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Voluntary National Youth Service Act, No. 11 of 1967

Date of Assent : June 11, 1967

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*Voluntary National Youth Service Act,
No. 11 of 1967*

L. D.—O. 46/66.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND REGULATION OF A NATIONAL YOUTH SERVICE COUNCIL AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: June 11, 1967]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Voluntary National Youth Service Act, No. 11 of 1967.

Short title.

Establishment, Objects and Powers of the Council.

2. (1) There shall be established a council called the National Youth Service Council (hereinafter in this Act referred to as "the Council") consisting of the persons who are for the time being members of the Council under section 7.

Establishment and objects of the Council.

(2) The objects for which the Council is established are hereby declared to be, in particular, to formulate schemes of voluntary national service for youths, and to carry out such schemes either by itself or through approved institutions, and in general,—

- (a) to foster among persons in Ceylon in general and among the youth of Ceylon in particular, a spirit of national consciousness, a sense of discipline, an awareness of social and economic problems and a sense of the dignity of labour;
- (b) to enlist the continuous and active participation of the youth of Ceylon without regard to class or race or religion, in national development schemes by means of all forms of voluntary service;
- (c) to organize and implement on a voluntary basis national service projects of every description and, in particular, projects directed towards social welfare, social rehabilitation and the economic development of Ceylon;

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- (d) to assist bodies of persons in carrying out national programmes of public utility, social welfare, social rehabilitation and economic development;
- (e) to provide a constant employment opportunity for youths by constructively investing Government funds on a long-term policy basis aimed to strengthen the economic fabric of the State;
- (f) to conduct vocational training of highly efficient and well disciplined laymen and semi-skilled workers for industry, agriculture and other services; and
- (g) to promote goodwill and mutual understanding between Ceylon and other countries by organizing the exchange of youths who volunteer to assist in projects of national service.

(3) In this Act, "approved institution" means any institution or any class of institutions, whether educational or otherwise, which is approved for the purpose of this Act by the Minister by Order published in the *Gazette*.

Council to be
a body
corporate.

3. The Council shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its name.

Grants to
Council by
Government.

4. (1) The amount of the working capital of the Council and the amount necessary for the defraying of preliminary expenses shall be such as may be determined by the Minister in consultation with the Minister of Finance.

(2) The amount of the working capital of the Council shall be paid to the Council out of the Consolidated Fund of Ceylon in such instalments as the Minister of Finance may, after consultation with the Minister, determine.

(3) The working capital of the Council may be increased from time to time by such amount as may be determined by the Council with the approval of the Minister given with the concurrence of the Minister of Finance.

5. (1) The Council shall have the power to acquire, hold, take or give on hire or lease, and to pledge or sell or otherwise dispose of, any immovable or movable property:

Powers of the Council.

Provided, however, that no immovable property of the Council shall be sold without the prior approval in writing of the Minister.

(2) The Council shall have the power—

(a) to engage in any agricultural, industrial, social or public utility enterprises connected with or incidental to any of the objects of the Council with the prior approval of the Minister ;

(b) to do anything necessary for, or conducive or incidental to, the carrying out of the objects of the Council; and

(c) to charge fees for services rendered or provided by the Council.

(3) The Council may accept grants or donations, whether of immovable or movable property, from persons or bodies of persons in or outside Ceylon:

Provided, however, that no donation shall be accepted from such persons or body of persons outside Ceylon until a detailed description of the donation is placed before the House of Representatives.

6. All property, movable and immovable, acquired or held, and all grants and donations accepted, by the Council shall be used and applied by the Council in furtherance of its objects in such manner as the Council may determine.

Application of property, &c.

The Council.

7. The Council shall consist of the following members:—

Constitution of the Council.

(a) the Minister who shall be the President of the Council;

(b) one other member of the Cabinet of Ministers who shall be nominated by the Minister and who shall be the Vice-President of the Council;

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- (c) not more than five other persons appointed by the Minister as members of the Council, one of whom shall be nominated as Chairman of the Council and who shall also be the chief executive officer of the Council:

Provided that no other Members of Parliament shall be members of the Council.

Term of office
of members.

