out under any law as a place at which omnibuses may be halted for the purpose of picking up or setting down passengers ;

“strap” means a part of a seat belt designed with flexure to facilitate correct and comfortable wearing;”;

- (31) by the insertion, immediately after the definition of the expression “trailer” of the following definition :—

“vehicle” means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn and includes a bicycle or other peddle powered vehicle and trailer carriage, cart, coach, tram car and mechanically propelled and/or electrically and/or solar energy propelled vehicle or vehicle propelled by liquid petroleum gas or vehicle propelled by alternative fuel and any artificial contrivance used or capable of being used as a means of transportation on land but does not include a railway locomotive .”.

Amendment of section 241 of the principal enactment.

**72.** Section 241 of the principal enactment is hereby amended by the addition immediately after subsection (2) thereof of the following subsections which shall have effect as subsections (3), (4), (5), (6) and (7) thereof :—

“(3) A person who on the date of the commencement of this Act, carries on the business of manufacturing, assembling, fabricating, innovating, adapting, modifying or changing the construction of a motor vehicle as the case may be, shall within three months from the date of commencement of this Act, apply in the prescribed Form to the Commissioner - General, accompanied by the prescribed fee, and obtain the written approval of the Commissioner - General for such business of manufacturing, assembling, fabricating, innovating, adapting, modifying or changing the construction of a motor vehicle as the case may be.

(4) A person who, before the date of commencement of this Act, has carried on the business of manufacturing, assembling, fabricating, innovating, adapting, modifying or changing the construction of a motor vehicle as the case may be, and who has not registered any motor vehicle so manufactured, assembled, fabricated, innovated, adapted, modified, or the construction of which has been changed, shall apply in the prescribed Form to the Commissioner - General, accompanied by the prescribed fee, and obtain the written approval of the Commissioner - General for such manufacture, assembly, fabrication, innovation, adaptation, modification, or change of construction of a motor vehicle as the case may be, of which has been changed,

(5) The Commissioner - General, may upon an application made in the prescribed Form under section 3 or 4 and on payment of the prescribed fee, grant approval for the manufacture, assembly, fabrication, innovation, adaptation, modification, or change of construction of a motor vehicle as the case may be.

(6) The Commissioner - General shall, where he is satisfied that the applicant has carried on the business of manufacturing, assembling, fabricating, innovating, adapting, modifying or changing the construction of a motor vehicle—

- (a) in an improper or unsatisfactory manner;
- (b) in such manner as is not in conformity with the provisions of this Act or any regulations made thereunder, or in regard to the standard of safety, design, construction, or any conditions or equipment thereof; or
- (c) in such manner as is likely to endanger road safety or the environment,

refuse to grant the written approval referred to in subsection (1) and subsection (2) by notice in writing.

(7) Any person aggrieved by the decision of the Commissioner - General in refusing to grant written approval under this section may, within fourteen days of the receipt by him of such notice of refusal, appeal in writing to the Tribunal, whose decision thereon shall be final.”.

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**PARLIAMENT OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF  
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**NATION BUILDING TAX  
ACT, No. 9 OF 2009**

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[Certified on 11th March, 2009]

*Printed on the Order of Government*

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*Nation Building Tax Act, No. 9 of 2009*

[Certified on 11th March, 2009]

L. D.—O. 48/2008.

AN ACT TO PROVIDE FOR THE IMPOSITION AND COLLECTION OF A TAX TO BE CALLED THE NATION BUILDING TAX ON THE LIABLE TURNOVER OF EVERY PERSON TO WHOM THIS ACT APPLIES; 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 Nation Building Tax Act, No. 9 of 2009 and shall come into operation on February 1, 2009. Short Title.
- 2.** (1) The provisions of this Act shall apply to every person who— Person to whom this Act applies.
- (a) imports of any article, other than any article comprised in the personal baggage of the passenger, into Sri Lanka, [“baggage” shall have the same meaning as in section 107A of the Customs Ordinance (Chapter 235)]; or
  - (b) carries on the business of manufacture of any article; or
  - (c) carries on the business of providing a service of any description.
- (2) Every person referred to in subsection (1) shall, hereafter in this Act, be referred to as “person to whom this Act applies”.
- 3.** (1) A tax to be called the “Nation Building Tax” (hereinafter referred to as “the Tax”) shall, subject to the provisions of this Act, be charged from every person to whom this Act applies calculated at the rate of one *per centum*, in the following manner:— Imposition of a Nation Building Tax.
- (i) in the case of a person referred to in paragraph (a) of subsection (1) of section 2, who imports any article

into Sri Lanka on or after January 1, 2009 the tax shall be chargeable in respect of the liable turnover of such person arising from the importation into Sri Lanka of such article; and

- (ii) in the case of a person referred to in paragraph (b) or (c) of subsection (1) of section 2, for every quarter commencing on or after January 1, 2009 (hereinafter referred to as “relevant quarter”, the tax shall be chargeable in respect of the liable turnover of such person for such relevant quarter.

(2) In this section “liable turnover”—

- (i) with reference to any person referred to in paragraph (a) of subsection (1) of section 2 arising from the importation of any article, means the value of that article ascertained for the purpose of Value Added Tax under section 6 of the Value Added Tax Act, No. 14 of 2002;
- (ii) with reference to any person and to any relevant quarter referred to in paragraph (b) of subsection (1) of section 2, means the sum receivable whether received or not from the sale in Sri Lanka, in that quarter, of every article manufactured by such person;
- (iii) with reference to any person referred to in paragraph (c) of subsection (1) of section 2 and to any relevant quarter means the sum receivable, whether received or not, from the provision in Sri Lanka of any service referred to in that paragraph.

(3) Notwithstanding the provisions of subsection (2), the liable turnover for any relevant quarter of any person to whom this Act applies, referred to in paragraph (ii) or (iii) of that section shall not include—

- (i) any bad debt incurred by such person in that quarter;

- (ii) any value added tax under the Value Added Tax Act, No. 14 of 2002 paid in that relevant quarter;
- (iii) any excise duty under the Excise Duty (Special Provisions) Act, No. 13 of 1989, paid in that quarter:

Provided however, any bad debt recovered in any relevant quarter, shall be included in the relevant turnover of that relevant quarter.

(4) Notwithstanding the provisions of subsection (1), the tax shall not be chargeable from any person referred to in paragraph (b) or paragraph (c) of subsection (1) of section 2, for any relevant quarter if—

- (i) liable turnover of such person for that relevant quarter does not exceeds the sum of six hundred and fifty thousand rupees;
- (ii) such person has paid for that relevant quarter optional Value Added Tax under Chapter IIIB of the Value Added Tax Act, No. 14 of 2002.

**4.** Every person to whom this Act applies, being a person referred to in paragraph (b) or paragraph (c) of subsection (1) of section 2 shall, notwithstanding that no assessment has been made on him for any relevant quarter, pay—

Payment of  
the Tax.

- (i) an amount equivalent to one third of the Tax payable for that relevant quarter on or before the twentieth day of the second month of that relevant quarter;
- (ii) an amount equivalent to one third of the Tax payable for that relevant quarter on or before the twentieth day of the third month of that relevant quarter; and
- (iii) an amount equivalent to the balance of the Tax payable for that relevant quarter on or before the twentieth day of the month immediately succeeding the end of that relevant quarter,



to the Commissioner General, in such manner as may be specified by him in that behalf.

For the purpose of this section the expression “one third of the tax payable” in relation to any relevant quarter means one third of the Tax calculated on the sum estimated by such person to be the liable turnover for that relevant quarter.

Collection of the Tax by the Director General of Customs.

**5.** (1) The Director General of Customs shall collect from every person referred to in paragraph (a) of subsection (1) of section 2, the tax chargeable from such person in respect of every article imported by such person, at the time such article is imported, and shall make an endorsement on the import invoice relating to such article specifying the amount so collected.

(2) Any amount collected by the Director General of Customs in accordance with the preceding provisions of this section in relation to any article imported by any person to whom this Act applies shall be deemed to be the Tax chargeable in respect of the liable turnover arising from the importation of such article and shall be deemed to have been paid by such person to the Commissioner-General on the day on which such amount was so collected.

(3) Any amount collectible under subsection (1) shall for the purpose of collection and recovery of such amount and notwithstanding anything to the contrary in this Act, be deemed to be customs duty chargeable under the Customs Ordinance and accordingly, the provisions of the Customs Ordinance shall apply to the collection and recovery of such amount.

(4) Where any article imported into Sri Lanka is sold—

- (i) by the Director General of Customs for the recovery of any duty, levy or any charge collectible under the Customs Ordinance; or

- (ii) by the Sri Lanka Ports Authority established by the Sri Lanka Ports Authority Act, No. 51 of 1979, for the recovery of any dues collectible under that Act; or
- (iii) by the Commissioner General,

the purchaser of such article shall be deemed to be a person referred to in paragraph (a) of subsection (1) of section 2, and the provisions of this Act shall apply to him accordingly.

**6.** Where any person to whom this Act applies, being a person referred to in paragraph (b) of subsection (1) of section 2— Credit for Tax paid.

- (i) is deemed, by virtue of subsection (2) of section 5 to have paid in any relevant quarter, the tax in respect of any article imported by him;
- (ii) has paid the tax under section 4 in respect of any article purchase by him from another person referred to in that paragraph,

being in either case an article which is used exclusively in his business of manufacture, he shall be entitled to credit for the tax so paid against the tax payable under section 4 for that relevant quarter:

Provided that where such credit for any relevant quarter exceeds the tax so payable for that quarter, the excess shall be deemed to be an advance payment of the tax made under section 4 for the relevant quarter immediately succeeding that relevant quarter.

**7.** Every person to whom this Act applies, being a person referred to in paragraph (b) or paragraph (c) of subsection (1) of section (2) whose liable turnover for any relevant quarter exceeds the sum referred to in subsection (4) of section 3, shall give notice in writing to the Commissioner Notice of chargeability.

General, of his chargeability to the tax for that quarter, not later than the fifteenth day of the last month of that relevant quarter. The notification shall disclose the name, the postal address, the taxpayer-identification number if any, or the income tax file number if any, and such other information as the Commissioner General may specify by Order published in the *Gazette*.

Certain provisions of the Inland Revenue Act to apply.

**8.** The provisions in sections 106, 107, 108 and 112 of Chapter XII relating to Returns etc, Chapter XXII relating to Assessments, Chapter XXIII relating to Appeals, Chapter XXIV relating to Finality of Assessments and Penalty for Incorrect Returns, Chapter XXV relating to Tax in Default and Sums Added Thereto, Chapter XXVI relating to Recovery of Tax, Chapter XXVII relating to Miscellaneous, Chapter XXIX relating to Penalties and Offences, Section 209 of Chapter XXX relating to Administration and Chapter XXXI on General matters, of the Inland Revenue Act, shall *mutatis mutandis* apply to the furnishing of returns, assessments, appeal against assessments, finality of assessments and penalty for incorrect returns, tax in default and sums added thereto, recovery of tax, miscellaneous, penalties and offences, administration and general matters under this Act subject to the following modifications:—

- (a) every reference to the year of assessment in any such provision of the Inland Revenue Act, shall be deemed to be a reference to the “relevant quarter” in this Act;
- (b) every reference to assessable income or taxable income in any such provision of the Inland Revenue Act, shall be deemed to be a reference to the “liable turnover” in this Act; and
- (c) every reference to income tax in any such provision of the Inland Revenue Act, shall be deemed to be a reference to the tax charged and levied in terms of the provisions of this Act.

**9.** 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.

**10.** In this Act, unless the context otherwise requires,— Interpretation.

“article” includes any goods, material or any agricultural or horticultural produce, but does not include any excepted article specified in Part I of the Schedule to this Act;

“body of persons”, “business”, “Commissioner General” and “company” shall have the same respective meanings which they have in the Inland Revenue Act;

“Inland Revenue Act” means the Inland Revenue Act, No. 10 of 2006 ;

“manufacture” means any process for—

- (i) making an article;
- (ii) assembling or joining any article whether by chemical process or otherwise;
- (iii) adapting for sale any article;
- (iv) packaging, bottling, putting into boxes, cutting into pieces, cleaning, polishing, wrapping, labeling, or in any other way whatsoever preparing for sale any article otherwise than in a retail stores for the purpose of sale in such store exclusively and directly to the consumer;

“person” includes any company, body of persons or any partnership;

“quarter” means the period of three months commencing on the first day of January, April, July or October of any year:

Provided that the quarter which commences on the first of February 2009 shall comprise two months;

“service” does not include any excepted service specified in Part II of the Schedule to this Act; and

“year” means a calendar year.

#### SCHEDULE

##### PART I

##### EXCEPTED ARTICLES

- (i) any article exported by the manufacture of such article;
- (ii) any article not being plant, machinery or fixtures imported by any person exclusively for use in, or for, the manufacture of any article for export;
- (iii) any article sold to any person to whom this Act applies exporter if the Commissioner General is satisfied, on the production of a letter of credit opened in any bank in Sri Lanka in respect of the export of that article or other documentary evidence that such article has in fact been exported from Sri Lanka;
- (iv) any article which is imported, if proved to the satisfaction of the Commissioner General of Inland Revenue, that such article is imported to Sri Lanka for—
  - (i) display at an exhibition;
  - (ii) the temporary use in Sri Lanka in any project approved by the Minister;
  - (iii) for the purposes of repairs to that article to be carried out in Sri Lanka; or
  - (iv) any other similar purpose, and is to be re-shipped, within a period of one year from the date of importation of such article to Sri Lanka;

- (v) any article imported, if proved to the satisfaction of the Director General of Customs, that such article was, prior to its importation, taken out of Sri Lanka for repairs;
- (vi) any cinematographic film or teledrama produced in Sri Lanka and taken out of Sri Lanka for further processing or printing with the approval of the National Film Corporation;
- (vii) any spare part imported by any airline or shipping company, if proved to the satisfaction of the Commissioner-General, that such spare part is to be used for the maintenance of any aircraft of ship, used in international traffic and owned or chartered by such airline or shipping company;
- (viii) any article sold, to the United Nations Organization or to any specialized agency of such organization or to the diplomatic mission of any foreign Government or to any member of the diplomatic staff of such mission or to any other person approved by the Minister on the recommendation of the Minister of Foreign Affairs as being of the status of a diplomatic mission;
- (ix) any article imported if such article is subject to the Special Commodity Levy charged under the Special Commodity Levy Act, No. 48 of 2007;
- (x) Fertilizer;
- (xi) Petroleum and Petroleum products;
- (xii) L. P. Gas;
- (xiii) Pharmaceuticals; and
- (xiv) Tea supplied by the Manufacturer being a manufacturer registered with the Sri Lanka Tea Board established by the Sri Lanka Tea Board Law, No. 14 of 1975, to any registered broker for sale at the Colombo Tea Auctions.

PART II

EXCEPTED SERVICES

the following services—

- (i) the business of Banking or Finance;
- (ii) supply of electricity;
- (iii) medical services;

- (iv) supply of water;
- (v) transport of goods or passengers
- (vi) leasing of movable properties;
- (vii) service of a construction contractor, not being a sub-contractor, insofar as such services are in respect of constructing any building, road, bridge, water supply, drainage or sewerage system, harbour, airport or any infrastructure project in telecommunication or electricity;
- (viii) services provided to any exporter of any article, being services directly related to improving the quality and character of such article;
- (ix) the services of sewing garments provided to any exporter of such garments;
- (x) services of a freight forwarder, shipping agent licensed under the Licensing of Shipping Agents Act, No. 10 of 1972 or courier insofar as such services are in respect of the exporter of any article from Sri Lanka;
- (xi) services provided by a public corporation, insofar as such services are in respect of the export of any article from Sri Lanka;
- (xii) operating a hotel, guest house, restaurant or other similar business, if such hotel, guest house, restaurant or other similar business if such business is registered with the Ceylon Tourist Board;
- (xiii) the services of an auctioneer, broker, insurance agent or commission agent of any local produce;
- (xiv) the services of a travel agent in respect of inbound tours, if such person is registered with the Ceylon Tourist Board;
- (xv) services of a computer software developer in respect of software developed by such person for use wholly outside Sri Lanka and for which payment is received in foreign currency through a bank;
- (xvi) services provided over the Internet, using custom-built software, by an enterprise, exclusively for the provision of such services being services enabling or facilitating the sale of goods, or for the provision of services, by a person in Sri Lanka to person outside Sri Lanka, for payment in foreign currency;

- (xvii) client support services provided over the internet or telephone, by an enterprise, exclusively for the provision of such services, to one or more identified clients outside Sri Lanka, for payment in foreign currency;
- (xviii) the business of life insurance;
- (xix) distribution or production and supply, of any cinematographic films primarily for exhibition in cinemas;
- (xx) exhibiting films in a cinema;
- (xxi) any service provided to the United Nations Organization or to any specialized agency of such organization or to the diplomatic mission of any foreign Government or to any member of the diplomatic staff of such mission or to any other person approved by the Minister of the recommendation of the Minister of Foreign Affairs as being of the status of a diplomatic mission; and
- (xxii) any service rendered in or outside Sri Lanka to any person or partnership outside Sri Lanka for payment in foreign currency if such foreign currency is remitted to Sri Lanka through a bank.



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**PARLIAMENT OF THE DEMOCRATIC  
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**ANIMALS (AMENDMENT)  
ACT, No. 10 OF 2009**

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*Animals (Amendment) Act, No. 10 of 2009*

[Certified on 17th March, 2009]

L. D.—O. 62/2006.

AN ACT TO AMEND THE ANIMALS ACT, NO. 29 OF 1958

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

**1.** This Act may be cited as the Animals (Amendment) Act, No. 10 of 2009. Short title.

**2.** The Animals Act, No. 29 of 1958 (hereinafter referred to as the principal enactment) is hereby amended by the insertion immediately after section 3A thereof of the following new section which shall have effect as section 3AA of that enactment :— Insertion of new section 3AA in Act No.29 of 1958.

“Care of animals against whom offences are committed.

3AA. (1) Notwithstanding anything to the contrary in any other written law, where an offence in relation to an animal is committed and where such offence is brought to the notice of the Magistrate having competent jurisdiction, the Magistrate may, pending the determination of the case, make an interim Order to the effect that the animal against whom the offence has been committed—

- (a) be handed into the custody of an Animal Care Centre approved by the Minister by Order published in the *Gazette*;
- (b) be handed over to any non-governmental organization whose primary objective is concerned with the welfare of animals; or
- (c) be handed over to the custody of any person whom the court is satisfied, is actively engaged in caring for animals.

(2) It shall be the duty of such Animal Care Centre, non-governmental organization or

person as the case may be, to care for such animal until the final determination of the proceedings.

(3) Where the person who committed the offence referred to in subsection (1) is convicted of such offence, the Magistrate shall in addition to the punishment he may impose in relation thereto—

- (a) make order that the animal be confiscated; or
- (b) make order that the animal be handed over to the owner of the animal, upon his establishing ownership of the animal and on the owner showing cause that the offence was committed or was sought to have been committed without his knowledge or connivance.

(4) Where an order is made for the confiscation of the animal, the Magistrate shall confirm the interim order made under subsection (1) and provide for the handing over of the custody and care of the animal to an approved Animal Care Centre, non-governmental organization or person referred to, respectively in paragraphs (a), (b) and (c), of subsection (1).

(5) The Minister may make regulations specifying —

- (a) the standards to be maintained by;
- (b) the manner of obtaining approval and the procedure to be followed for the establishment of; and

(c) the procedure for the monitoring and inspection of,

any animal care centre, non governmental organization or person referred to in paragraphs (a), (b) and (c) respectively of subsection (1).”.

**3.** Section 3D of the principal enactment is hereby amended by the renumbering of that section as section 3E of that enactment.

Renumbering of section 3D of the principal enactment.

**4.** The following new section is hereby inserted immediately before the section 3E of the principal enactment and shall have effect as section 3D of that enactment:—

Insertion of new section 3D in the principal enactment.

“Penalty for the offences committed under Part II.

3D. Any person who contravenes the provisions of this Part of this Act or any regulation made thereunder, shall commit an offence and shall on conviction after summary trial by a Magistrate be liable to a fine not exceeding fifty thousand rupees or to imprisonment of either description for a term not exceeding three years or to both such fine and imprisonment.”.

**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.

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**PARLIAMENT OF THE DEMOCRATIC  
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**RANGA ART INSTITUTE (INCORPORATION)  
ACT, No. 11 OF 2009**

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*Ranga Art Institute (Incorporation)*  
*Act, No. 11 of 2009*

[Certified on 18th March, 2009]

L.D.—O. INC 2/2007.

AN ACT TO INCORPORATE THE RANGA ART INSTITUTE

WHEREAS an Institute called and known as the “Ranga Art Institute” has therefore formed at Kahapola, Piliyandala, 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 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 Ranga Art Institute (Incorporation) Act, No. 11 of 2009.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the “Ranga Art Institute” (hereinafter referred to as the “Institute”) or shall hereafter be admitted as members of the Institute 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 “Ranga Art Institute” 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 the “Ranga Art Institute.”

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

General objects of the Corporation.

- (a) to contribute in different ways with a view to bequeathing, drumming and dancing which are our traditional cultural legacies to the future generation;



- (b) to maintain the Ranaga Institute of Art at a high standard as a Faculty of Arts and Crafts;
- (c) to formulate a five year full time non-paying course for pupils of the traditional Dancing and Drumming Arts and the production and repair of instruments;
- (d) to encourage the safeguarding of Dancing and Drumming and to implement programmes connected thereto;
- (e) to foster and protect our cultural heritage;
- (f) to make traditional arts attractive to the youth by the enrichment of the traditional drumming and dancing through new trends;
- (g) to initiate national and regional level programmes with the participation of the youth for the protection of the traditional system of arts;
- (h) to participate actively in the religious, cultural and social activities within and outside the country;
- (i) to give students the opportunity practicing in various cultural programmes;
- (j) to give students the necessary financial strength to become successfull enterprenures at the end of their courses;
- (k) to implement a special social insurance project for the upliftment of the living standards of the traditional Artists and the fostering of retired artists; 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 affairs of the Corporation shall, subject to the provisions of this Act and the rules as made by the Corporation under the section 7 of the Corporation, be administered by a Administrative Council (hereinafter referred to as the “Council”) consisting of the Dean of the Institute, Deputy Dean of the Institute, Assistant Dean of the Institute, the Secretary, the Treasurer and four other members as may be elected in accordance with the rules of the Corporation.

Management of the affairs of the Corporation.

(2) The first Administrative Council of the Corporation shall consist of the members of the Board of Trustees of the Organization holding office on the day immediately preceding the date of commencement of this Act.

**5.** There shall be a Advisory Board which shall consist of five members appointed by the Council. The members of the Advisory Board may attend the meetings of the Council. The Board may grant advice, on various issues, but the Board shall not have power to vote.

Advisory Board.

**6.** Subject to the provision of this Act, and any other written law, the Corporation shall have the power—

Power of the Corporation to acquire property, invest funds, and raise loans &c.

- (a) to purchase, acquire, rent, construct and otherwise obtain lands or buildings which may be required for the purpose of the Corporation;
- (b) to borrow or raise money from the Government approved Banks and other institutions or accept aids and donations (foreign and local) for the purposes of the Corporation with the approval of the Council;
- (c) to make, draw, accept, discount, endorse, negotiate, buy, sell and issue bills of exchange, cheques, promissory notes and other negotiable instrument and to open, operate, maintain and close bank accounts;

- (d) to invest any funds not immediately required for the purpose of the Corporation, in such a manner as the Council may think fit,
- (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 officer 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.

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) election of the members of the Council or vacation of or removal from office as office bearers and powers, duties and conduct of the Council;
- (b) the appointment powers, duties, functions and conduct of the teachers, various officers, agents and servants of the Corporation and termination of Service and payment of salaries of them;
- (c) the procedure to be observed at and the summoning and holding of meetings of the Council, 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;

- (d) the qualifications and disqualifications for membership in the Institute and the Corporation; and
- (e) the administration and management of the property of the Corporation and the accomplishment of the objects of the Corporation.

(2) The rules of the Institute in force on the day preceding the date of commencement of this Act shall insofar as they are not inconsistent with the provisions of this Act or any other written law be deemed to be the rules of the Corporation and may be amended, altered, added to or rescinded at a like meeting and in like manner as a rules made under subsection (1) of this section.

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

**8.** (1) The Corporation shall have its own fund and the financial year shall be from 1st January to 31st of December of the same year. Fund of the Corporation.

(2) All moneys received by way of gifts, bequests, donations, subscriptions, contribution fees or grants for and on account of the Corporation shall be deposited in a bank approved by the Council to the credit of the Corporation.

(3) The accounts of the Corporation shall be audited at least once in every year qualified auditor appointed by the Board.

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.

How the seal of the Corporation is to be affixed.

**9.** The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the Dean of the Institute and the Secretary or such other person duly authorized by the Council who 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.

Saving of the rights of the Republic and others.

**10.** Nothing in this Act contained shall prejudice or affect the rights of the Republic or of any body politic or corporate of any other person.

Sinhala text to prevail in case of inconsistency.

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

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

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**THE SRILANKA INSTITUTE OF TEXTILE  
AND APPAREL ACT, No. 12 OF 2009**

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[Certified on 20th March, 2009]

*Printed on the Order of Government*

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*The Sri Lanka Institute of Textile and Apparel  
Act, No. 12 of 2009*

[Certified on 20th March, 2009]

L. D. — O. 66/2006.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE SRI LANKA INSTITUTE OF TEXTILE AND APPAREL; TO PROVIDE FOR THE DEVELOPMENT AND SUSTAINABILITY OF THE TEXTILE AND APPAREL INDUSTRY; TO CONDUCT TRAINING PROGRAMMES AND WORKSHOPS IN TEXTILE AND CLOTHING TECHNOLOGY, MANAGEMENT AND RELATED AREAS FOR LOCAL AND FOREIGN STUDENTS; TO PROVIDE TECHNICAL AND CONSULTANCY SERVICES TO FOREIGN COUNTRIES; TO PROVIDE FOR THE REPEAL OF THE CLOTHING INDUSTRY TRAINING INSTITUTE ACT, NO. 3 OF 1984 AND THE TEXTILE TRAINING AND SERVICES CENTRE ACT, NO. 4 OF 1984 AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

WHEREAS the Clothing Industry Training Institute Act, No. 3 of 1984, established the Clothing Industry Training Institute to provide training and technical services to the Clothing Industry:

Preamble.

AND WHEREAS the Textile Training and Services Centre Act, No. 4 of 1984 established the Textile Training and Services Centre to provide training, consultancy and technical services to the Textile Industry:

AND WHEREAS the bulk of the resources and equipment utilized by the Clothing Industry Training Institute and the Textile Training and Services Centre are shared between the said Institutions and both Institutions are presently providing similar services to the textile and apparel industry:

AND WHEREAS it has become necessary to reduce the operational cost of maintaining the aforesaid two Institutions by merging the said Clothing Industry Training Institute and the said Textile Training and Services Centre and thereby combining the services provided by these two institutions in the Sri Lanka Institute of Textile and Apparel established herein:



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

Short title  
and date of  
operation.

**1.** This Act may be cited as the Sri Lanka Institute of Textile and Apparel Act, No. 12 of 2009 and the provisions of this Act other than this section, shall come into operation on such date (hereinafter referred to as the “appointed date”) as the Minister may appoint by Order published in the *Gazette*. The provisions of this section shall come into effect in terms of paragraph (1) of Article 80 of the Constitution on the date on which the certificate of the speaker is endorsed.

PART I

ESTABLISHMENT OF THE SRI LANKA INSTITUTE OF  
TEXTILE AND APPAREL

Establishment  
of the Sri  
Lanka  
Institute of  
Textile and  
Apparel.

**2.** There shall be established an Institute called the Sri Lanka Institute of Textile and Apparel (hereinafter referred to as the “Institute”) which shall, by the name assigned to it by this section, be a body corporate and have perpetual succession and a common seal and may sue and be sued in its corporate name.

Constitution  
of the Board  
of  
Governors.

**3.** (1) The Institute shall have a Board of Governors (hereinafter referred to as “the Board”) consisting of —

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

- (i) the Secretary to the Ministry of the Minister in charge of the subject of Textile and Apparel Industry or any other officer of such Ministry nominated by such Minister, who shall be the Chairman of the Board ;
- (ii) an officer from the Ministry of the Minister in charge of the subject of Enterprise Development and Investment Promotion, nominated by such Minister;

- (iii) an officer from the Ministry of the Minister in charge of the subject of Industries, nominated by such Minister;
  - (iv) an officer from the Ministry of the Minister in charge of the subject of Higher Education, nominated by such Minister;
  - (v) an officer from the Ministry of the Minister in charge of the subject of Finance, nominated by such Minister; and
- (b) the following members to be appointed by the Minister (hereinafter referred to as “the appointed members”):—
- (i) two persons from among those engaged in the textile manufacturing industry and textile exporting industry;
  - (ii) three persons to represent the Joint Apparel Associations Forum incorporated under the Companies Act, No. 17 of 1982;
  - (iii) two persons to represent academic or professional institutions engaged in conducting academic courses or training relating to textile or clothing technology.

(2) The Board shall be responsible for the administration of the affairs of the Institute.

(3) The provisions of the Schedule to this Act shall have effect in relation to the term of office of the members of the Board, the remuneration payable to the members, meetings of the Board and the Seal of the Board.

**4.** The objects for which the Institute is established shall be to—

Objects of the  
Institute.

- (a) conduct post graduate and degree programmes and to provide Diploma level education, training and consultancy and technical services to those in the textile and apparel industry;

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- (b) establish national standards in textile and clothing technology, management and other related areas and award certificates in respect of the same;
- (c) assist the Government in the formulation of a national policy on textile and apparel industry;
- (d) link up with foreign institutions, industries and laboratories and to provide accreditation and laboratory services and conduct high level of courses maintaining high standards in respect of the same;
- (e) form affiliations with local and foreign universities and institutions with a view of awarding degrees, post graduate degrees, diplomas and certificates in the fields related to the textile and apparel industry;
- (f) carry out research and promote product development in the textile and apparel industry in collaboration with State Institutions, local and foreign academic organizations, institutions and industries;
- (g) offer testing and other related technical consultancy services in fields related to the textile and apparel industry on a fee levying basis to local and foreign institutions and to local and foreign students;
- (h) conduct market surveys, technical and economic feasibility studies, project appraisals and valuations on plant and machinery used in the textile and apparel industry;
- (i) maintain a data base containing information relating to the production, import and export and other technical information relating to the textile and apparel industry; and

- (j) issue conformity certificates to those engaged in the textile and apparel industry on international, national and company compliance system standards.

5. In the administration of the affairs of the Institute, the Board shall exercise, perform and discharge the following powers, duties and functions:—

Powers, duties and functions of the Institute.

- (a) conduct, assist, co-ordinate and encourage research into all aspects of the textile and apparel industry;
- (b) enter into agreements with local and foreign institutions and laboratories for accreditation services and to establish standards for testing services;
- (c) enter into agreements with local and foreign universities and other professional institutions, to provide education and training in all aspects relating to the textile and apparel industry;
- (d) import plants, machinery and equipment required for the purposes of the Institute and receive equipment, funds, personnel and any other assistance needed for the efficient conduct of the affairs of the Institute;
- (e) sponsor and hold conferences, workshops and seminars within or outside Sri Lanka and publish journals and magazines relating to the textile and apparel industry;
- (f) acquire, establish, install and operate field training centres and carry out pilot projects relating to the textile and apparel industry;
- (g) levy fees and charges for all services rendered by the Institute;

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- (h) make rules in respect of matters pertaining to the administration of the affairs of the Institute as may become necessary;
- (i) acquire in any manner whatsoever and hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of, any movable or immovable property;
- (j) delegate to any member of the Board, the Director-General, any Director or other employee of the Institute any of its powers, duties or functions as the Board may consider necessary;
- (k) at any reasonable time enter into any land or premises with the consent of the owner, occupier or the person in charge of such land or premises, for the purpose of carrying out any investigations and of recording data, inspecting books and documents and taking copies or extracts therefrom, which in the opinion of the Board are necessary for the attainment of the objects of the Institute; and
- (l) do all such other things which in the opinion of the Board are necessary, conducive or incidental to the attainment of the objects of the Institute.

Board to exercise, discharge and perform its powers, duties and functions in compliance with the general policy of the Government.

**6.** In the exercise, discharge and performance of its powers, duties and functions, the Board shall comply with the general policy of the Government in relation to the textile and apparel industry and with any general or special directions that may from time to time be issued by the Minister in relation to implementation of such policy.

Delegation.

**7.** (1) The Board may delegate to the Chairman or any other member of the Board or to the Director-General, a Director or to any other employee of the Institute, any of its powers, duties or functions.

(2) Any person to whom any power, duty or function of the Board have been delegated under subsection (1), shall exercise, discharge and perform such power, duty or function so delegated, subject to the general or special directions of the Board.

## PART II

### APPOINTMENT OF THE DIRECTOR-GENERAL, DIRECTORS AND THE STAFF OF THE INSTITUTE

**8.** (1) The Minister shall in consultation with the Board, appoint a Director-General of the Institute (in this Act referred to as the “Director-General”) who shall be its chief executive officer. The terms and conditions of employment and the remuneration payable to the Director-General shall be determined by the Minister in consultation with the Minister in charge of the subject of Finance.

Director-  
General and  
Directors of the  
Institute.

(2) The Director-General shall subject to the general direction and control of the Board, be charged with the direction of the affairs of the Institute and shall further perform and discharge such functions and duties as may be delegated to him by the Board.

(3) The Board, shall appoint two persons as Directors of the Institute, each of whom shall be in charge of separate divisions of the Institute.

(4) The Directors appointed under subsection (3) shall perform and discharge their duties and functions in relation to the divisions assigned to them, subject to the general supervision of the Director-General.

(5) The Minister or the Board, as the case may be, may for reasons assigned, remove from office the Director-General or any Director appointed under subsection (3), as the case may be.

(6) The office of the Director-General or of any one of the two Directors shall become vacant upon the death, retirement, removal from office under subsection (5) or resignation by letter in that behalf addressed to the Minister or the Board, as the case may be.

(7) Where any vacancy occurs in the office of the Director-General or any one of the Directors, the Minister or the Board, as the case may be, may appoint a member of the Board to perform and discharge the duties and functions of the office of the Director-General or the Director, as the case may be, until an appointment is made under subsection (1) or subsection (2), to fill such vacancy.

Staff of the  
Institute.

**9.** Subject to the provisions of this Act and of any rules that may be made thereunder, the Board may appoint such officers and employees as it may consider to be necessary, for the efficient exercise, discharge and performance of its powers, functions and duties, and further—

- (a) determine the salaries or other remuneration payable to the Directors, officers and other employees of the Institute;
- (b) exercise disciplinary control, including the removal of the Directors, officers and other employees of the Institute; and
- (c) determine the terms and conditions of service of the Directors, officers and other employees of the Institute.

Appointment of  
public officers  
to the Staff of  
the Institute.

**10.** (1) At the request of the Board any officer in the public service may with the consent of that officer and the Secretary to the Ministry of the Minister in charge of the subject of Public Administration, be temporarily appointed to the staff of the Institute 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 Institute, 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 respect of such officer.

(3) Where any officer in the public service is permanently appointed to the staff of the Institute, 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 respect of such officer.

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

(5) At the request of the Board, any member of the Local Government Service or any officer or servant of a local authority may, with the consent of such member, officer or servant and the Local Government Service Commission or the local authority, as the case may be, be temporarily appointed to the staff of the institute for such period as may be determined by the Board 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 Institute and the Local Government Service Commission or the local authority, as the case may be.

(6) At the request of the Board any officer or servant of a public corporation may, with the consent of such officer or servant and the governing body of such public corporation, be temporarily appointed to the staff of the Institute for such period as may be determined by the Board 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 Board and the governing body of such public corporation.



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(7) Where any person is temporarily appointed to the staff of the Institute under subsection (5) or (6) of this section, such person shall be subject to the same disciplinary control as any other member of such staff.

PART III

FINANCE

Fund of the  
Institute.

**11.** (1) The Institute shall have its own Fund to which shall be credited—

- (a) all such sums of money as may be voted from time to time by Parliament for the purposes of the Institute;
- (b) the balance sum remaining from money received by the Institute in the exercise, performance and discharge and performance of its powers, functions and duties under this Act, after crediting an amount to the Staff Development Fund established under section 12;
- (c) all such sums of money as may be received by the Institute by way of grants, gifts or donations from any source whatsoever, whether within or outside Sri Lanka; and
- (d) all such sums of money as are transferred to the Fund under paragraph (a) of subsection (2) of section 30 of this Act.

(2) There shall be paid out of the Fund such sums of money required to defray all expenditure incurred by the Institute in the exercise, performance and discharge of its powers, duties and functions under this Act.

Staff  
Development  
Fund.

**12.** (1) The Board may establish a Staff Development Fund for the purpose of improving the skills and knowledge of the staff of the Institute.

(2) There shall be paid annually into the Staff Development Fund, such percentage of the income received by the Institute, in the exercise, discharge and performance of its powers, duties and functions under this Act, as shall be determined by the Board.

(3) The Board shall be responsible for the proper administration and maintenance of the Staff Development Fund, and cause such Fund to be audited annually and the provisions of Article 154 of the Constitution relating to the audit of accounts shall apply in respect of such audit.

**13.** The Institute may with the concurrence of the Minister and the Minister in charge of the subject of Finance, borrow, by way of over-draft or otherwise or negotiate and obtain on credit terms, such sums of money as the Institute may require for the efficient exercise, discharge and performance of its powers, duties and functions under this Act:

Borrowing powers of the Institute.

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

**14.** (1) The financial year of the Institute shall be the calendar year.

Financial year and the audit of accounts of the Institute.

(2) 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 Institute.

(3) The provisions of Article 154 of the Constitution relating to the audit of accounts of shall apply to the audit of accounts of the Institute.

**15.** The provisions of Part II of the Finance Act, No. 38 of 1971 shall *mutatis mutandis*, apply to and in respect of the financial control and accounts of the Institute.

Application of Part II of the Finance Act, No. 38 of 1971.

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Board to prepare  
an annual report  
of its activities.

**16.** The Board shall, at the end of each financial year, publish a report of its activities during that year and submit the same to the Minister for his approval. On being approved by the Minister, such report shall be laid before Parliament.

PART IV

GENERAL

Entry and  
inspection of  
buildings and  
premises.

**17.** (1) It shall be lawful for any officer or other employee of the Institute specifically authorized in writing in that behalf by the Board, at any reasonable time to enter any building or premises for the purpose of carrying out any inspection, investigation or recording of any data for the purpose of exercising, performing or discharging any of its powers, duties or functions under this Act.

(2) For the purpose of carrying out any inspection, investigation or of recording any data under subsection (1), consent to enter the building or premises shall be obtained from the owner or the occupier or the person in charge of such building or the premises, as the case may be.

(3) Where the consent required to be obtained under subsection (2) is being unfairly refused, the Board may obtain from the Magistrate having jurisdiction in the area in which such building or premises, as the case may be, is situated, a search warrant authorizing an officer named therein to enter such building or the premises, as the case may be and to carry out the required inspection, investigation or the recording of the data.

(4) Every person who obstructs any officer or employee of the Institute in the discharge of his duty under this section, shall be guilty of an offence under this Act.

Power to require  
information.

**18.** (1) For the purpose of enabling the Institute to exercise, perform and discharge any of its powers, duties and functions under this Act, the Director-General, a Director or any officer or employee authorized in writing in that behalf

by the Board, may by notice in writing, require any person to furnish such information pertaining to any matter within his knowledge relating to the textile and apparel industry and which is specified in the notice issued or to produce any document as shall be specified therein, within such period as shall be specified in the notice.

(2) It shall be the duty of any person who is required by notice to furnish any information or to produce any document under subsection (1), to comply with those requirements within the time specified in such notice, except where such person is precluded from divulging such information under the provisions of any law or where such information is not within his knowledge or possession.

(3) Any information furnished or the contents of any document produced in compliance with a notice issued under subsection (1), shall not be published or communicated by the Board to any other person, except with the consent of the person furnishing such information or producing such document, as the case may be, or in the course of the exercise, performance and discharge of its powers, duties and functions under this Act.

**19.** The Minister may from time to time issue such general or special directions in writing to the Board relating to the exercise, performance and discharge of its powers, duties and functions and it shall be the duty of the Board to give effect to such directions.

Directions of the  
Minister.

**20.** (1) Where any immovable property is required to be acquired for the Institute for any of its purposes and the Minister approves of the proposed acquisition, the purpose for which such immovable property is required shall be deemed to be a public purpose within the meaning of the Land Acquisition Act (Chapter 460) and may accordingly be acquired for the Institute under that Act, and the provisions of that Act shall apply in respect of such acquisition.

Acquisition of  
immovable  
property under  
the Land  
Acquisition Act  
for the Institute.

(2) Any sum payable for the acquisition of any immovable property for the Institute under subsection (1), shall be paid by the Institute.

State property both movable and immovable to be made available to the Institute.

**21.** (1) Where any immovable property of the State is required for any purpose of the Institute, such purpose shall be deemed to be a purpose for which a special grant or lease of such property may 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 Institute.

(2) Where any movable property of the State is required for any purpose of the Institute, the Minister may with the concurrence of the Minister having control over such property, by Order published in the *Gazette*, transfer to and vest in the Institute the possession and use of such movable property.

Expenses incurred to be paid out of the Fund.

**22.** Any expense incurred by the Institute, a member of the Board, the Director-General, a Director or any officer or employee of the Institute in any suit or prosecution brought against the Institute or such person before any court, in respect of any act which is done by the Institute or such person under this Act or on the direction of the Board, shall, if the court holds that such act was done in good faith, be paid out of the Fund of the Institute, and any cost paid to or recovered by the Institute or by any person referred to in this section, shall be credited to the Fund of the Institute.

No writ to be issued against a member etc.

**23.** No writ shall be issued against a person or property of any member of the Board, the Director-General, a Director or any officer or employee of the Institute, in any action brought against the Institute.

Offences.

**24.** Every person who —

- (a) fails to furnish any information or produce any document, when required to do so under section 18 of this Act ;

- (b) knowingly makes any false statement in any information furnished by him ; or
- (c) acts in contravention of any provisions of this Act or any regulation or rule made thereunder,

shall be guilty of an offence under this Act, and on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

**25.** The Institute shall be deemed to be a Scheduled Institution within the meaning of the Bribery Act (Chapter 27) and the provisions of that Act shall be construed accordingly.

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

**26.** All members of the Board, the Director-General, the Directors and all officers and employees of the Institute shall be deemed to be public servants within the meaning and for the purposes of the Penal Code (Chapter 19).

Members, Director-General, Directors, officers and employees of the Institute deemed to be public servants.

**27.** (1) Subject to the provisions of this Act, the Board may make rules in respect of all matters for which rules are authorized or required to be made under this Act.

Rules.

(2) Every rule made by the Board shall be approved by the Minister and be published in the *Gazette* and shall come into operation on the date of its publication or on such later date as may be specified therein.

**28.** 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.

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Interpretation.

**29.** In this Act, unless the context otherwise requires —

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

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

“textile and apparel industry” includes footwear and any other industries associated or connected with or related to, the textile and the apparel industry.

PART V

REPEALS AND SAVINGS

Repeal of Act  
No. 3 of  
1984 and Act  
No. 4 of  
1984.

**30.** (1) The Clothing Industry Training Institute Act, No. 3 of 1984 and the Textile Training and Services Centre Act, No. 4 of 1984 are hereby repealed.

(2) Notwithstanding the repeal of the Acts referred to in subsection (1) —

(a) any monies remaining in the Fund established by section 22 of the Clothing Industry Training Institute Act, No. 3 of 1984 and in the Fund established by section 23 of the Textile Training and Services Centre Act, No. 4 of 1984, on the day immediately preceding the appointed date, shall with effect from the appointed date, stand transferred to the Fund of the Institute established under section 11 of this Act ;

- (b) all debts, obligations, assets and liabilities incurred and all contracts, deeds, bonds and agreements entered into, and all matters and things required to be done by, with or on behalf of the Clothing Industry Training Institute or the Textile Training and Services Centre, on the day immediately preceding the appointed date, shall with effect from the appointed date, be deemed to have been incurred, executed, entered into or engaged to be done by, with or on behalf of the Institute ;
- (c) all officers and employees of the Clothing Industry Training Institute and the Textile Training and Services Centre who are in employment on the day immediately preceding the appointed date, and who are offered employment in the Institute, and who—
  - (i) accept such offer of employment, shall on with effect from the appointed date be employed in the Institute on such terms and conditions as are not less favourable than the terms and conditions of employment that were applicable to them on the date of acceptance of such offer ; or
  - (ii) do not accept such offer of employment, shall with effect from the appointed date be entitled to the payment of such retirement benefits as may be determined by the Minister, in consultation with the Minister in charge of the subject of Labour ;
- (d) all suits, prosecutions, appeals or other legal proceedings which have been instituted in any court or tribunal by or against the Clothing Industry Training Institute or the Textile Training and Services Center, as the case may be, and pending before such court or tribunal on the day immediately preceding the appointed date, shall with effect from the appointed date be deemed to have been instituted by or against the Institute, and may be continued accordingly ;



- (e) all decrees, orders and judgments entered or made by a competent court or tribunal in favour of or against the Clothing Industry Training Institute or the Textile Training and Services Centre, as the case may be, and remaining unsatisfied on the day immediately preceding the appointed date, shall with effect from the appointed date be deemed to have been made in favour of or against the Institute and may be enforced accordingly ;
- (f) all property both movable and immovable which is vested in or legally purchased or acquired by or leased to or placed at the disposal of or in any other manner transferred to the Clothing Industry Training Institute or the Textile Training and Services Centre, as the case may be, and is in their possession or control on the day immediately preceding the appointed date, shall with effect from the appointed date, vest in the Institute subject to the terms and conditions appertaining, attaching or applicable thereto, as at that date ; and
- (g) every rule made by the Board of Governors of the Clothing Industry Training Institute and the Board of Governors of the Textile Training and Services Centre, and in force on the appointed date and which are not inconsistent with the provisions of this Act or any regulations or rules made thereunder, shall with effect from the appointed date be deemed to be rules made under this Act and may accordingly be amended or rescinded by any rules made under this Act.

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SCHEDULE [Section 3(3)]

PROVISIONS RELATING TO THE MEMBERS OF THE BOARD

1. A person shall be disqualified from being appointed or continuing as a member of the Board, if he—

- (a) is or becomes a Member of Parliament, any Provincial Council or of any local authority ;
- (b) directly or indirectly holds or enjoys any right or benefit under any contract made by or on behalf of the Institute ;
- (c) is under any law in force in Sri Lanka or in any other country, found or declared to be of unsound mind ;
- (d) is a person who having been declared an insolvent or a bankrupt under any law in force in Sri Lanka or in any other country, is an undischarged insolvent or bankrupt ; or
- (e) is a person who has been convicted of any offence by any court in Sri Lanka or any other country.

2. Every appointed member of the Board shall, unless he vacates office earlier by death, resignation or removal, hold office for a period of three years from the date of his appointment and shall be eligible for reappointment.

3. Any appointed member of the Board may resign from his office at any time by letter addressed in that behalf to the Minister and such resignation shall take effect upon it being accepted by the Minister.

4. The Minister may if he considers it expedient to do so, remove from office any appointed member of the Board, for reasons assigned.

5. In the event of the death, resignation or removal from office of any appointed member, the Minister may, having regard to the provisions of paragraph (b) of subsection (1) of section 3, appoint another person to succeed such member. A person so appointed shall hold office for the unexpired period of the term of office of the member whom he succeeds.

6. Where any appointed member of the Board is temporarily unable to perform the duties of his office due to ill health or absence from Sri Lanka or for any other reason, the Minister may, having regard to the provisions of paragraph (b) of subsection (1) of section 3, appoint another person to act in his place.

20 *The Sri Lanka Institute of Textile and Apparel  
Act, No. 12 of 2009*

7. 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 a member thereof.

8. The members of the Board may be paid such remuneration out of the Fund of the Institute as may be determined by the Minister, with the concurrence of the Minister in charge of the subject of Finance.

9. (1) The Chairman shall preside at all meetings of the Board and in the absence of the Chairman, the members present at such meeting shall elect one of the members present to preside at such meeting.

(2) All questions for decision at any meetings of the Board shall be decided by the vote of the majority of members, and in case of an equality of votes on any matter to be decided at a meeting of the Board, the member presiding at such meeting shall in addition to his vote, have a casting vote.

(3) The quorum for any meeting of the Board shall be five members.

(4) Subject to the preceding provisions of this paragraph, the Board may make rules regulating the procedure to be followed at meetings of the Board and for the transaction of business at such meetings.

10. (1) The seal of the Institute shall be as determined by the Board.

(2) The seal of the Institute —

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

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

(c) shall not be affixed to any 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.

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

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**PARLIAMENT OF THE DEMOCRATIC  
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**FINANCE (AMENDMENT)  
ACT, No. 13 OF 2009**

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*Finance (Amendment) Act, No. 13 of 2009*

[Certified on 31st March, 2009]

L. D.— O. 49/2008.

AN ACT TO AMEND THE FINANCE ACT, NO. 11 OF 2002 AND 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. 13 of 2009. Short title.

PART I

AMENDMENT OF FINANCE ACT, NO. 11 OF 2002

2. Part I (Port and Airport Development Levy) of the Finance Act, No. 11 of 2002 (as last amended by Act, No. 48 of 2006), is hereby further amended in section 2 thereof by the repeal of the proviso to that section and the substitution therefor of the following:— Amendment of section 2 of Part I of the Finance Act, No. 11 of 2002.

“ Provided that, in respect of the cost, insurance and freight value of any article referred to above, there shall be charged and levied—

- (a) for the period commencing on November 19, 2004 and ending on December 31, 2005, a levy at the rate of 1.5 *per centum*;
- (b) for the period commencing on January 1, 2006 and ending on December 31, 2006, a levy at the rate of 2.5 *per centum*;
- (c) for the period commencing on January 1, 2007 and ending on December 31, 2008, a levy at the rate of 3.0 *per centum*; and

2 *Finance (Amendment) Act, No. 13 of 2009*

(d) for the period commencing on January 1, 2009 a levy at the rate of 5.0 *per centum*.”.

Operation of the provisions of this Part.

**3.** The provisions of this Part shall be deemed for all purpose to have come into operation on January 1, 2009.

Validation.

**4.** Where the Director-General of Customs collects during the period—

(a) commencing on May 1, 2002 and ending on July 8, 2002 ; and

(b) commencing on January 1, 2009 and ending on the date of the commencement of this Act,

from a person importing any article, an amount equal to the amounts specified in section 2 of the principal enactment on the cost, insurance and freight value of such article, such collection, shall be deemed for all purposes to have been, and to be, validly made, and the Director-General of Customs is hereby indemnified against all action, civil or criminal, in respect of such collection.

## PART II

### AMENDMENT OF FINANCE ACT, No. 11 OF 2004

Amendment of Part II of the Finance Act, No.11 of 2004.

**5.** Part II (Cellular Mobile Telephone Subscribers’ Levy) of the Finance Act, No. 11 of 2004 (hereinafter referred to as the “principal enactment”) as last amended by Act, No. 7 of 2008 is hereby further amended by the substitution for the words “mobile or cordless land telephone” or “cellular mobile telephone” wherever such words occur in that Part of the word “telephone”.

**6.** Section 14 of the principal enactment is hereby amended by the substitution for the words “Value Added Tax Act, No. 14 of 2002.” of the following:—

Amendment of section 14 of the principal enactment.

“Value Added Tax Act, No. 14 of 2002:

Provided that such value shall not include the amount collected by a telephone operator from the user of such telephone as consideration for the service provided to such user by a third party.

“telephone operator” means the operator of a mobile or fixed wireless or fixed wire line telephone.”.

**7.** The amendments made to Part 11 and section 14 of the principal enactment by this Act shall be deemed for all purposes to have come into operation with effect from January 15, 2009.

Operation of the provisions of this Part.

**8.** The amount of the levy charged and collected by any Licensed Telephone Operator from any user, during the period commencing from January 15, 2009 and ending on the date of commencement of this Act, shall be deemed to have been so validly charged and levied and such operator is hereby indemnified from any action civil or criminal in respect of the collection of such levy.

Indemnity.

**9.** 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.



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**PARLIAMENT OF THE DEMOCRATIC  
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**EXCISE (SPECIAL PROVISIONS)  
(AMENDMENT)  
ACT, No. 14 OF 2009**

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*Excise (Special Provisions) (Amendment)  
Act, No. 14 of 2009*

[Certified on 31st March, 2009]

L.D.—O. 57/2008.

AN ACT TO AMEND THE EXCISE (SPECIAL PROVISIONS)  
ACT, NO. 13 OF 1989

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

- 1.** This Act may be cited as the Excise (Special Provisions) (Amendment) Act, No. 14 of 2009.

Short title.
- 2.** Section 5 of the Excise (Special Provisions) Act, No. 13 of 1989 is hereby amended in sub-paragraph (iii) of paragraph (b) of subsection (2) thereof, by the substitution for the words “an amount equal to the total of all taxes, cesses and levies payable in respect of the import of such article, under any written law”, of the words, “an amount equal to the total of customs duty, surcharge, cesses, port and airport development levy and value added tax.”.

Amendment of section 5 of the Excise (Special Provisions) Act, No.13 of 1989.
- 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.

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**PARLIAMENT OF THE DEMOCRATIC  
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**VALUE ADDED TAX (AMENDMENT)  
ACT, No. 15 OF 2009**

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*Value Added Tax (Amendment)*  
*Act, No. 15 of 2009*

[Certified on 31st March, 2009]

L.D.—O. 52/2008.

AN ACT TO AMEND THE VALUE ADDED TAX ACT, NO. 14 OF 2002

BE it 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 2009. Short title.

**2.** (1) Section 2 of the Value Added Tax Act, No. 14 of 2002, (hereinafter referred to as “the principal enactment”) is hereby amended as follows:— Amendment of section 2 of Act, No. 14 of 2002.

(a) in sub-paragraph (iii) of subsection (1) of that section, by the substitution for the words and figures “any taxable period commencing on or after January 1, 2005” of the words and figures, “any taxable period commencing on or after January 1, 2005, but prior to January 1, 2009”;

(b) in subparagraph (v) of subsection (1) of that section by the repeal of all the words and figures from “(v) for any taxable period” upto the words “the Fourth Schedule of this Act” and the substitution therefor of the following:—

“(v) (i) for any taxable period commencing on or after January 1, 2005 but prior to January 1, 2009, at the rate of fifteen *per centum* (Standard rate) (of which the Tax Fraction is  $\frac{3}{23}$ ) on the value of such goods or services supplied or goods imported other than in respect of the following:—

(a) goods or services chargeable with tax at zero *per centum*; and

*Value Added Tax (Amendment)  
Act, No. 15 of 2009*

- (b) goods or services specified in the Fourth Schedule of this Act;
    - (ii) for any taxable period commencing on or after January 1, 2009, at the rate of twelve *per centum*, (Standard rate) (of which the Tax Fraction is 3/28) on the value of such goods or services supplied or goods imported other than in respect of —
      - (a) goods or services chargeable with tax at zero *per centum*; and
      - (b) goods or services specified in the Fourth Schedule of this Act;”.
- (c) by the repeal of paragraph (d) of subsection (2) of that section and the substitution therefor of the following:—
  - “(d) on the supply with the approval of Export Development Board established by the Sri Lanka Export Development Board Act, No. 40 of 1979 with the concurrence of the Minister of the Ministry in charge of the subject of finance—
    - (i) of any goods manufactured in Sri Lanka by such suppliers and supply by such supplier to any manufacturer to be utilized for the purpose of manufacture of goods other than the goods referred to in paragraph (c) of this subsection by such manufacturers who are registered with the Export Development Board as exporters; or
    - (ii) of any service by such suppliers provided to any manufacturer which results in the improvement of the quality, character or value of any goods manufactured by such

manufacturer of goods for export who is registered with Export Development Board as an exporter, being a service provided by such suppliers approved by the Export Development Board established under the Sri Lanka Export Development Board Act, No. of 40 of 1979 as a supply of services identified for this purposes,

Until such time as the activities of such manufacturers or service providers are monitored by the Export Development Board with the approval of the Ministry of the Minister in charge of the subject of Finance and the Export Development Board, furnishes the reconciliation on the disposal of such goods on a quarterly basis as stipulated by the Commissioner-General to the satisfaction of the Commissioner-General, that such finished products are in fact exported by the recipient of the supplies.”.

**3.** Section 10 of the principal enactment is hereby amended as follows:—

Amendment of section 10 of the principal enactment.

- (1) in subsection (1) of that section, by the repeal of all the words and figure from “(10) (1) every person who”, upto the words “to exceed one million and eight hundred thousand rupees” and the substitution therefor of the following:—

“10. (1) Every person who—

- (i) on or after August 1, 2002, but prior to January 1, 2009, carries on or carries out any taxable activity in Sri Lanka shall be required to be registered under this Act, if—
- (a) at the end of any taxable period of one month or three months, as the case may be, the total value of his taxable



supplies of goods or services or goods and services made in Sri Lanka in that taxable period of one month or three months, as the case may be, has exceeded five hundred thousand rupees; or

(b) in the twelve months period then ending, the total value of his taxable supplies of goods or services or goods and services made in Sri Lanka has exceeded one million and eight hundred thousand rupees; or

(c) at any time, there are reasonable grounds to believe that the total value of his taxable supplies in Sri Lanka of goods or services or goods and services in the succeeding one month or three months taxable period, as the case may be, is likely to exceed five hundred thousand rupees or in the succeeding twelve months period is likely to exceed one million and eight hundred thousand rupees.”.

(2) immediately after paragraph (c) of subsection (1) of that section, by the insertion of the following:—

“(ii) on or after January 1, 2009 carries on or carries out any taxable activity in Sri Lanka shall be required to be registered under this Act, if-

(a) at the end of any taxable period of one month or three months, as the case may be, the total value of his taxable supplies of goods or services or goods and services made in Sri Lanka in that taxable period of one month or three

months, as the case may be, has exceeded six hundred and fifty thousand rupees; or

(b) in the twelve months period then ending, the total value of his taxable supplies of goods or services or goods and services made in Sri Lanka has exceeded two million and five hundred thousand rupees; or

(c) at any time, there are reasonable grounds to believe that the total value of his taxable supplies in Sri Lanka of goods or services or goods and services in the succeeding one month or three months taxable period, as the case may be, is likely to exceed six hundred and fifty thousand rupees or in the succeeding twelve months period is likely to exceed two million and five hundred thousand rupees.”.

4. Section 22 of the principal enactment is hereby amended as follows:—

Amendment of section 22 of the principal enactment.

- (1) in the fourth proviso to subsection (3) of that section, by the substitution for the words “this Act shall be restricted to fifteen *per centum* other than” of the words “this Act shall be restricted to twelve *per centum* other than”;
- (2) in subparagraph (i) of paragraph (b) of the second proviso to subsection 5 by the substitution for the words “an insurance bond by a registered person” of the words “an insurance bond by a registered person to the value as determined by the Commissioner-General”;

6 *Value Added Tax (Amendment)*  
*Act, No. 15 of 2009*

- (3) in subparagraph (iv) of subsection (6) of that section by the substitution for all the words and figures “(iv) if the input tax on any invoice” upto the words “the return for that taxable period” of the following:—

“(iv) if the input tax on—

- (a) any invoice referred to in paragraph (iii) 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, by furnishing within the said period of twelve months the return for that taxable period; or
- (b) any customs declaration referred to in paragraph (iii), 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 twenty four months from the date of such customs declaration, by furnishing within the said period of twenty four months the return for that taxable period;”

Amendment of section 25A of the principal enactment.

**5.** Section 25A of the principal enactment is hereby amended as follows:—

- (1) in paragraph (ii) of subsection (1) of that section, by the substitution for the words and figures “prior to December 31, 2007; and” of the words and figures “prior to December 31, 2007;”;
- (2) in paragraph (iii) of that subsection, by the substitution for the words and figures “the Co-operative Societies Law, No. 5 of 1972 , on or after January 1, 2008 but prior to January 1, 2009; and

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

“(iv) by any person other than a Co-operative Society registered under the Co-operative Society Law, No. 5 of 1972, or Lady Lochore Loan Fund established under the Act, No. 38 of 1951, commencing on or after January 1, 2009”.

6. Section 251 of the principal enactment is hereby amended as follows:— Amendment of section 251 of the principal enactment.

- (1) paragraph (b) of subsection (1) of that section, by the substitution for the words “such person or partnership exceeds rupees two million five hundred thousand per year, which ever occurs first.” of the following:—

“(i) such person or partnership—

(a) exceeds rupees two million five hundred thousand per year for any period prior to January 1, 2009;

(b) exceeds rupees three million per year for any period commencing on or after January 1, 2009, whichever occurs first.”;

- (2) in paragraph (a) of subsection (2) of that section, by the repeal of subparagraph (i) thereof, and the substitution therefor of the following:—

“(i) whose aggregate turnover from every taxable activity carried on or carried out does not exceed—

(a) rupees two million and five hundred thousand per year or six hundred and twenty five thousand per quarter for any period prior to January 1, 2009; and

8 *Value Added Tax (Amendment)*  
*Act, No. 15 of 2009*

- (b) rupees three million per year or seven hundred and fifty thousand per quarter for any period commencing on or after January 1, 2009; and”.

Amendment of section 35 of the principal enactment.

**7.** Section 35 of the principal enactment is hereby amended by the addition immediately after subsection (1) of that section of the following new subsection:—

“(1A) Notwithstanding the provisions of section 34 , the Commissioner-General may refer any valid appeal made to him, to the Board of Review and the Board of Review, shall hear and determine such appeal. The provisions of section 169 of the Inland Revenue Act, No. 10 of 2006 shall apply to the hearing and determination of any appeal so referred.”.

Amendment of the First Schedule to the principal enactment.

**8.** 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 (xii), by the substitution for the words and figures “December 31, 2008,” of the words and figures “December 31, 2010”.

(b) by the addition immediately after item (xv) of the following new item:—

“(xvi) solar panel modules, accessories or solar home system for the generation of solar power energy identified under the specified Harmonized Commodity Description Nos. for custom purposes (effective from 01. 01. 2009);

(xvii) high tech medical equipment or any machinery used for the manufacture of ticket issuing machinery identified

under the specified Harmonized of  
Commodity Description Numbers for  
customs purposes.”.

- (2) in paragraph (b) of that Part—
- (a) in item (xxvi) by the substitution for the words and figures “(effective from 01. 01. 2008); and” of the words and figures “(effective from 01. 01. 2008);”
  - (b) in item (xxvii), by the substitution for the words and figures “(effective from 01. 01. 2008).” of the words and figures “(effective from 01. 10. 2008);”;
  - (c) by the addition immediately after item (xxvii) of the following new items:—
    - “(xxviii) locally manufactured machinery used for tea industry and identified by Sri Lanka Tea Board established by the Sri Lanka Tea Board Law No. 14 of 1975 as a tea machinery (effective from 01. 10. 2008);
    - (xxix) locally manufactured surgical gauze used for surgery (effective from 01. 01. 2009);
    - (xxx) locally manufactured Jewellery.”.
- (3) in paragraph (c) of that PART—
- (a) in item (xxiii), by the substitution for the words “or specified project” of the words “or specified project”;

(b) by the addition immediately after item (xxiii) of the following items:—

- “(xxiv) any bus with the approval of National Transport Commission or any Provincial Road Passenger Transport Authority by the owner of such bus to replace any bus destroyed due to terrorist activities (effective from 9. 7. 2008);
- (xxv) brass sheets, brass ingots, thread, dyes, paraffin wax or shellac for manufacture of brassware by the National Craft Council with the approval of Ministry of Rural Industries and Self Employment Promotion (effective from 01. 01. 2009);
- (xxvi) chemical naphtha by the Ceylon Petroleum Corporation to be supplied to Ceylon Electricity Board for the generation of electricity (effective from 01. 01. 2009);
- (xxvii) packing materials exclusively for the use of packing pharmaceuticals manufactured in Sri Lanka and which are imported by the manufacturer of such pharmaceuticals so far as such packing materials are not manufactured in Sri Lanka and approved by the Minister in charge of the subject of Finance on the recommendation of the secretary to the Ministry of Healthcare and Nutrition;
- (xxviii) 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 under the Harmonized Commodity Description and Coding System Numbers, for customs purposes with the approval of the Chairman, National Film Corporation.”.

- (4) by the insertion immediately after paragraph (f) of that PART, the following new paragraph:—

“(g) the supply of services, being construction services for Gama Naguma, Maga Naguma, Samurdhi Projects or for community irrigation projects, carried out through the participation of the community and approved by Secretary to the Ministry of the Minister in charge of the subject of Nation Building and State Infrastructure Development (effective from 01. 01. 2009);”.

**9.** The Third Schedule to the principal enactment is hereby amended by the addition immediately after the heading “third schedule”, of the following:—

Amendment of the Third Schedule to the Principal enactment.

“For any taxable period ending prior to January 1, 2009”.

**10.** (a) The amendments made to paragraph (d) of subsection (2) of section 2 of the principal enactment by section 2 of this Act shall for the purposes be deemed to have come into force on June 1, 2008.

Retrospective effect.

(b) The amendments made of section 22 of the principal enactment, by section 4 (1), (2) and (3) of this Act shall for the purposes be deemed to have come into force on January 1, 2009.



12 *Value Added Tax (Amendment)*  
*Act, No. 15 of 2009*

(c) The amendment made to section 35 of the principal enactment by section 7 of this Act shall for all purposes be deemed to have come into force on January 1, 2009.

Indemnity.

**11.** Any person who collects the value added tax as provided for in this Act during the period commencing from January 1, 2009 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 for all purposes 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

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

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**PARLIAMENT OF THE DEMOCRATIC  
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**ECONOMIC SERVICE CHARGE  
(AMENDMENT) ACT, No. 16 OF 2009**

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*Economic Service Charge (Amendment)  
Act, No. 16 of 2009*

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L.D.—O. 51/2008.

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. 16 of 2009. Short title.

**2.** Section 2 of the Economic Service Charge Act, No. 13 of 2006 (hereinafter referred to as the "principal enactment") is hereby further amended as follows :- Amendment of section 2 of Act, No. 13 of 2006.

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

"Provided that the service charge chargeable from any person or partnership shall in no case exceed -

- (i) rupees fifteen million for any relevant quarter ending on or before March 31, 2009 ; and
- (ii) rupees thirty million for any relevant quarter commencing on or after April 1, 2009.";

- (2) in subsection (3) of that section –

- (a) by the repeal of the proviso to paragraph (a) of that subsection ;
- (b) in item (ii) of sub-paragraph (a) of paragraph (b) of that subsection, by the substitution for the words "Capital asset ; and" of the words "Capital asset ;";

*Economic Service Charge (Amendment)  
Act, No. 16 of 2009*

(c) by the addition, immediately after item (iii) of sub-paragraph (a) of paragraph (b) of that subsection, of the following new items :-

"(iv) the proceeds of sale of any foreign currency denominated sovereign bond issued by the Government of Sri Lanka to any licensed commercial bank or to any non-resident person (effective from October 21, 2008) ;

(v) the proceeds of sale -

(a) of any Treasury Bill issued under the Local Treasury Bills Ordinance (Chapter 417) ; or

(b) of any Treasury Bond issued under the Registered Stocks and Securities Ordinance (Chapter 420),

purchased out of the funds drawn from any Treasury Bond Investment External Rupees Account (effective from June 1, 2008) ;

(vi) receipts from the export of any article or goods, effected on or after January 1, 2009 but on or before December 31, 2009 ;

(vii) receipts from the supply, effected on or after January 1, 2009 but on or before December 31, 2009, by the manufacturer of any article or goods to any exporter for export without further processing or manufacture by the exporter ;

(viii) receipts from any operations, effected on or after January 1, 2009 but on or before December 31, 2009, of any—

(a) hotel;

(b) inbound tour operation ; or

(c) inbound tour agent,

being a hotel, operator or agent as the case may be, approved by the Sri Lanka Tourism Development Authority established under Tourism Act, No. 38 of 2005 ; and"; and

(d) in paragraph (a) of the proviso to paragraph (b) of that subsection, by the substitution for the words, "be deemed to form part of the turnover of such bank ; and", of the words –

"be deemed to form part of the turnover of such bank.

For the purposes of this paragraph -

"bank" shall be deemed to include a financial institution or pawn broker ; and

"financial institution" means any person corporate or unincorporated, whose business or part of whose business consists in the acceptance of money by way of deposit or loan in the form of debenture or bond or in any other form and the payment of interest thereon, whether such acceptance is on its own behalf or on behalf of any other person; and".

4 *Economic Service Charge (Amendment)*  
*Act, No. 16 of 2009*

Effective date. **3.** The amendment made to section 2 of the principal enactment by subsection (1) and paragraphs (a) and (d) of subsection (2) of section 2 of this Act shall come into force with effect from April 1, 2009.

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.

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

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**DEBITS TAX (AMENDMENT)  
ACT, No. 17 OF 2009**

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[Certified on 31st March, 2009]

*Printed on the Order of Government*

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*Debits Tax (Amendment) Act, No. 17 of 2009*

[Certified on 31st March, 2009]

L.D.—O. 56/2008.

AN ACT TO AMEND THE DEBITS TAX  
ACT, NO. 16 OF 2002

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

1. This Act may be cited as the Debits Tax (Amendment) Act, No. 17 of 2009. Short title.

2. Section 10 of the Debits Tax Act, No. 16 of 2002, (hereinafter referred to as the “principal enactment”) is hereby amended by the addition immediately after subsection (2) thereof, of the following subsections :— Amendment of section 10 of Act, No. 16 of 2002.

“(3) (a) Where any commercial bank, specialized bank, finance company or authorized dealer fails—

- (i) to withdraw or remit debit tax from any current or savings account which has sufficient funds therein under subsection (1) of section 6 ;
- (ii) to deduct or remit debits tax from the amount realized on the encashment of a certificate of deposit or travellers cheque, as the case may be under subsection (2) of section 6,

such commercial bank, specialized bank, finance company or authorized dealer shall, be deemed to be a defaulter for the entire amount of the debits tax payable.

(b) The entire amount not so withdrawn, deducted or remitted, as the case may be, shall be deemed to be in default from the day immediately succeeding the

2 *Debits Tax (Amendment) Act, No. 17 of 2009*

day on which such amount should have been remitted to the Commissioner-General and such amount shall be recovered from such commercial bank, specialized bank, finance company or authorized dealer in the manner provided for in this Act.

(4) Nothing in the section shall be read and construed as preventing the Commissioner-General from taking such steps as he thinks fit, to recover wholly or partly from the commercial bank, specialized bank, finance company or authorized dealer or wholly from the person from whom such withdrawal or deduction should have been made, the amount of debit tax referred to in subsection (3).”

Sinhala text to prevail in case of inconsistency.

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

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**PARLIAMENT OF THE DEMOCRATIC  
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SRI LANKA**

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**FINANCE (AMENDMENT)  
ACT, No. 18 OF 2009**

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*Finance (Amendment) Act, No. 18 of 2009*

[Certified on 31st March, 2009]

L.D.–O. 54/2008.

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. 18 of 2009. Short title.
- 2.** The Finance Act No. 5 of 2005 (hereinafter referred to as “principal enactment”) is hereby amended in section 13 of Part III of that Act, (Construction Industry Guarantee Fund Levy) by the Substitution for the word “the total cost which shall be payable by each contractor or sub-contractor”, of the words “the total contract value which shall be payable to each contractor or sub-contractor”. Amendment of section 13 of Part III of the Act, No. 5 of 2005.
- 3.** The following new section is hereby inserted immediately after section 13 of the principal enactment and shall have effect as section 13A of that enactment :- Insertion of new section 13A in the principal enactment.

“Any person or partnership to deduct construction Industry Guarantee Fund Levy. 13A. (1) Where any person or partnership makes any payment on or after April 1, 2009 to any construction contractor or sub-contractor, amounting to the value of any construction contract or sub-contract enforced in Sri Lanka by such contractor or subcontractor, as the case may be, under any agreement entered into on or after January 1, 2005, then such person or partnership shall be required to deduct from such payment, the Construction Industry Guarantee Find Levy at the appropriate rate specified in the Second Schedule to this Act, and to issue to such contractor or sub-contractor, a statement setting out details of such deduction in the format as specified by the Commissioner- General.”

(2) The provisions of sections 140, 142, 143, 144 and 145 of the Inland Revenue Act, No. 10 of 2006 relating to duties of banks and financial institutions following deductions of income tax, default in the deduction of income tax, issue of assessments on banks and financial institutions, appeals and penalty for default shall, *mutatis mutandis*, be applicable to the duties of such persons and partnerships, in relation to the Construction Industry Guarantee Fund Levy following deductions of construction industry guarantee fund levy, default in the deduction of construction industry guarantee fund levy, issue of assessments on such persons or partnerships, appeals and penalty for default.

(3) The amount deducted as Construction Industry Guarantee Fund Levy under aforesaid subsections shall be remitted by the person or partnership deducting the same, to the Commissioner-General on or before the fifteenth day of the month immediately succeeding the month in which such deduction was made, together with a statement setting out the details of such deductions in the format as specified by the Commissioner-General.

(4) On the production of the certificate relating to such deduction made and remitted to the Commissioner-General, any construction contractor or sub-contractor shall be entitled to deduct from the amount of the Construction Industry Guarantee Fund Levy payable by such contractor or sub-contractor under section 13, the amount of any deduction made as Construction Industry Guarantee Fund Levy by the person or partnership making the payment at the time of such payment.”.

4. Section 14 of the principal enactment is hereby amended, by the substitution for the words and figures “The Construction Industry Guarantee Fund Levy payable under section 13 shall be remitted by the construction contractor”, of the words and figures” any balance of Construction Industry Guarantee Fund Levy payable by any contractor or sub-contractor under Section 13, after deducting such levy deducted by the payer under section 13A, shall be remitted by such construction contractor or sub-contractor as the case may be”.

Amendment of section 14 of the principal enactment.

5. Section 20 of the principal enactment is hereby amended, by the repeal of the definition of the expression, “contract value” and the substitution therefore, of the following definition :—

Amendment of section 20 of the principal enactment.

““contract value” means the amount or the amounts stated in the letters of acceptance and which are thereafter adjusted in accordance with the provisions of the contract. The said contract value shall be the sum total of individual contracts or of several contracts which have been entered into in respect of the carrying out of any construction work and shall include sub-contract values and such other construction costs that may be incurred in carrying out such works, but shall not include any Value Added Tax payable under the Value Added Tax Act, No. 14 of 2002 ; and”.

6. First Schedule of the principal enactment is hereby amended, by the substitution for items 4, 5 and 6 thereof, of the following new item :-

Amendment of First Schedule of the principal enactment.

“4. (a) the Inland Revenue Act, No. 38 of 2000 (other than the provisions Chapters XV, XVI and XVII, and sections 33 and 61), in so far as such Act applies to the period commencing on April 1, 2005 and ending on March 2006 ;



- (b) the Inland Revenue Act, No. 10 of 2006 (other than the provisions Chapter XVI, XVII, XVIII and XXI, and sections 36 and 65), in so far as such Act applies to the period commencing on April 1, 2006 and ending on March 2008 ; and
- (c) The Inland Revenue Act, No. 10 of 2006 (other than the provisions Chapter XVI, XVII, XVIII and XXI, and sections 36 and 65), in so far as such Act applies to any company and to any period commencing on or after April 1, 2008.”

Amendment of  
Second  
Schedule of the  
principal  
enactment.

**7.** Second Schedule of the principle enactment is hereby amended as follows :—

- (1) in item 2 thereof by the substitution for the words “not exceeding rupees fifty million” of the words “less than rupees fifty million”; and
- (2) in item 3 thereof by the substitution for the words “not exceeding rupees one hundred and fifty million” of the words “less than rupees one hundred and fifty million”.

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.

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**PARLIAMENT OF THE DEMOCRATIC  
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SRI LANKA**

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**INLAND REVENUE (AMENDMENT)  
ACT, No. 19 OF 2009**

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*Inland Revenue (Amendment)  
Act, No. 19 of 2009*

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L.D. —O 53/2008

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. 19 of 2009. Short title.
- 2.** Section 7 of the Inland Revenue Act, No. 10 of 2006 (hereinafter referred to as the “principal enactment”) as amended by Act, No. 9 of 2008, is hereby further amended in paragraph (b) of that section, by the addition immediately after sub-paragraph (lix) of that paragraph, of the following new sub-paragraph:—

“(lx) the Telecommunications Regulatory Commission of Sri Lanka, established by the Sri Lanka Telecommunications Act, No. 25 of 1991;”.

Amendment of section 7 of Act, No. 10 of 2006.
- 3.** Section 8 of the principal enactment as last amended by Act, No. 9 of 2008, is hereby further amended as follows:—

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

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

Amendment of section 8 of the principal enactment.
- 4.** Section 9 of the principal enactment as last amended by Act, No. 9 of 2008 is hereby further amended as follows:—

(1) in paragraph (f) of that section, by the substitution for the words “interest accruing to any person”, of

Amendment of section 9 of the principal enactment.

*Inland Revenue (Amendment)  
Act, No. 19 of 2009*

the words and figures “interest accruing on or before 31, March 2009, to any person”; and

- (2) by the addition immediately after paragraph (*m*) of that section, of the following new paragraph:—

“(n) the interest accruing to Lady Lochore Loan Fund on any loan granted by such Fund to any employee, of any Government Institution as defined in section 132 of this Act.”.

Amendment of section 13 of the principal enactment.

- 5.** Section 13 of the principal enactment as last amended by Act, No. 9 of 2008, is hereby further amended as follows:—

- (1) by the insertion immediately after paragraph (*ddd*) of that section, of the following new paragraphs :—

“(ddd) notwithstanding the provisions of paragraph (*ddd*) of this section, the profits and income for the period commencing from April 1, 2009 and ending on March 31, 2011, earned in foreign currency by any resident company, any resident individual or any partnership in Sri Lanka, from any service rendered in or outside Sri Lanka to any person or partnership outside 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;”;

- (2) by the insertion immediately after paragraph (*q*) of that section, of the following new paragraphs :—

“(qq) one half of the profits and income of any person for any year of assessment commencing on or after April 1, 2009,

derived from the sales or from any other means of any book written by him and whether published by himself or by any other person, for a period of one year commencing from the date of its first publication;

- (*qqq*) one half of the profits and income of any person for any year of assessment commencing on or after April 1, 2009, derived from the production of any drama, for a period of one year commencing from the date of its first public performance.

For the purpose of this paragraph, “drama” means a theatrical presentation based on a text, either written, oral or otherwise, which through dramatic performance by actors on a stage or any other suitable space, conveys a story or any other narrative, for a collective public audience;

- (*qqqq*) any export development rebate paid to an exporter by the Export Development Board, established by the Sri Lanka Export Development Act, No. 40 of 1979, under the Export Development Reward Scheme;”;

- (3) by the insertion immediately after paragraph (*xx*) of that section, of the following new paragraphs:—

“(*xxx*) an amount equal to the interest or the discount paid or allowed, as the case may be, to any non resident person or to any licensed commercial bank in Sri Lanka, by the issuer of any sovereign bond denominated in foreign currency, issued on or after October 21, 2008 by or on behalf of the Government of Sri Lanka;

*Inland Revenue (Amendment)  
Act, No. 19 of 2009*

- (xxx) an amount equal to the interest or the discount paid or allowed, as the case may be, to any person on or after April 1, 2009, on any Sri Lanka Development Bond denominated in Untied States Dollars, issued by the Central Bank of Sri Lanka;
- (xxxx) the profits and income derived by or accruing to :—
- (i) any non resident person or any licensed commercial bank from the sale of any sovereign bond referred to in paragraph (xx) ; or
  - (ii) any person from the sale on or after April 1, 2009, of any Sri Lanka Development Bond referred to in paragraph (xxxx);”;
- (4) by the insertion immediately after paragraph (yy) of that section of the following new paragraph:—
- “(yyy) any profit or income from any song or other musical composition, derived by or accruing to the lyricist, the composer of the music or the singer, as the case may be, of such song or musical composition, on or after April, 1, 2009;”;
- (5) by the addition immediately after paragraph (zzz) of that section, of the following new paragraph:—
- “(zzzz) the profits and income derived by or accruing to any person or partnership from investment in Economic Resurgence Certificates, utilizing money lying to credit of any account referred to in paragraph (d) of section 9 of this Act, from

and out of monies deposited in such account on or after February 1, 2009 :

Provided that where investment in Economic Resurgence Certificates is made by utilizing money partly from money deposited on or after February 1, 2009 and partly from money which was already lying to the credit of the account as of that date, the exemption from income tax granted by this paragraph shall apply only to such part of the profits and income which is attributable to the money out of the deposits made on or after February 1, 2009.”.

**6.** Section 16 of the principal enactment as amended by Act, No. 10 of 2007, is hereby further amended as follows:—

Amendment of section 16 of the principal enactment.

- (1) in subsection (2) of that section, by the substitution in paragraph (b) thereof for the words “the market, other than an undertaking for the manufacture of tea; and”, of the words “the market; or”; and
- (2) by the repeal of subsection (3) of that section, and the substitution therefor of the following subsection:—

“(3) In relation to an undertaking which consists of the production of any agricultural, horticultural or dairy produce and utilizing such produce to manufacture any product (other than any product specified under paragraph (c) of subsection (2) ), such produce shall be deemed to have been sold for the manufacture of such product at the open market price prevailing at the time of such deemed sale, and the exemption granted under subsection (1) shall be applicable to that undertaking, on the profits and income computed on the basis of such deemed sale.”.



Amendment of section 17 of the principal enactment.

**7.** Section 17 of the principal enactment as last amended by Act, No. 9 of 2008, is hereby further amended in subsection (4) of that section as follows:—

- (1) by the substitution in paragraph (c) thereof, for the words “(other than black tea in bulk,” of the words “(other than black tea not in packet or package form and each packet or package weighing not more than one kilogram,”; and
- (2) by the substitution in paragraph (d) thereof, for the words “by any person or partnership of any commodities (other than black tea in bulk,” of the words “by any person or partnership, of any commodity (other than black tea not in packet or package form and each packet or package weighing not more than one kilogram,”.

Amendment of section 24A of the principal enactment.

**8.** Section 24A of the principal enactment is hereby amended as follows:—

- (1) in subsection (1) of that section, by the substitution in paragraph (b) thereof, for the words “five years,” of the words “seven years,”; and
- (2) in subsection (2) of that section, by the substitution for the words “period of five years,” of the words “period of seven years,”.

Amendment of section 25 of the principal enactment.

**9.** Section 25 of the principal enactment is hereby amended in the further proviso to paragraph (b) of subsection (3) thereof, by the substitution for the words “nothing in this paragraph”, of the words “nothing in paragraph (a) or (b)”.

Amendment of section 34 of the principal enactment.

**10.** Section 34 of the principal enactment as last amended by Act, No. 9 of 2008, is hereby further amended in subsection (2) thereof, as follows:—

- (1) by the addition, immediately after sub-paragraph (ix) of paragraph (b) of that subsection, of the following new proviso:—

“Provided where the fund referred to in sub-paragraph (v) of this paragraph is the President’s Fund established by the President’s Fund Act, No. 7 of 1978 and any public corporation is required in terms of the law by or under which such corporation is established to remit any profits of such corporation to the President’s Fund, the profits so remitted shall be deemed for the purpose of this paragraph, to be donations made to such Fund;”;

- (2) by the substitution in paragraph (e) of that subsection, for the words “provident fund, no part”, of the words “provident fund, where no part”; and
- (3) by the addition immediately after sub-paragraph (xi) of paragraph (f) of that subsection, of the following new sub-paragraph:—

“(xii) the Institution of Engineers, Sri Lanka, incorporated by the Institution of Engineers, Sri Lanka Act, No. 17 of 1968;”.

**11.** Section 40A of the principal enactment is hereby repealed and the following section is substituted therefor:—

“Rates of income tax on the profits from employment of any pilot.

40A. Where the taxable income of any individual being a citizen of Sri Lanka, for any year of assessment commencing on or after April 1, 2008, includes any profits from employment as a pilot under any airline licensed under the Air Navigation Act (Chapter 365) (hereinafter in this section referred to as “relevant profits”) and the rate of income tax payable on a part of such taxable income (hereinafter in this section referred to as the

Replacement of section 40A of the principal enactment.

*Inland Revenue (Amendment)  
Act, No. 19 of 2009*

“relevant part of the taxable income”) exceeds twenty *per centum*, then in regard to the relevant part of the taxable income, the tax payable shall be computed as follows:—

- (a) where such relevant part of the taxable income exceeds the amount of the relevant profits:—
  - (i) the tax payable on such portion of the relevant part of the taxable income as is equal to the amount of such relevant profits, shall be computed at the rate of twenty *per centum*; and
  - (ii) the tax payable on the balance of the relevant part of the taxable income, shall be computed according to such of the rates above twenty *per centum*, as are applicable thereto, under the First Schedule to this Act; or
- (b) where such relevant part of the taxable income does not exceed the amount of the relevant profits, the tax payable on the entirety of the relevant part of the taxable income, shall be computed at the rate of twenty *per centum*.”.

Insertion of new section 40B in the principal enactment.

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

“Rate of tax on qualified profits of qualified individuals.

40B (1) Where the taxable income for any year of assessment commencing on or after April 1, 2009 of any qualified individual, includes any profits from employment under any qualified person in foreign currency

(hereinafter in this section referred to as “qualified profits”) and the rate of income tax payable on a part of such taxable income (hereinafter in this section referred to as the “relevant part of the taxable income”) exceeds twenty *per centum*, then in regard to the relevant part of the taxable income, the tax payable shall, subject to the provisions of subsection (2), be computed as follows:—

- (a) where the relevant part of the taxable income exceeds the amount of such qualified profits—
  - (i) the tax payable on such portion of the relevant part of the taxable income as is equal to the amount of such qualified profits, shall be computed at the rate of twenty *per centum*; and
  - (ii) the tax payable on the balance of the relevant part of the taxable income, shall be computed according to such of the rates above twenty *per centum*, as are applicable thereto under the First Schedule to this Act; or
- (b) where such relevant part of the taxable income does not exceed the amount of the qualified profits, the tax payable on the entirety of the qualified part of the taxable income shall be computed at the rate of twenty *per centum*.

(2) The provisions of subsection (1) shall not apply unless the qualified person referred to in that subsection certifies, that the aggregate of the qualified profits paid in any year of assessment to all qualified individuals employed by such qualified person, does not exceed the amount of the

total earnings of such qualified person in foreign currency, the profits and income attributable to which are exempt from income tax under paragraph (*ddd*) of section 13 or would have been exempt under that paragraph had such qualified person not entered into any agreement with the Board of Investment of Sri Lanka under section 17 of the Board of Investment Law, No. 4 of 1978, and earned by such qualified person in the year of assessment immediately preceding that year of assessment.

(3) For the purposes of this section—

- (a) “qualified individual” means an individual who is an employee of a qualified person, and who provides in the course of such employment any service, being a service rendered in the course of any profession or vocation as specified by the Commissioner-General under paragraph (*ddd*) of section 13; and
- (b) “qualified person” means any person or partnership, the entirety or a part of whose profits and income are exempt from income tax under paragraph (*ddd*) of section 13 or would have been exempt under that paragraph had such person or partnership not entered into any agreement with the Board of Investment of Sri Lanka under section 17 of the Board of Investment of Sri Lanka Law, No. 4 of 1978.”.

Amendment of section 57 of the principal enactment.

**13.** Section 57 of the principal enactment is hereby amended, by the substitution for the words “The profits and income earned in foreign currency by any company”, 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 by any company”.

**14.** Section 60 of the principal enactment is hereby amended by the substitution for the words ‘ “non traditional goods” means goods other than black tea in bulk, crepe rubber,’ , of the words “non traditional goods” means goods other than black tea not in packet or package form and each packet or package weighing not more than one kilogram, crepe rubber,’ ”.

Amendment of section 60 of the principal enactment.

**15.** Section 78 of the principal enactment as amended by Act, No. 10 of 2007, is hereby further amended in subsection (3) of that section, by the substitution for the words and figures “against the Economic Service Charge levied under the Finance Act, No. 11 of 2004”, of the words and figures “against the Economic Service Charge levied under the Economic Service Charge Act, No. 13 of 2006”.

Amendment of section 78 of the principal enactment.

**16.** Section 106 of the principal enactment as amended by Act, No. 10 of 2007 is hereby further amended as follows :—

Amendment of Section 106 of the principal enactment.

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

(a) by the substitution for the words “thirtieth day of September”, of the words “thirtieth day of November”; and

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

“(a) profits from employment as specified in section 4 and chargeable with income tax, does not exceed—

(i) rupees four hundred and twenty thousand, where such year of assessment is any year of assessment ending on or before March 31, 2009; or

*Inland Revenue (Amendment)  
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- (ii) rupees one million, where such year of assessment is any year of assessment commencing on or after April 1, 2009,

and income tax under Chapter XIV has been deducted by the employer on such profits from employment;"; and

- (2) in subsection (2) of that section, by the substitution for the words "on or before September 30", of the words "on or before the thirtieth day of November".

Amendment of section 113 of the principal enactment.

**17.** Section 113 of the principal enactment as amended by Act No. 9 of 2008, is hereby further amended as follows:—

- (1) in subsection (3) of that section, by the substitution for the words "thirtieth day of September", of the words "thirtieth day of October,"; and
- (2) in subsection (4) of that section, by the substitution for the word "individual" wherever such word appears in that subsection, of the word "individual".

Amendment of section 133 of the principal enactment.

**18.** Section 133 of the principal enactment as amended by Act, No. 9 of 2008, is hereby further amended in paragraph (c) of subsection (4) of that section as follows:—

- (1) in sub-paragraph (ii) thereof by the substitution for the words and figure "not exceed 600,000 rupees," of the words and figure "not exceed 1,000,000 rupees,"; and
- (2) in sub-paragraph (iii) thereof, by the substitution for the words and figure "exceeds 600,000 rupees," of the words and figure "exceeds 1,000,000 rupees,".

Amendment of section 153 of the principal enactment.

**19.** Section 153 of the principal enactment as amended by Act, No. 10 of 2007, is hereby further amended in subsection (2) of that section in the definition of the expression "specified fee", by the substitution for the words

“(a) fifty thousand rupees for any month; or”, of the words  
“(a) fifty thousand rupees for any calendar month; or”.

**20.** Section 163 of the principal enactment as amended by Act, No. 9 of 2008, is hereby further amended as follows :—

Amendment of section 163 of the principal enactment.

- (1) in subsection (1) of that section, by in substitution for the word “September” wherever such word appear in that subsection, of the word “November”:  
and
- (2) in subsection (5) of that section:—
  - (a) by substitution in paragraph (a) of that subsection, for words “thirtieth day of September” and for the words “expiry of eighteen months”, of the words “thirtieth day of November” and of the words “expiry of a period of two years”, respectively ; and
  - (b) in paragraph (b) of that subsection, by the substitution for the words “three years”, of the words “four years”.

**21.** Section 173 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the words and figures “ in subsection (3) or subsection (4) of section 113, ”, of the words and figures “in subsection (3) of section 113,”.

Amendment of section 173 of the principal enactment.

**22.** Section 200 of the principal enactment as amended by Act, No. 10 of 2007, is hereby further amended by the repeal of subsection (8) of that section, and the substitution therefor of the following subsection:—

Amendment of section 200 of the principal enactment.

“(8) Nothing in the preceding provisions of this section shall apply in relation to the income tax paid by deduction or otherwise, by any person for any year of assessment in respect of the whole or any part of his income, if such income is not included in his assessable income for that year of assessment.”.



Amendment of section 217 of the principal enactment.

**23.** Section 217 of the principal enactment as amended by Act, No. 9 of 2008, is hereby further amended as follows:—

- (1) by the repeal of the definition of the phrase “approved by the Commissioner-General”, and the substitution therefor of the following definition:—

‘ “approved by the Commissioner-General” when used in relation to a pension, provident, gratuity or savings fund means, approved by the Commissioner-General as conforming to such conditions as may be specified by him, either generally or specifically in relation to any such fund, by notice published in the *Gazette*, having regard to the need for the protection of the interests of the contributors to any such fund and the protection of revenue;’; and

- (2) by the insertion immediately after the definition of the word “Assessor”, of the following new definition:—

‘ “associate company” means a company over which an investing company has a significant influence and which is neither a subsidiary of the investing company nor is a joint venture of which the investing company is a partner;’.

Amendment of the First Schedule to the principal enactment.

