



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

**GALLE HERITAGE FOUNDATION
ACT,NO .07 OF 1994**

[Certified on 26th April, 1994]

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Galle Heritage Foundation

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An ACT TO PROVIDE FOR THE ESTABLISHMENT OF A FOUNDATION CALLED THE GALLE HERITAGE FOUNDATION, TO SPECIFY ITS OBJECTS AND POWERS; AND TO PROVIDE FOR MATTERS CONNECTED.

THEREWITH OR INCIDENTAL THERETO

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

1. This Act may be cited as the Galle Heritage Foundation Act, No 7 of 1994, and shall come into operation on such date as the Minister may appoint by order published in the *Gazette*. short title and
Date of operation

PART I

ESTABLISHMENT OF THE GALLE HERITAGE FOUNDATION

2. (1) There shall be established a Foundation which shall be called the “Galle Heritage Foundation” (herein after referred to as the “Foundation”). Establishment
of the Galle Heritage
foundation
- (2) The Foundation shall, by the name assigned to it by subsection (1), be a body corporate with perpetual succession and a common seal and may sue and be sued in such name.
3. The objects of the Foundation shall be object of the
Foundation
- a) to promote the preservation conservation and development ,of the Galle Fort together with its historic hinterland, as a historic city centre and as an area of archaeological interest;
 - b) subject to the provisions of written law, to acquire, hold, maintain and dispose of, any immovable and movable propert within the Galle Fort and its historic hinterland which has historical, cultural or aesthetic value;

C) to promote interest among the residents of the Galle Fort in the preservation of the houses, Buildings and other property within the said Fort and its historic hinterland, and to educate such residents, on the conservation and preservation of the said Fort and its historic hinterland and on the historical, cultural, archaeological and aesthetic aspects of the said Fort and its historic hinterland and to re-construct, renovate, conserve, update, restore, and find new uses for, the houses and buildings, in the said Fort and its historic hinterland;

(d) to provide access to, and facilities for, the enjoyment of the Galle Fort and its historic hinterland;

(e) to promote the general welfare of the residents of the Galle Fort and its historic hinterland; and

(f) to do all such other acts or things as may be necessary for the accomplishment of all or any of the above objects.

Power
Of the
foundation

4. Subject to the provisions of section 14, the Foundation shall have the following powers:-

(a) to acquire and hold property, movable or immovable, which may become vested in it under this Act or by virtue of any purchase, grant, gift, testamentary disposition or otherwise, and subject to any trusts attaching to such property, to sell, mortgage, lease, exchange or otherwise dispose of the same;

(b) to erect, or cause to be erected, any building or structure on any land belonging to the Foundation, and to manage, maintain, repair, renovate, restore and conserve, any historic, cultural, or archaeological building or structure or monuments vested in or held by, the Foundation subject to any obligation, by way of trust or otherwise, attaching to such property;

(c) to act as trustees in respect of any property within the Galle Fort and its historic hinterland, for the government or any individual or incorporate or unincorporate body;

(d) to enter into and perform, all such contracts as may be necessary for the exercise of its powers or the performance of its duties;

(e) to receive or collect gifts, grants, or donations, in cash or kind from local or foreign sources;

- (f) to undertake and to fund, research into the history of the Galle Fort and its historic hinterland and to publish the results of such research;
- (g) to maintain , improve, repair and develop , public amenities within the Galle Fort and its historic hinterland, subject to the directions of the Department of Archaeology, the Urban Development Authority, the Galle Municipal Council, the Department of Coast Conservation and of the Ceylon Tourist Board;
- (h) to make , draw ,accept, endorse, negotiate, buy, sell and issue, bill of exchange , cheques, promissory notes and other negotiable instruments and to open and maintain , current, savings, and deposit accounts in any bank or banks;
- (i) to establish and maintain , educational institutions, museums, laboratories , research centres, observatories, places providing accommodation, and to conduct workshops, in furtherance of the objects of the Foundation;
- (j) to borrow ,with or without security, moneys necessary for carrying out its objects; and
- (h) to invest any moneys belonging to the Foundation including any unapplied income , In any security in which, under the provisions of section 2 of the Trusts Ordinance (Chapter 87) or of any other written law ,it is lawful to invest trust moneys or to invest Any such moneys in the purchase of immovable property in Sri Lanka or vary such Investments or to place in fixed deposit in any bank, any portion of such moneys not Required for immediate expenditure.

