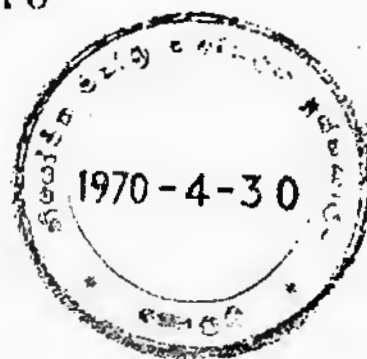


PARLIAMENT OF CEYLON

5th Session 1969-70



Galle Municipal Staffs Benevolent Association (Incorporation) Act, No. 23 of 1970

Date of Assent : March 24, 1970

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*Galle Municipal Staffs Benevolent Association
(Incorporation) Act, No. 23 of 1970*

L. D.—O. 13/68.

AN ACT TO INCORPORATE THE GALLE MUNICIPAL
STAFFS BENEVOLENT ASSOCIATION.

[Date of Assent: March 24, 1970]

WHEREAS an Association consisting of persons employed in the service of the Municipal Council of Galle and called "GALLE MUNICIPAL STAFFS BENEVOLENT ASSOCIATION", (hereinafter referred to as the "said Association"), was established in the year One Thousand Nine Hundred and Forty-four, for the objects of promoting thrift and of giving relief to its members in times of sickness, indebtedness and distress, and ultimately of giving accumulated savings and a donation to its members on retirement from the Galle Municipal Service or the Local Government Service, or in the event of the death of such members, to their nominees or heirs or dependants, and to do all other acts which the Board of Trustees may think is necessary for the economic advantage of all members:

Preamble.

AND WHEREAS the said Association has heretofore successfully pursued the objects for which it was founded, and has applied to be incorporated, and it will be for the public advantage to grant the application:

BE it, therefore, 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 Galle Municipal Staffs Benevolent Association (Incorporation) Act, No. 23 of 1970.

Short title.

2. On and after the passing of this Act, such and so many persons as are now members of the said Association or shall hereafter be admitted members of the said Association and whose names shall be inscribed in the register mentioned in section 11 (1), shall be, and become a Corporation with continuance for ever under the name of "The Galle Municipal Staffs Benevolent Association" (hereafter referred to as "the Corporation") and by that name shall sue and be sued in all courts, and shall have full power and authority to have and to use a common seal and to change and alter the same at their will and pleasure.

Galle Municipal
Staffs
Benevolent
Association
Incorporated.

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- (b) to engage in educational, cultural and social activities;
- (c) to promote the moral, intellectual and physical development of members; and
- (d) to assist the poor and the destitute.

Committee of
Management.

4. (1) The affairs of the Corporation shall, subject to the rules in force for the time being of the Corporation made as hereinafter provided, be administered by a Committee of Management consisting of the President, the three Vice-Presidents, the Honorary Secretary, the Honorary Treasurer and the Honorary Assistant Secretary and twelve other members, to be elected in accordance with the rules for the time being of the Corporation.

(2) The first Committee of Management shall consist of Mr. P. C. M. Dias, J. P., President; Mr. P. O. Fernando, Vice-President; Mr. P. C. de Silva, Vice-President; Mr. H. Y. Soysa, Vice-President; Mr. Piyadasa Wijesuriya, Honorary Secretary; Mr. Luxman Heiyantuduwa, Honorary Treasurer; Mr. U. G. Rodrigo, Honorary Assistant Secretary; Mr. Lionel Panditharatna, Mr. S. R. Fernando, Mr. Newton Perera, Mr. H. A. Peiris, Mr. K. P. Malalasekera, Mr. D. Leslie Wijesekera, Mr. Nanda Perera, Mr. H. O. Soysa, Mr. Amara-wansa Perera, Mr. Gerald Soysa, Mr. A. Abeywardena and Mr. H. B. Peiris.

Board of
Directors.

5. (1) There shall be a Board of Directors consisting of the President, the three Vice-Presidents, the Honorary Secretary, the Honorary Treasurer and the Honorary Assistant Secretary for the time being of the Corporation and two members of the Committee of Management to be elected each year at the first meeting of the Committee of Management.

