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

**TERTIARY AND VOCATIONAL EDUCATION
(AMENDMENT) ACT, No. 50 OF 1999**

[Certified on 14th December, 1999]

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Tertiary and Vocational Education (Amendment)
Act, No. 50 of 1999

[Certified on 14th December, 1999]

L.D.–O. 71/98.

AN ACT TO AMEND THE TERTIARY AND VOCATIONAL EDUCATION
ACT, NO. 20 OF 1990

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| <p>1. This Act may be cited as the Tertiary and Vocational Education (Amendment) Act, No. 50 of 1999.</p> <p>2. Section 2 of the Tertiary and Vocational Education Act, No. 20 of 1990 (hereinafter referred to as the “principal enactment”) is hereby repealed and the following section substituted therefor :-</p> <p>“Establishment of Tertiary and Vocational Education Commission.</p> | <p>2. (1) There shall be established a Commission which shall be called the Tertiary and Vocational Education Commission (hereinafter referred to as “the Commission”).</p> <p>(2) The Commission shall, by the name assigned to it by subsection (1), be a body corporate with perpetual succession and a common seal and may sue and be sued in that name”.</p> | <p>Short Title.</p> <p>Replacement of section 2 of Act, No. 20 of 1990.</p> |
| <p>3. Section 4 of the principal enactment is hereby amended as follows:-</p> <p>(a) by the insertion immediately after paragraph (g) of that section, of the following paragraphs :-</p> <p style="padding-left: 40px;">“(h) to make grants and pay subsidies under contracts to private sector establishments, to conduct specific training programmes in compliance with Development Plans ;</p> <p style="padding-left: 40px;">(i) to undertake research and development activities in vocational education and training;</p> <p style="padding-left: 40px;">(j) to establish and maintain a labour market information systems for collecting,</p> | <p>Amendment of section 4 of the principal enactment.</p> | |

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information for the purposes of planning,
and providing vocational guidance, in the
field of vocational education and training ;

- (k) to establish and maintain systems for
quality assurance in vocational education
and training including standards in respect
of occupational skills, training programmes,
testing and quality management systems,”;
and

- (b) by the relettering of paragraph (h) of that section as
paragraph (l) of that section.

Replacement of
section 6 of the
principal
enactment.

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

‘Constitution
of the
Commission. 6. (1) The Commission shall consist of the
following members :—

- (a) the Director- General of Tertiary
Education and Vocational Education
appointed under section 10(1) (a) ;
- (b) the Chairman of the National Apprentice
and Industrial Training Authority
established under Chapter VI ;
- (c) the Chairman of the Vocational Training
Authority of Sri Lanka established by
the Vocational Training Authority of Sri
Lanka Act, No.12 of 1995.
- (d) the Director - General of the Department
of Technical Education and Training ;
- (e) the Director - General of the Sri Lanka
Institute of Advanced Technical
Education established by the Sri Lanka
Institute of Advanced Technical
Education Act, No.29 of 1995 ;

- (f) a representative of the Ministry of Finance nominated by the Minister in charge of the subject of Finance, in consultation with the Minister ;
- (g) a person appointed by the President in consultation with the Minister to represent trade unions, from amongst persons nominated by trade unions ;
- (h) ten persons appointed by the President in consultation with the Minister (hereinafter referred to as “appointed members”) from amongst entrepreneurs in the private sector, of whom at least eight persons shall be from amongst persons nominated by the Chambers of Commerce and Industry and other Associations of employers ;

(2) A person shall be disqualified from being appointed a member of the Commission, if he is or becomes a Member of Parliament or a Member of Provincial Council or of a local authority.

(3) The President shall in consultation with the Minister appoint one of the appointed Members of the Commission to be the Chairman of the Commission (hereinafter referred to as “the Chairman”)

(4) Subject to the provisions of section 7, every appointed Member of the Commission shall hold office for a period of four years from the date of this appointment to such office.’

5. Section 7 of the principal enactment is hereby amended in subsection (3) of that section, by substitution, for the words and figures “provisions of paragraph (d) of subsection (1) of section 6”, of the words and figures “the provisions of paragraph (h) of subsection (1) of section 6”.

Amendment of section 7 of the principal enactment.

Amendment of
section 10 of the
principal
enactment.

6. Section 10 of the principal enactment is hereby amended by the repeal of subsection (6) of that section.

Insertion of
sections 10A, 10B,
10C, 10D, 10E, 10F,
10G, and 10H, in
the principal
enactment.

