

CHAPTER 476

RAILWAY UNIFORM STAFF BENEVOLENT FUND

Ordinance AN ORDINANCE TO INCORPORATE THE CEYLON RAILWAY UNIFORM STAFF
 No. 50 of 1947. BENEVOLENT FUND.

[19th December, 1949.]

Short title- **1.** This Ordinance may be cited as the Railway Uniform Staff Benevolent Fund Ordinance.

incorporation. **2.** From and after the passing of this Ordinance the president and such and so many persons as are now members of the Ceylon Railway Uniform Staff Benevolent Fund (hereinafter referred to as "the association"), or shall hereafter be admitted members of the corporation hereby constituted shall be and become a corporation with continuance for ever under the name of "The Ceylon Railway Uniform Staff Benevolent Fund ", (hereinafter referred to as the corporation) and by that name may sue and be sued in all courts and shall have full power and authority to have and use a common seal, and to change and alter the same at their will and pleasure.

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

- (a) to promote thrift among its members;
- (b) to give relief to its members in times of distress;
- (c) to pay to each member on his retirement, resignation or dismissal from the public service such portion of his contribution to the funds of the corporation and such donation, if any, as may be authorized by the rules of the corporation made as hereinafter provided; and
- (d) in the event of the death of any member prior to his ceasing to be a public servant to pay to his nominee appointed in accordance with the rules of the corporation or,

in the absence of a properly appointed nominee, to his heirs at law such portion of his contribution to the funds of the corporation and such donation, if any, as may be authorized by the rules of the corporation.

4. (1) The affairs of the corporation shall be subject to the rules of the corporation and be administered by a committee of management consisting of the following:—

(a) Ex officio members:

- (i) The president of the corporation (hereinafter referred to as "the president") elected each year by the members of the corporation from among their own number or from among the officers of the Government Railway Department at the annual general meeting of the corporation; and
- (ii) two vice-presidents elected each year by the members of the corporation from among their own number at the annual general meeting of the corporation.

(b) Elected members:

Twelve persons elected each year by the members of the corporation from among their own number at the annual general meeting of the corporation.

(2) The first committee of management shall consist of the president, the two

vice-presidents, the secretary and treasurer and the members of the committee of management of the association holding office at the time of the coming into operation of (his Ordinance, and shall function until the first general meeting of the corporation.

Secretary to the Ministry and after such approval has been obtained he shall be seconded for service as the secretary and treasurer of the corporation and appointed as such by the said committee on such terms and conditions as may be agreed upon from time to time between the Government and the said committee.

Powers of the committee of management.

5. The committee of management shall, subject to the provisions of this Ordinance and of any rules made under section 16, have full power and authority—

(a) to govern, direct and decide all matters whatsoever connected with—

(i) the appointment and dismissal of officers, agents and servants of the corporation;

(ii) the administration of the affairs of the corporation;

(iii) the accomplishment of the objects of the corporation ; and

(b) to defray out of the funds of the corporation all expenses necessary for the purpose of such appointment and dismissal and of such administration and accomplishment:

Provided that the said committee shall not exercise any powers which are by this Ordinance or by the rules made under section 16 declared to be exercisable by the corporation in general meeting;

Provided further that no rule made by the corporation in general meeting shall invalidate any prior act of the said committee which would have been valid if such rules had not been made.

Secretary and treasurer.

6. (1) The committee of management shall select a person from among the members of the corporation for appointment to the joint office of secretary and treasurer of the corporation.

(2) The appointment of such person as secretary and treasurer of the corporation shall be subject to the approval of the

(3) If at any time the said committee be of opinion that it is not possible to appoint a suitable person to the joint office of secretary and treasurer from among the members of the corporation it shall be lawful for the said committee subject to the approval of the Secretary to the Ministry to appoint any suitable person to the said office.

(4) If at any time it is necessary provisionally to fill the joint office of secretary and treasurer of the corporation any person may be appointed in that capacity for a period of three months by the said committee.

7. The person appointed to the joint office of secretary and treasurer of the corporation (in this Ordinance and in the rules made thereunder referred to as "the secretary and treasurer ") shall receive and keep account of all moneys and funds of the corporation and shall act as secretary of the committee of management and shall, subject to the provision of section 23 (2), pay all claims, loans, advances and expenses authorized by the said committee. He shall also prepare and submit monthly to the said committee an account of the transactions of the corporation and generally act under the direction of the ex officio members of the said committee.

Duties of secretary and treasurer.

8. (1) (a) Meetings of the committee of management for the dispatch of business shall be held at least once a month.

Committee meeting

(b) It shall be lawful for the president to convene a special meeting of the said committee whenever he shall consider it desirable.

(c) It shall be incumbent upon the president to convene a special meeting of the said committee whenever so requested by five or more members thereof.

(2) Any member of the committee of management who does not attend three successive meetings thereof shall cease to be a member of the said committee.

hereby constituted, shall have his name inscribed.

Who shall preside at committee meetings.

