



**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]

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 May 22, 2009

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 7.00

Postage : Rs. 5.00

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(Incorporation) Act, No. 31 of 2009*

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L.D.—O. INC 27/2004.

AN ACT TO INCORPORATE THE FREE NURSERY AND WELFARE COMPLEX

WHEREAS an Association called and known as the “Free 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 :

Preamble.

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

Short title.

2. From and after the date of commencement of this Act, such and so many persons as presently are members of the Free Nursery and Welfare Complex (hereinafter referred to as 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.

Incorporation of the Free Nursery and Welfare Complex.

3. The general objects for which the Corporation is constituted are hereby declared to be—

General objects 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
the affairs of the
Corporation.

4. (1) The affairs of the Corporation shall, subject to the other provisions of this Act and the rules made under 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.

(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 eligible for re-appointment for another term of office.

5. (1) The Committee of Management shall cause to be maintained a register of members, in which the names of every 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.

Register of members and fees.

(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 Corporation in any one of the following circumstances:—

Cancellation of 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 Corporation.

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

8. (1) It shall be lawful for the Corporation from time to time at any General Meeting of the Corporation and by 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 :—

Rules of the Corporation.

- (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 Corporation.

9. (1) The Corporation shall have its own fund and all 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 accounts.

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

11. All debts and liabilities of the Complex existing on the day immediately preceding the date of commencement of this Act, shall be paid by the Corporation hereby constituted, and all debts due to and subscription due and payable to the Complex on the day immediately preceding the date of commencement of this Act, shall be paid to the Corporation hereby constituted.

Debts &c,
due by and to
the Complex
payable by
and to the
Corporation.

12. If upon the dissolution of the Corporation there remains after the satisfaction of all its debts and liabilities, 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.

Property
remaining on
dissolution.

13. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the 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.

Seal of the
Corporation.

14. Nothing in this Act contained shall prejudice or affect the rights of the Republic or any body politic or corporate.

Saving of the
rights of the
Republic.

15. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to
prevail in case of
inconsistency.

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