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3rd Session 1967-68



State Printing Corporation Act, No. 24 of 1968

Date of Assent : June 16, 1968

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State Printing Corporation Act, No. 24 of 1968

L. D.—O.28/67.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND REGULATION OF A PRINTING AND PUBLICATION CORPORATION IN CEYLON.

[Date of Assent : June 16, 1968]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the State Printing Corporation Act, No. 24 of 1968, and shall come into operation on such date as may be appointed by the Minister by Order published in the *Gazette*.

Short title and date of operation.

PART I

Constitution, Powers and Duties of the State Printing Corporation and its Board of Directors

2. (1) There shall be established a Corporation which shall be called the "State Printing Corporation" (hereinafter referred to as "the Corporation") and which shall consist of the persons who are for the time being members of the Corporation under section 3.

Establishment of State Printing Corporation.

(2) The Corporation shall by the name assigned to it by sub-section (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 members of the Board of Directors shall be the members of the Corporation.

Members of the Corporation.

4. The general objects of the Corporation shall be—

General objects of the Corporation.

(a) to carry out any printing work or any printing and publishing work required by the Government, local bodies or any corporation established by law or any board established by or under any law ; and

(b) to do all such other acts or things as are necessary for, or incidental to, the attainment of the objects herein before mentioned.

Powers of the Corporation.

5. (1) The Corporation may exercise all or any of the following powers :—

- (a) to acquire, hold, take or give on lease or hire, mortgage, pledge and sell or otherwise dispose of, any immovable or movable property ;
- (b) to do anything for the purpose of advancing the skill of persons employed by the Corporation, or the efficiency of the equipment of the Corporation or the manner in which that equipment is operated, including the provision by the Corporation and the assistance of the provision by others, of facilities for training persons required to carry out the work of the Corporation ;
- (c) to establish a provident fund, and provide welfare and recreational facilities, houses, hostels and other like accommodation for persons employed by the Corporation ;
- (d) to construct, manufacture, purchase, maintain and repair anything required for the purpose of the business of the Corporation ;
- (e) to make charges for any service rendered by the Corporation in carrying on such business ;
- (f) to enter into and perform or carry out, whether directly or through any officer or agent authorized in that behalf by the Corporation, all such contracts or agreements as may be necessary for the exercise of the powers of the Corporation ;
- (g) to make rules in relation to its officers and servants, including their appointment, promotion, remuneration, disciplinary control, conduct and the grant of leave to them ;
- (h) to make rules in respect of the administration of the affairs of the Corporation ; and
- (i) to do all other things which, in the opinion of the Corporation, are necessary to facilitate the proper carrying on of its business.

(2) The exercise of its powers by the Corporation shall not prejudicially affect the security of service of, and the terms and conditions of employment enjoyed by, the employees of the Government Press.

6. (1) The Minister may give to the Board of Directors general or special directions in writing as to the performance of the duties and the exercise of the powers of the Corporation, and such Board shall give effect to such directions.

Powers of the Minister in relation to the Corporation.

(2) The Minister may, from time to time, direct in writing the Board of Directors to furnish to him, in such form as he may require, returns, accounts and other information with respect to the property and business of the Corporation, and such Board shall carry out every such direction.

(3) The Minister may, from time to time, order all or any of the activities of the Corporation to be investigated and reported upon by such person or persons as he may specify, and, upon such order being made, the Board of Directors shall afford all such facilities, and furnish all such information, as may be necessary to carry out the order.

7. (1) The Corporation shall have a Board of Directors consisting of five members, three of whom shall be appointed by the Minister and two of whom shall be appointed by the Minister in charge of education.

Board of Directors.

(2) A person shall be disqualified for being appointed or continuing as a Director—

(a) if he is a Senator or a Member of Parliament ;
or

(b) if he, directly or indirectly, by himself or by any person on his behalf or for his use or benefit, holds or enjoys any right or benefit under any contract made by or on behalf of the Corporation ; or

(c) if he has any such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a Director.

(3) Where a Director is, by reason of illness or other infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, the appropriate Minister may appoint any person to act in his place.

(4) The appropriate Minister may, without assigning a reason, remove any Director from office. The removal of any Director from office by the appropriate Minister shall not be called in question in any court.

(5) A Director may resign the office of Director by letter addressed to the appropriate Minister.

(6) Subject to the provisions of sub-section (4) and sub-section (5) the term of office of a Director shall be three years :

Provided that a Director appointed in place of a Director who dies or resigns or otherwise vacates office shall, unless he earlier resigns or otherwise vacates office, hold office for the unexpired part of the term of office of the Director whom he succeeds.

(7) In this section, " appropriate Minister " means the Minister by whom the Director concerned was appointed.

Remuneration
of Directors.

8. All or any of the Directors may be paid such remuneration, out of the funds of the Corporation, as may be determined by the Minister, with the concurrence of the Minister of Finance.

Director to dis-
close interest in
contract pro-
posed to be made
by the Corpo-
ration.

