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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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No. 1572/14 - WEDNESDAY, OCTOBER 22, 2008

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

UNIVERSITY OF VOCATIONAL TECHNOLOGY ACT, No. 31 OF 2008

Order under Section I

BY virtue of the powers conferred on me by Section I of the University of Vocational Technology Act, No.31 of 2008, Piyasena Gamage, Minister of Vocational and Technical Training, do by this Order, appoint October 15, 2008 as the date on which the aforesaid Act, shall come into operation.

PIYASENA GAMAGE,
Minister of Vocational and Technical Training.

Colombo,
13th October, 2008.
11-57



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

**UNIVERSITY OF VOCATIONAL
TECHNOLOGY ACT, No. 31 OF 2008**

[Certified on 28th August, 2008]

Printed on the Order of Government

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University of Vocational Technology
Act, No. 31 of 2008

[Certified on 28th August, 2008]

L.D.—O. 47/2005

AN ACT TO PROVIDE FOR THE ESTABLISHMENT, MAINTENANCE AND ADMINISTRATION OF THE UNIVERSITY OF VOCATIONAL TECHNOLOGY; TO IMPART HIGHER EDUCATION AT UNIVERSITY LEVEL ON VOCATIONAL TECHNOLOGY ; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS having regard to the need and the importance of making available opportunities for achieving a higher educational qualification to those in Sri Lanka who have acquired Technical and Vocational Education and Training:

Preamble.

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

AND WHEREAS at present there exists no institution in Sri Lanka equipped to provide higher educational qualifications to those who have acquired Technical and Vocational Education and Training:

AND WHEREAS it has become a matter of national importance to establish a University for the purpose of granting academic qualifications to those who have acquired such Technical and Vocational Education and Training:

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 University of Vocational Technology Act, No. 31 of 2008, and the provisions of this Act other than this section, shall come into operation on such date as the Minister may appoint by Order published in the *Gazette* (hereinafter referred to as the “appointed date”). The provisions of this section shall come in to operation on the date on which this Act becomes an Act of Parliament.

Short title and date of operation.

PART I

ESTABLISHMENT OF THE UNIVERSITY OF VOCATIONAL TECHNOLOGY

Establishment of
the University of
Vocational
Technology.

2. (1) Notwithstanding anything to the contrary in the Universities Act, No. 16 of 1978, there shall be established a University called the University of Vocational Technology (hereinafter referred to as the "University").

(2) The University shall be a body corporate with perpetual succession and a common seal, and in the name assigned to the University by subsection (1), have full power to—

- (a) sue and to be sued in all courts ;
- (b) alter the seal at its pleasure ;
- (c) 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 any such purchase or any grant or donation, lease, testamentary disposition or otherwise ;
- (d) sell, hypothecate, lease, exchange or otherwise dispose of any property acquired by it ;

Provided however, that any sale, hypothecation, lease, exchange or other disposition of any such property shall be invalid, if the same is made in contravention of any restriction, condition or prohibition imposed by law or by any appropriate Instrument or Order, by which any such property was vested in the University ; and

- (e) exercise, perform and discharge such powers, duties and functions as are conferred or imposed on or assigned to the University by this Act.

(3) The powers, duties and functions conferred, imposed or assigned to the University shall, unless otherwise expressly provided for by this Act, be exercised by the Board.

3. The seal of the University shall be in the custody of the Director-General of the University and shall not be affixed to any instrument or document except in his presence or in the presence of any other officer assigned by the Vice-Chancellor, and the Director-General or such other officer, as the case may be, shall sign such instrument or document in token of his presence.

Seal of the
University.

PART II

OBJECTS AND POWERS OF THE UNIVERSITY

4. The objects of the University shall be to—

Objects of the
University.

- (a) assist in the progressive development of students in technical and vocational education and training system, based on their aptitudes and abilities to acquire a university education ;
- (b) provide pedagogical training for those undergoing training while serving in the technical and vocational education sector and industry ;
- (c) assist in the development of course curricula for technical and vocational education and training ;
- (d) provide courses of study for middle level technical personnel having qualifications acceptable for admission to the University ;
- (e) provide courses of study for those with National Vocational Qualifications to upgrade their competency and acquire academic qualifications ;
- (f) provide extension courses on continuous professional development ; and
- (g) provide extension services to the public including institutions, in the construction, manufacturing and service sectors.

Powers of the
University.