**24.** The First Schedule to the principal enactment is hereby amended as follows:—

- (1) by the substitution in Part I of that Schedule, for the words “Any individual other than an individual referred to in Part II or Part III”, of the words and figures “For any year of assessment ending on or before March 31, 2009, any individual other than an individual referred to in Part II or Part III”; and

- (2) by the insertion immediately after Part I of that Schedule, of the following new Part:—

“PART I A

For any year of assessment commencing on or after April 1, 2009, any individual other than an individual referred to in Part II or Part III

On the first Rs. 400,000 of the taxable income	<i>05 per centum</i>
On the next Rs. 400,000 of the taxable income	<i>10 per centum</i>
On the next Rs. 400,000 of the taxable income	<i>15 per centum</i>
On the next Rs. 500,000 of the taxable income	<i>20 per centum</i>
On the next Rs. 500,000 of the taxable income	<i>25 per centum</i>
On the next Rs. 500,000 of the taxable income	<i>30 per centum</i>
On the balance of the taxable income	<i>35 per centum</i>

**25.** The Second Schedule to the principal enactment is hereby amended as follows :—

- (1) in item 1 of “PART-A” of that Schedule, by the substitution for the words “venture capital company-”, of the words “venture capital company-”; and
- (2) in item 2 of “PART-B” of that Schedule, by the substitution for the words and figure “income exceeds Rs. 5,000,000/-”, of the words and figure “income exceeds Rs. 5,000,000/- or if such company is a holding company, a subsidiary company or an associated company of a group of companies-”.

Amendment of  
the Second  
Schedule to the  
principal  
enactment.

Sinhala text to prevail in case of inconsistency.

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

Retrospective effect.

**27.** (1) The amendments made to paragraph (e) of subsection (2) of section 34, subsection (3) of section 78, subsection (4) of section 113, subsection (2) of section 153 and subsection (2) of section 173 of the principal enactment, by sections 10 (2), section 15, section 17, section 19 and section 21 respectively, of this Act, shall be deemed for all purposes to have come into force on April 1, 2006.

(2) The amendment made to the Second Schedule to the principal enactment by section 25 of this Act, shall be deemed for all purposes to have come into force on April 1, 2007.

(3) The amendment made to section 8, section 40A and section 57 of the principal enactment, by section 3(1) and (2), section 11 and section 13 respectively, of this Act, shall be deemed for all purposes to have come into force on April 1, 2008.

(4) The amendment made to section 13 of the principal enactment by section 5(2) of this Act, shall be deemed for all purposes to have come into force on October 21, 2008.

(5) The amendment made to section 13 by section 5(4) of this Act, shall be deemed for all purposes to have come into force, on February 1, 2009.

(6) The amendments made to the principal enactment by this Act, other than the amendments specifically referred to in subsections (1), (2), (3), (4) and (5) of this section, shall come into force on April 1, 2009.

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

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**SRI LANKA ELECTRICITY  
ACT, No. 20 OF 2009**

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[Certified on 8th April, 2009]

*Printed on the Order of Government*

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*Sri Lanka Electricity Act, No. 20 of 2009*

[Certified on 8th April, 2009]

L. D.—O 57/2006.

AN ACT TO PROVIDE FOR THE REGULATIONS OF THE GENERATION, TRANSMISSION, DISTRIBUTION, SUPPLY AND USE OF ELECTRICITY IN SRI LANKA ; TO REPEAL THE ELECTRICITY REFORM ACT, NO. 28 OF 2002 AND THE ELECTRICITY ACT (CHAPTER 205) ; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

WHEREAS a national policy on electricity had been formulated with a view to enabling Sri Lanka to meet the increasing demands for electricity in the future :

Preamble.

AND WHEREAS it has become necessary to give effect to this policy by regulating the generation, transmission, distribution, supply and use of electricity in Sri Lanka and by providing for certain related matters:

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 Sri Lanka Electricity Act, No. 20 of 2009.

Short title.

CHAPTER I

PRELIMINARY

2. (1) The administration of the provisions of this Act shall vest in the Public Utilities Commission (hereinafter referred to as the “Commission”) established under the Public Utilities Commission of Sri Lanka Act, No. 35 of 2002, and the Commission shall exercise, perform and discharge all the powers, functions and duties as are conferred on or assigned to it under this Act.

Administration of the Act.

(2) The exercise, performance and discharge by the Commission of the powers, duties, and functions conferred on or assigned to it under this Act, shall be in addition and not in derogation to the exercise, performance and discharge of the powers, duties and functions that the Commission is given or conferred with by the Public Utilities Commission of Sri Lanka Act, No. 35 of 2002.

## CHAPTER II

### FUNCTIONS OF THE COMMISSION

Functions of the Commission.

**3.** (1) The functions of the Commission shall be to act as the economic, technical and safety regulator for the electricity industry in Sri Lanka, and—

- (a) to advise the Government on all matters concerning the generation, transmission, distribution, supply and use of electricity in Sri Lanka;
- (b) to exercise licensing, regulatory and inspection functions, as the case may be, in respect of matters provided for in this Act, to regulate the implementation codes of practice and other requirements imposed by or under this Act relating to the generation, transmission, distribution, supply and use of electricity in Sri Lanka ;
- (c) to approve such technical and operational codes and standards as are required from time to time to be developed by licensees;
- (d) to regulate tariffs and other charges levied by licensees and other electricity undertakings, in order to ensure that the most economical and efficient service possible is provided to consumers;
- (e) after consultation with transmission and distribution licensees, to publish a statement setting out the rights and obligations of consumers arising under sections 23 to 29 and Schedules I and II to this Act;

- (f) to collect and record information relating to the generation, transmission, distribution, supply and use of electricity in Sri Lanka;
- (g) to set and enforce technical and other standards relating to the safety, quality, continuity and reliability of electricity supply services and metering services;
- (h) to promote the efficient use and conservation of electricity;
- (i) to prepare, within three months of the coming into force of this Act and to revise, from time to time thereafter, a regulatory manual containing a code of good practice relating to the functions assigned to the Commission by or under this Act;
- (j) to pursue any matter relating to the functions conferred on or assigned to the Commission by or under this Act within such period and in such manner as may be specified in the regulatory manual;
- (k) subject to the provisions of this Act, to consult to the extent the Commission considers it appropriate, any person or group of persons who may be affected or are likely to be affected by the decisions of the Commission, and ;
- (l) to undertake all incidental or ancillary measures that it considers appropriate for the effective discharge of its functions.

(2) The Commission in the discharge of its licensing functions entrusted to it by paragraph (b) of subsection (1), shall ensure that a co-ordinated, efficient and economical system of electricity supply is provided for and maintained throughout Sri Lanka, at all times.



Objectives. **4.** (1) The Commission shall discharge the functions assigned to it by or under this Act in a manner which it considers is best calculated—

- (a) to protect the interests of consumers in relation to the supply of electricity, by promoting efficiency, economy and safety by persons engaged in, or in commercial activities connected with, the generation, transmission, distribution, supply and use of electricity;
- (b) to secure that all demands for electricity in Sri Lanka are met;
- (c) to secure that licensees acting efficiently will be able to finance the carrying on of the activities authorized or required by their licences;
- (d) to promote the efficient use of electricity supplied to premises;
- (e) to protect the public from dangers arising from the generation, transmission, distribution, supply or use of electricity;
- (f) to give effect to any guidance on environmental objectives notified to the Commission by the Central Environmental Authority or where applicable, a Provincial Council; and
- (g) to promote competition, where appropriate,

(hereinafter referred to as the “objectives”).

(2) In this section “the interests of consumers” includes the interests of existing and future consumers, with regard to-

- (a) the prices charged and other terms of supply of electricity ;

- (b) the availability and continuity of supply of electricity ;
- (c) the quality of electricity supply services provided; and
- (d) the exercise of any rights conferred under this Act to enter their premises.

5. (1) The Minister shall have the power to formulate general policy guidelines in respect of the electricity industry

General policy guidelines to be issued by the Minister.

(2) The Minister shall in formulating the general policy guidelines referred to in subsection (1), take into consideration, among other matters, the following:-

- (a) the requirements for electricity in Sri Lanka in order to attain national targets for sustainable economic growth, including requirements in respect of-
  - (i) different geographical areas, including rural areas; and
  - (ii) different socio-economic groups;
- (b) fuel diversity and the preferred fuel for new electricity generations;
- (c) the priorities and objectives in meeting the needs set out in paragraph (a);
- (d) pricing policy in respect of the supply of electricity to facilitate the sustainable economic growth;
- (e) the measures being taken by the Government with respect to these matters.

(3) The Minister shall forward the general policy guidelines formulated under subsection (1) to the Cabinet of Ministers for its approval. All amendments sought to be made to the guidelines approved by the Cabinet of Ministers, shall also be required to be approved by the Cabinet of Ministers.

Electrical  
inspectors.

**6.** (1) The Commission may appoint electrical inspectors for the purposes of this Act.

(2) It shall be the duty of an electrical inspector appointed under subsection (1)—

- (a) to inspect and test electric lines and electrical plants belonging to persons authorized by a licence or exempted from the requirement of obtaining a licence, to generate, transmit, distribute or supply electricity;
- (b) to examine the generation, transmission, distribution or supply of electricity by such persons;
- (c) to inspect and test if and when required by any consumer, any such lines and plant on the consumer's premises, for the purpose of ascertaining whether any requirement imposed by this Act in respect of those lines or plant or the supply of electricity through or by them, has been complied with; and
- (d) to carry out such other functions as may be imposed on him or her by regulations or the Commission as it so determines.

(3) Regulations may be made –

- (a) prescribing the manner in which, and the times at which, any duties imposed on electrical inspectors are to be performed;
- (b) requiring persons authorized by a licence or exempted from the requirement of obtaining a licence, to generate, transmit, distribute or supply electricity-
  - (i) to furnish electrical inspectors with records or other information; and
  - (ii) to allow such inspectors access to premises and to the use of electrical plant and other facilities;

- (c) prescribing the amount of the fees (if any) which are payable to such inspectors and the persons by whom they are payable;
- (d) prescribing a procedure for the audit of the activities of electrical inspectors;
- (e) prescribing the circumstances in which a licensee may be relieved from its obligation to supply electricity ; and
- (f) setting out the procedure for the resolution of disputes between an electrical inspector and a consumer or a licensee.

(4) Any fees received by the electrical inspector under this section, shall be credited to the Fund of the Commission

### CHAPTER III

#### PART I

#### LICENSING

7. (1) A person shall not -

- (a) generate electricity;
- (b) transmit electricity; or
- (c) distribute and supply or distribute or supply electricity for the purpose of giving a supply to any premises or enabling a supply to be given to any premises,

Prohibition on unlicensed supply &c. of electricity.

unless he is authorized to do so by a licence granted under this Act or is exempted from obtaining a licence under section 10.

(2) A person who contravenes the provisions of subsection (1) shall be guilty of an offence under this Act and shall be liable on conviction after summary trial before a Magistrate, to a fine not less than one hundred thousand rupees and not exceeding ten million rupees and where the offence is continued to be committed after such conviction, be liable to an additional fine equal to the amount imposed as the fine on conviction, in respect of each day during which the offence is continued to be so committed.

(3) Where a person is prosecuted for an offence under subsection (2), the court shall in addition to the punishment imposed under that subsection, further order the person convicted to refrain with immediate effect from carrying on the activity which he is prohibited from carrying on under subsection (1), until he has obtained a licence for the same as required by that subsection.

(4) No proceedings shall be instituted in respect of an offence under this section except with the written sanction of the Commission.

Participating in a bidding process for the generation of electricity.

**8.** Any person may participate in a bidding process for the generation of electricity provided that such person shall be required to conform to the requirement specified in paragraph (c) of subsection (1) of section 9, in order to be eligible to obtain a generation licence under subsection (1) of that section.

Eligibility to apply for a licence under section 11.

**9.** (1) No person other than any one of the following shall be eligible to apply for the issue of a generation licence, to generate electricity over and above the generation capacity of 25 MW:—

- (a) the Ceylon Electricity Board, established by the Ceylon Electricity Board Act, No. 17 of 1969;
- (b) a local authority;

- (c) a company incorporated under the Companies Act, No. 7 of 2007, in which the government, a public corporation, a company in which the government holds more than fifty *per centum* of the shares or a subsidiary of such a company, holds such number of shares as may be determined by the Secretary to the Treasury, with the concurrence of the Minister in charge of the subject of Finance.

(2) No person other than the Ceylon Electricity Board, established by the Ceylon Electricity Board Act, No. 17 of 1969 shall be eligible to apply for the issue of a transmission licence.

(3) No persons other than any one of the following shall be eligible to apply for the issue of a distribution licence:—

- (a) the Ceylon Electricity Board, established by the Ceylon Electricity Board Act, No. 17 of 1969;
- (b) a local authority;
- (c) a company incorporated under the Companies Act, No. 7 of 2007, in which the Government holds more than fifty *per centum* of its shares; or
- (d) a society registered under the Co-operative Societies Law, No. 5 of 1972.

**10.** (1) The Commission may on an application made for an exemption by Order published in the *Gazette*, exempt any person or category of persons from the requirement of obtaining a licence for generating or distributing electricity, having regard to the manner in which or the quantity of electricity likely to be generated or distributed by such person or category of persons.

Exemptions.

(2) Every such exemption granted under subsection (1) shall be to such extent, be subject to such conditions and be for such period, as may be specified in the Order.

Applications for licences.

**11.** Subject to the provisions of section 9, an application for a licence to generate, transmit or distribute electricity or for an extension of any such licence, shall be made in writing to the Commission and shall be in such form, and shall be accompanied by such information and documents and such fee, as may be prescribed by regulation.

Procedure prior to grant of licences.

**12.** (1) Upon receipt of an application under section 11 and where the Commission intends to grant the licence or extension applied for, the Commission shall—

- (a) publish a notice of its intention to do so in such manner as the Commission considers appropriate, for bringing it to the attention of persons who are likely to be affected by the licence or extension ; and
- (b) send a copy of the notice to the Minister for his or her information.

(2) Every notice under subsection (1) shall—

- (a) state that the Commission proposes to grant the licence or extension to the persons and for the purposes, set out in the notice;
- (b) state the reasons for proposing the grant of such licence or extension; and
- (c) specify the period (not being less than twenty eight days from the date of publication of the notice) within which representations may be made to the Commission with respect to the proposal.

Grant of licences.

**13.** (1) The Commission may –

- (a) after considering any representations made to it in response to the notice published under section 12;
- (b) after satisfying itself that the applicant has the financial and technical capability for carrying out the activities authorized by the licence or extension ; and

- (c) with the concurrence of the Minister :—
- (i) grant a licence authorizing any person—
    - (a) to generate electricity from an identified generation plant (a licence granted under this sub-paragraph is hereinafter referred to as a “generation licence”);
    - (b) to transmit electricity (and procure and sell electricity in bulk) in the Authorized Area specified in the licence (a licence granted under this sub-paragraph is hereinafter referred to as a “transmission licence”); or
    - (c) to distribute and supply or distribute or supply electricity for the purpose of giving a supply to any premises or enabling a supply to be so given in the Authorized Area specified in the licence (a licence granted under this sub-paragraph is hereinafter referred to as a “distribution licence”); or
  - (ii) extend for the period specified in the extension, a generation, transmission, or distribution licence granted under this Act.

(2) Forthwith upon the grant of a licence or an extension under this section, the Commission shall cause to be published in the *Gazette*, a Notification giving details of the licence or extension granted, including the persons to whom and the purposes for which it was granted, the term of such licence or extension, as the case may be, and the conditions subject to which it was granted.

(3) A person shall not be granted both a transmission licence and—

- (a) a generation licence; or



(b) a distribution licence.

(4) A person shall not be granted both a generation licence and a distribution licence.

Form of licence.

**14.** (1) Every generation, transmission or distribution licence or extension thereof granted under this Act, shall—

(a) be in writing;

(b) unless previously revoked or surrendered in accordance with the terms of the licence or extension, continue in force for the period specified in the licence or extension; and

(c) not be capable of being surrendered without the consent of the Commission.

(2) As soon as practicable after granting a generation, transmission or distribution licence or of an extension of such licence, the Commission shall send a copy thereof—

(a) to the Minister for his or her information; and

(b) to any other licensee who may be likely to be affected by the grant or extension, as the case may be, of such licence.

General conditions of licences.

**15.** (1) A generation, transmission or distribution licence may include—

(a) such conditions (whether or not relating to the activities authorized by the licence) as the Commission considers necessary having regard to the functions assigned to it by section 3 of this Act;

(b) conditions requiring payment to the Commission upon the grant of the licence or periodic payments during the term of the licence, of such amount or amounts as may be determined by the Commission, by or under the licence;

- (c) in addition to the provisions in sections 31 and 32 of this Act, conditions with provision for such conditions—
  - (i) to have effect or cease to have effect at such times and in such circumstances as may be specified in the licence; or
  - (ii) to be modified in such manner as may be specified in the licence at such times, and in such circumstances, as may be so specified;
- (d) conditions relating to the prohibition of abuse of monopoly position or other anti-competitive behaviour ; and
- (e) conditions relating to the optimum utilization of funds and assets of the licensee, in order to ensure that a most economical and efficient service is provided to its customers.

(2) Conditions included in a generation, transmission or distribution licence may include, requirements—

- (a) compelling the licensee to adhere to any decision, order, direction or determination given by the Commission as to such matters as are specified in the licence;
- (b) compelling the licensee to comply with all requirements of the licence;
- (c) compelling the licensee to refer certain matters for determination by the Commission;
- (d) compelling the licensee to refer for approval by the Commission certain things to be done under the licence or certain contracts or agreements made in pursuance of the licence;

- (e) restricting the ownership by the licensee or any of its affiliates, of specified business interests; and
- (f) compelling the licensee to enter into agreements with other persons.

(3) Any sum received by the Commission by virtue of any condition of a licence shall be paid into the Fund of the Commission.

Special conditions of generation licences.

**16.** Without prejudice to the generality of section 15, a licence issued to a generation licensee shall include conditions:—

- (a) prescribing how it shall discharge the functions assigned to the licensee under this Act in so far as such condition is not inconsistent with any provision of this Act;
- (b) requiring the licensee to sell electricity generated by the licensee exclusively and only to transmission licensees;
- (c) requiring the licensee to adhere to all environmental laws for the time being in force;
- (d) requiring the licensee to take all possible steps to protect persons, plants and equipment from injury and damage;
- (e) requiring the licensee to implement and maintain such technical or operational codes in relation to the generation system as the Commission considers necessary or expedient: and
- (f) requiring it to develop and maintain electric lines, cables, plants and fuel handling plants and associated equipment.

**17.** Without prejudice to the generality of section 15, a transmission licence issued to a licensee shall include conditions—

Special conditions of transmission licences.

- (a) prescribing how the licensee shall discharge the functions assigned to the licensee under this Act in so far as such condition is not inconsistent with any provision of this Act;
- (b) requiring the licensee to forecast future demand, to plan the development of the licensee's transmission system and to procure the development of new generation plant to meet reasonable forecast demand;
- (c) requiring the licensee to purchase electricity and other goods and services on the most economically advantageous terms and in a most transparent manner ;
- (d) relating to the establishment of tariffs the licensee may charge for the bulk sales of electricity and tariffs for the use of the transmission system by generation licensees and distribution licensees;
- (e) requiring the licensee to maintain separate accounts in respect of different parts of the licensee's business and prohibiting cross subsidy between those parts;
- (f) requiring the licensee to implement and maintain such technical or operational codes in relation to the transmission system (including a grid code) as the Commission considers necessary or expedient;
- (g) requiring the licensee to develop and maintain electric lines or electrical plant or both;
- (h) requiring the licensee to develop and operate a transparent generation dispatch model; and

- (i) requiring the licensee to publish for the benefit of the public, all relevant information relating to its generation procurement,

and may include conditions allowing the transmission licensee to sell electricity in bulk to certain consumers who are connected to the transmission licensee's transmission system and are identified in the transmission licence, subject to such further conditions as are included in that licence relating to such bulk sales.

Special conditions of distribution licences.

**18.** Without prejudice to the generality of section 15, a distribution licence issued to a licensee may include, conditions—

- (a) prescribing how the licensee shall discharge the functions assigned to the licensee by or under this Act in so far as such conditions are not inconsistent with any provision of this Act;
- (b) requiring the licensee to publish and conform to codes of practice in relation to consumer issues, containing such provisions as the Commission considers necessary for the protection of consumers, including provision relating to-
  - (i) the maximum time period required for providing a new connection of electricity or for the restoration of supply after being informed of a fault, as the case may be ;
  - (ii) the payment of compensation for any loss incurred by a customer, due to the failure of the licensee to comply with any requirement referred to in sub-paragraph (i) ;
  - (iii) the payment of bills by consumers ;
  - (iv) the disconnection of supplies to consumers ;

- (v) the provision of services to the elderly and disabled ;
  - (vi) the efficient use of electricity by consumers;
  - (vii) the handling of consumer complaints;
  - (viii) the monitoring of compliance by the licensee, with maximum charges for the resale of electricity set by the Commission;
  - (ix) the providing of services to geographical areas and prospective, hitherto consumers not being served with electricity ; and
  - (x) providing life-line tariffs to disadvantaged groups of consumers.
- (c) requiring the licensee to implement and maintain such technical or operational codes in relation to the electricity distribution network as the Commission considers necessary or expedient ; and
- (d) requiring the licensee to develop and maintain electric lines or electrical plant or both.

**19.** (1) A licence shall be capable of being assigned either in whole or in part, if it includes a condition authorizing such assignment.

Assignment of licences.

(2) A licence shall not be capable of being assigned except with the consent of the Commission and of the Minister.

(3) In deciding whether to give its consent under subsection (2), the Commission shall apply the same criteria as it would apply if it were deciding whether to grant a corresponding licence or part of a corresponding licence to the assignee.

(4) A consent under subsection (3) may be given subject to the assignee agreeing to -

- (a) such modification of the conditions of the licence or the imposition of such further conditions as the Commission and the Minister consider necessary, for the purpose of protecting the interests of consumers; and
- (b) such incidental or consequential modification of conditions as the Commission and the Minister consider necessary.

(5) A licence may include conditions authorizing assignment, subject to compliance by the assignee of certain specified conditions.

(6) An assignment or purported assignment of a licence shall be void—

- (a) if the licence is not capable of assignment;
- (b) if the assignment or purported assignment is in breach of a condition of the licence; or
- (c) if there has been before the assignment or purported assignment, a contravention of a condition subject to which consent was given under subsection (2).

(7) The Minister shall in exercising his powers under subsections (2) and (4) of this section, act in accordance with such criteria as shall be prescribed for each such purpose.

Revocation of licences.

**20.** (1) The Commission may after considering any representation made to it in response to a notice published under subsection (2) and with the concurrence of the Minister, by Order published in the *Gazette*, revoke a generation, transmission or distribution licence, in accordance with the terms as to revocation contained in such licence.

(2) Before revoking any licence under subsection (1), the Commission shall by notice published in the *Gazette* and by such other means as it considers appropriate for bringing it to the attention of persons likely to be affected by the revocation, state that it proposes to revoke the licence specified in the notice, and the reasons for proposing to do so and specify a period within which representations may be made to it against such revocation.

**21.** (1) Every application for an exemption under section 10, may be made in writing to the Commission in such form as may be prescribed and shall be accompanied by such information, documents and fees as may be prescribed by regulation.

Application for exemption.

(2) The provisions of subsection (1) and (2) of section 12 shall, *mutatis mutandis*, apply to and in relation to an application made under subsection (1).

(3) The Commission shall consider any representation made to it in response to a notice published by it in pursuance of subsection (2), before granting an exemption under section 10.

**22.** (1) The Commission may after considering any representation made to it in response to a notice published under subsection (2) and with the concurrence of the Minister, by Order published in the *Gazette* :—

Revocation and withdrawal of exemptions.

- (a) revoke an exemption granted to a person or a category of persons under section 10; or
- (b) withdraw an exemption granted to a person out of any category of persons to whom an exemption was granted under section 10,

in accordance with any provision of the Order by which the exemption was granted or if it appears to the Commission inappropriate that the exemption should continue.



(2) Before revoking or withdrawing an exemption under subsection (1), the Commission shall by notice published in such manner as the Commission considers appropriate to bring it to the attention of the persons affected, state that it proposes to revoke or withdraw the exemption specified in the notice, the reasons for doing so and specify a period within which representations may be made to the Commission against such proposed revocation or withdrawal.

## PART II

### POWERS AND DUTIES OF LICENSEES

Provisions of this Part to be in addition to conditions.

**23.** The provisions of this Part shall be in addition to and not in derogation of, the conditions of a generation, transmission or distribution licence.

Duties of transmission licensees.

**24.** (1) A transmission licensee shall-

- (a) develop and maintain an efficient, coordinated, reliable and economical transmission system;
- (b) procure and sell electricity in bulk to distribution licensees so as to ensure a secure, reliable and economical supply of electricity to consumers; and
- (c) ensure that there is sufficient capacity from generation plant to meet reasonable forecast demand for electricity.

(2) Sections 6, 25, 26, 27, 28, 29, 40, 41, 42, 54 and 56 and Schedules I, II and III to this Act shall *mutatis mutandis*, apply to bulk sales of electricity by a transmission licensee, as they apply to the supply of electricity by a distribution licensee.

Duties of distribution licensees.

**25.** (1) A distribution licensee shall on any request by the owner or occupier of any premises within the Authorized Area of the licensee-

- (a) connect, supply and maintain the supply of electricity to those premises; and

- (b) so far as may be necessary for that purpose, provide electric lines or electrical plant or both,

subject to the provisions of this Part, any regulations made under this Part or under section 54, and the Electricity Supply Code (as set out in Schedule II to this Act).

(2) A distribution licensee shall avoid any undue preference or undue discrimination in the connection of any premises to any electricity distribution system operated by the licensee or in the terms on which the licensee makes connections or supplies electricity.

(3) The owner or occupier of any premises within the Authorized Area of a distribution licensee, which -

- (a) are situated within fifty meters from any distribution line of the licensee; or
- (b) could be connected to any such line by an electric line supplied and laid by the owner or occupier of those premises,

may make a request for a supply under subsection (1) to such distribution licensee .

(4) A supply of electricity to any premises shall be on the basis of a standard tariff agreement and a distribution licensee shall inform all consumers within the Authorized Area of the distribution licence (whether existing consumers or those persons requesting a supply) of the requirements set out in this Part and the distribution licence, which have to be satisfied by a consumer in order to obtain a supply of electricity.

(5) Where any person requires such a supply of electricity as is referred to in subsection (1), he or she shall request for a supply from and shall inform the distribution licensee of -

- (a) the premises at which the supply is required;

- (b) the purposes for which electricity is to be used in those premises;
- (c) the day (not being earlier than a reasonable time after the distribution licensee is informed of a person's requirement) on which the supply is required to commence;
- (d) the maximum power which may be required at any time; and
- (e) the minimum period for which the supply is required to be given,

and shall provide the distribution licensee with such other information as may be prescribed from time to time, by regulation.

(6) As soon as practicable after receiving a request under subsection (5), the distribution licensee shall give to the person making the request a notice under subsection (7), if—

- (a) such licensee has not previously given a supply of electricity to those premises;
- (b) the giving of the supply requires the provision of electric lines or electrical plant or both; or
- (c) if there are other circumstances which make it necessary for the licensee to do so.

(7) A notice under this subsection shall—

- (a) state the extent to which the proposals specified in the prospective consumer's request under subsection (5) are acceptable to the distribution licensee and specify any counter-proposals made by the distribution licensee;
- (b) specify the tariff payable;

- (c) specify any payment which that person may be required to make under sections 27 and 28; and
- (d) specify any other terms and conditions which that person may be required to accept,

so however , that the counter-proposals, terms and conditions proposed by the distribution licensee shall be those which the licensee is entitled to impose on that person in accordance with this Act, any regulations made under this Act and the conditions of the distribution licence.

(8) In this section—

- (a) any reference to giving a supply of electricity, includes a reference to continuing to give such a supply;
- (b) any reference to requiring a supply of electricity, includes a reference to requiring such a supply to continue to be given; and
- (c) any reference to the provision of an electric line or an item of electrical plant, includes a reference to the installation of a new line or item or the modification of an existing line or item.

**26.** Nothing in this Act shall be deemed to require a distribution licensee to connect and give a supply of electricity to any premises under section 25, if and to the extent that the connection and giving of the supply would result in the distribution licensee being in breach of regulations made under this Part or under section 54 or the Electricity Supply Code, (as set out in Schedule II to this Act), and the licensee has taken all such steps as are reasonable to prevent the circumstances that may arise as a result of such breach.

Exemption from duty to connect and supply.

Power to recover  
expenditure.

**27.** (1) Where any electric line or electrical plant is provided by the distribution licensee to a person requiring a supply of electricity under section 25, the licensee may require any expenses reasonably incurred in providing the line or plant to be defrayed by that person, to such extent as is allowed by the conditions of the distribution licence.

(2) The Commission may direct a person requiring a supply of electricity under section 25 from a distribution licensee, to pay to the licensee in respect of any expenses reasonably incurred in providing any electric line or electrical plant used for the purpose of giving that supply, such amount as may be reasonable in all the circumstances, taking into account—

- (a) the period of time between laying the distribution line and making the connection;
- (b) any payment any other person has previously made to the licensee in respect of these expenses; and
- (c) the extent to which the licensee has already recovered the licensee's expenses in full.

(3) Directions given by the Commission under subsection (2) may require the distribution licensee who has recovered an amount in respect of expenses reasonably incurred in providing any electric line or electrical plant, to apply any amount so recovered or part thereof, in making such payments as may be appropriate towards reimbursing any person who had previously contributed to such expenses.

(4) Any reference in this section to “any expenses reasonably incurred in providing an electric line or electrical plant” includes a reference to the capitalized value of any expenses likely to be so incurred in maintaining the line or plant, in so far as such expenses are not recoverable by the distribution licensee as part of the charges made by the licensee for the supply of electricity.

**28.** (1) Subject to the following provisions of this section, a distribution licensee may require by notice in writing any person who requires a connection and supply of electricity under section 26, to provide reasonable security for the payment of all money which may become due to the licensee—

Power to require security.

- (a) in respect of the supply; or
- (b) where any electric line or electrical plant requires to be provided for such supply, in respect of the provision of such line or plant,

and if that person fails to provide such security, the distribution licensee may refuse to give the supply, or refuse to provide the line or plant, for so long as the failure continues.

(2) Where any person has not provided such security as is required under subsection (1), or the security provided by such person has become insufficient—

- (a) the distribution licensee may by notice require the person to provide within seven days after the service of the notice, reasonable security for the payment of all monies which may become due to the licensee in respect of the supply; and
- (b) if that person fails to provide such security, the licensee may refuse to make the connection or discontinue the supply, as the case may be, for so long as the failure continues.

(3) Where any sum of money is provided to a distribution licensee by way of security in pursuance of this section, the licensee shall pay interest on such sum of money at such rate as may from time to time be fixed by the licensee with the approval of the Commission, for the period in which it remains in the hands of the licensee.

Additional terms.

**29.** A distribution licensee may require any person who requires a supply of electricity under section 25, to accept in respect of the supply—

- (a) any terms requiring that person to continue to receive and pay for the supply of electricity for a minimum period of time and subject to minimum consumption requirements;
- (b) any restrictions which may be required to be imposed for the purpose of enabling the licensee to comply with any regulations made under this Part or under section 54 or the electricity supply code (as set out in Schedule II to this Act); and
- (c) any terms restricting liability of the licensee for any economic, consequential or other indirect loss sustained by such person, however arising, which it is reasonable in all the circumstances for that person to be required to accept.

Tariffs.

**30.** (1) This section shall apply to—

- (a) tariffs or charges levied by the transmission licensee for the transmission and bulk sale of electricity (hereinafter referred to as “transmission and bulk sale tariffs”); and
- (b) tariffs or charges levied by the distribution licensee for the distribution and supply of electricity (hereinafter referred to as “distribution and supply tariffs”).

(2) Transmission and bulk sale tariffs and distribution and supply tariffs, as the case may be, shall, in accordance with conditions specified in the relevant licence -

- (a) be set by the relevant licensee in accordance with a cost reflective methodology approved by the Commission;

- (b) permit the relevant licensee to recover all reasonable costs incurred in the carrying out of the activities authorized by its licence on an efficient basis,
- (c) be approved by the Commission in accordance with the policy guideline approved by the Cabinet of Ministers under section 5; and
- (d) be published in such manner as may be required by the Commission, in order to ensure public knowledge.

(3) Where a transmission licence or a distribution licence, as the case may be, contains provision for transmission and bulk sale tariffs or distribution and supply tariffs, as the case may be, to be subject to review, the Commission shall (unless a procedure for the review of such tariffs is specified in the relevant licence) prescribe a procedure for review, which shall include—

- (a) a timetable for the review of tariffs by the Commission; and
- (b) provision for consumers and other interested parties to participate in the procedure for review.

(4) Notwithstanding any other provision of this Act, the Commission may—

- (a) upon being satisfied of the adequacy of funds being provided by the Treasury to bear the cost of any subsidy approved by the Government to subsidize consumers ; and
- (b) considering any cross subsidy recoverable from such categories of consumers as determined by the Commission,

set tariffs and charges to be levied by the licensee, which reflect such subsidies.

(5) In this section, “relevant licensee” means a transmission licensee in respect of transmission and bulk



sale tariffs and a distribution licensee in respect of distribution and supply tariffs.

Provisions of Schedules to apply to licences.

- 31.** The provisions contained in—
- (a) Schedule I to this Act (Other Powers of Licensees);
  - (b) Schedule II to this Act (the Electricity Supply Code);
  - (c) Schedule III to this Act (Use of Electricity Meters); and
  - (d) Schedule IV to this Act (Preservation),

shall apply to and in relation to , the respective licences and licensees referred to in those Schedules.

### PART III

#### MODIFICATION AND ENFORCEMENT OF LICENCES

Modification by agreement.

**32.** (1) Subject to the following provisions of this section, the Commission may modify the conditions of a generation, transmission or distribution licence, if the licensee consents to the modifications.

(2) Before making modifications under this section, the Commission shall—

- (a) publish a notice in such manner as the Commission considers appropriate for bringing the proposed modifications to the attention of persons likely to be affected by the proposed modifications;
- (b) serve a copy of the notice on the licensee;
- (c) send a copy of the notice to the Minister for his or her information;

(3) The notice under subsection (2) shall—

- (a) state that the Commission proposes to make the modifications specified in the notice, the effect of

the proposed modifications and the reasons for the proposed modifications; and

- (b) state the period (not later than twenty eight days commencing on the date of publication of the notice) within which representations or objections may be made to the Commission regarding the proposed modifications.

(4) The Commission shall consider any representations and objections made to it in response to a notice published under subsection (3), before making any modifications proposed in the notice.

(5) As soon as practicable after making any modifications under this section, the Commission shall send a copy of the modifications to the licensee, and to the Minister for his or her information.

**33.** (1) Subject to the following provisions of this section, the Commission may modify the conditions of a generation, transmission or distribution licence, where the licensee does not consent to the modifications.

Modification without agreement.

(2) Before making any modifications under this section, the Commission shall investigate the following questions: -

- (a) whether any matters which relate to the generation, transmission (including the procurement and sale of electricity in bulk), distribution or supply of electricity under a licence, operate or may be expected to operate, against the public interest; and
- (b) if so, whether those matters could be remedied or prevented by modifying the conditions of the relevant licence,

and thereafter provide a written report of the investigation to the Minister, who shall consider the report and any information given to him or her by the Commission, in order

to advise the Commission whether or not to give effect to the proposed modifications.

(3) In its report to the Minister, the Commission shall set out the following:—

- (a) the effects adverse to the public interest which it thinks the matters specified in the report have or may be expected to have; and
- (b) proposed modifications of the conditions of the relevant licence by which, in its opinion, those effects could be remedied or prevented.

(4) The Commission may at any time by notice to the Minister, revise the report provided under this section by adding to, or excluding matters from, such report.

(5) To assist the Minister in the consideration of the report, Commission shall give to the Minister—

- (a) any information the Commission has relating to matters within the scope of the investigation conducted by it and which the Minister requires or which the Commission thinks it would be appropriate for the Minister to have; and
- (b) any other assistance which the Commission is able to give in relation to matters within the scope of such investigation and which is requested by the Minister.

(6) As soon as practicable after preparing a report under this section, the Commission shall –

- (a) serve a copy of the report on the relevant licensee; and
- (b) publish particulars of the report in such manner as it considers appropriate for bringing them to the attention of persons likely to be affected by them.

(7) A licensee may within twenty days of service of a copy of the report on the licensee, make any representations to the Minister which the Minister shall take into consideration in making his or her decision.

(8) Within thirty five days of receiving the report under subsection (2), the Minister shall advise the Commission in writing, either to give effect to the proposed modifications, or as the case may require, not to give effect to the proposed modifications. Where the Minister advises the Commission to give effect to the proposed modifications, the Commission shall make such modifications to the conditions of the relevant licence as appear to the Commission to be necessary, for the purpose of remedying or preventing the effects adverse to the public interest which have been identified in the report.

(9) The Minister shall when advising the Commission under subsection (8), state his or her reasons for his or her advice and shall have regard to the objectives set out in section 4.

(10) The Commission shall send a copy of the Minister's advice to the licensee to whom it relates and publish the advice in such manner, as it considers appropriate for bringing the advice to the attention of persons likely to be affected by it. As soon as practicable after making modifications under this section, the Commission shall send a copy of the modifications to the licensee and to the Minister.

(11) (a) A licensee shall have a right of appeal to the Court of Appeal against any modifications made under this section.

(b) The Supreme Court Rules relating to appeals to the Supreme Court from the Court of Appeal or other court or tribunal (Rule 28 of the Supreme Court Rules of 1990 or such provision of law as would correspond to such Rule) shall, *mutatis mutandis*, apply to and in respect of all matters connected with the filing, hearing and disposal of an appeal preferred under this section.

Enforcement orders.

**34.** (1) If the Commission is satisfied that a generation, transmission or distribution licensee is contravening or is likely to contravene any condition of a licence or any statutory requirement, it shall make an enforcement order containing such provision as it may deem necessary to secure compliance with such condition or requirement by the licensee.

(2) An enforcement order—

- (a) shall require the licensee to whom it relates to do or desist from doing such things as are specified in the order;
- (b) shall be in force for such period as maybe specified in the order;
- (c) may be revoked or modified at any time by the Commission, but in any event shall cease to have effect at the end of the period specified in the order.

Procedure for making enforcement orders.

**35.** (1) Before making an enforcement order under section 34, the Commission shall—

- (a) publish a notice in such manner as it thinks is appropriate for bringing the matter to the attention of persons likely to be affected by the enforcement order, stating that the Commission is proposing to make such order;
- (b) serve on the licensee a copy of the notice and a copy of the proposed order.

(2) A notice referred to in subsection (1) shall set out -

- (a) the relevant licence conditions or statutory requirements with which the proposed order is intended to secure compliance;

- (b) the acts or omissions which in the opinion of the Commission constitute a contravention of that condition or requirement;
- (c) any other facts which in the opinion of the Commission justify the making of the proposed order;
- (d) the effects of the proposed order; and
- (e) the period, not being less than twenty eight days from the date of the notice, within which the licensee may make representations or objections to the proposed order.

(3) Before making an enforcement order under section 34, the Commission shall consider any representations and objections made to it under subsection (2).

(4) The Commission shall not make an enforcement order if it is satisfied that—

- (a) the licensee has agreed to take and is taking all such steps as the Commission considers that the licensee should take, to secure compliance with the condition or requirement in question;
- (b) that the objectives imposed on the Commission by section 4 precludes it from doing so; or
- (c) the contraventions or apprehended contraventions are trivial.

(5) As soon as practicable after making an enforcement order, the Commission shall—

- (a) serve a copy of the order on the licensee to whom the order relates; and
- (b) publish the order in such manner as it considers appropriate for bringing it to the attention of persons likely to be affected by it.

(6) Before revoking an enforcement order, the Commission shall—

- (a) publish a notice in such manner as it thinks appropriate for bringing the proposed order of revocation to the attention of persons likely to be affected by it;
- (b) serve a copy of the proposed order of revocation on the licensee; and
- (c) consider any representations and objections made in response to the notice.

(7) Every notice published under subsection (6) shall -

- (a) state that the Commission proposes to revoke the order specified in the notice and the effect of the revocation; and
- (b) specify a period of not later than twenty eight days from the date of publication of the notice, within which representations or objections to the proposed order of revocation may be made to the Commission.

(8) If after considering any representations and objections made in response to a notice published under subsection (6), the Commission decides not to revoke the enforcement order to which the notice relates, it shall give notice of its decision to the persons affected.

Effect of  
enforcement  
order.

**36.** (1) It shall be the duty of a licensee to whom an enforcement order relates—

- (a) to comply with such order;
- (b) if the licensee decides to challenge the validity of the enforcement order in any court, to provide security for costs to the Commission, of such amount as the Commission may consider reasonable, to ensure that such challenge is not frivolous or vexatious.

(2) A duty is also owed by the licensee to any person who may be affected by a contravention of the enforcement order and any such person who sustains any loss or damage as a result of such contravention, may institute an action against the licensee in a court of competent jurisdiction, for damages for such loss or damage.

(3) In proceedings brought against a licensee under subsection (2), it shall be a defence for the licensee to prove that the licensee took all reasonable steps and exercised all due diligence, to avoid contravening the enforcement order.

**37.** (1) If a licensee to whom an enforcement order applies fails to comply with such enforcement order in whole or in part, the licensee shall be guilty of an offence under this Act, and shall be liable on conviction after summary trial before a Magistrate, to a fine not less than one million rupees and not exceeding ten million rupees, and to a further fine of five hundred thousand rupees for each day during which such contravention continues after conviction. Offences.

(2) The Commission shall in making an enforcement order under this Part of this Act, be entitled to direct that compensation be paid by the licensee to whom the enforcement order relates, to any person affected by the contravention specified in such order.

(3) The levies by way of fine and compensation which may be imposed under this section, shall be in addition to and not in derogation of any other liability which the person guilty of non compliance may have incurred.

(4) The Commission may apply to a court for an injunction or other remedy to secure compliance with an enforcement order by a licensee, notwithstanding the fact that it has instituted a prosecution against such licensee for failure to comply with such enforcement order.



Power of Commission to vest management and control of undertaking of licensee in another authority or person.

**38.** (1) Where the Commission is satisfied that a licensee who is –

- (a) subject to an enforcement order made by the Commission; or
- (b) subject to an insolvency event,

is not carrying on the activities that such licensee is authorized to carry on under the licence properly, and that the supply of electricity to consumers is not being or is likely to be given in an efficient, secure and a safe manner, the Commission may with the concurrence of the Minister, by Order published in the *Gazette*, vest the management and control of the whole or a part of the undertaking of the licensee in any other authority or person specified in the Order and such authority or person shall have all the powers necessary, for carrying on such undertaking:

Provided however where the licensee is subject to an enforcement order and is a person established by law and the provisions of that law does not permit compliance with the said enforcement order, the Commission shall instead of exercising its powers under this subsection, make such recommendations as to it may deem appropriate to the Minister to whom the activities of such person is assigned, in order to secure compliance with such enforcement order.

(2) Any person or authority in whom the management and control of an undertaking is vested under subsection (1), shall not be held liable for conduct amounting to a fraudulent preference under the Company Act, No. 7 of 2007, on the ground that it is continuing to carry on the management and control of the licensee's undertaking.

(3) No Order shall be made under this section without giving the relevant licensee written notice of the proposed Order and affording the licensee a reasonable opportunity of being heard.

(4) During such period as an Order under this section is in force—

- (a) the licensee shall not be or continue to be (as the case may be) voluntarily or compulsorily wound up without the consent of the Commission;
- (b) no steps shall be taken by any person to enforce or execute a judgment or security over that licensee's property, without ten days prior notice in writing to the Commission ; and
- (c) the licensee shall not exercise any of his rights under the licence in relation to the undertaking or part thereof.

(5) In this section, "insolvency event" means—

- (a) the passing of a resolution for the winding up of a licensee, other than for the purposes of amalgamation or reconstruction;
- (b) a licensee entering into a compromise with the licensee's creditors;
- (c) the suspension by the licensee, of payment of debts or the inability of the licensee to pay the licensee's debts or the declaration of the licensee as bankrupt or insolvent; or
- (d) the filing of a petition for the winding up of the licensee.

**39.** (1) The following disputes arising in connection with the supply or use of electricity shall be referred to the Commission by any party to the dispute:-

The resolution of disputes.

- (a) a dispute between a licensee and a tariff customer arising under sections 25 to 30 or Schedules I, II or III to this Act;

- (b) any dispute (other than a dispute referred to in paragraph (a)) between a licensee and -
  - (i) a tariff customer;
  - (ii) another licensee, or
  - (iii) any other affected party,

which the parties have not been able to resolve through any dispute resolution procedure prescribed by the Commission, despite the licensee using its best efforts to do so.

(2) On a reference under paragraph (a) of subsection (1), the Commission shall mediate and resolve the dispute and on a reference under paragraph (b) of subsection (1), the Commission shall mediate and resolve the dispute, unless it decides that it is more appropriate for the dispute to be determined either by the courts or through arbitration.

(3) The practice and procedure to be followed in the resolution of any such dispute shall be such as the Commission shall set out by rules made under the Public Utilities Commission of Sri Lanka Act, No. 35 of 2002 and this Act.

(4) Where any dispute arising under section 27 is to be resolved by the Commission under this section, the Commission may give directions as to the security (if any) to be given pending the determination of the dispute.

(5) A resolution by the Commission under this section -

- (a) may include such incidental, supplemental and consequential provisions (including provisions requiring either party to pay a sum in respect of the costs or expenses incurred by the Commission) as the Commission considers appropriate; and
- (b) shall be final and shall be enforceable so far as it includes such provisions as to costs or expenses

incurred by the Commission in the District Court of Colombo, as if it were a decree entered by that court for the payment of money.

(6) In including a provision as to costs and expenses in a resolution under this section, the Commission shall have regard to the conduct and means of the parties and any other relevant circumstances.

#### CHAPTER IV

##### CONSUMER PROTECTION

**40.** (1) Regulations may be made under this Act prescribing the standards of performance to be attained by distribution licensees in connection with the supply of electricity and the provision of electricity supply services, to tariff customers.

Standard of performance for supply of electricity.

(2) Different standards may be prescribed in respect of different distribution licensees, having regard to any special circumstances or conditions in or subject to which those distribution licensees are required to supply electricity or provide electricity supply services to tariff customers.

(3) Regulations referred to in this section shall as far as practicable, be made after consultation with distribution licensees and bodies representative of persons likely to be affected by the proposed regulations.

(4) Where any person suffers any loss or damage of a prescribed description by reason of the failure of a distribution licensee to meet any standard prescribed by regulations made under this section, the distribution licensee shall pay to such person compensation of such amount or calculated in such manner, as is specified in such regulations.

(5) The payment of compensation to any person as provided for in subsection (4), in respect of a failure by a distribution licensee to meet a standard prescribed by regulations made

under this section, shall be without prejudice to any other remedy which is available to such person in respect of the act or omission constituting such failure.

(6) Any dispute arising from the enforcement of regulations made under this section may be referred to the Commission by a distribution licensee or a tariff customer or any other affected party, and the Commission may determine such dispute in accordance with the provisions of section 39.

Standards of overall performance and efficient use of electricity.

**41.** (1) The Commission may, after consultation with distribution licensees and with persons or bodies appearing to the Commission to be representative of persons likely to be affected, from time to time –

- (a) determine such standards of overall performance in connection with the quality of electricity supply and electricity supply services and the promotion of the efficient use of electricity by consumers as in its opinion, ought to be attained by such distribution licensees; and
- (b) arrange for the publication in such form and in such manner as it considers appropriate, of the standards so determined.

(2) Different standards may be determined under this section in respect of different distribution licensees, having regard to any special circumstance or conditions in or subject to which, those distribution licensees are required to supply electricity.

Information with respect to levels of performance.

**42.** (1) The Commission shall from time to time collect information with respect to—

- (a) the compensation paid by distribution licensees under regulation made under section 40 (if any);

- (b) the levels of overall performance attained by such licensees in connection with the provision of electricity and electricity supply services; and
- (c) the levels of performance attained by such licensees in connection with the promotion of the efficient use of electricity by consumers.

(2) On or before such date in each year as may be specified in a direction given by the Commission, each distribution licensee shall furnish to the Commission such information as it may require relating to the standards, including—

- (a) as respects each standard prescribed by regulations under section 40, the number of cases in which compensation was paid and the aggregate amount or value of the compensation paid; and
- (b) as respects each standard determined under section 41, such information with respect to the level of performance attained by the licensee as may be required by the Commission.

(3) A distribution licensee who without reasonable excuse, fails to do anything required of the licensee by subsection (2) shall be guilty of an offence and be liable on conviction after summary trial before a Magistrate, to a fine not exceeding one million rupees and to an additional fine of fifty thousand rupees for each day during which such offence is continued to be committed after such conviction, which shall be paid into the Fund of the Commission.

(4) Subject to the provisions of section 59, the Commission shall at least once in every year arrange for the publication in such form and in such manner as it considers appropriate, of such information collected by or furnished to it under this section, as may appear to it expedient to give to customers or potential customers of distribution licensees.

CHAPTER V

NEW GENERATION PLANT AND OVERHEAD LINES

Provision of new generation plant and extension of existing plant.

**43.** (1) Subject to section 8, no person shall operate or provide any new generation plant or extend any existing generation plant, except as authorized by the Commission under this section.

(2) Subject to the approval of the Commission, a transmission licensee shall, in accordance with the conditions of the transmission licence and such guidelines relating to procurement as may be prescribed by regulation and by notice published in the *Gazette*, call for tenders to provide new generation plant or to extend existing generation plant, as specified in the notice.

(3) A transmission licensee shall with the consent of the Commission, select a person to provide at least cost, the new generation plant or to extend the existing generation plant specified in the notice published under subsection (2), from amongst the persons who have submitted technically acceptable tenders in response to such notice.

Consent required for overhead and underground electric lines.

**44.** (1) Subject to the provisions of subsection (2), no person shall –

- (a) install ; or
- (b) keep installed,

an electric line above or below the ground, except in accordance with a consent granted by the Commission.

(2) The provisions of subsection (1) shall not apply—

- (a) to an electric line or underground cable which has a nominal voltage upto and of thirty three kilovolts or any other higher voltage as may be deemed fit, to be decided by the Commission;

- (b) in relation to so much of an electric line as is or will be, within premises in the occupation or control of the person responsible for its installation.
- (3) A consent granted under this section—
- (a) may include such conditions (including conditions as to the ownership and operation of the line) as appear to the Commission to be appropriate;
  - (b) may be varied or revoked by the Commission at any time after the end of such period as may be specified in the consent; and
  - (c) subject to paragraph (b), shall continue in force for such period as may be specified in or determined by or under the consent.

**45.** The Commission may direct that an electric line be designated as a “high voltage line” for the purposes of this Act.

High voltage lines.

## CHAPTER VI

### FINANCE

**46.** (1) There shall be levied and recovered from every licensee an annual levy of such amount as may be determined by the Commission, by Order published in the *Gazette*.

Annual Levy.

(2) In determining the annual levy for any year, the Commission shall have regard to the following :—

- (a) the estimated expenditure of the Commission for that year; and
- (b) any unrecovered expenditure from the previous year.

(3) the levy imposed under sub section (1) on a licensee for any year shall be paid by the licensee to the Commission before the thirtieth day of June of that year.



(4) Where the licensee fails to pay the levy imposed under subsection (1) for any year before the thirtieth day of June of that year, the levy shall be deemed to be in default and the Chairman shall certify the amount of the levy due from the licensee.

(5) Upon the production of a certificate issued by the Chairman under subsection (4), before the District Court within whose jurisdiction the business of the licensee referred to in the certificate is being carried on, the Court shall issue a writ of execution to issue to the Fiscal authorizing the Fiscal to seize and sell all or any of the property movable or immovable of such licensee, necessary for the recovery of the amount specified in the certificate and the provisions of section 226 to section 297 of the Civil Procedure Code shall, *mutatis mutandis*, apply to the execution of such seizure and sale.

(6) Where the Chairman issues a certificate under subsection (4), he or she shall notify in writing to the licensee specified in the certificate, that the amount specified in the certificate is payable by the licensee, but the non receipt of such notice shall not invalidate any proceedings instituted under this section.

(7) Nothing in this section shall affect or be deemed to affect the right of the Commission to recover in any other manner, the amount of any levy in default.

Moneys to be credited to the Fund of the Commission.

**47.** All monies collected on any payment made to the Commission by any licensee under this Act, shall be credited to the Fund of the Commission.

## CHAPTER VII

### OFFENCES AND REGULATIONS

General Penalty

**48.** (1) Every person who contravenes any provision of this Act or any regulation or rule made under this Act or any requirement imposed under any provision of this Act or any decision, direction, order or determination of the

Commission, shall be guilty of an offence under this Act and shall, except as otherwise expressly provided in this Act, be liable on conviction after summary trial before a Magistrate to a fine not less than one million rupees and in any case where such offence is continued after conviction, to a further fine not exceeding five hundred thousand rupees, for each day on which such offence is being continued to be committed after conviction.

(2) Upon conviction of any person for an offence under this Act, a Magistrate may, in addition to or in lieu of imposing any punishment prescribed for the offence, make an order directing that any installation or other apparatus involved in the commission of the offence, shall be dismantled and removed before a date specified in the order.

(3) An officer authorized in writing by the Commission may institute proceedings in a Magistrate's court for an offence under this Act, notwithstanding anything to the contrary in any other law.

(4) No prosecution for an offence under this Act shall be instituted except with the written sanction of the Commission.

**49** (1) Every person who takes, uses or extracts any electricity—

Extraction of electricity to be an offence.

(a) which is in the course of being transmitted or distributed by a transmission or distribution licensee; and

(b) otherwise than in pursuance of a contract made with a distribution licensee or other electricity undertaking,

shall be guilty of an offence under this Act and shall be liable on conviction after summary trial before a Magistrate, in addition to a penalty of not less than ten thousand rupees and not exceeding fifty thousand rupees, to a fine in a sum of

money being the value of the loss or damage caused to the licensee as a result of the act or default constituting such offence, and any sum recovered as such additional fine shall be paid to the licensee on application made to Court by such licensee.

(2) Any person who aids or abets in the commission of any offence punishable under this section, shall be guilty of an offence under this Act and shall be liable to the same punishment as is provided for the principal offence. Where two or more persons are convicted of having committed the same offence, whether as principal or abettor, the value of such loss or damage may be apportioned among such persons and the amount so apportioned, shall be imposed on each of such persons as a fine.

(3) A certificate issued by the licensee shall be received as proof of the value of such loss or damage in the absence of evidence to the contrary. In the absence of any agreement, a licensee may charge for the electricity supplied to any consumer in accordance with any method of charging provided for in the licence.

Improper use of electricity to be an offence.

**50.** (1) Without prejudice to the provisions of Schedule II to this Act, every person who—

- (a) not being an authorized officer of a licensee, connects or disconnects any electric line through which electricity is or may be supplied by the licensee to or from any meter, indicator or other apparatus; or
- (b) without the consent of a licensee, lays or causes to be laid any electric line or connects up any electric line, equipment, apparatus, or works, for the purpose of establishing a connection with any electric line, apparatus or works belonging to a licensee,

shall be guilty of an offence under this Act and shall be liable on conviction after summary trial before a Magistrate in addition to a penalty of not less than ten thousand rupees

and not exceeding fifty thousand rupees, to a fine in a sum of money being the value of the loss or damage caused to the licensee as a result of the act or default constituting such offence, and any sum recovered as such additional fine shall be paid to the licensee on application made to Court by such licensee.

(2) Any person who aids or abets the commission of any offence punishable under this section shall be guilty of an offence under this Act and shall be liable to the same punishment as is provided for the principal offence. Where two or more persons are convicted of having committed the same offence, whether as principal or abettor, the value of such loss or damage may be apportioned among such persons and the amount so apportioned, shall be imposed on each of such persons as a fine.

(3) A certificate issued by the licensee shall be received as proof of the value of such loss or damage in the absence of evidence to the contrary. In the absence of any agreement, a licensee may charge for energy supplied to any consumer in accordance with any method of charging provided for in the licence.

(4) In the case of such offence being continued after conviction, there shall be imposed a further fine not exceeding five hundred rupees for each day on which such offence is being continued to be committed after conviction.

(5) Notwithstanding anything to the contrary in the Code of Criminal Procedure Act, No.15 of 1979 , an offence under section 49 or this section shall be a cognizable offence and a non-bailable offence, within the meaning and for the purposes of that Act.

**51.** Where an offence under this Act is committed by a body of persons, then –

Offences by  
bodies of  
person.

(a) if that body of persons is a body corporate, every director and officer of that body corporate; or

- (b) if that body of persons is a firm, every partner of that firm,

shall be deemed to be guilty of that offence:

Provided however, that a director or officer of that body corporate or a partner of such firm shall not be deemed to be guilty of such offence, if he or she proves that such offence was committed without his or her knowledge or that he or she used all such diligence as was necessary, to prevent the commission of such offence.

Acquisition of property for Power Generation project.

**52.** (1) Where the President on a recommendation made by the Minister is of the opinion that any immovable property is required for a power generation project or a transmission project and that such project would serve for the general welfare and benefit of the public, the President may by Order published in the *Gazette*, declare that such immovable property is required for such purpose, and the property may accordingly be acquired under the Land Acquisition Act and be transferred to the person or persons proposing to carry out such project.

(2) The provisions of section 3 to section 8 (both inclusive) of the Urban Development Projects (Special Provisions) Act, No. 2 of 1980, shall *mutatis mutandis* apply to and in relation to an acquisition of property under subsection (1).

(3) Any sum payable for the acquisition of any immovable property under subsection (1), shall be paid by the person or persons to whom the property is transferred.

Rules.

**53.** (1) The Commission, may make rules in respect of all matters for which rules are required or authorized to be made under this Act.

(2) All rules made by the Commission shall be published in the *Gazette*, and shall come into force on the date of such publication or on such later date as may be specified therein.

**54.** (1) The Minister may on the recommendation of the Commission, make regulations under this Act in respect of all matters required by this Act to be prescribed or in respect of which regulations are required or authorized by this Act to be made. Regulations.

(2) Every regulation made under this section shall be published in the *Gazette*, and shall come into force on the date of such publication or on such later date as may be specified therein.

(3) Every regulation made under this section shall as soon as convenient after its publication in the *Gazette*, be brought before Parliament for approval. Any such regulation which is not so approved within thirty days of it being brought before Parliament, 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*.

**55.** (1) If any difficulty arises in giving effect to the provisions of this Act or the rules, regulations, or Orders made under this Act, the Minister may by Order published in the *Gazette*, make such provision not inconsistent with the provisions of this Act or any other law, as appears to him or her to be necessary or expedient for removing the difficulty. Removal of difficulties.

(2) Every Order made under this section shall, as soon as practicable after it is made, be laid before Parliament.

**56.** (1) Regulations may be made for the purpose of- Purposes for which Regulations are made.

(a) allowing and securing appropriate electricity trading arrangements between licensees;

(b) securing that supplies of electricity are regular and efficient;

- (c) protecting the public from dangers arising from the generation, transmission, distribution, supply or use of any electric line or electrical plant; and
  - (d) without prejudice to the generality of paragraph (c), eliminating or reducing the risk of personal injury or damage to property or interference with its use, arising any of the activities referred to in that paragraph.
- (2) Without prejudice to the generality of subsection (1), regulations may be made to:—
- (a) prohibit the supply, transmission or distribution of electricity, except by means of a system approved by the Commission;
  - (b) make provision requiring notice to be given to the Commission in such cases as may be specified in the regulations, of accidents and of failures in the supply, transmission or distribution of electricity;
  - (c) make provision as to the keeping by persons authorized by a licence or exempted from the requirement to obtain a licence, to supply, transmit or distribute electricity, of maps and plans and as to their production for inspection or copying;
  - (d) make provision for relieving persons authorized by a licence to supply electricity, from an obligation to supply in certain instances;
  - (e) make provision requiring compliance with notices given by the Commission specifying action to be taken in relation to any electric line or electrical plant or any electrical appliance under the control of a consumer, for the purpose of—
    - (i) preventing a breach of any regulation;

- (ii) eliminating or reducing a risk of personal injury or damage to property or interference with its use;
- (f) provide for particular requirements of the regulations to be deemed to have been complied with in the case of any electric line or electrical plant complying with specified standards or requirements; and
- (g) provide for the granting of exemptions from any requirement of the regulations for such periods as may be determined by or under the regulations.

## CHAPTER VIII

### GENERAL

**57.** The Minister shall in giving his concurrence as required under subsection (1) of section 13, subsection (1) of section 20, subsection (1) of section 22 and subsection (1) of section 38, of this Act, act in accordance with such criteria as shall be prescribed for each such purpose.

Minister to act in accordance with the criteria prescribed.

**58.** (1) The Commission shall maintain a register at its office in such form, as it may determine.

Register.

(2) The Commission shall cause to be entered in such register—

- (a) particulars relating to every licence issued and exemption granted under this Act;
- (b) particulars relating to the modification of the conditions of any such licence or the revocation of any such licence;
- (c) every decision of the Commission, including every order, direction or determination;
- (d) every enforcement order made under section 34; and



- (e) particulars relating to any other instrument or document to which the Commission's seal has been fixed.

(3) The contents of the register shall be made available for inspection by the public during such hours and subject to the payment of such fees, as may be prescribed by regulation.

Returns and information.

**59.** (1) The Commission may for the purposes of discharging and performing its functions and duties under this Act, by notice in writing require any person to furnish to the Commission or any person authorized by the Commission, and within such period as may be specified in the notice, all such returns and information as may be specified in such notice

(2) It shall be the duty of every person who is required to furnish any returns or information by a notice under subsection (1), to comply with the requirements of the notice within the period specified in the notice, except where he or she is prohibited from furnishing such returns or information by the provisions of any law.

(3) Every person who acts in contravention of the provisions of subsection (2) shall be guilty of an offence and be liable on conviction after summary trial before a Magistrate to a fine not exceeding one million rupees and to an additional fine of fifty thousand rupees for each day during which such offence is continued to be committed after such conviction.

(4) No information furnished in compliance with the requirements of a notice sent under this section shall be published or disclosed by the Commission to any other person, except with the consent of the person furnishing such information.

(5) The disclosure by the Commission of any information referred to in subsection (4) without the consent of the person furnishing such information-

- (a) to a court of law, when required to do so by such court ;

- (b) for the purposes of discharging any function assigned to it by this Act ; or
- (c) for the purposes of enabling compliance with a condition of a licence granted under this Act,

shall be deemed not to be a contravention of the provisions of subsection (3).

**60.** (1) The Consumer Affairs Authority established by the Consumer Affairs Authority Act, No. 9 of 2003, shall not exercise any powers, duties or functions, conferred on that Authority by that Act, in relation to the exercise, discharge or performance of the powers, duties and functions conferred on the Commission by this Act or the Public Utilities Commission of Sri Lanka Act, No. 35 of 2002.

Consumer Affairs Authority Act not to apply.

(2) The Commission shall, wherever the need to do so arises and in the absence of specific provisions in the Public Utilities Commission of Sri Lanka Act, No. 35 of 2002 relating to the protection of the rights of consumers, exercise, perform and discharge such of the powers, duties and functions conferred on the Consumer Affairs Authority established by the Consumer Affairs Authority Act, No. 9 of 2003 as are relevant thereto, and the provisions of that Act shall, *mutatis mutandis*, apply to and in regard to the exercise, performance and discharge of such powers, duties and functions by the Commission.

## CHAPTER IX

### INTERPRETATION

**61.** In this Act, unless the context otherwise requires— Interpretation.

“authorized” means authorized by a licence issued or an exemption granted under this Act;

“Authorized Area” in relation to a person authorized by a licence to transmit or to distribute and supply or distribute or supply electricity, means the area designated in the licence;

“bulk sales” in relation to the sale of electricity means the sale of electricity in bulk by the transmission licensee via its transmission system, to-

- (i) distribution licensees; and
- (ii) those consumers who are connected to the transmission licensee’s transmission system and identified in the transmission licence;

“Central Environmental Authority” means the Central Environmental Authority established by the National Environmental Act, No. 47 of 1980 ;

“connect ” in relation to any premises means connect to a distribution line of the distribution licensee and the expression “connection” shall be construed accordingly;

“consumer” means a consumer of electricity in Sri Lanka and includes a prospective consumer;

“contravention” in relation to any decision, direction, determination, licence condition, requirement, regulation, rule or order includes any failure to comply with it;

“disadvantaged group of consumers” means consumers belonging to any group of consumers whose individual house hold income is less than such amount as may be prescribed by regulation;

“distribute” in relation to electricity means distribute by means of a system which consists(wholly or mainly) of low voltage lines and electrical plant and is used for conveying electricity to any premises or to any other distribution system and the expressions “distribution” and ‘distribution system’ shall be construed accordingly;

“ distribution licensee” means a person who has been granted a distribution licence;

“distribution line” in relation to a distribution licensee, means any distribution line in the Authorized Area of the distribution licensee, which is being used for the purpose of giving a supply of electricity to any premises;

“dwelling” means a building or part of a building occupied or (if not occupied ) last occupied or intended to be occupied, as a private dwelling;

“electric line” means any line whether underground or over ground which is used for carrying electricity for any purpose and includes, unless the context otherwise requires—

- (a) any support for any such line, including but not limited to, any structure, pole or other thing in, on, by or from which any such line is or may be supported, carried or suspended;
- (b) any apparatus connected to any such line for the purpose of carrying electricity; and
- (c) any wire, cable, tube, pipe or other similar thing (including its casing, insulator or coating) which surrounds or supports or is surrounded or supported by or is installed in close proximity to or is supported, carried or suspended in association with, any such line;

“electrical plant” means any plant, equipment, apparatus or appliance used for or for purposes connected with, the generation, transmission, distribution or supply of electricity, other than—

- (a) an electric line;
- (b) a meter used for ascertaining the quantity of electricity supplied to any premises; or
- (c) an electrical appliance under the control of a consumer;

“electricity supply code” means the provisions of Schedule II to this Act ;

“electricity undertaking” means any person engaged in the generation, transmission, distribution or supply of electricity, including any person who is exempted from obtaining a licence under this Act;

“enforcement order” means an enforcement order made by the Commission under section 34 ;

“exemption” means an exemption granted under section 10;

“financial year” means the calendar year ;

“Fund” means the Fund of the Commission established under section 31 of the Public Utilities Commission of Sri Lanka Act, No.35 of 2002;

“generation licensee” means a person who has been granted a generation licence;

“generator” means a generation licensee or a person exempt from the requirement of obtaining a generation licence;

“high voltage lines” means an electric line of a nominal voltage of not more than 33 kilovolts or such other voltage as the Commission may direct in accordance with section 45 and the expression “low voltage line” shall be construed accordingly;

“licence” means a licence granted under section 11 and “licensee” or “licensees” shall be construed accordingly;

“life line tariff” means a concessionary electricity tariff made available to the section of the population who are unable financially to afford to pay for the basic electricity needs, at a rate representing the true cost of supply;

“line” means any wire, cable, pipe, conductor or other similar thing (including its casing or coating) which is designed or adapted for transporting electricity;

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

“modifications” includes additions, alterations and omissions;

“necessary wayleave” means consent for the licensee to install and keep installed the electric line on, under or over the land and to have access to the land for the purpose of inspecting, maintaining, adjusting, repairing, altering, replacing or removing the electric line;

“notice” means notice in writing;

“premises” includes any land, building or structure;

“prescribed” means prescribed by rules or regulations made under this Act;

“Provincial Council” means a Provincial Council established under Chapter XVII A of the Constitution;

“register” means the register maintained under section 58;

“regulations” means regulations made by the Minister under this Act;

“relevant condition” in relation to a licensee, means any condition of its licence or any duty imposed on it by or under this Act;

“relevant licensee” has the meaning as given in subsection (5) of section 30;

“relevant undertaker” has the meaning as given in paragraph 2 of Schedule I to this Act;

“rules” means rules made by the Commission under this Act;

“sell electricity in bulk” has the same meaning as “bulk sales”;

“supply” in relation to electricity, means supply of electricity to any premises (other than premises occupied by a licensee for the purpose of carrying on the activities which it is authorized by its licence to carry on) but shall exclude bulk sales of electricity;

“tariff customer” means a person who requires a supply of electricity from a distribution licensee in pursuance of section 25 and is supplied by the distribution licensee;

“transmission licensee” means a person who has been granted a transmission licence under this Act ; and

“transmit”, in relation to electricity, means the transportation of electricity by means of a system, which consists (wholly or mainly) of high voltage lines and electrical plant and is used for conveying electricity from a generating station to a sub-station, from one generating station to another or from one sub-station to another, and the expressions “transmission” and “transmission system” shall be construed accordingly.

Sinhala text to prevail in case of inconsistency.

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

CHAPTER X

REPEALS AND TRANSITIONAL PROVISIONS

**63.** (1) Electricity Reform Act, No 28 of 2002 is hereby repealed. Repeals and transitional provisions.

(2) The Electricity Act (Chapter 205) is hereby repealed.

(3) Notwithstanding the repeal of the Electricity Act (Chapter 205) -

(a) all licences issued under that Act and in force on the day preceding the date of this Act, shall, insofar as such licences authorize any one of the following activities, namely, the generation, transmission, distribution or supply, of electricity, continue to be valid and in force for a period of six months from the date of coming into force of this Act and shall be subject to the provisions of this Act.

(b) all regulations made under section 60 of that Act and in force on the day preceding the date of the Act, shall in so far as such regulations are not inconsistent with any provision of this Act continue in force after that date.

**64.** Notwithstanding the provisions of the Ceylon Electricity Board Act, No.17 of 1969, where there is a conflict between any regulation made under section 56 of that Act and any provisions of this Act or any regulations made thereunder, the provisions of this Act and the regulations made thereunder, shall prevail. Provisions of this Act and regulations to prevail over regulations made under section 56 of the Ceylon Electricity Board Act.

**65.** (1) Notwithstanding the provisions of this Act or any provision in the Ceylon Electricity Board Act, No 17 of 1969, the Ceylon Electricity Board shall, with effect from the date on which this Act comes into operation, be issued with appropriate provisional licenses by the Commission under this Act, so as to enable the Ceylon Electricity Board Ceylon Electricity Board to be issued with provisional licence and licences.



to carry on activities relating to the generation, transmission, and bulk procurement of electricity and for the distribution and supply of electricity. All provisional licenses issued under this section shall be valid for a period of six months from the date on which this Act comes into operation and shall be subject to such conditions as may be determined by the Commission.

(2) Not less than three months prior to the expiry of the period of six months referred to in subsection (1), the Ceylon Electricity Board to which such provisional licences were issued shall be required to make an application to the Commission under this Act for the issue of a licence under section 7 of this Act to generate, transmit and for bulk procurement of electricity or distribution and supply of electricity, as the case may be. The Board shall along with its application also submit a plan specifying the geographical areas on which it is operating its activities as on the date of the making of the application and an expansion plan indicating the geographical areas in which it proposes, during a period of fifteen years from such date, to expand its activities relating to the generation, transmission and for bulk procurement of electricity and distribution and supply of electricity prepared in accordance with the guidelines approved by the Cabinet of Ministers under section 5 of this Act.

(3) On receipt of the application and the required plans under subsection (2), the Commission shall, prior to the expiry of the six months period referred to in subsection (1) and notwithstanding anything to the contrary in any other provisions of this Act, issue the required licences to the Ceylon Electricity Board for a period of fifteen years. Every licence so issued shall be subject to the terms and conditions attached to such licence, and may be extended from time to time, for further periods of fifteen years each, on application being made for that purpose prior to the expiry of the period of validity of the licence issued, along with the required plans prepared in accordance with policy guidelines approved by the Cabinet of Ministers under section 5.

**66.** (1) The Ceylon Electricity Board Act, No. 17 of 1969 (in this section referred to as “the Act”), as last amended by Act, No. 32 of 1988, is hereby further amended as follows:—

Amendment to  
the  
Ceylon  
Electricity Board  
Act, No.17 of  
1969.

(a) in section 11 of that Act—

- (i) by the repeal of subsection (1) of that section and the substitution thereof of the following subsection:—

“(1) It shall be the duty of the Board to develop and maintain an efficient, co-ordinated and economical system of electricity supply in accordance with any appropriate licence issued by the Public Utilities Commission of Sri Lanka.”;

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

“(2A) Notwithstanding the provisions of subsection (2), in the performance of the duties specified therein, the Board shall not act in contravention of any condition of a licence issued to it by the Public Utilities Commission of Sri Lanka.”;

(b) in section 12 of that Act—

- (i) by the renumbering of that section as subsection (1) of that section;
- (ii) by the substitution in the renumbered subsection (1) of that section for the words “The Board may exercise”, of the words “Subject to the provisions of subsection (2), the Board may exercise”;

- (iii) by the addition, immediately after the renumbered subsection (1) of that section of the following new subsection:—

“(2) The powers referred to in paragraphs (a), (d), (h), (l) and (n) of subsection (1) shall be exercised by the Board, in accordance with the terms and conditions of any appropriate licenses issued to the Board by the Public Utilities Commission of Sri Lanka.”;

- (c) by the repeal of sections 14, 15 and 16 of that Act;  
(d) by the repeal of Part II and Part V of that Act; and  
(e) in section 66 of the Act—

- (1) by the insertion, immediately before the definition of the expression “Local Government Service”, of the following new definition:—

“ “licence” means a licence issued by the Public Utilities Commission of Sri Lanka Under the Sri Lanka Electricity Act, No. 20 of 2009”; and

- (2) by the insertion, immediately after the definition of the expression “public officer”, of the following new definition:—

“ “Public Utilities Commission of Sri Lanka” means the Public Utilities Commission of Sri Lanka established by section 2 of the Public Utilities Commission of Sri Lanka Act, No. 35 of 2002.”

(2) Notwithstanding the repeal of Part V of the Act, all tariffs fixed by the Ceylon Electricity Board under section 52 of that Act for the supply of electrical energy by such Board and in force on the day preceding the date on which this Act comes into operation, shall continue to be in force, until such tariffs are varied or replaced by or under any written law.

SCHEDULE I [Section 31]

OTHER POWERS OF LICENSEES

1. (1) Subject to the following provisions of this paragraph, licensee may, for any purpose connected with the carrying on of the activities which it is authorized by its licence to carry on, execute in its Authorized Area, any of the following works: -

- (a) installing under, over, in, on, along or across any street-
  - (i) any electric lines or electrical plant; and
  - (ii) any structures for housing or covering any such lines or plant,

and from time to time inspect, maintain, adjust, repair, alter, replace or remove any such plant or lines; and

- (b) any works requisite for or incidental to the purposes of any works referred to in sub paragraph (a), including for the following purposes:-
  - (i) opening or breaking up any street or any sewers, drains or tunnels within or under any street;
  - (ii) tunneling or boring under any street; and
  - (iii) removing or using all earth and materials in or under any street,

but nothing in this subparagraph shall empower a licensee to lay down or place any electric line or electrical plant into, through or against any building, or in any land not dedicated to the public use.

(2) The power conferred on a licensee under paragraph (1) to place on or over a street any structure for housing any line or plant shall be exercisable only with the consent of the local authority or other relevant authority;

(3) Except in cases of emergency arising from faults in any electric lines or electrical plant, a street which does not come within the authority of local authority or other relevant authority shall not be opened or broken up in the exercise of the powers conferred by paragraph (1) except with the consent of the Commission.

(4) Notwithstanding anything in paragraph (7), licensee may with the consent of the Commission construct lines, which are temporary, and not in compliance with the prescribed standards.

(5) The Commission shall not consider an application for its consent under paragraph (3) unless the licensee has served notice of the application on any person whose consent would otherwise be required.

(6) A licensee shall do as little damage as possible in the exercise of the powers conferred by paragraph (1) and shall make compensation for any damage done in the exercise of those powers.

(7) A licensee shall exercise the powers conferred by paragraph (1) in such manner as will secure that nothing which it installs or keeps installed under, over, in, on, along or across any street becomes a source of danger to the public and shall-

- (a) immediately cause the part broken up or opened to be fenced and guarded;
- (b) while such part remains broken up or open, cause a light sufficient for warning passers by, to be set up at sunset and maintained until sunrise against or near such part; and
- (c) with all reasonable speed fill in the ground and reinstate and make good the soil or pavement or the sewer, drain or tunnel broken up or opened, and shall keep it in good repair for three months and, where any subsidence occurs, for any further period, not exceeding six months, during which the subsidence continues.

(8) A licensee who fails to comply with the provisions of paragraph (7) shall be guilty of an offence under this Act and shall be liable on conviction after summary trial by a Magistrate, to a fine not less than five thousand rupees and not exceeding twenty five thousand rupees.

2. (1) A licensee may execute works in the exercise of the powers conferred by item 1, notwithstanding that they involve a temporary or permanent alteration of any of the following:-

- (a) any electric line or electrical plant under the control of another licensee;
- (b) any pipe, including any pipe used for the conveyance of gas, which (whether or not it is in a street) which is under the control of a gas undertaker, a water undertaker, a sewerage undertaker or a person supplying water in the exercise of statutory powers;
- (c) any telecommunication apparatus used for the purposes of a telecommunication system which is operated by a person licenced under the Sri Lanka Telecommunications Act 25 of 1991;

- (d) any telecommunication apparatus used for the purposes of a telegraphic system which is operated by the General Manager of the railway; or
- (e) any telecommunication apparatus used for the purposes of a cable television system to which the Sri Lanka Rupavahini Corporation Act, No. 6 of 1982 applies.

(2) Where a licensee is proposing to execute works in the exercise of the powers conferred by item 1 which involve or are likely to involve any such alteration as is referred to in subparagraphs (1)(a), (b), (c), (d) or (e) the succeeding provisions of this paragraph shall apply and a reference in those provisions to "relevant undertaker" shall be deemed to be a reference to an undertaker referred to in subparagraphs (1) (a), (b), (c), (d) or (e)

(3) A member of the public may request the relevant licensee to carry out alterations in respect of any electric line or electrical plant notwithstanding that such works may fall within sub paragraph (1)(a)

(4) Subject to the provisions of paragraph (5), a licensee shall, not less than one month prior to the commencement of the works, give the relevant undertaker a notice specifying the nature of the works proposed to be executed by the licensee, the alteration or likely alteration involved, and the time and place at which the execution of the works will be commenced.

(5) The provisions of paragraph (4) shall not apply in relation to any emergency works of which the licensee gives the relevant undertaker notice as soon as practicable after commencing the execution of the works.

(6) Where a notice has been given under paragraph (4) by the licensee to the relevant undertaker, the undertaker may, within the period of seven days of the date of the notice, give the licensee a counter notice which may state either-

- (a) that the undertaker intends himself or herself to make any alteration made necessary or expedient by the works proposed to be executed by the licensee; or
- (b) that he or she requires the licensee to make any such alteration under the supervision, and to the satisfaction of, the undertaker.

(7) Where a counter notice given under paragraph (6) states that the relevant undertaker intends himself or herself to make any alteration:

- (a) the undertaker shall have the right, instead of the licensee, to execute any works for the purpose of making that alteration; and

- (b) any reasonable expenses incurred by the undertaker in or in connection with the execution of those works and the amount of any loss or damage sustained by the undertaker in consequence of the alteration shall be recoverable by the undertaker from the licensee.

(8) Where a counter notice given under paragraph (6) states that any alteration is to be made under the supervision, and to the satisfaction of, the relevant undertaker-

- (a) the licensee shall not make the alteration except in compliance with the requirements of the counter notice; and
- (b) any reasonable expenses incurred by the undertaker in or in connection with the provision of that supervision and the amount of any loss or damage sustained by the undertaker in consequence of the alteration shall be recoverable by the undertaker from the licensee in any court of competent jurisdiction.

(9) Where-

- (a) no counter notice is given under paragraph (6); or
- (b) the relevant undertaker, having given a counter notice under that paragraph fails to make any alteration made necessary or expedient by the works proposed to be executed by the licensee, within any such period (being not less than forty eight hours) as the licensee may by notice specify or, as the case may be, unreasonably fails to provide the required supervision,

the licensee may execute works for the purpose of making the alteration or, as the case may be, may execute such works without the supervision of the undertaker; but in either case the licensee shall execute the works to the satisfaction of the undertaker.

(10) Licensee or any of his or her agents who-

- (a) executes any works without giving the notice required by paragraph (4); or
- (b) unreasonably fails to comply with any reasonable requirement given by a relevant undertaker under this paragraph,

shall be guilty of an offence under this Act and shall be liable on conviction after summary trial by a Magistrate, to a fine not less than five thousand rupees and not exceeding twenty five thousand rupees.

3. (1) This item applies where-

- (a) for any purpose connected with the carrying on of the activities which a licensee is authorized by its licence to carry on, it is necessary or expedient for a licensee to install and keep installed an electric line on, under or over any land; and
- (b) the owner or occupier of the land, having been given a notice by the licensee requiring him or her to give the necessary wayleave within a period (not being less than twenty one days) specified in the notice-
  - (i) has failed to give the wayleave before the end of that period; or
  - (ii) has given the wayleave subject to terms and conditions which are not acceptable to the licensee.

(2) This item also applies where-

- (a) for any purpose connected with the carrying on of the activities which the licensee is authorized by its licence to carry on, it is necessary or expedient for a licensee to keep an electric line installed on, under or over any land; and
- (b) the owner or occupier of the land has given notice to the licensee under paragraph 5(2) requiring it to remove the electric line.

(3) Where paragraphs (1) or (2) applies and the Commission is satisfied that -

- (a) the licensee has made all reasonable efforts to secure the grant of a wayleave;
- (b) those efforts have been unsuccessful; and
- (c) the acquisition of that wayleave is necessary for the carrying on of the activities authorized by the licence of the licensee,

the Commission, shall, within six weeks of an application made by the licensee, recommend to the Minister, the acquisition of the wayleave. Where the Minister approves the proposed acquisition, by Order published in the *Gazette*, the wayleave shall be deemed to be required for a public purpose and maybe acquired under the Land Acquisition Act, and transferred to the licensee.



(4) The Commission shall not recommend the acquisition of a wayleave under paragraph (3) in any case where-

- (a) the land is covered by an authorized dwelling, or planning permission has been granted under the relevant laws for the construction of a dwelling on that land; and
- (b) the line is to be installed on or over that land.

(5) Before making a recommendation under paragraph (3), the Commission shall give-

- (a) the occupier of the land; and
- (b) where the occupier is not also the owner of the land, the owner,

an opportunity of being heard by a person appointed by the Commission.

(6) Where a wayleave is acquired under the Land Acquisition Act, and transferred to a licensee, the wayleave -

- (a) shall not be subject to the provisions of any enactment requiring the registration of interests in or, charges over, or other obligations affecting, land; but
- (b) shall bind any person who is at any time the owner or occupier of the land.

4. (1) Where a wayleave is granted to a licensee under item 3-

- (a) the occupier of the land; or
- (b) where the occupier is not also the owner of the land the owner of the land,

may recover from the licensee reasonable compensation in respect of the grant as may be determined by the commission.

(2) Where in the exercise of any right conferred by such a wayleave any damage is caused to land or to movables, any person interested in the land or the movables may recover from the licensee reasonable compensation in respect of that damage; and where in consequence of the exercise of such a right a person is disturbed in his or her enjoyment of any land or movables he or she may recover from the licensee compensation in respect of that disturbance of such amount as may be determined by the Commission.

(3) The Commission may on its own motion or on the application of a person affected, conduct such inquiries as may be necessary to determine whether a licensee is liable to pay any person any compensation under paragraph (1) and (2).

(4) The Commission shall communicate any decision under paragraph (3) to the licensee and to any person who has applied for, or was awarded, compensation.

(5) A person who is aggrieved by the decision of the Commission that no compensation is payable under paragraph (1) or (2) who is dissatisfied with the amount of compensation determined to be payable by the Commission, may institute, in a court of competent jurisdiction, an action against the licensee from whom the compensation is claimed for the recovery of the compensation claimed by that person or the difference between the amount of the compensation claimed by that person and the amount of the compensation determined to be payable to that person by the Commission.

(6) An action by any person under paragraph (5) shall be instituted within two months of the date on which-

- (a) that person receives a communication sent by the Commission under paragraph (4);
- (b) the amount of compensation determined by the Commission is paid to that person under paragraph (7); or
- (c) the notice of the payment of that amount into the court is given, or is exhibited for the first time under paragraph (7).

(7) A licensee who is liable to pay to the owner of that land an amount of compensation under paragraph (1) or (2) shall pay that amount to that person within such period as may be determined by the Commission. Where that owner is unknown or where the ownership of that land is subject to dispute, the licensee shall-

- (a) pay that amount into the district court having jurisdiction over the place where that land is situated, within such period as may be determined by the Commission to be drawn from that court by that person upon proof of title; and
- (b) give the occupier of that land written notice of the payment of that amount into the court, within such period as is determined by the Commission or, if there is no occupier, exhibit that notice in some conspicuous position on that land.

5. (1) This paragraph applies where at any time such a wayleave as is mentioned in item 3 (whether granted under that item or by agreement between the parties)-

- (a) is determined by the expiration of a period specified in the wayleave;

- (b) is terminated by the owner or occupier of the land in accordance with a term contained in the wayleave; or
- (c) by reason of a change in the ownership or occupation of the land after the granting of the wayleave, ceases to be binding on the owner or occupier of the land.

(2) The owner or occupier of the land may in a case falling within paragraph (1)-

- (a) at any time after or within three months before the end of the period specified in the wayleave;
- (b) at any time after the wayleave has been terminated by him or her; or
- (c) at any time after becoming the owner or occupier of the land by virtue of such a change in the ownership or occupation of the land as is referred to in that paragraph,

give to the licensee a notice requiring the licensee to remove the electric line from the land; but the licensee shall not be obliged to comply with such a notice except in the circumstances and to the extent provided by the following provisions of this paragraph.

(3) Where within the period of three months beginning from the date of the notice under paragraph (2) the licensee-

- (a) fails to make an application for the grant of the necessary wayleave under item 3;
- (b) makes an application for the grant of the necessary wayleave under item 3 and that application is refused by the Commission;
- (c) fails to obtain an order authorizing the compulsory purchase of the land under item 7 of this Schedule,

the licensee shall comply with the notice at the end of that period, or in the case of subparagraph (b), at the end of the period of one month beginning from the date of the Commission's decision or such longer period as the Commission may specify.

(4) In this schedule "wayleave" in relation to a land means such interest in the land as consists of a right of a licensee, to install and keep installed, an electric line on, under, or over, that land and to have access to that land for the purpose of inspecting, maintaining, adjusting, repairing, altering, removing or replacing such electric line.

6. (1) This item applies where any tree is or will be in such close proximity to an electric line or electrical plant which has been installed or is being or is to be installed by a licensee as-

- (a) to obstruct or interfere with the installation, maintenance or working of the line or plant; or
- (b) to constitute an unacceptable source of danger (whether to children or to other persons),

and in this item the "land" means the land on which the tree is growing.

(2) The licensee may give notice to the occupier of the land requiring him or her to fell or lop the tree or cut back its roots so as to prevent it from having the effect mentioned in subparagraph (1)(a) or (b), subject to the payment to him or her by the licensee of the expenses reasonably incurred by him or her in complying with the requirements of the notice.

(3) Where the occupier is not also the owner of the land, a copy of any notice under paragraph (2) shall also be served on the owner.

(4) If within twenty one days from the giving of a notice under paragraph (2)-

- (a) the requirements of the notice are not complied with; and
- (b) neither the owner nor occupier of the land gives a counter notice under paragraph (5),

the licensee may cause the tree to be felled or lopped or its roots to be cut back so as to prevent it from having the effect mentioned in subparagraph (1)(a) or (b).

(5) If, within twenty one days from the giving of a notice under paragraph (2), the owner or occupier of the land gives a counter notice to the licensee objecting to the requirements of the notice, the matter shall, be referred to the Commission.

(6) On a reference to it under paragraph (5), the Commission may after giving the parties an opportunity of being heard by a person appointed by it, may make such order as it thinks just, in the circumstances and any such order-

- (a) may allow the licensee (after giving such notice to any person by whom a counter notice was given of the commencement of the work as the order may direct) to

cause the tree to be felled or lopped or its roots to be cut back so as to prevent it from having the effect mentioned in subparagraph (1)(a) or (b); and

- (b) may determine any question as to what expenses (if any) are to be paid to the licensee by the owner or occupier.

(7) Where the licensee acts in pursuance of paragraph (4) or an order made under paragraph (6), the licensee shall-

- (a) cause the tree to be felled or lopped or their roots to be cut back in accordance with good arboricultural practice and so as to do as little damage as possible to trees, fences, hedges and growing crops;
- (b) cause the felled trees, lopped boughs or root cuttings to be removed in accordance with the directions of the owner or occupier; and
- (c) make good any damage done to the land.

(8) In this item, “tree” includes any shrub, and references to “felling” and “lopping” shall be construed accordingly.

7. (1) Where the Commission is satisfied that any immovable property is required for the purposes of carrying on the activities which a licensee is authorized to carry on by its licence, or for the purposes of discharging any function assigned to such licensee by this Act and that-

- (a) the licensee has made all reasonable efforts to negotiate the acquisition of such property with the owner of the property; and
- (b) those efforts have been unsuccessful,

the Commission may recommend to the Minister that the immovable property be acquired under the Land Acquisition Act and transferred to the licensee.

(2) Where the Minister, by Order published in the *Gazette*, approves the proposed acquisition of the immovable property specified in the recommendation of the Commission made under paragraph (1), such immovable property shall be deemed to be required for a public purpose and may accordingly be acquired under the Land Acquisition Act and transferred to the licensee.

(3) Any sum payable for the acquisition of any immovable property under the Land Acquisition Act, for a licensee shall be payable by that licensee.

(4) The Commission shall not recommend the acquisition of any immovable property under paragraph (1) if such immovable property is being used by another licensee, to whom it belongs for the purpose of an installation necessary for carrying on of the activities which the licensee is authorized by its licence to carry on or is proposed to be used, within a period of five years, by such other licensee for the purposes of such an installation.

SCHEDULE II [Section 31]

ELECTRICITY SUPPLY CODE

1. (1) Subject to paragraph (2), a distribution licensee may recover from a tariff customer any charges due to the licensee in respect of the supply of electricity, or in respect of the provision of any electricity meter, electric line or electrical plant.

(2) If a tariff customer quits any premises at which electricity has been supplied to him or her by a distribution licensee, without giving at least two working days' prior notice to the licensee, he or she shall be liable to pay the licensee, in respect of the supply of electricity to the premises, all accrued charges due up to the earlier of-

- (a) the second working day after he or she gives such notice to the licensee provided that reasonable access to the premises has been granted;
- (b) the next day on which the register of any meter is ascertained; and
- (c) the day from which any subsequent occupier of the premises requires the supplier to supply electricity to the premises.

(3) The provisions of paragraph (2) or a statement setting out those provisions shall be endorsed upon every demand note for electricity charges payable to a distribution licensee by a tariff customer.

(4) If a tariff customer quits any premises at which electricity has been supplied to him or her by a distribution licensee, without paying all charges due from him or her in respect of that supply, or the provision of any electricity meter, electric line or electrical plant for the purposes of the supply, the licensee-

- (a) may refuse to furnish him or her with a supply of electricity at any other premises until he or she pays the charges due; but

(b) shall not be entitled to require payment of that charge from the next occupier of the premises.

(5) If a tariff customer-

(a) has not, within the requisite period, paid all charges due to a distribution licensee in respect of the supply of electricity to any premises, or the provision of any electricity meter, electric line or electrical plant for the purposes of that supply; or

(b) has failed to comply with a notice from the licensee requiring him or her to cease using any appliance which unduly or improperly interferes with the supply of electricity by the licensee to any other consumer,

the distribution licensee may, at the end of the requisite period cut off the supply to the premises, or to any other premises occupied by the customer, by such means as the licensee thinks fit and recover any expenses incurred in so doing from the customer.

(6) In paragraph (5) the "requisite period" means-

(a) in the case of premises which are used wholly or mainly for domestic purposes, a period of not less than ten days after either the making by the distribution licensee of a demand in writing for the payment of the charges due or a notice by the distribution licensee requiring the tariff customer to cease to use the appliances which interfere with electricity supplied to another customer; and

(b) in the case of any other premises, a period of ten days after the making of such a demand.

(7) A distribution licensee shall not exercise the powers conferred on the licensee by paragraph (5), if there is a genuine dispute regarding the amount of the charges due.

(8) In this item a reference to the provision of any electric line or item of electrical plant shall include a reference to the provision of such a line or item by the installation of a new one or by the modification of an existing one.

2. (1) Where a distribution licensee has cut off the supply of electricity to any premises in consequence of any default by a tariff customer, the licensee shall be under an obligation to resume the supply of electricity within two working days of the requirements of paragraph (2) being fulfilled.

(2) The requirements of this paragraph are that the customer in default-

- (a) has made good the default;
- (b) has paid the reasonable expenses of disconnecting and reconnecting the supply; and
- (c) has given such security as is mentioned in section 26 of this Act.

(3) The obligation imposed by paragraph (1) on a distribution licensee shall be a duty owed by the licensee to any person who may be affected by a failure to comply with the obligation.

(4) Where a duty is owed by a licensee to any person by virtue of paragraph (3), any breach of that duty which causes any loss or damage to that person shall be actionable at the suit or instance of that person.

