PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

CANCER CARE TRUST (INCORPORATION)

A

BILL

to incorporate the Cancer Care Trust

Presented by Hon. Edward Gunasekara, M.P. for Gampaha District on May 03, 2017

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AN ACT TO INCORPORATE THE CANCER CARE TRUST

WHEREAS an Association called and known as the "Cancer Care Trust" has heretofore been established for the purpose of effectually carrying out and transacting all matters connected with the said association according to the rules agreed to by its members: Preamble.

AND WHEREAS the said Trust has heretofore successfully carried out and transacted the several objects and matters for which it was established and has applied to be incorporated and it will be for the public advantage to grant the application:

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

Short title.

1. This Act may be cited as the Cancer Care Trust (Incorporation) Act, No. of 2017.

Incorporation of the Cancer Care Trust.

2. (1) From and after the date of commencement of this Act such and so many persons as now are members of the Cancer Care Trust (hereinafter referred to as the "Trust") or shall hereafter be admitted as members of the Corporation hereby constituted shall be a body corporate (hereinafter referred to as the "Corporation") with perpetual succession under the name and style of the "Cancer Care Trust" and by that name may sue and be sued in all courts, with full power and authority to have and to use a common seal and to alter the same at its pleasure.

(2) The Corporation shall be deemed to be a Voluntary Social Service Organization within the meaning and for the purpose of the Voluntary Social Service Organizations

(Registration and Supervision) Act, No. 31 of 1980 and the provisions of that Act shall apply to and in relation to the management of the affairs of the Corporation.

The general objects of the Corporation.

3. The general objects for which the Corporation is constituted are hereby declared to be—

(*a*) prevention of cancer - to do any activities in connection with the prevention of cancer in Sri Lanka;

(*b*) early detection of cancer - implementing effective early detection of major types of cancer (*i.e.* breast, oral and cervical cancer) that are amenable to early diagnosis and screening;

(*c*) diagnosis and treatment of cancer - implementing effective cancer diagnosis and treatment particularly limited to early detection programmes or curable cancers;

(*d*) palliative cancer care - implementing effective palliative care for cancer, with a particular focus on community based and hospice care;

(*e*) establishing resource centers for the education and training for professionals, families and caregivers and other support agencies involved in providing prevention, early detection, diagnosis and treatment and palliative care services for cancer sufferers, both locally and internationally;

(*f*) to assist in improving the mental, social and in general the quality of life of cancer sufferers;

(*g*) to educate general public regarding prevention, early detection, diagnosis, treatment, and palliative care services for cancer sufferers, both locally and internationaly;

(*h*) to help poor, helpless, orphaned, widowed persons and youths and especially the children who suffer from cancer conforming to the goals and objectives of the Trust; and

(*i*) to represent, liaise, cooperate and coordinate with the Government or any organization in furtherance of the scope identified above.

Corporation to ensure no conflict with work of Ministry or Department of the Government or Province.

4. The objects of the Corporation shall be carried out in such manner so as not to create any conflict between the work of the Corporation and any work being carried out simultaneously by any Ministry or a Department of the Government or of any Provincial Council.

Management of the affairs of the Corporation.

5. (1) The administration and management of the affairs of the Corporation shall, subject to the rules of the Corporation, made under section 6 be vested in a Board of Directors (hereinafter referred to as the "Board") consisting of the Chairman and not more than seven (7) members appointed in accordance with such rules.

(2) Notwithstanding anything to the contrary in subsection (1) of this section, the Chairman of the Trust shall be the first Chairman of the Corporation who shall hold office for life unless earlier resigns from his office.

(3) The first Board of Directors of the Corporation shall be the Board of Trustees of the Trust holding office on the day immediately preceding the date of commencement of this Act.

Powers of the Corporation.

6. Subject to the provisions of this Act and any other written law, the Corporation shall have the power to do, perform and execute all such acts, matters and things whatsoever, as are necessary or desirable for the promotion or furtherance of the objects of the Corporation or anyone of them including the power to—

(*a*) acquire, hold, take or give on lease or hire, mortgage, pledge, sell, exchange or otherwise alienate, encumber or dispose of any immovable property for the purposes of the Corporation;

(*b*) enter into and perform or carry out, whether directly or through any officer or agent authorized in that behalf by the Corporation, all such contracts or agreements as may be necessary for the attainment of the objects or the exercise of the powers of the Corporation;

(*c*) accept gifts, donations and bequests in cash or in kind;

(*d*) invest its funds, and to maintain current, deposit and savings accounts in any bank;

(*e*) borrow or invest money for the purpose of the Corporation in such manner and upon such security as the Corporation may think fit; and

(*f*) to do all such other acts and things as are incidental or conducive to the carrying out of the objects of the Corporation.

Rules of the Corporation.

