



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

NATIONAL TRANSPORT MEDICAL INSTITUTE

ACT, No. 25 OF 1997

[Certified on 6th October, 1997]

Printed on the Order of Government

**Published as a Supplement to part II of the Gazette of the Democratic
Socialist Republic of Sri Lanka of October 10, 1997**

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO I

Price : Rs. 9.00

Postage : Rs. 4.60

National Transport Medical Institute Act, No. 25 of 1997

L.D.—O. 57/95

[Certified on 6th October, 1997]

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL
TRANSPORT MEDICAL INSTITUTE AND TO PROVIDE FOR MATTERS
CONNECTED THEREWITH OR INCIDENTAL THERETO.

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 Transport
Medical Institute Act, No. 25 of 1997, and shall come into
operation on such date as the Minister may appoint by Order
published in the Gazette (hereinafter referred to as the
“appointed date”).

Short title and date
of operation.

PART I

ESTABLISHMENT OF THE NATIONAL TRANSPORT MEDICAL
INSTITUTE

2. (1) There shall be established, in accordance with the
provisions of this Act, an Institute which shall be called the
National Transport Medical Institute (hereinafter referred to as
the “Institute”).

Establishment of
the National
Transport Medical
Institute.

(2) The Institute shall, by the name assigned to it by sub-
section (1), be a body corporate with perpetual succession and
a common seal and may sue and be sued in such name.

3. The functions of the Institute shall be—

Functions of the
Institute.

- (a) to provide medical services and assistance to drivers
and operators operating or driving all categories of
motor vehicles including heavy duty vehicles ;
- (b) to examine drivers and operators of all categories of
motor vehicles including heavy duty vehicles and
furnish certificates of physical and mental fitness to
such drivers and operators ;

- (c) to carry out medical examinations on drivers and operators of all categories of motor vehicles including heavy duty vehicles and furnish recommendations regarding their suitability and fitness ;
- (d) to provide medical services and assistance in the cases of accidents involving any category of motor vehicles ;
- (e) to ensure either by itself or in consultation with other agencies, that motor vehicles of all descriptions are operated or driven only by persons who are physically and mentally fit and competent ;
- (f) to appoint a panel of suitable medical officers to various districts and provinces for the purpose of discharging its functions ;
- (g) to render medical advice and recommendations on industrial hygiene and industrial accidents ;
- (h) to provide advice and special guidelines relating to the quantum of compensation or damages payable in cases of accident ;
- (i) to set standards and prescribe parameters regarding transport medicine to be adopted and implemented by the relevant implementing authorities ; and
- (j) to render medical services and assistance to the drivers and operators employed in companies formed under the Conversion of Public Corporations or Government owned Business Undertakings into Public Companies Act, No. 23 of 1987, public corporation and Private Omnibus Companies, registered under the National Transport Commission Act, No. 37 of 1991.

4. The Institute shall have such powers as may be necessary for the discharge of its functions and in particular, shall have the power to do all or any of the following :—

- (d) to acquire, (whether by sale, gift, or otherwise) hold, take or give on lease or hire, mortgage, pledge and sell or otherwise dispose of, any movable or immovable property ;
- (b) to open and maintain current, savings or deposit accounts in any bank or banks ;
- (c) to accept grants or donations, from persons or bodies of persons, whether in or outside Sri Lanka ;
- (d) to enter into and perform, all such contracts as may be necessary for the exercise of its powers, or the discharge of its functions ;
- (e) to invest any moneys belonging to the Institute including any unapplied income, in any security or to invest any such moneys in the purchase of immovable property in Sri Lanka or vary such investments, or to place in fixed deposits in any bank, any portion of such moneys as are not required for immediate expenditure ;
- (f) to borrow such sums of money as may be necessary for the purpose of discharging its functions ;
- (g) to enter into agreements for co-operation with medical and other institutions, whether in Sri Lanka or abroad, having objects wholly or partly similar to those of the Institute ; for the exchange and training of personnel, research and advisory services ; and generally, for such purposes as may be in furtherance of their common objects ;
- (h) to appoint, employ, remunerate and exercise disciplinary control over, and dismiss such officers, or servants as are necessary for the discharge of the functions of the Institute under this Act ;
- (i) to charge fees for the services and assistance provided by the Institute ;

- (j) to make rules in respect of all matters in respect of which it is required by this Act to make rules ; and
- (k) to do all such other things which in the opinion of the Institute are necessary to facilitate the discharge of its functions.

PART II

CONSTITUTION OF THE BOARD

Administration of the Institute vested in the Board.

5. (1) The administration, management and control of the affairs of the Institute shall be vested in the Board of Directors of the Institute (hereinafter referred to as the "Board").

(2) The Board shall, for the purpose of administering the affairs of the Institute, exercise, perform and discharge, the powers, duties and functions conferred or imposed on or assigned to, the Institute by this Act.

Constitution of the Board.