(5) In any proceedings brought against a distribution licensee in pursuance of paragraph (4), it shall be a defence for the distribution licensee to prove that the licensee took all reasonable steps and exercised all due diligence to avoid failing to comply with the obligation imposed on the licensee by paragraph (1).

(6) Without prejudice to any right which any person may have by virtue of paragraph (4) to bring civil proceedings against a distribution licensee in respect of any failure to comply with the obligation imposed on the licensee by paragraph (1), compliance with that obligation may be enforced by the Commission against the licensee by the institution of appropriate proceedings in a court of civil jurisdiction.

3. (1) Where a supply of electricity to any premises has been cut off by a distribution licensee no person other than such licensee shall restore such supply.

(2) If any person acts in contravention of paragraph (1), he or she shall be guilty of an offence under this Act and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding twenty five thousand rupees and the distribution licensee may cut off the supply

4. (1) If any person intentionally or negligently damages or causes to be damaged –

- (a) any electrical plant or electric line belonging to or operated by-
  - (i) a distribution licensee;



- (ii) a generation licensee; or
- (iii) a transmission licensee; or
- (b) any part of any domestic electricity supply equipment belonging to or operated by a distribution licensee that is situated on his or her property,

he or she shall be guilty of an offence under this Act and shall be liable on conviction after summary trial by a Magistrate to a fine not less than five thousand rupees and not exceeding fifty thousand rupees.

(2) In this item, “domestic electricity supply equipment” includes all line and plant up to, and including, the meter situated in a consumer’s property.

(3) Where an offence has been committed under subparagraph (1)(a), in respect of the electrical line or electrical plant of a distribution licensee, the distribution licensee may discontinue the supply of electricity to the person so offending until the matter has been remedied.

(4) Where an offence has been committed under subparagraph (1)(b), in respect of any domestic electricity supply equipment, the distribution licensee-

- (a) may discontinue the supply of electricity to the person so offending until the matter has been remedied; and
- (b) may remove the meter in respect of which the offence was committed.

(5) Where a distribution licensee removes a meter in the exercise of powers under paragraph (4), the licensee shall keep it safely until the Commission authorizes the licensee to destroy it or otherwise dispose of it.

5.(1) Subject to the provisions of item 8, any officer authorized by a distribution licensee may enter any premises to which a supply of electricity is being given by the distribution licensee through the electric lines and electrical plant belonging to, or operated by, the distribution licensee for any of the following purposes, namely-

- (a) inspecting any electric line or electrical plant belonging to or operated by the distribution licensee;
- (b) ascertaining the register of any electricity meter and, in the case of a prepayment meter, removing any money or tokens belonging to or operated by the distribution licensee;
- (c) removing, inspecting or reinstalling any electricity meter or installing any substitute meter or associated equipment.

(2) The powers conferred by subparagraph (1)(a) and (b) shall not be exercised in respect of a premises if-

- (a) the consumer has applied in writing to the distribution licensee for the licensee to cease to supply electricity to the premises; and
- (b) the licensee has failed to do so within a reasonable time.

6. (1) Where a distribution licensee is authorized by paragraph 4(3) or 4 (4) of this Schedule-

- (a) to discontinue the supply of electricity to any premises; or
- (b) to remove the electricity meter in respect of which the offence under that paragraph was committed,

any officer authorized by the distribution licensee may, subject to item 8, enter the premises for the purpose of disconnecting the supply or removing the meter or any associated electrical plant used for, or for purposes connected with, the distribution or supply of electricity.

(2) Where-

- (a) a distribution licensee is authorized by any other provision of this Act or of regulations made under it to cut off or discontinue the supply of electricity to any premises;
- (b) a person occupying any premises supplied with electricity by a distribution licensee ceases to require such a supply;
- (c) a person entering into occupation of any premises previously supplied with electricity by a distribution licensee does not require such a supply; or
- (d) a person entering into occupation of any premises previously supplied with electricity through a meter belonging to or operated by a distribution licensee does not hire or borrow that meter,

any officer authorized by the distribution licensee may, subject to item 8, enter the premises for the purpose of disconnecting the supply or removing any electrical plant, electrical line or electricity meter.

7. (1) Any officer authorized by a distribution licensee, a generation licensee or a transmission licensee, as the case may be, may, subject to item 8, enter any premises for the purpose of-

- (a) placing a new electric line or new electrical plant in place of, or in addition to , any existing line or plant which has already been lawfully placed; or

(b) repairing or altering any such existing line or plant.

(2) In the case of emergency arising from faults in any electric line or electrical plant, entry may be made under paragraph (1) without the notice required to be given by item 8, but the notice shall then be given as early as possible.

**8.** (1) An electrical inspector or a licensee (or officer of a licensee) authorized to enter upon any land or premises under this Act shall not demand to do so as of right unless-

- (a) three days notice of the intended entry has been given by the electrical inspector or the licensee or officer of the licensee stating as fully and accurately as possible the nature and extent of the acts intended to be done;
- (b) if required to do so, he or she has produced evidence of his or her authority;
- (c) reasonable compensation is paid to the owner of the land or premises for any disturbance, disability or damage that may be caused pursuant to the entry.

(2) Any notice referred to in subparagraph 1(a) shall-

- (a) where the land is occupied, be given to the occupier;
- (b) where the land is not occupied, be given to the owner if his or her name and address are known or can with reasonable diligence be ascertained;
- (c) where the land is not occupied and the name and address of the owner cannot with reasonable diligence be ascertained, be exhibited in some conspicuous position on the land; and
- (d) where the land is used or reserved for any public purpose, be given to the officer or other person in charge of the execution of that purpose.

(3) The electrical inspector or the licensee or person authorized by the licensee in writing in that behalf shall be entitled to enter the land, for the purpose of giving a notice referred to in subparagraph 1(a).

(4) Where any person exercises any powers conferred by this item, the licensee by whom he or she was authorized in writing shall make good any damage done to the land as a result of such entry.

(5) Where in the exercise of any power conferred by or under this Act any damage is caused to any land or to any moveable property, any person interested in the land or moveable property may recover

compensation in respect of that damage from the licensee on whose behalf the power is exercised; and where in consequence of the exercise of such a power a person is disturbed in his or her enjoyment of any land or moveable property he or she may recover from that licensee reasonable compensation in respect of that disturbance as determined by the Commission.

9.(1) If, in an attempt to exercise any of the powers of entry conferred by this Schedule, the distribution licensee has made all reasonable efforts, otherwise than by the use of force, to obtain entry to the premises; and those efforts have been unsuccessful, it may apply, *ex parte*, to the Magistrate's Court having jurisdiction over the place where the premises are situated for an order authorizing the licensee or an officer authorized by the licensee to enter the premises by force.

(2) An order granted under paragraph (1) shall specify the action, which may be taken by the licensee, or an officer authorized by the licensee to effect the entry by force and may stipulate the conditions to be observed by the licensee or such officer after such entry.

(3) The licensee or an officer authorized by the licensee shall incur no liability to any person in respect of the entry by force to the premises provided that he or she -

- (a) takes no action to effect entry other than such action as is specified in the order;
- (b) observes any condition stipulated by the order; and
- (c) does as little damage as is reasonably practicable in taking the specified action and in observing any stipulated condition.

(4) No appeal shall lie from a decision of the Magistrate's Court-

- (a) to grant or not to grant an order under paragraph (1); or
- (b) regarding the terms of, or the conditions stipulated in, any such order.

(5) Any costs incurred by the licensee in obtaining and executing an order under paragraph (1) shall be recoverable as a civil debt from the owner or the occupier of the premises to which the order relates.

10. (1) Where in pursuance of any powers of entry conferred by this Schedule, entry is made on any premises by an officer authorized by a distribution licensee-

- (a) the officer shall ensure that the premises are left no less secure by reason of the entry; and

- (b) the distribution licensee shall make good, or pay compensation for, any damage caused by the officer, or by any person accompanying him or her in entering the premises, or in taking any action authorized by this Schedule, or in making the premises secure.

(2) Any officer exercising powers of entry conferred by this Schedule may be accompanied by such persons as may be necessary or expedient for the purpose for which the entry is made or for the purposes of paragraph (1).

(3) If any person intentionally resists or obstructs any officer exercising powers of entry conferred by this Schedule, he or she shall be guilty of an offence under this Act and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding ten thousand rupees.

**11.** Any electrical plant, electric line or electricity meter owned by or let for hire or lent to a consumer by a distribution licensee and marked or impressed with a sufficient mark or brand indicating the distribution licensee as the owner-

- (a) shall be deemed not to be landlord's fixtures, notwithstanding that they may be fixed or fastened to any part of the premises in which they may be situated; and
- (b) shall not be subject to distress or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession they may be.

SCHEDULE III [Section 31]

USE OF ELECTRICITY METERS

**1.** (1) Where a consumer of electricity supplied by a distribution licensee is to be charged for the supply wholly or partly by reference to the quantity of electricity supplied, then, unless otherwise agreed between the consumer and the distribution licensee, the supply shall be given through, and the quantity of electricity shall be ascertained by, an appropriate meter or meters, as the case may be.

(2) The meter shall be provided-

- (a) by the distribution licensee; or
- (b) if agreed by the parties in the case of a meter used or intended to be used in connection with an exempt supply, by the consumer.

(3) The meter shall be installed on the consumer's premises in a position determined by the distribution licensee, unless in all the circumstances it is more reasonable to place it outside those premises or in some other position for the purpose this Act, the supply of energy by a licensee to a consumer shall be deemed to commence, unless otherwise agreed between them, at the out going terminals of the meter or metering equipment used to measure the supply to the consumer.

(4) The distribution licensee may require the replacement of any meter provided and installed in accordance with paragraphs (2) and (3) where the replacement -

- (a) is necessary to secure compliance with the provisions of this Schedule or any regulations made under the Act ; or
- (b) is otherwise reasonable in all the circumstances,

and any meter so replaced shall be provided and installed in accordance with those paragraphs.

(5) If the consumer refuses or fails to take his or her supply of electricity through an appropriate meter provided and installed in accordance with paragraphs (2) and (3), the supplier may refuse to give, or may discontinue, the supply.

(6) For the purposes of this paragraph, a meter is an appropriate meter for use in connection with any particular supply of electricity if it is of a pattern or construction, which, having regard to the terms on which the supply is to be charged for is suitable for such use.

(7) Pending the determination under section 36 of any dispute arising under this item, the Commission may give directions as to the provision or installation of a meter and directions under this item may apply either in the case of meters of particular descriptions or in particular cases.

(8) In this Schedule "exempt supply" means a supply of electricity to any premises where-

- (a) the premises are not premises used wholly or mainly for domestic purposes; or
- (b) the supplier or the consumer is a person authorized by an exemption to supply electricity to those premises.

2. (1) No meter shall be used for ascertaining the quantity of electricity supplied by a distribution licensee to a consumer unless the meter-

- (a) is of an approved pattern or construction and is installed in an approved manner; and

- (b) subject to the provisions of paragraph (2), is certified under item 4,

and in this Schedule “approved” means approved by the Commission in accordance with regulation made under this Act.

(2) The provisions of subparagraph (1)(b) shall not apply to a meter used in connection with an exempt supply if the distribution licensee and the consumer have agreed in writing to dispense with the requirements of that paragraph.

(3) Regulations may provide-

- (a) for determining fees to be paid for approvals given by or under the regulations;
- (b) for revoking an approval so given to any particular pattern or construction of meter and requiring meters of that pattern or construction which have been installed to be replaced with meters of another approved pattern or construction within a prescribed period;
- (c) for revoking an approval so given to any particular manner of installation in that manner to be installed in another approved manner within such period as is specified in the regulation,

and may make different provision for meters of different descriptions or for meters used or intended to be used for different purposes.

**3.** (1) Where a distribution licensee supplies electricity through a meter which is used for ascertaining the quantity of electricity supplied and-

- (a) the meter is not of an approved pattern or construction or is not installed in an approved manner; or
- (b) except in the case of a meter referred to in subparagraph 2 (b) of item 1, is not certified under item 4,

the distribution licensee shall be guilty of an offence under this Act and shall be liable on conviction after summary trial before a Magistrate, to a fine not less than five thousand rupees and not exceeding twenty five thousand rupees.

(2) Where any person is guilty of an offence under this item due to the act or default of some other person, that other person shall also be guilty of the offence; and that other person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

(3) In any proceedings in respect of an offence under this item it shall be a defence for the person charged to prove that he or she took all reasonable steps and exercised all due diligence to avoid committing the offence.

(4) No proceedings shall be instituted in respect of an offence under this item except by or on behalf of the Commission.

4. (1) The Commission may appoint any person to examine test and certify meters.

(2) No meter shall be certified in accordance with paragraph (1) unless-

- (a) the meter is of an approved pattern or construction; and
- (b) the meter conforms to such standards (including standards framed by reference to margins of error) as may be prescribed by regulation,

and references in this Schedule to "prescribed margins of error" shall be construed accordingly.

(3) Regulations may be made providing different provisions for meters of different descriptions or for meters used, or intended to be used, for different purposes and may include provision-

- (a) for the termination of certification in the case of meters which no longer conform to the prescribed standards;
- (b) for determining the fees to be paid for examining, testing and certifying meters, and the persons by whom they are payable; and
- (c) as to the procedure to be followed in examining, testing and certifying meters.

5. (1) Where a consumer of electricity supplied by a distribution licensee is to be charged for his or her supply wholly or partly by reference to the quantity of electricity supplied, the distribution licensee may, in the normal course of business, estimate the amount of electricity consumed by the consumer and recover charges accordingly, so long as the estimated consumption is confirmed by a meter reading within a reasonable period of time.

(2) In the event of-

- (a) a meter ( by which the quantity of electricity supplied to any consumer is ascertained) being proved to register consumption incorrectly;



- (b) the malfunction of any meter; or
- (c) any person altering the register of any meter used for measuring the quantity of electricity supplied to any premises,

the distribution licensee shall be entitled to estimate consumption and recover charges accordingly.

(3) Where the consumption of electricity has been estimated by a distribution licensee in accordance with paragraph (1) or (2), the consumer shall pay for any electricity consumed in accordance with the estimate prepared by the distribution licensee or otherwise determined in accordance with the provisions relating to dispute resolution.

6.(1) This item applies to meters used for ascertaining the quantity of electricity supplied to any premises.

(2) The register of a meter to which this item applies shall be admissible in any proceedings in court as evidence of the quantity of electricity supplied through it.

(3) Where electricity has been supplied for any period through such a meter which is of an approved pattern or construction and is installed in an approved manner, the register of the meter shall be presumed to have been registering during that period-

- (a) within the prescribed margins of error; and
- (b) in the case of a meter used in connection with an exempt supply, within any agreed margins of error.

(4) Where a meter to which this item applies is presumed to be registering for any period-

- (a) within the prescribed margin of error; and
- (b) in the case of a meter used in connection with an exempt supply, within any agreed margins of error,

the burden shall be on the consumer to prove that the meter was incorrectly registering the quantity of electricity supplied through it during that period.

7. (1) A consumer of electricity supplied by a distribution licensee shall at all times, at his or her own expense, keep any meter belonging to him or her in proper order for correctly registering the quantity of electricity supplied to him or her; and in default of his or her doing so, the supplier may discontinue the supply of electricity through that meter.

(2) A distribution licensee shall at all times, at its own expense, keep any meter let for hire or lent by it to any consumer in proper order for correctly registering the quantity of electricity supplied and, in the case of pre-payment meters, for operating properly on receipt of the necessary payment.

(3) A distribution licensee shall have power to remove, inspect and re-install any meter by which the quantity of electricity supplied by the licensee to a consumer is registered, and shall, while any such meter is removed, fix a substitute meter on the premises; and the cost of removing, inspecting and re-installing the meter and of fixing a substitute meter shall be met by the distribution licensee.

(4) The provisions of paragraphs (2) and (3) shall be without prejudice to any remedy the distribution licensee may have against a consumer for failure to take proper care of the meter.

**8.** (1) If any person intentionally or negligently-

- (a) alters the register of any meter used for measuring the quantity of electricity supplied to any premises by a distribution licensee; or
- (b) prevents any such meter from duly registering the quantity of electricity supplied through that meter,

he or she shall be guilty of an offence under this Act and shall be liable on conviction after summary trial by a Magistrate to a fine not less than five thousand rupees and not exceeding twenty five thousand rupees.

(2) Where any person is prosecuted for an offence under paragraph (1), proof -

- (a) that the meter was in his or her custody or under his or her control; and
- (b) of possession by him or her of artificial means for causing an alteration of the register of the meter or, as the case may be, for the prevention of the meter from duly registering,

shall be sufficient evidence that the alteration or prevention was intentionally caused by him or her.

(3) Where a consumer is convicted of an offence under paragraph (1), the distribution licensee may discontinue the supply of electricity to the premises of the consumer and remove the meter in respect of which the offence was committed.

(4) Where a distribution licensee removes a meter under paragraph (3), the licensee shall keep it in safe custody until the Commission authorizes the licensee to destroy or otherwise dispose of it.

9. (1) A consumer of electricity supplied by a distribution licensee who takes his or her supply through a pre-payment meter shall be under a duty to take all reasonable precautions for the safekeeping of any money or tokens which are inserted into that meter.

(2) Except with the permission of the consumer, a pre-payment meter shall not be used to recover any sum owing to a distribution licensee by a consumer otherwise than in respect of the supply of electricity, the provision of an electric line or electrical plant or the provision of the meter.

SCHEDULE IV [Section 31]

PRESERVATION

1. A person authorized by a licence, or exempted from the requirement to obtain a licence, to transmit, generate, distribute or supply electricity-

- (a) shall, in generating, transmitting, distributing or supplying electricity, have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and
- (b) shall do what the person reasonably can to mitigate any effect which such generation, transmission, distribution or supply would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

2. Without prejudice to the provisions of paragraph (1), a person authorized by a licence, or exempted from the requirement to obtain a licence, to transmit, generate, distribute or supply electricity and the Commission shall, in generating, transmitting, distributing or supplying electricity, or as the case may be, in the discharge of the Commission's functions, avoid, so far as reasonably practicable, causing injury to fisheries or to the stock of fish in any waters.

3. (1) A generation license shall, in circumstances specified by the Commission, be entitled to construct, subject to conditions prescribed by the commission in consultation with the relevant water authority, water ways and pipelines and to use water for its licensed activities and the relevant water authority shall not unreasonably deny such right.

(2) For the purpose of this item the "relevant water authority means such authority" as the commission shall prescribe

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

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**JAGADDALA SOCIAL WELFARE  
INSTITUTE (INCORPORATION)  
ACT, No. 21 OF 2009**

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[Certified on 08th April, 2009]

*Printed on the Order of Government*

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*Jagaddala Social Welfare Institute  
(Incorporation) Act, No. 21 of 2009*

[Certified on 08th April, 2009]

L. D. — O. (Inc.) 18/2005

AN ACT TO INCORPORATE THE JAGADDALA SOCIAL WELFARE INSTITUTE

WHEREAS an Institute called and known as the “Jagaddala Social Welfare Institute” has heretofore been formed at Sri Punyawardanaramaya, Kindelpitiya, Bandaragama for the purpose of effectually carrying out and transacting all objects and matters connected with the said Institute according to the rules agreed 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 Jagaddala Social Welfare Institute (Incorporation) Act, No. 21 of 2009.

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 “Jagaddala Social Welfare Institute” (hereinafter referred to as the “Institute”) or shall hereafter be admitted as members of the Corporation hereby constituted, shall be body corporate (hereinafter referred to as the “Corporation”), with perpetual succession, under the name and style of the “Jagaddala Social Welfare Institute” 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 Jagaddala Social welfare Institute.

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

General objects of the Corporation.

- (a) to establish and maintain homes for the orphaned abandoned and destitute children with the approval of the Probation and Child Care Services Department;

2                    *Jagaddala Social Welfare Institute  
(Incorporation) Act, No. 21 of 2009*

- (b) to ensure the provision and maintenance of comfortable living standards for the children in the homes ;
- (c) to provide facilities needed for the continuous educational development and development of creative abilities of the children in the homes;
- (d) to provide vocational career guidance and vocational training facilities to the children in the homes;
- (e) to monitor and assist where necessary in the future well being of the children who have left the homes after being resident there.

General Powers  
of the  
Corporation.

**4.** 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.

Management of  
the affairs of the  
Corporation.

**5.** (1) The management 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 Committee of Management (hereinafter referred to as “the Committee”) consisting of the President, Vice president, the Chief Secretary, the Deputy Secretary, Assistant Secretary, the Treasurer and not less than eleven other members who are elected in accordance with the rules of the Corporation.

(2) Notwithstanding anything to the contrary in subsection (1) Venerable Kindelpitiya Ariya Maithree Thero the Chief Incumbent of the Kindelpitiya

Sri Punyawardanaramaya shall be the first President of the Corporation and every successive chief incumbent shall be the *ex-officio* President.

(3) The first Committee of Management of the Corporation shall consist the members of the Committee of Management of the Institute holding office on the day immediately 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 other written law, on all or any of the following matters :—

Rules of the Corporation.

- (a) the classification of membership and the admission, withdrawal or expulsion of members ;
- (b) the election of office bearers, and tenure of office the resignation from or removal from office of office bearers and their powers, conduct and duties ;
- (c) the election of the members of the Committee, conduct and duties and the tenure of office of members of the Committee and its powers;
- (d) the powers, conduct, duties and functions and tenure of office of the officers, agents and servants of the Corporation;
- (e) the procedure to be observed at the summoning and holding of meetings of the Committee, the times, place, notices and agenda of such meeting, the quorum of the meetings 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; and



4 *Jagaddala Social Welfare Institute  
(Incorporation) Act, No. 21 of 2009*

(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).

(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 monies 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 Committee.

(2) The Corporation may establish a depreciation fund or a sinking fund for the purpose of rehabilitation, development of the property of the Corporation.

(3) 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 functions under this Act.

Debts due by and payable to the Institute.

**8.** 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, hereby formed and all debts due to, subscriptions and contributions payable to, the Institute on that day shall be paid to the Corporation for the purposes of this Act.

Corporation may hold property movable or immovable.

**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, 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.

**10.** 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 or an officer authorized in that behalf 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 witness.

How the seal of the Corporation is to be affixed.

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

Audit and Accounts.

(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 members 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.

**12.** 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.

**13.** 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.

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

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**FAUNA AND FLORA PROTECTION  
(AMENDMENT) ACT, No. 22 OF 2009**

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**[Certified on 20th April, 2009]**

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*Fauna and Flora Protection (Amendment)  
Act, No.22 of 2009*

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L.D.—O. 6/2003.

AN ACT TO AMEND THE FAUNA AND FLORA  
PROTECTION 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 Fauna and Flora Protection (Amendment) Act, No. 22 of 2009. Short title.

**2.** The Long Title to the Fauna and Flora Protection Ordinance (Chapter 469) (hereinafter referred to as the “principal enactment”) is hereby repealed and the following long title is substituted therefor :— Amendment of the Long Title of Chapter 469.

“AN ORDINANCE TO PROVIDE FOR THE PROTECTION AND CONSERVATION OF THE FAUNA AND FLORA OF SRI LANKA AND THEIR HABITATS ; FOR THE PREVENTION OF COMMERCIAL AND OTHER MISUSE OF SUCH FAUNA AND FLORA AND THEIR HABITATS, FOR THE CONSERVATION OF THE BIODIVERSITY OF SRI LANKA ; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.”

**3.** Section 2 of the principal enactment is hereby amended as follows :— Amendment of section 2 of the principal enactment.

(1) in subsection (1) of that section by the repeal of paragraph (e) and the substitution therefor of the following :—

“(e) Marine National Park.”

(2) in subsection (2) of that section, by the substitution for the words “shall be a sanctuary” of the words “shall be a Sanctuary or a Managed Elephant Reserve”.

2 *Fauna and Flora Protection (Amendment)*  
*Act, No.22 of 2009*

- (3) by the insertion immediately after subsection (2) of that subsection of the following subsection:—

“(2A) An Order made under subsection (1) and subsection (2) of this section, shall have no effect unless it has been approved by Parliament and the notification of such approval is published in the *Gazette*.”.

- (4) in subsection (3) of that section, by the substitution for the words “sanctuary” of the words “Sanctuary or a Managed Elephant Reserve”.

- (5) in subsection (4) of that section —

(a) by the re-numbering of subsection (4) as subsection (4) (a) ;

(b) by the re-numbering of paragraphs (a) to (d) of subsection (4) as paragraphs (i) to (iv) ;

(c) by the repeal of the re-numbered paragraph (i), and substitution therefor of the following paragraph :—

“(i) the limits of any National Reserve or Sanctuary may be altered or varied ;”

(d) by the addition immediately after the re-numbered paragraphs, of the following :—

“(b) an Order made by the Minister under this subsection shall have no effect unless it has been approved by Parliament and the notification of such approval is published in the *Gazette*.”

- (6) by the repeal of subsection (5) of that section and the substitution therefor of the following:—

“(5) In the case of any change of boundaries or the disestablishment of a National Reserve or Sanctuary or Managed Elephant Reserve, a study shall be conducted and such study shall include an investigation of the ecological consequences of the proposed change.

(6) the Minister may make regulations relating to any Managed Elephant Reserve or any Sanctuary.”.

4. Section 2A of the principal enactment is hereby repealed and the following is substituted therefor :—

“Management Plans for National Reserves and Sanctuaries.

2A. (1) A Management Plan may be prepared by a Management Planning Committee appointed by the Director-General for every National Reserve, based on such guidelines as may be prescribed.

(2) The Minister may by Order specify any Nation Reserve, Sanctuary or any Managed Elephant Reserve for which a Management Plan is required, taking into consideration the prevailing circumstances.

(3) The Secretary to the Ministry of the Minister shall endorse the Management Plan as being prepared in accordance with the provisions of the Ordinance.

(4) (a) A Management Plan may be amended or altered subject to the approval of the Director-General.

(b) The implementation of all Management Plans shall be monitored according to an approved plan, made by the Director-General and be subject to an evaluation within five years of the date of adoption of such Management Plan.

Repeal and replacement of section 2A of the principal enactment.

4 *Fauna and Flora Protection (Amendment)*  
*Act, No.22 of 2009*

(c) Where a new Management Plan has to be prepared, it shall be prepared in accordance with the provisions of this section and be endorsed prior to the lapsing of the five years mentioned in paragraph (b).

Assessment of Impacts of activities within National Reserves and Sanctuaries. 2B. (1) The Director-General may, prior to carrying out and giving effect to any activity under a Management Plan, require an assessment of the impact of such activity on the fauna and flora and their habitat to be made.

(2) The report on the assessment of the impacts of such activity shall included, but shall not be limited to —

- (a) a statement of the existing or anticipated impact upon the fauna and flora, including an account of the species and habitats affected and extent to which they are or may be threatened ;
- (b) a statement of the existing or anticipated social and economic impact of such activity ;
- (c) a statement of where rare, endangered or endemic species are or may be affected ;
- (d) a list of alternative actions, including inaction which might be taken to remove or lessen any adverse impact ; and
- (e) any recommendation for subsequent action.

(3) The Minister may from time to time issue guidelines for the purposes of the implementation section.



Services and facilities within National Reserves or Sanctuaries. 2c. (1) The Director-General may provide visitor services and facilities in National Reserves and Sanctuaries. The Director-General shall however ensure that the provision of such services and facilities do not damage the ecosystem concerned. Such services and facilities shall be provided according to the Management Plan, where applicable.

(2) The Director-General shall administer, control and manage the facilities and services which are to be provided within any National Reserve or Sanctuary.

Nature Trails. 2D. (1) The Director-General may provide for roads and tracks within a National Reserve or a Sanctuary on State land to be nature trails for the use of any person who desires to travel on foot or otherwise as permitted, to study or observe the fauna and flora therein :

Provided that the State shall not be liable for any injury or damage sustained or incurred by any person using such trail.

(2) No person shall use any such nature trail unless he has obtained a permit issued by the Director-General upon the payment of the prescribed fee.

(3) Regulations may be made specifying the manner in which any person may use such nature trail.

(4) The Director-General, giving effect to the provisions of this section, shall consider the advice and recommendations of the Advisory Committee established under this Ordinance.”.

6 *Fauna and Flora Protection (Amendment)*  
*Act, No.22 of 2009*

Amendment of  
Section 3 of the  
principal  
enactment.

5. Section 3 of the principal enactment is hereby amended as follows :—

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

- (a) in paragraph (b), by the insertion of the words “or any Marine National Park” immediately after the words “National Park”;
- (b) in paragraph (c) by that section, by the insertion of the words “Marine National Park” immediately after the words “Strict Natural Reserve”;
- (c) by the repeal of subsection (3) of that section and the substitution therefor of the following new subsection :—

“(3) (a) Nothing in the preceding provisions of this section shall be deemed or construed to prohibit or restrict the exercise by any person of any right acquired by him, whether by law or custom or usage, or traditional practice, in or over any land situated within the limits of any National Park, Nature Reserve, Marine National Park, Jungle Corridor, or in or over any State land in any Sanctuary, being a right which was so acquired by such person prior to the date of the establishment of such National Park, Nature Reserve, Marine National Park, Jungle Corridor or Sanctuary.

(b) For the purpose of this subsection, the Minister shall prescribe the customs, usages and traditional practices which may be exercised in or over any land situated within the limits of any National Park, Nature Reserve, Marine National Park, Jungle Corridor or in or over any state land in any sanctuary.”.

*Fauna and Flora Protection (Amendment) Act, No.22 of 2009* 7

**6.** Section 3A of the principal enactment is hereby amended as follows :—

Amendment of Section 3A of the principal enactment.

(1) by the renumbering of that section as subsection (1) of that section ;

(2) by the insertion immediately after the renumbered subsection (1) of the following :—

“(2) No person shall commence or cause to be commenced any expansion to any tourist hotels situated within a one mile radius of the outer boundary of a National Reserve.

(3) The owner or occupier of any building or any other similar construction situated within one mile radius outside the boundary of any National Reserve shall when required to do so by any authorized officer, submit for the inspection of such officer, the plans of such building, or such construction and the plans of the land on which such building or construction stands.

(4) Any person who fails to comply with the provisions of this section shall be guilty of an offence.

For the purpose of this section, “relevant authority” means the Director-General of Wildlife Conservation or any wildlife officer duly authorized by the Director-General in that behalf.”.

**7.** Section 5 of the principal enactment is hereby amended by the addition immediately after subsection (3) of that section of the following subsections :—

Amendment of Section 5 of the principal enactment.

“(4) Any person who enters and remains within any National Park with out obtaining a permit issued under subsection (1) or contravenes any condition in the permit, shall be guilty of an offence under this Act.

8 *Fauna and Flora Protection (Amendment)  
Act, No.22 of 2009*

(5) Any person who having been issued a permit under subsection (1), uses such permit for any purpose other than the purpose for which it has been issued, shall be guilty of an offence under this Act.

(6) Any person who on detection by a wildlife officer not below the rank of a Wildlife Ranger, admits liability for any of the offences under subsection (4) or subsection (5) may make a payment of such sum as may be prescribed in respect of the offence for which he has admitted liability in place of being prosecuted for the commission of such offence. The payment made shall be credited to the Wildlife Preservation Fund.”.

Insertion of new section 5B in the principal enactment.

**8.** The following new section is hereby inserted immediately after section 5A of the principal enactment and shall have effect as section 5B of that enactment :—

“Causing nuisance or disturbance within a National Reserve &c.

5B. Where it appears to the prescribed officer that the person who has been granted permission to enter or remain in a National Park, Nature Reserve or Marine National Park or any Sanctuary which is on State land is a potential threat or a nuisance or is found to be causing a nuisance or disturbance therein, such person may be refused entry or ordered to leave or be removed from such National Park, Nature Reserve, Marine National Park, or Sanctuary forthwith.”.

Amendment of Section 6 of the principal enactment.

**9.** Section 6 of the principal enactment is hereby amended as follows :—

- (1) in subsection (1) of that section, by the substitution for all the words commencing from “No person shall” and ending with “Buffer Zone” of the words “No person shall, in a National Reserve-”;

(2) in paragraph (k) of that subsection by the substitution for the words “tourist hotel.” of the words “tourist hotel ; or” ;

(3) by the addition at the end of paragraph (k) of that section of the following paragraphs :—

“(l) construct or use any canal except under the authority of a permit issued for the purpose by a prescribed officer ; or

(m) introduce any poison, waste material, garbage or any other material which is likely to pollute the water on any land, or in stream, river or water course flowing through any National Reserve ; or

(n) carry on any activity which may pollute waters or cause an adverse impact on the existence of the fauna and flora therein or the ecosystem thereof ; or

(o) dive or use a boat except under the authority of a permit issued by the prescribed officer on payment of the prescribed fee.”.

(4) by the repeal of subsection (2) of that section and the subsection therefor of the following:—

“(2) (a) Unless authorized by the Director-General or a prescribed officer, no person shall introduce any animal or plant into any National Reserve or Sanctuary which is on State Land or tether, liberate or release any animal therein ;

(b) Any Wildlife Officer authorized in that behalf may dispose of such animal or plant in a suitable manner as he deems fit.”;

10 *Fauna and Flora Protection (Amendment)*  
*Act, No.22 of 2009*

- (5) by the repeal of subsection (3) of that section and the substitution therefor of the following new subsection:—

“(3) No person shall lead or allow any domestic animal to stray in any National Reserve.”.

- (6) by the repeal of subsection (4) of that section and the substitution therefor of the following :—

“(4) Any person who acts in contravention of the provisions of subsection (1) of this section shall be guilty of an offence and shall on conviction be liable to a fine not less than twenty thousand rupees and not more than one hundred thousand rupees or to imprisonment of either description for a term not less than two years and not more than five years or to both such fine and imprisonment, and for any subsequent conviction for the same offence shall be liable to a fine not less than forty thousand rupees and not more than two hundred thousand rupees or to an imprisonment of either description for a term not less than five years and not more than ten years, or to both such fine and imprisonment.”.

Amendment of  
Section 6A of the  
principal  
enactment.

**10.** Section 6A of the principal enactment is hereby amended as follows :—

- (1) in subsection (1) of that section:—
- (a) by the renumbering of that subsection as (1) (a) of that section;
- (b) in the renumbered subsection, by the substitution for the words “within a National Reserve” of the words “within a National Reserve other than a Strict Natural Reserve”;

- (c) by the addition immediately after paragraph (a), of the following:—

“(b) in the case of a permit issued in respect of fishing, the prescribed officer may, taking into consideration any adverse impact on the fauna and flora and their habitats caused by such fishing, limit the number of permits so issued.”;

- (2) in subsection (2) of that section—

- (a) by the renumbering of subsection (2) as subsection (2) (a) ;
- (b) in the renumbered subsection (2) (a) by the substitution for the words “from any National Reserve” of the words “from any National Reserve (other than a strict Natural Reserve)”;
- (c) by the addition immediately after the renumbered subsection (2) (a) of the following new paragraph (b) and (c):—

“(b) The Director-General may issue a permit to remove any object of archaeological, pre-historical, historical or other scientific interest only upon the production of a Certificate from the Competent Authority certifying that such object is of archaeological, per-historical, historical or other scientific interest and may be removed by the person named in the Certificate.

(c) For the purpose of this section the Competent Authority shall be—

- (i) the Director-General of the Department of Archaeology ; or

12 *Fauna and Flora Protection (Amendment)*  
*Act, No.22 of 2009*

(ii) the Director of National Museums.”.

Amendment of  
Section 7 of the  
principal  
enactment.

**11.** Section 7 of the principal enactment is hereby amended as follows :—

(1) in paragraph (c) of subsection (1) of that section by the repeal of sub-paragraphs (vi) and (vii) thereof, and the substitution therefor of the following sub-paragraphs:—

“(vi) erect or cause to so be erected any building whether permanent or temporary or occupy any building so erected unless such person is the holder of a permit issued in that behalf by the prescribed officer ; or

(vii) construct or cause to be constructed or use any road or path so constructed by him ; or

(viii) dispose or cause the dispose of any garbage therein ;or

(ix) engage in the filling of or cause the filling of any land ; or

(x) discharge or cause the discharge of waste.”; and

(2) by the addition immediately after subsection (1) of that section, of the following new subsection:—

“(2) The Minister may for the purpose of this section, make regulations restricting the carrying out of any specified activity or activities in any Sanctuary or in any prescribed Sanctuary where he deems such restriction is necessary or essential taking into consideration the prevailing circumstances.”.



**12.** Section 8A of the principal enactment is hereby repealed. Repeal of section 8A of the principal enactment.

**13.** Section 9 of the principal enactment is hereby amended as follows :— Amendment of section 9 of the principal enactment.

(1) in paragraph (d) of that section by the substitution for the words “provisions of Part II or Part III” of the words “provisions of Part II, Part III or Part IV”.

(2) by the insertion, immediately after paragraph (f) of that section, of the following paragraph:—

“(g) declaring that all or any of the provisions of this Part shall apply to any specified plant species in any specified area.”.

**14.** Section 9A of the principal enactment is hereby repealed and the following section is substituted therefor:— Replacement of section 9A of the principal enactment.

“Restriction on development activity within one mile of a National Reserve.      9A. (1) Subject to the provisions of section 3A, no person or organization, whether private or State shall within a distance of one mile of the boundary of any National Reserve declared by Order made under section 2, carry out any development activity of any description whatsoever without obtaining the prior written approval of the Director-General.

(2) Upon receipt of an application for a permit to carry out a development activity or trade or business within the area specified in subsection (1), the Director-General may require the applicant to furnish an Initial Environmental Examination Report or an Environmental Impact Assessment Report, as the case may be, relating to such development activity or trade or business. It

shall be the duty of the applicant to comply with such requirement. Every Initial Environmental Examination Report or an Environmental Impact Assessment Report shall contain such particulars as may be prescribed.

(3) The Director-General shall, on receipt of an Environmental Impact Assessment Report or an Initial Environmental Examination Report, as the case may be, furnished to him by an applicant in compliance with any requirement imposed on such applicant under subsection (2)—

- (a) submit a copy of such assessment or examination, as the case may be, to the Committee appointed by the Director-General in that behalf, for its comments, if any ; and
- (b) by notice published in the *Gazette*, notify the place and time at which such assessment or examination, as the case may be, will be available for inspection by the public and invite the public to make comments, if any, thereon.

(4) The Committee shall within sixty days of an Environmental Impact Assessment or an Initial Environmental Examination, as the case may be, being submitted to it under subsection (3), make its comments, if any, thereon, to the Director-General.

(5) Any member of the public may within thirty days from the date on which a notice under subsection (3) relating to such assessment or examination, as the case may be, is published in the *Gazette* make his comments, if any, thereon, to the Director-General.

(6) In deciding whether to issue a permit under subsection (2) authorizing a person to carry out a development activity or trade or business within the area specified in subsection (1), the Director-General shall have regard to any comments made under subsections (4) and (5) on the environment impact assessment or examination, as the case may be, if any, relating to such activity, trade or business.

(7) the Director-General shall, within sixty days of the receipt by him of any comments made under subsections (4) and (5), make the decision referred to in subsection (6).”.

**15.** Section 10 of the principal enactment is hereby amended as follows:—

Amendment of section 10 of the principal enactment.

- (1) in paragraph (c) of that section, by the substitution for the words “any provision of Part II or Part III” of the words “any provision of Part II, Part III or Part IV”.
- (2) in paragraph (d) of that section, by the substitution for the words “not less than ten thousand rupees and not more than twenty thousand rupees” of the words “not less than fifteen thousand rupees and not more than fifty thousand rupees.”.

**16.** Part II of the principal enactment is hereby amended by the omission of the word “buffalo” wherever it appears in that Part.

General amendment to Part II of the principal enactment.

**17.** Section 12 of the principal enactment is hereby repealed and the substitution therefor of the following :—

Replacement of section 12 of the principal enactment.

“Protection of elephants in areas outside National Reserves and Sanctuaries. “12. Save as is hereinafter provided, no person shall in any area outside a National Reserve or Sanctuary hunt, shoot, kill, injure or take any elephant,”.

**18.** Section 14 of the principal enactment is hereby repealed.

Repeal of section 14 of the principal enactment.

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Replacement of section 17 of the principal enactment.

**19.** Section 17 of the principal enactment is hereby repealed and the following new section is substituted therefor:—

“Property in elephant, killed or taken under Part II.

17. (1) Any elephant killed or taken by any person in the exercise of any right conferred by or under section 13 shall be the property of that person unless otherwise provided for in the licence.

(2) Where the elephant killed or taken under section 13 is not the property of any person, the Director-General shall dispose of such elephant in such manner as is appropriate in the circumstances.”.

Amendment of section 19 of the principal enactment.

**20.** Section 19 of the principal enactment is hereby amended by the repeal of subsection (1) of that section.

Amendment of section 20 of the principal enactment.

**21.** Section 20 of the principal enactment is hereby amended as follows:—

(1) by the renumbering of that section as subsection (1) of that section.

(2) in the renumbered subsection (1)—

(a) by the substitution in paragraph (a) thereof, for the words “pursues any elephant; or” of the words “pursues any elephant or uses any electric wire to kill, injure or take any elephant or uses any device of any description to harm any elephant; or”;

(b) by the substitution in paragraph (b) thereof, for the words “shall on conviction be liable to a fine not less than one hundred thousand rupees and not more than two hundred and

fifty thousand rupees” of the words “shall on conviction be liable to a fine not less than one hundred and fifty thousand rupees and not more than five hundred thousand rupees.”;

- (3) by the addition immediately after the renumbered subsection (1) of the following new subsection:—

“(2) any offence committed under the Act involving an elephant shall be a non-bailable offence and the provisions of the Bail Act, No. 30 of 1997 and the Code of Criminal Procedure Act, No. 15 of 1979 shall apply in respect of such offence.”.

- 22.** Section 22 of the principal enactment is hereby repealed.

Repealing of section 22 of the principal enactment.

- 23.** Section 22A of the principal enactment is hereby amended as follows:—

Amendment of section 22A of the principal enactment.

- (1) by the renumbering of subsection (9) of that section as subsection (13) thereof;
- (2) by the insertion immediately after subsection (8) of that section of the following new subsections:—

“(9) In the event of a pregnancy of a registered she elephant, the owner or the person having the custody of such she elephant shall inform the Director-General of such pregnancy together with details of the sire.

(10) It shall be the duty of the owner or the person having custody of a registered she elephant to inform the Director-General or any authorized officer of the fact of any birth, miscarriage or still birth of elephants within seven days of the date of the occurrence of any of the said events.

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(11) Where any registered elephant dies, the owner or the person having custody of such elephant shall report such death to the Director-General, before the remains are destroyed.

(12) Any elephant which has not been registered under this section shall be presumed to be taken or removed from the wild without lawful authority or approval and such elephants shall be deemed to be public property. The provisions of the Offences Against Public Property Act, No. 12 of 1982 shall accordingly apply in respect of such elephants.”.

Amendment of section 23 of the principal enactment.

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

- (1) in paragraph (c) of subsection (2) of that section by the substitution for the words “successor in title.” of the words “successor in title; or”.
- (2) by the insertion immediately after paragraph (c) of the following new paragraph:—

“(d) he has registered and licensed the elephant in terms of section 22a of the Ordinance.”.

Amendment of section 24 of the principal enactment.

**25.** Section 24 of the principal enactment is hereby amended as follows:—

- (1) in subsection (1) of that section by the substitution for the words “tusk or tush” where ever they appear of the words “tusk or tush or any part of a tusk or tush”.
- (2) in subsection (3) of that section, by the substitution for the words “a tusk or tush” of the words “a tusk or tush or any part of a tusk or tush”.
- (3) by the insertion immediately after subsection (4) of that section of the following subsection:—

“(4A) (a) A tusk or tush or any part of a tusk or tush which is not registered under the Act, shall be

presumed to have been taken from the wild without lawful authority. Such tusk or tush or part of a tusk or tush shall be presumed to be public property. The provisions of the Offences Against Public Property Act, No. 12 of 1982 shall accordingly apply in respect of such tusk or tush or part of such tusk or tush, as the case may be.

(b) Where a tusk or tush or part of a tusk or tush is deemed to be public property, it shall be handed over to the custody of the Director-General of Wildlife Conservation.

(c) The Minister may by Order published in the *Gazette*, specify the date from which the provisions of this subsection shall come into operation.”.

**26.** Section 28 of the principal enactment is hereby amended as follows:—

Amendment of section 28 of the principal enactment.

- (1) by the omission therefrom of the definition of the expression “buffalo”.
- (2) by the repeal of the definition of the expression “elephant” and the substitution therefor of the following:—

“elephant” means a wild elephant and includes a tusker and for the purposes of section 22A, includes a tame or domestic elephant or tusker;”

- (3) by the repeal of the definition of the expression “tusk” and the substitution therefor of the following:—

““tusk” means the tusk of a tusker;”

Amendment of  
section 30 of the  
principal  
enactment.

**27.** Section 30 of the principal enactment is hereby amended as follows:—

(1) by the renumbering of that section as subsection (1) of section 30.

(2) in the renumbered subsection (1) by the repeal of paragraph (d) of that section and the substitution therefor of the following paragraph:—

“(d) has in his possession or under his control any such mammal or reptile killed, dead or taken or any article made out of any part of such mammal or reptile killed, dead or taken or the meat or flesh of any such mammal or reptile killed, dead or taken or the meat or flesh of any such mammal or reptile killed, dead or taken or the eggs of any such reptile; or”.

(3) in paragraph (e) thereof, by the substitution for the words “reptile killed or taken” of the words “reptile killed, dead or taken”.

(4) by the repeal of paragraph (f) thereof and the substitution therefor of the following paragraph:—

“(f) exposes for sale, any such mammal or reptile or any part of such mammal or reptile, or the eggs of any such reptile; or”.

(5) by the addition of the following new paragraph immediately after paragraph (g) of that section:—

“(h) transports any protected mammal or reptile not included in Schedule I or any part of such mammal or reptile including the nest or eggs of any such reptile.”.



- (6) by the substitution for the words “not less than ten thousand rupees and not exceeding thirty thousand rupees”, of the words, “not less than twenty thousand rupees and not exceeding fifty thousand rupees”; and
- (7) by the insertion immediately after the renumbered subsection (1) of that section, of the following new subsections:—

“(2) Any person who commits any act prohibited under this section, against any mammal or reptile specified in Schedule II of this Ordinance, shall be guilty of an offence and shall on conviction be liable to a fine not less than thirty thousand rupees and not more than one hundred thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years or to both such fine and imprisonment.

(3) The Minister may by regulation add to, rescind, vary, or amend the matters specified in Schedule II.”.

**28.** Section 31 of the principal enactment is hereby amended as follows:—

Amendment of section 31 of the principal enactment.

- (1) by the renumbering of that section as subsection (1) thereof.
- (2) in the renumbered subsection (1), by the substitution in paragraph (*d*) thereof for the words “any bird killed or taken” wherever those words appear in that paragraph, of the words “any bird killed, dead or taken”;
- (3) in paragraph (*e*) thereof by the substitution for the words “of any bird,” of the words “of any bird or the eggs of any bird;”.

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- (4) by the insertion immediately after paragraph (e), of the following paragraph:—

“(f) transports any bird, any part of a bird or eggs of any bird;”;

- (5) by the substitution for all the words commencing from “shall be guilty of an offence” to “fine and imprisonment”, appearing immediately after paragraph (f), of the following words:—

“shall be guilty of an offence and shall on conviction be liable to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees, or to imprisonment of either description for a term not less than two years and not exceeding five years or to both such fine and imprisonment.”.

- (6) by the insertion immediately after the renumbered subsection (1) of that section, of the following new subsections:—

“(2) Any person who commits an act prohibited under this section against any bird specified in Schedule IV of this Ordinance, shall be guilty of an offence and shall on conviction be liable to a fine not less than twenty thousand rupees and not more than forty thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years or to both such fine and imprisonment.

(3) The Minister may by regulation add to, rescind, vary, or amend the matters specified in Schedule IV.”.

Amendment of section 31A of the principal enactment.

**29.** Section 31A of the principal enactment is hereby amended as follows:—

- (1) in paragraph (a) of that section, by the substitution for the words and figures “included in Schedules V

and VI respectively; or” of the words and figures “not included in Schedule V but included in Schedule VI; or”;

- (2) in paragraph (d) of that section by the substitution for the words “fish, killed or taken” of the words “fish killed, dead or taken”;
- (3) in paragraph (e) of that section, by the substitution for the words “any such amphibian or fish” of the words “any part or any part of the life cycle of of any such amphibian or any part or eggs fish”;
- (4) in paragraph (f) of that section by the substitution for the words “any other purpose,” of the words “any other purpose; or”;
- (5) by the insertion immediately after paragraph (f) of the following paragraph:—

“(g) transports any such amphibian or fish or any part of such amphibian or fish or the eggs of any amphibian or fish.”.

**30.** Section 31B of the principal enactment is hereby amended as follows:—

Amendment of section 31B of the principal enactment.

- (1) by the repeal of paragraph (d) of that section and the substitution therefor of the following paragraph:—

“(d) has in his possession or under his control, any such invertebrate killed, dead or taken or any part or the eggs, spawn or larva of such invertebrate;”;
- (2) in paragraph (f) of that section by the substitution for the words “any other purpose.” of the words “any other purpose; or”;

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- (3) by the insertion immediately after paragraph (f), of the following:—

“(g) transport any such invertebrate or any part of such invertebrate or the eggs, spawn, larva, or nest of any such invertebrate”;

- (4) by the substitution for all the words commencing from “shall be guilty” to the end of that section of the following:—

“shall be guilty of an offence and shall on conviction be liable to a fine not less than twenty five thousand rupees and not exceeding one hundred thousand rupees or imprisonment of either description for a term not less than two years and not more than five years or to both such fine and imprisonment.”.

Amendment of section 34 of the principal enactment.

**31.** Section 34 of the principal enactment is hereby amended by the substitution for the words and figures “Schedule I, II, III and IV” of the words and figures “Schedule I, III, V, VI and VII”.

Amendment of section 35 of the principal enactment.

**32.** Section 35 of the principal enactment is hereby amended by the repeal of subsection (2) of that section and the substitution therefor of the following subsection:—

“(2) For the purposes of subsection (1), the expression, “Competent Authority” means—

- (a) the Director of National Museums;
- (b) the Director of National Zoological Gardens;  
and
- (c) an officer of the Department of Wildlife Conservation who has a period of service of not less than ten years in that Department.”.

**33.** Section 39 of the principal enactment is hereby amended by the substitution for the words “liable to a fine not less than five thousand rupees and not more than ten thousand rupees” of the words “liable to a fine not less than fifty thousand rupees and not more than one hundred thousand rupees”.

Amendment of section 39 of the principal enactment.

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

Amendment of section 41 of the principal enactment.

- (1) by the substitution for the words “who exports” of the words “who exports or re-exports”.
- (2) by the substitution for the words “any part of any mammal” of the words “any part, any secretion or body fluid of any mammal”.
- (3) in the marginal note of that section, by the substitution for the word “export” of the words “export or re-export”.

**35.** Section 42 of the principal enactment is hereby amended as follows:—

Amendment of section 42 of the principal enactment.

- (1) by the renumbering of that section as subsection (1) thereof;
- (2) by the insertion immediately after the renumbered subsection (1), of the following new subsection:—

“(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and on conviction be liable to a fine not less than ten thousand rupees and not more than twenty thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years or to both such fine and imprisonment.”.

Amendment of section 45 of the principal enactment.

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

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

“(c) prescribing the procedure for the inspection, prior to the export of any specified plant referred to in this section and prescribing the officer who shall be empowered to carry out such inspection;

(d) prescribing the procedure for sealing of any specified plant after it has been inspected and prescribing the officer who shall be empowered to carry out such sealing;

(e) prescribing the documents to be furnished by the exporter of any such specified plant and the proof of the manner by which or the circumstances under which such exporter obtained possession of such plant;

(f) prohibiting or regulating the importation into Sri Lanka of any specified plant or part thereof;”.

(2) by the renumbering of paragraph (d) of that section as paragraph (g) thereof.

Amendment of section 46 of the principal enactment.

**37.** Section 46 of the principal enactment is hereby amended as follows:—

(1) by the repeal of paragraph (a) thereof;

(2) by the renumbering of paragraphs (b) and (c) as paragraphs (a) and (b) respectively;

(3) by the substitution for the words “be liable to a fine not less than three thousand rupees and not

more than ten thousand rupees” of the words “liable to a fine not less than five thousand rupees and not more than twenty thousand rupees”.

**38.** The following new section is inserted immediately after section 46 of the principal enactment and shall have effect as section 46A of that enactment:—

Insertion of new section 46A in the principal enactment.

“Certificate of proof. 46A. A Certificate signed by the Competent Authority certifying that any plant or part thereof forwarded to the Competent Authority for examination and report to the effect that such plant or part thereof is a plant or a part included in Schedule VIII, shall be admissible in evidence and shall be *prima facie* evidence of the matters stated therein.

In this section “Competent Authority” shall mean—

- (a) the Director of the National Botanical Gardens; and
- (b) the Conservator-General of the Department of Forests.”.

**39.** Section 48 of the principal enactment is hereby amended by the repeal of the definition of the expression “plant”.

Amendment of section 48 of the principal enactment.

**40.** Section 49 of the principal enactment is hereby amended by the repeal of subsection (2) thereof and the substitution therefor of the following subsection:—

Amendment of section 49 of the principal enactment.

“(2) A licence issued under subsection (1) shall—

- (a) prohibit the carrying on or exercising of the trade or business relating to animals and if it is so carried on or exercised within a radius of ten miles from the boundary of any National Reserve;

- (b) be subject to the prescribed conditions and if no fee is prescribed for the issue of such licence, be issued free of charge.”.

Amendment of section 50 of the principal enactment.

**41.** Section 50 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution for the words “Not less than five thousand rupees and not more than ten thousand rupees” of the words “not less than ten thousand rupees and not more than thirty thousand rupees.

Insertion of new section 52B of the principal enactment.

**42.** The following new section is hereby inserted immediately after section 52A of the principal enactment and shall have effect as section 52B of that enactment :—

“No food or substance to be used for inducing any animal.

“52B. No person shall use any food, scent, colour or any substance or device for the purpose of inducing or attracting any animal into his property for the purpose of capture or any other purpose.”.

Amendment of section 53c of the principal enactment.

**43.** Section 53c of the principal enactment is hereby amended in subsection (2) of that section as follows:—

- (1) by the substitution in paragraph (b) of that section, for the word “surgeon.” of the words “surgeon; or”.
- (2) by the addition immediately after paragraph (b) thereof of the following:—

“(c) a veterinary surgeon of the Department of Wildlife Conservation”.

Amendment of section 54 of the principal enactment.

**44.** Section 54 of the principal enactment, is hereby amended in subsection (1) of that section by the substitution for the words “serve or authorize the serving” of the word “serve or offer or authorize the serving or offering of”.



**45.** Section 55 of the principal enactment is hereby amended as follows:—

Amendment of section 55 of the principal enactment.

- (1) in subsection (1) of that section, by the repeal of the words from “should be authorized” to the end of that subsection and the substitution therefor of the following:—

“should be authorized—

- (a) for the protection, preservation or propagation of the fauna and flora of Sri Lanka; or
- (b) for the scientific management or scientific study or investigation of the fauna and flora of Sri Lanka; or
- (c) for the rehabilitation and conservation of species which are threatened or likely to become endangered.”;
- (2) by the renumbering of subsection (2) of that section as subsection (3) thereof.
- (3) by the insertion immediately after subsection (1) of that section, of the following new subsection:—

“(2) Any authorization made under subsection (1), shall specify the conditions subject to which such authorized acts shall be carried out and shall contain procedures for the monitoring of such acts.”.

**46.** Section 55A of the principal enactment is hereby amended by the substitution for the words and figure commencing from “section 11” to the end of that section, of the word and figure “section 11.”.

Amendment of section 55A of the principal enactment.

Insertion of sections 55B, 55c and 55D in the principal enactment.

**47.** The following new sections are hereby inserted immediately after section 55A of the principal enactment and shall have effect as sections 55B, 55c and 55D of that enactment:—

“Powers of Director-General to confiscate timber felled in a National Reserve or Sanctuary.

55B. (1) The Director-General or any officer authorized in that behalf by the Director-General may after an inquiry seize and confiscate any timber felled in any National Reserve or any state land in a Sanctuary.

(2) The Director-General may order the sale of the timber confiscated under this section by public auction and credit the proceeds of such sale to the Wildlife Preservation Fund.

Seizure of timber felled within a National Reserve or Sanctuary.

55c. It shall be lawful for an officer of the Department of Wildlife Conservation to enter and search any timber depot or any place of any description where he has reasonable grounds to believe that any timber felled within any National Reserve or Sanctuary is being kept or stored.

Transportation of timber seized in terms of sections 55B and 55c.

55D. (1) Notwithstanding anything to the contrary in the Forest Ordinance it shall be lawful for any wildlife officer of the Department of Wildlife Conservation—

- (a) to seize timber if found after due investigation to have been felled within any National Reserve or any State land within a Sanctuary; and
- (b) to transport timber to the nearest wildlife station, police station or to any court, any timber seized and confiscated in terms of this Ordinance under the authority of written permit issued in that behalf by an officer not below the rank of an Assistant Director of Wildlife Conservation in the region.

(2) The Minister may make regulations for the issue of permits for the purpose of subsection (1).”.

**48.** Section 57 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution for the words “not less than one thousand rupees and not exceeding two thousand rupees” of the words “not less than five thousand rupees and not exceeding ten thousand rupees”.

Amendment of section 57 of the principal enactment.

**49.** The following new section is hereby inserted immediately after section 57 of the principal enactment and shall have effect as section 57A of that enactment:—

Insertion of new section 57A in the principal enactment.

“Power to recover charges and fees.

57A. Where the Director-General or any wildlife officer is empowered under this Ordinance—

- (a) to grant any permission or approval; or
- (b) to make any registration; or
- (c) to issue any licence or permit; or
- (d) to supply any service, product or commodity; or
- (e) to give any information, advice or opinion,

in relation to any matter under this Ordinance, the Director-General or such authorized officer may make, demand, levy or recover such specified charges or fees, as the case may be in respect of any matters referred to in paragraphs (a) to (e).”.

**50.** Section 58 of the principal enactment is hereby amended by the substitution for the words “fine not less than two thousand rupees and not more than five thousand rupees” of the words “fine not less than fifteen thousand rupees and not more than thirty thousand rupees”.

Amendment of section 58 of the principal enactment.

Amendment  
of section  
58A of the  
principal  
enactment.

**51.** Section 58A of the principal enactment is hereby amended by the substitution for the words “within a Nature Reserve or Sanctuary, he shall be liable to be punished with a fine not less than one hundred thousand rupees and not more than two hundred thousand rupees” of the words “within a National Reserve or Sanctuary he shall be liable to be punished with a fine not less than two hundred and fifty thousand rupees and not more than five hundred thousand rupees.”.

Amendment  
of section 60  
of the  
principal  
enactment.

**52.** Section 60 of the principal enactment is hereby amended as follows:—

- (1) in subsection (3) of that section—
  - (a) in paragraph (a) thereof, by the substitution for the words “to any police officer” of the words “to any wildlife officer, police officer”;
  - (b) in paragraph (b) thereof, by the substitution for the words “such police officer” of the words “such wildlife officer, police officer”;
  - (c) in paragraph (c) thereof, by the substitution for the words “such police officer” of the words “such wildlife officer, police officer”;
- (2) in subsection (4) of that section, by the substitution for the words “to any police officer” of the words “to any wildlife officer, police officer”.

Insertion of  
new sections  
60A, 60B,  
60C, 60D and  
60E in the  
principal  
enactment.

**53.** The following new sections are hereby inserted immediately after section 60 of the principal enactment and shall have effect as sections 60A, 60B, 60C, 60D and 60E of that enactment:—

“Certificate in respect of inability to produce.      60A. In any prosecution under the Act, for an offence alleged to have been committed with respect to any plant or part thereof or animal,

animal carcass or part thereof which is of such nature that it is difficult to move or transport, a Certificate issued by a—

- (a) a wildlife officer not below the rank of a wildlife ranger; or
- (b) a police officer not below the rank of an Assistant Superintendent of Police,

stating the facts as to why the plant or animal carcass cannot be produced, shall be admissible in evidence and shall be *prima facie* evidence of such facts stated therein until the contrary is proved.

Indemnity for acts done in good faith.

60B. No suit or prosecution shall lie against any wildlife officer for anything lawfully done or omitted to be done by him in good faith under this Act:

Provided that where it is evident that any wildlife officer is guilty of *mala fide* in relation to the discharge of any function under this Act, a prosecution may lie against such officer.

Presumption of ownership of plants and animals.

60C. In any proceedings under the Act, if a question arises as to whether any plant or part thereof or any animal or carcass or any part thereof is the property of the State, such property shall be presumed to be the property of the State until the contrary is proved.

Director-General's certificate to be *prima facie* evidence.

60D. In any proceedings under this Act, if a question arises as to whether any area of land is State Land, a Certificate issued under the hand of the Director-General stating that such area of land is State land shall be admissible in

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evidence and shall be *prima facie* evidence of the fact stated therein that such land is State land:

Provided that such Certificate shall be issued based on a Certificate issued in respect of such land under the hand of the Surveyor-General.

Public  
Litigation.

60E. Proceedings may be instituted by any person in any court of law for an order to remedy or restrain any contravention of any provision of this Act whether or not any right of such person has been infringed by or as a consequence of, such contravention:

Provided that such person has given not less than sixty days notice to the Director-General of his intention to institute such proceedings.”.

Amendment of  
section 64 of the  
principal  
enactment.

**54.** Section 64 of the principal enactment is hereby amended by the repeal of subsection (1) thereof and the substitution therefor of the following:—

“(1) Except as hereinbefore expressly provided in regard to the disposal of any elephant or of the carcass of any elephant or the tusks or tushes of any elephant, on the conviction of any person for an offence under this Ordinance, any animal, plant or part of such animal or part which is the property of the State under this Ordinance and any gun, vehicle, boat, artificial light, snare, net, trap or any other instrument, contrivance, appliance or thing used in or for the commission of any offence, shall by reason of that conviction, in addition to any other punishment specified for such offence, be forfeited to the State:

Provided however, where the owner of such gun, vehicle, boat, artificial light, snare, net, trap or other instrument, contrivance, appliance or thing used in or for the commission of any offence is a third party, no forfeiture shall be made if such owner proves to the

satisfaction of the court that he had used all due diligence to prevent the use of such gun, vehicle, boat, artificial light, snare, net, trap or other instrument, contrivance, appliance or thing used in or for the commission of any offence.”.

**55.** Section 65 of the principal enactment is hereby repealed and the following is substituted therefor:—

Repeal and replacement of section 65 of the principal enactment.

“Wildlife Preservation Fund.

65. (1) There shall be established a fund called “the Wildlife Preservation Fund” (hereinafter referred to as ‘the fund’) by the Director-General in such manner as is provided for in this Ordinance, in consultation with the Secretary to the Ministry of the Minister in charge of the subject of Wildlife Conservation.

(2) There shall be paid into the Fund—

- (a) all sums of money received in respect of licences and permits issued under this Ordinance or any regulation made thereunder;
- (b) fees and any charges collected under this Ordinance or any regulation made thereunder;
- (c) all sums of money recovered as penalties under this Ordinance;
- (d) all sums of money received as donations for wildlife conservation; and
- (e) any income from the management of any national reserve, sanctuary or other area declared under the Ordinance.

(3) No money shall be paid out of the fund except as specified by regulations made under the Ordinance.

(4) The financial year of the Fund shall be the calendar year.”.

Amendment of section 66 of the principal enactment.

**56.** Section 66 of the principal enactment is hereby amended as follows :—

(1) (a) in subsection (1) of that section by the repeal of paragraph (bb) thereof and the substitution therefor of the following:—

“(bb) enter and search without warrant any hut, house, wadi, any shop, hotel, restaurant, rest house or eating house and question any person found in such hut, house, wadi, any shop, hotel, restaurant, rest house or eating house;”

(b) in paragraph (d) of that subsection, by the substitution for the words “of his offence;” of the words “of his offence. Any person arrested under this paragraph shall be produced before the magistrate within twenty four hours excluding the time required for travel;”.

(2) in paragraph (c) of subsection (3) of that section, by the substitution for the words “or obstructs, or resists,” of the words “or obstructs, or assaults, threatens or resists,”.

(3) in subsection (3) of that section, by the substitution for the words “not less than five thousand rupees and not more than ten thousand rupees” of the words “not less than twenty thousand rupees and not more than one hundred thousand rupees”.

(4) by the repeal of subsection (4) of that section and the substitution therefor of the following subsection:—

“(4) For the purpose of this section—

(a) “animal” means any mammal, bird, reptile, amphibian, fish or invertebrates, but does



not include any domestic animal as defined in section 11;

- (b) “wildlife officer” means the Director-General or the Directors, Deputy Directors, Assistant Directors, Wildlife Rangers, Range Assistant or Wildlife Guards of the Department of Wildlife Conservation unless otherwise any other meaning is specified under this Ordinance.”.

**57.** Section 66A of the principal enactment is hereby amended by the repeal of all the words from “any officer” to the end of paragraph (b) of that section and the substitution therefor of the following:—

Amendment of section 66A of the principal enactment.

“Any officer appointed for the purposes of this Ordinance under section 68—

- (a) who is guilty of prevarication in any Judicial trial for an offence under this Ordinance; or
- (b) who willfully neglects or fails to perform any duty under this Ordinance or neglects or fails to report any offence under this Ordinance; or
- (c) who aids and abets in the commission of any offence under this Ordinance,”.

**58.** Section 66B of the principal enactment is hereby amended by the substitution for the words “not less than five hundred rupees and not more than one thousand rupees.” of the words “not less than one thousand rupees and not more than two thousand rupees.”.

Amendment of section 66B of the principal enactment.

**59.** Section 66c of the principal enactment is hereby amended in subsection (1) of that section as follows:—

Amendment of section 66c of the principal enactment.

- (1) by the substitution for the words “an officer of the Department of Wildlife Conservation” of the words “any wildlife officer”.

- (2) In paragraph (d) of that subsection by the substitution for the words “nearest police station or Divisional Secretariat.” of the words “nearest police station, Divisional Secretariat or in Court.”.

Amendment of section 66D of the principal enactment.

**60.** Section 66D of the principal enactment is hereby amended in subsection (1) of that section, by the substitution for the words “the Director-General or any officer of the Department of Wildlife Conservation” of the words “any wildlife officer”.

Amendment of section 67 of the principal enactment.

**61.** Section 67 of the principal enactment is hereby amended as follows:—

- (1) in subsection (1) of that section by the substitution for the words “along-side a Strict Natural Reserve, National Park or Nature Reserve, Jungle Corridor, Refuge, Marine Reserve, Buffer Zone or Sanctuary” of the words “along-side a National Reserve or Sanctuary—”.

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

“(3) For the purpose of preventing the commission of any offence under the Ordinance, it shall be lawful for the Director-General to cause barriers to be placed on any road outside the boundaries of any National Reserve or Sanctuary suspected of being used for the commission of any offence and to stop and search any vehicle.”.

Amendment of section 67B of the principal enactment.

**62.** Section 67B of the principal enactment is hereby amended by the insertion immediately after subsection (2) thereof and the substitution therefor of the following:—

“(3) Notwithstanding anything in subsection (1) of this section an offence under sections 6, 7, 8, 20 and 30(2) of the Ordinance shall be non bailable offences.”.

**63.** Section 67D of the principal enactment is hereby amended by the substitution for the words “Chapter XII of the Criminal Procedure Code” of the words “Chapter XI of the Criminal Procedure Code Act, No. 15 of 1979”.

Amendment of section 67D of the principal enactment.

**64.** Section 67F of the principal enactment is hereby repealed and the following section substituted therefor:—

Amendment of section 67F of the principal enactment.

“Ejectment from Crown Land.

67F. (1) any person who is in unlawful and unauthorized possession of any State land to which, the provisions of this Ordinance are applicable shall be liable to an ejectment and the provisions of State Lands (Recovery of Possession) Act, No. 7 of 1979 shall *mutatis mutandis* apply, of every such ejectment.

(2) Any reference in the said Act to a Competent Authority shall be considered as a reference to the Wildlife Ranger of the area in which such State land is situated.

(3) Any proceedings instituted under the said Act for the recovery of possession of State land shall be concluded within one year from the date of commencement of such proceedings.”.

**65.** Section 68 of the principal enactment is hereby amended by the substitution in paragraph (a) of subsection (1) of that section for the words “to act as Director, or as Deputy Director” of the words “to act as Director-General or as Director or Deputy Director”.

Amendment of section 68 of the principal enactment.

**66.** The following new sections are hereby inserted immediately after section 68 of the principal enactment and shall have effect as sections 68A and 68B of that enactment:—

Insertion of sections 68A and 68B in the principal enactment.

“Plans and programmes for Wildlife Conservation.

68A. (1) The Director-General in consultation with the Minister shall develop plans and programmes for the conservation of

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wildlife, their habitats and the biological diversity in line with appropriate national and international standards and criteria.

(2) The Department of Wildlife Conservation shall include the expenditure estimated for the implementation of the plans and programmes developed in terms of subsection (1) in its estimates for such financial year.

Guidelines to be framed by the Director-General. 68B. The Director-General shall wherever specified in this Ordinance and in general where necessary, frame guidelines for the implementation of the provisions of the Ordinance and to carry out the powers, functions and duties under the Ordinance.”.

Amendment of section 71 of the principal enactment.

**67.** Section 71 of the principal enactment is hereby amended in subsection (2) of that section as follows:—

(1) by the repeal of paragraph (e) of that subsection and the substitution therefor of the following:—

“(e) the manner in which meetings of the Advisory Committee shall be conducted, the procedure to be followed in the transaction of business at such meetings and the manner in which the recommendations of the Committee are to be made;”.

(2) by the insertion of new paragraph (f) immediately after paragraph (e) of that subsection:—

“(f) all matters necessary for the regulation of access to the genetic resources from fauna and flora indigenous to Sri Lanka and the revenue generated from such genetic resources.”.

**68.** Section 72 of the principal enactment is hereby amended in subsection (1) of that section as follows:—

Amendment of section 72 of the principal enactment.

- (1) by the insertion immediately before the definition of the expression “Buffer Zone” of the following definitions:—

““Advisory Committee” means the Wildlife Conservation Advisory Committee established under section 70(1) of this Ordinance;

“Authorized Officer” means any Wildlife Officer appointed by the Director-General for the purposes of this Act.”;

- (2) by the insertion, immediately after the definition of the expression “cultivated land”, of the following definition:—

““development activity” means any activity which has an impact on the physical nature of the land or the natural biological phenomenon of fauna and flora of such land.”;

- (3) by the repeal of the definition of the expression “Director” and the substitution therefor of the following:—

““Director-General” means the person appointed to be or to act as the Director-General, Wildlife Conservation, for the purposes of this Ordinance, and includes the Director and the Deputy Director, Wildlife Conservation, appointed for such purposes;”;

- (4) by the insertion immediately after the definition of the expression “District Director” of the following definitions:—

““explosive” has the same meaning assigned to it in the Explosives Act, No. 21 of 1956;

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“Fund” means the Wildlife Preservation Fund established under section 65 of this Ordinance;”;

- (5) by the insertion immediately after the definition “gun” of the following definition:—

“ “habitat” includes the physical environment, the biomass and all living organisms;”;

- (6) by the insertion immediately after the definition of the expression “Honorary District Director” of the following definition:—

“ “invertebrate” means any animal without a spinal column;”;

- (7) by the repeal of the definition of the expression “Jungle Corridor” and the substitution therefor of the following new definition:—

“ “Jungle Corridor” means the land deemed to be allocated for the purposes of facilitating the free movement of elephants from one reserve to another and declared as a Jungle Corridor for elephants constituted by Order made under section 2(1);”;

- (8) by the insertion, immediately after the definition of the expression “local authority” of the following new definition:—

“ “Marine National Park” means an area of sea together with an adjoining coastal belt consisting primarily of marine natural resources such as coral reefs, sea grass, beds or any other ecosystem where study and observation of such natural resources may be permitted and declared as a Marine National Park constituted by Order made under subsection (1) of section 2;”;

- (9) by the repeal of the definition “Marine Reserve”;
- (10) by the insertion, immediately after the definition of the expression “offence”, of the following new definition:—

“ “plant” means any member of the plant kingdom including a tree or any part thereof, dead or alive and any propagatory plant material and any extraction of such plant;”;

- (11) by the insertion immediately after the definition of the expression “prescribed”, of the following definitions:—

“ “prescribed officer” means any wildlife officer unless otherwise defined in this Ordinance;

“Sanctuary” means lands deemed to be dedicated for the purposes of human activity, but where activities specified in section 7 of the Ordinance and strictly prohibited other than in accordance with the regulations made thereunder and has been declared as a Sanctuary under section 2(2) of the Fauna and Flora Protection Ordinance;

“Strict Natural Reserve” means an area of 1 (land) and deemed to be dedicated to species of animals and plants to thrive on with the least disturbance for the purposes of ensuring the survival of threatened species in their natural habitat facilitating appropriate scientific research and declared as a Strict Natural Reserve constituted under section 2(1) of the Fauna and Flora Protection Ordinance;

“wildlife officer” means the Director-General of the Department of Wildlife Conservation or any Director, Deputy Director or Assistant Director

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or Wildlife Ranger or Range Assistant or Wildlife Guard in the Department of Wildlife Conservation, unless any provision in the Ordinance specifically mentions otherwise;”;

- (12) by the repeal of the definition “Refuge”;
- (13) in the definition of the expression “wildlife”, by the substitution for the words “animals which owe” of the words “animals including different stages of their life cycle which owe”.

Sinhala text to prevail in case of inconsistency.

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

Replacement of Schedules I, II, III,IV, IVA and V of the principal enactment.

**70.** Schedules I, II, III,IV, IVA and V of the principal enactment are hereby repealed on the following Schedules substitution therefor :—



**“SCHEDULE I** (Section 30)

**List of Mammals and Reptiles that are not protected**

<i>Scientific Name</i>	<i>Common Names</i> ( <i>English-E, Sinhala-S, Tamil - T</i> )
<b>Class : Mammalia (Mammals)</b>	
<b>Family : Suidae</b>	
<i>Sus scrofa</i>	- Wild boar (E), Wal ura (S), Pandi or Kattu pandi (T)
<b>Family : Leporidae</b>	
<i>Lepus nigricollis</i>	- Black-naped hare (E), Hawa (S), Mussal or Muyal (T)
<b>Family : Hystricidae</b>	
<i>Hystrix indica</i>	- Indian crested porcupine (E), Ittewa or Panduru ittewa (S), Mullam pandi or Mullup pandi (T)
<b>Family : Muridae</b>	
<i>Rattus rattus</i>	- Common house rat (E), Geyi miya (S), Elli-sund-elli (T)
<i>Rattus norvegicus</i>	- Brown rat (E), Dumburu miya (S), Elli-sund-elli (T)
<i>Mus musculus</i>	- Indian house mice (E), Kos-etamiya (S), Elli-sund-elli (T)
<b>Family : Cercopithecidae</b>	
<i>Macaca sinica</i>	- Toque Monkey or Red Monkey (E), Rilawa (S), Kurungu (T)
<i>Semnopithecus entellus</i>	- Grey langur (E), Eli Vandura or Renda Vandura, Konde Vandura (S), Mundi (T)
<b>Class : Reptilia (Reptiles)</b>	
<b>Family : Elapidae</b>	
<i>Naja naja</i>	- Cobra (E), Naya (S), Naham, Nalla pambu (T)
<i>Bungarus caeruleus</i>	- Common Krait (E), Thel Karawala (S), Pudayan pambu (T)
<i>Bungarus ceylonicus</i>	- Sri Lanka Krait (E), Mudhu Karawala (S), Pudayan pambu (T)

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*Scientific Name* *Common Names*  
(English-E, Sinhala-S, Tamil - T)

**Family : Viperidae**

- Daboia russelli* - Russell's Viper (E), Tith polonga (S), Virian, Virian Pambu, Suratti pambu (T)  
*Echis carinata* - Saw-scaled Viper (E), Weli polonga (S), Virian, Virian pambu, Suratti pambu (T)

**SCHEDULE II** (Section 30)

**Mammals and Reptiles that are Strictly Protected**

**Class : Mammalia (Mammals)**

**Family : Lorisidae**

- Loris tardigradus* - Slender loris (E), Una hapuluwa (S), Tevngu (T)

**Family : Felidae**

- Felis chaus* - Junglecat(E),Kola diviya(S),Kartupoonay(T)  
*Panthera pardus* - Leopard (E), Diviya (S), Siruththay (T)  
*Prionailurus rubiginosus* - Rusty-spotted cat (E), Wal balala (S)  
*Prionailurus viverrinus* - Fishing cat (E), Hadun diviya (S)

**Family : Mustelidae**

- Lutra lutra* - Eurasian otter (E), Diya balla (S), Neer nai (T)

**Family : Ursidae**

- Melursus ursinus* - Sloth bear (E), Walaha (S), Karadee (T)

**Family : Sciuridae**

- Petaurista philippensis* - Grey flying squirrel (E), Maha hambawa (S)  
*Petinomys fuscocapillus* - Small flying squirrel (E), Kuda hambawa (S)

**Family : Manidae**

- Manis crassicaudata* - Indian pangolin (E), Kaballewa/ Eya (S), Alangu (T)

**Family : Cervidae**

- Cervus unicolor* - Sambar (E), Gona (S), Kadoo marn (T)  
*Muntiacus muntjak* - Barking deer/ Ribfaced deer (E), Olu muwa (S), Kart ardu (T)

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<i>Scientific Name</i>	<i>Common Names</i> (English-E, Sinhala-S, Tamil - T)
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**Family : Balaenopteridae**

- |                              |   |
|------------------------------|---|
| <i>Balaenoptera musculus</i> | - Blue whale (E), Thalmaha (S),<br>Thimingila (T)     |
| <i>Balaenoptera physalus</i> | - Fin whale (E), Thalmaha (S),<br>Thimingila (T)      |
| <i>Megaptera novaengliae</i> | - Humpback whale (E), Thalmaha (S),<br>Thimingila (T) |

**Family : Physeteridae**

- |                               |                                       |
|-------------------------------|---------------------------------------|
| <i>Physeter macrocephalus</i> | - Sperm whale (E), Thalmaha (S)       |
| <i>Kogia breviceps</i>        | - Pygmy sperm whale (E), Thalmaha (S) |
| <i>Kogia simus</i>            | - Dwarf sperm whale (E), Thalmaha (S) |

**Family : Delphinidae**

- |                          |  |
|--------------------------|--|
| <i>Delphinus delphis</i> | - Common dolphin (E), Mulla (S)<br>Pomigra (T) |
|--------------------------|--|

**Family : Dugongidae**

- |                     |  |
|---------------------|--|
| <i>Dugong dugon</i> | - Dugong/ Sea cow/Sea pig (E), Muhudu<br>Ura (S), Kadaipudru (T) |
|---------------------|--|

**Class : Reptilia (Reptiles)**

**Family : Crocodylidae**

- |                             |  |
|-----------------------------|--|
| <i>Crocodylus palustris</i> | - Mugger/Marsh crocodile (E), Hela<br>Kimbula/Ela Kimbula (S), Kulathi<br>muthalei (T) |
| <i>Crocodylus porosus</i>   | - Saltwater/Estuarine crocodile (E), Geta<br>Kimbula (S), Semmukku muthalei (T)        |

**Family : Bataguridae**

- |                             |   |
|-----------------------------|---|
| <i>Melanochelys trijuga</i> | - Parker's black turtle (E), Parkerge gal<br>ibba (S), Kal amai (T) |
|-----------------------------|---|

**Family : Trionychidae**

- |                          |  |
|--------------------------|--|
| <i>Lissemys punctata</i> | - Flapshell turtle (E), Kiri ibba (S), Pal<br>amai (T) |
|--------------------------|--|

**Family : Testudinidae**

- |                           |   |
|---------------------------|---|
| <i>Geochelone elegans</i> | - Indian star tortoise (E), Tharaka ibba/<br>Mevara ibba (S), Kata amai (T) |
|---------------------------|---|

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*Scientific Name* *Common Names*  
(English-E, Sinhala-S, Tamil - T)

**Family : Cheloniidae**

- Caretta caretta* - Loggerhead sea turtle (E), Olugedi  
Kesbawa/ Kannadi Kesbawa (S), Perunthalai  
amai (T)
- Chelonia mydas* - Green turtle (E), Gal Kasbawa/ Mas  
Kasbawa/ Vali Kesbawa (S), Pal amai (T)
- Eretmochelys imbricata* - Hawksbill sea turtle (E), Pothu Kasbawa/  
Leli Kesbawa (S), Nana amai (T)
- Lepidochelys olivacea* - Oliver Ridley sea turtle (E), Battu Kesbawa/  
Mada Kesbawa (S), Pul amai (T)

**Family : Dermochelyidae**

- Dermochelys coriacea* - Letherback sea turtle (E), Dara Kesbawa/  
Thun Dara Kesbawa (S), Dhoni amai (T)

**Family : Agamidae**

- Ceratophora spp* - Horned lizards (E), ang Katussa (S)
- Cophotis ceylanica* - Pygmy lizard (E), Kandukara Kuru  
kasbawa (S)

**SCHEDULE III**

(Section 31)

**List of Birds that are not Protected**

**Class : Aves (Birds )**

**Family Corvidae**

- Corvus macrorhynchos* - Black crow (E), Kakka, Kaputa (S), Kaka,  
Kakam (T)
- Corvus splendens* - House crow (E), Kakka, Kolmba Kakka (S),  
Oor-Kakka (T)

**Family : Passeridae**

- Lonchura punctulata* - Spotted munia, Scaly breasted Munia (E),  
Wee kurulla/Laya Kayuru Wee kurulla (S),  
Nellu-Kuruvi (T)
- Lonchura striata* - White-backed munia (E), Wee kurulla/  
Nithaba sudu wee kurulla (S), Nellu-  
Kuruvi (T)

**Family : Psittacidae**

- Psittacula krameri* - Rose-ringed parakeet (E), Mala girawa,  
Rana girawa (S), Payithankili (T)

**SCHEDULE IV**      (Section 31)

**Birds that are Strictly Protected**

<i>Scientific Name</i>	<i>Common Names</i> ( <i>English-E, Sinhala-S, Tamil - T</i> )
<b>Class : Aves (Birds)</b>	
<b>Family : Pelecanidae</b>	
<i>Pelecanus philippensis</i>	- Spot-billed pelican (E), Pestuduwa/Tit hota pestuduwa (S), Kulai-kida (T)
<b>Family : Phalacrocoracidae</b>	
<i>Phalacrocorax carbo</i>	- Great cormorant/Southern cormorant (E), Maha diyakawa (S), Nir-Kakam (T)
<b>Family : Ciconiidae</b>	
<i>Ephippiorhynchus asiaticus</i>	- Black-necked strok (E), Ali Manawa (S), Periya narai (T)
<i>Leptoptilos javanicus</i>	- Lesser adjutant (E), Hin Bahuru manawa (S), Meva kokku (T)
<b>Family : Acciptridae</b>	
<i>Aviceda jerdoni</i>	- Jerdon's Baza (E), Dumburu saratukussa, Jerdon sarpakussa (S), Parundu (T)
<i>Hieraaetus kienerii</i>	- Rufous-bellied Eagle (E), Rathodara rajaliya (S), Kalugu (T)
<i>Spizaetus nipalensis</i>	- Mountain hawk eagle (E), Konda rajaliya, Hel Kondakussa (S), Periya konda rasali (T)
<b>Family : Falconidae</b>	
<i>Falco peregrinus</i>	- Shaheen falcon (E), Kurullu goya (S), Valluru (T)
<i>Falco tinnunculus</i>	- Common kestrel (E), Kurullu goya (S), Valluru (T)
<b>Family : Phasianidae</b>	
<i>Francolinus pictus</i>	- Painted francolin (E), Tith vatu kukula (S), Kauthari (T)
<i>Francolinus pondicerianus</i>	- Grey francolin/Indian grey partridge (E), Alu vatu kukula (S), Kauthari (T)
<i>Perdica asiatica</i>	- Jungle bush-quail (E), Wana Panduru vatuwa/Panduru vatuwa (S), Kadai (T)

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<i>Scientific Name</i>	<i>Common Names</i> ( <i>English-E, Sinhala-S, Tamil - T</i> )
<b>Family : Rallidae</b>	
<i>Fulica atra</i>	- Common coot/Black coot (E), Kalu kithala(S)
<i>Gallirallus striatus</i>	- Slaty-breasted banded rail (E), Laya nil relua/Layalu pati reluwa (S), Kanan koli (T)
<i>Porzana fusca</i>	- Ruddy-breasted crake (E), Laya Rathu vil keraliya (S), Kanan koli (T)
<b>Family : Charadriidae</b>	
<i>Vanellus malabaricus</i>	- Yellow-wattled Lapwing (E), Kaha yatimal kirala (S), al katti (T)
<b>Family : Rostratulidae</b>	
<i>Rostratula benghalensis</i>	- Great painted snipe (E), Ulu keswatuwa/ Raja ulu keswatuwa (S), Ullan kuruvi (T)
<b>Family : Glareolidae</b>	
<i>Burhinus recurvirostris</i>	- Great thick knee/Great stone plover (E), Maha golu kirala (S), Musal kinandi (T)
<b>Family : Tytonidae</b>	
<i>Phodilus badius</i>	- Oriental bay owl (E), Mukalan bassa/ Peradigu guru bassa (S), Andai (T)
<i>Tyto alba</i>	- Barn owl (E), Atu bakamouna/Atu wesbassa (S), Chavu kuruvi (T)
<b>Family : Apodidae</b>	
<i>Tachymarptis melba</i>	- Alpine swift/White bellied swift(E), Wehi lihiniya (S), Tam padi (T)
<i>Hirundapus giganteus</i>	- Brown-backed needle-tail (E), Wehi lihiniya/pita bora katu peda thurithaya (S) Tampadi (T)
<b>Family : Alcedinidae</b>	
<i>Alcedo meninting</i>	- Blue eared kingfisher (E) Malpilihuduwa/ Nil kan piliuduwa (S), Min kutti (T)
<b>Family : Coraciidae</b>	
<i>Eurystomus orientalis</i>	- Dollar-bird/Broad billed Roller (E), Dumkawa (S), Pulluporukki (T)

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<i>Scientific Name</i>	<i>Common Names</i> ( <i>English-E, Sinhala-S, Tamil - T</i> )
<b>Family : Picidae</b>	
<i>Celeus brachyurus</i>	- Roufous woodpecker (E), Dumburu Kerala/ Borath koda kerala (S), Thachchan Kuruvi (T)
<i>Chrysocolaptes festivus</i>	- White-naped woodpecker (E), Maha pan kerala/Kahapita maha kerala (S) Thachchan kuruvi (T)
<i>Picus xanthopygaeus</i>	- Streak-throated woodpecker (E), Keralla (S), Thachchan kuruvi (T)
<b>Family : Hirundinidae</b>	
<i>Hirundo tahitica</i>	- Hill swallow (E), Wehi lihiniya (S), Tam Padi (T)
<b>Family : Laniidae</b>	
<i>Lanius schach</i>	- Long-tailed shrike/Rufous rumped shrike (E), Dik panda sabaritta (S), Katu puluni/Pey kuruvi (T)
<b>Family : Columbidae</b>	
<i>Columba livia</i>	- Blue rock pigeon (E), Gal Paraviya/Podu paraviya (S), Mada pura/Malai pura (T)
<i>Streptopelia decaocto</i>	- Eurasian collared dove (E), Mala kobbeyiya (S), Kali pura/Sambal pura (T)
<i>Treron phoenicoptera</i>	- Yellow-footed green pigeon (E), Seepadu bata goya (S), Pachchai pura (T)
<i>Columba torringtoni</i>	- Sri Lanka wood pigeon (E), Maila goya/Sri Lanka mayla paraviya (S), Karuppu Pura (T)
<b>Family : Muscipidae</b>	
<i>Saxicola caprata</i>	- Pied bushchat (E), Gomara sitibichcha (S)
<i>Turdus merula</i>	- Eurasian blackbird (E), Kalu kurulla/ Eurasian kalu bimsariya (S), Kari Kuruvi (T)
<i>Zoothera dauma</i>	- Scaly thrush (E), Wal avichchiya/Kayuru thirasikaya (S)
<b>Family : Passeridae</b>	
<i>Lonchura kelaarti</i>	- Black-throated munia (E), Wee kurulla/ Gela kalu wee kurulla (S), Nello kuruvi (T)
<i>Lonchura malabarica</i>	- White-throated silver-bill (E), Wee kurulla (S), Nello kuruvi (T)

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<i>Scientific Name</i>	<i>Common Names</i> ( <i>English-E, Sinhala-S, Tamil - T</i> )
<b>Family : Cuculidae</b>	
<i>Hierococcyx varius</i>	- Common hawk-couckoo (E), Koha (S), Kuyil/Kusil (T)
<i>Phaenicophaeus leshenaulti</i>	- Sirkeer malkoha (E), Pathan ati kukulla (S)
<i>Phaenicophaeus pyrrhocephalus</i>	- Sri Lanka Red faced malkoha (E), Watha ratu malkoha (S)
<b>Family : Phasianidae</b>	
<i>Galloperdix bicalcarata</i>	- Sri Lanka spur- fowl (E), Haban kukkula (S), Sina Kattu koli (T)
<b>Family : Strigidae</b>	
<i>Glaucidium castanonotum</i>	- Sri Lanka chestnut-backed owlet (E), Punchi bassa/Sri Lanka pitathabala upa bassa (S), Sinna andai (T)
<b>Family : Bucerotidae</b>	
<i>Ocyrceros gingalensis</i>	- Sri Lanka grey hornbill (E), Alu kadetta (S), Irattai chondu kuruvi (T)
<b>Family : Megalaimidae</b>	
<i>Megalaima flavifrons</i>	- Sri Lanka yellow-fronted barbet (E), Mukalan kottoruwa/Sri Lanka rath muhunath kottoruwa (S), Kukkururan (T)
<b>Family : Psittacidae</b>	
<i>Loriculus beryllinus</i>	- Sri Lanka hanging parrot/Lorikeet (E), Gira maliththa (S), Kannai kili (T)
<i>Psittacula calthropae</i>	- Sri Lanka Layard's parakeet (E), Alu girawa (S), Kili (T)
<b>Family : Centropodidae</b>	
<i>Gracula ptilogenys</i>	- Sri Lanka green-billed coucal (E), Bata atti kukkula (S), Chemakem (T)
<b>Family : Sturnidae</b>	
<i>Gracula ptilogenys</i>	- Sri Lanka myna/Sri Lanka Grackle (E), Sela lihiniya/Mal kawadiya (S), Malai nakanam patchi (T)



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<i>Scientific Name</i>	<i>Common Names</i> ( <i>English-E, Sinhala-S, Tamil - T</i> )
<i>Sturnus albobfrontatus</i>	- Sri Lanka white-faced starling/White headed srarling (E), Sri Lanka watha sudu Sharikawa (S)
<b>Family : Corvidae</b>	
<i>Urocissa ornate</i>	- Sri Lanka blue magpie (E), Kehi bella (S)
<b>Family : Pycnonotidae</b>	
<i>Pycnonotus penicillatus</i>	- Sri Lanka Yellow eared bulbul (E), Peetha kan kondaya/Galaguduwa/Sri Lanka Kaha kan Kondaya (S)
<b>Family : Sylviidae</b>	
<i>Bradypterus palliseri</i>	- Sri Lanka bush warbler/Palliser's Warbler (E)
<i>Garrulax cinereifrons</i>	- Ashy-headed babbler/Sri Lanka Ashy-headed laughing thrust (E), Alu Demalichaha (S), Velaikara Kuruvi (T)
<i>Pellorneum fuscicapillum</i>	- Brown-capped babbler (E), Mudun bora demalichcha (S), Velaikara kuruvi (T)
<i>Turdoides rufescens</i>	- Sri Lanka orange-billed babbler/Rufous Babbler (E), Rathu demalichcha (S), Velaikara kuruvi (T)
<b>Family : Muscipidae</b>	
<i>Eumyias sordida</i>	- Sri Lanka dull-blue flycatcher/dusky blue flycatcher (E), Nil masimara (S)
<i>Myophonus blighi</i>	- Sri Lanka whistling thrust (E), Sri Lanka Uruwan thirasikaya/ Arangaya (S)
<i>Zoothera spiloptera</i>	- Sri Lanka spotted-winged thrust (E), Wal avichchiya/Gomara avichchiya/sri Lanka tipiya thirasikaya (S)
<b>Family : Nectariniidae</b>	
<i>Dicaeum vincens</i>	- Sri Lanka legg's flowerpecker/White throated Flower pecker (E)
<b>Family : Zosteropidae</b>	
<i>Zosterops ceylonensis</i>	- Sri Lanka White-eye (E), Mal kurulla/Sri Lanka sithasiya (S), Pu kuruvi (T)

**SCHEDULE V** (Section 31A)

**List of Amphibians that are not Protected**

*Scientific Name* *Common Names*  
(English-E, Sinhala-S, Tamil - T)

**Class : Amphibia (Frogs)**

**Family : Bufonidae**

*Bufo melanostictus* - Common house toad (E), Geyi gamba (S)

**Family : Microhylidae**

*Kaloula taprobanica* - Common bull frog (E), Visituru ratu  
madiya (S)

*Microhyla ornate* - Ornate narrow mouth frog (E), Visithuru  
muwapatu madiya (S)

*Uperodon systoma* - Balloon frog (E), Balun madiya (S)

**Family : Ranidae**

*Euphlyctis cyanophlyctis* - Skipper frog (E), Utpatana madiya (S)

*Euphlyctis hexadactylus* - Six toe green frog (E), Sayangili pala  
madiya (S)

*Hoplobatrachus crassus* - Jerdon's bull frog (E), Jerdonge hala  
madiya (S)

*Limnonectes limnocharis* - Common paddy field frog (E), Vel  
madiya (S)

*Rana temporalis* - Common wood frog (E), Badi madiya (S)

*Hoplobatrachus  
tigerinus* - Indian bull frog (E), Hala madiya (S)

**SCHEDULE VI** (Section 31A)

**List of Fish that are Protected**

<i>Scientific Name</i>	<i>Common Names</i> (English-E, Sinhala-S, Tamil - T)
<b>Family : Scorpaenidae</b>	
<i>Pterois radiate</i>	- Clear-fin Lion fish/Lion fish (E)
<b>Family : Pomacanthidae</b>	
<i>Centropyge bispinosus</i>	- Dusky Angelfish/Two spined angel fish (E)
<i>Pygoplites diacanthus</i>	- Regal Angel fish (E)
<b>Family : Labridae</b>	
<i>Coris aygula</i>	- Clown Coris/Twin spot coris (E)
<i>Labroides bicolor</i>	- Bicolor Cleaner Wrasse (E)
<b>Family : Chaetodontidae</b>	
<i>Chaetodon semion</i>	- Dotted Butterfly Fish (E)
<b>Family : Ephippidae</b>	
<i>platax pinnatus</i>	- Batfish, Dusky batfish, Red faced batfish (E)
<b>Order : Cypriniformes</b>	
<b>Family : Cyprinidae</b>	
<i>Labeo porcellus</i>	- Orange fin labeo (E)
<i>Labeo fisheri</i>	- Mountain labeo/Green labeo (E), Gadeya (S)
<i>Puntius asoka</i>	- Asoka barb (E), Asoka pethiya (S)
<i>Puntius martenstyni</i>	- Martenstyn's barb (E), Martenstyn pethiya (S)
<i>Puntius Sri lankensis</i>	- Blotched filamented barb (E), Dankuda pethiya (S)
<i>Rasbora wilpita</i>	- Wilpita rasbora (E), Wilpita rasbora (S)
<i>Danio pathirana</i> ( <i>Devario pathirana</i> )	- Barred danio (E), Pathirana salaya (S)
<i>puntius handula</i>	- Bandula barb (E), Bandula pethiya (S)
<b>Family : Cobitidae</b>	
<i>Lepidocephalichthys jonklaasi</i>	- Jonklaas's Loach (E), Jonklaas Ehirava (S)

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**Family : Channidae**

- Channa orientalis* - Smooth-breasted snakehead/Walking  
snakehead (E), Kola Kanaya (S)

**Family : Gobiidae**

- Schismatogobius*  
*deraniyagalai* - Red neck goby (E)  
*Sicyopterus halei* - Red-tailed goby (E)

*Scientific Name*

*Common Names*  
(English-E, Sinhala-S, Tamil - T)

- Sicyopus jonklaasi* - Lipstick goby (E)  
*Stiphodon martenstyni* - Martenstyn's goby (E), Martenstynige  
weligouwa (S)

**Family : Mastacembelidae**

- Macrogathus aral* - One-stripe spiny eel/Lesser spiny eel (E),  
Bata kola theliya (S)

**Family : Synbranchidae**

- Ophisternon bengalense* - Bengal eel/Swamp eel (E), Potta aandha (S)  
*Ophisternon desilvai* - Desilva's blind eel (E), Potta aandha (S)

**SCHEDULE VII**

(Section 31B)

**List of Invertebrates that are protected**

(Spp-All species belong to the Genera)

**Order : Lepidoptera**

- All species* - Butterflies/Moths (E), Samanalayo/  
Salabayo (S)

**Order : Hymenoptera**

- Aneuretus simioni* - Sri Lanka relict ant/Primitive ant (E)

**Order : Odonate**

- All species* - Dragonflies (E), Kura/ Bathkura (S)

**Class : Crustacea**

*Ceylonthelphusa callista* -  
*Ceylonthelphusa diva*  
*Ceylonthelphusa durrelli*  
*Ceylonthelphusa kotagama*  
*Ceylonthelphusa nata*  
*Ceylonthelphusa orthos*  
*Ceylonthelphusa sanguinea*  
*Ceylonthelphusa savitriae*  
*Ceylonthelphusa kakoota*

*Scientific Name*

*Common Names*  
*(English-E, Sinhala-S, Tamil - T)*

*Mahatha helaya*  
*Mahatha lora*  
*Mahatha lacuna*  
*Mahatha regina*  
*Oziothelphusa intuta*  
*Oziothelphusa Kodagoda*  
*Perbrinckia cracens*  
*Perbrinckia enodis*  
*Perbrinckia fido*  
*Perbrinckia morayensis*  
*Perbrinckia punctata*  
*Perbrinckia quadratus*  
*Perbrinckia rasae*  
*Perbrinckia scitula*

**Order : Cladocera**

*Ghardaglaia ambigua*  
*Stenocypris fernandoni*  
*Chrissa ceylonica*  
*Chrissa halyi*  
*Centrocypris viridis*

**Order : Podocopa**

*Darwinula lundi*

**Order : Decapoda**

*caridina singhalensis*  
*caridina pristis*  
*Caridina fernandoni*  
*Caridina zeylanica*  
*Caridina costai*  
*Macrobrachium srilankense*  
*Ceylonthelphusa sorrow*  
*Ceylonthelphusa inflatissima*  
*Oziothelphusa minneriyansis*

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**Family : Diogenidae**

*Dardanus magistos* - Red Hermit crab/Hairy crab (E)

**Family : Hymenoceridae**

*Hymenocera elegans* - Painted Shrimp/Orchid Shrimps/Paddle shrimp (E)

Scientific Name Common Names  
(English-E, Sinhala-S, Tamil - T)

**Family : Enoplometopidae**

*Enoplometopus* spp. - Lobster (E)

**Phylum : Ceolenterata**

**Order : Ceriantharia**

*Cerianthus* spp. - Sand anemone (E)

**Class : Anthozoa**

**Order : Scleractinia**

**Family : Pocilloporidae**

*Pocillopora* spp.  
*Stylophora* spp.  
*Seriatopora* spp. - Birdsnest coral (E)

**Family : Acroporidae**

*Acropora* spp. - Table coral (E)  
*Montipora* spp. - Velvet coral (E)  
*Astreopora* spp.

