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PARLIAMENT OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF  
SRI LANKA

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**VIJAYA KUMARATUNGA MEMORIAL  
HOSPITAL BOARD ACT, No.38 OF 1999**

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[Certified on 11th November , 1999]

*Printed on the Order of Government*

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*Vijaya Kumaratunga Memorial Hospital  
Board Act, No.38 of 1999*

[Certified on 11th November , 1999]

L. D. - O. 22/99.

AN ACT TO ESTABLISH A BOARD CALLED THE VIJAYA KUMARATUNGA MEMORIAL HOSPITAL BOARD ; TO VEST IN THAT BOARD THE CONTROL, MANAGEMENT AND ADMINISTRATION OF THE VIJAYA KUMARATUNGA MEMORIAL HOSPITAL ; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS the Vijaya Kumaratunga Memorial Foundation established by the Vijaya Kumaratunga Memorial Foundation Act, No. 31 of 1998 to perpetuate the memory of the late Mr. Vijaya Kumaratunga has constructed a Hospital at Seeduwa on the land and premises described in the Schedule to this Act :

Preamble.

AND WHEREAS it is wish of the Board of Management of the said Foundation that such Hospital be administered and managed with a view to advancing the ideal of the late Mr. Vijaya Kumaratunga, to wit, of promoting peace and goodwill among all communities and peoples of Sri Lanka ;

AND WHEREAS it is necessary for this purpose to vest the control, management and administration of the Hospital in an independent Board :

AND WHEREAS the Board of Management of the said Foundation has requested that legal provision be made for this purpose and it is in the public interest to grant such request :

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

- Short Title.                   **1.** This Act may be cited as the Vijaya Kumaratunga Memorial Hospital Board Act, No. 38 of 1999.
- Establishment of the Vijaya Kumaratunga Memorial Hospital Board.                   **2.** (1) There shall be established a Board, which shall be called “The Vijaya Kumaratunga Memorial Hospital Board” (hereinafter referred to as the “Board”) for the purpose of managing and administering the affairs of the Vijaya Kumaratunga Memorial Hospital (hereinafter referred to as the “Hospital”) and consisting of the land and buildings specified in the Schedule to this Act.
- (2) The Board 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 such name.
- Constitution of the Board.                   **3.** (1) The Board shall consist of the following members appointed by the Minister -
- (i) the Chairman of the Board who shall be appointed from among the members nominated under paragraph (v) of this subsection ;
  - (ii) a representative of the Ministry of the Minister, nominated by the Minister :
  - (iii) a person elected by the Medical practitioners employed in the hospital, from among themselves ;
  - (iv) a member of any profession, who has achieved eminence in that profession ; and
  - (v) four member representing the Vijaya Kumaratunga Memorial Foundation, nominated by that Foundation.
- (2) The Chairman and every other member of the Board shall hold office for a period of three years from the date of his appointment.

(3) In the event of the vacation of the office of the Chairman or any other member of the Board, the Minister may appoint another person to hold the office of Chairman or member, as the case may be, during the unexpired period of the term of office of the Chairman or member whom he succeeds.

(4) If the Chairman or any other member of the Board is temporarily unable to discharge the duties of his office by reason of ill health or any other cause, The Minister may appoint another person to act in his place as Chairman or member, as the case may be.

(5) The Chairman or any other member of the Board may at any time resign his office by letter in that behalf addressed to the Minister.

(6) The Minister may, for reasons assigned remove the Chairman or any other member of the Board, from office.

(7) Any member of the Board who, without leave of the Board first obtained, fails to attend three consecutive meetings of the Board, shall *ipso facto* vacate his office , with effect from the date of the last of such meetings.

(8) Any member of the Board who vacates office other than a member who is removed from office under this Act, shall be eligible for reappointment.

**4.** The Member of the Board shall be remunerated in such a manner and at such rates as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance.

Remuneration of the members of the Board.

**5.** (1) Meetings of the Board shall be held at least once a month.

Meetings of the Board.

(2) The quorum for a meeting of the Board shall be four.

(3) The Chairman of the Board shall preside at the meetings of the Board, or in his absence any member of the Board elected from among the members present shall preside at such meeting.

(4) The Board may act notwithstanding a vacancy among its members, of any defect in the appointment of a member thereof.

Seal of the Board.

**6.** The seal of the Board -

- (a) shall be in the custody of the Chairman of the Board ;
- (b) may be altered in such manner as may be determined by the Board ; and
- (c) shall not be affixed to any document except with the sanction of the Board and in the presence of two members of the Board who shall sign the document in token of their presence.

