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

**Part II of November 15, 2019**

**SUPPLEMENT**

(*Issued on 18.11.2019)*



**PARLIAMENT (POWERS AND PRIVILEGES) (AMENDMENT)**

**A**

**BILL**

**to amend the Parliament (Powers and Privileges) Act (Chapter 383)**

*Ordered to be published by the Hon. Prime Minister*

PRINTEDATTHEDEPARTMENTOFGOVERNMENTPRINTING, SRILANKA

TOBEPURCHASEDATTHEGOVERNMENTPUBLICATIONSBUREAU, COLOMBO5

**Price : Rs. 23.00**  **Postage : Rs. 15.00**

*This Gazette Supplement can be downloaded from* www.documents.gov.lk 

*STATEMENT OF LEGAL EFFECT*

*Clause 2 :* This clause amends the long title of the Parliament (Powers and Privileges) Act No. 21 of 1953 (hereinafter referred to as the “principal enactment”) and the legal effect of the long title as amended is to remove the word “House” and insert the word“Parliament” in the long title.

*Clause 3 :* This clause amends section 2 of the principal enactment and the legal effect of the section as amended is to –

|  |  |
| --- | --- |
| (i)  (ii)  (iii) | remove the definition of expression “clerk”;  substitute new definitions for the definition of expressions of“Committee”, “House”, “member”, “officer of Parliament”; and  insert new definitions of expressions for the expressions of “conduct as a member”, “document”, “electronic”, “Parliament”, “precincts of Parliament”,“proceedings of Parliament” and “publication”. |

*Clause 4 :* This clause amends section 11 of the principal enactment and the legal effect of the section as amended is to substitute for the words “clerk”, and “House” of the words“Secretary-General” and “Parliament” and remove the word “President”.

*Clause 5 :* This clause amends section 12 of the principal enactment and the legal effect of the section as amended is to remove the word " president" in that section.

*Clause 6 :* This clause amends section 13 of the principal enactment and the legal effect of the section as amended is to remove the word "President" in that section.

*Clause 7 :* This clause amends section 14 of the principal enactment and the legal effect of the section as amended is consequential to the amendment made by clause 11 of the Bill.

*Clause 8 :* This clause amends section 17 of the principal enactment and the legal effect of the section as amended is to substitute for the words “House” and “short hand writer”of the words “Parliament” and “transcript staff member”.

*Clause 9 :* This clause amends section 20 of the principal enactment and the legal effect of the section as amended is to remove the word “President” and substitute for the word“clerk” the word “Secretary-General of Parliament”.

*Clause 10 :* This clause amends section 21 of the principal enactment and the legal effect of the section as amended is to remove the word “President” in that section.

*Clause 11 :* This clause inserts new section 22A, 22B, and 22C in the principal enactment. The new sections provide -

|  |  |
| --- | --- |
| (i)  (ii)  (iii) | that the Speaker may allow a member to make a complain of an alleged offence; for reference of matters of an alleged offence to the Attorney-General; for making of an application by Attorney-General in any case to constitute conclusive evidence that the application has been duly made. |

*Clause 12 :* This clause amends section 24 of the principal enactment and the legal effect of the section as amended is to substitute for the words “Section 49 of the Courts Ordinance” of the words “Article 136 of the Constitution”.

*Clause 13 :* This clause repeals section 25 of the principal enactment.

*Clause 14 :* This clause repeals section 26 of the principal enactment.

*Clause 15 :* This clause amends section 27 of the principal enactment and the legal effect of the section as amended is consequential to the amendment made by clause 11 of the Bill.

*Clause 16 :* This clause amends section 29 of the principal enactment and the legal effect of the section as amended is to remove the words “gentleman Usher” and “president”in that section.

*Clause 17 :* This clause amends section 30 of the principal enactment and the legal effect of the section as amended is to remove the word “president” in that section.

*Clause 18 :* This clause amends Part B of the Schedule to the principal enactment and the legal effect of the section as amended is to repeal item 9 of part B and substitute a new item.

