

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

Part II of February 17, 2017

SUPPLEMENT

(Issued on 20.02.2017)



**HECTOR APPUHAMY HELPING HAND
CHARITY FOUNDATION (INCORPORATION)**

(Private Member's Bill)

A

BILL

to incorporate the Hector Appuhamy Helping Hand Charity Foundation

*To be presented in Parliament by Hon. Anura Sidney Jayarathne, M.P. for
Polonnaruwa District*

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*Hector Appuhamy Helping Hand Charity
Foundation (Incorporation)*

AN ACT TO INCORPORATE THE HECTOR APPUHAMY HELPING
HAND CHARITY FOUNDATION

WHEREAS a Foundation called and known as the Preamble.
“Hector Appuhamy Helping Hand Charity Foundation”
heretofore been formed in Sri Lanka for the purpose of
effectually carrying out its objects and transacting all matters
5 connected with the said Foundation according to the rules
agreed by its members:

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

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

1. This Act may be cited as the Hector Appuhamy Short title.
15 Helping Hand Charity Foundation (Incorporation) Act,
No. of 2017.

2. From and after the date of commencement of this Act, Incorporation
such and so many persons as now are members of the “Hector of the Hector
Appuhamy Helping Hand Charity Foundation” (hereinafter Appuhamy
20 referred to as the “Foundation”) or shall hereafter be admitted Helping
as members of the Corporation hereby constituted shall be a Hand Charity
body corporate with perpetual succession under the name and Foundation.
style of the “Hector Appuhamy Helping Hand Charity
Foundation” (hereinafter referred to as the “Corporation”) and
25 by that name may sue and be sued, with full power and
authority to have and use a common seal and alter the same at
its pleasure.

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3. The general objects for which the Corporation is constituted are hereby declared to be—

General
objects of the
Corporation.

- (a) to provide medical aid and food to the poor, the destitute and the sick;
- 5 (b) to conduct special services for needy school children and to offer assistance by way of scholarships, library facilities and other necessary educational support for students;
- 10 (c) to conduct classes for the students sitting for year five scholarship, GCE (O/L) and GCE (A/L) examinations by experts in the particular field of education;
- 15 (d) to support and encourage the services provided by senior citizens' organizations;
- 15 (e) to develop pre-schools for early childhood development of the needy children;
- 20 (f) to give aid by way of scholarships to any officer or servants engaged in the furtherance of the objects of the Corporation;
- 20 (g) to promote understanding, co-operation and friendship with similar institutions within and outside Sri Lanka;
- 25 (h) to organize employees of small and medium scale industries and enterprise services and working towards their future advancement;
- 25 (i) to initiate and implement economic, social, cultural and environmental development activities in Sri Lanka and providing guidance necessary for it;
- 30 (j) to combat waste and corruption and utilize all resources belonging to our community in a very useful manner;

- (k) to design and implement social mobilization programmes for the development of children and women and implementing education and training programmes for this purpose;
 - 5 (l) to initiate and implement technical, industrial and computer vocational training institutions and programmes so that young men and women from families of low social strata can gain self employment opportunities;
 - 10 (m) to provide training necessary for young men and women engaged in agriculture and guiding them towards export crops cultivation, organizing local and foreign marketing activities necessary for it, and providing space necessary for cultivation;
 - 15 (n) to provide assistance in times of natural disasters, emergencies and accidents;
 - (o) to provide training in fields of engineering, technology, carpentry, masonry and computing to young men and women who do not get access for higher education and directing them towards such vocations and starting training centres necessary for it;
 - 20 (p) to do all or several such other acts and things as are necessary for and incidental or conducive to the attainment of the above objects.
 - 25
4. Subject to the provisions of this Act and any other Powers of the written law, the Corporation shall have the power to do, Corporation.
perform and execute all such acts and matters as necessary or desirable for the promotion or furtherance of the objects of
30 the Corporation or any one of them, including the power:—
- (a) to raise funds and receive grants, gifts or donations, in cash or kind;

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- 5 (b) to acquire, in any manner whatsoever and hold, take or give on lease or hire, rent, sell or otherwise dispose of, any movable or immovable property and construct, maintain and alter any buildings or works necessary or convenient for the business of the Corporation;
- 10 (c) to make, 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 bank accounts and borrow or raise money with or without security;
- 15 (d) to invest any funds not immediately required for the purposes of the Corporation in such manner as the Board of Management may determine;
- 20 (e) to enter into agreement or contracts with any person, or body of persons whether incorporated in Sri Lanka or abroad or with any Government Department, Corporation, Board, Provincial Council or Local Authority for the achievement of the objects of the Corporation;
- 25 (f) to determine the fees to be paid in respect of registration of different categories of membership; and
- (g) to appoint, employ, dismiss or terminate the services of officers and servants of the Corporation and to pay them such salaries, allowances and gratuities as may be determined by the Corporation.

