

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

**SRI LANKA TELECOMMUNICATIONS**

**(AMENDMENT)ACT, No. 39 OF 2024**

**[Certified on 17th of July, 2024]**

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| *Sri Lanka Telecommunications (Amendment)* | 1 |

*Act, No. 39 of 2024*

[Certified on 17th of July, 2024]

L.D.—O. 9/2024

AN ACTTOAMENDTHE SRI LANKA TELECOMMUNICATIONS   
ACT, NO. 25 OF 1991

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

**1.** This Act may be cited as the Sri Lanka Short title Telecommunications (Amendment) Act, No. 39 of 2024.

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| --- | --- | --- |
| **2.** Section 4 of the Sri Lanka Telecommunications Act, No. 25 of 1991 (hereinafter referred to as the “principal enactment”) is hereby amended as follows:- | | Amendment of section 4 of Act, No. 25 of 1991 |
| (1) | by the substitution for the words “his powers” and |

“he considers”, of the words “its powers” and “it   
considers”, respectively;

(2) in paragraph (*b*) thereof, by the substitution for the   
 word “operator” of the words “operator and   
 provider”; and

(3) in paragraph (*f*) thereof, by the substitution for the   
 word “operators” of the words “operators and   
 providers”.

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| **3.** Section 5 of the principal enactment is hereby amended as follows: - | | Amendment of section 5 of the principal  enactment |
| (1) | in paragraph (*b*) thereof, by the substitution for the |

words “to operate telecommunication systems” of   
the words “to operators”;

(2) in paragraph (*d*) thereof, by the substitution for the   
 words “an operator” of the words“an operator and   
 a provider”;

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(3) in paragraphs (*g*) and (*h*) thereof, by the substitution   
for the words “operator” and “operators”, of the   
words “operator and provider” and “operators and   
providers”, respectively;

(4) in paragraph (*k*) thereof -

(*a*) by the substitution for the words “to   
determine in consultation with the Minister,   
the tariffs or methods for determining such   
tariffs,” of the words and figures “to approve   
or determine in consultation with the   
Minister, under section 6A the tariffs or   
methods for approving or determining such   
tariffs,”; and

(*b*) by the substitution for the word “operators”  
of the words “operators and providers”,   
wherever that word appear in that paragraph;

(5) in paragraph (*m*) thereof, by the substitution for the   
words “operators of telecommunication systems”  
of the words “operators and providers”;

(6) in paragraph (*r*) thereof, by the substitution for the   
words “operators” of the words “operators and   
providers”;

(7) in paragraph (*w*) thereof, by the substitution for the   
words “unauthorized radio frequency emissions;   
and” of the words “unauthorized radio frequency   
emissions;”; and

(8) by the insertion immediately after paragraph (*w*)   
thereof, of the following new paragraphs:-

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“(*wa*) to carry out market analysis in the   
provision of telecommunication services   
in order to examine the dynamics of a   
particular market to understand the level   
of competition in it;

(*wb*) to intervene to prevent the emergence or   
abuse of significant market power;

(*wc*) to take regulatory measures in order to   
promote fair competition and to eliminate   
anti competitive practices;

(*wd*) to take such measures or issue such   
directives, which the Commission   
considers as appropriate and necessary for   
the achievement of social policy   
objectives for the sector, such as universal   
availability of specified minimum level   
of service; and”.

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| **4.** The following new section is hereby inserted immediately after section 6 of the principal enactment and shall have effect as section 6A of that enactment:- | | | Insertion of new section 6A in the principal  enactment |
| “Commission | 6A. (1) The Commission shall approve or | |
| to approve or determine  tariff | determine tariffs based on the following principles:- | |
| (*a*) | | tariffs shall be non-discriminatory; |

and

(*b*) tariffs shall be oriented towards cost,   
 in general cross subsidies shall be   
 eliminated.

(2) An operator or provider may propose   
tariffs or adjustments to tariffs subject to   
paragraphs (*a*) and (*b*) of subsection (1).

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(3) Where an operator or a provider proposes   
tariffs or adjustment of tariffs, the Commission   
may approve or reject such tariffs or adjustment   
of tariffs subject to subsection (1), taking into   
consideration –

(*a*) the government policy and industry   
requirements; and

(*b*) the facilities or services provided by   
the operator or provider to the   
particular class of users or in a   
particular area:

Provided however, the Commission may   
partially approve a proposed tariff or an   
adjustment to tariffs proposed by an operator   
or a provider or grant such approval subject to   
such conditions imposed by the Commission.

(4) The Commission may determine to   
forbearany tariff of any service in whole or a   
part of such tariff, subject to such conditions   
or without conditions.

(5) The Commission may, in consultation   
with the Minister, by way of rules make   
provision for a special tariff plan which shall   
include manner of setting, reviewing,   
publishing and approving adjustmentsof tariff

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| generally | or | for | any | particular |

telecommunication service provided by an   
operator or a provider.

(6) An operator or a provider shall not   
provide any telecommunication service   
without obtaining approval to a tariff plan from   
the Commission under this section.

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(7) Every operator or provider who   
contravenes the provisions of subsection (6)   
commits an offence and shall be liable on   
conviction by a Magistrate to a fine not   
exceeding ten million rupees or to an   
imprisonment of either description for a term   
not exceeding one year or to both such fine   
and imprisonment.”.

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| **5.** Section 7 of the principal enactment is hereby amended by the substitution for the word “operator” of the words“operator or the provider, as the case may be”, wherever that word appears in that section.  **6.** Section 8 of the principal enactment is hereby amended by the substitution for the words “every operator” of the words “every operator and provider”.  **7.** Section 9 of the principal enactment is hereby amended as follows:- | | Amendment of section 7 of the principal  enactment  Amendment of section 8 of the principal  enactment  Amendment of section 9 of the principal  enactment |
| (1) | in subsection (1) thereof, by the substitution for the |

words “an operator,” of the words “an operator or a   
provider,”; and

(2) in subsection (2) thereof, by the substitution for the   
 words “such operator” of the words “such operator   
 or provider”.

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| **8.** 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:- | | Insertion of new section 9A in the principal  enactment |
| “Resolution  of disputes  on anti  competitive | 9A. (1) The Commission shall, on its own motion or on a complaint or request made to the Commission by any person with respect to- |

practices, etc.

