

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

Part II of July 26, 2024

SUPPLEMENT

(Issued on 29.07.2024)



**SRI LANKA OPTOMETRIC ASSOCIATION
(INCORPORATION)**

(Private Members' Bill)

A

BILL

to incorporate the Sri Lanka Optometric Association

*To be presented in Parliament by Hon. (Dr.) Kavinda Heshan
Jayawardhana, M. P. for Gampaha District*

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 24.00

Postage : Rs. 150.00

This Gazette Supplement can be downloaded from www.documents.gov.lk



*Sri Lanka Optometric Association
(Incorporation)*

AN ACT TO INCORPORATE THE SRI LANKA OPTOMETRIC
ASSOCIATION

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

AND WHEREAS the said Association has heretofore
successfully carried out and transacted the several objects
and matters for which it was established, and has applied to
10 be incorporated and it will be expedient to grant the said
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 Sri Lanka Optometric Short title
15 Association (Incorporation) Act, No. of 2024.

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

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(2) The body corporate shall be deemed to be a voluntary social service organization within the meaning, and for the purpose of the Voluntary Social Service Organizations (Registration and Supervision) Act, No. 31 of 1980 and the
5 provisions of that Act shall apply to and in relation to the management of the affairs of the Corporation.

3. The body corporate shall operates exclusively as a not for profit Organization and it is solely for the benefit of the Association and its members. Body corporate operates as a not-for-profit Organization

10 4. (1) The general objects for which the body corporate is constituted are hereby declared to be - The General objects of the body corporate

- (a) to plan strategically to achieve the enhancement and development of primary eye and vision care by optometrists in Sri Lanka;
- 15 (b) to promote high standards of education and practice by optometrists in Sri Lanka;
- (c) to promote the advancement of the science of optometry for the benefit of mankind;
- (d) to unite and coordinate optometry in Sri Lanka;
- 20 (e) to generally support aid programmes directed at the provision of eye and vision care to persons in need;
- (f) to promote, safeguard and further the interest, rights and privileges of optometrists in Sri Lanka;
- 25 (g) to keep members informed of matters relating to optometry;

(h) to maintain liaison with government authorities, international organizations and other persons or organizations related to optometry; and

5 (i) to conduct examinations and issue qualification certificates.

(2) In the implementation of the objects specified in subsection (1) the body corporate shall ensure that such implementation shall be carried out without any discrimination based on race, religion, language, caste, sex,
10 political opinion, place of birth or any of such grounds.

15 **5.** The objects of the body corporate shall be carried out in such manner so as not to create any conflict between the work of the body corporate and any work being carried out simultaneously by any Ministry or Department of the Government or any Provincial Council.

Body corporate to ensure no conflict with work of Ministry or Department of the Central Government or Province

6. (1) Subject to the provisions of this Act the body corporate shall be carried out by an Executive Committee (hereinafter referred to as "the Committee" consisting of such number of office bearers as may be specified by the rules
20 made under section 8.

Management of the affairs of the body corporate

(2) (a) The Executive Committee of the Association that holds office on the day immediately preceding the date of commencement of this Act, shall function as the Interim Committee of the body corporate until the first Committee
25 is appointed or elected in the manner provided for by rules made under section 8.

(b) The first Committee of the body corporate shall be appointed or elected within one year of the date of commencement of this Act.

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(3) (a) Every office bearer of the Committee including the patrons and advisors, shall be appointed or elected for a period of three years and any such office bearer shall be eligible for re-appointment or re-election after lapse of the
5 said period of three years.

(b) In the event of a vacancy occurring due to the death, resignation, incapacity or removal from office of an office bearer, the Committee shall having regard to the rules of the Association, elect or appoint a person to fill such vacancy.

10 (c) The person elected or appointed under paragraph (b) shall hold office only for the unexpired portion of the term of office of the member whom he succeeds.

7. Subject to the provisions of this Act and any other written law, the body corporate shall have the power to do,
15 perform and execute all such acts and matters as necessary or desirable for the promotion or any one of them, including the power -

Powers of the
body
corporate

(a) to purchase, acquire rent, construct, renovate and
20 otherwise obtain lands or buildings which may be required for the purpose of the body corporate and to deal with or dispose of the same as may be deemed expedient with a view to promoting the objects of the body corporate;

(b) to raise funds and receive grants, gifts or donations,
25 in cash or kind with or without security:

Provided that, the Committee shall obtain the prior written approval of the Department of External Resources of the Ministry of the Minister assigned the subject of Finance, in respect of all
30 foreign grants, gifts or donations made to the body corporate;

- 5 (c) to make, draw, accept, discount, endorse, negotiate, buy, sell and issue bills of exchange, cheques, promissory notes and other negotiable instruments and to open, operate and close accounts in any banks;
- (d) to invest any funds not immediately required for the purposes of the body corporate in such manner as the Committee may determine;
- 10 (e) to undertake, accept, execute, perform and administer any lawful trust or any real or personal property with a view to promoting the objects of the body corporate;
- (f) to appoint, employ, dismiss or terminate the services of officers and servants of the body corporate and exercise disciplinary control over them and to pay them such salaries, allowances and gratuities as may be determined by the body corporate; and
- 15 (g) to do all other things as are necessary or expedient for the proper and effective carrying out the objects of the body corporate.
- 20

