



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

**NATIONAL INSTITUTE OF PLANTATION
MANAGEMENT (AMENDMENT)
ACT, No. 5 OF 1987**

[Certified on 30th January, 1987]

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National Institute of Plantation Management
(Amendment) Act, No. 5 of 1987
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L. D.—O. 18/83.

AN ACT TO AMEND THE NATIONAL INSTITUTE OF PLANTATION
MANAGEMENT ACT, No. 45 OF 1979

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

1. This Act may be cited as the National Institute of Plantation Management (Amendment) Act, No. 5 of 1987.

Short
title.

2. Section 3 of the National Institute of Plantation Management Act, No. 45 of 1979 (hereinafter referred to as the “principal enactment”) is hereby amended in subsection (1) of that section by the addition at the end of paragraph (f), of the following paragraphs :—

Amendment
of section
3 of Act
No. 45 of
1979.

“ (g) to offer training in plantation management to persons who have the necessary aptitude for plantation management having regard to the man-power requirement in the plantation industry ;

(h) to furnish managerial, technical and administrative advice and services to any Government department, public corporation or other institution within or outside Sri Lanka in respect of plantation industry.”.

3. Section 4 of the principal enactment is hereby amended by the addition at the end of paragraph (i) thereof, of the following paragraphs :—

Amendment
of section
4 of the
principal
enactment.

“ (j) assess the eligibility of candidates for admission to various grades of membership and to conduct or provide for the conduct of the qualifying examination for all grades or membership of the Institute and to promote, provide or approve courses of study for such examination ;

(k) ensure the maintenance of high standards in the professional activities and the general conduct of its members.”.

4. Section 6 of the principal enactment is hereby amended in subsection (1) thereof, by the substitution for sub-paragraph (i) of paragraph (c) of that subsection, of the following sub-paragraph :—

Amendment
of section
6 of the
principal
enactment.

“ (i) three members nominated by the Minister in charge of the subject of Plantation Industries ;”.

Insertion
of new
Part to the
principal
enactment.

5. The following new Part is hereby inserted immediately after Part I and shall have effect as Part 1A of the principal enactment:—

'PART 1A

**QUALIFICATIONS FOR ENROLMENT, PROVISIONS AS TO
DISENROLMENT, USE OF TITLES, &C.**

General
disqualifi-
cations.

15A. (1) No person shall be enrolled as a member of the Institute under section 4,—

- (a) if he has not attained the age of eighteen years ;
- (b) if he has been adjudged by a competent court to be of unsound mind ;
- (c) if having been adjudged an insolvent or bankrupt, he has not been granted by a competent court a certificate to the effect that his insolvency or bankruptcy has arisen wholly or partly from unavoidable losses or misfortunes ;
- (d) if he has been convicted by a competent court, whether in Sri Lanka or outside Sri Lanka, of any offence involving moral turpitude and punishable with imprisonment for a term not less than six months.

(2) The Board shall disenrol any person who is a member of the Institute, if he becomes subject to any disqualification mentioned in paragraph (b) or paragraph (c) or paragraph (d) of subsection (1) of this section :

Provided, however, that such disenrolment shall not prevent the Board from subsequently re-enrolling such person if satisfied that he is fit to be a member.

Disenrolment
for pro-
fessional
misconduct.

15B. (1) The Board may disenrol any individual who is a member of the Institute, as a member, if satisfied that he is unfit to be a member by reason that he has been guilty of professional misconduct.

(2) The disenrolment of any member under subsection (1) shall not prevent the Board from subsequently re-enrolling that member, if satisfied that he is fit to practise the profession of a member.

(3) For the purpose of this Act—

- (a) conviction by a competent court whether in or outside Sri Lanka for any offence involving moral turpitude punishable with imprisonment;
- (b) gross negligence in the performance or professional work;
- (c) making a declaration, statement or return to the Board knowing it to be false;
- (d) discrediting or attempting to discredit the reputation of the Institute,

shall be deemed to be professional misconduct.

Inquiries
by Disci-
plinary
Committee.

15c. (1) The Board shall not, under section 15B disenrol any member unless a Disciplinary Committee has, after inquiry made a report to the Council that the member has been guilty of professional misconduct.

(2) Where the Board has reasonable cause to believe, whether upon complaint made to it or otherwise, that any member of the Institute has been guilty of professional misconduct, the Board may appoint a Disciplinary Committee for the purpose of holding an inquiry into the conduct of that member.

(3) The provisions of the Schedule to this Act shall apply in relation to the constitution of and the procedure to be followed by Disciplinary Committees appointed under this section, the proceedings at inquiries held by such Committees and the powers exercisable by such Committees.