8. (1) A member of the Council who is appointed by the Minister shall, unless he earlier vacates office by death or as hereinafter provided, hold office as such member for a period of four years.

(2) Any member of the Council appointed by the Minister who vacates office by effluxion of time shall be eligible for reappointment.

Vacation
of office.

9. A member of the Council appointed by the Minister shall vacate office as such member—

(a) if his membership is terminated by the Minister; or

(b) if he resigns his office by letter in writing addressed to the Minister.

Council to be
subject to the
general or
special direction
and control of
the Government.

10. The Council shall be subject to the general or special direction and control of the Government.

Staff of the Council.

Appointment
and remunera-
tion of officers
and servants.

11. (1) The Council may appoint such officers and such servants as the Council considers necessary for the carrying out of its objects.

(2) The remuneration and conditions of service of the officers and servants of the Council shall be such as may be fixed by the Council with the approval of the Minister given with the prior concurrence of the Minister of Finance.

Appointment of
public officers
to the staff of
the Council.

12. (1) At the request of the Council, any officer in the public service may, with the consent of that officer and the Secretary to the Treasury, be temporarily appointed to the staff of the Council for such period as may be determined by the Council with like consent or be permanently appointed to such staff.

(2) The provisions of sub-section (2) of section 9 of the Motor Transport Act, No. 48 of 1957, shall, *mutatis mutandis*, apply to and in relation to any officer in the public service who is temporarily appointed to the staff of the Council, and the provisions of sub-section (3) of the aforesaid section 9 shall, *mutatis mutandis*, apply to and in relation to any officer in the public service who is permanently appointed to such staff.

13. Where the Council 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 Council by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

Service to Council to be considered as service to Government for purposes of contracts.

14. The Council may delegate to any member or officer of the Council any such power or function of the Council as the Council may consider necessary so to delegate for the efficient transaction of its business.

Delegation of powers and functions to officers of the Council.

Meetings and Administration.

15. (1) Subject to the provisions of sub-section (2) of this section, the holding of, the quorum for, and the procedure for the transaction of business at, meetings of the Council shall be as determined by the Council.

Meetings of the Council.

(2) Any question arising at any meeting of the Council shall be determined by a majority of the members present, and in the case of an equality of votes, the President or in his absence, the Vice-President or Chairman or any other member presiding at the meeting, shall have a second or casting vote.

16. Subject to the provisions of section 10, the affairs of the Council shall be administered in such manner as may be determined by the Council.

Administration of affairs of the Council.

Appointment of Panels.

17. (1) The Council may appoint panels, each consisting of such persons as the Council may think fit, for the purpose of advising and assisting the Council on the general advancement of any particular activity or activities connected with or incidental to the carrying out of the objects of the Council.

Appointment of panels.

(2) Any person, whether or not he is a member of the Council, shall be eligible for appointment to any panel constituted under this section.

(3) The members of any panel appointed under this section shall appoint a member of that panel as chairman of that panel.

(4) The Council shall have the power to revoke the appointment of any panel or any member of any panel appointed under this section.

Finance, Accounts and Minutes.

Funds of
the Council.

18. (1) The Council shall have its own fund.

(2) There shall be paid into the Fund of the Council all such sums of money as may be received by the Council by way of—

(a) donations, gifts or grants from any source whatsoever;

(b) fees charged for services rendered or provided by the Council; and

(c) all such sums of money as are required to be paid into such Fund by or under this Act.

(3) There shall be paid out of the Fund of the Council all sums of money required to defray any expenditure incurred by that Council in the carrying on of its business or in the exercise, discharge and performance of its powers, functions and duties under this Act, and all such sums of money as are required to be paid out of such Fund by or under this Act.

Accounts of the
Council and
financial year.

19. (1) The Council shall cause its accounts to be kept in such form and manner as may be determined by the Treasury in consultation with the Auditor-General.

(2) The books of accounts of the Council shall be kept at the office of the Council.

(3) The financial year of the Council shall be as determined by the Council.

Audit of
accounts of
the Council.

20. (1) The Council shall have its accounts audited each year by the Auditor-General. For the purpose of assisting him in the audit of such accounts, the Auditor-General may employ the services of any qualified auditor or auditors who shall act under his direction and control.

