

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

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**KIDNEY AND DIABETES LIONS HOSPITAL TRUST (INCORPORATION)**

**A**

**BILL**

**to incorporate the Kidney and Diabetes Lions Hospital Trust**

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*Presented by the Hon. Sanjeeva Edirimanna, M.P.*   
*for Kalutara District on 05th of May, 2022*

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| *Kidney and Diabetes Lions* | 1 |

*Hospital Trust (Incorporation)*

AN ACTTOINCORPORATETHE KIDNEYAND DIABETES   
LIONS HOSPITAL TRUST

WHEREAS a Foundation called and known as the “Kidney Preamble and Diabetes Lions Hospital Trust” has heretofore been   
 formed in Sri Lanka for the purpose of effectually carrying   
 out its objects and transacting all matters connected with the   
5 said Trust according to the rules agreed to by its members:

AND WHEREAS the said Trust has heretofore successfully carried out and transacted the several objects and matters for which it was established, and has applied to be incorporated and it will be expendient to grant the said application:

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

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| **1.** | This Act may be cited as the Kidney and Diabetes | Short title |

Lions Hospital Trust (Incorporation) Act, No. of 2022.

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| 15 | **2.** | (1) From and after the date of commencement of this | Incorporation |
| Act, such and so many persons now are members of the Kidney | | of the Kidney |
| and Diabetes |
| and Diabetes Lions Hospital Trust (hereinafter referred to as | |
| Lions |
| the “Trust”) or shall hereafter be admitted as members of the | |
| Hospital |
| Corporation hereby constituted, shall be a body corporate | | Trust |

with perpetual succession, under the name and style of the 20 “Kidney and Diabetes Lions Hospital Trust” (hereinafter referred to as the “body corporate”) 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 to alter the same at its pleasure.

25 (2) The Corporation shall be deemed to be a voluntary social service organization within the meaning, and for the purpose of the Voluntary Social Services Organization (Registration and Supervision) Act, No. 31 of 1980 and the provisions of that Act shall apply to and in relation to the 30 management of the affairs of the Corporation.

2 *Kidney and Diabetes Lions*   
 *Hospital Trust (Incorporation)*

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| **3.** | (1) The general objects for which the body corporate | General  objects of the Body |
| is constituted are hereby declared to be— | |

corporate (*a*) to provide facilities to the community for a healthy   
 life style;

5 (*b*) to establish a Hospital for kidney and Diabetic patients;

(*c*) to identify, educate, treat kidney and diabetic patients especially for families with low income and minimum facilities;

10 (*d*) to conduct lectures, seminars, workshops and any other such activities in order to invigilate the public of the kidney and diabetic as well as any other non communicable diseases;

(*e*) to establish companionship with the establishments, 15 organizations or any other organizational entities within and outside Sri Lanka;

(*f*) to print, publish and distribute books, magazines and   
leaflets that the corporation think suit to achieve and   
promote the objectives of the corporation; and

20 (*g*) to establish and maintain an elders’ home amalgamated to the kidney hospital;

(2) In the implementation of the objects specified in subsection (1) the Corporation shall ensure that such implementation shall be carried out without any 25 discrimination based on race, religion, language, caste, sex, political opinion, place of birth or any of such grounds.

*Kidney and Diabetes Lions*  3   
*Hospital Trust (Incorporation)*

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| 5 | **4.** | The objects of the body corporate shall be carried out | Body |
| in such manner so as not to create any conflict between the | | corporate to |
| ensure no |
| work of the Corporate and any work being carried out | |
| conflict with |
| simultaneously by any Ministry or Department of the | |
| work of |
| Government or of any Provincial Council. | |
| Ministry or |

Department   
of the Central   
Government   
or Province

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| 10 | **5.** | (1) The body corporate shall maintain a register of the | Register of |
| member inscribed their names at the date of the incorporated | | members of |
| the body |
| the trust and the names of the members thereafter properly | |
| corporate |
| enrolled. | |
| (2) The register shall contain the following details:– | |

(*a*) name, address and number of the National Identity   
 of each members of the body corporate;

(*b*) date of the enrolment of the membership in the   
 register; and

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | (*c*) date of the cancellation of the membership. | | Cancellation |
| **6.** | The followings will cause the cessation of |
| membership:– | | of |
| membership |
| (*a*) upon death of the member; | | of body |
| corporate |

(*b*) resignation from the membership;

20 (*c*) become unsound mind;

(*d*) violating certain rules of the body corporate.

