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

**OFFICE FOR NATIONAL UNITY AND RECONCILIATION
ACT, No. 1 OF 2024**

[Certified on 23rd of January, 2024]

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*Office for National Unity and Reconciliation
Act, No. 1 of 2024*

[Certified on 23rd of January, 2024]

L.D.-O. 16/2023

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE OFFICE FOR NATIONAL UNITY AND RECONCILIATION, IN ORDER TO ENSURE AND PROMOTE NATIONAL UNITY AND RECONCILIATION IN SRI LANKA; TO SET OUT THE POWERS, DUTIES AND FUNCTIONS THEREOF AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS having regard to the need and importance of national unity and reconciliation in the socio-economic development process in Sri Lanka and the commitment and consensus for the achievement of the same; Preamble

AND WHEREAS it has become a matter of national importance to establish an office for national unity and reconciliation in order to assure to every citizen equal opportunities in the economic, social, cultural and political spheres whilst safeguarding the identity and to build an inclusive society in which diversity will be respected and all communities will coexist in harmony and unity;

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

1. This Act may be cited as the Office for National Unity and Reconciliation Act, No. 1 of 2024. Short title

- 2.** The objects of the Act shall be - Objects of the Act
- (a) to promote and foster national unity, reconciliation and peaceful coexistence among all persons in Sri Lanka;
 - (b) to formulate and recommend to the Government, a national policy on reconciliation and coexistence;

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- (c) to facilitate the implementation of policies and programmes in relation to national unity and reconciliation that would help to build understanding, harmony and unity among all communities;
- (d) to recommend to the Government, measures to be taken to resolve matters causing tensions and conflicts within and among the different communities;
- (e) to provide assistance to the stakeholders working on reconciliation and coexistence in order to achieve coherence in peace and national unity initiatives; and
- (f) to assist and facilitate the implementation of any recommendation made by any reconciliation endeavour established under any written law, or any policy of the Government, for the purpose of achieving national unity and reconciliation.

PART I

ESTABLISHMENT OF THE OFFICE FOR NATIONAL UNITY AND
RECONCILIATION

Establishment of
the Office for
National Unity
and
Reconciliation

3. (1) There shall be established an office which shall be called and known as the “Office for National Unity and Reconciliation” (hereinafter referred to as the “Reconciliation Office”).

(2) The Reconciliation Office shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The headquarters of the Reconciliation Office shall be situated in Colombo and the Reconciliation Office may, from time to time, establish such number of regional offices as may be necessary, to achieve its mandate.

4. (1) The Reconciliation Office shall consist of - Constitution of the Reconciliation Office
- (a) one *ex-officio* member appointed by the President, as nominated by the Minister, who shall be an officer not below the rank of an Additional Secretary of the Ministry of the Minister; and
 - (b) ten other members appointed by the President on the recommendation of the Minister made in accordance with the provisions of subsection (2) (hereinafter referred to as the “appointed members”).

(2) In making recommendations for the appointment of members referred to in paragraph (b) of subsection (1), the Minister shall have due regard to -

- (a) ensure that the composition of the Reconciliation Office reflects the pluralistic nature of the Sri Lankan society;
- (b) ensure that the persons recommended to be appointed as members of the Reconciliation Office shall be persons having eminence and experience in one or more of the fields of human rights law, international humanitarian law, reconciliation and social harmony, national unity, management, project planning and regional development; and
- (c) ensure that the persons recommended to be appointed as members of the Reconciliation Office are not subject to any disqualification specified in section 5.

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(3) The President may, on the recommendation of the Minister, appoint one member as the Chairperson of the Reconciliation Office.

Disqualification
to be a member
of the
Reconciliation
Office

5. A person shall be disqualified from being appointed or continuing as a member of the Reconciliation Office, if such person –

- (a) is or become a Member of Parliament, of any Provincial Council or of any Local Authority;
- (b) is not, or ceases to be, a citizen of Sri Lanka;
- (c) has been or is adjudged an insolvent by a court of competent jurisdiction;
- (d) has been or is found to have a conflict of interest, which in the opinion of the President, formed on the recommendation of the Minister, conflicts with his duties as a member of the Reconciliation Office;
- (e) is or becomes unfit to continue in office by reason of illness or other infirmity of mind or body;
- (f) has been or is declared to be of unsound mind by a court of competent jurisdiction;
- (g) has served or is serving or a sentence of imprisonment imposed by any court in Sri Lanka or any other country; or
- (h) absents himself from three consecutive meetings without previously obtaining leave from the Reconciliation Office.

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6. (1) Every appointed member of the Reconciliation Office shall, unless such member vacates office earlier by death, resignation or removal, hold office for a term of three years from the date of the appointment and unless such member has been removed, shall be eligible for reappointment for not more than one further term, whether consecutive or otherwise.

Term of office
of the appointed
members

(2) For the purpose of this section, the period in which a member is appointed as an acting member shall not be considered as a 'term' of office within the meaning of this section.

7. (1) The office of an appointed member of the Reconciliation Office shall become vacant -

Removal and
resignation of
appointed
members

- (a) upon the death of such member;
- (b) upon such member resigning such office by writing addressed to the President;
- (c) upon such member being removed from office on any ground specified in section 5; or
- (d) on the expiration of such member's term of office.

(2) A member of the Reconciliation Office may be removed from office by the President, if such person becomes disqualified under section 5 to be a member of the Reconciliation Office.

(3) The Chairperson may resign from the office of Chairperson by letter addressed to the President.

(4) Subject to the provisions of subsections (1) and (2), the term of office of the Chairperson shall be the period of membership of the Reconciliation Office.

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(5) (a) If the Chairperson of the Reconciliation Office becomes temporarily unable to perform the duties of his office, by reason of illness or other infirmity or due to absence from Sri Lanka or any other reason, the President may, subject to the provisions of section 4, appoint any other member of the Reconciliation Office to act as the Chairperson.

(b) If a member of the Reconciliation Office becomes temporarily unable to perform the duties of his office, by reason of illness or other infirmity or due to absence from Sri Lanka or any other reason, the President may, subject to the provisions of section 4, appoint any other qualified person to temporarily act in place of such member during such period.

(6) No act or proceeding of the Reconciliation Office shall be deemed to be invalid by reason only of the existence of any vacancy among its members, or defect in the appointment of any member thereof.

Quorum and the meetings of the Reconciliation Office

8. (1) The Chairperson shall preside at all meetings of the Reconciliation Office. In the absence of the Chairperson of any meeting of the Reconciliation Office, the members present at such meeting shall elect one of the members of the Reconciliation Office to preside at such meeting.

(2) The Chairperson or the member presiding at any such meeting of the Reconciliation Office shall, in addition to his own vote, have a casting vote.

(3) The quorum for meetings of the Reconciliation Office shall be five members.

(4) Subject to the other provisions of this Act, the Reconciliation Office may make rules, to regulate the procedure in regard to the conduct of its meetings, and the transaction of business at such meetings.

PART II

**MANDATE, POWERS, DUTIES AND FUNCTIONS OF THE
RECONCILIATION OFFICE**

- 9.** The Reconciliation Office shall have the mandate to – Mandate of the
Reconciliation
Office
- (a) make recommendations to the Government and relevant authorities towards achieving national unity, reconciliation and durable peace in Sri Lanka;
 - (b) formulate a national policy and national action plan on reconciliation and coexistence;
 - (c) facilitate and implement programmes to promote national unity and reconciliation in Sri Lanka and to monitor the implementation thereof; and
 - (d) recommend to the Government, measures to be taken to resolve matters causing tensions and conflicts within and among the different communities, having adverse effects on national unity.
- 10.** The Reconciliation Office shall have the following powers, duties and functions: - Powers, duties
and functions of
the
Reconciliation
Office
- (a) to make recommendations to the Government and relevant authorities, on matters relevant to building national unity and reconciliation in Sri Lanka and other matters specified in the mandate of the Reconciliation Office;
 - (b) to formulate a national policy on reconciliation and coexistence and assist the implementation of the same;

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- (c) to formulate and implement the national action plan on reconciliation and coexistence comprising of the programmes specified in the Schedule to this Act;
- (d) to identify the persons or groups of persons aggrieved within the social layers of the Sri Lankan society due to ethnic, religious, linguistic, social, political and economic factors;
- (e) to develop affirmative action programmes for the persons or groups of persons referred to in paragraph (d) within the national action plan on reconciliation and coexistence;
- (f) to pursue the efforts towards reconciliation and the strengthening of national unity, and to address post-conflict concerns such as the return and resettlement of internally displaced people, and the rehabilitation and reintegration of concerned persons;
- (g) to launch public awareness and education campaigns on the national policy on reconciliation and coexistence and the national action plan;
- (h) to mainstream the values defined in the national policy on reconciliation and coexistence within Government institutions and existing national initiatives through annual work plans;
- (i) to identify the constraints to national integration and to take suitable action based on discussion and consensus of the relevant stakeholders;
- (j) to collaborate with the Ministries, government departments and other institutions dealing with matters relating to reconciliation and peace building;

- (k) to review various strategies that are being implemented and due to be implemented with regard to the national integration and reconciliation and to assist in the settlement of issues in implementing such strategies;
- (l) to make recommendations to the Government and other relevant authorities for the consultation with relevant stakeholders on required policies and actions for national unity, reconciliation, coexistence and building a lasting peace;
- (m) to assist the relevant authorities -
 - (i) to prepare and implement programmes on the promotion of national integration, reconciliation and coexistence and national harmony and to integrate such programmes into development plans at the district level;
 - (ii) to implement the recommendations made by any reconciliation endeavour established under any written law, or any policy of the Government, for the purpose of achieving national unity and reconciliation;
 - (iii) to resolve issues that may emerge in the process of peace building and reconciliation by making proposals on appropriate solutions to such issues; and
 - (iv) to seek funds for implementation of programmes and projects on national unity and reconciliation, conducted under this Act;

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- (n) to liaise and coordinate with other local and foreign institutions, development partners and civil society with a view to promoting the objects of the Act;
- (o) to assist, guide and facilitate peace and reconciliation programmes conducted by local organisations including community based organisations;
- (p) to make rules to ensure the effective functioning of the Reconciliation Office including its administration;
- (q) to make rules and issue guidelines from time to time which shall include gender and child responsive policies, to be followed by the staff of the Reconciliation Office relating to the exercise, performance and discharge of its powers, duties and functions;
- (r) to appoint, employ and dismiss officers and employees of the Reconciliation Office and to exercise disciplinary control over such officers and employees;
- (s) to request secondment of public officers to the Reconciliation Office; and
- (t) to appoint committees and establish in addition to any unit or division specifically mentioned in this Act, divisions and units as are required for the effective administration and functioning of the Reconciliation Office and to delegate such powers and functions as are necessary to such committees, divisions and units.

