



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

**CHANDIMA WEERAKKODY FOUNDATION
(INCORPORATION) ACT, No. 5 OF 2014**

[Certified on 04th March, 2014]

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*Chandima Weerakkody Foundation
(Incorporation) Act, No. 5 of 2014*

[Certified on 04th March, 2014]

L.D.—O.(Inc.) 3/2012:

AN ACT TO INCORPORATE THE CHANDIMA WEERAKKODY FOUNDATION

WHEREAS a Foundation called and known as the “Chandima Weerakkody Foundaton” 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 expedient 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 Chandima Weerakkody Foundation (Incorporation) Act, No. 5 of 2014.

Short title.

2. (1) From and after the date of commencement of this Act, such and so many persons as now are members of the Chandima Weerakkody 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 Chandima Weerakkody 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 to use a common seal and to alter the same at its pleasure.

Incorporation of the Chandima Weerakkody Foundation.

(2) The Corporation shall be deemed to be a voluntary social service organization within the meaning, and for the purposes of the voluntary social services organizations (Registration and Supervision) Act, No. 31 of 1980 and the provisions of that Act, shall apply to and in relation to the management of the affairs of the Corporation.

General objects
of the Corpora-
tion.

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

- (a) to assist financially or otherwise the needy school children to enable them to continue their studies;
- (b) to provide assistance to the needy;
- (c) to award scholarships to deserving students selected to follow courses in Universities and other Higher Educational Institutions;
- (d) to conduct workshops, discussions and seminars to train teachers of daham schools and preschools and to provide incentives to inaugurate preschools with the approval of the relevant provincial educational authorities if so required by law;
- (e) to assist in providing wheel chairs, crutches, spectacles and other medical equipment and food to the needy, destitute and sick;
- (f) to encourage the under privileged to engage in self employment programmes;
- (g) to develop religious places belonging to all religions;
- (h) to assist in the activities of societies established in the Grama Niladhari Divisions.

Corporation to ensure of no conflict with work of Ministry or Department of the Central Government or Province.

4. The objects of the Corporation shall be carried out in such manner so as not to create any conflict between the work of the Corporation and any work being carried out simultaneously by any Ministry or Department of the Government or of any Provincial Council.

5. (1) The affairs of the Corporation shall, subject to the provisions of this Act and the rules made under section 7, be administered by a Committee of Management (hereinafter referred to as the "Committee") consisting of the Chairman, Secretary, Treasurer and four other members who shall be elected in accordance with the rules of the Corporation.

(2) The founder member of the Foundation, Honourable Chandima Weerakkody, Member of Parliament shall be the first Chairman of the Committee of Management of the Corporation.

(3) (a) The first Committee of the Corporation shall be the Committee of Management of the Foundation holding office on the day immediately preceding the date of commencement of this Act, who shall hold office until the new members are elected in terms of the provisions of this Act.

(b) The first Committee of the Corporation shall be appointed or elected within one year of the date of commencement of this Act.

(4) (a) Every office bearer of the Committee including the patrons and advisors, shall be appointed or elected for a period of three years and any such office bearer, patron or advisor shall be eligible for re-appointment or re-election after a lapse of the said period of three years.

(b) In the event of a vacancy occurring due to the death, resignation, incapacity or removal from office of an office bearer, the committee shall, having regard to the rules of the Corporation, elect or appoint a person to fill such vacancy.

(c) The person elected or appointed under paragraph (b) shall hold office only for the unexpired portion of the term of office of the member whom he succeeds.

General Powers
of the
Corporation.

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

- (a) open, operate and close bank accounts;
- (b) borrow or raise money with or without security, and to receive or collect grants and donations:

Provided that, the Committee shall obtain the prior written approval of the Department of External Resources of the Ministry of the Minister assigned the subject of Finance, in respect of all foreign grants, gifts or donations made to the Corporation.

- (c) utilize the funds belonging to the Corporation for the achievement of the objects of the Corporation, in a manner determined by the Committee;
- (d) purchase, acquire, give on lease or hire, sell or otherwise obtain any movable or immovable property which may be required for the purpose of the corporation and which may lawfully be acquired for those purposes and to deal with or dispose of the same, as it may deem expedient with a view to promoting the objects of the Corporation;
- (e) employ and dismiss officers and servants required for the carrying out of the objects of the Corporation;
- (f) to liaise and co-ordinate with other local or foreign institutions which have similar objects; and
- (g) do all other acts and things as are necessary or expedient for the proper and effective carrying out of the objects of the Corporation.

7. (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:-

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 Committee other than the office bearers and the powers and duties of the committee;
- (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 committee and the quorum therefore 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) Every rule made under subsection (1) shall be Gazetted.

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

Fund of the Corporation.

8. (1) The Corporation shall have its own Fund and all monies heretofore 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 Committee may determine.

(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.

Audit and accounts.

9. (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 Committee.

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

Annual Report.

10. (1) The Committee shall prepare a report of the activities of the Corporation for each financial year and submit such report together with the audited statement of accounts to the Secretary of the Ministry of the Minister assigned the

subject of Social Services and to the Registrar of Voluntary Social Services Organizations appointed under the Voluntary Social Services Organization (Registration and Supervision) Act, No. 31 of 1980 before the expiration of six months of the year succeeding the year to which such report relates.

(2) A separate account relating to the foreign and local moneys received by the Corporation during the financial year shall be attached to the report referred to in subsection (1).

11. 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.

Corporation may hold movable and immovable property.

12. 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.

13. 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 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.

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

Property remaining on dissolution.

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 Committee on or before the dissolution of the Corporation.

Saving of the rights of the Republic and others.

15. Nothing contained in this Act shall prejudice or affect the rights of the Republic or 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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