(2) The first Board of Directors shall consist of the persons who on the date of commencement of this Act hold the offices specified in sub-section (1) and Mr. Lionel Panditharatna and Mr. S. R. Fernando.

(3) The Board of Directors shall exercise the powers and discharge the duties conferred and imposed on the Board by this Act and the rules of the Corporation.

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6. The rules set out in the Schedule shall for all purposes be the rules of the Corporation:

Rules of the Corporation.

Provided, however, that nothing in this section contained shall be held or construed to prevent the Corporation at all times hereafter, at any duly constituted general meeting of the Corporation from making fresh rules, or from altering, amending, adding to or cancelling any of the rules set out in the Schedule or which may hereafter be made by the Corporation.

7. No rule set out in the Schedule, and no rule which may hereafter be made at a general meeting, shall be altered, added to, amended, or cancelled, except by the votes of two-thirds of the members present and voting at a general meeting of the Corporation and unless such alteration, addition, amendment or cancellation shall have been previously approved by the Committee of Management.

Amendment of rules.

8. All members of the Corporation shall be subject to the rules in force for the time being of the Corporation.

Members to be subject to rules.

9. All debts and liabilities of the Association existing at the time of the coming into operation of this Act shall be paid by the Corporation hereby constituted, and all debts due to and subscriptions and contributions payable to the Association shall be paid to the Corporation for the purposes of this Act.

Debts due by and payable to the Association.

10. The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of three of the members of the Board of Directors, 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.

Procedure for affixing the seal of the Corporation.

11. The Corporation shall be 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 purposes of this Act and subject to the rules for the time being of the Corporation, with full power to sell, mortgage, lease, exchange, or otherwise dispose of the same.

Corporation may hold property, movable and immovable.

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Who shall
preside at,
and quorum
for, meetings
of the
Committee of
Management.

9. (1) The President of the Corporation or in his absence, the Vice-President or in the absence of both the President and the Vice-President, a member of the Committee of Management elected for the purpose by the members present at such meeting of the Committee shall preside.

(2) The quorum for a meeting of the Committee of Management shall be three members of such Committee.

Vacancies in
the Committee
of Management.

10. (1) In the event of any casual vacancy occurring in the Committee of Management, other than a vacancy referred to in sub-section (2), it shall be lawful for the remaining members of the Committee of Management to appoint another member of the Corporation to fill the vacancy, and any person so appointed to fill a casual vacancy, shall hold office for the unexpired portion of the term of the person in whose place he was appointed.

(2) When a member of the Committee of Management is removed from office consequent on the passing of a resolution expressing lack of confidence, at a Special General Meeting convened for the purpose, the vacancy or vacancies thus created shall be filled at the same Special General Meeting, and any person so elected shall hold office for the unexpired portion of the term of office of the person in whose place he was elected.

(3) The resignation of a member of the Committee of Management shall be by written notice given to the President, or in his absence to the Vice-President, and the resignation of such member of the Committee shall take effect from the date specified by him in such notice.

(4) In the event of any member of the Committee of Management absenting himself from three consecutive meetings of the Committee without reasonable excuse in writing, such member of the Committee shall *ipso facto* forfeit his membership of the Committee. Any vacancy thus created, shall be filled as specified in sub-section (1).

Register of
members.

11. (1) The Committee of Management shall cause a register to be kept in which every person who at the date of the passing of this Act is a member of the said Association, and every person thereafter duly admitted a member of the Corporation, shall have his name inscribed.

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(2) The register shall contain the following particulars:—

- (a) the name, age on admission, address and official designation of each member;
- (b) the date on which any person commenced or ceased to be a member;
- (c) such other information as the Committee of Management may, from time to time, decide that the register should contain.

(3) All members of the said Association at the date of the coming into operation of this Act and whose names are duly inscribed in the register shall be deemed to have been members of the Corporation from the said date.

12. (1) It shall be lawful for the Corporation from time to time, at any General Meeting of the members, and by a majority of votes, without prejudice to the generality of the powers hereby conferred, to make rules for any of the following purposes and for giving effect to the provisions of this Act:—

Rules.

