

CHAPTER 469

ARTS COUNCIL OF CEYLON

Act
No. 18 of 1952.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND REGULATION OF THE ARTS COUNCIL OF CEYLON.

[24th March, 1952.]

Short title.

1. This Act may be cited as the Arts Council of Ceylon Act.

thousand rupees for the purpose of defraying the preliminary expenses of the council under this Act and of providing the working capital of the council.

ESTABLISHMENT AND POWERS OF THE COUNCIL AND CAPITAL

Establishment and general objects of the council.

2. (1) An institution to be called the Arts Council of Ceylon (hereinafter referred to as " the council ") is hereby established.

5. The council shall have power to acquire in any manner whatsoever any property movable or immovable, and to hold and enjoy the property so acquired.

Power to acquire and hold property.

(2) The general objects for which the council is constituted are hereby declared to be—

6. All property movable and immovable acquired or held by the council and all moneys paid to or received by the council under this Act shall be used and applied by the council in furtherance of its objects ; and the council shall have power, from time to time, to sell, grant, convey, devise, assign, exchange or otherwise dispose of or mortgage any such property, and to invest its funds in such manner as may be necessary and expedient for the furtherance of its objects.

Application of property moneys, &c.

(a) to develop a greater knowledge, understanding and practice of the fine arts;

(b) to increase the accessibility of works of art to the public in Sri Lanka;

(c) to improve the standards of execution in the fine arts ;

(d) to preserve, promote and encourage the development of such arts and crafts as are indigenous to Sri Lanka; and

(e) to advise, and co-operate with, Government departments, local authorities and other bodies on any matter concerned directly or indirectly with the aforesaid objects,

THE COUNCIL

Council to be a body corporate.

3. The council shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its name.

7. The council shall consist of the following members:—

Constitution of the council.

(a) five persons, two of whom shall respectively be designated president and vice-president of the council, appointed as such by the Minister in consultation with the Minister in charge of the subject of Education; and

(b) every person for the time being holding office as chairman of any panel constituted in accordance with the provisions of section 12, if such person is not already a member of the council.

Contribution to the council by Government.

4. As soon as convenient after the date on which this Act comes into operation, the Government shall make an initial contribution of two hundred and fifty

Term of office of members.

8. (1) Every member of the council appointed under paragraph (a) of section 7 shall unless he earlier vacates office by death or as hereinafter provided hold office for a period of three years.

(2) Any such member who vacates office by effluxion of time shall be eligible for reappointment.

Vacation of office.

9. A member of the council shall vacate office as such—

- (a) if his membership is terminated by order made by the Minister in consultation with the Minister in charge of the subject of Education; or
- (b) if he accepts or holds the office of auditor of the council; or
- (c) if he is adjudged by a competent court to be of unsound mind ; or
- (d) if he is adjudged by a competent court to be an insolvent or bankrupt or if he compounds with his creditors; or
- (e) if he has directly or indirectly interest in any contract with the council; or
- (f) if he resigns office by writing under his hand addressed to the Minister.

Meetings of the council,

10. (1) A meeting of the council shall be held once at least in every three months.

(2) The president, or in his absence the vice-president, of the council, shall preside at every meeting of the council, and may, with the consent of the majority of the members present at any such meeting, whether or not there is a quorum, adjourn such meeting from time to time and from place to place.

(3) The president of the council may of his own motion cause a meeting of the council to be summoned at any time, and shall do so upon a request in writing made in that behalf by the executive committee or of any five or more members of the council.

(4) Any question arising at any meeting of the council shall be decided by a majority of the members present, and in the case of an equality of votes, the president or in his absence, the vice-president of the council shall have a second or casting vote.

(5) Except as otherwise provided in this section, no business shall be transacted at any meeting of the council unless there be present in person at least seven members of the council.

(6) Subject to the preceding provisions of this section, the council may make rules relating to the procedure to be followed at its meetings and to the conduct of its functions and activities.

EXECUTIVE COMMITTEE OF THE COUNCIL

11. (1) The council shall appoint from amongst its members an executive committee consisting of the president, vice-president and not more than three other members.

The executive committee of the council.

