



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

**SRI JAYEWARDENEPURA
GENERAL HOSPITAL BOARD
ACT, No. 54 OF 1983**

[Certified on 29th December, 1983]

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Sri Jayewardenepura General Hospital Board
Act, No. 54 of 1983

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L. D.—O. 3/82.

AN ACT TO ESTABLISH A BOARD CALLED THE SRI JAYEWARDENEPURA GENERAL HOSPITAL BOARD, TO VEST IN THAT BOARD THE MANAGEMENT AND ADMINISTRATION OF THE SRI JAYEWARDENEPURA GENERAL HOSPITAL, AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

1. This Act may be cited as the Sri Jayewardenepura General Hospital Board Act, No. 54 of 1983. Short title.

2. (1) There shall be established a Board, which shall be called "The Sri Jayewardenepura General Hospital Board" (hereinafter referred to as the "Board") for the purpose of managing and administering the affairs of the Sri Jayewardenepura General Hospital (hereinafter referred to as the "Hospital"). Establishment of the Sri Jayewardenepura General Hospital Board.

(2) The Board shall, by the name assigned to it by subsection (1), be a body corporate and have perpetual succession and a common seal and may sue and be sued in such name.

3. (1) The Board shall consist of the following members :— Constitution of the Board.

(a) eight members appointed by the Minister (hereinafter referred to as the "appointed members"), namely—

(i) the Chairman of the Board ;

(ii) a representative of the Ministry of the Minister, nominated by the Minister ;

(iii) a representative of the Ministry of the Minister in charge of the subject of Finance nominated by that Minister ;

(iv) three persons elected by the Consultancy Staff of the Hospital from among its own members ;

(v) two persons selected from among persons who have rendered distinguished service in their profession ; and

(b) three *ex officio* members, namely—

- (i) the Director of Health Services ;
- (ii) the Director of the Post Graduate Institute of Medicine ; and
- (iii) the Director of the Hospital.

(2) (i) Every *ex officio* member shall hold office as a member of the Board, so long as he holds office by virtue of which he was appointed a member of that Board.

(ii) The Chairman and every appointed member shall hold office for a period of three years from the date of his appointment, and shall be eligible for reappointment at the end of the term of his office.

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

(4) If the Chairman or any appointed 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 as such other member.

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

(6) Any appointed member may be removed from office by the Minister without assigning any reason therefor and such removal shall not be called in question in any court.

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

(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.

Remuneration
of the
members
of the
Board.

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

5. (1) The 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 five.

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

(4) The Board may act notwithstanding a vacancy among its members.

6. The seal of the Board—

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.

7. (1) The Board shall have the power to do all things as are necessary for, or conducive or incidental to, the management and administration of the affairs of the Hospital.

Powers,
duties and
functions
of the
Board.

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

(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 movable or immovable property other than the Hospital ;

(c) subject to the provisions of this Act, to appoint, employ, remunerate officers and servants of the Board and to make rules regarding the appointment, promotion, remuneration and disciplinary control of its employees and the grant of leave and other benefits to them ;

- (d) to administer the Fund of the Board established under section 10 ;
- (e) to open, operate and close bank accounts and borrow or raise money, with or without security ; and
- (f) to do all other acts and things as are incidental or conducive to the achievement of the objects of the Board.

Committee
of
Management.

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

(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 Director of the Hospital ;
- (ii) three persons from among the Consultancy Staff, provided that not more than one person is from the same speciality ;
- (iii) the Chief Matron of the Hospital ;
- (iv) the Hospital Secretary of the Hospital or Chief Administrative Officer of the Hospital ; and
- (v) the Chief Accountant of the Hospital.

(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.

9. 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 such directions.

10. (1) The Board shall have and maintain its own Fund. The Fund
of the
Board.
(2) There shall be paid into the Fund of the Board—

- (a) any gifts or donations of money ;
- (b) any grant received from the Government ;
- (c) income from endowments ; and
- (d) all other moneys belonging to the Board from whatever sources derived.

(3) There shall be paid out of the Fund of the Board all sums of money required to defray any expenditure incurred by the Board in the exercise, performance and discharge of its powers, duties and functions.

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

11. The Minister may 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 :— Regula-
tions.

(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 needs of the Hospital in respect of personnel and for the admission or denial of admission to the Hospital of patients suffering from any specified disease ;
- (ii) the establishment and maintenance of high academic standards in the training of medical personnel ;
- (iii) the provision of courses and the establishment of research projects 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 ;
- (iv) 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, living quarters provided for employees of the Hospital and service areas and the regulation of the conduct of persons who enter therein.

For the purposes of this section, "property of the Hospital" includes property of the Hospital used by employees and the property of the Hospital leased or rented out to Governmental and private organizations.

Financial
year
and audit
of accounts of
the Board

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

(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.

Offences.

13. Any person who, within the premises of the Hospital—

- (a) 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 wilfully spoils any part of, the property 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 windows 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 ; or
- (f) damages or destroys any plant or takes, collects or removes any plant therefrom,

shall be guilty of an offence and shall, on conviction by a Magistrate, be liable to a fine not exceeding five hundred rupees.

For the purpose of this section, "premises of the Hospital" include living quarters provided for employees of the Hospital and the service areas.

14. (1) At the request of the Board, any public officer may, with the consent of that officer and of the Secretary to the Ministry in which that officer is employed or attached, 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 and
members
of the
Local
Government
Service to
the Board.

(2) Where any public officer is temporarily appointed to the staff of the Board, the provisions of subsection (2) of section 13 of the Transport Board Law, No. 19 of 1978, 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 13 of the Transport Board Law, No. 19 of 1978, 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.

(5) 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 authority, as the case may be, 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 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 that authority.

15. (1) No suit 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.

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

(2) Any expense incurred by the Board in any suit 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 suit 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 suit or prosecution.

No writ to
issue against
person or
property
of a member
of the
Board.

16. No writ against person or property shall be issued against any member of the Board or any officer or servant of the Board in any action brought against the Board.

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

17. 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.

18. 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.

Inter-
pretation.

19. In this Act, unless the context otherwise requires—
“local authority” means—

- (a) any Development Council established under the Development Councils Act, No. 35 of 1980, or any other authority, body or institution created and established by or under any law, vested with the exercise, performance and discharge of the powers, duties and functions of any Municipal Council, Urban Council, Town Council and Village Council under the Municipal Councils Ordinance, Urban Councils Ordinance, Town Councils Ordinance and Village Councils Ordinance respectively, or under any other law ;

(b) any Municipal Council, Urban Council, Town Council or Village Council and includes any authority created and established by or under any law to exercise, perform and discharge powers, duties and functions corresponding to or similar to the powers, duties and functions exercised, performed and discharged by such Council ;

“Post Graduate Institute of Medicine” means the Post Graduate Institute of Medicine established under the Universities Act, No. 16 of 1978 ;

“service areas” mean property of the Hospital leased or rented out to Governmental or private organizations for the purpose of providing facilities to patients of, and visitors to, the Hospital.

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