

No. 75 of 1981

SUGARCANE RESEARCH INSTITUTE

Act
No. 75 of 1981

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE SUGARCANE RESEARCH INSTITUTE AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Commencement and Operation-29th December, 1981.]

Short title.

1. This Act may be cited as the Sugarcane Research Institute Act, No. 75 of 1981.

equipment, funds and any other assistance for the efficient conduct of the Institute ;

Establishment of the Sugarcane Research Institute.

2. (1) There shall be established in accordance with the provisions of this Act, an institute which shall be called the Sugarcane Research Institute (hereinafter referred to as "the Institute ") for the purpose of conducting research in respect of the growth and cultivation of sugar cane and the manufacture of any product therefrom.

(d) levy fees or charges for any services rendered by the Institute ;

(e) appoint, employ, remunerate and exercise disciplinary control over its officers and servants ;

(f) establish and maintain provident funds and provide welfare and recreational facilities' for its employees ;

(2) The Institute 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 its corporate name.

(g) make rules in respect of the administration of the affairs of the Institute ;

(3) The members of the Board of Governors shall be the members of the Institute.

(h) delegate to any member, the Director of the Institute or any employee such functions as the Board of Governors may consider necessary for the efficient transaction of its business ; and

Powers of the Institute.

3. The Institute shall have such powers, rights and functions as may reasonably be necessary to carry out its objects and duties and in particular may-

(i) do all other things which in the opinion of the Board of Governors are necessary or conducive or incidental to the attainment of the objects of the Institute.

(a) acquire in any manner whatsoever and hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of, any movable or immovable property ;

(b) acquire, establish, instal and operate field training centres and pilot projects relating to sugarcane research ;

4. In the exercise of its powers and the carrying out of its objects, the Institute shall comply with the general policy of the Government in relation to agricultural development and research and with any general or special direction issued by the Minister in relation to such policy.

Institute to exercise its powers under the directions of the Minister.

(c) import plant, machinery and equipment required for the purpose of the Institute and receive

5. (1) The management and administration of the affairs of the Institute shall be vested in a Board of Governors (hereinafter referred to as " the Board ").

Constitution. &c., of the Board of Governors of the Institute.

(2) The Board shall consist of the following members-

(u) three members (hereinafter referred to as "appointed members") who shall be appointed by the Minister from among eminent scientists of proven ability ;

(6) two members (referred to as "nominated members") being-

(i) a representative of the Ministry nominated by the Minister; and

(ii) a representative of the Ministry charged with the subject of Finance and Planning nominated by the Minister in charge of that subject ; and

(c) two other members (referred to as "ex officio members") who shall be the persons for the time being holding office as-

(i) the Chairman of the Sri Lanka Sugar Corporation ; and

(ii) the Director of the Institute.

Term of office of appointed members of the Board.

6. (I) Every appointed member of the Board shall hold office for a period of three years, unless he earlier vacates office by death, resignation or removal.

(2) The Minister may, if he considers it expedient to do so, by Order published in the Gazette, remove from office any appointed member of the Board without assigning any reason therefor.

(3) An appointed member of the Board may at any time resign his office by letter to that effect addressed to the Minister.

(4) If an appointed member of the Board dies or resigns or is removed from office the Minister may, having regard to the provisions of subsection (2) (a) of section 5, appoint any other person to be a member in place of the member who dies, resigns or is removed from office.

(5) A member who has been appointed under subsection (4) shall hold office for the unexpired portion of the term of office of his predecessor.

(6) Where an appointed member of the Board is by reason of illness, infirmity or absence from Sri Lanka for a period of not less than three months, temporarily unable to perform the duties of his office, it shall be the duty of such member to inform the Minister in writing. The Minister may, having regard to the provisions of subsection (2) (a) of section 5, appoint another person to act in the place of such member.

(7) Any appointed member of the Board who vacates office, otherwise than by removal, shall be eligible for reappointment.

7. The Chairman of the Board shall be appointed from among the members of the Board.

8. No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy in the Board or any defect in the appointment of a member of the Board.