PART III

SECRETARIAT

11. (1) The Reconciliation Office shall have a Secretariat which shall be charged with the responsibility of administering the affairs of the Reconciliation Office.

Secretariat

(2) The Reconciliation Office shall appoint a Director-General, who shall be a person having qualifications and experience in the field of national unity and reconciliation and the Director-General shall be the Chief Executive Officer of the Reconciliation Office.

(3) There may be appointed, by the Reconciliation Office, such other officers and servants as may be necessary to assist the Reconciliation Office in the exercise, performance and discharge of its powers, duties and functions.

12. (1) At the request of the Reconciliation Office, any officer in the public service may with the consent of that officer and the Secretary to the Ministry of the Minister assigned the subject of Public Administration, be temporarily appointed to the staff of the Reconciliation Office for such period as may be determined by the Reconciliation Office or with like consent, be permanently appointed to such staff.

Appointment of public officers to the staff of the Reconciliation Office

(2) Where any officer in the public service is temporarily appointed to the staff of the Reconciliation Office, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 of 1991 shall, *mutatis mutandis* apply to and in relation to such officer.

(3) Where any officer in the public service is permanently appointed to the staff of the Reconciliation Office, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No. 37 of 1991 shall, *mutatis mutandis* apply to and in relation to such officer.

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PART IV

FINANCE AND REPORTING

Finances

13. The State shall provide the Reconciliation Office with adequate funds to enable the Reconciliation Office to discharge the functions assigned to it by this Act. Such funds shall be charged on the Consolidated Fund.

Salaries of
members of the
Reconciliation
Office

14. The salaries of the members of the Reconciliation Office shall be determined by Parliament and be charged on the Consolidated Fund, and shall not be diminished during their terms of office.

Reconciliation
Office to raise
funds

15. The Reconciliation Office may raise funds –

- (a) by obtaining grants, gifts or endowments from within Sri Lanka; and
- (b) to achieve its mandate by obtaining grants, gifts or endowments from outside Sri Lanka:

Provided that, the funds under paragraph (b) shall be channeled through the Department of External Resources.

Financial year

16. (1) The financial year of the Reconciliation Office shall be the calendar year.

(2) The Reconciliation Office shall cause proper accounts to be kept of its income and expenditure, assets and liabilities.

(3) The accounts of the Reconciliation Office shall be audited by the Auditor General in terms of Article 154 of the Constitution.

17. The Reconciliation Office shall submit annual reports Reporting including its audited accounts, to Parliament, and shall also cause such reports to be made public within a period of one month of such reports being submitted to Parliament.

PART V

GENERAL

- 18.** (1) Any person who – Offences
- (a) wrongfully resists or obstructs any person authorised under this Act in the exercise of the powers conferred on such person;
 - (b) wrongfully hinders or obstructs the Reconciliation Office in the exercise, performance and discharge of its powers, duties and functions; or
 - (c) willfully provides false information to the Reconciliation Office,

commits the offence of contempt against the authority of the Reconciliation Office.

(2) Where the Reconciliation Office has reasonable grounds to believe that a person has committed the offence of contempt against the authority of the Reconciliation Office, the Reconciliation Office shall report such matter to the Court of Appeal. Every offence of contempt committed against the authority of the Reconciliation Office shall be punishable by the Court of Appeal as if it was an offence of contempt committed against the Court of Appeal.

19. (1) (a) No order, decision, act or omission of the Protection
from action Reconciliation Office or any member, officer or servant thereof shall be questioned in any proceedings or any court of law, save and except in proceedings under Article 126 or 140 of the Constitution.

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(b) The writ jurisdiction conferred on the Court of Appeal by Article 140 of the Constitution in relation to any order, decision, act or omission of the Reconciliation Office or any member, officer or servant thereof, shall be exercised by the Supreme Court and not by the Court of Appeal.

(2) Other than in the circumstances provided for in subsection (1) of this section –

- (a) no proceedings civil or criminal, shall be instituted against any member of the Reconciliation Office or any officer or servant appointed to assist the Reconciliation Office, other than for contempt against the authority of the Reconciliation Office, for any act which in good faith is done or omitted to be done, by him, as such member or officer or servant;
- (b) no proceedings civil or criminal, shall be instituted against any member of the Reconciliation Office in respect of any report made in good faith by the Reconciliation Office under this Act or against any other person in respect of the publication by such person of a true account of such report; and
- (c) no proceedings civil, criminal or administrative, shall be instituted against any person consequent, to such person in good faith providing evidence or documentation to the Reconciliation Office.

Rules

20. (1) The Reconciliation Office may make rules for matters for which rules are required to be made under this Act.

(2) Every rule made under this Act shall be placed before Parliament and published in the *Gazette* within a reasonable period not exceeding three months.

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- 21.** The members of the Reconciliation Office (for the limited purpose of their functions under this Act) and the officers and servants shall be deemed to be public servants for the purposes of the Penal Code (Chapter 19), the Anti-Corruption Act, No.9 of 2023 and the Evidence Ordinance (Chapter 14). Members & c. deemed to be public servants
- 22.** The Reconciliation Office shall be deemed to be a scheduled institution within the meaning of the Anti-Corruption Act, No.9 of 2023, and the provisions of that Act shall be construed accordingly. Reconciliation Office to be a scheduled institution
- 23.** (1) The Reconciliation Office may delegate to the Director-General, or any other member or officer thereof, any of its powers and functions. Delegation of Powers
- (2) The Director-General, the member or officer to whom any of the powers or functions of the Reconciliation Office has been delegated shall exercise and perform such powers and functions subject to the general or specific directions of the Reconciliation Office.
- 24.** Unless the context otherwise requires, in this Act - Interpretation
- “Minister” means the Minister assigned the Reconciliation Office under Article 44 or 45 of the Constitution; and
- “community based organisations” means non-profit or non-governmental organizations that operates at the grassroots level within a specific community or locality.
- 25.** 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

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SCHEDULE

[section 10(c)]

**Programmes to be comprised in the national action plan on
reconciliation and coexistence**

1. Programmes to ensure reconciliation and coexistence that builds up awareness, peace and unity among all communities and follow up.
2. Programmes to promote and catalyze a multi-stakeholder effort to create a society that respects rule of law, fundamental rights, freedom, social obligations, mutual respect, non-discrimination, equity and diversity.
3. Programmes to establish a coherent network mechanism designed and established from regional level to the national level to promote dialogue, build consensus towards reconciliation and provide early warning and response to emerging conflicts.
4. Programmes to strengthen the governance, policies and curricula to promote reconciliation and social cohesion in the education system including schools, both public and private universities, tertiary and vocational education institutions.
5. Programmes to make psychosocial care and support system, including coordination, assessment, monitoring and evaluation strengthened to foster reconciliation among deprived communities.
6. Programmes to formulate a national action plan for preventing violent extremism, in consultation with the relevant Ministries and government departments and institutions.
7. Programmes to make recommendations to the Government on measures to be taken to resolve issues causing to stress and conflicts existed among different communities and implement such measures and follow up.
8. Programmes to formulate projects and programmes focused on social integration, education, conflict transformation, psychosocial supportive projects, arts and culture, awareness creation and socialization, economic engagement programmes under overall district development and local economic development plans, livelihood development plans with a special focus to women and youth integration.

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

**MEDIATION BOARD (AMENDMENT)
ACT, No. 2 OF 2024**

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Mediation Board (Amendment)
Act, No. 2 of 2024

[Certified on 23rd of January, 2024]

L.D.-O. 78/2021

AN ACT TO AMEND THE MEDIATION BOARD
ACT, NO. 72 OF 1988

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

1. This Act may be cited as the Mediation Board (Amendment) Act, No. 2 of 2024. Short title

2. Section 2 of the Mediation Board Act, No. 72 of 1988 (hereinafter referred to as the principal enactment) is hereby repealed and the following new section substituted therefor:- Replacement of section 2 of Act, No. 72 of 1988

"Appointment of Commission" 2.(1) The President shall appoint a Commission consisting of five persons (hereinafter referred to as the "Commission"), two of whom shall be from among persons who have held judicial office in the Supreme Court or the Court of Appeal or the High Court established by Article 154P of the Constitution and three of whom shall be from among persons who –

- (a) have not less than fifteen years of professional experience as Attorneys-at-law ;
- (b) have held posts of Class 1 officers in the Sri Lanka Administrative Service or in an All Island Service;
- (c) are retired staff officers in the Public Service; or
- (d) have held managerial level offices in the private sector possessing professional qualifications and experience in mediation or any other alternate dispute resolution process:

2 *Mediation Board (Amendment)*
Act, No. 2 of 2024

Provided however, in appointing members to the Commission the President shall ensure that the membership of the Commission shall reflect the pluralistic character of Sri Lankan society.

(2) No person who has reached the age of seventy years as at the date of appointment shall be appointed to the Commission.

(3) The President shall nominate as Chairman of the Commission one of the members who has held judicial office as referred to in subsection (1).

