

No. 5 of 1891.

An Ordinance to incorporate the Public Service Mutual Provident Association.

WHEREAS an association consisting of persons employed in the public service of the colony, and called "The Public Service Mutual Provident Association" (hereinafter referred to as the said association), was established in the year One thousand Eight hundred and Eighty-three, for the objects of promoting thrift, of giving relief to its members in times of sickness or distress, of aiding them when in pecuniary difficulties, and of making provision for their widows and orphans: 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 Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 From and after the passing of this Ordinance, the Assistant Auditor-General, the chief clerk of the Secretariat, the chief clerk of the Audit Office, and such and so many persons as now are members of the said association, or shall hereafter be admitted members of the corporation hereby constituted, whose names shall be inscribed in the register mentioned in section 11, shall be and become a corporation with continuance for ever under the name of "The Public Service Mutual Provident Association," and by that name shall and may sue and be sued in all courts, and shall have full power and authority to have and to use a common seal, and change and alter the same at their will and pleasure.

Public Service
Mutual
Provident
Association
incorporated.

2 The general objects for which the corporation is constituted are hereby declared to be to promote thrift, to give relief to the members in times of sickness or distress, to aid them when in pecuniary difficulties, and to make provision for their widows and orphans.

General objects.

3 (1) The affairs of the corporation shall, subject to the rules made as hereinafter provided, be administered by a committee of management consisting of the officers for the

Committee of
management.

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time being lawfully acting as Assistant Auditor-General, chief clerk of the Secretariat, chief clerk of the Audit Office, and seven members to be elected once a year at the annual general meeting of the corporation.

(2) The first committee of management shall consist of the said officers and seven members who may be elected at any general meeting held under the provisions of section 15.

Powers of committee.

4 The committee of management shall, subject to the provisions of this Ordinance and of any rules made under section 14, have full power and authority generally to govern, direct, and decide all matters whatsoever connected with the appointment of officers, agents, and servants, and with the administration of the affairs of the corporation and the accomplishment of the objects thereof.

Proviso.

Provided that the said committee shall not exercise any powers which are by this Ordinance or by any rules made under section 14 declared to be exercisable by the corporation in general meeting.

Proviso.

Provided also that no rule made by the corporation in general meeting shall invalidate any prior act of the said committee which would have been valid if such rule had not been made.

President.

5 The officer for the time being lawfully acting as Assistant Auditor-General shall be president of the said corporation and committee, and in case of his absence from any meeting a chairman for the occasion shall be chosen by the members present.

Secretary and treasurer.

6 The officer for the time being lawfully acting as chief clerk of the Secretariat shall be secretary, and the officer for the time being lawfully acting as chief clerk of the Audit Office shall be treasurer to the said corporation.

Treasurer's duties.

7 The treasurer shall receive and keep account of all the moneys and funds belonging to the corporation, and shall pay all claims, loans, advances, and expenses authorized by the committee of management. He shall also prepare and submit quarterly to the said committee an account of the transactions of the corporation.

Committee meetings.

8 Meetings for the transaction of the business of the said committee shall be held at least once in every month, and the president, on the requisition of two committee members, shall call a meeting of the committee at any time for the transaction of such business as may be mentioned in the requisition.

Quorum.
President to have a casting vote.

9 Five members of committee shall constitute a quorum, and the president, or, in his absence, the chairman, shall have a casting vote in addition to his original vote.

Vacancies how filled.

10 On the death or absence from the colony of any member of the committee of management not being an officer mentioned in section 3, or in the event of such member ceasing to be a member of the corporation, it shall

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be lawful for the remaining members of the said committee to elect any member of the corporation as his successor, and the member so elected shall continue in office until the annual general meeting of the corporation next following his election.

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 Ordinance is a member of the said association, and every person thereafter duly admitted a member of the corporation hereby constituted shall have his name inscribed.

Register.

(2) Every person holding an appointment in the public service or in any *quasi* public department who fulfils the requirements of the rules shall be eligible for admission as a member, and may, in the discretion of the said committee, be admitted a member.

(3) The register shall contain the following particulars:

- (a) The name, age on admission, address, and occupation of each member;
- (b) The date at which the name of any person was inscribed in the register as a member;
- (c) The date at which any person ceased to be a member.

12 The committee of management shall also cause proper books of account to be kept, which shall be open at all reasonable times to the inspection of members of the corporation, and of any person or persons whom the Governor may at any time appoint to examine the same.

Books of account.

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 elected under section 16, sub-section 2, 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.

Remuneration to member or members of committee.

[§ 1, 19 of 1894]

14 It shall be lawful for the corporation from time to time at any general meeting of the members and by a majority of votes to make rules for the admission, withdrawal, or expulsion of members, for the imposition of fines and forfeitures for breaches of rules, for the conduct of the duties of the committee of management and of the various officers, agents, and servants of the corporation, for the procedure in the transaction of business, and otherwise generally for the management of the affairs of the corporation and the accomplishment of its objects. Such rules when made may at a like meeting be altered, amended, or cancelled, subject however to the requirements of section 19. Provided that no rule or alteration, amendment or cancellation of any rule shall have effect until the same is confirmed by the Governor in Executive Council. Notice of such confirmation shall be published in the *Government Gazette*, and thereupon the same shall be as valid and effectual as if it had been herein enacted.

Rules.

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General meetings.