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(*a*) the existence or the construed   
 existence of any anti-competitive   
 practice;

(*b*) the acquisition, existence or   
 construed existence of an abuse of a   
 dominant position (significant   
 market power) which may affect the   
 conditions in one or more markets   
 in which an operator or provider   
 operates a telecommunication   
 service;

(*c*) the creation or construed creation of   
 a merger situation; or

(*d*) not having the right of access market   
 network at fair, cost based and non-  
 discriminatory terms and conditions,

carry out an investigation as in the manner it   
may deem necessary.

(2) The Commission shall give any operator   
or provider, who is the subject of an   
investigation commenced under subsection   
(1), an opportunity of being heard and of   
producing any documentary evidence**.**

(3) Where upon investigation the   
Commission is satisfied that any one of the   
situations specified in paragraph (*a*), (*b*), (*c*), or   
(*d*) exists, but such situation does not operate   
or is not likely to operate against public   
interest, the Commission shall, by order made   
in that behalf, authorize the existence of such

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situation subject to such terms and conditions   
as it may consider necessary or expedient for   
the purpose of remedying or preventing the   
resulting adverse effects, if any, on other   
operators or providers in the market wherein   
any one of the situations specified in paragraph   
(*a*), (*b*), (*c*), or (*d*) exists.

(4) Where upon investigation the   
Commission finds that any one of the situations   
specified in paragraph (*a*), (*b*), (*c*), or (*d*) exists   
and such situation operates or is likely to   
operate against public interest, the Commission   
shall make an appropriate order abating the   
existence of any such situation and for the   
purpose of remedying or preventing the   
resulting adverse effects thereof.

(5) Where upon investigation, the   
Commission finds that any one of the situations   
specified in paragraph (*a*), (*b*), (*c*), or (*d*) exists,   
the Commission may, where necessary, issue   
an appropriate order other than the orders   
referred to in subsections (3) and (4) having   
regard to the provisions of subsection (2).

(6) Rules may be made in respect of the   
following:-

(*a*) to impose specific obligations on   
 operators and providers with   
 significant market power as may be   
 defined by the Commission, with a   
 view of promoting fair competition,   
 preventing market distortions and   
 safeguarding consumer interests;   
 and

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(*b*) to facilitate non–discriminatory   
 access and to ensure equal   
 opportunities to all operators and   
 providers.”.

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| Amendment of section 10 of  the principal  enactment | **9.** Section 10 of the principal enactment is hereby amended by the insertion immediately after subsection (1) thereof, of the following new subsections:- |

“(1A) The Commission shall have the power to –

(*a*) divide and allocate any part of the radio   
frequency spectrum into number of bands

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| based | on | the | International |

Telecommunication Union policies and   
guidelines or international best practices, in   
the best interest of the efficient management   
of the frequency spectrum and specify the   
service or purpose for which each band may   
be used;

(*b*) specify frequency channel plans; and

(*c*) assign the radio frequency or any band of   
radio frequencies to users of radio   
communication apparatus in the manner   
provided in section 22.

(1B) The Commission may issue to any person who   
intends to obtain a licence for any purpose specified   
under section 22, a frequency reservation permit for a   
period specified by the Commission on a payment of a   
fee subject to the right of cancellation and such other   
terms and conditions as may be determined by the   
Commission by rules made in that behalf.”.

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| Insertion of new section 10A in  the principal  enactment | **10.** The following new section is hereby inserted immediately after section 10 of the principal enactment and shall have effect as section 10A of that enactment:- |

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| “Commission to be the sole authority on  allocation of | 10A. (1) The Commission shall be the sole authority vested with the power to manage the use of numbers, names, codes and identifiers. |

and use of   
numbers etc. (2) The Commission shall be responsible for promoting the efficient allocation of numbers, names, codes and identifiers under subsection (1).

(3) The Commission shall have the power   
to prepare, specify, publish, and administer the   
plans for the use of numbers, names, codes,   
and identifiers, including the power-

(*a*) to assign numbers, a block or blocks   
 of numbers, codes, and names in   
 accordance with respective plans;

(*b*) to grant approval to lease or sell the   
 right to use a number, a block or   
 blocks of numbers or codes;

(*c*) to amend the plans for numbering,   
 names, codes and identifiers so   
 prepared;

(*d*) to make rules-

(i) for specifying charges for using   
numbers, a block or blocks of   
numbers, codes and names so   
assigned;

(ii) relating to managing of   
numbers, names, codes, and   
identifiers in the respective   
plans; and

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(iii) for determining conditions   
relating to the withdrawal of   
numbers, block or blocks of   
numbers, codes, and name   
assigned under this section; and

(*e*) to issue directions toany person to-

(i) submit information on the   
utilization of numbers, names,   
codes, and identifiers allocated   
under this section; and

(ii) adhere to the respective plan for   
the use of numbers, names,   
codes and identifiers.

(4) The Commission shall have the power   
to implement number portability and issue   
rules, guidelines and directions to operators for   
such implementation.

(5) The Commission may withdraw   
numbers, codes, a block or blocks of numbers,   
code or codes of numbers allocated under this   
section by giving prior notice in writing to the   
person to whom such allocation was made after   
affording an opportunity to such person to   
make representations.”.

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| Amendment of section 11 of  the principal  enactment | **11.** Section 11 of the principal enactment is hereby amended as follows:- | |
| (1) | in subsection (1) thereof, by the substitution for the |

wordsand figures “authorized by a licence under   
section 17 to operate a telecommunication system”  
of the words and figures “issued with a licence under   
section 17 or under section 17B”;

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(2) in subsections (4) and (5) thereof, by the   
 substitution for the word “operator” of the words  
 “operator and provider”; and

(3) by the addition, immediately after subsection (5)   
 thereof, of the following new subsections:-

“(6) Where a person issued with a licence   
under section 17 or under section 17B, fails to   
comply with an order issued under subsection   
(2), the Commission may by notice require such   
person to pay a penalty of an amount not   
exceeding one *per centum* of the annual   
turnover of the year immediately preceding the   
year concerned, accrued from the activity   
authorized by such licence.

(7) The Commission shall be responsible   
for the collection of a penalty imposed under   
this section and the money so collected shall   
be credited to the Fund of the Commission   
established under section 22F.

