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

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO $5\,$

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) remove the definition of expression "clerk";
 - (ii) substitute new definitions for the definition of expressions of "Committee", "House", "member", "officer of Parliament"; and
 - (iii) 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
- 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) that the Speaker may allow a member to make a complain of an alleged offence;
 - (ii) for reference of matters of an alleged offence to the Attorney-General;
 - (iii) 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".

L.D.—O. 1/2019

AN ACT TO AMEND THE PARLIAMENT (POWERS AND 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
- 2. The long title of the Parliament (Powers and Amendment 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."
 - 3. Section 2 of the principal enactment is hereby Amendment amended as follows:-

of section 2 of the principal

(1) by the repeal of the definition of the expression enactment. "Clerk";

5

- (2) by the repeal of the definition of the expression "Committee" and the substitution therefor of the following definition:-
- ""Committee" means any Committee of Parliament;";
- (3) by the insertion immediately after the definition of the expression "Committee" of the following new definition:-
- ""Conduct as a member" means conduct as a 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
 - (a) written, print or electronic;
 - (b) audio and video recordings; and
- 20 (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;";

- (6) by the repeal of the definition of the expression "member", and the substitution therefor of 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-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;";

10

- 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 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

5

10

15

20

25

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;

- (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 officer of parliament;
- (c) 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 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 the document so formulated, made or published;
- (d) any opinion or advice communicated to the speaker or Secretary General of 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".

5

4. Section 11 of the principal enactment is hereby Amendment amended as follows:-

of section 11 of the principal enactment.

(1) by the substitution for the words, "under the hand 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";

5

- (2) by the substitution for the words, "five miles of the 10 Chamber of the House" of the words, "eight kilometers of Parliament".
 - 5. Section 12 of the principal enactment is hereby Amendment amended by the substitution for the words, "the President or of section 12 the Speaker" of the words, "the Speaker".

principal enactment.

6. Section 13 of the principal enactment is hereby Amendment amended by the substitution for the words, "the President or the Speaker" of the words, "the Speaker".

of section 13 of the principal enactment.

7. Section 14 of the Principal enactment is hereby Amendment amended in paragraph (b) of that section by the substitution 20 for the words, "section 26 of this Act" of the words, "section 22_B (2) of this Act".

of section 14 of the principal enactment.

8. Section 17 of the principal enactment is hereby Amendment amended by the substitution for the words, "No member, or to section 17 officer of the House and no short hand writer employed to principal 25 take minutes" of the words, "No member, or officer of enactment. Parliament and no transcript staff member employed to take minutes".

9. Section 20 of the principal enactment is hereby Amendment amended as follows:-

of section 20 of the principal

30 (1) in subsection (2) of that section by the substitution enactment. for the words, "The President or Speaker" of the words "The Speaker";

- (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 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 President or Speaker" of the words, "order of the Speaker". of the principal

enactment. 22B and 22Cprincipal

enactment.

11. The following new sections are hereby inserted Insertion of immediately after section 22 of the principal enactment and sections 22A, 15 shall have effect as sections 22A, 22B and 22c of that enactment:-

"Speaker to allow a member to make a complaint.

22A. The Speaker may allow any member to make a complaint in the case of an alleged offence under this Part.

20 Reference of matters of an alleged offence to the Attorney-General.

22B. (1) The Speaker may in an event of an alleged offence under this part refer such matter if required so to do-

by resolution of Parliament; or

25

30

5

(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 Attorney-General under subsection (1) the

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

(a) shall record on oath or affirmation the statement of the member making the complaint of the alleged offence; and

(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 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.

(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 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.

(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

5

10

15

20

25

30

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

8

(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 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 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 proved upon the evidence contained in the

15

10

statements.

20

(8) Where the Attorney-General has furnished a report to the Speaker in accordance with subsection (7) the House after consideration of such report shall by resolution require the Attorney- General to make an application under section 23.

25

The making of an application by Attorney-30 General to constitute conclusive evidence.

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

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

enactment.

9

13. Section 25 of the principal enactment is hereby Repeal of repealed.

section 25 of the principal enactment.

14. Section 26 of the principal enactment is hereby Repeal of repealed.

section 26 of the principal enactment.

5 15. Section 27 of the principal enactment is hereby Amendment amended in subsection (2) of that section by the substitution for the words, "under section 26" of the words, "under section 22B".

of section 27 of the principal enactment.

16. Section 29 of the principal enactment is hereby Amendment 10 amended as follows:-

of section 29 of the principal

- (1) by the substitution for the words, "the gentleman enactment. Usher or the Sergeant-at-Arms as the case may be" of the words, "the Sergeant-at-Arms";
- (2) by the substitution for the words, "by the President or the Speaker" of the words, "by the Speaker".

15

17. Section 30 of the principal enactment is hereby Amendment amended by the substitution for the words, "by the President or Speaker" of the words, "by the Speaker";

of section 30 of the principal enactment.

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

of the Schedule to the principal enactment.

- "9. The publication of any proceedings of the House or of a Committee of Parliament which is
 - held in camera; or
- 25 (b) prohibited by the Speaker or by the Chairman of Committees.".

19. (1) In the principal enactment and in any other General written law there shall be substituted for the words, "Clerk", "Clerk of Parliament", "President or the Speaker" and principal "Ceylon" of the words, "Secretary-General", "Secretary-enactment. 5 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".
 - 20. In the event of any inconsistency between the Sinhala text Sinhala and Tamil texts of this Act, the Sinhala text shall to prevail in prevail.

case of inconsistency.

