

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

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NIMAL SIRIPALA DE SILVA FOUNDATION

(INCORPORATION) ACT, No. 23 OF 2014

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[Certified on 23rd July, 2014]

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Nimal Siripala de Silva Foundation 1

(Incorporation) Act, No. 23 of 2014

[Certified on 23rd July, 2014]

L.D.—O.(Inc.) 23/2012.

ANACT TO INCORPORATE THE NIMAL SIRIPALA DE SILVA FOUNDATION

WHEREAS a Foundation called and known as the "Nimal Preamble.

Siripala de Silva Foundation" has heretofore been formed

for the purpose of effectually carrying out and transacting

the 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 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 Nimal Siripala de Silva Short title.

Foundation (Incorporation) Act, No. 23 of 2014.

2. (1) From and after the date of commencement of this Incorporation of

Act, such and so many persons as now are members of the the Nimal

Nimal Siripala de Silva Foundation (hereinafter referred to Siripala de Silva

Foundation.

as the “Foundation”) and 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 Nimal Siripala de Silva 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.

(2) The Corporation shall be deemed to be a voluntary

social service organization within the meaning, and for the

purpose 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.

2—PL 005736— 2,000 (07/2014)

2 Nimal Siripala de Silva Foundation

(Incorporation) Act, No. 23 of 2014

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

of the

constituted are hereby declared to be:—

Corporation.

(a) to establish and maintain water supply schemes in

areas where there is a scarcity of water, subject to

the provisions of section 21 of the National water

supply and Drainage Board Law No. 2 of 1974 ;

(b) to organize awareness programmes on methods to

minimize to impact of natural disasters ;

(c) to provide land and houses to families who do not

own land and houses, in accordance with the

applicable laws ;

(d) to assist the relevant authorities to—

(i) provide scholarships to needy students

and youth ;

(ii) establish and maintain permanent and

mobile libraries ;

(iii) promote artistic creations, sports skills and

technical skills of students and the

youth ;

(iv) conduct classes, lectures, seminars,

conferences, workshops, discussions,

dialogues, educational tours and

exhibitions for the students with a view to

improving their general literacy ;

(v) promote skills of the youth by granting

opportunities for training in sports,

leadership, computer, media and

languages including Sinhala, Tamil and

English ;

Nimal Siripala de Silva Foundation 3

(Incorporation) Act, No. 23 of 2014

(vi) construct buildings and provide other

necessary assistance to schools in need of

such assistance ;

(vii) provide food and other necessary

assistance to the poor, destitute and sick

persons ; and

(viii) establish and maintain welfare centres with

suitable facilities for the blind, deaf, dumb,

aged and displaced persons.

(2) In the implementation of the objects specified in

subsection (1) the Corporation shall ensure that such

implementation shall be carried out without any distinction

based on race, religion, caste, sex political opinion, place of

birth or any one of such grounds.

4. The objects of the Corporation shall be carried out in Corporation to

such manner so as not to create any conflict berween the ensure no

conflict with

work of the Corporation and any work being carried out by work of the

the Government or any Provincial Council or Statutory Government or

Body. any Provincial

Council.

5. (1) Subject to the provisions of this Act the Management

management and administration of the affairs of the of the affairs

of the

Corporation shall be carried out by a Board of Management Corporation.

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

number of office bearers as may be specified by the rules

made under section 7.

(2) (a) The Board of Management of the Foundation

holding office on the day immediately preceding the date of

commencement of this Act, shall function as the Board of

the Corporation until the first Board is appointed or elected

in the manner provided for by rules made under section 7.

(b) The first Board of the Corporation shall be appointed

or elected within one year of the date of commencement of

this Act.

4 Nimal Siripala de Silva Foundation

(Incorporation) Act, No. 23 of 2014

(3) (a) Every office bearer of the Board including the

patrons and advisers, 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 ro re-election

after 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 Board 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.