Acts or proceedings of the Board not to be invalid by reason of any vacancy or defect in the appointment of a member.

9. (I) The members of the Board may be paid such remuneration' as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

Remuneration, &c., of members.

(2) The person holding the office of Director of the Institute may be paid such remuneration and allowances as the Minister may with the concurrence of the Minister in charge of the subject of Finance determine.

10. (1) A meeting of the Board shall be held at least one in each month.

Meetings of the Board.

(2) The Chairman or in his absence a member elected by the members present, shall preside at meetings of the Board.

(3) All questions for decision at any meeting of the Board shall be decided by the vote of a majority of the members present. In the case of an equality of votes, the member presiding shall have a casting vote.

(4) The quorum for any meeting of the Board shall be three members and subject to the provisions of this section the Board may regulate its own procedure.

Delegation of powers and duties of the Board.

11. (1) The Board may delegate to the Chairman or any other member or the Director of the Institute or any employee of the Institute any of its powers and duties.

(2) The Chairman, other member, the Director or employee to whom any of the powers or duties of the Board have been delegated under subsection (1) shall exercise or perform the powers and duties so delegated subject to general or special directions of the Board.

Appointment of the Director of the Institute and other officers and servants of the Institute.

12. (1) There shall be appointed by the Minister a Director of the Institute who shall be the chief executive officer of the Institute.

(2) The Board may appoint to the staff of the Institute such other officers and servants as may be necessary for the purposes of the Institute.

Powers of the Board in regard to the staff of the Institute.

13. (1) Subject to the other provisions of this Act, the Board may-

- (u) appoint, dismiss and exercise disciplinary control over the staff of the Institute ;
- (b) fix the wages or salaries or other remuneration of the staff;
- (c) , determine the terms and conditions of service of such staff; and
- (d) establish and regulate provident funds and schemes for the benefit of such staff and make contributions to any such fund or scheme.

(2) Rules may be made under this Act in respect of all or any of the matters referred to in subsection (1).

14. (1) At the request of the Board, any officer in the public service may, with the consent of that officer and the Secretary to the Ministry charged with the subject of Public Administration, be temporarily appointed to the staff of the Institute for such period as may be determined by the Board with like consent or with like consent be permanently appointed to such staff.

Appointment of public officers to the staff of the Institute.

(2) The provisions of subsection (2) of section 13 of the Transport Board Law [Cap. 526.1 shall, *mutatis mutandis*, apply to and in relation to any officer in the public service who is temporarily appointed to the staff of the Institute, and the provisions of subsection (3) of the aforesaid section 13 shall, *mutatis mutandis*, apply to and in relation to any officer in the public service who is permanently appointed to such staff.

(3) Where the Board employs any person who has agreed to serve the Government for a specified period, any period of service with the Institute by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such agreement.

(4) At the request of the Board, any member of the Local Government Service or any other officer or servant of any local authority may with the consent of such member, officer or servant and the Local Government Service Advisory Board or that local authority, as the case may be, be temporarily appointed to the staff of the Institute for such period as may be determined by the Board with like consent or with like consent be permanently appointed to such staff on such terms and conditions including those relating to pension or provident fund rights, as may be agreed upon by the Board and the Local Government Service Advisory Board or the local authority.

(5) Where any person is temporarily appointed to the staff of the Institute in pursuance of subsection (4), such person shall be subject to the same disciplinary control as any other member of such staff.

Members, officers and servants of the Institute deemed to be public servants. [Cap. 25.]

15. All members, officers and servants of the Institute shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Institute deemed to be a scheduled Institution within the meaning of the Bribery Act. [Cap. 36.]

16. The Institute shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall be construed accordingly.

Fund of the Institute.

