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SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of April 22, 2022

SUPPLEMENT

(Issued on 25.04.2022)



**KIDNEY AND DIABETES LIONS
HOSPITAL TRUST (INCORPORATION)**

(Private Members' Bill)

A

BILL

to incorporate Kidney and Diabetes Lions Hospital Trust

*To be presented in Parliament by Hon. Sanjeeva Edirimanna, M.P.
for Kalutara District*

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*Kidney and Diabetes Lions
Hospital Trust (Incorporation)*

AN ACT TO INCORPORATE THE KIDNEY AND DIABETES
LIONS HOSPITAL TRUST

WHEREAS a Foundation called and known as the “Kidney and Diabetes Lions Hospital Trust” has heretofore been formed in Sri Lanka for the purpose of effectually carrying out its objects and transacting all matters connected with the said Trust according to the rules agreed to by its members:

AND WHEREAS the said Trust 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:

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 Kidney and Diabetes Lions Hospital Trust (Incorporation) Act, No. of 2022.

2. (1) From and after the date of commencement of this Act, such and so many persons now are members of the Kidney and Diabetes Lions Hospital Trust (hereinafter referred to as the “Trust”) or shall hereafter be admitted as members of the Corporation hereby constituted, shall be a body corporate with perpetual succession, under the name and style of the “Kidney and Diabetes Lions Hospital Trust” (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.

(2) The Corporation shall be deemed to be a voluntary social service organization within the meaning, and for the purpose of the Voluntary Social Services Organization (Registration and Supervision) Act, No. 31 of 1980 and the provisions of that Act shall apply to and in relation to the management of the affairs of the Corporation.

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Hospital Trust (Incorporation)*

3. (1) The general objects for which the body corporate is constituted are hereby declared to be—

General
objects of the
Body
corporate

- (a) to provide facilities to the community for a healthy life style;
- 5 (b) to establish a Hospital for kidney and Diabetic patients;
- (c) to identify, educate, treat kidney and diabetic patients especially for families with low income and minimum facilities;
- 10 (d) to conduct lectures, seminars, workshops and any other such activities in order to invigilate the public of the kidney and diabetic as well as any other non communicable diseases;
- (e) to establish companionship with the establishments,
- 15 organizations or any other organizational entities within and outside Sri Lanka;
- (f) to print, publish and distribute books, magazines and leaflets that the corporation think suit to achieve and promote the objectives of the corporation; and
- 20 (g) to establish and maintain an elders' home amalgamated to the kidney hospital;

(2) In the implementation of the objects specified in subsection (1) the Corporation shall ensure that such implementation shall be carried out without any

25 discrimination based on race, religion, language, caste, sex, political opinion, place of birth or any of such grounds.

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Hospital Trust (Incorporation)*

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4. The objects of the body corporate shall be carried out in such manner so as not to create any conflict between the work of the Corporate and any work being carried out simultaneously by any Ministry or Department of the Government or of any Provincial Council.
- 5
- Body corporate to ensure no conflict with work of Ministry or Department of the Central Government or Province
5. (1) The body corporate shall maintain a register of the member inscribed their names at the date of the incorporated the trust and the names of the members thereafter properly enrolled.
- Register of members of the body corporate
- 10 (2) The register shall contain the following details:—
- (a) name, address and number of the National Identity of each members of the body corporate;
- (b) date of the enrolment of the membership in the register; and
- 15 (c) date of the cancellation of the membership.
6. The followings will cause the cessation of membership:—
- Cancellation of membership of body corporate
- (a) upon death of the member;
- (b) resignation from the membership;
- 20 (c) become unsound mind;
- (d) violating certain rules of the body corporate.
7. (1) The affairs of the administration and management of the body corporate shall be executed by the provisions and the rules made under section 9 of this Act, through an executive committee (hereinafter referred as ‘board of trustees’), comprising seventeen members including the
- 25
- Management of the affairs of the body corporate

(2) The members of the board of Trustees of the Trust in
5 power on the day immediately before the incorporation of
this Act, shall be the first board of trustees of the body
corporate and shall remain in power until such time the annual
general meeting of the body corporate is held.

15 (4) There shall be a Board of Management comprising six members who shall be in charge for administration and the operation of the Hospital and be made under the supervision of the board of Trustees.

25 (a) to purchase, acquire rent, construct, renovate and otherwise obtain lands or buildings which may be required for the purpose 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;

30 (b) to raise funds and receive grants, gifts or donations,
in cash or kind with or without security:

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5 Provided that, the Board shall obtain to 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 of donations made to the Body corporate.

