



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

OCEAN UNIVERSITY OF SRI LANKA

A

BILL

to provide for the establishment, maintenance and administration of the Ocean University of Sri Lanka; to provide the necessary legal infrastructure facilitating courses leading to higher education at the Ocean University of Sri Lanka; to repeal the National Institute of Fisheries and Nautical Engineering Act, No. 36 of 1999; and for matters connected therewith or incidental thereto.

*Presented by the Minister of Minister of Youth Affairs & Skills Development
on 06th August, 2014*

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Ocean University of Sri Lanka

L.D.—O. 31/2011.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT, MAINTENANCE AND ADMINISTRATION OF THE OCEAN UNIVERSITY OF SRI LANKA; TO PROVIDE THE NECESSARY LEGAL INFRASTRUCTURE FACILITATING COURSES LEADING TO HIGHER EDUCATION AT THE OCEAN UNIVERSITY OF SRI LANKA; TO REPEAL THE NATIONAL INSTITUTE OF FISHERIES AND NAUTICAL ENGINEERING ACT, NO. 36 OF 1999; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS there is a requirement to cater to the manpower needs in the fisheries, marine and maritime sectors of Sri Lanka: Preamble.

AND WHEREAS it is necessary to establish a higher education institution for the purpose of enhancing the scientific, technical and managerial skills of persons engaged in the fields of fisheries, marine sciences, maritime technologies and allied fields:

AND WHEREAS it has become necessary to ensure that the higher educational qualification obtained by the persons who pursue studies in the above fields will be a qualification which has recognition within as well as outside Sri Lanka:

AND WHEREAS it has become a matter of national importance to establish a University to impart knowledge in the above fields in order that the knowledge acquired by the persons engaged in those fields be utilized for the development of the country.

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 Ocean University of Sri Lanka Act, No. of 2014 and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette* (hereinafter in this Act referred to as the “appointed date”). Short title and date of operation.

PART I

ESTABLISHMENT OF THE OCEAN UNIVERSITY OF SRI LANKA.

2. (1) Notwithstanding anything to the contrary in the Universities Act, No. 16 of 1978, there shall be established a University called the Ocean University of Sri Lanka (hereinafter in this Act referred to as “ the University”).

Establishment
of the Ocean
University of
Sri Lanka.

(2) The University shall be a body corporate with perpetual succession and, by the name assigned to it by subsection (1), may sue and be sued.

3. (1) The University shall have the full power and authority to have and use a common seal which shall be in the custody of the Registrar of the University and may be altered in such manner as may be determined by the Board of Governors of the University.

Seal of the
University.

(2) The seal shall not be affixed to any instrument or document except in the presence of the Registrar or any other officer as may be nominated by the Vice Chancellor in that behalf who shall sign such instrument or document in token of his presence.

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PART II

OBJECTIVES AND POWERS OF THE UNIVERSITY.

4. The objectives of the University shall be to—

Objectives of
the
University.

(a) provide for University education in the fields of fisheries, marine sciences, maritime technology and allied fields;

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(b) offer vocational and technical courses of study relating to fisheries and allied fields in order to cater to the manpower needs in any areas;

- (c) disseminate knowledge relating to fisheries, marine and maritime sectors among persons who are engaged in fisheries and allied fields;
- 5 (d) provide for extension courses for continuous professional development in the fields of fisheries, marine sciences, maritime technology and allied fields;
- 10 (e) provide vocational and technical courses for personnel in the fields of fisheries and allied fields for admission to the University;
- 15 (f) provide for the progressive development of students in the fields of engineering, scientific, technical and vocational education and training systems, based on their aptitude and ability to acquire a University education in the fields of fisheries, marine sciences, maritime technology and allied fields; and
- 20 (g) provide courses of study for those who possess National Vocational Qualifications and assist them to upgrade their competency and acquire academic qualifications in the fields of fisheries, marine sciences, maritime technology and allied fields.

5. (1) The University shall subject to the provisions of powers of the this Act, have the power to— University.

- 25 (a) acquire by way of purchase or otherwise both movable and immovable property and to take, accept and hold any such property which may become vested in it by virtue of such purchase or otherwise:

30 Provided that, any immovable property of the University shall not be disposed of without the prior written approval of the Minister to whom the subject of Fisheries is assigned.

- (b) exercise, perform and discharge such powers, functions and duties as are conferred or imposed on or assigned to the University by this Act;
- 5 (c) admit students in keeping with the admission criteria for different categories of candidates along with an aptitude test as recommended by the Admission, Accreditation and Quality Assurance Council under section 23, and provide instructions for courses of study designed in keeping with the objectives of
10 the University;
- (d) recognize examinations and duration of study programmes of any University established or deemed to be established under the Universities Act, No. 16 of 1978 and any higher educational
15 institution, technical and vocational or professional institution, for the purpose of admitting students to the University;
- (e) conduct programmes of studies and training programmes relating to fisheries and marine
20 sciences, maritime technology and allied fields;
- (f) hold examinations in the programmes specified in paragraph (e) and assess the performance of such students;
- 25 (g) grant and confer degrees and other academic distinctions in conformity with any Statute enacted for such purpose;
- (h) establish institutions for vocational training in related fields including the National institute of Fisheries and Maritime Training. The Institute of
30 Fisheries and Maritime Training shall be established prior to the appointed date;
- (i) establish centers and campuses of the University on a provincial and Regional basis;

- (j) charge fees or any other payments for the courses of study and training programmes conducted by the University;
- 5 (k) charge fees for any extension services provided to the public or any institution, as the case may be, and disburse the income so generated for the attainment of the objects of the University in such manner as shall be prescribed by Ordinance;
- 10 (l) undertake advisory, consultancy and any income generating functions and disburse the proceeds thereof for the development of any scheme approved by the Board of Governors of the University;
- 15 (m) establish any committee or sub-committee including an Audit and Management Committee as may be necessary to carry out the functions of the University;
- 20 (n) invest any fund not immediately required for the purposes of the University in such manner as the Board of Governors of the University may consider appropriate;
- (o) co-operate by way of exchange of teachers, students and scholars with other institutions in or outside Sri Lanka having objects or interests similar to those of the University;
- 25 (p) make arrangements for the conduct of examinations for persons in the affiliated institutions and also to enable the persons who do not receive instructions at the University to obtain degrees, diplomas and certificates from the University and to determine
30 the courses of instruction for such examinations;
- (q) provide facilities for higher education to persons employed by the University;

- (r) make opportunities available to the staff and students of the University for research and thereby for the advancement and dissemination of knowledge;
- 5 (s) confer honorary degrees or other distinctions on persons approved by the Academic Council and the Board of Governors of the University, in conformity with any Statute made for the purpose;
- 10 (t) award fellowships, scholarships, bursaries, medals and other prizes in conformity with any Statutes made for the purpose;
- 15 (u) introduce Senior Professorships, Professorships, Associate Professorships, Senior Lectureships, Lectureships, Assistant Lectureships and other non-academic positions, as may be required for the purposes of this Act;
- (v) establish and maintain libraries, laboratories and other buildings for instructional purposes as may be necessary for the purposes of this Act;
- 20 (w) appoint, employ, remunerate and exercise disciplinary control and power of dismissal over such officers and servants as may be necessary for the purpose of achievement of the objects under this Act;
- 25 (x) establish and regulate provident fund schemes or pension schemes for the benefit of the officers and servants of the University and make contributions to any such scheme;
- 30 (y) open, operate and close bank accounts in any bank or banks approved by the Central Bank of Sri Lanka; and

- (z) do all such other acts or things as may be necessary for the attainment of objects of this Act.

(2) The powers enumerated above shall unless otherwise expressly provided for by this Act be exercised by the Board of Governors of the University.

PART III

POWERS OF THE MINISTER

6. (1) The Minister shall be responsible for the administration and implementation of the provisions of this Act. Responsibility and powers of the Minister.

(2) The Minister, in fulfilling his responsibilities under subsection (1), shall in consultation with the Vice Chancellor of the University, issue to the Board of Governors of the University, from time to time, written directions as he may consider necessary for the smooth functioning of the University.

(3) It shall be the duty of the Board of Governors of the University to comply with all such directions as may be issued by the Minister under this section.

(4) The Minister may, from time to time, for the purpose of effectually fulfilling his responsibilities relating to the administration and implementation of the provisions of this Act, order that all or any of the activities pertaining to the administration of the University be investigated and reported to him by the Board of Governors of the University.