Land and premises vested in the Board.

**7.** The land and premises described in the Schedule to this Act are hereby vested in the Board.

Functions of the Board.

**8.** The functions of the Board shall be to administer the affairs of the Hospital and to ensure that it functions efficiently and effectively as an institution for the care of the sick.

Powers of the Board.

**9.** (1) The Board shall have the power to do all things as are necessary for or conducive or incidental to the control, management and administration of the Hospital, and the discharge of its functions.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Board may exercise the following powers :-

- (a) to receive grants, gifts or donations in cash or kind, whether from local or foreign sources ;
- (b) to take or hold any property, movable or immovable, which may become vested in it by this Act, or by virtue of any purchase, grant, gift, testamentary disposition or otherwise, and to sell, mortgage, lease, grant, convey, devise, assign, exchange or otherwise dispose of, any such movable and immovable property other than the land and premises described in the Schedule to this Act ;

- (c) subject to the provisions of this Act, to appoint, employ and remunerate officers and servants of the Board and to make regulations regarding the appointment, promotion, remuneration and disciplinary control of such officers and servants and the grant of leave and other benefits to them ;
- (d) to open, operate and close bank accounts and borrow or raise money, with or without security ;
- (e) to enter into such contracts as maybe necessary for the discharge of its functions ;
- (f) to do all other acts and things as are incidental or conducive to the discharge of the functions of the Board.

**10.** (1) The Board may appoint a Committee of Management to administer the day to day affairs of the Hospital. Committee of Management.

(2) The Board may from time to time delegate to the Committee of Management appointed under subsection (1) such of its powers, duties and functions as may be determined by the Board.

(3) The Committee of Management shall consist of the following members :-

- (i) the person designated as the Director of the Hospital ;
- (ii) three persons selected by the Board from among the Consultants employed in the Hospital provided that not more than one shall be from the same speciality ;
- (iii) the person designated as the Chief Matron of the Hospital ;
- (iv) the Person designated as the Secretary of the Hospital or the chief Administrative officer of the Hospital ;

(v) the person designated as the Chief Accountant of the Hospital ; and

(vi) a representative of the Vijaya Kumaratunga Memorial Foundation, nominated by that Foundation.

(4) The Director of the Hospital shall be the Chairman of the Committee of Management.

(5) The Chairman of the Board shall have the right to attend any meeting of the Committee of Management.

(6) The Committee of Management shall determine the quorum for, and the procedure to be followed at, the meetings of such Committee.

Directions of the Minister.

**11.** The Minister may, from time to time, issue to the Board general or special directions as to the exercise, performance and discharge of the powers, duties and functions of the Board and the Board shall comply with every such direction.

The Fund of the Board.

**12.** (1) The Board shall have and maintain its own Fund.

(2) There shall be paid into the Fund of the Board -

(a) all such sums of money as may be received by the Board by way of gift or donation, from local and foreign sources ;

(d) all such sums of money as may be received by the Board by way of grant from the Government ; and

(c) all such sums of money as may be received by the Board as income from endowments and investments.

(3) There shall be paid out of the Fund of the Board all such sums of money as are required -

(a) to defray any expenditure incurred by the Board in the exercise, performance and discharge of its powers, duties and functions under this Act ;

(b) to be paid as remuneration to members of the Board;  
and

(c) under any other provision of this Act to be paid out  
of the Fund of the Board.

(4) The Board shall be responsible for the administration  
of the Fund of the Board.

**13.** (1) The financial year of the Board shall be the  
calendar year.

Financial year  
and  
audit  
of accounts  
of the Board.

(2) 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 Board.

(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 Board.

**14.** The Minister may in Consultation with the Board,  
make regulations in respect of matters for which regulations  
are required or authorized to be made under this Act and in  
particular in respect of all or any of the following matters :-

Regulations.

(a) the establishment of Consultative Committees to  
advise the Board on -

(i) the adequacy and efficiency of the services  
provided by the Hospital, including  
recommendations for the provision of new  
buildings and equipment for fulfilling the  
demands made on the Hospital and for the  
admission, or denial of admission, to the  
Hospital, of patients suffering from any  
specified diseases ;

(ii) the provision of courses of training within  
Sri Lanka and abroad for officers and servants  
of the Board and for this purpose to co-operate



with other hospitals or institutions whether in Sri Lanka or otherwise in such manner and for such purposes as the appropriate Consultative Committee may determine ;

- (iii) any other matters as the Minister may refer to a Consultative Committee for its advice.
- (b) the remuneration of the members of the Consultative Committees ;
- (c) The restriction of admission or entry of persons into the Hospital, and the regulation of the conduct of persons who enter therein.