6. (1) The Board shall consist of the following :—

- (a) five *ex-officio* members, namely :—
 - (i) the Secretary to the Ministry of the Minister in charge of the subject of Transport or his representative ;
 - (ii) the Chairman of the National Transport Commission established by the National Transport Commission Act, No. 37 of 1991 or his representative ;
 - (iii) the Deputy Inspector-General of Police (Traffic) or his representative ;
 - (iv) the Secretary to the Ministry of the Minister in charge of the subject of Health or his representative ; and
 - (v) the Secretary to the Ministry of the Minister in charge of the subject of Finance or his representative ; and

- (b) four members, appointed by the Minister, (hereinafter referred to as the "appointed members") chosen from among persons who have had experience or have qualifications or have shown capacity, in the fields of transport, or medicine.

(2) The Minister shall appoint one of the members of the Board, as the Chairman of the Board.

(3) The Chairman shall be the Chief Executive officer of the Institute.

(4) A person shall be disqualified from being appointed or from continuing as a member of the Board if he is, or becomes, a member of Parliament or a member of a Provincial Council.

7. (1) An appointed member of the Board shall hold office for a period of three years from the date of his appointment.

Term of office.

(2) The Minister may without assigning any reason therefor remove any appointed member of the Board from office. The removal of any member of the Board shall not be called in question in any Court.

(3) An appointed member of the Board may at any time resign his office by a letter addressed to the Minister.

(4) In the event of a vacancy occurring in the membership of the Board as a result of any appointed member vacating office by death, resignation, removal from office or otherwise, another person shall, having regard to the provisions of section 6, be appointed to fill such vacancy.

(5) Where another person is appointed to fill a vacancy caused by the death, resignation, removal from office or otherwise of an appointed member, the person so appointed shall hold such office for the unexpired part of the term of office of the member of the Board whom he succeeds.

(6) Where any appointed member is by reason of illness, infirmity or absence from Sri Lanka for a period of not less than three months, temporarily unable to perform his duties, another person, may, having regard to the provisions of section 6, be appointed to act in his place.

(7) Any appointed member of the Board, who is absent without leave from three consecutive meetings of the Board shall be deemed to have vacated his office.

Chairman of the Board.

8. (1) The Chairman may at any time resign from the office of Chairman by letter addressed to the Minister.

(2) The Minister may at any time, remove the Chairman from the office of Chairman, without assigning any reason therefor.

(3) If the Chairman is by reason of illness or absence from Sri Lanka, temporarily unable to perform the duties of his office, the Minister may appoint another member of the Board to act in his place.

(4) Subject to the provisions of subsections (1) and (2), the term of office of the Chairman shall be the period of his membership in the Board.

Meetings of the Board.

9. (1) The Chairman shall preside at all meetings of the Board. In the absence of the Chairman from any meeting of the Board, a member chosen by the members of the Board present at such meeting shall preside at such meeting.

(2) In the event of an equality of votes at any meeting of the Board, the Chairman or the member presiding at such meeting shall in addition to his vote, have a casting vote.

(3) The meetings of the Board shall be convened by the Chairman and shall be held as frequently as is necessary for the purpose of discharging the functions of the Institute under this Act.

(4) The quorum for meeting of the Board shall be five members.

(5) The members of the Board shall be remunerated in such manner and at such rates as may be determined by the Minister, in consultation with the Minister in charge of the subject of Finance.

(6) Subject to the provisions of this Act, regulations may be made, regulating the procedure to be followed with regard to conduct of its meetings and the transaction of business at such meetings.

(7) The Board shall in the exercise of its powers, the performance of its duties and the discharge of its functions, be subject to and act in accordance with, such directions as the Minister may from time to time issue.

10. Subject to the provisions of subsection (4) of section 9, the Board shall have the power to act notwithstanding any vacancy in its membership, and no act or proceeding of the Board shall be invalid by reason only of the existence of any such vacancy or any defect in the appointment of a member thereof.

Proceedings of the Board not to be invalid by reason of any vacancy or defect in the appointment of a member.

11. The seal of the Board—

Seal of the Board.

- (a) shall be in the custody of the Chairman of the Board ;
- (b) shall be of such design as shall be approved by the Board and may be altered in such manner as may be determined by the Board ; and
- (c) shall not be affixed to any document except in the presence of two members of the Board, both of whom shall sign the document in token of their presence.

12. Subject to the provisions of this Act and any regulations made by the Minister, the Board shall have the power to appoint the officers and servants of the Institute.

Staff of the Institute.

Service to the Institute deemed to be service to the Government for the purposes of certain contracts.

13. Where the Institute employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Institute by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

Appointment of public officers to the staff of the Institute.

14. (1) At the request of the Board, any officer in the public service serving in the Ministry of the Minister may, with the consent of the Secretary to the Ministry of the Minister given with the concurrence of the Secretary to the Ministry of the Minister in charge of the subject of Public Administration and of the officer, be temporarily appointed to the staff of the Institute for such period as may be determined by the Board with like consent or with like consent be permanently appointed to such staff.