*Clause 19 :* This clause makes a general amendment to the principal enactment and the legal effect of the section as amended is to substitute for the words “Clerk”, “Clerk of Parliament”, “President or Speaker”, and “Ceylon”, of the words “Secretary-General”,“Secretary- General of Parliament”, “Speaker” and “Sri Lanka”.

|  |  |
| --- | --- |
| *Parliament (Powers and Privileges)* | 1 |

*(Amendment)*

L.D.—O. 1/2019

AN ACTTOAMENDTHE PARLIAMENT (POWERSAND PRIVILEGES) ACT (CHAPTER 383)

Be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka:-

|  |  |  |
| --- | --- | --- |
| **1.** | This Act may be cited as the Parliament (Powers and | Short title. |

Privileges) (Amendment) Act, No. of 2019

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | **2.** | The long title of the Parliament (Powers and | Amendment |
| of the long |
| Privileges) Act, No. 21 of 1953 (hereinafter referred to as the | |
| title of |
| “principal enactment”) is hereby repealed and the following | | Chapter 383. |

long title is substituted therefor:-

“AN ACT TO DECLARE AND DEFINE THE 10 PRIVILEGES, IMMUNITIES AND POWERS OF PARLIAMENT AND OF THE MEMBERS THEREOF; TO SECURE FREEDOM OF SPEECH AND DEBATE OR PROCEEDINGS IN PARLIAMENT; TO PROVIDE FOR THE 15   
 PUNISHMENT OF BREACHES OF THE PRIVILEGES OF PARLIAMENT; AND TO GIVE PROTECTION TO PERSONS EMPLOYED IN THE PUBLICATION OF THE REPORTS, PAPERS, MINUTES, VOTES OR PROCEEDINGS OF

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | PARLIAMENT.” | | Amendment |
| **3.** | Section 2 of the principal enactment is hereby |
| amended as follows:- | | of section 2 |
| of the |

principal

|  |  |  |
| --- | --- | --- |
| (1) | by the repeal of the definition of the expression | enactment. |

“Clerk”;

2 *Parliament (Powers and Privileges)*   
 *(Amendment)*

(2) by the repeal of the definition of the expression  
 “Committee”and the substitution therefor of the   
 following definition:-

“ “Committee” means any Committee of

|  |  |  |
| --- | --- | --- |
| 5 | (3) | Parliament;”; |
| by the insertion immediately after the definition of |

the expression “Committee” of the following new   
definition:-

“ “Conduct as a member” means conduct as a 10 member of Parliament with regard to proceedings of Parliament;”;

(4) by the insertion immediately after the definition of   
 the expression “conduct as a member” of the   
 following definitions:-

15 “ “Document” includes a record, information, communication or transaction in any form including –

|  |  |  |
| --- | --- | --- |
| 20 | (*a*) | written, print or electronic; |
| (*b*) | audio and video recordings; and |
| (*c*) | words, figures, symbols, sounds, |

graphics, drawings;

“electronic” shall have the same meaning   
assigned to it under the Electronic   
Transactions Act, No. 19 of 2006;”;

|  |  |  |
| --- | --- | --- |
| 25 | (5) | by the repeal of the definition of the expression |

“House”, and the substitution therefor of the   
following definition:-

“ “House” means the Chamber of Parliament;”;

*Parliament (Powers and Privileges)*  3   
 *(Amendment)*

(6) by the repeal of the definition of the expression  
 “member”, and the substitution thereforof the   
 following definition:-

“ “Member” means the Member of Parliament;”;

|  |  |  |
| --- | --- | --- |
| 5 | (7) | by the repeal of the definition of the expression |

“officer of the House”, and the substitution therefor   
of the following new definition:-

“ “Officer of Parliament” means the Secretary-

|  |  |
| --- | --- |
| 10 | General of Parliament and includes any person who may from time to time be |

appointed to the staff of the Secretary-  
General of Parliament whether permanently   
or temporarily, and police officer on duty   
within the precincts of Parliament;”;

|  |  |  |
| --- | --- | --- |
| 15 | (8) | by the insertion immediately after the definition of |

the expression “officer of Parliament” of the   
following definitions of expressions:-

