



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

**PARLIAMENTARY BUDGET OFFICE
ACT, No. 6 OF 2023**

[Certified on 27th of June, 2023]

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*Parliamentary Budget Office
Act, No. 6 of 2023*

[Certified on 27th of June, 2023]

L.D–O. 2/2023

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE PARLIAMENTARY BUDGET OFFICE; TO SPECIFY THE POWERS, DUTIES AND FUNCTIONS OF THE PARLIAMENTARY BUDGET OFFICER AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS Parliament has been vested with full control over public finance under Article 148 of the Constitution and in particular to implement and monitor the national budget proposals to achieve the objectives of the budget:

Preamble

AND WHEREAS it is considered essential for Parliament to make responsible decisions to maintain a sustainable fiscal position, effectively allocate public resources and ensure the efficient delivery of public goods and services:

AND WHEREAS it is acknowledged that as part of the broader commitment to Parliamentary fiscal transparency, the reports and proposals provided to Parliament for the policy making process shall include the relevant information to make effective decisions:

AND WHEREAS it is recognised that Parliament's deliberations and effective exercise of its public finance responsibilities is aided by access to independent analysis of the proposals it is reviewing:

AND WHEREAS it is recognised that providing independent and non-partisan costing analyses related to policies in manifestos of recognised political parties or independent groups can lead to more transparent and affordable public policy:

AND WHEREAS it is necessary to establish an independent institution to provide Parliament with budget analyses and costings that it can rely on when scrutinising spending proposals and making public finance decisions and to provide recognised political parties and independent groups with costing analyses of proposals in their manifestos:

NOW THEREFORE, be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

Short title

1. This Act may be cited as the Parliamentary Budget Office Act, No. 6 of 2023.

PART I

ESTABLISHMENT OF THE PARLIAMENTARY BUDGET OFFICE AND ITS ROLE

Establishment of
the
Parliamentary
Budget Office

2. (1) There shall be established an independent entity called the Parliamentary Budget Office.

(2) The Parliamentary Budget Office -

- (a) shall be a body corporate with perpetual succession;
- (b) shall have a common seal;
- (c) may sue or be sued in such name; and
- (d) may hold, acquire and dispose of any property movable or immovable.

(3) The Parliamentary Budget Office shall be an independent body and accountable to Parliament.

(4) The independence of the Parliamentary Budget Office shall be respected at all times.

(5) No person shall cause undue influence, or interfere with the operation and administration of the Parliamentary Budget Office.

3. The objectives of the Parliamentary Budget Office shall be to assist -

Objectives of the
Parliamentary
Budget Office

- (a) Parliament in the performance of its public finance responsibilities under the Constitution; and
- (b) any recognised political party or any independent group,

through the provision of independent, non-partisan analyses related to the budget, the medium-term economic and fiscal outlook, and the cost implications from a financial, revenue and expenditure perspective of policy proposals as provided for in this Act.

4. Subject to the provisions of this Act, the Parliamentary Budget Office shall provide analytical assistance to -

Assistance for
implementing
the objectives

- (a) any Committee or Member of Parliament on matters related to public finance, including budget proposals, economic and fiscal forecasts and projections, and costing of proposed policies and Bills;
- (b) a recognised political party or an independent group to cost any proposal in its manifesto in the period immediately before an election; and
- (c) Parliament, generally, by providing analyses and briefings on matters necessary for or conducive to the objectives of the Parliamentary Budget Office.

PART II

THE APPOINTMENT OF THE PARLIAMENTARY BUDGET OFFICER, DEPUTY PARLIAMENTARY BUDGET OFFICER, ADVISORY COMMITTEE AND THE STAFF OF THE PARLIAMENTARY BUDGET OFFICE

Appointment of the Parliamentary Budget Officer	5. Subject to the provisions of this Part, the Parliamentary Budget Officer shall be appointed by the President on the recommendation of the Constitutional Council. The Parliamentary Budget Officer shall be the Chief Executive Officer of the Parliamentary Budget Office.
Eligibility criteria to apply to the office of the Parliamentary Budget Officer	<p>6. A person who applies to the office of the Parliamentary Budget Officer shall –</p> <p>(a) be competent, honest, of high moral integrity and of good repute; and</p> <p>(b) have at least fifteen years of experience in government budgeting, financial policy, fiscal policy or macroeconomic analysis.</p>
Parliamentary Budget Officer's term of office	7. The term of office of the Parliamentary Budget Officer shall be five years from the date of his appointment to such office.
Parliamentary Budget Officer's eligibility for re-appointment	<p>8. (1) The person appointed as the Parliamentary Budget Officer shall, on the recommendation of the Secretary-General of Parliament to the Constitutional Council, be eligible to be considered for re-appointment for not more than one further term, unless removed from office under this Part.</p> <p>(2) A re-appointment referred to in subsection (1) shall be made by the President, on the recommendation of the Constitutional Council.</p>

