



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRILANKA**

**ASSOCIATION OF CONSULTING ENGINEERS,
SRI LANKA (INCORPORATION)
ACT, No. 42 OF 2003**

[Certified on 15th December, 2003]

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(Incorporation) Act, No. 42 of 2003*

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L. D.—O.49/2002.

AN ACT TO INCORPORATE THE ASSOCIATION OF CONSULTING
ENGINEERS, SRI LANKA

WHEREAS an Association called and known as the “Association of Consulting Engineers, Sri Lanka,” has heretofore been established for the general advancement of the profession of Consulting Engineering and for the purpose of effectually carrying out its objects according to the Articles agreed to by its members :

Preamble.

AND WHEREAS the said Association 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 :—

1. This Act may be cited as the Association of Consulting Engineers, Sri Lanka (Incorporation) Act, No. 42 of 2003.

Short Title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Association of Consulting Engineers, (hereinafter referred to as “the Association”) or shall hereafter be admitted as members of the Corporation hereby constituted, shall be and become a body corporate (hereinafter referred to as “the Corporation”) with perpetual succession under the name and style of the “Association of Consulting Engineers, Sri Lanka”, 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 alter the same at its pleasure.

Incorporation of the Association of Consulting Engineers, Sri Lanka.

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

General Objects of the Corporation.

(a) to foster and promote the Profession of Consulting Engineering ;

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- (b) to promote and safeguard the professional interests, rights, powers and privileges of consulting engineers ;
- (c) to offer the Government, its subsidiaries and a forum to discuss and ascertain the views of consulting engineers on matters directly or indirectly affecting engineering ;
- (d) to facilitate joint ventures among members for the purposes of providing consultancy services for infrastructure development and other engineering projects in Sri Lanka and to secure financial assistance from donors for such projects ;
- (e) to discuss with associations representing manufacturers, contractors and other persons engaged in engineering works on matters of common interest ;
- (f) to introduce general standards of professional conduct and practice for Consulting Engineers and ensure the maintenance of such standards in their professional activities ;
- (g) to determine scales of fees and conditions of engagement for consulting engineers, within Sri Lanka ;
- (h) to enter into agreements with the Government and its subsidiaries with a view to promoting all or any of the objects of the Corporation and promoting such rights, privileges and concessions as are appropriate for a professional association ;
- (i) to liaise with associations of consulting engineers in other countries and affiliate with international consulting engineering organisations; and

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- (j) to take any other measures that may be necessary for the attainment of all or any of the objects of the corporation.

4. Subject to the provisions of this Act and any other written law, the Corporation shall have the power to— Powers of the Corporation.

- (a) raise funds and receive grants, gifts or donations, in cash or kind and solicit subscriptions ;
- (b) acquire, in any manner whatsoever and hold, take or give on lease or hire, sell or otherwise dispose of, any movable or immovable property and construct, maintain and alter any buildings or works necessary or convenient for the business of the Corporation ;
- (c) open, operate and close bank accounts and borrow or raise money with or without security ;
- (d) invest any funds not immediately required for the purposes of the Corporation in such manner as the Governing Council duly elected under section 5 may deem fit ;
- (e) to enter into agreements or contracts with any person or body of persons ;
- (f) levy fees for services provided by the Corporation;
- (g) levy such fee as may be determined by the corporation for the re-admission of a person as member of the Corporation ;
- (h) appoint, employ, dismiss or terminate the services of officers and servants of the Corporation and to pay them such salaries allowances and gratuities as may be determined by the Corporation ;
- (i) perform and execute all other acts and things as are necessary or expedient for the attainment of the objects of the Corporation.

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Management of
the affairs of the
Corporation.

5. (1) The management, control and administration of the Corporation shall, subject to the provisions of this Act and the rules in force for the time being of the Corporation, vest in a Governing Council (hereinafter referred to as "the Council") consisting of the office bearers and such other persons as may be provided for in such rules and elected in accordance therewith.

(2) The first Council of the Corporation shall consist of the members of the Council of the Association holding office on the day preceding the date of commencement of this Act.

Register of
Members.

6. The Council shall maintain a register of members in which every person who on the day preceding the date of commencement of this Act is a member of the Association and every person duly admitted a member of the Corporation shall have his name inscribed.

Rules of the
Corporation.

7. (1) It shall be lawful for the Corporation, from time to time, at any general meeting and by the votes 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) classification of membership, fees payable by each class of members and admission, withdrawal, expulsion or resignation of members ;
- (b) election of the Council, resignation or removal from, or vacation of, office as office bearers and powers, duties and conduct of the Council ;
- (c) powers, duties and functions of the various officers, agents and servants of the Corporation and their appointment, dismissal and termination ;
- (d) procedure relating to the summoning and holding of meetings of the Council, and the Corporation and any sub-committee thereof, including the quorum therefor and the conduct of business thereat ;

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- (e) qualification and disqualification for membership in the Corporation and in the Council ;
- (f) administration and management of the property of the Corporation ; and
- (g) generally for the management of the affairs of the Corporation and the attainment of its objects.

(2) The Articles of the Association in force on the day preceding the date of commencement of this Act shall, in so far as they are not inconsistent with the provisions of the Act or any other written law, be deemed to be the rules of the Corporation and may be amended, altered, added to or rescinded at a like meeting and in like manner as a rule made under this section.

(3) The members of the Corporation shall be subject to the rules in force for the time being, of the Corporation.

8. All property, movable and immovable, acquired or held by the Corporation and all moneys paid to or received by the Corporation under this Act or the rules shall be held, used and applied by the Corporation in accordance with the rules for the furtherance of its objects.

Property of the Corporation.

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

Accounts and Audit.

(2) The accounts of the Corporation shall be examined and audited at least once in every year.

10. All debts and liabilities of the Association existing on the day preceding the date of commencement of this Act, shall be paid or discharged by the Corporation, and all debts due to, and subscriptions and fees payable to, the Association on that day shall be paid to the Corporation for the purposes of this Act.

Debts due by and payable to the Association.

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Appointment of
Committees.

11. The Corporation shall have the power to appoint any committee and to take such other steps as may be found necessary, from time to time, for the maintenance of professional standards and discipline among its members.

Seal of the
Corporation.

12. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the Secretary or a member of the Council as may be duly authorised by the Council and another member of the Council 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.

Limitation of
liability of
members.

13. No member of the Corporation shall, for the purpose of discharging the debts and liabilities of the Corporation, or for any other purpose, be liable to make any contribution exceeding the amount of annual subscription payable by him to the Corporation.

Saving of the
rights of the
Republic and
others.

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

Sinhala text to
prevail in case of
inconsistency.

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

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, No. 32, TRANSWORKS HOUSE, LOTUS ROAD, COLOMBO 01 before 15th December each year in respect of the year following.