5. (1) The administration, management and control of the affairs of the Foundation shall be vested in the Board of Management of the Foundation (hereinafter referred to as the “Board”).

Administration of
Foundation vested in
Board of management

- (2) The Board shall, for the purposes of administering the affairs of the Foundation, exercise, discharge and perform the powers. Functions and duties conferred , or imposed on, or assigned to , the Foundation by this Act.
- (3) The Board shall have the power to make rules to regulate the procedure relating to its meetings.

**Condition of
board**

6. (1) The Board shall consist of the Following:-

- (a) Ex officio members namely-
 - (i) The Director –General of Archaeology or his nominee;
 - (ii) The chairman of the Urban Development Authority or his nominee;
 - (iii) The Minister of the Board of Ministers of the Southern Province to whom the subject of Cultural Affairs has been assigned, or his nominee;
 - (iv) The divisional Secretary appointed for the Divisional Secretary’s Division within

Which the Galle Fort and its historic hinterland lies;

- (v) The mayor of the Galle Municipal Council or his nominee;
- (vi) The Director of the post Graduate Institute of Archaeology or his nominee;
- (vii) The President of the Netherlands Alumni Association or his nominee;
- (viii) The Chairman of the Sri Lanka Ports Authority or his nominee;
- (ix) The Director-General of the Central Cultural Fund or his Nominee;
- (x) The chairman of the National Aquatic Resources Agency or his nominee;
- (xi) The Director of the National Museums Department or his nominee;
- (xii) The Director of the Coast Conservation Department or his nominee;
- (xiii) The Director ,Architectural Conservation of Monuments and Sites, of the University of Moratuwa, or his nominee;
- (xiv) The District Secretary ,Galle; and

(b) other members, namely-

- (i) six persons appointed by the Minister (herein after referred to as the “appointed members”) ;and
- (ii) six persons elected bi-annually by the ex officio members (hereinafter referred to as the “elected members”)

- (2) (a) The members of the Board shall elect from among themselves, two members to Be chairman and Vice-chairman, respectively of the Board.
- (b) the Chairman may resign from the office of the chairman by letter in that behalf addressed to the Vice-chairman and the Vice-chairman may resign from the office of the Vice-chairman by letter in that behalf addressed to the chairman.
- (c) The Board may, by resolution ,remove the chairman or the Vice- chairman from office.
- (d) where the chairman or Vice- chairman is by reason of illness or other infirmity or absence from Sri Lanka temporarily unable to perform his duties of his office, the members of the Board may elect another member of the Board in his place.
- (e) Subject to the provisions of paragraphs (b) and (c) the term of office of the Chairman Shall be his period of memberships of the Board, and the term of office of the Vice- Chairman shall be his period of membership of the Board.

(3) Every appointed member of the Board shall vacate office as such member-

- (a) if he is removed from office by the Minister; or
- (b) if he resigns his office by letters addressed to the Minister.

- (4) Every elected member of the Board shall vacate office as such member-
- (a) if he is removed from office by the Board; or
 - (b) if he resigns his office by letter addressed to the Board.
- (5) (a) Where any appointed member of the Board dies or resigns or is removed from office, the Minister may appoint another person to be a member in place of the member who dies, resigns or is removed from office.
- (6) Where any appointed member of the Board is, by reason of illness or other infirmity or absence from Sri Lanka, temporarily unable to perform the duties of his office the Minister may appoint another person to act in his place.
- (7) A member appointed under subsection (5) shall, unless he earlier resigns or vacates his office by death or removal, hold office for the unexpired part of the term of his Office of the member whom he succeeds.
- (8) Every appointed members of the Board shall unless he vacates office earlier by Death, resignation or removal, hold office for a period of three years from the Date of his appointment to such office.
- (9) Any appointed member of the Board who vacates his office otherwise than by removal from office under sub section (3) shall be eligible for reappointment.
- (10) where any elected member of the Board dies or resigns or is removed from office, The Board may elect another person to be a member in place of the member who Dies, resigns or is removed from office.
- (11) where any elected member of the Board is, by reason of illness or other infirmity Or absence from Sri Lanka, temporarily unable to perform the duties of his office, the Board may elect another person to act in his place.
- (12) A member elected under subsection (10) , shall, unless he earlier resigns or vacates his Office by death or removal, hold office for the unexpired part of the term of his office Of the member whom he succeeds.
- (13) Every elected member of the Board shall unless he vacates office earlier by death, Resignation or removal, hold office for a period of two years from the date of his Election to such office and shall unless he has been removed from office under Subsection (4) be eligible for re-election.
- (14) Every ex office member of the Board shall hold office as long as he holds the post by Virtue of which he is a member of the Board.
- (15) No act or proceeding of the Board shall be deemed to be invalid by reason of any Vacancy in the membership of the Board or any defect in the appointment or election of any member thereof.