(5) Upon receipt of a report from the Board of Governors of the University in compliance with an order under subsection (4), the Minister upon consideration of the report shall direct the Board of Governors of the University to take such remedial action as he may consider appropriate in relation to the activity pertaining to the administration of

the University of which an investigation has been carried out under subsection (4).

7. Where the Minister is of the view that any situation prevailing in the University is likely to endanger the national security or is detrimental or prejudicial to national policy or is likely to disrupt the smooth functioning of the University, he shall direct the Board of Governors of the University to take all such steps as may be necessary to bring such situation under control.

Where situation prevails is likely to endanger the national security &c.

8. (1) Where the Minister, in consultation with the Vice Chancellor of the University is of the view that due to any strike, lockout or any such circumstances, the work or the administration of the University has been seriously disrupted and the relevant authorities of the University have failed to restore normal conditions, he shall take all such measures as may be necessary to ensure the restoration of normal conditions of the University. The Minister may, at any time prior to normal condition is restored, by Order published in the *Gazette* make such provisions as he may deem appropriate in respect of all or any of the following matters:—

Measures to be taken by the Minister in the event of a lockout &c.

(a) the closure of the University;

(b) the appointment of any person by name or by office to be a competent authority for the purpose of exercising, performing or discharging any power, function or duty under this Act, in lieu of the officer, authority or other body of the University;

(c) any other matter connected with or relating to any of the matters specified in paragraph (a) or (b).

(2) An Order made by the Minister under subsection (1) shall come into force on such date as may be specified therein, and shall within one month from the date of publication of the *Gazette* be tabled in Parliament. The Order shall unless

earlier rescinded remain in force for a period not exceeding three months therefrom.

5 **9.** (1) The University shall before the expiry of a period of six months after the closure of each financial year, submit to the Minister a report containing a full account of its activities during that year. The Minister shall cause copies thereof to be tabled in Parliament. Annual Report of the University.

10 (2) The University shall cause copies of the report submitted under subsection (1) to be made available to the public on payment of a fee as may be determined by the University.

PART IV

CHANCELLOR AND OFFICERS OF THE UNIVERSITY

15 **10.** (1) The President shall appoint the Chancellor of the University who shall be the Head of the University and who shall hold office for a period of five years from the date of such appointment. Chancellor and officers of the University.

(2) The Chancellor shall when present preside at every Convocation of the University.

(3) The officers of the University shall be as follows:—

- 20 (a) the Vice Chancellor;
- (b) the Deputy Vice Chancellor (if any)
- (c) the Rector of each Campus;
- (d) the Dean of each Faculty;
- (e) the Registrar of the University;
- 25 (f) the Director, Media and Information Services;
- (g) the Director, Finance;

(h) the Director, Admission, Accreditation and Quality Assurance Council; and

(i) any person holding a post declared by any Statute to be that of an officer of the University.

5 **11.** (1) The Vice Chancellor of the University shall be appointed by the President in consultation with the Minister, from and out of a Panel of three persons nominated by the Board of Governors of the University.

The Vice
Chancellor.

10 (2) The Panel of three persons to be nominated for the purpose of subsection (1) shall be selected from amongst those who have academic qualifications, knowledge and experience in the fields of engineering, fisheries, science, technology, management or any other relevant field.

15 (3) The Vice Chancellor shall hold office for a period of four years. However a person shall not be appointed as a Vice Chancellor for more than two consecutive terms.

20 (4) The Vice Chancellor shall be a full-time officer of the University and shall be the principal executive officer and the principal academic officer thereof. He shall be an *ex-officio* member and Chairman of both the Board of Governors of the University and of the Academic Council. The Vice Chancellor shall be entitled to convene, be present and speak at any meeting of any other Authority of the University or other body as may be prescribed by Ordinance, but shall not
25 be entitled to vote at any such meeting, unless he is a member of such other Authority or other body.

30 (5) It shall be the duty of the Vice Chancellor in accordance with such directions as may, from time to time, be lawfully issued to him in that behalf by the Board of Governors of the University, to ensure that the provisions of this Act and of any appropriate Instrument are duly observed, and he shall have and may exercise all such powers as he may deem necessary for the purpose.

(6) Subject to the provisions of this Act, it shall be the duty of the Vice Chancellor to give effect to and ensure that effect is given to the decisions of the Board of Governors of the University and of the Academic Council.

5 (7) The Vice Chancellor shall be the Accounting Officer of the University and shall be responsible for the maintenance of discipline within the University.

(8) The Vice Chancellor may, unless he vacates office earlier or is removed from office under subsection (9) of this
10 section, hold office until he has completed his sixty fifth year or his term of office expires whichever is earlier.

(9) The President may remove the Vice Chancellor from office for reasons assigned therefore.

(10) Where the Vice Chancellor by reason of leave, illness,
15 absence from Sri Lanka or for any other cause is temporarily unable to perform the duties of his office, the Deputy Vice Chancellor, if any, shall perform such duties on behalf of the Vice Chancellor. If a Deputy Vice Chancellor is not available, the Minister, on the recommendation of the Board of
20 Governors of the University shall within seven days of the occurrence of such inability, make such arrangements as he may think fit for carrying on the duties of the office of the Vice Chancellor. The Registrar of the University shall until such arrangements are made carry out the routine duties of
25 the office of the Vice Chancellor.

(11) Where any vacancy occurs in the office of the Vice Chancellor, the President may within seven days of the occurrence of such vacancy, make such arrangement as he may think fit, for carrying on the duties of the office until a
30 permanent appointment is made. Until such arrangements are made, the Registrar of the University shall carry out the routine duties of the office.

- 12.** A Deputy Vice Chancellor of the University shall be appointed by the Board of Governors of the University upon the recommendation of a select committee, the composition of which shall be prescribed by Ordinance. On being appointed the Deputy Vice Chancellor shall function as a full time officer of the University under the direction of the Vice Chancellor. The Board of Governors of the University shall decide on the duties and functions of the Deputy Vice Chancellor, if any.
- 13.** (1) There shall be a Dean of each Faculty who shall be the academic and administrative Head of such Faculty. The Dean shall be elected by the Faculty from among the Senior Professors, Professors, Associate Professors and Senior Lecturers who are members of such Faculty.
- (2) The Dean shall subject to the provisions of any appropriate instrument, hold office for a period of three years reckoned from the date of his election and shall unless disqualified from holding such office, be eligible for re-election. However he shall not in any event hold office for more than two consecutive terms.
- (3) The Dean of a Faculty who is disqualified from continuing to function as an officer of the University under section 59 of this Act shall be removed from such office.
- (4) Where owing to leave of absence, illness or other cause, the Dean of a Faculty is temporarily unable to perform the duties of his office for a period exceeding three months, the Vice Chancellor shall appoint a Senior Professor, Professor, Associate Professor or a Senior Lecturer of that Faculty, to act in the post of Dean for such period.
- (5) Where a Dean of a Faculty is removed, retires, resigns, or is for any other reason unable to perform the duties of his office for a period exceeding three months, the post of Dean of the Faculty shall be deemed to have become vacant, and a new Dean shall be elected in accordance with the provisions

Deputy Vice
Chancellor of
the
University.

The Dean of
a Faculty.

of subsection (1). The person so elected shall hold office for the un-expired term of office of his predecessor.

14. (1) The Registrar of the University shall be appointed by the Board upon the recommendation of a select committee
5 the composition of which shall be prescribed by Ordinance and shall function as a full time officer of the University. The Registrar shall also be the Assistant Accounting officer of the University.

Registrar of the University.

(2) The Registrar shall—

- 10 (a) subject to the direction and control of the Vice – Chancellor, be responsible for the general administration of the University and the disciplinary control of its non academic staff;
- 15 (b) be responsible for the custody of the records and the property of the University; and
- (c) exercise, discharge and perform such powers, duties and functions as may be conferred or imposed on or assigned to him by this Act or by any appropriate instrument.

20 15. (1) The Director, Media and Information Services of the University shall be appointed by the Board of Governors of the University upon the recommendation of a select committee, the composition of which shall be prescribed by Ordinance, and shall function as a full-time
25 officer of the University.

The Director, Media and Information Services.