Offences.

**15.** (1) Any person who -

- (a) within the premises of the Hospital, uses or makes any obscene, indecent or offensive language or gesture or behaves in any manner likely to annoy or insult any person ;
- (b) spits upon, or willfully damages, any part of the property used for the purposes of the Hospital ;
- (c) smokes or carries any lighted pipe, cigar, cigarette or article for smoking in any part of the premises of the Hospital in which a notice prohibiting smoking is exhibited ;
- (d) throws out of the Hospital, any bottle, liquid or other article or thing likely to annoy persons or to cause damage or injury to any person or property ;
- (e) parks a vehicle in any part of the premises of the Hospital in which a notice prohibiting parking is exhibited ;
- (f) damages or destroys any plant within the premises of the Hospital or takes, collects or removes any plant therefrom ; or

- (g) destroys or damages any property used for the purposes of the Hospital including any fixtures and equipment,

shall be guilty of an offence under this Act and shall, on conviction after summary trial by a Magistrate, be liable to a fine not exceeding one thousand rupees.

(2) Where in a prosecution for an offence under this Act a question arises as to whether any place is within the premises of the Hospital or whether any property was used for the purposes of this Hospital, a certificate under the hand of the Director of the Hospital to the effect that the place specified therein is within the premises of the Hospital or that the property specified therein was used for the purposes of the Hospital shall be admissible in evidence without proof of signature and shall be evidence of the facts stated therein.

**16.** (1) At the request of the Board, any public officer may, with the consent of that officer and of the Secretary of the Ministry in which that officer is employed and the Secretary to the Ministry of the Minister in charge of Public Administration be temporarily appointed to the staff of the Board 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 Board.

(2) Where any public officer is temporarily appointed to the staff of the Board, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No.37 of 1991 shall, *mutatis mutandis*, apply to and in relation to him.

(3) Where any public officer is permanently appointed to the staff of the Board, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No.37 of 1991 shall, *mutatis mutandis*, apply to and in relation to him.

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

Protection of members of the Board and officers &c. of the Board for action under this Act.

**17.** (1) No action or prosecution shall be instituted against any member of the Board or against any officer, servant or agent of the Board appointed for the purposes of this Act for any act which is in good faith done or purported to be done by such person under this Act or on the direction of the Board.

(2) Any expense incurred by the Board in any action or prosecution brought by or against the Board before any court shall be paid out of the Fund of the Board, and any costs paid to, or recovered by, the Board in any such suit or prosecution shall be credited to the Fund of the Board.

(3) Any expense incurred by any such person as is referred to in subsection (1) in any action or prosecution brought against him before any court in respect of any act which is done or is purported to be done by him under this Act or on the direction of the Board shall, if the court holds that such act was done in good faith, be paid out of the Fund of the Board unless such expense is recovered by him in such action or prosecution.

Officers and servants of the Board deemed to be public servants under the Penal Code.

**18.** All officers and servants of the Board shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Board deemed to be a Scheduled Institution within the meaning of the Bribery Act.

**19.** The Board 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.

**20.** 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.

**21.** In this Act, unless the context otherwise requires “the Vijaya Kumaratunga Memorial Foundation” means the Vijaya Kumaratunga Memorial Foundation established by the Vijaya Kumaratunga Memorial Foundation Act, No.31 of 1998.

Interpretation.

**SCHEDULE** (Sections 2, 7 and 9)

All that allotment of land marked Lot 1 depicted in Plan No.1055 dated 16 th February, 1995 made by K.P Chandrasekera, Licensed Surveyor being a Part of Lot 8 in Plan No.32/92 dated 16 th October, 1992 made by A.J.B. Wijekoon, Licensed Surveyor (Part of Lot 3 in P.P Gam 1627 authenticated by the Surveyor General) situated along the Main Road from Negombo to Colombo at Bandarawatta in Ward No.8 Bandarawatta within the Urban Council Limits of Katunayake-Seeduwa and the Registration Division of Negombo in the District of Gampaha, Western Province and which said Lot 1 is bounded on the *North* by Lot 7 in plan No.32/92 on the *East* by Lot 9 and balance portion of Lot 8 in Plan No.32/92, on the *South* by balance portion of Lot 8 in Plan No.32/92 and on the *West* by Main Road from Negombo to Colombo and containing in extent Three Acres (A3. R0.P0) or Hectares 1.2140 together with everything standing thereon.

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