9. Subject to the provisions of this Part, the Deputy Parliamentary Budget Officer shall be appointed by the President, on the recommendation of the Constitutional Council. The Deputy Parliamentary Budget Officer shall assist the Parliamentary Budget Officer in the exercise, performance and discharge of his powers, duties and functions.

Appointment of the Deputy Parliamentary Budget Officer

10. A person who applies to the office of the Deputy Parliamentary Budget Officer shall –

Eligibility criteria to apply to the office of the Deputy Parliamentary Budget Officer

- (a) be competent, honest, of high moral integrity and of good repute; and
- (b) have at least ten years of experience in government budgeting, financial policy, fiscal policy or macroeconomic analysis.

11. The term of office of the Deputy Parliamentary Budget Officer shall be five years from the date of appointment to such office.

Deputy Parliamentary Budget Officer's term of office

12. (1) The person appointed as the Deputy Parliamentary Budget Officer shall, on the recommendation of the Secretary-General of Parliament to the Constitutional Council, be eligible to be considered for re-appointment for not more than one further term as the Deputy Parliamentary Budget Officer, unless removed from office under this Part.

Deputy Parliamentary Budget Officer's eligibility for re-appointment

(2) A re-appointment referred to in subsection (1) shall be made by the President, on the recommendation of the Constitutional Council.

(3) The appointment or re-appointment of the Deputy Parliamentary Officer shall not have a bearing on his or her eligibility to be appointed as the Parliamentary Budget Officer.

Non-
pensionable

13. The office of the Parliamentary Budget Officer and the office of the Deputy Parliamentary Budget Officer shall be non-pensionable.

Selection of the
Parliamentary
Budget Officer
and Deputy
Parliamentary
Budget Officer

14. (1) The Secretary-General of Parliament shall invite applications for the office of the Parliamentary Budget Officer and the office of the Deputy Parliamentary Budget Officer by publishing a notice –

- (a) in the *Gazette*;
- (b) in one Sinhala, Tamil and English newspaper that is published and circulated in Sri Lanka; and
- (c) on the official website of Parliament.

(2) The Secretary-General of Parliament shall consult the Advisory Committee referred to in section 15 when preparing the invitation and notice referred to in subsection (1).

(3) The notice referred to in subsection (1) shall specify a period of at least thirty days for applications to be submitted to the Secretary-General of Parliament.

(4) (a) The Secretary-General of Parliament shall, having due regard to gender, diversity of background, experience and expertise of the person applied, forward to the Constitutional Council, a recommended list of names of the persons to be appointed as the Parliamentary Budget Officer and the Deputy Parliamentary Budget Officer.

(b) Upon receipt of such list of names, the Constitutional Council shall forward its recommendation to the President and the President shall proceed to appoint the persons so recommended to the office of the Parliamentary Budget Officer and the office of the Deputy Parliamentary Budget Officer.

(5) Where the Constitutional Council does not recommend to the President any person specified in the list of names referred to in paragraph (a) of subsection (4), the Secretary-General of Parliament shall, -

- (a) subject to sections 6, 10 and 16 forward another list of names to the Constitutional Council from amongst persons who have submitted application under this section for the office of the Parliamentary Budget Officer or the office of the Deputy Parliamentary Budget Officer; or
- (b) invite fresh applications under this section, if any person who has applied for the office of the Parliamentary Budget Officer or the office of the Deputy Parliamentary Budget Officer does not possess the required qualifications.

15. There shall be an Advisory Committee comprising the Chair of the Committee on Public Finance, the Chair of the Committee on Ways and Means and the Deputy Speaker of Parliament, to assist -

Advisory
Committee

- (a) the Secretary-General of Parliament in the selection process of the Parliamentary Budget Officer and the Deputy Parliamentary Budget Officer; and
- (b) the Parliamentary Budget Officer in preparing an action plan of the Parliamentary Budget Office for each financial year in accordance with the provisions of this Act.