(2) The Director, Media and Information Services shall—

- 30 (a) subject to the direction and control of the Vice Chancellor, be responsible for the general administration of the Media and Information Centre or Centres of the University; and

(b) exercise, perform and discharge such powers, duties and functions as may be conferred or imposed on or assigned to him by this Act or by any appropriate instrument.

5 **16.** (1) The Director, Finance of the University, shall be appointed by the Board of Governors of the University upon the recommendation of a select committee, the composition of which shall be prescribed by Ordinance, and shall function as a full-time officer of the University.

The Director,
Finance.

10 (2) The Director, Finance shall—

(a) subject to the direction and control of the Vice Chancellor, be responsible for the general administration of the finances of the University and shall maintain its accounts in such form and manner as may be prescribed by Ordinance; and

15

(b) exercise, perform and discharge such powers, duties and functions as may be conferred or imposed on or assigned to him by this Act or by any appropriate Instrument.

20 (3) The Director, Finance shall have the custody of all the funds of the University.

25 **17.** (1) The Director, Admission, Accreditation and Quality Assurance Council of the University, shall be appointed by the Board of Governors of the University upon the recommendation of a select committee, the composition of which shall be prescribed by Ordinance. The Director shall function as a full-time officer of the University.

The Director,
Admission,
Accreditation
and Quality
Assurance
Council.

(2) The Director, Admission, Accreditation and Quality Assurance Council shall—

30 (a) subject to the direction and control of the Vice Chancellor, be responsible for the admission criteria

and for ensuring quality assurance of courses and other supporting services provided by the University; and

- 5 (b) exercise, perform and discharge such powers, duties and functions as may be conferred or imposed on or assigned to him by this Act or by any appropriate Instrument.

PART V

THE AUTHORITIES OF THE UNIVERSITY

10 **18.** The Authorities of the University shall be the following The Authorities of the University.

- (a) the Board of Governors;
- (b) the Admission, Accreditation and Quality Assurance Council;
- 15 (c) the Academic Council;
- (d) the Faculty Boards; and
- (e) such other bodies as may be prescribed by Ordinances to be Authorities of the University.

20 **19.** (1) The Board of Governors of the University (hereinafter in this Act referred to as the “Board”) shall consist of— The Board of Governors of the University.

- (a) the following *ex-officio* members:—
- (i) the Vice Chancellor;
- (ii) the Deputy Vice-Chancellor, if any;
- 25 (iii) Dean of each Faculty;

- (iv) the Director of each institute established under any Ordinance;
- 5 (v) the Secretary to the Ministry of the Minister in charge of the subject of Vocational Education or his nominee;
- (vi) the Secretary to the Ministry of the Minister in charge of the subject of Finance or his nominee;
- 10 (vii) the Secretary to the Ministry of the Minister in charge of the subject of Higher Education or his nominee;
- (viii) the Secretary to the Ministry of the Minister in charge of the subject of Shipping or his nominee;
- 15 (ix) the Secretary to the Ministry of the Minister in charge of the subject of Science and Technology or his nominee;
- (x) the Secretary to the Ministry of the Minister in charge of the subject of Fisheries and Aquatic Resources or his nominee;
- 20 (xi) the Rector of each Campus, if any;
- (xii) the Chairman of the Vocational Training Authority of Sri Lanka, established by the Vocational Training Authority of Sri Lanka Act, No. 12 of 1995;
- 25 (xiii) the Chairman of the National Aquatic Resources Research and Development Agency established by the National Aquatic Resources Research and Development Agency Act, No. 54 of 1981;
- 30

- (xiv) the Chairman of the National Apprentice and Industrial Training Authority, established by the Tertiary and Vocational Education Act, No. 20 of 1990; and
- 5 (xv) the Director-General of the Tertiary and Vocational Education Commission established by the Tertiary and Vocational Education Act, No. 20 of 1990; and
- 10 (b) the following persons appointed by the Minister (in this Act referred to as “appointed members”)
 - (i) two members of the Academic Council nominated by such Council from among its members;
 - 15 (ii) one member representing each of the professional bodies in the areas of engineering, science and management;
 - (iii) three members from among persons who have rendered distinguished service in educational, professional and administrative spheres.
- 20 (2) The Chairman of the Board shall be the Vice Chancellor who shall preside at all meetings of the Board. If the Chairman is unable to preside at any meeting, the members present shall elect a member from among themselves to preside at such meeting. The Registrar of the
25 University shall function as the secretary of the Board.
- (3) An appointed member of the Board shall, unless he vacates office earlier, hold office for a term of three years reckoned from the date of his appointment, and shall, unless removed from office, be eligible for re-appointment:
- 30 Provided that, if any appointed member vacates his office prior to the expiry of his term, his successor shall hold office for the unexpired period of the term of the member whom he succeeds.

(4) An appointed member of the Board may resign his office by writing under his hand addressed to the Minister.

(5) An appointed member of the Board who is disqualified from continuing to be a member of an Authority
5 of the University under section 59 of this Act shall be removed from such office.

(6) An appointed member of the Board who for whatever reason absents himself from three consecutive meetings of the Board, shall be deemed to have vacated his office as a
10 member and the Minister shall, having regard to the provisions of paragraph (b) of subsection (1), appoint another person to fill the resulting vacancy.

(7) An appointed member of the Board may be paid such allowances as the Minister, in consultation with the Minister
15 in charge of the subject of Finance shall determine.

(8) The quorum for a meeting of the Board shall be one third of the total number of members.

(9) The Board shall meet whenever necessary provided that it shall have at least ten meetings in each year.

20 (10) The Chairman of the Board shall whenever he thinks necessary or within one week upon the receipt by him of a written requisition from not less than one third of the total membership of the Board convene a special meeting of the Board.

25 **20.** (1) Subject to the provisions of this Act, the Board shall exercise, perform and discharge the powers, duties and functions conferred or imposed on or assigned to the University by this Act. Powers, duties and functions of the Board.

(2) Without prejudice to the generality of the powers
30 conferred upon it by subsection (1), the Board shall exercise,

perform and discharge the following powers, duties and functions:—

- (a) approve courses of study recommended by the Academic Council;
- 5 (b) determine, from time to time, the requirements for the admission of students to the University having considered the recommendations made by the Admission, Accreditation and Quality Assurance Council;
- 10 (c) hold, control and administer the property and funds of the University;
- (d) select a coat of arms for the University and determine its form;
- 15 (e) regulate and determine all matters concerning the University in accordance with the provisions of this Act and of any appropriate instrument;
- (f) inquire into or investigate, from time to time, the financial needs of the University;
- 20 (g) prepare, from time to time, corporate strategic plans and corresponding budgets for the University, for periods not less than three years at a time;
- 25 (h) determine, from time to time, within the overall wage and salary policies of the Government, the quantum of remuneration that should be paid to the members of the staff of the University and other benefits that the staff is entitled to receive;
- (i) administer any funds placed at the disposal of the University for specific purposes;
- 30 (j) receive and accept by way of bequests, donations, grants or otherwise property made to the University;

- (k) consider the annual report and the annual accounts of the University and submit such report and accounts, along with any amendments that it may consider necessary to the Minister;
- 5 (l) prepare the budget estimates and the annual financial appropriations of the University and submit the same to the Minister;
- (m) make Statutes when so required for any matter in respect of which Statutes are required to be made under this Act;
- 10 (n) make by-laws in respect of any matter for which by-laws are authorized to be made under this Act;
- (o) provide buildings, premises, furniture, equipment and other materials needed for the carrying on of the work of the University;
- 15 (p) appraise performance of persons in the staff of the University;
- (q) appoint examiners, whether from the staff of the University or from elsewhere, after considering any recommendations made by the Academic Council, and determine the fees which may be paid to such examiners;
- 20 (r) appoint a Board of Welfare which shall include a representative of the students, for the promotion of the general well being of the students of the University. The composition, powers, duties and functions of such Board shall be prescribed by Ordinance;
- 25 (s) appoint a Board of Residence and Discipline which shall include a representative of the students, for the maintenance of discipline and provision of
- 30