- (a) the admission, withdrawal or expulsion of members;
- (b) the determination and collection of contributions or other calls payable by members and the payment of moneys due to them;
- (c) the imposition of penalties and forfeitures for breach of rules;
- (d) the election, the powers, conduct and duties of the Committee of Management, and of the various officers, agents and servants of the Corporation;
- (e) the procedure in the transaction of business;
- (f) the withdrawal or refunding of any contributions;
- (g) the regulation of extraordinary loans to be given to members under section 34 and the prescribing of the conditions applicable to such loans including their nature and the guarantors to be accepted; and
- (h) generally for the management of the affairs of the Corporation and the accomplishment of its objects.

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(2) Pending the making of such rules, the rules of the said Association in force at the date of the coming into operation of this Act shall continue to be in force.

(3) No rule made and no decision come to at any General Meeting of the members shall be altered, added to, amended or cancelled, at any subsequent General Meeting except by a majority of two-thirds of the members present and voting.

(4) The rules of the Corporation for the time being shall bind the Corporation and all members thereof and all persons claiming through them respectively to the same extent as if each member had subscribed his name thereto and there were contained in such rules a covenant on the part of himself, his nominees, his heirs, executors and administrators to conform thereto subject to the provisions of this Act.

Remuneration
to member or
members of
Committee
and Auditors.

13. It shall be lawful for the Corporation, by resolution passed at any General Meeting, to remunerate the services of any member or members of the Committee of Management, and of the Auditor or Auditors to be appointed in accordance with the provisions of this Act and the rules of the Corporation, and from time to time, to fix the amount of such remuneration, and to require such security from such member or members of the Committee of Management so remunerated as may be deemed sufficient.

Special
General
Meetings.

14. The Honorary Secretary shall, upon the request of the Committee of Management or upon the written requisition of fifteen or more members of the Corporation, indicating the nature of the business to be transacted, call a Special General Meeting of the Corporation by giving seven clear days' notice thereof to the members, specifying the time and place of such meeting and the purpose for which it is to be held.

Mismanage-
ment by
members of
Committee of
Management.

15. (1) If at any time it appears to the members that the affairs of the Corporation are mismanaged by a member or members of the Committee of Management, it shall be lawful for the members at a meeting convened under section 14, at which not less than one-third of the total membership of the Corporation on that date are present and by a majority of votes to pass a resolution expressing lack of confidence in any member or members of such Committee.

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(2) Where a resolution expressing lack of confidence in any member of such Committee is passed, such member shall forthwith cease to be a member of such Committee.

16. (1) An Annual General Meeting of the members of the Corporation shall be held in Galle not later than the thirty-first day of March in each year when there shall be submitted,—

Annual General Meeting.

- (a) a report of the Committee of Management on the working of the Corporation during the twelve months ending on the thirtieth day of September of the preceding year;
- (b) a balance sheet containing a statement of assets and liabilities of the Corporation on the thirtieth day of September of the preceding year and a statement of income and expenditure of the Corporation during the twelve months ending on the said thirtieth day of September; and
- (c) the Auditors' report.

(2) The balance sheet and the aforesaid statement of income and expenditure shall be prepared by the Honorary Treasurer and shall be duly examined by the Auditors who shall certify as to the correctness of such balance sheet and statement. The report of the Auditors shall include reference to any irregularities that they may have discovered and to any loans which may have been granted contrary to the rules of the Corporation.

(3) The following business shall be transacted at an Annual General Meeting:—

- (a) confirmation of the minutes of the previous meeting;
- (b) adoption of the report of the Committee of Management and audited statement of accounts;
- (c) election of a Committee of Management and an Honorary Secretary for the ensuing year;
- (d) determination of the remuneration to be paid to the Honorary Secretary, the Honorary Treasurer and the Auditors; and
- (e) any other business of which due notice shall have been given to the Honorary Secretary.

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Notice of resolutions and questions at Annual General Meeting.

17. Notice of resolutions to be proposed and questions to be raised at the Annual General Meeting shall reach the Honorary Secretary at least seven days prior to the date on which such meeting is due to be held.

Quorum for Annual General Meetings and Special General Meetings.