**Family : Agriciidae**

*Pavona* spp.  
*Leptoseris* spp.  
*Pachyseris speciosa*

**Family : Siderastreidae**

*Conscinaraea* spp.

**Family : Fungiidae** - Mushroom Coral (E)

*Cycloseri* spp.  
*Fungia* spp.  
*Herpolitha limax* - Tongue coral (E)  
*Polyphyllia talpina* - Slipper coral/Sea mole coral (E)  
*Sandalolitha robusta*  
*Zoopilus echinatus*  
*Diaseris fragilis*  
*Diaseris distorta*

**Family : Faviidae**

- Favia* spp.  
*Favites* spp.                 - Pineapple coral/Honeycomb coral (E)  
*Montastrea* spp.  
*Cyphastrea chalcidicum*

<i>Scientific Name</i>	<i>Common Names</i> (English-E, Sinhala-S, Tamil - T)
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- Cyphastrea serailia*  
*Oulophyllia crispa*  
*Platygyra* spp.                 - Brain coral (E)  
*Leptoria phrygia*                 - Brain coral (E)  
*Diploastrea heliopora*  
*Echinopora lamellosa*  
*Clesiastrea versipora*  
*Goniastrea* spp.

**Family : Merulinidae**

- Hydnophora* spp.                 - Horn Coral (E)  
*Merulina* spp.                 - Cabbage Coral (E)

**Family : Mussidae**

- Symphyllia* spp.  
*Labophyllia* spp.  
*Labophyllia hemprichii*  
*Acanthastrea* spp.

**Family : Pectiniidae**

- Echinophyllia* spp.  
*Pectinia* spp.                 - Carnation coral (E)  
*Mycedium elephantotus*

**Family : Euphyllidae**

- Euphyllia* spp.  
*Plerogyra sinuosa* spp.                 - Bubble corals/Bladder coral (E)  
*Physogyra* spp.                 - Bubble coral (E)  
*Catalaphyllia jardinei*                 - Comb Anemone/Elegant coral (E)

**Family : Dendrophylliidae**

- Tubastrea* spp.                 - Coral polyper/Sun coral (E)  
*Dendrophyllia micrantha*-  
*Dendrophyllia peltata*  
*Turbinaria* spp.                 - Turban coral/Cup coral (E)  
*Heteropsammia cochlea*  
*Balanophyllia* spp.

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**Family : Poritidae**

- Porites* spp. - Pore coral (E)  
*Goniopora stokesi* - Ball coral (E)  
*Goniopora fruticosa*  
*Goniopora astreata*

*Scientific Name*

*Common Names*  
(English-E, Sinhala-S, Tamil - T)

**Class : Hydrozoa**

**Family : Milleporidae**

- Millepora* spp. - Fire corals (E)

**Family : Stylasteriidae**

- Distichopra violacea* - Scarlet Corals (E)  
*Stylaster* spp. - Lace coral (E)

**Order : Antipathria**

- All species* - Black coral (E)

**Order : Ceriatharia**

- All species* - Tube Anemones, Burrowing Anemones (E)

**Order : Alcyonacea**

- All species* - Soft corals (E)

**Family : Ellisellidae**

- All species* - Sea whips (E)

**Order : Gorgonacea**

- All species* - sea Fans (E)

**Phylum : Annelida**

**Family : Sabellidae**

- Sabellestarte* spp. - Fan Worms/Tube Worms (E)

**Family : Serpulidae**

- Spirobranchus* spp. - Feather/Christmas tree worms (E)

**Phylum : Mollusca**

- Bulimus inconspicua*  
*Paludomus chilinoides*  
*Paludomus transchauricus nasuts*



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<i>Scientific Name</i>	<i>Common Names</i> ( <i>English-E, Sinhala-S, Tamil - T</i> )
<i>Paludomus bicinctus</i>	
<i>Paludomus decussates</i>	
<i>Paludomus nigricans</i>	
<i>Paludomus regalis</i>	
<i>Paludomus sulcatus</i>	
<i>Paludomus loricatus</i>	
<i>Thysanota elegans</i>	
<i>Euplecta binoyaensis</i>	
<i>Euplecta colletti</i>	
<i>Euplecta gardeneri</i>	
<i>Euplecta isabellina</i>	
<i>Euplecta prestoni</i>	
<i>Ratnadvipia karu</i>	
<i>Ravana politissima</i>	
<i>Macrochlamys neaps</i>	
<i>Macrochlamys woodiana</i>	
<i>Glesula veruina</i>	
<i>Corilla beddomeae</i>	
<i>Japonia vesca</i>	
<i>Leptopomoides poecilus</i>	
<i>Tortulosa decora</i>	
<i>Tortulosa marginata</i>	
<i>Paludomus neritoides</i>	
<i>Paludomus solidus</i>	
<i>Paludomus palustris</i>	
<i>Tibia insulae</i>	
<i>Charonia tritonis</i>	- Tritons Trumpet (E)
<i>Strombus listeri</i>	- Lister's Conch (E)
<i>Lambis lambis</i>	- Common spider Conch (E)
<i>Lambis chiragra</i>	- Chiragra spider Conch (E)
<i>Cypraea tigris</i>	- Tiger Cowire (E)
<i>Cypraea talpa</i>	- Mole Cowire (E)
<i>Cypraea mappa</i>	- Map Corwire (E)
<i>Cypraea argus</i>	- Eyed Cowire (E)
<i>Cypraeacassis rufa</i>	- Bull Mouth Helmet (E)
<i>Cassis cornutus</i>	- Horned Helmet (E)
<i>Chicoreus palmarosae</i>	- Rose Frond Murex, Palmrose murex/Rose Branch murex (E)

**Order : Nudibranchia**

*Hexabranchnus* spp.      - Spanish Dancer Sea Slugs (E)

**Class : Bivalvia**

*Tridachna* spp.      - Tridachna Giant Clams/Giant Clam (E)

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**Class : Cephalopoda**

**Sub Class : Nautiloidea**

*Nautilus* spp. - Nautilus (E)

**Sub Class : Coleoidea**

**Family : Argonautidae**

*Argonauta* spp. - Paper Nautilus/Argonaut (E)

**Phylum : Echinodermata**

**Class : Echinoidea**

**Family : Echinometridae**

*Heterocentrotus*  
*mammillatus* - Slate pencil Urchin, Red slate pencil  
Urchin (E)

**Class : Holothuroidea**

**Family : Cucumariidae**

*Pseudocolochirus* spp. - Royal Sea Cucumber (E)

**SCHEDULE VIII**      (Section 42)

**List of Plants that are protected**

<i>Scientific Name</i>	<i>English Name</i>	<i>Sinhala Name</i>	<i>Tamil Name</i>
Bryophytes			
<b>Family: Sphagnaceae</b>			
<i>Sphagnum ceylonicum</i>	Sphagnum moss (E)		
Ferns and Fern allies			
<b>Family: Equisetaceae</b>			
<i>Equisetum debile</i>			
<b>Family: Isoetaceae</b>			
<i>Isoetes coromandelina</i>			
<b>Family: Lycopodiaceae</b>			
<i>Huperzia hamiltonii</i>			
<i>Huperzia phlegmaria</i>		Maha- hedaya (s)	
<i>Huperzia pinifolia</i>			
<i>Huperzia ceylanica</i>			
<i>Huperzia phyllantha</i>			
<i>Huperzia pulchemima</i>			
<i>Huperzia serrata</i>			
<i>Huperzia squarrosa</i>		Kuda- hedeya (S)	
<i>Huperzia subulifolia</i>			
<i>Huperzia vemicosa</i>			
<i>Lycopodiella caroliniana</i>			
<i>Lycopodium japonicum</i>			
<i>Lycopodium wightianum</i>			
<b>Family: Psilotaceae</b>			
<i>Psilotum udum</i>			
<b>Family: Selaginellaceae</b>			
<i>Selaginella calostachya</i>			
<i>Selaginella cochleata</i>			
<i>Selaginella praetermissa</i>			
<i>Selaginella wightii</i>			

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<i>Scientific Name</i>	<i>English Name</i>	<i>Sinhala Name</i>	<i>Tamil Name</i>
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**Family: Pterodaceae**

*Actiniopteris radiata*  
*Cheilanthes thwaitesii*  
*Idiopteris hookeriana*  
*Pellaea boivini*  
*Pellaea falcata*  
*Pteris argyraea*  
*Pteris confusa*  
*Pteris Gongalensis*  
*Pteris praetermissa*  
*Pteris reptans*

**Family: Aspleniaceae**

*Asplenium disjunctum*  
*Asplenium longipes*  
*Asplenium nitidum*  
*Asplenium obscurum*  
*Asplenium pellucidum*

**Family: Cyatheaceae** (all species)

<i>Cyathea Hookeri</i>			
<i>Cyathea sinuata</i>	Tree Fern (E)	Miman Gas (S)	
<i>Cyathea crinita</i>	Tree Fern (E)	Miman Gas (S)	
<i>Cyathea gigantes</i>	Tree Fern (E)	Miman Gas (S)	
<i>Cyathea walkerar</i>	Tree Fern (E)	Miman Gas (S)	

**Family: Dennstaedtiaceae**

*Microlepidia majuscula*  
*Lindsaea repens var. pectinata*

**Family: Dryopteridaceae**

*Polystichum anomalum*  
*Pteridrys zeylanica*  
*Tectaria thwaitesii*

**Family: Woodsiaceae**

*Deparia Ployrhizos*  
*Deparia zeylanica*  
*Diplazium cognatum*  
*Diplazium paradoxum*

**Family: Grammitidaceae**

*Chrysogrammitis glandulosa*  
*Ctenopteris repandula*  
*Ctenopteris thwaitesii*  
*Grammitis wallii*  
*Scleroglossum sulcatum*  
*Xiphopteris cornigera*

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<i>Scientific Name</i>	<i>English Name</i>	<i>Sinhala Name</i>	<i>Tamil Name</i>
<b>Family: Hymenophyllaceae</b>			
<i>Crepidomanes bilabiatum</i>			
<i>Crepidomanes intramarginale</i>			
<i>Crepidomanes kurzii</i>			
<i>Didymoglossum exiguum</i>			
<i>Didymoglossum wallii</i>			
<i>Gonocormus saxifragoides</i>			
<i>Microgonium motleyi</i>			
<i>Microtrichomanes nitidulum</i>			
<i>Pleuromanens pallidum</i>			
<b>Family: Lomariopsidaceae</b>			
<i>Bolbitis appendiculata</i>			
<i>Teratophyllum aculeatum</i>			
<b>Family: Marattiaceae</b>			
<i>Marattia fraxinea</i>			
<b>Family: Ophioglossaceae</b>			
<i>Botrychium daucifolium</i>			
<i>Botrychium lanuginosum</i>			
<i>Helminthostachys zeylanica</i>			
<i>Ophioglossum costatum</i>			
<i>Ophioglossum gramineum</i>			
<i>Ophioglossum nudicaule</i>			
<i>Ophioglossum pendulum</i>			
<i>Ophioglossum petiolatum</i>			
<i>Ophioglossum reticulatum</i>			
		Kemkok- varalla (S)	
			Pati-beru(S)
<b>Family: Thelypteridaceae</b>			
<i>Amauroplta hakgalensis</i>			
<i>Ampelopteris prolifera</i>			
<i>Christella meeboldii</i>			
<i>Christella subpubescens</i>			
<i>Christella zeylanice</i>			
<i>Pronephrium gardneri</i>			
<i>Sphaerostephanos subtruncatus</i>			
<i>Thelypteris confluens</i>			
<i>Trigonospora angustifrons</i>			
<i>Trigonospora calcarata</i>			
<i>Trigonospora ciliata</i>			
<i>Trigonospora glandulosa</i>			
<i>Trigonospora obtursiloba</i>			
<i>Trigonospora zeylanica</i>			

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**Family: Osmundaceae**

*Osmunda collina*

**Family: Polypodiaceae**

*Belvisia mucronata*

*Leptochilus decurrens*

*Microsorium insigne*

*Pleopeltis lanceolata*

Gymnosperms

**Family: Cycadaceae** (all species)

*Cycas nathorstii*

Madu(S)

*Cycas zeylanica*

Maha

Madu(S)

Angiosperms

**Family: Acanthaceae**

*Andrographis macrobotrys*

*Barleria nitida*

*Barleria nutans*

*Barleria vestita*

*Barleria lanceata*

*Gymnostachyum hirsutum*

*Gymnostachyum thwaitesii*

*Strobilanthes caudata*

Nelu(S)

*Strobilanthes gardneriana*

Nelu(S)

*Strobilanthes nigrescens*

Nelu(S)

*Strobilanthesnockii*

Nelu(S)

*Strobilanthes punctata*

Nelu(S)

*Strobilanthes rhytisperma*

Nelu(S)

*Strobilanthes stenodon*

Nelu(S)

*Strobilanthes thwaitesii*

Nelu(S)

*Strobilanthes zeylanica*

Nelu(S)

*Strobilanthes arnottiana*

Nelu(S)

*Strobilanthes deflexa*

Nelu(S)

*Strobilanthes hypericoides*

Nelu(S)

*Strobilanthes pentandra*

Nelu(S)

*Strobilanthes rhamnifolia*

Nelu(S)

**Family: Amaranthaceae**

*Achyranthes bidentata*

*Achyranthes diandra*

*Centrostachys aquatica*

*Cyathula ceylanica*

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<b>Family: Anacardiaceae</b>			
<i>Semecarpus moonii</i>		Badulla(S)	
<i>Semecarpus obovata</i>		Badulla(S)	
<i>Semecarpus parvifolia</i>		Badulla(S)	
<i>Semecarpus pseudo-emarginata</i>		Badulla(S)	
<b>Family: Ancistrocladaceae</b>			
<i>Ancistrocladus hamatus</i>		Gona wel(S)	
<b>Family: Annonaceae</b>			
<i>Alphonsea hortensis</i>			
<i>Alphonsea zeylanica</i>			
<i>Anaxagorea luzonensis</i>			
<i>Artabotrys hexapetalus</i>			
<i>Goniothalamus thomsonii</i>			
<i>Goniothalamus gardneri</i>			
<i>Miliusa zeylanica</i>			
<i>Orophea polycarpa</i>			
<i>Phoenicanthus coriacea</i>		Keku(S)	
<i>Polyalthia moonii</i>			
<i>Polyalthia persicaefolia</i>			
<i>Uvaria cordata</i>			
<i>Xylopia nigricans</i>		Heen-kenda(S)	See-vindai(T)
<b>Family: Anthericaceae</b>			
<i>Chlorophytum heynei</i>			
<b>Family: Apiaceae (Umbelliferae)</b>			
<i>Heracleum ceylanicum</i>			
<i>Peucedanum ceylanicum</i>			
<i>Sanicula elata</i>			
<b>Family: Apocynaceae</b>			
<i>Anodendron rhinosporum</i>			
<i>Cleghornia acuminata</i>			
<i>Petchea ceylanica</i>		Kukul-kaduru, Wal-kaduru, Wasa-kaduru(S)	
<i>Rauvolfia serpentina</i>		Ekaweriya, Rat Ekaweriya, Nakuli(S)	Chivan ampelpodi, Covan naamilpori (T)
<i>Vallaris solanacea</i>			
<i>Wrightia flavido-rosea</i>			

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<b>Family: Aponogetonaceae</b>			
<i>Aponogeton jacobsenii</i>		Kekatiya (S)	
<i>Aponogeton rigidifolius</i>		Kekatiya, Kokati (S)	
<b>Family : Apostasiaceae</b>			
<i>Apostasia wallichii</i>			
<b>Family: Araceae</b>			
<i>Arisaema constrictum</i>			
<i>Cryptocoryne alba</i>		Athu-udyan (S)	
<i>Cryptocoryne bogneri</i>		Athu-udyan (S)	
<i>Cryptocoryne thwaitesii</i>		Athu-udyan (S)	
<i>Cryptocoryne walkeri</i>		Athu-udyan (S)	
<i>Lagenandra bogneri</i>		Wana-ketala (S)	
<i>Lagenandra jacobsenii</i>		ketala (S)	
<i>Lagenandra koenigii</i>		ketala (S)	
<i>Lagenandra lancifolia</i>		Anoda (S)	
<i>Lagenandra praetermissa</i>		Vethala (S)	
<i>Lagenandra thwaitesii</i>		ketala (S)	
<i>Lagenandra erosa</i>		ketala (S)	
<i>Rhaphidophora decursiva</i>		Dhada-kehel (S)	
		Wel kohila (S)	
<i>Rhaphidophora pertusa</i>		Nil-walla, Nil-wella (S)	
<i>Typhonium flagelliforme</i>		Panu-ala (S)	
<i>Pothos remotiflorus</i>			
<b>Family: Araliaceae</b>			
<i>Polyscias acuminata</i>			
<b>Family: Arecaceae (Palmae)</b>			
<i>Areca concinna</i>		Len-teri(S)	
<i>Loxococcus rupicola</i>		Dotalu (S)	
<i>Oncosperma fasciculatum</i>		Katu-kitul (S)	
<i>Calamus delicatulus</i>		Nara wel (S)	
<i>Calamus digitatus</i>		Kukulu wel (S)	
<i>Calamus ovoideus</i>		Sudu wewal, Tambutu wel, Thudarena (S)	
<i>Calaums pachystemonus</i>		Kukulu wel(S)	
<i>Calaums radiatus</i>		Kukulu wel (S)	
<i>Calaums rivalis</i>		Ela wel, Ela	
<i>Calamus zeylanicus</i>		Kaha wewal (S) Tambutu wel(S)	
<i>Nypa fruticans</i>		Gin-pol(S)	



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<b>Family: Asclepiadaceae</b>			
<i>Bidaria cuspidata</i>			
<i>Brachystelma lankana</i>		Pathan-Ala(S)	
<i>Caralluma adscendens</i>			Mankalli(T)
<i>Caralluma umbellata</i>			
<i>Ceropegia candelabrum</i>		Wel-mottu(S)	
<i>Ceropegia elegans</i>			
<i>Ceropegia parviflora</i>			
<i>Ceropegia taprobanica</i>			
<i>Ceropegia thwaitesii</i>			
<i>Cosmostigma racemosum</i>			
<i>Cynanchum alatum</i>			
<i>Dischidia nummularia</i>			
<i>Gymnema rotundatum</i>			
<i>Heterostemma tanjorensis</i>			
<i>Hoya ovalifolia</i>			
<i>Hoya pauciflora</i>		Heen- aramessa (S)	
<i>Marsdenia tenacissima</i>		Muruwa-dul, Muruwa (S)	
<i>Oxystelma esculentum</i>		Usepale(S)	Kulappalai (T)
<i>Toxocarpus kleinii</i>			
<i>Tylophora fasciculata</i>			
<i>Tylophora multiflora</i>			
<i>Tylophora pauciflora</i>			
<i>Tylophora zeylanica</i>			
<b>Family: Asteraceae (Compositae)</b>			
<i>Anaphalis fruticosa</i>			
<i>Anaphalis pelliculata</i>			
<i>Anaphalis thwaitesii</i>			
<i>Blepharispermum petiolare</i>			
<i>Blumea angustifolia</i>			
<i>Blumea aurita</i>			
<i>Blumea barbata</i>			
<i>Blumea crinita</i>			
<i>Blumea lanceolaria</i>			
<i>Glossogyne bidens</i>			
<i>Gynura hispida</i>			
<i>Gynura zeylanica</i>			
<i>Notonia grandiflora</i>			
<i>Notonia walkeri</i>			
<i>Senecio gardneri</i>			Chiva- chararntai (T)
<i>Sphaeranthus amaranthoides</i>			
<i>Vernonia anceps</i>			
<i>Vernonia pectiniformis</i>			
<i>Vernonia thwaitesii</i>			

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**Family: Balanophoraceae**

*Balanophora fungosa*

**Family: Balsaminaceae**

*Impatiens acaulis*

*Impatiens appendiculata*

*Impatiens arnottii*

*Impatiens ciliifolia*

*Impatiens cornigera*

*Impatiens cuspidata*

*Impatiens elongata*

*Impatiens grandis*

*Impatiens janthina*

*Impatiens leptopoda*

*Impatiens leucantha*

*Impatiens linearis*

*Impatiens macrophylla*

Gas-  
Kudalu (S)

*Impatiens oppositifolia*

*Impatiens repens*

Gal-  
demata (S)

*Impatiens subcordata*

*Impatiens taprobanica*

*Impatiens thwaitesii*

*Impatiens truncata*

*Impatiens walkeri*

**Family: Begoniaceae**

*Begonia dipetala*

*Begonia subpeltata*

*Begonia tenera*

Bim-  
hakambala (S)

**Family: Boraginaceae**

*Cordia subcordata*

*Heliortropium supinum*

*Rotula aquatica*

**Family: Burmanniaceae**

*Burmannia championii*

*Thismia gardneriana*

**Family: Campanulaceae**

*Campanula canescens*

*Campanula fulgens*

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<b>Family: Capparaceae</b>			
<i>Cadaba fruticosa</i>			Vili(T)
<i>Capparis divaricata</i>		Wellangiriya (S)	Torikei (T)
<i>Capparis floribunda</i>			
<i>Capparis mooni</i>		Rudanti (S)	
<i>Capparis tenera</i>		Wellangiriya (S)	
<i>Cleome chelidonii</i>		Wal-aba (S)	
<b>Family: Caryophyllaceae</b>			
<i>Cerastium fontanum</i>			
<i>Stellaria pauciflora</i>			
<b>Family: Celastraceae</b>			
<i>Cassine congylos</i>			
<i>Celastrus paniculatus</i>		Duhundu (S)	
<i>Euonymus thwaitesii</i>			
<i>Glyptopetalum zeylanicum</i>			
<i>Kokoona zeylanica</i>		Kokoon (S)	
<i>Maytenus fruticosa</i>			
<b>Family: Clusiaceae (Guttiferae)</b>			
<i>Calophyllum calabe</i>		Guru-kina, Hinkina (S)	
<i>Calophyllum bracteatum</i>		Walu- kina (S)	
<i>Calophyllum cordato-oblongum</i>		Kalu-kina (S)	
<i>Calophyllum cuneifolium</i>		Kina (S)	
<i>Calophyllum moonii</i>		Domba-kina (S)	
<i>Calophyllum thwaitesii</i>		Batu-kina (S)	
<i>Calophyllum tomentosum</i>		Telkina (S)	Ponogu (T)
<i>Calophyllum trapezifolium</i>		Kina (S)	
<i>Calophyllum walkeri</i>		Kina (S)	
<i>Calophyllum zeylanicum</i>		Kina (S)	
<i>Garcinia hermonii</i>			
<i>Garcinia terpnophylla</i>		Kokatiya (S)	
<i>Garcinia thwaitesii</i>			
<i>Garcinia zeylanica</i>			
<i>Mesua stylosa</i>			
<b>Family: Combretaceae</b>			
<i>Lumnitzera littorea</i>			
<b>Family: Commelinaceae</b>			
<i>Cyanotis obtusa</i>			
<b>Family: Connaraceae</b>			
<i>Ellipanthus unifoliatus</i>			

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<b>Family: Convolvulaceae</b>			
<i>Argyreia choisyana</i>			
<i>Argyreia hancorniaefolia</i>			
<i>Argyreia pomacea</i>			Unam kodhy (T)
<i>Argyreia splendens</i>			
<i>Bonamia semidigyna</i>		Bu-wasa- thel-kola (S)	
<i>Ipomoea coptica</i>			
<i>Ipomoea jucunda</i>			
<i>Ipomoea staphylina</i>			
<i>Ipomoea wightii</i>			
<b>Family: Cornaceae</b>			
<i>Mastixia congylos</i>			
<i>Mastixia montana</i>			
<i>Mastixia nimalii</i>			
<b>Family: Cucurbitaceae</b>			
<i>Mukia leiosperma</i>			
<i>Kedrostis foetidissima</i>			
<b>Family: Cyperaceae</b>			
<i>Baeothryon subcapitatum</i>			
<i>Carex breviscapa</i>			
<i>Carex taprobanensis</i>			
<i>Cyperus articulatus</i>			
<i>Cyperus cephalotes</i>			
<i>Eleocharis confervoides</i>			
<i>Eleocharis lankana</i>			
<i>Fimbristylis monticola</i>			
<i>Fimbristylis zeylanica</i>			
<i>Hypolytrum longirostre</i>			
<i>Mapania immersa</i>			
<i>Mapania zeylanica</i>			
<i>Mariscus compactus</i>			
<i>Pycneus stramineus</i>			
<i>Rhynchospora gracillima</i>			
<i>Scirpodendron ghaeri</i>		Hin-keyiya (S)	
<i>Scleria pilosa Boeckeler</i>			
<i>Tricostularia undulata</i>			
<b>Family: Dilleniaceae</b>			
<i>Acrotrema dissectum</i>			
<i>Acrotrema lyratum</i>		Binberu (S)	
<i>Acrotrema thwaitesii</i>			
<i>Schumacheria alnifolia</i>			

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<b>Family: Dioscoreaceae</b>			
<i>Dioscorea koyamae</i>		Gonala, kahata-gonala, kiri gonala (S).	
<i>Dioscorea trimenii</i>		Dahaiya-ala(S)	
<i>Trichopus zeylanicus</i>			
<b>Family: Dipterocarpaceae</b>			
<i>Balanocarpus brevipetiolaris</i>		Dunmala (S)	
<i>Balanocarpus kitulgallensis</i>			
<i>Dipterocarpus glandulosus</i>		Dorana (S)	
<i>Dipterocarpus insignis</i>			
<i>Doona congestiflora</i>		Tiniya (S)	
<i>Doona gardneri</i>		Ratu-dun(S)	Koongilli Maram (T)
<i>Doona macrophylla</i>		Maha-beraliya, Honda_beraliya, Kana-beraliya (S)	
<i>Doona nervosa</i>		Kotikan (S)	
<i>Doona oblonga</i>			
<i>Doona ovalifolia</i>		Pini-beraliya (S)	
<i>Doona trapezifolia</i>		Yakhalu-dun (S)	
<i>Doona venulosa</i>		Beraliya (S)	
<i>Doona zeylanica</i>		Dun (S)	Koongili (T)
<i>Hopea cordifolia</i>		Uva-mendora, Mendora (S)	
<i>Hopea discolor</i>		Peely-dun, Rata-dun (S)	
<i>Hopea modesta</i>		Pini-beraliya (S)	
<i>Shorea dyeri</i>		Yakhalu-dun (S)	
<i>Shorea hulanidda</i>		Hulan-idda (S)	
<i>Shorea lissophylla</i>		Malmora (S)	
<i>Shorea oblongifolia</i>			
<i>Shorea pallescens</i>		Ratu-dun (S)	
<i>Shorea stipularis</i>		Nawadun, Nawada, Hulan (S)	
<i>Stemonoporus spp.</i>			
<i>All species belonging to stemonoporus genus</i>			
<i>Sunaptea scabriuscula</i>			
<i>Vatica affinis</i>			

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<i>Vatica lewisiana</i>			
<i>Vatica obscura</i>			Tumpalai(T)
<i>Vatica paludosa</i>			
<b>Family: Ebenaceae</b>			
<i>Diospyros acuminata</i>			
<i>Diospyros acuta</i>			
<i>Diospyros albiflora</i>			
<i>Diospyros atrata</i>			
<i>Diospyros attenuata</i>		Kadumberiya (S)	
<i>Diospyros chaetocarpa</i>		Kalu mediriya (S)	
<i>Diospyros crumenata</i>			
<i>Diospyros ebenoides</i>		Kaluhabaraliya (S)	Irumpalai(T)
<i>Diospyros hirsuta</i>			
<i>Diospyros koenigii</i>			
<i>Diospyros melanoxylon</i>		Kadumberiya (S)	
<i>Diospyros montana</i>			Katukanni, Mulkarunkali, Va-kkana (T)
<i>Diospyros moonii</i>		Kaluwella, Kadumberiya (S)	
<i>Diospyros nummulariifolia</i>			
<i>Diospyros oblongifolia</i>			
<i>Diospyros oppositifolia</i>			
<i>Diospyros pomasai</i>	Jayasuriya		
<i>Diospyros quaesita</i>		Kalumederiya (S)	
<i>Diospyros rheophytica</i>			
<i>Diospyros thwaitesii</i>			
<i>Diospyros trichophylla</i>			
<i>Diospyros walkeri</i>		Kadumberiya, Kaluwelle (S)	
<b>Family : Elaeocarpaceae</b>			
<i>Elaeocarpus montanus</i>		Gal-Veralu (S)	
<i>Elaeocarpus zeylanicus</i>			
<b>Family : Ericaceae</b>			
<i>Rhododendron arboreum</i>			
<i>zeylanicum</i>		maha rath mal (S)	
<b>Family : Eriocaulaceae</b>			
<i>Eriocaulon collinum</i>		Kokmota (S)	
<i>Eriocaulon fluviatile</i>		Kokmota (S)	
<i>Eriocaulon longicuspe</i>		Kokmota (S)	
<i>Eriocaulon philippo-coburgi</i>		Kokmota (S)	
<i>Eriocaulon walkeri</i>		Kokmota (S)	

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**Family : Euphorbiaceae (see Phyllanthaceae and Putranjivaceae)**

<i>Chaetocarpus pubescens</i>			
<i>Chrozophora plicata</i>			
<i>Cleidion nitidum</i>			
<i>Cleidion spiciflorum</i>		Okuru (S)	
<i>Croton moonii</i>			
<i>Dalechampia indica</i>			
<i>Euphorbia cristata</i>			
<i>Trigonostemon diplopetalus</i>			

**Family : Fabaceae (Leguminosae)**

<i>Acacia ferruginea</i>			
<i>Adenanthera bicolor</i>			
<i>Albizia amara</i>			
<i>Bauhinia scandens</i>			
<i>Cassia italica</i>			
<i>Cassia senna</i>			
<i>Caesalpinia crista</i>		Diya-vavul- etiya (S)	
<i>Caesalpinia digyna</i>		Wekiri-mul (S)	
<i>Caesalpinia hymenocarpa</i>			
<i>Crotalaria berteroaana</i>			
<i>Crotalaria linifolia</i>			
<i>Crotalaria montana</i>			
<i>Crotalaria mysorensis</i>			
<i>Crotalaria triquetra</i>			
<i>Crotalaria wightiana</i>			
<i>Crotalaria willdenowiana</i>			
<i>Crudia zeylanica</i>			
<i>Cynometra iripa</i>			
<i>Desmodium gangeticum</i>			
<i>Desmodium jucundum</i>			
<i>Desmodium zonatum</i>			
<i>Dioclea javanica</i>			
<i>Dunbaria ferruginea</i>			
<i>Eleiotis monophyllos</i>			
<i>Galactia striata</i>			
<i>Indigofera constricta</i>			
<i>Indigofera glabra</i>			
<i>Indigofera parviflora</i>			
<i>Indigofera trifoliata</i>			
<i>Indigofera wightii</i>			
<i>Mucuna gigantea</i>			
<i>Mucuna monosperma</i>			
<i>Pericopsis mooniana</i>			
<i>Rhynchosia acutissima</i>			
<i>Rhynchosia densiflora</i>			

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<i>Rhynchosia nummularia</i>			
<i>Rhynchosia suaveolens</i>			
<i>Sesbania sericea</i>			
<i>Smithia conferta</i>			
<i>Sophora violacea</i>			
<i>Sophora zeylanica</i>			
<i>Strongylodon siderospermus</i>			
<i>Tephrosia senticosa</i>			
<i>Tephrosia spinosa</i>			
<b>Family : Flacourtiaceae</b>			
<i>Chlorocarpa pentaschista</i>	Alston	Mukulla, Patma - Gomma (S)	Attuchankular(T)
<b>Family : Gentianaceae</b>			
<i>Crawfordia championii</i>			
<i>Exacum axillare</i>			
<i>Exacum petiolare</i>			
<i>Exacum sessile</i>			
<i>Exacum trinervium</i>			
<i>Exacum trinervium</i>		Binara (S)	
<i>Exacum walkeri</i>		Sudu- binara (S)	
<b>Family : Geraniaceae</b>			
<i>Geranium nepalense</i>			
<b>Family : Gesneriaceae</b>			
<i>Aeschynanthus ceylanica</i>			
<i>Chirita angusta</i>			
<i>Chirita moonii</i>			
<i>Chirita walkeri</i>			
<i>Chirita zeylanica</i>			
<i>Didymocarpus floccosus</i>			
<i>Didymocarpus zeylanicus</i>			
<i>Epithema carnosum</i>			
<b>Family : Goodeniaceae</b>			
<i>Scaevola plumieri</i>		Hin takkada (S)	
<b>Family : Haloragidaceae</b>			
<i>Laurembergia zeylanica</i>			
<b>Family : Hippocrateaceae</b>			
<i>Loeseneriella arnottiana</i>			



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<i>Scientific Name</i>	<i>English Name</i>	<i>Sinhala Name</i>	<i>Tamil Name</i>
<i>Loeseneriella macrantha</i>		Diya kirindiwel (S)	
<i>Salacia oblonga</i>			Chundan (T)
<i>Salacia reticulata</i>		Kotala-himbutu, Himbutu wel (S)	
<i>Salacia diandra</i>			
<i>Salacia chinensis</i>		Heen-himbutu (S)	

**Family : Hyacinthaceae**

*Dipcadi montanum*

*Dipcadi rupicola*

**Family : Hydrocharitaceae**

*Nechamandra alternifolia*

**Family : Icacinaceae**

*Pyrenacantha volubilis*

**Family : Lamiaceae (Labiatae)**

*Anisochilus paniculatus*

*Coleus elongatus*

*Coleus inflatus*

*Coleus kanneliyensis*

*Leucas longifolia*

*Plectranthus capillipes*

*Plectranthus glabratus*

*Scutellaria robusta*

**Family : Lauraceae**

*Actinodaphne albifrons*

*Cassytha capillaris*

*Cinnamomum capparum-coronde*

*Cinnamomum citriodorum*

*Cinnamomum litseaefolium*

*Cryptocarya membranaces*

*Litsea ligustrina*

*Litsea nemoralis*

Kappuru -  
kurundu (S)  
Pangiri -  
kurundu (S)  
Kudu -  
kurundu (S)  
Gal mora (S)

**Family : Lemnaceae**

*Lemna gibba*

**Family : Lentibulariaceae**

*Utricularia scandens*

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<i>Scientific Name</i>	<i>English Name</i>	<i>Sinhala Name</i>	<i>Tamil Name</i>
<b>Family : Loranthaceae</b>			
<i>Barathranthus mabaeoides</i>			
<i>Barathranthus nodiflorus</i>		Pilila (S)	
<i>Dendrophthoe ligulata</i>			
<i>Dendrophthoe lonchiphyllus</i>			
<i>Dendrophthoe suborbicularis</i>			
<i>Helixanthera ensifolia</i>			
<i>Helixanthera hookeriana</i>			
<i>Macrosolen albicaulis</i>			
<i>Macrosolen barlowii</i>			
<i>Scurrula cordifolia</i>			
<i>Taxillus sclerophyllus</i>			
<i>Tolypanthus gardneri</i>			
<b>Family : Malvaceae</b>			
<i>Abutilon pannosum</i>			
<i>Cullenia ceylanica</i>			
<i>Cullenia rosayroana</i>			
<i>Dicellostyles axillaris</i>			
<i>Julostylis angustifolia</i>		Kirella (S)	
<i>Pavonia procumbens</i>			
<i>Thespesia lampas</i>		Walkapu (S)	Kavarachu (T)
<b>Family : Melastomataceae</b>			
<i>Medinilla cuneata</i>			
<i>Medinilla maculata</i>			
<i>Memecylon ellipticum</i>			
<i>Memecylon gracillimum</i>			
<i>Memecylon grande</i>		Dedi- kaha (S), Dodan - wenna (S)	
<i>Memecylon leucanthemum</i>			
<i>Memecylon macrocarpum</i>			
<i>Memecylon orbiculare</i>			
<i>Memecylon ovoideum</i>			
<i>Memecylon phyllanthifolium</i>			
<i>Memecylon revolutum</i>			
<i>Memecylon rotundatum</i>			
<i>Sonerila cordifolia</i>			
<i>Sonerila firma</i>			
<i>Sonerila gardneri</i>			
<i>Sonerila lanceolata</i>			
<i>Sonerila pilosula</i>			
<i>Sonerila robusta</i>			
<i>Sonerila tomentella</i>			
<i>Sonerila wightiana</i>			

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<i>Scientific Name</i>	<i>English Name</i>	<i>Sinhala Name</i>	<i>Tamil Name</i>
<b>Family : Menispermaceae</b>			
<i>Coscinium fenestratum</i>		Weni-wel, Venivelgata, Pangwela (S)	
<b>Family : Menyanthaceae</b>			
<i>Nymphoides aurantiaca</i>		Renu - Olu (S)	
<b>Family : Monimiaceae</b>			
<i>Hortonia angustifolia</i>			
<i>Hortonia floribunda</i>		Wawiya (S)	
<i>Hortonia ovalifolia</i>			
<b>Family : Moraceae</b>			
<i>Broussonetia zeylanica</i>		Alandus (S)	
<i>Dorstenia indica</i>			
<i>Ficus costata</i>			
<i>Ficus trimenii</i>		Kiripela (S)	
<i>Maclura cochinchinensis</i>			
<b>Family : Musaceae</b>			
<i>Musa acuminata</i>		Unel, Gal kehel (S)	
<i>Musa balbisiana</i>		Eti kehel (S)	
<b>Family : Myristicaceae</b>			
<i>Myristica ceylanica</i>		Malaboda (S)	Palmanikam (T)
<i>Myristica dactyloides</i>		Malaboda (S)	
<b>Family : Myrtaceae</b>			
<i>Eugenia amoena</i>			
<i>Eugenia cotinifolia</i>			
<i>Eugenia fulva</i>			
<i>Eugenia glabra</i>			
<i>Eugenia mabaeoides</i>			
<i>Eugenia rivulorum</i>			
<i>Eugenia rotundata</i>			
<i>Eugenia rufo-fulva</i>			
<i>Eugenia terpnophylla</i>			
<i>Syzygium assimile</i>		Damba (S)	
<i>Syzygium cordifolium</i>		Wal-jambu (S)	
<i>Syzygium cylindricum</i>			
<i>Syzygium fergusonii</i>		Wal- karabus (S)	
<i>Syzygium firmum</i>		Wal-jambu (S)	
<i>Syzygium garneri</i>		Damba (S)	Nir-nawal (T)

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<i>Scientific Name</i>	<i>English Name</i>	<i>Sinhala Name</i>	<i>Tamil Name</i>
<i>Syzygium hemisphericum</i>			
<i>Syzygium lanceolatum</i>			
<i>Syzygium lewisii</i>			
<i>Syzygium micranthum</i>			
<i>Syzygium oliganthum</i>			
<i>Syzygium operculatum</i>		domba (S)	
<i>Syzygium revolutum</i>			
<i>Syzygium sclerophyllum</i>			
<i>Syzygium spathulatum</i>			
<i>Syzygium turbinatum</i>			
<i>Syzygium umbrosum</i>		Vali-damba, Hin-damba (S)	Naval(T)
<b>Family: Nepenthaceae</b>			
<i>Nepenthes distillatoria</i>	Pitcher Plant (E)	Bandura wel (S)	
<b>Family : Oleaceae</b>			
<i>Jasminum bignoniaceum</i>			
<i>Olea paniculata</i>			
<b>Family : Orchidaceae</b>			
All species belonging to Orchidaceae family			Udawediya (S)
<b>Family : Orobanchaceae</b>			
<i>Aeginetia pedunculata</i>			
<i>Legocia aurantiaca</i>			
<i>Christisonia thwaitesii</i>			
<b>Family : Phyllanthaceae</b>			
<i>Antidesma thwaitesianum</i>		Karawela-kebella (S)	
<i>Bridelia stipularis</i>			
<i>Cleistanthus accuminatus</i>		Madara (S)	
<i>Cleistanthus collinus</i>			
<i>Glochidion nemorale</i>			
<i>Phyllanthus cinereus</i>			
<i>Phyllanthus hakgalensis</i>			
<i>Phyllanthus heyneanus</i>			
<i>Phyllanthus rotundifolius</i>			
<i>Phyllanthus zeylanicus</i>			
<i>Sauropus assimilis</i>			
<i>Sauropus retroversus</i>			
<b>Family : Podostemaceae</b>			
<i>Farmeria metzgerioides</i>			

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<i>Scientific Name</i>	<i>English Name</i>	<i>Sinhala Name</i>	<i>Tamil Name</i>
<i>Polypleurum stylosum</i>			
<i>Polypleurum elongatum</i>			
<i>Zeylanidium lichenoides</i>			
<i>Zeylanidium olivaceum</i>			
<i>Zeylandidium subulatum</i>			
<b>Family : Polygalaceae</b>			
<i>Polygala leptalea</i>			
<b>Family : Portulacaceae]</b>			
<i>Portulaca wightiana</i>			
<b>Family : Proteaceae</b>			
<i>Helicia ceylanica</i>			
<b>Family : Putranjivaceae</b>			
<i>Drypetes lanceolata</i>			Gal-weera (S)
<i>Putranjiva zeylanica</i>			Pelan (S)
<b>Family : Rhizophoraceae</b>			
<i>Ceriops decandra</i>			
<b>Family : Rosaceae</b>			
<i>Alchemilla indica</i>			
<i>Sanguisorba indicum</i>			
<b>Family : Rubiaceae</b>			
<i>Byrsophyllum ellipticum</i>			
<i>Canthium macrocarpum</i>			
<i>Ceriscoides turgida</i>			
<i>Dichilanthe zeylanica</i>			
<i>Diplospora erythrospora</i>			
<i>Hedyotis evania</i>			
<i>Hedyotis gardneri</i>			
<i>Hedyotis inamoena</i>			
<i>Hedyotis quinquinervia</i>			
<i>Hedyotis rhinophylla</i>			
<i>Hedyotis srilankensis</i>			
<i>Lasianthus rhizophyllus</i>			
<i>Lasianthus thwaitesii</i>			
<i>Nargedia macrocarpa</i>			
<i>Neurocalyx gardneri</i>			
<i>Ophiorrhiza Pallida</i>			
<i>Psychotria glandulifera</i>			
<i>Psychotria longipetiolata</i>			
<i>Psychotria plurivenia</i>			

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<i>Scientific Name</i>	<i>English Name</i>	<i>Sinhala Name</i>	<i>Tamil Name</i>
<i>Psychotria stenophylla</i>			
<i>Saprosma glomeratum</i>			
<i>Saprosma scabridum</i>			
<i>Scyphiphora hydrophyllacea</i>			
<i>Scyphostachys pedunculatus</i>			
<b>Family : Rutaceae</b>			
<i>Atalantia racemosa</i>			
<i>Glycosmis cyanocarpa</i>			
<i>Naringi crenulata</i>		Wal-beli (S)	
<i>Zanthoxylum caudatum</i>			
<b>Family : Santalaceae</b>			
<i>Santalum album</i>		Sudu-handun (S)	Sandanam (T)
<b>Family : Sapindaceae</b>			
<i>Cardiospermum canescens</i>			
<i>Dimocarpus gardneri</i>			
<i>Lepisanthes simplicifolia</i>			
<b>Family Sapotaceae</b>			
<i>Madhuca clavata Jayasuriya</i>		Ritigala-Mi (S)	
<i>Madhuca moonii</i>			
<i>Palaquium canaliculatum</i>		Elakirihembiliya (S)	
<i>Palaquium thwaitesii</i>		Ratatiya (S)	
<b>Family : Scrophulariaceae</b>			
<i>Adenosma subrepens</i>			
<i>Lindernia viscosa</i>			
<i>Verbascum chinense</i>			
<b>Family : Sonneratiaceae</b>			
<i>Sonneratia apetala</i>			
<b>Family : Stemonaceae</b>			
<i>Stemona curtisii</i>			
<b>Family : Sterculiaceae</b>			
<i>Eriolaena hookeriana</i>			
<i>Pentapetes phoenicea</i>			
<i>Pterygota thwaitesii</i>		Bandu-vada (S) Galnawa, Etaritiva (S)	
<i>Sterculia zeylanica</i>			Kavala, Kavili, Tondi (T)

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<i>Scientific Name</i>	<i>English Name</i>	<i>Sinhala Name</i>	<i>Tamil Name</i>
<b>Family : Stylidiaceae</b> <i>Stylidium uliginosum</i>			
<b>Family : Surianaceae</b> <i>Suriana maritima</i>			
<b>Family : Symphoremaceae</b> <i>Symphorema involucratum</i>			Konda- Tekkali (T)
<b>Family : Symplocaceae</b> <i>Symplocos diversifolia</i> <i>Symplocos elegans</i> <i>Symplocos kurgensis</i>			
<b>Family : Taccaceae</b> <i>Tacca Leontopetaloides</i>		Garandi- kidaram (S)	
<b>Family : Theaceae</b> <i>Gordonia speciosa</i>		Miriheeriya (S)	
<b>Family : Thymelaeaceae</b> <i>Phaleria capitata</i>			
<b>Family : Tiliaceae</b> <i>Corchorus trilocularis</i> <i>Triumfetta glabra</i>			
<b>Family : Triuridaceae</b> <i>Hyalisma janthina</i> <i>Sciaphila tenella</i> <i>Sciaphila secundiflora</i>			
<b>Family : Urticaceae</b> <i>Elastostema acuminatum</i> <i>Elastostema walkerae</i> <i>Lecanthus peduncularis</i>			
<b>Family : Vahliaceae</b> <i>Vahlia dichotoma</i>			
<b>Family : Valerianaceae</b> <i>Valeriana moonii</i>			

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<i>Scientific Name</i>	<i>English Name</i>	<i>Sinhala Name</i>	<i>Tamil Name</i>
<b>Family : Verbenaceae</b>			
<i>Premna divaricata</i>			
<i>Premna purpurascens</i>			
<i>Premna thwaitesii</i>		Mulla (S)	
<i>Priva cordifolia</i>			Enkami, Obeera (T)
<i>Svensonia hyderbadensis</i>			Curroo- poovanrooneer (T)
<b>Family : Violaceae</b>			
<i>Hybanthus ramosissimus</i>			
<b>Family : Viscaceae</b>			
<i>Ginalloa spathulifolia</i>			
<i>Korthalsella japonica</i>			
<i>Notothixos floccosus</i>			
<i>Viscum ramosissimum</i>			
<i>Viscum monoicum</i>			
<b>Family : Zingiberaceae</b>			
<i>Alpinia fax</i>			
<i>Alpinia rufescens</i>			
<i>Amomum acuminatum</i>			
<i>Amomum benthamianum</i>			
<i>Amomum graminifolium</i>			
<i>Amomum hypoleucum</i>			
<i>Amomum trichostachyum</i>			
<i>Curcuma albiflora</i>		Haran- kaha (S).".	



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

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**INSTITUTE OF CERTIFIED MANAGEMENT  
ACCOUNTANTS OF SRI LANKA  
ACT, No. 23 OF 2009**

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[Certified on 20th April, 2009]

*Printed on the Order of Government*

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*Institute of Certified Management Accountants  
of Sri Lanka Act, No. 23 of 2009*

[Certified on 20th April, 2009]

L.D.—O 46/2006.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE INSTITUTE OF CERTIFIED MANAGEMENT ACCOUNTANTS OF SRI LANKA AND OF A COUNCIL OF THE INSTITUTE WHICH SHALL BE RESPONSIBLE FOR THE MANAGEMENT OF ITS AFFAIRS; TO PROVIDE FOR THE REGISTRATION OF MEMBERS OF THE INSTITUTE AND TO SPECIFY CRITERIA FOR AND THE MAINTENANCE OF PROFESSIONAL STANDARDS AND DISCIPLINE BY MEMBERS OF THE INSTITUTE; 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 Institute of Certified Management Accountants of Sri Lanka Act, No. 23 of 2009.

Short title.

**PART I**

**CONSTITUTION, OBJECTS AND POWERS OF THE INSTITUTE OF CERTIFIED  
MANAGEMENT ACCOUNTANTS OF SRI LANKA**

**2.** (1) There shall be established an Institute which shall be called the “Institute of Certified Management Accountants of Sri Lanka” (hereinafter referred to as the “Institute”) consisting of the persons who are for the time being members of the Society of Certified Management Accountants of Sri Lanka incorporated under the Societies Ordinance (Chapter 123).

Establishment of the Institute of Certified Management Accountants of Sri Lanka.

(2) The Institute 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 general objects for which the Institute is constituted are hereby declared—

General objects of the Institute.

(a) to provide for a professional organization for management accountants;

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of Sri Lanka Act, No. 23 of 2009*

- (b) to promote and develop the study of management Accountancy; to establish and issue management Accountancy Standards; and to encourage the application of correct principles, techniques and practices of Management Accountancy;
- (c) to take necessary steps to promote the profession of Management Accountancy in its practice to industry, commerce, education, finance, public service and information technology;
- (d) to conduct a Certified Management Accounting Program leading to the Professional Management Accounting qualification and to take steps to emphasize the importance of such a qualification;
- (e) to provide for a post management accounting qualification for the professional development of members at both Masters and Doctorate levels;
- (f) to monitor the admission of members to the membership of the Institution;
- (g) to undertake and regulate the professional education and practical training of persons who are keen to qualify in Management Accountancy and to approve a Practical Training Scheme to be followed by the students;
- (h) to prescribe and approve courses of study being conducted by the Institute, taking into consideration its functions in relation to education, training and examination;
- (i) to conduct examinations for the grant of the required professional qualifications and to collaborate with recognized local and foreign professional and educational Institutions to promote studies in such institution and to obtain exemptions and recognition in the field of Management Accountancy for members of the Institute;

- (j) to promote, collaborate and assist in the study of Management Accountancy, at Universities and other Higher Educational Institutions;
- (k) to prescribe the qualifications and disqualifications applicable for membership to the Institute and to establish standards of professional conduct and ethics for members of the Institute;
- (l) to organize, supervise and regulate continuing professional education for the benefit of the members;
- (m) to maintain a library of both print and electronic media, books and periodicals, relating to Management Accountancy and related subjects for the use of members, students and those interested in the field of Management Accountancy;
- (n) to encourage the publication of books and periodicals relating to Management Accountancy;
- (o) to grant scholarships, awards and prizes for those who excel in the field of Management Accountancy; and
- (p) to award Diplomas and Certificates to the members of the Institute and to those who fulfill the conditions prescribed by the Institute.

**4.** The following persons shall be eligible for membership of the Institute:—

Eligibility for Membership of the Institute.

- (a) any person who passes the qualifying examinations for membership of the Institute to be conducted by the Council under this Act and who possess such practical training as may, from time to time be prescribed by the Council; or

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of Sri Lanka Act, No. 23 of 2009*

- (b) any person who is a member of any professional body of Accountants by whatever name called and which is approved by rules made by the Council for the time being, and such Association is, in the opinion of the Council, an Association of equivalent status to the Institute.

Classification of members.

**5.** (1) The members of the Institute shall comprise Fellow Members and Associate Members.

(2) A student on completion of all examinations of the Institute and acquiring a minimum of three years of practical experience in an approved sector as prescribed by the Council upon application being made to the Council and payment to the Council of the prescribed fee shall be eligible for registration as an Associate of the Institute by the Council. Such member shall upon registration by the Council as an Associate of the Institute be entitled to use the addition “ACMA” after his name.

(3) Any Member of the Institute who satisfies the Council that he has been an Accountant, Management Consultant or a lecturer in a university established under the Universities Act, No. 16 of 1978 for not less than five years with a minimum of three years Senior Managerial or equivalent experience and who has fulfilled such requirements as may be prescribed by the Council shall be eligible for registration as a Fellow of the Institute by the Council. Any person eligible for registration may forward an application to the Council for registration along with the prescribed fee. A member shall, upon registration by the Council as a Fellow of the Institute, be entitled to use the addition “FCMA” after his name.

(4) Every member of the Institute who is not registered under subsection (3) as a Fellow of the Institute shall be an Associate Member and shall have the right to use the addition of “ACMA” after his name to indicate that he is an Associate Member.

(5) Every Member of the Institute shall be entitled to take and use the title “Certified Management Accountant (CMA)”.

(6) No person, not being a Member of the Institute shall take or use the title “Certified Management Accountant (CMA)” or any addition mentioned in subsections (3) and (4) above.

**6.** (1) No person shall take or use any title either by description or abbreviation or the logo of the Institute, unless such person is eligible under section 5 and has been authorized in writing by the Council of the Institute to do so.

Use of titles and logo.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence.

**7.** The Institute shall have such powers, duties and functions as may reasonably be necessary to carry out its objects and in particular may—

Powers &c., of the Institute.

- (a) acquire in any manner whatsoever and hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of, any movable or immovable property;
- (b) establish and operate management training and education centres;
- (c) conduct, assist, co-ordinate and encourage research into all aspects of management;
- (d) appoint, employ, remunerate and exercise disciplinary control over its officers and servants;
- (e) levy fees or charges for any service rendered by the Institute;
- (f) pay fees or charges for any services rendered to the Institute;

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of Sri Lanka Act, No. 23 of 2009*

- (g) import equipment required for the purposes of the Institute, and receive equipment, funds, and any other assistance for carrying out the objects of the Institute;
- (h) obtain the services of personnel to carry out the objects of the Institute;
- (i) establish work performance standards for its own personnel, evaluate such performance and take reasonable action thereupon;
- (j) establish and maintain welfare and recreational facilities for its employees;
- (k) make rules in relation to its officers and servants including the appointment, training, promotion, remuneration, disciplinary control, conduct and grant of leave;
- (l) make rules in respect of the general administration of the Institute;
- (m) to issue guidelines and standards in Management Accounting for the members of the Institute;
- (n) to open and operate bank accounts, to borrow money, to receive grants and donations, and to invest funds;
- (o) to defend the intellectual property rights of the Institute;
- (p) to make rules, not inconsistent with the provisions of this Act for the management of the Institute and accomplishment of its objects. These rules when made may be altered, added, amended or rescinded, in the manner provided for herein.



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*of Sri Lanka Act, No. 23 of 2009*

**8.** (1) There shall be a Governing Council (hereinafter referred to as the “Council”) responsible for the management, control and administration of the Institute. Constitution of the Council.

(2) The Council shall consist of—

(a) President and Vice-President elected by the members of the Institute among its membership;

(b) the following ex-officio members :—

(i) the Governor of the Central Bank of Sri Lanka or his nominee;

(ii) the President of the Institute of Chartered Accountants of Sri Lanka or his nominee who is a current member of the Council of the Institute;

(iii) the Head of the Department of Accounting of the University of Sri Jayawardanapura or his nominee; and

(c) three members elected by the members of the Institute among its membership.

(3) The members of the Council of the Society of Certified Management Accountants of Sri Lanka holding office on the day immediately preceding the date of the coming into operation of this Act, shall be the members of the first Council of the Institute established herein, and shall hold office for a period of four years.

(4) Elections for the election of members in terms of paragraphs (a) and (c) of subsection (2) shall be conducted in accordance with the rules of the Council.

**9.** (1) Every member of the Council shall, unless he earlier vacates office, hold office for a period of two years from the date of his appointment or election as the case may be: Term of office of members of the Council.

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of Sri Lanka Act, No. 23 of 2009*

Provided however, that the members appointed under subsection (3) of section 8 holding office at the expiration of period of four years from the date referred to in that subsection shall thereupon vacate office, but shall be eligible for re-election.

(2) A member of the Council shall vacate office by resignation therefrom or if he ceases to be a member of the Institute.

(3) In the event of the death of, or vacation of office by a member of the Council, another person shall, in accordance with the provisions of section 7, be appointed or elected, as the case may be, in place of such member, and shall hold office during the remaining part of the term of office of such member.

(4) Any member of the Council who vacates office by effluxion of time shall be eligible for reappointment or re-election as a member.

(5) A member of the Council shall be deemed to have vacated office on failure to attend three consecutive meetings of the Council unless excused by the Council or upon such member ceasing to be a member of the Institute.

Acts or proceedings of the Institute deemed not to be invalid by reason of any vacancy or defect in the appointment of a member.

**10.** No act or proceeding of the Institute shall be deemed to be invalid by reason only of the existence of any vacancy in the Council or defect in the appointment of any member of the Council.

Appointment of an Advisory Board.

**11.** It shall be lawful for the Council to appoint an Advisory Board consisting of not more than ten eminent persons for a period not exceeding two years. The Council may, at its discretion, seek the views and advice of the Advisory Board, but it shall in no way be bound to accept or execute any such advice.

**12.** The Council may from time to time invite distinguished local or foreign persons of eminence having a professional background to serve as Patrons of the Institute. They shall not be required to pay any entrance fees or annual subscriptions.

Patrons of the  
Institute.

**13.** All or any of the members of the Council may be paid such remuneration out of the funds of the Institute as may be determined by the Council.

Remuneration of  
members.

**14.** (1) The meetings of the Council shall be held at least once a month.

Meetings of the  
Council.

(2) At least seven days notice of every meeting of the Council shall be given in writing to each of the members, and such notice shall specify the business to be dealt with at such meeting.

(3) The President shall summon a special meeting of the Council within seven days after being requested in writing to do so by five members of the Council.

(4) The quorum for a general meeting of the Council shall be three members present in person or by proxy.

(5) Every member who attends a meeting of the Council shall be paid a fee or re-imbusement of any expenses incurred in attending such meeting, in such amount as may be determined by the Council.

(6) The President shall preside at meetings of the Council and in the absence of the President from any meeting of the Council a member chosen by the majority of members present shall preside at such meeting.

(7) If the President is by reason of illness or other infirmity or absence from Sri Lanka, temporarily unable to perform the duties of his office the Council may appoint one of the members to act in his place.

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of Sri Lanka Act, No. 23 of 2009*

(8) Where there is an equality of votes on any matter or thing decided at a meeting of the Council, the President at such meeting shall, in addition to his vote, have a casting vote.

(9) Subject to the provisions herein contained, the Council may determine its own procedure for the transaction of business of the Council.

PART II

APPOINTMENT OF OFFICERS AND SERVANTS OF THE INSTITUTE

Appointment of the Chief Executive Officer of the Institute.

**15.** (1) The Council may appoint to the staff of the Institute, a Chief Executive Officer, who shall administer the affairs of the Institute.

(2) The Chief Executive Officer shall exercise, perform and discharge such powers, duties and functions as may be delegated to him.

(3) The Council may remove from office the Chief Executive Officer appointed under subsection (1).

(4) The Chief Executive Officer may be paid such remuneration as may be determined by the Council.

Powers of the Institute in regard to appointments to the staff of the Institute.

**16.** (1) Subject to the other provisions of this Act, the Council may—

- (a) appoint to the staff of the Institute such other officers and servants as may be necessary for the purposes of the Institute;
- (b) dismiss and exercise disciplinary control over the staff of the Institute;
- (c) fix the wages or salaries or other remuneration of the staff;
- (d) determine the terms and conditions of service of such staff; and

- (e) establish and regulate provident funds and schemes for the benefit of such staff and make contributions to any such fund or scheme.

(2) Rules may be made in respect of any one or all matters specified in subsection (1).

**17.** (1) The Council may delegate to the Chief Executive Officer any of its powers relating to the appointment of other officers or servants to the staff of the Institute. The conditions of employment including remuneration of any of the members of the professional staff appointed by the Chief Executive Officer under the powers delegated to him, shall be determined with the approval of the Council.

Delegation of powers of the Council of the Chief Executive Officer in regard to appointments.

(2) The dismissal, by the Chief Executive Officer or any officer or servant or any member of the professional staff of the Institute shall not take effect unless it is approved by the Council.

**18.** The Chief Executive Officer with the concurrence of the Council shall determine the duties of the officers and servants of the Institute.

Determination of duties.

**19.** (1) The Council may make rules in respect of—

Rules.

- (a) the classification of membership, fees payable by each class of member, their admission, withdrawal, expulsion for non payment of membership fees or resignation;
- (b) appointment, employment and dismissal of various officers, agents and servants of the Institute, their powers, duties, functions and conduct and the payment of remuneration and the regulation of provident funds and other schemes for their benefit;
- (c) fixing of the student registration fees, annual subscription, exam fees, lecture fees, prices of study texts and other publications;

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of Sri Lanka Act, No. 23 of 2009*

- (d) appointment of committees and sub-committees of the Council consisting of members of the Council and the membership of the Institute to deal with specific subjects and the regulation of the functions of such committees;
- (e) the administration and management of the property of the Institute;
- (f) election of, or vacation of or removal from office of, the members of the Council and their resignation, from office, office-bearers and their powers, duties and conduct;
- (g) the procedure to be observed at the summoning and holding of meetings, Annual General Meetings and Extraordinary Meetings of the Council and the Institute, filling of vacancies, notices and agenda of such meeting, the quorum thereof and the conduct of business thereat;
- (h) the qualifications and disqualifications for membership of the Council and the Institute;
- (i) the setting up of disciplinary committees and formulation of code of ethics and the exercise of disciplinary control over the members, disciplinary procedure and expulsion of members or suspension of membership; and
- (j) the entry criteria for admission of students for the Certified Management Accountancy (CMA) Programme.

(2) Every rule made by the Council under paragraphs (f) to (j) of subsection (1) of section 19 shall be approved by the Minister.

(3) Every rule made under this section shall be published in the *Gazette*.

PART III

FINANCE

**20.** (1) The Institute shall have its own Fund.

The Fund of  
Institute.

(2) There shall be credited to the Fund of the Institute all sums of money received by the Institute in the exercise, discharge and performance of its powers, functions and duties.

(3) The Council may invest moneys of the fund in any securities issued or guaranteed by the Government of Sri Lanka.

(4) The Council may maintain, in any approved Bank or Banks in Sri Lanka, Call, Current, Savings or Deposit Accounts.

(5) All sums of money required to defray any expenditure incurred by the Institute in the exercise, performance and discharge of its powers, duties and functions shall be charged on the Fund.

**21.** The financial year of the Institute shall be the calendar year.

Financial year of  
the Institute.

**22.** (1) The Institute shall cause proper accounts to be kept of its income and expenditure, assets and liabilities and all other transactions of the Institute.

Audit of  
accounts.

(2) The accounts of the Institute shall be audited annually by a qualified auditor appointed by the Institute.

(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

14 *Institute of Certified Management Accountants  
of Sri Lanka Act, No. 23 of 2009*

- (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.

Contracts.

**23.** (1) Any contract entered with on behalf of the Institute may be made as follows:—

- (a) if made between private persons, would by law be required to be in writing, may be made on behalf of the Institute in writing under the common seal of the Institute;
- (b) if made between private persons, would by law be required to be in writing, signed by the parties to be charged therewith, may be made on behalf of the Institute in writing signed by any person or persons duly authorized thereto by the Institute;
- (c) if made between private persons, would by law be valid though made orally and not reduced into writing, may be made orally on behalf of the Institute by any person or persons duly authorized thereto by the Institute.

(2) A contract made according to this section shall be effectual in law and shall bind the Institute and all persons thereto and their legal representatives.

Recovery of expenses incurred by the Institute.

**24.** Any expense incurred by the Institute in any suit or prosecution brought by or against the Institute before any court shall be paid out of the funds of the Institute and any cost paid to be recovered by the Institute in any suit or prosecution shall be credited to the Fund of the Institute.

Protection of acts done under this Act or on the directions of the Institute.

**25.** (1) No civil or criminal proceedings shall be instituted—

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



- (b) against any member, officer, servant or agent for any act which in good faith is done or purported to be done by such member, officer, servant or agent under this Act or on the directions of the Council, as the case may be.

(2) Any expense incurred by any person specified in subsection (1) in any suit or prosecution brought against such person before any Court for any act done under this Act or on the direction of the Institute shall if the Court determines that such act was done in good faith be paid out of the Fund of the Institute.

**26.** No writ against person or property shall be issued against a member of the Council in any action brought against the Institute.

No writ to issue against person or property of a member of the Council.

**27.** Every person who commits an offence under this Act shall on conviction after trial before a Magistrate be liable to imprisonment of either description for a period not exceeding six months or to a fine not exceeding five hundred rupees or to both such fine and imprisonment.

Offences and penalties.

**28.** 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.

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**PARLIAMENT OF THE DEMOCRATIC  
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SRI LANKA**

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**PAHIYANGALA CONSERVATION AND  
DEVELOPMENT FOUNDATION  
(INCORPORATION) ACT, No. 24 OF 2009**

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**[Certified on 20th April, 2009]**

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*Pahiyangala Conservation and Development  
Foundation (Incorporation) Act, No. 24 of 2009*

[Certified on 20th April, 2009]

L.D.—O. INC. 22/2007.

AN ACT TO INCORPORATE THE PAHIYANGALA CONSERVATION AND  
DEVELOPMENT FOUNDATION

WHEREAS a Foundation called and known as the  
“Pahiyangala Conservation and Development Foundation”  
has heretofore been formed 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 is 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 Pahiyangala  
Conservation and Development Foundation (Incorporation)  
Act, No. 24 of 2009.

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  
Pahiyangala Conservation and 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 the “Pahiyangala Conservation and Development  
Foundation” 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 Pahiyangala  
Conservation  
and  
Development  
Foundation.

2 *Pahiyangala Conservation and Development  
Foundation (Incorporation) Act, No. 24 of 2009*

General objects  
of the  
Corporation.

**3.** The General objects for which the Corporation is established are hereby declared to be—

- (a) to preserve the historical monuments and cultural objects within the Pahiyangala Sacred City;
- (b) to improve and maintain all buildings, electricity, water supply and other sanitary services within the precinct of the Pahiyangala Sacred City;
- (c) to give necessary assistance in the religious and educational research activities conducted within the Pahiyangala Sacred City; and
- (d) to maintain friendly relations with other Buddhist organisations and religious Organisations in Sri Lanka and abroad.

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 money with or without security, to receive or collect grants and donations from local or foreign sources, 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 Corporatoin shall, subject to the rules of the Corporation made under section 6 of this Act be administered by a Board of Trustees (hereinafter referred to as “the Board”) consisting of the Chairman, Vice Chairman, Secretary, Assistant Secretary, Treasurer and two other members elected in accordance with the rules of the Corporation.

(2) The first Board of the Corporatoin shall consist of the members of the Board of Trustee of the Foundation holding office on the day immediately preceding the date of commencement of this Act.

(3) Notwithstanding anything contained in subsection (1) the Chief Priest of the Pahiyangala Temple shall be the first Chairman of the Board.

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 other written law for all or any of the following matters :—

Rules of the Corporation.

- (a) the classification of membership and 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 and functions ;
- (c) the election of the members of the Board, their powers, duties and functions and the terms of office of members of the Board ;
- (d) the powers, duties and functions of the various officers, agents and servants of the Corporation ;
- (e) the procedure to be observed at the summoning and holding of meetings of the Board the time, place, notice and agenda of such meetings, the quorum therefore and the conduct of business thereat ;
- (f) the administration and management of the property of the Corporation ; and
- (g) generally, for 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 made under this section.

4 *Pahiyangala Conservation and Development  
Foundation (Incorporation) Act, No. 24 of 2009*

Fund of the  
Corporation.

**7.** (1) The Corporation shall have its own fund and all moneys heretofore or hereafter received by way of gift, donation, testamentary dispositions, subscriptions, contributions, fees or grants on account of the Corporation shall be deposited to the credit of the Corporation in one or more Banks as the Board shall determine.

(2) All expenses borne by the Corporation in the exercise, discharge and performance of the powers, duties and functions of the Corporation under this Act shall be paid out of the fund of the Corporation.

Audit and  
Accounts.

**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 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.

Debts due by  
and payable to  
the Foundation.

**9.** 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

*Pahiyangala Conservation and Development* 5  
*Foundation (Incorporation) Act, No. 24 of 2009*

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.

**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 purchases, 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, with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Corporation may hold property movable or immovable.

**11.** The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of the Chariman, 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.

Seal of the Corporation.

**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 Institute or Institutes 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. Such Institute or Institutes shall be determined by the members of the Corporation at the time of dissolution or immediately before, the dissolution of the Corporation.

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.



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**YOUNG MEN'S BUDDHIST ASSOCIATION,  
KOLONNAWA (INCORPORATION)  
ACT, No. 25 OF 2009**

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*Young Men's Buddhist Association, Kolonnawa  
(Incorporation) Act, No. 25 of 2009*

[Certified on 20th April, 2009]

L. D. —O. Inc. 16/2006.

AN ACT TO INCORPORATE THE YOUNG MEN'S BUDDHIST ASSOCIATION,  
KOLONNAWA

WHEREAS an association called and known as the "Young Men's Buddhist Association, Kolonnawa", has heretofore been formed 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 is 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 Young Men's Buddhist Association, Kolonnawa (Incorporation) Act, No. 25 of 2009.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Young Men's Buddhist Association, Kolonnawa (hereinafter referred to as the "Association") 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 Young Men's Buddhist Association, Kolonnawa" (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 Young Men's Buddhist Association, Kolonnawa.

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

General objects of the Corporation.

- (a) to protect and foster the Buddha Sasana, without prejudice to the observance and practice of other religions ;

2 *Young Men's Buddhist Association, Kolonnawa  
(Incorporation) Act, No. 25 of 2009*

(b) to promote unity and co-operation among Buddhist and to save the young generation from evil practices.

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, to open, operate and close bank accounts and subject to the rules of the Corporation made under section 6, 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.

Management of the affairs of the Corporation.

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

(2) The first Committee of Management of the Corporation shall consist of the Executive Council of the Association holding office on the day immediately preceding the date of commencement of this Act and who shall hold office until a new Committee of Management is elected in accordance with the rules of the Corporation.

Rules.

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 the admission, withdrawal or expulsion of members, for the performance of the duties of the Committee of Management and of the officers, servants and agents of the Corporation, for the procedure to be followed in the transaction of its business and generally for the management of the affairs of the Corporation and the accomplishment of its objects.

(2) Such rules may be altered, added to, amended or cancelled 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.

**7.** (1) The Corporation shall have its own fund and all moneys heretofore or hereafter to be 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 fund, all sums of money required to defray any expenditure incurred by the Corporation in the exercise, performance and discharge of its powers, duties and functions under this Act.

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

Accounts and Audit.

(2) The Committee of Management of the Corporation shall cause proper books of accounts to be kept of the 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 —

(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

4 *Young Men's Buddhist Association, Kolonnawa  
(Incorporation) Act, No. 25 of 2009*

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 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, subscriptions and contributions payable to the Association on that date, 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 take and hold any property both 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.

Seal of the Corporation.

**11.** The seal of the Corporation shall be in the custody of such persons as may be determined by the Committee of Management of the Corporation and it shall not be affixed to any instrument whatsoever except in the presence of two of the members of such Committee of Management, 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.

Saving of the rights of the Republic and others.

**12.** 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.

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

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**PARLIAMENT OF THE DEMOCRATIC  
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**GAMAGE ARTHUR PERERA FOUNDATION  
(INCORPORATION) ACT, No. 26 OF 2009**

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*Gamage Arthur Perera Foundation (Incorporation)*  
*Act, No. 26 of 2009*

[Certified on 21st April, 2009]

L. D. —O. (Inc.) 38/2005

AN ACT TO INCORPORATE THE GAMAGE ARTHUR PERERA FOUNDATION

WHEREAS a Foundation called and known as the “Gamage Arthur Perera 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 Foundation according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said Foundation has heretofore successfully carried out and transacted the 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 therefor enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Gamage Arthur Perera Foundation (Incorporation) Act, No. 26 of 2009.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as are members of the “Gamage Arthur Perera Foundation” (hereinafter referred to as the “Foundation”) or shall hereafter be admitted as members of the Corporation hereby constituted shall and become a body corporate with perpetual succession under the name and style of Gamage Arthur Perera Foundation (hereinafter referred to as “the Corporation”) 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 the Gamage Arthur Perera Foundation.

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

General Objects of the Corporation.

- (a) to establish and maintain orphanages and homes for the aged in the name of Gamage Arthur Perera and to establish social welfare centres;

2 *Gamage Arthur Perera Foundation (Incorporation)*  
*Act, No. 26 of 2009*

- (b) to provide medical aid, food and housing to the poor, the destitute and the sick ;
- (c) to co-operate and associate with other associations, societies or organizations having objects similar to those of the Corporation ;
- (d) to sponsor and conduct conferences, seminars workshops, group studies and lectures in Sri Lanka and elsewhere, in furtherance of the objects of the Corporation; and
- (e) 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.

Management of the affairs of the Corporation.

**4.** (1) The affairs of the Corporation shall subject to the rules of the Corporation be administered by a Committee of Management of not less than seven members including the President, Honorary Secretary, two Vice-Presidents and Treasurer to be elected in accordance with the rules in force for the time being of the Corporation.

(2) The first Committee of Management of the Corporation shall consist of the members of the Committee of Management of the Foundation holding office on the day immediately preceding the date of commencement of this Act. Such first Committee of Management may hold office until holding of the first Annual General Meeting of the Corporation.

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, matters and things whatsoever, as are necessary or desirable for the promotion or furtherance of the objects of the Corporation or any of them, including the power to open, operate or close bank accounts, to borrow or raise moneys, with or without security, to receive

*Gamage Arthur Perera Foundation (Incorporation) 3*  
*Act, No. 26 of 2009*

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.

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 other written law, for all or any of the following matters :—

Rules of the Corporation.

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

4 *Gamage Arthur Perera Foundation (Incorporation)*  
*Act, No. 26 of 2009*

(2) Any rule made by the Corporation may be amended, altered, added to or rescinded at a like manner as a rule may be made under sub-section (1).

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

Debts due by  
and payable to  
the Association.

**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 and subscriptions and contributions payable to the Foundation on that day shall be paid to the Corporation hereby constituted.

Corporation may  
hold property  
movable and  
immovable.

**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 or 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, encumber or charge the same.

Funds of the  
Corporation.

**9.** (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 or and on account of the Corporation shall be deposited in one or more banks as the Corporation shall determine.

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

Accounts and  
Auditing.

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

*Gamage Arthur Perera Foundation (Incorporation) 5*  
*Act, No. 26 of 2009*

(2) The Accounts of the Corporation shall be examined and audited at least once in every year and the correctness of Income, Expenditure and the Balance Sheet certified by the Auditor or Auditors who shall be an associate member or members of the Institute of Chartered Accountants of Sri Lanka appointed by the Corporation.

**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 institution or institutions having objects similar to those of the Corporation and which is or are by its or their rules prohibited from distributing any income or property, among the members.

Property remaining on dissolution.

**12.** The seal of the Corporation shall not be affixed to any instrument whatsoever except under the authority of the Committee of Management and in the presence of the President and the Secretary or a member of the Committee of Management 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 or any body politic or corporate or of any other persons.

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.

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**PARLIAMENT OF THE DEMOCRATIC  
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SRI LANKA**

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**BOARD OF DIRECTORS OF THE MAHAWELI  
CULTURAL FOUNDATION TRUST  
(INCORPORATION) ACT, No. 27 OF 2009**

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[Certified on 06th May, 2009]

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*Board of Directors of the Mahaweli Cultural  
Foundation Trust (Incorporation)  
Act, No. 27 of 2009*

[Certified on 06th May, 2009]

L.D.—O. INC. 7/2007.

AN ACT TO INCORPORATE THE BOARD OF DIRECTORS OF THE  
MAHAWELI CULTURAL FOUNDATION TRUST

WHEREAS a company called and Known as the “Mahaweli Cultural Foundation Trust” has heretofore been registered under the provisions of the Companies Act, No. 17 of 1982, for the purpose of effectually carrying out and transacting all the objects and matters connected with the said company according to the rules hitherto in force and the Memorandum and Articles of Association of such company :

Preamble.

AND WHEREAS the affairs and objects of the said company have heretofore been successfully managed and carried out by the Board of Directors of such company :

AND WHEREAS the said Board of Directors 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 Board of Directors of the Mahaweli Cultural Foundation Trust (Incorporation) Act, No. 27 of 2009.

Short title.

**2.** From and after the date of commencement of this Act, the members of Board of Directors for the time being of the Mahaweli Cultural Foundation Trust (hereinafter referred to as the “Trust”) or shall hereafter be admitted as members of the Board of Directors of the said Trust shall be a body corporate (hereinafter referred to as the “Corporation”) with perpetual succession under the name and style of the “Board of Directors of the Mahaweli Cultural Foundation Trust” and by that name may sue and be sued, with full power and authority to have and to use a common seal and to alter the same at its pleasure.

Incorporation of the Board of Directors of the Mahaweli Cultural Foundation Trust.



2 *Board of Directors of the Mahaweli Cultural  
Foundation Trust (Incorporation)  
Act, No. 27 of 2009*

General objects  
of the  
Corporation.

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

- (a) to complete the sacred Kotmale Mahaweli Maha Seya, which is presently under construction and carry out maintenance and rehabilitation thereof;
- (b) to ensure and facilitate the performance of traditional Buddhist and cultural rituals at Mahaweli Maha Seya;
- (c) to hold exhibitions, lectures, seminars and make publications in order to promote awareness about the objectives of the Corporation;
- (d) to act for the benefit of Buddhist institutions all over Sri Lanka giving priority to Central Province where the sacred Mahaweli Maha Seya is situated;
- (e) to take every possible step to assist the progress of the Buddha Sasana;
- (f) to protect Buddhism and popularize the righteous life style preached therein, among Buddhists;
- (g) to improve the educational activities of Buddhist children and to improve their spiritual values;
- (h) to establish friendly relationships with Buddhist organizations both in Sri Lanka and abroad;
- (i) to protect cultural identities of Buddhists.

Rules of the  
Corporation.

**4.** (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

*Board of Directors of the Mahaweli Cultural      3*  
*Foundation Trust (Incorporation)*  
*Act, No. 27 of 2009*

rules, not inconsistent with the provisions of this Act or other written law, for all or any of the following matters:—

- (a) 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, duties and functions;
- (c) the election of the members of the Board of Directors and its powers, duties and functions and the terms of office of the members of the Board and the filling of vacancies of the members of the Board;
- (d) the powers, duties and functions of the various officers, agents and servants of the Corporation;
- (e) the procedure to be observed for the summoning and holding of meetings of the Board of Directors the times, dates, places, notices and agenda of such meetings, the quorum therefor and the conduct of business thereat; and
- (f) the administration and management of the property of the Corporation.

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

(3) Every member of the Corporation shall be subject to the rules of the Corporation made under section 4 of this Act.

**5.** (1) The Corporation shall have its own fund (hereinafter referred to as the “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 Directors shall determine.

Fund of the Corporation.

4 *Board of Directors of the Mahaweli Cultural  
Foundation Trust (Incorporation)  
Act, No. 27 of 2009*

(2) All moneys lying to the credit of the Trust in any Bank or in any other institution, on the day immediately preceding the date of commencement of this Act, shall be transferred to the Fund of the Corporation with effect from the date of commencement of this Act.

(3) The Corporation may establish a depreciation fund or a sinking fund for the purpose of rehabilitation, development or improvement of the property of the Corporation.

(4) 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.

Management of  
the affairs of the  
Corporation.

**6.** (1) The Management, control and administration of the Corporation shall subject to the other provisions of this Act and the rules made under section 4 of this Act, be administered by a Board of Directors (hereinafter referred to as the “Board”) consisting of the Chairman, Secretary, Treasurer, Vice Chairman, Deputy-Secretary and such other members, elected in accordance with the rules made under section 4.

(2) The first Board of the Corporation shall consist of the Board of Directors of the Trust, holding office on the day, immediately preceding the date of commencement of this Act.

Register of  
members.

**7.** The Board shall maintain a register of members in which every person who on the day immediately preceding the date of commencement of this Act is a member of the Trust and every person hereinafter duly admitted as a member of the Corporation shall have his name inscribed.

Appointment of  
Committees.

**8.** The Corporation shall have the power to appoint committees and to take such other steps as may be deemed necessary, from time to time, for the efficient discharge of the functions of the Corporation.

*Board of Directors of the Mahaweli Cultural*      5  
*Foundation Trust (Incorporation)*  
*Act, No. 27 of 2009*

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

Debts due by and payable to the Trust.

**10.** 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 —

Powers of the Corporation.

- (a) to raise funds and receive grants, gifts or donations in cash or kind ;
- (b) to acquire in manner whatsoever, hold and take or give on lease or hire, mortgage, pledge or sell or otherwise dispose of any property movable or immovable ;
- (c) to make, draw, accept, discount, endorse, negotiate, buy, sell and issue bills of exchange, cheques, promissory notes and other negotiable instruments ;
- (d) to open, operate and close bank accounts and borrow or raise money with or without security ;
- (e) to invest any funds not immediately required for the purposes of the Corporation in such manner as the Board may deem fit ;
- (f) to erect or cause to be erected any structure or building on any land belonging to or held by the Corporation ;
- (g) to enter into contracts or agreements with any person or body of persons ; and

6 *Board of Directors of the Mahaweli Cultural  
Foundation Trust (Incorporation)  
Act, No. 27 of 2009*

- (h) to appoint, employ, dismiss or terminate the services of officers and servants of the Corporation and pay them such salaries, allowances and gratuities as may be determined by the Corporation.

Corporation may hold property movable and immovable.

**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, 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 4 of this Act with power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Audit and accounts.

**12.** (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.

*Board of Directors of the Mahaweli Cultural*      7  
*Foundation Trust (Incorporation)*  
*Act, No. 27 of 2009*

**13.** The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the Chairman or the Secretary or such other person duly authorized by the Board 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.

How the seal of the Corporation to be affixed.

**14.** 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 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 Board shall determine such institution or institutions at the time of the dissolution of the Corporation or prior to such dissolution.

Property remaining on dissolution.

**15.** 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.

**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.

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**PARLIAMENT OF THE DEMOCRATIC  
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**WIDOWERS' AND ORPHANS' PENSION  
SCHEME (ARMED FORCES) (AMENDMENT)  
ACT, No. 28 OF 2009**

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[Certified on 18th May, 2009]

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*Widowers' and Orphans' Pension Scheme*  
*(Armed Forces) (Amendment) Act, No. 28 of 2009*

[Certified on 18th May, 2009]

L. D. — O. 56/2007

AN ACT TO AMEND THE WIDOWERS' AND ORPHANS' PENSION SCHEME  
(ARMED FORCES) ACT, NO. 60 OF 1998

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

**1.** This Act may be cited as the Widowers' and Orphans' Pension Scheme (Armed Forces) (Amendment) Act, No. 28 of 2009.

Short title.

**2.** The Widowers' and Orphans' Pension Scheme (Armed Forces) Act, No. 60 of 1998 (hereinafter referred to as the "principal enactment" is hereby amended by the insertion immediately after section 4 thereof, of the following new section:—

Insertion of new section 4A in Act, No. 60 of 1998.

"Meaning of a "member of the Armed Forces" for the purpose of sections 3 and 4.

4A. For the purposes of sections 3 and 4 of this Act, "a member of the Armed Forces" means any person—

- (a) who, being a female, is an officer or soldier of the Regular Force of the Sri Lanka Army; or
- (b) who, being a female, is an officer or seaman of the Regular Naval Force of the Royal Ceylon Navy or the Sri Lanka Navy, as the case may be; or
- (c) who being a female, is an officer or airman of the Regular Air Force of the Royal Ceylon Air Force or the Sri Lanka Air Force, as the case may be."

2 *Widowers' and Orphans' Pension Scheme*  
(Armed Forces) (Amendment) Act, No. 28 of 2009

Insertion of new sections 4B, 4C, 4D, 4E and 4F in the principal enactment.

3. The following new sections are hereby inserted immediately after section 4A of the principal enactment and shall have effect as sections 4B, 4C, 4D, 4E and 4F of that enactment:—

“Extension of the Pension Scheme to the Members of the Regular, Reserve, Volunteer Force or Volunteer Reserve of the Armed Forces.

4B. (1) Any person who has become a member of the Volunteer Force of the Armed Forces and had retired with pension benefits on a date prior to the coming into operations of this section, or who continues to be in such force on such date as such member may, on making an application in that behalf before such date as the Minister may appoint by Order published in the *Gazette*, elect to be a contributor to the Pension Scheme.

(2) Any person who after being retired or discharged from the Regular Force or Volunteer Force as the case may be, of the Armed Forces, has been transferred to the Regular Reserve Force or Volunteer Reserve Force, as the case may be of the Armed Forces, before the date on which the provisions of this section comes into operation and who has been retired with pension benefits or who continues to be in such Reserve as such member on such date, may by making an application before such date as the Minister may appoint by Order published in the *Gazette*, elect to be a contributor to the Pension Scheme.

(3) Notwithstanding the provisions of subsections (1) and (2), where a member specified in the said subsections dies before the prescribed date without making an election under either subsection (1) or subsection (2), she shall, if she leaves a husband or child or a husband and a child or a husband and children, be deemed to have elected to be a contributor to the Pension Scheme.

(4) Any person who elects to become a contributor or in the case of persons who are deemed to have elected to become contributors of the Pension Scheme the person administering the affairs of such deceased person, shall pay to the Pension Scheme, all arrears of contributions for the period commencing from the date of enlistment of such person into the respective Armed Force, until the date of election, retirement or death as the case may be, with interest thereon at the rate of four *per centum per annum*.

(5) An election made under the provisions of subsections (1) or (2) above shall be final.

A person who becomes a member of the Armed Forces after coming into operation of this section, to be a contributor.

4c. Any person who becomes a member of the Regular Reserve, Volunteer Force or Volunteer Reserve of Armed Forces on or after the date on which the provisions of this section comes into operation, shall be a contributor to the Pension Scheme from and after such date.

Entitlement to pension Schemes other than the Pension Scheme under the Act.

4D. Where a member of the Armed Forces has been employed in any position in the public service either before joining the Armed Forces or after leaving the Armed Forces and she is in addition to her pension as a member of the Armed Forces, entitled to a pension by virtue of such employment, her widower and orphans shall in the event of her death be entitled to receive as pension, either—

- (a) such amount as shall not exceed the aggregate pensions she would have received, had she served the full period of service with the Armed Forces; or

4 *Widowers' and Orphans' Pension Scheme*  
(Armed Forces) (Amendment) Act, No. 28 of 2009

- (b) such amount as shall not exceed the aggregate pensions she would have received, had she served the full period of service in the public service.

Extension of the Pension Scheme to the members of the Armed Forces who become disabled due to injuries sustained whilst performing operational duties.

