

**CHAPTER 367**

**TOWER HALL THEATRE FOUNDATION**

Act  
No. 1 of 1978.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A FOUNDATION CALLED THE TOWER HALL THEATRE FOUNDATION, TO SPECIFY ITS OBJECTS AND POWERS AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[19th October, 1978.]

Short title.

**1.** This Act may be cited as the Tower Hall Theatre Foundation Act.

(k) five persons appointed by the Prime Minister, of whom two shall be persons of recognized competence or eminence in the Arts. Each member appointed under this paragraph shall hold office for a period of three years from the date of appointment and shall be eligible for reappointment.

Establishment of Tower Hall Theatre Foundation

**2.** There shall be established a Foundation to promote national theatrical activities, and to restore and utilize the Tower Hall Theatre as a National Theatre.

Constitution of Board of Trustees and meetings.

**3.** (1) The Foundation shall be administered by a Board of Trustees (hereafter in this Act referred to as the "Board") consisting of the following members;—

(2) The Chairman or, in the absence of the Chairman from any meeting, any member elected from among the members present shall preside at such meeting.

(a) the Prime Minister who shall be the Chairman of the Board;

(3) The quorum for a meeting of the Board shall be six members.

(b) the Minister in charge of the subject of Local Government;

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

(c) the Minister in charge of the subject of Finance;

(5) The Board may act notwithstanding a vacancy amongst its members.

(d) the Minister in charge of the subject of Cultural Affairs;

(e) the Secretary to the Prime Minister;

(f) the Secretary to the Ministry charged with the subject of Local Government;

**4.** The Foundation shall by the name assigned to it by section 2 be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

The Foundation to be a Corporation.

(g) the Secretary to the Ministry charged with the subject of Education;

**5.** The seal of the Foundation—

Seal of the Foundation.

(h) the Director of Cultural Affairs;

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

(i) the Mayor of the Colombo Municipal Council;

(j) the Municipal Commissioner, Colombo Municipal Council; and

(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 with the sanction of the Board, and in the presence of two members of the Board who shall sign the instrument or document in token of their presence.

exchange, or otherwise dispose of, any movable or immovable property other than the Tower Hall Theatre;

(c) to give grants, endowments or scholarships for the furtherance of the objectives of the Foundation;

(d) to enter into or perform, either directly or through officers and servants or agents authorized in writing in that behalf by the Foundation, all such contracts and agreements as may be necessary for the exercise, discharge and performance of the powers, functions and duties, and in carrying out the objects of the Foundation;

(e) subject to the provisions of this Act to appoint, employ and remunerate officers and servants of the Foundation 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;

(f) to make rules in relation to the management and maintenance of the Theatre and the levy of charges for the use of the Theatre or any part thereof or for the public viewing of the Theatre or any part thereof;

(g) to invest funds belonging to the Foundation at the discretion of the Board in any such investments as are authorized by law for the investment of trust money and to recall, reinvest and vary such investments at the discretion of the Board and to collect income accruing from such investments; and

(h) to make rules in relation to all matters connected with the working of the Foundation.

**8.** The Tower Hall Theatre and the premises appurtenant thereto shall be and are hereby vested irrevocably in the Foundation. Vesting of Tower Hall Theatre.

**6.** The aims and objects of the Foundation shall be—

(a) to encourage and promote national theatrical activities;

(b) to develop and improve the knowledge, understanding and practice of the Theatre;

(c) to provide financial assistance to Theatre artistes and craftsmen, and to assist in the training of artistes ;

(d) to engage in the production, experimentation and performance of opera, dance, drama and music; and

(e) to restore, preserve, maintain and utilize the Tower Hall Theatre as a national monument in order to secure the objectives set out above and for such other purposes as the Board may consider fit, so however that the Theatre shall not be used for partisan political purposes.

**7.** (1) The Foundation shall have the power to do all things as are necessary for, or conducive or incidental to, the carrying out of the objects of the Foundation.

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

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

(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,

The objects of the Foundation.

Powers, duties and functions of the Foundation.

Establishment of Tower Hall Theatre Foundation Fund.

**9.** (1) There shall be established a Fund called the Tower Hall Theatre Foundation Fund (hereafter in this Act referred to as the "Fund").

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

(3) The Government may donate to the Foundation from time to time grants for the purpose of carrying out the aims and objects of the Trust.

Payments into the Fund.

**10.** There shall be paid into the Fund—

- (a) any gifts or donations of money ;
- (b) any grant received from the Government under section 9;
- (c) any income derived from the levy of charges for the use of the Theatre or any part thereof and by the sale of tickets for admission;
- (d) any income derived from the levy of charges for the public viewing of the Theatre or any part thereof; and
- (e) any income from investments or other receipts due to the Foundation.

