



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

**THE SERETSE KHAMA FOUNDATION TRUST
(INCORPORATION)**

A

BILL

to incorporate the Seretse Khama Foundation Trust

*Presented by Hon. Buddhika Pathirana, M.P. for Matara District
on 05th June, 2013*

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*The Seretse Khama Foundation Trust
(Incorporation)*

AN ACT TO INCORPORATE THE SERETSE KHAMA FOUNDATION TRUST

WHEREAS a trust called and known as the “The Seretse Khama Foundation Trust” has heretofore been created in Sri Lanka for the purpose of effectually carrying out and transacting all objects and matters connected with the said Foundation Trust: Preamble.

AND WHEREAS the Board of Trustees of the said Foundation Trust has heretofore successfully carried out and transacted the several objects and matters for which the said Foundation Trust was created on 20th January 2006, 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 Seretse Khama Foundation Trust (Incorporation) Act, No. of 2013. Short title.

2. From and after the date of commencement of this Act, such and so many persons as presently are members of the “The Seretse Khama Foundation Trust” (hereinafter referred to as the “Foundation Trust”) and whose names are set out in the schedule of this Act 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 Seretse Khama Foundation 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 alter the same at its pleasure. Incorporation of the Seretse Khama Foundation.

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

(a) to perpetuate the memory of Sir Seretse Khama, the first President of Botswana and spread his message of peace and unity in Sri Lanka;

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- (b) to develop bilateral relations between Botswana and Sri Lanka by promoting cultural, social and economic exchanges between the two countries;
- 5 (c) to engage in activities for poor relief and the eradication of poverty;
- (d) to provide financial assistance and to award scholarships and bursaries to the deserving students to the University of Botswana and the University of Colombo;
- 10 (e) to provide assistance and relief during the natural disasters;
- (f) to work toward the elimination of all forms of discrimination amongst the people and uphold the Rule of Law;
- 15 (g) to support women and children for the upliftment of their lives;
- (h) to establish and maintain youth hostels, medical centres and hospices;
- 20 (i) to establish internet international communications and radio stations for dissemination of knowledge;
- (j) to assist the government in its efforts to improve the living conditions for the people;
- (k) to engage in disaster relief and reconstruction;
- 25 (l) to establish medical aid and legal aid schemes for the welfare of people; and
- (m) to do all such other things as may be necessary or conducive to the accomplishment of the objects of the Corporation.

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4. (1) The Board of Trustees shall consist of minimum of three and a maximum of seven Trustees, five of whom are appointed in accordance with the rules of the Corporation and others are appointed by the Board of Trustees as and when it is deemed necessary,

Constitution
of the
Foundation
Trust.

(2) Mr. Chulapathmendra Dahanayake shall be the lifetime Trustee shall be the Chairman of the Board of Trustees of the Foundation Trustees for a period of five years from the date of commencement of this Act.

(3) The other Trustees shall hold office for a period of five years from the date of commencement of this Act.

(4) Any trustee who may be appointed by the Board of Trustees of the Foundation Trust shall hold office for a period of five years or less as determined at the discretion of the Board of Trustees.

(5) In the event of the death of Chulapathmendra Dahanayake the other Trustees shall have the right to elect a person amongst themselves as Chairman or to appoint a new trustee in terms of the provision herein contained.

(6) If any Trustees shall retire from office or shall become unfit to act or incapable of acting or refuse to act or resign as Trustees or any Trustee shall happen to die, a successor Trustee shall forthwith be appointed by the continuing and / or surviving Trustees provided that any such Successor Trustee shall be appointed with the consent of the settlor during the life.

(7) A Trustee may be removed from office only pursuant to a decision made by a 2/3 majority of the trustees and with the approval of the settlor.

5. (1) Subject to the provisions of this Act and any other written law the Corporation shall have the power to do all such acts and things as are necessary for or conducive or incidental to the carrying out of the objects of the Foundation Trust.

General
Powers of
the
Corporation.