- residential facilities for the staff and students of the University and matters connected therewith or incidental thereto. The composition, powers, duties and functions of such Board shall be prescribed by Ordinance;
- 5
- (t) enter into, implement and where necessary cancel contracts on behalf of the University and invest any moneys belonging to the University, including any unapplied income generated by the University, in the purchase of immovable property in Sri Lanka, or any such investments or place in fixed deposits in any bank approved by the Board, any portion of such moneys not required for immediate expenditure;
- 10
- (u) determine after consultation with the Academic Council, the academic dress or insignia or both of the Vice Chancellor, the officers, the graduates and students of the University;
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- (v) institute, abolish or suspend Senior Professorships, Professorships, Associate Professorships, Senior Lectureships, Lectureships and Assistant Lectureships, in consultation with the Admission, Accreditation and Quality Assurance Council;
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- (w) institute, abolish or suspend any non-academic post in consultation with the Admission, Accreditation and Quality Assurance Council;
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- (x) decide on the qualifications required for any post referred to in paragraphs (xxi) and (xxii) in consultation with the Admission Accreditation and Quality Assurance Council;
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- (y) establish collaborations and partnerships with public and private sector, for the purpose of achieving the objects of the University;

- (z) establish such number of Faculties, Academic Divisions, Departments of Study, Units or Centres as may be recommended by the Academic Council;
- 5 (aa) permit officers of the University, permanent staff or any members of the Board to serve on the Board of Management of any organization registered under the Companies Act, No. 7 of 2007 and contribute towards consultancy services of such organizations solely for the undertaking of income generation activities and commercialization of knowledge provided that, the profits of such organization would be donated to the University for its development and welfare of the staff and students,
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- 15 For the purposes of this paragraph, “University Board” means any university Board, including the Board of Welfare and the Board of Residence and Discipline appointed by the Board of Governors.
- (bb) determine and assign the duties and functions of the Deputy Vice Chancellor, if any;
- 20 (cc) award fellowships, scholarships, bursaries, medals and other prizes, on the recommendations of the Academic Council; and
- (dd) exercise all other powers of the University, the exercise of which is not otherwise provided for in this Act or in any appropriate Instrument.
- 25
- (3) No resolution shall be passed by the Board in relation to any academic matter, unless the Academic Council has first been given an opportunity of recording and transmitting to the Board its opinion thereon.
- 30 In this section, “academic matter” means any matter which is subject to the control and general direction of the Academic Council.

21. (1) The Board may make Ordinances in respect of all such matters as it may deem necessary to enable it to effectively exercise, perform and discharge its powers, duties and functions under this Act. Powers of the Board to make Ordinances.

5 (2) Without prejudice to the generality of the powers conferred by subsection (1), the Board may make Ordinances in respect of all or any of the following matters:—

10 (a) all matters required to be prescribed by Ordinance or in respect of which Ordinances are authorized to be made by the Board under any other provision of this Act;

(b) the establishment of institutions and maintenance of standards of such institutions for vocational training in related fields;

15 (c) the terms and conditions of service of the full time officers of the University;

(d) the terms and conditions of service of the staff of the University;

20 (e) the establishment and maintenance of standards of instruction in the University for the grant of degrees, diplomas and other academic distinctions;

(f) the recognition of foreign degrees and diplomas and other academic distinctions; and

25 (g) any other matter connected with or incidental to any of the matters aforementioned.

(3) Every Ordinance made by the Board under this Act shall be published in the *Gazette* and shall come into operation on the date specified therein.

22. (1) The Admission, Accreditation and Quality Assurance Council of the University (hereinafter referred to as the “Quality Assurance Council”) shall consist of—

The Admission, Accreditation and Quality Assurance Council.

(a) the following *ex-officio* members:—

- 5 (i) the Dean of each Faculty of the University;
- (ii) the Director-General of the Tertiary and Vocational Education Commission established by the Tertiary and Vocational Education Act, No. 20 of 1990;
- 10 (iii) the Director of the Quality Assurance Council;
- (iv) the Registrar of the University;
- (v) the Head of the body entrusted with the responsibility of regulating the activities of Colleges of Technology; and
- 15
- (b) the following persons appointed by the Vice Chancellor (in this section referred to as “appointed members”):—
- 20 (i) one representative each from the professional bodies in Fisheries and Marine Sciences, Maritime Technologies and allied fields up to a maximum of three members;
- (ii) one University academic each from other Universities in Fisheries and Marine Sciences, Maritime Technologies and allied fields up to a maximum of three members elected from amongst the Deans of Faculties;
- 25
- (iii) three representatives from Academic Council, nominated by that Council from among its members; and
- 30

5 (iv) Director of Quality Assurance Council of the University Grants Commission and two directors responsible for the National Vocational Qualifications and for Accreditation, from the Tertiary and Vocational Education Commission established by the Tertiary and Vocational Education Act, No. 20 of 1990.

10 (2) The Chairman of the Quality Assurance Council shall be elected from among the Deans of each faculty who shall preside at all meetings of such Council. If the Chairman is unable to preside at any meeting, the members present shall elect a member present to preside at such meeting.

15 (3) The Registrar of the University shall be the Secretary to the Quality Assurance Council.

20 (4) The quorum for a meeting of the Quality Assurance Council shall be one half of its total membership and the Quality Assurance Council shall meet whenever necessary, provided that it shall meet at least on one occasion in each year.

25 (5) An appointed member of the Quality Assurance Council shall unless he vacates office earlier, hold office for a term of four year reckoned from the date of his appointment, and shall, unless removed from office, be eligible for re-appointment:

Provided that, if any appointed member vacates his office prior to the expiry of his term, his successor shall hold office only for the unexpired period of the term of office of the member whom he succeeds.

30 (6) An appointed member of the Quality Assurance Council may resign his office by writing under his hand addressed to the Vice Chancellor.

(7) An appointed member of the Quality Assurance Council who is disqualified from continuing to be a member of an Authority of the University under section 59 of this Act shall be removed from such office.

5 (8) An appointed member of the Quality Assurance Council who for whatever reason absents himself from three consecutive meetings of the Quality Assurance Council, shall be deemed to have vacated his office as a member and the Vice Chancellor shall, having regard to the provisions
10 of paragraph (b) of subsection (1), appoint another person to fill the resulting vacancy.

(9) An appointed member of the Quality Assurance Council may be paid such allowance as the Minister shall in consultation with the Minister in charge of the subject of
15 Finance determine.

23. The Quality Assurance Council shall have the power Powers of the
to recommend to the Board upon consideration of any Quality
appropriate reports, on matters relating to— Assurance
Council.

20 (a) the admission criteria for courses of study at the University;

Provided that, any aptitude test for any category of candidates for the admission shall be conducted by the Department of Examinations in consultation with the University;

25 (b) the number of students to be admitted to each course of study;

30 (c) the qualifications from among National Vocational Qualifications and any other vocational qualifications awarded or granted by any public or private institution, that are required to be satisfied in order to gain admission for courses of study at the University;

- (d) the recruitment and promotion criteria for the staff of the University;
- (e) any matter relevant for the maintenance or upgrading of academic stands of courses;
- 5 (f) the institution, abolition or suspension of Senior Professorships, Professorships, Associate Professorships, Senior Lectureships, Lectureships and Assistant Lectureships;
- 10 (g) the formulation of accreditation requirements of courses of studies at the University, in consultation with the Academic Council and relevant stakeholders;
- (h) the qualification requirements of all teachers and non-academic staff of the University;
- 15 (i) collaborations to be established with other national and international higher educational institutions and professional bodies to further the objectives of the University;
- 20 (j) the appointment of such number of committees consisting of its own members and any other professionals outside its membership, as it may deem necessary to deliberate and report to it on matters pertaining to its powers, which may be referred to such committee; and
- 25 (k) any other matter that may be referred to it by the Board for its recommendation.

24. (1) The Academic Council shall consist of—

The
Academic
Council.

(a) the following *ex-officio* members:—

(i) the Vice Chancellor;

- (ii) the Deputy Vice-Chancellor, if any;
 - (iii) the Dean of each Faculty;
 - (iv) the Rector of each Campus and the Director of each Institute established under the University;
 - (v) every Senior Professor and Professor of the University;
 - (vi) the Registrar of the University;
 - (vii) the officer designated to be in charge of examinations;
 - (viii) the Director of media and information services;
 - (ix) the Director of the Admission, Accreditation and Quality Assurance Council;
 - (x) the Head of each academic Department of Study of the University;
- (b) the following elected and appointed members:—
- (i) such number of Associate Professors and Senior Lecturers not exceeding seven representatives from each faculty, as may be elected by the permanent teachers of such Faculty, from among their numbers;
 - (ii) such number of Lecturers as is equal to the total number of Faculties, elected by the faculty Board to represent each of such faculties ; and
 - (iii) such number of members as is equal to the total number of Faculties, appointed by the Board from among persons who have rendered distinguished service in educational, professional, commercial, industrial,

scientific or administrative spheres, as recommended by the respective Faculty Boards.

