



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**SRILANKA INSTITUTE OF LANDSCAPE
ARCHITECTS ACT, No. 33 OF 2009**

[Certified on 12th June, 2009]

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*Sri Lanka Institute of Landscape Architects
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L. D. —O. 75/2006

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE SRI LANKA INSTITUTE
OF LANDSCAPE ARCHITECTS AND FOR MATTERS CONNECTED THEREWITH
OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist
Republic of Sri Lanka as follows:—

- 1.** This Act may be cited as the Sri Lanka Institute of Landscape Architects Act, No. 33 2009. Short title.
- 2.** (1) There shall be established an Institute which shall be called the Sri Lanka Institute of Landscape Architect (hereinafter referred to as “the Institute”). Establishment of the Sri Lanka Institute of Landscape Architects.

(2) The Institute shall, by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession and a common seal and may sue or be sued in such name.
- 3.** The general objects for which the Institute is constituted are hereby declared to be— General Objects of the Institute.

 - (a) to develop the profession of landscape architecture in Sri Lanka to internationally accepted standards;
 - (b) to provide leadership and guidance to the profession and to facilitate the profession in fulfilling its vital role in the process of sustainable development, conserving and improving the environment, integrating natural systems and applying relevant arts and sciences in service to society.
- 4.** The functions of the Institute shall be— Functions of the Institute.

 - (a) to promote and advance the study of, practice and application of, and research in, landscape architecture and its related subjects and the arts and sciences connected therewith;

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- (b) to promote, establish and maintain close relations with the profession worldwide, including the international exchange of knowledge, skills and experience in both educational and professional spheres;
- (c) to establish and maintain the highest possible standards of professional practice in planning, designing, development, management and conservation of the landscape, along with other relevant professionals and professional bodies;
- (d) to organize, supervise and control the admission and the professional education and training of persons desiring to qualify as landscape architects, to prescribe or approve courses of study for the qualifying examinations for membership of the Institute and to conduct or provide for the conduct of such courses and examinations;
- (e) to protect and promote the interests, status, welfare, rights and privileges of the profession of landscape architects in Sri Lanka and the interests of the public in relation to that profession, and of persons desiring to qualify as landscape architects; and
- (f) to establish, regulate and maintain libraries and benefit schemes for the benefit of members, officers and employees and their dependants.

General
Powers of the
Institute.

5. Subject to the provisions of this Act and any other written law, the Institute shall have power to—

- (a) acquire, hold, take or give on lease or hire, mortgage, pledge, sell and exchange or otherwise dispose of any immovable or movable property of the Institute;
- (b) enter into and perform or carry out, whether directly or through any officer or agent authorized in that

behalf by the Institute, all such contracts or agreements as may be necessary for the attainment of the objects or the exercise of the powers, of the Institute;

- (c) levy fees, subscriptions and contributions in respect of membership, admission to membership and admission to courses and examinations conducted by the Institute;
- (d) invest its funds and maintain current, deposit and savings accounts in any bank or banks approved by the Council of the Institute;
- (e) advance, lend and borrow money for the purposes of the Institute in such manner and upon such security as the Institute may think fit;
- (f) prescribe the qualifications and disqualifications for membership of the Institute and the standards of professional conduct for members of the Institute, and secure the maintenance thereof;
- (g) appoint, employ, transfer, dismiss and take other disciplinary action against officers and employees and prescribe their terms and conditions of services; and
- (h) generally, do all such acts and things as are necessary for or incidental or conducive to carrying out or the attainment of the objects of the Institute.

6. (1) Subject to the provisions of section 14 of this Act, eligibility for each class of membership shall be specified by rules made under this Act,

Membership of the Institute.

(2) The following classes of membership shall be in the Institute:—

- (a) Fellow;

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(b) Member; and

(c) Non-Corporate Member, the various classes of which shall be specified by rules made under this Act.

(3) The classes of membership mentioned under paragraphs (a) and (b) of subsection (1) shall be referred to as “Corporate Members”.

(4) Every Corporate Member shall be eligible to be elected to the Council or any Committee of the Institute and shall be entitled to all the rights and privileges.

(5) Every Non-Corporate Member shall be entitled to present at the meetings of the Institute but shall not have the right to vote.

Fee for membership of the Institute.

7. (1) Subject to the provisions of section 6, a person who is eligible for membership of the Institute shall be enrolled as a member upon payment to the Institute of a fee as may be specified in the rules made under this Act.

(2) The enrolment of a person as a member of the Institute shall be effective until the thirty-first day of December of the year of enrolment and such enrolment may be renewed annually upon payment of a fee specified by the rules.

Use of titles.