9. A Director who is directly or indirectly interested in a contract proposed to be made by the Corporation shall disclose the nature of his interest at a meeting of the Board of Directors. The disclosure shall be recorded in the minutes of such Board, and such Director shall not take part in any deliberation or decision of such Board with respect to such contract.

Quorum for
meeting of Board
of Directors.

10. The quorum for any meeting of the Board of Directors shall be three.

11. The Chairman of any meeting of the Board of Directors shall, in addition to his own vote, have a casting vote. Chairman of any meeting of Board of Directors to have a casting vote.
12. Subject to the other provisions of this Act, the Board of Directors may regulate the procedure in regard to the meetings of such Board and the transaction of business at such meetings. Regulation of procedure.
13. The Board of Directors may act notwithstanding a vacancy among the members thereof. Board of Directors may act despite vacancy.
14. The Board of Directors shall administer the affairs, may exercise the powers, and shall perform the duties, of the Corporation. Board of Directors to administer the affairs of the Corporation.
15. (1) The Board of Directors may delegate to the Chairman or any other Director or any employee of such Board any of its powers and duties. Delegation of powers and duties of Board of Directors.
- (2) The Chairman, other Director or employee to whom any of the powers or duties of the Board have been delegated under sub-section (1) shall exercise or perform the powers or duties so delegated subject to the general or special directions of the Board of Directors.
16. (1) The Minister shall appoint a Chairman of the Board of Directors from among the Directors. Chairman of Board of Directors.
- (2) If the Chairman is, by reason of illness or other infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, the Minister may appoint one of the Directors to act in his place.
- (3) The Minister may, without assigning a reason, terminate the appointment of the Chairman. The termination of the appointment of the Chairman shall not be called in question in any court. Solemnly affirmed by the Minister.
- (4) The Chairman may resign the office of Chairman by letter addressed to the Minister.
- (5) Subject to the provisions of sub-section (3), and sub-section (4), the term of office of the Chairman shall be the period of his membership of the Board of Directors. Solemnly affirmed by the Minister.
17. (1) The seal of the Corporation shall be in the custody of the Board of Directors. Seal of the Corporation.

(2) The seal of the Corporation may be altered in such manner as may be determined by the Board of Directors.

(3) The seal of the Corporation shall not be affixed to any instrument or document except in the presence of a member of the Board of Directors who shall sign the instrument or document in token of his presence.

PART II

Finance

Capital of the Corporation.

18. (1) The initial capital of the Corporation shall be determined by resolution of the House of Representatives, and the amount of such capital shall be paid to the Corporation out of the Consolidated Fund of Ceylon.

(2) The capital of the Corporation may be increased from time to time by such amount as may be determined by resolution of the House of Representatives, and that amount shall be paid to the Corporation out of the Consolidated Fund of Ceylon.

(3) The Board of Directors may request the Minister for such advances from the Consolidated Fund of Ceylon as may be necessary for meeting the obligations of the Corporation or discharging its duties under this Act and the Minister may, in consultation with the Minister of Finance, authorize such advances as may be required by way of loan carrying interest, repayable in such instalments and under such terms and conditions as may be determined by the Minister of Finance.

Borrowing powers of the Board of Directors.

19. The Board of Directors may, with the consent of the Minister, borrow temporarily, by way of overdraft or otherwise, such sums as the Board may require for meeting the obligations of the Corporation or discharging its duties under this Act.

Investment of funds of the Corporation.

20. Any funds of the Corporation which are not immediately required for the purposes of the business of the Corporation may be invested by the Board of Directors in such manner as the Board may determine with the approval of the Minister.

21. The revenue of the Corporation in any year shall be applied in defraying the following charges in the order of priority set out hereunder :—

Application of
the revenue of
the Corporation.

- (a) the working and establishment expenses (including allocations to the insurance reserve and depreciation reserve), in connection with the exercise and performance of the powers and duties of the Corporation, properly chargeable to revenue account ;
- (b) the interest on any temporary loan raised by the Corporation ;
- (c) any sums required to be transferred to any sinking fund or redemption fund ; and
- (d) the interest on and the repayment of the principal of any Government loan to the Corporation.

22. (1) The Board of Directors—

Reserves.

(a) may establish and maintain an insurance reserve to cover the insurance of the movable and immovable property of the Corporation and liabilities arising under the Workmen's Compensation Ordinance ; and

(b) shall establish and maintain—

(i) a depreciation reserve to cover the depreciation of the movable and immovable property of the Corporation, and

(ii) a general reserve not exceeding such amount as may from time to time be determined by the Minister with the concurrence of the Minister of Finance.

(2) Such amount out of the surplus of the revenue of the Corporation in any year remaining after the charges mentioned in section 21 have been satisfied as can be paid to the general reserve without causing it to exceed the amount determined under paragraph (b) (ii) of sub-section (1) shall be paid to that reserve and the balance, if any, of such surplus shall be paid to the Deputy Secretary to the Treasury to be credited to the Consolidated Fund of Ceylon.

Accounts and
audit of
accounts.