7. (1) It shall be lawful for the Corporation from time to time at a general meeting and by a majority of not less than two thirds of the members present and voting to make rules, not inconsistent with the provisions of this Act or any other written law, for all or any of the following matters:—

(*a*) the election, appointment or nomination, removal or resignation of the members of the Board and their powers and duties and the terms of office;

(*b*) the procedure to be observed at summoning and holding of meetings of the Board, the times, places, notices and agendas of such meetings, the quorum therefore and the conduct of business thereat;

(*c*) the powers, duties and functions of the various officers, agents and servants of the Corporation;

(*d*) the administration and management of the property of the Corporation, the custody of its funds and maintenance and audit of the accounts; and

(*e*) generally the management of the affairs of the Corporation and the attainment of its objects.

(2) Any rule made by the Corporation may be amended, altered, added to or rescinded at a like meeting and in like manner as a rule may be made under subsection (1).

(3) All members of the Corporation shall be subject to the rules of the Corporation made under this section.

Register of members of the Board of Trustees.

8. The Board shall maintain a register of members of the Board of Trustees, in which names, addresses and other essential details of the members shall be inscribed.

Fund of the Corporation.

9. (1) The Corporation shall have its own fund.

(2) All moneys heretofore or hereafter received by way of gifts, bequests, donations, subscriptions, fees or grants for and on account of the Corporation shall be deposited to the credit of the Corporation in one or more banks as the Board of Directors shall determine.

(3) There shall be paid out of the fund, any expenditure incurred by the Corporation in the exercise, performance and discharge of its powers, duties and functions under this Act.

Accounts and Audit.

10. (1) The financial year of the Corporation shall be the calendar year.

(2) The Corporation shall cause proper accounts to be kept of its income and expenditure, assets and liabilities and all other transactions of the Corporation.

(3) The accounts of the Corporation shall be audited by the Auditor General or a qualified auditor appointed by the Auditor General in terms of Article 154 of the Constitution.

(4) For the purpose of this section "qualified auditor" means—

(*a*) an individual who, being a member of the Institute of Chartered Accountants of Sri Lanka, or of any other institute established by law, possesses a certificate to practice as an Accountant, issued by the Council of such Institute; or

(*b*) a firm of Accountants, each of the resident partners of which,being a member of the Institute of Chartered Accountants of Sri Lanka or of any other institute established by law, possesses a certificate to practice as an Accountant, issued by the Council of such Institute.

Annual Report.

11. (1) The Board shall prepare a report of the activities of the Corporation for each financial year and submit such report together with the audited statement of accounts to the Secretary of the Ministry of the Minister assigned the subject of Health and to the Registrar of Voluntary Social Services Organizations appointed under the Voluntary Social Services Organizations (Registration and Supervision) Act, No. 31 of 1980 before the expiration of six months of the year succeeding the year to which such report relates.

(2) A separate Account relating to the foreign and local moneys received by the Corporation during the financial year shall be attached to the report referred to in subsection (1).

Seal of the Corporation.

12. (1) The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of the Chairman and such other number of members of the Board as may be provided for in the rules of the Corporation who shall sign their names to the instrument in token of their presence and such signing shall be independent of the signing of any person as a witness.

(2) The seal of the Corporation shall be in the custody of an office bearer of the Board as may be decided by such Board.

Debts due by and payable to the Corporation.

13. All debts and liabilities of the Trust existing on the day immediately preceding the date of commencement of this Act shall be paid and discharged by the Corporation hereby constituted and all debts due to and subscriptions and contributions payable to the Trust on that day shall be paid to the Corporation for the purposes of this Act.

Corporation may hold property movable and immoveble.

14. Subject to the provisions of this Act, the Corporation shall be able and capable in law to take and hold any property, movable or immovable, which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition or otherwise, and all such property shall be held by the Corporation for the purpose of this Act and subject to the rules of the Corporation made under section 7, with power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Application of moneys and property.

15. The moneys and property of the Corporation however derived shall be applied solely towards the promotion of the objects of the Corporation and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or profit to the members of the Corporation.

Property remaining on dissolution.

16. (1) If upon the dissolution of the Corporation there remains after the satisfaction of all its debts and liabilities any property whatsoever, such property shall not be distributed among the members of the Corporation, but shall be given or transferred to any other institution having objects similar to those of the Corporation, and which, is by the rules thereof, prohibited from distributing any income or property among its members.

(2) For the purposes of subsection (1) the appropriate institution shall be determined by the members of the Corporation immediately before the dissolution at a general meeting by the majority of votes of the members present.

Saving of the rights of the Republic.

17. Nothing in this Act contained shall prejudice or affect the rights of the Republic or any body politic or Corporate or of any other persons.

Sinhala text to prevail in case of inconsistency.

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

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