9. The president shall if present preside at meetings of the committee of management. In the absence of the president one of the vice-presidents who will be elected for the purpose by the members of the committee present at the meeting shall preside. In the absence of the president and both the vice-presidents, such member as may be elected for the purpose by the members present at the meeting shall preside.

(2) The register shall contain the following particulars:—

- (a) the name, age at admission, address and occupation of each member;
- (b) the date on which the name of any person was inscribed in the register as a member;
- (c) the date on which any person commenced to be a member;
- (d) the date on which any person ceased to be a member.

Powers of the committee vested in the quorum.

10. All acts whatsoever authorized or required by this Ordinance and the rules made under this Ordinance to be done by the committee of management shall be decided upon and done by the majority of the members present at a duly convened meeting thereof, such members being not less than seven:

(3) All members of the said association whose names are inscribed in the register shall be deemed to have been members of the corporation from the date referred to in subsection (1).

Provided that when the votes of members present in regard to any question shall be equally divided, the person presiding at the meeting shall, besides his own vote as a member, have a casting vote.

14. The committee of management shall cause proper books of account relating to the funds of the corporation to be kept. The said books of account shall be open at all reasonable times to the inspection of the members of the corporation and of any person or persons whom the Secretary to the Treasury may at any time appoint to examine the same. Books of accounts

Vacancies in the committee of management how filled.

11. In the event of death or resignation of any member of the committee of management or in the event of any member ceasing to be a member of the committee of management under section 8 (2) it shall be lawful for the remaining members of the said committee to elect a member of the corporation in his place, and the member so elected shall continue in office until the annual general meeting of the corporation next following his election.

15. It shall be lawful for the corporation by resolution passed at any general meeting to remunerate the services of any member or members of the committee of management, and from time to time fix the amount of such remuneration and to require such security from such member or members so remunerated as may be deemed sufficient. Remuneration to members.

Membership.

12. Every person holding an appointment in the service of the Government Railway who fulfils the requirements of the rules made under section 16 shall be eligible for admission as a member of the corporation and may in the discretion of the committee of management be admitted a member.

16. It shall be lawful for the corporation from time to time at any general meeting of the members and by a majority of votes to make rules for the admission, withdrawal, or expulsion of members, for the imposition of fines and forfeitures for breaches of rules, for the conduct of the duties of the committee of management and of the various officers, agents and servants of the corporation, for the procedure in the transaction of business, for the regulation of the extraordinary loans to be given to members under section 23 and for prescribing the conditions of such loans including the nature and situation of the Rules.

Register of members.

13. (1) The committee of management shall cause to be kept a register in which every person who at the date of the passing of this Ordinance is a member of the said association and every person thereafter duly admitted a member of the corporation

immovable property that may be accepted as security, and otherwise generally for the management of the affairs of the corporation and the accomplishment of its objects. Such rules when made may at a like meeting be altered, amended, or cancelled, subject however to the requirement of section 21:

Provided that no rule or alteration, amendment, or cancellation of any rule shall have effect until the same is confirmed by the Minister. Notice of such confirmation shall be published in the Gazette and thereupon the same shall be as valid and effectual as if it had been herein enacted.

General meetings.

17. (1) The secretary and treasurer upon the request of the committee of management, or upon the written requisition of fifty or more members of the corporation shall call a general meeting of the members of the corporation.

(2) No general meeting shall be held unless the quorum of members prescribed by the rules be present, and unless at least seven days' notice, specifying the time and place of such meeting and the purpose for which it is to be held, has been given by advertisement in two or more local newspapers, or in such other manner as may be required by any rule made by the corporation, and no business shall be brought before or transacted at such meetings other than the business specified in such notice.

Annual general meeting.

18. (1) An annual general meeting of the members of the corporation shall be held not later than the thirty-first day of March of each year, at which there shall be submitted a balance sheet, containing a statement of assets and liabilities of the corporation on the preceding thirty-first day of October and an account of income and expenditure of the corporation during the twelve months ending on the thirty-first day of October of the preceding year.

(2) The said balance sheet and account shall—

(a) be prepared by the secretary and treasurer, and

(b) be duly examined and audited and the correctness thereof certified, prior to the annual general meeting at which the same are submitted, by one or more auditors elected for that purpose by the members of the corporation at the preceding annual general meeting, and

(c) be forwarded in duplicate to the General Manager of Railways within one month of the annual general meeting.

(3) If no auditor is elected under subsection (2) (b), or if any auditor elected under the subsection is unable to act as such through death or any other cause or refuses or neglects to perform his duties, the committee of management may elect an auditor, who shall be deemed to have been duly elected under subsection (2) (b).

(4) Every auditor elected by the members of the corporation or by the committee of management shall receive such remuneration for his services as may be fixed by the members of the corporation or by the committee as the case may be at the time of his election.

(5) If no election of an auditor or auditors is made as aforesaid, the Secretary to the Treasury may, on the application of any member of the corporation, appoint an auditor or auditors for the purpose of examining and auditing any such balance sheet, statement, and account as aforesaid and may fix the remuneration to be paid to him or them by the corporation, and such remuneration shall be paid accordingly. Any auditor or auditors so appointed shall be deemed to have been duly elected under subsection (2) (b).

