

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

P. HARRISON COMMUNITY DEVELOPMENT

FOUNDATION (INCORPORATION)

ACT, No. 44 OF 2014

[Certified on 24th November, 2014]

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[Certified on 24th November, 2014]

L.D.—O. Inc. 11/2013

AN ACT TO INCORPORATE THE P. HARRISON COMMUNITY

DEVELOPMENT FOUNDATION

WHEREAS a Foundation called and known as the Preamble.

“P. Harrison Community Development Foundation” has

heretofore been established in Sri Lanka for the purpose of

effectually carrying out its objects and transacting all 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 the said 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 P. Harrison Short title.

Community Development Foundation (Incorporation)

Act, No. 44 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 P. Harrison

Community

P. Harrison Community Development Foundation

Development

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

be admitted as members of the Corporation hereby

constituted, shall be a body corporate with perpetual

succession, under the name and style of the “P. Harrison

Community Development 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—PL 007041—2000 (10/2014)

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(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 Coporation.

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

of the constituted are hereby declared to be—

Corporation.

(a) to take necessary steps to make awareness of social

values among people;

(b) to promote mutual understanding and co-operation

among ethnic groups; and

(c) to provide grants, scholarships, gifts, donations

and financial assistance for the benefit of needy

youth.

(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, language, caste,

sex, political opinion, place of birth or any of such

grounds.

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

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

conflict with

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

Ministry or simultaneously by any Ministry or Department of the

Department of Government or of any provincial Council.

the Central

Government or

Province.

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

the affairs of the Management and administration of the affairs of the

Corporation.

Corporation shall be carried out by a Board of Directors

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

number of office bearers as may be specified by the rules

made under section 7.

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(2) (a) The Board of Directors of the Foundation that

holds 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.

(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

adviser shall be eligible for re-appointment or 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.

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

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

perform and execute all such acts and matters as are necessary

or desirable for the promotion or furtherence 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 expedient with a view to promoting the

objects of the Corporation;

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(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

with the subject of Finance, in respect of all foreign

grants, gifts or donations made to the Corporation.

(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 accounts

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 may

be determined by the Corporation;

(g) to organize lectures, seminars and conferences with

a view 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;

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(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 expedient

for the proper and effective carrying out of the

objects of the Corporation.

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

to time, at any general meeting of the Corporation and by a Corporation.

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 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 follwed 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) the management of the affairs of the Corporation

and the accomplishment of its’ objects and

dissolution of the Corporation.

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(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) of this section.

(3) The members of the Corporation shall at all times be

subject to the rules of the Corporation.

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

in the Government Gazette.

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

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

members shall be inscribed.

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

Corporation.

(2) All moneys received by way of gift, 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.

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

the Auditing. the calendar year.

(2) The Corporation shall cause proper accounts to be

kept of its income and expenditure, assets and libilities 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 in terms of Article 154 of the

Constitution.

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(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

(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 establisehd by law, possesses a

certificate to practice as an Accountant, issued

by the Council of such Institute.

11. (1) The Board shall prepare a report of the activities Annual Report.

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 Services and to the Registrar of Voluntary Social

Services Organizations appointed under the Voluntary Social

Services Organizations (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).

12. All debts and liabilities of the Foundation existing Debts due by

on the day immediately preceding the date of commencement and payable to

the Foundation.

of this Act, shall be paid by the Corporation hereby

constituted and all debts due to and subscriptions and

contributions payable to the Foundation on that day shall be

paid to the Corporation for the purposes of this Act.

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

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

movable and

movable or immovable, which may become vested in it by

immovable.

virtue of any purchase, grant, gift, testamentary disposition or

otherwise, and all such property shall be held by the

Corporation for the purpose 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.

Application of 14. The moneys and property of the Corporation however

moneys and derived shall be applied solely towards the promotion of the

property.

objects of the Corporation and no portion thereof shall be

paid or transferred directly or indirectly by way of dividend,

bonus or profit to the members of the Corporation.

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

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

two 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.

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

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

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 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.

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

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

Republic.

corporate.

18. 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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