16. A person shall be disqualified from being appointed or continuing in office as the Parliamentary Budget Officer or the office of the Deputy Parliamentary Budget Officer, if such person –

Disqualification
from being
appointed or
continuing in
office

- (a) has an actual, potential or perceived conflict of interest on the date of his appointment or during

his tenure. A conflict of interest shall be inferred if such person –

- (i) is or becomes a Member of Parliament, a Provincial Council or a local authority;
 - (ii) holds or accepts a political office, as a member of a recognised political party or a trade union;
 - (iii) directly or indirectly holds or enjoys any rights or benefits under any agreement entered into by or on behalf of the Parliamentary Budget Office; or
 - (iv) has any financial or other interests that are likely to prejudicially affect the discharge of his duties;
- (b) is not, or ceases to be, a citizen of Sri Lanka;
- (c) becomes permanently incapable of carrying out his duties due to ill health, physical or mental infirmity or such other cause;
- (d) has been convicted of an offence which is of a fraudulent or corrupt character or is prejudicial to the interests of the Parliamentary Budget Office;
- (e) has served a sentence of imprisonment imposed by any court in Sri Lanka or any other country;
- (f) has failed to carry out his duties in the manner provided for in this Act; or
- (g) has been declared as insolvent or bankrupt under a court with competent jurisdiction and is an undischarged insolvent or is bankrupt.

17. (1) Where the Secretary General of Parliament, on receipt of a complaint or, has reason to believe that a person appointed to the office of the Parliamentary Budget Officer or the office of the Deputy Parliamentary Budget Officer, has become disqualified during the term of such office, the Secretary General of Parliament shall in writing request the Committee on Public Finance to conduct an inquiry in respect of such complaint.

Procedure when
a
disqualification
is alleged

(2) The Secretary General of Parliament shall forward copies of the request referred to in subsection (1) to the President and the Constitutional Council.

(3) Upon receipt of such copies, the President shall, on the recommendation of the Constitutional Council, forthwith suspend the services of the person whose alleged disqualification is being inquired, until a decision is taken following such inquiry.

(4) If the Committee on Public Finance finds that there is a basis for, and recommends disqualification, the Secretary General of Parliament shall notify the President and the Constitutional Council of the same and the President shall, on the recommendation of the Constitutional Council, after assigning reasons therefor, remove the Parliamentary Budget Officer or the Deputy Parliamentary Budget Officer from such office.

(5) If the Committee on Public Finance finds that there is no basis for a disqualification, the Secretary General of Parliament shall notify the President and the Constitutional Council of the same and the President shall revoke the suspension made under subsection (3).

18. The Parliamentary Budget Officer or the Deputy Parliamentary Budget Officer may resign from office at any time by letter addressed to the President and such resignation shall take effect on the date specified in the letter or on the date such letter is received by the President, if no date is specified.

Resignation
from Office

Filling vacancy
on the
expiration of the
term of office,
death, removal
or resignation

19. (1) In the event of any vacation of office by the Parliamentary Budget Officer or the Deputy Parliamentary Budget Officer due to death, removal, resignation or on the expiration of the term of office, the Secretary General of Parliament shall invite fresh applications for the respective offices in terms of section 14.

(2) A person appointed pursuant to subsection (1) shall be appointed for a term of five years.

Temporary
absence

20. (1) Where the Parliamentary Budget Officer is temporarily unable to perform the duties of his office due to ill health, absence from Sri Lanka or for any other reason, the Deputy Parliamentary Budget Officer may act in his place until the Parliamentary Budget Officer is able to perform his duties.

(2) Where the Deputy Parliamentary Budget Officer is temporarily unable to perform the duties of his office due to ill health, or absence from Sri Lanka or for any other reason, the Parliamentary Budget Officer may appoint a person to act in his place taking in to consideration of sections 10 and 16 until the Deputy Parliamentary Budget Officer is able to perform his duties.

Remuneration

21. The salaries and other remunerations of the Parliamentary Budget Officer and the Deputy Parliamentary Budget Officer shall be determined by Parliament. Such salaries and other remunerations shall be charged on the Consolidated Fund and shall not be diminished during their terms of office.