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Suspension
in lieu of
disenrolment.

15D. In any case where the Board is by section 15B empowered to disenrol any member from membership of the Institute the Board may, in lieu of exercising that power, suspend that member from membership for such period as the Board may deem fit.

Appeal
to the
Court of
Appeal
from
decisions
of the
Board
under
section
15B or
section 15D.

15E. Any person aggrieved by a decision of the Board under section 15B or section 15D may appeal against that decision to the Court of Appeal within one month of such decision being communicated to him.

Restriction
as to use of
titles
conferred
under
this Act.

15F. No person, shall take or use the title—

“student member of the National Institute of Plantation Management”,

“Associate member of the National Institute of Plantation Management”,

“Fellow Member of the National Institute of Plantation Management”,

unless he has been enrolled as such by the Institute.

Offences.

15G. Every person who neglects or fails to comply with the provisions of section 15F of this Act shall be guilty of an offence and on conviction after trial before a Magistrate be liable to imprisonment of either description for a period not exceeding six months or to a fine not exceeding one thousand five hundred rupees or to both such imprisonment and fine.’

Replace-
ment
of section
30 of the
principal
enactment.

6. Section 30 of the principal enactment is hereby repealed and the following section substituted therefor:—

“Power to
make rules.

30. (1) The Institute may make rules in respect of all or any matters for which rules are authorized or required by this Act to be made.

(2) Without prejudice to the generality of the powers of subsection (1), the Board may make rules in respect of all or any of the following matters:—

- (a) qualifications for admission to various grades of membership;
- (b) the time and manner of the payment of enrolment and renewal fees for different grades of membership, the termination of membership upon failure to pay renewal fees and the conditions of restoration to membership in such cases;
- (c) the fees to be paid to the Board by students admitted to the qualifying examinations for courses of instructions provided by the Board and the engagement and remuneration of lecturers and examiners;
- (d) the grant of assistance whether financial or otherwise to student members.

(3) A rule made by the Institute under this section shall not have effect until it is approved by the Minister and is published in the *Gazette*.”

SCHEDULE

Rules as to Inquiries by Disciplinary Committees

1. For the purposes of any inquiry to be held under this Act, the Board shall appoint, by drawing lots, three persons from among its members to constitute a Disciplinary Committee, and shall appoint one of them to be Chairman of the Committee.

2. (1) The Board shall cause a statement to be prepared setting out the charges to be investigated by the Disciplinary Committee, and the Secretary of the Board shall transmit a copy of the statement to each member of the Committee and to the person whose conduct is the subject of the investigation.

(2) Where the inquiry is to be held in consequence of a petition or complaint alleging misconduct by any person, the Secretary of the Board shall in addition transmit a copy of that petition or complaint as the case may be to that person and to each of the members of the Disciplinary Committee.

3 (1) The Secretary of the Board shall give notice of the first date fixed for the inquiry to the person whose conduct is the subject of the investigation. Every such notice shall, at least fourteen days before the date fixed for the inquiry, be delivered by hand at, or sent through the post by registered letter addressed to, the last known place of residence of that person.

(2) Where any person to whom a notice has been given under paragraph (1) fails to appear in person or through his representative, the inquiry may be held by the Disciplinary Committee in his absence.

(3) Notice of any date to which the inquiry may be adjourned shall be given by the Committee personally to the person whose conduct is the subject of inquiry or be given in the manner provided in paragraph (1).

4. (1) If the Board is of the opinion that the evidence of any person or the production by any person of any document, is necessary to enable any matter to be investigated by a Disciplinary Committee, the Board shall direct the Secretary of the Board to require the attendance of that person or the production by that person of such document, at such time and place as may be specified in a notice which shall be delivered by hand or sent through the post by registered letter addressed to the last known place of residence of that person.

(2) The Secretary for the time being of the Board shall be the Secretary of every Disciplinary Committee and every notice issued under these rules shall be signed by him.

(3) A Disciplinary Committee shall have power to administer oath or affirmation to all persons who are required to give evidence before such Committee.

(4) Any person whose conduct is the subject of investigation at an inquiry or who is in any way concerned in such inquiry may be represented by an Attorney-at-Law at such inquiry.

(5) The Board may authorize any Attorney-at-Law to assist the Disciplinary Committee as to the leading and taking of evidence.

(6) Every inquiry held by a Disciplinary Committee shall, unless the Board otherwise determine in any case, be held in camera.

(7) Any question before a Disciplinary Committee shall be determined by the decision of the majority of the members of that Committee.

(8) Upon the conclusion of the inquiry, the Disciplinary Committee shall prepare and transmit to the Board a report embodying the findings on the matters in respect of which the inquiry was held.