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

- (a) admit students and provide instructions in any approved branch of technical and vocational education and training as the University may determine ;
- (b) make available opportunities for research and for the advancement and dissemination of knowledge ;
- (c) hold examinations and assess student performance ;
- (d) grant and confer degrees and other academic distinctions in conformity with any Statute made for the purpose ;
- (e) establish specialized institutes or schools ;
- (f) co-operate by way of exchange of teachers, students and scholars or otherwise with other institutions in Sri Lanka or institutions abroad, having objects or interests similar to or substantially similar to those of the University ;
- (g) make arrangements for the conduct of examinations for enabling those not instructed at the University to obtain degrees, diplomas and certificates from the University and to determine the courses of instruction for such examinations ;
- (h) provide facilities for higher education to persons employed by the University ;
- (i) confer honorary degrees or other distinctions on persons approved by the Academic Council and the Board, in conformity with any Statute made for the purpose ;
- (j) recognize examinations passed and periods of learning pursued at any University established or deemed to be established under the Universities Act,

- No. 16 of 1978 and any higher educational institutions and technical and vocational or professional institutions of the State, within Sri Lanka, for the purpose of admitting students to the University, as approved by the Admission, Accreditation and Quality Assurance Council and the Academic Council;
- (k) erect, equip and maintain for the purposes of the University, libraries, laboratories and other buildings for instructional purposes ;
 - (l) institute Senior Professorships, Professorships, Associate Professorships, Senior Lectureships, Lectureships, Assistant Lectureships and other non-academic posts, as may be required for the purposes of the University ;
 - (m) institute and award fellowships, scholarships, exhibitions, bursaries, medals and other prizes in conformity with any Statute made for the purpose ;
 - (n) 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 any Ordinance ; and
 - (o) do all such other acts or things as may be necessary for effectively exercising any of the powers conferred by this Act and for the attainment of the objects specified in section 4.

PART III

POWERS OF THE MINISTER

6. (1) The Minister shall be responsible for the general direction and administration of this Act.

Responsibility
and powers of
the Minister.

6. *University of Vocational Technology,
Act, No. 31 of 2008*

(2) In fulfilling his responsibility under subsection (1), the Minister may from time to time issue to the Board such written directions as he may consider necessary, in regard to matters such as finance and medium of instruction. Every written direction issued under this subsection shall be tabled in Parliament within three months of the date of its issue.

(3) It shall be the duty of the Board to comply with all directions issued by the Minister under subsection (2).

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

(5) Upon receipt of the report of the Board in compliance with an order made under subsection (4), the Minister shall direct the Board to take such remedial action as he may consider necessary, with reference to the activity or the administration of the University pertaining to which the investigation under subsection (4) was carried out.

Where a situation prevails which is likely endanger national security etc.

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

Measures to be taken by the Minister in the event of a lockout etc.,

8. (1) Where the Minister is of the view that due to any strike, lockout or any other cause, the work or administration of the University has been seriously disrupted and that the different authorities of the University have failed to restore normal conditions, he may take all such measures as may be necessary to ensure the restoration of normalcy. Pending the restoration of normalcy, the Minister may by Order published in the *Gazette*, make such provisions as he may deem necessary in respect of all or any of the following matters :-

(a) the closure of 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, duty or functions under this Act or under any appropriate Instrument, in lieu of any Officer, Authority or other body of the University ; and
- (c) any other matter connected with or relating to any of the matters aforesaid.

(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 of the *Gazetting*, be tabled in Parliament. The Order shall unless earlier rescinded, remain in force for a period not exceeding three months thereafter.

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.

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

PART IV

CHANCELLOR AND OFFICERS OF THE UNIVERSITY

10. (1) The President shall nominate the Chancellor of the University. The Chancellor shall be the Head of the University and shall hold office for a period of five years from the date of such nomination.

Chancellor and
the officers of
the University.

(2) The Chancellor nominated under subsection(1) shall, when present, preside at each Convocation of the University.

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

- (a) the Vice Chancellor ;
- (b) the Dean of each Faculty ;

- (c) the Director-General of the University ;
- (d) the Director, Media and Information Services ;
- (e) the Director, Finance ;
- (f) the Director, Admission, Accreditation and Quality Assurance ; and
- (g) any person holding a post declared by Statute to be that of an Officer.

The
Vice-Chancellor.

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.