23. (1) The Board of Directors shall cause proper accounts of the income and expenditure of the Corporation and of all its other transactions to be kept and shall prepare an annual statement of accounts and statistics relating to the business of the Corporation in such form and containing such particulars as the Minister with the concurrence of the Minister of Finance may from time to time specify.

(2) The accounts of the Corporation shall be audited annually by a qualified auditor (hereinafter referred to as "the auditor") appointed by the Minister on the advice of the Auditor-General. The auditor so appointed shall be—

(a) an individual who, being a member of the Institute of Chartered Accountants of Ceylon, possesses a certificate to practise as an Accountant issued by the Council of that Institute ; or

(b) a firm of Chartered Accountants each of the partners of which, being a member of that Institute, possesses a certificate to practise as an Accountant issued by the Council of that Institute.

The auditor shall receive such remuneration from the funds of the Corporation as the Minister may, with the concurrence of the Minister of Finance, determine.

(3) The Auditor-General shall have power—

(a) to direct the manner in which the accounts of the Corporation shall be audited by the auditor and to give the auditor instructions in regard to any matter relating to the performance of his functions as auditor, and

(b) to conduct a supplementary or test audit of the accounts of the Corporation by such person or persons as the Auditor-General may authorize in that behalf and, for the purposes of such audit, to require information or additional information to be furnished to any person or persons so authorized on such matters, by such person or persons, and in such form, as the Auditor-General may, by general or special order, direct.

(4) The auditor shall examine the accounts of the Corporation and furnish a report stating—

- (a) whether he has or has not obtained all the information and explanations required by him, and
- (b) whether in his opinion the accounts have been drawn up so as to exhibit a true and fair view of the affairs of the Corporation.

(5) The auditor shall submit a copy of his audit report to the Auditor-General who shall have the right to comment upon, or supplement, the auditor's report in such manner as the Auditor-General may think fit.

(6) The Auditor-General shall transmit the auditor's report together with his comments upon, or his supplement to, such report to the Board of Directors.

24. The Auditor-General and the auditor appointed under section 23, and any person authorized by either of them, shall have access to all such books, deeds, contracts, vouchers and other documents of the Corporation as the Auditor-General or such auditor considers necessary for the purposes of the audit, and shall be furnished by the Directors and officers of the Corporation with such information within their knowledge as may be required for such purposes.

Powers of the Auditor-General and the auditor appointed by the Minister.

25. (1) The Board of Directors shall, as soon as possible after the end of each financial year of the Corporation, make to the Minister a report on the exercise and performance by such Board of its powers and duties during that year and on its policy and programme. Such report for any year shall set out any direction given by the Minister to the Board of Directors during that year.

Report of the Board of Directors and copies of the auditor's report, the Auditor-General's comments and supplement and the statement of accounts and statistics to be sent to the Minister and laid before the Senate and the House of Representatives.

(2) The Board of Directors shall, on receipt of the auditor's report and the Auditor-General's comments thereon and supplement thereto, if any, in each year, transmit to the Minister—

- (a) a copy of such report and such comments or supplement, and
- (b) a copy of the statement of accounts and statistics prepared under sub-section (1) of section 23.

(3) The Minister shall lay copies of the reports and statements referred to in sub-sections (1) and (2) before the Senate and the House of Representatives.

PART III

Employees of the Corporation

Appointment of officers, servants and agents of the Corporation.

26. (1) The Corporation shall have the power—

(a) to appoint such officers and servants as may be necessary for the purposes of the Corporation ; and

(b) to exercise disciplinary control over and dismiss any officer or servant of the Corporation.

(2) The officers and servants of the Corporation shall be remunerated at such rates as the Corporation may determine.

(3) At the request of the Corporation any officer in the public service may, with the consent of the officer and of the Secretary to the Treasury, be temporarily appointed to the staff of the Corporation for such period as may be determined by the Corporation with like consent, or be permanently appointed to such staff.

(4) Where any officer in the public service is temporarily appointed to the staff of the Corporation, sub-section (2) of section 9 of the Motor Transport Act, No. 48 of 1957, shall *mutatis mutandis* apply to and in relation to him.

(5) Where any officer in the public service is permanently appointed to the staff of the Corporation, sub-section (3) of section 9 of the Motor Transport Act, No. 48 of 1957, shall *mutatis mutandis* apply to and in relation to him.

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

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

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

28. The Corporation 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.

PART IV

General

29. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act.

Regulations.

(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 brought before the Senate and the House of Representatives for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of the disapproval, but without prejudice to anything previously done thereunder.

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

Expenses and recoveries in connection with court proceedings.

(2) Any expense incurred by any member, officer or servant of the Corporation in any suit or prosecution brought against him before any court in respect of any act which is done or purports to be done by him under this Act or on the direction of the Board of Directors shall, if the court holds that such act was done in good faith, be paid out of the funds of the Corporation, unless such expense is recovered by him in such suit or prosecution.

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

31. No writ against person or property shall be issued against a member of the Corporation in any action brought against the Corporation.

Interpretation.

32. In this Act unless the context otherwise requires—

“Board of Directors” means the Board of Directors constituted under this Act ;
and

“Director” means a member of the Board of Directors.