

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

PAHIYANGALA CONSERVATION AND

DEVELOPMENT FOUNDATION

(INCORPORATION) ACT, No. 24 OF 2009

[Certified on 20th April, 2009]

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Pahiyangala Conservation and Development 1

Foundation (Incorporation) Act, No. 24 of 2009

[Certified on 20th April, 2009]

L.D.—O. INC. 22/2007.

ANACT TO INCORPORATE THE PAHIYANGALA CONSERVATION AND

DEVELOPMENT FOUNDATION

WHEREAS a Foundation called and known as the Preamble.

“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:

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 Short title.

Conservation and Development Foundation (Incorporation)

Act, No. 24 of 2009.

2. From and after the date of commencement of this Act, Incorporation of

such and so many persons as now are the members of the the Pahiyangala

Conservation

Pahiyangala Conservation and Development Foundation

and

(hereinafter referred to as the “Foundation”) or shall hereafter Development

be admitted members of the Corporation hereby constituted, Foundation.

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.

2—PL 003098—3,250 (07/2008)

2 Pahiyangala Conservation and Development

Foundation (Incorporation) Act, No. 24 of 2009

General objects 3. The General objects for which the Corporation is

of the established are hereby declared to be—

Corporation.

(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 4. Subject to the provisions of this Act and any other

of the

written law, the Corporation shall have the power to do

Corporation.

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 5. (1) The affairs of the Corporatoin shall, subject to

the affairs of the the rules of the Corporation made under section 6 of this Act

Corporation.

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.

Pahiyangala Conservation and Development 3

Foundation (Incorporation) Act, No. 24 of 2009

(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 Rules of the

to time, at any general meeting and by a majority of not less Corporation.

than two thirds of the members persent 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) 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 7. (1) The Corporation shall have its own fund and all

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

Accounts. 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 9. All debts and liabilities of the Foundation existing

and payable to on the day preceding the date of commencement of this Act,

the Foundation.

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 Corporation may

acquire and hold any property movable or immovable which hold property

movable or

may become vested in it by virtue of any purchases, grant,

immovable.

gift, testementary 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.

11. The seal of the Corporation shall not be affixed to Seal of the

any instrument whatsoever except in the presence of the Corporation.

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.

12. If upon the dissolution of the Corporation there Property

remains after the satisfaction of all its debts and liabilities, remaining on

dissolution.

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.

13. Nothing in this Act contained shall prejudice or affect Saving of the

the rights of the Republic or of any body politic or corporate. rights of the

Republic and

others.

14. In the event of any inconsistency between the Sinhala text

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

case of

prevail. inconsistency.

6 Pahiyangala Conservation and Development

Foundation (Incorporation) Act, No. 24 of 2009

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