(2) The panel of three persons shall be selected from amongst those who have academic qualifications, knowledge and experience in the field of construction or manufacturing or any other field of technology or service sector.

(3) A person shall not be appointed as a Vice-Chancellor, for more than two consecutive terms of office.

(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 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 be entitled to vote at any such meeting, unless he is a member of such other Authority or other body.

(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, 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 and of the Academic Council.

(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 shall, unless he vacates office earlier or is removed from office under subsection (9) of this section, hold office for a term of four years or until he has completed his sixty fifth year, whichever event occurs earlier.

(9) The Vice-Chancellor may for reasons assigned, be removed from office by the President.

(10) Where the Vice-Chancellor by reason of leave, illness, absence from Sri Lanka or for any other cause is temporarily unable to perform the duties of his office, the President 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. Until such arrangements are made, the Director General of the University shall carry out the routine duties of 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 permanent appointment is made. Until such arrangements are made, the Director-General of the University shall carry out the routine duties of the Office.

12. (1) There shall be a Dean of each Faculty who shall be the academic and administrative Head of that 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.

The Dean of a
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, for a further period of three years.

(3) The Dean of a Faculty who is disqualified from continuing to function as an Officer of the University under section 55 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 not exceeding three months, the Vice-Chancellor shall appoint a Senior Professor, Professor, Associate Professor or 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 that Faculty shall be deemed to have become vacant, and a new Dean shall be elected in accordance with the provisions of subsection (1). The person so elected shall hold office for the un-expired part of the term of office of his predecessor.

The Director-
General.

13. (1) The Director-General of the University, shall be appointed by the Board upon the recommendation of a Selection Committee, the composition of which shall be prescribed by Ordinance, and shall function as a full-time Officer of the University. The Director-General shall also be the Assistant Accounting Officer of the University.

(2) The Director-General shall—

(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 ;

- (b) be responsible for the custody of the records and the property of the University ; and
- (c) 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.

14. (1) The Director, Media and Information Services of the University shall be appointed by the Board upon the recommendation of a Selection Committee, the composition of which shall be prescribed by Ordinance, and shall function as a full-time Officer of the University.

The Director,
Media and
Information
Services.

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

- (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.

15. (1) The Director, Finance of the University, shall be appointed by the Board upon the recommendation of a Selection Committee, the composition of which shall be prescribed by Ordinance, and shall function as a full-time Officer of the University.

The Director,
Finance.

(2) The Director, Finance shall —

- (a) subject to the direction and control of the Director-General, 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

- (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.

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

The Director,
Admission,
Accreditation
and Quality
Assurance.

16. (1) The Director, Admission, Accreditation and Quality Assurance of the University, shall be appointed by the Board upon the recommendation of a Selection Committee, the composition of which shall be prescribed by Ordinance, and shall function as a full-time Officer of the University.

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

- (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
- (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

The Authorities
of the
University.

17. The Authorities of the University shall be the following :—

- (a) the Board of Governors ;
- (b) the Admission, Accreditation and Quality Assurance Council ;

- (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 ;

18. (1) The Board of Governors of the University (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 Dean of each Faculty ;
 - (iii) the Secretary to the Ministry of the Minister or any officer nominated by him ;
 - (iv) the Secretary to the Ministry of the Minister in charge of the subject of Finance or his nominee ;
 - (v) the Secretary to the Ministry of the Minister in charge of the subject of Higher Education or his nominee ;
 - (vi) the Head of the body entrusted with the responsibility of regulating the activities of Colleges of Technology ;
 - (vii) the Chairman of the Vocational Training Authority of Sri Lanka, established by the Vocational Training Authority of Sri Lanka Act, No. 12 of 1995 ; and
 - (viii) The Chairman of the National Apprentice and Industrial Training Authority, established by the Tertiary and Vocational Education Act, No. 20 of 1990 ; and
- (b) the following persons appointed by the Minister (in this section referred to as "appointed members") :—
 - (i) two members of the Academic Council nominated by such Council from among its members ;

(ii) such number of members as is equal to the total number of members referred to in sub-paragraphs (i), (ii), (iii), (iv), and (v) of paragraph (a) and sub-paragraph (i) of this paragraph, increased by one. Four members out of this number shall be appointed by the Minister from among persons who have rendered distinguished services in the educational, professional commercial, industrial, scientific or administrative spheres and shall include one representative each selected out of not less than two nominations received from each of the following organizations :—

(A) the Institution of Engineers, Sri Lanka ;

(B) the Institution of Incorporated Engineers, Sri Lanka ;

(C) the Ceylon Chamber of Commerce ; and

(D) the Board of Investment of Sri Lanka.