PART III

OPERATION OF THE PARLIAMENTARY BUDGET OFFICE

- 22.** The Parliamentary Budget Officer shall have power to -
- (a) recruit and appoint officers and employees to the staff of the Parliamentary Budget Office in accordance with the rules made under section 45;
 - (b) discipline and dismiss officers and employees of the Parliamentary Budget Office in accordance with the rules made under section 45;
 - (c) determine the salaries and other remunerations of the officers and employees of the Parliamentary Budget Office;
 - (d) obtain the services from any person who has knowledge and experience in the government budgeting, financial policy, fiscal policy, macroeconomic analysis or such other relevant field of expertise, to assist the Parliamentary Budget Office to perform its responsibilities under the Act;
 - (e) enter into agreements with any person to assist in the operation of the Parliamentary Budget Office or to assist the Parliamentary Budget Office to perform its responsibilities under the Act;
 - (f) appoint a secretary for the Parliamentary Budget Office;
 - (g) request access to and make arrangements for the timely examination and digital transfer in malleable formats of any written or electronic record, data, analysis, modelling, or other information possessed by any Public Institution, relating to the requests made under section 29;

The powers, duties and functions to operationalise and manage the Parliamentary Budget Office

- (h) request the methodology and assumptions underlying the budget and other fiscal proposals prepared by Public Institutions and tabled in Parliament by the Government;
- (i) enter into arrangements with Public Institutions for the automatic transmittal of budgeting and costing data to the Parliamentary Budget Office at such time and duration as may be appropriate;
- (j) make rules in respect of all matters for which rules are authorised or required to be made under this Act; and
- (k) generally, do all such acts and things as are necessary for, or incidental or conducive to the carrying out or attainment of the objectives of the Parliamentary Budget Office.

Prepare an
Action Plan for
the
Parliamentary
Budget Office

23. (1) The Parliamentary Budget Officer shall, in consultation with the Members of Parliament, Committee, the Advisory Committee referred to in section 15 and any relevant officer of the staff of Parliament, prepare an action plan for the Parliamentary Budget Office for each financial year.

(2) The action plan shall include-

- (a) the priorities of the Parliamentary Budget Office for the financial year; and
- (b) the protocol for the allocation of the resources of the Parliamentary Budget Office during such financial year to meet such priorities.

(3) The action plan for each financial year shall be prepared in line with the period specified in the budget call circulars, as may be applicable.

(4) The first action plan for the Parliamentary Budget Office shall be prepared within three months from the date of appointment of the Parliamentary Budget Officer.

24. (1) The Parliamentary Budget Officer may delegate in writing to the Deputy Parliamentary Budget Officer or any officer or employee of the Parliamentary Budget Office any power, duty or function conferred or imposed on him by this Act. Such officer or employee shall exercise, perform and discharge such power, duty and function, subject to the direction and control of the Parliamentary Budget Officer.

Delegation of powers

(2) The Parliamentary Budget Officer may, notwithstanding any delegation made under subsection (1), individually exercise, perform or discharge such power, duty and function so delegated and in doing so may at any time revoke any such delegation.

25. The Parliamentary Budget Officer may designate a competent authority from among the officers and employees of the Parliamentary Budget Office to be a person who shall process information as directed by the Parliamentary Budget Officer.

Designate a competent authority

PART IV

INDEPENDENCE AND ACCOUNTABILITY OF THE PARLIAMENTARY BUDGET OFFICE

26. (1) No person shall cause any undue influence on the Parliamentary Budget Officer, the Deputy Parliamentary Budget Officer, or any officer or employee of the Parliamentary Budget Office, any member of Advisory

Independence of the Parliamentary Budget Officer

Committee referred to in section 15 or a member of any committee referred to in sub paragraph (d) of subsection (2) of section 29 or any person providing any service, to the Parliamentary Budget Office in the exercise, performance, and discharge of their powers, duties and functions or interfere with the activities of the Parliamentary Budget Office.

(2) The Parliamentary Budget Officer shall-

- (a) exercise, perform and discharge his powers, duties and functions, objectively, transparently and impartially; and
- (b) disclose to the public any agreement entered in to with any public institution and such other requests, findings and policy costings as required under this Act.

Accountability
to Parliament

27. (1) The Parliamentary Budget Officer shall provide information to Parliament on the operation of the Parliamentary Budget Office as required by Parliament.

(2) The Parliamentary Budget Officer shall prepare an annual report on the operation and administration of the Parliamentary Budget Office which shall be submitted to the Committee on Public Finance within four months of the commencement of its financial year.