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| 25 | **7.** | (1) The affairs of the administration and management | Management |
| of the body corporate shall be executed by the provisions | | of the affairs |
| and the rules made under section 9 of this Act,through an | | of the body |
| corporate |
| executive committee (hereinafter referred as ‘board of | |
| trustees’), comprising seventeen members including the | |

4 *Kidney and Diabetes Lions*   
 *Hospital Trust (Incorporation)*

chairman, secretary and treasurer elected under the rules of the body corporate among the members of Sinha District 306 A 2.

(2) The members of the board of Trustees of the Trust in

5 power on the day immediately before the incorporation of this Act, shall be the first board of trustees of the body corporate and shall remain in power until such time the annual general meeting of the body corporate is held.

(3) The ideologist of the Lions Hospital Trust Mr. Anil 10 Nanayakkara, and Mr. K.G. Wijayasiri, the pioneer of the Lions Hospital shall be the lifetime members of the Trust while nine other members from the *ex-officio* be appointed *via* the annual general meeting whom shall serve for a period of three years.

15 (4) There shall be a Board of Management comprising six members who shall be in charge for administration and the operation of the Hospital and be made under the supervision of the board of Trustees.

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| 20 | **8.** | Subject to the provision of this Act and any other | Powers of the |
| written law, the Body corporate shall have the power to do, | | body |
| corporate |
| perform and execute all such acts and matters as necessary or | |

desirable for the promotion or any one of them, including the power –

(*a*) to purchase, acquire rent, construct, renovate and 25 otherwise obtain lands or buildings which may be required for the purpose of the body corporate and to deal with or dispose of the same as may be deemed expedient with a view to promoting the objects of the body corporate;

30 (*b*) to raise funds and receive grants, gifts or donations, in cash or kind with or without security:

*Kidney and Diabetes Lions*  5

*Hospital Trust (Incorporation)*

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| 5  10 | Provided that, the Board shall obtain to prior written approval of the Department of external Resources of the Ministry of the Minister assigned the subject of Finance, in respect of all foreign grants, gifts of donations made to the Body corporate.  (*c*) to made, draw, accept, discount, endorse, negotiate, buy, sell and issue bills of exchange, cheques, promissory notes and other negotiable instruments and to open, operate and close accounts in any Banks; |

(*d*) to invest any funds not inmmediately required for   
the purposes of the Body corporate in such manner   
as the Board may determine;

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| 15  20  25 | (*e*) to undertake, accept, execute, perform and administer any lawful trust or any real or personal property with a view to promoting the objects of the Body corporate;  (*f*) to appoint, employ, dismiss or terminate the services of officers and servants of the Body corporate and exercise disciplinary control over them and to pay theme such salaries, allowances and gratuities as may be determined by the Body corporate;  (*g*) to do all other things as are necessary or expedient for the proper and effective carrying out the objects of the Body corporate; and |

(*h*) to train the staff within Sri Lanka for the purpose of   
 Body corporate.

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| 30 | **9.** | (1) It shall be lawful for the Body corporate, from time | Rules of the |
| to time, at any general meeting and by the votes of not less | | Body |
| than two thirds of the members present and voting, to make | | corporate |
| rules, not inconsistent with the provision of this Act or any | |
| other written law, for all or any of the following matters:– | |
| 35 | (*a*) | the classification of membership, admission, |
| withdrawal, expulsion or resignation of members | |
| and fees payable by members; | |

6 *Kidney and Diabetes Lions*   
 *Hospital Trust (Incorporation)*

(*b*) the election of office bearers of the Board or vacation   
of or removal from office of office bearers and the   
powers, duties and functions of the office bearers;

(*c*) the terms and conditions of appointment, powers,

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| 5 | functions and duties and of the various officers, agents and servants of the Body corporate; |

(*d*) the procedure to be followed at the summoning and   
holding of meetings of the Board, or any

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| 10 | subcommittee thereof, notices and agenda of such meetings, the quorum and the conduct of business |

thereat;

(*e*) the qualification and disqualification to be a   
members of the Body and the Body corporate;

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| 15 | (*f*) the administration and management of the property of the Body corporate; and |

(*g*) the management of the affairs of the Body corporate,   
and the accomplishment of its’ objects and   
dissolution of the Corporation.

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| 20 | (2) | The rules made by the Body corporate may be |
| amended, altered, added to or rescinded at a like meeting and in like manner as a rule made under subsection (1). | |

(3) The members of the Body corporate shall at all time be subject to the rules of the Body corporate.

(4) The rules made under this section shall be published

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| 25 | in the *Government Gazette.* | | Fund of the |
| **10.** | (1) The body corporate shall have its own Fund. |
| (2) All moneys received by way of gifts, bequests, | | Body |
| corporate |

donation, subscription, contribution fees or grants for and on account of the Body corporate shall be deposited in one or 30 more Banks approved by the Board of Trustees to the credit of the Corporation.