(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 Director-General of the 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 :

Provided however that if any appointed member vacates his office prior to the expiry of his term, his successor shall hold office for the unexpired term of office 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 of the University under section 55 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 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 allowance as the Minister, in consultation with the Minister in charge of the subject of Finance, shall determine.

(8) The quorum for a meeting of the Board shall be six members.

(9) The Board shall meet whenever necessary, provided that it shall meet not less than on ten occasions in each year.

(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 the total membership of the Board, convene a Special Meeting of the Board.

19. (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 conferred upon it by subsection (1), the Board shall exercise, perform and discharge the following powers, duties and functions:-

- (i) approve courses of study recommended by the Academic Council ;

- (ii) determine from time to time the requirements for the admission of students to the University, having considered any recommendations made by the Admission, Accreditation and Quality Assurance Council ;
- (iii) hold, control and administer the property and funds of the University ;
- (iv) select a coat of arms for the University and determine its form ;
- (v) regulate and determine all matters concerning the University in accordance with the provisions of this Act and of any appropriate Instrument ;
- (vi) inquire into or investigate from time to time the financial needs of the University ;
- (vii) prepare from time to time corporate strategic plans and corresponding budgets for the University, for periods not less than three years at a time ;
- (viii) 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 ;
- (ix) administer any funds placed at the disposal of the University for specific purposes ;
- (x) receive and accept, bequests, donations and grants of property made to the University ;
- (xi) 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 ;
- (xii) prepare the budget estimates and the annual financial appropriations of the University and submit the same to the Minister ;
- (xiii) make Statutes as and when it seems fit for any matter in respect of which Statutes are required to be made under this Act ;

- (xiv) make By-laws in respect of any matter for which By-laws are authorized to be made under this Act;
- (xv) provide buildings, premises, furniture, equipment and other materials needed for the carrying on of the work of the University ;
- (xvi) appraise performance of persons in the staff of the University ;
- (xvii) 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 ;
- (xviii) 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 as prescribed by Ordinance ;
- (xix) enter into, carry out or 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 vary such investments or place in fixed deposits in any bank approved by the Secretary to the Ministry of the Minister, any portion of such moneys not required for immediate expenditure ;
- (xx) 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 ;

- (xxi) institute, abolish or suspend Senior Professorships, Professorships, Associate Professorships, Senior Lecturerships, Lecturerships and Assistant Lecturerships, in consultation with the Admission, Accreditation and Quality Assurance Council ;
- (xxii) institute, abolish or suspend any non-academic post in consultation with the Admission, Accreditation and Quality Assurance Council ;
- (xxiii) 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 ;
- (xxiv) establish collaborations and partnerships with public and private sector, for purpose of achieving the objects of the University ;
- (xxv) award fellowships, scholarships, exhibitions, bursaries, medals and other prizes, on the recommendation of the Academic Council ;
- (xxvi) establish such number of Faculties on the recommendations of the Academic Council ; and
- (xxvii) exercise all other powers of the University, the exercise of which is not otherwise provided for in this Act or in any appropriate Instrument.

(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.

In this section, "academic matter" means any matter, which is subject to the control and general direction of the Academic Council.

20. (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.

Power of the Board to make Ordinances.

(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:—

- (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 terms and conditions of service of the full time Officers of the University ;
- (c) the terms and conditions of service of the staff of the University ;
- (d) the establishment and maintenance of standards of instruction in the University for the grant of degrees, diplomas and other academic distinctions ;
- (e) the recognition of foreign degrees and diplomas and other academic distinctions ; and
- (f) 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.

21. (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:—
 - (i) the Director General of the Tertiary and Vocational Education Commission, established by the Tertiary and Vocational Education Act, No. 20 of 1990 ;

- (ii) the Dean of each Faculty of the University ;
 - (iii) the Director, Admission, Accreditation and Quality Assurance Council ;
 - (iv) the Director-General of the University ; and
 - (v) the Head of the body entrusted with the responsibility of regulating the activities of Colleges of Technology ; and
- (b) the following persons appointed by the Vice Chancellor (in this section referred to as "appointed member"):
- (i) an officer of the Ministry of the Minister nominated by the Secretary to such Ministry ;
 - (ii) two representatives from the Board nominated by the Board from amongst its appointed members, one of whom at least shall be the member appointed to represent either the Institution of Engineers, Sri Lanka or the Institution of Incorporated Engineers, Sri Lanka ;
 - (iii) one representative from Academic Council, nominated by that Council from among its members ; and
 - (iv) 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.