(8) If any person who has become liable to   
a penalty in terms of subsection (6) fails to pay   
such penalty, within such period as may be   
specified in such notice, the Commission may   
make an exparte application to the Magistrate   
Court of the competent jurisdiction for an order   
requiring the payment of the penalty recovered   
in a like manner as a fine imposed by such   
court notwithstanding such sum may exceed   
the amount of fine which that court may, in the   
exercise of its ordinary jurisdiction impose.

(9) Where a penalty is imposed under this   
section on a body of persons, then–

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(*a*) if that body of persons is a body   
 corporate, every person who at the   
 time of non-compliance under   
 subsection (6) was a director, and any   
 other officer responsible for the   
 management and control of that   
 body corporate;

(*b*) if that body of persons is a firm,   
 every partner of that firm; or

(*c*) if that body is not a body corporate,   
 every person who at the time of non-  
 compliance of requirements under   
 subsection (6) was the officer   
 responsible with management and   
 control of that body,

shall be liable to pay such penalty, unless he   
proves that he had no knowledge of the failure   
to comply with the requirement under   
subsection (6) or that he exercised all due care   
and diligence to ensure the compliance   
therewith.

(10) A person who is aggrieved by the   
imposition of a penalty under this section, may   
appeal against such order to the High Court   
established by Article 154P of the Constitution.

(11) Any person who prefers an appeal under   
subsection (10) shall deposit in cash as a   
security such sum of money equal to the penalty   
imposed under subsection (6) before the   
registrar of the High Court.”.

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| **12.** Section 17 of the principal enactment is hereby amended as follows:- | Amendment of  section 17 of the principal |

enactment (1) in paragraph (*b*) of subsection (6) thereof, by the   
 substitution for the words “revoked in accordance   
 with any terms in that behalf contained in the   
 licence” of the words and figures “revoked in terms   
 of the provisions of section 17A”; and

(2) by the addition immediately after subsection (9)   
 thereof, of the following new subsection:-

“(10) The Commission shall have the power   
to issue directions to any operator to whom a   
licence has been issued under this section to   
share the use, with another operator specified by   
the Commission any infrastructure owned or   
used by such operator including any radio access   
network, subject to such terms and conditions   
specified by regulations made under this Act.”.

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| **13.** The following new sections are hereby inserted immediately after section 17 of the principal enactment and shall have effect as sections 17A and 17B of that enactment:- | Insertion of new sections 17A and 17B in the  principal |

enactment

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| “Revocation of a licence issued under section 17 | 17A. (1) A licence issued under section 17 may be revoked by the Minister assigning reasons therefor, on the breach of terms and |

conditions of the licence.

(2) The Minister shall by Order published   
in the *Gazette* specify the date of such   
revocation (not being a date earlier than thirty   
days from the date of publication of the Order)

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and the reasons for the revocation shall be   
informed to the relevant operator through the   
Commission fifteen days prior to the date of   
the revocation.

(3) The Order referred to in subsection (2)   
shall also specify the interim arrangement made   
for operating the telecommunication system   
in respect of which the licence was issued to   
the operator thereof has been revoked under   
this section.

(4) Where the Minister revokes a licence   
under section 17, the licensee may within a   
period of thirty days from the date of the   
communication to him the decision of the   
Minister appeal against such revocation to the   
Court of Appeal which may confirm or set aside   
the decision of the Minister.

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| Prohibition  to engage in  certain  activities  without a  licence | 17B. (1) A person shall not engage in the following activities except under the authority of a licence issued by the Commission in that behalf:- | |
| (*a*) | providing infrastructure services |

specified by rules, required for   
operating a telecommunication   
system;

|  |  |  |
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| (*b*) | providing | telecommunication |

services specified by rules; or

(*c*) providing cable landing station   
 facilities.

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(2) For the purpose of paragraph (*c*) of   
subsection (1), the facilities shall include   
submarine cables laid within the territorial   
waters of Sri Lanka.

(3) The charges for cable landing station   
facilities including access to the submarine   
cables shall be approved or determined by the   
Commission.

(4) A licence issued under subsection (1)   
shall be-

(*a*) in such form and on payment of such   
 fee as may be determined by the   
 Commission; and

(*b*) required to conform to such   
 technical standards as may be   
 determined by the Commission from   
 time to time by rules made under this   
 Act.

(5) Any person who engages in any activity   
specified in paragraph (*a*) or (*b*) of subsection   
(1) without obtaining a licence under   
subsection (1), commits an offence under this   
Act.

(6) The Commission may, at any time   
revoke a licence granted under this section on   
the failure by the licensee to comply with the   
technical standards he was required to conform   
to.

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(7) Where the Commission refuses an   
application for a licence under subsection (1)   
or revokes a licence under subsection (6), the   
applicant or the licensee, as the case may be,   
within a period of thirty days from the date of   
the communication to him the decision of the   
Commission may appeal against such refusal   
or revocation, as the case may be, to the Court   
of Appeal which may confirm or set aside the   
decision of the Commission.

(8) Rules shall be made under this Act to   
specify-

(*a*) the manner of making an application   
 for a licence under subsection (1);

(*b*) requirements to be fulfilled by an   
 applicant to make an application for   
 each category of licence under   
 subsection (1); and

(*c*) period of validity and the manner of   
renewal of a licence.”.

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| Amendment of  section 18 of the principal | **14.** Section 18 of the principal enactment is hereby amended as follows:- |

enactment   
 (1) by the substitution for the words “modification of any condition of a licence” of the words “modification of a licence”, wherever those words appear in that section;

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(2) by the addition immediately after subsection (3)   
 thereof, of the following new subsection:-

“(4) The Commission may modify any licence   
issued under section 17B if such modification is

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| deemed | necessary | for | the | efficient |

implementation of the provisions of this Act or   
any regulation or rule made thereunder.”; and

(3) in the marginal note thereof, by the substitution for   
 the word and figures “section 17.” of the words and   
 figures “sections 17 and 17B.”.