“ “Parliament” means the Parliament of Sri Lanka   
 and includes a committee;

20 “precincts of Parliament” means the area of land and every building or part of a building under the control of Parliament and includes every other building or part of a building provided or used in connection with the 25 proceedings of Parliament;

“proceedings of Parliament” includes –

(*a*) all things said, done or written by a   
 member or by officer of Parliament or   
 by any person ordered or authorized to

4 *Parliament (Powers and Privileges)*   
 *(Amendment)*

attend before the House or its committees   
and in the course of a sitting for the   
purpose of transacting the business of   
the House or its committees;

|  |  |  |
| --- | --- | --- |
| 5 | (*b*) | all things said, done or written between |

members and officers of Parliament for   
the purpose of enabling any member or   
any such officer to carry out his or her   
functions as a member of Parliament or

|  |  |  |
| --- | --- | --- |
| 10 | (*c*) | officer of parliament; |
| presentation or submission of a |

document to the House or a Committee;   
the preparation of a document for the   
purposes of or incidental to the

15 transacting of any business of the House or its committees; and the formulation, making or publication of a document, including a report, by or pursuant to an order of the House or a Committee and

|  |  |  |
| --- | --- | --- |
| 20 | (*d*) | the document so formulated, made or |
| published; |
| any opinion or advice communicated |

to the speaker or Secretary General of

|  |  |
| --- | --- |
| 25 | parliament by the Attorney General or an officer assisting the Attorney |

General;

“publication” includes publication in print, in   
electronic form including audio and video   
and live or delayed broadcasting;”;

|  |  |  |
| --- | --- | --- |
| 30 | (9) | in the definition of the expression “President” or |

“Speaker”, by the substitution for the words,  
“President” or “Speaker” of the word, “Speaker”.

*Parliament (Powers and Privileges)*  5   
 *(Amendment)*

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | **4.** | Section 11 of the principal enactment is hereby | Amendment |
| amended as follows:- | | of section 11 |
| (1) | by the substitution for the words, “ under the hand | of the |
| principal |
| enactment. |
| of the clerk issued by direction of the President or | |
| Speaker or the chairman of the Committee” of the | |

words, “ under the hand of the Secretary-General of   
Parliament issued by direction of the Speaker or   
the Chairman of the Committee”;

|  |  |  |
| --- | --- | --- |
| 10 | (2) | by the substitution for the words, “five miles of the |
| Chamber of the House” of the words, “eight |

kilometers of Parliament” .

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | **5.** | Section 12 of the principal enactment is hereby | Amendment |
| amended by the substitution for the words, “the President or | | of section 12 |
| of the |
| the Speaker” of the words, “the Speaker”. | |
| principal |
| **6.** | Section 13 of the principal enactment is hereby | enactment. |
| Amendment |
| amended by the substitution for the words, “the President or | | of section 13 |
| of the |
| the Speaker” of the words, “the Speaker”. | |
| principal |
| enactment. |
| 20 | **7.** | Section 14 of the Principal enactment is hereby |
| Amendment |
| amended in paragraph (*b*) of that section by the substitution | | of section 14 |
| of the |
| for the words, “section 26 of this Act” of the words, “section | |
| principal |
| 25 | 22B (2) of this Act”. | | enactment. |
| **8.** | Section 17 of the principal enactment is hereby | Amendment |
| amended by the substitution for the words, “No member, or | | to section 17 |
| of the |
| officer of the House and no short hand writer employed to | |
| principal |
| take minutes” of the words, “No member, or officer of | | enactment. |

Parliament and no transcript staff member employed to take minutes”.

|  |  |  |  |
| --- | --- | --- | --- |
| 30 | **9.** | Section 20 of the principal enactment is hereby | Amendment |
| amended as follows:- | | of section 20 |
| of the |
| (1) | in subsection (2) of that section by the substitution | principal |
| enactment. |

for the words, “ The President or Speaker” of the   
words “ The Speaker”;