(4) The Chairman and Commissioners shall hold office for a period of three years unless any one of them earlier dies, resigns or is removed from office:

Provided however, that, if at the expiration of the period of office of the Chairman or the Commissioners the new members of the Commission have not been appointed, the Chairman and Commissioners holding office on the day immediately prior to such expiration, shall continue in office until the new members are appointed.

(5) The Chairman or any Commissioner vacating office upon the expiration of his term of office shall be eligible for re-appointment subject to subsection (2).

(6) (a) The Chairman or any Commissioner may resign from office by letter addressed to the President.

(b) The Chairman or any Commissioner who is absent without reasonable cause for three consecutive meetings of the Commission, the

Commission may by resolution of such Commission at a meeting endorsed by the President of which due notice has been given to such Chairman or Commissioner, be removed from office.

(c) The President may without assigning a reason remove the Chairman or any Commissioner from office.

(7) The Chairman or any Commissioner who has resigned or has been removed from office shall not be eligible for re-appointment.

(8) (a) Where any vacancy arises in the Commission, by reason of death, resignation or removal of the Chairman or any Commissioner, the President shall fill such vacancy having regard to the provisions of subsections (1), (2) and (3).

(b) Any person appointed to fill a vacancy arising from the death, resignation or removal of the Chairman or any Commissioner, shall hold office for the unexpired period of the term of office of his predecessor.

(9) Where a Commissioner becomes, by reason of illness or other infirmity or absence from Sri Lanka temporarily unable to perform the duties of his office, the President may appoint a fit person to act in his place for the period of such incapacity or absence, and where the Commissioner who is so incapacitated or absent from Sri Lanka is the Chairman of the Commission, the President shall appoint the other Commissioner who has held judicial office as referred to in subsection (1), to act in his place until the resumption of duties by the Chairman of the Commission.

*Mediation Board (Amendment)
Act, No. 2 of 2024*

(10) The Chairman and the Commissioners shall be remunerated in such manner and at such rates as may be determined by the Minister with the concurrence of the Minister assigned the subject of Finance.

(11) Three members of the Commission including a member who has held judicial office as referred to in subsection (1) shall constitute the quorum for any meeting of the Commission and the Chairman or in the absence of the Chairman, the other Commissioner who has held judicial office as referred to in subsection (1), elected at the meeting from among themselves shall preside at such meetings of the Commission. The Commission may regulate its own procedure in regard to meetings of such Commission and the transaction of business at such meetings.

(12) No act or proceeding of the Commission shall be deemed invalid by reason only of any defect in the appointment of the Chairman or any Commissioner.”.

Amendment of
section 6 of the
principal
enactment

3. Section 6 of the principal enactment is hereby amended by the insertion immediately after subsection (1) thereof, of the following new subsections: -

“(1A) There shall be an officer assigned to each Mediation Board area who shall be attached to the Divisional Secretariat of the respective Divisional Secretary’s Division. Such officer shall accept any application made to the Chairman of the Panel of Mediators appointed for any Mediation Board Area situated within such Divisional Secretary’s Division:

Provided however, for the purposes of maintaining the secrecy, such officer shall not open any such application unless he is authorized in writing to do so by the Chairman of the Panel.

(1B) (a) Notwithstanding the provisions of subsection (1), an application with regard to a dispute referred to in subsection (1), which has been made to the Chairman of the Panel of Mediators appointed for any Special Mediation Board Area under the provisions of the Mediation (Special Categories of Disputes) Act, No. 21 of 2003, may, if such Chairman so decides, be referred to the Chairman of the Panel of Mediators, appointed for the same area under this Act.

(b) An application referred to in paragraph (a) shall be deemed to be an application made in terms of subsection (1).”.

4. Section 7 of the principal enactment is hereby amended as follows:-

Amendment of section 7 of the principal enactment

- (1) in paragraph (a) of subsection (1) of that section, by the substitution for the words “five hundred thousand rupees in value;” of the words “one million rupees in value;”;
- (2) in paragraph (d) of subsection (1) of that section, by the substitution for the words “rupees five thousand,” of the words “rupees one hundred thousand,”;
- (3) in subsection (1) of that section, by the substitution for the words and figures “the certificate of non-settlement referred to in section 14A”, of the words and figures “a report referred to in subsection (2) of section 12 or a certificate of non-settlement referred to in section 14A.”;
- (4) by the insertion immediately after subsection (1) of that section, of the following new subsection:-

“(1A) The Minister may, from time to time, by regulations made under section 23 of this Act, amend the monetary value of the subject matter referred to in paragraphs (a) and (d) of subsection (1) .”.

Insertion of
section 9A in the
principal
enactment

5. The following new section is hereby inserted immediately after section 9 of the principal enactment and shall have effect as section 9A of that enactment: -

“Reference of
an application
to the Chairman
of the Panel
appointed for
any Special
Mediation Board
Area

9A. (1) Where an application with regard to a dispute falling under any category of disputes specified in an Order made under section 2 of the Mediation (Special Categories of Disputes) Act, No. 21 of 2003, has been referred to a Mediation Board constituted under section 9 of this Act, such Mediation Board shall *ex mero motu*, refer such application to the Chairman of the Panel of Mediators appointed for the same area under the provisions of the Mediation (Special Categories of Disputes) Act, No. 21 of 2003.

(2) Notwithstanding the provisions of subsection (1), where-

- (a) the Panel of Mediators has not been appointed under section 4 of the Mediation (Special Categories of Disputes) Act, No. 21 of 2003; or
- (b) a Mediation Board constituted under section 9 fails to refer the application within a period of three months to the Chairman of the Panel appointed under the provisions of the Mediation (Special Categories of Disputes) Act, No. 21 of 2003, for the same Special Mediation Board Area ,

such applicant shall be entitled to obtain a document to that effect from the Commission or to make an application to the Chairman of the Panel referred to in paragraph (b) of this subsection.

(3) The document obtained under subsection (2) shall be deemed to be a certificate of non-settlement issued under section 14A.

(4) Where the parties to the dispute have not objected in arriving at a settlement by initiating proceedings of the Mediation Board constituted under section 9, a certificate of non-settlement referred to in subsection (3) or a settlement reached in the proceedings under this Act, shall not be deemed to be invalid, only due to not making the application to the proper Panel of Mediators in terms of Mediation (Special Categories of Disputes) Act, No. 21 of 2003.”.

6. Section 12 of the principal enactment is hereby repealed and the following new section substituted therefor:-

”Where no settlement is possible

12. (1) The Chairman or the Chief Mediator, shall issue to the disputants a certificate of non-settlement in the prescribed form signed by the Chairman or the Chief Mediator, in the case of an application made under section 6, as provided for in section 14A stating therein any of the following reasons for non-settlement:-

- (a) where it is not possible to constitute a Board under section 9, due to the non-appearance by one of the disputants for two consecutive dates, after due notification or after the expiry of three months from the date of making the application, whichever occurs first; or

Replacement of section 12 of the principal enactment

*Mediation Board (Amendment)
Act, No. 2 of 2024*

(b) upon a Board having been constituted under section 9, where-

- (i) the disputants do not agree to a settlement;
- (ii) it is not possible to arrive at a settlement due to the absence of one of the disputants after due notification; or
- (iii) one of the disputants requests the issuance of a certificate under section 14A after the expiry of three months from the date of making the application.

(2) The Chairman or the Chief Mediator, shall issue a report in the prescribed form signed by the Chairman or the Chief Mediator, in the case of a dispute referred by any court under section 7 or 8, to such court stating that it has not been possible to settle the dispute by mediation and stating therein any of the following reasons for non-settlement:-

- (a) where it is not possible to constitute a Board under section 9, due to the non-appearance by one of the disputants for two consecutive dates, after due notification or after the expiry of three months from the date of making the application, whichever occurs first; or
- (b) upon a Board having been constituted under section 9, where-

- (i) the disputants do not agree to a settlement; or
- (ii) it is not possible to arrive at a settlement due to the absence of one of the disputants after due notification.”.

7. For the avoidance of doubt, it is hereby declared that the persons holding office as the Chairman and Commissioners of the Commission on the day immediately preceding the date of operation of this Act shall continue to exercise and perform the powers and duties under that enactment until a Commission is appointed under section 2 of the principal enactment and shall from and after the date on which such Commission is appointed cease to hold office as such Chairman and Commissioners.

Avoidance of
doubt

8. 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

English Acts of the Parliament can be purchased at the "PRAKASHANA PIYASA", DEPARTMENT OF
GOVERNMENT PRINTING, No. 118, DR. DANISTER DE SILVA MAWATHA, COLOMBO 8.



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

**POWERS OF ATTORNEY (AMENDMENT)
ACT, No. 3 OF 2024**

[Certified on 23rd of January, 2024]

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Powers of Attorney (Amendment)
Act, No. 3 of 2024

[Certified on 23rd of January, 2024]

L.D.-O. 26/2023

AN ACT TO AMEND THE POWERS OF ATTORNEY
ORDINANCE (CHAPTER 122)

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

1. This Act may be cited as the Powers of Attorney (Amendment) Act, No. 3 of 2024.

Short title

2. Section 2 of the Powers of Attorney Ordinance (Chapter 122) (hereinafter referred to as the “principal enactment”) is hereby amended in paragraph (b) of the definition of the expression “power of attorney” thereof, by the substitution for the words “executed before two witnesses and an Ambassador” of the words “executed before an Ambassador”.

Amendment of
section 2 of
Chapter 122

3. Section 3D of the principal enactment is hereby amended by the substitution for the words “shall not execute” of the words “shall not execute”.