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| **15.** Section 18A of the principal enactment is hereby amended as follows:- | Amendment of section 18A of the principal |

enactment

(1) in subsection (1) thereof, by the substitution for the   
 words “without obtaining the prior approval of the   
 Commission.” of the words “except with a provider   
 licence issued by the Commission under section   
 17B.”;

(2) by the repeal of subsections (2) and (3) thereof and   
 the substitution therefor of the following   
 subsection:-

“(2) Where a provider requests the operator   
to use the telecommunication system, the   
operator shall permit such provider to use such   
telecommunication systemincluding wholesale   
services subject to the provisions of this Act.”;   
and

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(3) in subsection (4) thereof, by the substitution for the   
words “ten thousand rupees” of the words “one   
hundred thousand rupees”.

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| Insertion of new section 20A in  the principal  enactment | **16.** The following new section is hereby inserted immediately after section 20 of the principal enactment and shall have effect as section 20A of that enactment:- | |
| “Interconnection | 20A. (1) The Commission may require an |
| of tele  communication systems | operator to enter into an agreement with another operator for the interconnection between |

their telecommunication systems, in the   
circumstances where the Commission deems   
that interconnection is necessary for the   
provision of efficient telecommunication   
service or for the public interest.

(2) It shall be the duty of the operators   
required by the Commission under   
subsection (1) to enter into an agreement

|  |  |  |  |
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| for | interconnection | between | their |

telecommunication systems, to provide

|  |  |  |  |
| --- | --- | --- | --- |
| access | to | the | telecommunication |

systems, telecommunication services and   
telecommunication apparatus of each other.

(3) The terms and conditions to be   
incorporated in an interconnection agreement   
shall be negotiated in accordance with the   
terms and conditions of the respective licences   
issued to the operators to such interconnection   
agreement, and shall further provide for the   
following:-

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(*a*) conditions of the interconnection   
 agreement shall conform with the   
 conditions of the respective licences   
 issued to each operator who is a party   
 to the interconnection agreement;

(*b*) consumers connected to the   
 telecommunication system of one   
 operator shall have access to the   
 telecommunication system of other   
 operator who is a party to the   
 interconnection agreement;

(*c*) operators who are parties to the   
 interconnection agreement shall   
 maintain the same level of

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| quality | in | their | respective |

telecommunication systems;

(*d*) interconnection arrangement shall   
 be efficient and fair and the parties   
 to an interconnection agreement   
 shall ensure that services are supplied   
 on non-discriminatory basis with   
 regard to capacity, interfaces and   
 technical standards;

(*e*) the terms and conditions subject to   
 which interconnected services are   
 provided shall reflect internationally   
 accepted best practices;

(*f*) interconnection services shall   
 ensure effective and sustainable   
 competition; and

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(*g*) interconnection rates for services   
 shall be cost oriented and be subject   
 to the methodology determined by   
 the Commission.

(4) The Commission may stipulate the terms   
and conditions to be incorporated in an   
interconnection agreement if necessary.

(5) If the Commission is satisfied that the   
parties to an interconnection agreement   
under this section have resorted to an   
anti-competitive practice in contravention of   
the respective licences issued under this Act or   
receives a complaint from a third party to that   
effect, the Commission shall, after giving   
reasonable notice to the parties to the   
interconnection agreement commence an   
investigation into the same.

(6) The Commission shall give the parties   
to the interconnection agreement, who is the   
subject of an investigation commenced under   
subsection (5), an opportunity of being heard   
and of producing any documentary evidence.

(7) Where upon investigation, the   
Commission is satisfied that an anti-  
competitive practice exists, the Commission   
may issue directions to the parties to the   
interconnection agreement to take such steps   
as the Commission deems it necessary to avoid   
such anti-competitive practice and make

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| recommendations | to | amend | the |

interconnection agreement to that effect.

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(8) Where any operator fails to comply with   
the requirement imposed by the Commission   
under subsection (1), any other operator who   
seeks access to the telecommunication system,

|  |  |  |
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| telecommunication | services | and |

telecommunication apparatus of such operator   
may inform the Commission in respect of such   
failure and the Commission shall, within thirty   
working days of the receipt of such information,   
determine , in consultation with both operators,   
the terms and conditions of the proposed   
interconnection agreement including the   
access to interconnection services and charges   
to be levied for such service.

(9) The determination made under   
subsection (8) by the Commission shall be   
binding on the operators proposed to be entered   
into an interconnection agreement under this   
section.

(10) Any operator who fails to comply with   
determination made under subsection (8) by   
the Commission commits an offence and shall   
be liable to a fine not exceeding ten million   
rupees and in the event of the offence being   
committed continuously, to an additional fine   
of three hundred thousand rupees for each day   
on which the offence is so committed after   
conviction.

(11) Any operator who is aggrieved by the   
determination under subsection (8), may appeal   
against such determination to the Court of   
Appeal within thirty days from the date of such   
determination.

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(12) The Commission may make rules for -

(*a*) stipulating the terms and conditions   
 to be incorporated in an   
 interconnection agreement;

(*b*) determining methodology relating   
 to interconnection rates for services;   
 and

(*c*) issuing guidelines and directions to   
 the parties to the interconnection   
 agreement to implement the   
 interconnection agreement.”.

|  |  |
| --- | --- |
| Amendment of  section 21 of the principal | **17.** Section 21 of the principal enactment is hereby amended as follows:- |

enactment

(1) in subsection (1) thereof, by the substitution for   
the word “import,” of the words “import, export,”;   
and

(2) in subsection (5) thereof, by the substitution for the   
words commencing from “to a fine not exceeding   
ten thousand rupees” to the end of that subsection   
of the words “to a fine not exceeding one million   
rupees or to an imprisonment of either description   
for a term not exceeding six months or to both such   
fine and imprisonment and in the event of the   
offence being committed continuously, to a fine of   
one thousand five hundred rupees for each day on   
which the offence is so committed after   
conviction.”.

|  |  |
| --- | --- |
| Amendment of  section 22 of the principal | **18.** Section 22 of the principal enactment is hereby amended as follows:- |

enactment

*Sri Lanka Telecommunications (Amendment)*  23   
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(1) in subsection (1) thereof, by the substitution for   
 the words “use any radio frequency or radio   
 frequency emitting apparatus” of the words “use   
 any radio frequency or use or possess any radio   
 frequency emitting apparatus”;

