

“fuel” includes all petroleum products in liquid or gaseous form, oil, other gases, coal or lubricants ;

“goods” means any food, drink, pharmaceutical, fuel and all other merchandise ;

“local authority” means a Municipal Council, Urban Council, Pradeshiya Sabha and includes any authority created or established by or under any law to exercise, perform and discharge, powers, duties and functions corresponding to or similar to the powers, duties and functions exercised, performed and discharged by any such Council or Sabha ;

“price” means a charge of any description ;

“Provincial Council” means a Provincial Council established under Chapter XVIIIA of the Constitution ;

“manufacturer” means any person who—

(a) makes any article or any goods ;

(b) assembles or joins any article or any goods whether by chemical process or otherwise ; or

(c) adapts for sale any article or any goods ;

“service” means service of any description which is made available to actual or potential users, and includes—

(a) banking, financing, insurance, shipping and entertainment ;

(b) the construction, production, manufacture, supply, storage, maintenance, repair, treatment, cleaning, processing or alteration of goods ;

- (c) services in connection with the import, export or distribution of goods ;
- (d) the transportation of goods and passengers ;
- (e) the cleaning of buildings and building premises ;
- (f) the sale and supply of any utility services including electricity, water, gas and telecommunication ;
- (g) the provision of information technology and communications ;
- (h) professional services such as accounting, auditing, legal, medical and health, surveying, architecture and engineering.

“trader” means any person who—

- (a) sells or supplies goods wholesale to other persons ;
- (b) sells or supplies goods at retail rates to consumers ;
- (c) imports goods for the purpose of sale or supply ;
- (d) provides services for a consideration.

Sinhala text to prevail in the event of any inconsistency.

76. In the event of any inconsistency between Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Exemption of existing agreements.

77. Notwithstanding anything to the contrary contained in the preceding provisions of this Act, the provisions of this Act relating to anti-competitive practices, shall not apply to the supply of goods or services by any person who is supplying such goods or services under an agreement entered into with the government and which is in force on the date of commencement of this Act, during the period of its validity as specified in that agreement as on such date of commencement.

SCHEDULE

Section 3(4)

1. A person shall be disqualified from being appointed or continuing as a member of the Authority—

Disqualification from appointment.

 - (a) if he is, or becomes a Member of Parliament, any provincial council or any local authority ;
 - (b) if he is not, or ceases to be a citizen of Sri Lanka ;
 - (c) if he is under any law in force in Sri Lanka or in any other country, found or declared to be of unsound mind ;
 - (d) if he is serving or has served, a sentence of imprisonment imposed by any court in Sri Lanka or any other country ; or
 - (e) if he had been removed from membership of the Authority for misconduct.
2. Every member of the Authority other than the chairman and the full-time members shall, unless he vacates office earlier by death, resignation or removal, hold office for a term of three years from the date of his appointment and unless he has been removed from office, be eligible for reappointment :

Term of office of members.

Provided that a member appointed in place of a member who had vacated office, by death, resignation or removal, shall hold office for the unexpired term of office of the member whom he succeeds.
3. (1) The Minister may, by Order published in the Gazette, remove from office any member of the Authority, other than the chairman or a full-time member for misconduct or for physical or mental incapacity. A member in respect of whom an Order is made under this paragraph shall be deemed to have vacated office on the date of publication of the Order in the Gazette.

Termination of appointment of members.

(2) The removal of any member under sub-paragraph (1) shall not be called in question in any court.
4. A member of the Authority other than the chairman or a full-time member may at any time resign from his office by letter to that effect addressed to the Minister and such resignation shall take effect upon it being accepted by the Minister in writing.

Resignation of members.
5. In the event of the vacation of office, by death, resignation or removal, by any member of the Authority, the Minister may, having regard to the provisions of section 3 appoint another person to succeed such member.

Vacation of office by death resignation or removal.
6. Where a member of the Authority, other than the chairman or a full-time member is by reason of illness, infirmity or absence from Sri Lanka for a period not less than three months, is temporarily unable to perform his duties, it shall be the duty of such member to inform the Minister in writing of such inability. Thereupon, the Minister may having regard to the provisions of section 3, appoint some other person to act in his place during such period.

Leave or absence of members.

Termination of appointment of Chairman.

7. (1) If the Chairman or any one of the full-time members are by reason of illness, infirmity or absence from Sri Lanka temporarily unable to perform the duties of his office, the Minister may appoint another member of the Authority to act in his place.

(2) The Minister may by Order published in the Gazette remove the Chairman or any one of the full-time members of the Authority from office for misconduct or for physical or mental incapacity. Such person in respect of whom an Order is made under this paragraph shall be deemed to have vacated office on the date of publication of the Order in the Gazette.

(3) The Chairman or any one of the full-time members may at any time resign from the office of Chairman or full-time members as the case may be by letter addressed to the Minister. Such resignation shall take effect upon it being accepted by the Minister in writing.

Meetings of the Authority.

8. (1) The Chairman of the Authority shall, if present preside at every meeting of the Authority. In the absence of the Chairman from any such meeting, one of the full-time members present shall preside, and in the absence of, the Chairman and all the full-time members from any meeting of the Authority, the members present at such meeting shall elect one of the members present, to preside at such meeting.

(2) The quorum for any meeting of the Authority shall be four members.

(3) The Chairman, or in his absence the member presiding at any meeting of the Authority shall have, in addition to his own vote, a casting vote.

(4) Subject to the provisions of this paragraph and any regulation made under section 71 the Authority may regulate the procedure in regard to its meetings and the transaction of business at such meetings.

Proceedings act or decision not to be deemed invalid by reason of any defect in the appointment.

9. No act, decision or proceeding of the Authority shall be deemed invalid by reason only of the existence of a vacancy among its members or any defect in the appointment of any member thereof.

Seal of the Authority.

10. (1) The seal of the Authority shall be in the custody of the Chairman.

(2) The application of the seal of the Authority shall be authenticated by the signature of the Chairman or some other member of the Authority authorised to authenticate the application of such seal.

11. A member of the Authority who is directly or indirectly interested in any matter which forms the subject matter of any proceeding of the Authority or of any decision proposed to be made by the Authority, shall disclose the nature of his interest at a meeting of the Authority and such member shall not take part in any proceeding or decision in respect of such matter.

Disclosure of
interest by
members.

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