

CHAPTER 422

SAMBUDDHA JAYANTHI CHAITYA TRUST

Act AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A TRUST CALLED THE
 No. 19 of 1980. SAMBUDDHA JAYANTHI CHAITYA TRUST, TO SPECIFY ITS OBJECTS AND
 POWERS AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR
 INCIDENTAL THERETO.

[18th April. 1980.]

Short title. **1.** This Act may be cited as the Sambuddha Jayanthi Chaitya Trust Act. nominated by the governing body of that Mandalaya with the concurrence of the Minister. Each member appointed under this paragraph shall hold office for a period of three years from the date of appointment and shall be eligible for reappointment.

Establishment of the Sambuddha Jayanthi Chaitya Trust. **2.** (1) There shall be established a Trust which shall be called the Sambuddha Jayanthi Chaitya Trust (hereinafter referred to as " the Trust "). (2) The Minister shall appoint one of the members of the Board to be Chairman of the Board.

(2) The Trust 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. (3) The Board may regulate the procedure in regard to its meetings and the transaction of business at such meetings.

Constitution of the Board of Trustees and meetings. **3.** (1) The Trust shall be administered by a Board of Trustees (hereinafter referred to as " the Board ") which shall consist of the following members appointed by the Minister:— (4) The Board may act notwithstanding a vacancy amongst its members.

(a) an officer of the Ministry of the Minister; **4.** The seal of the Trust— Seal of the Trust.

(b) the Chairman of the Sri Lanka Ports Authority; (a) shall be in the custody of such persons as the Board may from time to time determine;

(c) an officer of the Ministry of the Minister in charge of the subject of Cultural Affairs, nominated by that Minister; (b) may be altered in such manner as may be determined by the Board ; and

(d) an officer of the General Treasury, nominated by the Secretary to the Treasury; (c) shall not be affixed to any instrument or document except with the sanction of the Board and in the presence of two members of the Board who shall sign the instrument or document in token of their presence.

(e) an officer of the Department of the Public Trustee, nominated by the Public Trustee; and **5.** The objects of the Trust shall be— The objects of the Trust.

(f) two representatives of the Varaya Baudha Bala Mandalaya, (a) to complete the construction of the Sambuddha Jayanthi Chaitya;

(b) to maintain and keep in repair the said Chaitya;

(c) to promote Buddhist cultural and educational activities.

Powers, duties and functions of the Trust.

6. (1) The Board shall, in the name of the Trust, have the power to do all things as are necessary for, or conducive or incidental to, the carrying out of the objects of the Trust.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Board may exercise and discharge the following powers and functions :—

(a) to raise funds or receive grants, gifts or donations in cash or kind, whether from local or foreign sources;

(b) to acquire, hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of, any movable or immovable property;

(c) to enter into or perform, either directly or through officers and servants or agents authorized in writing in that behalf by the Board, all such contracts and agreements as may be necessary for the exercise, discharge and performance of the powers, functions and duties, and in carrying out the objects of the Trust;

(d) to appoint, employ and remunerate officers and servants of the Trust and to make rules regarding the appointment, promotion, remuneration and disciplinary control of the employees and the grant of leave and other benefits to them;

(e) to invest funds belonging to the Trust in any such investments as are authorized by law for the investment of trust money and to recall, reinvest and vary such investments and to collect income accruing from such investments ;

(f) to make rules in relation to all matters connected with the working of the Trust; and

(g) to do such other acts and things as the Board may consider necessary or conducive for the attainment of the objects of the Trust.

7. (1) There shall be established a Fund called the Sambuddha Jayanthi Chaitya Fund (hereafter in this Act referred to as the " Fund ").

Establishment of Sambuddha Jayanthi Chaitya Fund.

(2) The Board shall have the power to manage, control and operate the Fund.

(3) The Government may donate to the Trust from time to time grants for the purpose of carrying out the aims and objects of the Trust.

8. With effect from the date of commencement of this Act—

Transfer of certain moneys to the Fund.

(a) the sum of Rs. 300,000 allotted to Project 102: Construction and Improvements—Object Code 13—Construction of Buddha Jayanthi out of the amount specified in item " Head 45—Colombo Port Commission, Programme 2: Port Facilities (Colombo Port)" in the First Schedule to the Appropriation Act, No. 18 of 1978, shall be deemed to form part of the Fund and any payment heretofore made out of the said sum of Rs. 300,000 shall be deemed to be payment made out of the Fund ; and

(b) the moneys collected for the purpose of constructing the Sambuddha Jayanthi Chaitya and lying with the Varaya Sambuddha Jayanthi Chaitya Fund and the Varaya Bauddha Bala Mandalaya shall be transferred to the Fund.