(2) For the purpose of meeting the expenses incurred by him in auditing the accounts of the Council, the Auditor-General shall be paid from the Fund of the Council such remuneration as the Minister may determine with the concurrence of the Minister of Finance. Any remuneration received from the Council by the Auditor-General shall, after deducting any sums paid by him to any qualified auditor employed by him for the purpose of such audit, be credited to the Consolidated Fund of Ceylon.

(3) For the purpose of this section, the expression "qualified auditor" means—

(a) an individual who, being a member of the Institute of Chartered Accountants of Ceylon, possesses a certificate to practise as an Accountant, issued by the Council of that Institute; or

(b) a firm of Chartered Accountants each of the partners of which, being a member of that Institute, possesses a certificate to practise as an Accountant issued by the Council of that Institute.

21. (1) The Auditor-General shall examine the accounts of the Council and furnish a report thereon.

The Auditor-General's report.

(2) The Auditor-General shall transmit his report to the Council.

22. The Council shall, on the receipt of the auditor's report each year, transmit such report, the profit and loss account and the balance sheet to which the report relates, together with a report by the Council on the work of the Council for the period for which the profit and loss account and the balance sheet have been made, to the Minister who shall cause copies thereof to be laid before the Senate and the House of Representatives, before the end of the year next following the year to which such accounts and report relate.

Annual accounts with the auditor's report to be transmitted to the Minister.

General Provisions.

23. All acts done at any meeting of the Council or of any panel shall, notwithstanding that it shall afterwards be discovered that there was any vacancy in the membership thereof or that there was some defect in the appointment of any member thereof or

Acts of the Council or panels valid notwithstanding subsequent discovery of vacancy, &c

that there was a failure to give notice of such meeting to any member thereof, be as valid as if there had been no such vacancy or as if such member has been duly appointed, or as if there had been no such failure to give notice, as the case may be.

Signing of
instruments on
behalf of the
Council.

24. All instruments which are required to be signed by or on behalf of the Council shall be signed by such person or persons as may be authorized in writing by the Council in that behalf.

Remuneration,
&c., of
members.

25. (1) Subject to such special directions as may be given in that behalf by the Minister, the Council may pay to any of its members or to any member of the panel any expenses actually incurred by such member for the purpose of the performance of his duties as a member of such Council or panel.

(2) The person holding the office of both Chairman and chief executive officer of the Council may be paid such remuneration and allowances as the Council may determine with the prior approval of the Minister.

(3) Save as otherwise provided in this section, no member of the Council or of any panel, shall be entitled to any remuneration or allowance for work done by him as a member.

Regulations.

26. (1) Regulations may be made by the Minister for—

(a) carrying out and giving effect to the principles and provisions of this Act ;

(b) carrying out the objects for which the Council is established ;

(c) fixing the rates of remuneration payable, whether by the Council or any approved institution, to persons recruited for the purpose of doing voluntary national service, their discipline, and the other terms and conditions of their service;

(d) any matter in respect of which regulations are authorized by this Act to be made.

(2) Every regulation made by the Minister 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 the regulation.

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the *Gazette*, be brought before the Senate and the House of Representatives for approval. Any regulation which is

not so approved shall be deemed to be rescinded as from the date of its disapproval, but without prejudice to anything previously done thereunder.

27. (1) Any expense incurred by the Council in any civil suit brought by or against the Council before any court shall be paid out of the Fund of the Council, and any costs paid to, or recovered by, the Council in any such civil suit shall be credited to that Fund.

Reimbursement
of expenses
incurred in civil
suits.

(2) Any expense incurred by any member of the Council or staff thereof in any civil suit brought against him before any court in respect of any act which is done or purports to be done by him under this Act or any regulation made thereunder, or on the direction of the Council, shall, if the court holds that the act was done in good faith, be paid out of the Fund of the Council, unless such expense is recovered by him in such civil suit.

28. No writ against person or property shall issue against a member of the Council in any action brought against the Council.

No writ to
issue against
person or
property of
a member of
the Council.

29. In this Act unless the context otherwise requires—

Interpretation.

“ Minister ” means the Prime Minister;

“ panel ” means a panel constituted or appointed
by the Council under this Act;

“ youth ” includes a female.