



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

**CHAMBER OF CONSTRUCTION INDUSTRY OF
SRI LANKA (INCORPORATION)**

A

BILL

to incorporate the Chamber of Construction Industry of Sri Lanka

*Presented by Hon. (Prof.) Ashu Marasinghe, M. P.
on 30th November, 2016*

(Published in the Gazette on November 15, 2016)

Ordered by Parliament to be printed

[Bill No. 152]

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 8.00

Postage : Rs. 10.00

*Chamber of Construction Industry of
Sri Lanka (Incorporation)*

AN ACT TO INCORPORATE THE CHAMBER OF CONSTRUCTION
INDUSTRY OF SRI LANKA

WHEREAS an Chamber called and known as the “Chamber of Construction Industry of Sri Lanka” has heretofore been formed for the purpose of effectually carrying out its objects and transacting all matters connected with the said Chamber according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said Chamber has heretofore successfully carried out and transacted the several objects and matters for which it was established, and has applied to be incorporated and it will be expedient to grant the said application :

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

1. This Act may be cited as the Chamber of Construction Industry of Sri Lanka (Incorporation) Act, No. of 2016.

Short title.

2. From and after the date of commencement of this Act, such and so many person as now are members of the Chamber of Construction Industry of Sri Lanka (hereinafter referred to as the “Chamber”) or shall hereafter be admitted as members of the Corporation hereby constituted, shall be a body corporate with perpetual succession, under the name and style of the "Chamber of Construction Industry of Sri Lanka" (hereinafter referred to as the “Corporation”) and by that name may sue and be sued, with full power and authority to have and use a common seal and to alter the same at its pleasure.

Incorporation of the Chamber of Construction Industry of Sri Lanka.

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3. The general objects for which the Chamber is constituted are hereby declared to be—

General objects of the Corporation.

(a) to take over the activities and operations and assets and liabilities of the Chamber of Construction

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Industreis of Sri Lanka which is incorporated on
25th March, 2003 under section 21 of the companies
Act of 1982 and thereafter re-registered on 3rd
5 September, 2008 under the Companies Act, No. 7
of 2007;

- (b) to promote and protect the National Construction Industry, represent its interest and express the opinion of those engaged in Construction activities;
- 10 (c) to serve as a specialized body for the National Construction Industry for consultation by national, statutory and legislative bodies on issues of national significance;
- 15 (d) to stimulate the development of the National Construction Industry and cause it to be recognized by the state authorities at all times;
- 20 (e) to provide a forum for the National Construction Industry to study issues of national significance and making recommendations for their implementation through the State;
- 25 (f) to establish panels of Professional in the National Construction Industry and to evaluate and issue reports and certificates on projects and also in the resolution of dispute arising thereof which whilst helping the Members will also contribute to the funds of the Chamber;
- 30 (g) to establish utilizing its own resources or through external funding Scholarships / Fellowships that would contribute to the development of National Construction Industry and also help those who intend to follow careers in the Construction Industry. The Chamber will also act as trustee. Custodian, Trustees or Managers to funds subscribed or donated for such purpose. It will also

undertake to execute any Trusts which are in consonance with the other objects of the Chamber desirable and either gratuitously or otherwise;

- 5 (h) to conduct training and examinations in respect of industry related courses and issue Certificates thereon;
- (i) to act as a Centre for Recruitment of staff for firms in the National Construction Industry; and
- 10 (j) to establish as a subsidiary arm of the Chamber a body or bodies that will focus on securing local and overseas contracts for its Members and to empower such subsidiary arms to conduct any activity or services to attain its aims.

15 **4.** (1) The Management, control and administration of the Corporation shall, subject to the provision of this Act and the rules in force for the time being of the Corporation, vested in a Board of Management (hereinafter referred to as the "Board") consisting of Secretary-General and the office bearers and such other persons as may be provided for in
20 such rules and elected in accordance therewith.

Management of the affairs of the Corporation.

(2) The first Board of the Corporation shall consist of the members of the Board of the Foundation holding office on the day preceding the date of commencement of this Act.

25 (3) Holding office be in accordance to the rules made by the Corporation.

30 **5.** Subject to the provision of this Act and any other written law, the Corporation shall have the power to do, perform and execute all such acts, matters and things whatsoever as are necessary of desirable for the furtherance of its objects or any one of them, including the power to open, operate and close bank accounts, to borrow or raise money with or without security, to receive or collect grants

General powers of the Corporation.

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or donations, to invest its funds, to erect any building or structure on any land held by the Corporation, and to engage, employ and dismiss officers and servants required for the carrying out of the objects of the Corporation.