5 (2) Each member elected or appointed under paragraph (b) of subsection (1), shall hold office for a period of two years reckoned from the date of his election or appointment, as the case may be.

(3) The quorum for a meeting of the Academic Council shall be one third of its total membership.

10 (4) The Academic Council shall meet whenever necessary, provided that, it shall meet not less than ten occasions in each year.

15 (5) The Chairman of the Academic Council shall be the Vice Chancellor who shall preside at all meetings of the Academic Council. If the Chairman is unable to preside at any meeting, the Deputy Vice Chancellor if any shall preside at such meeting. In the absence of the Deputy Vice Chancellor, the members present shall elect a member from among those present to preside at such meeting.

20 **25.** (1) The Academic Council shall be the academic authority of the University and subject to the provisions of this Act or any appropriate instrument, shall have control and general direction of the standard of instruction, education, research and examinations of the University.

Powers, duties and functions of the Academic Council.

25 (2) Without prejudice to the generality of the powers conferred upon it by subsection (1), the Academic Council shall exercise, perform and discharge the following powers, duties and functions:—

30 (i) to advise the Board, upon consideration of the reports submitted by any Faculty on the methods of regulating the courses of study and examinations, and to make recommendations to the Board regarding such courses of study;

- (ii) recommend to the Board after considering any reports submitted by any Faculty or Faculties, the names of persons suitable to be appointed as examiners;
- 5 (iii) evaluate any request made by a Faculty Board on any proposals relating to the institution, abolition or suspension of Senior Professorships, Professorships, Associate Professorships, Senior Lecturerships, Lecturerships and Assistant Lecturerships in the University, and make its
10 recommendations on the same to the Quality Assurance Council;
- (iv) recommend to the Board after considering the reports submitted by any Faculty or Faculties—
15
 - (a) schemes for the re-organization of existing Faculties; and
 - (b) schemes for the assignment of subjects of study to the respective Faculties;
- 20 (v) make recommendations to the Board on matters relating to the mode and conditions of competition to be imposed for the grant of fellowships, scholarships, exhibitions, bursaries, medals and other prizes;
- 25 (vi) make recommendations to the Board on matters relating to the award of fellowships, scholarships, exhibitions, bursaries, medals and other prizes;
- 30 (vii) appoint such number of Standing Committees, or *ad hoc* committees or Boards from and out of the members of the Academic Council as it may deem necessary, and in particular, the following:—
 - (a) Media and Information Services Committee;

- (b) Research and Publication Committee;
- (c) Industry-University partnership Committee;
- (d) Curriculum Development and Evaluation Committee;
- 5 (e) Leave and Awards Committee; and
- (f) Regional Committee;
- (viii) specify the terms of reference of the Committees and Boards appointed under paragraph (vii) and to either approve the reports submitted by any such Committee or Board with or without modification, or to reject such reports;
- 10 (ix) refer to the Quality Assurance Council any proposals made by a Faculty Board relating to the admission of students to any courses of study along with its observations on the same; and
- 15 (x) recommend to the Board, from time to time, regarding the establishment of such Faculties as it may deem necessary for developing its teaching, research and extension programmes.
- 20 **26.** (1) The Faculty Board of each Faculty of the University shall consist of the following persons:— The Faculty Board.
- (a) the Dean of the Faculty;
- (b) the Head of each Academic Department of Study;
- 25 (c) all Senior Professors, Professors, Associate Professors, Senior Lecturers and Lecturers of the Faculty;

- (d) the Director, Quality Assurance Council or his nominee;
- (e) the Director, Media and Information Services or his nominee;
- 5 (f) two members of the permanent staff imparting instructions in the Faculty, excluding those referred to in paragraph (c), elected by themselves from among those in the permanent staff;
- 10 (g) two students elected by the students of the Faculty from among their numbers:

15 Provided that, the members elected under this paragraph shall be excluded from the proceedings of any meeting of the Faculty Board relating to the election of the Dean under section 13 of this Act and relating to examinations and connected matters and any such meeting shall, notwithstanding such exclusion, be deemed to have been duly held ; and

- 20 (h) five persons not being members of the staff of the University, nominated by the Faculty from among persons of eminence in areas of study relevant to the respective Faculty.

25 (2) The members elected under paragraph (g) of subsection (1) shall hold office as a member for a period of one year and all other elected members shall hold office for a period of three years, reckoned from the date of his election.

30 (3) The Chairman of the Faculty Board shall be the Dean of the Faculty who shall preside at all meetings of the Faculty Board. Where the Dean of the Faculty is unable to preside at any such meeting, the members present shall elect a member present other than a member elected under paragraph (g) of subsection (1), to preside at such meeting.

(4) The quorum for a meeting of the Faculty Board shall be one third of its total membership and it shall meet whenever necessary, provided that it shall meet not less than ten occasions in each year.

- 5 **27.** Subject to the provisions of this Act, a Faculty Board shall exercise, perform and discharge the following powers, duties and functions—
- 10 (a) to consider and report on any matter referred to it by the Academic Council;
- 15 (b) subject to the control of the Academic Council, to regulate matters connected with teaching, examinations and research in the various branches of oceanography, marine engineering, fisheries and marine science and management, technical and vocational education and training;
- (c) to present recommendations and reports to the Academic Council on all matters connected with the courses of study and examinations in the Faculty;
- 20 (d) to appoint committees which may include persons other than members of the Faculty for the purpose of considering and reporting on any special subject or subjects; and
- 25 (e) recommend to the Academic Council names of persons suitable to be appointed as examiners.
- Powers duties and functions of the Faculty Board.

PART VI

CAMPUSES

- 28.** The Board may by an Order (hereinafter referred to as “the Campus Order”)—
- 30 (a) establish a Campus of the University;
- Establishment of Campuses.

- (b) assign a name and style to such Capus;
- (c) specify the location or site of such Campus;
- (d) assign a Faculty or Faculties to such Campus; and
- 5 (e) specify the Department of Study comprising such Faculty or Faculties.

29. (1) The Rector of a Campus shall be appointed by the Vice-Chancellor. He shall unless he vacates office earlier, hold office for a period of three years reckoned from the date of his appointment and shall unless removed from office be eligible for re-appointment for a further period of three years immediately succeeding the aforesaid period. The Rector of a Campus.

(2) If the Rector by reason of leave, illness, absence from Sri Lanka or other cause, is temporarily unable to perform the duties of his office, the Vice-Chancellor shall within 15 seven days of the occurrence of such inability make such arrangements as he may think fit for carrying on the duties of the office. Until such arrangements are made the Registrar shall carry on the routine duties of the office.

(3) The Rector shall be a full time officer of the Campus and shall be the academic and administrative Head of the Campus. 20

(4) The Rector shall be the Chairman of the Campus.

30. (1) A Campus shall have a Board, (hereinafter referred to as the "Campus Board"), the composition of which shall be prescribed by Ordinance. The Campus Board. 25

(2) The Campus Board shall be responsible—

- (a) for the internal administration of the Campus;
- (b) for making arrangements for the general wellbeing of and the provision of amenities for persons attached to the Campus; and 30

(c) for the Performance of any other duty as may be prescribed by Statute.

(3) The Campus Board may with the approval of the Board of Governors of the University make Rules in respect of all matters relating or incidental to or connected with the internal administration of the Campus.

PART VII

CONVOCATION OF THE UNIVERSITY

10 **31.** (1) The University shall for the purpose of conferring degrees, hold a convocation once in every year on such date or dates as may be approved by the Chancellor:

Holding of the Convocation of the University.

Provided that, the University may hold a Special Convocation at any other time, as the Chancellor may determine.

15 (2) Notwithstanding the provisions of subsection (1), first degrees may be conferred without the holding of the convocation.

(3) The procedure for the holding of a Convocation shall be prescribed by by-laws.

20 (4) The President shall when present preside at Convocation. In the absence of the President the Chancellor shall preside at such Convocation and in the absence of both the President and the Chancellor, the Vice Chancellor shall preside at such Conversation.