Payments out of the Fund.

**11.** There shall be paid out of the Fund—

- (a) expenses necessary for the working, establishment and maintenance of the Foundation;
- (b) the cost of acquisition, renovation and improvements of the Theatre so far incurred by the Colombo Municipal Council;
- (c) the cost of maintenance, additions, alterations or improvements to the Theatre;
- (d) the payment of salaries to officers, servants and other employees; and
- (e) all such other payments as are approved by the Board as being necessary for the purpose of carrying out the objects of the Foundation.

**12.** (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 Foundation. Accounts and audit.

(2) The Board shall cause its books to be balanced as on the thirty-first of December in each year and shall, before the thirty-first of March next, cause to be prepared an income and expenditure account and a balance sheet containing a summary of the assets and liabilities of the Foundation made up to the first-mentioned date.

(3) The income and expenditure account and the balance sheet shall be signed by the Chairman of the Board and by such other officers of the Foundation as may be authorized by the Board to do so.

(4) The accounts of the Foundation shall be audited by a qualified auditor.

(5) The Board shall annually prepare a report of the work of the Foundation and a report of the finances during the year completed, which shall together with the report of the qualified auditor, be tabled in Parliament and be published in the Gazette for general information before the lapse of the year succeeding the year to which such report of the finances relate.

**13.** (1) The Minister with the concurrence of the Minister in charge of the subject of Finance may exempt the Foundation from the payment of any customs duty on any goods imported by the Foundation, if the import of such goods is considered to be conducive for the advancement of the aims and objects of the Foundation. Exemption of Foundation from certain duties and taxes.

(2) The Foundation shall be exempt from any income tax or wealth tax payable under the Inland Revenue Act, No. 4 of 1963, or the Inland Revenue Act (No. 28 of 1979).

(3) The Foundation shall be exempt from the payment of any rates under the Municipal Councils Ordinance.

(4) Where any person makes a gift to the Foundation he shall be exempt from the payment of gifts tax under the Inland Revenue Act, No. 4 of 1963, or the Inland Revenue Act (No. 28 of 1979), to the extent of the total value of the gift.

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(5) Where any person makes a donation to the Foundation such donation shall be deemed to be an approved expenditure for the purposes of the Inland Revenue Act, No. 4 of 1963, or the Inland Revenue Act (No. 28 of 1979), and the donor shall be entitled to relief under that Act in respect of the total value of such donation.

(6) The provisions of this section shall have effect notwithstanding anything to the contrary in the Inland Revenue Act, No. 4 of 1963, or the Inland Revenue Act (No. 28 of 1979), and the Municipal Councils Ordinance.

temporarily appointed to the staff of the Foundation for such period as may be determined by the Board with like consent, or be permanently appointed to such staff on such terms and conditions, including those relating to pension or provident fund rights, as may be agreed upon by the Board and the Local Government Service Advisory Board or that authority.

(6) Where any person is temporarily appointed to the staff of the Foundation under this section, he shall be subject to the same disciplinary control as any other member of such staff.

Appointment of public officers and members of the Local Government Service to the Foundation.

**14.** (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 charged with the subject of Public Administration, be temporarily appointed to the staff of the Foundation for such period as may be determined by the Board with like consent, or be permanently appointed to such staff.

(2) Where any officer in the public service is temporarily appointed to the staff of the Foundation, the provisions of subsection (2) of section 13 of the Transport Board Law shall, *mutatis mutandis*, apply to and in relation to him.

(3) Where any officer in the public service is permanently appointed to the staff of the Foundation, the provisions of subsection (3) of section 13 of the Transport Board Law shall, *mutatis mutandis*, apply to and in relation to him.

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

(5) At the request of the Board, any member of the Local Government Service or any other officer or servant of any local authority may, with the consent of such member, officer or servant and the Local Government Service Advisory Board or that authority, as the case may be, be

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

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

(3) 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 funds of the Foundation unless such expense is recovered by him in such suit or prosecution.

**16.** No writ against person or property shall be issued against any member of the Board or any officer or servant of the Foundation in any action brought against the Foundation.

**17.** All officers and servants of the Foundation shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

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

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

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

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

**18.** The Foundation shall be deemed to be a scheduled institution within the meaning of the Bribery Act and the provisions of that Act shall accordingly apply.

Interpretation.

**19.** In this Act, unless the context otherwise requires—

" local authority " means any Municipal Council, Urban Council, Town Council or Village Council 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;

" 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.