8. (1) Any Corporate Member of the Institute shall be entitled to take and use the title “Chartered Landscape Architect” and to use the abbreviation “F.I.L.A. (Sri Lanka)” after his name to indicate that he is a Fellow of the Institute and to use abbreviation “M.I.L.A. (Sri Lanka)” after his name to indicate that he is a Member of the Institute.

(2) Any firm of Landscape Architects, each of the partners of which is a Corporate Member of the Institute, shall be entitled to take and use the title “Chartered Landscape Architects”.

(3) Where one or more of the partners of a firm are Corporate Members of the Institute, the Council may permit such firm to take and use the title “Chartered Landscape Architect” or “Chartered Landscape Architects” as the case may be, as part of the description of such firm, provided that the remaining partners are members of other professions.

(4) Save as aforesaid, no person or body of persons shall take or use the title “Chartered Landscape Architect” or “Chartered Landscape Architects” or the initials “F.I.L.A. (Sri Lanka)”, or “M.I.L.A. (Sri Lanka)”, or use the same as the name or part of the name in any book, journal or other publication dealing with landscape architecture or the practice of landscape architecture or the profession of landscape architecture.

(5) No member shall take or use any designation or abbreviated designation referred to in subsection (1) of this section and which, under that subsection only a member enrolled in any grade of the class of Corporate Members may take or use, unless such person is for the time being enrolled as a member in that grade.

9. (1) There shall be a Council of the Institute, (hereinafter referred to the “Council”), which shall be vested with the administration and management of the affairs of the Institute.

Constitution of
the Council.

(2) The Council shall consist of the President, the Vice-President, the immediate Past president in the case of a successive Council, the Secretary, the Treasurer, the Assistant Secretary, the Assistant Treasurer and such other number of members, not less than two and not more than eight, elected or appointed in accordance with the rules of the Institute. The Council may provide for the election or appointment, from among the Non-Corporate Members of the Institute, of not more than two other persons as members of the Council, to represent such Non-Corporate Members or any class thereof:

Provided however, that until the Institute has existed long enough for there to be sufficient number of persons who meet the requirements for Council membership and corporate membership under the rules of the Institute, the President and other members of the Council shall be members who have successfully completed—

- (i) a comprehensive full-time postgraduate degree course in Landscape Architecture or Landscape Design at a recognized university or institution; and
- (ii) at least six years subsequently experience in the practice or teaching of Landscape Architecture.

(3) Every member of the Council shall, unless he vacates office earlier by death, resignation or removal, hold office for a period as specified in the rules of the Institute.

(4) A member of the Council shall vacate office by resignation therefrom or if he ceases to be a member of the Institute.

(5) In the event of death or vacation of office by a member of the Council, another person shall be elected in place of such member and shall hold office during the remaining period of the term of office of such member.

(6) Any member of the Council who vacates office by effluxion of time shall be eligible for re-election as a member.

Acts not
invalidated by
reason of a
vacancy & c.,

10. No act or proceedings of the Council shall be deemed to be invalid by reason only of the existence of any vacancy in the Council or defect in the appointment of election of any member of the Council.

Meetings of the
Council.

11. The meetings of the Council shall be held in such manner as specified in the rules of the Institute.

12. (1) The Council may, at any general meeting and by the votes of not less than two-thirds of the corporate members present and voting, make rules in respect of any matter required by this Act to be prescribed or in respect of which rules are authorized or required by this Act to be made. Such rules when made, may, at a like meeting and in like manner, be altered, added to, amended or rescinded.

Powers to make rules.

(2) Without prejudice to the generality of the powers conferred by the provisions of subsection (1) of this section, the Council may make rules not inconsistent with the provisions of this Act and any other written law, in respect of all or any of the following matters:—

- (a) the admission, registration and expulsion of members; the qualifications and disqualifications for membership, the form and issue of certificates of membership, the maintenance of a register of members; the waiver or reduction and the effect of non-payment of membership fees and the rights, privileges and duties of members;
- (b) the terms of office of the Council, eligibility for and the mode of election or appointment thereto, the resignation or vacation of office and the filling of casual vacancies, the delegation of the powers and functions of the Council and the appointment of committees, the annual report of the Council, and the adoption and use of the common seal;
- (c) the rights, powers, functions and duties of the officers of the Council;
- (d) the summoning or holding of meetings of the Council, the annual general meeting, other general meetings and special general meetings of the members of the Institute, the times, places, notice and agenda of such meetings, the quorum thereof and the conduct of business thereat;