5 **6.** (1) It shall be lawful for the Corporation from time to time, at any general meeting or special meeting and by the votes of majority of the members present and voting, to make rules, not inconsistent with the provision of this Act or any other written law, for the management of the Corporation
10 and to achieve its general objects. Such rules made by the Corporation may be amended, altered, added to or rescinded at a like meeting and in like manner.

Rules of the Corporation.

(2) The rules of the Chamber in force on the day preceding to date of commencement of this Act, shall in so far as they
15 are not inconsistent with the provisions of this Act or any other written law, be deemed to be rules of the Corporation made under this section.

(3) The members of the Corporation shall be subject to the rules of the Corporation.

20 **7.** The Corporation shall be able and capable to collect such membership fee, contribution, fine, donation and enrolment fee or any other fees that it feel deem fit from its members.

The authority to collect fees and moneys.

25 **8.** (1) The Corporation shall have its own Fund. All moneys received by way of gift, bequest, donation, transfer subscription, contribution or fees shall be deposited to the credit of the Corporation in one or more Banks as the Management shall determine.

Fund of the Corporation.

30 (2) There shall be paid out of the Fund of the Corporation, all such sums of money as be required to defray any expenditure incurred by the Corporation in carrying out the objects of the Corporation.

(3) The Moneys and property of the Corporation however, derived shall be applied solely towards the promotion of its objects as set forth herein, and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, loan, bonus or otherwise, howsoever, by way of profit, to the members of the Corporation.

9. The Corporations 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 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 in force 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.

10. No member of the Corporation shall, for the purpose discharging the debts and liabilities of the Corporation or for any other purpose, be liable to make any contribution exceeding the amount of any subscription payable by him to the Corporation.

Limitation of liability of members.

11. All debts and liabilities of the Chamber existing on the day preceding the date of commencement of this Act, shall be paid by the Corporation hereby constituted, and all debts due to, and subscriptions and contributions payable to the Chamber on that day shall be paid to the Corporation for the purpose of this Act. If upon the dissolution of the Corporation there remains after the satisfaction of all its debts and liabilities, any property whatsoever, such property shall not be distributed among the members of the Corporation but shall be given or transferred to some other institute or institutes having objects similar to those of the Corporation, and which is or are by the rules thereof prohibited from distributing any income or property among its or their members. Such institution or institutions shall be determined by the Board at or immediately before the dissolution of the Corporation.

Debts due by and payable to the Foundation and property remaining on dissolution.

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12. (1) The financial year of the Corporation shall be from 01 April to 31 March of the following year. Accounts and Audit.

(2) The Corporation shall cause proper accounts to be kept of income and expenditure, assets and liabilities and all other transactions of the Corporation. 5

(3) The accounts of the Corporation shall be audited by a qualified auditor as may be determined by the Board.

In this section “qualified auditor ” means —

(a) an individual who being a member of the Institute of Chartered Accountants of Sri Lanka or any other Institute established by law, possesses a certificate to practice as an Accountant issued by the council of such Institute ; or 10

(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 practice as an Accountant issued by the council of such Institutes. 15

13. The Moneys and property of the Corporation however, derived shall be applied solely towards the promotion of its objects as set forth herein, and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, loan, bonus or otherwise, howsoever, by way of profit, to the members of the Corporation. Corporation to be a non profit making organization. 20 25

Provided however, that the provision of this section shall not prohibit—

(a) the payment, in good faith, of reasonable and proper remuneration to any officer or servants of the Corporation for any services rendered by him to the Corporation; 30

- (b) the payment of reasonable and proper rent for premises let to the Corporation or by any company of which a member of the Corporation is a shareholder; and
- 5 (c) the reimbursement or repayment of reasonable and proper expenses incurred, with the prior approval of the Board of Management, by any member, officer or servant of the Corporation in the discharge or performance of his functions or duties or in
- 10 promoting the objects of the Corporation.
- 14.** The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of either the Chief Executive Officer or Secretary-General who shall sign their names on the instrument in token of their presence
- 15 and such signing shall be independent of the signing of any person as a witness. Seal of the Corporation.
- 15.** Nothing in this Act contained shall prejudice or affect the rights of the Republic or of any body politic or corporate, or of any other persons, except such as are mentioned in this
- 20 Act and those claiming by, from or under them. Saving of the rights of the Republic and others.
- 16.** In the event of any inconsistency between the Sinhala and the Tamil texts of this Act, the Sinhala text shall prevail. Sinhala text to prevail in case of inconsistency.

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