

(c) limited so as to expire on a specified date, unless renewed; and

(d) varied or revoked.

Burden of proof of permission.

17. In any inquiry under section 13, the burden of proving that any authorized dealer, restricted dealer or any other person, class or classes of persons not being an authorized dealer or restricted dealer had obtained the permission of the Central Bank for doing the act or making the omission which constitutes the violation of the provisions of the Act or any regulation, Order, guideline or direction issued or made thereunder shall be on such dealer, person or class or classes of persons.

Presumption relating to foreign currency.

18. In any inquiry under section 13 in relation to foreign currency, it shall be presumed, until the contrary is proved, that the currency in respect of which the dealing in foreign exchange in violation of the provisions of the Act or any regulation, Order, guideline or direction issued or made thereunder is alleged to have been committed is genuine.

Admissibility of certain documents.

19. In an inquiry under section 13 or any proceeding under section 10, any of the following documents may be produced before the Board of Inquiry or Court and given in evidence against any authorised dealer, restricted dealer or any other person, class or classes of persons not being an authorized dealer or restricted dealer and shall be *prima facie* evidence of the matters, transactions and accounts therein contained –

(a) a certified copy of a banker's book or an extract thereof obtained from the manager or principal accountant of the bank;

(b) a certified copy of any book or other record required by law to be maintained by a company or a certified copy of any extract thereof, obtained from a director or secretary of the company; and

- (c) a certified copy of any document or of an extract thereof in the proper custody of an officer of a foreign Government, and obtained from such officer.

20. No person shall be liable in any suit or other legal proceedings for any act done, or purporting to be done, in good faith in pursuance of the powers conferred by or under this Act, or for the purpose of carrying out the provisions of this Act.

Indemnity for acts done in good faith.

21. (1) Except in the performance of his duties under this Act, every officer or servant of the Department of Foreign Exchange of the Central Bank shall preserve, and aid in preserving, secrecy with regard to all matters that may come to his knowledge in the performance of his duties under this Act, and any such officer or servant who communicates any such matter to any person other than –

Duty of officers and servants to maintain secrecy.

- (a) the person, class or classes of persons to whom that matter relates or an authorized representative of such person, class or classes of persons;
- (b) the Monetary Board;
- (c) the Governor of the Central Bank or an officer of the Department of Foreign Exchange of the Central Bank authorized by the Governor to obtain information regarding that matter;
- (d) the Secretary of the Ministry of the Minister assigned the subject of Central Bank;
- (e) a public officer authorized by the Minister to obtain information regarding that matter; or
- (f) a person to whom it is necessary to communicate that matter for the purpose of securing compliance with, or detecting evasion of, any provision of this Act, or any other written Law,

or suffers or permits any unauthorized person to have access to any book, papers or records of the aforesaid Department or in the possession or custody, or under the control, of the head of that Department, commits an offence.

(2) No officer or servant of the Department of Foreign Exchange shall, in any legal proceedings to which the Monetary Board is not a party be compellable except by Order of the Court to produce any book or document or to divulge or communicate any matter coming under his notice in the performance of his duties under this Act.

Preservation of financial stability.

22. (1) Where the Monetary Board advises the Minister that in the opinion of the Board, remittances of foreign exchange into or out of Sri Lanka constitute a potential threat to the financial stability of Sri Lanka, the Minister may, with the approval of the Cabinet of Ministers and notwithstanding the provisions of sections 5, 6, 7 and 8 of this Act, by Order published in the *Gazette*, take such steps as may be necessary to restrict or regulate remittances of foreign exchange into or out of Sri Lanka, for such period not exceeding six months from the date of such Order.

(2) An Order under subsection (1) shall be communicated forthwith to Parliament and unless Parliament determines otherwise, shall be valid for the period specified in such Order.

(3) The Minister may with the approval of Parliament, by Order published in the *Gazette*, extend from time to time, the period of validity of an Order made under subsection (1) however that the period of such extensions shall not in the aggregate exceed twelve months.

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

23. (1) Any expenses incurred by the Central Bank in any suit or prosecution brought by or against it before any court, shall be paid out of the Consolidated Fund and any costs paid to or recovered by the Central Bank in any such suit or prosecution shall be credited to the Consolidated Fund.