

***National Institute of Plantation Management
(Amendment) Act, No. 5 of 1987***

[Certified on 30th January, 1987]

L. D.-O. 18/83.

**AN ACT TO AMEND THE NATIONAL INSTITUTE OF PLANTATION
MANAGEMENT ACT, No. 45 OF 1979**

BE it enacted by the Parliament of the Democratic Socialist
Republic of Sri Lanka as follows :-1.

This Act may be cited as the National **Institute Of**
Plantation Management (Amendment) Act, No. 5 of 1987.

2. Section 3 of the National Institute of Plantation
Management Act, No. 45 of 1979 (hereinafter referred to as
the “principal enactment”) is hereby amended in sub-section
(1) of that section by the addition at the end of
paragraph (f) , of the following paragraphs : -“
(g) to offer training in plantation management to
persons who have the necessary aptitude for
plantation management having regard to the
man-power requirement in the plantation industry;
(f7) to furnish managerial, technical and administrative
advice and services to any Government department,
public corporation or other institution
within or outside Sri Lanka in respect of plantation
industry. “.

3. Section 4 of the principal enactment is hereby
amended by the addition at the end of paragraph (i)
thereof, of the following paragraphs :-“
(j) assess the eligibility of candidates for admission to
various grades of membership and to conduct or
provide for the conduct of the qualifying examination
for all grades or membership of the Institute
and to promote, provide or approve **courses**
of study for such examination ;
(k) ensure the maintenance of high standards in the
professional activities and the general conduct of
its members.“.

4. Section 6 of the principal enactment is hereby
amended in subsection (1) thereof, by the substitution for
sub-paragraph (i) of paragraph (c) of that **subsection**, of
the following sub-paragraph : -

Short title.

**Amendment of section 3 of Act
No. 45 of 1979.**

**Amendment of section 4 of the principal enactment.
Amendment**

of section 6 of the principal enactment.

“ (i) three members nominated by the Minister in charge
of the subject of Plantation Industries ;)..2 **National Institute of Plantation Management**

(Amendment) Act, No. 5 of 1987

Insertion of new Part to the principal enactment.

5. The following new Part is hereby inserted immediately
after Part I and shall have effect as Part 1~ of the

principal enactment : -QUALIFICATIONS
FOR ENROLMENT, PROVISIONS AS TO
DISENROLMENT, USE OF TITLES, &c.

General disqualifications.

15~. (1) No person shall be enrolled as a member of the Institute under section 4, - (u) if he has not attained the age of eighteen years ;

(b) if he has been adjudged by a competent court to be of unsound mind ;

(c) if having been adjudged an insolvent or bankrupt, he has not been

granted by a competent court a certificate to the effect that his insolvency or bankruptcy has arisen wholly or partly from unavoidable losses or misfortunes ;

(d) if he has been convicted by a competent court, whether in Sri Lanka or outside Sri Lanka, of any offence involving moral turpitude and punishable with imprisonment for a term not less than six months.

(2) The Board shall disenrol any person who is a member of the Institute, if he becomes subject to any disqualification mentioned in paragraph (b) or paragraph (c) or paragraph (d) of subsection (1) of this section :

Provided, however, that such disenrolment shall not prevent the Board from subsequently re-enrolling such person if satisfied that he is fit to be a member.

~o~; \$mnt 15~. (1) The Board may disenrol any professional individual who is a member of the Institute,

misconduct. as a member, if satisfied that he is unfit to be a member by reason that he has been

guilty of professional misconduct., National *Institute* of Plantation Management
(Amendment) Act, No. 5 of 1987

3

(2) The disenrolment of any member under subsection (1) shall not prevent the Board from subsequently re-enrolling that member, if satisfied that he is fit to practise the profession of a member.

(3) For the purpose of this Act -

a) conviction by a competent court whether in or outside Sri Lanka for any offence involving moral turpitude punishable with imprisonment ;

(b) gross negligence in the performance or professional work ;

(c) making a declaration, statement or

return to the Board knowing it to be
f&3;

(cl) discrediting or attempting to dis-credit
the reputation of the Insti-tute,
shall be deemed to be professional miscon-duct.

Tn uiries b y lsci- 8. 15~. (1) The Board shall not, under
Kz-ittee. ;.

section 15B disenrol any member unless a
Disciplinary Committee has, after inquiry
made a report to the Council that the
member has been guilty of professional
misconduct.

(2) Where the Board has reasonable
cause to believe, whether upon complaint
made to it or otherwise, that any member of
the Xnsti”rute has been guilty of professional
misconduct, the Board may appoint a Disci-plinary
Gommittee for the purpose of
holding an inquiry into the conduct of that
member.

(3) The provisions of lthe Schedule to this
Act shall apply in relation to the constitution
of and the procedure to be followed by Dis-ci-plinary
Committees appointed under this ‘
section, the proceedings at, inquiries held by
such Committees and the powers exercisable
by such Committees.

