



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

COMMISSIONS OF INQUIRY (AMENDMENT)

**A
BILL**

to amend the Commissions of Inquiry Act (Chapter 393)

*Presented by the Prime Minister and Minister of National Policies and
Economic Affairs on 09th of May, 2018*

(Published in the Gazette on March 29, 2018)

Ordered by Parliament to be printed

[Bill No. 244]

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 12.00

Postage : Rs. 10.00

This Bill can be downloaded from www.documents.gov.lk



STATEMENT OF LEGAL EFFECT

Clause 2: This clause inserts new sections 24A, 24B, 24C, 24D, and 24E to the Commissions of Inquiry Act (Chapter 393) (hereinafter referred to as the “principal enactment”) and the legal effect of the sections as inserted is to provide for the Commission to Investigate Allegations of Bribery or Corruption to consider material collected in the course of an investigation or an inquiry by a Commission of Inquiry and direct the Director General for the Prevention of Bribery or Corruption to institute Criminal Proceedings.

Clause 3: This clause amends section 27 of the principal enactment and the legal effect of that section as amended is to insert definitions for the expressions “Bribery Act”, “Commission to Investigate Allegations of Bribery or Corruption”, “Declaration of Assets and Liabilities Law”, “Director General”, “law enforcement authority”, “Penal Code” and “Prevention of Money Laundering Act”.

Commissions of Inquiry (Amendment)

L.D.—O. 1/2018.

AN ACT TO AMEND THE COMMISSIONS OF INQUIRY ACT
(CHAPTER 393)

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

1. This Act may be cited as the Commissions of Inquiry Short title.
(Amendment) Act, No. of 2018.

5 2. The Commissions of Inquiry Act (Chapter 393) is hereby amended by the insertion immediately after section 24, of the following new sections and the new sections shall have effect as sections 24A, 24B, 24C, 24D and 24E of that enactment:-

Insertion of
new sections
24A, 24B,
24C, 24D, and
24E to
Chapter 393.

10 “Commission to Investigate Allegations of Bribery or Corruption to institute Criminal proceedings. 24A. (1) Notwithstanding anything to the contrary in the Commission to Investigate Allegations of Bribery or Corruption Act or any other written law, where the Commission to Investigate Allegations of Bribery or Corruption, on a consideration of material collected in the course of an investigation or inquiry or both an investigation and inquiry as the case may be by a Commission of Inquiry appointed under section 2, is satisfied that an offence under the following laws has been committed, it may direct the Director General to institute criminal proceedings in terms of the-

(a) Bribery Act;

25 (b) Declaration of Assets and Liabilities Law;

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- 5 (c) Prevention of Money Laundering Act
when the unlawful activity within the
meaning of that Act is bribery or
corruption in terms of the Bribery Act;
or
- 10 (d) Penal Code where any offence under the
Penal Code has been committed in the
same transaction along with an offence
in terms of the Bribery Act or the
Declaration of Assets and Liabilities Law,
with the concurrence of the Attorney-
General.
- 15 (2) The Commission to Investigate
Allegations of Bribery or Corruption may prior
to the institution of proceedings under
subsection (1)-
- 20 (a) conduct further investigations into the
Commission of any offence;
- 25 (b) consider material that may have been
collected in the course of an
investigation conducted by the
Commission to Investigate Allegations
of Bribery or Corruption prior to the
receipt of the material referred to in
subsection (1); and
- (c) consider material the Commission to
Investigate Allegations of Bribery or
Corruption may have received from any
other law enforcement authority.

- Commission to Investigate Allegations of Bribery or Corruption to forward material collected and received to the relevant authority.
- 24B. Notwithstanding anything to the contrary in the Commission to Investigate Allegations of Bribery or Corruption Act or any other written law, the Commission to Investigate Allegations of Bribery or Corruption may, if it deems appropriate, forward the material collected and received under section 24A to the Attorney-General or to any other authority to take any appropriate action under any other written law.
- Commission to Investigate Allegations of Bribery or Corruption not to record statements or evidence given.
- 24C. The Commission to Investigate Allegation of Bribery or Corruption shall not be required, unless it deems appropriate to, record a statement of a person who has given a statement to a Commission of Inquiry appointed under section 2 or has given evidence before such Commission.
- Commission to Investigate Allegations of Bribery or Corruption to seek advice or opinion of the Attorney-General.
- 24D. The Commission to Investigate Allegations of Bribery or Corruption may solicit, receive and consider the advice or opinion of the Attorney-General or any officer representing the Attorney-General in giving effect to the provisions of sections 24A, 24B, or 24C.
- Not to restrict the powers and functions of the Commission to Investigate Allegations of Bribery or Corruption by the provisions of this Act.
- 24E. The provisions of this Act shall not restrict the powers and functions of the Commission to Investigate Allegations of Bribery or Corruption conferred on it by the Commission to Investigate Allegations of Bribery or Corruption Act or any other written law.”.

“Penal Code” means the Penal Code
(Chapter 19); and

5 “Prevention of Money Laundering Act”
means the Prevention of Money
Laundering Act, No. 5 of 2006.”.

4. 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.