(2) The Chairman of the Quality Assurance Council shall be the Director-General of the Tertiary and Vocational Education Commission, who shall preside at all meetings of

such Council. If the Chairman is unable to preside at any meeting, the members present shall select a member present to preside at such meeting.

(3) The Director-General of the University shall be the Secretary to the Quality Assurance Council.

(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 on not less than on one occasion in each year.

(5) An appointed member of the Quality Assurance Council shall unless he vacates office earlier, hold office for a term of four years 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 term of office of the member who he succeeds.

(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 55 of this Act, shall be removed from such office.

(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 of paragraph (b) of subsection (1), appoint another person to fill the resulting vacancy.

- (ix) collaborations to be established with other national and international higher educational institutions and professional bodies, to further the objectives of the University ;
- (x) 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 any matters pertaining to its powers, which may be referred to such committee ; and
- (xi) any other matter that may be referred to it by the Board for its recommendation.

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

The Academic Council.

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

- (i) the Vice Chancellor ;
- (ii) the Dean of each Faculty ;
- (iii) every Senior Professor and Professor of the University ;
- (iv) the Director-General of the University ;
- (v) the Director, Media and Information Services ; and
- (vi) the Director, Admission, Accreditation and Quality Assurance Council ; and

(b) the following elected and appointed members :—

- (i) such number of Associate Professors and Senior Lecturers not exceeding seven representing each faculty, elected by the permanent teachers of such Faculty, from among their number ;

- (ii) such number of Lecturers and Assistant Lecturers as is equal to the total number of Faculties, elected by the Faculty Board to represent each of those 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.

(2) Each member elected or appointed under paragraph (b) of subsection (1), shall hold office for a period of two years reckoned from 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.

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

(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 members present shall elect a member from among those present to preside at such meeting.

Powers, duties and functions of the Academic Council.

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

(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 :—

- (i) draft, where appropriate after considering any reports submitted by the Faculty or the Faculties

concerned, regulations relating to courses of study and examinations, and to make recommendations to the Board regarding such courses of study for its approval ;

- (ii) recommend to the Board after considering any reports submitted by the Faculty or Faculties concerned, the names of persons suitable to be appointed as examiners ;
- (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 their recommendations on the same to the Quality Assurance Council ;
- (iv) recommend to the Board after considering any reports submitted by the Faculty or the Faculties concerned :—
 - (a) on schemes for the re-organization of existing Faculties ; and
 - (b) on the assignment of subjects of study to the respective Faculties ;
- (v) recommend to the Board the mode and conditions of competition for fellowships, scholarships, exhibitions, bursaries, medals and other prizes ;
- (vi) recommend to the Board on the award of fellowships, scholarships, exhibitions, bursaries, medals and other prizes ;
- (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 fit, and in particular, the following :—
 - (a) Media and Information Services Committe ;

- (b) Research Committee ;
 - (c) Industry-University Partnership Committee ;
 - (d) Curriculum and Evaluation Committee ; and
 - (e) Leave and Awards 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 ;
- (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 their observations on the same ; and
- (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.

The Faculty
Board.

25. (1) The Faculty Board of each Faculty of the University shall consist of the following persons :—

- (a) the Dean of the Faculty ;
- (b) all Senior Professors, Professors, Associate Professors, Senior Lecturers and Lecturers of the Faculty ;
- (c) the Director, Admission, Accreditation and Quality Assurance Council or his nominee ;
- (d) the Director, Media and Information Services or his nominee ;
- (e) two members of the permanent staff imparting instructions in the Faculty, excluding those referred to in paragraph (b), elected by themselves from among those in the permanent staff ;

- (f) two students elected by the students of the Faculty from among their number ; and
- (g) not more than five persons not being members of the staff of the University, elected by the Faculty from among persons of eminence from the industry, in the areas of study relevant to the Faculty.

(2) The members elected under paragraph (f) 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.

(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 (f) of subsection (1), to preside at such meeting.