18. The quorum of members required to constitute any Annual General Meeting or any Special General Meeting shall be fifteen:

Provided that the quorum of members required to constitute a Special General Meeting convened for the purpose of discussing a resolution expressing lack of confidence in a member of the Committee of Management shall be one-third of the total membership of the Corporation.

Who shall preside at General Meetings.

19. The President of the Corporation shall vacate the Chair at each Annual General Meeting, or at any meeting held to discuss a resolution expressing lack of confidence in him. The members present at such meeting shall, by a majority vote, elect a Chairman *pro tem*.

Voting.

20. No member of the Corporation who is two months in arrears with his monthly contributions under the rules of the Corporation shall be entitled to vote at any General Meeting, or Special General Meeting, of the Corporation, or if he is a member of the Committee of Management at any meeting of that body.

Time limit for reconsideration of decision of General Meetings.

21. No decision arrived at by an Annual General Meeting or a Special General Meeting shall be reconsidered at a Special General Meeting within a period of twelve months unless the Committee of Management decides that it is a matter of importance and urgent necessity that such decision should be superseded.

Security from officers and servants.

22. It shall be lawful for the Committee of Management to require security to be given by any of the officers and servants appointed by such Committee, and to determine the nature and value of such security.

Debts due by and payable to Association.

23. All debts and liabilities of the said Association existing at the time of the coming into operation of this Act shall be paid by the Corporation hereby constituted, and all debts due to and subscriptions,

contributions, fines and amounts of loans and advances payable to the said Association shall be paid to the Corporation for the purposes of this Act.

24. The funds of the Corporation shall be placed in the name of the Corporation in one or more of the local banks, and it shall be lawful for the Committee of Management, from time to time, to invest such part of the said funds as is not required for loans, withdrawals, and other current expenses in fixed deposits in one or more of the local banks, or in debentures, stock or other securities of the Government of Ceylon.

Funds of the Corporation, how to be kept and invested.

25. All cheques and orders against the said funds shall be signed by at least two members of the Committee of Management authorized in that behalf by the rules of the Corporation.

Funds of the Corporation, how operated on.

26. The Committee of Management shall have the power—

Powers of the Committee of Management.

- (i) to receive and recover all moneys due to the Corporation and to pay out of its funds in the manner provided for in the rules of the Corporation;
- (ii) to enter into contracts or agreements on behalf of the Corporation and to determine who shall sign such contracts or agreements on behalf of the Committee of Management;
- (iii) to receive donations, contributions or grants made under any legal enactments of Ceylon or any voluntary contributions made by any person for promoting the objects of the Corporation;
- (iv) to incur such expenditure as may be necessary for the administration of the affairs of the Corporation;
- (v) to appoint, if necessary, any fit and proper person or persons, residing within the Galle Municipal limits on entering into a bond and on furnishing such security as the Committee of Management may determine from time to time, for the performance of clerical or accounting duties of the Committee of Management and to remunerate any such person or persons or any other persons for such services rendered at the express request of the Committee of Management;

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- (vi) to make rules from time to time, by resolution with regard to the order of precedence which shall be followed in granting loans, the period within which such loans shall be repaid, the nature of the agreement which shall be entered into by the borrower and to decide on all matters connected with the grant of loans and their repayment not provided for in the rules of the Corporation;
- (vii) to impose duties on and assign functions to the Honorary Treasurer and Honorary Assistant Treasurer in addition to any duties and functions imposed on and assigned to them by this Act or by rules made thereunder;
- (viii) to consider and decide on applications received for the grant of loans;
- (ix) to initiate legal action or other proceedings that it deems fit, against those who default in payment of loan balances due to the Corporation;
- (x) to suspend or expel any member who behaves in an unruly manner at a meeting of the Corporation;
- (xi) to determine what penalties should be imposed on any member who is expelled, suspended or discontinued or found guilty of breach of the rules, for any reason considered sufficient by the Committee of Management;
- (xii) to check accounts and balance of cash in hand at every monthly meeting of the Committee of Management and scrutinize the overdue loans.

27. The Committee of Management shall cause the following Books of Accounts to be kept:—

Books of
Accounts.

- (i) Cash Book.
- (ii) General Ledger.
- (iii) Journal.
- (iv) Loans Register.
- (v) Register of Members.
- (vi) Register of Death Donation and Retiring Allowance paid to members.
- (vii) Register of Administrative Refunds.
- (viii) A Pass Book for each member.