(2) A member of the executive committee shall vacate his office as such—

- (a) if his membership is terminated by order of the council; or
- (b) if for any other reason he ceases to be a member thereof.

(3) The executive committee shall exercise all the powers of the council except such as the council may specifically reserve to itself.

(4) A meeting of the executive committee shall be held at least once in every month and any such meeting may with the consent of the members present, whether there is a quorum or not, be adjourned from time to time and from place to place.

(5) The executive committee shall be presided over by the president, or in his absence the vice-president of the council, or if neither the president nor the vice-president is present, by some other member chosen to preside by the other members present at the meeting.

(6) Except as otherwise provided in this section no business shall be transacted at any meeting of the executive committee unless there be present in person at least three members.

(7) Where the president at any meeting of the executive committee is of the opinion that any matter before such committee—

- (a) is of exceptional novelty or importance or is likely to lead to considerable expense, or
- (b) gives rise, or is likely to give rise, to a serious difference of opinion among the members of such committee, or
- (c) gives rise, or is likely to give rise, to criticism or opposition on the part of a responsible section of public opinion,

he shall refer such matter to the council with a view to obtaining further instructions thereon.

(8) Subject to the provisions of this section, rules may be made by the council relating to the procedure to be followed at meetings of the executive committee.

APPOINTMENT OF PANELS

Appointment of panels.

12. (1) The five members of the council appointed under paragraph (a) of section 7 may appoint panels, each consisting of such persons as the council may think fit, for the purpose of advising and assisting the council on the general advancement of each of the following activities;—

- (a) Dancing—Oriental and Western;
- (b) Kandyan Dancing;
- (c) Painting and Sculpture;
- (d) Oriental Music;
- (e) Western Music;
- (f) Sinhala Drama;
- (g) Tamil Drama;
- (h) Western Drama;
- (i) Handicrafts;
- (j) any such other activity in respect of which a panel is considered necessary.

(2) A member of the council appointed under paragraph (a) of section 7 shall be eligible for appointment to any panel constituted under this section.

(3) The members of the council appointed under paragraph (a) of section 7 shall appoint a member of each panel constituted under this section as chairman of that panel.

(4) The council shall have the power to revoke the appointment of any panel appointed under the preceding subsections or of any member thereof.

STAFF OF THE COUNCIL

13. (1) The council may, subject to the approval of the Minister and the Minister in charge of the subject of Education, appoint a general secretary who shall be the chief executive officer of the council.

Appointment of officers and servants.

(2) The council may appoint such other officers and such servants as the council considers necessary for carrying out its objects.

(3) The remuneration and conditions of service of the officers and servants of the council shall be such as may be determined by the council with the approval of the Minister.

FINANCE, ACCOUNTS, MINUTES

14. The sum paid to the council under section 4 and all the money received by the council by way of income, grant, gift or otherwise shall be credited to the funds of the council, and there shall be paid out of such funds all expenses incurred by the council in carrying out its objects and all expenses incurred by the council under the authority of this Act.

Funds of the council.

15. (1) The council shall cause its accounts for each financial year to be kept in such form and manner as may be approved by the Minister.

Accounts of the council.

(2) The council shall cause its accounts to be audited each year in such manner as may be approved by the Minister.

(3) The financial year of the council shall be the year commencing on the first day of January.

Minutes of the council, &c,

16. The council and its executive committee shall cause minutes to be made in books provided for the purpose of the following matters, namely :—

- (a) of all appointments of officers or servants made by the council or the executive committee,
- (b) of the names of members and other persons present at every meeting of the council or the executive committee, and
- (c) of the proceedings and resolutions of every meeting of the council or the executive committee.

Books to be kept at the head office.

17. The books of accounts and minutes of the council and its executive committee shall be kept at the head office of the council or at such other place as the council may determine.

Annual report.

18. (1) As soon as may be after the end of each financial year the council shall prepare a report giving a true and faithful account of its activities, and of its income and expenditure, during that year.

(2) The president of the council shall transmit to the Minister a copy of the report prepared under subsection (1) in respect of each financial year, not later than the thirty-first day of March in the next succeeding year.