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

26. (1) Subject to the provisions of this Act, a Faculty Board shall exercise, perform and discharge the following powers, duties and functions :—

Powers duties
and function of
the Faculty
Board.

- (i) consider and report on any matter referred to it by the Academic Council;
- (ii) subject to the control of the Academic Council, regulate matters connected with teaching, examinations and research in the various branches of technical and vocational education and training ;
- (iii) present recommendations and reports to the Academic Council on all matters connected with the courses of study and examinations in the Faculty ;

- (iv) 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
- (v) recommend to the Academic Council names of persons suitable to be appointed as examiners.

(2) The members elected under paragraph (f) of subsection (1) of section 25 shall be excluded from any meeting of the Faculty relating to examinations and connected matters, and any such meeting shall, notwithstanding such exclusion be deemed to have been duly held.

PART VI

CONVOCATION OF THE UNIVERSITY

Holding of the Convocation of the University.

27. (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 :

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

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

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

(4) The President shall when present, preside at a 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.

PART VII

STAFF OF THE UNIVERSITY

28. 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.

29. 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, where it considers necessary, in consultation with the Quality Assurance Council.

Determination of qualifications of staff of the University.

30. (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 Board.

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

(2) It shall be the duty of the Director-General 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 Board may where it considers it appropriate, prior to 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.

31. (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 by one year at a time, for a further period not exceeding 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 recruitment 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.

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

32. (1) The holder of a post of teacher who has been confirmed in his post, shall hold such post until he has completed sixty years of age or if he completes sixty years of age in the course of an academic year, until the last day of such academic year, and shall thereafter be deemed to have retired from service:

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.

(2) Notwithstanding the provisions of subsection (1), a teacher who has reached sixty years of age and who is in the opinion of the Board competent to continue to hold such post, may be recruited on a contract basis to serve as a teacher for a period of one year. The period of service however may be extended further by one year each at a time, until he completes sixty-five years of age.

(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 in the University :

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.

(4) Where before completing the probationary period referred to in section 31, a person holding—

- (a) the post of a teacher, reach the age of sixty years ; or
- (b) a non-academic post, reach 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 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 retirement or other punishment, to the University Appeals Board.

33. (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 employed, the Secretary to the Ministry 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 periods as may be determined by the Board with like consent, or with like consent be permanently 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 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 discharging the obligations of such contract.

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

34. 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 for such period as may be determined by the Board with like consent, 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 and he shall be subject to the same disciplinary control as any other teacher in the staff of the University.

PART VIII

UNIVERSITY APPEALS BOARD

Appointment of
the Panel of
Inquiry and
Investigation.

35. (1) The Minister shall from time to time appoint from among persons who have knowledge and experience in the field of construction, manufacturing, academic, administration, finance, legal or service sectors, a Panel of Inquiry and Investigation consisting of not less than nine persons.

(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, 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.

36. (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 any salary anomaly ; or
- (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 persons appointed to the Panel of Inquiry and Investigation by the Minister under section 35, 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 Chairman of such Board.

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

(4) 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, along with a report on such appeal or investigation. Further, a copy of the decision and of the reasons shall also be sent through registered post to the person who preferred the appeal, within one week of reaching such decision.

(5) The members of the University Appeals Board shall 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.

Appeal from the
decision of a
University
Appeals Board.

37. A person aggrieved by the decision of a University Appeals Board in respect of any appeal made under paragraph (a) of subsection (1) of section 36, may appeal against such decision to the Court of Appeal within fourteen days of the date on which the decision and the reasons therefor were sent to that person by registered post, under subsection (4) of section 36.

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

38. (1) Any expense incurred by a 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 posts paid to, or recovered by a University Appeals Board in any such suit or prosecution, shall be credited to that 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 the 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.

PART IX

FINANCE

The University
Fund.

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

- (a) all moneys provided for its use by Parliament under sections 40 and 46 ;
- (b) all such sum 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
- (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.

40. 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.

41. The budget estimates and the annual financial appropriations of the University prepared with the assistance given by the Director, Finance under paragraph (d) of section 42, 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.

42. It shall be the duty of the Director, Finance of the University to-

Duties of 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 authorized payments ;
- (d) assist the Board in the preparation of budget estimates and the annual financial appropriations of the University ; and
- (e) prepare any supplementary estimates under section 46 of this Act, where necessary.

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

43. The income derived by 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.

The Board to adopt budget estimates and annual financial appropriations.

44. The Board shall by resolution adopt the budget estimates, annual financial appropriations and annual accounts of the University prior to the submission of the same to the Minister under section 41.

Transfer of Funds from one vote to another.

45. 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.

Supplementary estimates.

46. (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.

(2) Financial liability of a recurrent nature 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.

Financial year and audit of accounts.

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

(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.

48. The accounts of the University for each financial year, when audited, shall be published in the *Gazette*. Publication of audited accounts.

49. (1) The University shall within three months of the receipt of the Auditor-General's 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 relate. 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.

PART X

STUDENTS ASSEMBLY AND OTHER ASSOCIATIONS

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

(2) Every election to the Student 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.

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

51. (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 consists entirely of students of the University.

(3) Subject to the provision of section 53, 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.

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

52. The Board may from time to time allocate to the Student Assembly or to any society or other association recognized under section 51, such sums of money as may be deemed necessary by the Board, for approved activities.

Board to prescribe constitution, duties and functions of the Student Assembly.

53. The Board shall by Ordinance prescribe—

- (a) the duties and functions of the Student Assembly ;
- (b) the office bearers of the Student Assembly and the number of student representatives constituting the Student Assembly and their mode of election;
- (c) the duties and functions of the office bearers of the Student Assembly ;
- (d) the Standing Committee or Committees which a Student Assembly may appoint and the duties and functions of such Committee or Committees ;
- (e) the purpose or the purposes for which the funds allocated to the Student Assembly and to any society or other association recognized by the Board under section 51 shall be utilized; and

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

54. (1) Where the Student 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 Student Assembly, society or other association, as the case may be.

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

(2) Where the Student Assembly has been dissolved under subsection (1), the Vice-Chancellor may subject to the provisions of section 50, fix a date for the purpose of electing a new Student Assembly. Such new Student Assembly shall hold office until the end of the academic year in which it was elected.

PART XI

GENERAL PROVISIONS

55. 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, where he—

Disqualification from being members of any Authority of the University.

- (a) is an undischarged bankrupt or is insolvent ;
- (b) is convicted of any offence involving moral turpitude ;
- (c) is under any law in force in Sri Lanka or any other country, found or declared to be of unsound mind ;
- (d) 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 ;

- (e) is or becomes a Member of Parliament or a member of a Provincial Council or a local authority ;
- (f) had been 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, by reason of illhealth 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.

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

56. 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.

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

57. The University shall be deemed to be a Scheduled institution within the meaning of the Bribery Act and provisions of that Act shall be construed accordingly:

Prohibition of undesirable persons from entering precincts.

58. (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 after giving such person an opportunity of being heard and with the consent of the Board, serve on such person by writing under his hand, a notice prohibiting such person from entering or remaining 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.

(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 received and accepted by any court as evidence of the facts stated in such certificate, until the contrary is proved.

(3) A document purporting to be a certificate issued by the Vice-Chancellor and signed by him shall be received in evidence and shall, until the contrary is proved, be deemed to be a certificate issued by the Vice Chancellor under subsection (2).

(4) 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 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 in respect of each day or part thereof on which he has entered or during which he has remained, within such precincts or part thereof.

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

59. (1) Subject to the provisions of this Act, Statutes may be made by the Board in respect of all or any of the following matters:—

Statutes.

- (a) where not otherwise provided for, the 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 conferment of honorary degrees or other distinctions ;
- (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
- (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 *Gazetting* or on such other date as may be specified therein.

By-Laws.

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

- (a) the courses of study approved by the Board for the grant of degrees, diplomas and other academic distinctions ;
- (b) the conditions subject to which students shall be admitted to courses of study and examinations prescribed for degrees, diplomas and other academic distinctions ;
- (c) the fees to be charged for courses of study, examinations and award of degrees and other academic distinctions ;
- (d) all matters connected with the election of representatives to the various Authorities and other bodies of the University ;
- (e) the conditions and mode of appointment of examiners, their duties, the fees to be paid to them and the conduct 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 or 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.

61. (1) Subject to the provisions of this Act, regulations may be made by the Academic Council in regard to any matter pertaining to the exercise, performance and discharge of its powers, duties and functions under this Act.

Regulations.

(2) All regulations made under subsection (1), shall come into force on such date as shall be specified therein.

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

Rules.

(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.

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

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

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

PART XII

INTERPRETATION

Interpretation.

64. In this Act, unless the context otherwise requires—

“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 17 of this Act ;

“By-Law” means a By-Law made by the Board under section 60 of this Act ;

“degree” means both undergraduate and postgraduate degrees awarded by the University ;

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

“Ordinance” means any Ordinance made by the Board under section 20 of this Act ;

“principal executive officer” means the Vice-Chancellor of the University ;

“regulation” means any regulation made by the Academic Council under section 61 of this Act ;

“rule” means any Rule made by any Authority of the University under section 62 of this Act ;

“Statute” means any Statute made by the Board under section 59 of this Act ; and

“teacher” means a Senior Professor, Professor, Associate Professor, Senior Lecturer, Lecturer and an Assistant Lecturer.

65. 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.

66. (1) Notwithstanding anything to the contrary contained in any other provisions of this Act, pending the creation 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, appoint an Interim Committee consisting of—

Special Provisions pending the establishment of the University.

(a) a person who has academic qualifications and experience in the field of construction, manufacturing or any other field of technology or in the service sector, who shall function as the First Vice-Chancellor of the University; and

(b) the Director-General and one other Director of the National Institute of Technical Education of Sri Lanka, established by the National Institute of Technical Education of Sri Lanka Act, No. 59 of 1998.

(2) The Interim Committee appointed under subsection (1) shall subject to the provisions of subsection (4) of this section, function for a period of six months commencing from the appointed date and shall be responsible for taking all measures and arrangements necessary to enable the University to commence its operations under this Act and to achieve its objects after it commences its operations.

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

(a) allocate the staff, students, equipment, land, buildings and other facilities of the University and to determine the structure and composition of each Faculty and the disciplines and subjects that are to be assigned to such Faculties; and

- (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 named under this Act, for the purpose of organizing, carrying out and directing the functioning of the University during such period.

(4) The period of six months referred to in subsection (2), may be extended by the Minister on the recommendation of the Secretary to the Ministry of the Minister for a period not exceeding a further six months, by Notification published in the *Gazette*. The Notification shall be required 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*.

The First Vice-Chancellor and the First Director-General etc., of the University.

67. (1) The First Vice-Chancellor appointed under paragraph (a) of subsection (1) of section 66 shall during his term of office exercise, discharge and perform in respect of the University, all such powers, functions and duties as are conferred or imposed on or assigned to the Vice-Chancellor under this Act and any appropriate Instrument.

(2) The First Director-General of the University and the Director, Finance of the University shall be appointed by the Secretary to the Ministry of the Minister at any time during the period of six months referred to in subsection (2) of section 66, and when so appointed shall, during their period of office exercise, discharge and perform in respect of the University all such powers, functions and duties as are conferred or imposed on them under this Act and any appropriate Instrument.

68. (1) Notwithstanding the provisions of the National Institute of Technical Education of Sri Lanka Act, No. 59 of 1998, the officers and servants of the National Institute of Technical Education of Sri Lanka established by such that Act, (in this section referred to as the "Institute") who are in 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 appointed under paragraph (a) of subsection (1) of section 66, inform such Vice-Chancellor, whether such officer or servant would or would not accept employment in the University in the event of being offered employment there.

Officers and servants of the National Institute of Technical Education of Sri Lanka to be offered employment in the University.

(2) All officers or 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 from the date specified in the Order made under subsection (1) of section 69, and shall be employed on terms not less favourable than their terms of employment in the Institute.

(3) Where any officer or servant of the Institute express a desire—

- (a) not to accept employment in the University; or
- (b) to accept employment in the University, but in view of the nature of the services performed by him in his employment in the Institute, he cannot be accommodated in the staff of the University,

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 69, 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 after reaching his age of retirement.

Repeal of the
National Institute
of Technical
Education of Sri
Lanka Act, No.
59 of 1998.

69. (1) The National Institute of Technical Education of Sri Lanka Act, No. 59 of 1998 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 date after six months but within twelve months of the appointed date.

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

- (a) all movable and immovable property of the National Institute of Technical Education of Sri Lanka shall, from the date specified in the Order made under subsection (1), vest in the University;
- (b) all contracts and agreements entered into by or with the National Institute of Technical Education of Sri Lanka 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 University;
- (c) all sums of money lying to the credit of the Fund of the National Institute of Technical Education of Sri Lanka 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 39 of this Act ; and
- (d) all liabilities of the National Institute of Technical Education of Sri Lanka 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.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign). Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, NO. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.