(3) The Committee on Public Finance shall -

- (a) review the Parliamentary Budget Office's annual report;
- (b) assess the reasonableness of the draft estimate of expenditure, based on the action plan prepared by the Parliamentary Budget Officer under section 23;
- (c) consider the operation and sourcing resources of the Parliamentary Budget Office in relation to its objectives; and

- (d) report to Parliament any matter related to the operation of the Parliamentary Budget Office which has an impact on the ability of the Parliamentary Budget Office to perform its responsibilities under this Act.

28. (1) After the conclusion of an election, the Committee on Public Finance may, within fourteen days of such Committee being constituted by Parliament, request the Parliamentary Budget Officer to initiate an independent review of the operation of the Parliamentary Budget Office.

Independent
review of the
Parliamentary
Budget Office

(2) A request under subsection (1) shall include -

- (a) the preferred person or body to conduct the review;
- (b) the scope of the review;
- (c) the way the review is to be conducted; and
- (d) the matters which shall be included in the report on the review to be submitted to the Committee on Public Finance.

(3) The independent review shall be completed within nine months from the date of the request for such review by the Committee on Public Finance.

(4) The Committee on Public Finance shall cause such report to be tabled in Parliament as soon as practicable after receiving such report.

(5) If an independent review has not been requested by the Committee on Public Finance within the last five years, the Parliamentary Budget Officer shall request any person, within or outside Sri Lanka (including similar institutions in other jurisdictions or international organizations), to conduct an independent external or peer review of the performance of the Parliamentary Budget Office.

PART V

PROVISIONS TO FACILITATE SCRUTINY AND TRANSPARENCY

Analytical
functions of the
Parliamentary
Budget Office

29. (1) The Parliamentary Budget Office shall perform the following analytical functions to requests from Committees and Members of Parliament, and any recognised political party or independent group, and shall form part of its regularly published analyses –

- (a) economic and fiscal forecasts and projections, including analyses of long-term fiscal sustainability, debt sustainability, compliance with fiscal rules and targets, and tracking of budgeting measures against strategic goals;
- (b) general analysis of annual and supplementary budget proposals the Government tables in Parliament;
- (c) specific budget analysis in response to requests from Committees and Members of Parliament;
- (d) costing analysis of legislative and policy proposals tabled by the Government or prepared by Parliament;
- (e) costings of policies and proposals included in the manifestos of a recognised political party or independent group following the dissolution of Parliament and in the lead-up to elections; and
- (f) general analytical studies, taken up at the discretion of the Parliamentary Budget Officer, intended to benefit Parliament's performance of its public finance responsibilities.

(2) The Parliamentary Budget Office shall exercise methodological independence in determining the approach to be taken when performing the functions outlined in subsection (1), including, -

- (a) drawing on the most recent economic forecast limits and fiscal estimates issued under the provisions of the Fiscal Management (Responsibility) Act, No. 3 of 2003;
- (b) adopting alternate conventions, assumptions, forecasts, and estimates to test the veracity of the analysis underpinning proposals;
- (c) curating independent datasets and models that can be used to perform analytic functions; or
- (d) establishing any committee to help shape different approaches of analysis or, peer-review panel to test the strength of the analysis provided to Parliament.

30. (1) The Parliamentary Budget Officer shall put in place appropriate safeguards regarding the protection of private and sensitive information held by Public Institutions that the Parliamentary Budget Office needs to use to conduct the analytical functions specified in section 29.

Access to
information

(2) Any information relating to the national security of Sri Lanka, the disclosure of which is prejudicial to national security, shall be examined personally by the Parliamentary Budget Officer with the concurrence of the Minister responsible for the relevant department, agency or organisation that is the holder of the information in order to determine if the information is critical to the functional analysis of the Parliamentary Budget Office conducted pursuant to section 29.

(3) The public institution shall, with the exception of the information related to national security, furnish the said information in such manner and on such date as required by the Parliamentary Budget Officer.

(4) Where a public institution estimates that it may be unable to produce the information within the period specified by the Parliamentary Budget Officer, the public institution may propose to the Parliamentary Budget Officer, in writing, an alternate date for production of the information. The discretion as to whether to alter the date of production shall rest with the Parliamentary Budget Officer.

(5) Where any public institution fails to furnish such information on the date specified in the request or by the revised date, the Parliamentary Budget Officer may request the Speaker to reissue a request for information to such Public Institution in accordance with the Parliamentary (Powers and Privileges) Act (Chapter 383).

