

PARLIAMENT OF CEYLON

4th Session 1968-69



Ceylon Railway Guards' and Locomotive Enginemen's Provident Association (Incorporation) Act, No. 15 of 1969

Date of Assent : June 1, 1969

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*Ceylon Railway Guards' and Locomotive
Enginemen's Provident Association
(Incorporation) Act, No. 15 of 1969*

L. D.—O. 26/67.

AN ACT TO INCORPORATE THE CEYLON RAILWAY
GUARDS' AND LOCOMOTIVE ENGINEMEN'S PROVIDENT ASSOCIATION.

[Date of Assent: June 1, 1969]

WHEREAS an association called and known as "The Ceylon Railway Guards' and Locomotive Enginemen's Provident Association" was established in Colombo in the year one thousand nine hundred and twenty-four for the purpose of carrying out the objects of that association according to the rules agreed to by its members:

And whereas the said association has heretofore been successfully carrying out its objects, and has applied to be incorporated, and it is now desirable and expedient that the said association should be incorporated:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Ceylon Railway Guards' and Locomotive Enginemen's Provident Association (Incorporation) Act, No. 15 of 1969.

Short title.

2. The persons who, on the date of the commencement of this Act, are members of the Ceylon Railway Guards' and Locomotive Enginemen's Provident Association (hereinafter referred to as "the Association") and such other persons as are hereafter enrolled as members of the Association shall be a body corporate (hereinafter referred to as "the Corporation") with perpetual succession, a common seal and the name "The Ceylon Railway Guards' and Locomotive Enginemen's Provident Association". The Corporation may sue or be sued by that name.

Incorporation.

3. The general objects of the Corporation shall be—

General objects.

(a) to promote thrift among its members;

(b) to aid members in pecuniary difficulties and to give relief to them by way of financial assistance in times of need;

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- (c) to grant loans to members for such purposes as the Corporation may from time to time determine in accordance with the rules of the Corporation made as hereinafter provided;
- (d) on retirement, resignation, dismissal or termination of services in any other way or on the death, of any member, to pay him or to his widow and children, heirs or nominees, as the case may be, such portion of his contributions to the funds of the Corporation and such donations, as may be authorized by the rules of the Corporation; and
- (e) generally to assist financially the members of the Corporation.

Membership.

4. (1) Every person of the age of thirty years or under holding an appointment in the Ceylon Government Railway in any of the undermentioned grades shall be eligible for admission as a member of the Corporation—

- (a) Guards, Locomotive Enginemen, Engine Drivers and Locomotive Enginemen Trainees;
- (b) Officers of the Supervisory Grades, members of the Security Service and Special Apprentices.

(2) Any member who may be transferred to a different grade or department but still continues in the service of the Ceylon Government may retain his membership of the Corporation.

**Committee of
Management.**

5. (1) The affairs of the Corporation shall be administered, subject to the rules made as hereinafter provided, by a Committee of Management consisting of a President, two Vice-Presidents and fourteen members elected once a year at the annual general meeting.

(2) The Committee of Management shall appoint a Joint Secretary and Treasurer of the Corporation in accordance with such rules as may be made for the purpose by the Corporation.

(3) The first members of the Committee of Management shall consist of the President, the two Vice-Presidents, the Secretary, the Treasurer and the

other members of the Committee of Management of the Association holding office at the time of the coming into operation of this Act and that Committee of Management shall continue to function until the first annual general meeting of the Corporation is held after the coming into operation of this Act.

(4) The quorum for meetings of the Committee of Management shall be nine.

6. (1) An annual general meeting of the members of the Corporation shall be held not later than the 31st day of July in each year at which shall be submitted a Balance Sheet, a Profit and Loss Account, and an account of receipts and disbursements of the Corporation during the twelve months ending on the 31st day of March preceding, all of which shall be prepared by the Joint Secretary and Treasurer and duly audited. In exceptional circumstances, it shall be lawful for the Committee of Management to postpone the holding of the annual general meeting to a date not later than the 31st day of October.

General
meetings.

The Joint Secretary and Treasurer shall, not less than seven days before the date fixed for the meeting, issue to all members the agenda for that meeting.

(2) The Joint Secretary and Treasurer shall, on the direction of the Committee of Management or upon the written requisition of thirty or more members of the Corporation, call a special general meeting.

(3) The quorum for a general meeting of the members of the Corporation shall be fifty.

(4) Notice of not less than fourteen days shall be given of every general meeting by advertisement in at least one local daily newspaper or in the Railway Weekly Notice.

(5) Voting at a general meeting shall be by a show of hands unless otherwise decided at such meeting. The President shall have a casting vote in addition to his original vote.

7. (1) The Committee of Management shall cause a register to be kept in which the name of every person who has been a member of the Corporation and of every person who is duly admitted a member of the Corporation shall be entered.