- 4E. (1) (a) any female officer or female soldier of the Regular Force, Regular Reserve Force, Volunteer Force or Volunteer Reserve Force of the Sri Lanka Army; or
- (b) any female officer or female seaman of the Regular Force, Regular Reserve Force, Volunteer Force or Volunteer Reserve Force of the Sri Lanka Navy; or
- (c) any female officer or female airman of the Regular Force, Regular Reserve Force, Volunteer Force or Volunteer Reserve Force of the Sri Lanka Air Force,

who becomes disabled due to injuries sustained whilst performing operational duties or any other law enforcement duties or as a result of terrorist activities and who is determined to be unfit for military service by the Medical Board of the Sri Lanka Army, Sri Lanka Navy, or Sri Lanka Air Force as the case may be, and who is in receipt of a pay and allowance till she reaches fifty five years of age, may, by making an application in that behalf before such date as the Minister may appoint by Order published in the *Gazette*, elect to be a contributor to the Pension Scheme.

(2) Where a person referred to in subsection (1), dies before the prescribed date without making an election under that subsection, she shall, if she leaves a spouse or a child or a spouse and child or a spouse and children, be deemed to have elected to be a contributor to the Pension Scheme.

(3) The provisions of subsections (4) and (5) of section 4B shall *mutatis mutandis* apply to a person referred to in this section.

Interpretation. 4F. For the purpose of sections 4B, 4C and 4D “a member of the Regular Reserve, Volunteer Force or Volunteer Reserve of the Armed Forces” shall—

- (a) in relation to the Sri Lanka Army, be deemed to be, a female officer or female soldier as the case may be, of the Regular Force under subsection (3) of section 3 of the Army Act; or
- (b) in relation to the Sri Lanka Navy, be deemed to be, a female officer or a female seaman as the case may be, of the Regular Naval Force under subsection (3) of section 3 of the Navy Act; or
- (c) in relation to the Sri Lanka Air Force, be deemed to be a female officer or female airman as the case may be of the Regular Air force under subsection (3) of section 3 of the Air Force Act.”.

**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.

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**PARLIAMENT OF THE DEMOCRATIC  
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**WIDOWS' AND ORPHANS' PENSION  
SCHEME (ARMED FORCES) (AMENDMENT)  
ACT, No. 29 OF 2009**

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[Certified on 18th May, 2009]

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*Widows' and Orphans' Pension Scheme*  
*(Armed Forces) (Amendment) Act, No. 29 of 2009*

[Certified on 18th May, 2009]

L. D. —O. 82/2006.

AN ACT TO AMEND THE WIDOWS' AND ORPHANS' PENSION SCHEME  
(ARMED FORCES) ACT, NO. 18 OF 1970

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

**1.** This Act may be cited as the Widows' and Orphans' Pension Scheme (Armed Forces) (Amendment) Act, No. 29 of 2009.

Short title.

**2.** The Widows' and Orphans' Pension Scheme (Armed Forces) Act, No. 18 of 1970 (hereinafter referred to as the "principal enactment") is hereby amended by the insertion immediately after section 3A thereof, of the following new section:—

Insertion of new section 3AA in Widows' and Orphans' Pension Scheme (Armed Forces) Act, No. 18 of 1970.

"Persons to whom the provisions of sections 3, 3A and 3B shall apply.

3AA. For the purposes of sections 3, 3A and 3B of this Act, "a member of the armed forces" means any person—

- (a) who, being a male, is an officer or soldier of the Regular Force of the Sri Lanka Army; or
- (b) who, being a male is an officer or seaman of the Regular Naval Force of the Royal Ceylon Navy or Sri Lanka Navy as the case may be; or
- (c) who, being a male, is an officer or airman of the Regular Air Force of the Royal Ceylon Air Force or Sri Lanka Air Force as the case may be."

**3.** The following new sections are hereby inserted immediately after section 3B of the principal enactment and

Insertion of new sections 3C, 3D, 3E and 3F in the principal enactment.



2 *Widows' and Orphans' Pension Scheme*  
(Armed Forces) (Amendment) Act, No. 29 of 2009

shall have effect as sections 3C, 3D, 3E and 3F of that enactment :—

“Extension of the Pension Scheme to the members of the Volunteer Force, Regular Reserve and Volunteer Reserve of the armed forces.

3C. (1) any person who became a member of the Volunteer Force of the armed forces on a date prior to the coming into operation of this section and who had retired with pension benefits or who continues to be in such Force on such date as such member, may, on making an application in that behalf before such date as the Minister may appoint by Order published in the *Gazette*, elect to be a contributor to the Pension Scheme.

(2) any person who after being retired or discharged from the Regular Force or Volunteer Force as the case may be, of the armed forces has been transferred to the Regular Reserve Force or Volunteer Reserve Force as the case may be, of the armed force before the date on which the provisions of this section comes into operation and who has been retired with pension benefits or who continues to be in such reserve as such member on such date, may, by making an application in that behalf before such date as the Minister may appoint by Order published in the *Gazette*, elect to be a contributor to the Pension Scheme.

(3) Notwithstanding the provisions of subsections (1) and (2), where a member specified in the said subsections dies before the prescribed date without making an election under either subsection (1) or subsection (2), he shall, if he leaves a wife or child or a wife and child or a wife and children, be deemed to have elected to be a contributor to the Pensions Scheme.

(4) any person who elects to become a contributor, or in the case of persons who are deemed to have elected to become contributors of the Pension Scheme, the person administering the affairs of such deceased person, shall pay to the Pension Scheme all arrears of contributions for the period commencing from the date of enlistment of such person into the respective armed force, until the date of election, retirement or death, as the case may be, with interest thereon at the rate of four *per centum* per annum.

(5) An election made under the provisions of subsections (1) or (2) above shall be final.

Extension of the Pension Scheme to the members of the armed forces who become disabled due to injuries sustained whilst performing operational duties &c..

- 3D. (1) (a) any male officer or male soldier of the Regular Force, Regular Reserve Force, Volunteer Force or Volunteer Reserve Force of the Sri Lanka Army; or
- (b) any male officer or sailor of the Regular Force, Regular Reserve Force, Volunteer force or Volunteer Reserve Force of the Sri Lanka Navy; or
- (c) any male officer or airman of the Regular Force, Regular Reserve Force Volunteer Force or Volunteer Reserve Force of the Sri Lanka Air Force,

who becomes disabled due to injuries sustained whilst performing operational duties or any other law enforcement duties or as a result of terrorist activities and who is determined to be unfit for military service by the Medical Board

4 *Widows' and Orphans' Pension Scheme*  
(Armed Forces) (Amendment) Act, No. 29 of 2009

of the Sri Lanka Army, Sri Lanka Navy or Sri Lanka Air Force as the case may be, and who is in a receipt of a pay and allowance till he reaches 55 years of age, may, by making an application in that behalf before such date as the Minister may appoint by Order published in the *Gazette*, elect to be a contributor to the Pension Scheme.

(2) where a person referred to in subsection (1) dies before the prescribed date without making an election under that subsection, he shall, if he leaves a wife or a child or a wife and child or a wife and children, be deemed to have elected to be a contributor to the Pension Scheme.

(3) The provisions of subsection (4) and (5) of section 3c shall *mutatis mutandis* apply to a person referred to in this section.

A Person who becomes a member of the armed forces after the coming into operation of this section, to be a contributor.

3E. Any person who becomes a member of the Regular Reserve Force, Volunteer Force or Volunteer Reserve Force of armed forces on or after the date on which the provisions of this section comes into operation, shall be a contributor to the Pensions Scheme from and after such date.

Definition of the member of the Regular Reserve Force &c., for the purpose of sections 3c, 3D and 3E.

3F. For the purpose of section 3c, 3D and 3E, "a member of the Regular Reserve Force, Volunteer Force or Volunteer Reserve Force of the armed forces" shall —

- (a) in relation to the Sri Lanka Army, be deemed to be an officer or soldier as the case may be, of the Regular Force under subsection (3) of section 3 of the Army Act; or

*Widows' and Orphans' Pension Scheme* 5  
*(Armed Forces) (Amendment) Act, No. 29 of 2009*

- (b) in relation to the Sri Lanka Navy, be deemed to be an officer or seaman as the case may be, of the Regular Naval Force under subsection (3) of section 3 of the Navy Act; or
- (c) in relation to the Sri Lanka Air Force, be deemed to be an officer or airman of the Regular Air Force under subsection (3) of section 3 of the Air Force Act.”.

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

Replacement of section 8 of the principal enactment.

“Interpretation. 8. In this Act unless the context otherwise requires —

“contributor” means a member of the armed forces who is or who is deemed to be a contributor under the Act and includes a member who has elected or is deemed to have elected to be a contributor under the provisions of sections 3C and 3D of the Act.”.

**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.

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

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**LOCAL AUTHORITIES (SPECIAL  
PROVISIONS) (AMENDMENT)  
ACT, No. 30 OF 2009**

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**[Certified on 18th May, 2009]**

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*Local Authorities (Special Provisions)  
(Amendment) Act, No. 30 of 2009*

[Certified on 18th May, 2009]

L. D. — O. 45/2008.

AN ACT TO AMEND THE LOCAL AUTHORITIES (SPECIAL PROVISIONS)  
ACT, No. 55 OF 2007

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

- 1.** This Act may be cited as the Local Authorities (Special Provisions) (Amendment) Act, No. 30 of 2009.

Short title.
- 2.** Section 3 of the Local Authorities (Special Provisions) Act, No. 55 of 2007 is hereby amended as follows:—

Amendment of section 3 of the Local Authorities (Special Provisions) Act, No. 55 of 2007.

  - (1) by the renumbering of that section as subsection (1) of that section;
  - (2) in the renumbered subsection (1), by the repeal of the proviso thereof; and
  - (3) by the addition immediately after the renumbered subsection (1) of that section of the following new subsection:—

“(2) The notice of nomination in terms of the principal enactment shall be published on such date as the Minister may determine by Order published in the *Gazette*. Such date shall be a date not later than ten months from the date on which this amendment comes into operation.”.
- 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.

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**PARLIAMENT OF THE DEMOCRATIC  
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**FREE NURSERY AND WELFARE COMPLEX  
(INCORPORATION) ACT, No. 31 OF 2009**

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*Free Nursery and Welfare Complex  
(Incorporation) Act, No. 31 of 2009*

[Certified on 18th May, 2009]

L.D.—O. INC 27/2004.

AN ACT TO INCORPORATE THE FREE NURSERY AND WELFARE COMPLEX

WHEREAS an Association called and known as the “Free Nursery and Welfare Complex” has heretofore been established 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 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 Free Nursery and Welfare Complex (Incorporation) Act, No. 31 of 2009.

Short title.

**2.** From and after the date of commencement of this Act, such and so many persons as presently are members of the Free Nursery and Welfare Complex (hereinafter referred to as the “Complex”) 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 “Free Nursery and Welfare Complex” (hereinafter referred to as the “Corporation”) 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 the Free Nursery and Welfare Complex.

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

General objects of the Corporation.

(a) to encourage, assist and advice on self-employment projects ;

2 *Free Nursery and Welfare Complex  
(Incorporation) Act, No. 31 of 2009*

- (b) to assist children and adults by providing necessary schools and educational institutes other than national schools enumerated in Appendix III of List 1 of the 9th Schedule to the Constitution, with accessory, educational and library facilities ;
- (c) to provide necessary financial assistance for the promotion of arts, literature, construction of images and modelling, production of television Dramas, films and stage plays, in order to develop the interest and skills of members and non members ;
- (d) to organize national and religious ceremonies and “Sramadanas”, for the development of mutual confidence and goodwill among the people ;
- (e) to develop ational and international relationships by exchanging experience and technical knowledge and to organize excursions ;
- (f) to collect economical and human resources for the purpose of investigation and accumulation of information ;
- (g) to care for disabled persons and to provide homes for the aged ;
- (h) to protect the environment and to improve modern techniques of organic agriculture ; and
- (i) 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.

Management of  
the affairs of the  
Corporation.

**4.** (1) The affairs of the Corporation shall, subject to the other provisions of this Act and the rules made under section 8 of the Corporation, be administered by a Committee of Management consisting of a President and six other office bearers to be elected in the manner provided for by the rules of the Corporation.

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

(3) Notwithstanding anything to the contrary in subsection (1), of this section, Ven. Banagala Gunaratana Thero the founder President of the Complex shall be the first President of the Corporation and shall be eligible for re-appointment for another term of office.

**5.** (1) The Committee of Management shall cause to be maintained a register of members, in which the names of every person who was, on the day preceding the date of commencement of this Act, a member of the Complex and every person who thereafter is duly admitted a member of the Corporation, shall be included.

Register of members and fees.

(2) Every member whose name has been entered in the register maintained under subsection (1), shall be required to pay such amount, as annual membership fee as shall be determined by rules made in that behalf.

**6.** A member shall cease to be a member of the Corporation in any one of the following circumstances:—

Cancellation of Membership.

- (i) death of the member ;
- (ii) leaving Sri Lanka permanently ;
- (iii) resignation from membership ;
- (iv) any mental or physical disorder which prevents a member from participating in the Corporations activities ;
- (v) acting against the disciplinary rules of conduct for members ; or
- (vi) default in payment of membership fee for two consecutive years.

4 *Free Nursery and Welfare Complex  
(Incorporation) Act, No. 31 of 2009*

Powers of the Corporation.

7. Subject to the provisions of this Act and any other written law, the Corporation shall have the power to—

- (a) purchase, acquire, rent, construct and otherwise obtain lands or buildings which may be required for the purposes of the Corporation ;
- (b) borrow or raise money from any Government approved bank and other institutions (foreign and local) for the purposes of the Corporation with the approval of the Committee of Management ;
- (c) make, draw, accept, discount, endorse, negotiate, buy, sell and issue bills of exchange, cheques, promissory notes and other negotiable instrument and to open, operate, maintain and close bank accounts ;
- (d) invest funds not immediately required for the purposes of the Corporation, in such a manner as the Committee of Management may think fit ;
- (e) solicit and receive subscriptions, grants, donations and gifts of all kinds ;
- (f) enter into agreements or contracts with any person, company or body of persons ;
- (g) undertake, accept, execute, perform and administer any lawful trusts and conditions affecting any property ;
- (h) appoint, employ, dismiss or terminate the, services of officers and servant of the Corporation and to pay them such salaries, allowances and gratuities as may be determined by the Corporation ;
- (i) train personnel in Sri Lanka or abroad for the purposes of the Corporation ; and
- (j) do all such other acts or things as may be necessary or conducive to the carrying out of the objects of the Corporation.

8. (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) classification of membership, fees payable by each class of members, their admission, withdrawal, expulsion or resignation ;
- (b) election of the members of the Committee of Management, vacation of or removal from office as office bearers, term of office of the office bearers and powers, duties and functions of the Committee of Management ;
- (c) the appointment, powers, duties and functions of various officers, agents and servants of the Corporation ;
- (d) the procedure to be observed at and the summoning and holding of meetings of the Committee of Management, 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 in the Committee of Management and the Corporation ;
- (f) the administration and management of the property of the Corporation, and the accomplishment of the objects of the Corporation.

(2) Any rules 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).

6 *Free Nursery and Welfare Complex  
(Incorporation) Act, No. 31 of 2009*

(3) The members of the Corporation shall be subject to the rules of the Corporation made under this section.

Fund of the Corporation.

**9.** (1) The Corporation shall have its own fund and all moneys received by way of gifts, bequests, donations, subscriptions, and contributions, fees or grants on account of the Corporation shall be deposited in a bank or banks approved by the Committee of Management to the credit of the Corporation.

(2) There shall be paid out of the Fund, all sums of money, required to defray any expenditure incurred by the Corporation in the exercise of its powers and the performance of its duties.

Audit and accounts.

**10.** (a) The financial year of the Corporation shall be the calendar year.

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

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

(d) 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.

**11.** All debts and liabilities of the Complex 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 subscription due and payable to the Complex on the day immediately preceding the date of commencement of this Act, shall be paid to the Corporation hereby constituted.

Debts &c,  
due by and to  
the Complex  
payable by  
and to the  
Corporation.

**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 dissolution of the Corporation or prior its dissolution.

Property  
remaining on  
dissolution.

**13.** The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the President, Secretary and one member duly authorized by 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 any body politic or corporate.

Saving of the  
rights of the  
Republic.

**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.



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

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**NATION BUILDING TAX (AMENDMENT)  
ACT, No. 32 OF 2009**

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[Certified on 18th May, 2009]

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*Nation Building Tax (Amendment)  
Act, No. 32 of 2009*

[Certified on 18th May, 2009]

L.D.—O. 7/2009.

AN ACT TO AMEND THE NATION BUILDING TAX  
ACT, No. 9 OF 2009

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

- 1.** This Act may be cited as the Nation Building Tax (Amendment) Act, No. 32 of 2009. Short title.
- 2.** Section 3 of the Nation Building Tax Act, No. 9 of 2009 (hereinafter referred to as the “principal enactment”) is hereby amended by the substitution for the words “calculated at the rate of one *per centum* in the following manner :—” of the following:— Amendment of section 3 of Act, No. 9 of 2009.
- “calculated—
- (a) at the rate of one *per centum* for the period ending on, April 30, 2009 ; and
- (b) at the rate of three *per centum* for the period commencing on May 1, 2009,
- in the following manner :—”.
- 3.** Section 8 of the principal enactment is hereby amended by the addition immediately after paragraph (c) thereof of the following new paragraph:— Amendment of section 8 of the principal enactment.
- “(d) return for any relevant quarter under this Act shall be furnished on or before the twentieth day of the month commencing immediately after the expiry of such quarter .”.

2 *Nation Building Tax (Amendment)*  
*Act, No. 32 of 2009*

Amendment of  
the Schedule to  
the principal  
enactment.

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

(1) in PART I—

(a) by the substitution for item (iii) thereof of the following item:—

“(iii) any article sold by any person to whom this Act applies to any exporter, if the Commissioner General is satisfied on the production of any documentary evidence that—

(i) such article; or

(ii) any other article manufactured, of which such article is a constituent part,

has in fact been exported from Sri Lanka;”;

(b) by the addition immediately after item (xiv) thereof of the following new item:—

“(xv) any article for the use in any project approved by the relevant Minister and by the Minister in charge of the subject of Finance taking into consideration the economic benefit to the country and where the tax in respect of such project is borne by the Government.”;

(2) in PART II by the addition immediately after item (xxii) thereof of the following new item:—

“(xxiii) the services of any “General Sales Agent” registered under the Civil Aviation Authority of Sri Lanka Act, No. 34 of 2002.”.

*Nation Building Tax (Amendment)* 3  
*Act, No. 32 of 2009*

**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.

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

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**SRILANKA INSTITUTE OF LANDSCAPE  
ARCHITECTS ACT, No. 33 OF 2009**

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*Sri Lanka Institute of Landscape Architects  
Act, No. 33 of 2009*

[Certified on 12th June, 2009]

L. D. —O. 75/2006

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE SRI LANKA INSTITUTE  
OF LANDSCAPE ARCHITECTS 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 Sri Lanka Institute of Landscape Architects Act, No. 33 2009. Short title.
- 2.** (1) There shall be established an Institute which shall be called the Sri Lanka Institute of Landscape Architect (hereinafter referred to as “the Institute”). Establishment of the Sri Lanka Institute of Landscape Architects.

(2) The Institute 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 or be sued in such name.
- 3.** The general objects for which the Institute is constituted are hereby declared to be— General Objects of the Institute.

  - (a) to develop the profession of landscape architecture in Sri Lanka to internationally accepted standards;
  - (b) to provide leadership and guidance to the profession and to facilitate the profession in fulfilling its vital role in the process of sustainable development, conserving and improving the environment, integrating natural systems and applying relevant arts and sciences in service to society.
- 4.** The functions of the Institute shall be— Functions of the Institute.

  - (a) to promote and advance the study of, practice and application of, and research in, landscape architecture and its related subjects and the arts and sciences connected therewith;



2 *Sri Lanka Institute of Landscape Architects  
Act, No. 33 of 2009*

- (b) to promote, establish and maintain close relations with the profession worldwide, including the international exchange of knowledge, skills and experience in both educational and professional spheres;
- (c) to establish and maintain the highest possible standards of professional practice in planning, designing, development, management and conservation of the landscape, along with other relevant professionals and professional bodies;
- (d) to organize, supervise and control the admission and the professional education and training of persons desiring to qualify as landscape architects, to prescribe or approve courses of study for the qualifying examinations for membership of the Institute and to conduct or provide for the conduct of such courses and examinations;
- (e) to protect and promote the interests, status, welfare, rights and privileges of the profession of landscape architects in Sri Lanka and the interests of the public in relation to that profession, and of persons desiring to qualify as landscape architects; and
- (f) to establish, regulate and maintain libraries and benefit schemes for the benefit of members, officers and employees and their dependants.

General  
Powers of the  
Institute.

**5.** Subject to the provisions of this Act and any other written law, the Institute shall have power to—

- (a) acquire, hold, take or give on lease or hire, mortgage, pledge, sell and exchange or otherwise dispose of any immovable or movable property of the Institute;
- (b) enter into and perform or carry out, whether directly or through any officer or agent authorized in that

behalf by the Institute, all such contracts or agreements as may be necessary for the attainment of the objects or the exercise of the powers, of the Institute;

- (c) levy fees, subscriptions and contributions in respect of membership, admission to membership and admission to courses and examinations conducted by the Institute;
- (d) invest its funds and maintain current, deposit and savings accounts in any bank or banks approved by the Council of the Institute;
- (e) advance, lend and borrow money for the purposes of the Institute in such manner and upon such security as the Institute may think fit;
- (f) prescribe the qualifications and disqualifications for membership of the Institute and the standards of professional conduct for members of the Institute, and secure the maintenance thereof;
- (g) appoint, employ, transfer, dismiss and take other disciplinary action against officers and employees and prescribe their terms and conditions of services; and
- (h) generally, do all such acts and things as are necessary for or incidental or conducive to carrying out or the attainment of the objects of the Institute.

**6.** (1) Subject to the provisions of section 14 of this Act, eligibility for each class of membership shall be specified by rules made under this Act,

Membership of  
the Institute.

(2) The following classes of membership shall be in the Institute:—

- (a) Fellow;

4 *Sri Lanka Institute of Landscape Architects  
Act, No. 33 of 2009*

(b) Member; and

(c) Non-Corporate Member, the various classes of which shall be specified by rules made under this Act.

(3) The classes of membership mentioned under paragraphs (a) and (b) of subsection (1) shall be referred to as “Corporate Members”.

(4) Every Corporate Member shall be eligible to be elected to the Council or any Committee of the Institute and shall be entitled to all the rights and privileges.

(5) Every Non-Corporate Member shall be entitled to present at the meetings of the Institute but shall not have the right to vote.

Fee for membership of the Institute.

**7.** (1) Subject to the provisions of section 6, a person who is eligible for membership of the Institute shall be enrolled as a member upon payment to the Institute of a fee as may be specified in the rules made under this Act.

(2) The enrolment of a person as a member of the Institute shall be effective until the thirty-first day of December of the year of enrolment and such enrolment may be renewed annually upon payment of a fee specified by the rules.

Use of titles.

**8.** (1) Any Corporate Member of the Institute shall be entitled to take and use the title “Chartered Landscape Architect” and to use the abbreviation “F.I.L.A. (Sri Lanka)” after his name to indicate that he is a Fellow of the Institute and to use abbreviation “M.I.L.A. (Sri Lanka)” after his name to indicate that he is a Member of the Institute.

(2) Any firm of Landscape Architects, each of the partners of which is a Corporate Member of the Institute, shall be entitled to take and use the title “Chartered Landscape Architects”.

(3) Where one or more of the partners of a firm are Corporate Members of the Institute, the Council may permit such firm to take and use the title “Chartered Landscape Architect” or “Chartered Landscape Architects” as the case may be, as part of the description of such firm, provided that the remaining partners are members of other professions.

(4) Save as aforesaid, no person or body of persons shall take or use the title “Chartered Landscape Architect” or “Chartered Landscape Architects” or the initials “F.I.L.A. (Sri Lanka)”, or “M.I.L.A. (Sri Lanka)”, or use the same as the name or part of the name in any book, journal or other publication dealing with landscape architecture or the practice of landscape architecture or the profession of landscape architecture.

(5) No member shall take or use any designation or abbreviated designation referred to in subsection (1) of this section and which, under that subsection only a member enrolled in any grade of the class of Corporate Members may take or use, unless such person is for the time being enrolled as a member in that grade.

**9.** (1) There shall be a Council of the Institute, (hereinafter referred to the “Council”), which shall be vested with the administration and management of the affairs of the Institute.

Constitution of  
the Council.

(2) The Council shall consist of the President, the Vice-President, the immediate Past president in the case of a successive Council, the Secretary, the Treasurer, the Assistant Secretary, the Assistant Treasurer and such other number of members, not less than two and not more than eight, elected or appointed in accordance with the rules of the Institute. The Council may provide for the election or appointment, from among the Non-Corporate Members of the Institute, of not more than two other persons as members of the Council, to represent such Non-Corporate Members or any class thereof:

Provided however, that until the Institute has existed long enough for there to be sufficient number of persons who meet the requirements for Council membership and corporate membership under the rules of the Institute, the President and other members of the Council shall be members who have successfully completed—

- (i) a comprehensive full-time postgraduate degree course in Landscape Architecture or Landscape Design at a recognized university or institution; and
- (ii) at least six years subsequently experience in the practice or teaching of Landscape Architecture.

(3) Every member of the Council shall, unless he vacates office earlier by death, resignation or removal, hold office for a period as specified in the rules of the Institute.

(4) A member of the Council shall vacate office by resignation therefrom or if he ceases to be a member of the Institute.

(5) In the event of death or vacation of office by a member of the Council, another person shall be elected in place of such member and shall hold office during the remaining period of the term of office of such member.

(6) Any member of the Council who vacates office by effluxion of time shall be eligible for re-election as a member.

Acts not  
invalidated by  
reason of a  
vacancy & c.,

**10.** No act or proceedings of the Council shall be deemed to be invalid by reason only of the existence of any vacancy in the Council or defect in the appointment of election of any member of the Council.

Meetings of the  
Council.

**11.** The meetings of the Council shall be held in such manner as specified in the rules of the Institute.

**12.** (1) The Council may, at any general meeting and by the votes of not less than two-thirds of the corporate members present and voting, make rules in respect of any matter required by this Act to be prescribed or in respect of which rules are authorized or required by this Act to be made. Such rules when made, may, at a like meeting and in like manner, be altered, added to, amended or rescinded.

Powers to make rules.

(2) Without prejudice to the generality of the powers conferred by the provisions of subsection (1) of this section, the Council may make rules not inconsistent with the provisions of this Act and any other written law, in respect of all or any of the following matters:—

- (a) the admission, registration and expulsion of members; the qualifications and disqualifications for membership, the form and issue of certificates of membership, the maintenance of a register of members; the waiver or reduction and the effect of non-payment of membership fees and the rights, privileges and duties of members;
- (b) the terms of office of the Council, eligibility for and the mode of election or appointment thereto, the resignation or vacation of office and the filling of casual vacancies, the delegation of the powers and functions of the Council and the appointment of committees, the annual report of the Council, and the adoption and use of the common seal;
- (c) the rights, powers, functions and duties of the officers of the Council;
- (d) the summoning or holding of meetings of the Council, the annual general meeting, other general meetings and special general meetings of the members of the Institute, the times, places, notice and agenda of such meetings, the quorum thereof and the conduct of business thereat;

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*Act, No. 33 of 2009*

- (e) the management of the property of the Institute and the custody of its funds;
  - (f) the formulation of a Code of Professional Conduct;
  - (g) the procedure for disciplinary inquiries, including the appointment of Disciplinary Committees and the provisions of legal assistance thereto, the form of complaints, the framing of charges, the furnishing of explanations in reply, the issue of notices, the summoning of any person to give evidence applicable thereto, the maintenance of the record of the proceedings thereat and the form and content of the reports of Disciplinary Committees.
  - (h) the appointment of the staff of the Institute such as other officers and employees as may be necessary for the purposes of the Institute;
  - (i) the dismissal of and exercise of disciplinary control over, such officers and employees;
  - (j) the fixing of wages or salaries or other remuneration of such officers and employees;
  - (k) the determination of the terms and conditions of service of such officers and employees; and
  - (l) the establishment and regulation of schemes for the benefit of such officers and employees and the making of contributions to any such fund or scheme.
- (3) Every rule made under this Act, shall be published in the *Gazette*.
- (4) The members of the Institute shall be subject to the rules for the time being of the Institute.

(5) In the interpretation of any of the rules made in accordance with subsection (2) and in any matter not provided for therein, the decision of the Council shall be final.

**13.** (1) The Council may delegate to the President all or any of its powers relating to the appointment of other officers or employees to the staff of the Institute.

Delegation of powers of the Council.

(2) The conditions of employment including remuneration of any officer or employee appointed by the President under the powers delegated to him under this section shall be determined by the Council, with the concurrence of the President.

(3) Any person aggrieved by any decision taken under this section may appeal therefrom in writing to the Council and the decision of the Council on such appeal shall be final.

(4) The dismissal by the President of any officer or employee of the Institute shall not take effect unless such dismissal is approved by the Council.

**14.** (1) No person shall be enrolled as a member of the Institute—

General Disqualifications.

- (a) if he has been adjudged by a competent court to be of unsound mind;
- (b) if having been adjudged an insolvent or bankrupt by a competent court, he has not been granted by such court, a certificate to the effect that his insolvency or bankruptcy has arisen wholly or partly from unavoidable losses or misfortune;
- (c) if he has been convicted by a competent court of any offence involving moral turpitude and punishable with imprisonment or similar punishment and has not been granted a free pardon.



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*Act, No. 33 of 2009*

(2) The Council shall disenrol any person as a member of the Institute, if he becomes subject to any disqualification mentioned in subsection (1) of this section:

Provided, however, that such disenrolment shall not prevent the Council from subsequently re-enrolling such person if satisfied that he is fit to be enrolled.

Fund of the  
Institute.

**15.** (1) The Institute shall have its own fund.

(2) There shall be credited to the Fund of the Institute—

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

(b) all such sums of money received by the Institute in the exercise and discharge of its powers and functions under this Act; and

(c) all such sums of money received by the Institute as loans, grants and donations from sources within or outside Sri Lanka.

(3) All sums of money required to defray any expenditure incurred by the Institute in the exercise and discharge of its powers and functions shall be charged on the Fund of the Institute.

Financial year of  
Institute.

**16.** The financial year of the Institute shall be the calendar year.

Audit of  
accounts.

**17.** The provisions of Article 154 of the Constitution shall apply in relation to the audit of the accounts of the Institute.

Seal of the  
Institute.

**18.** The seal of the Institute shall not be affixed to any instrument whatsoever except by the authority of a resolution of the Council and in the presence of two members of the Council or, of the secretary and such other person as the

Council shall authorize for the purpose, 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.

**19.** All members of the Council and officers and employees of the Institute shall be deemed to be public servants within the meaning and for the purposes of the Penal Code. (Chapter 19).

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

**20.** The Institute 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.

Institute deemed to be Scheduled Institution within the meaning of the Bribery Act, (Chapter 26)

**21.** No member of the Council or officer or employee of the Institute shall disclose to any person, except for the purpose of discharging his functions under this Act or when required to do so by a court under any law, any information acquired by him in the discharge of his functions under this Act.

Prohibition of disclosure of information.

**22.** Any expense incurred by any person in any suit or prosecution brought against him before any court in respect of any act which is done by him under this Act or on the direction of the Council shall, if the court holds that the act was done in good faith, be paid out of the Fund of the Institute.

Expense incurred by any person to be paid by the Institute.

**23.** No writ against person or property shall be issued against a member of the Council in any action brought against the Institute.

Prohibition of issue of a writ.

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Act, No. 33 of 2009*

Offences and penalties.

**24.** Any person who contravenes the provisions of the Act shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment or to a fine not exceeding five hundred rupees or to both such fine and imprisonment.

Sinhala text to prevail in case of inconsistency.

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

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

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**BIBLIOMANIA EDUCATIONAL BOOKS  
FOR THE NATION FOUNDATION  
(INCORPORATION) ACT, No. 34 OF 2009**

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[Certified on 26th June, 2009]

*Printed on the Order of Government*

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*Bibliomania Educational Books for the Nation  
Foundation (Incorporation) Act, No. 34 of 2009*

[Certified on 26th June, 2009]

L. D. —O. INC 10/2005

AN ACT TO INCORPORATE THE BIBLIOMANIA EDUCATIONAL  
BOOKS FOR THE NATION FOUNDATION

WHEREAS an association called and known as the “Bibliomania Educational Books for the Nation Foundation” has heretofore been formed at Colombo, for the purpose of effectually carrying out 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 Bibliomania Educational Books for the Nation Foundation (Incorporation) Act, No. 34 of 2009.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Bibliomania Educational Books for the Nation Foundation (hereinafter referred to as the “Foundation”) and such other persons as 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 “Bibliomania Educational Books for the Nation 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 will and pleasure.

Incorporation of the Bibliomania Educational Books for the Nation Foundation.

2 *Bibliomania Educational Books for the Nation  
Foundation (Incorporation) Act, No. 34 of 2009*

General objects  
of the  
Corporation.

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

- (a) to undertake the publishing, printing, translation and distribution islandwide of urgently needed important educational books in Sinhala and Tamil and the importation of books of international importance ;
- (b) to upgrade and improve facilities of libraries in educational institutions ;
- (c) to establish and maintain libraries, mobile libraries and mobile “Books for the Nation” sales outlets throughout the country ;
- (d) to enable children, youth and adults in indigent circumstance to gain access to books and other publications required to help them to engage in higher studies and to make available to them books at affordable prices ;
- (e) to conduct vocational and educational training courses and research in the field of the book publishing, translation of books into Sinhala and Tamil languages and distribution of books in Sri Lanka and to provide an opportunity to use the worldwide web pages on the internet by opening islandwide centres for such purpose ;
- (f) to provide educational aids, books and magazines to the poor and to the destitute ;
- (g) to assist financially by granting scholarships or otherwise to voluntary workers and others who are engaged in the attainment of the objects of the Corporation ;
- (h) to work in co-operation with other associations, societies or organizations having objects similar to those of the Corporation ; and

*Bibliomania Educational Books for the Nation* 3  
*Foundation (Incorporation) Act, No. 34 of 2009*

- (i) 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. Where any publication or other printed educational matter published or introduced through electronic media for the advancement of the objects of the Corporation under section 3, is sought to be distributed islandwide or made available to students, the Corporation shall obtain the prior written approval of the Educational Publications Department established under the Ministry of Education.

Prior approval to print and distribute educational material.

5. (1) The administration and management of the affairs of the Corporation shall, subject to the provisions of this Act and rules of the Corporation made under section 7, be vested in the Executive Committee (hereinafter referred to as the "Committee") consisting of a President, a Secretary and two other office bearers and such other persons as may be provided for in such rules and elected in accordance therewith.

Management of the affairs of the Corporation.

(2) In the event of any vacancy arising in the Committee due to resignation, removal or death of any office bearer, such vacancy shall be filled according to rules of the Corporation.

(3) The first Committee of the Corporation shall consist of the members of the Executive Committee of the Foundation holding office on the day preceding the date of commencement of this Act.

6. Subject to the provisions of this Act and any other written law, the Corporation shall have the power—

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 ;



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Foundation (Incorporation) Act, No. 34 of 2009*

- (c) to invest any funds not immediately required for the purpose of the Corporation, in such manner as the Committee 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 appoint, employ, dismiss or terminate the services of agents, officers and servants of the Corporation and to pay them such salaries, allowances and gratuities as may be determined by the Corporation;
- (g) to appoint sub-committees to carry out the objects of the Corporation ; and
- (h) to do all such other acts and things as are necessary or expedient for the accomplishment 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 of the Corporation and by a majority of not less than two-thirds of the members present and voting, to make rules which are 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 and the admission, withdrawal or expulsion of members ;
- (b) the election, resignation, vacation or removal of office bearers ;
- (c) the powers, duties and functions of the office bearers, agents and officers and servants of the Corporation;

- (d) the procedure to be observed at, the summoning and holding of meeting of the Corporation and any sub-committee, the times, places, notice and agenda of such meetings, the quorum therefore and the conduct of business thereat ;
- (e) the administration and management of the property of the Corporation and the custody of its funds ;
- (f) generally for the management of the affairs of the Corporation and the accomplishment of its objects.

(2) Any rule of 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) All members of the Corporation shall be subject to the rules of the Corporation.

**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 made under section 7, shall have full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Corporation may hold property movable or immovable.

**9.** 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 and 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.

**10.** (1) The Corporation shall have its own fund and all monies heretofore or hereafter received by way of gift, bequest, testamentary disposition, transfer, contribution, 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 Committee shall determine.

Fund of the Corporation.

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Foundation (Incorporation) Act, No. 34 of 2009*

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

Audit and  
Accounts.

**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 who shall be an associate member of the Chartered Institute of Sri Lanka and appointed by the Corporation for that purpose.

Property  
remaining on  
dissolution.

**12.** If upon the dissolution of the Corporation there remains after the satisfactions 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 prohibited from the distribution of 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.

Application of  
land and  
property of the  
Corporation.

**13.** The land 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 or profits, to the members of the Corporation.

Limitation of  
liabilities of  
members.

**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 payable as membership fees as may be due from him to the Corporation.

*Bibliomania Educational Books for the Nation* 7  
*Foundation (Incorporation) Act, No. 34 of 2009*

**15.** (1) The seal of the Corporation shall be in the custody of the Secretary and may be altered in such manner as may be determined by the Committee.

Seal of the Corporation.

(2) The seal of the Corporation 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.

**16.** 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.

**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.

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**PARLIAMENT OF THE DEMOCRATIC  
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**CHIEF OF DEFENCE STAFF  
ACT, No. 35 OF 2009**

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[Certified on 09th July, 2009]

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*Chief of Defence Staff Act, No. 35 of 2009*

[Certified on 09th July, 2009]

L.D.—O. 25/2008.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A PERSON TO BE THE CHIEF OF DEFENCE STAFF WHO SHALL BE RESPONSIBLE FOR THE CO-ORDINATION OF ACTIVITIES AS BETWEEN THE ARMED FORCES AND THE MINISTRY OF DEFENCE; FOR THE ESTABLISHMENT OF THE COMMITTEE OF THE CHIEF OF DEFENCE STAFF ; TO PROVIDE FOR THE FUNCTIONS OF THE CHIEF OF DEFENCE STAFF ; 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. (1) This Act may be cited as the Chief of Defence Staff Act, No. 35 of 2009. The provisions of this Act, other than this section shall come into operation on such date or dates as the Minister may, by Order published in the *Gazette* appoint (hereinafter referred to as the “appointed date”).

Short title and date of operation.

(2) The provisions of this section shall, in terms of paragraph (1) of Article 80 of the Constitution, come into operation on the date on which the Certificate of the Speaker is endorsed on the Bill.

(3) Different dates may be appointed for bringing into operation different provisions or Parts of this Act.

PART I

APPOINTMENT OF CHIEF OF DEFENCE STAFF

2. (1) The President shall appoint from among the persons presently serving as Commander of the Army, the Commander of the Navy or the Commander of the Air Force as the case may be, an officer to be the Chief of Defence Staff.

Appointment of the Chief of Defence Staff.

(2) The Chief of Defence Staff shall function under the direction, supervision and control of the Secretary to the Ministry of the Minister in charge of the subject of Defence (hereinafter referred to as “the Secretary”).

(3) Where an officer serving as the Commander of the Army, the Commander of the Navy or the Commander of the Air Force as the case may be, is appointed as the Chief of Defence Staff, he shall, upon being so appointed, relinquish his position as the Commander of the Army, the Commander of the Navy or the Commander of the Air Force, as the case may be :

Provided that notwithstanding anything to the contrary contained in the Army Act (Chapter 357), the Navy Act (Chapter 358) and the Air Force Act (Chapter 359), the person so appointed as Chief of Defence Staff shall, for so long as he holds such position, continue to be a member of the regular force of the service to which he belonged at the time of his appointment under subsection (1) :

Provided further, when such officer relinquishes his position as the Commander of the Army, the Commander of the Navy or the Commander of the Air Force, as the case may be, the officer so appointed shall, from the date of such appointment, be deemed to continue as a member of the regular force of the respective service to which he belonged prior to such appointment, notwithstanding anything to the contrary in the Army Act (Chapter 357), the Navy Act (Chapter 358) or the Air Force Act (Chapter 359) as the case may be.

(4) The Chief of Defence Staff shall, while so serving in the office of the Chief of Defence Staff, hold the rank of General in the case of an officer of the Army, Admiral in the case of an officer of the Navy, and Air Chief Marshal in the case of an officer of the Air Force.



**3.** (1) The Chief of Defence Staff shall, subject to the pleasure of the President, hold office for a term of two years.

Term of office  
&c., of the Chief  
of Defence  
Staff.

(2) An officer serving as the Chief of Defence Staff shall be eligible to be reappointed in like manner for two more years :

Provided that such period of two years shall be granted by reappointments for one year at a time; provided, the total period of the term of office of the Chief of Defence Staff shall not in the aggregate exceed four years:

Provided further, that in a time of public emergency, the President may reappoint the officer serving as the Chief of Defence Staff for any number of such terms of office.

(3) The Chief of Defence Staff may, by letter addressed to the President in that behalf tender his resignation from the office of Chief of Defence Staff, at any time before the expiry of his term of office.

(4) Notwithstanding the provisions of subsection (3), a Chief of Defence Staff who tenders his resignation, shall not be relieved of the duties of his appointment, until the acceptance of such resignation by the President is notified to him in writing.

(5) In the event of death, retirement, resignation or disability or removal from office of the Chief of Defence Staff before the expiry of his term of office, the President shall, having regard to the provisions of this section, appoint another officer in his place.

(6) The officer so appointed under subsection (5) shall hold office for the unexpired period of the term of office of the particular Chief of Defence Staff whom he succeeds.

(7) Where a vacancy occurs in the office of Chief of Defence Staff, due to death, retirement, resignation, disability or removal, the President may nominate from among the

members of the Committee of the Chief of Defence Staff, a member to temporarily perform the duties and functions of the office of the Chief of Defence Staff in addition to his duties as Commander of the Army, Commander of the Navy or Commander of the Air Force as the case may be, until a successor is appointed or, in the case of absence or temporary disability of the Chief of Defence Staff, until he returns to office or the disability ceases.

(8) A member of the Chief of Defence Staff Committee who is so nominated under the provisions of subsection (7) shall perform the duties and functions of the office of Chief of Defence Staff until a successor is appointed or until the return to office of the Chief of Defence Staff as the case may be.

Removal of  
Chief of  
Defence Staff.

**4.** The Chief of Defence Staff may be removed at any time by the President taking into consideration issues of national security, without assigning reasons therefor.

Functions of the  
Chief of  
Defence Staff.

**5.** Subject to the authority, direction, control and supervision of the Secretary, the functions of the Chief of Defence Staff shall be—

- (a) to assist in providing for the strategic direction of the armed forces ;
- (b) to develop a doctrine for the joint employment of the armed forces ;
- (c) to facilitate the preparation of strategic plans for the armed forces ;
- (d) to co-ordinate matters in respect of the functions relating to intelligence as between the armed forces ;
- (e) to undertake assessments to determine the capabilities of the armed forces in comparison with those of their potential adversaries ;

- (f) to facilitate the preparation of operational plans for the armed forces and to co-ordinate the implementation of the same as between the armed forces ;
- (g) to prepare and review contingency plans relating to the armed forces ;
- (h) to tender advise on critical deficiencies and strengths and assess the effect of such deficiencies and strengths —
  - (i) in meeting national security objectives ; and
  - (ii) in ensuring conformity with policy ;
- (i) to tender advise on the extent to which the programmes, recommendations and budget proposals of the armed forces for a fiscal year conform to the priorities established in relation to strategic plans ;
- (j) to tender advise on the extent to which the major programmes and policies of the armed forces relating to manpower and equipment conform to strategic plans ;
- (k) to assess military requirements as against the proposed defence procurement plans and to advise the Ministry accordingly ;
- (l) to facilitate the formulation of policies for the joint training of the armed forces ;
- (m) to facilitate the formulation of policies for peace-keeping operations by the armed forces ; and
- (n) to do all such other things as are required or are necessary for the implementation of the above.

PART II

COMMITTEE OF THE CHIEF OF DEFENCE STAFF

Committee of  
the Chief of  
Defence Staff.

**6.** (1) There shall be established for the purposes of this Act, a Committee of the Chief of Defence Staff (hereinafter referred to as the “Committee”) within the Ministry of the Minister in charge of the subject of Defence.

(2) The Committee of the Chief of Defence Staff shall consist of—

- (a) the Chief of Defence Staff appointed by the President under section 2, who shall be the Chairman ;
- (b) the Commander of the Army ;
- (c) the Commander of the Navy ; and
- (d) the Commander of the Air Force.

The Chairman to  
facilitate  
implementation.

**7.** (1) The Chairman shall facilitate the implementation of all matters as between the Ministry of the Minister in charge of the subject of Defence and the armed forces, in relation to military matters.

(2) The Chairman shall in consultation with the Commander of the Army, the Commander of the Navy and the Commander of the Air Force, discharge the functions arising out of subsection (1) under the direction and supervision of the Secretary.

(3) The Chairman shall, in carrying out his functions in respect of any matter, take into consideration the range of military advice and opinions with respect to such matter as he considers appropriate.

(4) The Chairman shall establish procedures to ensure to the greatest extent possible, that the presentation of his own advice or opinion is not unduly delayed.

PART III

STAFF

8. (1) There shall be established an office of the Chief of Defence Staff which shall consist of such staff, comprising both armed forces personnel and civilian personnel. The civilian personnel may be deployed from among persons presently in the public service in keeping with the administrative regulations as are applicable thereto.

Staff.

(2) The Secretary may also recruit staff if it be so necessary for the office of the Chief of Defence Staff, in accordance with the administrative regulations and the rules of the Public Service Commission as are in force.

(3) Where armed forces personnel are deployed for service in the office of the Chief of Defence Staff, such deployment shall be done by the Secretary in consultation with the Commander of the Army, the Commander of the Navy or the Commander of the Air Force, as the case may be.

9. (1) At the request of the Secretary, an officer in the public service may, with the consent of that officer and the Public Service Commission, be temporarily appointed to the staff of the office of the Chief of Defence Staff, for such period as may be determined by the Secretary.

Appointment of public officers to the office of the Chief of Defence Staff.

(2) Where an officer of the public service is temporarily appointed to the staff of the office of the Chief of Defence Staff, such appointment shall be subject to such terms and conditions as are not less favourable than those enjoyed by such officer on the day prior to the date of such appointment and such other government regulations as are applicable thereto.

(3) Where the office of the Chief of Defence Staff employs any person who has agreed to serve the government for a specified period the service to the office of the Chief of Defence Staff by that person, shall be regarded as service to the Government for the purpose of discharging that obligation for such agreement.

Appointment of officers and servants of public corporations to the staff of the office of the Chief of Defence Staff.

**10.** (1) At the request of the Secretary, an officer or servant of any public corporation may, with consent of such officer or servant and the governing board of such public corporation, be temporarily appointed to the staff of the office of the Chief of Defence Staff for such period as may be determined by the Secretary, on such terms and conditions as may be agreed upon by the Secretary and the governing board of such corporation.

(2) Where an officer or servant of a public corporation is temporarily appointed to the staff of the office of the Chief of Defence Staff, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 of 1991 shall, *mutatis mutandis*, apply to and in relation to such officer.

(3) Where any person is appointed under subsection (1) to the staff of the office of the Chief of Defence Staff such person shall be subject to the same disciplinary control as any other member of the staff.

#### PART IV

##### GENERAL

Regulations.

**11.** (1) The Minister may make regulations under this Act for the purpose of carrying out or giving effect to the principles and provisions of this Act or in respect of any matter 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 foregoing, the Minister may make regulations in respect of the following :—

- (a) joint doctrine, training and professional military education;
- (b) the programmes and courses that may be conducted in institutions established for the conduct of military education ;

- (c) the establishment of databases and systems for collection, collation and storage of information relating to operations of the armed forces ;
- (d) policies for peace-keeping operations ;
- (e) guidelines for determining the terms and conditions applicable to personnel recruited on contractual basis to the office of the Chief of Defence Staff ;
- (f) qualifications of experts whose services may be obtained for the office of the Chief of Defence Staff ;
- (g) programmes and projects for human resources development within the office of the Chief of Defence Staff.

(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, within three months of the publication of the same in the *Gazette*, be brought before Parliament for approval. Any regulation that is not so approved by Parliament 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*.

**12.** (1) The Minister may, in consultation with the Secretary, make rules generally for the efficient functioning of the Ministry of the Minister in charge of the subject of Defence, and in particular in respect of the following matters :—

Rules.

- (a) dress code including uniforms to be worn by persons serving in the Ministry ; and

(b) the conduct and duties and functions of persons serving in the office of the Chief of Defence Staff.

(2) Every rule made by the Minister under subsection (1) shall be published in the *Gazette*.

Penalty for contravention of regulations or rules.

**13.** Any person who contravenes the provisions of any regulation or rule made under this Act shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to imprisonment for a term not exceeding one year or to a fine not exceeding rupees one hundred thousand.

This Act to prevail over other written law.

**14.** The provisions of this Act shall have effect notwithstanding anything contained in any other written law and accordingly in the event of any conflict or inconsistency between the provisions of this Act and such other written law, the provisions of this Act shall prevail.

Sinhala text to prevail in case of any inconsistency.

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

Interpretation.

**16.** In this Act, unless the context otherwise requires —

“armed forces” means the Sri Lanka Army, the Sri Lanka Navy and the Sri Lanka Air Force, established respectively under the Army Act (Chapter 357), the Navy Act (Chapter 358) and the Air Force Act (Chapter 359).



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

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**BOARD OF INVESTMENT OF SRI LANKA  
(AMENDMENT) ACT, No. 36 OF 2009**

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[Certified on 15th July, 2009]

*Printed on the Order of Government*

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*Board of Investment of Sri Lanka (Amendment)*  
*Act, No. 36 of 2009*

[Certified on 15th July, 2009]

L. D. —O. 13/2008.

AN ACT TO AMEND THE BOARD OF INVESTMENT OF SRI LANKA LAW,  
NO. 4 OF 1978

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

- 1.** This Act may be cited as the Board of Investment of Sri Lanka (Amendment) Act, No. 36 of 2009.

Short title.
- 2.** Schedule B to the Board of Investment of Sri Lanka Law, No. 4 of 1978 (hereinafter referred to as the “principal enactment”), is hereby amended by the insertion, immediately after the item “The National Film Corporation of Sri Lanka Act, No. 47 of 1971”, of the following new item :—

“The Inland Revenue Act, No. 10 of 2006.”

Amendment of Schedule B to the principal enactment.
- 3.** The amendment made in Schedule B to the principal enactment by section 2 shall for all purposes be deemed to have come into force on March 31, 2006, being the date on which the Inland Revenue Act, No. 10 of 2006 came into force.

Amendment to Schedule B to be deemed to have come in to force on the date of commencement of the Inland Revenue Act.
- 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.

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*Board of Investment of Sri Lanka (Amendment)*  
*Act, No. 36 of 2009*

[Certified on 15th July, 2009]

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**PARLIAMENT OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF  
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**ROAD DEVELOPMENT AUTHORITY  
(AMENDMENT) ACT, No. 37 OF 2009**

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*Road Development Authority (Amendment)  
Act, No. 37 of 2009*

[Certified on 23rd July, 2009]

L. D.—O. 34/2007

AN ACT TO AMEND THE ROAD DEVELOPMENT AUTHORITY 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 Road Development Authority (Amendment) Act, No. 37 of 2009. Short title
- 2.** Section 3 of the Road Development Authority Act, No. 73 of 1981 (hereinafter referred to as “the principal enactment”) is hereby amended as follows:— Amendment of section 3 of Act, No. 73 of 1981.
- (1) by the repeal of subsection (1) of that section and substitution therefor of the following subsection:—
- “(1) The Authority shall consist of the following members:—
- (a) seven members (hereinafter referred to as “appointed members”) who shall be appointed by the Minister from among persons who have wide experience and have shown capacity, in the fields of civil engineering, highway engineering, commerce, finance, law or administration; and
- (b) nine other members (hereinafter referred to as *ex-officio* members) who shall be—
- (i) a senior officer of the Ministry of the Minister in charge of the subject of highways, nominated by such Minister;



2      *Road Development Authority (Amendment)*  
*Act, No. 37 of 2009*

- (ii) a senior officer of the Ministry of the Minister in charge of the subject of finance, nominated by such Minister;
- (iii) a senior officer of the Ministry of the Minister in charge of the subject of power, nominated by such Minister;
- (iv) a senior officer of the Ministry of the Minister in charge of the subject to transport, nominated by such Minister;
- (v) a senior officer of the Ministry of the Minister in charge of the subject of lands, nominated by such Minister;
- (vi) the General Manager of the National Water Supply and Drainage Board established under the National Water Supply and Drainage Board Act, No. 2 of 1974, nominated by the Minister in charge of that subject;
- (vii) the Director-General of the Urban Development Authority established under the Urban Development Authority Act, No. 41 of 1978, nominated by the Minister in charge of that subject;
- (viii) the Chief Executive Officer of the Central Environment Authority, established under the National Environment Act, No. 47 of 1980, nominated by the Minister in charge of that subject; and

(ix) the Chief Executive Officer of the Geological Survey and Mines Bureau established under Mines and Minerals Act, No. 33 of 1992, nominated by the Minister in charge of that subject.”.

(2) by the repeal of paragraph (b) of subsection (11) of that section and the substitution therefor of the following paragraph:—

“(b) if he is an *ex-officio* member the Minister who nominated that member may nominate another person to act in place of that member.”.

3. Section 7 of the principal enactment is hereby amended by the repeal of subsections (1) and (2) and the substitution therefor of the following subsections:—

Amendment of section 7 of the principal enactment.

“(1) (a) There may be established a Road Development Advisory Council (hereinafter referred to as “the Council”) consisting of the following members:—

- (i) the person for the time being holding the office of the Secretary to the Ministry of the Minister in charge of the subject of Highways, who shall be the Chairman of the Council;
- (ii) a senior officer of the Ministry of the Minister in charge of the subject Environment and Natural Resources, nominated by such Minister;
- (iii) a senior officer of the Ministry of the Minister in charge of the subject of Telecommunications, nominated by such Minister;

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          *Act, No. 37 of 2009*

- (iv) a senior officer of the Ministry of the Minister in charge of the subject of Local Government, nominated by such Minister;
- (v) a senior officer of the Ministry of the Minister in charge of the subject of State Lands, nominated by such Minister;
- (vi) a senior officer of the Ministry of the Minister in charge of the subject of Transport, nominated by such Minister;
- (vii) a senior officer of the Ministry of the Minister in charge of the subject of Finance, nominated by such Minister;
- (viii) the person for the time being holding the office of Director-General of the Authority, who shall act as Secretary to the Council;
- (ix) the person for the time being holding the office of the Director-General of the Urban Development Authority established by the Urban Development Authority Act, No. 41 of 1978 or his representative;
- (x) the person for the time being holding the office of the General Manager of the Ceylon Electricity Board established by the Ceylon Electricity Board Act, No. 17 of 1969 or his representative;
- (xi) the person for the time being holding the office of the General Manager of the National Water supply and Drainage Board established by the National Water Supply and Drainage Board Act, No. 2 of 1974 or his representative; and

- (xii) four other members appointed by the Minister from among persons who appear to have wide experience, and shown capacity, in highway engineering, management or administration, law, or finance.

(b) A member appointed under this paragraph is hereinafter in this section referred to as an “appointed member of the Council”.

(2) The functions of the Council shall be—

- (a) to advise the Minister on road policy, road research, road planning and strategy and road development; and
- (b) to advise the Minister or the Authority, as the case may be, on any matter relating to the exercise, performance or discharge of any power, duty or function of the authority, that may be referred to the Council by the Minister or the Authority, as the case may be.”.

4. Section 9 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 9 of the principal enactment.

“Powers, duties and functions of the Authority.

9. (1) Subject to the provisions of subsection (2) the powers, duties and functions of the Authority, within any development area, shall be—

- (a) to carry out integrated road planning and development of roads within such areas, subject to any directions that may be given to the Authority by the Minister from time to time;

6      *Road Development Authority (Amendment)*  
          *Act, No. 37 of 2009*

- (b) to implement related programmes of road development work, activities and services in such areas that are consistent with integrated road planning in such areas, subject to any directions that may be given to the Authority by the Minister from time to time;
- (c) to formulate and submit road development plans including capital investment plans to the Minister for approval by the Government;
- (d) to undertake the execution of road maintenance and road development projects and schemes as may be approved by the Government;
- (e) to enter into, perform and carry out, whether directly or by way of public private partnership or joint venture or with any person in or outside Sri Lanka, all such contracts or agreements as may be necessary for the purpose of carrying out any road development project or scheme as may be approved by the Government;
- (f) to undertake the completion of any approved road development project or scheme in default by any person failing to complete such project or scheme;
- (g) to implement road development plans and capital investment plans approved by the Government;
- (h) to formulate capital road improvement programmes for such development area;

- (i) to acquire or purchase and hold any movable or immovable property or dispose of or give on lease any movable or immovable property acquired or held by it;
- (j) to prepare at the request of any Government agency, road development projects and planning schemes on behalf of such agency and to coordinate with, or assist in, the execution of such projects or schemes;
- (k) to provide road planning services for the benefit of Government agencies or other persons within such development areas;
- (l) to charge fees for any services provided by the Authority;
- (m) to accept gifts, grants, donations or subsidies whether in cash or otherwise and to apply them for carrying out any of the objects of the Authority;
- (n) to establish a regulatory body in order to formulate a regulatory framework for the Road Sector that covers planning, designing, construction, maintenance and operational aspects;
- (o) to charge fees or rentals from any utility service provider for using a road reservation, a public road reservation or a national highway reservation and to enter into agreements as may be necessary for such purposes;

8 *Road Development Authority (Amendment)  
Act, No. 37 of 2009*

- (p) to charge fees from any person or Institution for using a road reservation, a public road reservation or a national highway reservation for the display of notices, banners, gantries or hoardings, or for any other commercial purpose or for erecting any structure for such purposes and to enter into agreements as may be necessary, for such purposes; and
- (q) to do all such acts or things as are incidental to or consequential upon the exercise, performance and discharge of its powers, duties and functions under this Act.

(2) When implementing any programme of development work relating to road planning and road development within any development area, it shall be the duty of the Authority in the exercise, performance and discharge of its powers, duties and functions under subsection (1) to implement such programme or development work in consultation with the appropriate Government departments, public corporations, Provincial Council or local authority, as the case may be.

(3) Any person or Institution to whom the provisions to paragraph (p) of subsection (1) applies shall obtain the prior approval of the Authority, before commencing any activity referred to in that paragraph.”.

Amendment of section 12 of the principal enactment.

**5.** Section 12 of the principal enactment is hereby amended as follows:—

- (1) by the substitution for the expression “General Manager” of the expression “Director-General” wherever the expression appears in that section;

*Road Development Authority (Amendment) Act, No. 37 of 2009* 9

- (2) in subsection (2) thereof, by the substitution for the words “matters of policy, be charged with” of the words “matters of policy and strategy, be charged with”.

6. Section 15 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 15 of the principal enactment.

“Borrowing powers of the Authority. 15. (1) The Authority may, subject to the provisions of subsection (2) and with the written consent of the Minister, borrow or raise such sums as the Authority may require for meeting its obligations in the discharge of its duties under this Act:—

- (a) by way of temporary overdraft or otherwise; or  
(b) by the issue of debentures and bonds, or seller’s credit.

(2) The aggregate of the amounts outstanding in respect of any loan or fund raised by the Authority under subsection (1), 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.”.

7. 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.



f)

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

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**NATIONAL INSTITUTE OF OCCUPATIONAL  
SAFETY AND HEALTH ACT, No. 38 OF 2009**

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[Certified on 23rd July, 2009]

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*National Institute of Occupational  
Safety and Health Act, No. 38 of 2009*

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L.D.—O. 24/2007

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL INSTITUTE OF OCCUPATIONAL SAFETY AND HEALTH FOR THE FORMULATION OF A POLICY ON OCCUPATIONAL SAFETY AND HEALTH STANDARDS; TO CREATE AN ENVIRONMENT FOR OCCUPATIONAL SAFETY AND HEALTH AT ALL WORKPLACES TO PROTECT BOTH THE EMPLOYERS AND EMPLOYEES; 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 National Institute of Occupational Safety and Health Act, No. 38 of 2009 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 NATIONAL INSTITUTE OF OCCUPATIONAL  
SAFETY AND HEALTH

2. (1) There shall be established an Institute which shall be called the National Institute of Occupational Safety and Health (hereinafter referred to as the “Institute”).

Establishment of the National Institute of Occupational Safety and Health.

(2) The Institute 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 general objects of the Institute shall be—

General objects of the Institute.

(a) to advise the Government in the formulation of a national policy on occupational safety and health and on the working environment both for employers and employees taking into consideration the nature of the occupation and the safety of the employers and employees;

*National Institute of Occupational  
Safety and Health Act, No. 38 of 2009*

- (b) to advise the Government on measures required for the prevention of accidents and injuries relating, to occupation at work places;
- (c) to conduct, undertake and assist in investigations, study programmes, surveys and research in the field of occupational safety and health;
- (d) to provide advisory services to any institution or person on the correct use of equipment, hazardous substances, physical, chemical or biological agents or products or any other hazards;
- (e) to educate and provide necessary training to employees, occupiers, workers or any other person required of knowledge and training in occupational safety and health and related subjects either in collaboration with any other institution or university in Sri Lanka or abroad, or by the Institute and award certificates or diplomas on completion of such education or training;
- (f) to provide required services on the correct use of equipment, hazardous substances, physical, chemical, biological agents or products and psychosocial hazards and avoidance of known hazards;
- (g)
  - (i) to advise the Minister on legislative requirements with regard to standards, codes, practices and guidelines in matters relating to occupational safety and health;
  - (ii) to evaluate and determine the work process, the substances and agents, the exposure to which is be prohibited, limited or made subject to supervision ;
- (h) to undertake or collaborate in the collection, preparation, dissemination and publishing of information relating to occupational safety and health;

- (i) to organize or to sponsor conferences, seminars, workshops, symposiums or such other similar programmes and publish papers in connection with occupational safety and health;
- (j) to co-ordinate inter-ministerial projects, programmes and activities on occupational safety and health;
- (k) to establish and maintain libraries and laboratories for the purpose of promoting and furthering of the practice of occupational safety and health;
- (l) to develop research and special laboratories;
- (m) to liaise and establish links and networks with relevant National and International Institutions, Universities or any other organizations in the field of occupational safety and health; and
- (n) to establish national standards in the field of occupational safety and health.

(2) The Institute shall advise the Minister in addition to advise relating to the matter specified in paragraph (g) of subsection (1), on all or any of the matters specified in subsection (1), and on any other matter that may be referred to the Institution, from time to time, by the Minister.

**4.** (1) The Institute shall have the power to do all such acts as may be necessary for the discharge of any or all of its functions specified in section 3 of this Act.

Powers of the Institute.

(2) The Institute without prejudice to the generality of the powers conferred on it by subsection (1), may—

- (a) assess and evaluate, from time to time, the standards to be maintained in workplaces or working environments and advise the Minister on the legislative requirements relating to such standards, and to provide advisory services to occupiers,

*National Institute of Occupational  
Safety and Health Act, No. 38 of 2009*

workers or any other persons, when requested to do so, on all matters relating to occupational safety and health and working environment;

- (b) levy and charge a fee for services rendered or facilities or equipments provided by the Institute to any other institution, organization or any other person;
- (c) acquire, hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of any movable or immovable property for the purpose of discharging the functions of the Institute; and
- (d) to enter into and execute, by the Institute or any other officer or agent authorized in that behalf by the Institute, all such contracts or agreements as may be necessary for the discharge of the functions of the Institute.

PART II

THE GOVERNING COUNCIL OF THE INSTITUTE

Constitution of  
the Governing  
Council.

**5.** (1) The Institute shall have a Governing Council (hereinafter referred to as the "Council") in which the powers and duties of the Institute shall subject to the provisions of this Act, be vested in.

(2) The Council shall consist of—

- (a) seven members appointed by the Minister (hereinafter referred to as the "appointed members")—
  - (i) two of whom shall be representatives of employer's organizations;
  - (ii) two of whom are representing the workers' organization;
  - (iii) three persons distinguished in the fields of occupational safety and health and who shall be members of any Institution established

under the provisions of an Act, the functions of which include safety or health.

- (b) the following *ex-officio* members:—
- (i) the person for the time being holding office as the Secretary to the Minister of the Ministry in charge of the subject of Labour, who shall be the Chairman of the Council;
  - (ii) the person for the time being holding office as the Commissioner-General of Labour, who shall be the Vice Chairman of the Council;
  - (iii) the person for the time being holding office as the Commissioner of Labour (Industrial Safety);
  - (iv) the person for the time being holding office as the Commissioner of Labour (Occupational Hygiene);
  - (v) one member, being an officer not below the rank of a Senior Assistant Secretary nominated by the Minister in charge of the subject of Finance;
  - (vi) one member, being an officer not below the rank of a Senior Assistant Secretary nominated by the Minister in charge of the subject of Health;
  - (vii) one member, being an officer not below the rank of a Senior Assistant Secretary nominated by the Minister in charge of the subject of Industries;
  - (viii) one member, being an officer not below the rank of a Senior Assistant Secretary nominated by the Minister in charge of the subject of Agriculture; and

6 *National Institute of Occupational  
Safety and Health Act, No. 38 of 2009*

(ix) the person for the time being holding office  
as the Director-General of the Institute.

Secretary to the  
Council.

**6.** There shall be a Secretary to the Council who shall keep and maintain records of the Council. The Council shall appoint a Director of the Institute as the Secretary.

The term of  
office of the  
members of the  
Council.

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

(2) Any appointed member may, at any time resign from office by a letter addressed to that effect to the Minister. Such resignation shall take effect upon it being accepted by the Minister, in writing.

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

(4) The Minister, in consultation with the relevant Minister in charge of the subject, when required, may, if he thinks it expedient to do so, remove from office, any appointed member for reasons assigned therefor, and thereupon such member shall be deemed to have vacated his office.

(5) In the event of vacation of office, resignation or removal of any member, the Minister may appoint a suitable person to act in his place. Any member so appointed shall hold office for the unexpired period of the term of office of the member whom he succeeds.

Disqualification  
for membership  
of Council.

**8.** A person shall be disqualified from being appointed or continuing as an appointed member of the Council—

(1) if he is or becomes a Member of Parliament, Provincial Council or any local authority; or



- (2) if he is under any law in force in Sri Lanka or in any other country, found or declared to be of unsound mind; or
- (3) is a person who, having being declared an insolvent, or a bankrupt under any law in force in Sri Lanka or in another country, is an undischarged insolvent or bankrupt; or
- (4) if he is serving or has served a sentence of imprisonment imposed by any court of law in Sri Lanka or in any other country.

**9.** (1) The Chairman of the Council shall summon a meeting of the Council at least once in every three months. Meetings.

(2) The Chairman shall summon a special meeting of the Council within fourteen days after being requested in writing to do so by seven members of the Council and shall specify in such notice the business to be dealt with at such meeting.

(3) The Chairman shall give at least seven days notice in writing of every meeting of the Council to each of the members and shall specify in such notice the business to be dealt with at such meeting.

(4) The Chairman or in his absence the Vice-Chairman shall preside at all meetings of the Council.

(5) The quorum at any meeting of the Council shall be seven members.

(6) All questions for decision by the Council shall be decided by a vote of majority of members present and voting. In case of an equality of votes, the presiding officer shall have a casting vote.

(7) The proceedings at every meeting of the Council shall be recorded.

(8) Subject to the provisions herein, the Council may make rules determining the procedure to be followed at meetings of the Council.

(9) No act, decision or proceedings of the Board shall be deemed to be invalid by reason of the existence of any vacancy in the Council or any defect in the appointment or nomination of election of a member thereof.

Director-General  
of the Institute.

**10.** (1) There shall be appointed by the Council a person to be the Director-General of the Institute (hereinafter referred to as the “Director- General”) who possesses sufficient knowledge and at least ten years experience in the practice of occupational safety and health.

(2) The Director-General shall be a full time officer of the Institute and shall subject to the direction of the Council, be responsible for the implementation of the decisions of the Council and shall discharge such other duties as may be assigned to him.

(3) The Council may, for reasons assigned therefor, remove from office the Director-General appointed under subsection (1).

Directors of the  
Institute.

**11.** There shall be appointed by the Council such number of persons to be Directors of the Institute, as shall be necessary for the efficient administration of the Institute. The persons so appointed shall possess seven years experience in a position with similar function as such Director and possess sufficient knowledge as is relevant to such position.

Appointment of  
staff.

**12.** (1) The Institute may appoint to the staff of the Institute such officers and servants as it may deem necessary for the efficient exercise, perform and discharge of its powers, duties and functions under this Act.

(2) The Institute may subject to the other provisions of this Act—

- (a) exercise disciplinary control of officers and servants of the Institute;

- (b) fix the wages, salaries or other remuneration of the staff; and
- (c) determine the terms and conditions of service of the officers and servants of the Institute.

**13.** (1) At the request of the Council, any officer in the public service may with the consent of that officer and the Chairman of the public Service Commission, be temporarily appointed to the staff of the Institute for such period as may be determined by the Council or, with like consent, be permanently appointed to such staff.

Appointment of Public officers to the Institute.

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

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

(4) Where the Institute employs a person who has entered into a contract with Government by which he has agreed to serve the Government for a specific period, any period of service to the Institute by that person shall be regarded as service to the Government for the purpose of discharging the obligations of that person under such contract.

(5) At the request of the Council, a member of the Local Government Service or any officer of any Local Authority may with the consent of that member, officer or employee be temporarily appointed to the staff of the Institute for such period as may be determined by the Institute, 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 Institute and the Local Government Service Advisory Board or the Local Authority, as the case may be.

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

Delegation of powers.

**14.** (1) The Director-General may with the approval of the Council, and whenever he considers it necessary to do so, delegate in writing to any officer of the Institute any power of function conferred or assigned to him under this Act and such officer shall exercise and discharge any power or function subject to the direction and control of the Director-General.

(2) Notwithstanding any such delegation, the Institute may continue to exercise or perform or discharge any such power, duty or function.

Collection of Information.

**15.** The Director-General may by notice in writing require any occupier or head of Institution in Government or private sector to furnish to the Institute, within such time as may be specified in that notice, all such information relating to the functions of the Institution concerning occupational safety and health within the purview of such Institution to enable to exercise and discharge of his powers and functions of the Institute under this Act.

### PART III

#### FUND AND THE FINANCES OF THE INSTITUTE

Fund of the Institute.

**16.** (1) The Institute shall have its own fund (hereinafter referred to as the "Fund").

(2) There shall be paid into the Fund—

- (a) all sums of money as may be voted from time to time by Parliament for the use of the Institute and any funds provided to the Institute by the Government by way of grant, loan or otherwise;
- (b) the proceeds of any cess levied and collected under this Act;
- (c) all sums that may be received by the Institute by way of fees and charges;
- (d) all sums that may be received by the Institute as income from any investments made by the Institute;
- (e) all sums that may be received by the Institute in exercise, performance and discharge of its powers, duties and functions; and
- (f) all sums as may be received by the Institute by way of loans, donations, gifts or grants from any source whatsoever whether from Sri Lanka or outside Sri Lanka.

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

- (a) the remuneration payable to the members of the Governing Council as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance;
- (b) the salaries, allowances and such other fees or payments payable to lecturers, consultants, experts, officers, servants and employees of the Institute; and
- (c) all sums as are required to defray any expenditure incurred by the Institute in the exercise, performance and discharge of its powers, duties and functions under this Act.

12 *National Institute of Occupational  
Safety and Health Act, No. 38 of 2009*

Financial year  
and audit of  
accounts.

**17.** (1) The financial year of the Institute shall be the calendar year.

(2) The Institute shall cause to be prepared in respect of each financial year a statement of receipts and payments, a statement of income and expenditure, a statement of assets and liabilities and a statement of investments showing the face value, purchase price and market value of each of the investments. A copy of each of the statements prepared under this subsection shall be transmitted to the Minister before the thirtieth day of September of the succeeding year.

(3) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to and in relation to the audit of accounts of the Institute.

Report to be  
tabled in  
Parliament.

**18.** The Institute shall prepare an annual report of the work of the Institute and forward such report before the lapse of the year succeeding the year to which such report relates, to the Minister who shall table such report in Parliament.

PART IV

GENERAL

Rules of the  
Institute.

**19.** The Institute may make rules in respect of the administration of the affairs of the Institute and in relation to its officers and servants, including their appointments, promotions, remuneration, disciplinary control and of grant of leave to them. Every such rule shall be published in the *Gazette*.

Power to make  
regulations.

**20.** (1) The Minister may make regulations in respect of matters which are required to be prescribed or in respect of which regulations are authorized to be made or where it is necessary for giving effect to the principles of this Act.

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

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

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

**21.** The seal of the Institute shall be in the custody of such person as the Council may decide from time to time and may be altered in such manner as may be determined by the Council. It shall not be affixed to any instrument or document except in the presence of two members of the Institute both of whom shall sign the instrument or document in token of their presence. The Council shall maintain a register of all documents to which the seal of the Institute is affixed.

Seal of the Institute.

**22.** It shall be lawful for the Director-General or an officer or agent authorized in that behalf by the Director-General to enter any work place at all reasonable hours and to do all such acts as may be required to perform all or any of the functions and duties of the Institute. Every officer or agent so authorized shall be issued with such a certificate of appointment, or authorization as may be prescribed, and, when visiting any workplace or premises in order to perform any function or act under this Act, shall if so required produce such certificate or authority to the occupier or to the person holding responsibility of the workplace or premises.

Power of entry and inspection.

Acquisition of immovable property under the Land Acquisition Act.

**23.** Where any immovable property is required to be acquired for any specific purpose of the Institute and the Minister by order published in the *Gazette* approves of the proposed acquisition for that purpose, that property shall be deemed to be required for a public purpose and may accordingly be acquired under the Land Acquisition Act (Chapter 420).

Expenses to be paid out of Fund of the Institute.

**24.** (1) Any expenses incurred by the Institute in any suit or prosecution brought against the Institute, shall be paid out of the Fund of the Institute and any costs paid to or recovered by the Institute in any such suit or prosecution, shall be credited to the Fund of the Institute.

(2) Any expenses incurred by any member of the Council or any officer or servant of the Institute 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 such person under this Act or on the direction of the Council shall, if the Court holds that such act was done in good faith, be paid out of the Fund of the Institute, unless such expenses are recovered by him in such suit or prosecution.

Sinhala text to prevail in case of inconsistency.

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

Interpretation.

**26.** For the purposes of this Act unless the context otherwise requires the “occupier” means any person who manages or administers the affairs of the government or any private establishment, institution, public corporation or statutory body, factory or any industry and includes any Authority to whom the function of management or administration is delegated.



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

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**KOSALA DULLEWA FOUNDATION  
FOR CHILDREN WITH SPECIAL NEEDS  
(INCORPORATION) ACT, No. 39 OF 2009**

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[Certified on 24th July, 2009]

*Printed on the Order of Government*

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*Kosala Dullewa Foundation for Children with  
Special Needs (Incorporation) Act, No. 39 of 2009*

[Certified on 24th July, 2009]

L.D.—O. (INC) 15/2006.

AN ACT TO INCORPORATE THE KOSALA DULLEWA FOUNDATION FOR  
CHILDREN WITH SPECIAL NEEDS

WHEREAS an association called and known as the “Kosala Dullewa Foundation for Children with Special Needs” has been formed 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 Kosala Dullewa Foundation for Children with Special Needs (Incorporation) Act, No. 39 of 2009.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as are now members of the Kosala Dullewa Foundation for Children with Special Needs (hereinafter referred to as “the Foundation”) and such other persons as shall hereinafter be admitted as members of the Corporation hereby constituted shall be a body corporate with perpetual succession, under the name and style of “Kosala Dullewa Foundation for Children with Special Needs” (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 to alter the same at its will and pleasure.

Incorporation of the Kosala Dullewa Foundation for Children with Special Needs.

2 *Kosala Dullewa Foundation for Children with Special Needs (Incorporation) Act, No. 39 of 2009*

General objects of the Corporation.

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

- (a) to help underprivileged children having physical and mental disabilities irrespective of their caste, creed, nationality or religion, so as to make them useful citizens who could make a contribution to society and to the country ;
- (b) to assist in the well-being of disabled children and young adults upto the age of twenty five years ;
- (c) to conduct and hold seminars, meetings, training programs and workshops to develop skills of disabled children and to encourage them to be independent ;
- (d) to educate and make disabled children aware of their abilities, disabilities and limitations without endangering themselves and others ;
- (e) to commence self-employment projects and to engage physically and mentally disabled youth in vocational training programs ;
- (f) to create an awareness among parents and family members of disabled children and the general public, about the contribution that disabled children could make towards the development of the country ;
- (g) to grant donations, assistance and coverage to disabled children and to other organizations having objects similar to those of the Corporation ;
- (h) to implement projects in any part of Sri Lanka for the benefit of the disabled children ;
- (i) to collaborate with other organizations having similar objects to those of the Corporation, whether in Sri Lanka or abroad ;

*Kosala Dullewa Foundation for Children with Special Needs (Incorporation) Act, No. 39 of 2009* 3

- (j) to train or cause to be trained in Sri Lanka or abroad at the expense of the Corporation, any child whomsoever approved by the Corporation, for the furtherance of the objects of the Corporation ;
- (k) to initiate, organize and conduct lectures, seminars, symposia, workshops, exhibitions and other appropriate programs and activities in order to promote the objects of the Corporation ;
- (l) to train and to organize sports events for disabled children in Sri Lanka or abroad ;
- (m) to organize entertainment events for disabled children ;
- (n) to propose to relevant authorities legal reforms to uplift the rights of disabled persons ;
- (o) to institute legal proceedings in appointing curators or guardians for disabled children at the cost of the Corporation ; and
- (p) to establish book shops and libraries.

**4.** (1) The management, control and administration of the affairs of the Corporation shall, subject to the provisions of this Act and of the rules of the Corporation made under section 7, be administered by a Board of Management consisting of such number of office bearers as may be provided for in such rules and elected in accordance therewith.

Management of the affairs of the Corporation.

(2) The first Board of Management of the Corporation shall consist of the members of the Executive Committee of the Foundation holding office on the day immediately preceding the date of commencement of this Act and who shall hold office until a new Board of Management is elected under the rules of the Corporation.

4 *Kosala Dullewa Foundation for Children with  
Special Needs (Incorporation) Act, No. 39 of 2009*

General 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, matters and things whatsoever as are necessary or desirable for the furtherance of the objects of the Corporation or any one of them, and subject to the rules of Corporation, 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 as are required for the purpose of achieving the objects of the Corporation.

Audit of  
accounts.

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

(2) The Corporation shall cause proper accounts to be kept of all 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 Corporation.

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

- (i) an individual who being a member of the Institute of Chartered Accountant of Sri Lanka or 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 Accountant 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.

*Kosala Dullewa Foundation for Children with*      5  
*Special Needs (Incorporation) Act, No. 39 of 2009*

**7.** (1) It shall be lawful for the Corporation from time to time at any general meeting of the Corporation and by the votes 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 admission, withdrawal or expulsion of members, the election of the office-bearers and for the performance of the duties of such office-bearers, agents, officers and servants of the Corporation, for the procedure to be followed in the transaction of business by the Corporation and the Board of Management and generally, for the management of the affairs of the Corporation and the accomplishment of its objects. Such rules when made may at a like meeting and in like manner, be altered, added to, amended or rescinded.

Rules of the Corporation.

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

**8.** The income and property of the Corporation shall be applied solely towards the promotion of the objects of the Corporation as set forth herein and no portion thereof shall be paid or transferred, directly or indirectly by way of dividend, loan, bonus, profit or otherwise, to the members of the Corporation.

Application of income and property of the Corporation.

**9.** The Corporation shall be able and capable in law to acquire and hold any property both 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 be subject to the rules of the Corporation under section 7 it shall have full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Corporation may hold property movable or immovable.

**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 and all debts due to, including subscriptions, fees 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.

6 *Kosala Dullewa Foundation for Children with  
Special Needs (Incorporation) Act, No. 39 of 2009*

Seal of the  
Corporation.

**11.** 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 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 the  
dissolution of the  
Corporation.

**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 its rules prohibited from distributing any income or property 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.

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.



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

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**SOCIETY OF STRUCTURAL ENGINEERS  
OF SRI LANKA (INCORPORATION)  
ACT, No. 40 OF 2009**

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[Certified on 24th July, 2009]

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*Society of Structural Engineers of Sri Lanka  
(Incorporation) Act, No. 40 of 2009*

[Certified on 24th July, 2009]

L. D.—O. INC. 32/2007.

AN ACT TO INCORPORATE THE SOCIETY OF STRUCTURAL  
ENGINEERS OF SRI LANKA

WHEREAS a society called and known as the “Society of Structural Engineers of Sri Lanka” has heretofore been established in Sri Lanka, for the purpose of effectually carrying out and transacting all objects and matters connected with the said Society according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said Society has heretofore successfully carried out and transacted 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 Society of Structural Engineers of Sri Lanka (Incorporation) Act, No. 40 of 2009.

Short title.

2. From and after date of commencement of this Act, such and so many persons as now are members of the Society of Structural Engineers of Sri Lanka (hereinafter referred to as the “Society”) 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 “Society of Structural Engineers of Sri Lanka”, and by that name may sue and be sued and have full power and authority to have and use a common seal and to alter the same at its pleasure.

Incorporation of Society of Structural Engineers of Sri Lanka.

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

General objects of the Corporation.

- (a) to promote and advance the science and practice of Structural Engineering in specified areas such as buildings, bridges, towers, foundations and stadiums;

2 *Society of Structural Engineers of Sri Lanka  
(Incorporation) Act, No. 40 of 2009*

- (b) to organize and arrange seminars, lectures, exhibitions, symposium and discussions in relation to Structural Engineering;
- (c) to maintain libraries and publishing of papers and books about Structural Engineering;
- (d) to encourage research with a view to promoting professional knowledge of Structural Engineering;
- (e) to formulate appropriate standards for qualifications of membership of Structural Engineers and to conduct examinations and interviews and to grant certificates in relation to Structural Engineering;
- (f) to regulate the professional activities of the members and to assist them in maintaining standards of professional conduct of Structural Engineers;
- (g) to encourage and assist in the settlement of disputes of Structural Engineering by arbitration and to nominate arbitrators.

General Powers of  
the Corporation.

**4.** Subject to the provisions of this Act and any other written law, the Corporation shall have the power—

- (a) to advance, borrow or raise money for the purposes of the Corporation in such manner and upon such security as the Corporation may think fit;
- (b) to draw, accept, discount, endorse, negotiate, buy, sell and issue bills of exchange, cheques, promissory notes and other negotiable instruments and to open, act, maintain and close bank accounts in Sri Lanka and elsewhere;
- (c) to enter into and perform or carry out all such agreements or contracts with any person or body of

persons in Sri Lanka or outside Sri Lanka as may be necessary for the attainment of the objects or the exercise of the powers of the Corporation;

- (d) to undertake, accept, execute, perform and administer any trusts which may directly or indirectly be conducive to the accomplishment of all or any of the objects of the Corporation;
- (e) to invest all moneys of the Corporation which are not immediately required for the purpose of carrying out the objects of the Corporation in securities of the Government of Sri Lanka or in any other form of investment;
- (f) to appoint, employ, dismiss or terminate the services of officers and servants of the Corporation and to pay them such salaries, allowances, pensions and gratuities as may be determined by the Executive committee of the Corporation;
- (g) to affiliate with any Organization, Association or any other Institution in Sri Lanka or outside whose objects are similar to that of the Corporation;
- (h) to appoint sub committees.

**5.** The management, control and administration of the Corporation shall subject to the provisions of this Act and rules of the Corporation made under section 6, vest in an Executive Committee. The members of the Society holding office on the day immediately preceding the date of the coming into operation of this Act shall be the office bearers of the first Executive Committee until office bearers are chosen in accordance with rules made under this Act.

Management of the affairs of the Corporation.

**6.** (1) It shall be lawful for the Corporation from time to time, at any annual general meeting or at any general meeting and by a majority of not less than two-third of the

Rules of the Corporation.

4        *Society of Structural Engineers of Sri Lanka*  
          *(Incorporation) Act, No. 40 of 2009*

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) eligibility, qualifications and admission of members, classification of membership and fees payable by members, cessation of membership, expulsion or resignation;
- (b) election of the members to the Executive Committee of the Corporation, resignation from, vacation of or removal from office as office bearers and powers, duties and conduct of the Committee and the Executive Committee;
- (c) appointment, dismissal, powers, duties, functions and conduct of the various employees of the Corporation;
- (d) the procedure to be observed at and the summoning and holding of meetings of the Executive Committee of the Corporation or any disciplinary committee thereof, filling of vacancies, notices and agenda of such meetings, the quorum therefor and the conduct of business thereat;
- (e) generally for the management of the affairs of the Corporation and the accomplishment of its objects and the dissolution of the Corporation; and
- (f) administration and management of the property of the Corporation.

(2) The rules made by the Corporation under subsection (1) shall be altered, added to, amended 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.

**7.** (1) Every member of the Society who is qualified under the rules made under the Act shall have the right to use abbreviated designation “M.S.S.E. (S.L.)” after his name to indicate that he is a Member. Use of titles.

(2) Every member of the Society who is registered as a Fellow Member shall have the right to use the abbreviated designation “F.S.S.E. (S.L.)” after his name to indicate that he is a Fellow Member.

(3) Every member of the society who is registered as a Honorary Fellow shall have the right to use the abbreviated designation “Hon. F.S.S.E. (S.L.)” after his name to indicate that he is a Honorary Member.

**8.** (1) The Corporation shall have its own Fund and all moneys received by way of gifts, testamentary dispositions, transfers, donations or contributions shall be deposited to the credit of the Fund of the Corporation in one or more banks as may be decided by the Executive Committee of the Corporation. Funds of the Corporation.

(2) All expenses incurred by the Corporation in the exercise, performance and discharge of the powers, functions and duties of the Corporation shall be paid out of the fund of the Corporation.

**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, gift, grant or 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, with full power to sell, mortgage or lease, exchange or otherwise dispose of the same. Corporation may hold property movable or immovable.

**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 annual subscription payable by him to the Corporation. Limitation of liability of members.

6 *Society of Structural Engineers of Sri Lanka  
(Incorporation) Act, No. 40 of 2009*

Debts due by and payable to the Society.

**11.** All debts and liabilities of the Society existing on the day preceding the date of commencement of this Act shall be deemed to be debts and liabilities of the Corporation and shall be paid by the Corporation and all debts due to, and subscriptions and contributions payable to the Society on such day shall be paid to the Corporation.

Property remaining on dissolution of the Corporation.

**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 its or their rules prohibited from distributing any income or property among its or their members. Such institution or institutions may be determined by the Executive Committee of the Corporation on or before the dissolution of the Corporation.

Expenses incurred by any person to be paid by the Corporation.

**13.** Any expenses incurred by any person in any action or prosecution instituted against him in respect of any act which is done by him under this Act or on the direction of the Corporation shall be paid by the Corporation if the court holds that act was done in good faith.

Audits of accounts.

**14.** (1) The Executive Committee shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Corporation.

(2) The accounts of the Corporation shall be examined and audited at least once in every year by one or more qualified auditor or auditors.

(3) For the purposes of 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.

**15.** The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the persons duly authorized by Executive Committee 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.

**16.** The Corporation shall have power to appoint Disciplinary committees and to take such other steps as may be necessary from time to time for the control of professional standards and for the maintenance of discipline among the members of the Corporation.

Disciplinary committees.

**17.** 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 State and others.

**18.** 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.

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**PARLIAMENT OF THE DEMOCRATIC  
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**DEPARTMENT OF COAST GUARD  
ACT, No. 41 OF 2009**

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*Department of Coast Guard  
Act, No. 41 of 2009*

[Certified on 06th August, 2009]

L.D.—O. 29/2007.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A DEPARTMENT OF COAST GUARD; TO SPECIFY THE FUNCTIONS OF THE DEPARTMENT OF COAST GUARD; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS it is expedient to provide for the establishment of a multi-mission service to be called the Coast Guard Service for the purpose of ensuring the security of the coastal areas, the Maritime Zones, the territorial waters of Sri Lanka and the high seas:

Preamble.

AND WHEREAS the Department of Coast Guard shall, assist in preventing, the entry and exit of illegal immigrants and emigrants, the trafficking of narcotic drugs and psychotropic substances, the detection and seizure of contraband and weapons; be entrusted with providing assistance to ships which meet with distress at sea and to persons found aboard such ships, to provide assistance in ensuring maritime traffic safety, protect the marine environment, prevent and combat maritime disasters, cooperate with domestic and foreign organizations for the purpose of protecting national interests in all such areas and thereby ensuring national security and protecting the national economy and the national integrity of Sri Lanka:

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 Department of Coast Guard Act, No. 41 of 2009.

Short title.

PART I

ESTABLISHMENT OF THE DEPARTMENT OF COAST GUARD

2. (1) There shall be a Department of Coast Guard which shall be under the control of a Director-General of Coast Guard.

Department of Coast Guard.

(2) The Department of Coast Guard shall be charged with the implementation of the powers, duties and functions specified in this Act and be responsible for the proper and efficient functioning of the Coast Guard Service.

Establishment of the Department of Coast Guard.

3. There shall be established in accordance with the provisions of this Act, a service to be called the Coast Guard Service, which shall be charged with the function of law enforcement in the coastal areas, the maritime zones of Sri Lanka and the high seas.

## PART II

### DUTIES AND FUNCTIONS OF THE DEPARTMENT OF COAST GUARD

Duties and functions of the Department of Coast Guard.

4. The functions of the Department of Coast Guard shall be—

- (a) to prevent illegal fishing in the coastal areas of Sri Lanka and the protection of fishermen including rendering assistance at sea;
- (b) to assist the Customs and other relevant authorities in combating anti-smuggling and anti-immigration operations;
- (c) to initiate action to prevent and manage piracy at sea;
- (d) to co-operate with the law enforcement agencies and the armed forces by taking necessary measures for the suppression of destructive terrorist activities occurring in the maritime zones and the territorial waters of Sri Lanka;
- (e) to prevent transboundary movement of narcotics, by sea;
- (f) to assist the relevant authorities in ensuring safety of life and property at sea;

- (g) to participate in search and rescue operations for human beings in times of natural catastrophes and to assist in salvage operations in relation to vessels and other goods after such catastrophes and other accidents at sea;
- (h) to assist in the preservation and protection of maritime and marine environment;
- (i) to assist the relevant authorities in the implementation and monitoring of measures required for the prevention and control of marine pollution and other disasters which occur at sea;
- (j) to assist in the conservation of marine species;
- (k) to disseminate information including warnings by radio or any other means in times of natural catastrophes; and
- (l) the performance of such other functions as may from time to time be conferred on it or assigned to it, by the Government.

**5.** (1) The Department of Coast Guard shall have the power to—

Powers of the  
Department of  
Coast Guard.

- (a) stop, enter, board, inspect and search any place, structure, vessel or aircraft and to arrest and detain any vessel or aircraft;
- (b) demand the production of any licence, permit, record, certificate or any other document and to inspect such licence, permit, record, certificate or other document or make copies of or take extracts from such licence, permit, record, certificate or other document;
- (c) investigate any offence which it has reason to believe is being committed or is about to be committed or has been committed;

- (d) exercise the right of hot pursuit;
- (e) examine and seize or dispose of any fish or any article, device, goods, vessel, air craft or any other item relating to any offence which has been committed or it has reasonable grounds to believe that such offence has been committed; and
- (f) arrest any person whom it has reason to believe has committed an offence under any written law of Sri Lanka for the time being in force.

(2) Notwithstanding the provisions of subsection (1), no vessel shall be arrested or detained within the territorial waters if the passage of that vessel within the territorial waters, is an innocent passage.

For the purpose of this section, the passage of a vessel is an innocent passage if the passage is not prejudicial to the peace, good order or security of Sri Lanka.

Members of the Department of Coast Guard deemed to be peace officers.

**6.** Every Coast Guard officer of the Department of Coast Guard 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.

Carrying of Arms.

**7.** Coast Guard officers may carry arms in so far as the same is necessary for the performance of their duties. The categories of arms Coast Guard officers may carry shall be as prescribed.

Coast Guard officers' Right to visit and inspect a vessel.

**8.** A Coast Guard officer may, when necessary for the performance of his duties—

- (a) direct the shipmaster or other person commanding a vessel to produce the ships official papers which are required to be kept aboard;

- (b) stop, visit and inspect the vessel for the purpose of ascertaining her identity, port of registry, name of the ship master, last port or place of departure, port or place of destination or nature of the cargo ; or
- (c) question the crew and passengers on matters necessary for the performance of his duties.

