

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

PREMADASA HEGODA FOUNDATION

(INCORPORATION) ACT, No. 71 OF 2009

[Certified on 18th December, 2009]

Printed on the Order of Government

Published as a Supplement to Part II of the Gazette of the Democratic

Socialist Republic of Sri Lanka of December 18, 2009

PRINTEDAT THEDEPARTMENT OFGOVERNMENTPRINTING,SRILANKA

TO BEPURCHASED AT THEGOVERNMENT PUBLICATIONSBUREAU, COLOMBO 5

Price : Rs. 6.00 Postage : Rs. 5.00

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Act, No. 71 of 2009

[Certified on 18th December 2009]

L. D. —O. (INC.) 34/2007.

ANACTTO INCORPORATE THE PREMADASAHEGODA FOUNDATION Preamble.

WHEREAS an Association called and known as

the “Premadasa Hegoda Foundation” has been formed 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 formed and has applied to be

incorporated, and it will be for the public advantage to grant

the 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 Premadasa Hegoda Short title.

Foundation (Incorporation) Act, No. 71 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 Premadasa

Hegoda

Premadasa Hegoda Foundation (hereinafter referred to as the Foundation.

“Association”) 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

“Premadasa Hegoda Foundation” (hereinafter referred to as

the “ Corporation”) 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.

3. (1) The general objects for which the Corporation is General objects

constituted are hereby declared to be— of the

Corporation.

(a) to establish and maintain welfare centres for destitute

and displaced children ;

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(b) to take care of disabled, deformed and mentally

retarded children and to arrange for the future welfare

of these children and to aid in this regard ;

(c) to initiate vocational courses needed for mentally

retarded or deformed or displaced children and to

provide for their educational needs ;

(d) to establish and maintain vocational training

centres in collaboration with local and foreign

institutions ;

(e) to develop cordiality and corporation between this

Corporation and social workers, scientists,

philanthropists and local and foreign welfare

societies having social objectives ;

(f) to construct buildings necessary for the use of the

Corporation as well as the use of the persons

comming from abroad for the benefit of the

Corporation and to supply and maintain facilities

and equipment for such purposes ;

(g) to teach youth values and proper behaviour which

would mould their character ;

(h) to assist the children in every respect so that they

become good citizens of the country ;

(i) to establish and maintain pre-schools for the benefit

of low income families and to conduct courses for

the training of preschool teachers ;

(j) to promote traditional cultural arts by supplying

material and providing facilities and by encouraging

and protecting the interests of the artists and their

welfare ;

(k) to organize cultural exchange programmes with

other countries ;

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(l) to assist in the conservation of the natural resources

of Sri Lanka and protection of the endangered

species, animals, birds, fish and reptiles and provide

all assistance to the relevant institutions ;

(m) to organize seminars, workshops, projects and

discussions and to maintain relations with local and

foreign institutions in this field ; and

(n) 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.

(2) In the implementation of the objects specified in

subsection (1) the Corporation shall ensure that such

implementation is carried out without distinction based on

race, caste, religion language, sex or political opinion.

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

other provisions of this Act and such rules as may be made the affairs of the

Corporation.

under section 7, be administered by a Board of Management

consisting of the President, Secretary, Assistant Secretary,

Treasurer and Assistant Treasurer and five committee members

who shall be appointed at a general meeting and elected in

accordance with the rules of the Corporation.

(2) The members of the Board first of Management of the

Corporation shall consist of the members of the Board of

Administration of the Associations holding office on the day

immediately proceeding the date of commencement of this

Act and shall hold office until the holding of the first annual

general meeting of the Corporation.

5. The Board of Management shall cause a register to be Register of the

members.

maintained in which every person who, at the date of

commencement of this Act, is a member of the Corporation

and every person thereafter duly admitted as a member of the

Corporation hereby constituted, shall have his name inscribed

in such register.

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Powers of the 6. Subject to the provisions of this Act and any other

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

perform and execute all such acts, matters and things

whatsoever, as are necessary or desirable for the promotion

or for the furtherance of the objects of the Corporation or

anyone of them, including the power—

(a) to purchase, hold, rent, construct and otherwise

obtain lands or buildings which may be required

for the purposes of the Corporation ;

(b) to borrow or raise funds and receive grants, gifts or

donations in cash or kind ;

(c) to erect or course to be erected any building or

structure on any land belonging to the Corporation;

(d) to make draw, accept, discount, endorse, negotiate,

buy, sell and issue bills of exchange, cheques,

promissory notes and other negotiable instruments

and to open, operate, maintain and close bank

accounts ;

(e) to invest any funds not immediately required for

the purposes of the Corporation, in such a manner

as the Board of Management may think fit ;

(f) to undertake, accept, execute, perform and

administer any lawful trusts and conditions

affecting any movable or immoveble property ;

(g) to appoint, employ, dismiss or terminate the services

of officers and servants of the Corporation and to

pay them such salaries, allowances and gratuities

as may be determined by the Corporation ; and

(h) to train personnel in Sri Lanka or abroad for the

purpose of the Corporation.

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7. (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 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 Board of Management, or vacation

of, or removal as office bearers and powers, duties,

functions and conduct of the Board of Management;

(c) appointment, employment and dismissal of the

various officers, agents and servants of the

Corporation their powers, duties, functions and

conduct and the payment of remuneration to them;

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

and holding of meetings of the Corporation, Board

of Management, or any sub-committee thereof,

filling of vacancies, notices and agenda of such

meetings, the quorum therefore and the conduct of

business thereat ;

(e) the qualifications and disqualifications for

membership in the Board of Management and the

Corporation ;

(f) the administration and management of the property

of the Corporation ; and

(g) generally for 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).

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

rules of the Corporation.

Audit and 8. (1) The Corporation shall have its own fund and the

Accounts.

financial year shall be the calendar year.

(2) The Corporation shall cause proper accounts to be

kept of all income and expenditure, assets and liabilities

and all other transactions of the Corporation.

(3) The accounts of the Corporation shall be audited

annually by a qualified auditor appointed by the

Corporation.

(4) In this section “qualified auditor ” means —

(a) an individual who being a member of the Institute

of Chartered Accountants of Sri Lanka or any other

Institute established by law, possesses a certificate

to practice 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 practice

as an Accountant issued by the Council of such

Institute.

Corporation 9. The Corporation shall be able and capable in law, to

may hold acquire and hold any property movable or immovable, which

property

movable or may become vested in it by virtue of any purchase, grant,

immovable. gift, 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 made

under section 7, with full power to sell, mortgage, lease,

exchange or otherwise dispose of the same.

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10. All debts and liabilities of the Association existing Debts due by

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

the Association.

shall be paid by the Corporation, and all debts due to,

subscriptions and contributions payable to the Association,

on that day shall be paid to the Corporation for the purposes

of this Act.

11. If upon the winding up or dissolution of the Property

remaining on

Corporation there remains after the satisfaction of all its debts

dissolution of

and liabilities, any property whatsoever, such property shall the Corporation.

not be distributed among the members of the Corporation,

but shall be given or transferred to some other association or

associations having objects similar to those of the Corporation

and which is or are by its or their rules prohibited from

distributing any income or property among its or their

members. Such association or associations shall be determined

by the members of the Corporation at or immediately before

the time of such dissolution of the Corporation.

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

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

President of the Corporation or his absence two other persons

duly authorized by the Board of Management 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.

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

rights of the

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

Republic and

others.

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

prevail in case

Sinhala and Tamil texts of this Act, the Sinhala text shall

of inconsistency.

prevail.

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Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180

(Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF

GOVERNMENT INFORMATION, NO. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th

December each year in respect of the year following.