(6) At every such annual general meeting all business of which due notice has been given shall be transacted and there shall also be elected the president, the vice-presidents and the required number of members of the committee of management, who shall respectively hold office as such until the next subsequent annual general meeting.

(7) No person shall be appointed auditor under this section unless he is—

- (a) a member of the Institute of Chartered Accountants in England and Wales, or of any similar society incorporated by Royal Charter whose members are entitled to use the designation "Chartered Accountant";
- (b) a member of the Society of Incorporated Accountants and Auditors of Great Britain; or
- (c) a public auditor appointed under section 18 of the Societies Ordinance.

Who shall preside at general meetings.

19. The president shall preside at the general meetings of the corporation and in his absence one of the vice-presidents elected for the purpose by the members present shall preside. If the president and both the vice-presidents are absent the members present shall elect one of themselves to be the chairman for the occasion. Whoever presides at a general meeting shall have a casting vote in addition to his own vote as a member.

Security from officers and agents.

20. It shall be lawful for the committee of management to require security to be given by any of the officers, agents or servants appointed by them, and to determine the nature and value of such security.

Mode in which rule or order once made may be subsequently altered, amended or cancelled.

21. No rule passed and no decision come to by the corporation in general meeting shall be altered, amended or cancelled except by at least a majority of two-thirds of the members present and voting at a subsequent general meeting.

Debts due by and payable to association.

22. All debts and liabilities of the association existing at the time of the coming into operation of this Ordinance shall be paid by the corporation hereby constituted and all debts due to and subscriptions, contributions, fines and amounts of loans and advances payable to the association shall be paid to the corporation for the purposes of this Ordinance.

23. (1) The funds of the corporation shall be placed in the name of the corporation at one or more of the local banks, and it shall be lawful for the committee of management from time to time to invest such part of the said fund as is not required for loans, advances and other current expenses—

Funds of the corporation how to be kept, paid out and invested.

- (a) in fixed deposits in one or more of the local banks or in securities of the Government of Sri Lanka, or
- (b) in extraordinary loans to members of the corporation to be secured by mortgage of immovable property situated within eight miles of the Municipal limits of Colombo, or
- (c) in such other manner as the Secretary to the Treasury may from time to time approve.

(2) All cheques and orders against the said fund shall be signed by at least two of the following four persons:—

- (a) the three ex office members of the committee of management, and
- (b) the secretary and treasurer of the corporation.

24. The committee of management may from time to time under the common seal of the corporation appoint such officer or officers, agent or agents, as they may consider necessary for recovering dividends, interest or other revenue to be derived from investment, or for otherwise carrying out the provisions of this Ordinance, and all persons so appointed shall hold office during the pleasure of and shall be entitled to such remuneration as may be determined by the said committee.

Appointment of officers, agents, &c.

25. The seal of the corporation shall not be affixed to any instrument whatsoever except in the presence of at least two of the four persons mentioned in section 23 (2), who shall sign their names to the instruments in token of their presence and such signing shall be independent of the signing of any person as a witness.

Seal of the corporation how to be affixed to instruments.

26. The corporation shall be able and capable in law to take and hold any property movable or immovable which may become vested in it by virtue of any grant,

Corporation may hold property, movable or immovable.

gift, testamentary disposition, or otherwise, and all such property shall be held by the corporation for the purposes of this Ordinance.

effect, and if the court decline to grant the prayer of the petition it shall be competent for the petitioner to appeal to the Court of Appeal.

Corporation may demise lands on lease.

27. It shall be lawful for the corporation to demise any land vested in it for building or other purposes, on lease for any term not exceeding ninety-nine years, reserving the best yearly or monthly rental procurable for the same and with the ordinary covenants for re-entry in case of non-payment of rent, breach of covenants, or otherwise.

(3) Any land sold or exchanged or any land which, having been mortgaged, is sold in execution under a mortgage decree obtained from a competent court, shall be held by the purchaser or person taking the same in exchange free of the trusts created by this Ordinance.

Corporation may not sell, exchange, or mortgage lands without leave of court.

28. (1) It shall not be lawful for the corporation to sell, exchange, or mortgage any of the lands vested in it without the leave of the District Court of Colombo, which leave shall be applied for by petition addressed to the said court setting out the fact and reasons for which the corporation desires to sell, exchange, or mortgage such lands, and praying for an order of the said court.

29. In case any doubt or ambiguity shall arise, and any controversy shall take place among the members of the corporation and of the committee of management, or either of them, as to the interpretation of this Ordinance or as to the powers of the said committee, the same shall be referred to the Secretary to the Treasury whose decision shall be final and conclusive.

Doubts or ambiguities how decided.

(2) If the said court shall be of opinion that it will be for the general advantage of the corporation to grant the prayer of the petition, an order may be made to that

30. Nothing in this Ordinance contained shall affect or be deemed to affect the rights of the Republic, or of any body politic or corporate, or of any other persons, except such as are mentioned in this Ordinance and those claiming by, from, or under them.

Saving of rights of the Republic and others.