25 PART VIII

STAFF OF THE UNIVERSITY

30 **32.** Every appointment to the staff of the University shall be made by the Board in accordance with such schemes of recruitment and procedures as prescribed by Ordinance for the same.

Board to appoint staff of the University.

33. The qualifications of all teachers of the University shall be determined by the Board in consultation with the Quality Assurance Council while qualifications of all non-academic staff shall be determined by the Board in consultation where it considers necessary with the Quality Assurance Council.

Determination of qualifications of staff of the University.

34. (1) It shall be the duty of each Faculty Board to make written proposals to the Academic Council relating to the institution, abolition and suspension of posts of teachers required for such Faculty. The Academic Council shall consider and evaluate such proposals and thereafter make its recommendations to the relevant Faculty Board.

Institution, abolition and suspension of posts in the staff of the University.

(2) It shall be the duty of the Registrar of the University to make recommendations to the Board relating to the institution, abolition and suspension of all non-academic posts in the University.

(3) The Faculty Board may where it considers it appropriate prior to the institution, abolition or suspension of any post of a teacher or of any non-academic post in the University obtain the advice of the Quality Assurance Council regarding the same.

35. (1) Every appointment to a post of a teacher shall in the first instance be for a probationary period of three years, which period may be extended by the Board for a period of one year at a time, so however the extension shall not in the aggregate exceed a period of three years. At the end of the probationary period, the appointment may be confirmed in accordance with the requirements or conditions as to confirmation provided for in the appropriate schemes of recruitments as prescribed by Ordinance.

Probationary periods and confirmation.

(2) Every appointment to a non-academic post shall in the first instance be for a probationary period of three years and such appointment may thereafter be confirmed in accordance with the confirmation criteria as prescribed by Ordinance.

36. (1) A person holding the post of a teacher shall if he has been confirmed in his post, hold such post until he has completed sixty years. If the sixtieth year ends before the end of the academic year, he may continue till the end of such academic year and shall thereafter be deemed to have retired from service:

Retirement of teachers and persons holding a non-academic post.

10 Provided that, the holder of such post may at any time pending an inquiry by the Board be suspended for misconduct, inefficiency or dereliction of duty and may be dismissed or compulsorily retired if found guilty after such inquiry on a resolution adopted by such Board.

15 (2) Notwithstanding the provisions of subsection (1), a teacher who has reached sixty years of age and who in the opinion of the Board is competent to continue to hold such post may be recruited on contract basis to serve as a teacher for a maximum period of five years so however such period shall not exceed one year at a time. The period of service however may be extended further by one year each at a time, until he completes sixty-five years of age.

20 (3) Public Administration Circulars relating to the age of retirement of public officers shall be applicable in regard to the age of retirement of those holding any non-academic post in the University:

25 Provided that, the holder of any such post may at any time pending an inquiry by the Board be suspended for misconduct, inefficiency or dereliction of duty and may be dismissed or compulsorily retired if found guilty after such inquiry on a resolution adopted by the Board.

30 (4) Where before completing the probationary period referred to in section 35, a person holding—

- (a) the post of a teacher reaches the age of sixty years;
- or

- (b) a non-academic post reaches the age of retirement specified in the Public Administration Circular referred to in subsection (3),

such person shall be deemed to have retired from service
5 from the date on which he reached that age.

(5) Every holder of a post in the University who is dismissed or is compulsorily retired from his post or is otherwise punished for misconduct, inefficiency or dereliction of duty may appeal against such dismissal or
10 retirement or other punishment to the University Appeals Board.

37. (1) At the request of the Board, an officer in the public service may with the consent of that officer, the Secretary to the Ministry by or under which that officer is
15 employed, the Secretary of the Minister in charge of the subject of Public Administration and the Public Service Commission, be temporarily appointed to the post of a teacher of the University for such period as may be determined by the Board or with like consent be permanently
20 appointed as a teacher.

Appointment of public officers to the staff of the University.

(2) The provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 of 1991 shall *mutatis mutandis* apply to and in relation to any officer in the public service who is temporarily appointed to the post
25 of a teacher of the University and the provisions of subsection (3) of section 14 of that Act shall *mutatis mutandis* apply to and in relation to any officer in the public service who is permanently appointed to the post of a teacher of the University.

(3) Where the University employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the University by that person shall be regarded as service to the Government for the purpose of
35 discharging the obligations of such contract.

38. At the request of the Board any teacher in the service of any Higher Educational Institution established under the Universities Act, No. 16 of 1978, may with the consent of such teacher, the University Grants Commission and the governing authority of that institution, be temporarily appointed to the post of a teacher of the University. Such appointment shall be for such period as may be determined by the Board or with like consent be permanently appointed to such post on such terms and conditions as may be agreed upon by the Board and such Higher educational institution. Such teacher shall be subject to the same disciplinary control as any other teacher in the staff of the University.

Appointment of teachers of Higher Educational Institutions to the staff of the University.

PART IX

15 UNIVERSITY APPEALS BOARD

39. (1) The Minister shall, from time to time, appoint from among persons who have knowledge and experience in the fields of oceanography, marine engineering, fisheries and marine science, management, academic administration, financial management and legal or other relevant service sectors, a Panel of Inquiry and Investigation consisting of not less than nine persons.

Appointment of the Panel of Inquiry and Investigation.

- (2) A person appointed as a member of the Panel of Inquiry and Investigation shall hold office for a period of five years from the date of appointment and unless removed from office shall be eligible for re-appointment.

- (3) A member of the Panel of Inquiry and Investigation may resign from his office by writing addressed to the Minister.

40. (1) Where—
(a) any appeal is made by any member of the staff of the University against an appointment, promotion, dismissal, suspension, disciplinary action taken against him or in respect of any salary anomaly; or

Constitution of the University Appeals Board.

(b) any investigation is required to be made into any matter pertaining to the functions of the University,

the Board shall constitute a University Appeals Board consisting of three members, selected from and out of the
5 persons appointed to the Panel of Inquiry and Investigation by the Minister under section 39 to inquire into such appeal or to conduct such investigation, as the case may be.

(2) The members of the University Appeals Board shall elect from among themselves one of its members to be the
10 Chairman of such Board.

(3) There shall be a Secretary to the University Appeals Board appointed by the Chairman of such Appeals Board.

(4) The procedure for the conduct of the proceedings of a University Appeals Board shall be determined by the Board
15 by rules made in that behalf.

(5) At the conclusion of an inquiry into an appeal or the conduct of the investigation, as the case may be, it shall be the duty of the Chairman of the University Appeals Board to convey to the Board its decision and the reasons therefor,
20 along with a report on such appeal or investigation. Further, a copy of the decision and the reasons therefor shall also be sent through registered post to the person who preferred the appeal, within one week from the date of such decision.

(6) The members of the University Appeals Board shall
25 in respect of each appeal inquired into or investigation conducted by them, be paid such allowance as the Minister shall determine in consultation with the Minister in charge of the subject of Finance.

41. A person aggrieved by the decision of the University Appeals Board in respect of any appeal made under paragraph (a) of subsection (1) of section 40 may appeal against such decision to the Court of Appeal within fourteen days from the date on which the decision and the reasons therefor were sent to that person by registered post under
30 subsection (5) of section 40.

Appeals from the decision of a University Appeals Board.

42. (1) Any expense incurred by the University Appeals Board in any suit or prosecution brought by or against such University Appeals Board before any court shall be paid out of the University Fund, and any costs paid to or recovered by a University Appeals Board in any such suit or prosecution shall be credited to that Fund.

Expenses incurred in any suit or prosecution to be paid out of the Fund.

(2) Any expense incurred by a member of a University Appeals Board in any suit or prosecution brought against him before any court in respect of any act which is done or purported to be done by him under this Act or any appropriate instrument shall, if the court holds that such act was done in good faith, be paid out of the Fund of the University unless such expense is recovered by him in such suit or prosecution.

15

PART X

FINANCE

43. (1) The University shall have its own Fund into which shall be credited—

The University Fund.

- (a) all moneys voted for its use by Parliament;
- 20 (b) all such sums of money as may be received by the University by way of donations or grants from any source whatsoever;
- (c) fees paid to the University in accordance with the provisions of any by-Laws; and
- 25 (d) any other payments required to be made to the University in accordance with any rule or regulation made under this Act.