(2) in paragraph (*b*) of subsection (2) thereof, by the   
 substitution for the words “as may be determined   
 by the Commission by rules made in that behalf:”  
 of the words “as may be prescribed:”;

(3) by the insertion immediately after subsection (2)   
 thereof, of the following new subsection:-

“(2A) A licence issued under subsection (1)   
shall specify the service or services or purpose   
for which such radio frequency or radio   
frequency emitting apparatus are used and the   
period of the validity of such licence.”;

(4) by the repeal of subsection (3) thereof, and the   
 substitution therefor of the following subsection:-

“(3) The Commission shall have power to   
revoke any licence issued under subsection (1)   
on the breach of any condition or restriction to   
which it is subject to or in the event of any   
default in the payment of any consideration   
payable thereunder or on the failure of the   
licensee to comply with any regulation for the   
time being in force under this Act relating to   
the same.”;

(5) by the insertion immediately after subsection (3)   
 thereof, of the following new subsections:-

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“(3A) In the overall planning and   
management of radio frequency spectrum, the   
Commission shall have power to-

(*a*) direct any person to whom a   
 licence has been issued under   
 subsection (1) to comply with and   
 to implement new technologies   
 for the efficient use of radio   
 frequency spectrum in the public   
 interest; and

(*b*) vary any radio frequency after   
 giving written notice to the   
 relevant person prior to a   
 reasonable period of such   
 variation and giving reasons   
 therefor.

(3B) Any person who is aggrieved by the   
variation of the radio frequency referred to in   
paragraph (*b*) of subsection (3A) may appeal to   
the Commission within three weeks from the   
receipt of such notice referred to in that   
paragraph.

(3C) The Commission shall, after giving   
such aggrieved person a fair hearing on any   
objection to such variation communicate its   
decision to the person who made an appeal to   
the Commission within three weeks from the   
date of receipt of such appeal.

(3D) The Commission may consider   
payment of any compensation to the relevant   
person whose radio frequency has been varied   
under paragraph (*b*) of subsection (3A). ”;

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(6) by the insertion immediately after subsection (4)   
 thereof, of the following new subsections:-

“(4A) Any person who is aggrieved by the   
decision referred to in subsection (3C) of this   
section may appeal to the Court of Appeal   
within one month from the date of   
communication of the decision of the   
Commission.

(4B) The Court of Appeal may grant any   
interim relief to such aggrieved person pending   
the final determination of the appeal.”;

(7) in subsection (5) thereof, by the substitution for the   
 words “A person uses” of the words and figure “Save   
 as provided for in subsection (6), a person who   
 uses”; and

(8) by the addition immediately after subsection (5)   
 thereof, of the following new subsections:-

“(6) Notwithstanding the preceding   
provisions of this section, the Commission may,   
in the public interest and in order to promote   
the common use of any radio frequency exempt   
by rules made in that behalf, any person or   
class of persons from having to obtain a licence   
for the use or possession, establishment or   
installation of any radio frequency emitting   
apparatus either absolutely or subject to such   
terms, conditions and restrictions as may be   
imposed under such rules.

(7) The Commission may adopt the   
competition-based methodology in assigning   
radio frequencies and such methodology shall   
be promulgated by regulations made under this   
Act as and when required.”.

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|  |  |  |
| --- | --- | --- |
| Amendment of section 22A of the principal  enactment | **19.** Section 22A of the principal enactment is hereby amended as follows:- | |
| (1) | in subsection (1) thereof, by the substitution for the |

words “cabling work in any premises” of the words  
“cabling work in any premises, over or under the   
land, roads or territorial waters of Sri Lanka,”; and

(2) by the repeal of subsection (3) thereof and the   
substitution therefor of the following subsection:-

“(3) The Commission may, at any time   
revoke or suspend any licence granted under   
this section-

(*a*) on the breach of any term or   
 condition of the licence by the   
 licensee;

(*b*) on the failure by the licensee to   
 pay the fee determined by the   
 Commission under paragraph (*a*) of   
 subsection (2);

(*c*) on the failure by the licensee to   
 comply with the provisions of the   
 Act or any regulation or rule made   
 thereunder; or

(*d*) where such revocation or suspension   
 is deemed to be necessary in the   
 public interest or in the interest of   
 national security.”.

|  |  |
| --- | --- |
| Insertion of new sections 22AA  and 22AB in the principal  enactment | **20.** The following new sections are hereby inserted immediately after section 22A of the principal enactment and shall have effect as sections 22AA and 22AB of that enactment:- |

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|  |  |
| --- | --- |
| “Responsibility of the  Commission to protect  submarine  cables | 22AA. (1) The Commission shall, with the assistance of the Sri Lanka Navy, the Department of Coast Guard and Sri Lanka Police, monitor, manage and protect the submarine cables laid within the territorial |

waters of Sri Lanka connected with the   
provision of any telecommunication service   
under this Act, subject to the advice of the   
National Submarine Cable Protection   
Committee established under subsection (2)   
of this section.

(2) There shall be established a committee   
called and known as the National Submarine   
Cable Protection Committee (in this section   
and section 22AB referred to as the  
“Committee”) consisting of the following   
members:-

(*a*) the Director-General of the   
 Commission who shall be the   
 Chairman of the Committee;

(*b*) an officer of the Sri Lanka Navy   
 nominated by the Commander of   
 the Navy;

(*c*) a Coast Guard Officer of the Coast   
 Guard Department nominated by the

|  |  |  |
| --- | --- | --- |
| Director-General | of | such |

Department;

(*d*) a police officer of the police force   
 nominated by the Inspector General   
 of Police;

(*e*) an officer of the Customs nominated   
 by the Director-General of Customs   
 appointed under section 2 of the   
 Customs Ordinance (Chapter 235);

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(*f*) an officer not below the rank of   
 Senior Assistant Secretary to the   
 Ministry of the Minister assigned the   
 subject of the Fisheries and Aquatic   
 Resources nominated by the   
 Secretary to such Ministry;

(*g*) an officer of the Marine Environment   
 Protection Authority established by   
 the Marine Pollution Prevention   
 Act, No. 35 of 2008 nominated by   
 the General Manager of such   
 Authority;

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| (*h*) | an | officer | of | the | Central |
| Environmental | | | Authority | |

established by the National   
Environmental Act, No. 47 of 1980,   
nominated by the Director-General   
of such Authority;

(*i*) the providers issued with licences   
 under paragraph (*C*) of subsection (1)   
 of section 17B to operate a cable   
 landing station; and

(*j*) an officer nominated by the Director-  
 General of Merchant Shipping   
 appointed under section 3 of the   
 Merchant Shipping Act, No. 52 of   
 1971.