*Kidney and Diabetes Lions*  7   
*Hospital Trust (Incorporation)*

(3) There shall be paid out of the Fund all sums of money as are required to defray any expenditure incurred by the Body corporate in the exercise, performance and discharge of its power, duties and functions under the Act.

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| 5 | **11.** | (1) The financial year of the Body Corporate shall | Accounts and |
| be the calendar year. | | the Auditing |

(2) The Body corporate shall cause proper accounts to be kept of income and expenditure, assets and liabilities and all other transactions of such Body corporate.

10 (3) The accounts of the Body corporate shall be audited by a qualified auditor appointed by the Auditor-General in terms of Article 154 of the Constitution.

(4) For the purposes of this section “qualified auditor”means-

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| 15 | (*a*) | an individual who being a member of the Institute |

of Chartered Accountants of Sri Lanka, or any   
other Institute established by law, possesses a   
certificate to practice as Accountant issued by   
the Council of such Institute; or

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| 20 | (*b*) | 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 Accountant issued by

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| 25 | the Council of such Institute. | Annual |
| **12.** (1) The Board of Trust shall prepare a report of the |
| activities of the Body corporate for each financial year and | Report |

submit such report together with the audited statement of accounts to the Secretary of the Ministry of the Minister

8 *Kidney and Diabetes Lions*   
 *Hospital Trust (Incorporation)*

assigned the subject of Social Services and to the Registrar of Voluntary Social Services Organizations appointed under the Voluntary Social Services Organization (Registration and Supervision) Act, No. 31 of 1980 before the expiration of six

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| 5 | months of the year succeeding the year to which such report relates. |

(2) A separate account relating to the foreign and local moneys received by the Body corporate during the financial year shall be attached to the report referred to in subsection (1).

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| 10 | **13**. All debts and liabilities of the Trust existing on the | Debts due by |
| day preceding the date of commencement of this Act, shall | and payable |
| be paid by the body corporate hereby constituted, and all | to the Trust |

debts due to, and subscriptions and contributions payable to the Trust on that day shall be paid to the Body corporate for

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| 15 | the purpose of this Act. | Body |
| **14.** Subject to the provision of this Act, the Body corporate |
| 20 | shall be able and capable in law, to take and hold any property | corporate |
| may hold |
| movable or immovable which may become vested in it by |
| property |
| virture of any purchase grant, gift, testamentary disposition or |
| movable and |
| otherwise, and all such property shall be held by the Body |
| immovable |
| corporate for the purposes of this Act, and subject to the rules |

of the Body corporate made under section 7, with power to sell, mortgage, lease, exchange or otherwise dispose of the same.

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| 25 | **15.** | The moneys and property of the Body corporate | Application |
| however derived shall be applied solely towards the | | of moneys |
| promotion of the objects of the Body corporate and no portion | | and property |

thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or profit to the members of the Body

|  |  |  |  |
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| 30 | corporate. | | Seal of the |
| **16.** | (1) The Seal of the Body corporate shall not be |
| affixed to any instrument whatsoever, except in the presence | | Body |
| corporate |
| of the Chairman and the Secretary or Treasurer of the Board | |

who shall sign their names to the instrument in token of their

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| 35 | presence and such signing shall be independent of the signing of any person as a witness. |

*Kidney and Diabetes Lions*  9   
*Hospital Trust (Incorporation)*

(2) The seal of the Body corporate shall be in the custody of an office bearer of the Board as may be decided by such Board.

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| 5 | **17.** | (1) If upon the dissolution of the Body corporate | Property |
| there remains after the satisfaction of all its debts and | | remaining on |
| dissolution |
| liabilities, any property whatsoever, such property shall not | |

be distributed among the members of the Body corporate, but shall be given or transferred to any other institution having objects similar to those of the Body corporate, and 10 which is by the rules thereof, prohibited from distributing any income or property among its members.

(2) For the purpose of subsection (1) the appropriate institution shall be determined by the members of the Body corporate immediately before the dissolution at a general

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| --- | --- | --- | --- |
| 15 | meeting by the majority of votes of the members present. | | Saving of the |
| **18.** | Nothing in this Act contained shall prejudice or |
| 20 | affect the rights of the Republic or of anybody politic or | | rights of the |
| Republic and |
| corporate. | |
| others |
| **19.** | In the event of any inconsistency between the | Sinhala text |
| Sinhala and Tamil texts of this Act, the Sinhala text shall | | to prevail in |
| case of |
| prevail. | |
| inconsistency |

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| 10 | *Kidney and Diabetes Lions* |

*Hospital Trust (Incorporation)*

Department of Government Printing