(6) Every official and employee of a public institution shall comply with the provisions of this section, and such compliance shall not be considered a violation of any written law, regulation, agreement or procedure pertaining to secrecy, confidentiality or non-disclosure of information held and managed by that public institution.

Transparency

31. (1) The Parliamentary Budget Officer shall, subject to the provisions of this Act, ensure that the information specified in subsection (2) is made available to the public in the Sinhala, Tamil and English languages by electronic or digital means and be published in the *Gazette*.

(2) The information referred to in subsection (1) shall include –

- (a) any rule, principle or guideline that is required to be made, issued or published under this Act;
- (b) proposed release dates of routine reports aligned with the annual budgeting process;
- (c) routine Parliamentary Budget Office reports and analyses, including a full account of the underlying data, subject to subsection (1) of section 30, assumptions and methodology used in the preparation of the analyses;
- (d) reports and analyses prepared by the Parliamentary Budget Office in response to a specific request from a Committee or a Member of Parliament including a full account of the underlying data, subject to subsection (1) of section 30, assumptions and methodology used in the preparation of the analyses;
- (e) costing analyses of the manifestos of recognised political parties or independent groups including a full account of the data used, assumptions, and methodology;
- (f) the annual report of the Parliamentary Budget Office submitted to Parliament; and
- (g) action plan of the Parliamentary Budget Office for each financial year prepared under section 23.

32. The Right to Information Act, No. 12 of 2016 shall be applicable in respect of the matters connected with or incidental to the provisions of this Act.

Application of
the Right to
Information Act,
No. 12 of 2016

PART VI

PROCEDURE TO OBTAIN ASSISTANCE OF THE PARLIAMENTARY BUDGET OFFICE

Guidelines for
requesting an
analysis from
the
Parliamentary
Budget Office

33. (1) Any Committee, Member of Parliament, recognized political party or independent group may request the Parliamentary Budget Office to prepare an analysis as specified in section 29.

(2) The Parliamentary Budget Officer shall make rules and issue guidelines setting out –

- (a) the process, for Committees and Members of Parliament, to formally request the Parliamentary Budget Office to conduct an analysis;
- (b) the formats for such written requests;
- (c) the information to be included in the written request;
- (d) the manner a written request can be submitted; and
- (e) the methodology the Parliamentary Budget Office will use to prioritise requests.

(3) The Parliamentary Budget Officer shall make rules and issue guidelines setting out –

- (a) the process, for the leader of a recognised political party or independent group represented in Parliament, to formally request the Parliamentary Budget Office to conduct a costing analysis of its manifesto before the dissolution of Parliament;
- (b) the process, for the leader of a recognised political party or independent group contesting an election, to formally request the Parliamentary Budget Office to conduct a costing analysis of its manifesto after the dissolution of Parliament and before the polling date;

- (c) the format for such written requests;
- (d) the information to be included in the written request;
- (e) the manner a written request may be submitted;
and
- (f) the methodology the Parliamentary Budget Office
shall use to priorities requests.

(4) The Parliamentary Budget Officer shall publish the rules and guidelines referred to in subsections (2) and (3) in the *Gazette* within six months of coming into operation of this Act and shall regularly review and update them in accordance with international best practice.

34. (1) A leader of either a recognised political party or an independent group that is represented in Parliament may make a request to the Parliamentary Budget Office to prepare a policy costing of a proposal in the manifesto prior to the dissolution of Parliament.

Request to
prepare policy
costing from a
recognised
political party or
independent
group

(2) Following the dissolution of Parliament, a leader of either a recognised political party or an independent group contesting the election may make a request to the Parliamentary Budget Office to prepare a policy costing of a proposal published in its manifesto, in accordance with such rules made by the Parliamentary Budget Officer.

(3) On receipt of a request, the Parliamentary Budget Officer shall conduct a policy costing and release such request and the policy costing to the public, as soon as practicable.

(4) Where the Parliamentary Budget Officer is unable to publicly release a policy costing conducted in response to a request made under subsection (1) or (2) prior to the polling date, he shall release a statement to the public assigning reasons therefor.

(5) The statement referred to in subsection (4) shall be released by the Parliamentary Budget Officer as soon as practicable following the polling date.

Reasons for
inability to
provide
assistance

35. (1) Where the Parliamentary Budget Officer is unable to prepare a costing of a policy or a proposed policy on any request made under section 33 prior to the dissolution of Parliament, or prior to the polling date, such request shall be considered as withdrawn with effect from the dissolution of Parliament or such date of polling if the Parliamentary Budget Officer -

- (a) has not received the necessary information; or
- (b) did not have sufficient time,

to prepare such costing of a policy or a proposed policy.