7. The Board may delegate to the Chairman or Vice-Chairman or to any officer of the Foundation, the exercise, performance and discharge, of any power, duty or function, conferred or imposed on, or assigned to, the Board by this Act, other than the powers conferred on the Board by this section. The Board may, notwithstanding any such delegation exercise, perform or discharge any such power, duty or function. power &c., of the chairman of the Board
8. (1) Subject to the provisions of this Act and any regulations made by the Minister, the Foundation shall have the power to appoint such officers and servants as may be necessary for the discharge of its functions. staff of the Foundation
- (2) The appointment of the officers and servants of the Foundation shall be made by the Foundation in accordance with such schemes of recruitment and procedures for appointment as may be prescribed by regulations.
- (3) Subject to the provisions of this Act and any regulations made by the Minister, the Foundation shall determine the terms and conditions of the service of the officers and servants of the Foundation including their wages salary or other remuneration.
- (4) The officers and servants of the Foundation shall be subject to the disciplinary control including power of dismissal, of the Foundation.
- (5) The Foundation may establish and regulate provident funds and schemes for the benefit of the officers and servants of the Foundation and may make contributions to any such fund or scheme.
9. Where the Foundation employs any person who has entered into a contract with The Government by which he has agreed to serve the Government for a specified period, Any period of service to the Foundation by that person shall be regarded as service to the Government for the purpose of discharging his obligations under such contract. service to Foundation deemed to be service to the Government for the purpose of certain contract
10. (1) At the request of the Foundation any officer in the public service serving in the Ministry Of the Minister May, with the consent of the Secretary to the Ministry of the Minister Given with the concurrence of the Secretary to the Ministry of the Minister in charge of the subject of Public Administration and of the officer, be temporarily appointed to the staff of the Foundation for such period as may be determined by the Foundation with like consent or with like consent be permanently appointed to such staff. Appointment of public officers to the staff of Foundation

(2) At the request of the Foundation , any officer in the public service other than an Officer Referred to in subsection (1) may, with consent of that officer and of the Secretary to the Ministry of the Minister in charge of the subject of public Administration for such period as may Be determined to the staff of the Foundation , with like consent ,or with like consent , or with Like consent be permanently appointed to such staff.

(3) where any officer in the public service is temporarily appointed to the staff of the Foundation the provisions of section 13 (2) of the Transport Board Law , No.19 of 1978. Shall, mutatis mutandis, apply to, and in relation to him.

(4) where any office in the public service is permanently appointed to the staff of the Foundation , The provisions of section 13(3) of the Transport Board Law, No, 19 of 1978, Shall, mutatis mutandis, apply to, and in relation to him.

Seal of the
Foundation

11. The seal of the Foundation...

- (a) shall be in the custody of such persons as the Board may from time to time Determine.
- (b) may, be altered in such manner as may be determined by the Board ; and
- (c) shall not be affixed to any instrument whatsoever except with the authority Of the Board in the presence of two members of the Board who shall Sign their names on the instrument in token of their presence, and such signing Shall be independent of the signing of any person as a witness.

PART II

FINANCE

Fund of the
Foundation

12. (1) The Foundation shall have its own fund.
(2) There shall be credited to the fund of the Foundation.
- (a) All such sums of money as may be received by the Foundation in the exercise. Discharge and performance of its powers, functions and duties; and
 - (b) All such sums of money as may be received by the Foundation by of loans, Donations, gifts or grants from any source whatsoever , whether in or out side Sri Lanka.
- (3) There shall be paid out of the fund of the Foundation.
- (a) all such sums of money as are required to defray any expenditure incurred by the foundation in the exercise , discharge and performance of its powers, duties and functions under this Act; and

- (b) all such sums of money as are required to be paid out of such fund, by or under , this Act.