30 5. (1) The affairs of the Corporation shall, subject to the other provisions of this Act and the rules in force for the time being of the Corporation, be administered by a Board of Directors consisting of the Director General, the Deputy Chairman, the Secretary, Deputy Secretary and Treasurer and not less than seven other members elected in accordance with such rules.

Management
of the
Corporation.

(2) The first Board of Directors of the Corporation shall consist of the members of the Board of Directors of the day immediately preceding the date of commencement of this Act.

5 **6.** (1) It shall be lawful for the Corporation, from time Rules of the
to time, at any general meeting and by the votes of not less Corporation.
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 the admission, withdrawal or expulsion
10 of members, the election of the Board of Management, for
the conduct of the duties of the office bearers, agents, officers
and servants of the Corporation, for the procedure to be
followed in the transaction of business by the Corporation
and the Board of Management and generally, for the
15 management of the affairs of the Corporation and the
accomplishment of its objects. Such rules when made may
at a like meeting and in like manner, be altered, added to,
amended or rescinded.

20 (2) The members of the Corporation shall be subject to
the rules of the Corporation.

7. (1) The Corporation shall have its own Fund. All Funds of the
moneys received by way of gifts, bequests, donations, Corporation.
transfers, subscriptions, contributions or fees shall be
deposited to the credit of the Corporation in one or more
25 Banks as the Board of Management shall determine.

(2) There shall be paid out of the Fund of the Corporation,
all such sums of money as may be required to defray any
expenditure incurred by the Corporation in carrying out the
objects of the Corporation.

30 (3) The moneys and property of the Corporation
whosoever derived shall be applied solely towards the
promotion of the objects as set forth herein and no portion
thereof shall be paid or transferred directly or indirectly by
way of dividend, bonus or otherwise, to any member of the
35 Corporation.

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8. (1) The financial year of the Corporation shall be the calendar year. Accounts and
Audit of the
Corporation.

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

(3) The accounts of the Corporation shall be audited by a qualified auditor as may be determined by the Board.

In this section, “qualified auditor” means—

10 (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 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 of such Institute.

20 9. The seal of the Corporation shall not be affixed to any instrument whatsoever, in the presence of the Director General and the Secretary who shall sign their names on the instrument in token of their presence and such signing shall be independent of the signing of any person as a witness. Seal of the
Corporation.

25 10. All debts and liabilities of the Foundation existing on the day preceding the date of commencement of this Act, shall be paid by the Corporation hereby constituted, and all debts due to, and subscriptions and contributions payable to the Foundation on that day shall be paid to the Corporation
30 for the purpose of this Act. Debts due by
and payable
to the
Foundation.

11. The Corporation shall be able and capable in law, to take and hold any property movable or immovable which may become vested in it by virtue of any purchase grant, gift, testamentary disposition or otherwise, and all such property shall be held by the Corporation for the purpose of this Act, and subject to the rules in force for the time being of the Corporation with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.
12. If upon the dissolution of the Corporation there remains after the satisfaction of all its debts and liabilities, any property whatsoever, such property shall not be distributed among the members of the Corporation but shall be given or transferred to some other Foundation or Foundations having objects similar to those of the Corporation, and which is or are by the rules thereof prohibited from distributing any income or property among its or their members. Such Foundation or Foundations shall be determined by the Board at or immediately before the dissolution of the Corporation.
13. Nothing in this Act contained shall prejudice, or affect the rights of the Republic or anybody politic or corporate or of any other person, except such as are mentioned in this Act and those claiming by, from or under them.
14. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.
- Corporation may hold property movable and immovable.
- Property remaining on dissolution.
- Saving of the rights of the Republic and others.
- Sinhala text to prevail in case of inconsistency.

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