

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

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**SRI LANKA COLLEGE OF NUTRITION PHYSICIANS (INCORPORATION)**

**A**

**BILL**

**to incorporate the Sri Lanka College of Nutrition Physicians**

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*Presented by the Hon. (Dr.) Upul Galappaththi, M. P.*

*for Hambanthota District on 10th of August, 2023*

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**[Bill No. 198]**

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| *Sri Lanka College of Nutrition Physicians (Incorporation)* | 1 |

AN ACTTOINCORPORATETHE SRI LANKA COLLEGEOF NUTRITION PHYSICIANS

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| 5 | WHEREAS an college called and known as the “Sri Lanka | Preamble |
| College of Nutrition Physicians” has heretofore been formed |
| in Sri Lanka for the purpose of effectually carrying out its |
| objects and transacting all matters connected with the said |
| college according to the rules agreed to by its members: |

AND WHEREAS the said college 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 expedient to grant the said application:

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| 10 | BE it therefore enacted by the Parliament of the Democratic | Short title |
| Socialist Republic of Sri Lanka as follows:— |
| **1.**  This Act may be cited as the Sri Lanka College of  Nutrition Physicians (Incorporation) Act, No. of 2023. |
| 15 | **2.**  (1) From and after the date of commencement of this  Act, such and so many persons as now are members of the | Incorporation |
| of the |
| Sri Lanka |
| Sri Lanka College of Nutrition Physicians (hereinafter referred |
| 20 | College of |
| to as the “college”) or shall hereafter be admitted as members |
| Nutrition |
| of the Corporation hereby constituted shall be a body corporate with perpetual succession, under the name and style of the “Sri Lanka College of Nutrition Physicians” (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. | Physicians |
| 25 | (2) The body corporate shall be deemed to be a Voluntary Social Service Organization within the meaning and for the purpose of the Voluntary Social Services Organizations (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. |

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| 5 | 2 | *Sri Lanka College of Nutrition Physicians* | body |
| *(Incorporation)* | |
| **3.** | The body corporate shall operates exclusively as a |
| not-for profit Organization and it is solely for the benefit of | | corporate |
| operates as a |
| the society and its members. | |
| not-for profit |
| **4.** | The general objects for which the body corporate is | Organization |
| The General |
| constituted are hereby declared to be:— | | objects of the |
| body |
| 10 | (*a*) | to co-operate with other Associations, Colleges or | corporate |
| individuals, to promote the objectives of the | |
| association; | |
| (*b*) | to provide advocacy for political leaders and |
| administrators regarding the nutrition related policy | |
| and programme planning within and outside the | |
| 15 | institution including Health Ministry; and | | body |
| (*c*) | to do all such other acts/measures as may be |
| necessary, incidental, conducive or convenient to | |
| the attainment of the above aims and objectives of | |
| the body corporate. | |
| (2) In the implementation of the objects specified in | |
| 20 |
| subsection (1) the Corporation shall ensure that such | |
| implementation shall be carried out without any | |
| discrimination based on race, religion, language, caste, sex, | |
| political opinion, place of birth or any of such grounds. | |
| **5.** | The objects of the body corporate shall be carried |
| 25 | out in such manner so as not to create any conflict between | | corporate to |
| ensure no |
| the work of the Corporation and any work being carried out | |
| conflict with |
| simultaneously by any Ministry or Department of the | | work of |
| Government or any Provincial Council. | | Ministry or |
| Department |
| of the Central |
| Government |
| or Province |

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| 5 | *Sri Lanka College of Nutrition Physicians* | 3 | Management |
| *(Incorporation)* | |
| **6.**  (1) Subject to the provisions of this Act the body corporate shall be carried out by a Board of Management (hereinafter referred to as “the Board”) consisting of such number of office bearers as may be specified by the rules made under section 8. | |
| of the affairs |
| of the body |
| corporate |
| 10 | (2)(*a*) The Board of Management of the foundation that holds office on the day immediately preceding the date of commencement of this Act, shall function as the Board of the body corporate until the first Board is appointed or elected in the manner provided for by rules made under section 8. | |

(*b*) The First Board of the body corporate shall be appointed or elected within one year of the date of commencement of this Act.

