

**PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF**   
**SRI LANKA**

**MEDIATION BOARD (AMENDMENT)**   
**ACT, No. 2 OF 2024**

**[Certified on 23rd of January, 2024]**

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| *Mediation Board (Amendment) Act, No. 2 of 2024* | 1 |

[Certified on 23rd of January, 2024]   
L.D.-O. 78 /2021   
 AN ACTTOAMENDTHE MEDIATION BOARD   
 ACT, NO. 72 OF 1988

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows: -

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| **1.** This Act may be cited as the Mediation Board (Amendment) Act, No. 2 of 2024.  **2.** Section 2 of the Mediation Board Act, No. 72 of 1988 (hereinafter referred to as the principal enactment) is hereby repealed and the following new section substituted therefor:- | | | Short title  Replacement of section 2 of  Act, No. 72 of 1988 |
| "Appointment of Commission | 2.(1) The President shall appoint a Commission consisting of five persons (hereinafter referred to as the “Commission”), | |
| two of whom shall be from among persons who have held judicial office in the Supreme Court or the Court of Appeal or the High Court established by Article 154P of the Constitution and three of whom shall be from among persons who – | | |
| (*a*) | | have not less than fifteen years of  professional experience as |
| Attorneys-at-law ; | | |
| (*b*) | | have held posts of Class 1 officers |
| in the Sri Lanka Administrative  Service or in an All Island Service; | | |
| (*c*) | | are retired staff officers in the Public |
| Service; or | | |
| (*d*) | | have held managerial level offices |
| in the private sector possessing  professional qualifications and  experience in mediation or any other  alternate dispute resolution process: | | |

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Provided however, in appointing members   
tothe Commission the President shall ensure   
that the membership of the Commission shall   
reflect the pluralistic character of Sri Lankan   
society.

(2) No person who has reached the age of   
seventy years as at the date of appointment   
shall be appointed to the Commission.

(3) The President shall nominate as   
Chairman of the Commission one of the   
members who has held judicial office as   
referred to in subsection (1).

(4) The Chairman and Commissioners shall   
hold office for a period of three years unless   
any one of them earlier dies, resigns or is   
removed from office:

Provided however, that, if at the expiration   
of the period of office of the Chairman or the   
Commissioners the new members of the   
Commission have not been appointed, the   
Chairman and Commissioners holding office   
on the day immediately prior to such   
expiration, shall continue in office until the   
new members are appointed.

(5) The Chairman or any Commissioner   
vacating office upon the expiration of his term   
of office shall be eligible for re-appointment   
subject to subsection (2).

(6) (*a*) The Chairman or any Commissioner   
may resign from office by letter addressed to   
the President.

(*b*) The Chairman or any Commissioner who   
is absent without reasonable cause for three   
consecutive meetings of the Commission, the

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Commission may by resolution of such   
Commission at a meeting endorsed by the   
President of which due notice has been given   
to such Chairman or Commissioner, be   
removed from office.

(*c*) The President may without assigning a   
reason remove the Chairman or any   
Commissioner from office.

(7) The Chairman or any Commissioner   
who has resigned or has been removed from   
office shall not be eligible for re-appointment.

(8) (*a*) Where any vacancy arises in the   
Commission, by reason of death, resignation   
or removal of the Chairman or any   
Commissioner, the President shall fill such   
vacancy having regard to the provisions of   
subsections (1), (2) and (3).

(*b*) Any person appointed to fill a vacancy   
arising from the death, resignation or removal   
of the Chairman or any Commissioner, shall   
hold office for the unexpired period of the term   
of office of his predecessor.

(9) Where a Commissioner becomes, by   
reason of illness or other infirmity or absence   
from Sri Lanka temporarily unable to perform   
the duties of his office, the President may   
appoint a fit person to act in his place for the   
period of such incapacity or absence, and   
where the Commissioner who is so   
incapacitated or absent from Sri Lanka is the   
Chairman of the Commission, the President   
shall appoint the other Commissioner who has   
held judicial office as referred to in subsection   
(1),to act in his place until the resumption of   
duties by the Chairman of the Commission.

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(10) The Chairman and the Commissioners   
shall be remunerated in such manner and at   
such rates as may be determined by the   
Minister with the concurrence of the Minister   
assigned the subject of Finance.

(11) Three members of the Commission   
including a member who has held judicial   
office as referred to in subsection (1)shall   
constitute the quorum for any meeting of the   
Commission and the Chairman or in the   
absence of the Chairman, the other   
Commissioner who has held judicial office as   
referred to in subsection (1), elected at the   
meeting from among themselves shall preside   
at such meetings of the Commission. The   
Commission may regulate its own procedure   
in regard to meetings of such Commission and   
the transaction of business at such meetings.

(12) No act or proceeding of the   
Commission shall be deemed invalid by reason   
only of any defect in the appointment of the   
Chairman or any Commissioner.”.

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| Amendment of section 6 of the principal  enactment | **3.** Section 6 of the principal enactment is hereby amended by the insertion immediately after subsection (1) thereof, of the following new subsections: - |

“(1A) There shall be an officer assigned to each   
Mediation Board area who shall be attached to the   
Divisional Secretariat of the respective Divisional   
Secretary’s Division. Such officer shall accept any   
application made to the Chairman of the Panel of   
Mediators appointed for any Mediation Board Area   
situated within such Divisional Secretary’s Division:

Provided however, for the purposes of maintaining   
the secrecy, such officer shall not open any such   
application unless he is authorized in writing to do so   
by the Chairman of the Panel.