(2) There shall be paid out of the Fund of the University all such sums of money as are required to defray all expenditure incurred by the University in the exercise of its powers under this Act

30

44. The Deputy Secretary to the Treasury shall as soon as may be practicable after the commencement of each financial year, pay to the University such sums of money as may be provided for by Parliament by way of annual appropriation, supplementary vote or otherwise as a grant in aid of the University.

Grants in aid of the University.

45. The budget estimates and the annual financial appropriations of the University prepared with the assistance of the Director, Finance under paragraph (d) of section 46, shall be considered by the Board before such date as may be prescribed by by-law. The Board may make such alterations in such estimates and financial appropriations as it thinks fit, and shall submit them to the Minister together with the accounts of the University for the completed financial year and the Minister may where he considers it necessary amend any such estimates and financial appropriations.

Board to consider budget estimates and annual financial appropriations.

46. It shall be the duty of the Director, Finance of the University to—

Duties of the Director, Finance.

- (a) keep the accounts of the University in such form and in such manner as may be prescribed by rules;
- (b) receive all moneys paid into the Fund of the University and to credit such moneys to the proper heads of accounts;
- (c) make all payments in accordance with the applicable laws, Financial Regulations and Circulars;
- (d) assist the Board in the preparation of budget estimates and the annual financial appropriations of the University; and
- (e) prepare where necessary any supplementary estimates under section 50.

47. The income derived to the University from grants made for specific purposes or from endowments for specific objects shall be separately accounted for in the accounts of the University and no payment shall be made from such income for the general purposes of the University or for any purposes or objects other than those for which such grants or endowments were made.

income from grants for specific purposes to be separately accounted for.

48. The Board shall by resolution adopt the budget estimates, annual financial appropriations and annual accounts of the University prior to the transmission of the same to the Minister under section 53.

The Board to adopt budget estimates and annual financial appropriations

49. It shall be lawful for the Board in case of necessity, to transfer funds from one vote to another of the annual estimates subject to the approval in writing of the Treasury.

Transfer of funds from one vote to another.

50. (1) In case of necessity and in order to meet any unforeseen expenditure, it shall be lawful at any time for Director, Finance, to prepare supplementary estimates of expenditure.

Supplementary estimates.

(2) Financial liability of a recurrent nature arising under subsection (1) shall not be incurred without the prior approval of the Minister given with the concurrence of the Minister in charge of the subject of Finance.

(3) The supplementary estimates prepared under subsection (1) shall be submitted to the Board for its adoption and once adopted shall be made available to the Minister together with the annual appropriation for the succeeding year.

51. (1) The financial year of the University shall be the calendar year.

Financial year and audit of accounts.

(2) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to and in respect of the audit of accounts of the University.

52. The audited accounts of the University for each financial year, shall be published in the *Gazette*. Publications of audited accounts.

53. (1) The University shall within three months of the receipt of the Auditor-Generals report in respect of each financial year, transmit to the Minister such report with any comments made thereon by the Board together with the statement of accounts to which such report relates. Annual accounts and Auditor-General's report to be transmitted to Minister.

(2) The Minister shall cause copies of all the documents transmitted to him under subsection (1) to be tabled in Parliament before the end of the year next succeeding the year to which such accounts and report relate. The Vice Chancellor of the University shall attend and answer any questions arising therefrom before the Public Accounts Committee of Parliament.

15

PART XI

STUDENTS ASSEMBLY AND OTHER ASSOCIATIONS

54. (1) The University shall have a Students Assembly consisting of student representatives elected from among persons who are for the time being students of the University. Students Assembly.

20 (2) Every election to the Students Assembly shall be conducted by secret ballot at the commencement of each academic year by such person or persons as may be nominated by the Vice Chancellor.

25 (3) The term of office of the members of the Students Assembly shall expire at the end of the academic year in which the Students Assembly was elected.

30 55. (1) The Board may recognize any society or other association of students established for the sole purpose of furthering academic or social objectives and which will carry on such activities or functions as may be specified by the Board by by-Laws made in that behalf. Recognition of certain Societies and other Associations.

(2) The membership of any society or other association established under subsection (1) shall consist entirely of students of the University.

(3) Subject to the provisions of section 54, the Board may specify by by-law, the mode of registration of societies and other associations recognized under subsection (1), their functions, the mode of conducting elections for the appointment of their office-bearers and the duties and functions of such office-bearers.

10 **56.** The Board may, from time to time, allocate to the Students Assembly or to any society or other association recognized under section 55, such sums of money as may be deemed necessary by the Board for approved activities.

Board to allocate money to Students Assembly etc, for approved activity.

57. The Board shall by Ordinance prescribe—

15 (a) the duties and functions of the Students Assembly;

 (b) the office bearers of the Students Assembly and the number of student representatives constituting the Students Assembly and their mode of election;

Board to prescribe constitution, duties and functions of Students Assembly.

20 (c) the duties and functions of the office bearers of the Students Assembly;

 (d) the Standing Committee or Committees which a Students Assembly may appoint and the duties and functions of such Committee;

25 (e) the purpose for which the funds allocated to the Students Assembly and to any society or other association recognized by the Board under section 55 shall be utilized; and

30 (f) the form and the manner in which the accounts of the Students Assembly and any society or other association shall be maintained and audited

58. Where the Students Assembly or any society or other association conducts itself in a manner which in the opinion of the Vice Chancellor is detrimental or prejudicial to the good name of the University or acts in contravention of any provision of this Act or any appropriate Instrument, the Vice Chancellor may suspend or dissolve such Students Assembly, society or other association, as the case may be.

Suspension or dissolution of students Assembly, society or other association.

PART XII

GENERAL PROVISIONS

- 10 59. A person shall be disqualified from being appointed to or continuing as a member of any Authority of the University or as an officer of the University, if such person—
- 15 (a) is an un-discharged bankrupt or is insolvent;
- (b) is convicted of any offence involving moral turpitude;
- 20 (c) is found or declared to be of unsound mind under any law in force in Sri Lanka or any other country;
- (d) is directly or indirectly by himself or by any person on his behalf or for his use or benefit holds or enjoys any right or benefit under any contract, other than his contract of employment, made by or on behalf of the University;
- 25 (e) is or becomes, a Member of Parliament, a member of a Provincial Council or a member of any local authority;
- (f) is removed from the membership of any Authority or from any office of the University, for misconduct;
- (g) is found to be unfit to continue to be a member of an Authority or continue to hold office of the

Disqualification from being members of any Authority of the University.

University, by reason of ill health or physical or mental infirmity;

(h) is found guilty of misconduct or corruption; or

(i) is found guilty of gross abuse of power of his office.

5 **60.** All officers and members of the staff of the University shall be deemed to be public servants within the meaning and for the purposes of the Penal Code (Chapter 19).

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

10 **61.** The University shall be deemed to be a Scheduled institution within the meaning and for the purposes of the Bribery Act, and the provisions of that Act shall be construed accordingly.

University deemed to be a Scheduled institution within the meaning of the Bribery Act.

15 **62.** (1) Where the presence of any person within the University, other than of any officer, member of the staff or a student of the University is, in the opinion of the Vice Chancellor not conducive to the welfare of the University or its students, the Vice Chancellor may with the consent of the Board after giving such person an opportunity of being heard, serve on such person by writing under his hand, a notice prohibiting such person from entering or remaining
20 within the precincts of the University or within such part thereof as may be specified in such notice. Such prohibition shall remain in force until revoked by the Board.

Prohibition on undesirable persons from entering precincts.

25 (2) A certificate under the hand of the Vice Chancellor to the effect that any person named in the certificate has been prohibited in accordance with the provisions of subsection (1) from entering or remaining in the precincts of the University or any part thereof, shall be admissible as evidence and shall be *prima facie* evidence of the facts stated in such Certificate.

(3) Any person who is prohibited under the provisions of subsection (1) from entering or remaining within the University precincts or part thereof and who without reasonable cause, enters or remains within such precincts or
 5 part thereof in contravention of such prohibition, shall be guilty of an offence and shall on conviction after summary trial by a Magistrate, be liable to a fine of one thousand rupees or to an imprisonment for a period not exceeding three years in respect of each day or part thereof on which he
 10 has entered or during which he has remained, within such precincts or part thereof.

(4) An offence under subsection (3) shall be a cognizable and a bailable offence within the meaning and for the purpose of the Code of Criminal Procedure Act, No. 15 of 1979.