Amendment of
section 3D of the
principal
enactment

4. Section 4 of the principal enactment is hereby amended by the repeal of paragraph (b) of subsection (1) thereof, and the substitution therefor of the following paragraph:-

Amendment of
section 4 of the
principal
enactment

“(b) execute a document –

- (i) if it is executed in Sri Lanka before two witnesses and attested by a notary public; or
- (ii) if it is executed outside Sri Lanka before an Ambassador, or a High Commissioner, or a Diplomatic Officer or a Consular Officer within the meaning of the Consular Functions Act, No. 4 of 1981 or a person who is authorized to attest a power of attorney according to the law of that country,

declaring his intention of revoking or cancelling the power of attorney or expressing his intention not to act under that power of attorney, as the case may be; and”.

2 *Powers of Attorney (Amendment)*
Act, No. 3 of 2024

Replacement of
the Schedule II
of the principal
enactment

5. The Schedule II of the principal enactment is hereby
repealed and following Schedule is substituted therefor:-

(sections 3(3) and 5)

SCHEDULE II

1.	Serial No.	
2.	Date of Registration	
3.	Description of the power of attorney	
4.	Name and address of the grantor	
5.	Name and address of the attorney	
6.	Date of power of attorney	
7.	By whom the power of attorney is produced for the registration	
8.	Volume and Folio where the true copy of the power of attorney is filed	
9.	Date and number of the document of revocation or cancellation	
10.	By whom the document of revocation or cancellation given	
11.	Date of registration of the document of revocation or cancellation	
12.	Volume and Folio where the document of revocation or cancellation is registered	

6. (1) Notwithstanding the provisions of paragraph (a) of subsection (1) and subsection (2), of section 8 of the Powers of Attorney (Amendment) Act, No. 28 of 2022, every power of attorney executed prior to October 25, 2022 and which has not been registered on or prior to the date of commencement of this Act shall be deemed to be valid for a period of two years from October 25, 2022, and be submitted for registration to the Registrar General within such period of two years. Validation

(2) Every power of attorney referred to in subsection (1) which is not submitted for registration within the period specified in that subsection, shall be deemed to be null and void, with effect from the date of expiration of that period.

7. 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

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GOVERNMENT PRINTING, No. 118, DR. DANISTER DE SILVA MAWATHA, COLOMBO 8.



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
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**PREVENTION OF FRAUDS (AMENDMENT)
ACT, No. 4 OF 2024**

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Prevention of Frauds (Amendment)
Act, No. 4 of 2024

[Certified on 23rd of January, 2024]

L.D. - O. 8/2023

AN ACT TO AMEND THE PREVENTION OF FRAUDS ORDINANCE
(CHAPTER 70)

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

- | | |
|---|--------------------------------------|
| <p>1. This Act may be cited as the Prevention of Frauds (Amendment) Act, No. 4 of 2024.</p> | Short title |
| <p>2. Section 2 of the Prevention of Frauds Ordinance (Chapter 70) is hereby amended as follows: -</p> <p>(1) by the renumbering of that section as subsection (1);</p> <p>(2) in the renumbered subsection (1) thereof-</p> <p style="padding-left: 20px;"><i>(a)</i> by the repeal of paragraph <i>(a)</i>, and the substitution therefor of the following:-</p> <p style="padding-left: 40px;">“<i>(a)</i> the relevant deed or instrument shall be in writing, signed by every executant or by any person duly authorised by such executant and the witnesses in the presence of a licenced notary public present at the same time and in the presence of one another, and the same shall be attested by such notary; and”;</p> <p style="padding-left: 20px;"><i>(b)</i> in paragraph <i>(b)</i>, by the substitution for the words, “the relevant deed or instrument:” of the words, “the relevant deed or instrument, in the presence of such notary public and the witnesses:”;</p> <p>(3) by the addition, immediately after subsection (1) of that section, of the following new subsection: -</p> | Amendment of section 2 of Chapter 70 |

*Prevention of Frauds (Amendment)
Act, No. 4 of 2024*

“(2) In relation to a transfer deed –

- (a) both the transferor and the transferee shall affix their signatures and thumb impressions as required by subsection (1):

Provided however, where the transferee is unable to be present and execute the deed or instrument, he shall authorise in writing, any other person to sign such deed or instrument on his behalf, who shall comply with the requirements set out in subsection (1):

Provided further, where the transferee is a corporate body and where the Board of Directors of such corporate body is unable to be present and execute the deed or instrument, such Board shall authorise in writing, any other person to sign such deed or instrument on his behalf, who shall comply with the requirements set out in subsection (1).

- (b) if the transferee is a minor, a guardian shall be a competent person to act on behalf of the transferee for the purpose of this section.”.

Sinhala text to prevail in case of inconsistency

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

English Acts of the Parliament can be purchased at the "PRAKASHANA PIYASA", DEPARTMENT OF
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**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**THE RECOGNITION AND ENFORCEMENT OF
INTERNATIONAL SETTLEMENT AGREEMENTS
RESULTING FROM MEDIATION
ACT, No. 5 OF 2024**

[Certified on 31st of January, 2024]

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*The Recognition and Enforcement of International Settlement
Agreements Resulting from Mediation Act, No. 5 of 2024*

[Certified on 31st of January, 2024]

L.D.-O. 42/2022

AN ACT TO GIVE EFFECT TO THE UNITED NATIONS CONVENTION ON
INTERNATIONAL SETTLEMENT AGREEMENTS RESULTING FROM
MEDIATION KNOWN AS THE SINGAPORE CONVENTION ON
MEDIATION; TO MAKE PROVISIONS FOR THE RECOGNITION AND
ENFORCEMENT OF INTERNATIONAL SETTLEMENT AGREEMENTS;
AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR
INCIDENTAL THERETO.

WHEREAS the Convention on International Settlement
Agreements Resulting from Mediation (hereinafter referred
to as the “Convention”) was adopted by the United Nations
General Assembly on the Twentieth day of December Two
Thousand and Eighteen, and subsequently came into force
on the Twelfth day of September Two Thousand and Twenty: Preamble

AND WHEREAS having recognised the value of mediation
as a method for settling commercial disputes amicably and
noting the increase of the use of mediation internationally
and nationally, the Government of Sri Lanka signed the
Convention on the Seventh day of August Two Thousand
and Nineteen:

AND WHEREAS establishing a legal framework on
international mediation settlements under the Convention
would reduce the instances where disputes result in
termination of commercial relationships and contribute to the
development of harmonious international economic relations:

AND WHEREAS it is necessary for the Government of Sri
Lanka to enact legislative provisions to give effect to Sri
Lanka’s obligations under the Convention:

2 *The Recognition and Enforcement of International Settlement
Agreements Resulting from Mediation Act, No. 5 of 2024*

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

Short title
and the date of
operation

1. (1) This Act may be cited as the Recognition and Enforcement of International Settlement Agreements Resulting from Mediation Act, No. 5 of 2024.

(2) The provisions of this Act shall come into operation on such date as the Minister may, by Order published in the *Gazette* certify as the date on which the Convention enters into force in respect of Sri Lanka.

Application of
the Act

2. (1) The provisions of this Act shall, subject to the provisions of section 3, apply to a written settlement agreement which is international by nature at the time of its conclusion, and which has resulted from mediation and has been concluded by parties to resolve a commercial dispute (hereinafter referred to as the “international settlement agreement”).

(2) The application of the provisions of this Act to any international settlement agreement shall be subject to the same extent specified in such reservations as may be declared under Article 8 of the Convention by the Government of Sri Lanka.

Settlements
excluded
from the
scope of
this Act

3. The provisions of this Act shall not apply to-

- (a) settlement agreements that have been entered into, to resolve a dispute in relation to –
 - (i) a transaction engaged in by one of the parties who is a consumer, for personal, family or household purposes;

- (ii) family matters, inheritance, or employment matters; or
- (b) settlement agreements –
 - (i) that have been concluded or recorded as a judgement of a court, in the course of judicial proceedings and are enforceable as a judgement of a court; or
 - (ii) that are enforceable as an arbitral award.

4. A settlement agreement shall be international by nature at the time of its conclusion where - International settlement agreement

- (a) at least two of the parties to the settlement agreement have their places of business in different States; or
- (b) the State in which the parties to the settlement agreement have their places of business is different from either –
 - (i) the State in which a substantial part of the obligations under the settlement agreement is performed; or
 - (ii) the State with which the subject matter of the settlement agreement is most closely connected.

5. Every international settlement agreement shall be valid and enforceable unless a decree of the High Court is refused upon application made under section 6, and the obligations assumed thereunder by the parties shall be honoured by the parties as in the case of any other contractual agreement. Validity of international settlement agreement

4 *The Recognition and Enforcement of International Settlement Agreements Resulting from Mediation Act, No. 5 of 2024*

Application to the High Court

6. (1) A party to an international settlement agreement may make an application to the High Court to have the international settlement agreement entered as a decree of the High Court for the purpose of enforcing such international settlement agreement.

(2) Upon receiving an application under subsection (1), if the High Court is satisfied that no grounds have been adduced to adjourn the proceedings or to refuse the grant of the relief prayed for, under the provisions of this Act, the High Court shall, on a day of which notice shall be given to the parties, proceed to enter judgement according to the international settlement agreement whereupon a decree shall be entered.

(3) Subject to the provisions of this Act, an international settlement agreement that is recorded by the High Court as a decree of the High Court may be-

- (a) enforced in the same manner as a judgement given, or an order made, by the High Court; and
- (b) relied upon by the parties to the international settlement agreement as a defence, set-off or otherwise in any court proceedings.

(4) The High Court shall have cognizance of and full power to hear and determine all actions specified in this Act.

Admissibility of international settlement agreement in court as evidence

7. Where a dispute arises in any action in relation to a matter which a party claims to have been resolved by an international settlement agreement, such international settlement agreement shall be admissible as evidence to establish that such matter has already been resolved.

