

CHAPTER 111

INSTITUTE OF CORPORATION LAWYERS

Law
No. 33 of 1978,
Act
No. 3 of 1980.

A LAW TO PROVIDE FOR THE ESTABLISHMENT OF AN INSTITUTE TO BE CALLED THE INSTITUTE OF CORPORATION LAWYERS FOR THE PURPOSE OF PROVIDING THE SERVICES OF LAWYERS TO PUBLIC CORPORATIONS AND LOCAL AUTHORITIES, AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[1st November, 1978.]

Short title.

1. This Law may be cited as the Institute of Corporation Lawyers Law.

Establishment of the Institute of Corporation Lawyers.

2. (1) There shall be established an Institute which shall be called the Institute of Corporation Lawyers (hereinafter referred to as the "Institute").

(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 and be sued in such name.

Objects of the Institute.

3. The objects of the Institute shall be to provide public corporations and local authorities the services of attorneys-at-law—

- (a) to give legal advice ;
- (b) to appear, plead or act for and on behalf of such corporations and authorities before any judicial or quasi-judicial tribunal or other body or person ;
- (c) generally, in accordance with the provisions of this Law, to act for and on behalf of any such corporation or authority in respect of or in connexion with any legal matter.

Powers of the Institute.

4. For the purpose of carrying out its objects, the Institute shall have the following powers ;—

- (a) to charge fees, in accordance with the provisions of this Law, for services rendered or provided by the Institute ;
- (b) to enter into and perform, either directly or through any officer or agent authorized in that behalf, all such contracts or agreements as may be necessary ;
- (c) to train or provide for the training of members of the legal staff of the Institute in specialized fields of law and ancillary subjects on such terms and conditions as may be prescribed ;

- (d) to acquire, hold, take or give on lease or hire, mortgage, pledge or sell or otherwise dispose of, any movable or immovable property ;
- (e) to employ such officers and servants as may be necessary ;
- (f) to engage the services of attorneys-at-law for or in connexion with any matter or proceeding ;
- (g) to make rules in respect of the administration of the affairs of the Institute ; and
- (h) to do all other things which are necessary for or conducive or incidental to the carrying on of its objects.

5. (1) The affairs of the Institute shall be administered by a Board of Management (hereinafter referred to as the "Board") which shall consist of the following members, who shall be appointed by the Cabinet of Ministers on the recommendation of the Minister :—

Board of Management of the Institute. [2,3 of 1980.]

- (a) the Chairman, who shall be an attorney-at-law of not less than ten years' standing ; and
- (b) four other members who shall be attorneys-at-law of not less than seven years' standing.

(2) The members of the Board may act notwithstanding a vacancy among the members thereof or any irregularity in the appointment of any member.

6. (1) The Chairman of the Board shall, if present, preside at all meetings of the Board. In the absence of the Chairman from any such meeting, the members present shall elect one of the members to preside at such meeting.

Who shall preside at meetings of the Board. [3, 3 of 1980.]

(2) Any question for decision at any meeting of the Board, shall be decided by the vote of the majority of the members present. In the case of an equality of votes the member presiding shall have a second or casting vote.

Quorum for meetings of the Board and regulation of procedure.

7. The quorum for any meeting of the Board shall be three members. Subject to the other provisions of this Law, the Board may regulate its own procedure in regard to its meetings and the transaction of business at such meetings.

Institute, the provisions of subsection (2) of section 13 of the Transport Board Law shall, *mutatis mutandis*, apply to and in relation to him.

Members of the Board to be full-time officers and to be remunerated.

8. The members of the Board shall, in addition to their duties as such members, be full-time officers of the Institute collectively and individually responsible for its efficient administration and shall be paid such remuneration from the funds of the Institute at such rates as the Minister may determine with the concurrence of the Minister in charge of the subject of Finance.

(3) Where any officer in the public service is permanently appointed to the staff of the Institute, the provisions of subsection (3) of section 13 of the Transport Board Law shall, *mutatis mutandis*, apply to and in relation to him.

Minister may give directions to the Board.

9. In the exercise, discharge and performance of its powers, functions and duties, the Board shall be subject to and act in accordance with such general or special directions as the Minister may, from time to time, issue.

(4) Where any person has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Institute by that person, shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

Employees of the Institute.

10. (1) The employees of the Institute shall consist of such number of officers and servants as the Board may consider necessary for the proper and efficient conduct of the business of the Board.

13. The Institute may appoint to the legal staff of the Institute on such terms and conditions, as may be determined by the Minister, such of the employees of public corporations as are attorneys-at-law considered suitable for employment in the service of the Institute.

Employees in public corporations may be employed by the Institute.

(2) All employees of the Institute shall be appointed by the Board with the concurrence of the Minister;

14. Disciplinary control over the employees of the Institute other than those appointed under section 12 shall be exercised by the Board after receiving the recommendation of the Minister.

Disciplinary control of employees.

Provided that in the case of the appointment of the non-legal staff of the Institute the Minister may in writing addressed to the Board dispense with the requirement of obtaining the concurrence of the Minister.

15. Every member of the Board and other officer employed by the Institute who is an attorney-at-law shall, in his capacity as such attorney-at-law and only in such capacity, be entitled on the instructions of any public corporation or local authority to appear, plead or act in any court, tribunal or other institution established by law for the administration of justice and before any other body or person for or on behalf of—

Board members, &c. entitled to appear in courts.