Register of
members.

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(2) The register shall contain the following particulars:—

- (a) the name, age on admission, address and designation, of each member,
- (b) the date on which the name of any person was entered in the register as a member,
- (c) the date on which any person ceased to be a member,
- (d) such other information as may be required by the Committee of Management.

8. (1) It shall be lawful for the Corporation from time to time at any general meeting and by a majority of not less than two-thirds of such members of the Corporation entitled to vote as are present at the meeting to make rules for any of the following purposes:—

- (a) the admission, suspension, withdrawal or expulsion of members;
- (b) the election of members to the Committee of Management and the definition of their powers and duties and the duties of the various officers, agents and servants of the Corporation;
- (c) the determination and collection of contributions or other calls payable by members and the payment of monies due to them and the imposition of fines, forfeitures and penalties for breaches of rules and the withdrawal or refunding of contributions;
- (d) the granting of loans and the regulation of the terms and conditions of their grant;
- (e) the establishment and the regulation of schemes for the benefit of the employees and the establishment of any funds; and
- (f) the procedure for the transaction of business at general meetings of the Corporation and at meetings of the Committee of Management and for the management of the affairs of the Corporation and the accomplishment of its objects.

(2) Any rule made by the Corporation may be amended or rescinded in like manner as a rule may be made under sub-section (1).

(3) No rule or amendment or rescission of a rule shall have effect unless the same is confirmed by the Minister of Finance and notice of such confirmation is published in the *Gazette*.

(4) The rules of the Association in force at the time this Act comes into operation shall be deemed to be rules of the Corporation made under this section, and may accordingly be amended, rescinded or replaced by new rules so made.

9. Any property, movable or immovable, held by the Association before the coming into operation of this Act, or acquired by the Corporation after the coming into operation of this Act, and all subscriptions, contributions, donations, fines, loans and advances received or to be received shall be held by the Corporation for the purposes of this Act.

Property to be held by the Corporation.

10. All debts and liabilities of the Association existing at the time of the coming into operation of this Act shall be paid and discharged by the Corporation hereby constituted and all debts due to, and subscriptions, contributions, fines, and loans and advances payable to, the Association shall be paid to the Corporation.

Debts due by, and payable to the Corporation.

11. The Corporation shall have power to take and hold any property, movable or immovable, upon or by virtue of any instrument of purchase, grant, gift or lease or upon or by virtue of any testamentary disposition or otherwise, and all such property shall be held by the Corporation for the purposes of this Act with power to sell, mortgage, lease, exchange or otherwise dispose of, encumber or charge the same subject only to the provisions of section 12.

Corporation may hold property movable and immovable.

12. (1) It shall not be lawful for the Corporation to sell, exchange, or mortgage any land vested in it without the leave of the District Court of Colombo, which leave shall be applied for by the Committee of Management by petition addressed to the said court setting out the facts and reasons for which the Corporation desires to sell, exchange, or mortgage such land, and praying for an order of the said court.

Corporation may not sell, exchange or mortgage lands without leave of court.

(2) A copy of every such petition shall be served on the General Manager of Railways at least fourteen days before the hearing of the petition.

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(3) The General Manager of Railways may oppose the prayer of the petition, and if, after hearing him upon such opposition, the said court is of opinion that it is to the general advantage of the Corporation to grant the prayer of the petition, an order may be made to that effect.

Seal of
Corporation how
affixed.

13. The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of two members of the Committee of Management, authorized in that behalf by such Committee, 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. Any instrument sealed with the seal of the Corporation and signed by two members of the Committee of Management shall be deemed to be duly executed.

Investment
of funds.

14. The funds of the Corporation shall be placed in the name of the Corporation in one or more banks in Ceylon as may be determined by the Committee of Management and it shall be lawful for the Committee of Management from time to time to invest such part of the funds as is not immediately required for any purpose of the business of the Corporation or in connection with the management of the affairs of the Corporation and the achievement of its objects in such manner as the Committee of Management may determine,—

- (a) in fixed or savings deposits in one or more local banks, or in Ceylon Savings Certificates; or
- (b) in any bonds, debentures or other securities of the Government of Ceylon; or
- (c) in any other investment as may from time to time be approved by the Secretary to the Treasury.

Dissolution.

15. The Corporation shall not be dissolved except with the consent of at least four-fifths of the members on the roll. If the Corporation is dissolved, the funds of the Corporation shall, after payment of all claims, be divided among the members in proportion to the amount lying to the credit of each member in the books of the Corporation.

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16. Nothing in this Act contained shall prejudice or affect the rights of Her Majesty the Queen, Her Heirs and Successors or of any body politic or corporate or any other persons, except such as are mentioned in this Act and those claiming by, from or under them.

Saving of the
rights of the
Crown and
others.