3-A092371 (86/09) .4 Nat%waul Institute of Plantation Management
(Amendment) Act, No. 5 of 1987

Suspension in lieu of disenrolment.

Appeal to *the court of Appeal* from decisions of the Eoard under section
15B or

Se&ion 15D.

Restridtion astouseof titles conferred under this Act.

Offences.

6. Section 30 of the principal enactment is hereby
repealed and the following section substituted therefor :-‘

6 Power to 30: (1) The Institute may make rules in make rules. respect of all or any
matters for which rules

‘, are authorized or required by this Act to be
made. 1;~ :

15~. In any case where the Board is by
section 158 empowered to disenrol any
member from membership of the Institute
the Board Iqay, in lieu of exercising that
power, suspend that member from member-ship
for such period as the Board may deem
fit.

15~. Any person aggrieved by a decision
of the Board under section 15~ or section 15D
may appeal against that decision to the
Court, of Appeal within one month of such
decision being communicated to him.

15~. No person, shall take or use the title*

“student member of the National Institute of Plantation Management “,
“Associate member of the National Institute of Plantation Management “,
“ Fellow Member of the National Institute of Plantation Management “,
unless he has been enrolled as such by the Institute.

15~. Every person who neglects or fails to comply with the provisions of section 15~ of this Act shall be guilty of an offence and on conviction after trial before a Magistrate be liable to imprisonment of either description for a period not exceeding six months or to a fine not exceeding one thousand five hundred rupees or to both such imprisonment and fine. ‘.

merit of section 30 of the principal enactment../ National *Institute of Plantation Management 5 (Amendment) Act, No. 5 of 1987*

(2) Without prejudice to the generality of the powers of subsection (1) the Board may make rules in respect of all or any of the following matters : - (

a) qualifications for admission to various grades of membership ;
(b) the time and manner of the payment of enrolment and renewal fees for different grades of membership, the termination of membership upon failure to pay renewal fees and the conditions of restoration to membership in such cases ;

(c) the fees to be paid to the Board by students admitted to the qualifying examinations for courses of instructions provided by the Board and the engagement and remuneration of lecturers and examiners ;

(d) the grant of assistance whether financial or otherwise to student members.

(3) A rule made by the Institute under this section shall not have effect until it is approved by the Minister and is published in the *Gazette*. “.

%3EDULE

Rules as to Inquiries by Disciplinary Committees

1. For the purposes of any inquiry to be held under this Act, the Board shall appoint, by drawing lots, three persons from among its members to constitute a Disciplinary Committee, and shall appoint one of them to be Chairman of the Committee.

2 (1) The Board shall cause a statement to be prepared setting

out the charges to be investigated by the Disciplinary Committee, and the Secretary of the Board shall transmit a copy of the statement to each member of the Committee and to the person whose conduct is the subject of the investigation.

(2) where the inquiry is to be held in consequence of a petition or complaint alleging misconduct by any person, the Secretary of the Board shall in addition transmit a copy of that petition or complaint as the case may be to that person and to each of the members of the Disciplinary Committee.

6 National Institute of Plantation Management (Amendment) Act, No. 5 of 1987

3 (1) The Secretary of the Board shall give notice of the first date fixed for the inquiry to the person whose conduct is the subject of the investigation. Every such notice shall, at least fourteen days before the date fixed for the inquiry, be delivered by hand or sent through the post by registered letter addressed to the last known place of residence of that person.

(2) Where any person to whom a notice has been given under paragraph (1) fails to appear in person or through his representative, the inquiry may be held by the Disciplinary Committee in his absence.

(3) Notice of any date to which the inquiry may be adjourned shall be given by the Committee personally to the person whose conduct is the subject of inquiry or be given in the manner provided in paragraph (1).

4. (1) If the Board is of the opinion that the evidence of any person or the production by any person of any document, is necessary to enable any matter to be investigated by a Disciplinary Committee, the Board shall direct the Secretary of the Board to require the attendance of that person or the production by that person of such document, at such time and place as may be specified in a *notice* which shall be delivered by hand or sent through the post by registered letter addressed to the last known place of residence of that person.

(2) The Secretary for the time being of the Board shall be the Secretary of every Disciplinary Committee and every notice issued under these rules shall be signed by him.

(3) A Disciplinary Committee shall have power to administer oath or affirmation to all persons who are required to give evidence before such Committee.

(4) Any person whose conduct is the subject of investigation at an inquiry or who is in any way concerned in such inquiry may be represented by an Attorney-at-Law at such inquiry.

(5) The Board may authorize any Attorney-at-Law to assist the Disciplinary Committee as to the leading and taking of evidence.

(6) Every inquiry held by a Disciplinary Committee shall, unless the Board otherwise determine in any case, be held in camera,

(7) Any question before a Disciplinary Committee shall be determined by the decision of the majority of the members of that Committee.

(8) Upon the conclusion of the inquiry, the Disciplinary Committee shall prepare and transmit to the Board a report embodying the findings on the matters in respect of which the inquiry was held.