(2) A request made under section 33 may be withdrawn at any time by the leader referred to under subsection (3) of section 33 who made such request addressed to the Parliamentary Budget Officer in writing.

Post-election
report of the
election
commitments

36. (1) The Parliamentary Budget Officer shall prepare a post-election report of the fiscal and financial implication of the election proposals made by and included in the manifestos, of any recognised political party or independent group elected to Parliament.

(2) The provisions of subsection (1) shall not apply to costing requests that the Parliamentary Budget Office has prepared and published prior to an election.

PART VII

FINANCE

Draft estimate of
expenditure of
the
Parliamentary
Budget Office

37. (1) The Parliamentary Budget Officer shall submit the draft estimate of expenditure to the Committee on Public Finance for the ensuing financial year in accordance with the guidelines for the preparation of the budget within the time period as specified in the Budget Call Circular issued by the Department of National Budget of the General Treasury.

(2) The Committee on Public Finance shall assess the reasonableness of the draft estimate of expenditure, based on the action plan, and report to the Parliamentary Budget Officer and Parliament in accordance with the guidelines for the preparation of the budget within the time period as specified in the Budget Call Circular issued by the Department of National Budget of the General Treasury.

(3) The Parliamentary Budget Officer shall forward the draft estimate of expenditure to the Minister assigned the subject of Finance to be included in to the budget in accordance with the guidelines for the preparation of the budget within the time period as specified in the Budget Call Circular issued by the Department of National Budget of the General Treasury.

38. (1) The Parliamentary Budget Office shall have its own Fund.

Fund of the
Parliamentary
Budget Office

(2) There shall be paid into the Fund –

- (a) all such sums of money as may be voted from time to time by Parliament; and
- (b) all such sums of money as may be received by the Parliamentary Budget Office by way of donations, gifts and grants from any source whatsoever:

Provided that, the Parliamentary Budget Officer shall obtain the prior written approval of the Department of External Resources, in respect of all donations, gifts and grants received by or made to the Parliamentary Budget Office.

(3) There shall be paid out of the Fund –

- (a) all such sums of money required to defray the expenditure incurred by the Parliamentary Budget Office;
- (b) all such sums of money required to defray the expenditure incurred by the Parliamentary Budget Officer, Deputy Parliamentary Budget Officer and the officers and employees of the Parliamentary

Budget Office in the exercise, performance and discharge of their powers, duties and, functions under the provisions of this Act; and

- (c) all such sums of money as are required to be paid out of the Fund, under this Act.

Budget Office to
maintain
accounts

39. The Parliamentary Budget Office may open and maintain any account with any bank as it may think appropriate, and such account shall be operated in accordance with prevailing financial regulations of the Government pertaining to financial transactions of public corporations.

Financial year
and audit of
accounts

40. (1) The financial year of the Parliamentary Budget Office shall be the calendar year.

(2) The Parliamentary Budget Office shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other financial transactions of the Parliamentary Budget Office.

(3) For the purpose of presenting a true and fair view of the financial performance and financial condition of the Parliamentary Budget Office, the Parliamentary Budget Office shall prepare its accounts in accordance with the Sri Lanka Accounting Standards adopted by the Institute of Chartered Accountants of Sri Lanka under the Sri Lanka Accounting and Auditing Standards Act, No. 15 of 1995 or any other applicable written law in force.

(4) The provisions of Article 154 of the Constitution relating to the audit of accounts of public corporations shall apply to the audit of the accounts of the Parliamentary Budget Office.

PART VIII

GENERAL

41. (1) The Parliamentary Budget Officer, Deputy Parliamentary Budget Officer, officers and employees of the Parliamentary Budget Office shall not be liable for any act done or purported to be done or any omission made in good faith during the exercise, performance or discharge of their powers, duties or functions under this Act.

Immunity for
acts done in
good faith

(2) The immunity granted under subsection (1) shall not extend to –

- (a) liability for a criminal offence under any written law for the time being in force; and
- (b) any act done in contravention of the provisions of this Act, or any other applicable written law.

42. The Parliamentary Budget Office shall be deemed to be a Scheduled Institution within the meaning of the Bribery Act (Chapter 26) and the provisions of that Act shall be construed accordingly.