8. (1) A party who makes an application to the High Court under section 6 or who intends to rely on an international settlement agreement which is admissible as evidence under the provisions of section 7 in any court proceeding shall submit the following documents to the High Court or court, as the case may be -

Requirements
for
reliance on
international
settlement
agreements

- (a) the original or a duly certified copy of the international settlement agreement signed by the parties; and
- (b) evidence that the international settlement agreement resulted from mediation, such as –
 - (i) the signatures of the mediator or mediators on the international settlement agreement;
 - (ii) a document signed by the mediator or mediators certifying that the international settlement agreement was entered into as a result of mediation facilitated by such mediator or mediators, as the case may be;
 - (iii) an attestation by the institution that administered the mediation; or
 - (iv) in the absence of (i), (ii) or (iii), any other evidence acceptable to Court.

(2) For the purposes of subsection (1), “signature” shall include an electronic signature.

(3) The High Court or any other court may require the production before it of any document necessary to verify that the requirements specified in subsection (1) have been complied with.

6 *The Recognition and Enforcement of International Settlement Agreements Resulting from Mediation Act, No. 5 of 2024*

(4) Where the international settlement agreement is not in the language of the court, the court may require the international settlement agreement to be accompanied by a certified translation in the language of the court.

(5) For the purposes of subsection (4), the translation shall be certified by an official or a sworn translator or by a diplomatic or a consular agent in Sri Lanka of the country in which the international settlement agreement was entered into or otherwise to the satisfaction of the court.

Grounds for refusing an application to the High Court or admissibility of evidence

9. (1) The High Court to which an application is made in terms of section 6, or any other court in which an international settlement agreement is sought to be admitted as evidence in terms of section 7 may refuse to grant the relief, if any party to the international settlement agreement furnishes proof to establish that –

- (a) a party to the international settlement agreement was under some incapacity;
- (b) the international settlement agreement-
 - (i) is null and void, inoperative or incapable of being performed under the applicable law;
 - (ii) is not binding, or is not final, according to its terms; or
 - (iii) has been subsequently modified;
- (c) the obligations in the international settlement agreement –
 - (i) have been duly performed; or
 - (ii) are not clear or comprehensible;

- (d) granting relief would be contrary to the terms of the international settlement agreement;
- (e) there was a serious breach by the mediator of the standards applicable to the mediator, or the mediation, without which breach that party would not have entered into the international settlement agreement; or
- (f) there was a failure by the mediator to disclose to the parties the circumstances that raise justifiable doubts as to the mediator's impartiality or independence and the failure to disclose had a material impact or undue influence on a party, without which failure that party would not have entered into the international settlement agreement.

(2) The court may also refuse to grant relief if it finds that –

- (a) granting relief would be contrary to the public policy of Sri Lanka; or
- (b) the subject matter of the dispute is not capable of settlement by mediation under the laws of Sri Lanka.

10. Where an international settlement agreement has been recorded as a decree of the High Court under subsection(2) of section 6 in the absence of a party to the international settlement agreement, the High Court may, upon the application of that party, set aside the decree of court on any ground on which the High Court may refuse to grant the application to record the international settlement agreement as a decree of court.

Setting aside
of
decree of
court

8 *The Recognition and Enforcement of International Settlement Agreements Resulting from Mediation Act, No. 5 of 2024*

Parallel applications or claims

11. Where an application has been made in terms of section 6 and is pending, and an application or a claim relating to such international settlement agreement (hereinafter referred to as a “parallel application”) has been made and is pending in any other court, in an arbitral tribunal or in any other institution having jurisdiction in Sri Lanka or in any other State, and the High Court is of the opinion that the proceedings of the parallel application may or are likely to affect the relief sought in terms of section 6, the High Court may -

- (a) adjourn the determination of the application before it until the proceedings of the parallel application are concluded; and
- (b) on the request of a party, order the other party to give suitable security.

Proceedings before the High Court

12. (1) Every application to the High Court under section 6 of this Act, shall be made by way of petition and affidavit, and all parties to the mediation other than the petitioner or petitioners shall be named as respondents to such petition and shall be given notice of the same.

(2) Upon the petition and affidavit being presented, the High Court shall appoint a day within two weeks of such presentation for the determination of the matters set out in the petition, and grant the respondents a date to state their objections, if any, in writing supported by affidavit, and make available copies thereof to the petitioner.

(3) Evidence shall be given by way of affidavit in proceedings before the High Court:

Provided however, where the High Court deems fit, it may take evidence *viva voce* in addition to evidence given by affidavit.

(4) Where an international settlement agreement has been recorded as a decree of the High Court, it may be enforced in

the same manner as a decree entered under the provisions of the Civil Procedure Code (Chapter 101) and accordingly the provisions of Chapter XXII of that Code relating to the execution of decrees shall, *mutatis mutandis*, apply to such enforcement.

(5) The High Court shall hear and finally dispose of the case within three months of the making of the application under section 6.

13. Where notices and summons are required to be served on any person under this Act, such notices and summons shall be served in or out of Sri Lanka in accordance with Chapter VIII of the Civil Procedure Code (Chapter 101).

Notices and
summons

14. The provisions of the Mutual Assistance in Civil and Commercial Matters Act, No. 39 of 2000 shall apply in respect of providing assistance to any country as declared under section 4 of that Act for service of summons and other documents in a proceeding relating to a civil and commercial matter.

Assistance to
a country

15. Where an application is made in terms of section 6, and no grounds are submitted to refuse such application in terms of section 9 or to adjourn the proceedings in terms of section 11, the High Court shall proceed to make a judgment according to the said agreement and enter the final decree on the final date for notice returnable.

Final decree
on the final
date for
notice
returnable

16. In this Act, unless the context otherwise requires-

Interpretation

“electronic” shall have the same meaning as in the
Electronic Transactions Act, No. 19 of 2006;

“electronic signature” shall have the same meaning as in
the Electronic Transactions Act, No. 19 of 2006;

10 *The Recognition and Enforcement of International Settlement Agreements Resulting from Mediation Act, No. 5 of 2024*

“High Court” means the High Court established for the Province by Article 154P of the Constitution and exercising civil jurisdiction under the High Court of the Provinces (Special Provisions) Act, No. 10 of 1996;

“mediation” means a process, irrespective of the expression used to the basis upon which the process is carried out, whereby parties attempt to reach an amicable settlement of their dispute with the assistance of one or more third parties (“the mediator”) lacking the authority to impose a solution upon the parties to the dispute;

“parties” means the parties to the international settlement agreement in relation to the mediation, and does not include the mediator or mediators conducting the mediation;

“place of business” means –

- (a) the principal place at which that party conducts business of such party;
- (b) if a party has more than one place of business, the place of business which has the closest relationship to the dispute resolved by the international settlement agreement, having regard to the circumstances known to, or contemplated by, the parties at the time of the conclusion of the international settlement agreement;
- (c) if a party does not have a place of business, it means the habitual residence of the party; and

“written” includes an electronic communication if the information contained therein is accessible so as to be useable for subsequent reference.

Sinhala text
to prevail in case
of
inconsistency

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

English Acts of the Parliament can be purchased at the "PRAKASHANA PIYASA", DEPARTMENT OF
GOVERNMENT PRINTING, NO. 118, DR. DANISTER DE SILVA MAWATHA, COLOMBO 8.



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

**NOTARIES (AMENDMENT)
ACT, No. 6 OF 2024**

[Certified on 31st of January, 2024]

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Notaries (Amendment) Act, No. 6 of 2024

[Certified on 31st of January, 2024]

L.D.-O. 7/2023

AN ACT TO AMEND THE NOTARIES ORDINANCE (CHAPTER 107)

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

- 1.** This Act may be cited as the Notaries (Amendment) Act, No. 6 of 2024. Short title
- 2.** Section 28 of the Notaries Ordinance (Chapter 107) (hereinafter referred to as the “principal enactment”) is hereby amended as follows:- Amendment of section 28 of Chapter 107
- (1) by the repeal of subsection (1) thereof, and the substitution therefor, of the following:-
- “(1) For the purpose of obtaining such certificate a declaration in writing, signed by such notary, containing the following particulars:-
- (a) his name and place or places of residence;
- (b) the exact situation of his office or of each of his offices;
- (c) the judicial zone in which he is authorized to practice,
- shall be delivered to such Registrar.”;
- (2) in subsection (1A) thereof, by the substitution for the words “Registrar of Lands.”, of the words and figures “Registrar of Lands and that any sum of money, if any, has been imposed by the Registrar-General in terms of section 35, has been paid.”.
- 3.** Section 31 of the principal enactment is hereby amended as follows:- Amendment of section 31 of the principal enactment
- (1) by the substitution for rule (5) thereof, of the following:-
- “Deeds to be written on undivided sheet or sheets signed by the Registrar of Lands
- (5) He shall not authenticate or attest any deed or instrument which is written on more than one entire or undivided parchment paper or blue sheet, unless-

Notaries (Amendment) Act, No. 6 of 2024

- (a) each of the sheets or papers used has been previously produced before the Registrar of Lands for the district in which the notary resides, and has been marked or signed or initialled by such registrar in order to prevent the sheets being used for any other purpose; or
- (b) the parties executing the same and the notary shall sign every sheet or piece in which any part of the deed or instrument is written; and
- (c) the pages are numbered.”;

(2) in rule (7A) thereof -

- (a) in paragraph (a), by the substitution for the words “any deed or instrument relating to a transfer, a gift or an exchange” of the words “every deed or instrument”;
- (b) by the substitution for paragraph (b), of the following:-
 - “(b) The stamps or the original receipt received from the relevant bank as proof of such payment shall be affixed to the duplicate of the deed or instrument by the notary.”;
- (c) by the addition, immediately after paragraph (c), of the following new paragraph: -
 - “(d) Where stamps are affixed to the duplicate of the deed or instrument, a true copy of the duplicate, to which such stamps are affixed shall be annexed to the original, when the original is presented for registration.”; and

(d) by the substitution for the marginal note, of the following: -

“Stamping of deeds or instruments”;

(3) in rule (9) thereof, by the substitution for the words “and in the latter case, he shall”, of the words, “he shall”;

