



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

**INSTITUTE OF ENVIRONMENTAL
PROFESSIONALS, SRI LANKA
(INCORPORATION)**

A

BILL

**to incorporate the Institute of Environmental Professionals,
Sri Lanka**

*Presented by Hon. Harshana Rajakaruna, M.P. for Gampaha District
on 10th February, 2016*

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*Institute of Environmental Professionals,
Sri Lanka (Incorporation)*

AN ACT TO INCORPORATE THE INSTITUTE OF ENVIRONMENTAL
PROFESSIONALS, SRI LANKA

WHEREAS an Institute called and known as the “Institute of Environmental Professionals, Sri Lanka” has heretofore been formed in Sri Lanka for the purpose of effectually carrying out its objects and transacting all matters connected with the said Institute according to the rules agreed to by its members:

Preamble.

AND WHEREAS the said Institute has heretofore successfully carried out and transacted the objects and matters for which it was established, and has applied to be incorporated and it is for the public advantage to grant the such 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 Institute of Environmental Professionals, Sri Lanka (Incorporation) Act, No. of 2016.

Short title.

2. From and after date of commencement of this Act, such and so many person as now are members of the Institute of Environmental Professionals, Sri Lanka (hereinafter referred to as the “Institute”) or shall hereafter be admitted as members of the Corporation hereby constituted, shall be a body corporate, with perpetual succession, under the name and style of the “Institute of Environmental Professionals, Sri Lanka” (hereinafter referred to as the “Corporation”) and by that name may sue and be sued, with full power and authority to have and use a common seal and to alter the same at its pleasure.

Incorporation of Institute of Environmental Professionals’, Sri Lanka.

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

General objects of the Corporation.

(a) to raise and uphold the dignity and reputation of environmental professionals in Sri Lanka ;

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(b) to disseminate environmental knowledge to the public ; and

(c) to conserve and enhance the natural and physical environment of Sri Lanka.

5 4. The Functions of the Corporation shall be— Functions of
the
Corporation.

(a) to foster communication between environmental professional and policy makers and to assist in maintaining a balance between social economic and environmental goals ;

10 (b) to identify, assess and to enhance current knowledge of environmental issues of national and global interest ;

15 (c) to encourage and promote interdisciplinary research with a view towards increasing scientific understanding of environmental issue ;

(d) to link with electronic online libraries and databases to disseminate environmental information ;

20 (e) to promote and to facilitate awareness on environmental issues and training of scientists and others ;

(f) to promote informed advocacy in environmental affairs ;

(g) to provide an enabling platform to discuss environmental and development related issues ; and

25 (h) to encourage and to publish environmental publications.

5. Subject to the provisions of this Act and any other written law, the Corporation shall have the power to :— General powers of the Corporation.

- 5 (a) acquire, hold, take or give on lease or hire mortgage, pledge, sell and exchange or otherwise dispose of, any immovable or movable properties of the Corporation ;
- 10 (b) enter into and perform or carry out, whether directly or through any officer or agent authorized in that behalf by the Corporation, all such contracts or agreements as may be necessary for the attainment of the objectives or the exercise of the powers of the Corporation ;
- 15 (c) conduct courses, hold examinations and to issue certificates pertaining to the attainment of the objectives of the Corporation ;
- (d) invests its funds, and to maintain current, deposit, and savings accounts in any bank or banks approved by the Council ;
- 20 (e) advance or lend, or to borrow money for the purposes of the Corporation in such manner and upon such security as the Council may think fit ;
- (f) prescribe fees, in respect of membership, admission to membership, and admission to courses and examinations conducted by the Institute ;
- 25 (g) accept grants, gifts donations and bequests in cash or in kind :

30 Provides that, notwithstanding anything to the contrary in any other provisions of this Act, the Council shall obtain written approval of the Department of External Resources of the Ministry of the Minister to whom the subject of Finance is assigned, in respect of all foreign grants, gifts of donations.

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(h) appoint, employ, transfer, dismiss and exercise disciplinary action against officers and servants of the Corporation and to prescribe their terms and conditions of service ; and

5 (i) generally, do all such acts and things as are necessary for, or incidental or conducive to carrying out or the attainment of the objectives of the Corporation.

6. (1) The membership of the Corporation shall consist
10 of the following categories :— Membership
of the
Corporation.

(a) Member ;

(b) Chartered Member ;

(c) Fellow Member ;

(d) Associate Member ;

15 (e) Student Member ;

(f) Hinary Member ;

(g) Corporate Member ; and

(h) Life Member.