Budget Office
deemed to be a
Scheduled
Institution

43. The Parliamentary Budget Officer, the Deputy Parliamentary Budget Officer and the employees and the officers of the Parliamentary Budget Office shall be deemed to be public servants within the meaning and for the purpose of the Penal Code (Chapter 19).

Public servants

44. (1) All expenses incurred by the Parliamentary Budget Office in any suit or prosecution brought by or against it before any court, shall be paid out of the Fund of the Parliamentary Budget Office and only costs paid to or recovered by the Parliamentary Budget Office in any such suit or prosecution, shall be credited to the Fund of the Parliamentary Budget Office.

Expenses in suit
or prosecution
to be paid out of
the Fund of the
Parliamentary
Budget Office

(2) Any expenses incurred by the Parliamentary Budget Officer, Deputy Parliamentary Budget Officer, any officer or employee of the Parliamentary Budget Office, in any suit or prosecution brought against such person before any court in respect of any act which is done or purported to be done by such person under this Act shall, if the court holds that such act was done in good faith, be paid out of the Fund of the Parliamentary Budget Office, unless such expenses are recovered by him in such suit or prosecution.

Rules to be
approved by
Parliament

45. (1) Subject to the provisions of this Act, the Parliamentary Budget Officer may make rules in respect of all matters for which rules are authorised or required to be made to achieve the objectives of this Act.

(2) Every rule made under subsection (1), shall be published in the *Gazette* and shall come into operation on the date of publication, or on such later date as may be specified in such rule.

(3) Every rule made under subsection (1), shall, not later than three months after its publication in the *Gazette*, be placed before Parliament for approval. Every rule which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder.

(4) A notification of the date of such disapproval shall be published in the *Gazette*.

Interpretation

46. In this Act, unless the context otherwise requires –

“budget” shall include the Appropriation Act for the relevant fiscal year;

“budget call circular” means a circular issued by the Department of National Budget, requesting submission of the revenue and expenditure of public institution for the relevant fiscal year for the purpose of preparation of the budget;

“Committee” means any Committee of Parliament;

“Committee on Public Finance” and “Committee on Ways and Means” means the Committee on Public Finance and Committee on Ways and Means appointed by Parliament in terms of the Standing Orders;

“Constitutional Council” means the Constitutional Council referred to in Article 41A of the Constitution of the Democratic Socialist Republic of Sri Lanka;

“costing” means an assessment of the cost of a policy proposal referred to in section 4 or a Bill tabled in Parliament, if implemented would change the budget surplus or deficit or would best suit the resources of the country in relation to the existing laws but -

- (a) it is not an assessment of the merits of a policy and it should not provide any policy recommendations;
- (b) it does not assess any economic impacts of a policy or Bill except the impact on the budget; and
- (c) it does not assess the non-financial impacts of a policy;

and shall include-

- (i) an assessment of the overall cost of the proposal;
- (ii) the description of the methodology used to prepare the policy costing; and
- (iii) the inputs used for the analysis;

“election” means an election under the Parliamentary Elections Act, No.1 of 1981;

“independent group” means a group consisting of Members of Parliament, politicians or candidates at an election, who are not otherwise affiliated with or is a member of, any recognised political party;

“information” shall include-

- (a) financial, commercial, individual and programme data possessed by public institution;
- (b) financial models and costing models; and
- (c) non-financial data, such as data from the Department of Census and Statistics, and legal advice that the Government relies on to design and implement a policy or Bill tabled on Parliament;

“manifesto” means a publication issued by a recognised political party or an independent group before an election and may include any commitments made at an election platform;

“public corporation” shall have the same meaning assigned to such expression in the Constitution Democratic Socialist Republic of Sri Lanka;

“Public Institution” means any Ministry, Department of Government, public corporation, local authority and business

or other undertaking within the meaning of the Conversion of Government Owned Business Undertakings into Public Corporations Act, No. 22 of 1987, or a company registered or deemed to be registered under the Companies Act, No. 07 of 2007, in which the Government, a public corporation or any local authority holds more than fifty per centum of the shares and any Ministry or Department of any Provincial Council or any Authority established by or created by a Provincial Council;

“public resources” means any property or asset owned by any Public Institution, including, but not limited to, money, funds, land, buildings, facilities, equipment, supplies and vehicles; and

“recognised political party shall have the same meaning assigned to such expression in the Constitution Democratic Socialist Republic of Sri Lanka.

47. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency