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

Audit of
accounts of
Foundation

(2) The accounts of the Foundation shall be audited by qualified auditor or auditors appointed by the Board.

(3) The financial year of the Foundation shall be the calendar year.

(4) In this section “qualified auditor “ has the same meaning as in paragraph (8) Of Article 154 of the constitution.

PART III

14. (1) The Minister may , from time to time, give such general directions in writing to the Board as to the exercise of the powers, and the performance of the duties of the Foundation and the Board shall give effect to such directions.

powers of
Minister in
Relation to the
Foundation

(2) The Minister may, from time to time, order all or any of the activities of the Foundation to be investigated and reported on by such person or persons as he May specify, and upon such order being made, the Board shall afford all such Facilities and furnish all such information as may be necessary to carry out such Order.

15. Any state land or any state building may, subject to such conditions as may be determined by the Minister with the concurrence of the Minister for the time being in charge of the subject of State lands, be made available for the use of , or be alienated to, the Foundation for any purpose of the Foundation.

state land
or building to
available to the
Foundation

foundation to subunit a report of of its activities 16. The Foundation shall, before the expiry of a period of six months after the closure of Each financial year of the Foundation ,transmit a report giving a full account of the Activities of the Foundation during that year to the Minister who shall cause copies Thereof to be tabled in parliament.

Foundation Deemed to be 17. The Foundation shall be deemed to be a scheduled institution within the meaning Of the Bribery Act, and the provisions of that Act , and the provisions of that Act shall

A scheduled institution within the meaning of The Bribery Act. Members And employees of the Foundation

Be construed accordingly.

18. All members, officers and servants of the Foundation shall be deemed to be public servants within the meaning and for the purposes, of the penal code.

19. (1) **No suit or prosecution shall lie-**

(a) against the Foundation for any act which in good faith is done or purported to be done or purported to be done by it under this Act.

deemed to be public servants. Protection of Action taken under This Act

(b) any member of the Board, officer, servants or agent of the Foundation 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 the Foundation or by any such person as is referred to in

regulation

(1) in any suit or prosecution brought against the Foundation or such person before Any court in respect of any act which is done by the Foundation or such person 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 fund of the Foundation.

20. (1) Subject to the provisions of this Act, the Minister may make regulations for , and in Respect of ,all **or any of the Following matters:-**

- (a) the terms and conditions of service , including remuneration , of the officers and servants of the Foundation;
- (b) the schemes of recruitment and procedures for appointment to the officers and servants of the Foundation;
- (c) the programmes and schemes, annual budget, report and accounts. Of the Foundation and the manner in which such programmes and schemes, annual budget, report and accounts are to be prepared; and
- (d) such other matters required by this Act to be prescribed or in respect of which regulations are authorized by this Act to be made.

(2) Every regulation made by the Minister shall be published in the Gazette and shall Come into operation on the date of such publication or on such later date as may be Specified in the regulation.

(3) **Every** regulation shall , as soon as convenient after publication in the Gazette, be brought

Before Parliament for approval. Any regulation which is not so approved shall be deemed To be rescinded as from the date of its disapproval but without prejudice to any thing done thereunder.

(4) notification of the date on which any regulation made by the Minister is so deemed to Be rescinded, shall be published in the Gazette.

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

22. in this Act unless the context otherwise requires” Central Cultural Fund” means the central Cultural fund established by the Central Fund Act, No .57 of 1980;

“Ceylon Tourist Board” means the Ceylon Tourist Board established by the Ceylon Tourist Board Act, No.10 of 1966

“ chairman” means the chairman of the Board;

“Minister” means the minister appointed under Article 44 of the Constitution to whom The subject of cultural affairs is assigned;

“National Aquatic Resources Agency” means the National Aquatic Resources Agency established by the National Aquatic Resources and Development Agency Act, No.54 of 1981;

“Sri Lanka Port Authority” means the Sri Lanka Ports Authority established by the Sri Lanka Port Authority Act, No. 51 of 1979;

“ Urban Development Authority” means the Urban Development Authority established by the Urban Development Authority Law, No. 41 of 1978; and “Vice-chairman” of the Board.