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- (e) the management of the property of the Institute and the custody of its funds;
 - (f) the formulation of a Code of Professional Conduct;
 - (g) the procedure for disciplinary inquiries, including the appointment of Disciplinary Committees and the provisions of legal assistance thereto, the form of complaints, the framing of charges, the furnishing of explanations in reply, the issue of notices, the summoning of any person to give evidence applicable thereto, the maintenance of the record of the proceedings thereat and the form and content of the reports of Disciplinary Committees.
 - (h) the appointment of the staff of the Institute such as other officers and employees as may be necessary for the purposes of the Institute;
 - (i) the dismissal of and exercise of disciplinary control over, such officers and employees;
 - (j) the fixing of wages or salaries or other remuneration of such officers and employees;
 - (k) the determination of the terms and conditions of service of such officers and employees; and
 - (l) the establishment and regulation of schemes for the benefit of such officers and employees and the making of contributions to any such fund or scheme.
- (3) Every rule made under this Act, shall be published in the *Gazette*.
- (4) The members of the Institute shall be subject to the rules for the time being of the Institute.

(5) In the interpretation of any of the rules made in accordance with subsection (2) and in any matter not provided for therein, the decision of the Council shall be final.

13. (1) The Council may delegate to the President all or any of its powers relating to the appointment of other officers or employees to the staff of the Institute.

Delegation of powers of the Council.

(2) The conditions of employment including remuneration of any officer or employee appointed by the President under the powers delegated to him under this section shall be determined by the Council, with the concurrence of the President.

(3) Any person aggrieved by any decision taken under this section may appeal therefrom in writing to the Council and the decision of the Council on such appeal shall be final.

(4) The dismissal by the President of any officer or employee of the Institute shall not take effect unless such dismissal is approved by the Council.

14. (1) No person shall be enrolled as a member of the Institute—

General Disqualifications.

- (a) if he has been adjudged by a competent court to be of unsound mind;
- (b) if having been adjudged an insolvent or bankrupt by a competent court, he has not been granted by such court, a certificate to the effect that his insolvency or bankruptcy has arisen wholly or partly from unavoidable losses or misfortune;
- (c) if he has been convicted by a competent court of any offence involving moral turpitude and punishable with imprisonment or similar punishment and has not been granted a free pardon.

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(2) The Council shall disenrol any person as a member of the Institute, if he becomes subject to any disqualification mentioned in subsection (1) of this section:

Provided, however, that such disenrolment shall not prevent the Council from subsequently re-enrolling such person if satisfied that he is fit to be enrolled.

Fund of the
Institute.

15. (1) The Institute shall have its own fund.

(2) There shall be credited to the Fund of the Institute—

(a) all such sums of money as may be voted from time to time by Parliament;

(b) all such sums of money received by the Institute in the exercise and discharge of its powers and functions under this Act; and

(c) all such sums of money received by the Institute as loans, grants and donations from sources within or outside Sri Lanka.

(3) All sums of money required to defray any expenditure incurred by the Institute in the exercise and discharge of its powers and functions shall be charged on the Fund of the Institute.

Financial year of
Institute.

16. The financial year of the Institute shall be the calendar year.

Audit of
accounts.

17. The provisions of Article 154 of the Constitution shall apply in relation to the audit of the accounts of the Institute.

Seal of the
Institute.

18. The seal of the Institute shall not be affixed to any instrument whatsoever except by the authority of a resolution of the Council and in the presence of two members of the Council or, of the secretary and such other person as the

Council shall authorize for the purpose, 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.

19. All members of the Council and officers and employees of the Institute shall be deemed to be public servants within the meaning and for the purposes of the Penal Code. (Chapter 19).

Members, officers and employees of the Institute to be deemed public servants.

20. The Institute shall be deemed to be a scheduled Institution within the meaning of the Bribery Act (Chapter 26) and the provisions of that Act shall be construed accordingly.

Institute deemed to be Scheduled Institution within the meaning of the Bribery Act, (Chapter 26)

21. No member of the Council or officer or employee of the Institute shall disclose to any person, except for the purpose of discharging his functions under this Act or when required to do so by a court under any law, any information acquired by him in the discharge of his functions under this Act.

Prohibition of disclosure of information.

22. Any expense incurred by any person in any suit or prosecution brought against him before any court in respect of any act which is done by him under this Act or on the direction of the Council shall, if the court holds that the act was done in good faith, be paid out of the Fund of the Institute.

Expense incurred by any person to be paid by the Institute.

23. No writ against person or property shall be issued against a member of the Council in any action brought against the Institute.

Prohibition of issue of a writ.

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Offences and penalties.

24. Any person who contravenes the provisions of the Act shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment or to a fine not exceeding five hundred rupees or to both such fine and imprisonment.

Sinhala text to prevail in case of inconsistency.

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

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