GENERAL PROVISIONS

Acts of the council, executive committee, or panels valid notwithstanding subsequent discovery of vacancy, disqualification, &c.

19. All acts done at any meeting of the council or its executive committee or any panel appointed by the council, shall, notwithstanding that it shall afterwards be discovered that there was any vacancy in the membership thereof or that there was some defect in the appointment of any member thereof or that any such member was disqualified or that there was a failure to

give notice of such meeting to any member thereof, be as valid as if there had been no such vacancy or as if such member had been duly appointed or duly qualified or as if there had been no such failure to give notice.

28. (1) Any instrument which is by law required to be made under seal, shall be made under the seal of the council. Seal of the council

(2) The seal of the council shall not be affixed to any instrument whatsoever referred to in subsection (1) except in the presence of one member of the council and the general secretary or such other person as may be authorized by the council for the purpose, each of whom shall sign his name to the instrument in token of his presence and such signing shall be independent of the signing of any person as a witness.

21. All instruments which are not required to be under seal shall be signed by such person or persons as may be authorized by rules made by the council in that behalf. Instruments not requiring seal of council.

22. (1) Subject to such special directions as may be given in that behalf by the Minister, the council may pay to any of its members or to any member of the executive committee or any panel constituted under section 12 any expenses actually incurred by such member for the purpose of the performance of his duties as a member. Remuneration. &c. of members.

(2) Save as provided in subsection (1), no member of the council or the executive committee or any panel constituted under section 12 shall be entitled to any remuneration or allowance for work done by him as a member.

23. No rule made by the council under the provisions of this Act shall be of any force or effect unless it has been approved by the Minister and published in the Gazette. Rules of the council-

Arts Council Of Ceylon (Amendment)

AN ACT TO AMEND THE ARTS COUNCIL OF CEYLON ACT

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

[25th November , 1987]

- Short title. **1.** This Act may be cited as the Arts Council of Ceylon (Amendment) Act, No. 44 of 1987.
- Amendment of section 7 of Chapter 278. **2.** Section 7 of the Arts Council of Ceylon Act (herein after referred to as the " principal enactment ") is hereby amended by the substitution, in paragraph (a) of that section, for the words" by the Minister in consultation with the Minister of Education; and", of the words" by the Minister; and".
- Amendment of section 9 of the principal enactment. **3.** Section 9 of the principal enactment is hereby amended by the substitution, in paragraph (a) of that section, for the words" by the Minister in consultation with the Minister of Education; or", of the words" by the Minister; or".
- Amendment of section 10 of the principal enactment. **4.** Section 10 of the principal enactment is hereby amended by the insertion immediately after subsection (5) of that section, of the following new subsection:
"(5A) Where any members of the Council referred to in paragraph (b) of section 7 of this Act is unable to attend any meeting of the council, he
(a) may nominate a member of the panel of which he is the Chairman to attend and ,act in his place at such meeting; and
(b) shall communicate such nomination in writing to the president of the Council.".
- Amendment of section 13 of the principal enactment. **5.** Section 13 of the principal enactment is hereby amendment in subsection (1) of that section, by the substitution, for the words" the Minister 'and the Minister of Education", of the words" the Minister".
- Replacement of section 14 of the principal enactment. **6.** Section 14 of the principal enactment is hereby repealed and the following section substituted therefor:
" Fund of 14. the Council.
(1) The Council shall have its own Fund.
(2) There shall be paid into the Fund of the Council
(a) all such sums of money as may be voted from time to time by Parliament byway of grant or loan for , the use of the Council ;
(b) all sums of money received by the Council in the exercise of its powers;
(c) all sums of money received by way of gifts from local and foreign sources.
(3) There shall be paid out of the Fund of the Council all such sums of money as are required to defray any expenditure incurred by the Council in the exercise of its powers.".
- Replacement of section 15 of the principal enactment. **7.** Section 15 of the principal enactment is hereby repealed and the following section is hereby substituted therefor:
" Financial 15. year and
(1) The financial year of the Council ,shall be the

audit of,
accounts of
the Council.

calendar year.

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

(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 accounts of the Council.