(3) The Committee shall have the following   
powers and functions:-

(*a*) to advise the Commission in   
 the monitoring, management   
 and protection of the submarine   
 cables laid within the territorial

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waters of Sri Lanka connected   
with the provision of any   
telecommunication service under   
this Act;

(*b*) to make recommendations to the   
 Minister in formulations of policies   
 regarding protection and resilience   
 of submarine cables and submarine   
 cable landing stations; and

(*c*) to exercise or discharge any other   
 powers or functions as may be   
 prescribed.

|  |  |
| --- | --- |
| Protection  zone to be  declared by the President | 22AB. (1) The President may, by proclamation published in the *Gazette*, on the recommendations made by the Minister, declare any zone of the sea adjacent to the |

territorial waters including exclusive economic   
zones, to be the protection zone (hereinafter   
referred to as the “protection zone”) in relation   
to a submarine cable and submarine cable   
landing station.

(2) The Minister shall, prior to making   
recommendations under subsection (1), obtain   
the recommendations of the Committee in   
respect of such matter.

(3) Where any operator requests the Minister   
to declare any zone as a protection zone under   
subsection (1), the Minister shall obtain the   
recommendations of the Committee and   
submit his recommendations to the President.

(4) Where the President refuses to declare   
such zone as a protection zone, the Minister   
shall cause to be informed of such decision to

the relevant operator.

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(5) An operator who is aggrieved by the   
decision of the President may appeal to the   
Minister within forty five days from the date of   
such decision.

(6) The Minister shall, in consultation with   
the Committee, make his recommendations on   
the appeal to the President, and the President   
may make decision on the appeal within forty   
five days from the date of receipt such appeal.   
The decision of the President made under this   
subsection shall be final and conclusive.

(7) A proclamation made under subsection   
(1), may be revoked or varied by the President   
in like manner.”.

|  |  |
| --- | --- |
| Amendment of section 22F of the principal | **21.** Section 22F of the principal enactment is hereby amended in subsection (2) thereof as follows:- |

enactment   
 (1) in paragraph (*c*) thereof, by the substitution for the words and figures “section 22G; and” of the word and figures “section 22G;”; and

(2) by the insertion immediately after paragraph   
(*c*) thereof, of the following paragraph:-

“(*ca*) all such sums of money collected as   
penalty imposed by the Commission   
under section 11; and”.

|  |  |
| --- | --- |
| Amendment of section 22G of the principal  enactment | **22.** Section 22G of the principal enactment is hereby amended in subsection (1) thereof, by the substitution for the words “the operator.” of the words “the operator or the |

provider.”.

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|  |  |
| --- | --- |
| **23.** The following new Part is hereby inserted immediately after section 22J of the principal enactment and shall have effect as Part IIC of that enactment:- | Insertion of new Part IIC in the  principal  enactment |

“PART IIC

IMPOSITIONOF SURCHARGEON LICENCE FEEAND CESS

|  |  |
| --- | --- |
| Commission to impose  surcharge on the default of payment of  any licence  fee or cess  under this  Act | 22K. (1) Where any operator, provider or licensee, who has been issued with a licence under section 17, 17B, 21 or 22 , as the case be, has failed to pay any fee required to be paid in terms of those sections on or before the date specified by the Commission to make such payment, or an operator or provider who has |

failed to pay any cess required to be paid by   
an order made under section 22G, on or before   
the due date specified in the licence issued   
under section 17 or 17B, such operator,   
provider or licensee, as the case may be, shall   
be liable to pay a surcharge on the amount in   
default, at the rate of ten *per centum* of the   
default amount for the first month and   
additional two *per centum* per each subsequent   
month.

(2) The Commission shall issue a notice to   
each person in respect of whom the surcharge   
is to be imposed specifying the following   
details:-

(*a*) the reasons for surcharging;

(*b*) the amount in default and the   
 surcharge decided thereon;

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(*c*) the action contemplated for its   
 recovery;

(*d*) the date on or before which the   
 amount specified under paragraph   
 (*b*) is to be paid; and

(*e*) the details of the manner in which   
 payment shall be made.

|  |  |
| --- | --- |
| Proceedings  for recovery  before a  Magistrate | 22L. (1) Where any sum to be charged under section 22K has not been paid within the time specified in the notice under subsection (2) of |

section 22K and where the Commission is   
satisfied that immediate action is necessary for   
the recovery of such sum, the Commission may   
issue a certificate containing particulars of such   
sum to be recovered and the name and last   
known place of employment or residence of   
the person liable to pay such sum, to the   
Magistrate Court of the competent jurisdiction.

(2) (*a*) The Magistrate shall thereupon   
summon such person who is liable to pay the   
amount in default, to show cause as to why   
further proceedings for the recovery of the sum   
to be recovered shall not be taken against him.

(*b*) Where the person who is liable to pay   
the amount in default fails to show sufficient

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cause, the sum to be recovered shall be deemed   
to be a fine imposed by a sentence of the   
Magistrate on such person who is liable to pay   
the amount in default for an offence punishable   
with fine only and not punishable with   
imprisonment.

(3) The certificate issued by the   
Commission shall be conclusive proof that the   
sum to be recovered has been duly assessed   
and is in default in any proceeding before the   
Magistrate under subsection (1).

