

CHAPTER VI

MISCELLANEOUS

- 23.** The provisions contained in this Act shall not apply to — Restriction on application of the Act.
- (a) the creation or execution of a will, or any other testamentary disposition by whatever name called ;
 - (b) a license for a Telecommunication system issued under subsection (6) of section 17 of the Telecommunications Act, No. 25 of 1991 ;
 - (c) a Bill of Exchange as defined in subsection(1) of section 3 of the Bills of Exchange Ordinance (Chapter 82) ;
 - (d) a Power-of-Attorney as defined in section 2 of the Power of Attorney Ordinance (Chapter 122) ;
 - (e) a Trust as defined in the Trusts Ordinance (Chapter 87) excluding a constructive, implied and resulting trust ;
 - (f) a contract for sale or conveyance of immovable property or any interest in such property ;
 - (g) or any other document act or transaction specified by the Minister by regulations made under section 24.
- 24.** (1) The Minister may, in consultation with the Minister in Charge of the subject of Information and Communication Technology, make regulations in respect of any matter required or authorized by this Act to be made, or for the purpose of carrying out or giving effect to the objectives of this Act, as specified in subsection (2). Regulations.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for and in respect of all or any of the following matters :—

- (a) specifying the electronic infrastructure and guidelines that are—
 - (i) sufficiently secure to meet the needs of Ministries, Government Departments, bodies or agencies owned and controlled by the Government, and Statutory bodies ;
 - (ii) interoperable to the maximum extent possible ;
- (b) the conditions of service of the members of the Certification Authority in relation to the implementation of the provisions of this Act ;
- (c) the powers, duties and functions of a person, body of persons, statutory body or institution being appointed as a Certification Authority in terms of section 18 and the other terms and conditions applicable to them ;
- (d) criteria for accreditation of certification service providers under section 20, its cryptography services, electronic signature or advance electronic signature and security procedures or any other legal consequences connected therewith ;
- (e) the procedure for appeals against refusal to grant or renew an accreditation certificate ;
- (f) the qualifications required of persons seeking to provide certifications services ;
- (g) the procedure for the recognition of Certification Service Providers, the issue of licences to such Certification Service Providers and the categories of services required to be provided by them ;

(h) the records to be maintained by the Certification Service Providers and the manner in which information has to be furnished to the Certification Authority by such Certification Service Provider ; and

(i) the matters referred to in section 15.

(3) Every regulation made by the Minister shall be published in the *Gazette* and shall as soon as convenient after its publication in the *Gazette* be brought before Parliament for approval.

(4) Every 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.

(5) The date on which such regulations shall be deemed to be so rescinded shall be published in the *Gazette*.

25. 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.

26. For the purposes of this act, unless the context otherwise requires —

Interpretation.

“addressee” means the person intended by the originator to receive the communication but does not include an intermediary ;

“Certification Authority” means the Certification Authority appointed in terms of Chapter IV of the Act ;

“certifiacion services” means any service which is provided to the senders or recipients of information in electronic form, or to those storing such

information, and is designed to facilitate the use of cryptographic techniques for the purpose of ascertaining that the confidentiality, authenticity and integrity of such information is secured ;

“Certification Service Provider” means a person providing certification services within the meaning of this Act ;

“communication” means any statement, declaration, demand, notice or request, including an offer and the acceptance of an offer that a person is required to make or chooses to make in connection with an electronic transaction within the meaning of this Act ;

“computer” means an electronic or similar device having information processing capabilities ;

“data message” means information generated, sent, received or stored by electronic, magnetic, optical or other similar means ;

“electronic” means information generated, sent received or stored by electronic, magnetic, optical, or similar capacities regardless of the medium ;

“electronic document” includes documents, records, information, communications or transactions in electronic form ;

“electronic record” means a written document, or other record created, stored, generated, received, or communicated by electronic means ;

“electronic signature” means any letters, numbers, symbols, images, characters or any combination thereof in electronic form, applied to, incorporated in or logically associated with an electronic document,