10 (c) to made, 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 accounts in any
Banks;

(d) to invest any funds not immediately required for
the purposes of the Body corporate in such manner
as the Board may determine;

15 (e) to undertake, accept, execute, perform and
administer any lawful trust or any real or personal
property with a view to promoting the objects of the
Body corporate;

20 (f) 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;

25 (g) to do all other things as are necessary or expedient
for the proper and effective carrying out the objects
of the Body corporate; and

(h) to train the staff within Sri Lanka for the purpose of
Body corporate.

30 **9.** (1) It shall be lawful for the Body corporate, from time
to time, at any general meeting and by the votes of not less
than two thirds of the members present and voting, to make
rules, not inconsistent with the provision of this Act or any
other written law, for all or any of the following matters:—

Rules of the
Body
corporate

35 (a) the classification of membership, admission,
withdrawal, expulsion or resignation of members
and fees payable by members;

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Hospital Trust (Incorporation)*

- (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 bearers;
- 5 (c) the terms and conditions of appointment, powers, functions and duties and of the various officers, agents and servants of the Body corporate;
- 10 (d) the procedure to be followed at the summoning and holding of meetings of the Board, or any subcommittee thereof, notices and agenda of such meetings, the quorum and the conduct of business thereat;
- (e) the qualification and disqualification to be a members of the Body and the Body corporate;
- 15 (f) the administration and management of the property of the Body corporate; and
- (g) the management of the affairs of the Body corporate, and the accomplishment of its' objects and dissolution of the Corporation.

20 (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 time be subject to the rules of the Body corporate.

25 (4) The rules made under this section shall be published in the *Government Gazette*.

10. (1) The body corporate shall have its own Fund.

Fund of the
Body
corporate

30 (2) All moneys received by way of gifts, bequests, donation, subscription, contribution fees or grants for and on account of the Body corporate shall be deposited in one or more Banks approved by the Board of Trustees to the credit of the Corporation.

(3) There shall be paid out of the Fund all sums of money as are required to defray any expenditure incurred by the Body corporate in the exercise, performance and discharge of its power, duties and functions under the Act.

5 **11.** (1) The financial year of the Body Corporate shall be the calendar year. Accounts and
the Auditing

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

10 (3) The accounts of the Body corporate shall be audited by a qualified auditor appointed by the Auditor-General in terms of Article 154 of the Constitution.

(4) For the purposes of this section “qualified auditor” means-

15 (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 Accountant issued by the Council of such Institute; or

20 (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 Accountant issued by
25 the Council of such Institute.

12. (1) The Board of Trust shall prepare a report of the activities of the Body corporate for each financial year and submit such report together with the audited statement of accounts to the Secretary of the Ministry of the Minister Annual
Report

assigned the subject of Social Services and to the Registrar of Voluntary Social Services Organizations appointed under the Voluntary Social Services Organization (Registration and Supervision) Act, No. 31 of 1980 before the expiration of six
5 months of the year succeeding the year to which such report relates.

(2) A separate account 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).

10 **13.** All debts and liabilities of the Trust existing on the day 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 contributions payable to the Trust on that day shall be paid to the Body corporate for
15 the purpose of this Act.

Debts due by
and payable
to the Trust

20 **14.** Subject to the provision of this Act, the Body corporate 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
25 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 7, with power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Body
corporate
may hold
property
movable and
immovable

25 **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 indirectly by way of dividend, bonus or profit to the members of the Body
30 corporate.

Application
of moneys
and property

35 **16.** (1) The Seal of the Body corporate shall not be affixed to any instrument whatsoever, except in the presence of the Chairman and the Secretary or Treasurer of the Board who shall sign their names to 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
Body
corporate

(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.

5 **17.** (1) If upon the dissolution of the Body corporate 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 Body corporate, but shall be given or transferred to any other institution having objects similar to those of the Body corporate, and
10 which is by the rules thereof, prohibited from distributing any income or property among its members.

Property
remaining on
dissolution

(2) For the purpose of subsection (1) the appropriate institution shall be determined by the members of the Body corporate immediately before the dissolution at a general
15 meeting by the majority of votes of the members present.

18. Nothing in this Act contained shall prejudice or affect the rights of the Republic or of anybody politic or corporate.

Saving of the
rights of the
Republic and
others

20 **19.** 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