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 and matters as are necessary

or desirable for the promotion or furtherance of the objects

of the Corporation or any one of them, including the

power:—

(a) to purchase, acquire, rent, construct, renovate and

otherwise obtain lands or buildings which may be

required for the purposes of the Corporation and to

deal with or dispose of the same as may be deemed

expendient with a view to promoting the objects of

the Corporation ;

(b) to borrow or raise funds with or without securities

and to receive grants, gifts or donations in cash or

kind :

Provided that, the Board 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;

Nimal Siripala de Silva Foundation 5

(Incorporation) Act, No. 23 of 2014

(c) 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 accouts in

any bank ;

(d) to invest any funds that are not immediately required

for the purposes of the Corporation, in such manner

as the Board may determine ;

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

administer any lawful trust or any real or personal

property with a view to promoting the objects of

the Corporation ;

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

of officers and servants of the Corporation and

exercise disciplinary control over them and to pay

them such salaries, allowances and gratuities as amy

be determined by the Corporation ;

(g) to organize lectures, seminars and conferences with

a veiw to promoting the objectives of the

Corporation ;

(h) to liaise and co-ordinate with other local and foreign

institutions having similar objects to that of the

Corporation ;

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

purposes of the Corporation ; and

(j) to do all other things as are necessary or expendient

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 Rules of the

time, at any General Meeting of the Corporation and by a Corporation.

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

6 Nimal Siripala de Silva Foundation

(Incorporation) Act, No. 23 of 2014

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 :—

(a) the classification of membership, admission,

withdrawal, expulsion or resignation of members

and fees payable by the members ;

(b) the election of office bearers of the Board or

vacation of or removal from office of office bearers

and the powers, duties and functions of the office

bearers ;

(c) the terms and conditions of appointment, powers,

functions and duties of the various officers, agents

and servants of the Corporation ;

(d) the procedure to be followed for the summoning

and holding of meetings of the Board or any sub-

committee thereof, notices and agenda of such

meetings, the quorum and the conduct of business

thereat ;

(e) the qualifications and disqualifications to be a

member of the Board and the Corporation ;

(f) the administration and management of the property

of the Corporation ; and

(g) generally the management of the affairs of the

Corporation and the accomplishment of its’ objects

and dissolution 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 at all times be

subject to the rules of the Corporation.

Nimal Siripala de Silva Foundation 7

(Incorporation) Act, No. 23 of 2014

(4) The rules made under this section shall be published

in the Gazette.

8. The Board shall maintain a register of members in Register of

which name, address and other essential details of the members.

members shall be inscribed.

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

Corporation.

(2) All moneys received by way of gifts, bequest,

donation, subscription, contribution, fees or grant for and

on account of the Corporation shall be deposited in one or

more banks approved by the Board to the credit of the

Corporation.

(3) There shall be paid out of the fund, all sums of money

as are required to defray any expenditure incurred by the

Corporation in the exercise, performance and discharge of

its powers, duties and functions under the Act.

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

the calendar year. Accounts.

(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

annually by the Auditor General or a qualified auditor

appointed by Auditor General.

(4) For the purposes of this section, “qualified auditor”

means —

(a) 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

8 Nimal Siripala de Silva Foundation

(Incorporation) Act, No. 23 of 2014

(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.

Annual Report. 11. (1) The Board 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 Service 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).

Debts due by 12. 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

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.

Corporation 13. Subject to the provisions of this Act, the Corporation

may hold shall be able and capable in law to take and hold any property,

property

movable or immovable, which may become vested in it by

movable and

immovable. virtue of any purchase, grant, 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 power to

sell, mortgage, lease, exchange or otherwise dispose of the

same.

Nimal Siripala de Silva Foundation 9

(Incorporation) Act, No. 23 of 2014

14. The moneys and property of the Corporation Application of

however derived shall be applied solely towards the moneys and

property.

promotion of the objects of the Corporation and no portion

thereof shall be paid or transferred directly or indirectly by

way of dividend, bonus or profit or otherwise howsoever to

the members of the Corporation.

15. (1) The Seal of the Corporation shall not be affixed Seal of the

to any instrument whatsoever except in the presence of two corporation.

members of the Board 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.

(2) The seal of the Corporation shall be in the custody of

an office bearer of the Board as may be decided by such

Board.

16. (1) If upon the dissolution of the Corporation there Property

remains after the satisfaction of all its debts and liabilities remaining or

dissolution.

any property whatsoever, such property shall not be

distributed among the members of the Corporation, but shall

be given or transferred to any other institution having objects

similar to those of the Corporation, and which, is by the rules

thereof, prohibited from distributing any income or property

among its or members.

(2) For the purposes of subsection (1) the appropriate

institution shall be determined by the members of the

Corporation immediately before the dissolution at a general

meeting by the majority of votes of the members present.

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

affect the rights of the Republic or of anybody politic, or rights of the

Republic and

corporate.

others.

18. In the event of any inconsistency between the Sinhalal text to

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

of inconsistency

prevail.

10 Nimal Siripala de Silva Foundation

(Incorporation) Act, No. 23 of 2014

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