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28. The Books of Accounts shall be open at all reasonable times for inspection by members of the Corporation, after reasonable notice is given to the President.
29. The Honorary Secretary shall convene meetings, keep the books relating to the secretarial duties and attend to all correspondence of the Corporation and any other work entrusted to him by the Committee of Management.
30. The Honorary Treasurer shall be in charge of all Books of Accounts and receive all moneys on behalf of the Corporation. On the direction of the Committee of Management, he shall make disbursements. He shall sign Pass Books and Ledgers. He shall place all the moneys received on behalf of the Corporation, in the Bank of Ceylon, Galle, or in any other bank approved by the Committee of Management. He shall sign the Cash Book and testify as to its accuracy and produce the cash balance whenever called upon to do so by the Committee of Management or by the Auditors.
31. The Honorary Assistant Treasurer shall assist the Honorary Treasurer whenever requested to do so and act for him in his absence.
32. Subject to the rules of the Corporation, a loan not exceeding a sum equivalent to the total contributions lying to the credit of a member and one month's advance of basic salary, may be granted to a member of the Corporation after he has contributed to the funds of the Corporation for a period exceeding three months. Applications for such loans shall receive priority in the order in which they are received:
- Provided that the amount of any loan to be granted under this section to any member drawing a basic monthly salary exceeding rupees four hundred and fifty shall not exceed two-thirds of such salary.
33. Where on the production of a death certificate the Committee of Management is satisfied that a death has occurred in a family of a member, the Committee may grant such member a special loan not exceeding rupees two hundred carrying interest at six *per centum* per annum and repayable in twenty monthly instalments.

Inspection
of Books of
Accounts.

Functions of
Honorary
Secretary.

Functions of
Honorary
Treasurer.

Functions of
Honorary
Assistant
Treasurer.

General
Loan
Scheme.

Special loan
scheme.

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Special loans
to redeem
indebtedness
of members.

34. For the purpose of redeeming any debt, the Corporation may, on the guarantee of any other member, grant to any member a special loan not exceeding rupees one thousand, or such sum as may be decided at any Annual General Meeting.

Interest on
loans.

35. Every loan granted to a member under sections 32 and 34 shall carry interest at half *per centum* per calendar month or part thereof and such interest shall be deducted monthly, from the salary of such member.

Withdrawal of
contributions.

36. With the approval of the Committee of Management, a member may, where no loan or part thereof is due from him to the Corporation, withdraw a sum not exceeding half the total contributions lying to his credit, on completion of two years continuous membership. Such withdrawal shall not preclude a member at the same time or thereafter from obtaining a loan under section 32.

Time limit.

37. No subsequent withdrawal of contributions by a member shall be authorized, until two years have elapsed from the date of the previous withdrawal.

Auditors.

38. (1) The accounts of the Corporation shall be audited by two Joint Auditors appointed by the Corporation. In the absence of any such appointment the accounts of the Corporation for any year ending on the thirtieth day of September, shall be audited by an Auditor appointed for the purpose by the Committee of Management.

(2) No person shall be appointed as Auditor unless he is—

- (a) a member of the Institute of Chartered Accountants of England and Wales or of any Society incorporated by Royal Charter whose members are entitled to use the designation "Chartered Accountant"; or
- (b) a member of the Society of Incorporated Accountants and Auditors of Great Britain; or
- (c) a public auditor appointed under section 18 of the Societies Ordinance.

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39. Any person who has resigned from membership of the Corporation shall be eligible for re-enrolment as a member on payment of a penalty of three rupees and an entrance fee of one rupee:

Re-enrolment
of members.

Provided, however, that no person shall be re-enrolled if he has resigned voluntarily on more than two occasions.

40. On the retirement, resignation or dismissal of a member from the Galle Municipal Service or the Local Government Service or on his withdrawal from membership of the Corporation he shall be paid the amount lying to his credit after deducting any sums of money due from him to the Corporation. In the event of the death of a member while in such service, the amount lying to the credit of the member shall, after deducting any sums due from him to the Corporation, be paid to the person nominated in the member's application for enrolment, or in a subsequent notification, or in the absence of such nominee, to the legal heirs of the deceased member.