6 *Parliament (Powers and Privileges)*   
 *(Amendment)*

(2) in subsection (3) of that section by the substitution for the words, “ the President or Speaker under this section shall be duly authenticated by the Clerk” of the words, “the Speaker under this section shall 5 be duly authenticated by the Secretary-General of Parliament;

(3) in subsection (4) of that section by the substitution   
 for the words, “The President or Speaker” of the   
 words, “The Speaker”;

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | **10.** | Section 21 of the principal enactment is hereby | Amendment |
| amended by the substitution for the words, “order of the | | of section 21 |
| of the |
| President or Speaker” of the words, “order of the Speaker” . | |
| principal |
| enactment. |
| 15 | **11.** | The following new sections are hereby inserted |
| Insertion of |
| immediately after section 22 of the principal enactment and | | sections 22A, |
| 22B and 22C |
| shall have effect as sections 22A, 22B and 22C of that | |
| of the |
| enactment:- | |
| principal |

enactment.

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | “Speaker to | 22A. The Speaker may allow any member to | |
| allow a | make a complaint in the case of an alleged | |
| member to |
| offence under this Part. | |
| make a |
| complaint. | 22B. (1) The Speaker may in an event of an | |
| Reference of |
| 25 | matters of an | alleged offence under this part refer such matter | |
| alleged |
| if required so to do– | |
| offence to |
| the Attorney- | (*a*) | by resolution of Parliament; or |
| General. |
| (*b*) | on the recommendation of the |
| Committee on ethics and privileges | |

by resolution of Parliament,

to the Attorney-General to furnish a report on   
such alleged offence.

(2) Where a matter is to be referred to the 30 Attorney-General under subsection (1) the

*Parliament (Powers and Privileges)*  7   
 *(Amendment)*

Speaker or any other member authorized in   
writing in that behalf or the Secretary – General   
of Parliament authorized in that behalf –

|  |  |  |
| --- | --- | --- |
| 5 | (*a*) | shall record on oath or affirmation |
| the statement of the member making |

the complaint of the alleged offence;   
and

|  |  |  |
| --- | --- | --- |
| 10 | (*b*) | may record on oath or affirmation of |
| the statement of any other person |
| whose evidence is or may be in the |

opinion of the Speaker, relevant.

(3)The statement of any other person may   
be recorded under the preceding provisions of

|  |  |
| --- | --- |
| 15 | this section at any time after the matter has been referred to the Attorney- General if the |

Speaker considers it necessary whether of his   
own motion or at the request of the Attorney-  
General.

|  |  |
| --- | --- |
| 20 | (4) The provisions of sections 10 to 13 shall apply for the purpose of enabling statements |

to be recorded under subsection (2) of this   
section in like manner as they apply for the   
purpose of enabling evidence to be taken by a

|  |  |
| --- | --- |
| 25 | Committee, and for the purpose aforesaid the person authorized by or under subsection (2) |

of this section to take such statement shall have   
the same powers as are conferred by those   
sections on a Committee or the Chairman   
thereof.

30 (5)The provisions of sections 15 to 17, shall apply to and in relation to any evidence given for the purposes of subsection (2) of this section.

(6) Notwithstanding anything in the   
preceding provisions of this section, a person

8 *Parliament (Powers and Privileges)*   
 *(Amendment)*

who is alleged to have committed an offence   
under this Part shall not be bound or compelled   
without his consent to make any statement   
under subsection (2) in relation to that offence.

5 (7) Where a matter is referred under subsection (1) to the Attorney-General for report, the record of all statements taken under subsections (2) and (3)shall be transmitted to

|  |  |
| --- | --- |
| 10 | the Attorney- General, and the Attorney-General shall, after consideration of such |

statements, report to the Speaker stating   
whether there is, in the opinion of the Attorney-  
General, sufficient evidence to take further

|  |  |
| --- | --- |
| 15 | steps under this Act in respect of an alleged offence under this Part; and such report shall |

contain, for the information of Parliament, a   
summary of the facts which in the opinion of   
the Attorney- General, are capable of being

|  |  |
| --- | --- |
| 20 | proved upon the evidence contained in the statements. |