Legal staff of the Institute.

11. All members of the Board and other employees of the Institute who are attorneys-at-law shall constitute the legal staff of the Institute.

Appointment of public officers to the staff of the Institute.

12. (1) At the request of the Institute, any public officer may, with the consent of that officer and the Secretary to the Ministry charged with the subject of Public Administration, be temporarily appointed to the staff of the Institute for such period as may be determined by the Institute with like consent, or be permanently appointed to such staff.

(a) such public corporation or local authority ; or

(b) any employee of such public corporation or local authority in any action, proceeding or matter instituted by or against such employee in respect of any act or thing done by him for or on behalf of such corporation or local authority ; or

(2) Where any officer in the public service is temporarily appointed to the staff of the

(c) any person or body, whether corporate or unincorporate, where by any written law or agreement any public corporation is entitled to represent, to act on behalf of or to take over the defence of such person or body.

and the value of such property as may be transferred to the Institute by any Government Department by an order, or with the consent of the Minister in charge of that Department.

(2) The capital of the Institute may be increased, from time to time, by such amount as may be authorized by an Appropriation Act or by resolution of Parliament and such amount shall be paid or made available to the Institute by the Government by way of grant or loan on such terms and conditions as may be determined by the Minister in charge of the subject of Finance.

19. (1) The charges that may be made by the Institute for prescribed services rendered by it shall be fixed, and may be revised, from time to time, by Order made by the Minister in consultation with the Board and published in the Gazette.

Charges that may be made by the Institute.

(2) The charges that may be made by the Institute for services which are not prescribed services shall be fixed, and may be revised from time to time, by an officer authorized in that behalf by the Institute.

20. The provisions of the Public Corporations (Financial Control) Act shall, *mutatis mutandis*, apply to the financial control and accounts of the Institute.

Application of the provisions of the Public Corporations (Financial Control) Act. Financial year of the Institute.

21. The financial year of the Institute shall be the calendar year,

22. No suit or prosecution shall lie against the Institute for any act which in good faith is done or purported to be done by the Institute under this Law :

Protection of the Institute against action taken under this Law.

Provided, however, that the protection given by this section shall not extend to any negligent act or omission on the part of such Institute or any officer or servant in the course of the performance of his duties under this Law or in any other capacity as an attorney-at-law,

23. All officers and servants of the Institute shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Officers and servants of the Institute deemed to be public servants.

24. The Institute shall be deemed to be a scheduled institution within the meaning of the Bribery Act and the provisions of that Act shall be construed accordingly.

The Institute deemed to be a scheduled institution within the meaning of the Bribery Act.

Board may engage services of attorneys-at-law not employed by Institute.

16. (1) The Board may, on the instructions of a public corporation or local authority or where any special circumstance so requires or in respect of any matter which may be generally or specially prescribed, seek the advice or engage the services of any attorney-at-law, not on the Board or employed by the Institute and not being a public officer, or any foreign lawyer, whether in Sri Lanka or abroad, to advise or to represent any such public corporation or local authority or its employee or any person or body referred to in section 15 (c) before any court, tribunal or other institution established by law for the administration of justice or before any other body or person.

(2) The right of any foreign lawyer to appear before any court, tribunal or institution or other body or person shall be determined in accordance with any law, regulation or practice for the time being governing the right of audience before the Supreme Court or other judicial tribunal in Sri Lanka.

Legal staff. &c. of Institute to have right of audience in any court, &c.

17. Every member of the legal staff of the Institute or any attorney-at-law whose services are engaged by the Institute under section 16 shall have the same right of audience before any court, tribunal or institution or other body or person as is enjoyed by any other attorney-at-law, but shall not by reason of any official designation or his employment by the Institute have any further right or privilege, nor shall any official designation given to such member or attorney-at-law for any official purposes be notified to such court, tribunal or institution or other body or person, or be recorded in the proceedings thereof.

Capital of the Institute.

18. (1) The initial capital of the Institute shall be one million rupees and such capital shall consist of grants or loans given or made available by the Government out of the Consolidated Fund on such terms and conditions as may be determined by the Minister in charge of the subject of Finance,

Regulations.

25. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Law and in respect of all matters required by this Law to be prescribed or in respect of which regulations are authorized by this Law to be made.

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation made by the Minister shall as soon as convenient after its publication in the Gazette be laid before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done thereunder. Notification of the date on which a regulation is deemed to be rescinded shall be published in the Gazette.

26. In this Law, unless the context Interpretation. otherwise requires—

" foreign lawyer " means any duly qualified lawyer who is not a citizen of Sri Lanka or an attorney-at-law of the Supreme Court of Sri Lanka or both ;

" local authority " includes any Municipal Council, Urban Council, Town Council or Village Council ;

" public corporation " means any corporation, board or other body which was or is established by or under any written law other than the Companies Ordinance,* with funds or capital wholly or partly provided by the Government by way of grant, loan or otherwise ; and

"public officer " includes any officer or servant employed by or under the Government of Sri Lanka.

* Subsequently repeated and replaced by the Companies Act, No. 17 of 1982.