Death,
retirement,
dismissal, &c.

41. (1) Every member on his retirement, resignation or dismissal from the Galle Municipal Service or the Local Government Service, after having regularly subscribed for twenty-four months shall be entitled to receive a Death Donation and Retiring Allowance calculated at the rates set out in the Schedule hereto. In the event of a member dying while in such service after having continuously subscribed for twenty-four months, the Death Donation and Retiring Allowance shall be paid to his nominee or nominees, or his legal heirs or dependants. The amount of any donation, so paid may be recovered equally from every member in such sums not exceeding five rupees per month.

Payment of
Death Donation
and Retiring
Allowance.

(2) During the first twelve months of enrolment, no member shall be called upon to pay any contributions towards the Death Donation and Retiring Allowance Scheme.

(3) Any member who has completed ten years of continuous membership in the Corporation, shall, at the time of retirement from the Galle Municipal Service or the Local Government Service, be entitled to receive five years added to his membership for the purpose of calculating the Death Donation and Retiring Allowance.

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(4) The contributions of any member towards the Death Donation and Retiring Allowance Scheme, shall cease on the completion of twenty-one years of membership of the Corporation.

(5) No member shall be paid such Donation and Retiring Allowance if he voluntarily resigns from the Corporation unless he has been re-enrolled.

Member's Pass Book.

42. Every member shall be given a Pass Book in which all his transactions with the Corporation shall be entered. A Pass Book lost by a member shall be replaced on payment of one rupee.

Consolidated Benefit Fund.

43. Every member shall contribute monthly to the Corporation, a sum not less than five rupees towards the Consolidated Benefit Fund, which amount shall be refunded only on retirement, resignation or dismissal from the Galle Municipal Service or the Local Government Service or in the event of his death while in such service to his nominees, if any, or legal heirs.

Forfeiture of membership.

44. Any member who fails to contribute all sums due from him to the Corporation for a period exceeding three consecutive months, shall forfeit his membership and all the rights and privileges of a member:

Provided that the Committee of Management may at its discretion restore his membership and all the rights and privileges of a member on sufficient proof that the member failed to contribute to the Corporation due to sickness or similar circumstances and on payment of all arrears of dues to the Corporation.

Amounts due from a member who has forfeited his membership.

45. Where a member forfeits his membership of the Corporation in terms of section 44 of this Act, all sums of money due from the member shall be deducted in monthly instalments as agreed upon in the agreement entered into by the member, and any balance remaining to the credit of such member after such deductions shall be refunded to him.

Voluntary resignation.

46. A member may resign from membership of the Corporation after giving one calendar month's notice. The Committee of Management at its discretion, may accept the resignation without prejudice to any steps that the Committee of Management may take to recover all amounts due from such member.

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47. On any matter not provided for in this Act or in the rules of the Corporation, the decision of the Committee of Management shall be final.

Decision of Committee of Management to be final.

48. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of any two members of the Committee of Management, 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 Corporation how affixed.

49. Nothing in this Act contained shall affect or be deemed to affect the rights of Her Majesty the Queen, Her Heirs and Successors, or of any body politic or corporate or of any other persons except such as are mentioned in the foregoing provisions of this Act, and those claiming by, from or under them.

Saving of rights of the Crown.

SCHEDULE

[Section 41]

Rates of Death Donation and Retiring Allowance payable to retiring members.

*Period of membership
of member.*

*Amount of Death Donation
and Retiring Allowance
payable to a member for
each year of membership*

		<i>Rs. c.</i>	
1 Year	Nil
2 Years	0 50
3 Years	0 75
4 Years	1 00
5 Years	1 25
6 Years	1 50
7 Years	1 75
8 Years	2 00
9 Years	2 25
10 Years	2 50
11 Years	2 75
12 Years	3 00
13 Years	3 25
14 Years	3 50
15 Years	3 75
16 Years	4 00
17 Years	4 25
18 Years	4 50
19 Years	4 75
20 Years	5 00
21 Years	5 25
22 Years	5 50
23 Years	5 75
24 Years and over	6 00