(4) The provisions of Chapter XXIV of the   
Code of Criminal Procedure Act, No. 15 of   
1979, shall *mutatis mutandis* apply in relation   
to the default of payment of a fine, and in   
addition the Magistrate may make any   
direction which, he could have made at the   
time of imposing such sentence.”.

|  |  |
| --- | --- |
| **24.** Sections 33, 34 and 35 of the principal enactment are hereby amended by the substitution for the word “operator”of the words “operator or provider”, wherever that word appears in those sections.  **25.** The following new sections are hereby inserted immediately after section 35 of the principal enactment and shall have effect as sections35A and 35B of that enactment:- | Amendment  of sections  33, 34 and  35 of the  principal  enactment  Insertion of  new section  35A and 35B  in the |

principal   
enactment

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 *Act, No. 39 of 2024*

|  |  |
| --- | --- |
| “Sharing of  infrastructure  facilities or  resources | 35A. (1) It shall be the duty of the Mayor or Chairman of a local authority or the Board of Directors or the Management of a public |

corporation or other body, to assist any   
operator or provider, on the request made by   
such operator or provider, subject to the   
provisions of this Act, for sharing any   
infrastructure facilityor resourceowned or   
possessed by such local authority, public   
corporation or body and specified by rules   
made under this Act, for the purpose of   
providing a telecommunication service by   
means of a telecommunication system such   
operator is licensed to operate or, providing   
other service or facilitiesor resources such   
provider is licensed to provide, under this Act.

(2) Rules shall be made under this Act to   
regulate the implementation of the provisions   
of this section.

|  |  |
| --- | --- |
| Sharing of  facilities or  resources by  operators | 35B. (1) The Commission may, in the public interest, direct in writing to any operator to coordinate and corporate with another operator |

to share the use of any facility or resource   
including radio access network owned or used   
by such operator.

(2) Prior to issuing the direction under   
subsection (1), the Commission shall provide   
reasonable opportunity for both such operators   
to make representations, in orderto facilitate   
the sharing of such facility or resourcein an   
efficient manner.

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(3) The Commission shall make rules to   
regulate the implementation of the provisions   
of this section.”.

|  |  |
| --- | --- |
| **26.** Sections 36 and 37 of the principal enactment are hereby amended by the substitution for the word “operator”of the words “operator or provider”, wherever that word appears in those sections.  **27.** Section 38 of the principal enactment is hereby amended as follows:- | Amendment of sections 36 and 37 of the  principal  enactment  Amendment of  section 38 of the principal |

enactment

(1) by the substitution for the word “operator” of the   
 words “operator or provider”; and

(2) in paragraph (*b*) of subsection (1) thereof, by the   
 substitution for the word and figures “section 36,”  
 of the words and figures “section 35A or section   
 36,”.

|  |  |
| --- | --- |
| **28.** Sections 39 and 40 of the principal enactment are hereby amended by the substitution for the word “operator”of the words “operator or provider”, wherever that word appears in those sections.  **29.** Section 44 of the principal enactment is hereby amended as follows:- | Amendment of sections 39 and 40 of the  principal  enactment  Amendment of  section 44 of the principal |

enactment

(1) by the repeal of subsection (1) thereof and the   
 substitution therefor of the following subsection:-

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“ (1) Every person guilty of an offence under   
subsection (1) of section 19 and section 22   
shall be liable on conviction by a Magistrate   
to a fine not less than fifty thousand rupees   
and not exceeding ten million rupees or to an   
imprisonment of either description for a term   
not less than six months and not exceeding   
three years or to both such fine and   
imprisonment and in the event of the offence   
being committed continuously, to a fine of two   
thousand rupees for each day on which the   
offence is so committed after conviction.”; and

(2) by the insertion immediately after subsection (1)   
thereof, of the following new subsections:-

“(1A) In addition to the penalty imposed   
under subsection (1), the Magistrate may make   
an order to confiscate all telecommunication   
apparatus used in the commission of the offence   
under subsection (1) of section 19.

(1B) Every person guilty of an offence under   
subsection (5) of section 17B shall be liable on   
conviction by a Magistrateto a fine not   
exceeding five million rupees or to an   
imprisonment of either description for a term   
not exceeding three years or to both such fine   
and imprisonment and in the event of the   
offence being committed continuously, to a   
fine of ten thousand rupees for each day on   
which the offence is so committed after   
conviction.”.

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*Act, No. 39 of 2024*

|  |  |  |
| --- | --- | --- |
| **30.** The following new sections are hereby inserted immediately after section 46 of the principal enactment and shall have effect as sections 46A, 46B and 46C of that enactment:- | | Insertion of new sections 46A, 46B and 46C in the  principal  enactment |
| “Interference, | 46A. Every person who willfully |
| etc. to tele  communication system | interferes with, disrupts or disturbs any telecommunication system in respect of which |

a licence has been issued under section 17 or   
any radio frequency emitting apparatus in   
respect of which a licence has been issued under   
section 22 commits an offence and shall on   
convictionby a Magistrate be liable to a fine   
not exceeding five million rupees.

|  |  |
| --- | --- |
| Deceiving or misleading  persons using a tele  communication system | 46B. Every person who, with the intention of misrepresenting, deceiving or misleading any other person omits, changes or modifies the calling party number or introduces any other calling party number other than his own |

number commits an offence and shall on   
conviction by a Magistratebe liable to a fine   
not exceeding ten million rupees and to   
imprisonment of either description for a term   
not less than one year and not exceeding three   
years or to both such fine and imprisonment.

|  |  |
| --- | --- |
| Providing  false  information  as to the  identity of  user to obtain tele  communication service | 46 C. Every person who, willfully provides false information as to the identity of user to obtain telecommunication service commits an offence and shall on conviction be liable to a fine not less than one hundred thousand rupees and not exceeding one million rupees and to |

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imprisonment of either description for a term   
not less than one year and not exceeding three   
years or to both such fine and imprisonment.”.

|  |  |
| --- | --- |
| Replacement of section 47 of the principal | **31.** Section 47 of the principal enactment is hereby repealed and the following section is substituted therefor:- |

enactment

|  |  |  |
| --- | --- | --- |
| “Penalty for  intentionally  damaging or  tampering  with tele  communication  installation | 47. Every person who, with the intention of- | |
| (*a*) | preventing or obstructing the |
| transmission or delivery of any message, telecommunication service | |

or data; or

(*b*) interrupting or acquainting himself   
 with the contents of, any message or   
 data; or

(*c*) transmitting any message or data   
 which he has no authority to   
 transmit; or

(*d*) committing mischief or any act of   
 vandalism,

damages, removes or tampers with any   
submarine cable, submarine cable landing   
station or telecommunication installation line,   
post or other thing whatever being part of or   
used in or about any telecommunication system   
or submarine cable in the provision of any   
service within Sri Lanka or outside the   
exclusive economic zone of Sri Lanka, by