9. There shall be paid into the Fund—

Payments into the Fund.

(a) any funds raised, or grants, gifts or donation received, or moneys realized or collected, under section 6 (2);

(b) any grant received from the Government under section 7 ; and

(c) any income from investments or other receipts due to the Trust.

Payments out of the Fund.

10. There shall be paid out of the Fund—

- (a) expenses necessary for the working, establishment and maintenance of the Trust;
- (b) the cost of the completion of the construction, maintenance, additions, alterations or improvements to the Chaitya;
- (c) the payment of salaries to officers, servants and other employees ; and
- (d) all such other payments as are approved by the Board as being necessary for the purpose of carrying out the objects of the Trust.

Accounts and audit.

11. (1) The Board shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Trust.

(2) The Auditor-General shall audit the accounts of the Trust every year.

(3) Notwithstanding the provisions of subsection (2), the Minister may, with the concurrence of the Minister in charge of the subject of Finance, and in consultation with the Auditor-General, appoint a qualified auditor or auditors to audit the accounts of the Trust. Where such appointment has been made by the Minister, the Auditor-General may, in writing, inform such auditor or auditors that he proposes to utilize his or their services for the performance and discharge of the Auditor-General's duties and functions in relation to the Trust and thereupon such auditor or auditors shall act under the direction and control of the Auditor-General.

(4) (a) The Auditor-General may for the purpose of assisting him in the audit of the accounts of the Trust, employ the services of any qualified auditor or auditors who shall act under his direction and control.

(b) If the Auditor-General is of opinion that it is necessary to obtain assistance in the examination of any technical, professional or scientific problem relevant

to the audit of the accounts of the Trust, he may engage the services of—

- (i) a person not being an employee of the Trust; or
- (ii) any technical or professional or scientific institution not being an institution which has any interest in the management of the affairs of the Trust,

and such person or institution shall act under his direction and control.

(5) (a) The Auditor-General or any person authorized by him shall in the audit of the accounts of the Trust be entitled—

- (i) to have access to all books, records, returns and other documents of the Trust;
- (ii) to have access to stores and other property of the Trust; and
- (iii) to be furnished by the Board or the officers of the Trust with such information and explanations as may be necessary for the performance in the audit of the accounts of the Trust.

(b) Every qualified auditor appointed to audit the accounts of the Trust or any person authorized by such auditor shall be entitled to have like access, information and explanations in relation to the Trust.

(6) The Auditor-General shall examine the accounts of the Trust and furnish a report to the Board.

(7) Every qualified auditor appointed under the provisions of subsection (3) shall submit his report to the Minister and also submit a copy thereof to the Auditor-General.

(8) The Board shall annually prepare a report of the work of the Trust and a report of the finances during the year completed, which shall together with the report of the qualified auditor, be tabled in Parliament and be published in the Gazette for general information before the lapse of the year succeeding the year to which such report of the finances relate.

Financial year of the Trust.

12. The financial year of the Trust shall be the calendar year.

Protection of members of the Board and officers, &c., of the Trust for action under this Act.

13. (1) No suit or prosecution shall be instituted against any member of the Board or against any officer, servant or agent of the Trust appointed for the purposes of this Act for any act which is in good faith done or purported to be done by such person under this Act or on the direction of the Board.

(2) Any expense incurred by the Trust in any suit or prosecution brought by or against the Trust before any court shall be paid out of the funds of the Trust and any costs paid to, or recovered by, the Trust in any such suit or prosecution shall be credited to the funds of the Trust.

(3) Any expense incurred by any such person as is referred to in subsection (1) in any suit or prosecution brought against him before any court in respect of any act which

is done or is purported to be done by him under this Act or on the direction of the Board shall, if the court holds that such act was done in good faith, be paid out of the funds of the Trust unless such expense is recovered by him in such suit or prosecution.

14. No writ against person or property shall be issued against any member of the Board or any officer or servant of the Trust in any action brought against the Trust.

No writ to issue against person or property of a member of the Trust.

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

Officers and servants of the Trust deemed to be public servants under the Penal Code.

16. The Trust shall be deemed to be a scheduled institution within the meaning of the Bribery Act and the provisions of that Act shall accordingly apply.

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