(4) by the repeal of rule (10) thereof;

(5) in rule (15A) thereof -

(a) in paragraph (b), by the substitution for the words “board of directors or an authorized person of a corporate body”, of the words “board of directors or an authorized person of a corporate body”;

(b) by the repeal of paragraph (d);

(6) in rule (17) thereof-

(a) in paragraph (b), by the substitution for sub-paragraph (iii), of the following: -

“(iii) in the case of a deed of transfer or a deed of gift, or deed of exchange or a will, he shall affix to the protocol of such instrument passport size photographs of the signatories, other than the witnesses, to which the notary has affixed his seal and shall keep copies of national identity card, passport or driving licence of such signatories attached to the protocol;”;

(b) in paragraph (c) of that rule, by the substitution for the words “full name” of the words “name with initials”;

(7) in rule (20) thereof, by the substitution for paragraph (g), of the following: -

Notaries (Amendment) Act, No. 6 of 2024

- “(g) specifically the erasures, alterations, and interpolations which have been made in such deed or instrument, and whether they were made before the same was read over as aforesaid, and the erasures, alterations, and interpolations, if any, made in the signatures thereto, in its serial number, and in the writing on the stamp affixed thereto; and”;
- (8) in rule (26) thereof, by the substitution for the words “in the Form F” in subparagraph (i) of paragraph (a) of that rule, of the words and figures, “in the Form F 1”; and
- (9) in rule (29) thereof, by the substitution for the words “in the Form F”, of the words and figures, “in the Form F 1”; and
- (10) in rule (30) thereof, by the substitution for the words, “he shall annex a certified copy of the power of attorney obtained from the Registrar-General to the original, and true copies to the duplicate and the protocol thereof.”, of the words “he shall annex a true copy of the registered power of attorney to the original, duplicate and the protocol thereof.”

Insertion of new section 38A in the principal enactment

4. The following new section is hereby inserted immediately after section 38 of the principal enactment and shall have effect as section 38A:-

“Notary to explain the true nature of the transaction

38A .(1) It shall be the duty of every notary-

- (a) to endeavour to ascertain the true legal nature of the transaction between the parties and execute the deed or instrument for the true transaction; and

(b) specifically, and expressly explain to the executants the true nature of every deed or instrument before any executant signs such deed or instrument.

(2) He shall not directly or indirectly authenticate or attest any deed of transfer in respect of a transaction, which is in fact a mortgage, a conditional transfer, or any other similar instrument or deed.

(3) Any notary who shall knowingly and willfully execute a deed or instrument in violation of subsection (1) or (2) above shall be guilty of an offence, and be liable to a fine not exceeding five hundred thousand rupees. ”.

5. Section 43 of the principal enactment is hereby amended by the repeal of the definition of the expression “executant”.”. Amendment of the section 43 of the principal enactment

6. The Second Schedule to the principal enactment is hereby amended as follows: - Amendment of the Second Schedule to the principal enactment

(1) by the repeal of Form F thereof, and the substitution therefor, of the following: -

Notaries (Amendment) Act, No. 6 of 2024

“ **Form F** [section 31 (24)]

Register of deeds

Deed No.	Date of Attestation	Nature of Instrument	Name of Parties		District of Registration	Name of land affected by deed, first land only, if more than one	Consideration	Stamps on duplicate
			Grantor	Grantee				

(2) by the insertion immediately after Form F thereof, the following new form: -

[section 31 (26)]

“ **Form F 1**

Monthly list of deeds

List of deeds attested during the month of..... year.....

Name of the notary:

NIC No. of the notary:

No.:

No.	Deed No.	Date of Attestation	Name of the instrument	Grantor		Grantee		Registered District	Divisional Secretary's Division in which the land is situated	Name of the land	Local authority in which the land situated	Consideration	Stamp duty	
				Name and address	NIC No.	Name and address	NIC No.						Central Government	Provincial Council

Avoidance of doubt

7. For the avoidance of doubt, it is hereby declared that the provisions of this Act shall not affect any deed or instrument lawfully executed prior to the date of commencement of this Act and pending registration in accordance with the provisions of the Registration of Documents Ordinance (Chapter 117).

Notaries (Amendment) Act, No. 6 of 2024

7

8. 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

English Acts of the Parliament can be purchased at the "PRAKASHANA PIYASA", DEPARTMENT OF
GOVERNMENT PRINTING, No. 118, DR. DANISTER DE SILVA MAWATHA, COLOMBO 8.



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

**NATIONAL HYDROGRAPHIC
ACT, No. 7 OF 2024**

[Certified on 01st of February, 2024]

Printed on the Order of Government

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National Hydrographic Act, No. 7 of 2024

[Certified on 01st of February, 2024]

L.D. – O. 36/2023

AN ACT TO MAKE PROVISIONS FOR GIVING EFFECT TO CERTAIN SPECIFIC OBLIGATIONS OF SRI LANKA UNDER THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA 1974; FOR THE ESTABLISHMENT OF THE NATIONAL HYDROGRAPHIC OFFICE; FOR THE REGISTRATION OF HYDROGRAPHIC SURVEYORS AND NAUTICAL CARTOGRAPERS; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO .

WHEREAS an International Convention for the Safety of Life at Sea, 1974 was adopted by the International Conference on Safety of Life at Sea on November 1, 1974 and entered into force on May 25, 1980 (in this Act referred to as the “Convention”):

Preamble

AND WHEREAS the Government of Sri Lanka acceded to the International Convention for the Safety of Life at Sea, 1974 on August 30, 1983:

AND WHEREAS although the Merchant Shipping Act, No. 52 of 1971 as amended by Act, No. 17 of 2019 has already given effect to the International Convention for the Safety of Life at Sea, 1974, it is necessary to make specific legal provisions to give effect to Sri Lanka’s obligations in relation to Regulations 4 and 9 of Chapter V of the aforesaid Convention:

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

1. (1) This Act may be cited as the National Hydrographic Act, No. 7 of 2024.

Short title and date of operation

(2) The provisions of this Act other than this section shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

(3) The provisions of this section shall come into operation on the date on which the Bill becomes an Act of Parliament.

PART I

ESTABLISHMENT OF THE NATIONAL HYDROGRAPHIC OFFICE

Establishment
of the
National
Hydrographic
Office

2. (1) There shall be established an Office which shall be called and known as the National Hydrographic Office (hereinafter referred to as the “Office”).

(2) The Office shall, by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

Objects of
the Office

3. The objects of the Office shall be –

- (a) to be responsible for the provision of hydrographic services required by the Convention;
- (b) to produce and maintain accurate nautical charts for the safe navigation of ships and to provide information about water depths, underwater features, coastlines, hazards and aids to navigation;
- (c) to collect data for updating and improving nautical charts and ensure maritime safety;
- (d) to establish and maintain aids to navigation and to help mariners to determine their positions and navigate safely, especially in challenging conditions; and
- (e) to improve hydrographic survey techniques, data processing methods and technologies used in the field.

4. The powers, duties and functions of the Office shall be –

Powers,
duties and
functions
of the
Office

- (a) to collect, preserve, regulate and compile marine geospatial data for the purpose of preparation, distribution, sale and updating of all types of navigational charts, publications and hydrographic services;
- (b) to publish all types of navigational charts required for the safe navigation in the maritime zones of Sri Lanka;
- (c) to carry out hydrographic surveying of maritime zones of Sri Lanka;
- (d) to keep all maritime data which may have an impact on confidentiality and safety of national and regional security:

Provided that, the Office shall obtain the concurrence of the Secretary to the Ministry of the Minister assigned the subject of Defence before publishing or disseminating any such data which may in its opinion have a bearing on the national security;

- (e) to ensure the safety of international shipping –
 - (i) to carry out adequate surveying in accordance with international hydrographic standards and specifications adopted by Sri Lanka;
 - (ii) to publish such specifications by way of notifications published in the *Gazette*;

- (iii) to prepare and issue nautical charts and nautical publications which include routes, lighthouses, obelisks, identification of all types of buoys and beacons and all information of tidal data in accordance with accepted international standards;
- (iv) to prepare and issue notices to mariners containing information on maritime accidents and to assist in the rescue of any person who has encountered with such accident; and
- (v) to issue instructions regarding the updated printed and electronic nautical charts and publications;
- (f) to maintain nautical charts and publications in accordance with international conventions and standards;
- (g) to provide accurate and reliable hydrographic and navigational information related to the maritime zones of Sri Lanka;
- (h) to conduct training on hydrographic surveying and nautical cartography in accordance with international conventions and standards;
- (i) to monitor, record and prepare reports on tides in the coastal zone and to publish the same in order to ensure safety and other navigational requirements in the maritime zones of Sri Lanka;

- (j) to collect, regulate, issue, preserve and maintain all hydrographic survey data, marine data and hydrosatial data as may be prescribed;
- (k) to provide necessary assistance subject to the relevant written laws to any agency, institution or organization engaged in following activities: -
 - (i) coastal management and development;
 - (ii) conducting feasibility studies and assessments, dredging operations, maintenance and development of port facilities;
 - (iii) coastal erosion monitoring and controlling;
 - (iv) land reclamation from sea and the establishment of disposal sites at sea for industrial wastes and the monitoring of the same;
 - (v) conducting research and develop aquatic resources;
 - (vi) implementing any project in cargo and passenger transport in coastal waters;
 - (vii) implementing infrastructure construction, development and any other project in coastal waters;
 - (viii) promoting tourism and recreational activities in coastal zones; or