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(1B) (*a*) Notwithstanding the provisions of   
subsection (1), an application with regard to a dispute   
referred to in subsection (1), which has been made to   
the Chairman of the Panel of Mediators appointed for   
any Special Mediation Board Area under the provisions   
of the Mediation (Special Categories of Disputes) Act,   
No. 21 of 2003, may, if such Chairman so decides, be   
referred to the Chairman of the Panel of Mediators,   
appointed for the same area under this Act.

(*b*)An application referred to in paragraph (*a*) shall   
be deemed to be an application made in terms of   
subsection (1).”.

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| 4. Section 7 of the principal enactment is hereby amended as follows:-  (1) in paragraph (*a*) of subsection (1) of that section, by the substitution for the words “five hundred thousand rupees in value;” of the words “one million rupees in value;”; | Amendment of section 7 of the principal  enactment |

(2) in paragraph (*d*) of subsection (1) of that   
section, by the substitution for the words  
“rupees five thousand,” of the words “rupees   
one hundred thousand,”;

(3) in subsection (1) of that section, by the   
substitution for the words and figures “the   
certificate of non-settlement referred to in   
section 14A”, of the words and figures “a report   
referred to in subsection (2) of section 12 or a   
certificate of non-settlementreferred to in   
section 14A.”;

(4) by the insertion immediately after subsection   
(1) of that section, of the following new   
subsection:-

“(1A) The Minister may, from time to time,   
by regulations made under section 23 of   
this Act, amend the monetary value of the   
subject matter referred to in paragraphs (*a*)   
and (*d*) of subsection (1) .”.

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| Insertion of  section 9A in the principal  enactment | 6 | *Mediation Board (Amendment)* | |
| *Act, No. 2 of 2024*  **5.** The following new section is hereby inserted immediately after section 9 of the principal enactment and shall have effect as section 9A of that enactment: - | | |
| “Reference of  an application  to the Chairman of the Panel  appointed for  any Special  Mediation Board Area | | 9A. (1) Where an application with regard to a dispute falling under any category of disputes specified in an Order made under section 2 of the Mediation (Special Categories of Disputes) Act, No. 21 of 2003, has been referred to a Mediation Board constituted under section 9 of this Act, such Mediation Board shall *ex mero motu,* refer such application to the Chairman of the Panel of Mediators appointed for the same area under the provisions of the Mediation (Special Categories of Disputes) Act, No. 21 of 2003. |

(2) Notwithstanding the provisions of   
subsection (1), where-

(*a*) the Panel of Mediators has not   
been appointed under section 4   
of the Mediation (Special   
Categories of Disputes) Act, No.

21 of 2003; or

(*b*) a Mediation Board constituted   
under section 9 fails to refer the   
application within a period of   
three months to the Chairman of   
the Panel appointed under the   
provisions of the Mediation   
(Special Categories of Disputes)   
Act, No. 21 of 2003, for the same   
Special Mediation Board Area ,

such applicant shall be entitled to obtain   
a document to that effect from the   
Commission or to make an application to   
the Chairman of the Panel referred to in   
paragraph (*b*) of this subsection.

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(3) The document obtained under   
subsection (2) shall be deemed to be a   
certificate of non-settlement issued   
under section 14A.

(4) Where the parties to the dispute   
have not objected in arriving at a   
settlement by initiating proceedings of   
the Mediation Board constituted under   
section 9, a certificate of non-settlement   
referred to in subsection (3) or a   
settlement reached in the proceedings   
under this Act, shall not be deemed to   
be invalid, only due to not making the   
application to the proper Panel of   
Mediators in terms of Mediation (Special   
Categories of Disputes) Act, No. 21 of   
2003.”.

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| **6.** Section 12 of the principal enactment is hereby repealed and the following new section substituted therefor:- | | | Replacement of section 12 of  the principal  enactment |
| ”Where no  settlement is  possible | 12. (1) The Chairman or the Chief Mediator, shall issue to the disputants a certificate of non-settlement in the prescribed form signed by the Chairman or the Chief Mediator, in the case of an application made under section 6, as provided for in section 14A stating therein any of the following reasons for non-settlement:- | |
| (*a*) | | where it is not possible to constitute a Board under section 9, due to the non-appearance by one of the disputants for two consecutive dates, after due notification or after the expiry of three months from the date of making the application, whichever occurs first; or |

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(*b*) upon a Board having been   
constituted under section 9,   
where-

(i) the disputants do not agree   
 to a settlement;

(ii) it is not possible to arrive at a   
settlement due to the absence   
of one of the disputants after   
due notification; or

(iii) one of the disputants requests   
the issuance of a certificate   
under section 14A after the   
expiry of three months from   
the date of making the   
application.

(2) The Chairman or the Chief   
Mediator, shall issue a report in the   
prescribed form signed by the Chairman   
or the Chief Mediator, in the case of a   
dispute referred by any court under   
section 7 or 8, to such court stating that   
it has not been possible to settle the   
dispute by mediation and stating therein   
any of the following reasons for non-  
settlement:-

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| (*a*)  (*b*) | where it is not possible to constitute a Board under section 9, due to the non-appearance by one of the disputants for two consecutive dates, after due notification or after the expiry of three months from the date of making the application, whichever occurs first; or  upon a Board having been constituted under section 9, where- |

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(i) the disputants do not agree to   
a settlement; or

(ii) it is not possible to arrive at a   
settlement due to the absence   
of one of the disputants after   
due notification.”.

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| **7.** For the avoidance of doubt, it is hereby declared that the persons holding office as the Chairman and Commissioners of the Commission on the day immediately preceding the date of operation of this Act shallcontinue to exercise and perform the powers and duties under that enactment until a Commission is appointed under section 2 of the principal enactment and shall from and after the date on which such Commission is appointed cease to hold office as such Chairman and Commissioners.  **8.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. | Avoidance of  doubt  Sinhala text to  prevail in case  of inconsistency |

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