

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

FREE NURSERY AND WELFARE COMPLEX

(INCORPORATION) ACT, No. 31 OF 2009

[Certified on 18th May, 2009]

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L.D.—O. INC 27/2004.

ANACT TO INCORPORATE THE FREE NURSERY AND WELFARECOMPLEX

WHEREAS an Association called and known as the “Free Preamble.

Nursery and Welfare Complex” has heretofore been

established in Sri Lanka, for the purpose of effectually

carrying out and transacting all objects and matters connected

with the said association according to the rules agreed to by

its members :

AND WHEREAS the said association has heretofore

successfully carried out and transacted several objects and

matters for which it was established and has applied to be

incorporated and it will be 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 Free Nursery and Welfare Short title.

Complex (Incorporation) Act, No. 31 of 2009.

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

such and so many persons as presently are members of the the Free Nursery

and Welfare

Free Nursery and Welfare Complex (hereinafter referred to as

Complex.

the “Complex”) or shall hereafter be admitted members of

the Corporation hereby constituted shall be a body corporate

with perpetual succession under the name and style of the

“Free Nursery and Welfare Complex” (hereinafter referred to

as the “Corporation”) and by that name may sue and be sued

in all Courts, with full power and authority to have and use a

common seal, and alter the same at its pleasure.

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

constituted are hereby declared to be— of the

Corporation.

(a) to encourage, assist and advice on self- employment

projects ;

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(b) to assist children and adults by providing necessary

schools and educational institutes other than

national schools enumerated in Appendix III of List

1 of the 9th Schedule to the Constitution, with

accessory, educational and library facilities ;

(c) to provide necessary financial assistance for the

promotion of arts, literature, construction of images

and modelling, production of television Dramas,

films and stage plays, in order to develop the interest

and skills of members and non members ;

(d) to organize national and religious ceremonies and

“Sramadanas”, for the development of mutual

confidence and goodwill among the people ;

(e) to develop ational and international relationships

by exchanging experience and technical knowledge

and to organize excursions ;

(f) to collect economical and human resources for the

purpose of investigation and accumulation of

information ;

(g) to care for disabled persons and to provide homes

for the aged ;

(h) to protect the environment and to improve modern

techniques of organic agriculture ; and

(i) to print, publish and distribute books, journals,

leaflets, newspapers and magazines which the

Corporation may consider desirable for the

promotion and advancement of its objects.

Management of 4. (1) The affairs of the Corporation shall, subject to

the affairs of the the other provisions of this Act and the rules made under

Corporation. section 8 of the Corporation, be administered by a Committee

of Management consisting of a President and six other office

bearers to be elected in the manner provided for by the rules

of the Corporation.

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(2) The first Committee of Management of the

Corporation shall consist of the members of the Committee

of Management of the Complex holding office on the day

immediately preceding the date of commencement of this Act.

(3) Notwithstanding anything to the contrary in

subsection (1), of this section, Ven. Banagala Gunaratana

Thero the founder President of the Complex shall be the first

President of the Corporation and shall be elegible for re-

appointment for another term of office.

5. (1) The Committee of Management shall cause to be Register of

maintained a register of members, in which the names of every members and

fees.

person who was, on the day preceding the date of

commencement of this Act, a member of the Complex and

every person who thereafter is duly admitted a member of the

Corporation, shall be included.

(2) Every member whose name has been entered in the

register maintained under subsection (1), shall be required to

pay such amount, as annual membership fee as shall be

determined by rules made in that behalf.

6. A member shall cease to be a member of the Cancellation of

Corporation in any one of the following circumstances:— Membership.

(i) death of the member ;

(ii) leaving Sri Lanka permanently ;

(iii) resignation from membership ;

(iv) any mental or physical disorder which prevents a

member from participating in the Corporations

activities ;

(v) acting against the disciplinary rules of conduct for

members ; or

(vi) default in payment of membership fee for two

consecutive years.