17. (1) The Institute shall have its own fund. There shall be credited to the Fund of the Institute-

- (u) all such sums of moneys as may be voted from time to time by Parliament for the use of the Institute ;
- (b) all such sums of moneys as may be received by the Institute in the exercise, discharge and performance of its powers, functions and duties ; and
- (c) all such sums of moneys as may be received by the Institute by way of loans, donations, gifts or grants from any source whatsoever, whether in or outside Sri Lanka.

(2) There shall be paid out of the Fund of the Institute all such sums of moneys required to defray the expenditure incurred by the Institute in the exercise, discharge and performance of its powers, functions and duties.

(3) The initial capital of the Institute shall be such sums as may be granted to the Institute by resolution of Parliament from the Consolidated Fund on such terms and conditions as may be determined by the Minister in charge of the subject of Finance.

(4) The capital of the Institute may be increased from time to time by such amount as may be authorized by any Appropriation Act or by resolution of Parliament and that amount shall be paid or made available to the Institute by the Government by way of grant or loan on such terms and conditions

as may be determined by the Minister in charge of the subject of Finance.

18. (1) There shall be charged, levied and paid a **cess** at such rates as may be determined by the Minister from time to time, with the concurrence of the Minister in charge of the subject of Finance, by Order published in the Gazette, on sugar produced and on such other by-products of sugar cane specified in the Order.

Levy of **cess**.

(2) The amount of **cess** imposed under this section may be varied or rescinded by a like Order.

(3) Every Order made by the Minister under this section shall come into force on the date of its publication in the Gazette or on such later date as may be specified therein, and shall be brought before Parliament for approval within four months of the date of its publication. Any such Order which is not so approved shall be deemed to be revoked as from the date of its disapproval, but without prejudice to the validity of anything previously done thereunder.

19. (1) The Institute shall cause its accounts to be kept in such form and manner as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

Account and audit.

(2) The books of accounts of the Institute shall be kept at the office of the Institute.

(3) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to the audit of the accounts of the Institute.

[Cap. 1.]

20. (1) Where any immovable property is required to be acquired for any purpose of the Institute and the Minister by Order published in the Gazette, approves of the proposed acquisition, that property shall be deemed to be required for a public purpose and may accordingly be acquired under the Land Acquisition Act and be transferred to the Institute.

Acquisition of immovable property under the Land Acquisition Act for the Institute.

[Cap. 295.]

(2) Any sum payable for the acquisition of any immovable property under the Land Acquisition Act for the Institute shall be paid by the Institute.

[Cap. 295.]

State property, both movable and immovable, to be made available to the Institute.

[Cap. 286.1

21. (1) Where any immovable property of the State is required for any purpose of the Institute, such purpose shall be deemed to be a purpose for which a special grant or lease of such property may be made under section 6 of the State Lands Ordinance, and accordingly the provisions of that Ordinance shall apply to a special grant or lease of such property to the Institute :

Provided that no order affecting any immovable property of the State shall be made by the Minister under the preceding provisions of this section without the concurrence of the Minister having control over such property.

(2) Where any movable property of the State is required for the purpose of the Institute, the Minister may, by Order published in the Gazette, transfer to and vest in the Institute the possession and use of such movable property.

The Government to make available premises, &c., for the use of the Institute.

22. The Government shall provide for the use of the Institute such land, building and other facilities as may be deemed necessary.

Protection for action taken under this Act or on the direction of the Board.

23. (1) No suit or prosecution shall lie-

(u) against the Board for any act which in good faith is done or purported

to be done by the Board under this Act ; or

(b) against any member, officer, servant, or agent for any act which in good faith is done' or purported to be done by him under this Act or on the direction of the Board.

(2) Any expense incurred by such person 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 by him under this Act or on the direction of the Board shall, if the court holds that the act was done in good faith, be paid out of the funds of the Institute.

24. No writ against person or property shall be issued against a member of the Board in any action brought against the Institute. **No writ to issue against person or property of a member of the Board.**

25. (1) The Institute may make rules in respect of all or any of the matters for which rules are authorized or required by this Act to be made. **Power of Institute to make rules.**

(2) No rule made by the Institute shall have effect until it has been approved by the Minister.