7. The following new sections are inserted immediately after section 10 and shall have effect as section 10A, 10B, 10C, 10D, 10E, 10F, 10G and 10H respectively, of the principal enactment.

“Appointment
of Public
officers to
Commission

10A. (1) At the request of the Commission an officer in the public service, may with the consent of that officer, the Secretary to the Ministry under which that officer is serving and the Secretary to the Ministry of the Minister incharge of the subject of Public Administration, be temporarily appointed to the staff of the Commission for such period as may be determined by the Commission with like consent, or be permanently appointed to such staff.

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

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

(4) Where the Commission employs any persons who has entered into a contract with

the Government by which he has agreed to serve the Government for a specified period of time service to the Commission by that person shall be regarded as service to the Government for the purpose of discharging his obligations under such agreement.

Fund of the
Commission

10B. (1) The Commission shall have its own Fund.

(2) There shall be paid into the Fund of the Commission –

- (a) all such sums of money as may be voted from time to time by Parliament for the use of the Commission ;
- (b) all such sums of money as may be received by the Commission as fees, charges or cesses ;
- (c) all such sums of money as may be received by the Commission by way of grants, gifts or loans.

(3) There shall be paid out of the Fund of Commission all such sums of money as are required to defray any expenditure incurred by the Commission in the exercise and discharge of its powers and functions under this Act and all such sums of money as are required or authorized to be paid out of the Fund of the Commission by or under this Act.

Financial
Year of the
Commission

10C. The financial year of the Commission shall be the calendar year.

Audit of
accounts
of the
Commission.

10D. (1) The Commission shall cause proper books of accounts to be kept of the income and expenditure , assets and liabilities and all other transactions of the Commission.

(2) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public Corporations shall apply to the audit of the accounts of the Commission.

Seal of the
Commission.

10E. The seal of the Commission –

- (a) shall be in the custody of such person as the Commission may determine from time to time ;
- (b) may be altered in such manner as may be determined by the Commission ;
- (c) shall not be affixed to any instrument or document except in the presence of two members of the Commission authorized in writing in that behalf by the Chairman of the Commission, both of whom shall sign the instrument or document in token of their presence.

Commission
deemed to be
a Scheduled
institution
within the
meaning of the
Bribery Act.

10F. The Commission 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.

Members
officers and
servants of the
Commission
deemed to be
public servants.

10G. All members, officers and servants of the Commission shall be deemed to be public servants within the meaning, and for the purposes of the Penal Code.

Protection of
action.

10H. (1) No action or prosecution shall be Instituted –

- (a) against the Commission for any act, which in good faith is done, or purported to be done, by the Commission under this Act ; or

(b) any member, officer or servant of the Commission 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 Commission.

(2) any expenses incurred by this Commission in any action or prosecution brought by or against the Commission before any court, shall be paid out of the Fund of the Commission and any costs paid, to or recovered by the Commission, in any such action or prosecution shall be credited to the Fund of the Commission.

(3) Any expenses incurred by any such person as is referred to in paragraph (b) of subsection (1) in any action of prosecution brought against him before any court in respect of any act which is done, or purported to be done, by him under this Act or on the direction of the Commission shall, if the court holds that such act was done in good faith, be paid out of the Fund of the Commission, unless such expenses are recovered by him in such action or prosecution.”.

8. The following new section is hereby inserted immediately after Section 12, and shall have effect as Section 12A of the principal enactment :-

Insertion of section 12A of the principal enactment.

“Power of Minister to give direction.

12 A. The Minister may, in consultation with the Ministers in charge respectively, of the Department of Technical Education and Training, the Vocational Training Authority of Sri Lanka and any Technical Training or Vocational Education Institution funded by the Government, direct such Department, Authority and Institution, respectively, to prepare and

implement plans for Technical Education and Vocational Training in compliance with the Development Plans and guidelines of the Commission, and it shall be the duty of such Department, Authority and Institution respectively, to comply with every such direction”.

Amendment of
 section 94 of the
 principal
 enactment.

9. Section 94 of the principal enactment is hereby amended in subsection (2) of that section, by the insertion of the following paragraph immediately after paragraph (a) of that subsection :-

“(aa) the criteria for allocation of funds among public sector institutes providing vocational education and training;”.

Sinhala text to
 Prevail in case of
 inconsistency.

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

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