(2) The qualifications for each category of membership
20 shall be prescribed by rules made under the Act.

(3) The categories of members mentioned under
paragraphs (a), (b), (c), (g) & (h) of subsection (1) shall be
eligible to be elected to the Council or any sub-committee of
the Institute and shall be entitled to all the rights and
25 privileges thereof and shall have the right to vote.

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7. (1) Subject to the provisions of section 6 and the rules made there-under, a person who is eligible for membership of the Institute shall be enrolled in the appropriate category, upon payment of a prescribed fee.

Fee for membership of the Corporation.

5 (2) Subject to sub-section (3) of this section and rules formulated there under, the enrolment of a person as a member of the Institute shall be effective until the thirty-first day of December of the year of enrolment ; and the enrolment may be renewed annually upon payment of a
10 prescribed fee.

(3) Rules may be formulated in terms of this Act for members to be enrolled on the basis of an annual subscription or as a life member.

8. (1) Any member of the Institute other than a member enrolled in the category of a Fellow shall be entitled to use the initials "M.I.E.P. (Sri Lanka)" after his name altered members can use C.Env. (Sri Lanka) after their names.

Use of Titles.

(2) Any member of the Institute enrolled in the category of a Fellow of the Institute shall be entitled to use the title
20 "F.I.E.P. (Sri Lanka)" after the name.

(3) No person shall use any title referred to in sub-sections (1) and (2) unless such person is enrolled in that category.

9. (1) The affairs of the Institute shall, subject to the provisions of this Act and the rules in force for the time being of the Institute, be administered by a Governing Council (in this Act referred to as the "Council").

Constitution of Council.

(2) The Council shall consist of a President, Secretary and other office bearers elected in accordance with the rules in force for the time being of the Institute.

30 (3) The first Governing Council of the Institute shall be the Governing Council of the Institute holding office on the day preceding the date of commencement of this Act.

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(4) Any member of the Council who vacates office by effluxion of time shall be eligible for re-appointment.

5 (5) Every member of the Council shall hold office for a period of one year unless he vacates office earlier by death, resignation, or by removal.

(6) A member of the Council shall vacate office by resignation there from or if he ceases to be a member of the Institute.

10 (7) In the event of death or of vacation of office by a member of the Council ; the Council may appoint any other person, in place of such member, who shall hold office during the unexpired period of the term of office of such member.

15 **10.** No act or proceeding of the Institute shall be deemed to be invalid by reasons only of the existence of any vacancy in the Council or defect in the appointment of any member of the Council.

Act or proceeding of the Institute deemed not to be invalid by reason of any vacancy or defect in the appointment of a member.

11. (1) The meetings of the Council shall be held once at least every one month.

Meetings of the Council.

20 (2) The Secretary shall give at least seven days notice in writing of every meeting of the Council to every member of the Council.

25 (3) The Secretary shall summon a special meeting of the Council within seven days after being requested in writing by ten members or by the President of the Council, notwithstanding the provisions of sub-section (2).

(4) The President shall preside at meetings of the Council and in the absence of the President from any such meeting of the Council a member of the Council chosen by the majority of Council members present shall preside at such meeting.

5 (5) The President, or in his absence, the person presiding at a meeting in terms of sub-section (4) above shall, in addition to his own vote, have a casting vote.

(6) Subject to the provisions of this section and any rules in force, the Council shall determine the procedure in regard
10 to its meetings and the transaction of business at such meetings.

12. (1) The Council may, at any general meeting and by the votes of not less than two-thirds of the members present and voting make rules in respect of any matter
15 required by this Act to be prescribed or in respect of which rules are authorized or required by this Act to be made. Meetings of the Council and the power to make rules.

(2) Any rule made by the Council may be amended, altered, added to or rescinded at a like meeting and in like manner, as a rule made under sub-section (1) of this section.

20 (3) The quorum for a general meeting of the Council shall be twenty five Members.

