

**CHAPTER 11**

**NATIONAL YOUTH SERVICES**

Act No.69 of 1979.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND REGULATION OF A NATIONAL YOUTH SERVICES COUNCIL AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[1st January, 1980.]

Short title.

**1.** This Act may be cited as the National Youth Services Act.

Establishment of National Youth Services Council.

**2.** There shall be established a Council called the National Youth Services Council (hereinafter referred to as "the Council") consisting of the persons who are for the time being members of the Council under section 8.

Council to be a body corporate.

**3.** The Council shall be a body corporate with perpetual, succession and a common seal and may sue and be sued in its corporate name.

Objects of the Council.

**4.** The objects for which the Council is established are hereby declared to be, to promote the interests of the youth of Sri Lanka so as to ensure their full development, and in particular-

- (a) to foster among youth a spirit of national consciousness, a sense of discipline, an awareness of social and economic problems and a sense of dignity of labour;
- (b) to enlist the participation of youth in national development schemes;
- (c) to promote goodwill and mutual understanding between youth in Sri Lanka and in other countries ;
- (d) to encourage competition and a sense of achievement among youth ;
- (e) to widen the knowledge of youth and to give training in fields relevant to development;
- (f) to encourage cultural, literary and artistic activities among youth ;
- (g) to encourage the development of physical culture and sports among youths;
- (h) to provide recreational and entertainment facilities for youth ;
- (i) to assist youth who are handicapped ;

(j) to provide regular employment opportunities for youth by constructively investing funds on a long term policy basis with an aim to strengthen the economic fabric of the State;

(k) to provide opportunities for the participation of youth in the formulation and implementation of policy;

(l) to establish youth organizations and to assist organizations already established for youth welfare;

(m) to plan, co-ordinate, promote and direct the expansion of youth services; and

(n) to develop the inherent characteristics of the individual youth.

**5.** (1) The Council shall have the power to acquire, hold, take or give on hire or lease, and to pledge or sell or otherwise dispose of, any immovable or movable property : Powers of the Council.

Provided, however, that no immovable property of the Council shall be sold without the prior approval in writing of the Minister.

(2) The Council shall have the power -

(a) with the prior approval in writing of the Minister, to engage in any agricultural, industrial, commercial, social or public utility enterprises connected with or incidental to any of the objects of the Council;

(b) to charge fees for services rendered or provided by the Council;

(c) to establish and register youth organizations, and give advice, provide technical knowledge and grant financial assistance to such organizations;

- (d) to foster co-operation with similar youth organizations in other countries with a view to promoting mutual understanding between the youth in Sri Lanka and abroad ;
- (e) to obtain membership in relevant international youth organizations with the prior approval of the Minister;
- (f) to sponsor and hold conferences and seminars on matters of interest to the youth of Sri Lanka with the assistance of national or international organizations where necessary;
- (g) to train and educate youth for creative participation in national development and related activities; and
- (h) to do all such other things which in the opinion of the Council are necessary to facilitate the proper carrying out of its objects

(3) The Council may accept grants or donations, whether of immovable or movable property, from persons or bodies of persons in or outside Sri Lanka.

Council to be subject to the directions of the Minister.

**6.** The Council shall be subject to the direction and control of the Minister.

Power of delegation.

**7.** The Council may delegate-

- (a) to the Director-General; or
- (b) on the recommendation of the Director-General, to any member or officer of the Council,

any such function of the Council as the Council may consider necessary so to delegate for the efficient transaction of its business.

Constitution of the Council,

**8.** (1) the Council shall consist of the following members to be appointed by the Minister-

- (a) a Director-General of Youth Services (in this Act referred to as " Director-General ") who shall be the Chairman of the Council .

- (b) a prescribed number of official members representing Ministries and Government Departments which, in the opinion of the Minister, are concerned with or relevant to youth activities ; and

- (c) a prescribed number of other members,

so however that the number of official members does not exceed the number of other members referred to in paragraph (c).

(2) A person shall be disqualified from being appointed or being a member of the Council if he is a Member of Parliament.

**9.** (1) A member of the Council shall, unless he earlier vacates office by death or as hereinafter provided, hold office as such member for a period of three years.

Term of office of member.

(2) Any member who vacates office, other than by reason of his removal from office under section 10 (1) (a), shall be eligible for reappointment.

**10.** (1) A member of the Council shall vacate office as such member -

Vacation of office.

- (a) if his membership is terminated by the Minister; or

- (b). if he resigns his office by letter in writing addressed to the Minister.

(2) In the event of the vacation of office by a member of the Council or his removal from office under the provisions of the preceding subsection, the Minister may appoint another person to hold such office during the unexpired period of the term of office of the member whom he succeeds.