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Powers of the 7. Subject to the provisions of this Act and any other

Corporation. written law, the Corporation shall have the power to—

(a) purchase, acquire, rent, construct and otherwise

obtain lands or buildings which may be required for

the purposes of the Corporation ;

(b) borrow or raise money from any Government

approved bank and other institutions (foreign and

local) for the purposes of the Corporation with the

approval of the Committee of Management ;

(c) make, draw, accept, discount, endorse, negotiate, buy,

sell and issue bills of exchange, cheques, promissory

notes and other negotiable instrument and to open,

operate, maintain and close bank accounts ;

(d) invest funds not immediately required for the

purposes of the Corporation, in such a manner as the

Committee of Management may think fit ;

(e) solicit and receive subscriptions, grants, donations

and gifts of all kinds ;

(f) enter into agreements or contracts with any person,

company or body of persons ;

(g) undertake, accept, execute, perform and administer

any lawful trusts and conditions affecting any

property ;

(h) appoint, employ, dismiss or terminate the, services

of officers and servant of the Corporation and to pay

them such salaries, allowances and gratuities as may

be determined by the Corporation ;

(i) train personnel in Sri Lanka or abroad for the purposes

of the Corporation ; and

(j) do all such other acts or things as may be necessary

or conducive to the carrying out of the objects of the

Corporation.

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8. (1) It shall be lawful for the Corporation from time Rules of the

to time at any General Meeting of the Corporation and by Corporation.

a majority of not less than two-thirds of the members

present and voting to make rules, not inconsistent with the

provisions of this Act or any other written law, for the

following matters:—

(a) classification of membership, fees payable by each

class of members, their admission, withdrawal,

expulsion or resignation ;

(b) election of the members of the Committee of

Management, vacation of or removal from office as

office bearers, term of office of the office bearers and

powers, duties and functions of the Committee of

Management;

(c) the appointment, powers, duties and functions of

various officers, agents and servants of the

Corporation ;

(d) the procedure to be observed at and the summoning

and holding of meetings of the Committee of

Management, the Corporation or any sub committee

thereof, filling of vacancies, notices and agenda of

such meetings, the quorum therefor and the conduct

of business thereat ;

(e) the qualifications and disqualifications for

membership in the Committee of Management and

the Corporation ;

(f) the administration and management of the property

of the Corporation, and the accomplishment of the

objects of the Corporation.

(2) Any rules 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).

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(3) The members of the Corporation shall be subject to

the rules of the Corporation made under this section.

Fund of the 9. (1) The Corporation shall have its own fund and all

Corporation. moneys received by way of gifts, bequests, donations,

subscriptions, and contributions, fees or grants on account of

the Corporation shall be deposited in a bank or banks

approved by the Committee of Management to the credit of

the Corporation.

(2) There shall be paid out of the Fund, all sums of money,

required to defray any expenditure incurred by the

Corporation in the exercise of its powers and the performance

of its duties.

Audit and 10. (a) The financial year of the Corporation shall be

accounts. the calendar year.

(b) The Corporation shall cause proper accounts to be

kept of its income and expenditure, assets and liabilities and

all other transactions of the Corporation.

(c) The accounts of the Corporation shall be audited by

a qualified auditor.

(d) In this section, “qualified auditor” means—

(i) an indivdual 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

practicse as an Accountant issued by the Council of

such Institute.

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11. All debts and liabilities of the Complex existing on Debts &c,

the day immediately preceding the date of commencement due by and to

the Complex

of this Act, shall be paid by the Corporation hereby

payable by

constituted, and all debts due to and subscription due and and to the

payable to the Complex on the day immediately preceding Corporation.

the date of commencement of this Act, shall be paid to the

Corporation hereby constituted.

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 institution or institutions

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. The members

of the Corporation shall determine such institution or

institutions at the time of dissolution of the Corporation or

prior its dissolution.

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

any instrument whatsoever, except in the presence of the Corporation.

President, Secretary and one member duly authorized by the

Corporation 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.

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

affect the rights of the Republic or any body politic or rights of the

Republic.

corporate.

15. 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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