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| 15 | (3)(*a*) Every office bearer of the Board including the patrons and advisors, shall be appointed or elected for a period of three years and any such office bearer, patron or advisor shall be eligible for re-appointment or re-election after lapse of the said period of three years. | | Powers of the |
| 20 | (*b*) In the event of a vacancy occurring due to the death, resignation, incapacity or removal from office of an office bearer, the Board shall having regard to the rules of the Corporation, elect or appoint a person to fill such vacancy. | |
| 25 | (*c*) The person elected or appointed under paragraph (*b*) shall hold office only for the unexpired portion of the term of office of the member whom he succeeds. | |
| 30 | **7.**  Subject to the provisions of this Act and any other written law, the body corporate shall have the power to do, perform and execute all such acts and matters as necessary or desirable for the promotion or any one of them, including the power– | |
| body |
| corporate |
| (*a*) | to purchase, acquire, rent, construct and renovate and otherwise obtain lands or buildings which may |

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| 4 | *Sri Lanka College of Nutrition Physicians (Incorporation)* |

be required for the purposes 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;

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| 5 | (*b*) | to raise funds and receive grants, gifts or donations, |
| 10 | (*c*) | in cash or kind with or without security: |
| Provided that, the Committee shall obtain the |
| 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 or donations made to the body |
| corporate; |
| to make, draw, accept, discount, endorse, negotiate, |
| 15 | (*d*) | buy, sell and issue bills of exchange, cheques, |
| promissory notes and other negotiable instruments |
| and to open, operate, and close accounts in any |
| bank; |
| to invest any funds that are not immediately required |
| 20 | (*e*) | for the purposes of the body corporate, in such |
| manner as the Committee may determine; |
| to undertake, accept, execute, perform and |
| 25 | (*f*) | administer any lawful trust or any real or personal |
| property with a view to promoting the objects of |
| the body corporate; |
| 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 |
| them such salaries, allowances and gratuities as may |
| be determined by the body corporate; |

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| 5 | *Sri Lanka College of Nutrition Physicians* | | 5 | Rules of the body  corporate |
| *(Incorporation)* | | |
| (*g*) | to do all other things as are necessary or expendient | |
| for the proper and effective carrying out the objects | | |
| of the body corporate. | | |
| **8.** (1) It shall be lawful for the body corporate, from time | | |
| to time, at any general meeting and by the votes of not less | | |
| 10 | less than two-thirds of the members present and voting, to | | |
| make rules, not inconsistent with the provisions of this Act | | |
| or any other written law, for all or any of the following | | |
| matters:— | | |
| (*a*) | the classification of membership, admission, | |
| 15 | withdrawal, expulsion or resignation of members | | |
| and fees payable by members; | | |
| (*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 | | |
| 20 | bearers; | | |
| (*c*) | the terms and conditions of appointment, powers, | |
| functions and duties of various officers, agents and | | |
| servants of the body corporate; | | |
| (*d*) | the procedure to be followed at the summoning | |
| 25 | and holding of meetings of the Board, or any sub- | | |
| committee thereof, notices and agenda of such | | |
| meetings, the quorum and the conduct of business | | |
| thereat; | | |
| (*e*) | the qualifications and disqualifications to be a | |
| member of the Board and the body corporate; | | |
| (*f*) | the administration and management of the property | |
| of the body corporate; and | | |

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| 5 | 6 | *Sri Lanka College of Nutrition Physicians* |
| *(Incorporation)* | |
| (*g*) | the management of the affairs of the body corporate |
| and the accomplishment of its’ objects and dissolution of the Corporation.  (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 times be subject to rules of the body corporate.

