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PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

REHABILITATION OF THE VISUALLY
HANDICAPPED TRUST FUND

ACT, No. 9 OF 1992

[Certified on 5th March, 1992]

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Act, No. 9 of 1992

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L. D.—O. 82/88

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A TRUST FUND CALLED REHABILITATION OF THE VISUALLY HANDICAPPED TRUST FUND; TO SPECIFY ITS OBJECTS; AND POWERS AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Rehabilitation of the Visually Handicapped Trust Fund Act, No. 9 of 1992.

Short
title.

2. (1) There shall be established a Trust Fund which shall be called the Rehabilitation of the Visually Handicapped Trust Fund (hereinafter referred to as "the Fund").

Establishment
for the
Rehabilita-
tion of the
Visually
Handi-
capped
Trust
Fund.

(2) The Fund shall, by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession, and a common seal and may sue and be sued in such name.

3. (1) The administration, management and control of the Fund shall be vested in a Board of Management constituted as hereinafter provided.

Board of
Management
of the
Fund.

(2) The Board of Management of the Fund (hereinafter referred to as "the Board") shall consist of—

(i) Secretary to the Ministry of the Minister in charge of the subject of Social Services and Social Welfare who shall be the Chairman of the Board (hereinafter referred to as "the Chairman");

(ii) Venerable Galaboda Gnanissara Thero; who shall be a member of the Board during his lifetime;

(iii) the person for the time being holding the office of Director of Social Services to be appointed by the Minister;

(iv) the persons for the time being holding the offices of Chairman and Secretary of the Sri Lanka Federation of the Blind incorporated under the Companies Act, No. 17 of 1982;

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- (c) to provide housing facilities to the visually handicapped to enable them to pursue academic courses or to obtain vocational training;
- (d) to implement schemes for the welfare of the visually handicapped;
- (e) to provide facilities for the marketing of products manufactured by the visually handicapped; and
- (f) to take action to eliminate conditions that prevent visually handicapped persons gaining equal rights and equal opportunities.

6. (1) The Board shall, in the name of the Fund, have the power to do all things necessary for, or conducive or incidental to, the carrying out of the objects of the Fund. Power and function of Board

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Board shall have the following powers and functions:—

- (a) to acquire and hold any property, movable or immovable which may become vested in it by virtue of any purchase, grant, gift, devise or otherwise;
- (b) to sell, mortgage, lease, grant, convey, devise, assign, exchange or otherwise dispose of, any such property;
- (c) to erect any building on any land vested, acquired or held by the Fund;
- (d) to invest moneys belonging to the Fund in such securities as may be determined by the Board;
- (e) to open, operate and close bank accounts and to borrow or raise money with the property of the Fund as security or without such security, for the purpose of the Fund;
- (f) to raise funds and to receive grants, gifts, or donations in cash or kind whether from local or foreign sources; and
- (g) to do all such other acts and things as are incidental or conducive to the carrying out of the objects of the Fund.

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- (v) one representative of the Sri Lanka Council for the Blind;
- (vi) a representative of the Sri Lanka National Federation of the visually handicapped;
- (vii) the Secretary to the Prime Minister or his representative;
- (viii) a representative of the Lions' Club Sri Lanka to be appointed by the Minister.

(3) Every member of the Board appointed by the Minister shall hold office for a period of two years unless removed earlier by the Minister.

(4) The Chairman shall preside at meetings of the Board. In the absence of the Chairman from any meeting, any member elected from among the members present, shall preside at such meeting.

(5) The quorum for a meeting of the Board shall be five members.

(6) Subject to the provisions of subsection (5), the Board may regulate the procedure in regard to the meetings of the Board, and the transaction of business at such meetings.

(7) No act or proceeding of the Board shall be deemed to be invalid by reason only of the existence of a vacancy among its members or any defect in the appointment of a member.

Seal
of the
Fund.

4. The seal of the Fund shall be in the custody of such persons as the Board may from time to time determine. The seal shall not be affixed to any instrument or document except with the sanction of the Board and in the presence of two members of the Board who shall sign the instrument or document in token of their presence.

The objects
of the
Fund.

5. The objects of the Fund shall be—

- (a) to provide educational and vocational training facilities for the visually handicapped;
- (b) to create employment opportunities for the visually handicapped and where necessary, to provide them financial assistance and guidance for self-employment;

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Payments
to the
Fund.

7. There shall be paid into the Fund—
- (a) any funds raised or grants, gifts or donations received, locally or from abroad or moneys realised or collected ; and
 - (b) any income derived from investments or other receipts due to the Fund.

Payments
out
of the
Fund.

8. There shall be paid out of the Fund—
- (a) expenses incurred in the working, establishment or maintenance of the Fund ; and
 - (b) all such other payments as are approved by the Board as being necessary for the purpose of carrying out the objects of the Fund, or as are authorized by this Act, to be paid out of the Fund.

Accounts
and audit.

9. (1) The Board shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and other transactions of the Fund.

(2) The accounts of the Fund shall be audited by a qualified Auditor or Auditor appointed by the Board.

(3) The income and expenditure account and the balance sheet shall be signed by two members of the Board authorised to do so by a resolution passed by the Board.

(4) The financial year of the Board shall be the calendar year.

Power of
Board to
make
rules.

10. The Board may make such rules as it may consider necessary in relation to any matter affecting or connected with, or incidental to, the exercise, discharge and performances of its powers, duties and functions.

Protection
of
members of
the Board
for action
under the
Act.

11. (1) No suit or prosecution shall be instituted against any member of the Board for any act which is in good faith done or purported to be done by such person under this Act or on the direction of the Board.

(2) Any expense incurred by the Fund in any suit or prosecution brought by, or against, the Fund before any court shall be paid out of the Fund, and any costs paid to or received by, the Fund in any such suit or prosecution shall be credited to the Fund.

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(3) Any expense incurred by any member as is referred to in subsection (1) in any suit or 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 Board shall, if the Court holds that such act, was done in good faith be paid out of the Fund, unless such expense is recovered by him in such suit or prosecution.

12. No writ against person or property shall be issued against any member of the Board in any action brought against the Fund.

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

13. The Fund shall be deemed to be a scheduled institution within the meaning of the Bribery Act and the provisions of that Act shall accordingly apply.

Fund deemed to be a scheduled institution within the meaning of the Bribery Act.

14. In this Act, unless the context otherwise requires—
“qualified auditor” means—

Interpretation.

(a) an individual who, 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 an accountant issued by the Council of such institute ; or

(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 practise as an accountant issued by the Council of such institute ;

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"visually handicapped" means a person who by birth or otherwise, is subject to a total or near-total blindness in both eyes and includes a person with the absence of both eyes and a person with one eye which is subject to total or near-total blindness.

Sinhala
text to
prevail
in case of
inconsis-
tency.

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