(8) Where the Attorney-General has   
furnished a report to the Speaker in accordance   
with subsection (7) the House after

|  |  |
| --- | --- |
| 25 | consideration of such report shall by resolution require the Attorney- General to make an |

application under section 23.

|  |  |  |
| --- | --- | --- |
| 30 | The making | 22C. The making of an application under |
| of an | section 23 by the Attorney-General in any case |
| application |
| shall constitute conclusive evidence that the |
| by Attorney- |
| application has been duly made in accordance |
| General to |
| constitute | with the provisions of section 22B.”. |
| conclusive |

evidence.

|  |  |  |  |
| --- | --- | --- | --- |
| 35 | **12.** | Section 24 of the principal enactment is hereby | Amendment |
| of section 24 |
| amended by the substitution for the words, “Section 49 of | |
| of the |
| the Courts Ordinance”, of the words, “Article 136 of the | |
| principal |
| Constitution”; | | enactment. |

*Parliament (Powers and Privileges)*  9   
 *(Amendment)*

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | **13.** | Section 25 of the principal enactment is hereby | Repeal of |
| repealed. | | section 25 of |
| the principal |
| **14.** | Section 26 of the principal enactment is hereby | enactment. |
| Repeal of |
| section 26 of |
| repealed. | |
| the principal |
| **15.** | Section 27 of the principal enactment is hereby | enactment. |
| Amendment |
| amended in subsection (2) of that section by the substitution | | of section 27 |
| of the |
| for the words, “under section 26” of the words, “under section | |
| principal |
| 22B”. | | enactment. |
| 10 |
| **16.** | Section 29 of the principal enactment is hereby | Amendment |
| amended as follows:- | | of section 29 |
| of the |
| (1) | by the substitution for the words, “the gentleman | principal |
| enactment. |

Usher or the Sergeant-at-Arms as the case may be”  
of the words, “ the Sergeant-at-Arms”;

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | (2) | by the substitution for the words, “by the President | Amendment |
| or the Speaker” of the words, “by the Speaker”. | |
| **17.** | Section 30 of the principal enactment is hereby |
| amended by the substitution for the words, “by the President | | of section 30 |
| of the |
| or Speaker” of the words, “by the Speaker”; | |
| principal |

enactment.

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | **18.** | The Schedule to the principal enactment is hereby | Amendment |
| of the |
| amended in Part B of the Schedule by the repeal of item 9 | |
| Schedule to |
| and the substitution therefor of the following item:- | |
| the principal |

enactment.

“9. The publication of any proceedings of the House   
 or of a Committee of Parliament which is–

|  |  |  |
| --- | --- | --- |
| 25 | (*a*) | held in camera; or |
| (*b*) | prohibited by the Speaker or by the |

Chairman of Committees.”.

10 *Parliament (Powers and Privileges)*   
 *(Amendment)*

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | **19.** | (1) In the principal enactment and in any other | General |
| written law there shall be substituted for the words, “Clerk”, | | amendment |
| to the |
| “Clerk of Parliament”, “President or the Speaker” and | |
| principal |
| “Ceylon” of the words, “Secretary-General”, “Secretary- | | enactment. |
| General of Parliament”, “Speaker” and “Sri Lanka” | |

respectively.

(2) Every reference to the “clerk”, “Clerk of Parliament”, “President or Speaker, and “Ceylon” in any regulation, rule, notice, notification, contract, communication, or other 10 document shall be read and construed as a reference respectively to the “Secretary-General” and “Secretary- General of Parliament” , “Speaker” and “Sri Lanka” .

(3) In sections 3, 10, 17, 18, 20, 21, 27(2) and (3), 29 and 30 of the principal enactment, there shall be substituted for

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | the word “House” of the word, “Parliament”. | | Sinhala text |
| **20.** | In the event of any inconsistency between the |
| Sinhala and Tamil texts of this Act, the Sinhala text shall | | to prevail in |
| case of |
| prevail. | |
| inconsistency. |

|  |  |
| --- | --- |
| *Parliament (Powers and Privileges)* | 11 |

*(Amendment)*

Department of Government Printing