(3) If any member, of the Council is temporarily unable to discharge the duties of his office due to ill health or absence from Sri Lanka or for any other cause the Minister may nominate some other person to act in the place of such member.

**11.** No writ against person or property shall be issued against a member of the Council in any action brought against the Council.

No writ to issue against person or property of a member of the Council.

Reimbursement of expenses incurred in any suit or prosecution.

**12.** (1) Any expenses incurred by the Council in any suit or prosecution brought by or against the Council before any court or tribunal shall be paid out of the fund of the Council, and any costs paid to or recovered by the Council in any such suit or prosecution shall be credited to that fund.

(2) Any expenses incurred by any member of the Council or staff thereof in any suit or prosecution brought against him before any court or tribunal in respect of any act which is done or purported to be done by him under this Act or any regulation made thereunder, 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 Council, unless such expenses are recovered by him in such suit or prosecution.

Remuneration of members.

**13.** (1) The members of the Council may be paid such remuneration as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

(2) The person holding the office of Director-General may be paid such remuneration and allowances as the Minister may with the concurrence of the Minister in charge of the subject of Finance determine.

Signing of instruments on behalf of the Council.

**14.** All instruments which are required to be signed by or on behalf of the Council shall be signed by such person or persons as may be authorized in writing by the Council on that behalf.

Meetings of the Council,

**15.** (1) Subject to the provisions of subsection (2) the holding of, the quorum for, and the procedure for the transaction of business at, meetings of the Council, shall be determined by the Council.

(2) Any question arising at any meeting of the Council shall be determined by a majority of the members present and in the case of an equality of votes, the Chairman shall have a second or casting vote.

Powers, duties and functions of the Director-General.

**16.** The Director-General shall be the chief executive officer of the Council and his powers, duties and functions shall include the following :-

(a) execution of all policies and measures approved by the Council;

(b) subject to the general direction of the Council, the administration of the affairs of the Council and the control of the staff of the Council;

(c) the preparation of the agenda for meetings of the Council and the submission for the consideration of the Council of policies and measures considered by him to be necessary for the purpose of carrying out the principles and provisions of this Act; and

(d) the exercise or performance of such other powers or duties as may be conferred or imposed upon him by the Council.

**17.** (1) The Council may appoint Panels each consisting of a Chairman and such number of members as may be determined by the Council, for the purpose of advising and assisting the Council on the general promotion of any particular activity or activities connected with or incidental to the carrying out of the objects of the Council.

Appointment of panels.

(2) Any person, whether or not he is a member of the Council, shall be eligible for appointment to any Panel constituted under subsection (1),

(3) The Council shall have the power to revoke the appointment of any Panel or any member for a Panel appointed under subsection (1).

**18.** All acts done at any meeting of the Council or of any Panel shall, notwithstanding that it shall afterwards be discovered that there was any vacancy in the membership thereof, or that there was some defect in the appointment of any member thereof, or that there was a failure to give notice of such meeting to any member thereof, be as valid as if there had been no such vacancy or as if such member has been duly appointed, or as if there had been no such failure to give notice, as the case may be.

Acts of the Council or Panels valid notwithstanding subsequent discovery of vacancy, &c.

**19.** (1) The Council may appoint such officers and such servants as the Council considers necessary for the carrying out of its objects.

Appointment, remuneration, &c. of officers and servants.

(2) The remuneration, conditions of service and schemes of recruitment of the officers and servants of the Council shall be such as may be fixed by the Council with the approval of the Minister given with the prior concurrence of the Minister in charge of the subject of Finance.

Appointment of public officers to the staff of the Council.

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

(2) The provisions of subsection (2) of section 13 of the Transport Board Law shall, *mutatis mutandis*, apply to and in relation to any officer in the public service who is temporarily appointed to the staff of the Council, and the provisions of subsection (3) of the aforesaid section 13 shall, *mutatis mutandis*, apply to and in relation to any officer in the public service who is permanently appointed to such staff.

Officers and servants of the National Youth Service Council.

**21.** All officers and servants of the National Youth Service Council established under the Voluntary National Youth Service Act, No. 11 of 1967,\* and holding office on the day immediately prior to the 1st day of January, 1980, shall be deemed to be officers and servants of the National Youth Services Council established under this Act, on the same terms and conditions as were applicable to them under that Act.

Transfer of assets and liabilities of the National Youth Service Council to the Council established under this Act.

**22.** All assets and liabilities including property movable and immovable and money in the funds of the National Youth Service Council established under the Voluntary National Youth Service Act, No. 11 of 1967,\* shall vest in the National Youth Services Council established under this Act.