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| 10 | (4) The rules made under this section shall be published in | | Register of  members |
| the Government *Gazette*. | |
| **9.**  The Board shall maintain a register of members in  which name, address and other essential details of the | |
| 15 | members be inscribed. | | Fund of the  body  corporate |
| **10.** | (1) The body corporate shall have its own Fund. |
| (2) All moneys received by way of gifts, bequests, | |
| donations, subscriptions, contributions, fees or grants for an | |
| 20 | account of the body corporate shall be deposited in one or | | Accounts and |
| more banks approved by the Board to the credit of the | |
| Corporation. | |
| (3) There shall be paid out of the Fund, all such sums of | |
| money as are required to defray any expenditure incurred by | |
| the body corporate in the exercise, performance and | |
| discharge of its powers, duties and functions under this Act. | |
| **11.**  (1) The financial year of the body corporate shall be  the calendar year. | |
| 25 | the auditing |

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

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| *Sri Lanka College of Nutrition Physicians (Incorporation)* | 7 |

(3) The accounts of the body corporate shall be audited

by a qualified auditor appointed by Auditor General in terms

of Article 154 of the Constitution.

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| 5 | (4) For the purposes of this section, “qualified auditor” | | Annual |
| means— | |
| 10 | (*a*) | an individual who, being a member of the Institute |
| of Chartered Accountants of Sri Lanka or of any | |
| other institute established by law, possesses a | |
| certified to practice as an Accountant, issued by | |
| the Council of such institute; or | |
| 15 | (*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 an Accountant issued by the Council | |
| 20 | of such Institute. | |
| **12.** | (1) The Board shall prepare a report of the activities |
| of the body corporate for each financial year and submit | | report |
| such report together with the audited statement of accounts | |
| to the Secretary of the Ministry of the Minister assigned the | |
| subject of Social Services and to the Registrar of Voluntary | |
| 25 | Social Services Organizations appointed under the | |
| Voluntary Social Services Organization (Registration and | |
| Supervision) Act, No. 31 of 1980 before the expiration of | |
| six months of the year succeeding the year to which such | |
| 30 | report relates. | |
| (2) A separate accounts 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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| 8 | *Sri Lanka College of Nutrition Physicians* | Debts due by and payable  to the College |
| *(Incorporation)* | |
| **13.** | All debts and liabilities of the college existing on |
| the day immediately preceding the date of commencement of this Act, shall be paid by the body corporate hereby | |

constituted, and all debts due to, and subscriptions and

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| 5 | contributions payable to the college on that day shall be | | Body |
| paid to the body corporate for the purposes of this Act. | |
| **14.** | Subject to the provisions of this Act, the body |
| corporate shall be able and capable in law, to take and hold | | corporate |
| may hold |
| any property, movable or immovable, which may become | |
| property |
| 10 | vested in it by virtue of any purchase, grant, gift, testamentary | | movable and |
| immovable |
| disposition or otherwise, and all such property shall be held | |

by the body corporate for the purposes of this Act and subject to the rules of the body corporate made under section 8, with power to sell, mortgage, lease, exchange or otherwise dispose

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| 15 | of the same. | | Application of money  and property |
| **15.** | The moneys and property of the body corporate |
| however derived shall be applied solely towards the | |
| promotion of the objects of the body corporate and no | |

portion thereof shall be paid or transferred directly or 20 indirectly by way of dividend, bonus or profit to the members of the body corporate.

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| 25 | **16.** | (1) The Seal of the body corporate shall not be | Seal of the |
| affixed to any instrument whatsoever, except in the presence | | body |
| corporate |
| of two members of the Board 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. | |

(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 | *Sri Lanka College of Nutrition Physicians* | | 9 | Property |
| *(Incorporation)* | | |
| **17.** | (1) If upon the dissolution of the body corporate | |
| 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 appropriate | | |
| 10 | institution having objects similar to those of the body | | |
| corporate, and which is by the rules thereof, prohibited from | | |
| distributing any income or property among its members. | | |
| (2) For the purposes of this subsection (1) the appropriate | | |
| institution shall be determined by the members of the body | | |
| corporate immediately before the dissolution at a general | | |

meeting by the majority of votes of the members present.

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| 15 | **18.** | Nothing in this Act contained shall prejudice or | Saving of the |
| affect the rights of the Republic or of any body 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 | *Sri Lanka College of Nutrition Physicians (Incorporation)* |

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