25 **8. (1)** It shall be lawful for the body corporate, from time to time, at any general meeting and by the votes of not less than two thirds of the members present and voting, to make rules, not inconsistent with the provisions of this Act or any other written law, for all or any of the following matters:-

Rules of the
body
corporate

- (a) the classification of membership, admission, withdrawal, expulsion or resignation of members and fees payable by members;

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- (b) the election of office bearers of the Committee or vacation of or removal from office of office bearers and the powers, duties and functions of the office bearers;
- 5 (c) the terms and conditions of appointment, powers, functions and duties of the various officers, agents and servants of the body corporate;
- 10 (d) the procedure to be followed at the summoning and holding of meetings of the Committee, or any sub-committee thereof, notices and agenda of such meetings, the quorum and the conduct of business thereat;
- (e) the qualifications and disqualifications to be a members of the Committee and the body corporate;
- 15 (f) the administration and management of the property of the body corporate; and
- (g) the management of the affairs of the body corporate and the accomplishment of its objects and dissolution of the body corporate.
- 20 (2) The rules made by the body corporate may be amended, altered, added to or rescinded at a like meeting and in like manner as a rule made under sub- section (1).
- (3) The members of the body corporate shall at all time be subject to rules of the body corporate.
- 25 (4) The rules made under this section shall be published in the Government *Gazette*.

9. (1) The Committee shall maintain a register of members in which name, address and other essential details of the members be inscribed. Register of members

5 (2) The current complete members be bestowed with the designation of “Chartered Optometrists” and the eligibility criteria for the title “Chartered Optometrist” be raised to a “Higher National Diploma in Optometry (HNDO)” or higher.

10. (1) The body corporate shall have its own Fund. Fund of the body corporate

10 (2) All moneys received by way of gifts, bequests, donations, subscriptions, contributions, fees or grants for an account of the body corporate shall be deposited in one or more Banks approved by the Committee to the credit of the Association.

15 (3) There shall be paid out of the Fund all sums of money as are required to defray any expenditure incurred by the body corporate in the exercise, performance and discharge of its power, duties and functions under the Act.

11. (1) The financial year of the body corporate shall be the calendar year. Accounts and the Auditing

20 (2) The body corporate shall cause proper accounts to be kept of income and expenditure, assets and liabilities and all other transactions of the body corporate.

25 (3) The accounts of the body corporate shall be audited by Auditor General or by a qualified auditor appointed in terms of Article 154 of the Constitution.

 (4) For the purpose of this section “qualified auditor” means -

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- 5 (a) an individual who being a member of the Institute of Chartered Accountants of Sri Lanka, or any other Institute established by law, possesses a certificate to practice as 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 **12.** (1) The Committee shall prepare a report of the activities of the body corporate for each financial year and submit such report together with the audited statement of accounts to the membership at the Annual General Meeting. Annual Report

(2) A separate account relating to the foreign and local moneys received by the body corporate during the financial year shall be.

20 **13.** All debts and liabilities of the Association existing on the day preceding the date of commencement of this Act, shall be paid by the body corporate hereby constituted, and all debts due to, and subscriptions and contributions payable to the Association on that day shall be paid to the body corporate for the purpose of this Act. Debts due by and payable to the Association

25 **14.** Subject to the provisions of this Act, the body corporate shall be able and capable in law, to take and hold any property movable or immovable which may become vested in it by virtue of any purchase grant, gift, testamentary disposition or otherwise, and all such property shall be held by the body corporate for the purposes of this Act, and subject to the rules of the body corporate made under section 8, with power to sell, mortgage, lease, exchange or otherwise dispose of the same. Body corporate may hold property movable and immovable

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5 **15.** The money and property of the body corporate however derived shall be applied solely towards the promotion of the objects of the body corporate and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or profit to the members of the body corporate.

Application of money and property

10 **16.** (1) The seal of the body corporate shall not be affixed to any instrument whatsoever, except in the presence of two members of the Committee who shall sign their names to the instrument in token of their presence and such signing shall be independent of the signing of any person as a witness.

Seal of the Body corporate

15 (2) The seal of the body corporate shall be in the custody of an office bearer of the Committee as may be decided by such Committee.

20 **17.** (1) If upon the dissolution of the body corporate there remains after the satisfaction of all its debts and liabilities, any property whatsoever, such property shall not be distributed among the members of the body corporate, but shall be given or transferred to any other institution having objects similar to those of the body corporate, and which is by the rules thereof, prohibited from distributing any income or property among its members.

Property remaining on dissolution

25 (2) For the purpose of this subsection (1) the appropriate institution shall be determined by the members of the body corporate immediately before the dissolution at a general meeting by the majority of votes of the members.

18. Nothing in this Act contained shall prejudice or affect the rights of the Republic or of anybody politic or corporate.

Saving of the Rights of the Republic and others

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19. 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