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(2) Without prejudice to the generality of the powers conferred by subsection (1), the Corporation shall have the following powers:—

- 5 (a) to acquire in any manner whatsoever and hold any property movable or immovable which may become vested in it by any purchase, grant, gift, devise or otherwise;
- 10 (b) to sell, mortgage, lease, convey, devise, assign, exchange or otherwise dispose of any such property;
- (c) to invest found belonging to the Foundation Trust in Treasury Bonds, Treasury Bills and such other Securities as may be determined by the Corporation;
- 15 (d) to open, operate, maintain and close bank accounts and to borrow or raise money with or without security;
- (e) to engage, employ and dismiss officers and servants required for the carrying out of the objects of the Foundation Trust;
- 20 (f) to raise funds and receive grants, gifts or donations in cash or kind;
- (g) to administer the officers of the Trust and manage its assets;
- 25 (h) to engage in dialogue with Government and other institutions and Banks in furtherance of the objects of the Foundation Trust;
- (i) to determine what monies are to be considered capital and what income;
- 30 (j) to determine what expenses, costs and outgoings are properly out of capital or income respectively;

- (k) to establish tourist resorts and provide touring and cab services, create new ventures within the objectives of the Trust, lay out policies and effectively implement them;
- 5 (l) to purchase farms and agricultural properties; and
- (m) to do all such acts and things as are incidental or conducive for the carrying out of the objects of the Foundation Trust.
- 10 **6.** (1) It shall be lawful for the Corporation from time to time at any meeting of the members 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 and the terms of the Trust for all or any of the following matters:— Rules of the Corporation.
- 15 (a) the award of scholarships and the provisions of financial assistance;
- (b) the procedure to be followed in the transaction of business at meetings of the Corporation;
- 20 (c) the powers, conduct, duties and functions of the members of the Corporation and various officers and servants of the Corporation;
- (d) the defrayal of such expenses as may be incurred by the Foundation Trust for the purpose of carrying out the objects of the Foundation Trust;
- 25 (e) the administration and management of the property of the Foundation Trust, the custody of its funds and maintenance and audit of its account; and
- (f) such other things as may be necessary for the attainment of the objects of the Foundation Trust.

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

5 (3) All member of the Corporation shall be subject to the rules in force for the time being of the Corporation.

7. (1) The Board of Trustees of the Foundation Trust shall meet at least once a year. Meetings of the Board of Trustees.

10 (2) Special General Meetings may be called by the Chairman of the Board on giving five days notice to all trustees.

(3) Three (3) Trustees shall form the Quorum.

(4) Minutes of every meeting shall be read at the next meeting and shall be confirmed either with or without amendments.

15 (5) Meetings of the Board of Trustees of the Foundation Trust may be held either in Sri Lanka or Botswana.

8. The Fund of the Corporation shall consist of— Fund of the Corporation.

20 (a) All moneys lying to the credit of the Foundation Trust on the day immediately preceding the date of the commencement of this Act;

(b) All moneys that may accrue to the Corporation after the date of commencement of this Act; and

(c) The financial year of the Corporation shall be from 1st of April to 31st of March every year.

25 9. (1) The Corporation shall cause proper accounts to be kept of all income and expenditure of the Corporation. Audit and accounts.

(2) The accounts of the Corporation shall be audited annually by the auditors appointed by the Corporation.

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10. All debts and liabilities of the Foundation Trust existing on the day preceding the date of commencement of this Act, shall be paid by the Corporation hereby constituted and all debts due to and all subscriptions and fees payable to the Foundation Trust on that day shall be paid to the Corporation for the purpose of this Act.

Debts due by and payable to the Foundation.

11. The Seal of the Corporation shall be in the custody of the Corporation and it shall not be affixed to any instrument whatsoever except with the sanction of the Corporation and in the presence of two members 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.

Seal of the Corporation.

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

Saving of the rights of the Republic and others.

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

Sinhala text to prevail in case of any inconsistency.

BOARD OF TRUSTEES (Clause 2)

1. Chulapathmendra Dahanayake
2. Earle Laksman Jayawardene
3. Dhammika Kitulgoda
4. Jayantha W. A. Seneviratne
5. Mrs. Indra Hemantha Dahanayake
6. Mohamad Uvais Mohamad Tharique
7. Palaninathan Vijithan

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