**9.** Every Coast Guard officer shall when acting under this Act, be in uniform and on demand declare his office and produce to the person against whom he is acting or from whom he seeks any information, the official identity card or other identification documents issued by the Department of Coast Guard. Identification.

**10.** Nothing contained in this Act shall be construed to permit the Department of Coast Guard or its personnel to be trained or organised as a military establishment or to function as such. Department of Coast Guard or its personnel not to be trained as a military establishment.

### PART III

#### ADVISORY COUNCIL

**11.** The Minister shall appoint an Advisory Council, which shall consist of the following:— Advisory Council.

- (a) the following *ex-officio* members :—
  - (i) the Secretary to the Ministry of the Minister in charge of the subject of Defence or his representative;
  - (ii) the Secretary to the Ministry of the Minister in charge of the subject of Fisheries or his representative;



- (iii) the Secretary to the Ministry of the Minister in charge of the subject of Finance or his representative;
  - (iv) Secretary to the Ministry of the Minister in charge of the subject of Ports and Shipping or his representative;
  - (v) Secretary to the Ministry of the Minister in charge of the subject of Environment and Natural Resources or his representative;
  - (vi) Secretary to the Ministry of the Minister in charge of the subject of Coast Guard or his representative;
  - (vii) the Commander of the Navy ;
  - (viii) the Inspector-General of Police ; and
  - (ix) Director-General of the Department of Coast Guard ;
- (b) the Minister may whenever it appears to him to be necessary, co-opt for service in the Advisory Council any official whose services are required by the Council in connection with any specific matter under consideration by the Council.

Functions of the  
Advisory  
Council.

**12.** The Advisory Council shall conduct an annual review of the activities of the Department of Coast Guard and submit a comprehensive report to the Minister. The Council shall also recommend to the Minister, the policies which in the opinion of the Council ought to be implemented by the Department of Coast Guard. The Council shall also whenever required to do so, advice the Minister in respect of any matter on which their advice is sought.

**13.** The Advisory Council may for the purpose of carrying out the purposes of this Act, make rules specifying the procedure to be followed at its meetings, the quorum and agenda for its meetings and the manner of submission of reports. Rules.

**14.** Notwithstanding anything contained in any other written law, where a person is arrested under this Act, no prosecution shall be instituted against that person except by or with the written consent of the Attorney-General. Prosecution.

#### PART IV

##### GENERAL

**15.** The officers of the Department of Coast Guard shall be paid such remuneration as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance and such remuneration shall be charged to the Consolidated Fund. Remuneration of officers &c,

**16.** (1) At the request of the Department of Coast Guard, any officer in the public service may, with the consent of that officer and the Chairman of the Public Service Commission, be temporarily appointed to the staff of the Department of Coast Guard for such period as may be determined by the Department or be permanently appointed to such staff. Appointment of public officers to the Department of Coast Guard.

(2) Where any officer of the public service is appointed to the staff of the Department as specified in subsection (1), such appointment shall be on terms and conditions which are not less favourable to those which such officer was enjoying on the day immediately prior to the date of such appointment and from and after the date of such appointment all matters relating to such officer shall be governed by the prevailing government regulations as may be applicable from time to time.

(3) Where the Department of Coast Guard employs any person who has agreed to serve the government for a specified period, such period of service to the Department by that person, shall be regarded as service to the Government for the purpose of discharging the obligation for such agreement.

Appointment of officers and servants of public corporations to the staff of the Department of Coast Guard.

**17.** (1) At the request of the Department of Coast Guard, any officer or servant of any public corporation may, with the consent of such officer or servant and the governing board of such officer or servant be temporarily appointed to the staff of the Department for such period as may be determined by the Department, on such terms and conditions as may be agreed upon by the Department and the governing board of such corporation.

(2) Where any person is appointed under subsection (1) to the staff of the Department such person shall be subject to the same disciplinary control as any other member of the staff.

Offences.

**18.** Any Coast Guard officer who acts in contravention of the provision of this Act or any other written law, in the carrying out of his duties shall be guilty of an offence and shall be, liable to be tried by a Magistrate and punished with such punishment as is specified for such offence.

Regulations.

**19.** (1) The Minister may on the recommendation of the Advisory Council make regulations for giving effect to the principles and provisions of the Act and in respect of matters required by this Act to be prescribed or in respect of which regulations are authorized or required to be made.

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

- (a) the constitution, governance, qualifications, command and discipline of the Department of Coast Guard ;

- (b) the recruitment of persons to the Department of Coast Guard ;
- (c) the conditions of service of members of the Department of Coast Guard ;
- (d) the rank, powers and authority of officers, subordinate officers and other persons ;
- (e) the dismissal, retirement, release promotion or discharge from the Department of Coast Guard of officers, subordinate officers and other enrolled persons ;
- (f) any other matter which is to be or may be prescribed or in respect of which this Act makes no provision or makes insufficient provision which in the opinion of the Minister, is necessary for the proper implementation 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 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 approval. Any 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) Notification of the date on which any regulation is deemed to be rescinded shall be published in the *Gazette*.

**20.** The Coast Guard Unit established pursuant to a decision of the Cabinet of Ministers and presently attached to the Ministry of Fisheries and Aquatic Resources, shall, with effect from the date of the coming into operation of this Act, stand transferred to the Ministry of Defence, Public Security, Law and Order, along with all personnel, property and other assets.

Transfer of the Coast Guard Unit attached to the Ministry of Fisheries and Aquatic Resources.

Sinhala text to prevail in case of inconsistency.

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

Interpretation.

**22.** In this Act, unless the context otherwise requires—

“Coast Guard officer” means any person attached to the regular service of the Department of Coast Guard;

“maritime zones” shall have the same meaning as in the Maritime Zones Law, No. 22 of 1977 ;

“territorial waters” shall have the same meaning as in the Constitution.

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

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**BOARD OF TRUSTEES OF THE SIHALA  
SARANA PIN KETAYA (INCORPORATION)  
ACT, No. 42 OF 2009**

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[Certified on 06th August, 2009]

*Printed on the Order of Government*

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*Board of Trustees of the Sihala Sarana  
Pin Ketaya (Incorporation) Act, No. 42 of 2009*

[Certified on 06th August, 2009]

L.D.—O. (Inc.) 24/2007.

AN ACT TO INCORPORATE THE BOARD OF TRUSTEES OF THE  
SIHALA SARANA PIN KETAYA.

WHEREAS a Trust called and known as the Sihala Sarana Pin Ketaya has heretofore been established by the Trust Deed bearing Number 765 dated 8 June, 2004 attested by V. P. Tillakaratna, Notary Public of Colombo for the purpose of effectually carrying out and transacting all the objects and matters connected with the said Trust:

Preamble.

AND WHEREAS the affairs and objects of the said Trust have heretofore been successfully managed and carried out by the said Board of Trustees. And whereas the said Board of Trustees 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 Board of Trustees of the Sihala Sarana Pin Ketaya (Incorporation) Act, No. 42 of 2009.

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 Board of Trustees of the Sihala Sarana Pin Ketaya (hereinafter referred to as the “Trust”) or shall hereafter be admitted members of the Corporation hereby constituted, shall be body corporate (hereinafter referred to as the “Corporation”) with perpetual succession, under the name and style of the “Board of Trustees of the Sihala Sarana Pin Ketaya” 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 Board of Trustees of the Sihala Sarana Pin Ketaya.



*Board of Trustees of the Sihala Sarana  
Pin Ketaya (Incorporation) Act, No. 42 of 2009*

General objects  
of the  
Corporation.

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

- (a) to provide relief for Buddhist persons who are victims of terrorism, ethnic violence or any racial discrimination or aggression ;
- (b) to advance the moral, cultural, economic and social welfare of Buddhist persons of Sri Lanka ;
- (c) to preserve Buddhist cultural heritage of Sri Lanka and places of archeological importance to Buddhists;
- (d) to promote and facilitate research on Sinhala language, culture and history ;
- (e) to promote the interests of Buddhism ;
- (f) to foster Theravada Buddhist Doctrine and way of life ;
- (g) to provide facilities for the study of Buddhism ;
- (h) to encourage practical observance of Buddhism ;
- (i) to promote unity and co-operation among Buddhist organizations and Buddhists both nationally, and internationally ;
- (j) to provide welfare facilities to Buddhist persons ;
- (k) to provide educational and vocational training facilities to needy Buddhist persons ;
- (l) to aid and assist Buddhist persons to commence and operate agricultural, industrial or commercial ventures;
- (m) to co-operate with other Buddhist associations , societies or organizations 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 —

General powers of the Corporation.

- (a) open, operate and close bank accounts ;
- (b) borrow or raise moneys with or without security;
- (c) receive or collect grants and donations ;
- (d) invest funds not immediately required by the Corporation ;
- (e) engage, employ and dismiss officers and servants.

**5.** (1) The affairs of the Corporation shall, subject to the provisions of this Act and the rules of the Corporation made under section 7 be administered by a Board of Trustees consisting of not more than seven and not less than five members to be elected in accordance with the rules of the Corporation.

Management of the affairs of the Corporation.

(2) The first Board of Trustees of the Corporation shall consist of the Board of Trustees of the Trust holding office on the day immediately preceding the date of commencement of this Act.

**6.** No person shall be qualified to function as a member of the Board of Trustee if such person—

Disqualification to be a Trustee.

- (a) is not a Buddhist ;
- (b) is under the age of thirty years ;
- (c) is a person who having been declared a bankrupt or insolvent by a court ;

*Board of Trustees of the Sihala Sarana  
Pin Ketaya (Incorporation) Act, No. 42 of 2009*

- (d) is of unsound mind ; or
- (e) has been declared by any competent court to have committed any offence involving moral turpitude.

Rules of the Corporation.

**7.** (1) It shall be lawful for the Corporation from time to time at any meeting of the Board of Trustees and by the 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 admission, withdrawal, expulsion and filling up of vacancies of the Board of Trustees ;
- (b) the duties of the Board of Trustees and of the various officers, agents and servants of the Corporation ;
- (c) the procedure to be observed in the meetings, of the Board of Trustees and the quorum for such meetings ; and
- (d) 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 added to amended or rescinded at a like meeting and in like manner as a rule made under subsection (1).

(3) All Trustees, officers and servants of the Corporation shall be subject to the rules of the Corporation.

Debts due by and payable to the Corporation.

**8.** All debts and liabilities of the Trust existing on the day immediately preceding the date of the Commencement of this Act shall be deemed to be debts and liabilities of the Corporation and shall be paid by the Corporation hereby constituted and all debts due to and contributions payable to the Trust on that day shall be deemed to be debts due to and contributions payable to the Corporation and shall be paid to the Corporation for the purposes of this Act.

**9.** (1) There shall be a Fund of the Corporation which shall consist of — Fund of the Corporation.

(a) all moneys lying to the credit of the Trust on the day immediately preceding the date of commencement of this Act ; and

(b) all moneys received by the Corporation by way of gift, bequest, donation, contributions or grants.

(2) All moneys lying to the credit of the Fund shall be utilized to defray the expenses incurred by the Board of Trustees, in the management of the affairs of the Corporation and the furtherance of its objects.

**10.** (1) The financial year of the Corporation shall be the calendar year. Audit and accounts.

(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.

*Board of Trustees of the Sihala Sarana  
Pin Ketaya (Incorporation) Act, No. 42 of 2009*

Corporation may hold property movable and immovable.

**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 made under section 7 to sell, mortgage, lease, exchange or otherwise dispose of the same.

Seal of the Corporation.

**12.** The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of two members of the Board of Trustees, 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.

**13.** 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 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 institution or institutions shall be determined by the members of the Corporation at or immediately before the time of dissolution of the Corporation.

Saving of the rights of the Republic.

**14.** 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.

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

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

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**REV. MOONAMALE DHAMMARATHANA  
MEMORIAL FOUNDATION  
(INCORPORATION) ACT, No. 43 OF 2009**

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[Certified on 17th August, 2009]

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*Rev. Moonamale Dhammarathana Memorial  
Foundation (Incorporation) Act, No. 43 of 2009*

[Certified on 17th August, 2009]

L. D.—O. Inc. 19/2007

AN ACT TO INCORPORATE THE REV. MOONAMALE  
DHAMMARATHANA MEMORIAL FOUNDATION

WHEREAS a Foundation called and known as the “Rev. Moonamale Dhammarathana Memorial Foundation” has heretofore been formed in Sri Lanka for the purpose of effectually carrying out its objects 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 formed and has applied to be incorporated and it will be for the public advantage to grant the 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 Rev. Moonamale Dhammarathana Memorial Foundation (Incorporation) Act, No. 43 of 2009.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the “Rev. Moonamale Dhammarathana Memorial 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 the “Rev. Moonamale Dhammarathana Memorial Foundation” 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 Rev.  
Moonamale  
Dhammarathana  
Memorial  
Foundation.



2 *Rev. Moonamale Dhammarathana Memorial  
Foundation (Incorporation) Act, No. 43 of 2009*

General objects  
of the  
Corporation.

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

- (a) to construct a Statue to commemorate Venerable Moonamale Dhammarathana Thero, the late Chief Incumbent of Sri Punyawardanaramaya of Yatigaloluwa, Pannala, to organize religious and other ceremonies to commemorate his name, and to organize activities to enlighten the general public about the life of the Venerable Moonamale Dhammarathana Thero;
- (b) with a view to assisting adherents of the Buddhist faith to implement programmes in respect of pre-schools, day care centres, children's homes, child education and religious education;
- (c) to assist in enhancing the welfare and benefits of Sri Lankan Buddhist students who are unable to pursue their education due to poverty and other disabilities;
- (d) to conduct necessary classes, lectures, libraries, seminars, conferences, workshops, discussions, dialogues, educational tours, exhibitions, displays, and publish newspapers and magazines with a view to ensuring the development of education of Buddhist youth;
- (e) to provide relief services such as assistance and housing for the benefit of poor, elderly, destitute with physical and mental disabilities and the helpless, who are adherents of the Buddhist faith;
- (f) to inaugurate language training and vocational training courses in order to deploy Buddhist youth in productive services and to provide facilities to engage in income generating activities by way of further assistance;

- (g) to implement programmes in relation to child health and adult health, and to provide education on disease control and to conduct clinics, gymnasiums and medical clinics, with a view to ensuring the welfare of adherents of the Buddhist faith;
- (h) to provide self-help and voluntary services for social development activities among the low-income earning groups who are adherents of the Buddhist faith and to inaugurate and maintain pilot projects in this regard;
- (i) to engage in any industry or trade or any export or import business and to aid or assist adherents of the Buddhist faith to commence and operate agricultural, industrial and commercial ventures and to undertake training programmes and extension services and to organize propaganda activities relating to the transfer of technology;
- (j) to construct and maintain buildings required for the Sri Punnyawardhanaramaya, Pannala, Yatigaloluwa;
- (k) to promote the religious education of the Buddhist laity;
- (l) to provide the resident bhikkus of the Sri Punnyawardhanaramaya, Pannala, Yatigaloluwa with educational facilities and to help them in their daily needs;
- (m) to promote cultural activities including ancient forms of art in the village and the area in and around the Sri Punnyawardhanaramaya, Pannala, Yatigaloluwa;
- (n) to engage in the dissemination of the Dhamma internationally;
- (o) to preserve and disseminate the Buddhist Philosophy and the Buddhist way of life;

4 *Rev. Moonamale Dhammarathana Memorial  
Foundation (Incorporation) Act, No. 43 of 2009*

- (p) to establish friendly relations with other Buddhist organizations in Sri Lanka and abroad; and
- (q) to promote Buddhist education by granting scholarships to adherents of the Buddhist faith and to establish and maintain pirivenas for Buddhist education.

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 6, be administered by a Board of Management (hereinafter referred to as the “Board”) consisting of the President, Vice Presidents and other office bearers elected or appointed in accordance with the rules of the Corporation.

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

General 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, 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—

- (a) acquire, hold, take or give on lease or hire, mortgage, pledge, sell, exchange, or otherwise alienate, encumber or dispose of any immovable property for the purposes of the Corporation;
- (b) enter into and perform or carry out, whether directly or through any officer or agent authorized in that behalf by the Corporation, all such contracts or agreements as may be necessary for the attainment of the objects or the exercise of the powers of the Corporation;
- (c) accept gifts, donations and bequests in cash or in kind;

- (d) invest its funds, and to maintain current, deposit and savings accounts in any bank;
- (e) borrow or invest money for the purposes of the Corporation in such manner and upon such security as the corporation may think fit; and
- (f) appoint, employ, transfer, exercise disciplinary control over and dismiss officers and servants required for the carrying out of the objects 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 the members present and voting, to make rules not inconsistent with the provisions of this Act or any other written law on all or any of the following matters:—

Rules of the  
Corporation.

- (a) the classification of membership and the admission, withdrawal or expulsion of members;
- (b) the election of office-bearers, the resignation from or vacation of, or removal from office of, office bearers and their powers and duties;
- (c) the election of members of the Board and its powers, conduct and duties;
- (d) the powers, conduct, duties and functions of the various officers, agents and servants of the Corporation;
- (e) the procedure to be observed or the summoning and holding of meetings of the Board, the time, places, notices and agenda of such meetings and the quorum therefore and the conduct of business thereat; and;
- (f) the administration and management of the property of the Corporation and the custody of its funds.

6 *Rev. Moonamale Dhammarathana Memorial  
Foundation (Incorporation) Act, No. 43 of 2009*

(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 at all times be subject to the rules of the Corporation.

Register of  
members.

**7.** The Board shall cause to be maintained a register of every person who had been a member on the date of commencement of this Act, and every person who shall hereafter be admitted, members of the Corporation.

Fund of the  
Corporation.

**8.** (1) The Corporation shall have its own fund and all moneys heretofore or hereafter received by way of gifts, testamentary dispositions, transfers, donations, subscriptions, contributions, fees or grants or any financial investment shall be deposited to the credit of the Corporation in one or more Banks as may be determined by the Board.

(2) All expenses incurred by the Corporation in exercising and discharging its powers and functions shall be paid out of the fund.

Audit and  
Accounts.

**9.** (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 appointed by the Board.

(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 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 such Institute.

**10.** The seal of the Corporation shall be in the custody of the Secretary and shall not be affixed to any instrument whatsoever except in the presence of the President and the Secretary of the Corporation or such other person duly authorized by the Board who shall sign their name 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.

**11.** 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 that day shall be paid to the Corporation for the purposes of this Act.

Debts due by and payable to the Foundation.

**12.** 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 dividends, bonus, profit or otherwise howsoever to the members of the Corporation.

Application of moneys and property.

**13.** Subject to the provisions of this Act, 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 the Corporation and subject to the rules of the Corporation made under section 6 with full power to sell, mortgage, lease, exchange or otherwise dispose of, the same.

Corporation may hold property movable and immovable.

Property  
remaining on  
dissolution.

**14.** 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 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.

Saving 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.

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

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**AMBULUWAWA DISSANAYAKE  
MUDIYANSELAGE JAYARATNE  
RELIGIOUS CENTRE AND BIO-DIVERSITY  
COMPLEX TRUST FUND  
ACT, No. 44 OF 2009**

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[Certified on 21st August, 2009]

*Printed on the Order of Government*

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*Ambuluwawa Dissanayake Mudiyansele  
Jayaratne Religious Centre and Bio-diversity  
Complex Trust Fund Act, No. 44 of 2009*

[Certified on 21st August, 2009]

L.D.—O. 57/2005.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A TRUST FUND CALLED THE AMBULUWAWA DISSANAYAKE MUDIYANSELAGE JAYARATNE RELIGIOUS CENTRE AND BIO-DIVERSITY COMPLEX TRUST FUND; TO SPECIFY ITS OBJECTS AND POWERS AND TO PROVIDE FOR THE 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 Ambuluwawa Dissanayake Mudiyansele Jayaratne Religious Centre and Bio-diversity Complex Trust Fund Act, No. 44 of 2009.

Short title.

**2.** (1) There shall be established a Trust Fund which shall be called the Ambuluwawa Dissanayake Mudiyansele Jayaratne Religious Centre and Bio-diversity Complex Trust Fund (hereinafter referred to as “the Fund”).

Establishment of the Ambuluwawa Dissanayake Mudiyansele Jayaratne Religious Centre and Bio-diversity Complex Trust Fund.

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

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

Board of Trustees of the Fund.

(2) The Board of Trustees to the Fund (hereinafter referred to as “the Board”) shall consist of the following members:-

(a) the founder ;

(b) the Secretary to the Ministry of the Minister in charge of the subject of Environment and Natural Resources ;

2      *Ambuluwawa Dissanayake Mudiyansele*  
*Jayaratne Religious Centre and Bio-diversity*  
*Complex Trust Fund Act, No. 44 of 2009*

(c) the Secretary to the Ministry of the Minister in charge of the subject of Buddha Sasana ; and

(d) seven persons appointed by the founder (hereinafter referred to as “appointed members”).

(3) The Founder 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 Chairman.

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

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

(b) convicted of an offence involving moral turpitude and punishable with imprisonment for a term not less than six months ; or

(c) under any law in force in Sri Lanka, found or declared to be of unsound mind or mentally deficient.

(6) The term of office of an appointed member of the Board shall subject to the provisions of paragraphs (7) and (8) shall be three years.

(7) 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.

*Ambuluwawa Dissanayake Mudiyansele*      3  
*Jayaratne Religious Centre and Bio-diversity*  
*Complex Trust Fund Act, No. 44 of 2009*

(8) The Founder may, at any time remove any appointed member for reasons assigned.

(9) The Chairman of the Board shall preside at all meetings of the Board. In the absence of the Chairman from any meeting, the members present at such meeting shall elect from among themselves a Chairman for that meeting.

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

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

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

(13) Subject to the provision of subsection (10), the Board may make rules to regulate the procedure in regard to its meetings and the transaction of business at such meetings.

**4.** The objects of the Fund shall be—

Objects of the Fund.

- (a) to secure and develop the Ambuluwawa Dissanayake Mudiyansele Jayaratne Religious Centre and Bio-diversity Complex ;
- (b) to improve the area round the Ambuluwawa mountain range ;
- (c) to promote peace, goodwill, understanding and co-operation among the community ;
- (d) to promote and encourage inter-religious harmony and social integration ;

4      *Ambuluwawa Dissanayake Mudiyansele*  
*Jayaratne Religious Centre and Bio-diversity*  
*Complex Trust Fund Act, No. 44 of 2009*

- (e) to promote the religious development of Sri Lankans ;
- (f) to enhance the knowledge and understanding of Sri Lankans in the field of religion ;
- (g) to improve the living conditions of persons who are economically and socially disadvantaged in the community, including improvement to their shelters and the provision of other infrastructure facilities ;
- (h) to encourage people to intelligently invest in banks and other financial institutions ;
- (i) to establish relations with local and foreign institutions which have similar objects as those of the Fund;
- (j) to provide financial or other assistance to any person engaged in any activity which is similar to any of the objects of the Fund ;
- (k) to organize seminars, workshops and training programmes in Sri Lanka and abroad on religious fields ;
- (l) to organize programmes for creating awareness among the people on the human rights, duties and access to justice ;
- (m) to provide adequate facilities for the improvement of sports and recreation capabilities of people ;
- (n) to lead the nation to global peace based on religious principles of co-existence and to thereby establish avenues for planned development ;
- (o) to train youth labour for the development and welfare of the common man;

*Ambuluwawa Dissanayake Mudiyansele* 5  
*Jayaratne Religious Centre and Bio-diversity*  
*Complex Trust Fund Act, No. 44 of 2009*

- (p) to encourage the farmers and establishment of youth farmers organizations within the community;
- (q) to draw the special attention of the youth for training in pre-vocational education and in the field of sports;
- (r) to conduct seminars, lectures and exhibitions, lotteries and educational tours;
- (s) to establish and maintain libraries; and
- (t) to safeguard the interest of persons who have for generations been engaged in the practice of indigenous medicine and to protect herbal and medicinal plants, indigenous to Sri Lanka.

**5.** The seal of the Fund—

Seal of the Fund.

- (a) shall be in the custody of such person as the Board may from time to time determine;
- (b) may be altered in such manner as may be determined by the Board; and
- (c) shall not be affixed to any document except with the sanction of the Board and in the presence of two members of the Board who shall sign the document in token of their presence.

**6.** (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 of the objects of the Fund.

Powers and Functions of the Fund.

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

- (a) to raise funds and to receive grants, gifts or donations whether from local or foreign sources;

6      *Ambuluwawa Dissanayake Mudiyansele*  
*Jayaratne Religious Centre and Bio-diversity*  
*Complex Trust Fund Act, No. 44 of 2009*

- (b) to take or hold any property, movable or immovable, 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 property to which the Fund may become entitled;
- (c) to give grants, endowments, or scholarships locally and abroad, for the furtherance of the objects of the Fund;
- (d) to conduct lotteries subject to any law for the time being in force to collect moneys for the furtherance of the objects of the Fund;
- (e) to enter into and perform either directly or through officers and servants or agents authorized in writing 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 carrying out the objects of the Fund;
- (f) subject to the provisions of this Act, to appoint, employ and remunerate officers and servants of the Fund and to make rules regarding the appointment, promotion, remuneration and disciplinary control of its employees and the grant of leave and other benefits to them;
- (g) to erect or caused to be erected any building or structure on any land belonging to or held by the Fund;
- (h) to invest moneys belonging to the Fund at the discretion of the Board in any such investments as are authorized by law for the investment of money

*Ambuluwawa Dissanayake Mudiyansele* 7  
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*Complex Trust Fund Act, No. 44 of 2009*

including trust money and to recall, re-invest and vary such investments at the discretion of the Board and to collect income accruing from such investments; and

- (i) 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.

**7.** There shall be paid into the Fund—

Payments into the Fund.

- (a) all moneys presently lying with the Public Trustee in favour of the Fund and moneys lying in banks in favour of the Ambuluwawa Environment Development and Conservation Trust Fund;
- (b) any moneys raised or collected or grants, gifts or donations received locally or from abroad;
- (c) grants received from the government from time to time for purpose of carrying out the aims and objects of the Fund; and
- (d) any income from investments or other receipts due to the Fund.

**8.** There shall be paid out of the Fund—

Payment out of the Fund.

- (a) expenses necessary for the establishment, maintenance and operation of the Fund;
- (b) the payment of salaries to officers, servants and other employees; and



8 *Ambuluwawa Dissanayake Mudiyansele*  
*Jayaratne Religious Centre and Bio-diversity*  
*Complex Trust Fund Act, No. 44 of 2009*

- (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.

Trust,  
contracts, &c  
of the Fund  
deemed to be  
those of the  
Fund.

**9.** All contracts, agreements, debts and liabilities of the said Trust Fund existing at the time of coming into operation of this Act shall be deemed to be the contracts, agreements, debts and liabilities of the Fund hereby constituted.

Accounts and  
Audits.

**10.** (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.

(2) The Board shall cause its books to be balanced as on the thirty-first day of December in each year and shall, before the thirty-first day of March next, cause to be prepared and income and expenditure account and a balance sheet containing a summary of the assets and liabilities of the Fund made up to the first mentioned date.

(3) The income and expenditure account and the balance sheet shall be signed by two members of the Board authorized to do so by a resolution passed by the Board.

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

Financial year  
of the Fund.

**11.** The financial year of the Fund shall be the calendar year.

Exemption  
of the Fund  
from  
payment of  
duties.

**12.** The Minister shall with the concurrence of the Minister in charge of the subject of Finance, in order to facilitate the implementation of the aims and objects of the Fund, exempt the Fund from the payment of any duties, levies and of any tax on the income or profits of the Fund to such extent as is permitted in terms of the Inland Revenue

*Ambuluwawa Dissanayake Mudiyansele* 9  
*Jayaratne Religious Centre and Bio-diversity*  
*Complex Trust Fund Act, No. 44 of 2009*

Act, No. 10 of 2006 or in terms of any other written law for the time being in force governing the imposition of such duty, levy or tax as the case may be.

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

Re-  
imbursement of  
expenses.

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

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

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

**15.** The Fund shall be deemed to be a Scheduled institution within the meaning of the Bribery Act and the provisions of that Act shall accordingly apply.

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

**16.** In the event of death of the Founder, the son of the Founder shall succeed the founder and thereafter the eldest male descendent shall be the successor.

Succession of  
the founder.

10 *Ambuluwawa Dissanayake Mudiyansele  
Jayaratne Religious Centre and Bio-diversity  
Complex Trust Fund Act, No. 44 of 2009*

Provisions of  
this Act to  
prevail over  
provisions of  
the Deed.

**17.** The provisions of this Act shall have effect notwithstanding anything contained in the Ambuluwawa Environment Development and Conservation Trust Fund, and accordingly in the event of any conflict between the provisions of this Act and the provisions of the Ambuluwawa Environment Development and Conservation Trust Fund, the provisions of this Act shall prevail.

Sinhala text to  
prevail in case  
of inconsistency.

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

Interpretation.

**19.** In this Act, unless the context otherwise requires—

“Ambuluwawa Environment Development and Conservation Trust Fund” means the Indenture and Declaration of Trust made and entered into at Kandy on September 01, 2000, between and among Honorable Dissanayake Mudiyansele Jayaratne and the members of the Board of Managing Trustee thereon and the Public Trustee of Sri Lanka, a body incorporated under the Public Trustee Ordinance (Chapter 88); and

“Founder” shall be the Honourable Dissanayake Mudiyansele Jayaratne.

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

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**LASANTHA ALAGIYAWANNA  
FOUNDATION (INCORPORATION)  
ACT, No. 45 OF 2009**

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**[Certified on 31st August, 2009]**

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*Lasantha Alagiyawanna Foundation  
(Incorporation) Act, No. 45 of 2009*

[Certified on 31st August, 2009]

L. D. — O. (Inc.) 25/2008.

AN ACT TO INCORPORATE THE LASANTHA ALAGIYAWANNA FOUNDATION

WHEREAS a Foundation called and known as the “Lasantha Alagiyawanna Foundation” has heretofore been formed in Mahara and Aththanagalla for the purpose of effectually carrying out and transacting the 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 said application :

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

**1.** This Act may be cited as the Lasantha Alagiyawanna Foundation (Incorporation) Act, No. 45 of 2009.

Short title.

**2.** From and after the date of commencement of this Act, such and so many persons as now are members of the Lasantha Alagiyawanna Foundation (hereinafter referred to as the “Corporation”) 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 “Lasantha Alagiyawanna Foundation” 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 Lasantha Alagiyawanna Foundation.

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

General objects of the Corporation.

- (a) to give physical and qualitative assistance and encouragement to schools and to enable the school children to achieve the required educational qualification;

2                    *Lasantha Alagiyawanna Foundation*  
                          *(Incorporation) Act, No. 45 of 2009*

- (b) to conduct special services for needy school children and to offer assistance by way of scholarships, library facilities and other necessary support for studies;
- (c) to organize educational programmes and classes to assist students to prepare for public and other examinations;
- (d) to conduct workshops, discussions and seminars on the matters of educational interest;
- (e) to make provision to exhibit, improve and appreciate the cultural talents of school children and award certificates to talented school children;
- (f) to implement a special training programme to build up a generation of children who appreciate values and good conduct on practical terms;
- (g) to conduct workshops, discussions and seminars to train teachers of the Daham schools and the pre-schools and to provide incentives to inaugurate pre-schools with the approval of the relevant provincial educational authorities if so required by law;
- (h) to conduct leadership camps and workshops to school children to build up leadership qualities and to provide necessary skills to equip them for practical living;
- (i) to conduct a practical programmes which develop patriotism in order to develop a generation of school children with physical capability through a programme of sanitation, health habits and a programme for sports and physical education;
- (j) to organize educational tours, shramadanas and workshops, aimed at protecting Sri Lanka's heritage, environment and forestry;

- (k) to support and encourage the services provided by senior citizens movements ;
- (l) to give full support and assistance to informal education programmes, special education programmes and elders education programmes;
- (m) to encourage farmers engaged in traditional and export oriented agricultural activities and to conduct various activities to enable them to expand their knowledge;
- (n) to assist in various programmes implemented for granting necessary facilities for the “Ranaviru”;
- (o) to take action to provide self employment and necessary support and training to the unemployed youth community;
- (p) to liaise and co-ordinate with other local or foreign institutions which have similar objects;
- (q) to establish housing projects for the low income groups, and to provide for their betterment;
- (r) to develop religious places belonging to all the religions;
- (s) to assist needy people to obtain health facilities;
- (t) to assist in the activities of societies established in grama niladhari divisions; and
- (u) to assist and act for the welfare of the pensioners.

(2) In the implementation of the objectives of this Act as are specified in subsection (1), the Corporation shall ensure that such implementation is carried out without distinction based on race, caste, religion, language, sex or political opinion.



4 *Lasantha Alagiyawanna Foundation  
(Incorporation) Act, No. 45 of 2009*

Management of  
the affairs of the  
Corporation.

**4.** (1) 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 Board of Directors consisting of the Chairman, Secretary, Treasurer and eleven members elected in accordance with such rules.

(2) Notwithstanding the provisions of subsection (1), the founder member of the Foundation, Hon. Lansantha Alagiyawanna shall be the first Chairman of the Board of Directors.

(3) The first Board of Directors of the Corporation shall consist of the members of the Board of Administration of the Foundation holding office on the day immediately preceding the date of commencement of this Act.

(4) A member of the Board of Directors shall unless he vacates his office earlier by death or resignation, hold office for a period of four years reckoned from the date of his election.

(5) If any member of the Board of Directors vacates his office prior to the expiry of his term, his successor elected in accordance with the rules of the Corporation shall hold office only for the unexpired term of office of the member who he succeeds.

General 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, matters and things whatsoever as are necessary or desirable for the furtherance of its objects or any one of them, including the power to acquire and hold property movable or immovable, to open, operate and close bank account, to borrow or raise moneys with or without security, to receive or collect grants or donations, to invest its funds, to erect any building or structures on any land held by the Corporation, and to engage, employ and dismiss, officers and servants required for the carrying out of the objects 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, 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, admission, withdrawal, expulsion or resignation of members and membership fees payable ;
- (b) procedure to be observed for the summoning and holding of meetings of the Corporation and of the Board of Directors, the quorum for such meetings and the exercise and performance of their powers and duties ;
- (c) the appointment, powers, duties and functions of the various officers, agents and servants of the Corporation ;
- (d) qualifications required to become a member of the Corporation and of the Board of Directors ;
- (e) election of Board of Directors; and
- (f) the administration and management of the property 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) Every member of the Corporation shall be subject to the rules of the Corporation made under this section.

**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 and all debts

Debts due by and payable to the Foundation.

6 *Lasantha Alagiyawanna Foundation*  
*(Incorporation) Act, No. 45 of 2009*

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.

Fund of the Corporation.

**8.** (1) The Corporation shall have its own fund and all moneys heretofore or hereafter to be received by way of gifts, 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 Directors shall determine.

(2) There shall be paid out of the fund, all sums of money required 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 and immovable.

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

Limitation of liability of members.

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

Property remaining on dissolution.

**11.** If upon the dissolution of the Corporation there remains after the satisfaction of 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 its or their rules prohibited from distributing any

income or property among its 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.

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

Audit and  
accounts of the  
Corporation.

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

(3) The accounts of the Corporation shall be examined and audited at least once in every year by a qualified auditor or auditors appointed by the Board of Directors.

(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.

**13.** The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of the Chairman and the Secretary 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.

Saving of the rights of the Republic and others.

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

Sinhala text to prevail in case of inconsistency.

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

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

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**AL-HAJ ABDUL JAWAD ALIM VALIYULLAH  
TRUST (INCORPORATION)  
ACT, No. 46 OF 2009**

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[Certified on 09th September, 2009]

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*Al-Haj Abdul Jawad Alim Valiyullah Trust  
(Incorporation) Act, No. 46 of 2009*

[Certified on 09th September, 2009]

L.D.— O. (INC) 7/2006.

AN ACT TO INCORPORATE THE AL-HAJ ABDUL JAWAD ALIM  
VALIYULLAH TRUST

WHEREAS a trust called and known as the “Al-Haj Abdul Jawad Alim Valiyullah Trust” has theretofore been created for the purpose of effectually carrying out and transacting all objects and matters connected with the said Trust:

Preamble.

AND WHEREAS the Board of Trustees of the said trust 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 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 Al-Haj Abdul Jawad Alim Valiyullah Trust (Incorporation) Act, No. 46 of 2009.

Short title.

**2.** From and after the date of commencement of this Act, such and so many persons as now are members of Board of Trustees of the Al-Haj Abdul Jawad Alim Valiyullah Trust (hereinafter referred to as the “Trust”) or shall hereafter be admitted as members of the Corporation hereby constituted, shall be and become a body corporate with perpetual succession, under the name and style of the “Al-Haj Abdul Jawad Alim Valiyullah Trust” (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 alter the same at its pleasure.

Incorporation of the Al-Haj Abdul Jawad Alim Valiyullah Trust.

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

General objects of the Corporation.

(a) to maintain and reconstruct the Mosques, Quranic Madrasas and Dargas which are vested in the



2 *Al-Haj Abdul Jawad Alim Valiyullah Trust  
(Incorporation) Act, No. 46 of 2009*

Corporation and commence new Madrasas, as and when necessary ;

- (b) to manage and maintain the Jamiathur-Rabbaniyya Arabic Academy;
- (c) to train moulavis in order to endow them with a good knowledge of the Islamic religion ;
- (d) to organize and conduct seminars, workshops and spiritual training sessions for moulavis;
- (e) to upgrade the spiritual development of persons of Islamic faith by the preaching of the Islamic philosophy, “sufi” and by guiding them through the path of non-violence;
- (f) to commemorate the Islamic religious leaders who rendered valuable service to Islam and to provide persons of Islamic faith with opportunities to study the lives of such great leaders;
- (g) to offer alms to participants of the commemorative ceremonies held in memory of Ajmir Khaja Mueenuddin (Jisthi) and other great Islamic leaders ;
- (h) to carry out programmes for the betterment and well being of children, youth and elders who are Muslims ; and
- (i) to work in collaboration with other local and foreign organizations in providing vocational training for youth who are Muslims.

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 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 close bank accounts, to borrow or raise monies 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.

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 (hereinafter referred as the "Board of Management") consisting of a President and eleven members appointed or elected in accordance with the provisions of this Act and the such rules.

Management of the affairs of the Corporation.

(2) The First Board of Management of the Corporation shall be the Board of Trustees of the Trust holding office on the day preceding the date of commencement of this Act.

(3) In the event where a General Meeting cannot be convened the President shall have powers to make decisions and also to make Wasiyyath-Advice in regard to the management of the affairs of the Corporation.

(4) In the event of the death, resignation or removal from office of a member of the Board of Management, the vacancy shall be filled in accordance with the provisions of this Act and the rules of the Corporation made under section 6.

6. (1) It shall be lawful for the Corporation, from time to time, at any general meeting of the members and by votes of 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 admission, withdrawal or expulsion of members, the election of the office bearers of the Board of Management and otherwise generally, for the management of the affairs of the Corporation and the attainment of its objects. Such rules when made may, at a like meeting and in like manner be altered, added to, amended or rescinded.

Rules of the Corporation.

4 *Al-Haj Abdul Jawad Alim Valiyullah Trust*  
(Incorporation) Act, No. 46 of 2009

(2) The members of the Corporation shall be subject to the rules of the Corporation made in terms of this section.

Debts due and payable to the Trust.

**7.** All debts and liabilities of the Trust 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 Trust on that day shall be paid to the Corporation for the purposes of this Act.

Corporation may hold property movable and immovable.

**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. The Corporation shall subject to the rules, of the Corporation made under section 6, have the full power to sell, mortgage, lease, exchange or otherwise dispose of such property.

Corporation to be a non profit making organization.

**9.** 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, loan, bonus or otherwise, howsoever, by way of profit, to the members of the Corporation :

Provided however, that the provision of this section shall not prohibit—

- (a) the payment, in good faith, of reasonable and proper remuneration to any officer or servants of the Corporation for any services rendered 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 servant of the Corporation in the discharge or performance of his functions or duties or in promoting the objects of the Corporation.

**10.** (1) The Corporation shall have its own fund and all moneys received by way of donations, gifts, testamentary dispositions, transfers, contributions, subscriptions or fees shall be deposited in the name of the Corporation in one or more banks as the Board of Management shall determine.

Funds of the Corporation.

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

**11.** (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.

Audit and accounts.

(2) Separate accounts shall be maintained for the Mosques, Madrasas, Arabic Academy and Service institution which are under the Corporation.

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

(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

6 *Al-Haj Abdul Jawad Alim Valiyullah Trust*  
(Incorporation) Act, No. 46 of 2009

- (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.

Seal of the Corporation.

**12.** The Seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the President and the Secretary or such other member as may be provided by 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.

**13.** 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 distribution of 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 dissolution of the Corporation.

Saving of the rights of the Republic and others.

**14.** 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.

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

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

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**SECURITIES AND EXCHANGE COMMISSION  
OF SRI LANKA (AMENDMENT)  
ACT, No. 47 OF 2009**

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*Securities and Exchange Commission of  
Sri Lanka (Amendment) Act, No. 47 of 2009*

[Certified on 22nd September, 2009]

L.D.—O. 23/2008.

AN ACT TO AMEND THE SECURITIES AND EXCHANGE COMMISSION OF  
SRI LANKA ACT, NO. 36 OF 1987

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

**1.** This Act may be cited as the Securities and Exchange  
Commission of Sri Lanka (Amendment) Act, No. 47 of 2009.

Short title.

**2.** Section 3 of the Securities and Exchange Commission  
of Sri Lanka Act, No. 36 of 1987 (hereinafter referred to as the  
“principal enactment”) is hereby amended by the repeal of  
sub-paragraph (ii) of paragraph (a) of subsection (1) of that  
section and the substitution therefor of the following:—

Amendment of  
section 3 of  
Securities and  
Exchange  
Commission of  
Sri Lanka Act,  
No. 36 of 1987.

“(ii) six other persons drawn from the private sector  
possessing professional expertise, wide experience  
and proven competency in the fields of law, finance,  
banking or business in order to reflect the multi-  
disciplinary character of the Commission.”.

**3.** Section 13 of the principal enactment is hereby  
amended by the insertion immediately after paragraph (c)  
thereof of the following paragraph:—

Amendment of  
section 13 of the  
principal  
enactment.

“(cc) to issue general or specific directives to listed public  
companies from time to time.”

**4.** Section 55 of the principal enactment is hereby  
amended by the substitution for the definition of the  
expression “securities” of the following definition:—

Amendment of  
section 55 of the  
principal  
enactment.

“securities” means debentures, stocks, shares, funds, bonds,  
derivatives including futures and options whatever  
the nature of the underlying asset relied on or notes  
issued or proposed to be issued, by any government or



2 *Securities and Exchange Commission of  
Sri Lanka (Amendment) Act, No. 47 of 2009*

of any body, whether incorporate or unincorporated, including any rights, options or interests (whether described as units or otherwise) therein or in respect thereof, or any other instruments commonly known as securities, but does not include bills of exchange or promissory notes or certificates of deposits issued by a bank;”.

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.

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

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**SOCIAL SERVICE FOUNDATION OF  
WICKRAMASHILA DHARMAYATHENAYA  
IN BANDARAGAMA (INCORPORATION)  
ACT, No. 48 OF 2009**

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[Certified on 24th September, 2009]

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*Social Service Foundation of Wickramashila  
Dharmayathenaya in Bandaragama (Incorporation)  
Act, No. 48 of 2009*

[Certified on 24th September, 2009]

L. D.—O. (Inc.) 4/2008.

AN ACT TO INCORPORATE THE SOCIAL SERVICE FOUNDATION OF  
WICKRAMASHILA DHARMAYATHENAYA IN BANDARAGAMA

WHEREAS an Institute called and known as the “Social Service Foundation of Wickramashila Dharmayathenaya” has heretofore been established in Bandaragama, 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 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 Social Service Foundation of Wickramashila Dharmayathenaya in Bandaragama (Incorporation) Act, No. 48 of 2009.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the “Social Service Foundation of Wickramashila Dharmayathenaya in Bandaragama” (hereinafter referred to as the “Foundation”) or shall hereafter be admitted 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 “Social Service Foundation of Wickramashila Dharmayathenaya in Bandaragama” and by that name may sue and be sued, with full power and authority to have, and use of common seal and alter the same at its pleasure.

Incorporation of  
the Social  
Service  
Foundation of  
Wickramashila  
Dharmayathenaya  
in Bandaragama.

*2 Social Service Foundation of Wickramashila  
Dharmayathenaya in Bandaragama (Incorporation)  
Act, No. 48 of 2009*

General Objects  
of the  
Corporation.

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

- (a) to supply the necessaries maintenance of the following and to continue successfully so as to improve the social and cultural standards of the Bandaragama Dharmayathenaya Pirivena and the following affiliated institutes:—
  - (i) Sri Pannalankara Damma School;
  - (ii) Wickramashila Art Institute;
  - (iii) Wickramashila Staff Society;
  - (iv) Bandaragama Community Development Foundation;
  - (v) Sangamithatha Women's Association;
  - (vi) Samagi Funeral Support Association; and
  - (vii) Organization of Wickramashila Maha Perahera;
- (b) to build the new Chaitya and to improve and protect the premises on which the said "Dharmayathanaya" is situated as a place of cultural importance;
- (c) to provide houses, health facilities and drinking water to the poor and destitute of the area;
- (d) to provide financial assistance to the needy and those who require surgery;
- (e) to secure the relevant properties in the area which are of national importance and to improve the same;
- (f) to supply the necessary equipments and facilities for the poor and needy school children of the district;

*Social Service Foundation of Wickramashila* 3  
*Dharmayathenaya in Bandaragama (Incorporation)*  
*Act, No. 48 of 2009*

- (g) to improve the nutritional level and sportsmanship of the students, youth and the adults of the area to the national level;
- (h) to build homes specially for destitute children and to improve facilities of the existing homes;
- (i) to offer the scholarships for the higher education foreign countries in the field of Technology in consultation with the relevant authority and to provide assistance during natural calamities; and
- (j) to provide facilities to villagers to go on pilgrimages.

(2) In the implementation of the above objectives the Corporation shall ensure that such implementation is carried out without distinction based on race, cast, religion, language, sex or political opinion.

**4.** The appointment of the Secretary, Chairman, Treasurer and the Accountant of the Corporation shall be in accordance with the rules made hereunder.

Appointment of Officials.

**5.** (1) The affairs of the Corporation shall, subject to the rules of the Corporation, made under section 7, be administered by an Executive Committee consisting of the office-bearers and such number of members as may be provided for in such rules and elected in accordance therewith.

Management of the affairs of the Corporation.

(2) The first Executive Committee of the Corporation shall be the Executive Committee of the Foundation holding office on the day preceding the date of commencement of this Act.

4 *Social Service Foundation of Wickramashila  
Dharmayathenaya in Bandaragama (Incorporation)  
Act, No. 48 of 2009*

Powers of the Corporation.

**6.** Subject to the provision of the Act, any other written law, the Corporation shall have the power —

- (a) to submit proposals for the development of the area ;
- (b) to provide services required by the villages and to perform the duties to their satisfaction ;
- (c) to hold the documents of Corporation in safe custody and to secure the same ;
- (d) to receive subscriptions, grants, donations, gifts from sources in Sri Lanka or abroad ;
- (e) to obtain loans on such terms and conditions as may be approved by the executive committee for the purpose of carrying out the objects ; and
- (f) to do all other acts and things as are necessary or expedient to the 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 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—

- (a) the admission, classification or expulsion of members;
- (b) for the election of office bearers, the Executive Committee and the conduct of the duties of the various officers, agents and servants of the Corporation;
- (c) for the procedure to be followed in the transaction of business at meetings of the Corporation and the Executive Committee;

*Social Service Foundation of Wickramashila*      5  
*Dharmayathenaya in Bandaragama (Incorporation)*  
*Act, No. 48 of 2009*

- (d) the administration and management of the property of the Corporation, the custody of its funds and the maintenance and audits of its accounts; and
- (e) 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 in like manner as a rule may be made under subsection (1).

**8.** (1) The Corporation shall have its own fund and all moneys heretofor 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 executive committee shall determine.

Fund of the Corporation.

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

**9.** All debts and liabilities of the Foundation on the day 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.** 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 on the instrument in token of their presence and such signing shall be independent of the signing of any person as a witness.

How the seal of the Corporation is to be affixed.



6 *Social Service Foundation of Wickramashila  
Dharmayathenaya in Bandaragama (Incorporation)  
Act, No. 48 of 2009*

Audit and  
accounts.

**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 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 any one of such Institutes.

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 any other Institute or Institutes 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. Such Institute or Institutions shall be determined by the members of the Corporation at or immediately before the dissolution of the Corporation.

*Social Service Foundation of Wickramashila* 7  
*Dharmayathenaya in Bandaragama (Incorporation)*  
*Act, No. 48 of 2009*

**13.** Nothing in this Act contained shall prejudice or affect the rights of the Republic or of any body politic or corporation.

Saving of the rights of the Republic.

**14.** 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.

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**PARLIAMENT OF THE DEMOCRATIC  
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**SECURED TRANSACTIONS  
ACT, No. 49 OF 2009**

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*Secured Transactions Act, No. 49 of 2009*

[Certified on 25th September, 2009]

L. D.—O. 29/2008.

AN ACT TO PROVIDE FOR THE SECURING OF OBLIGATIONS IN RESPECT OF MOVABLE PROPERTY, MAINTENANCE OF A SECURED TRANSACTIONS REGISTER; 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 Secured Transactions Act, No. 49 of 2009 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

APPLICATION OF THE LAW

2. Notwithstanding anything contained in any other law any person who—

Scope of the Act.

- (a) pledges, enters into a purchase agreement, conditional transfer, finance leasing agreement or mortgage of any movable property, assignment of accounts or other rights of payment of consignment;
- (b) enters into an agreement for sale of accounts and chattel paper;
- (c) enters into a lease agreement in respect of a movable property for a period exceeding one year;
- (d) gives any undertaking in terms of section 2 of the Inland Trust Receipts Act, No. 14 of 1990; or
- (e) gives any undertaking of any consignment of goods imported into Sri Lanka in terms of section 2 of the Trusts Receipts Ordinance (Chapter 86),

may secure such pledge, mortgage or obligation, as is specified in items (a), (b), (c), (d) or (e) with a collateral in accordance with the provisions of this Act:

Provided however the application of the provisions of this Act shall not depend on the ownership of the collateral:

Provided further the period of such obligation shall extend for a period exceeding one year.

Exemption from the application of this Act.

**3.** The following transactions shall be exempt from the application of the provision of this Act:—

- (a) the transfer of a claim for compensation of an employee;
- (b) the sale of accounts or chattel papers arising out of a part of a sale of a business;
- (c) the assignment of accounts or chattel paper instrumental for the purpose of collection only;
- (d) an obligation under a contract to assign the right of payment to an assignee; and
- (e) the transfer of an interest in goods held by the debtor as equipment or consumer goods, where the goods are registered under the Motor Traffic Act, No. 8 of 2009, Sri Lanka Ports Authority Act, No. 52 of 1979, the Merchant Shipping Act, No. 52 of 1971, the Civil Aviation Authority Act, No. 34 of 2002, respectively.

Objective.

**4.** The objective of the Act is to promote the interest of the national economy and economic activity in accordance with the provisions of this Act and regulations made thereunder, by securing a pledge, mortgage or obligation specified in section 2 of this Act by utilizing collateral recognized by sections 2 and 3, in the manner specified.

5. Any mortgagor, pledgor, conditional transferor, lessor or assignor may accept a collateral for securing such mortgage, pledge, conditional transfer, financial lease or assignment:

Validity of a secured interest.

Provided however no such person shall accept any secured interest other than a secured interest in the purchase money of consumer goods belonging to the debtor:

Provided further such security interest may not be deemed to be invalid due to the rights enjoyed by the debtor to use, sell, exchange or otherwise dispose of such security.

6. Any interest in a collateral offered by a debtor to secure an obligation, may be utilized to secure more than one obligation.

More than one obligation may be secured by the same collateral.

## PART II

### SECURED TRANSACTIONS

7. (1) There shall be maintained a Secured Transactions Register (hereinafter referred to as the "Register") which shall for the purposes of this Act be maintained by the Credit Information Bureau of Sri Lanka established under the Credit Information Bureau of Sri Lanka Act, No. 18 of 1990. In addition to the powers specified in the said Credit Information Bureau of Sri Lanka Act, the Bureau shall have the following powers, duties and functions:—

Maintenance of Secured Transaction Register.

- (a) to maintain in the manner as prescribed the Register of Secured Transactions and the process of registration of security interest of movables in such Register;
- (b) to register a notice of a security interest in collateral filed by any person specified in item (a), (b), (c), (d) and (e) of section 2;
- (c) to register a notice of interest of a judgment-creditor; and

(d) to maintain records of all expired notices for a period of ten years from the date of expiry thereof.

(2) The powers, duties and functions in relation to registration of security interest of movables shall be carried out by the officers and servants of the Bureau under the directions of the Board of Directors of the Credit Information Bureau of Sri Lanka appointed under section 5 of the Credit Information Bureau of Sri Lanka Act, No. 18 of 1990 :

Provided that in carrying out the powers, duties and functions in relation to registration of the security interest of movables such officers and servants shall be subject to such regulations and rules as may be made from time to time as provided for under this Act.

Duties of the  
Filing Office.

**8.** (1) Each notice filed of record, shall be entered in the Register maintained in terms of section 7 by the Credit Information Bureau of Sri Lanka, and shall be—

- (i) assigned a unique file number, in all instances where it is an initial notice;
- (ii) assigned a number to every notice (not being the initial notice);
- (iii) used to create a record that bears the number assigned to the filed record and the date and time of filing; and
- (iv) open for inspection by the public.

(2) The Register shall contain an index of every initial notice by the name of the debtor and shall index all filed records relating to an initial notice in a manner that associates the initial notice.

(3) The Register shall be maintained in such a manner so as to be able to retrieve a record by the name of the debtor and by the file number assigned to the initial notice to which the record relates and other related records.



(4) The Register shall contain records of lapsed notices for a period of ten years beyond the date on which it has so lapsed.

(5) The acceptance or refusal to register a notice shall not affect the accuracy, authenticity or validity of any information contained in the notice.

**9.** (1) The Credit Information Bureau of Sri Lanka may furnish the following information to any person who may apply to the office for the same:—

Information  
from Credit  
Information  
Bureau Office of  
Sri Lanka.

- (i) information regarding the availability of a debt secured by a collateral in respect of a secured party and the details of such debtor and the collateral as at a given date and time;
- (ii) information relating to the file number and the date and time of filing of the notice to which the request relates;
- (iii) information contained in each notice, to which the request relates.

(2) When forwarding an application for inspection to the Credit Information Bureau of Sri Lanka, the applicant shall furnish the following information relating to the debtor:—

- (i) the national identity card number of a debtor who is a natural person and a citizen of Sri Lanka and in the case of a body corporate the registered number applicable thereto;
- (ii) the name of the debtor if such debtor is a body corporate and a citizen of Sri Lanka;
- (iii) where available the file number of the notice; and
- (iv) the reasons why such information is required.

(3) The Credit Information Bureau of Sri Lanka may communicate information in any language:

Provided that, if requested, the Credit Information Bureau of Sri Lanka shall issue a Certificate containing details of the information requested in the prescribed form signed by an officer authorized in that behalf and such certificate shall be admissible in evidence and shall be *prima facie* evidence of the facts stated therein.

All documents entered in the Register to be public documents.

**10.** (1) Every document entered in the Register shall be deemed to be a public document.

(2) Any person who requires information in respect of a collateral relating to a secured transaction shall have the right to inspect and obtain copies of any document filed with the Credit Information Bureau of Sri Lanka upon the payment of a prescribed fee.

Contents of initial notice.

**11.** (1) Every initial notice shall contain—

- (i) the national identity card number of a debtor and the name of the debtor with a mailing address within Sri Lanka and in the case of a body corporate the registration number applicable thereto;
- (ii) the national identity card number of the secured party or an agent authorized by the secured party in writing and in the case of a body corporate the registration number applicable thereto and the mailing address within Sri Lanka of the secured party or of such agent or of the body corporate;
- (iii) a description of the collateral covered by the notice; and
- (iv) any other prescribed information required to assess the creditworthiness of any person specified in section 2 of this Act:

Provided however, a notice shall, if such collateral covers future expectations of fixtures, contain a description of the relevant movable property.

(2) A person who secures an obligation with a collateral shall be entitled to file an initial notice only where the debtor authorizes the filing of such notice. Such authorization shall however not form part of the notice.

(3) Any debtor specified in section 2 of this Act shall authorize the filing of an initial notice covering the collateral specified in the security agreement and the proceeds, if any, of the collateral, by signing the agreement which he entered into irrespective of the period covered by such agreement.

(4) An initial notice may be filed before entering into a secured transaction.

**12.** (1) Notwithstanding anything contained in any other law, a notice shall be valid and effective if it clearly provides in the case of—

Name of the debtor and secured party.

- (i) the debtor being a person, the name and the national identity card number of such person;
- (ii) the debtor being natural person and not a citizen of Sri Lanka the name of the person as specified on such person's passport and the place of issue of the passport;
- (iii) the debtor not being a natural person and is registered under the Companies Act or otherwise recognized as a person in terms of any other law of Sri Lanka, the name of the debtor as specified on the Register maintained at the Registrar of Companies or the name recognized under any other law of Sri Lanka;
- (iv) the debtor being a foreigner other than a natural person, qualified to do business under the Companies Act, the name of the debtor as specified

on the Register maintained at the Registrar of Companies; or

- (v) the debtor being a person other than a person specified in paragraph (iv) of this section, the name of the debtor as specified on the appropriate registry in the country where the foreign person is registered.

(2) When a notice provides the name of the debtor accurately, absence of a trade name or other name of the debtor shall not make such notice invalid:

Provided that such notice shall be invalid if the notice fails to specify accurately the name of the debtor.

(3) A person may provide in a notice the names of more than one debtor and the name of more than one secured party.

(4) Failure to specify the status of a person as an agent of a secured party shall not invalidate such notice.

### PART III

#### AMENDMENT, CONTINUATION AND TERMINATION OF THE NOTICE

Effect of changes.

**13.** (1) Where an obligee waives the requirement of collateral while its security interest or the obligation remains in force, the initial notice filed of record shall continue to be valid and effective, notwithstanding the fact that the knowledge or consent of the secured party may or may not have been obtained for such waiver.

(2) Where a notice filed of record becomes misleading due to change of the name of the debtor, the notice shall be valid and effective in order to perfect a security interest in

collateral acquired by a debtor within four months from the change of name of the debtor:

Provided however such notice shall be valid and effective to perfect a security interest acquired by the debtor after four months from the date of change of the name, if such change is brought to the notice of the Credit Information Bureau of Sri Lanka within four months from the date of such change.

(3) A notice remains valid and effective after the change of the name of the debtor unless due to change of circumstances the notice fails to contain an accurate description of the details of the debtor.

**14.** (1) Every notice filed under this Act shall be valid for a period of five years from the date of filing unless the period of validity is extended by the filing of a continuation statement.

Validity of a notice.

(2) Upon the expiration of the validity of a notice, the security interest perfected by such notice shall become invalid unless the security interest is perfected without the filing of a notice.

(3) If the security interest becomes invalid upon the expiration of the validity of such notice it shall be deemed never to have been perfected against a prior or subsequent purchaser of a collateral for value.

**15.** (1) An initial notice may be amended by making one or more amendments. An amendment shall—

Amendment of notice.

- (i) identify the initial notice by the unique file number allocated to such notice;
- (ii) specify the name of the secured party on the notice and the name of the person who authorizes the amendment;

- (iii) indicate that it is an amendment to the notice; and
- (iv) provide all the relevant information required of an initial notice, in a manner that reflects the amended state of the notice.

(2) Where an amendment makes an addition to the collateral covered by a notice, or a debtor to a notice, such amendment shall be effective if the debtor authorizes in writing, the filing of such amendment.

(3) Where there is more than one secured party specified on the notice, the amendment shall be valid if one secured party authorizes in writing, the filing of such amendment.

(4) An amendment made for the addition of a collateral to the notice shall be valid with respect to the collateral so added, only from the date of the filing of such amendment.

(5) An amendment made for the addition of a name of a debtor to the notice shall be valid with respect to the debtor so added, only from the date of the filing of the amendment.

(6) Where a secured party specified on the notice authorizes in writing the filing of an amendment, such an amendment other than an amendment to add a collateral or add a debtor shall be valid.

(7) An amendment shall be invalid where it deletes all names of secured parties without providing a name of a new secured party, or deletes the name of a debtor and fails to provide a name of a debtor not previously specified on the notice.

(8) Where there is more than one secured party on a notice, each secured party may be required to authorized the filing of an amendment.

(9) Subject to the provisions of section 11, the period of validity of a notice, shall not be extended or deemed to be extended due to filing of an amendment.

**16.** (1) The period of validity of a notice may be extended by filing a continuation statement that— Continuation of notice.

- (i) identifies the initial notice by its unique file number;
- (ii) identifies a secured party on the notice who authorizes the continuation statement; and
- (iii) indicates the extension of the validity of the notice, with respect to the secured party who authorized the filing.

(2) A continuation statement may be filed within six months prior to the expiration of the five year period of the notice, and upon filing of a continuation statement within the period specified herein, the validity of the notice shall continue for a further period of five years commencing from the date on which the notice would have become invalid.

(3) Upon the expiration of the extended period of five years as specified in subsection (2), the validity of such notice shall lapse unless prior to the expiration of the validity another continuation statement authorized by that secured party is filed. The validity of a notice shall thereupon continue only with respect to the secured party who authorized the filing of the continuation statement.

(4) Succeeding continuation statements may be filed in the same manner to continue the validity of the notice.

**17.** (1) The validity of a notice may be terminated by filing a termination statement in the prescribed form. Termination of notice.

(2) Upon the receipt of a written demand from a debtor, the secured party may file a termination statement if there is—

- (a) no outstanding secured obligation;
- (b) no commitment to make an advance; and
- (c) written authorization for the filing of a notice by debtor.

Effectiveness  
of notice.

**18.** (1) An initial notice, amendment, continuation statement, or termination statement, shall be deemed to be valid from the date of registration and inclusion in the Register.

(2) The Credit Information Bureau of Sri Lanka may refuse to accept any document for registration—

- (i) where such document is an initial notice and such notice fails to provide the name of a debtor;
- (ii) where such document is an amendment and the record fails to provide the name of a debtor;
- (iii) where such document is a continuation statement and the record fails to provide the file number of the initial notice or has failed to deliver the same within a period of six months from the date of expiry of the first initial notice;
- (iv) where such document is a termination statement and the record fails to provide the file number of the initial notice or the notice has lapsed with respect of each secured party who's name is specified in the notice; and
- (v) where the obligor has failed to pay the required fee or no arrangement has been made for the periodic payment of fees.



(3) Where Credit Information Bureau of Sri Lanka refuses to accept a record for reasons other than the ones set out in this Act, such record shall be valid as filed of record except against in the purchase of collateral that gives the value in reasonable reliance upon the absence of the record from the files.

(4) Where the Credit Information Bureau of Sri Lanka refuses to accept a record for filing, it shall promptly communicate such fact with reasons, if any for its refusal, to the person who presented the record.

(5) A notice authorized by one secured party on the notice shall not affect the rights of another secured party on the notice.

**19.** (1) A person who has reasons to believe that the name of the person is inaccurate or wrongfully specified in the initial notice he shall forthwith take steps to bring such fact to the notice of the Credit Information Bureau of Sri Lanka, and the Bureau shall upon consideration of the matter correct the name accordingly.

Claim concerning inaccurate or wrongfully filed notice.

(2) A correction statement may—

- (a) identify the record to which it relates by the file number assigned to the initial notice;
- (b) indicate that it is a correction statement;
- (c) give reasons for the basis of the belief that such statement is inaccurate and the manner of rectification of such statement; and
- (d) indicate that the notice covers accounts or chattel paper that have been sold but as to which the debtor or other person obligated has discharged its obligation.

(3) A termination statement effectively terminates the interest of a secured party on the notice, only if the termination statement is authorized in writing by that secured party. Upon the filing of an effective termination statement, the notice to which the termination statement relates becomes ineffective with respect to the authorizing of the secured party.

Registration of notice &c.,

**20.** (1) The Credit Information Bureau of Sri Lanka shall cause the registration of any notice, an amendment, continuation statement or termination statement.

(2) The registration with the Credit Information Bureau of Sri Lanka shall provide the final and conclusive evidence regarding availability or non-availability of a mortgage in respect of a collateral.

(3) Where the Credit Information Bureau of Sri Lanka refuses to register any notice, amendment, continuation statement or termination statement, it shall communicate the reasons in writing to the person who applies for such registration.

(4) A notice authorized by one secured party on the notice and filed of record shall not affect the rights of another party.

(5) Any person who notifies that the notice filed of record contains erroneous information, he shall file a document rectifying such error forthwith.

Duty to give information.

**21.** (1) It shall be the duty of the Credit Information Bureau of Sri Lanka to furnish prescribed information to any person in relation to any notice filed therein.

(2) The Credit Information Bureau of Sri Lanka may issue a Certificate in the prescribed form containing the required information and maintain documents in the manner specified in the rules.

PART IV

MISCELLANEOUS

**22.** (1) The Credit Information Bureau of Sri Lanka may make rules in respect of the procedure relating to administration, management, maintenance of documents and procedure to be followed in the transaction of business in terms of this Act. Rules.

(2) Every rule made by the Credit Information Bureau of Sri Lanka shall be published in the *Gazette*.

**23.** (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 matters for which regulations are required or authorized by this Act to be made including the following:— Regulations.

- (i) the amount of the fees to be charged for services rendered and the manner of collecting such fee including the manner of carrying out the function of maintaining the Register in terms of section 7 and the matters to be included in such Register;
- (ii) the manner to conduct searches including the manner to use electronic records;
- (iii) form for the submission of notices and information required;
- (iv) particulars of the judgment creditor and the details of the movable property, identification details of the person owing payment or performance of the judgment creditor, details and the notice of security.

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

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

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

Sinhala text  
to prevail in  
case of  
inconsistency.

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

Interpretation.

**25.** For the purposes of this Act, unless the context otherwise requires—

“assignment” means the transfer from one person to another, in whole or in part, of any right in an account, chattel paper, document, instrument, or other right to payment;

“chattel paper” means a record that creates a debt and a security interest in, or a lease of, goods;

“credit Information Bureau of Sri Lanka” means the Credit Information Bureau of Sri Lanka established under section 2 of the Credit Information Bureau of Sri Lanka Act, No. 18 of 1990;

“collateral” means the property subject to a security interest, and may include movable things of any nature, intangible things of any nature, farm products, fixtures, timber to be cut, and minerals to be extracted, and includes collateral that arises in the future, and collateral located in or outside of Sri Lanka, accounts and chattel paper that have been sold, leased goods, and proceeds;

“judgment creditor” means—

- (i) a person who obtains a right in a secured party’s collateral, or a right to seize a secured party’s collateral, by order of a court or by any authority under prevailing law, other than the Inland Revenue Act, No. 10 of 2006;
- (ii) the liquidator under the Companies Act, No. 7 of 2007;
- (iii) the receiver under the Insolvency Ordinance (Chapter 97); and
- (iv) a preferential creditor;

“notice” means a record filed or presented for filing in the Register maintained by the Credit Information Bureau of Sri Lanka and includes an amendment, continuation statement, and termination statement that are filed or presented for filing. An “initial notice” is the notice to which an amendment, continuation statement, termination statement, or correction statement may relate;

“National Identity Card” means the national identity card issued under the provision, of the Registration of Persons Act, No. 32 of 1968;

“proceeds” means—

- (i) whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;
- (ii) whatever is collected on, or distributed with respect to, collateral;
- (iii) rights arising out of collateral;

- (iv) to the extent of the value of collateral, claims arising out of the loss or non-conformity of, defects in, or damage to the collateral; and
- (v) to the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or non-conformity of, defects in, or damage to the collateral;

“secured party” means a lender, seller or other person in whose favour a security interest is created under a security agreement, including a person to whom accounts or chattel paper have been sold, and a lessor of goods;

“secured transaction” means any transaction specified in section 2 of the Act;

“value” means the value that a person gives where the person acquires the rights—

- (i) in return for a binding commitment to give credit, whether or not drawn upon; or
- (ii) as security for, or satisfaction of, a pre-existing claim, in whole or in part;
- (iii) by accepting delivery pursuant to a pre-existing contract for purchase; or
- (iv) in return for anything given in exchange, for promise.

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

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**THE FUTURE WORLD ORGANIZATION  
(INCORPORATION) ACT, No. 50 OF 2009**

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**[Certified on 25th September, 2009]**

*Printed on the Order of Government*

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*The Future World Organization (Incorporation)*  
*Act, No. 50 of 2009*

[Certified on 25th September, 2009]

L.D.—O. (INC) 33/2007.

AN ACT TO INCORPORATE THE FUTURE WORLD ORGANIZATION

WHEREAS an Association called and known as “The Future World Organization” has heretofore been formed at Katubedda, Moratuwa 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 Future World Organization (Incorporation) Act, No. 50 of 2009.

Short Title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Future World Organization (hereinafter referred to as “the Association”) 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 Future World 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 Future World Organization.

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

General objects of the Corporation.

(a) to work for a future world for the mankind, with a better tomorrow that is more cultured and devoid of

2 *The Future World Organization (Incorporation)*  
*Act, No. 50 of 2009*

differences and the living standard of which is higher than that at present ;

(b) to provide relief services and assistance to those sectors in the society who are at a lower level than that is expected ; and

(c) to give aid to those who have become victims of disasters and gone destitute.

(2) The Corporation shall ensure that the implementation of the objects of the Corporation shall be carried out without any distinction based on race, religion, language, caste, sex or political opinion.

Management of the affairs of the Corporation.

**4.** (1) The affairs of the Corporation shall, subject to the provisions of this Act and rules made under section 7 be administered by a Board of Management consisting of the President, Secretary, Treasurer and Director for Planning and Operation elected in accordance with the rules of the Corporation.

(2) The first Board of Management of the Corporation shall be the Board of Directors of the Association holding office on the day immediately preceding the date of commencement of this Act, who shall hold office until a new Board of Management is appointed under the rule of this Act.

Register of Members.

**5.** The Board of Management shall cause a register of members to be kept in which names of every person who, on the day preceding the date of commencement of this Act is a member of the organization and every person who is duly admitted as a member of the Corporation shall be entered.

Powers of the Corporation.

**6.** Subject to the provisions of this Act, 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 ;

*The Future World Organization (Incorporation) Act, No. 50 of 2009* 3

- (b) to borrow or raise money from bank and other Government approved financial institutions ( foreign and local) and to receive assistance, 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 instrument and to open, operate, maintain and close bank accounts ;
- (d) to invest any funds which are not immediately required for the purposes of the Corporation, in such a manner as the Board of Management may deem fit ;
- (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 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 ;
- (h) to train personnel in Sri Lanka or abroad for the purposes of the Corporation ; and
- (i) to perform and execute all other acts and things as are necessary or desirable for the attainment of the objects 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 or any other written law, for all or any of the following matters :—

Rules of the Corporation.

- (a) the classification of membership and the admission, withdrawal or expulsion of members ;

4 *The Future World Organization (Incorporation)*  
*Act, No. 50 of 2009*

- (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 powers, conduct, duties and functions of the officers, agents and servants of the Corporation ;
- (d) the procedure to be observed for the summoning and holding of meetings of the Board of Management of the Corporation, the times, places, notices and agenda of such meetings, the quorum therefore and the conduct of business thereat ; and
- (e) the administration and management of the property of the Corporation and the custody of its funds.

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

Audit of  
accounts of the  
Corporation.

**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.

(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 an Institute; or

*The Future World Organization (Incorporation) Act, No. 50 of 2009* 5

- (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 any other institute established by law, possesses a certificate to practise as an Accountant issued by the Council of such Institute.

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

Debts due by and payable to the Association.

**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 purchase, grant, gift, testamentary disposition or otherwise and subject to the rules of the Corporation made under section 7. All such property shall be held by the Corporation for the purposes of this Act, with full power to sell, mortgage, lease, exchange or otherwise dispose of the same. All property belonging to the Association on the date of commencement of this Act shall be vested in the Corporation.

Corporation may hold property movable or immovable.

**11.** The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of such number of persons 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.

Seal of the Corporation.

**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 Association or Associations having objects, similar to the objects of the Corporation and which is or are, by the rules thereof prohibited from

Property remaining on dissolution.

6 *The Future World Organization (Incorporation)*  
*Act, No. 50 of 2009*

distributing any income or property among its or their members. Such Association or Associations shall be determined by members of the Corporation at, or immediately before, the time of dissolution 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 of Sri Lanka 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.

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

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**OVERSEAS MUSLIM EDUCATIONAL  
TRUST OF SRI LANKA (INCORPORATION)  
ACT, No. 51 OF 2009**

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*Overseas Muslim Educational Trust of Sri Lanka  
(Incorporation) Act, No. 51 of 2009*

[Certified on 25th September, 2009]

L. D.—O (Inc.) 1/2008

AN ACT TO INCORPORATE THE OVERSEAS MUSLIM EDUCATIONAL  
TRUST OF SRI LANKA

WHEREAS a Trust called and known as the “Overseas Muslim Educational Trust of Sri Lanka” has heretofore been formed in Sri Lanka for the purpose of effectually carrying out its objects and transacting all matters connected with the said Trust according to the rules agreed to by its members:

Preamble.

AND WHEREAS the said Trust 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 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 Overseas Muslim Educational Trust of Sri Lanka (Incorporation) Act, No. 51 of 2009.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the “Overseas Muslim Educational Trust of Sri Lanka” (hereinafter referred to as the “Educational Trust”) 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 “Overseas Muslim Educational Trust of Sri Lanka” 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  
Overseas  
Muslim  
Educational  
Trust of Sri  
Lanka.

2 *Overseas Muslim Educational Trust of Sri Lanka  
(Incorporation) Act, No. 51 of 2009*

General objects  
of the  
Corporation.

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

- (a) to provide scholarships for needy Sri Lankan Muslim students who have passed General Certificate of Education (Advanced Level) Examination and entered University in the faculties of Science, Engineering and Medicine;
- (b) to provide for scholarships for needy Muslim students sitting the General Certificate of Education (Advanced level) Examination in science subjects;
- (c) to financially assist needy Muslim students who are already in University and who are unable to complete their courses of study due to insufficient funds.

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 6, be administered by a Board of Governors (hereinafter referred to as the “Board”) Consisting of the Chariman, Vice Chairman and other office bearers elected or appointed in accordance with the rules of the Corporation made under section 6.

(2) The first Board shall consist of the members of the Board of Governors of the Educational Trust holding office on the day immediately preceding the date of commencement of this Act.

General 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, matters and things whatsoever, as are necessary or desirable for the promotin or furtherance of the objects of the Corporation or any one of them including the power to—

- (a) acquire, hold, take or give on lease or hire, mortgage pledge, sell, exchange, or otherwise alienate, encumber or dispose of any immovable property for the purposes of the Corporation;

- (b) enter into and perform or carry out, whether directly or through any officer or agent authorized in that behalf by the Corporation, all such contracts or agreements as may be necessary for the attainment of the objects or the exercise of the powers of the Corporation;
- (c) accept gifts, donations and bequests in cash or in kind;
- (d) invest its funds, and to maintain current, deposit and savings accounts in any bank;
- (e) borrow or invest money for the purposes of the Corporation in such manner and upon such security as the Corporation may think fit; and
- (f) appoint, employ, transfer, exercise disciplinary control over and dismiss officers and servants required for the carrying out of the objects 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 the members present and voting, to make rules not inconsistent with the provisions of this Act or any other written law, on all or any of the following matters :—

Rules of the Corporation.

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

4 *Overseas Muslim Educational Trust of Sri Lanka  
(Incorporation) Act, No. 51 of 2009*

- (d) the powers, duties and functions of the various officers, agents and servants of the Corporation;
- (e) the procedure to be observed or the summoing and holding of meetings of the Board, the time, places, notices and agenda of such meetings and the quorum therefor and the conduct of business thereat; and
- (f) the administration and management of the property of the Corporation and the custody of its funds.

(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 at all times be subject to the rules of the Corporation.

Fund of the Corporation.

**7.** (1) The Corporation shall have its own fund and all moneys heretfore or hereafter received by way of gifts, testamentary dispositions, transfers, donations, subscriptions, contributions, fess or grants or any financial investment shall be deposited to the credit of the fund of the Corporation in one or more Banks as may be determined by the Board.

(2) All expenses incurred by the Corporation in exercising and discharging its powers and functions shall be paid out of the fund.

Audit and Accounts.

**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 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 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 such Institute.

**9.** The seal of the Corporation shall be in the custody of the Secretary and shall not be affixed to any instrument whatsoever except in the presence of the President and the Secretary of the Corporation or such other person duly authorized by the Board who 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.

**10.** All debts and liabilities of the Educational Trust 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 Educational Trust on that day shall be paid to the Corporation for the purposes of this Act.

Debts due by and payable to the Educational Trust.

**11.** 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.

**12.** 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

Application of moneys and property.

6 *Overseas Muslim Educational Trust of Sri Lanka  
(Incorporation) Act, No. 51 of 2009*

be paid or transferred directly or indirectly by way of dividend, bonus, profit or otherwise howsoever to the members of the Corporation.

Corporation may hold property movable and immovable.

**13.** Subject to the provisos of this Act, 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 the Corporation and subject to the rules of the Corporation made under section 6, with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Property remaining on dissolution.

**14.** 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 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.

Saving 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.

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

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**SRI LANKA SOCIETY FOR THE  
PREVENTION OF CRUELTY TO ANIMALS  
(INCORPORATION) ACT, No. 52 OF 2009**

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[Certified on 25th September, 2009]

*Printed on the Order of Government*

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*Sri Lanka Society for the Prevention of Cruelty  
to Animals (Incorporation) Act, No. 52 of 2009*

[Certified on 25th September, 2009]

L.D.—O. (INC.) 26/2007.

AN ACT TO INCORPORATE THE SRI LANKA SOCIETY FOR THE  
PREVENTION OF CRUELTY TO ANIMALS

WHEREAS a Society called and known as the “Sri Lanka Society for the Prevention of Cruelty to Animals” has heretofore been established in Sri Lanka for the purpose of effectually carrying out and transacting all objects and matters connected with the said Society:

Preamble.

AND WHEREAS the said Society 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 Sri Lanka Society for the Prevention of Cruelty to Animals (Incorporation) Act, No. 52 of 2009.

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 Lanka Society for the Prevention of Cruelty to Animals (hereinafter referred to as the “Society”) and such other persons as 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 Lanka Society for the Prevention of Cruelty to Animals” 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 Sri Lanka Society for the Prevention of Cruelty to Animals.

2 *Sri Lanka Society for the Prevention of Cruelty to Animals (Incorporation) Act, No. 52 of 2009*

General objects of the Corporation.

**3.** The general objects for which the Corporation is established are declared to be—

- (a) to create awareness among people on the need to protect animals;
- (b) to educate people on the need to refrain from neglecting or inflicting unnecessary pain or suffering to animals;
- (c) to take steps to preserve the fauna and create an awareness among the people of the importance of preserving the same;
- (d) to create better environments for domestic animals and to provide them with security;
- (e) to provide indoor and outdoor medical treatment for sick animals; and
- (f) to persuade the public to show love and kindness to animals.

General powers of the Corporation.

**4.** Subject to the provisions of this Act and any other written law, the Corporation shall have the power—

- (a) to receive grants, gifts or donations in cash or kind whether from local or foreign sources;
- (b) to open, maintain, operate and close bank accounts and to borrow or raise money with or without security;
- (c) to invest moneys belonging to the Corporation in such securities as may be determined by the Executive Committee;
- (d) to appoint, employ, remunerate, exercise disciplinary control over and dismiss, such officers and servants as may be necessary for the purpose of carrying out the objects of the Corporation;

- (e) to co-operate and associate with other associations, societies or organizations having objects similar to those of the Corporation;
- (f) to promote, organize and hold exhibitions, lectures, seminars, workshops, conferences and tours for the furtherance of the objects of the Corporation; and
- (g) to do all such other acts and things as are incidental or conducive to the carrying out of the objects of the Corporation.

**5.** (1) The affairs of the Corporation shall, subject to the rules made under section 7, be administered by an Executive Committee consisting of the Patrons, President, two Vice Presidents, General Secretary, Assistant Secretary, Treasurer, Members of the Board of Trustees and not less than twelve other members as may be provided for in such rules and elected in accordance therewith.

Management of the affairs of the Corporation.

(2) The first Executive Committee of the Corporation shall be the Executive Committee of the Society holding office on the day preceding the date of commencement of this Act who shall hold the office until a new Executive Committee is appointed under the rules of the Corporation.

**6.** (1) There shall be a Board of Trustees who shall be entrusted with the management of the property of the Corporation.

Board of Trustees.

(2) The first Board of Trustees of the Corporation shall be the Board of Trustees of the Society holding office on the day preceding the date of commencement of this Act who shall hold the office until a new Board of Trustees is appointed under the 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 of the Corporation.

4 *Sri Lanka Society for the Prevention of Cruelty to Animals (Incorporation) Act, No. 52 of 2009*

rules, not inconsistent with the provisions of this Act or other written law, for 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 Executive Committee and its powers, conduct and duties and the terms of office of such members;
- (d) the election of the trustees of the Board of Trustees and its powers, conduct and duties and the terms of office of such trustees;
- (e) the powers, conduct, duties and functions of the various officers, agents and servants of the Corporation;
- (f) the procedure to be observed for the summoning and holding of meetings of the Executive Committee and the Board of Trustees, the times, places, notices and agenda of such meetings, the quorum therefore and the conduct of business thereat;
- (g) the custody of the funds of the Corporation and the maintenance and audit of its accounts; and
- (h) generally, for 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 may be made under subsection (1).

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

*Sri Lanka Society for the Prevention of Cruelty to Animals (Incorporation) Act, No. 52 of 2009* 5

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

Fund of the Corporation.

(2) The Corporation may establish a depreciation fund or a sinking fund for the purpose of rehabilitation, development or improvement of the property of the Corporation.

(3) All expenses incurred by the Corporation in the exercise of the powers of the Corporation shall be paid out of the fund.

**9.** 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 hereby constituted and all debts due to, 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.

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

Audit and accounts.

(2) The Executive Committee 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 such institute ; or
- (ii) a firm of Accountants each of the resident partners of which being a member of the Institute of

6 *Sri Lanka Society for the Prevention of Cruelty to Animals (Incorporation) Act, No. 52 of 2009*

Chartered Accountants of Sri Lanka or of any other institute established by law, possesses a certificate to practice as an Accountant issued by any one of such institutes.

Corporation may hold property movable or immovable.

**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 made under section 7 and it shall have full powers to sell, mortgage, lease, exchange or otherwise dispose of the same.

Seal of the Corporation.

**12.** The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of the President and the General 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.

Property remaining on dissolution.

**13.** 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 any other Institute or Institutes 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. Such Institute or Institutes shall be determined by the members of the Corporation at or immediately before the dissolution of the Corporation.

Saving of the rights of the Republic and others.

**14.** 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.

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

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

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**SAMMANTHURAI THABLEEKUL ISLAM  
ARABIC COLLEGE (INCORPORATION)  
ACT, No. 53 OF 2009**

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[Certified on 28th September, 2009]

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*Sammanthurai Thableekul Islam Arabic College  
(Incorporation) Act, No. 53 of 2009*

[Certified on 28th September, 2009]

L.D.—O. (INC) 23/2007.

AN ACT TO INCORPORATE THE SAMMANTHURAI THABLEEKUL ISLAM  
ARABIC COLLEGE

WHEREAS an Institution called and known as the  
“Sammanthurai Thableekul Islam Arabic College” has  
heretofore been established in Sammanthurai for the purpose  
of effectually carrying out and transacting all objectives and  
matters connected with the said Institution :

Preamble.

AND WHEREAS the said Institution has heretofore  
successfully carried out and transacted the several objectives  
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 Sammanthurai  
Thableekul Islam Arabic College (Incorporation) Act, No.53  
of 2009.

Short title.

2. From and after the date of commencement of this Act,  
such and so many persons as now are members of the  
Sammanthurai Thableekul Islam Arabic College (hereinafter  
referred to as the “Institution”) 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  
“Sammanthurai Thableekul Islam Arabic College” 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  
will and pleasure.

Incorporation of  
the  
Sammanthurai  
Thableekul Islam  
Arabic College.

2 *Sammanthurai Thableekul Islam Arabic College  
(Incorporation) Act, No. 53 of 2009*

General objectives of the Corporation.

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

- (a) to provide better facilities to the adherents of the Islamic faith for spiritual education based on Islamic principles ;
- (b) to provide necessary training in the Islamic faith to those educated as Ulamaas and to perform service in Thahwa which inculcates pious habits and shuns evil things ;
- (c) to provide leadership training to those who complete their spiritual education under paragraph (a) and to follow the Islamic way of life individually and to lead the Islamic Society in the Islamic way of life ;
- (d) to provide facilities to the adherents of the Islamic faith to learn other arts necessary to achieve these objectives ;
- (e) to provide vocational training to the adherents of the Islamic faith in order to enhance their livelihood ; and
- (f) to provide self-training to the adherents of the Islamic faith in order to promote social, cultural, educational and economic development.

Powers of the Corporation.

**4.** Subject to the provisions of this Act and any other written Law, the Corporation shall have the power —

- (a) to draw, accept, discount, endorse, negotiate, buy and issue bills of exchange, cheques, promissory notes and other negotiable instruments and to open, operate, maintain and close accounts in any bank or banks ;
- (b) to receive or collect grants and donations in cash or in kind from local or foreign sources ;

- (c) to invest all funds vested in or owned by the Corporation on securities or to use them for purchasing lands, buildings, goods or furniture required by the Corporation ;
- (d) to construct buildings or to get buildings constructed in the Corporation's own land or any other land held by the Corporation ;
- (e) to select a Board of Sponsors to advise, to fund the Corporation and to achieve the objectives of the Corporation ; and
- (f) to do all such other things that are incidental or conducive to the attainment of the objectives of the Corporation.

**5.** (1) The affairs of the Corporation shall subject to the rules made under section 7 of this Act, be administered by a Board of Directors consisting twenty five members elected in accordance in with rules of the Corporation.

Management of the affairs of the Corporation.

(2) The First Board of Directors of the Corporation shall consist of the Members of the Board of Directors of the Institution holding office on the day immediately preceding the date of commencement of this Act.

**6.** (1) There shall be a General Council consisting of such number of members elected or nominated in accordance with the rules made under section 7 of this Act.

General Council.

(2) It shall be lawful to the General Council to advice to the Board of Directors in all matters.

(3) The Board of Directors shall subject to the approval of the General Council exercise, perform and discharge its powers, duties and functions under this Act.

4 *Sammanthurai Thableekul Islam Arabic College  
(Incorporation) Act, No. 53 of 2009*

Rules of the  
Corporation.

**7.** (1) It shall be lawful for the Corporation from time to time, at an annual general meeting or 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 member, their admission, expulsion or resignation;
- (b) election of the Board of Directors and General Council, resignation from, vacation of or removal from office as office bearers and powers, duties and conduct of the Board of Directors and General 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 and the summoning and holding of meetings of the Board of Directors and General Council, 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;

(2) The rules made by the Corporation under subsection (1) shall be altered, added to, amended or rescinded at a like meeting and in like manner as a rule made under subsection (1) from time to time, at any annual general meeting.

(3) Every rule made, altered, added, amended or rescinded under this section shall be approved by the General Council.

Debts due by  
and payable to  
the Corporation.

**8.** All debts and liabilities of the Institution on the date of commencement of this Act, shall be paid by the Corporation hereby constituted and all debts due to, and

*Sammanthurai Thableekul Islam Arabic College* 5  
*(Incorporation) Act, No. 53 of 2009*

subscriptions and contributions payable to the Institution on that day shall be paid to the Corporation for the purpose of this Act.

**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, grant, gift or testamentary disposition or otherwise and all such property shall be held by the Corporation for the purposes of this Act.

Corporation may hold property movable or immovable.

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

Funds of the Corporation.

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

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

Accounts and audits .

(2) The Board of Directors 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

6 *Sammanthurai Thableekul Islam Arabic College  
(Incorporation) Act, No. 53 of 2009*

- (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.

Seal of the Corporation.

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

Property remaining on the dissolution of the Corporation.

**13.** If upon the winding up or 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 or institutions, having objects similar to those of the Corporation and which is or are by its or their rules prohibited from distributing any income or property among its or their members. Such institution or institutions shall be determined by members of the Corporation at or immediately before the time of dissolution of the Corporation.

Saving of the rights of the Republic and others.

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

Sinhala text to prevail in case of inconsistency.

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

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**PARLIAMENT OF THE DEMOCRATIC  
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**SERENDIB EDUCATIONAL FOUNDATION  
(INCORPORATION) ACT, No. 54 OF 2009**

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*Serendib Educational Foundation (Incorporation)*  
*Act, No. 54 of 2009*

[Certified on 28th September, 2009]

L. D. — O. (Inc.) 25/2005.

AN ACT TO INCORPORATE THE SERENDIB EDUCATIONAL FOUNDATION

WHEREAS a Foundation called and known as the “Serendib Educational Foundation” has heretofore been established for the purpose of effectually carrying out its objects 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 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 Serendib Educational Foundation (Incorporation) Act, No. 54 of 2009.

Short Title.

**2.** From and after the date of commencement of this Act, such and so many persons as now are members of the Serendib Educational 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 “Serendib Educational 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 Serendib Educational Foundation.

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

General Objects of the Corporation.

- (a) to use and apply the funds of the Corporation to grant scholarships and provide career guidance and enhance educational, technical and professional skills and economic welfare of Sri Lankan Muslims;

2 *Serendib Educational Foundation (Incorporation)*  
*Act, No. 54 of 2009*

- (b) to guide and assist in the development of education including technological education; and
- (c) to assist and promote the advancement of the social and cultural welfare of the Sri Lankan Muslims.

General Powers  
of the  
Corporation.

4. Subject to the provisions of this Act and any other written law, the Corporation shall have power to—

- (a) receive grants, gifts, donations and subscriptions in cash or in kind;
- (b) open, operate and close bank accounts;
- (c) borrow or raise money with or without security;
- (d) engage, employ and dismiss personnel required to achieve the objects of the Corporation; and
- (e) perform and execute all such acts as may be necessary for the promotion or furtherance of the objects of the Corporation.

Management of  
the Corporation.

5. (1) 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 Board of Management (hereinafter referred to as “the Board”).

(2) The Board shall consist of a President, two Vice Presidents, a Treasurer, an Assistant Treasurer, a Secretary, an Assistant Secretary and five other members elected annually by the general members, in accordance with the rules of the Corporation.

(3) The first Board of the Corporation shall consist of the Board of Management of the Foundation holding office on the day immediately preceding the date of commencement of this Act.

*Serendib Educational Foundation (Incorporation) 3*  
*Act, No. 54 of 2009*

**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 votes, 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 procedure to be observed for the meetings of the Board and the quorum for such meetings;
- (b) the election, appointment and removal of the members of the Board;
- (c) the admission, withdrawal or expulsion of members of the Corporation;
- (d) the duties of the Board and of the various officers and servants of the Corporation; and
- (e) the administration and management of the funds of the Corporation.

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

(3) Every member of the Corporation shall be subject to the rules of the Corporation.

**7.** (1) There shall be a Fund of the Corporation which shall consist of—

Fund of the Corporation.

- (a) all monies lying to the credit of the Foundation on the day immediately preceding the date of commencement of this Act; and
- (b) all monies received by the Corporation by way of gift, bequest, donation, contribution or grant.

4 *Serendib Educational Foundation (Incorporation)*  
*Act, No. 54 of 2009*

(2) All monies lying to the credit of the Fund shall be utilized to defray the expenses incurred in the management of the affairs of the Corporation and the furtherance of its objects.

Debts due by  
and payable to  
the Corporation.

**8.** All debts and liabilities of the Foundation existing on the day immediately preceding the date of commencement of this Act shall be paid and discharged by the Corporation and all debts due to, including donations and contributions payable to the Foundation on that date, shall be paid to the Corporation for the purposes of this Act.

Corporation may  
hold movable  
and immovable  
property.

**9.** The Corporation shall be able and capable in law to acquire and hold any property, both 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. The Corporation shall have full power to sell, mortgage, lease, exchange or otherwise dispose of the property of the Corporation.

Audit and  
accounts.

**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 once in every year by a qualified auditor appointed for the purpose 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

*Serendib Educational Foundation (Incorporation) 5*  
*Act, No. 54 of 2009*

- (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 practise as an Accountant issued by the Council of such Institute.

**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 association or associations having objects similar to those of the Corporation and which is or are, by the rules thereof, prohibited from distributing any income or profits among its or their members. Such association or associations shall be determined by the members of the Corporation or immediately prior to the time of the 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 Board 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 Sri Lanka or 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.

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

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**EMPLOYEES' PROVIDENT FUND  
(SPECIAL PROVISIONS) (AMENDMENT)  
ACT, No. 55 OF 2009**

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[Certified on 30th September, 2009]

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*Employees' Provident Fund (Special Provisions)  
(Amendment) Act, No. 55 of 2009*

[Certified on 30th September, 2009]

L.D.—O. 45/2006.

