

PARLIAMENT OF CEYLON

5th Session 1969-70



Contracts Commission (Special Provisions) Act, No. 34 of 1969

Date of Assent : December 9, 1969

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Contracts Commission (Special Provisions)
Act, No. 34 of 1969

L. D.—O. 27/69.

AN ACT TO MAKE SPECIAL PROVISION IN REGARD TO THE COMMISSION ISSUED, UNDER SECTION 2 OF THE PRINCIPAL ACT, BY THE GOVERNOR-GENERAL UNDER THE SEAL OF THE ISLAND ON THE 22ND DAY OF OCTOBER, 1965, AND PUBLISHED IN *Gazette Extraordinary* No. 14,540 OF THE SAID DATE, AND THE COMMISSIONER APPOINTED BY OR IN THE SAID COMMISSION, FOR THE PURPOSE OF REMOVING CERTAIN LEGAL DIFFICULTIES WHICH HAVE ARISEN IN CONSEQUENCE OF A JUDGMENT BY HER MAJESTY IN COUNCIL ON APPEAL FROM THE SUPREME COURT OF CEYLON (PRIVY COUNCIL APPEAL No. 30 OF 1968, RAJAH RATNAGOPAL, APPELLANT Vs. THE ATTORNEY-GENERAL, RESPONDENT) IN A MATTER ARISING OUT OF PROCEEDINGS HELD BY OR BEFORE THE SAID COMMISSION RELATING TO THE CONTRACT FOR THE TOWN OF KANDY WATER SUPPLY SCHEME ENTERED INTO BETWEEN THE PERMANENT SECRETARY TO THE MINISTRY OF LOCAL GOVERNMENT AND HOME AFFAIRS ON BEHALF OF THE GOVERNMENT OF CEYLON AND THE BODY OF PERSONS KNOWN AS "EAU ET ASSAINISSEMENT—SOCOMAN (SOCEA)".

[Date of Assent: December 9, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Contracts Commission (Special Provisions) Act, No. 34 of 1969.

Short title.

2. Subject to the provisions of section 3, the Commission purporting to have been issued, under section 2 of the principal Act, by the Governor-General under the Seal of the Island on the 22nd day of October, 1965, and published in *Gazette Extraordinary* No. 14,540 of the said date, in this Act referred to as the "Contracts Commission", shall be deemed, for the purposes mentioned in the said Commission, to have been and to be so validly issued, and the Commissioner appointed by or in the said Commission, in this Act referred to as "the Commissioner", shall be deemed, for such purposes, to have

Validation of the issue of the Contracts Commission and the appointment of the Commissioner.

been and to be so validly appointed, and accordingly the provisions of the principal Act and any other written law shall be deemed, for such purposes, to have applied and to apply in the case of the said Commission and the Commissioner in like manner and to the same extent as they would have applied and would apply if, apart from the preceding provisions of this section, the said Commission and the said Commissioner had been so validly issued and so validly appointed.

Section 2
not to apply
in the case of
the Kandy
Water Supply
Contract.

3. Subject to the succeeding provisions of this Act, the provisions of section 2 shall not apply to the Contracts Commission and the Commissioner in so far and in so far only as such Commission and the Commissioner were purported to have been issued and appointed for any purposes connected with or relating to the Kandy Water Supply Contract, and accordingly such Commission and the Commissioner shall be deemed not to have been and not to be validly issued and appointed by the Governor-General under the principal Act for any such purposes, and all proceedings held by or before the Commissioner for any such purposes shall be deemed to have been and to be null and void.

Protection of
the
Commissioner
and certain
other persons
from legal
proceedings.

4. No civil or criminal proceedings shall be instituted or maintained against any person, whether in his capacity as the Commissioner, a witness, a counsel, a member of the staff of the Contracts Commission, or a public officer or other person who tendered or tenders assistance or furnished or furnishes information to such Commission in any capacity whatsoever, in respect of any act *bona fide* done or omitted to be done, whether before or on or after the date of the commencement of this Act, by such person for any purposes mentioned in such Commission including in particular, but without prejudice to the generality of the preceding provisions of this section, any such purposes connected with or relating to the Kandy Water Supply Contract, and where any such proceedings in respect of any such act have been instituted in any court before that date, the court shall, on the application of any party, set aside or dismiss the proceedings, without making any award as to costs or expenses.

Protection of
proprietors,
&c., of
newspapers
from legal
proceedings.

5. No civil or criminal proceedings shall be instituted or maintained against any person, in his capacity as the proprietor or editor or printer or publisher of any newspaper, in respect of the *bona fide* publication, whether before or on or after the date of the commencement of this Act, in such newspaper of a report of the proceedings, or any part of the proceedings, of any inquiry or investigation held by or before the Contracts Commission, or of the report or recommendations, or any part of the report or recommendations, issued or made by the said Commission, for any purposes mentioned in the Commission (including any such purposes connected with or relating to the Kandy Water Supply Contract), and where any such proceedings in respect of any such publication have been instituted in any court before that date the court shall, on the application of any party, set aside or dismiss the proceedings, without making any award as to costs or expenses.

6. (1) In this Act, unless the context otherwise requires—

Interpretation
and
construction.

“civil or criminal proceedings” includes proceedings by way of mandates in the nature of any of the writs referred to in section 42 of the Courts Ordinance;

“counsel” means any advocate or proctor who represented or represents any person at any inquiry held by or before the Contracts Commission;

“Kandy Water Supply Contract” means the Contract for the Town of Kandy Water Supply Scheme entered into between the Permanent Secretary to the Ministry of Local Government and Home Affairs on behalf of the Government of Ceylon and the body of persons known as “EAU ET ASSAINISSEMENT — SOCOMAN (SOCEA)”, and includes any sub-contract for the performance of such contract entered into between the contractor and other persons or bodies of persons, and any tenders or negotiations or quotations or offers by whatsoever name or designation called made by other persons or bodies of persons for the purposes of such contract or any such sub-contract;

“ newspaper ” means any paper containing public news, intelligence or occurrences, and includes any magazine, journal or other publication by whatsoever name called ;

“ principal Act ” means the Commissions of Inquiry Act, as amended from time to time ;

“ purposes ”, in any context relating to the Contracts Commission or the Kandy Water Supply Contract, means the purposes mentioned in paragraph (1), and the report and the recommendations referred to in the other paragraphs, of such Commission ;

“ witness ” means any person who gave or gives evidence at any inquiry or investigation held by or before the Contracts Commission.

(2) This Act shall be read and construed as one with the principal Act :

Provided, however, that in the event of any conflict or inconsistency between the provisions of this Act and the provisions of the principal Act, the provisions of this Act shall, to the extent of such conflict or inconsistency, prevail over the provisions of the principal Act.