(2) At the request of the Board, any officer in the public service other than an officer referred to in subsection (1) may, with the consent of that officer and of the Secretary to the Ministry of the Minister in charge of the subject of Public Administration, be temporarily appointed to the staff of the Institute for such period as may be determined by the Board with like consent or with like consent be permanently appointed to such staff.

(3) Where any officer in the public service is temporarily appointed to the staff of the Institute, the provisions of section 14 (2) of the National Transport Commission Act, No. 37 of 1991, shall, *mutatis mutandis*, apply to, and in relation to, him.

(4) Where any officer in the public service is permanently appointed to the staff of the Institute, the provisions of section 14 (3) of the National Transport Commission Act, No. 37 of 1991, shall, *mutatis mutandis*, apply to, and in relation to, him.

Delegation of powers of the Board to the Chairman of the Board.

15. (1) The Board may delegate to the Chairman of the Board any of its powers, duties or functions other than its powers under this subsection.

(2) The Chairman of the Board to whom any power, duty or function has been delegated under subsection (1) shall exercise, perform and discharge such power, duty or function, subject to the directions of the Board.

PART III

FINANCE

16. (1) The Institute shall have its own fund.

Fund of the Institute.

(2) There shall be credited to the fund of the Institute—

- (a) all such sums of money as may be voted from time to time by Parliament for the use of the Institute ;
- (b) all such sums of money as may be received by the Institute in the exercise, performance and discharge of its powers, duties and functions ; and
- (c) all such sums of money as may be received by the Institute by way of loans, donations, gifts or grants from any source whatsoever, whether in or outside Sri Lanka.

(3) There shall be paid out of the fund of the Institute—

- (a) all such sums of money as are required to defray any expenditure incurred by the Institute in the exercise, performance and discharge of its powers, duties and functions under this Act ; and
- (b) all such sums of money as are required to be paid out of such fund, by or under, this Act.

17. The financial year of the Institute shall be the calendar year.

Financial year of the Institute.

18. The provisions of Article 154 of the Constitution relating to the audit of accounts of public corporations shall apply to, and in relation to, the audit of the accounts of the Institute.

Audit of Accounts.

PART IV**GENERAL****Regulations.**

19. (1) The Minister may make regulations in respect of matters, for which regulations are required or authorized by this Act to be made or which are required by this Act to be prescribed.

(2) Every regulation made under subsection (1) 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 such regulation.

(3) Every regulation made under subsection (1) shall as soon as convenient after its publication in the Gazette be brought before Parliament for approval and any regulation which is not so approved shall be deemed to be rescinded with effect from the date of such disapproval, but without prejudice to anything previously done thereunder.

(4) Notification of the date on which any regulation is deemed to be rescinded shall be published in the Gazette.

**Protection of actions
taken under this
Act**

20. (1) No suit or prosecution shall lie—

- (a) against the Institute for any act which in good faith is done or purported to be done by it under this Act ;
- (b) against any member of the Board, officer, servant or agent of the Institute for any act which in good faith is done or purported to be done by him under this Act or on the direction of the Board.

(2) Any expenses 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 by him under this Act or on the direction of the Board shall, if the Court holds that the act was done in good faith, be paid out of the fund of the Institute.

21. The Institute 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.

The Institute deemed to be a Scheduled Institution within the meaning of the Bribery Act.

22. All members, officers and servants of the Institute shall be deemed to be public servants within the meaning, and for the purposes, of the Penal Code.

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

23. (1) All property, movable and immovable vested in the Medical Centre established under the Transport Board Law, No. 19 of 1978 or in the Sri Lanka Transport Board established by that Act, and used on the day preceding the appointed date, for the purposes of such Medical Centre, shall vest in the Institute with effect from the appointed date.

Transitional provisions.

(2) All contracts and agreements entered into, by, or with the Medical Centre established under the Transport Board Law, No. 19 of 1978 or the Sri Lanka Transport Board established by that Act, for the purposes of such Medical Centre and subsisting on the day preceding the appointed date shall be deemed, with effect from the appointed date to be contracts and agreements entered into, by or with the Institute, as the case may be, and may be enforced accordingly.

(3) All actions and proceedings or matters instituted by or against the Sri Lanka Transport Board established by the Transport Board Law, No. 19 of 1978 relating to the Medical Centre established under that Act and pending on the day preceding the appointed date shall with effect from the appointed date, be deemed to be actions and proceedings instituted by or against the Institute, as the case may be, and may be continued accordingly.

24. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

25. In this Act, unless the context otherwise requires—

Interpretation.

“motor Vehicle” has the same meaning as in the Motor Traffic Act, (Chapter 203);

“Provincial Council” means a Provincial Council established by Chapter XVIII of the Constitution.

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