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means thereof commits an offence and shall be   
liable on conviction to a fine not exceeding   
one hundred million rupees or to imprisonment   
of either description for a term not exceeding   
ten years or to both such fine and such   
imprisonment.”.

|  |  |  |
| --- | --- | --- |
| **32.** Section 59 of the principal enactment is hereby amended as follows:- | | Amendment of  section 59 of the principal  enactment |
| (1) | by the repeal of subsection (1) thereof and the |

substitution therefor of the following subsection:-

“(1) Every person who –

(*a*) persistently makes telephone calls, or   
 sends or transmits messages using a   
 telephone; or

(*b*) publishes, sends or transmits telephone   
 numbers of other subscribers,

without reasonable excuse for the purpose of   
causing annoyance, inconvenience or needless   
anxiety to any telecommunication officer or   
any person, commits an offence and shall be   
liable on conviction to a fine not exceeding   
one hundred thousand rupees and in default of   
payment of such fine, to imprisonment of either   
description for a term not exceeding six   
months.”; and

(2) in subsection (2) thereof, by the substitution for the   
 words “allow such a call to be made.” of the words  
 “allow such call to be made or proceed to disconnect   
 the telephone connection through which such call   
 was made.”.

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|  |  |  |
| --- | --- | --- |
| Insertion of new sections 59A in  the principal  enactment | **33.** The following new section is hereby inserted immediately after section 59 of the principal enactment and shall have effect as section 59A of that enactment:- | |
| “False  information, | 59A. Any person who knowingly — |

etc.

(*a*) gives or causes to be given any false   
 or misleading information relating   
 to the commission of any offence   
 under this Act; or

(*b*) gives or causes to be given to the   
 Commission or any other officer   
 appointed to assist the Commission   
 false or misleading information,

commits an offence and shall on conviction   
after summary trail before a Magistrate be liable   
to a fine not exceeding one hundred thousand   
rupees or in the default of the payment of such   
fine to an imprisonment for a term not   
exceeding sixmonths.”.

|  |  |
| --- | --- |
| Amendment of  section 65 of the principal | **34.** Section 65 of the principal enactment is hereby amended as follows:- |

enactment   
 (1) by the addition immediately after subsection (2) thereof, of the following subsections:-

“(3) Where any person is convicted of an   
offence under this Act, the Magistrate may   
make order that any telecommunication   
apparatus used in or in connection with, the   
commission of that offence be forfeited to the   
State.

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(4) Any telecommunication apparatus   
forfeited by an order of the Magistrate, shall   
vest absolutely in the State upon the making   
of such order.

(5) Such vesting shall take effect-

(*a*) if no appeal is preferred after the   
 expiration of the period within which   
 an appeal against the order for   
 forfeiture may be preferred to a High   
 Court established by Article 154P   
 of the Constitution or the Supreme   
 Court; or

(*b*) where an appeal has been preferred   
 against the order of forfeiture,   
 to a High Court established by   
 Article 154P of the Constitution or   
 to the Supreme Court, upon the   
 determination of such appeal, either   
 confirming the order of forfeiture or   
 setting aside the appeal.”; and

(2) by the repeal of the marginal note to that section,   
 and the substitution therefor of the following:-

“Magistrate to grant search   
warrant and seize, and forfeit, the   
telecommunication apparatus”.

|  |  |
| --- | --- |
| **35.** Section 68 of the principal enactment is hereby amended by the insertion immediately after subsection (1) thereof, of the following subsection:- | Amendment of  section 68 of the principal  enactment |

“(1A) Without prejudice to the generality of the   
power conferred under subsection (1), the

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Commission shall have power to make rules for the   
formulation of Codes of Practice applicable to   
respective operators, providers and licensees.”.

|  |  |
| --- | --- |
| Amendment of  section 73 of the principal | **36.** Section 73 of the principal enactment is hereby amended as follows:- |

enactment

(1) by the insertion immediately before the definition   
of the expression “cabling work” of the following   
definitions:-

““Army” means Army raised and maintained   
 under the Army Act (Chapter 357);

“cable landing station” means a facility where   
undersea fiber optic cables carrying   
international telecommunications and   
internet traffic are connected to terrestrial   
network;”;

(2) by the insertion immediately after the definition of   
the expression “cabling work” of the following   
definition:-

““Department of Coast Guard” means the   
Department of Coast Guard established   
under section 2 of the Department of Coast   
Guard Act, No. 41 of 2009;”;

(3) by the insertion immediately after the definition of   
the expression “Director- General” of the following   
definitions:-

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““exclusive economic zone” means a zone   
declared under section 5 of the Maritime   
Zones Law, No. 22 of 1976;

“infrastructure” means a telecommunication   
facility including a line, submarine   
cable, distribution point, duct, pit,   
tunnel, manhole, tower, mast, pole,   
antenna, structure and active network   
used for the purpose of providing   
telecommunication service;”;

(4) by the insertion immediately after the definition of   
 the expression “operator” of the following   
 definitions:-

““person” include a body of persons;

“police officer” shall have same meaning   
assigned to it in the Police Ordinance   
(Chapter 53);”;

(5) by the insertion immediately after the definition of   
 the expression “prescribed” of the following   
 definition:-

““provider” means a person authorized by   
a licence under section 17B to provide

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| telecommunication | services | or |

infrastructure facilities or cable landing   
station facilities;”;

(6) by the insertion immediately after the definition of   
 the expression “public switched network” of the   
 following definition:-

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“radio access network” means a part of a   
telecommunication network that   
connects end-user devices to the core   
network through a radio link;”; and

(7) by the insertion immediately after the definition of   
the expression “radio beam” of the following   
definition:-

““radio frequency emitting apparatus” means   
a radio communication equipment   
designed or intended to transmit or emit   
radio waves;

“Sri Lanka Air Force” means the Sri Lanka Ari   
Force raised and maintained under   
section 2 of the Air Force Act (Chapter   
359);

“Sri Lanka Navy” means the Sri Lanka Navy   
raised and maintained under section 2   
of the Navy Act (Chapter 358);

“submarine cable” means a cable laid under   
the sea, between land-based stations to   
carry telecommunication signals;”.

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| Sinhala text to  prevail in case of inconsistency | **37.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. |

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