(4) Without prejudice to the generality of the powers conferred by the provisions of sub-section (1) of this section the Council may make rules not inconsistent with the
25 provisions of this Act and any other written law, in respect of all or any of the following matters :—

(a) admission, enrolment, registration and expulsion
of members the qualifications and disqualifications
for membership the form and issue of certificates of
30 membership the maintenance of a register of
members the waiver or reduction of membership
fees, the effect of non-payment of membership fees
and the rights, privileges and duties of members ;

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- 5 (b) the terms of office of the Council, eligibility and the mode of election, the resignation or vacation or appointment, the registration or vacation of office and filling of vacancies of members thereof, delegation of powers and functions of the Council and appointment of sub-committees and Boards of the Institute.
- 10 (c) summoning or holding of meetings of the Council, notices and agenda of such meetings, the quorum thereof and the conduct of business thereat ;
- 15 (d) management of the property of the Institute and the custody of its funds;
- (e) formulation of a Code of Professional Conduct ;
- (f) procedure of disciplinary inquiries, appointment of Disciplinary Committees and the providing of legal assistance thereto, form of complaints, issue of notices, summoning of any person, maintenance of the record of the proceedings and reports of such committees ;
- 20 (g) appointing to the staff, officers and servants as may be necessary for the purposes of the institute ;
- (h) dismissal and the exercise of disciplinary control over such officers and servants.
- 25 (i) fixing the wages or salaries of other remuneration of such officers and servants ; and
- (j) determining the terms and conditions of service of such officers and servants.

(5) The members of the Institute shall be subject to the rules of the corporation.

13. (1) No person shall be enrolled as a member of the corporation :— General disqualification.

- (a) if he has been adjudged by a competent Court to be of unsound mind ;
- 5 (b) if having been adjudged an insolvent or bankrupt, he has not been granted by a competent Court that his insolvency or bankruptcy has arisen wholly or partly from unavoidable losses or misfortunes ;
- 10 (c) if he has been convicted by a competent Court whether in Sri Lanka or elsewhere, of any offence involving moral turpitude and punishable with imprisonment or similar punishment and has not been granted a free pardon.

(2) The Council shall cancel the enrolment of any member of the Corporation, if he becomes subject to any disqualification referred to in sub-section (1).

Provided however, that such cancellation of enrolment shall not prevent the Council from re-enrolling such person should he fulfil the requirements for enrolment thereafter.

20 **14.** (1) The Corporation shall have its own fund. Fund of the Corporation.

(2) They shall be credited to the Fund of the Corporation—

- 25 (a) all such sums of money as are received by the Institute in the exercise and discharge of its powers and functions under this Act ; and
- (b) all such sums of money as are received by the Institute as loans, grants and donations from sources within or outside Sri Lanka.

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(3) All sums of money required to defray any expenditure incurred by the Institute in the exercise and discharge of its powers and functions or as are required to be paid out of the Fund by any provisions of this Act shall be charged on the
5 Fund of the Corporation.

15. The financial year of the Corporation shall be the calendar year. Financial year of the Corporation.

16. The seal of the Corporation shall not be affixed to any instrument whatsoever, except by the authority of a
10 resolution of the Council and in the presence of two members of the Council and of the Secretary or such other person as the Council shall authorize for that purpose ; who shall sign their names to the instrument in token of their presence and such signing shall be independent of the signing of any
15 person as a witness. How the seal of the Institute is to be affixed.

17. No member of the Council or officer or servant of the Corporation shall disclose to any person, except for the purpose of discharging of his functions under this Act or when required to do so by a Court under any law, any
20 information acquired by him in the discharge of his functions under this Act. Prohibition on disclosure of information.

18. Any expense incurred by any person in any suit or prosecution brought against him before any Court in respect of any act which is done by him or purported to be done by
25 him under this Act or on the direction of the Council shall, if the Court holds that the act was done in good faith, be paid out of the Fund of the Institute. Expenses incurred by any person to be paid by the Corporation.

19. (1) The Corporation shall cause proper accounts to be kept of its income and expenditure, assets and liabilities
30 and all other transactions of the Corporation. Accounts and Audit.

(2) The accounts of the Corporation shall be audited annually by a qualified auditor appointed by the Institute.

(3) In this section, “qualified auditor” means —

5 (a) an individual who being a member of the
Institute of Chartered Accountants of Sri Lanka
or of any other institute established by law,
possesses a certificate to practice as an
Accountant, issued by the Council of such
institute; or

10 (b) a firm of Accountants each of the resident
partners of which, being a member of the
Institute of Chartered Accountants of Sri Lanka
or of any other institute established by law,
possesses a certificate to practice as an
Accountant, issued by the Council of such
institute.

15 **20.** Nothing in this Act contained shall prejudice or
affect the rights of the Republic or of any body politic
corporate or of any other person, except such as are
mentioned in this Act, and those claiming by, from or under
them. Saving of the
Rights of the
Republic and
others.

20 **21.** 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.

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