15 **63.** (1) The Board may subject to the provisions of this Statutes. Act, make Statutes in respect of all or any of the following matters:—

- (a) where unless otherwise provided for, the manner of
 20 filling of vacancies in and the convening of any Authority of the University;
- (b) the determination of the degrees and other academic distinctions to be conferred;
- (c) the criteria applicable for the conferment of honorary degrees or other distinctions;
- 25 (d) the institution and award of fellowships, scholarships, exhibitions, bursaries, medals and other prizes for which funds or property may in any manner whatsoever be provided; and
- 30 (e) all matters for which under the provisions of this Act, Statutes are authorized or required to be made.

(2) Every Statute made under subsection (1) shall be published in the *Gazette* and shall come into force on the date of such publication or on such other date as may be specified therein.

64. (1) Subject to the provisions of this Act, by-laws ^{By-Laws.} may be made by the Board in respect of all or any of the following matters—

- 5 (a) the courses of study approved by the Board for the grant of degrees, diplomas and other academic distinctions;
- 10 (b) the conditions subject to which students shall be admitted to courses of study and examinations prescribed for degrees, diplomas and other academic distinctions;
- 15 (c) the fees to be charged for courses of study, examinations and award of degrees and other academic distinctions;
- 20 (d) all matters connected with the election of representatives to various authorities and other bodies of the University;
- 25 (e) the conditions and mode of appointment of examiners, their duties, the fees to be paid to them and the conduct of and maintenance of standards at examinations; and
- (f) all matters for which under the provisions of this Act, by-laws are authorized or required to be made.

(2) A by-law in respect of any matter relating to or connected with teaching and the examinations of the University shall not be made by the Board, until a draft of such by-law has first been prepared and submitted to the Board by the Academic Council.

(3) Every by-law made by the Board shall come into force on such date as shall be specified therein.

65. (1) Subject to the provisions of this Act, any Authority of the University may make rules in respect of all matters—

- 5 (a) for which rules are required to be made under the provisions of this Act; and
- (b) required to be provided for in order to enable such Authority to carry on its duties and functions under this Act.

10 (2) Rules made by an Authority of the University under subsection (1), shall come into force on such date as shall be specified therein.

66. The provisions of the Universities Act, No. 16 of 1978, shall not apply to or in respect of the University established by this Act.

Provisions of the Universities Act, No. 16 of 1978 not to apply.

15

PART XIII

INTERPRETATION

67. In this Act, unless the context otherwise requires— Interpretation.

- 20 “Academic Council” means the apex academic body of the University;
- “appropriate Instrument” means any Ordinance, Statute, by-Law, regulation or rule made in accordance with the provisions of this Act;
- “Authority” means any Authority specified in section 18 of this Act;
- 25 “by-law” means a by-law made by the Board under section 64 of this Act;
- “degree” means both undergraduate and postgraduate degrees awarded by the University;

“Governing Body” means the overall administrative body of the University;

5 “non-academic staff” means all the members of the staff other than the teaching staff of the University;

“Ordinance” means any Ordinance made by the Board under section 21 of this Act;

“rule” means any rule made by any Authority of the University under section 65 of this Act;

10 “Statute” means any Statute made by the Board under section 63 of this Act; and

15 “teaching staff” includes a Senior Professor, Professor, Librarian, Associate Professor, Senior Lecturer, Senior Assistant Librarian, Lecturer and an Assistant Librarian;

68. 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 inconsistency.

20 **69.** (1) Notwithstanding anything to the contrary contained in any other provisions of this Act, pending the establishment and organization of the Faculties, the constitution of the several Authorities and the appointment of the officers and other staff of the University under this Act, the President shall in consultation with the Minister to whom the subject of Vocational Education is assigned, appoint an Interim Committee consisting of— Special Provisions pending the establishment of the University.

(a) the Secretary to the Ministry of the Minister to whom the subject of Vocational Education is assigned ;

30 (b) the Chairman of the National Institute of Fisheries and Nautical Engineering established by the

National Institute of Fisheries and Nautical Engineering Act, No. 36 of 1999 ;

5 (c) the Director-General of the National Institute of Fisheries and Nautical Engineering established by the National Institute of Fisheries and Nautical Engineering Act, No. 36 of 1999.

10 (2) The Interim Committee appointed under subsection (1) shall subject to the provisions of subsection (4), function for a period of three months commencing from the appointed date and shall be responsible for taking all such measures and making arrangements as may be necessary to enable the University to commence its activities under this Act.

(3) The Interim Committee, in the discharge of its functions under subsection (2), shall have the power to—

15 (a) allocate to the University, the staff, students, equipment, land, buildings and other facilities and to determine the structure and composition of each Faculty and any other Institution and the disciplines and subjects that are to be assigned to such Faculties or Institutions, as the case may be ; and

20 (b) exercise the powers of the Board and of any other Authority of the University, in respect of any matter concerning the University and the appointment of any person or persons, inclusive of officers required to be appointed under this Act, for the purpose of

25 organizing, carrying out and directing the functioning of the University during such period.

30 (4) The period of three months referred to in subsection (2) may be extended by the Minister on the recommendation of the Secretary to the Ministry of the Minister to whom the subject of Vocational Education is assigned for a period not exceeding a further three months, by Notification published in the *Gazette*. The Notification shall be brought before the

Parliament for its approval within one month of the date of its publication in the *Gazette*. A Notification not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to the validity of anything previously done thereunder.

(5) The date on which any Notification shall be deemed to be rescinded shall be published in the *Gazette*.

70. (1) Notwithstanding the provisions of the National Institute of Fisheries and Nautical Engineering Act, No. 36 of 1999 the officers and servants of the National Institute of Fisheries and Nautical Engineering established under the National Institute of Fisheries and Nautical Engineering Act, No. 36 of 1999 (in this section referred to as the Institute) and who are the staff of that Institute as on the appointed date, shall, prior to the expiry of a period of two months from the appointed date, by a written communication addressed to the First Vice Chancellor of the University inform such Vice Chancellor, whether such officer or servant would or would not accept employment in the University or in the National Institute of Fisheries and Maritime Training established under paragraph (h) of section 5, as the case may be, in the event of being offered employment there.

Officers and servants of the National Institute of Fisheries and Nautical Engineering to be offered employment in the University.

(2) All officers and servants of the Institute who are offered employment in the University by the First Vice Chancellor and who express a desire to accept such employment, shall become members of the staff of the University or the National Institute of Fisheries and Maritime Training established under paragraph (h) of section 5, as the case may be, from the date specified in the Order made under subsection (1) of section 71. Such officers and servants shall be employed on terms not less favourable than their terms of employment in the Institute and the period of service rendered by them, to the Institute shall be regarded as a service rendered by them to the University.

(3) Where any officer or servant of the Institute expresses a desire not to accept employment in the University or the National Institute of Fisheries and Maritime Training established under paragraph (h) of section 5, as the case may
 5 be such officer or servant shall be deemed to have retired from service from the date specified in the Order made under subsection (1) of section 71, and shall be eligible for the retirement benefits that such officer or servant would have been entitled to, if he retired from service in the Institute
 10 after reaching his age of retirement.

71. (1) The National Institute of Fisheries and Nautical Engineering Act, No. 36 of 1999 shall stand repealed from such date as the Minister shall specify by Order published in the *Gazette*, provided the date to be so specified shall be a
 15 date after three months but within six months of the appointed date.

Repeal of the National Institute of Fisheries and Nautical Engineering Act, No. 36 of 1999.

(2) Notwithstanding the repeal of the aforementioned Act, from and after the date specified in the Order made under subsection (1) of this section-

- 20 (a) all movable and immovable property of the National Institute of Fisheries and Nautical Engineering shall, from the date specified in the Order made under subsection (1), vest in the University;
- 25 (b) all contracts and agreements entered into by or with the National Institute of Fisheries and Nautical Engineering and subsisting on the day immediately preceding the date specified in the Order made under subsection (1), shall be deemed to be contracts and agreements entered into, by or with the
 30 University;
- (c) all sums of money lying to the credit of the Fund of the National Institute of Fisheries and Nautical Engineering on the day immediately preceding the date specified in the Order made under subsection

(1), shall stand transferred with effect from that date, to the Fund established by section 43 of this Act; and

- 5 (d) all liabilities of the National Institute of Fisheries and Nautical Engineering existing on the day immediately preceding the date specified in the Order made under subsection (1), shall be deemed to be the liabilities of the University.

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