

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

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THE SRI LANKA 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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Published as a Supplement to Part II of the Gazette of the Democratic

Socialist Republic of Sri Lanka of March 20, 2009

PRINTEDATTHEDEPARTMENTOFGOVERNMENTPRINTING,SRILANKA

TOBEPURCHASEDATTHEGOVERNMENTPUBLICATIONSBUREAU,COLOMBO5

Price : Rs. 14.00 Postage : Rs. 7.50

The Sri Lanka Institute of Textile and Apparel 1

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, Preamble.

No. 3 of 1984, established the Clothing Industry Training

Institute to provide training and technical services to the

Clothing Industry:

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:

2 —PL003130—4,200 (08/2008)

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NOW THEREFORE be it enacted by the Parliament of the

Democratic Socialist Republic of Sri Lanka as follows:—

Short title 1. This Act may be cited as the Sri Lanka Institute of

and date of Textile and Apparel Act, No. 12 of 2009 and the provisions

operation.

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 ANDAPPAREL

Establishment 2. There shall be established an Institute called the Sri

of the Sri Lanka Institute of Textile and Apparel (hereinafter referred to

Lanka

as the “Institute”) which shall, by the name assigned to it by

Institute of

Textile and this section, be a body corporate and have perpetual

Apparel. succession and a common seal and may sue and be sued in its

corporate name.

Constitution 3. (1) The Institute shall have a Board of Governors

of the Board

(hereinafter referred to as “the Board”) consisting of —

of

Governors.

(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;

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(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 Objects of the

be to— 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

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(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 Powers, duties

Board shall exercise, perform and discharge the following and functions of

the Institute.

powers, duties and functions:—

(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 6. In the exercise, discharge and performance of its

exercise,

powers, duties and functions, the Board shall comply with

discharge and

perform its the general policy of the Government in relation to the textile

powers, duties and apparel industry and with any general or special

and functions in

compliance with directions that may from time to time be issued by the Minister

the general in relation to implementation of such policy.

policy of the

Government.

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.

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(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, Director-

General and

appoint a Director-General of the Institute (in this Act

Directors of the

referred to as the “Director-General”) who shall be its chief Institute.

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.

(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.

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(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 9. Subject to the provisions of this Act and of any rules

Institute. 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 10. (1) At the request of the Board any officer in the

public officers public service may with the consent of that officer and the

to the Staff of

the Institute. 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.

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(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 11. (1) The Institute shall have its own Fund to which

Institute. 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 12. (1) The Board may establish a Staff Development

Development Fund for the purpose of improving the skills and knowledge

Fund.

of the staff of the Institute.

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(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 Borrowing

Minister and the Minister in charge of the subject of Finance, powers of the

Institute.

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:

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 Financial year

calendar 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 Application of

Part II of the

of 1971 shall mutatis mutandis, apply to and in respect of the Finance Act, No.

financial control and accounts of the Institute. 38 of 1971.

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Board to prepare 16. The Board shall, at the end of each financial year,

an annual report publish a report of its activities during that year and submit

of its activities.

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 17. (1) It shall be lawful for any officer or other

inspection of employee of the Institute specifically authorized in writing

buildings and

premises. 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 18. (1) For the purpose of enabling the Institute to

information. 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

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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 Directions of the

or special directions in writing to the Board relating to the Minister.

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.

20. (1) Where any immovable property is required to Acquisition of

be acquired for the Institute for any of its purposes and the immovable

property under

Minister approves of the proposed acquisition, the purpose the Land

for which such immovable property is required shall be Acquisition Act

deemed to be a public purpose within the meaning of the for the Institute.

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.

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(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 21. (1) Where any immovable property of the State is

both movable required for any purpose of the Institute, such purpose shall

and immovable

be deemed to be a purpose for which a special grant or lease

to be made

available to the of such property may be made under section 6 of the Crown

Institute. 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 22. Any expense incurred by the Institute, a member of

incurred to be the Board, the Director-General, a Director or any officer or

paid out of the

Fund. 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 23. No writ shall be issued against a person or property

issued against a of any member of the Board, the Director-General, a Director

member etc.

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 ;

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(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 trail 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 Institute

deemed to be

Institution within the meaning of the Bribery Act (Chapter a scheduled

27) and the provisions of that Act shall be construed institution

within the

accordingly. meaning of

the Bribery

Act.

26. All members of the Board, the Director-General, the Members,

Director-

Directors and all officers and employees of the Institute shall General,

be deemed to be public servants within the meaning and for Directors,

officers and

the purposes of the Penal Code (Chapter 19). employees of

the Institute

deemed to be

public servants.

27. (1) Subject to the provisions of this Act, the Board Rules.

may make rules in respect of all matters for which rules are

authorized or required to be made under this Act.

(2) Every rule made be 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 text to

Sinhala and Tamil texts of this Act, the Sinhala text shall prevail in case of

inconsistency.

prevail.

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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 XVIIA 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 30. (1) The Clothing Industry Training Institute Act,

No. 3 of

No. 3 of 1984 and the Textile Training and Services Centre

1984 and Act

No. 4 of Act, No. 4 of 1984 are hereby repealed.

1984.

(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;

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(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 ;

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(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

county, 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.

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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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