15 (1) The secretary, upon the request of the committee of management, or upon the written requisition of ten or more members of the corporation, shall call a general meeting.

(2) No general meeting shall be held unless the quorum of members prescribed by the rules be present, and unless at least seven days' notice, specifying the time and place of such meeting and the purpose for which it is to be held, has been given by advertisement in two or more of the local newspapers, or in such other manner as may be required by any rule made by the corporation; and no business shall be brought before or transacted at such meeting other than the business specified in such notice.

Annual general meeting.

16 (1) An annual general meeting of the members of the corporation shall be held not later than the thirty-first day of August in each year, when there shall be submitted a balance sheet, a statement of assets and liabilities, and an account of receipts and disbursements during the previous twelve months, all which shall be prepared by the treasurer and duly audited.

(2) Such statement and account shall be examined, and the correctness of the balance sheet ascertained by one or more auditors to be elected by the corporation in general meeting, at least three months before the close of the year the accounts of which he is to audit, and such statement, account, and balance sheet shall, after audit, be published in the *Government Gazette*.

(3) If no election of an auditor or auditors is made in manner aforesaid, the Governor may, on the application of any member of the corporation, appoint an auditor and fix the remuneration to be paid to him by the corporation for his services.

Election of committee members.

(4) At such annual general meeting, the required number of members of the committee of management shall be elected and all business shall be transacted of which due notice shall have been given.

Who shall preside at general meetings.

17 The president of the corporation shall preside at all general meetings of the corporation, and in his absence the members present shall elect a chairman for the occasion. The president, or in his absence the chairman, shall have a casting vote.

Security from officers, agents, and servants.

18 It shall be lawful for the committee of management to require security to be given by any of the officers, agents, or servants appointed by them, and to determine the nature and value of such security.

Mode in which rule or order once made may be subsequently altered, amended, or cancelled.

19 No rule passed and no decision come to by the corporation in general meeting shall be altered, amended, or cancelled, except by at least a majority of two-thirds of the members present and voting at any subsequent general meeting.

Property vested in corporation.

20 (1) On the coming into operation of this Ordinance, all and every the property belonging to the said association, whether held in the name of the said association or in

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the name of any person or persons in trust for the said association, shall be and the same are hereby vested in the corporation hereby constituted, and the same, together with all after acquired property and all subscriptions, contributions, donations, fines, amounts of loans and advances received or to be received, shall be held by the said corporation for the purposes of this Ordinance.

(2) All debts and liabilities of the said association existing at the time of the coming into operation of this Ordinance 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 said corporation for the purposes of this Ordinance.

Debts due by
and payable to
corporation.

21 It shall be lawful for the committee of management to place the whole or any part of the surplus funds belonging to the corporation, and not required for loans, advances, and other current expenses, in fixed deposit in one or more of the local banks, or to invest the same in Indian Government securities or securities of the Government of the United Kingdom or of the Government of any British colony, including Ceylon, or in securities issued by any municipality in Ceylon, or in such other manner as may from time to time be approved by the Governor.

Surplus funds
how to be
invested.

22 The committee of management may from time to time under the common seal of the corporation appoint such officer or officers, agent or agents, as they may consider necessary for recovering all dividends, interest, or other revenue to be derived from such investments, or for otherwise carrying out the provisions of this Ordinance; and all persons so appointed shall hold office during the pleasure of, and shall be entitled to such remuneration as may be determined by, the said committee.

Appointment of
officers, agents,
&c.

23 The seal of the corporation shall not be affixed to any instrument whatsoever, except in the presence of the president of the committee of management and of either the secretary or the treasurer, 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
to be affixed to
instruments.

24 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 grant, gift, testamentary disposition, or otherwise, and all such property shall be held by the corporation for the purposes of this Ordinance.

Corporation may
hold property
movable and
immovable.

25 It shall be lawful for the corporation to demise any of the lands vested in it for building or other purposes, on lease for any term not exceeding ninety-nine years, reserving the best yearly or monthly rental procurable for the same, and with the ordinary covenants for re-entry in case of non-payment of rent, breach of covenant, or otherwise.

May demise
lands on lease.

May not sell,
exchange, or
mortgage lands
without leave of
court.

26 (1) It shall not be lawful for the corporation to sell, exchange, or mortgage any of the lands vested in it without the leave of the District Court of Colombo, which leave shall be applied for by petition addressed to the said court setting out the facts and reasons for which the corporation desires to sell, exchange, or mortgage such lands, and praying for a decree of the said court.

(2) A copy of every such petition shall be served on the Attorney-General at least fourteen days before the hearing of the petition.

(3) The Attorney-General may oppose the prayer of the petition, and if, after hearing him upon such opposition, the said court shall be of opinion that it will be for the general advantage of the corporation to grant the prayer of the petition, a decree may be made to that effect; and any land so sold or exchanged or any land which, having been mortgaged, is sold in execution under a mortgage decree obtained from a competent court, shall be held by the purchaser or person taking the same in exchange free of the trusts created by this Ordinance.

Doubt or
ambiguity
how decided.

27 In case any doubt or ambiguity shall arise, and any controversy shall take place among the members of the corporation and of the committee of management, or either of them, as to the interpretation of this Ordinance or as to the powers of the said committee, the same shall be referred to the Governor in Executive Council, whose decision shall be final and conclusive.

4th October, 1891.