- (ix) engaging in marine pollution prevention and disaster management;
- (l) to assist and provide advice in respect of maritime boundary demarcation in the waters of Sri Lanka;
- (m) to provide necessary consultancy and other assistance for the development activities including laying of pipelines, undersea cable systems and establishment of mineral extraction wells and to preserve data and information regarding such activities;
- (n) to coordinate with other educational institutions engaged in the hydrographic and marine geospatial information in the waters of Sri Lanka to maintain prescribed educational standards;
- (o) to coordinate with other institutions within or outside Sri Lanka to maintain high professional standards in hydrography;
- (p) to conduct higher educational training related to hydrographic surveying and nautical cartography and to obtain necessary technical and professional training with the assistance of foreign institutions having expertise in the relevant fields;
- (q) to assist relevant authorities to enhance safety in navigation in the waters of Sri Lanka and to provide necessary assistance to those authorities to manage economic activities in the waters of Sri Lanka;

- (r) to receive grants, gifts or donations in cash or kind:

Provided however, the Office shall obtain the prior written approval of the Department of External Resources of the Ministry of the Minister assigned the subject of Finance, in respect of all foreign grants, gifts or donations made to the Office;

- (s) to open, maintain and operate any account with any bank as it may think appropriate;
- (t) to manage, control, administer and operate the Fund of the Office;
- (u) to invest such amount of money belonging to the Office as is not immediately required for the purposes of this Act;
- (v) to purchase, hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of any movable or immovable property;
- (w) to enter into and perform either directly or indirectly through any authorized officer or agent of the Office, all such contracts or agreements as may be necessary, for the exercise, performance and discharge of its powers, duties and functions;
- (x) to make rules in respect of the administration of the affairs of the Office;
- (y) to levy fees or charges for any service rendered by the Office;

- (z) to appoint, employ, remunerate, exercise disciplinary control or dismiss such officers, employees and agents as may be necessary for the carrying out of the objects of the Office;
- (aa) to provide training to officers and employees of the Office within or outside Sri Lanka;
- (bb) to appoint committees for the effective discharge of its functions; and
- (cc) to do all such other acts and things which may be incidental or conducive to the attainment of the objects of this Act.

PART II

ADMINISTRATION AND MANAGEMENT OF THE AFFAIRS OF THE OFFICE

Administration and management of the Office vested in the Council

5. (1) The administration and management of the affairs of the Office shall be vested in the National Hydrographic Council (in this Act referred to as the “Council”).

(2) The Council shall, for the purpose of administering and managing the affairs of the Office in a manner expedient for the achievement of the objects of this Act, exercise, perform and discharge the powers, duties and functions conferred on, assigned to, or imposed on the Office by this Act.

Constitution of the Council

6. (1) The Council shall consist of –

- (a) the following *ex-officio* members, namely -
 - (i) Secretary to the Ministry of the Minister assigned the subject of Defence or his

representative not below the rank of an Additional Secretary;

- (ii) Secretary to the Ministry of the Minister assigned the subject of Finance or his representative not below the rank of an Additional Secretary;
- (iii) Secretary to the Ministry of the Minister assigned the subject of fisheries or his representative not below the rank of an Additional Secretary;
- (iv) Secretary to the Ministry of the Minister assigned the subject of Foreign Affairs or his representative not below the rank of an Additional Secretary;
- (v) Commander of the Sri Lanka Navy appointed in terms of the Navy Act (Chapter 358);
- (vi) Chairman of the Governing Board of the National Aquatic Resources Research and Development Agency appointed under the National Aquatic Resources Research and Development Agency Act, No. 54 of 1981;
- (vii) the Surveyor-General;
- (viii) Director-General of Merchant Shipping appointed under the Merchant Shipping Act, No. 52 of 1971;

National Hydrographic Act, No. 7 of 2024

- (ix) Harbour Master appointed under the Sri Lanka Ports Authority Act, No. 51 of 1979;
 - (x) Director-General of the Department of Coast Guard appointed under the Department of Coast Guard Act, No. 41 of 2009;
 - (xi) Chairman of the University Grants Commission appointed under the Universities Act, No. 16 of 1978 or the Vice-Chairman of the same;
 - (xii) Chairman of the Board of Management of the Geological Survey and Mines Bureau appointed under the Mines and Minerals Act, No. 33 of 1992;
 - (xiii) Chairman of the Marine Environment Protection Authority appointed under the Marine Pollution Prevention Act, No. 35 of 2008;
 - (xiv) Director-General of Coast Conservation and Coastal Resource Management appointed under the Coast Conservation and Coastal Resource Management Act, No. 57 of 1981; and
 - (xv) Chairman of the Central Environmental Authority appointed under the National Environmental Act, No. 47 of 1980; and
- (b) three members appointed by the Minister who shall possess academic or professional qualifications and have experience in the fields of hydrography or hydrography related discipline (hereinafter

referred to as “appointed members”) including at least one qualified Hydrographic Surveyor and one Nautical Cartographer.

(2) Where the Commandar of the Sri Lanka Navy is appointed as an *ex officio* member under subsection (1), such appointment shall be made in terms of the Navy Act , (Chapter 358) in respect of the performance of non-naval duties under the provisions of that Act.

7. (1) The Minister shall appoint one of the appointed members to be the Chairperson of the Council.

Chairperson
of the
Council

(2) The Chairperson may resign from his office by a letter addressed to the Minister and such resignation shall be effective from the date on which it is accepted by the Minister.

(3) The Minister may, for reasons assigned therefor remove the Chairperson from the office of Chairperson.

(4) Subject to the provisions of subsections (2) and (3), the term of office of the Chairperson shall be the period of his membership of the Council.

(5) Where the Chairperson is temporarily unable to exercise, perform and discharge the powers, duties and functions of his office due to ill health, other infirmity, absence from Sri Lanka or any other cause, the Minister may appoint any other appointed member to act as the Chairperson in addition to his normal duties as an appointed member during the absence of the Chairperson.

8. A person shall be disqualified from being appointed or continuing as a member of the Council, if he –

Disqualifications
from being a
member of
the Council

(a) is or becomes a member of Parliament or of any Provincial Council or of any local authority;

- (b) is not or ceases to be a citizen of Sri Lanka;
- (c) is under any law in force in Sri Lanka or any other country found or declared to be of unsound mind;
- (d) is a person who having been declared insolvent or bankrupt under any law in force in Sri Lanka and is an undischarged insolvent or bankrupt;
- (e) is subject to an ongoing investigation in respect of an offence under any other written law;
- (f) is serving or has served a sentence of imprisonment of more than six months imposed by any court in Sri Lanka or any other country;
- (g) holds or enjoys any right or benefit under any contract made by or on behalf of the Office; or
- (h) has any financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Council.

Term of
office

9. Every appointed member of the Council shall, unless he vacates office earlier by resignation, death or removal, hold office for a period of three years from the date of his appointment and unless removed from office, shall be eligible for reappointment for not more than one further term, whether consecutive or otherwise.

Resignation
and removal

10. (1) Any appointed member of the Council may at any time, resign from his office by a letter to that effect, addressed to the Minister, and such resignation shall be effective from the date on which it is accepted by the Minister in writing.

(2) Where any appointed member by reason of illness, infirmity or absence from Sri Lanka is temporarily unable to discharge the functions of his office, the Minister may, having regard to the provisions of paragraph (b) of section 6, appoint a person to act in his place during his absence.

(3) The Minister may for reasons assigned therefor, remove an appointed member from office. An appointed member who has been removed from office shall not be eligible for reappointment as a member of the Council or to serve the Council in any other capacity.

(4) Where an appointed member dies, resigns or is removed from office, the Minister may having regard to the provisions of paragraph (b) of section 6, appoint a person in his place and the person so appointed shall hold office for the unexpired period of the term of office of the member whom he succeeds.

11. (1) The meetings of the Council shall be held at least once in every month and the quorum for a meeting of the Council shall be seven members.

Quorum and meetings of the Council

(2) The Chairperson shall preside at every meeting of the Council. In the absence of the Chairperson from any meeting of the Council, a member elected by the members present shall preside at such meeting.

(3) A meeting of the Council may be held either-

- (a) by the number of members who constitute a quorum being assembled at the place, date and time appointed for the meeting; or
- (b) by means of audio-visual linkage by which all members participating and constituting a quorum can simultaneously see and hear each participating member for the duration of the meeting.

(4) All questions for a decision at any meeting of the Council shall be decided by the vote of the majority of members present at such meeting. In the case of an equality of votes, the Chairperson shall, in addition to his vote have a casting vote.

(5) Subject to the preceding provisions of this section, the Council may regulate the procedure in relation to the meetings of the Council and the transaction of business at such meetings.

Acts or proceedings of the Council deemed not to be invalid by reason of any vacancy

12. The Council may act notwithstanding any vacancy among its members and any act or proceeding of the Council shall not be or deemed to be invalid by reason only of the existence of any vacancy among its members or any defect in the appointment of a member thereof.

Remuneration of the members of the Council

13. The members of the Council shall be paid remuneration in such manner and at such rates as may be determined by the Minister, with the concurrence of the Minister assigned the subject of Finance.

Seal, logo and flag of the Office

14. (1) The seal of the Office shall be in the custody of such person as the Council may decide from time to time.

(2) The seal of the Office may be altered in such manner as may be determined by the Council.

(3) The seal of the Office shall not be affixed to any instrument or document except with the sanction of the Council and in the presence of the Chairperson and one other member of the Council who shall sign the instrument or document in token of their presence:

Provided however, where the Chairperson is unable to be present at the time when the seal of the Office is affixed to any instrument or document, any other member of the Council authorised in writing by the Chairperson in that behalf shall

be competent to sign such instrument or document in accordance with the preceding provision of this subsection.

(4) The Office shall maintain a register of the instruments and documents to which the seal of the Office has been affixed.

(5) There shall be a logo exclusive for the use of the Office.

(6) There shall be a flag to maintain the identity of the Office.

(7) A person who knowingly or wilfully misuses the seal, logo or the flag of the Office under this Act, commits an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding two million rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

PART III

NATIONAL HYDROGRAPHER AND THE STAFF OF THE OFFICE

15. (1) There shall be a National Hydrographer of the Office appointed by the Council in consultation with the Minister.

