CHAPTER III

INSTITUTE OF CORPORATION LAWYERS

A LAW TO PROVIDE FOR THE ESTABLISHMENT OF AN INSTITUTE TO BE CALLED THE INSTITUTE OF CORPORATION LAWYERS FOR THE PURPOSE OF PROVIDING THE SERVICES OF LAWYERS TO PUBLIC CORPORATIONS AND LOCAL AUTHORITIES, AND TO PROVIDE FOR MATTERS CONNECTED THERETO OR INCIDENTAL THERETO.

[1st November, 1978.]
7. The quorum for any meeting of the Board shall be three members. Subject to the other provisions of this Law, the Board may regulate its own procedure in regard to its meetings and the transaction of business at such meetings.

8. The members of the Board shall, in addition to their duties as such members, be full-time officers of the Institute collectively and individually responsible for its efficient administration and shall be paid such remuneration from the funds of the Institute at such rates as the Minister may determine with the concurrence of the Minister in charge of the subject of Finance.

9. In the exercise, discharge and performance of its powers, functions and duties, the Board shall be subject to and act in accordance with such general or special directions as the Minister may, from time to time, issue.

10. (1) The employees of the Institute shall consist of such number of officers and servants as the Board may consider necessary for the proper and efficient conduct of the business of the Board.

   (2) All employees of the Institute shall be appointed by the Board with the concurrence of the Minister;

   Provided that in the case of the appointment of the non-legal staff of the Institute the Minister may in writing addressed to the Board dispense with the requirement of obtaining the concurrence of the Minister.

11. All members of the Board and other employees of the Institute who are attorneys-at-law shall constitute the legal staff of the Institute.

12. (1) At the request of the Institute, any public officer may, with the consent of that officer and the Secretary to the Ministry charged with the subject of Public Administration, be temporarily appointed to the staff of the Institute for such period as may be determined by the Institute with like consent, or be permanently appointed to such staff.

   (2) Where any officer in the public service is temporarily appointed to the staff of the Institute, the provisions of subsection (2) of section 13 of the Transport Board Law shall, *mutatis mutandis*, apply to and in relation to him.

   (3) Where any officer in the public service is permanently appointed to the staff of the Institute, the provisions of subsection (3) of section 13 of the Transport Board Law shall, *mutatis mutandis*, apply to and in relation to him.

   (4) Where any person 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 Institute by that person, shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

13. The Institute may appoint to the legal staff of the Institute on such terms and conditions, as may be determined by the Minister, such of the employees of public corporations as are attorneys-at-law considered suitable for employment in the service of the Institute.

14. Disciplinary control over the employees of the Institute other than those appointed under section 12 shall be exercised by the Board after receiving the recommendation of the Minister.

15. Every member of the Board and other officer employed by the Institute who is an attorney-at-law shall, in his capacity as such attorney-at-law and only in such capacity, be entitled on the instructions of any public corporation or local authority to appear, plead or act in any court, tribunal or other institution established by law for the administration of justice and before any other body or person for or on behalf of—

   (a) such public corporation or local authority; or

   (b) any employee of such public corporation or local authority in any action, proceeding or matter instituted by or against such employee in respect of any act or thing done by him for or on behalf of such corporation or local authority; or
(c) any person or body, whether corporate or unincorporate, where by any written law or agreement any public corporation is entitled to represent, to act on behalf of or to take over the defence of such person or body.

16. (1) The Board may, on the instructions of a public corporation or local authority or where any special circumstance so requires or in respect of any matter which may be generally or specially prescribed, seek the advice or engage the services of any attorney-at-law, not on the Board or employed by the Institute and not being a public officer, or any foreign lawyer, whether in Sri Lanka or abroad, to advise or to represent any such public corporation or local authority or its employee or any person or body referred to in section 15 (c) before any court, tribunal or other institution established by law for the administration of justice or before any other body or person.

(2) The right of any foreign lawyer to appear before any court, tribunal or institution or other body or person shall be determined in accordance with any law, regulation or practice for the time being governing the right of audience before the Supreme Court or other judicial tribunal in Sri Lanka.

17. Every member of the legal staff of the Institute or any attorney-at-law whose services are engaged by the Institute under section 16 shall have the same right of audience before any court, tribunal or institution or other body or person as is enjoyed by any other attorney-at-law, but shall not by reason of any official designation or his employment by the Institute have any further right or privilege, nor shall any official designation given to such member or attorney-at-law for any official purposes be notified to such court, tribunal or institution or other body or person, or be recorded in the proceedings thereof.

18. (1) The initial capital of the Institute shall be one million rupees and such capital shall consist of grants or loans given or made available by the Government out of the Consolidated Fund on such terms and conditions as may be determined by the Minister in charge of the subject of Finance, and the value of such property as may be transferred to the Institute by any Government Department by an order, or with the consent of the Minister in charge of that Department.

(2) The capital of the Institute may be increased, from time to time, by such amount as may be authorized by an Appropriation Act or by resolution of Parliament and such amount shall be paid or made available to the Institute by the Government by way of grant or loan on such terms and conditions as may be determined by the Minister in charge of the subject of Finance.

19. (1) The charges that may be made by the Institute for prescribed services rendered by it shall be fixed, and may be revised, from time to time, by Order made by the Minister in consultation with the Board and published in the Gazette.

(2) The charges that may be made by the Institute for services which are not prescribed services shall be fixed, and may be revised from time to time, by an officer authorized in that behalf by the Institute.

20. The provisions of the Public Corporations (Financial Control) Act shall, mutatis mutandis, apply to the financial control and accounts of the Institute.

21. The financial year of the Institute shall be the calendar year.

22. No suit or prosecution shall lie against the Institute for any act which in good faith is done or purported to be done by the Institute under this Law:

Provided, however, that the protection given by this section shall not extend to any negligent act or omission on the part of such Institute or any officer or servant in the course of the performance of his duties under this Law or in any other capacity as an attorney-at-law.

23. All officers and servants of the Institute shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

24. The Institute shall be deemed to be a scheduled institution within the meaning of the Bribery Act and the provisions of that Act shall be construed accordingly.
25. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Law and in respect of all matters required by this Law to be prescribed or in respect of which regulations are authorized by this Law to be made.

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation made by the Minister shall as soon as convenient after its publication in the Gazette be laid before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done thereunder. Notification of the date on which a regulation is deemed to be rescinded shall be published in the Gazette.

26. In this Law, unless the context otherwise requires—

"foreign lawyer" means any duly qualified lawyer who is not a citizen of Sri Lanka or an attorney-at-law of the Supreme Court of Sri Lanka or both;

"local authority" includes any Municipal Council, Urban Council, Town Council or Village Council;

"public corporation" means any corporation, board or other body which was or is established by or under any written law other than the Companies Ordinance,* with funds or capital wholly or partly provided by the Government by way of grant, loan or otherwise; and

"public officer" includes any officer or servant employed by or under the Government of Sri Lanka.

* Subsequently repeated and replaced by the Companies Act, No. 17 of 1982.