AN ACT TO AMEND THE EMPLOYEES' PROVIDENT FUND  
(SPECIAL PROVISIONS) LAW, NO. 6 OF 1975.

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

1. This Act may be cited as the Employees' Provident Fund (Special Provisions) (Amendment) Act, No. 55 of 2009.

Short title.

2. The Employees' Provident Fund (Special Provisions) Law, No. 6 of 1975 (hereinafter referred to as the "principal enactment") is hereby amended by the insertion of the following new sections immediately after section 2 of the aforesaid Law which shall have effect as sections 2A, 2B, 2c and 2D thereof :—

Insertion of new sections 2A, 2B, 2c and 2D to the Employees' Provident Fund (Special Provisions) Law, No. 6 of 1975.

“Validation. 2A. Where an employer or employee pays a contribution to the approved provident fund established under the Employees' Provident Fund Act, No. 15 of 1958, during the period commencing on February 1, 1996 and ending on the date of the coming into operations of this Act, such contribution shall be deemed to have validly deducted, made or paid to the Fund.

Approval for more beneficial superannuation benefits. 2B. (1) A person who becomes an employee in any covered employment, on or after the date of coming into operation of this Act (hereinafter referred to as the "relevant date"), shall be entitled to receive superannuation benefits by way of a pension fund or scheme, as may be agreed by the employers and employees, which



2 *Employees' Provident Fund (Special Provisions)*  
*(Amendment) Act, No. 55 of 2009*

are more beneficial than the Employee's Provident Fund established under the Employees' Provident Fund Act, if the Commissioner of Labour is satisfied that the proposed pension fund or scheme satisfies the requirements prescribed under the Employee's Provident Fund Act, No. 15 of 1958. In such a case, the Commissioner of Labour shall declare such fund or scheme to be respectively, an approved contributory pension fund or scheme.

(2) Where the Commissioner of Labour declares in terms of subsection (1), the fund or scheme to be an approved contributory pension fund or scheme, with effect from the relevant date, all contributions payable and collected to such fund or scheme shall be deemed to have been validly made.

Avoidance of doubts.

2C. (1) For the avoidance of doubts, it is hereby declared that the provisions of section 2 shall not apply to the providing or securing of superannuation benefits during any period prior to February 1, 1996 or to any employer or employee in relation to the period specified in section 2A.

(2) Where an employee becomes a member of, or has paid a contribution to, any provident fund, pension fund or any other superannuation fund or scheme, other than the Employees' Provident Fund established under the Employees' Provident Fund Act, No. 15 of 1958, such membership and payments shall be deemed to be validly made from the date on which the employee becomes a member or pays a contribution, as the case may be.

*Employees' Provident Fund (Special Provisions) 3*  
*(Amendment) Act, No. 55 of 2009*

Continuation  
of  
contribution  
to any  
approved  
provident  
fund &c.,

2D. For the avoidance of doubts it is hereby further declared that from and after the date of the coming into operation of this Act, it shall be lawful—

- (a) for an employer or employee who prior to the commencement of this Act, had made a contribution to any approved provident fund, pension fund or any other superannuation fund or scheme, other than the Employees' Provident Fund established under the Employees' Provident Fund Act, No. 15 of 1958, to continue to contribute to such fund or scheme; and
- (b) for an employer or employee to contribute to any approved provident fund, pension fund or any other superannuation fund or scheme, other than the Employee's Provident Fund established under the Employees' Provident Fund Act, No. 15 of 1958, after the commencement of this Act."

3. Section 5 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the words "not exceeding six months or to a fine not exceeding one thousand rupees" of the words "not exceeding twelve months or to a fine not exceeding ten thousand rupees".

Amendment of  
section 5 of the  
principal  
enactment.

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.

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

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**SRI LANKA BUREAU OF FOREIGN  
EMPLOYMENT (AMENDMENT)  
ACT, No. 56 OF 2009**

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*Sri Lanka Bureau of Foreign Employment  
(Amendment) Act, No. 56 of 2009*

[Certified on 01st October, 2009]

L.D.—O. 11/2008.

AN ACT TO AMEND THE SRI LANKA BUREAU OF FOREIGN  
EMPLOYMENT ACT, NO. 21 OF 1985

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 Bureau of Foreign Employment (Amendment) Act, No. 56 of 2009. Short title.
  
2. Section 16 of the Sri Lanka Bureau of Foreign Employment Act, No. 21 of 1985 (hereinafter referred to as the “principal enactment”) is hereby amended in subsection (2) of that section as follows:— Amendment of section 16 of Act, No. 21 of 1985.
  - (a) by the substitution in paragraph (i) thereof, for the word “choice.” of the word “choice;”; and
  - (b) by the addition immediately after paragraph (i) thereof, of the following new paragraphs:—
    - “(j) to authorize officers of the Bureau to examine any document in the possession of a person going abroad for employment, at any port of embarkation, for the purpose of verifying whether registration has been obtained in compliance with the Act, where officers have reason to believe that such person is going abroad without having obtained the required registration under the Act; and
    - (k) to receive social security levies from employers abroad for the welfare of Sri Lankan employees.”.
  
3. Section 27 of the principal enactment is hereby amended as follows:— Amendment of section 27 of the principal enactment.
  - (a) by the renumbering of that section as subsection (1) of that section; and

2 *Sri Lanka Bureau of Foreign Employment  
(Amendment) Act, No. 56 of 2009*

(b) by the addition immediately after renumbered subsection (1) of the following new subsection:—

“(2) No licence shall be issued in terms of the provisions of this Act, if the applicant is at the time of making the application for a licence, already holding a licence issued under the Act.”.

Insertion of new section 37A in the principal enactment.

4. The following new section is hereby inserted immediately after section 37 of the principal enactment and shall have effect as section 37A of that enactment:—

“Restriction on publication of advertisement &c, without approval.

37A. (1) No person shall print or publish or cause to be printed or published in any media, any advertisement or notice submitted to it by a licensee or any other person, calling for applications from persons for employment outside Sri Lanka, without satisfying himself that such advertisement or notice has been approved by the Bureau for such publication under section 37.

(2) Any person who contravenes the provisions of subsection (1), shall be guilty of an offence under this Act.”.

Amendment of section 51 of the principal enactment.

5. Section 51 of the principal enactment is hereby amended as follows:—

(a) in subsection (1) of that section by the substitution for the words “is recruited”, of the word “leaves” ; and

(b) in subsection (2) of that section by the substitution for the words “is recruited”, of the word “leaves”.

*Sri Lanka Bureau of Foreign Employment*      3  
*(Amendment) Act, No. 56 of 2009*

6. The following new section is hereby inserted immediately after section 51 of the principal enactment and shall have effect as section 51A of that enactment:—

Insertion of new section 51A in the principal enactment.

“Charging of commission and other payments.

51A. (1) If any licensee does not receive any commission or any other payment to secure employment opportunities outside Sri Lanka, he may charge the actual expenses to be incurred, in addition to the registration fee from any recruit, after having obtained prior approval for the same from the Bureau. Where the Bureau believes that the expenses requested are unreasonable, the Bureau may refuse to grant approval under section 37.

(2) Where a licensee having received payment for expenses from the employer abroad, conceals the receipt of such payment and requests payment for those expenses, such licensee shall be guilty of an offence under this Act.

(3) Where a licensee in terms of subsection (1) receives a payment approved by the Bureau, the licensee shall issue a receipt for the amount, so received.

(4) A licensee who does not issue a receipt in terms of subsection (3) shall be guilty of an offence under this Act.”.

7. Section 52 of the principal enactment is hereby amended by the addition immediately after subsection (4) of the following new subsection:—

Amendment of section 52 of the principal enactment.

“(5) Where in the opinion of the Bureau, the amount which is disclosed in the returns furnished under subsection (2) by a licensee as having been received as commission is not reasonable and

4 *Sri Lanka Bureau of Foreign Employment  
(Amendment) Act, No. 56 of 2009*

below such amount as ought to have been received as commission, the amount of commission for the purpose of assessment under subsection (4), shall be deemed to be as prescribed by the Minister having considered the nature of the employment and the quantum of the benefits to be received by the Agents.

(6) Where a licensee defaults in payment of the cess under subsection (3) or where an assessment is made in relation to a licensee by the Bureau under subsection (4) in relation to the cess, where the amount of the commission is below that which ought to have been received as commission, the licensee shall be guilty of an offence and liable on conviction after summary trial by a Magistrate to a fine not less than five thousand rupees. The Magistrate shall, in addition, order the licensee to pay the amount of cess which is in default.”.

Amendment of section 54 of the principal enactment.

**8.** Section 54 of the principal enactment is hereby amended in subsection (3) of that section by the substitution for the words “every licensee shall” of the words “a licensee may”.

Amendment of section 60 of the principal enactment.

**9.** Section 60 of the principal enactment is hereby amended in subsection (1) (b) of that section by the substitution for the words “copies of any records” of the words “any documents relating to foreign employment or any records”.

Insertion of new sections 60B, 60C and 60D in the principal enactment.

**10.** The following new sections are hereby inserted immediately after section 60A of the principal enactment and shall have effect as sections 60B, 60C and 60D of that enactment:—

“Officers and servants of the Bureau to be deemed to be public officers for the purposes of the Code of Criminal Procedure Act.

60B. Every officer or servant of the Bureau shall be deemed—

- (a) to be a public officer; and
- (b) a peace officer,



within the meaning and for the purposes of the Code of Criminal Procedure Act, No. 15 of 1979.

Officers and servants of the Bureau deemed to be public officers for the purposes of the Penal Code. 60C. Every officer and servant of the Bureau, shall be deemed to be a public officer, within the meaning and for the purposes of the Penal Code (Chapter 19).

Immunity from suit. 60D. (1) No suit or prosecution shall lie—  
(a) against the Bureau for any lawful act, which in good faith is done or purported to be done by the Bureau under this Act; or  
(b) against any member, officer, servant or agent of the Bureau for any lawful act, which in good faith is done or purported to be done by him under this Act or on the directions of the Bureau.

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

**11.** Section 62 of the principal enactment is hereby amended as follows:—

- (a) in subsection (1) of that section, by the substitution for all the words from “one thousand rupees” to the end of that subsection, of the words “one hundred thousand rupees and to imprisonment of either description for a term not exceeding four years.”; and

Amendment of section 62 of the principal enactment.

6 *Sri Lanka Bureau of Foreign Employment  
(Amendment) Act, No. 56 of 2009*

- (b) in subsection (2) of that section, by the substitution for all the words from “twenty thousand rupees” to the end of that subsection, of the words “one hundred thousand rupees and to imprisonment of either description for a term not exceeding four years.”.

Amendment of section 63 of the principal enactment.

**12.** Section 63 of the principal enactment is hereby amended by the substitution for all the words from “one thousand rupees” to the end of that section, of the words “twenty five thousand rupees and to imprisonment of either description for a term not exceeding two years. ”.

Amendment of section 64 of the principal enactment.

**13.** Section 64 of the principal enactment is hereby amended by the substitution for all the words from “one thousand rupees” to “two years.” of the words “fifty thousand rupees and not exceeding one hundred thousand rupees and to imprisonment of either description for a term not exceeding two years. ”.

Amendment of section 65 of the principal enactment.

**14.** Section 65 of the principal enactment is hereby amended by the substitution for the words “one thousand rupees and not exceeding one thousand five hundred rupees” of the words “five thousand rupees”.

Amendment of section 66 of the principal enactment.

**15.** Section 66 of the principal enactment is hereby amended by the substitution for the words “one thousand rupees and not exceeding one thousand five hundred rupees” of the words “five thousand rupees”.

Amendment of section 67 of the principal enactment.

**16.** Section 67 of the principal enactment is hereby amended by the substitution for all the words from “one thousand rupees” to the end of that section, of the words “twenty five thousand rupees and not exceeding fifty thousand rupees and imprisonment of either description for a term not exceeding two years,”.

Amendment of section 67A of the principal enactment.

**17.** Section 67A of the principal enactment is hereby amended in subsection (2) of that section by the substitution for the words “one thousand rupees” of the words “twenty five thousand rupees”.

*Sri Lanka Bureau of Foreign Employment*                      7  
*(Amendment) Act, No. 56 of 2009*

**18.** The following new section is hereby inserted immediately after section 67A of the principal enactment and shall have effect as section 67B of that enactment:—

Insertion of new section 67B in the principal enactment.

“Aiding and abetting an offence.

67B. Any person who aids or abets a licensee or his employee in the commission of any offence under this Act, shall be guilty of an offence and be liable on conviction after summary trial by a Magistrate, to a fine not exceeding twenty five thousand rupees or to imprisonment of either description for a term not exceeding two years.”.

**19.** The following new sections are hereby inserted immediately after section 69 of the principal enactment and shall have effect as sections 69A and 69B of that enactment:—

Insertion of new sections 69A and 69B in the principal enactment.

“Powers of arrest.

69A. Where any person who commits an offence under sections 37A, 62, 63 or 64 or against whom reasonable suspicion exists that he is guilty of the commission of any such offence, such person may be arrested without any warrant within any place either upon land or water by a police officer, or by an employee of the Bureau authorized by the Bureau in that behalf, and every person so arrested shall forthwith:—

- (i) be produced before a Magistrate to be dealt with according to law; or
- (ii) where it is impracticable so to do, be handed over to the officer-in-charge of the nearest police station to be dealt with according to law.

Certain portion of fines to be remitted to the Workers' Welfare Fund of the Bureau.

69B. (1) Where any person is convicted and a penalty is imposed for an offence under any provision of this Act, seventy five *per centum* of any fine so imposed and recovered shall be remitted to the Workers' Welfare Fund of the Bureau established under section 45 of the Act.

8 *Sri Lanka Bureau of Foreign Employment  
(Amendment) Act, No. 56 of 2009*

(2) The Magistrate hearing the summary trial in respect of any offence under any provision of this Act, shall, in addition to the sentence, make Order that seventy five *per centum* of the fine so imposed and recovered be remitted to the Workers' Welfare Fund of the Bureau.”.

Sinhala text to prevail in case of inconsistency.

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

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**PARLIAMENT OF THE DEMOCRATIC  
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**UNIVERSITIES (AMENDMENT)  
ACT, No. 57 OF 2009**

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*Universities (Amendment) Act, No. 57 of 2009*

[Certified on 7th October, 2009]

L.D.—O 49/2007

AN ACT TO AMEND THE UNIVERSITIES ACT, NO. 16 OF 1978

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

**1.** This Act may be cited as the Universities (Amendment) Act, No. 57 of 2009 and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

Short title and date of operation.

**2.** Section 48 of the Universities Act, No. 16 of 1978 (hereinafter referred to as the “principal enactment”) is hereby amended in subsection (1A) of that section, by the repeal of paragraphs (b), (c) and (d) of that subsection and the substitution therefor of the following paragraphs:—

Amendment of section 48 of Act, No. 16 of 1978.

“(b) all permanent Senior Professors, Professors, Associate Professors, Senior Lecturers and Lecturers of the Departments of Study comprising the Faculty;

(c) two members elected by the Lecturers (Probationary) of the Faculty from among such Lecturers;

(d) two members of the permanent staff attached to the Faculty and who are imparting instructions, other than those referred to in paragraphs (b) and (c), elected from among such staff members;”.

**3.** Section 71 of the principal enactment is hereby amended in subsection (2) of that section, by the repeal of paragraph (ii) of that subsection and the substitution therefor of the following paragraph:—

Amendment of section 71 of the principal enactment.

“(ii) appointment to a post other than that of teacher, of which the salary code or minimum salary point shall

2 *Universities (Amendment) Act, No. 57 of 2009*

be as determined by the Commission, by Rules made from time to time:

Provided that, the Commission may require the respective Higher Educational Institutions to forward the recommendation for appointment to the above posts, in accordance with the procedure specified by the Commission by rules made in that behalf. The Commission shall on receipt of such recommendation make the necessary appointments; and”.

Amendment of section 72 of the principal enactment.

**4.** Section 72 of the principal enactment is hereby amended in subsection (1) of that section, by the repeal of proviso of that subsection and the substitution therefor of the following proviso:—

“Provided that where the appointment is to a post of—

- (a) teacher, and the appointee has been previously confirmed in a post of teacher in another Higher Educational Institution or in another Department of the Higher Educational Institution to which the appointee is attached, such appointment shall, in the first instance be for a probationary period of one year; or
- (b) teacher, and the appointee has been previously confirmed in any post equivalent to the post of teacher in another Higher Educational Institution or in another Department of the Higher Educational Institution to which the appointee is attached, such appointment shall in the first instance be for a probationary period of one year .”.

Amendment of section 75 of the principal enactment.

**5.** Section 75 of the principal enactment is hereby amended by the substitution for all the words from “The holder of any post”, to “retired from service:”, of the following:—

“The holder of any post other than that of teacher, shall continue in office beyond the optional age of



retirement of such officer, i.e. fifty-five years and remain in service up to the age of fifty seven years, and shall thereafter be deemed to have voluntarily retired from service.”.

**6.** Section 147 of the principal enactment is hereby amended by the substitution, for the definition of the expression “Teacher”, of the following definition:—

Amendment of section 147 of the principal enactment.

“ “Teacher” means a Senior Professor, Professor, Associate Professor, Senior Lecturer Grade I, Senior Lecturer Grade II, Lecturer and Lecturer (Probationary) and the holder of any post, declared by Ordinance to be a post, the holder of which, is a teacher; and”.

**7.** 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.

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**PARLIAMENT OF THE DEMOCRATIC  
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SRI LANKA**

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**PARLIAMENTARY ELECTIONS  
(AMENDMENT) ACT, No. 58 OF 2009**

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*Parliamentary Elections (Amendment)  
Act, No. 58 of 2009*

[Certified on 16th October, 2009]

L.D.—O. 3/2009.

AN ACT TO AMEND THE PARLIAMENTARY ELECTIONS  
ACT, NO. 1 OF 1981

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

1. This Act may be cited as the Parliamentary Elections (Amendment) Act, No. 58 of 2009. Short title.
2. Section 7 of the Parliamentary Elections Act, No. 1 of 1981 (hereinafter referred to as the “principal enactment”) is hereby amended by the repeal of subsections (4), (5), (6) and (7) of that section and the substitution thereof of the following:— Amendment of section 7 of Act, No. 1 of 1981.

“(4) (a) The Commission shall, before the thirty-first day of January of each year, publish a Notice calling upon the Secretary of a political party, other than a party which is already entitled to be treated as a recognized political party for the purpose of elections, to make a written application to the Commission, on behalf of that party within such period as may be specified in such notice, subject to the provisions of paragraphs (d) and (e), that such party be treated as a recognized political party for the purpose of elections. The application shall also specify the approved symbol which such party wishes to have allocated to it, out of the available approved symbols, in the event such party is to be so treated.

(b) The Commission shall at the beginning of every calendar year, cause to be published in the *Gazette* a Notification containing a list of the names of all political parties entitled to be treated as recognized political parties for the purpose of elections.

2 *Parliamentary Elections (Amendment)*  
*Act, No. 58 of 2009*

(c) The Secretary of a political party shall, at the time an application is made under paragraph (a), furnish to the Commission a copy of the Constitution of such party and a list of office bearers, an audited statement of accounts and the contemporary policy statement of such party.

(d) In order to guarantee better representation of women in political parties and in politics, every recognized political party shall ensure the inclusion of one or more women office bearers in the list of office-bearers of such party.

(e) Nothing in paragraph (a) of this subsection shall be read or construed as enabling the Commission to call for applications from political parties for recognition for the Secretary of a political party to make an application under that paragraph at any time during any of the following periods, that is to say, the period—

- (i) commencing on the date of a Proclamation dissolving Parliament or of an Order requiring the holding of an election under this Act and ending on the date of poll specified in such Proclamation or Order ; or
- (ii) commencing on the date of an Order made under section 2 of the Presidential Elections Act, No. 15 of 1981 and ending on the date of poll fixed by that Order ; or
- (iii) commencing on the date of a Notice under section 10 of the Provincial Councils Elections Act, No. 2 of 1988, relating to an election under that Act and ending on the date of poll specified for that election in an Order made under section 22 of that Act ; or
- (iv) commencing on the date of a Notice under section 26 of the Local Authorities Elections Ordinance (Chapter 262) relating to an

election under that Ordinance and ending on the date of poll specified in a Notice under section 38 of that Ordinance ; or

- (v) commencing on the date of a Proclamation issued under section 2 of the Referendum Act, No. 7 of 1981 and ending on the date of poll appointed by that Proclamation.

(f) If paragraph (d) is in operation during the month of January of any year Commission shall publish the Notice as specified in paragraph (a) after the expiration of a period of thirty days from the date of poll, calling for applications for the recognition of eligible political parties.

(g) Where an application made under paragraph (a) in respect of a political party is disallowed by the Commission, no application shall be made under that subsection in respect of that political party until after the expiration of a period of one year from the date of the Order disallowing the such application.

(5) Upon receipt of an application duly made under subsection (4) on behalf of any political party, the Commission shall, after such inquiry as it may deem fit —

- (a) if in the opinion of the Commission such party is a political party and is capable of contesting elections under this Act ; and
- (b) if the Commission is satisfied that—
  - (i) such party has been engaged in political activities for a continuous period of at least four years prior to the date of the making of such application; or
  - (ii)(A) out of at least two candidates nominated by such party at least one was successful at the last Parliamentary general election

4 *Parliamentary Elections (Amendment)*  
*Act, No. 58 of 2009*

held immediately preceding the date of the application of such party; or

- (B) out of at least five candidates nominated by such party for five different Provincial Councils at least three were successful at the last provincial elections held immediately preceding the date of application of such party,

the Commission may make Order—

- (i) that such party shall be entitled to be treated as a recognized political party for the purpose of elections, subject however, to the provisions of this Act ;
- (ii) allotting an approved symbol to such party, being the approved symbol which the political party wishes to have allocated to it out of the approved symbols, determined by the Commission in its absolute discretion, but not being the approved symbol of any other political party which is entitled to be so treated.

(6) A political party shall not be entitled to be treated as a recognized political party under paragraph (a) of subsection (5) if its name is identical with the name of any party which is already entitled to be treated as a recognized political party or in the opinion of the Commission so nearly resembles such name as to be calculated to mislead, confuse or deceive.

(7) The Order of the Commission made under subsection (5) on any application made under subsection (4) shall be final and shall not be called in question in any court.

(8) For the purposes of subsection (5) of this section, the words “such party” shall include a constituent party of a party which is formed, based on a political alliance.”.

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

Amendment of section 8 of the principal enactment.

“Recognized political parties to comply with certain requirements. 8. (1) It shall be the duty of the Secretary of every recognized political party to submit to the Commission a copy of the Constitution of such party together with a list of the office bearers of such party and a copy of the political programme of such party—

- (a) in the case of a recognized political party referred to in subsection (2) of section 7, within three months from the date of coming into operation of this Act; and
- (b) in the case of any other recognized political party, within three months from the date on which such party is entitled to be treated as a recognized political party under paragraph (a) of subsection (5) of section 7.

(2) Every recognized political party shall hold a general meeting once a year or as specified in the Constitution of the party. The procedure to be followed at such meeting shall be specified in such Constitution.

(3) Where a recognized political party amends its Constitution or changes its office bearers, the Secretary of such party shall, before the expiry of a period of thirty days from the date of such amendment or change, inform the Commission in writing of such amendment or change.



(4) A copy of the annual statement of accounts of every recognized political party audited by a registered auditor shall be submitted to the Commission.

(5) Every recognized political party shall be entitled to State assistance as provided for in the relevant written laws applicable to the conduct of elections.

(6) (a) For the purpose of exercising the powers conferred on the Commission under this Act, the Commission may by notice in writing require the Secretary of any political party to furnish such information specified in the notice issued, pertaining to such political party or to produce any document as shall be specified therein, within such period as shall be specified in the notice.

(b) It shall be the duty of the Secretary of any political party who is required by notice to furnish any information under subsection (1), to comply with those requirements within the time specified in such notice, unless such Secretary is precluded from divulging such information under the provisions of any written law.

(7) Any person shall, on payment of a prescribed fee to the Commission have the right to call for and refer to the Constitution of a political party and on payment of the prescribed fee shall have the right to obtain a certified copy of such Constitution.

(8) Commission may issue from time to time a Code of Conduct to be observed by political parties and candidates during elections.

(9) The Commission may from time to time issue such general or special directions to the political parties, a person or body as may be necessary for the effective and efficient implementation of the provisions of this section and section 7.”.

**4.** The following new section is hereby inserted immediately after section 8 of the principal enactment and shall have effect as section 8A of that enactment:—

Insertion of new section 8A in the principal enactment.

“Commission to be notified of any alliance of political parties. 8A. It shall be the duty of the Secretary of any alliance which is formed between two or more recognized political parties, to notify the Commission of the names of the constituent parties of such alliance and the office bearers thereof.”.

**5.** Section 9 of the principal enactment is hereby repealed and the following section substituted therefore:—

Replacement of section 9 of the principal enactment.

“Cessation of recognition of a political party. 9. (1) Subject to subsection (2), where any recognized political party fails to comply with the provisions of section 8, such party shall cease to be a recognized political party.

(2) The Commission may, upon application made in writing in that behalf by the Secretary of a recognized political party, in its discretion, extend the period referred to in section 8 for a further period not exceeding sixty days.

(3) A political party which is entitled to be treated as a recognized political party for the purpose of elections shall cease to be so entitled—

- (i) if not one single candidate of such party is nominated for two consecutive Parliamentary general elections;

8 *Parliamentary Elections (Amendment)*  
*Act, No. 58 of 2009*

(ii) if it does not conform to the requirements of subsections (1), (3), (4) and (7) of section 8.

(4) For the purposes of this section, the words “such party” shall include a constituent party of a party which is formed, based on a political alliance.”.

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.

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

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**JAMA'ATH ANSARIS SUNNATHIL  
MOHAMMADIYYA OF SRI LANKA  
(INCORPORATION) ACT, No. 59 OF 2009**

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[Certified on 21st October, 2009]

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Sri Lanka (Incorporation) Act, No. 59 of 2009*

[Certified on 21st October, 2009]

L. D.—O. (Inc.) 2/2008.

AN ACT TO INCORPORATE THE JAMA'ATH ANSARIS SUNNATHIL  
MOHAMADIYYA OF SRI LANKA.

WHEREAS an Association called and known as the Jama'ath Ansaris Sunnathil Mohamadiyya of Sri Lanka has heretofore been established in Sri Lanka for the purpose of effectively 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 Jama'ath Ansaris Sunnathil Mohamadiyya of Sri Lanka (Incorporation) Act, No. 59 of 2009.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Jama'ath Ansaris Sunnathil Mohammadiyya of Sri Lanka (hereinafter referred to as the "Association") or such persons as 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 "Jama'ath Ansaris Sunnathil Mohammadiyya of Sri Lanka" 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  
Jama'ath Ansaris  
Sunnathil  
Mohamadiyya of  
Sri Lanka.

2 *Jama'ath Ansaris Sunnathil Mohammadiyya of Sri Lanka (Incorporation) Act, No. 59 of 2009*

General objects of the Corporation.

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

- (a) to teach the Islamic religion based on the teachings of Quran and Prophet Mohamed's (SAW) Sunnah;
- (b) to prepare and guide Muslims to lead and conduct themselves according to Islamic precepts;
- (c) to equip Muslims with the knowledge and skill to spread the message of Islam and to involve in religious activities;
- (d) to encourage the learning of Arabic Language and to conduct courses of studies and provide all assistance to the students in this regard including establishing and maintaining Arabic Colleges and Madurasas in all Districts ;
- (e) to establish, maintain, administer and develop branch organizations in all Districts ;
- (f) 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.
- (g) to provide assistance to construct, repair, rehabilitate, reconstruct, equip and maintain Mosques, places of worship and Islamic Libraries for Muslims;
- (h) to organize and conduct classes, meetings, seminars, conferences and workshops to promote the knowledge of Islam among Muslims and to encourage the practical observance of the principles of Islam;
- (i) to provide assistance and facilities needed for educational social and economic welfare of the Muslim community in Sri Lanka;

- (j) to provide assistance and facilities needed for religious and communal harmony among various religious groups and communities in Sri Lanka; and
- (k) to establish and maintain friendly relations, with other Islamic Institutions engaged in similar pursuits in and outside Sri Lanka.

**4.** The Corporation shall subject to the provisions of the Act and of any other written law, have the power— Powers of the Corporation.

- (a) to purchase, acquire, rent, construct or otherwise obtain, lands or buildings which may lawfully 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, locally and from abroad, 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 money 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 and to vary and transfer such investment from time to time;
- (f) to establish, organize and maintain, different branches and institutions for the different activities,



4 *Jama'ath Ansaris Sunnathil Mohammadiyya of Sri Lanka (Incorporation) Act, No. 59 of 2009*

programmes and projects, sponsored and conducted by the Corporation, for promoting the objects of the Corporation in Sri Lanka and abroad;

- (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 purposes; and
- (j) to enter into 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 on the affairs or for furthering the objects of the Corporation;

Funds of the Corporation.

**5.** (1) The Corporation shall have its own fund and all moneys heretofore or hereafter to be received by way of gift, request, 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.

(2) The Corporation may establish different types of funds for the purpose of attaining all or any of the objects of the Corporation Such as Building Fund, Research Fund, Development Fund, Scholarship Fund, Zakat Fund, Hajj Fund, Widows and Orphans Fund and Natural Disaster Fund.

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

6. The Corporation shall be able and capable in law to acquire and to 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 purpose of this Act and subject to the rules of the Corporation with full power to sell, lease, rent, exchange or otherwise dispose of the same.

Corporation may hold property movable or immovable.

7. The affairs of the Corporation shall, subject to the rules of the Corporation made under section 11, be administered by a Board of Management. The Board of Management is 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 Jama'ath Ansaris Sunnathil Mohammadiyya of Sri Lanka holding office on the day preceding the date of the commencement of this Act.

Management of the affairs of the Corporation.

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 following may be paid—

- (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

6 *Jama'ath Ansaris Sunnathil Mohammadiyya of Sri Lanka (Incorporation) Act, No. 59 of 2009*

employee of the Corporation, in the discharge or performance of his functions or duties in promoting the objects of the Corporation.

Debts due to and payable to the Corporation.

**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 hereby constituted and all debts due to, and subscriptions and contributions payable to the Association on that day shall be paid to the Corporation for the purpose of this Act.

Accounts and audit of the Corporation.

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

(2) The Corporation shall cause proper books of accounts to be kept with respect to—

- (i) all sums of money received or expended by the Corporation;
- (ii) the assets and liabilities of the Corporation; and
- (iii) 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 for the purpose by the Corporation.

(4) For the purposes of 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.

(5) The accounts of the Corporation and the balance sheet shall be open to the inspection of the members of the Corporation at all reasonable times.

**11.** It shall be lawful for the Corporation, from time to time, at any meeting of the Board of Management to make such rules, not inconsistent with the provisions of this Act, or any other written law, for the admission, withdrawal or expulsion of members, election of the office bearers and the Board of Management and otherwise generally, for the management affairs of the Corporations and the attainment of its objects including rules providing for filling of any vacancy in the office bearers or the Board of Management of the Corporation. Such rules when made may, at a like meeting and in like manner be altered, added to, amended or rescinded.

Rules of the Corporation.

**12.** The Seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of two members of the Committee 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.

Seal of the Corporation.

**13.** 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 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. Such institution shall be determined by the Board at, or immediately before, the dissolution of the Corporation.

Property remaining on dissolution.

8 *Jama'ath Ansaris Sunnathil Mohammadiyya of  
Sri Lanka (Incorporation) Act, No. 59 of 2009*

Saving of the  
rights of the  
Republic and  
others.

**14.** 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.

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

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**PARLIAMENT OF THE DEMOCRATIC  
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SRI LANKA**

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**KOTTAWA SRI PUNYABIWARDANAARAMA  
VIHARASTHANA PERFORMANCE SOCIETY  
(INCORPORATION) ACT, No. 60 OF 2009**

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*Kottawa Sri Punyabwardanaarama Viharasthana  
Performance Society (Incorporation)  
Act, No. 60 of 2009*

[Certified on 21st October 2009]

L.D.—O. Inc. 10/2007.

AN ACT TO INCORPORATE THE KOTTAWA SRI PUNYABIWARDANAARAMA  
VIHARASTHANA PERFORMANCE SOCIETY

WHEREAS a Society called and known as the “Kottawa Sri Punyabwardanaarama Viharasthana Performance Society” has heretofore been formed for the purpose of effectually carrying out its objects and transacting all matters connected with the said Society according to the rules agreed to by its members :

Preamble.

AND WHEREAS the 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 the 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 Kottawa Sri Punyabwardanaarama Viharasthana Performance Society (Incorporation) Act, No. 60 of 2009.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the “Kottawa Sri Punyabwardanaarama Viharasthana Performance Society” (hereinafter referred to as the “Society”) 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 “Kottawa Sri Punyabwardanaarama Viharasthana Performance Society” 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 Kottawa Sri Punyabwardanaarama Viharasthana Performance Society.



2 *Kottawa Sri Punyabewardanaarama Viharasthana  
Performance Society (Incorporation)  
Act, No. 60 of 2009*

General objects  
of the  
Corporation.

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

- (a) to ensure the security, maintenance and development of the Temple ;
- (b) to ensure the security of the resident Bhikkhus and to provide their needs;
- (c) to render assistance for activities aimed at the promotion of religious, social and economic aspects of the Temple;
- (d) while taking action for the stability of the Buddha Dhamma, to take action for the establishment of a society based on the Buddhist moral values and observing the five precepts;
- (e) to make provision for the achievement of all objectives expected from a Buddhist Temple;
- (f) to establish and maintain institutions for the welfare training and rehabilitation of the destitute, the disabled, the aged, the sick and displaced persons among Buddhists;
- (g) publish or cause to be published books, journals, magazines and other literature related to Buddhism and establish and maintain libraries, bookshops and printing presses.

Management of  
the affairs of the  
Corporation.

**4.** (1) The affairs of the Corporation shall, subject to the rules made under section 6, be administered by a Board of Management (hereinafter referred to as the “Board”) consisting of the President, who shall be Chief Incumbent of the Viharaya and Vice President, Secretary, Assistant Secretary, Treasurer and five Committee members elected or appointed in accordance with the rules of the Corporation.

*Kottawa Sri Punyabewardanaarama Viharasthana* 3  
*Performance Society (Incorporation)*  
*Act, No. 60 of 2009*

(2) The First Board 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.

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 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—

General powers  
of the  
Corporation.

- (a) acquire, hold, take or give on lease or hire, mortgage, pledge, sell, exchange or otherwise alienate, encumber or dispose of any immovable property for the purpose of the Corporation;
- (b) enter into and perform or carry out, whether directly or through any officer or agent authorized in that behalf by the Corporation, all such contracts or agreements as may be necessary for the attainment of the objects or the exercise of the powers of the Corporation;
- (c) accept gifts, donations and bequests in cash or in kind;
- (d) invest its funds, and to maintain current, deposit and savings accounts in any bank;
- (e) borrow or invest money for the purposes of the Corporation in such manner and upon such security as the Corporation may think fit; and
- (f) appoint, employ, transfer, exercise disciplinary control over and dismiss officers and servants required for the carrying out of the objects of the Corporation.

4 *Kottawa Sri Punyabewardanaarama Viharasthana  
Performance Society (Incorporation)  
Act, No. 60 of 2009*

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 votes of at least two-thirds of the members present and voting to make such rules, not inconsistent with the provisions of this Act, or any other written law, for the admission, withdrawal or expulsion of members, election of the office bearers of the Board and otherwise generally, for the management of the affairs of the Corporation and the attainment of its objects including rules providing for the filling of any vacancy in the Board.

(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 at all times be subject to the rules of the Corporation.

Fund of the  
Corporation.

**7.** (1) The Corporation shall have its own fund and all moneys heretofore or hereafter received by way of gifts, testamentary dispositions, transfers, donations, subscriptions, contributions, fees or grants or any financial investment shall be deposited to the credit of the Corporation in one or more banks as may be determined by the Board.

(2) The Corporation may establish any depreciation fund, reserve or sinking fund for the purpose of rehabilitation, development and improvement of the property of the Corporation.

(3) All expenses incurred by the Corporation in exercising and discharging its powers and functions shall be paid out of the fund.

Audit and  
Accounts.

**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.

*Kottawa Sri Punyabewardanaarama Viharasthana* 5  
*Performance Society (Incorporation)*  
*Act, No. 60 of 2009*

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

(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 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 such Institute.

**9.** The seal of the Corporation shall be in the custody of the Secretary and shall not be affixed to any instrument whatsoever, except in the presence of the Chairman and the Secretary of the Corporation or such other person duly authorized by the Board 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.

**10.** All debts and liabilities of the Society 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 Society on that day shall be paid to the Corporation for the purpose of this Act.

Debts due by and payable to the Society.

**11.** Subject to the provisions of this Act, 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

Corporation may hold property movable and immovable.

6 *Kottawa Sri Punyabwardanaarama Viharasthana  
Performance Society (Incorporation)  
Act, No. 60 of 2009*

by the Corporation for the purposes of the Corporation and subject to the rules of the Corporation made under section 6 with full power to sell, mortgage, lease, exchange or otherwise dispose of, the same.

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 transferred to some other association or associations having objects similar to the objects of 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.

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 the Tamil texts of this Act, the Sinhala text shall prevail.

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**PARLIAMENT OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF  
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**KARUNA SAMADHI ORGANIZATION  
(INCORPORATION) ACT, No. 61 OF 2009**

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*Karuna Samadhi Organization (Incorporation)*  
*Act, No. 61 of 2009*

[CERTIFIED ON 26TH OCTOBER 2009]

L. D. — O. (INC.) 5/2007.

AN ACT TO INCORPORATE THE KARUNA SAMADHI ORGANIZATION

WHEREAS an Association called and known as the “Karuna Samadhi 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 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 Karuna Samadhi Organization (Incorporation) Act, No.61 of 2009.

Short title.

**2.** From and after the date of commencement of this Act, such and so many persons as now are members of the “Karuna Samadhi Organization” (hereinafter referred to as the “Organization”) 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 “Karuna Samadhi Organization” 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 discretion.

Incorporation of the Karuna Samadhi Organization.

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

General objects of the Corporation.

- (a) to assist in the promotion of spiritual and economic development of the families of Sri Lankan citizens who are facing economic difficulties ;



2 *Karuna Samadhi Organization (Incorporation)*  
*Act, No. 61 of 2009*

- (b) to offer scholarships with monthly financial assistance for the education of deserving students who are facing economic difficulties ;
- (c) to provide medicine, foods and other necessities to hospitalized patients who are facing economic difficulties, to provide nutritious food and clothing to pregnant mothers and children, and to provide medical equipments and other instruments to hospitals ;
- (d) to assist disabled persons and their families ;
- (e) to conduct educational courses, vocational trainings and workshops for youths and provide counseling services to assist them to achieve personal and financial security ;
- (f) to organize Shramadana activities in order to encourage the spirit of working together ;
- (g) to establish and maintain international branches of the Organization ; and
- (h) to print, publish and distribute books, journals, periodicals and magazines and to organize seminars and workshops on matters of common interest.

(2) The Corporation shall ensure that the implementation of the objects of the Corporation shall be carried out to the greatest extent possible without any distinction based on race, religion, language, caste, sex or political opinion.

Management of  
the affairs of the  
Corporation.

**4.** (1) The affairs of the Corporation shall, subject to the provisions of this Act and the rules made under section 6, be administered by a Board of Management consisting of a Director-General, Chairman and Finance Administrator, a Secretary, an Assistant Secretary, a Treasurer, an Assistant Treasurer and a Project Director and other members as may

*Karuna Samadhi Organization (Incorporation) 3*  
*Act, No. 61 of 2009*

be elected in accordance with the rules of the Corporation for a term of five years.

(2) The first Board of Management of the Corporation shall be the Board of Management of the Organization holding office on the day immediately preceding the date of commencement of this Act who shall hold the office until a new Board of Management is appointed under the rules of this Act.

5. 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, rent, construct and acquire lands or buildings which may be required for the purpose of the Corporation ;
- (b) to borrow or raise money for the purpose 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 purpose of the Corporation, in such a manner as the Board of Management may deem fit ;
- (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 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 ;

4 *Karuna Samadhi Organization (Incorporation)*  
*Act, No. 61 of 2009*

- (h) to train personnel in Sri Lanka or abroad for the purposes of the Corporation ; and
- (i) to do all such other acts and things as are necessary or incidental or conducive to proper and effective carrying out of the objects 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 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, in respect of the following matters :—

- (a) the classification of membership, fees payable by each class of member, their admission, expulsion or resignation ;
- (b) the election of the office bearers or vacation of, or removal from office of office bearers and powers, duties and conduct of the Board of Management ;
- (c) the powers, conduct and duties and functions 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 Corporation and of the Board of Management, the time, place, notice and agenda of such meetings, the quorum and the conduct of business thereat ;
- (e) the qualifications and disqualifications for membership of the Board of Management and of the Corporation; and
- (f) generally for the administration and management of the affairs of the Corporation and the accomplishment of its objects.

*Karuna Samadhi Organization (Incorporation) 5*  
*Act, No. 61 of 2009*

(2) Any rule of the Corporation made under subsection (1) 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.

**7.** (1) The Corporation shall have its own Fund. Fund of the Corporation.

(2) The Fund of the Corporation shall consist of—

(a) all moneys lying to the credit of the Organization on the day immediately preceding the date of commencement of this Act ; and

(b) all moneys received by way of gift, bequest, donation, subscription, contribution, fees or grants for and on account of the Corporation after the date of commencement of this Act.

(3) All moneys lying to the credit of the Fund of the Corporation shall be utilized to defray the expenses incurred in the management of the affairs of the Corporation and attainment of its objects.

**8.** (1) The financial year of the Corporation shall be the calendar year. Accounts and audits.

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

(3) The Accounts of the Corporation shall be audited once in every year by a qualified auditor appointed by the Corporation and his reports shall be submitted at the General Meeting.

6 *Karuna Samadhi Organization (Incorporation)*  
*Act, No. 61 of 2009*

(4) For the purposes of 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.

Meetings of the Corporation.

**9.** The Annual General Meeting of the Corporation for any financial year shall be held in the month of June in the succeeding year. A special General Meeting may be called if more than one fourth of the members have in writing requested a Special General Meeting. Notice of intention to hold such Special General Meeting shall be given to the members fourteen days before the day on which the meeting is to be held.

Property remaining on dissolution.

**10.** 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 members of the Corporation, but shall be given or transferred to some other institution or institutions having objects similar to that of the Corporation and which is or are by its rules prohibited from the distribution of any income or property among its members. Such institution or institutions shall be determined by the members of the Corporation at or immediately before, the time of such dissolution.

Seal of the Corporation.

**11.** The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the Chairman and the Secretary of the Corporation who shall

*Karuna Samadhi Organization (Incorporation) 7*  
*Act, No. 61 of 2009*

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.** 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.

**13.** 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.

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

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**SRI KALYANODAYA SOCIETY - KANDY  
(INCORPORATION) ACT, No. 62 OF 2009**

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[Certified on 30th October, 2009]

*Printed on the Order of Government*

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*Sri Kalyanodaya Society-Kandy*  
*(Incorporation) Act, No. 62 of 2009*

[Certified on 30th October 2009]

L. D. — O. (Inc.) 15/2007.

AN ACT TO INCORPORATE THE SRI KALYANODAYA SOCIETY - KANDY

WHEREAS a Society called and known as the “Sri Kalyanodaya Society-Kandy” has been established in Kandy, for the purpose of effectually carrying out and transacting all objects and matters connected with the said Society according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said 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 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 Sri Kalyanodaya Society-Kandy (Incorporation) Act, No. 62 of 2009.

Short title.

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

Incorporation of Sri Kalyanodaya Society-Kandy.

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

General objects of the Corporation.

(a) to nurture the Buddha Sasana among Buddhists by taking steps for its expansion and for the stability ;

(b) to work in collaboration with all Buddhist Societies to improve peace, harmony and co-operation among Buddhists;

2 *Sri Kalyanodaya Society-Kandy  
(Incorporation) Act, No. 62 of 2009*

- (c) to organize religious preachings in Dhamma Schools and mediation centres, with a view to inculcating Buddhist Principles among Buddhists;
- (d) to launch a welfare scheme for Buddhists;
- (e) to maintain and manage the properties belonging to the Corporation for the benefit of Buddhists;
- (f) to engage in educational and cultural activities for Buddhists; and
- (g) to organize religious and educational excursions for Buddhists.

Advisory Board  
of Corporation.

**4.** There shall be an Advisory Board of the Corporation consisting of not more than seven members including laymen and clergy, for the purpose of advising the Committee of Management.

Management of  
the affairs of the  
Corporation.

**5.** (1) The management and administration of the Corporation shall subject to the provisions of this Act and the rules of the Corporation made under section 8, vest in a Committee of Management consisting of the President, four Vice Presidents, Chief Secretary, Assistant-Secretary, Treasurer, Audit Officer, Organizer and seven other members.

(2) The Corporation shall also have a sub-committee for the welfare and when necessary for the purposes of the Corporation, the Corporation shall establish special sub-committee.

(3) The members of the first Committee of Management of the Corporation shall be the Committee of Management of the Society holding office on the day immediately preceding the date of commencement of this Act.

Membership  
Register.

**6.** The Board shall cause to be maintained a register of members in which every person who on the day preceding

the date of commencement of this Act is a member of the society and every person duly admitted as a member of the Corporation shall have his name inscribed.

7. Subject to the provisions of this Act and any other written law, the Corporation shall have the power to— Powers of the Corporation.

- (a) rent out lands and buildings belonging to the Corporation in order to achieve the objects of the Corporation;
- (b) raise funds and accept donations and gifts either in cash or materials;
- (c) construct or cause to construct buildings on any land belonging to the Corporation ;
- (d) make, write, accept, discount, counter sign, negotiate, purchase, sell and issue Bills of Exchange, Cheques, Promissory notes and any other negotiable instrument and to open, operate and maintain Current and Savings Bank account in any Bank ;
- (e) invest the funds of the Corporation which are not immediately required for the purposes of the Corporation;
- (f) accept, operate, fulfil and manage any lawful trust and conditions with regard to movable and immovable properties ;
- (g) appoint, remunerate, employ and dismiss officers and servants of the Corporation required for the carrying out of the objects of the Corporation; and
- (h) train persons required for the achievement of the objects of the Corporation.

Rules of the Corporation.

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

- (a) the admission and classification of membership and withdrawal or expulsion of members;
- (b) the election of the members of the Committee and the powers, duties and conduct of the members of the Committee;
- (c) the election of office bearers, their term of office, resignation from or vacation of or removal from office, their powers, conduct and duties;
- (d) the procedure to be followed at meetings, and the quorum therefor and the conduct of business thereat;
- (e) to determine the qualifications of the members of the Corporation;
- (f) the administration and management of the property of the Corporation;
- (g) the management of the affairs of the Corporation and the attainment of its objects.

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

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

The Fund of the Corporation.

**9.** (1) The Corporation shall have its own Fund and all moneys received by way of gift, bequest, donations, 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 may determine.

(2) The Corporation may establish any depreciation or reserve fund for the purpose of rehabilitation, improvement and development of the properties belonging to the Corporation.

(3) There shall be paid out of the Fund, all sums of money 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) All moneys and properties received for the Fund shall be utilized solely for the purposes of the Corporation and in any event they shall not be alienated to the members.

**10.** (1) The Corporation shall maintain proper accounts of its income and expenditure, assets and liabilities and all other transaction of the Corporation.

Account and  
Audit.

(2) The accounts of the Corporation shall be audited at least once a year, by a qualified auditor appointed by the Corporation.

(3) For the purpose of the section “qualified auditor” shall 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.

Debts due and payable to the Corporation.

**11.** All debts and liabilities of the Society on the day preceding the date of commencement of this Act shall be paid out of the Fund of the Society and all debts due to, subscriptions and contributions payable to the Society on that day shall be paid to the Corporation.

Corporation may hold property movable and immovable.

**12.** The Corporation shall be able and capable in law to acquire and hold any property both movable or immovable which may become vested in it by virtue of any purchase, grant, gift or 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 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 except in the presence of such member or office bearers as may be decided by the Committee 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:

Provided however any instrument relating to any financial matter shall become void unless it is signed by the Treasurer or the Assistant Treasurer and the President or Secretary.

Property remaining on dissolution.

**14.** If upon the dissolution of the Corporation, there remains any property after the satisfaction of all debts and liabilities, such property shall not be distributed among the members of the Corporation, but shall be given or transmitted to some other institution or institutions having objects similar to those of the Corporation, which is or are by its rules prohibited from distributing any income or property among its or their members. Such institution or institutions may be determined by the Committee on or before the dissolution of the Corporation.

*Sri Kalyanodaya Society-Kandy  
(Incorporation) Act, No. 62 of 2009*

7

**15.** 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.

**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.

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

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**THALIYAWAKA ANANDA BODHI CULTURAL  
FOUNDATION (INCORPORATION)  
ACT, No. 63 OF 2009**

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**[Certified on 30th October, 2009]**

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*Thaliyawaka Ananda Bodhi Cultural  
Foundation (Incorporation) Act, No. 63 of 2009*

[Certified on 30th October, 2009]

L.D.—O.Inc. 17/2007

AN ACT TO INCORPORATE THE THALIYAWAKA ANANDA BODHI  
CULTURAL FOUNDATION

WHEREAS a Foundation called and known as the “Badalgama Thaliyawaka Ananda Bodhi Cultural Foundation” has 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 the said Foundation 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 Thaliyawaka Ananda Bodhi Cultural Foundation (Incorporation) Act, No. 63 of 2009.

Short title.

**2.** From and after the date of commencement of this Act, such and so many persons as presently are members of the “Thaliyawaka Sri Ananda Bodhi Cultural Foundation” (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 “Thaliyawaka Ananda Bodhi Cultural Foundation” and by that name may sue and be sued with full power and authority to have and to use a common seal and to alter the same at its pleasure.

Incorporation of the Thaliyawaka Ananda Bodhi Cultural Foundation.

2                    *Thaliyawaka Ananda Bodhi Cultural  
Foundation (Incorporation) Act, No. 63 of 2009*

General Objects  
of the  
Corporation.

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

- (a) to give assistance and aid in every respect for the conservation and development of historical places of Buddhist religious importance and all the relevant ancient artifacts declared by or under law made by Parliament to be of national importance;
- (b) to implement environmental friendly programmes for and to implement training programmes to raise awareness among the adherents of the Buddhist faith regarding the need to protect natural resources declared by or under law made by Parliament to be of national importance;
- (c) to render assistance to economically disadvantaged farmer families who are adherents of the Buddhist faith in relation to the obtaining of housing facilities;
- (d) to supply materials needed for the restoration of Pre-Schools established for adherents of the Buddhist faith which find it difficult to function and to encourage qualified teachers to engage in educational activities in such pre-schools;
- (e) to establish Vocational Training Centres for the benefit of the unemployed youth among adherents of the Buddhist faith;
- (f) to develop religious centers in villages where people of low income groups who are adherents of the Buddhist faith are in the majority and to assist in promoting religious education among adherents of the Buddhist faith;
- (g) to implement community programmes for adherents of the Buddhist faith for the protection of forest resources, to give assistance for community

reforestation projects and programmes and to introduce modern soil conservation methods among adherents of the Buddhist faith while encouraging natural soil conservation methods to prevent reduction of soil fertility declared by or under law made by Parliament to be of national importance; and

- (h) to render assistance to promote local agriculture and for restoring tanks and anicuts needed for agricultural purposes declared by or under law made by Parliament to be of national importance.

**4.** Subject to the provisions of this Act, and any other written law, the Corporation shall have the power—

Power of the Corporation to acquire property, invest funds, and raise loans etc.

- (a) to acquire and hold, purchase, 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 Government approved Banks and other institutions (foreign and local) for the purposes of the Corporation with the approval of the Executive Committee;
- (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 Executive Committee may think fit;
- (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;

4 *Thaliyawaka Ananda Bodhi Cultural  
Foundation (Incorporation) Act, No. 63 of 2009*

- (g) to undertake, accept, execute, perform and administer any lawful trusts and conditions affecting any real or personal property acquired or in the possession of the Corporation;
- (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 purpose of the Corporation; and
- (j) to do all other things necessary or expedient for the proper and effective 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 made under section 8 for the time being of the Corporation be administered by an Executive Committee consisting of the Executive Director, President, Secretary, Treasurer, Vice President, Administrative and Propaganda Secretary, Assistant Secretary and three co-secretaries.

(2) The first Executive Committee of the Corporation shall consist of the members of the Executive Committee of the Foundation holding office on the day immediately preceding the date of commencement of this Act.

Application of income and property of the Corporation.

**6.** The income and property of the Corporation shall be applied solely towards the promotion of the objectives set forth herein and no portion thereof shall be paid or transferred, directly or indirectly by way of dividend, loan, bonus, profit or otherwise to the members of the Corporation.

Fund of the Corporation.

**7.** (1) The Corporation shall have its own fund and all moneys received by way of donation, testamentary disposition, transfer, contributions or fees shall be deposited in the name of the Corporation in one or more Banks as the Executive Committee shall determine.

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

(3) There shall be paid out of the fund, all such sums of money as may be incurred as expenditure by the Corporation in the exercise, performance and discharge of its powers, duties and functions under this Act.

**8.** (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 and 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 Executive Committee, its powers, conduct and duties and the terms of office of members of the Executive Committee;
- (d) the powers, conduct, duties and functions of the various officers, agents and servants of the Corporation;
- (e) the procedure to be observed at the summoning and holding of meetings of the Executive Committee and of the Council, the time, place, notice and agenda of such meeting, 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; and

6 *Thaliyawaka Ananda Bodhi Cultural  
Foundation (Incorporation) Act, No. 63 of 2009*

(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).

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

Audit and  
Accounts.

**9.** (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.

The 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 purchase, grant, gift, testamentary disposition or otherwise, and all such property

*Thaliyawaka Ananda Bodhi Cultural*                      7  
*Foundation (Incorporation) Act, No. 63 of 2009*

shall be held by the Corporation for the purposes of this Act, and subject to the rules in force for the time being of the Corporation, it shall have full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

**11.** The Corporation shall be a non-profit organization and no part of the gains, profit or dividends, if any, of the Corporation shall be distributed among the members of the Corporation. Corporation to be a non-profit organization.

**12.** 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 purposes of this Act. Debts due by and payable to the Foundation.

**13.** 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 due from such members as membership fees. Limitation of liabilities of members.

**14.** The seal of the Corporation shall be in the custody of such person as may be determined by the Executive Committee and it shall not be affixed to any instrument whatsoever except in the presence of the President and another member of the Executive Committee who 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.

**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 thereof prohibited from Property remaining upon dissolution.



distributing any income or property among its or their members. Such institution or institutions shall be determined by the Committee of Management at or immediately before, the dissolution of the Corporate.

Saving of the rights of the Republic and others.

**16.** Nothing in this Act contained shall prejudice or affect the rights of the Republic or of anybody politic or Corporation.

Sinhala text to prevail in case of inconsistency.

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

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

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**SAMAJA SAHANA PADANAMA  
(INCORPORATION) ACT, No. 64 OF 2009**

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*Samaja Sahana Padanama (Incorporation)*  
*Act, No. 64 of 2009*

[Certified on 12th November, 2009]

L.D.—O. (INC.) 24/2008.

AN ACT TO INCORPORATE THE SAMAJA SAHANA PADANAMA

WHEREAS a foundation called and known as the “Samaja Sahana Padanama” 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 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 Samaja Sahana Padanama (Incorporation) Act, No. 64 of 2009.

Short title.

**2.** From and after the date of commencement of this Act, such and so many persons as presently are members of the “Samaja Sahana Padanama” (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 “Samaja Sahana Padanama” 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 Samaja Sahana Padanama.

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

General objects of the Corporation.

(a) to assist individuals, families and communities in disadvantaged circumstances ;

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- (b) to assist families of workers, farmers and such other persons who have become indigent due to loss of employment, illness, disability, death or other cause ;
- (c) to advise and assist workers who have voluntarily resigned, retired or returned from foreign employment with regard to the management of their savings or in the establishment of small or medium scale enterprises ;
- (d) to provide counseling and assistance to families of foreign employed workers to promote the well-being of such families ;
- (e) to assist workers who have lost employment due to closure of enterprises, retrenchment, redundancy or other cause to engage in self-employment or secure alternate employment ;
- (f) to provide counseling and to assist to workers and their families to settle problems and make claims as are relevant to their employment ;
- (g) to provide or arrange to provide counseling services or treatment for persons having psychological difficulties ;
- (h) to provide or arrange to provide vocational training and assistance to disadvantaged young persons to engage in self-employment or to secure employment;
- (i) to provide or assist in providing or improving houses for families in disadvantaged circumstances ;
- (j) to promote public health with special emphasis on the improvement of the nutritional status of disadvantaged women and children ;

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- (k) to take steps to discourage smoking habit and alcohol usage among workers and their families ; and
- (l) to promote the protection and improvement of the environment.

(2) In implementing the objects specified in subsection (1), the Corporation shall ensure that such implementation is carried out without distinction based on race, caste, religion, language, sex or political opinion.

**4.** Subject to the provisions of this Act, and any other written law, the Corporation shall have the power to —

General powers  
of the  
Corporation.

- (a) acquire, hold or take any property movable or immovable for the Corporation or give on lease or hire, mortgage, pledge, sell, exchange or otherwise dispose of the same, subject of the rules made under section 6 of the Corporation;
- (b) enter into and perform or carry out whether directly or through any officer or agent authorized in that behalf by the Corporation, all such contracts or agreements as may be necessary for the attainment of the objects or the exercise of the powers of the Corporation;
- (c) accept gifts, donations and bequests in cash or in kind;
- (d) advance or lend and to borrow money for the purposes of the Corporation in such a manner and upon such security as the Corporation may think fit;
- (e) invest its funds that are not immediately required for the purposes of the Corporation in such manner as may be decided by the Board of Management and to open, operate, maintain or close current, diposit and savings accounts in any Bank;

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- (f) publish or cause to be published books, journals, magazines, other literature and establish and maintain libraries ; and
- (g) appoint, employ, transfer, exercise disciplinary control over officers and servants as are required for the carrying out of the objects of the Corporation and to prescribe their terms and conditions of service and dismiss such officers or servants.

Management of the affairs of the Corporation.

**5.** (1) The affairs of the Corporation shall subject to the rules of the Corporation made under section 6 of this Act, be administered by a Board of Management (hereinafter referred to as the “Board of Management”) consisting of a Chairman, a Vice Chairman, a Secretary, an Assistant Secretary, a Treasurer, an Assistant Treasurer and nine other members elected or appointed in accordance with the rules of the Corporation made under section 6.

(2) The first Board of Management of the Corporation shall be the Board of Management of the Foundation holding office on the day preceding the date of commencement of this Act which shall hold office until a new Board of Management is appointed under the rules of the Corporation.

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 voting to make rules not inconsistent with the provisions of this Act, or other written law, for all or any of the following matters :—

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

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- (c) the election of the members of the Board of Management and its powers, conduct and duties and the terms of office of and the filling of vacancies of the members of the Board of Management ;
- (d) the powers, conduct, duties and functions of the various officers, agents and servants of the Corporation ;
- (e) the procedure to be observed for the summoning and holding of meetings of the Board of Management, the times, places, notices and agenda of such meetings, the quorum therefore and the conduct of business thereat ;
- (f) the administration and management of the property of the Corporation and the custody of this funds; and
- (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 in like manner as a rule may be made under subsection (1).

(3) The members of the Corporation shall be subject to the rules of the Corporation made under this section.

**7.** The Seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the Chairman and either 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.

Seal of the Corporation.

**8.** All debts and liabilities of the Foundation on the day preceding the date of commencement of this Act shall be paid to the Corporation hereby constituted and all debts

Debts due by and payable to the Foundation.



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*Act, No. 64 of 2009*

due to, subscriptions and contributions payable to the Foundation on that day shall be paid to the Corporation for the purposes of this Act.

Fund of the Corporation.

**9.** (1) The Corporation shall have its own fund and all moneys heretofore or hereafter received by way of gifts, bequests, donations, subscriptions, contributions, 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 of the Corporation, all such 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.

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 annually by a qualified auditor appointed by the Board of Management.

(4) For the purpose of 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 such institute ; or

(b) a firm of Accountants, each of the resident partners of which being a member of the Institute of

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Chartered Accountants of Sri Lanka or of any other institute established by law, possesses a certificate to practice as an Accountant issued by such institute.

**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 thereof prohibited from distributing any income or property among its or their members. Such Institution or Institutions shall be determined by the members of the Corporation at or immediately before the dissolution of the Corporation.

Property remaining on dissolution.

**12.** 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.

**13.** 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.

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

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**FOREST (AMENDMENT)  
ACT, No. 65 OF 2009**

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[Certified on 16th November, 2009]

*Printed on the Order of Government*

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*Forest (Amendment) Act, No. 65 of 2009*

[Certified on 16th November, 2009]

L.D.—O. 64/2000.

AN ACT TO AMEND THE FOREST 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 Forest (Amendment) Act, No. 65 of 2009. Short title.
  
2. The Long Title to the Forest Ordinance (hereinafter referred to as the “principal enactment”) is hereby repealed and the following Long Title substituted therefor :— Amendment of Long Title to Chapter 451.

“AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAW RELATING TO THE CONSERVATION, PROTECTION AND SUSTAINABLE MANAGEMENT OF THE FOREST RESOURCES AND UTILIZATION OF FOREST PRODUCE; TO PROVIDE FOR THE REGULATION OF THE TRANSPORT OF TIMBER AND FOREST PRODUCE AND OTHER ACTIVITIES RELATED TO SUCH TRANSPORT; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.”.
  
3. (1) In the principal enactment and in any other written law there shall be substituted — General amendments to the principal enactment.
  - (a) for the words “Forest Ordinance” the words “Forest Conservation Ordinance”; and
  - (b) for the words “Conservator of Forests” the words “Conservator-General of Forests”;
  
- (2) Every reference to the “Forest Ordinance” and the “Conservator of Forests” in any regulation, rule, notice, notification, contract, communication or other document shall be read and construed as a reference respectively, to the “Forest Conservation Ordinance” and the “Conservator-General of Forests”.

Replacement of heading in the principal enactment.

**4.** The heading appearing immediately after the word and figure Chapter II of the principal enactment is hereby repealed and the following heading substituted therefor :—

“OF RESERVED AND CONSERVATION FORESTS”

Amendment of section 3 of the principal enactment.

**5.** Section 3 of the principal enactment is hereby amended as follows:—

- (1) by the re-numbering of that section as subsection (1) thereof;
- (2) by the addition immediately after the re-numbered subsection (1) of the following subsections:—

“(2) Where an Order has been made under subsection (1), the Conservator-General of Forests shall prepare a Management Plan for Reserved Forests, in such manner as may be prescribed, for the purposes of conservation of bio-diversity, soil and water and for the preservation of its unique ecosystem, genetic resources and as a habitat of rare and endemic species of flora and fauna.

(3) The Conservator-General of Forests or any other officer authorized in writing in that behalf shall implement the Management Plan for the Reserved Forests, in the manner as may be prescribed for the purposes specified in subsection (2).

(4) The Minister shall make regulations applicable either to the whole or any specified area of the Reserved Forests in respect of :—

- (a) the administration and management of the Reserved Forests;

- (b) the matters required to be included in the Management Plan and the manner and procedure to be followed in the preparation and implementation of such Management Plan;
- (c) the preparation of Management Agreements for the purpose of obtaining community and non-state sector participation in the sustainable management of Reserved Forests;
- (d) the levying of fees or charges in respect of activities implemented under this subsection, which shall in all cases be equivalent to the value of the benefit obtained from the forest, whether monetary or otherwise. Any such benefit not validly declared shall amount to an offence under this Ordinance and shall be charged and recovered, in such manner as may be specified, as a fine imposed by Court;
- (e) entering into such agreements, cancellation of the same, imposing conditions, levying of fees, formulating strategies for the settlement of disputes in connection with the management of such forest;
- (f) the development of a benefit sharing mechanism among the management partners or stakeholders;
- (g) the procedure to be followed in authorizing the use of non-timber forest produce and dead or fallen sticks for fuel in a Reserved Forest, by the local community;
- (h) the conditions applicable to any activity carried out within the Reserved Forest; and

- (i) the areas in respect of which and the conditions subject to which scientific research may be permitted in a Reserved Forest.”.

Amendment of section 3A of the principal enactment.

**6.** Section 3A of the principal enactment is hereby amended by the addition immediately after subsection (2) thereof of the following subsections :—

“(3) Where an Order has been made under subsection (1), the Conservator-General of Forests shall for the purpose of preserving the values described in subsection (1) prepare a Management Plan for Conservation Forests, in the manner prescribed.

(4) The Conservator-General of Forests or any other officer authorized by him in writing in that behalf shall implement the Management Plan for the Conservation Forests in respect of which such Management Plan was prepared, in the manner as prescribed for the purposes specified in subsection (1).

(5) The Minister shall make regulations in respect of the matters required to be included in the Management Plan and the manner and procedure to be followed in the preparation, implementation and administration of such Management Plan.

(6) Where any immovable property, not being a State land, which is possessed of any of the features referred to in subsection (1), is required for the existence and preservation of a Conservation Forest that has been declared under subsection (1), such land may be acquired under the provisions of the Land Acquisition Act (Chapter 460) on the recommendation of the Minister.”.

Amendment of section 3B of the principal enactment.

**7.** Section 3B of the principal enactment is hereby amended by the substitution for the words “conservation forest” wherever those words appear in that section of the words “Conservation Forest or Reserved Forest” respectively.



**8.** Section 5 of the principal enactment is hereby amended as follows:—

Amendment of section 5 of the principal enactment.

- (1) by the substitution for the words “watercourse in a reserved forest” in the section and in the marginal note to that section of the words “watercourse in a Conservation Forest or Reserved Forest”;
- (2) by the substitution for the words “Government Agent” in the first proviso and second proviso respectively to that section, of the words “Divisional Secretary”.

**9.** Section 6 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 6 of the principal enactment.

“Acts prohibited in a Conservation Forest.

6. (1) No person shall be permitted to enter a Conservation Forest other than under the authority of a permit issued by the Conservator-General of Forests or a person authorized by him in that behalf for the purpose of:—

- (a) engaging in scientific research within a Conservation Forest;
- (b) observing the fauna and flora in a Conservation Forest; or
- (c) implementation of the activities prescribed in the Management Plan.

(2) Subject to the provisions of subsection (1), a person who, in a Conservation Forest:—

- (a) trespasses or causes trespass or remains therein;
- (b) fells, cuts, saws or causes the felling, cutting or sawing of or alters, converts, collects, removes or

transports or marks, lops or girdle, any plant, tree or timber or collects, removes or transports or has in his possession, custody or control of any forest produce or erects a scaffolding or constructs a saw pit;

- (c) removes the bark or leaves from any tree or strips of the bark from any tree or cuts its branches or taps or burns any tree or otherwise damages it;
- (d) permits cattle to trespass, cuts grass or any other plant or feeds cattle with such grass or plants;
- (e) blocks any waterways within such forest or obtains water from such waterway by means of a pipe line or any other devices or pollutes or poisons water or pollutes the forest environment by dumping and disposing any garbage in the forest;
- (f) transports, removes, uproots or destroys any plant or any part of it or causes any loss or damage to any plant or part of it;
- (g) sells, exposes, exhibits or offers for sale any plant found within such forest;
- (h) kills or attempts to kill any bird, animal, reptile, amphibian or sets traps or snares or guns, constructs and uses ambushes or molests, disturbs or shoots or attempts to

molest, disturb or shoot or attempts to remove any such bird, animal, reptile or amphibian;

- (i) sells, offers for sale or exposes for sale any bird, animal, reptile or any part of any such bird, animal or reptile;
- (j) takes or destroys an egg of any bird or animal or reptile or removes or destroys any dwelling or nest of any bird, animal or reptile;
- (k) fires any gun or does any other act which disturbs or is likely to disturb any animal or does any act which interferes or is likely to interfere with the breeding place of any such animal;
- (l) possesses or uses any trap or weapon or tool or explosives or poisonous substance which is capable of being used to injure or destroy any animal or plant;
- (m) erects any permanent or temporary building or occupies any building so erected;
- (n) makes any fresh clearing or quarries stone or extracts coral or molluse shells or digs or mines for plumbago, gems or minerals, burns lime or charcoal or blasts rocks, or collects or removes or transports sand, soil or stones;

- (o) kindles or keeps or carries any fire or causes the kindling of any fire or allows any fire to keep burning or to spread;
- (p) clears or breaks up soil or digs any land for cultivation or for any other purpose or cultivates any such cleared land or erects a hut or does any other activity on it;
- (q) constructs any road or alters or damages any road so constructed or uses a road so constructed;
- (r) damages, alters, removes or disfigures any wall, ditch, embankment, fence, hurdle, gutter, hedge, name board or sign board or any other boundary mark;

shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding seven years or to a fine not less than rupees twenty thousand and not exceeding rupees two hundred thousand or to both such imprisonment and fine. In addition to the above, the court may award compensation for any damage caused to the Conservation Forest. Such compensation shall not be less than the value of the damage caused to the Conservation Forest, and shall be charged and recovered as a fine levied by Court.

(3) Any person who aids or abets in the commission of any offence specified in subsection (1), or causes any such offence to be committed shall be guilty of an offence and shall on conviction be liable to the same punishment as is specified for the commission of that offence.

(4) The Conservator-General of Forests may issue permits to engage in scientific research to any person—

(a) who has made an application in the prescribed form; and

(b) made payment of the prescribed fee,

for observation of flora and fauna within such areas subject to such terms and conditions as may be prescribed.”.

**10.** Section 7 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 7 of the principal enactment.

“Acts prohibited in a Reserved Forest.

7. (1) Any person who in a Reserved Forest—

(a) trespasses or causes trespass or remains therein;

(b) permits cattle to trespass or cuts grass or any other plant or feed cattle with grass or plants;

(c) fells a tree or cuts or drags timber, causes damage by negligence or intentionally strips off bark or leaves from any tree or girdles, lops, taps or burns a tree or does any act to damage or destroy any tree;

(d) blocks any waterways within such forest or obtains water from such waterway by means of a pipe line or any other devices or pollutes or poisons water or pollutes the forest environment by dumping and disposing any garbage in the forest;

- (e) transports, removes, uproots or destroys any plant or any part of it or damages any plant or any part of any plant or sells or exposes for sale or exhibits or offers for sale any plant found within such forest;
- (f) kills or attempts to kill, removes, transports, shoots, or attempts to shoot, catches, snares or sets traps to catch, molests or disturbs any bird, animal or reptile or sells or exposes for sale or offers for sale any part of any such bird, animal or reptile or takes or destroys eggs of any such bird, animal or reptile or destroys or removes the dwelling of any such bird, animal or reptile;
- (g) quarries stone, burns lime or charcoal, collects any forest produce or subjects them to any process of manufacture, extracts coral or molluse shells digs or mines for plumbago, gems or other form of minerals, collects or removes or transports sand, soil or stones and uses or possesses explosives for such purpose;
- (h) kindles or keeps any fire or leaves any fire burning or causes any fire or allows any fire to spread or carries any fire;
- (i) fells, cuts, saws, converts, alters, collects, removes or transports any tree or timber or collects, removes, transports or has in his possession, custody or control of any forest produce;

- (j) erects a scaffolding or constructs a saw pit;
- (k) clears or breaks up soil or digs any land for cultivation or prepares any land for building purposes or cultivates any land already cleared or erects a hut or any building whether permanent or temporary or occupies any building so erected;
- (l) constructs any road, alters or damages any road already constructed, uses any road so constructed, damages, alters, disfigures or removes any wall, ditch, embankment, fence, hurdle, gutter, hedge, name board, sign board or any other boundary mark,

shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding five years or to a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand or to both such imprisonment and fine. In addition to the above, the Court may award compensation for any damage caused to the Reserved Forest. Such compensation shall be equivalent to the actual value of the damage caused to the Reserved Forest and shall be charged and recovered as a fine levied by Court.

(2) Any person who aids or abets in the commission of any offence specified in subsection (1), or causes any such offence to be committed shall be guilty of an offence and shall on conviction be liable to the same punishment as is specified for the commission of that offence.”.

Repeal of sections 7A and 9 of the principal enactment.

**11.** Sections 7A and 9 of the principal enactment are hereby repealed.

Amendment of section 10 of the principal enactment.

**12.** Section 10 of the principal enactment is hereby amended as follows:—

- (1) by the renumbering of that section as subsection (1) of that section;
- (2) by the addition immediately after the re-numbered subsection (1) of the following:—

“(2) The Conservator-General of Forests may, duly authorize any person to enter or remain within a Conservation Forest, Reserved Forest, Village Forest or any other forest for the purpose of discharging any official duty arising out of or in connection with the implementation of the Management Plan.”.

Replacement of section 20 of the principal enactment.

**13.** Section 20 of the principal enactment is hereby repealed and the following section substituted therefor:—

“Acts prohibited in any Forest other than a Conservation Forest, Reserved Forest or Village Forest.

20. (1) A person who in a forest other than a Conservation Forest, Reserved Forest or Village Forest:—

- (a) causes damage by negligence when felling any tree or cutting or dragging any timber;
- (b) strips the bark or leaves from any tree or girdles, taps or burns any tree or otherwise damages any tree;
- (c) blocks any waterways within such forest or obtains water from such waterway by means of a pipeline or any other devices or pollutes or



poisons water or pollutes the forest environment by dumping and disposing any garbage in the forest;

- (d) quarries stone, burns lime or charcoal or collects any forest produce or subjects them to any process of manufacture, or extracts coral or mollusc shells, or digs or mines for plumbago, gems or any other mineral and uses or is in possession of explosives for such purposes;
- (e) feeds cattle with grass, hunts shoots, catches fish or sets traps, snares or guns;
- (f) makes any clearings;
- (g) sets fire or kindles any fire in such a manner as to endanger any forest or any part of such forest or leaves any fire burning;
- (h) kindles, keeps or carries any fire, except during such seasons and in such manner as may be authorized in that behalf from time to time;
- (i) fells, cuts, saws, converts, collects, removes or transports any tree or timber or collects, removes, transports or has in his possession, custody or control of any forest produce;
- (j) erects a scaffolding or constructs a saw pit;

- (k) clears or breaks up soil or digs any land for cultivation or for any other purpose or cultivates any land already cleared;
- (l) erects a hut or any building permanent or temporary or occupies any building so erected;
- (m) constructs any road or uses any road so constructed;
- (n) damages, alters or removes any name board or signboard or any wall, ditch embankment, fence, hurdle, gutter or any other boundary mark or marks false boundaries,

shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding two years or to a fine not less than rupees five thousand and not exceeding rupees fifty thousand or to both such fine and imprisonment. In addition to the above, the Court may award compensation for any damage caused to such forest. Such compensation shall not be less than the value of the damage caused to such forest and shall be charged and recovered as a fine levied by Court.

(2) Any person who aids or abets in the commission of any offence specified in subsection (1), or causes any such offence to be committed shall be guilty of an offence and shall on conviction be liable to the same punishment as is specified for the commission of that offence.

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| <p><b>14.</b> Section 21 of the principal enactment is hereby repealed.</p>  | <p>Repeal of section 21 of the principal enactment.</p>   |
| <p><b>15.</b> Section 22 of the principal enactment is hereby amended by the substitution for the words “forest officer duly authorized in that behalf” of the words “forest officer or any officer duly authorized in that behalf”.</p> | <p>Amendment of section 22 of the principal enactment.</p>  |
| <p><b>16.</b> The following new Chapter (sections 23A, 23B, 23C and 23D) is hereby inserted immediately after Chapter IV of the principal enactment and shall have effect as Chapter IV A of that principal enactment:—</p>              | <p>Insertion of new Chapter IV A and sections 23A, 23B, 23C and 23D in the principal enactment.</p> |

“CHAPTER IV A

PROCEDURE OF OBTAINING A CERTIFICATE OF REGISTRATION  
AND A PERMIT

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|---|--|
| <p>Prohibition on carrying on the business of a timber depot &amp;c., without Certificate of Registration and a permit.</p> | <p>23A. No person shall carry on the business of a timber depot otherwise than under the authority of a Certificate of Registration and a permit authorizing such person to carry on the business stated therein for the period specified in such permit, which is issued by the Conservator-General of Forests or any officer authorized by the Conservator-General of Forests in that behalf in writing.</p>                 |
| <p>Issue of permit.</p>   | <p>23B. (1) The Conservator-General of Forests or any officer authorized by the Conservator-General of Forests in that behalf may, on application being made to him in such form as may be prescribed, and on payment of the prescribed fee, issue a Certificate of Registration and a permit to any person authorizing such person to engage in the business of a timber depot subject to specified terms and conditions.</p> |

(2) The said permit shall be valid for the period specified therein and may be renewed on payment of the prescribed fee.

Suspension or cancellation of Certificate of registration and permit.

23C. Where a Certificate of Registration and a permit are issued to any person under section 23B and such person contravenes any of the terms or conditions of the permit, the Conservator-General of Forests or any officer authorized by the Conservator-General of Forests in that behalf may make order suspending the registration of such person for any such period as may be specified therein or cancel such registration.

Penalty.

23D. (1) Any person who in contravention of the provisions of section 23A, carries on the business of a timber depot shall be guilty of an offence and shall on conviction be liable—

- (a) where the offence is for engaging in the business of a timber saw mill which is fixed to the ground or otherwise, a timber sales outlet or a timber seasoning and processing factory to imprisonment for a term not exceeding two years or to a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand or to both such imprisonment and fine; and
- (b) where the offence is for engaging in the business of a carpentry shop (mechanical or otherwise), a furniture shop or a shop which sells wooden implements or parts thereof or any wooden articles or a firewood

depot, to imprisonment for a term of not exceeding six months or to a fine not less than rupees five thousand and not exceeding rupees fifty thousand or to both such imprisonment and fine.

(2) Where any person convicted of an offence under subsection (1) continues to commit such offence after a period of six weeks from the date of his conviction, the court may, upon an application made by the Conservator-General of Forests or any person authorized by the Conservator-General of Forests in that behalf for the closure of such trade or business, order the closure of such trade or business until such time person obtains a Certificate of Registration and a permit in terms of section 23A and complies with the conditions stated in the permit.

(3) In any case, where such person fails to comply with the Order of Closure, and continues to engage in the business of a timber depot the Magistrate shall, order such person to pay a sum not exceeding five thousand rupees for each day on which he so continues to carry on his business subsequent to the Order and also require and authorize the Fiscal of the Court to close such business of a timber depot, which is being carried out at such premises before such date, being a date not earlier than three days or later than seven days from the date of issue of such Order. Such Order shall be sufficient authority for the said Fiscal or any Police Officer authorized by him in that behalf to enter the premises with such number of assistants as the Fiscal deems necessary to close down the business of the timber depot which was being carried on at such premises.”.

Amendment of section 24 of the principal enactment.

**17.** Section 24 of the principal enactment is hereby amended in subsection (1) of that section:—

- (1) by the substitution for the words “by land or water”, of the words “by land, air or water”;
- (2) by the substitution in paragraph (i), for the words “transport”, wherever that word appears in that paragraph of the words “transport or removal”;
- (3) by the repeal of paragraph (p) thereof, and the substitution therefor of the following paragraphs:—
  - “(p) regulate the import and export of timber and forest produce and the levying of fees;
  - (q) prohibit the export from Sri Lanka of any timber or forest produce, except under the authority of a permit issued for such purpose by the Conservator-General of Forests; and
  - (r) prohibit the export of any specified timber or forest produce.”.

Insertion of new section 24A in the principal enactment.

**18.** The following new section is hereby inserted immediately after section 24 of principal enactment and shall have effect as section 24A of that enactment:—

“Application of the Customs Ordinance.

24A. (1) It shall be lawful for an officer of the Department of Customs to levy a fee in respect of all timber or forest produce exported from Sri Lanka, at the port of shipment, at such rates, as are prescribed from time to time.

(2) This section shall be enforced as if it forms part of the Custom Ordinance (Chapter 235) and the provisions of that Ordinance shall apply accordingly.”.

**19.** Section 25 of the principal enactment is hereby amended as follows:—

Amendment of section 25 of the principal enactment.

- (1) in subsection (1) of that section—
  - (a) by the substitution for the words “by a fine not less than five thousand rupees and not exceeding fifty thousand rupees, or by imprisonment for a term not less than three months and not exceeding six months”, of the words “by a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand, or by imprisonment for a term not exceeding four years”;
  - (b) in the second proviso to that section by the substitution for the words “by a fine not less than ten thousand rupees and not exceeding one hundred thousand rupees, or by imprisonment for a term not less than six months and not exceeding two years”, of the words “to a fine not less than rupees fifteen thousand and not exceeding rupees one hundred and fifty thousand, or by imprisonment for a term not exceeding four years”;
- (2) in subsection (2) of that section—
  - (a) by the substitution for the words “for a term not less than six months and not exceeding five years”, of the words “for a term not exceeding five years or to a fine not less than rupees twenty thousand and not exceeding rupees two hundred thousand or to both such imprisonment and fine”;
  - (b) in the proviso to that section by the substitution for the words “ to a fine not less than two thousand five hundred rupees and

not exceeding ten thousand rupees, or to imprisonment for a term not less than three months and not exceeding one year”, of the words “to imprisonment for a term not exceeding two years” or to a fine not less than rupees five thousand and not exceeding rupees twenty five thousand;

- (3) by the repeal of subsection (2A) of that section and the substitution therefor of the following subsection:—

“(2A) Any person who allows any tool, vehicle or machine of which he is the owner or which is in his possession, to be used in the commission of an offence under this Chapter, shall be guilty of an offence and shall on conviction liable to imprisonment for a term not exceeding two years or to a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand or to both such imprisonment and fine”; and

- (4) in subsection (3) of that section by the substitution for the words “in this Chapter,” of the words “in this Chapter or any regulation made thereunder,”.

Amendment of section 26 of the principal enactment.

**20.** Section 26 of the principal enactment is hereby amended as follows:—

- (1) by the re-numbering of that section as subsection (1) of that section;
- (2) in the re-numbered subsection (1), by the substitution for the words “Government Agent” wherever those words appear in that section, of the words “District Secretary, Divisional Secretary or Forest Officer not below the rank of a Range Forest Officer”;



- (3) by the addition immediately after the re-numbered subsection (1) of the following new subsection:—

“(2) Any person who makes an application for a permit to transport timber or forest produce stating that such timber or forest produce was obtained from a private property and there is evidence of proof to the contrary that such timber or forest produce was obtained from a forest declared under the provision of this Ordinance or State land, such person shall be guilty of an offence, and shall on conviction, be liable to the same punishment as is specified in subsection (1) of section 25. The application shall be admissible as evidence against such person in a court of law in .”.

- 21.** Section 27 of the principal enactment is hereby amended as follows:—

Amendment of section 27 of the principal enactment.

- (1) in subsection (1) of that section, by the substitution for the words “power to stop and examine any timber during transit” of the words “power to stop and examine any vehicle during its transit for the purpose of ascertaining whether such vehicle is being used to transport or remove any timber or forest produce,”;
- (2) in subsection (2) of that section, by the repeal of paragraphs (a), (b) and (c) thereof and the substitution therefor of the following:—
- “(a) give such order, direction, signal or use such devices to take such measures as may be necessary to stop any vehicle or cause such vehicle to be halted;
- (b) detain for any vehicle inspection and search;
- (c) seize any timber or forest produce found in a vehicle and deal with the timber and forest produce as provided for in Chapter VII.”.

- (3) in subsection (3) of that section, by the substitution for the words “to a fine not less than five thousand rupees and not exceeding fifty thousand rupees, or to imprisonment of either description for a term not less than three months and not exceeding six months,”, of the words “to imprisonment of either description for a term not exceeding five years, or to a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand”; and
- (4) by the substitution for the words “timber”, wherever that word appears in that section of the words “timber and forest produce”.

Amendment of section 28 of the principal enactment.

**22.** Section 28 of the principal enactment is hereby amended by the repeal of subsection (2) thereof and the substitution therefor of the following:—

“(2) Any person who obstructs or in any way interferes with any forest officer or police officer, in the exercise of his powers under this section, or who causes the obstruction of, or interferes with the exercise of the powers under this section shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding five years or to a fine not less than rupees twenty thousand and not exceeding rupees two hundred thousand or to both such imprisonment and fine.”.

Amendment of section 36 of the principal enactment.

**23.** Section 36 of the principal enactment is hereby amended in subsection (2) of that section by the substitution for the words “punishable by a fine not less than five thousand rupees and not exceeding one hundred thousand rupees or by imprisonment for a term not less than three months and not exceeding two years” of the words “punishable by imprisonment for a term not exceeding two years, or by a fine not less than rupees ten thousand and not exceeding one hundred thousand rupees”.

**24.** Section 37 of the principal enactment is hereby repealed and the following section substituted therefore:—

Replacement of section 37 of the principal enactment.

“Power to seize timber or forest produce or vehicles.

37. (1) Any Forest Officer or Police Officer may, after due inquiry if he has reason to believe that an offence in respect of any timber or forest produce has been committed or is being committed, seize and detain such timber or forest produce, together with all tools, vehicles and all implements cattle and machines used in the commission of such offence.

(2) The Forest Officer or Police Officer referred to in subsection (1) shall produce, such timber or forest produce, together with all tools, vehicles, implements cattle and machines used in the commission of the offence together with the relevant documents before the Magistrate having jurisdiction, within seven working days from the date of such seizure or detention:

Provided however, that a Certificate under the hand of the Conservator-General of Forests or any officer not below the rank of a Range Forest Officer or any Police Officer not below the rank of a Sub-Inspector of Police, who is personally aware and satisfied that it is not practicable to remove and produce in Court, any timber or forest produce from the place where such timber or forest produce is seized or detained, by reason of the fact that the cost to be incurred in the hauling and transportation of such timber or forest

produce for production exceeds the value of the timber or forest produce so seized, shall be admissible in evidence and shall be *prima facie* proof of the facts stated therein.”.

Amendment of section 38A of the principal enactment.

**25.** Section 38A of the principal enactment is hereby amended by the substitution for the words “motor vehicle, machine, implement, raft, tug, trailer” of the words “vehicle, machine, cattle and implement,” and for the words and figure “seized under section 37,” of the words and figure “seized or a certificate given under section 37,”.

Amendment of section 40 of the principal enactment.

**26.** Section 40 of the principal enactment is hereby amended by the repeal of subsection (1) thereof and the substitution therefor of the following:—

“(1) Where any person is convicted of a forest offence—

- (a) all timber or forest produce which is not the property of the State in respect of which such offence has been committed; and
- (b) all tools, vehicles, implements, cattle and machines used in committing such offence,

shall in addition to any other punishment specified for such offence, be confiscated by Order of the convicting Magistrate:

Provided that in any case where the owner of such tools, vehicles, implements and machines used in the commission of such offence, is a third party, no Order of Confiscation shall be made if such owner proves to the satisfaction of the Court that he had taken all precautions to prevent the use of such tools, vehicles, implements, cattle and machines, as the case may be, for the commission of the offence.”.

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

Insertion of section 40B in the principal enactment.

“The provisions of section 433A of the Code of Criminal Procedure Act, No. 15 of 1979, not to apply to persons who plead guilty to or are found guilty of a forest offence. 40B. The provisions of subsections (1) and (2) of section 433A of the Code of Criminal Procedure Act, No. 15 of 1979, as amended by Act, No. 12 of 1990, shall not apply to or in relation to any person who pleads guilty to, or is found guilty of a forest offence.”.

**28.** Section 47 of the principal enactment is hereby amended as follows:—

Amendment of section 47 of the principal enactment.

(1) by the repeal of paragraph (c) of that section and the substitution therefor of the following new paragraphs:—

“(c) alters, moves, destroys, defaces or forges any boundary mark or boundary post or prepares false survey plans or tenders any such false survey plan of any forest to which the provisions of this Ordinance apply; or

(d) keeps in his possession or custody unlawfully stamped timber or timber with counterfeit stamping.”;

(2) by the substitution for the words “for a term not less than six months and not exceeding two years or to a fine not less than ten thousand rupees and not exceeding fifty thousand rupees” in that section of the words “for a term not exceeding two years or to a fine not less than rupees five thousand and not exceeding rupees fifty thousand or”.

Amendment of section 48 of the principal enactment.

**29.** Section 48 of the principal enactment is hereby amended by the repeal of subsection (2) thereof and the substitution therefor of the following:—

“(2) Every officer making an arrest under this section shall, without unnecessary delay, produce the person arrested to the nearest police station together with a statement stating the commission of the offence with which the accused is charged. The Officer-in-Charge of the police station shall, forthwith, take or send the person arrested to the nearest Magistrate:

Provided however, that where the arrest of any person under this section is made by a Forest Officer or any Officer of the Department of Wild Life Conservation, such person shall be taken to the Range Forest Officer or a Wild Life Ranger respectively who shall produce the arrested person before the nearest Magistrate without any delay.”.

Amendment of section 48A of the principal enactment.

**30.** Section 48A of the principal enactment is hereby amended in subsection (1) of that section, by the substitution for the words “for a term of not less than one year and not exceeding five years or to a fine not less than twenty five thousand rupees or not exceeding one hundred thousand rupees” of the words “for a term of not exceeding five years or to a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand”.

Replacement of section 52 of the principal enactment.

**31.** Section 52 of the principal enactment is hereby repealed and the following new section substituted therefor:—

“Presumption that timber &c., belongs to the State.

52. Where in any proceedings under this Ordinance, or in consequence of anything done under this Ordinance, a question arises as to whether any timber or forest produce, is the property of the State, such timber or forest produce, shall be presumed to be the property the State until the contrary is proved.”.

**32.** Section 53 of the principal enactment is hereby amended by the substitution for the words “Criminal Procedure Code” wherever such words appear in that section, of the words “Code of Criminal Procedure Act, No. 15 of 1979” and for the word and figures “Chapter XVI” of the word and figures “Chapter XV” respectively.”.

Amendment of section 53 of the principal enactment.

**33.** Section 53A of the principal enactment is hereby repealed and the following new section substituted therefor:—

Replacement of section 53A of the principal enactment.

“Ejectment from State Land.

53A. Where any person unlawfully clears or encroaches or is in unlawful or unauthorized possession of a portion of, any Conservation Forest, Reserved Forest, Village Forest or any Forest not included in those categories, as the case may be, such person shall be guilty of an offence and he shall in addition to the punishment for such offence be ejected from such land and the provisions of the State Lands (Recovery of Possession) Act, No. 7 of 1979 shall, *mutatis mutandis*, apply to any such ejectment. Every reference to Divisional Secretary in that Act shall be read and construed as a reference to the Divisional Forest Officer of the area in which such land is situated.”.

**34.** Section 55 of the principal enactment is hereby amended by the repeal of paragraphs (a), (b) and (c) of that section and the substitution therefor of the following paragraphs:—

Amendment of section 55 of the principal enactment.

- “(a) for each elephant or buffalo - Rs. 15,000.00
- (b) for each calf, ass, pig, sheep, lamb. goat or kid - Rs. 3,000.00
- (c) for every head of cattle other than the above - Rs. 7,500.00”.

Amendment of section 58 of the principal enactment.

**35.** Section 58 of the principal enactment is hereby amended in subsection (2) by the insertion immediately after paragraph (b), of the following new paragraphs:—

- “(c) any employee or officer of the Department of Wild Life Conservation to perform the functions of a Forest Officer for the purposes of sections 24, 27, 37, or 48 of this Ordinance;
- (d) a District Land Officer, Land Officer, Kachcheri Surveyor, Grama Niladhari and a Colonization Officer of the Land Commissioners Department to perform the functions of a Forest Officer for the purposes of sections 27, 37 or 48 of this Ordinance; or
- (e) a District Secretary, Divisional Secretary, Assistant Divisional Secretary to perform the functions of a Forest Officer for the purposes of sections 24, 27, 28, 30, 31, 32, 37 or 48 of this Ordinance.”.

Amendment of section 59 of the principal enactment.

**36.** Section 59 of the principal enactment is hereby amended in subsection (1) of that section by the insertion immediately after paragraph (i) thereof of the following paragraphs:—

- “(j) power to name and appoint the category of officers empowered to issue permits for specified timber and forest produce and to specify the corresponding specific areas in relation to paragraph (b) of subsection (1) of section 24 of this Ordinance ;
- (k) power to classify the category of timber and the forest produce in relation to paragraph (p) and (r) of subsection (1) of section 24.”.

Replacement of section 64 of the principal enactment.

