



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

**WAGES BOARDS (AMENDMENT)
ACT, No. 10 of 1978**

[Certified on 5th December, 1978]

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[Certified on 5th December, 1978]

L.D.—O. 51/77.

AN ACT TO AMEND THE WAGES BOARDS ORDINANCE.

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

1. This Act may be cited as the Wages Boards (Amendment) Act, No. 10 of 1978. Short title.

2. The Wages Boards Ordinance (hereinafter referred to as the “principal enactment”) is hereby amended by the insertion, immediately after section 3B thereof (inserted by the Holidays Regulations, No. 1 of 1971), of the following new sections:— Insertion
of new
sections 3C
and 3D in
Chapter 126.

“Particulars
of wages
to be
furnished
to the
worker
or to his
trade
union.

3C. Every employer who under section 3, maintains or has maintained a wage record shall, on any request made by a worker or by the trade union to which he belongs, furnish or cause to be furnished, all particulars of the wages paid to such worker in the prescribed form.

Recovery
of arrears
of wages
in certain
cases.

3D. (1) Where an employer of any worker in any trade has failed to maintain and keep in the premises where that trade is carried on the wage record required to be kept under subsection (1) of section 3, or fails, when required to do so under subsection (2) of that section, to produce such record for inspection, the Commissioner is hereby empowered to assess the wages or the short payment of wages, as the case may be, payable to such worker under this Ordinance on the basis of all the evidence both oral and documentary, available to him, and the provisions of subsection (2) shall apply where default is made in the payment of any such wages.

(2) Where an employer makes default in the payment of any sum which he is liable to pay under subsection (1), and the Commissioner is of opinion that it is impracticable or inexpedient to recover that sum under any other provisions of this Ordinance, then, he may issue a certificate containing particulars

of the sum so due and the name and place of residence of the defaulting employer to the Magistrate having jurisdiction in the division in which such place is situated. The Magistrate shall thereupon summon such employer before him to show cause why further proceedings for the recovery of the sum due should not be taken against him, and in default of sufficient cause being shown, such sum shall be deemed to be a fine imposed on such employer by such Magistrate, and shall be recovered accordingly. Every sum so recovered shall be paid to the Commissioner.

(3) The correctness of any statement in a certificate issued by the Commissioner for the purposes of this section shall not be called in question or examined by the court in any proceedings under this section, and accordingly nothing in this section shall authorize the court to consider or decide the correctness of any statement in such certificate, and the Commissioner's certificate shall be sufficient evidence that the amount due under subsection (1) from the defaulting employer has been duly calculated and that such amount is in default."

Amendment
of section 4
of the
principal
enactment.

3. Section 4 of the principal enactment is hereby amended by the repeal of subsection (1) of that section, and the substitution therefor of the following subsection:—

"(1) Every employer who fails to comply with any provision of this Part of this Ordinance shall be guilty of an offence and shall be liable—

(a) in the case of a first offence, to a fine not less than one hundred rupees nor exceeding two hundred and fifty rupees;

(b) in the case of a second offence, to a fine not less than two hundred and fifty rupees nor exceeding five hundred rupees, and

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(c) in the case of a subsequent offence, to a fine not less than five hundred rupees nor exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.”.

4. Section 20 of the principal enactment is hereby amended by the repeal of subsection (3) of that section and the substitution therefor, of the following new subsection:—

Amendment
of section
20 of the
principal
enactment.

“(3) Where a Wages Board is in any case unable, before the expiry of a period of one year from the date on which that board is established, to determine a general minimum time-rate as required by subsection (1), the board shall report the fact to the Minister, and the Minister may, so far as respects that case, exempt that board from determining such rate, and make an order under section 33.”.

5. Section 33 of the principal enactment is hereby amended in subsection (1) of that section by the substitution for paragraph (b) of that subsection, of the following new paragraph:—

Amendment
of section
33 of the
principal
enactment.

“(b) that the Wages Board established for any trade has for any reason not determined a general minimum time-rate in any case before the expiry of a period of one year from the date on which that board is established, (whether such board has or has not made the report in the case under section 20 (3)); ”.

6. Section 60 of the principal enactment is hereby repealed and the following new section is substituted therefor:—

Replacement
of section
60 of the
principal
enactment.

“No prosecution except with Commissioner's sanction and within six years of offence.”

60. No prosecution of any offence under this Ordinance shall be instituted in any court except—

(a) with the written sanction of the Commissioner, and

(b) within six years of the commission of the offence.”