Members, officers and servants of the Council deemed to be public servants.

**23.** All members, officers and servants of the Council shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

\*Repealed by Act No. 69 of 1979.

**24.** Where the Council employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Council by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

Service to Council to be considered as service to Government for purpose of contract.

**25.** (1) The amount of the capital of the Council shall be such sum as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance and granted from the Consolidated Fund by resolution of Parliament.

Grants to Council by Government.

(2) The capital of the Council may be increased from time to time by such amounts as may be authorized by any Appropriation Act or by any resolution of Parliament.

**26.** (1) The Council shall have its own fund.

Fund of the Council.

(2) There shall be paid into the fund of the Council all such sums of money as may be received by the Council by way of-

- (a) donations, gifts or grants from any source whatsoever;
- (b) fees charged for services rendered or provided by the Council;
- (c) income from any activities carried out by the Council; and
- (d) payments required to be made into such fund by or under this Act.

**27.** All property movable and immovable, acquired or held, and all grants and donations accepted, by the Council shall be used *in* applied by the Council for the furtherance of its objects in such manner as the Council may determine.

application of property, &c.

**28.** (1) The Council shall cause its accounts to be kept in such form and manner as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

Accounts of the Council and financial year.

(2) The books of accounts of the Council shall be kept at the office of the Council.

Auditor of accounts of the Council.

**29.** (1) The Council shall have its accounts audited each year by the Auditor-General.

(2) Notwithstanding the provisions of subsection (1), the Minister may, with the concurrence of the Minister in charge of the subject of Finance, and in consultation with the Auditor-General, appoint a qualified auditor or auditors to audit the accounts of the Council. Where such appointment has been made by the Minister, the Auditor-General may, in writing, inform such auditor or auditors that he proposes to utilize his or their services for the performance and discharge of the Auditor-General's duties and functions in relation to the Council and thereupon such auditor or auditors shall act under the direction and control of the Auditor-General.

(3) (a) The Auditor-General may for the purpose of assisting him in the audit of the accounts of the Council employ the services of any qualified auditor or auditors who shall act under his direction and control.

(b) If the Auditor-General is of opinion that it is necessary to obtain assistance in the examination of any technical, professional or scientific problem relevant to the audit of the accounts of the Council, he may engage the services of-

- (i) a person not being an employee of the Council; or
- (ii) any technical or professional or scientific institution not being an institution which has any interest in the management of the affairs of the Council,

and such person or institution shall act under his direction and control.

(4) (a) The Auditor-General or any person authorized by him shall in the audit of the accounts of the Council be emitted -

- (i) to have access to all books, records, returns and other documents of the Council;
- (ii) to have access to stores and other property of the Council; and

(iii) to be furnished by the Council or its officers with such information and explanations as may be necessary for the performance of the audit of the accounts of the Council.

(b) Every qualified auditor appointed to audit the accounts of the Council or any person authorized by such auditor shall be entitled to have like access, information and explanations in relation to the Council.

(5) For the purposes of this section, the expression " qualified auditor " means -

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

**30.** (1) The Auditor-General shall examine the accounts of the Council and furnish a report thereon.

The Auditor-General's Report.

(2) The Auditor-General shall transmit his report to the Council.

(3) Every qualified auditor appointed under the provisions of subsection (2) of section 29 shall submit his report to the Minister and also submit a copy thereof to the Auditor-General.

**31.** The Council shall, on the receipt of the Auditor-General's report each year, transmit such report, the income and expenditure account and the balance sheet to which the report relates, together with a report by the Council on the work of the Council for the period for which the income and expenditure account and the balance sheet have been made. to the Minister who shall cause copies thereof to be laid before Parliament, before the end of the year next following the year to which such accounts and report relate.

Annual accounts with the Auditor-General's Report transmitted to the Minister.

Application of the provisions of the Public Corporations (Financial Control) Act.

**32.** Unless otherwise specially provided for by this Act the provisions of the Public Corporations (Financial Control) Act shall, *mutatis mutandis*, apply to and in relation to the financial control and accounts of the Council.

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

Council deemed to be a scheduled Institution within the meaning of the Bribery Act.

**33.** The Council shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall be construed accordingly.

(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.

Regulations.

**34.** (1) The Minister may make regulations for matters required by this Act to be prescribed and for any matters in respect of which regulations are authorized by this Act to be made.

**\*36.** In this Act, unless the context otherwise requires - Interpretation.

" Panel " means a Panel appointed by the Council under this Act;

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

"prescribed" means prescribed by regulation; and

"youth " includes a female.

\*Section 35 omitted.