



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRILANKA**

**HEART TO HEART TRUST FUND
(INCORPORATION)**

A

BILL

to incorporate the Heart to Heart Trust Fund

Presented by Hon. Malith Jayathilake, M. P. on 08th February, 2017

(Published in the Gazette on December 05, 2016)

Ordered by Parliament to be printed

[Bill No. 162]

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

Heart to Heart Trust Fund
(Incorporation)

AN ACT TO INCORPORATE THE HEART TO HEART TRUST FUND

WHEREAS a Trust Fund called and known as the “Heart to Heart Trust Fund” has heretofore been established in Sri Lanka for the purpose of effectually carrying out its objects and transacting all matters connected with the said Trust Fund according to the rules agreed to by its members: Preamble.

AND WHEREAS the said Trust Fund 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 for the public advantage to grant the said application.

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

1. This Act may be cited as the Heart to Heart Trust Fund (Incorporation) Act, No. of 2017. Short title.

2. (1) From and after the date of commencement of this Act such and so many persons as now are Trustees of the “Heart to Heart Trust Fund” (hereinafter referred to as the Trust Fund) 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 “Heart to Heart Trust Fund” (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 Heart to Heart Trust Fund.

(2) The Corporation shall be deemed to be a Voluntary Social Service Organization within the meaning, and for the purpose of the Voluntary Social Service Organizations (Registration and Supervision) Act, No. 31 of 1980 and the

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provisions of the Act shall apply to and in relation to the management of the affairs of the Corporation.

3. (1) The general objects for which the Corporation is constituted are hereby declared to be:— General objects of the Corporation.

- 5 (a) to provide all Cardiac services mainly to poor and under privileged heart patients, including medical, investigative and surgical management of the patients;
- 10 (b) to promote research and study of the theory and management of heart diseases, by granting bursaries and scholarships and other necessary facilities to deserving scholars;
- 15 (c) to promote the awareness of the general public on all matters pertaining to heart diseases including the cause and prevention of such diseases by organising lectures, seminars and other pertinent programmes;
- 20 (d) to provide financial assistance to heart patients in need of funds who seek teartments particularly at Sri Jayawardenepura Hospital and other hospitals in Sri Lanka;
- (e) to do all such other acts and things as are incidental or conducive to the attainment of the objectives of the Corporation.

25 (2) In the implementation of the objects specified in subsection (1) the Corporation shall ensure that such implementation shall be carried out without any distinction based on race, religion, language, caste, sex, political opinion, place of birth or any of such grounds.

4. The objects of the Corporation shall be carried out in such manner so as not to create any conflict between the work of the Corporation and any work being carried out simultaneously by any Ministry or a Department of the Government or of any Provincial Council.
- 5
6. (1) Subject to the provisions of this Act, the management and administration of the affairs of the Corporation shall be carried out by a Board of Directors (hereinafter referred to as the "Board") consisting of such number of office bearers as may be specified by the rules made under section 7.
- 10
- (2)(a) The Trustees of the Trust Fund holding office on the day immediately preceding the date of commencement of this Act, shall function as the Board of the Corporation until the first Committee is appointed or elected in the manner provided for by rules made under section 7.
- 15
- (b) The first Board of the Corporation shall be appointed or elected within one year of the date of commencement of this Act.
- 20
- (3)(a) Every office bearer of the Board including the patrons and advisers, shall be appointed or elected for a period of three years and any such office beareer, patron or advisor shall be eligible for re-appointment or re-election after lapse of the said period of three years.
- 25
- (b) In the event of a vacancy occurring due to the death, resignation, incapacity or removal from office of an office bearer, the Board shall having regard to the rules of the Corporation, elect or appoint a person to fill such vacancy.
- 30
- (c) The person elected or appointed under paragraph (b) shall hold office only for the unexpired portion of the term of office of the member whom he succeeds
- Corporation to ensure no conflict with the work of a Ministry or a Department of the Government or a Province.
- Management of the affairs of the Corporation.

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6. Subject to the provisions of this Act and any other written law, the Corporation shall have the power to do, perform and execute all such acts and matters as are necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them, including the power:—

General powers of the Corporation.

(a) to purchase, acquire, rent, construct, renovate and otherwise obtain lands or buildings which may be required for the purposes of the Corporation and to deal with or dispose of the same as may be deemed expedient with a view to promoting the objects of the Corporation;

(b) to borrow or raise funds with or without securities and to receive grants, gifts or donations in cash or goods:

Provided that, the Board of Directors shall obtain the prior written approval of the Department of External Resources of the Ministry of the Minister assigned the subject of Finance in respect of all foreign grants, gifts or donations made to the Corporation;

(c) to make, draw, accept, discount, endorse, negotiate, buy, sell and issue bills of exchange, cheques, promissory notes and other negotiable instruments and to open, operate, maintain, and close accounts in any bank;