**37.** Section 64 of the principal enactment is hereby repealed and the following section substituted therefor:—

“Regulations. 64. (1) The Minister may make regulations in respect of matters required by this Ordinance



to be prescribed or in respect of which regulations are authorized or required to be made.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations—

- (a) to declare the forest officer or class of forest officers, who shall exercise or perform the powers or duties conferred or imposed by this Ordinance;
- (b) to regulate and administer the “Forest Department Fund” for the purpose for which such Fund was established;
- (c) to provide for the payment into such fund of the whole or part of—
  - (i) sums received as compensation for offences committed under this Ordinance and proceeds of fines imposed by Court and proceeds from the sale of confiscated vehicles;
  - (ii) sums received through activities undertaken by the Forest Department; and
  - (iii) such other contributions as may be made to the fund by the Government, any public or private corporation or any individual;

- (d) to provide for the payment out of the fund, subject to such conditions as may be specified in the regulations,—
  - (i) of rewards to informers under the Informers Reward Ordinance (Chapter 28) and to forest officers;
  - (ii) of compensation for bodily injury caused to forest officers, police officers or other officers in the exercise, performance and discharge of their powers, duties and functions under this Ordinance, or
  - (iii) when death results from such injury, for compensation to their heirs;
  - (iv) of travelling expenses properly incurred in attending courts for the purposes of this Ordinance;
  - (v) of expenses for carrying on raids to abate illicit fellings and illicit transport, of timber; and
  - (vi) of expenses incurred in forest protection activities including the conduct of training programmes for forest officers enabling them to carry out their functions efficiently under this Ordinance;

- (e) to implement an insurance scheme for the benefit of the forest officers of the Forest Department;
- (f) to generally carry out the provisions of this Ordinance, which would include a levy of the fee to be paid for any licence or permit issued under this Ordinance or under any regulation made thereunder, and the mode and manner of payment or recovery of any such fee; and
- (g) in respect of the matters set out below within any forest which is not a Conservation Forest, Reserve Forest or Village Forest:—
  - (i) levying of fees or charges in respect of activities to be carried out within the forest;
  - (ii) activities to be carried out for the purpose of conservation and development of degraded forest areas with community and private sector participation including the procedure for the preparation of Management Agreements indicating their purpose, scope and extent;
  - (iii) entering into such agreements, cancellation of the same, imposing conditions, levying of fees and formulating strategies for the settlement of disputes in connection with the management of such forest;

- (iv) the development of a benefit sharing mechanism among the management partners or stakeholders;
- (v) the procedure to be followed in authorizing the use of forest produce in such forest, by any local community and the conditions applicable thereto;
- (vi) the conditions applicable to any activity within the forest; and
- (vii) the areas in respect of which and the conditions subject to which any scientific research may be permitted.

(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, within one month after its publication in the *Gazette*, be brought before Parliament for approval.

(5) 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.

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

**38.** The following new sections are hereby inserted immediately after section 64 of the principal enactment and shall have effect as sections 64A and 64B of that enactment:—

Insertion of new sections 64A and 64B in the principal enactment.

“Court to direct payment of share of fine to the Fund.

64A. The Court may—

- (a) where an offence relates to the imposition of a fine, direct that an amount equivalent to not less than one-half of the amount of such fine; and
- (b) where an offence relates to the confiscation of the vehicles used in connection with the commission of the offence, direct that an amount equal to not less than one-half of the proceeds recovered from the sale of such vehicle,

be credited to the Forest Department Fund established under the provisions of this Act.

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

64B. (1) The Fund shall be utilized for the purposes of granting compensation to any forest officer who is permanently, disabled, or partially disabled or temporarily incapacitated, or in the event of death of any forest officer, to the legal heirs, in any case where such disablement, incapacitation or death, as the case may be is due to an injury—

- (a) sustained by such officer while on duty; or
- (b) sustained by such officer while travelling—
  - (i) from his place of residence to his place of work to report for duty; or

- (ii) from his place of work to his place of residence after duty; or
- (c) sustained by such officer, while not on duty in the performance of some act which is within the scope of his ordinary duties; or
- (d) sustained by such officer in consequence of any act or performance in the execution of his duties; or
- (e) sustained by such officer as a result of any act of reprisal occasioned by, or arising out of, any action taken by him in the execution of his duties.

(2) Any compensation granted in accordance with regulations made under the preceding provisions of this section in respect of the disablement, incapacitation or death of a forest officer shall be in addition to any pension, gratuity, compensation, allowance or other benefit granted in respect of such disablement, incapacitation or death under the Minutes on Pensions or any other written law applicable thereto.”.

Amendment of section 65 of the principal enactment.

**39.** Section 65 of the principal enactment is hereby amended by the repeal of that section and the substitution therefor of the following:—

“Rules. 65. The Minister may make rules in respect of matters required by this Ordinance to be made. Every rule so made shall be published in the *Gazette*.”

**40.** Section 67 of the principal enactment is hereby amended by the substitution for the words “in a reserved forest or village forest” of the words “in a Conservation Forest or Reserved Forest or Village Forest or any Forest not included in those categories.”.

Amendment of section 67 of the principal enactment.

**41.** The following new section is hereby inserted immediately after section 67 of the principal enactment and shall have effect as section 67A of that enactment:—

Insertion of new section 67A in the principal enactment.

“Reward for informers. 67A. It shall be lawful for the Conservator-General of Forests to determine in accordance with specified criteria, the sum of money to be paid to persons as rewards from the Forest Department Fund for the protection of the forest, where such persons provide—

(a) voluntary information in relation to any offence under this Ordinance;

(b) voluntary assistance in extinguishing any fire occurring within any forest.”.

**42.** Section 77 of the principal enactment is hereby repealed.

Repeal of section 77 of the principal enactment.

**43.** Section 78 of the principal enactment is hereby amended as follows:—

Amendment of section 78 of the principal enactment.

(1) by the repeal of the definition of the expression “animal” and the substitution therefor of the following definition:—

‘ “animal” means any member of the animal kingdom at any stage of the life cycle or any part thereof;’;

(2) by the substitution in the definition of the expression “cattle”, for the words “elephants, buffaloes, horses,” of the words “elephants, buffaloes, neat cattle, horses”;

(3) by the repeal of the definition of the expression “classification mark” and the substitution therefor of the following definition:—

‘ “classification mark” means a mark placed on timber to denote its origin, or the agency by which it has been handled and the class to which such timber belongs;’;

(4) by the insertion immediately after the definition of the expression “Conservation Forest” of the following definition:—

‘ “District Secretary” means the District Secretary in charge of an Administrative District;

“Divisional Secretary” means the Divisional Secretary in charge of a Divisional Secretary’s Division;’;

(5) by the repeal of the definition of the expression “forest officer” and the substitution therefor of the following definition:—

‘ “forest officer,” means any person appointed by name or as holding an office, to be Conservator-General of forests, Conservator of Forests, Senior Deputy Conservator of Forests, Deputy Conservator of Forests, Assistant Conservator of Forests, Divisional Forest Officer, Additional Divisional Forest Officer, Assistant Divisional Forest Officer, Special Forester, Forester, Range Forest Officer, Additional Range Forest Officer, Beat Forest Officer, Forest Field Assistant, Forest



Watcher, Forest Labourer, Plantation Labourer and any other person by name or by office appointed to discharge any function of a forest officer under the provisions of this Ordinance or any regulation or rule made thereunder;’;

- (6) in paragraph (a) of the definition of the expression “forest produce”—
- (a) by the substitution for all the words from “gum and myrabolans” of the words “gum, myrabolans and extracts from plants, animals and birds.”;
  - (b) by the repeal of paragraph (c) thereof substitution therefor of the following paragraph:—
    - “(c) tusks, horns, shed horns, edible bird’s nests, animal skin and parts of animals.”;
  - (c) in paragraph (d) thereof, by the substitution for the words “rocks and minerals” of the words “rocks and minerals, sand, stones, gems or soil excavated from the gem pits.”;
  - (d) by the insertion immediately after paragraph (d) of the following new paragraph:—
    - “(e) water from natural springs, fountains and other natural resources of water.”;
- (7) by the insertion immediately after the definition of the expression “forest produce” of the following definition:—
- ‘ “Grama Niladhari” means the Grama Niladhari in charge of a Grama Niladhari Division;’;
- (8) by the repeal of the definition of the expression “Government Agent”;

(9) by the repeal of the definition of the expression “Headman”;

(10) by the insertion immediately after the definition of the expression “imprisonment” of the following definition:—

‘ “person” includes a body of persons, corporate or unincorporate;’;

(11) by the repeal of the definition of the expression “plant” and the substitution therefor of the following definition:—

‘ “plant” means any member of the plant kingdom inclusive of any part of its life cycle of plants and also includes climbers or creepers wooden or otherwise, trees, ferns, lichens, epiphytes or any part thereof, seed, fruit or flowers or any part thereof;’;

(12) by the repeal of the definition of the expression “police officer” and substitution therefor of the following definition:—

‘ “Police Officer” means any officer appointed under the Police Ordinance (Chapter 53) and serving in the Police Department in the Regular Service, Reserve Service or Special Task Force, as the case may be;’;

(13) by the insertion immediately after the definition of the expression “river” of the following definition:—

‘ “State Land” means any land defined under the Crown Lands Ordinance (Chapter 454);’;

- (14) in the definition of the expression “timber depot or timber yard”, by the addition immediately after paragraph (d) thereof, of the following:—

‘“A timber depot” includes any firewood shed, any shop or showroom where wooden furniture or wooden articles are kept for sale and place where carpentry work is being carried out using machines or otherwise any timber sales outlet, timber saw mill fixed to the ground or otherwise, or timber seasoning and processing factory. It shall also include a hand tractor if it is used as a mobile timber saw mill but it shall not include any temporary carpentry work shop in a construction site where wooden articles are made or wood is being fashioned utilizing timber brought to such site on a permit legally issued by an officer authorized in that behalf;’; and

- (15) by the repeal of the definition of the expression “tree” and substitution therefor of the following definitions:—

‘“tree” includes bamboos, stumps and brushwood, palms, canes, creepers, climbers woody, or otherwise, reeds and trees in all stages of their growth;

“vehicle” includes boats, carts, motor vehicles, tractors, trailers, containers, rafts, tugs or any mode of transport motorized or otherwise;’.

**44.** 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.

Replacement of Schedules in the principal enactment.

45. Schedule III and Schedule IV to the principal enactment are hereby repealed and the following Schedules substituted therefor:—

**“Schedule III** (Section 74)

Whereas the sum of Rs. . . . . was due to the State under the provisions of the Forest Ordinance, from . . . . . of . . . . . which said sum has not been paid by the said . . . . .

And where the land . . . . . being the property of the said . . . . . was seized in conformity with the provisions of the said Ordinance, and sold also in conformity therewith on the . . . . . day of . . . . . The land was purchased by . . . . . of . . . . . for the sum of Rs. . . . . which has been duly paid by the said . . . . .

Now know ye that I, . . . . . District Secretary, by virtue and in exercise of the powers vested in me in this behalf by the said Ordinance, do hereby certify that the following property, to wit (described herein with special accuracy as to boundaries), has been sold to and purchased by the said . . . . . for the sum of Rs. . . . . which he has duly paid, and that the said premises are and shall hence forward be vested in the said. . . . . his heirs, executors, administrators and assigns, free of all encumbrances.

Given under my hand this day of

(Signature) . . . . .  
District Secretary.

**Schedule IV** (Section 75)

Where the sum of Rs. . . . . was due to the State under the provisions of the Forest Ordinance, from . . . . . of . . . . . which said sum has not been paid by the said . . . . .

And whereas the land . . . . . being the property of the said . . . . . was seized in conformity with the said Ordinance, and sold also in conformity therewith on the . . . . . day of . . . . . and the same was purchased by . . . . . District Secretary, for the sum of Rs. . . . . which has been credited to the Government of Sri Lanka in part satisfaction (or full, as the case may be) of a sum of Rs. . . . . due to the State.

Now know ye that I, . . . . . District Secretary, by virtue and in exercise of the powers vested in me in this behalf by the said Ordinance, do hereby certify that the following property, (described herein with special accuracy as to boundaries), which has been sold to and purchased by the said . . . . . District Secretary, for and on behalf of the State, for the sum of Rs. . . . . which said sum has been duly credited to the State as aforesaid, and that the said premises are and shall hence forth be vested in the State, free of all encumbrances.

Given under my hand this day of

(Signature) . . . . .  
District Secretary.

**Schedule V**

The principal enactment is hereby amended in the sections specified in Column I by the substitution, for the word or expression specified in the corresponding entry in Column II, of the word or expression specified in the corresponding entry in Column III of that Schedule.

Column I Section	Column II Words to be deleted	Column III Words to be substituted
4	Government Agent	District Secretary
24(1)	Ceylon	Sri Lanka
49A	Government Agent	District Secretary
53A	Government Agent	District Secretary
57	Government Agent	District Secretary
72	Government Agent	District Secretary
73	Government Agent	District Secretary
74	Government Agent	District Secretary
75	Government Agent	District Secretary".

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

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**MINES AND MINERALS (AMENDMENT)  
ACT, No. 66 OF 2009**

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[Certified on 17th November, 2009]

*Printed on the Order of Government*

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*Mines and Minerals (Amendment)  
Act, No. 66 of 2009*

[Certified on 17th November 2009]

L. D.—O. 8/2007.

AN ACT TO AMEND THE MINES AND MINERALS  
ACT, NO. 33 OF 1992

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

1. This Act may be cited as the Mines and Minerals (Amendment) Act, No. 66 of 2009. Short title.
  
2. Section 4 of the Mines and Minerals Act, No. 33 of 1992 (hereinafter referred to as the “principal enactment”) is hereby amended as follows:— Amendment to section 4 of Act, No. 33 of 1992.
  - (1) in subsection (1) of that section by the substitution for the words “following five members” of the words “following seven members”; and
  - (2) by the repeal of paragraph (a) of subsection (1) and the substitution therefor of the following paragraph:—
    - “(a) (i) the Secretary to the Ministry of the Minister in charge of the subject of industries or his representative;
    - (ii) the Secretary to the Ministry of the Minister in charge of the subject of environment or his representative;
    - (iii) three members who appear to the Minister to have demonstrated practical experience and possess knowledge in the fields of Geology, Mining, Business Management, Finance and Law.”.



2 *Mines and Minerals (Amendment)*  
*Act, No. 66 of 2009*

Amendment  
of section 5  
of the  
principal  
enactment.

**3.** Section 5 of the principal enactment is hereby amended in subsection (2) by the substitution for the words “Board shall be three” of the words “Board shall be five”.

Amendment  
of section 6  
of the  
principal  
enactment.

**4.** Section 6 of the principal enactment is hereby amended as follows:—

(1) by the repeal of subsection (1) of that section and the substitution therefor of the following subsection:—

“(1) The Minister shall appoint in consultation with the Board, a person having at least twelve years of demonstrated professional and applied experience as a geologist or a mining engineer with a postgraduate degree or Charter as the Director General of the Geological Survey and Mines Bureau.”;

(2) in subsection (2) of that section by the substitution for all the words from “the Director of Geological Survey and Mines” to the words “principal technical officer” of the words “The Director-General of the Geological Survey and Mines (hereinafter referred to as the “Director-General”) shall be the Chief Executive Officer and principal technical officer,”; and

(3) in subsection (3) of that section by the substitution for the words “a period of six years” of the words “a period of three years”.

Amendment  
of section 8  
of the  
principal  
enactment.

**5.** Sections 8 of the principal enactment is hereby amended by the repeal of subsection (1) of that section and the substitution therefor of the following subsection:—

“(1) The Board may delegate to the Chairman, the Director General or an employee of the Bureau or to any other person who is an employee of the public sector, by name or by office, any or all of the powers, duties or

functions, conferred or, imposed on, or assigned to, the Bureau by this Act, other than the power conferred by this subsection.”.

**6.** Section 12 of the principal enactment is hereby amended as follows:—

Amendment of section 12 of the principal enactment.

- (1) in paragraph (*d*) of that section by the substitution for the words “minerals and the processing, trading in” of the words “minerals and the processing, transport, storing, trading in”;
- (2) by the repeal of paragraph (*e*) of that section and the substitution therefor of the following new paragraphs:—
  - “(e) to advise the Minister on measures to be adopted for the promotion, extraction, value addition through development of mineral based products and export of such mineral based products on a commercial basis;
  - (f) to disseminate in appropriate media, information and data acquired during the exercise of functions under the Act, in particular, under paragraphs (*a*), (*b*) and (*c*) of this section; and
  - (g) to undertake projects in regard to engineering geology and provide advice and remedial measures caused in respect of geological hazards and disasters.”.

**7.** Section 13 of the principal enactment is hereby amended in subsection (2) of that section as follows:—

Amendment of section 13 of the principal enactment.

- (1) by the repeal of paragraph (*d*) of that section and the substitution therefor of the following paragraph:—
  - “(d) to issue licences for—
    - (i) explorations consequent to the receipt of an application or by the advertising and calling for Expressions of Interest:

4 *Mines and Minerals (Amendment)*  
*Act, No. 66 of 2009*

- (ii) mining;
  - (iii) transport;
  - (iv) trade-in;
  - (v) storing; and
  - (vi) export of minerals”;
- (2) in paragraph (h) of that subsection, by the substitution for the words “the Bureau” of the words “the Bureau; and”;
- (3) by the insertion immediately after paragraph (h) of the following new paragraph:—
- “(i) to serve as a member of any Technical Evaluation Committee of any Ministry, department or statutory organization as the case may be, wherein any project proposal relating to geology or minerals is being evaluated.”.

Insertion of the new section 20A of the principal enactment.

**8.** The following new section is hereby inserted immediately after section 20, of the principal enactment and shall have effect as section 20A of that enactment:—

“Exemption of the Bureau from payment of taxes, duties &c.,

20A. The Minister shall, with the concurrence of the Minister in charge of subject of Finance exempt the Bureau from the payment of any duty, levy and any tax on the profits and income of the Bureau to such extent as is permitted in terms of the Inland Revenue Act, No. 10 of 2006 or in terms of any other written law for the time being in force governing the imposition of any such duty, levy or tax as the case may be.”.

**9.** Section 27 of the principal enactment is hereby amended by the substitution for the words “and the State Gem Corporation Act, No. 13 of 1971 apply.”, of the words “and the State Gem Corporation Act, No. 13 of 1971 apply:”

Amendment of section 27 of the principal enactment.

Provided however, for the purposes of paragraph (b) of section 12 of this Act, the Bureau shall receive data and reports of all surveys and investigations pertaining to the search of hydrocarbons and gems carried out within the territory of Sri Lanka.”

**10.** Section 28 of the principal enactment is hereby amended as follows:—

Amendment of section 28 of the principal enactment.

- (1) in subsection (1) of that section by the substitution for the words “No person shall explore for, mine, transport, process, trade in” of the words “No person shall explore for, mine, transport, process, store, trade in”;
- (2) in subsection (3) of that section by the substitution for the words “may transfer” of the words “shall transfer”; and
- (3) in subsection (4) of that section by the substitution for the words “on or from such land”, of the words “on or from such land, if such mineral is used for the construction of a building for the personal use of such owner, occupant or holder.”.

**11.** Section 29 of the principal enactment is hereby amended as follows:—

Amendment of section 29 of the principal enactment.

- (1) by the substitution for the words “No licence to explore for, mine, transport, process, trade in” of the words “No licence to explore for, mine, transport, process, store, trade in”; and

6 *Mines and Minerals (Amendment)*  
*Act, No. 66 of 2009*

- (2) by the addition immediately after sub-paragraph (iv) of paragraph (a) of the following new sub-paragraph:—

“(v) is a member of the Parliament or a member of a Provincial Council or a member of a local authority.”.

Amendment of section 30 of the principal enactment.

**12.** Section 30 of the principal enactment is hereby amended as follows:—

- (1) by the repeal of paragraph (a) of that section;
- (2) in paragraph (c) of that section by the substitution for the words “distance of a lake, stream or a tank” of the words “distance of a lake, river, stream or a tank”;
- (3) by the repeal of paragraph (h) of that section and the substitution therefor of the following new paragraphs:—

“(h) any land falling within the coastal zone within the meaning of the Coast Conservation Act, No. 57 of 1981, without the approval of the Minister and the Minister in charge of the subject of Coast Conservation;

(i) any land falling within any special area declared under section 3 of the Mahaweli Authority of Sri Lanka Act, No. 23 of 1979, without the approval of the Minister in charge of the subject of Mahaweli Development;

(j) any land falling within any reserved forest or village forest declared or constituted under the Forest Ordinance, (Chapter 451) without the approval of the Minister in charge of the subject of forests;

- (k) any land falling within an Urban Development Area declared under section 3 of the Urban Development Authority Law, No. 41 of 1978, without the approval of the Minister in charge of the subject of Urban Development;
- (l) any land falling within a national reserve or sanctuary declared under section 2 of the Fauna and Flora Protection Ordinance, (Chapter 469) without the approval of the Minister in charge of the subject of Wild Life Conservation.”.

**13.** Section 31 of the principal enactment is hereby amended as follows:—

Amendment of section 31 of the principal enactment.

- (1) in paragraph (a) of that section by the substitution for the words “(Chapter 188); and” of the words “(Chapter 188);”;
- (2) in paragraph (b) of that section by the substitution for the words “the said Ordinance.” of the words “the said Ordinance;”; and
- (3) by the addition at the end of that section of the following paragraphs:—
  - “(c) any land situated within a Botanic Gardens within the meaning of the Botanic Gardens Ordinance (Chapter 446) or any area declared under subsection (2) of section 2 of that Ordinance;
  - (d) any National Heritage Wilderness Area declared under the National Heritage Wilderness Areas Act, No. 3 of 1988; and
  - (e) any burial ground or cemetery within the meaning of the Cemeteries and Burial Grounds Ordinance (Chapter 231).”.

Amendment of section 33 of the principal enactment.

**14.** Section 33 of the principal enactment is hereby amended in subsection (1) of that section by the substitution for the words from “No licence to explore” to the words “Beryllium, lithium coral” of the words “No licence to explore for or mine, transport, process, store, trade in or export minerals containing radioactive elements and coral”.

Amendment of section 35 of the principal enactment.

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

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

- (a) in paragraph (b) thereof, by the substitution for the words “explore for or mine, transport, process, trade in or export minerals” of the words “explore for or mine, transport, process, store, trade in or export minerals”;
- (b) in paragraph (c) thereof, by the substitution for the words “exploration, mining, transportation, processing, trading in or exporting” of the words “exploration, mining, transportation, processing, storing, trading in or exporting is authorized”;
- (c) by the repeal of the proviso to that subsection and the substitution therefor of the following proviso:—

“Provided however that an industrial mining licence or a licence to explore, for minerals may be transferred or given as security subject to such conditions as may be specified in such licence.”;

(2) in subsection (4) of that section—

- (a) in paragraph (a) thereof, by the substitution for the words “that the exploration, mining processing, trading in and” of the words “that the exploration, mining, transport, processing, storing, trading in and”;

- (b) in paragraph (e) thereof, by the substitution for the words “exceeding six months” of the words “exceeding three months”.

**16.** Section 37 of the principal enactment is hereby amended in paragraph (d) of subsection (1), by the substitution for the words “a period of over six months” of the words “a period of over three months”.

Amendment of section 37 of the principal enactment.

**17.** Section 42 of the principal enactment is hereby amended by the substitution for the words “for his personal use” of the words “for his personal use, not being a commercial purpose”.

Amendment of section 42 of the principal enactment.

**18.** Section 44 of the principal enactment is hereby amended by the repeal of paragraph (d) of that section, and the substitution therefor of the following paragraph:—

Amendment of section 44 of the principal enactment.

“(d) to enter into and inspect any land, mine or other premises in respect of which a licence has been issued under this Act and—

- (i) to carry out such investigations or surveys thereon; and
- (ii) to make such inspections and examinations of any plant, equipment, machinery, books of accounts, plans or other documents found thereon,

as may be necessary to ascertain whether the terms and conditions of such licence or any provision of this Act or of any regulation made thereunder, are being complied with.”.

**19.** Section 46 of the principal enactment is hereby amended as follows:—

Amendment of section 46 of the principal enactment.

- (1) by the repeal of the marginal note to that section and the substitution therefor of the following marginal note:—

“Powers of officers &c to



10 *Mines and Minerals (Amendment)*  
*Act, No. 66 of 2009*

carry out  
geological and  
mineral  
investigations.”.

Insertion of new  
section 46A in  
the principal  
enactment.

**20.** The following new section is hereby inserted immediately after section 46 of the principal enactment and shall have effect as section 46A of that enactment:—

“Powers of authorized officers to enter, search and inspect &c. 46A. The Bureau may, where it considers it necessary for the purpose of discharging the functions of the Bureau, authorize in writing any officer of the Bureau (hereinafter referred to as the “authorized officer”) to—

- (a) enter, search and inspect any site, premises, or place in which any mining, exploration for, processing, storing, trade in or export of any mineral is being carried on under the authority of a licence issued under this Act for the purpose of ascertaining the compliance of the provisions of this Act;
- (b) enter, search and inspect any site, premises or place where the authorized officer has reason to believe that any mining, exploration for processing, storing, trade in, or export of any mineral is being carried on without the authority of a licence under this Act ;
- (c) stop, enter and inspect any vehicle or vessel in which authorized officer has reason to believe that any minerals are being transported or exported as the case may be, in contravention of the provisions of this Act or regulations made thereunder.”.

**21.** Section 47 of the principal enactment is hereby repealed. Replacement of section 47 of the principal enactment.

**22.** Section 48 of the principal enactment is hereby amended by the addition at the end of that section of the following new subsections :— Amendment of section 48 of the principal enactment.

“(3) Where the holder of a licence to explore for minerals determines that a mineral may be developed and mined on a commercial basis in the area in respect of which such licence has been issued, he shall have the exclusive right to apply for and obtain an industrial mining licence and artisanal mining licence in respect of such area, if he has complied with the conditions attached to the licence issued to him to explore for minerals and is otherwise not disqualified under any other provision of this Act from obtaining a licence for mining minerals.

(4) The Secretary shall on a request made by the holder of a licence to explore for minerals and with the prior approval of the Minister, enter into an Investment Agreement with such holder. Every such Investment Agreement shall be in such form as shall be prescribed and shall contain such terms and conditions as may be prescribed.”.

**23.** Section 49 of the principal enactment is hereby amended by the substitution for the words “right to mine for all minerals in the area specified in such licence and to trade in and export such minerals” of the words “right to mine only the minerals specified in such licence and to trade in and export such minerals wherever possible after product development.”. Amendment of section 49 of the principal enactment.

Amendment of section 51 of the principal enactment.

**24.** Section 51 of the principal enactment is hereby amended by the substitution for all the words from “provided that” to the words “except with the consent of such owner” of the words “Provided that where the owner or state organization of any such area of land is in possession of such area of land, the holder of the licence shall not exercise the rights conferred on him by this section except with the consent of such owner or state organization”.

Amendment of the heading to Part III of the principal enactment.

**25.** The heading to the Part III of the principal enactment is hereby amended by the substitution for the words “health, safety and welfare of workers in mines” of the words “health, safety and welfare of workers mining for minerals”.

Amendment of section 55 of the principal enactment.

**26.** Section 55 of the principal enactment is hereby amended as follows :—

- (1) by the renumbering of that section as subsection (1) of that section ; and
- (2) by the addition immediately after the renumbered subsection (1) of the following subsection :—

“(2) Nothing in subsection (1) shall apply to—

- (a) any female engaged in a managerial capacity ;
- (b) any female engaged in providing health or welfare services ; or
- (c) any female who, as part of any course of study, is required to be familiar with underground mining activities.”.

**27.** Section 57 of the principal enactment is hereby amended by the addition immediately after subsection (3) thereof of the following new subsection :—

Amendment of section 57 of the principal enactment.

“(4) The recruitment for such purposes shall be in accordance with the labour laws and regulations for the time being in force.”.

**28.** Section 58 of the principal enactment is hereby amended in subsection (1) of that section, by the substitution, for the words “shall be ordered or compelled”, of the words “shall, except in the case of an accident, be ordered or compelled.”.

Amendment of section 58 of the principal enactment.

**29.** Section 61 of the principal enactment is hereby amended in subsection (3) of that section by the substitution for the words “subsection (1)” of the words “subsection (2)”.

Amendment of section 61 of the principal enactment.

**30.** Section 63 of the principal enactment is hereby amended as follows :—

Amendment of section 63 of the principal enactment.

- (1) in paragraph (a) of subsection (1) of that section by the substitution for the words “or mines, processes, transports, trades in or exports” of the words “or mines, processes, stores, transports, trades in or exports,”;
- (2) in subsection (1) of that section by the substitution for all the words from “before a Magistrate be liable to a fine not exceeding five hundred thousand rupees” to the words “for a term not exceeding one year” of the words “before a Magistrate be liable to a fine not less than fifty thousand rupees and not exceeding five hundred thousand rupees and in the case of a second or subsequent offence, to a fine not less than one hundred and fifty thousand rupees and not exceeding two million rupees or to imprisonment for a term not exceeding two years”;

- (3) by the insertion immediately after subsection (1) of that section of the following new subsections :—

“(1A) Where a Magistrate convicts any person for an offence under this Act for exploring for, or mining, minerals on any land, without a licence in that behalf issued under this Act, he may in addition to any fine or imprisonment, imposed on such person, order such person to restore or rehabilitate such land to the state it was in, prior to the commencement of such exploration or mining operation.

(1B) A Certificate under the hand of the Director-General, to the effect that the land described therein, being a land in respect of which an order has been made under subsection (1A), has been restored to the state it was in prior to the commencement thereon of the exploration or mining operation. Shall be admissible in evidence and shall be *prima facie* evidence of the facts stated therein.”.

- (4) in subsection (2) of that section by the substitution for all the words from “before a Magistrate be liable” to the words “not exceeding six months” of the words “before a Magistrate be liable to a fine not less than five thousand rupees and not exceeding seventy five thousand rupees or to imprisonment for a term not exceeding twelve months”;
- (5) in subsection (3) of that section by the substitution for the words “a fine not exceeding twenty five thousand rupees” of the words “a fine not less than ten thousand rupees and not exceeding fifty thousand rupees.”.

**31.** The following new sections are hereby inserted immediately after section 63 of the principal enactment and shall have effect as sections 63A, 63B, 63C and 63D of that enactment :-

Insertion of new sections 63A, 63B, 63C and 63D of the principal enactment.

“Powers of seizure.

63A. (1) A police officer who has reasonable grounds to believe that an offence has been committed under this Act may, with or without a warrant, seize any mined mineral quantity of mineral which has been mined, or any machinery, equipment or material used in or in connection with, the commission of that offence.

(2) Where any mineral, machinery, equipment or material is seized by a police officer in pursuance of the powers conferred on him by this section, he shall forthwith produce such mineral, machinery, equipment or material before, or make it available for inspection by, a Magistrate, who shall make such order as he thinks fit relating to the detention or custody of such mineral, machinery, equipment or material, pending the conclusion of a prosecution instituted in respect of such mineral, machinery, equipment or material :

Provided however, that where any mineral, machinery, equipment or material so seized is subject to speedy decay, the Magistrate may order that such mineral, machinery, equipment or material be sold and the proceeds of such sale be deposited in Court.

Forfeiture.

63B. (1) Where any person is convicted of an offence under this Act, the Magistrate may make order that any mineral, machinery, equipment or material used in, or in connection

with, the commission of that offence or the proceeds of the sale of any such mineral, or material deposited in court under the proviso to section 63A, be forfeited to the State.

(2) Any mineral, machinery, equipment or material forfeited by an order under subsection (1), shall vest absolutely in the State upon the making of such order.

(3) Such vesting shall take effect—

- (a) if no appeal is preferred after the expiration of the period within which an appeal against the order of forfeiture may be preferred to a High Court established by Article 154p of the Constitution or the Supreme Court ; or
- (b) where an appeal has been preferred against the order of forfeiture, to a High Court established by Article 154p of the Constitution or to the Supreme Court, upon the determination of such appeal, either confirming the order of forfeiture or setting aside the appeal.

(4) The Court shall cause any mineral, machinery, equipment or material which has been vested in the State under subsection (2) to be sold and the proceeds of such sale to be deposited in Court.

Offences to be cognizable offences.

63c. Notwithstanding anything to the contrary in the Code of Criminal Procedure Act, No. 15 of 1979, every offence under this Act shall be deemed to be a cognizable offence within the meaning and for the purposes of that Act.

Officers of  
the Bureau  
to be peace  
officers.

63D. Every officer of the Bureau shall be a peace officer within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979, for the purpose of exercising any of the powers conferred upon peace officers by that Act.”.

**32.** Section 64 of the principal enactment is hereby amended by the repeal of subsection (1) of that section and the substitution therefore, of the following subsection :—

Amendment of  
section 64 of the  
principal  
enactment.

“(1) The Minister may make regulations in respect of all matters which are required by this Act to be prescribed or in respect of which regulation are authorized to be made to give effect to the principles and provisions of this Act, and in particular in respect of all or any of the following matters :—

- (a) the health and safety of workers in and around mines ;
- (b) sanitary conditions in mines ;
- (c) medical facilities to be provided in mines ;
- (d) the management of waste, refuse and poisonous substances in mines ;
- (e) the appointment of Mine Managers ;
- (f) the appointment Committees to oversee the worker, health and safety of workers in mines ;
- (g) the reporting of accidents and deaths occurring in mines ;
- (h) the maintenance of records and accounts in relation to mining in mines ;



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- (i) the handling and use of explosives in mines ;
- (j) the regulation of the use of plants or machinery in mines ;
- (k) storing of minerals ;
- (l) demand and collection of royalties ;
- (m) the preparation and submission of mine environment and restoration plans and the manner of compliance.”.

Amendment of section 68 of the principal enactment.

**33.** Section 68 of the principal enactment is hereby amended by the substitution for the words “The Quarries, Mines and Minerals” of the words “Mines, Quarries and Minerals”.

Amendment of section 70 of the principal enactment.

**34.** Section 70 of the principal enactment is hereby amended by the insertion immediately after the definition of the expression “local authority” of the following definition:—

““mine” means an opening upon, or an excavation in, or a working of the ground, for the purpose of exploring or mining for, and processing of, minerals and includes all works, machinery, plant, buildings, and premises below or above ground used in connection with such exploration, mining or processing activities;”.

Sinhala text to prevail in the event of any inconsistency.

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

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

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**CANCER RESEARCH FOUNDATION OF  
SRI LANKA (INCORPORATION)  
ACT, No. 67 OF 2009**

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*Cancer Research Foundation of Sri Lanka  
(Incorporation) Act, No. 67 of 2009*

[Certified on 17th November, 2009]

L.D.—O. (INC.) 3/2005.

AN ACT TO INCORPORATE THE CANCER RESEARCH FOUNDATION OF  
SRI LANKA

WHEREAS a Foundation called and known as the “Cancer Research Foundation of Sri Lanka” 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 Board of Management of the said Foundation has heretofore successfully carried out and transacted the several objects and matters for which the said Foundation was established, and has applied to be incorporated, and it will be for the public advantage to grant such application :

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

**1.** This Act may be cited as the Cancer Research Foundation of Sri Lanka (Incorporation) Act, No.67 of 2009.

Short title .

**2.** From and after the date of commencement of this Act, such and so many persons as now are members of the Cancer Research Foundation of Sri Lanka (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 Cancer Research Foundation of Sri Lanka (hereinafter referred to as the “Corporation”) and by that name may sue and be sued and shall have full power and authority to have and to use a common seal and to alter the same at its discretion

Incorporation of the Cancer Research Foundation of Sri Lanka.

2 *Cancer Research Foundation of Sri Lanka  
(Incorporation) Act, No. 67 of 2009*

General objects  
of the  
Corporation.

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

- (a) to accept ethically approved research proposals on oncology from clinicians practicing in Sri Lanka and to promote and fund such researches under the guidance and observations of the Board of Management;
- (b) to grant financial support to persons or organizations involved in cancer research in Sri Lanka to carry out researches; and
- (c) to grant financial assistance to cancer patients who are in need of such assistance.

Management of  
the affairs of the  
Corporation.

**4.** (1) The affairs of the Corporation shall, subject to the provisions of this Act and the rules to be made under section 6, be administered by a Board of Management consisting of the Chairman and not less than four members of the Corporation who shall have qualifications and experience in the field of medicine or science.

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

General powers  
of the  
Corporation.

**5.** Subject to the provisions of this Act and any other written law, the Corporation shall have the power to—

- (a) utilize the funds belonging to the Corporation in order to achieve the objects of the Corporation, in a manner determined by the Board of Management;
- (b) open, maintain and close bank accounts in any bank or banks as may be determined by the Board of Management;

- (c) employ and dismiss officers and servants required for the carrying out of the objects of the Corporation ; and
- (d) do all other acts and things as are incidental or conducive to the attainment and furtherance of the objects of the Corporation.

**6.** (1) It shall be lawful for the Corporation from time to time, at any General Meeting or at a Special General Meeting 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 election of the office bearers, their term of office, resignation from, or vacation of, or removal from office and their powers and duties;
- (b) the election and the terms of office of members of the Board of Management other than the office bearers, and the powers and duties of the Board of Management;
- (c) the administration and management of the property of the Corporation, the custody of its funds and the maintenance and audit of its accounts;
- (d) the procedure to be followed at any meeting of the Board of Management and the quorum therefor and the conduct of business thereat; and
- (e) 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 laid down in subsection (1).

4 *Cancer Research Foundation of Sri Lanka  
(Incorporation) Act, No. 67 of 2009*

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

Corporation may hold movable and immovable property.

**7.** Subject to the provisions of this Act, the Corporation shall be able and capable in law to acquire and hold any property both movable and immovable by way of purchase, grant, gift or 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.

The Fund of the Corporation.

**8.** (1) The Corporation shall have its own Fund and all monies heretofore received or hereafter to be received by way of gift, bequest, donation, subscription, contribution or grants on behalf of the Corporation shall be deposited to the credit of the Fund of the Corporation in one or more banks as the Board of Management may determine.

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

Expenses to be paid out of the Fund.

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

(2) Any expenses incurred by any member, officer or any servant of the Corporation in any suit or prosecution brought by or against such person before any court in respect of any act or omission which is done or purported to be done by such person in good faith for the purpose of carrying out the provisions of this Act shall, if the court holds that such Act or

omission was done in good faith, be paid out of the Fund of the Corporation, unless such expenses are recovered by him in such suit or prosecution.

**10.** (1) The Corporation shall cause proper accounts to be kept of all income and expenditure, assets and liabilities and all other transactions of the Corporation. Audit of accounts.

(2) The Accounts of the Corporation shall be audited by a qualified auditor appointed by the Board of Management.

(3) For the purposes of 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.

**11.** The seal of the Corporation shall not be affixed to any instrument except in the presence of the Chairman and two members of the Corporation as may be decided by the Board of Management, 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.** If upon the dissolution of the Corporation there remains any property after the satisfaction of all debts and liabilities, any property whatsoever shall not be distributed among members of the Corporation, but shall be given or transmitted to some other institution or institutions having Property remaining on dissolution.



6 *Cancer Research Foundation of Sri Lanka  
(Incorporation) Act, No. 67 of 2009*

objects similar to those of the Corporation, and which is or are by its rules prohibited from distributing any income or property among its or their members. Such institution or institutions may be determined by the Board of Management on or before the dissolution of the Corporation.

Saving of the rights of the Republic and others.

**13.** Nothing contained in this Act 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.

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**PARLIAMENT OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF  
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**GRAMODAYA MANDALA FUND  
(AMENDMENT) ACT, No. 68 OF 2009**

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[Certified on 18th November, 2009]

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*Gramodaya Mandala Fund (Amendment)*  
*Act, No. 68 of 2009*

[Certified on 18th November, 2009]

L. D. — O. 53/2007.

AN ACT TO AMEND THE GRAMODAYA MANDALA FUND  
ACT, NO. 28 OF 1982

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

- 1.** This Act may be cited as the Gramodaya Mandala Fund (Amendment) Act, No. 68 of 2009. Short title.
- 2.** The Long Title to the Gramodaya Mandala Fund Act, No. 28 of 1982 (hereinafter referred to as the “principal enactment”) is hereby amended by the substitution for the words “Gramodaya Mandala Fund” of the words “Jana Diriya Fund”. Amendment of the Long title to Act, No. 28 of 1982.
- 3.** (1) In the principal enactment and in any other written law, there shall be substituted for the words “Gramodaya Mandala Fund Act” and “Gramodaya Mandala Fund,” of the words “Jana Diriya Fund Act” and “Jana Diriya Fund”, respectively. “Gramodaya Mandala Fund Act” and “Gramodaya Mandala Fund” to be known respectively as “Jana Diriya Fund Act” and “Jana Diriya Fund”.

(2) Every reference to the “Gramodaya Mandala Fund Act” and “Gramodaya Mandala Fund” in any regulation, rule, order, notice, notification or other document shall be read and construed as a reference to the “Jana Diriya Fund Act” and the “Jana Diriya Fund”, respectively.
- 4.** Section 3 of the principal enactment is hereby amended as follows:— Amendment of section 3 of the principal enactment.

  - (1) in subsection (2) thereof—

    - (a) by the repeal of paragraph (b) and the substitution therefor of the following:—

“(b) the Minister in charge of the subject of Finance:

2 *Gramodaya Mandala Fund (Amendment)*  
*Act, No. 68 of 2009*

Provided however where the President is functioning as the Minister of Finance, the reference shall be to the Deputy Minister in charge of the subject of Finance”;

- (b) in paragraph (l) thereof, by the substitution for the words “three other persons” of the words “four other persons”;
- (2) in subsection (4) thereof, by the substitution for the words “without assigning a reason therefor” of the words “assigning reasons therefor”; and
- (3) in subsection (6) thereof by the substitution for the words “four members” of the words “five members”.

Amendment of Section 5 of the principal enactment.

**5.** Section 5 of the principal enactment is hereby amended as follows:—

- (1) by the substitution for the words “Every Gramodaya Mandala” of the words “Every society or an institution registered under any written law specified in the First Schedule to this Act”;
- (2) by the substitution for the words from “any work” to the end of that section of the words “any work pertaining to the subjects referred to in the Second Schedule hereto.”; and
- (3) by the repeal of the marginal note to that section and the substitution therefor of the following:—

“Powers of a registered society or institution”.

Amendment of section 6 of the principal enactment.

**6.** Section 6 of the principal enactment is hereby amended by the substitution for the words “assistance to Gramodaya Mandala” of the words “assistance to every society or an institution registered under any written law specified in the First Schedule to this Act” and for the words “such Gramodaya Mandalaya” of the words “such society or institution”.

*Gramodaya Mandala Fund (Amendment)*      3  
*Act, No. 68 of 2009*

**7.** The following new section is hereby inserted immediately after section 6 of the principal enactment, and shall have effect as section 6A of that enactment:—

Insertion of new section 6A in the principal enactment.

“Approved society.      6A. (1) The Minister may for the purpose of this Act, approve any society or institution which is a non-profit making society or a non-political society or non-profit making institution, as an approved society.

(2) The Minister may prescribe the criteria to be satisfied by a society for such society to be approved.”.

**8.** Section 7 of the principal enactment is hereby amended in paragraphs (d) and (g) of subsection (2) of that section by the substitution for the words “Gramodaya Mandala” wherever those words appear in those paragraphs of the words “any society or institution registered under any written law specified in the First Schedule to this Act.”.

Amendment of section 7 of the principal enactment.

**9.** Section 14 of the principal enactment is hereby amended by the substitution for the words Inland Revenue Act, No. 28 of 1979 of the words “Inland Revenue Act, No. 28 of 1979, or the Inland Revenue Act, No. 38 of 2000 or Inland Revenue Act, No. 10 of 2006 as the case may be” wherever those words appear in that section.

Amendment of section 14 of the principal enactment.

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

Amendment of section 15 of the principal enactment.

(1) in subsections (2) and (3) thereof by the substitution for the words “section 13 of the Transport Board Law, No. 19 of 1978” of the words “section 14 of the National Transport Commission Act, No. 37 of 1991”;

(2) in subsection (5) thereof by the substitution for the words “Local Government Service” and “Local

4 *Gramodaya Mandala Fund (Amendment)*  
*Act, No. 68 of 2009*

Government Service Advisory Board” of the words “Provincial Public Service” and “Provincial Public Service Commission” respectively wherever those words appear in that section.

Amendment of section 20 of the principal enactment.

**11.** Section 20 of the principal enactment is hereby amended by the repeal of the definition of the expression “Development Council” in that section.

Amendment of the Schedule in the principal enactment.

**12.** The Schedule to the principal enactment is amended as follows:—

- (1) by the re-numbering of that Schedule as the Second Schedule ; and
- (2) by the insertion immediately before the re-numbered Second Schedule of the following new Schedule:—

“FIRST SCHEDULE

- (a) Any Gramodaya Mandala established under section 17A of the Development Councils Act, No. 35 of 1980, amended by Act, No. 45 of 1981;
- (b) A Samurdhi Force registered under the Sri Lanka Samurdhi Authority Act, No. 30 of 1995;
- (c) A Co-operative Society registered under the Co-operative Societies Act, No. 5 of 1972;
- (d) A Farmer’s Association registered by the Agrarian Services Commissioner under the Agrarian Development Act, No. 46 of 2000;

*Gramodaya Mandala Fund (Amendment) Act, No. 68 of 2009* 5

- (e) A Youth Association affiliated to the National Youth Service Council under the National Youth Services Act, No. 69 of 1979; and
- (f) Every organization, association or body registered or approved by any Ministry, Department of Government or other Government Agency, under a scheme approved by the Government for such registration or approval.”.

**13.** 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.



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**PARLIAMENT OF THE DEMOCRATIC  
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**APPROPRIATION (AMENDMENT)  
ACT, No. 69 OF 2009**

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*Appropriation (Amendment) Act, No. 69 of 2009*

[Certified on 20th November, 2009]

L.D.—O. 38/2009.

AN ACT TO AMEND THE APPROPRIATION ACT, NO. 43 OF 2008.

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

- 1.** This Act may be cited as the Appropriation (Amendment) Act, No. 69 of 2009. Short title.
- 2.** Section 2 of the Appropriation Act, No. 43 of 2008 is hereby amended in subsection (1) of that section, by the substitution in paragraph (b) of that subsection for the words “ does not exceed rupees eight hundred and forty thousand million.”, of the words “does not exceed rupees one thousand and fifty billion.”. Amendment of section 2 of Act, No. 43 of 2008.
- 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.

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**PARLIAMENT OF THE DEMOCRATIC  
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**FOUNDATION OF RURAL WORKERS AND  
ALLIED RURAL RESOURCES  
DEVELOPMENT (INCORPORATION)  
ACT, No. 70 OF 2009**

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*Foundation of Rural Workers and Allied Rural  
Resources Development (Incorporation)  
Act, No. 70 of 2009*

[Certified on 24th November, 2009]

AN ACT TO INCORPORATE THE FOUNDATION OF RURAL WORKERS AND  
ALLIED RURAL RESOURCES DEVELOPMENT.

L.D.—O.(Inc.) 13/2008

WHEREAS a Foundation called and known as the “Foundation of Rural Workers and Allied Rural Resources Development” has heretofore been formed in Sri Lanka for the purpose of effectually carrying out its objects 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 formed and has applied to be incorporated and it will be for the public advantage to grant the 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 Foundation of Rural Workers and Allied Rural Resources Development (Incorporation) Act, No. 70 of 2009.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the “Foundation of Rural Workers and Allied Rural Resources Development” (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 the “Foundation of Rural Workers and Allied Rural Resources 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 at its pleasure.

Incorporation of the Foundation of Rural Workers and Allied Rural Resources Development.

2 *Foundation of Rural Workers and Allied Rural  
Resources Development (Incorporation)  
Act, No. 70 of 2009*

General objects  
of the  
Corporation.

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

- (a) to promote activities in order to alleviate poverty and overcome economical, social and cultural deficiency among rural communities;
- (b) to bring amity, peace and harmony among rural and plantation communities irrespective of cast, race, religious and ethnic variations;
- (c) to develop socio-economic conditions of rural and plantation communities through education, self-employment, vocational training, small entrepreneurship and all other viable means;
- (d) to establish, maintain and promote projects for the development of agricultural, horticultural, livestock, other rural and cottage industries and find marketing opportunities for such industries;
- (e) to develop through unity and mutual understanding the social status of rural workers and to minimize the social setback of lower income group;
- (f) to promote special programmes for women to integrate themselves in to overall development and gender equality;
- (g) to grant financial assistance, arrange bank loans and obtain government subsidies for rural and plantation sectors;
- (h) to organize seminars, workshops, study visits, lectures and discussions, grant scholarships and awards, organize sports and cultural activities in order to develop skills in rural and plantation sectors;

*Foundation of Rural Workers and Allied Rural*      3  
*Resources Development (Incorporation)*  
*Act, No. 70 of 2009*

- (i) to establish pre-schools, parks, play grounds and community centers to develop the mental and physical growth of children in the rural and plantation sectors;
- (j) to provide medical facilities for the rural and plantation sectors through the conduct of mobile medical clinics and the provision of medical equipment and medicinal drugs; and
- (k) to print, publish and distribute leaflets, newspapers, magazines and books for the promotion of objects of the Corporation.

(2) In the implementation of the objects specified in subsection (1), the Corporation shall ensure that such implementation is carried out to the greatest extent possible without distinction based on race, caste, religion, language, sex or political opinion.

**4.** (1) The affairs of the Corporation shall, subject to the rules of the Corporation made under section 6, be administered by a Board of Governors (hereinafter referred to as the “Board”) consisting of the Chairman, Vice Chairman and other office bearers elected or appointed in accordance with the rules of the Corporation made under section 6.

Management of affairs of the Corporation.

(2) The first Board shall consist of the members of the Board of Governors of the Foundation holding office on the day immediately preceding the date of commencement of this Act.

**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 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—

General powers of the Corporation.

- (a) acquire, hold, take or give on lease or hire, mortgage, pledge, sell, exchange, or otherwise alienate,



4 *Foundation of Rural Workers and Allied Rural  
Resources Development (Incorporation)  
Act, No. 70 of 2009*

encumber or dispose of any immovable property for the purposes of the Corporation;

- (b) enter into and perform or carry out, whether directly or through any officer or agent authorized in that behalf by the Corporation, all such contracts or agreements as may be necessary for the attainment of the objects or the exercise of the powers of the Corporation;
- (c) accept gifts, donations and bequests in cash or in kind;
- (d) invest its funds, and to maintain current, deposit and savings accounts in any bank;
- (e) borrow or invest money for the purposes of the Corporation in such manner and upon such security as the Corporation may think fit; and
- (f) appoint, employ, transfer, exercise disciplinary control over and dismiss officers and servants required for the carrying out of the objects 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 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 on all or any of the following matters:—

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

*Foundation of Rural Workers and Allied Rural Resources Development (Incorporation) Act, No. 70 of 2009*      5

- (c) the election of members of the Board and its powers conduct and duties;
- (d) the powers, duties and functions of the various officers, agents and servants of the Corporation;
- (e) the procedure to be observed or the summoning and holding of meetings of the Board, the time, places, notices and agenda of such meetings and the quorum therefor and the conduct of business thereat; and
- (f) the administration and management of the property of the Corporation and the custody of its funds.

(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 at all times be subject to the rules of the Corporation.

**7.** (1) The Corporation shall have its own fund and all moneys heretofore or hereafter received by way of gifts, testamentary dispositions, transfers, donations, subscriptions, contributions, fees or grants or any financial investment shall be deposited to the credit of the fund of the Corporation in one or more Banks as may be determined by the Board.

Fund of the Corporation.

(2) All expenses incurred in the Corporation in exercising and discharging its powers and functions shall be paid out of the fund.

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

Audit and accounts.

(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 *Foundation of Rural Workers and Allied Rural  
Resources Development (Incorporation)  
Act, No. 70 of 2009*

(3) The accounts of the corporation shall be audited by a qualified auditor appointed by the Board.

(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 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 such Institute.

The Seal of the Corporation.

**9.** The seal of the Corporation shall be in the custody of such person as the Board may from time to time determine and shall not be affixed to any instrument whatsoever except with the sanction of the Board and in the presence of atleast two members of the Board who 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. The seal may be altered in such manner as may be determined by the Board.

Debts due by and payable to the Foundation.

**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, subscription and contributions payable to the Foundation on that day shall be paid to the Corporation for the purposes of this Act.

Limitation of liability of members .

**11.** No member of the Corporation shall, for the purpose of discharging the debets 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.

*Foundation of Rural Workers and Allied Rural Resources Development (Incorporation) Act, No. 70 of 2009* 7

**12.** 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.

**13.** Subject to the provisions of this Act, 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 the Corporation and subject to the rules of the Corporation made under section 6, with full power to sell, mortgage, lease, exchange or otherwise dispose of, the same.

Corporation may hold property movable and immovable .

**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 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 the distributing of 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.

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 any inconsistency.

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**PARLIAMENT OF THE DEMOCRATIC  
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**PREMADASA HEGODA FOUNDATION  
(INCORPORATION) ACT, No. 71 OF 2009**

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*Premadasa Hegoda Foundation (Incorporation)*  
*Act, No. 71 of 2009*

[Certified on 18th December 2009]

L. D. — O. (INC.) 34/2007.

AN ACT TO INCORPORATE THE PREMADASA HEGODA FOUNDATION

Preamble.

WHEREAS an Association called and known as the “Premadasa Hegoda Foundation” has 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 :

AND WHEREAS the said Association has heretofore successfully carried out and transacted 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 Premadasa Hegoda Foundation (Incorporation) Act, No. 71 of 2009.

Short title.

**2.** From and after the date of commencement of this Act, such and so many persons as presently are members of the Premadasa Hegoda Foundation (hereinafter referred to as the “Association”) 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 “Premadasa Hegoda 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 Premadasa Hegoda Foundation.

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

General objects of the Corporation.

(a) to establish and maintain welfare centres for destitute and displaced children ;

2 *Premadasa Hegoda Foundation (Incorporation)*  
*Act, No. 71 of 2009*

- (b) to take care of disabled, deformed and mentally retarded children and to arrange for the future welfare of these children and to aid in this regard ;
- (c) to initiate vocational courses needed for mentally retarded or deformed or displaced children and to provide for their educational needs ;
- (d) to establish and maintain vocational training centres in collaboration with local and foreign institutions ;
- (e) to develop cordiality and corporation between this Corporation and social workers, scientists, philanthropists and local and foreign welfare societies having social objectives ;
- (f) to construct buildings necessary for the use of the Corporation as well as the use of the persons coming from abroad for the benefit of the Corporation and to supply and maintain facilities and equipment for such purposes ;
- (g) to teach youth values and proper behaviour which would mould their character ;
- (h) to assist the children in every respect so that they become good citizens of the country ;
- (i) to establish and maintain pre-schools for the benefit of low income families and to conduct courses for the training of preschool teachers ;
- (j) to promote traditional cultural arts by supplying material and providing facilities and by encouraging and protecting the interests of the artists and their welfare ;
- (k) to organize cultural exchange programmes with other countries ;



*Premadasa Hegoda Foundation (Incorporation) 3*  
*Act, No. 71 of 2009*

- (l) to assist in the conservation of the natural resources of Sri Lanka and protection of the endangered species, animals, birds, fish and reptiles and provide all assistance to the relevant institutions ;
- (m) to organize seminars, workshops, projects and discussions and to maintain relations with local and foreign institutions in this field ; and
- (n) 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.

(2) In the implementation of the objects specified in subsection (1) the Corporation shall ensure that such implementation is carried out without distinction based on race, caste, religion language, sex or political opinion.

**4.** (1) The affairs of the Corporation shall, subject to the other provisions of this Act and such rules as may be made under section 7, be administered by a Board of Management consisting of the President, Secretary, Assistant Secretary, Treasurer and Assistant Treasurer and five committee members who shall be appointed at a general meeting and elected in accordance with the rules of the Corporation.

Management of the affairs of the Corporation.

(2) The members of the Board first of Management of the Corporation shall consist of the members of the Board of Administration of the Associations holding office on the day immediately proceeding the date of commencement of this Act and shall hold office until the holding of the first annual general meeting of the Corporation.

**5.** The Board of Management shall cause a register to be maintained in which every person who, at 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 hereby constituted, shall have his name inscribed in such register.

Register of the members.

4 *Premadasa Hegoda Foundation (Incorporation)*  
*Act, No. 71 of 2009*

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 for the furtherance of the objects of the Corporation or anyone of them, including the power—

- (a) to purchase, hold, rent, construct and otherwise obtain lands or buildings which may be required for the purposes of the Corporation ;
- (b) to borrow or 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 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 bank accounts ;
- (e) to invest any funds not immediately required for the purposes of the Corporation, in such a manner as the Board of Management may think fit ;
- (f) to undertake, accept, execute, perform and administer any lawful trusts and conditions affecting any movable or immoveable 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 purpose of the Corporation.

*Premadasa Hegoda Foundation (Incorporation) 5*  
*Act, No. 71 of 2009*

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 or any other written law, for the following matters :—

Rules of the Corporation.

- (a) classification of membership, fees payable by each class of members, their admission, withdrawal, expulsion or resignation ;
- (b) election of the Board of Management, or vacation of, or removal as office bearers and powers, duties, functions and conduct of the Board of Management ;
- (c) appointment, employment and dismissal of the various 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 Corporation, Board of Management, 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 ;
- (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) 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).

6 *Premadasa Hegoda Foundation (Incorporation)*  
*Act, No. 71 of 2009*

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

Audit and  
Accounts.

**8.** (1) The Corporation shall have its own fund and the financial year shall be the calendar year.

(2) The Corporation shall cause proper accounts to be kept of all 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 Corporation.

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

(a) an individual who being a member of the Institute of Chartered Accountants of Sri Lanka or 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.

Corporation  
may hold  
property  
movable or  
immovable.

**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, 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 7, with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

*Premadasa Hegoda Foundation (Incorporation) 7*  
*Act, No. 71 of 2009*

- 10.** 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, subscriptions and contributions payable to the Association, on that day shall be paid to the Corporation for the purposes of this Act. Debts due by and payable to the Association.
- 11.** If upon the winding up or 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 its or their rules 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 such dissolution of the Corporation. Property remaining on dissolution of the Corporation.
- 12.** The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the President of the Corporation or his absence two other persons duly authorized by the Board of Management 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 or 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.

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

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**ZAM TRUST (INCORPORATION)  
ACT, No. 72 OF 2009**

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[Certified on 23rd December, 2009]

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*Zam Trust (Incorporation)*  
*Act, No. 72 of 2009*

[Certified on 23rd December, 2009]

L.D.—O. (INC.) 31/2007.

AN ACT TO INCORPORATE THE ZAM TRUST

WHEREAS a trust called and known as the “Zam Trust” has hitherto been established in Colombo for the purpose of effectually carrying out objects and transacting all matters connected with the said Trust:

Preamble.

AND WHEREAS the said Trust 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 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 Zam Trust (Incorporation) Act, No. 72 of 2009.

Short title.

**2.** From and after the date of commencement of this Act, such and so many persons as now are members of the Board of Trustees of Zam Trust (hereinafter referred to as the “Trust”) 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 “Zam Trust” (hereinafter referred to as “the Corporation”) and by that name may sue or may be sued with full power and authority to have and use a common seal, the same at its pleasure.

Incorporation of the Zam Trust.

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

General objects of the Corporation.

- (a) to promote the advancement of education and knowledge, of Muslims and to provide scholarships and any form of financial assistance to needy Muslim scholars ;



- (b) to establish, construct and maintain homes for the poor muslims and educational institutes, Mosques, hospitals and vocational training centres for muslims ;
- (c) to assist the muslim students in studies and other activities ;
- (d) to promote, encourage, assist and undertake activities for the relief of poverty and distress caused disasters and natural calamities in relation to muslims ;
- (e) to provide basic necessities such as water and electricity to the needy muslims ;
- (f) to collect, classify, translate, print, publish and distribute books, journals and magazines related to Islamic education amongst the muslim people ; and
- (g) to promte, encourage, assist and foster activities for the advancement of communal, national and international understanding, religious harmony, goodwill and peace amongst the muslim people.

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 whatsoever, as necessary or desirable for the promotion or furtherance of the objects of the Corporation or anyone of them, including the power to open, operate and close bank accounts, to borrow or raise funds, with or without security, to invest, its funds and to engage, employ and dismiss officers and servants for the carrying out of the object of the Corporation :

Board of  
Trustees of the  
Corporation.

**5.** The Trustees of the Board of Trustees of the Trust, holdings the office on the day preceding the date of commencement of this Act, shall with effect from the coming

into operation of this Act, be deemed to be the trustees of the Board of Trustees of the Corporation.

6. (1) The affairs of the Corporation shall, subject to the rules of the Corporation made under section 7 be administered by the Committee of Management (hereinafter referred to as “Committee”) consisting of the President, the Honorary Secretary, the Honorary Treasurer and not less than five Committee members to be appointed by the Board of Trustees.

Management of the affairs of the Corporation.

(2) The members of the Committee of the Trust, holding the office on the day preceding the date of commencement of this Act, shall be deemed to be members of the first Committee.

7. (1) It shall be lawful for the Corporation from time to time, at any general meeting of the Corporation and by majority of not less than two-thirds of the members present, to make rules not inconsistent with the provisions of this Act or any other written law, for appointment of the Committee, for the conduct of the duties of the Committee and of the various officers, agents and servants of the Corporation, for the procedure in the transaction of business and otherwise generally for the management of the affairs of the Corporation.

Rules of the Corporation.

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

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

8. (1) The fund of the Corporation shall consist of—

Fund of the Corporation.

(a) all moneys lying in the credit of the Trust on the preceding date of commencement of this Act, which shall stand transferred to the Corporation from that date;

(b) all moneys that may accrue to the Corporation after that date of commencement of this Act; and

(c) any donations or gifts rendered to the Corporation.

(2) All moneys lying to the credit of the Fund shall be utilized to defray the expenses incurred in the management of the affairs of the Corporation and the accomplishment of its objects.

Audit and  
Accounts.

**9.** (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 —

(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 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 any one of such Institutes.

Debts due by  
and payable to  
the Trust.

**10.** All debts and liabilities of the Trust existing on the day immediately preceding the date of commencement of this Act shall be paid and discharged by the Corporation

hereby constituted and all debts due to and contributions payable to the Trust shall be paid to the Corporation, for the purpose of this Act.

**11.** The seal of the Corporation shall be in the custody of the Secretary and may be altered in such manner, as may be determined by the Committee. The seal shall not be affixed to any instrument whatsoever, except with the sanction of the Committee and in the presence of two members of the committee who shall sign the instrument in token of their presence. Such signing shall be independent of the signing of any person as a witness.

Seal of the Corporation.

**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 any other Institute or Institutes 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. Such Institute or Institutions shall be determined by the members of the Corporation at or immediately before the dissolution of the Corporation.

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 the Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

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**PARLIAMENT OF THE DEMOCRATIC  
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**INSTITUTE OF PROJECT MANAGERS  
SRI LANKA (INCORPORATION)  
ACT, No. 73 OF 2009**

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*Institute of Project Managers Sri Lanka  
(Incorporation) Act, No. 73 of 2009*

[Certified on 23rd December, 2009]

L.D.—O. INC. 1/2007.

AN ACT TO INCORPORATE THE INSTITUTE OF PROJECT MANAGERS  
SRI LANKA

WHEREAS an institute called and known as the “Institute of Project Managers Sri Lanka” has heretofore been established in Colombo, 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 established and has applied to be incorporated and it will be for the public advantage to grant the application :

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

1. This Act may be cited as the Institute of Project Managers Sri Lanka (Incorporation) Act, No. 73 of 2009.

Short title.

2. From and after the date of commencement of this Act such and so many persons as now are or may hereafter be enrolled as corporate and non corporate members of the Institute of Project Managers Sri Lanka, (hereinafter referred to as the “Institute”), 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 “Institute of Project Managers Sri Lanka” (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 to alter the same at its pleasure.

Incorporation of the Institute of Project Managers Sri Lanka.

2 *Institute of Project Managers Sri Lanka  
(Incorporation) Act, No. 73 of 2009*

General objects  
of the  
Corporation.

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

- (a) to promote and advance the science and practice of project management in Sri Lanka ;
- (b) to foster professionalism in the management of projects ;
- (c) to help in obtaining and exchanging academic and industrial research and technical knowledge in the field of project management by introducing speedy communication systems and discussions thereon, by establishing and maintaining technical and management libraries, publications on matters of professional interest and any such other means ;
- (d) to promote the study of project management, to encourage original research and provide a recognized forum for the free exchange of ideas, applications and solutions with a view of facilitating the scientific and economic development of Sri Lanka ;
- (e) to conduct examinations for the granting of membership of the Corporation to test the competency of persons engaged in project management and to grant certificates of competence ;
- (f) to determine the eligibility of candidates for admission to various grades of membership;
- (g) to maintain ethics, standards and accreditation in the field of project management ;
- (h) to regulate the professional activities and to assist in maintaining high standards in the field of project management ;



- (i) to collaborate with universities and other educational institutes to encourage academic and industrial research and for relevant areas of education and career development at all levels in project management ;
- (j) to provide and maintain the necessary buildings and material for the well being of its members and the general public ;
- (k) to encourage and assist in the settlement of disputes by adjudicators, arbitrators and to maintain panels of adjudicators and arbitrators ; and
- (l) to establish relationships with other public and private organizations, with regard to project management, and to co-operate in matters of common interest ;

**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 thing 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 or close bank accounts, to borrow and 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 purpose of 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 Corporation, to be made under section 6 of this Act, be administered by a Council consisting of the President, the immediate Past President, the Vice President, the General Secretary, the Treasurer, the Assitant Secretary, the Editor, the Assistant Treasurer and such other office-bearers as may be provided for by the rules and elected in accordance therewith.

Management of  
the affairs of the  
Corporation.

4 *Institute of Project Managers Sri Lanka  
(Incorporation) Act, No. 73 of 2009*

(2) The members of the committee of the Institute holding office on the day immediately preceding the date of commencement of this Act, shall be deemed to be the members of the first Council of the Corporation.

Rules of the Corporation.

**6.** (1) It shall be lawful for the Corporation, from time to time at any meeting by the votes 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 one of the following matters :—

- (a) the classification of membership and the admission, withdrawal and expulsion of members and the particulars to be inscribed in the register of members;
- (b) the election of the members of the Council and its powers, duties and functions and the term of office of the members of the Council ;
- (c) the powers, duties and functions of various officers, agents and servants of the Corporation ;
- (d) the procedure to be observed at meetings of the Council ; the summoning and holding of meetings of the Council, the times, places, notices and agenda of such meetings ; the quorum therefore and the conduct of business thereat ;
- (e) the administration and management of the property of the Corporation; and
- (f) generally, the management of the affairs of the Corporation.

(2) Such rules when made may, at a like meeting, and in like manner, be altered, added to, amended or rescinded.

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

7. The Council of the Corporation 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 as 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 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.

Fund of the Corporation.

(2) 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.

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

Accounts and audit..

(2) The accounts of the Corporation shall be audited by a qualified auditor, at least once in every year.

(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

6 *Institute of Project Managers Sri Lanka  
(Incorporation) Act, No. 73 of 2009*

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 Institute.

**10.** All debts and liabilities of the Institute existing on the day immediately preceding the date of commencement 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 Institute on that day shall be paid to the Corporation hereby constituted, for the purposes of this Act.

Application of moneys and property.

**11.** 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, bonus, profit or otherwise howsoever to the members of the Corporation.

Power to charge fees and subscription.

**12.** The Corporation shall be able and capable in law to charge —

- (a) such fees, as the Corporation may deem reasonable, for admission to any course or examination conducted by the Corporation ;
- (b) fees for the admission of persons to any class of membership of the Corporation ; and
- (c) such subscription and fees as the Corporation may deem appropriate to charge.

Corporation may hold property, movable and immovable.

**13.** Subject to the provisions of this Act, 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, 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 with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

- 14.** The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of two members of the Council, one of whom shall be the President 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.
- 15.** The Corporation shall have the power to appoint disciplinary committees and to make such other steps as may be deemed appropriate from time to time, for the control of professional standards and for the management of discipline among persons practising or acting as project managers in Sri Lanka. Disciplinary Committees.
- 16.** 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 such property shall be given or transferred to such 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. The members of the Corporation shall determine such institution or institutions at the time of dissolution of the Corporation or prior to such dissolution. Dissolution.
- 17.** Nothing in this Act 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.
- 18.** 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.

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**AL HAJ S. M. M. HUSSAIN CHARITABLE  
TRUST (INCORPORATION)  
ACT, No. 74 OF 2009**

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*Al Haj S. M. M. Hussain Charitable Trust  
(Incorporation) Act, No. 74 of 2009*

[Certified on 23rd December 2009]

L.D.—O. (Inc.) 30/2007.

AN ACT TO INCORPORATE THE AL HAJ S. M. M. HUSSAIN CHARITABLE TRUST AND TO PROVIDE FOR ALL MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

WHEREAS a Trust called and known as Al Haj S. M. M. Hussain Charitable Trust has heretofore been established in the Year 1982 for the purpose of effectually carrying out the objects for which it was established:

Preamble.

AND WHEREAS the Board of Trustees of the said Trust have successfully carried out and transacted the several objects and matters for which it was established:

AND WHEREAS the said Board of Trustees has now applied to be incorporated and it will be for the public advantage to grant the 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 Al Haj S. M. M. Hussain Charitable Trust (Incorporation) Act, No. 74 of 2009.

Short title.

**2.** From and after the date of commencement of this Act, such and so many persons as now are members of the Board of Trustees of the Al Haj S. M. M. Hussain Charitable Trust (hereinafter referred to as the “Trust”) 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 Al Haj S. M. M. Hussain Charitable Trust” 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 Al Haj S. M. M. Hussain Charitable Trust.



2 *Al Haj S. M. M. Hussain Charitable Trust*  
(Incorporation) Act, No. 74 of 2009

General objects  
of the  
Corporation.

- 3.** The general objects of the Corporation shall be—
- (a) to provide assistance to Sri Lankan Muslim students preparing for G. C. E. (Advanced Level) Examinations ;
  - (b) to grant scholarships, to provide career guidance and enhance educational, technical and professional skills of Sri Lankan Muslims in any University, Institution or Vocational Training Institute ;
  - (c) to guide and assist in the development of education including technical education, of Sri Lankan Muslim students ;
  - (d) to provide for and assist in the establishment, construction, repair or renovation of any Islamic Institution, mosque or Arabic Schools in Sri Lanka and also to provide regular contributions for the maintenance of such institutions ;
  - (e) to provide for the relief of poverty and assist Muslims affected by any natural disaster ; and
  - (f) to collect, funds, subscriptions and other donations for the aforesaid purposes.

General powers  
of the  
Corporation.

- 4.** The Corporation shall, subject to the provisions of this Act or any other written Law, have the following powers:—
- (a) to receive grants, gifts, donations and subscriptions in cash or kind from local sources ;
  - (b) to perform and execute all such acts as may be necessary for the carrying out of the objects of the Corporation ;
  - (c) to open, operate and close bank accounts ;

(d) to invest, borrow or raise money with or without security ; and

(e) to engage, employ and dismiss personnel required to carry out the objects 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 (hereinafter referred to as “the Board”).

Management of the affairs of the Corporation.

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

(3) The Board shall have the power to fill the vacancies that may arise due to death, incapacity or resignation of a member of the Board as provided for in the rules of the Corporation.

**6.** (1) It shall be lawful for the Corporation, from time to time, at any meeting of the Board and by majority of votes, 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 including the procedure to be followed at the meetings of the Board and the quorum for the meetings of the Board:—

Rules of the Corporation.

(a) the election, appointment and removal of the members of the Board ;

(b) the admission, withdrawal or expulsion of members of the Corporation ;

(c) for the conduct of the duties of the Board and of the various officers, agents and servants of the Corporation ;

(d) for the procedures to be followed in the transaction of business ; and

4 *Al Haj S. M. M. Hussain Charitable Trust*  
(Incorporation) Act, No. 74 of 2009

(e) the Management of the funds of the Corporation and the attainment of the objects of the Corporation.

(2) Rules of the Corporation when made may, at a like meeting and in like manner be altered, added to, amended or rescinded.

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

Debts due by and payable to the Trust.

**7.** All debts and liabilities of the Trust existing at the time of the coming into operation of this Act shall be paid by the Corporation hereby constituted and all debts due to and subscriptions, donations and contributions payable to the Trust shall be paid to the Corporation, for the purposes of this Act.

Fund of the Corporation.

**8.** (1) The Corporation shall have its own fund and all moneys heretofore or hereafter to be received by way of testamentary disposition, donations, contribution and fees deposited in the name of the Corporation in one or more banks in Sri Lanka as may be decided by the Board.

(2) There shall be paid out of the Fund all 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.

Accounts and Auditing.

**9.** (1) The Board shall cause proper accounts to be kept of 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 the balance sheet shall be certified by a qualified auditor or auditors appointed by the Corporation.

(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 Chartered Accountants, each of the resident partners of which, being a member of the Institute of Chartered Accountants of Sri Lanka or of any other Institute established by law, possesses a certificate to practice as an Accountant issued by the Council of such Institute.

**10.** The Corporation shall subject to the rules of the Corporation made under section 6 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, 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 afore said rules of the Corporation with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Corporation may hold and dispose of property movable and immovable.

**11.** The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of two members of the Board, 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.

Affixing the seal.

**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 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 the members of such institution or institutions and at the discretion of the Board of Management of the Corporation.

Property remaining on dissolution of the Corporation.

6 *Al Haj S. M. M. Hussain Charitable Trust*  
*(Incorporation) Act, No. 74 of 2009*

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 the Tamil texts of this Act, the Sinhala text shall prevail.

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*Al Haj S. M. M. Hussain Charitable Trust  
(Incorporation) Act, No. 74 of 2009*

[Certified on 23rd December 2009]

L.D.—O. (Inc.) 30/2007.

AN ACT TO INCORPORATE THE AL HAJ S. M. M. HUSSAIN CHARITABLE TRUST AND TO PROVIDE FOR ALL MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

WHEREAS a Trust called and known as Al Haj S. M. M. Hussain Charitable Trust has heretofore been established in the Year 1982 for the purpose of effectually carrying out the objects for which it was established:

Preamble.

AND WHEREAS the Board of Trustees of the said Trust have successfully carried out and transacted the several objects and matters for which it was established:

AND WHEREAS the said Board of Trustees has now applied to be incorporated and it will be for the public advantage to grant the 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 Al Haj S. M. M. Hussain Charitable Trust (Incorporation) Act, No. 74 of 2009.

Short title.

**2.** From and after the date of commencement of this Act, such and so many persons as now are members of the Board of Trustees of the Al Haj S. M. M. Hussain Charitable Trust (hereinafter referred to as the “Trust”) 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 Al Haj S. M. M. Hussain Charitable Trust” 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 Al Haj S. M. M. Hussain Charitable Trust.

2 *Al Haj S. M. M. Hussain Charitable Trust*  
(Incorporation) Act, No. 74 of 2009

General objects  
of the  
Corporation.

- 3.** The general objects of the Corporation shall be—
- (a) to provide assistance to Sri Lankan Muslim students preparing for G. C. E. (Advanced Level) Examinations ;
  - (b) to grant scholarships, to provide career guidance and enhance educational, technical and professional skills of Sri Lankan Muslims in any University, Institution or Vocational Training Institute ;
  - (c) to guide and assist in the development of education including technical education, of Sri Lankan Muslim students ;
  - (d) to provide for and assist in the establishment, construction, repair or renovation of any Islamic Institution, mosque or Arabic Schools in Sri Lanka and also to provide regular contributions for the maintenance of such institutions ;
  - (e) to provide for the relief of poverty and assist Muslims affected by any natural disaster ; and
  - (f) to collect, funds, subscriptions and other donations for the aforesaid purposes.

General powers  
of the  
Corporation.

- 4.** The Corporation shall, subject to the provisions of this Act or any other written Law, have the following powers:—
- (a) to receive grants, gifts, donations and subscriptions in cash or kind from local sources ;
  - (b) to perform and execute all such acts as may be necessary for the carrying out of the objects of the Corporation ;
  - (c) to open, operate and close bank accounts ;



(d) to invest, borrow or raise money with or without security ; and

(e) to engage, employ and dismiss personnel required to carry out the objects 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 (hereinafter referred to as “the Board”).

Management of the affairs of the Corporation.

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

(3) The Board shall have the power to fill the vacancies that may arise due to death, incapacity or resignation of a member of the Board as provided for in the rules of the Corporation.

**6.** (1) It shall be lawful for the Corporation, from time to time, at any meeting of the Board and by majority of votes, 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 including the procedure to be followed at the meetings of the Board and the quorum for the meetings of the Board:—

Rules of the Corporation.

(a) the election, appointment and removal of the members of the Board ;

(b) the admission, withdrawal or expulsion of members of the Corporation ;

(c) for the conduct of the duties of the Board and of the various officers, agents and servants of the Corporation ;

(d) for the procedures to be followed in the transaction of business ; and

4 *Al Haj S. M. M. Hussain Charitable Trust*  
(Incorporation) Act, No. 74 of 2009

(e) the Management of the funds of the Corporation and the attainment of the objects of the Corporation.

(2) Rules of the Corporation when made may, at a like meeting and in like manner be altered, added to, amended or rescinded.

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

Debts due by and payable to the Trust.

**7.** All debts and liabilities of the Trust existing at the time of the coming into operation of this Act shall be paid by the Corporation hereby constituted and all debts due to and subscriptions, donations and contributions payable to the Trust shall be paid to the Corporation, for the purposes of this Act.

Fund of the Corporation.

**8.** (1) The Corporation shall have its own fund and all moneys heretofore or hereafter to be received by way of testamentary disposition, donations, contribution and fees deposited in the name of the Corporation in one or more banks in Sri Lanka as may be decided by the Board.

(2) There shall be paid out of the Fund all 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.

Accounts and Auditing.

**9.** (1) The Board shall cause proper accounts to be kept of 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 the balance sheet shall be certified by a qualified auditor or auditors appointed by the Corporation.

(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 Chartered Accountants, each of the resident partners of which, being a member of the Institute of Chartered Accountants of Sri Lanka or of any other Institute established by law, possesses a certificate to practice as an Accountant issued by the Council of such Institute.

**10.** The Corporation shall subject to the rules of the Corporation made under section 6 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, 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 afore said rules of the Corporation with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Corporation may hold and dispose of property movable and immovable.

**11.** The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of two members of the Board, 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.

Affixing the seal.

**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 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 the members of such institution or institutions and at the discretion of the Board of Management of the Corporation.

Property remaining on dissolution of the Corporation.

6 *Al Haj S. M. M. Hussain Charitable Trust*  
*(Incorporation) Act, No. 74 of 2009*

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 the Tamil texts of this Act, the Sinhala text shall prevail.

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

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**MAHINDANANDA ALUTHGAMAGE  
FOUNDATION (INCORPORATION)  
ACT, No. 75 OF 2009**

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[Certified on 23rd December, 2009]

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*Mahindananda Aluthgamage Foundation*  
*(Incorporation) Act, No. 75 of 2009*

[Certified on 23rd December 2009]

L.D.—O. INC 3/2009.

AN ACT TO INCORPORATE THE MAHINDANANDA ALUTHGAMAGE  
FOUNDATION

WHEREAS a Foundation called and known as the “Mahindananda Aluthgamage Foundation” has heretofore been created 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 the said Foundation 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 Mahindananda Aluthgamage Foundation (Incorporation) Act, No. 75 of 2009.

Short title.

**2.** From and after the date of commencement of this Act, such and so many persons as now are members of the Mahindananda Aluthgamage 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 Mahindananda Aluthgamage Foundation (hereinafter referred to as the “Corporation”) and by that name may sue and be sued and shall have full power and authority to have and use a common Seal and to alter the same at its pleasure.

Incorporation of the Mahindananda Aluthgamage Foundation.

2 *Mahindananda Aluthgamage Foundation  
(Incorporation) Act, No. 75 of 2009*

General objects  
of the  
Corporation.

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

- (a) to award prizes and scholarships to needy school children to enable them to continue their education and to encourage them to attend school regularly ;
- (b) to establish and maintain libraries including mobile libraries to assist the students in their educational activities ;
- (c) to organize seminars, workshops, lectures, exhibitions, and educational tours with a view to promoting the educational activities of school children ;
- (d) provide for loan schemes and other assistance to school principals and teachers in order to encourage them to enhance their professional knowledge ;
- (e) to award scholarships to deserving students selected to follow courses at Universities and technical Colleges ;
- (f) to introduce self-employment opportunities, loans and savings schemes and vocational training and computer training centres for school leavers ;
- (g) to establish and maintain pre-schools for early childhood development of the needy children ;
- (h) to grant lands and houses to needy families who do not own lands or houses ;
- (i) to supply wheel chairs and other medical equipment to hospitals and to provide medical relief and food for the needy, destitute and sick, establish and maintain houses for displaced persons and elders



and establish and maintain Children's homes and daycare centres for children and elders ;

- (j) to print, publish and distribute such books, journals, bulletins and newspapers as are necessary to disseminate information relating to the objects of the incorporation ; and
- (k) to assist persons who are blind, deaf and dumb by providing for their needs.

**4.** (1) The affairs of the Corporation shall, subject to the provisions of this Act and the rules made under section 6, be administered by a Board of Directors consisting of the Chairman, Secretary, Treasurer and nine other members who shall be elected in accordance with the rules of the Corporation.

Management of the affairs of the Corporation.

(2) The founder member of the Foundation, Honourable Minister Mahindananda Aluthgamage shall be the first Chairman of the Board of Directors of the corporation.

(3) The first Board of Directors 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.

**5.** Subject to the provisions of this Act and any other written law, the Corporation shall have the power to—

General Powers of the Corporation.

- (a) borrow or raise money with or without security for the purpose of the Corporation ;
- (b) utilize the funds belonging to the Corporation in order to achieve the objects of the Corporation, in a manner determined by the Board of Directors ;
- (c) open, maintain and close bank accounts in any bank or banks as may be determined by the Board of Directors ;

4 *Mahindananda Aluthgamage Foundation  
(Incorporation) Act, No. 75 of 2009*

- (d) employ and dismiss officers and servants required for the carrying out of the objects of the Corporation ;
- (e) to liaise and co-ordinate with other local or foreign institutions which have similar objects ;

Rules of the Corporation.

**6.** (1) It shall be lawful for the Corporation, from time to time, at any General Meeting or at a Special General Meeting by a majority of not less than one third 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 election of the office bearers, their term of office, resignation from, or vacation of, or removal from office and their powers and duties ;
- (b) the election and the terms of office of members of the Board of Directors other than the office bearers, and the powers and duties of the Board of Directors ;
- (c) classification of membership, admission, withdrawal, expulsion of members and membership fees ;
- (d) the administration and management of the property of the Corporation, the custody of its funds and the maintenance and audit of its accounts ;
- (e) the procedure to be followed at any meeting of the Board of Directors and the quorum therefor and the conduct of business thereat ; and
- (f) 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 the rules of the Corporation.

7. Subject to the provisions of this Act, the Corporation shall be able and capable in law to acquire and hold any property both movable and immovable by way of purchase, grant, gift or 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 with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Corporation may hold movable and immovable property.

8. (1) The Corporation shall have its own Fund and all monies heretofore or hereafter to be received by way of gifts, bequest, donation, subscription, contribution or grants on behalf of the Corporation shall be deposited to the credit of the Fund of the Corporation in one or more banks as the Board of Directors may determine.

The Fund of the Corporation.

(2) There shall be paid out of the Fund all such sums of money as may be required to defray any expenditure incurred by the Corporation in the exercise, performance and discharge of its powers, duties and functions under this Act.

9. 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.

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 due from such members as membership fees.

Limitation of liabilities of members.

6 *Mahindananda Aluthgamage Foundation  
(Incorporation) Act, No. 75 of 2009*

Audit and  
accounts.

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

(2) The Accounts of the Corporation shall be audited by a qualified auditor appointed by the Board of Directors.

(3) For the purpose of 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.

Seal of the  
Corporation.

**12.** The Seal of the Corporation shall not be affixed to any instrument except in the presence of the Chairman and two members of the Corporation as may be decided by the Board of Directors, 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.

**13.** If upon the dissolution of the Corporation, there remains any property after the satisfaction of all debts and liabilities, such property shall not be distributed among the members of the Corporation, but shall be given or transmitted 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 property among its or their members. Such institution or institutions may be determined by the Board of Directors on or before the dissolution of the Corporation.

*Mahindananda Aluthgamage Foundation* 7  
*(Incorporation) Act, No. 75 of 2009*

**14.** Nothing contained in this Act 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.

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**PARLIAMENT OF THE DEMOCRATIC  
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**SAMODA FOUNDATION  
(INCORPORATION) ACT, No. 76 OF 2009**

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*Samoda Foundation (Incorporation)  
Act, No. 76 of 2009*

[Certified on 23rd December, 2009]

L. D. —O. (Inc.) 7/2008

AN ACT TO INCORPORATE THE SAMODA FOUNDATION

WHEREAS an Foundation called and known as the “Samoda Foundation” has heretofore been established 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 applied to be incorporated and it will be for the benefit of the public 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 Samoda Foundation (Incorporation) Act, No. 76 of 2009.

Short title.

**2.** From and after the date of commencement of this Act, such and so many persons as now are members of the “Samoda Foundation” (hereinafter referred to as the “Foundation”) 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 “Samoda Foundation” and by that name may sue, and be sued, with full power and authority to have, and use, a common seal and the alter same at its pleasure.

Incorporation  
of the  
Samoda  
Foundation.

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

General  
objects of the  
Corporation.

(a) to provide basic facilities to the needy people;

(b) to provide necessary facilities to students who are studying amidst financial and other material hardships;



2 *Samoda Foundation (Incorporation)*  
*Act, No. 76 of 2009*

(c) to provide seeds, fertilizer, agricultural equipments and to develop agriculture, and livestock; and

(d) to assist the people without housing facilities to build houses and to obtain loans for that purpose.

Management of the affairs of the Corporation.

**4.** (1) The affairs of the Corporation shall, subject to the rules made under section 6 be administered by a Board of Directors consisting of the Chairman, Deputy Chairman, Secretary, Assistant Secretary, Treasurer, Chief Organizer and one Committee Member.

(2) The first Board of Directors 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.

General objects of the Corporation.

**5.** Subject to the provisions of this Act and any other written law, the Corporation shall have the power to open, operate and close bank accounts and to borrow and obtain loans with or without security, to receive and collect grants and donations, to invest its funds necessary for the fulfillment of objects of the Corporation to employ and dismiss officers and employees of the Corporation, and to perform any other act necessary for the promotion of objects of the Corporation.

Rules of the Corporation.

**6.** (1) It shall be lawful for the Corporation from time to time at any Annual 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 any one of the following matters :—

(a) the classification of membership, fees payable by each class of members, their admission, expulsion or resignation ;

- (b) the election of office-bearers, the resignation from, or vacation of or removal from office of office-bearers and their power, conduct and duties ;
- (c) the powers, conduct and functions 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 Corporation and of the Board of Directors, the time, place notice and agenda of such meetings, the quorum thereof and the conduct of business thereat;
- (e) the qualifications and disqualifications for membership of the Board of Directors of 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.

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

7. All debts and liabilities of the Foundation existing on the day preceding the date of commencement of this Act shall be paid or discharged by the Corporation and all debts due to and subscriptions and fees payable to the Foundation on the day shall be paid to the Corporation for the purpose of this Act.

Debts due and payable to the Foundation.

4 *Samoda Foundation (Incorporation)*  
*Act, No. 76 of 2009*

Corporation may hold property movable or immovable.

**8.** The Corporation shall be capable in law to accept and hold any movable or immovable property which may be 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 power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Fund of the Corporation.

**9.** (1) The Corporation shall have its own fund and all money received by way of gift, testamentary disposition, transfer, donation, contributions, or fees shall be deposited in the name of the Corporation one or more banks as may be determined by the Board of Directors.

(2) All expenses incurred by the Corporation in the exercise, performance and discharge of its powers, duties and functions under this Act, shall be paid out of the Fund.

Property remaining on dissolution.

**10.** If upon the dissolution of the Corporation, there remains any property and all its debts and liabilities are settled, such properties shall not be distributed among the members of the Corporation. Such properties shall be given over or transferred to other institution or institutions whose objectives are similar to the objectives of this Corporation and that have rules that prevent any income or property from being distributed among the membership. Such institution or institutions shall be determined by the Members of the Corporation at, or immediately before, the time of dissolution of the Corporation.

Audits and accounts.

**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—

- (a) an individual who, being a member of the Institute of Chartered Accountants of Sri Lanka, or of any other Institute established by law and 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 established by law, possesses a certificate to practise as an accountant issued by the Council of such Institute.

**12.** The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the Chairman or Secretary 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.

How the seal of the Corporation is to be affixed.

**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 the Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

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**PARLIAMENT OF THE DEMOCRATIC  
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**GRASSROOTS FOUNDATION  
(INCORPORATION) ACT, No. 77 OF 2009**

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[Certified on 29th December, 2009]

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*Grassroots Foundation (Incorporation)*  
*Act, No. 77 of 2009*

[Certified on 29th December, 2009]

L. D. —O. Inc. 27/2008

AN ACT TO INCORPORATE THE GRASSROOTS FOUNDATION

WHEREAS an association called and known as the “Grassroots Foundation” has heretofore been established in Sri Lanka for the purpose of effectually carrying out its objects and transacting all 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 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 Grassroots Foundation (Incorporation) Act, No. 77 of 2009. Short title.

**2.** From and after the date of commencement of this Act such and so many persons as now are members of the “Grassroots 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 Grassroots 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 Grassroots Foundation.

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

- (a) To protect individual and collective civil rights, civil liberty and dignity of people irrespective of religion, race, caste, creed, color and social standing;

2                    *Grassroots Foundation (Incorporation)*  
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- (b) to educate the poor and marginalized people at grassroot level on civil rights, fundamental duties and entitlements of the citizens of Sri Lanka;
- (c) to promote economic development and social upliftment of the poor and marginalized people at grassroot level by organizing various skill development programmes and creating various employment oriented programmes;
- (d) to promote peace, social justice, racial equality, religious harmony, mutual trust and respect amongst people of all races and religious faiths by organizing various educational and awareness programmes;
- (e) to encourage people to foster their mother tongue, cultural values, good customs and traditions;
- (f) to promote the right to information among urban and rural poor by providing training in computers and computer technology and various other information technology programmes;
- (g) to introduce training programmes to enhance communication skills and technological skills of poor and needy;
- (h) to work in close association with Governmental and Non-Governmental Organizations, religious bodies, cultural groups, International organizations and other institutions and organizations in order to achieve the objects of the Corporation.

(2) The Corporation shall ensure that the implementation of the objects of the Corporation shall be carried out without any distinction based on race, religion, language, caste, sex or political opinion.



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 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—

Powers of the  
Foundation.

- (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 enter into contracts partnerships or agreements with any Governmental or non Governmental organizations or any other person or institution whether in Sri Lanka or abroad;
- (e) to invest any funds that are not immediately required for the purposes of the Corporation, in such manner as the Board of Management may determine;
- (f) 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;
- (g) to train personnel in Sri Lanka or abroad for the purposes of the Corporation; and
- (h) to do all other things as are necessary or expedient for the proper and effective carrying out of the objects of the Corporation.

Corporation may hold property movable and immovable.

**5.** Subject to the provisions of this Act, 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, gift, testamentary disposition or otherwise, and all such property shall be held by the Corporation for the purpose of the Act and subject to the rules of Corporation, made under section 7, with power to sell, mortgage, lease, exchange, or otherwise dispose of the same.

Management of the affairs of the Corporation.

**6.** (1) The management and administration of the affairs of the Corporation shall subject to the provisions of this Act be administered by a Board of Management consisting of such number of office bearers elected in the manner as may be provided by the rules of the Corporation made under section 7.

(2) The first Board of Management of the Corporation shall consist of the members of the Board of Management of the Foundatin who hold office on the day immediately preceding the date of commencement of this Act.

Rules of the Corporation.

**7.** (1) It shall be lawful for the Corporation from 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 provisins of this Act or any other written law, for all or any of the following matters:—

- (a) the classificatin of membership, admission, withdrawal, expulsion or resignation of members and fees payable by the members;
- (b) the election of office bearers of the Board of Management or vacation of or removal from office and the powers, duties and functions 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 Board of Management, the Corporation or any sub-committee thereof, filling of vacancies, notices and agenda of such meetings, the quorum and the conduct of business thereat;
- (e) the qualifications and disqualifications for members of the Board of Management and 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 like 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 made under this section.

**8.** (1) The Corporation shall have its own fund. Found of the Corporation.

(2) All moneys received by way of gift, bequest, donation, subscription, contribution, fess or grant for and on account of the Corporation shall be deposited in one or more banks approved by the Board of Management 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.

**9.** (1) The financial year of the Corporation shall be the calendar year. Accounts and Auditing.

(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 Board of Management.

(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, who 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 established by law, who possesses a certificate to practise as an Accountant, issued by the Council of such Institute.

Debts due by  
and payable to  
the Foundation.

**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 and subscription and contributions payable to the Foundation on that day shall be paid to the Corporation for the purposes of this Act.

Limitation of  
liability of  
members.

**11.** 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 time to time to the Corporation.

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 prohibited from distributing any income or property among its or their members.

**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 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.

**14.** 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.

**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.

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