



POSTGRADUATE INSTITUTE OF SCIENCE (PGIS)

UNIVERSITY OF PERADENIYA

P.O. Box 25, Peradeniya

SRI LANKA

Terms of Reference (TOR) for the Legal Advisor to the Postgraduate Institute of Science (PGIS), University of Peradeniya

(On a Case-Specific Basis)

1. Nature and Scope of Engagement

1.1 The Legal Advisor shall be engaged on a case-specific basis to handle only the cases and related legal matters assigned by PGIS. The engagement:

- a. shall not constitute permanent employment with the University or PGIS; and
- b. shall not require the Legal Advisor to work a fixed number of hours per week.

1.2 The engagement in respect of each assigned case shall continue in accordance with the agreed terms and conditions applicable to that case.

1.3 The engagement shall not constitute a general retainer for all legal matters of PGIS.

1.4 Any work falling outside the scope of the assigned cases shall be undertaken only with the prior written approval of PGIS.

1.5 The fees payable to the Legal Advisor shall be determined in accordance with the agreed terms and conditions applicable to each assignment.

2. Scope of work

2.1. Court Representation and Legal Proceedings

The Legal Advisor shall:

1. Represent the Postgraduate Institute of Science (PGIS), in case-specific legal proceedings before the following courts, tribunals and authorities, as applicable:
 - a. Supreme Court
 - b. Court of Appeal
 - c. High Courts
 - d. District Courts
 - e. Magistrates' Courts
 - f. Labour Tribunals;
 - g. Arbitration panels; and
 - h. Government authorities and other regulatory bodies.

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2. Prepare and file proxies and other necessary court documents in connection with the assigned cases.
3. Attend court hearings and conduct appearances and related proceedings in the assigned cases.
4. Advise and consult with the relevant officers and witnesses before scheduled court hearings, where necessary, to ensure that they are adequately prepared to provide accurate evidence.
5. Attend consultations with Counsel at the Attorney General's Department in relation to the assigned cases, where necessary.
6. Submit a brief written report to PGIS within seven (7) days after each court appearance, indicating:
 - a. Case reference number;
 - b. Current stage of the proceedings;
 - c. Next date of hearing; and
 - d. Action required from PGIS, if any.

2.2. Case-Specific Legal Documentation and Advice

The Legal Advisor shall:

1. Prepare pleadings, affidavits, objections, written submissions and other legal documents required for the assigned court proceedings, where necessary.
2. Prepare Letters of Demand upon the written request of PGIS, where required in connection with the assigned matters.
3. Provide written legal opinions on issues directly related to the assigned cases, where necessary.

3. Payments

3.1 Payment Structure

- 3.1 Payments shall be made based on the actual services rendered by the Legal Advisor in respect of the cases and related legal matters assigned by PGIS.
- 3.2 The rates payable for court appearances, consultations, preparation and filing of court documents, and other approved legal services shall be mutually agreed upon by PGIS and the Legal Advisor, taking into consideration the nature and complexity of the work and the prevailing market rates.

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3.2 Payment Procedure

The Legal Advisor shall submit a claim for payment together with:

- a. An official invoice or payment request;
- b. Proof of court appearances and consultations with officers and witnesses, where applicable; and
- c. A brief summary of the services rendered.

Payments shall be processed subject to the recommendation of the Deputy Registrar/PGIS, approval of the Director/PGIS, and compliance with the mutually agreed rates and applicable University procedures.

4. Conflict of Interest and Confidentiality

The Legal Advisor shall:

- a. Not represent or appear against PGIS in any court, tribunal or other legal proceeding;
- b. Immediately disclose any actual or potential conflict of interest arising in connection with an assigned case or legal matter; and
- c. Maintain strict confidentiality regarding all information and documents relating to PGIS and the University obtained during the engagement.

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