(d) to invest any funds that are not immediately required for the purposes of the Corporation, in such manner as the Board of Directors may determine;

(e) to undertake, accept, execute, perform and administer any lawful trust or any real or personal property with a view to promoting the objects of the Corporation;

- 5 (f) to appoint, employ, dismiss or terminate the services of officers and employees of the Corporation and exercise disciplinary control over them and to pay them such salaries, allowances and gratuities as may be determined by the Corporation;
- (g) to organize lectures, seminars and conferences with a view to promoting the objectives of the Corporation;
- 10 (h) to liaise and co-ordinate with other local and foreign institutions having similar objects to that of the Corporation;
- (i) to train personnels in Sri Lanka or abroad for the purposes of the Corporation; and
- 15 (j) to do all other things as are necessary or expedient for the proper and effective carrying out of the objects of the Corporation.

20 7. (1) It shall be lawful for the Corporation, from time to time, at any general meeting of the Corporation and by a majority of not less than two-thirds of the members present and voting, to make rules, not inconsistent with the provisions of this Act, or any other written law, for all or any of the following matters:-

Rules of the Corporation.

- 25 (a) classification of membership, admission, withdrawal, expulsion or resignation of members and fees payable by the members;
- (b) the election of office bearers of the Board or vacation of or removal from office of office bearers and the powers, duties and functions of the office bearers;
- 30 (c) the terms and conditions of appointments, powers, functions and duties of the various officers, agents and servants of the Corporation;

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- 5 (d) the procedure to be followed for the summoning and holding of meetings of the Board or any subcommittee thereof, notices and agenda of such meetings, the quorum and the conduct of business thereat;
- (e) the qualification and disqualifications to be a member of the Board and the Corporation;
- (f) the administration and management of the property of the Corporation; and
- 10 (g) Generally the management of the affairs of the Corporation and the accomplishment of its' objects and dissolution of the Corporation.

(2) Any rule made by the Corporation may be amended, altered, added to or rescinded at a like meeting and in like
15 manner as a rule made under subsection (1) of this section.

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

(4) The rules made under this section shall be published in the *Government Gazette*.

20 **8.** The Board shall maintain a register of members in Registry of which name, address and other essential details of the members shall be inscribed. members.

9. (1) The Corporation shall have its own fund. Fund of the Corporation.

25 (2) All moneys received by way of gifts, bequest, donation, subscription, contribution, fees or grant for and on account of the Corporation shall be deposited in one or more banks approved by the Board to the credit of the Corporation.

30 (3) There shall be paid out of the fund, all sums of money as are required to defray any expenditure incurred by the

Corporation in the exercise, performance and discharge of its powers, duties and functions under the Act.

10. (1) The financial year of the Corporation shall be the calendar year. Accounts and Auditing.

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

(3) The accounts of the Corporation shall be audited annually by the Auditor-General or a qualified auditor appointed by the Auditor-General in terms of Article 154 of the Constitution. 10

(4) For the purposes of this section, “qualified auditor” means,

15 (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

20 (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 Institute.

25 **11.** (1) The Board shall prepare a report of the activities of the Corporation for each financial year and submit such report together with the audited statement of accounts to the Secretary of the Minister assigned the subject of Social Services and to the registrar of voluntary social service Organizations appointed under the voluntary social service organizations (Registration and Supervision) Act, No. 31 of 1980 before the expiration of six months of the year succeeding the year to which such report relates. Annual Report.

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(2) A separate Account relating to the foreign and local moneys received by the Corporation during the financial year shall be attached to the report referred to in subsection (1).

5 **12.** All debts and liabilities of the Trust Fund existing on the day immediately 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 Trust Fund on that day shall be
10 paid to the Corporation for the purposes of this Act.

Debts due by and payable to the Trust.

15 **13.** Subject to the provisions of this Act, 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 purchase, grant, gift, testamentary disposition
or otherwise, and all such property shall be held by the Corporation for the purpose of this Act and subject to the rules of the Corporation made under section 7, with power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Corporation may hold property movable and immoveble.

20 **14.** The moneys and property of the Corporation however derived shall be applied solely towards the promotion of the objects of the Corporation and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or profit to the members of the
25 Corporation.

Application of moneys and property.

30 **15.** (1) The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence two members of the Board 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.

(2) The seal of the Corporation shall be in the custody of an office bearer of the Board as may be decided by such Board.

16. (1) 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
5 be given or transferred to any other institution having objects similar to those of the Corporation, and which, is by the rules thereof, prohibited from distributing any income or property among its or their members.

Property remaining on dissolution.

(2) For the purpose of subsection (1) the appropriate
10 institution shall be determined by the members of the Corporation immediately before the dissolution at a general meeting by the majority of votes of the members present.

17. Nothing in this Act contained shall prejudice or affect the rights of the Republic or of any body politic or
15 corporate.

Savings of the rights of the Republic and others.

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

Sinhala text to prevail in case of inconsistency.

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