Appointment
of the
National
Hydrographer
of the
Office

(2) The person appointed as the National Hydrographer shall –

- (a) be a citizen of Sri Lanka;
- (b) be physically and mentally fit;
- (c) be a Hydrographic Surveyor with at least fifteen years post qualification experience–
 - (i) in professional activities of hydrographic surveying;

- (ii) in hydrographic project management;
and
 - (iii) thorough understanding in nautical cartography; and
- (d) be not more than fifty five years of age as at the date of appointment; and
- (e) be competent, of high moral integrity and of good repute.

(3) The National Hydrographer, unless he vacates office earlier by death, by operation of law, resignation or removal shall hold office for a term of three years and unless removed from the office shall be eligible for reappointment subject to a maximum period of any three terms of office whether consecutive or otherwise.

(4) The National Hydrographer shall, subject to the general or special directions of the Council, –

- (a) be charged with the conduct of day to day administration of the affairs of the Office including the administration and control of the staff;
- (b) be responsible for the execution of all decisions of the Council; and
- (c) carry out all such functions as may be assigned to him by the Council.

(5) The National Hydrographer shall be the Secretary to the Council and entitled to be present and speak at any meeting of the Council, but shall not be entitled to vote at such meeting.

(6) The National Hydrographer may, with the approval of the Council, wherever he considers it necessary to do so, delegate in writing to any officer or employee of the Office,

any of his functions referred to in subsection (4) and the officer or employee to whom any such function is delegated shall discharge them subject to the directions of the National Hydrographer.

(7) The Council may remove the National Hydrographer from office –

- (a) if he becomes permanently incapable of performing his duties;
- (b) if he had done any act which the Council has decided to be of a fraudulent or illegal character or is prejudicial to the interests of the Office; or
- (c) has failed to comply with any direction issued by the Council.

(8) The National Hydrographer shall be paid such remuneration as may be determined by the Council with the concurrence of the Minister assigned the subject of Finance.

16. (1) Subject to the provisions of this Act, the Office may employ or appoint such officers and employees as may be necessary for the efficient exercise, performance and discharge of its powers, duties and functions.

Staff of the
Office

(2) The Council shall have the power subject to the provisions of the Act to –

- (a) exercise disciplinary control over and dismiss the officers and employees of the Office appointed under subsection (1);
- (b) determine the terms and conditions of service of officers and employees of the Office appointed under subsection (1); and

- (c) fix the rates at which such officers and employees shall be remunerated with the concurrence of the Minister assigned the subject of Finance.

(3) All officers and employees of the Office shall, within one month of employment, declare in writing to the Office of their personal direct or indirect interest to the affairs and transactions of the Office including those of their close relations or, concerns in which such officer or employee has a substantial interest.

(4) The Office may establish and regulate pension and provident funds and schemes for the benefit of the National Hydrographer and its officers and employees and their dependants and nominees with the concurrence of the Minister assigned the subject of Finance and may make contributions to any such fund or scheme.

(5) The Office shall promote and sponsor the training of its officers and employees and for this purpose, the Office shall be authorised to defray the costs of study, in Sri Lanka or abroad of the officers and employees of the Office who are of proven merit as determined by the Office.

(6) The Office shall establish a code of conduct which shall be applicable to the officers and employees of the Office.

(7) The Office shall not appoint any person to the staff of the Office under subsection (1), where such person –

- (a) has been previously found guilty of serious misconduct by a court or tribunal or has been subject to a disciplinary action by a regulatory body;
- (b) has been previously dismissed from office; or

- (c) has committed a breach of the provisions of this Act, regulations or rules made thereunder.

(8) At the request of the Office, any officer in the public service may, with the consent of the officer and the Public Service Commission be temporarily appointed to the staff of the Office for such period as may be determined by the Office or with like consent, be permanently appointed to such staff.

(9) Where any officer in the public service is temporarily appointed to the staff of the Office, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall *mutatis mutandis*, apply to and in relation to such officer.

(10) Where any officer in the public service is permanently appointed to the staff of the Office, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall *mutatis mutandis*, apply to and in relation to such officer.

(11) Where the Office employs any person who has agreed to serve the Government for a specified period, any period of service to the Office by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such agreement.

(12) At the request of the Office, any officer of the Sri Lanka Army, Sri Lanka Navy or Sri Lanka Air Force may, with the written sanction of the Commander of the Army, Commander of the Navy or the Commander of the Air Force, as the case may be, be temporarily appointed to the Office for such period as may be determined by the Office subject to the provisions of the Army Act (Chapter 357), Navy Act (Chapter 358), and the Air Force Act (Chapter 359), as the case may be.

(13) The Office may with the consent of such officer or employee propose secondment of its officers or employees to other state institutions or regulatory authorities in Sri Lanka or abroad for a period determined by the Office on an assignment agreed upon between such institution or the authority and the Office. The period of secondment shall be deemed to be considered as service to the Office.

PART IV

REGISTRATION AS HYDROGRAPHIC SURVEYORS OR NAUTICAL CARTOGRAPHERS

Hydrographic
Surveyors or
Nautical
Cartographers
to register
under this
Act

17. (1) A person shall not practice as a Hydrographic Surveyor or as a Nautical Cartographer unless such person is registered under the provisions of section 18 of this Act:

Provided that, any Hydrographic Surveyor or a Nautical Cartographer who is engaged in the practice of hydrographic surveying or nautical cartography other than on the Sri Lanka internal waters on the date of commencement of this Act shall, within two years from the date of commencement of this Act, register himself under the provisions of section 18.

(2) Any person who fails to comply with the provisions of subsection (1) commits an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Application
for
registration
as a
Hydrographic
Surveyor or a
Nautical
Cartographer

18. (1) A person who wishes to practice as a Hydrographic Surveyor or a Nautical Cartographer shall make an application to the Office for registration.

(2) The applicant under subsection (1) shall possess such qualifications and experience as may be prescribed in compliance with international standards.

(3) An application under subsection (1) shall be substantially in a form as may be prescribed by regulation and accompanied by a prescribed fee.

(4) The Office may require an applicant to furnish further information in connection with an application as it may specify.

(5) An applicant shall bear the cost incurred in connection with the verification of information submitted in support of an application.

(6) Upon the receipt of an application under subsection (1), the office shall, on consideration of the matters contained in the application decide either to register as a Hydrographic Surveyor or a Nautical Cartographer subject to the provisions of this Act and to such terms and conditions specified therein or for the reasons to be recorded by it, refuse to register as a Hydrographic Surveyor or a Nautical Cartographer.

(7) The Office shall in writing inform the applicant of its decision and in the case of a refusal to register, it shall state its reasons therefor within one month from the date of informing the said decision.

(8) A Hydrographic Surveyor or a Nautical Cartographer registered under this section shall be granted with a Certificate of Registration in the respective field in the form and manner as may be prescribed (hereinafter referred to as the “Certificate of Registration”).

(9) The Certificate of Registration shall include such terms and conditions subject to which such registration has been granted.

19. (1) A Certificate of Registration that has been granted under this Act shall, unless cancelled earlier be valid for a period of one year from the date of the issue of the Certificate of Registration.

Duration of a registration

(2) The Office may cancel a Certificate of Registration issued under section 18, if it is satisfied that the holder of the Certificate of Registration has violated the provisions of the Act or regulations made thereunder or any of the terms and conditions of such Certificate of Registration.

Renewal of
Certificate of
Registration

20. A Certificate of Registration issued under section 18 shall be renewable on an application in a form as may be prescribed being made in that behalf to the Office not later than thirty days before the expiry of the Certificate of Registration and be accompanied by a fee as may be prescribed:

Provided that, any Hydrographic Surveyor or a Nautical Cartographer who is a public officer shall not be required to renew the registration under this section for so long as such officer serves as a public officer.

Refusal to
register or
renew a
Certificate of
Registration

21. (1) Where an application is made for the registration or renewal of a Certificate of Registration, the Office may refuse to register or renew the Certificate of Registration on any of the following grounds: -

- (a) non-compliance with the rules made in that behalf;
- (b) failure to comply with the provisions of this Act or, regulations or rules made thereunder;

- (c) the information or documents furnished by the applicant to the Office is false or misleading or, material omissions exist; or
- (d) has been convicted for an offence under the provisions of this Act.

(2) The Office shall not refuse to register or renew the Certificate of Registration without giving the applicant an opportunity of being heard.

22. (1) Every Hydrographic Surveyor or a Nautical Cartographer, as the case may be, who is registered under section 18, shall have the right to use if such person is –

Use of abbreviated designations

- (a) a Hydrographic Surveyor, the abbreviated designation “HyS”; and
- (b) a Nautical Cartographer, the abbreviated designation “NauC”.

(2) A person shall not use any abbreviated designation referred to in subsection (1) unless such person is registered as a Hydrographic Surveyor or a Nautical Cartographer under the provisions of this Act.

23. (1) Where the Office is satisfied that any Hydrographic Surveyor or a Nautical Cartographer –

Cancellation or suspension of a registration

- (a) has contravened the provisions of this Act, or any regulation or rule made thereunder;
- (b) has contravened any term or condition of the Certificate of Registration issued under section 18; or
- (c) has been found guilty of a prescribed act or professional misconduct, after an inquiry held by the Complaint Resolution Committee established by the Office under section 26,

the Office shall take steps to suspend the registration of such Hydrographic Surveyor or a Nautical Cartographer issued under section 18 and cause a notice of such suspension be issued forthwith to such Hydrographic Surveyor or a Nautical Cartographer.

(2) Any such notice shall specify the grounds on which the decision of the Office is based on, and shall indicate that such Hydrographic Surveyor or the Nautical Cartographer may within a period of one month commencing from the date of receipt of the notice submit to the Office in writing any reason as to why the registration shall not be cancelled.

(3) Where such Hydrographic Surveyor or the Nautical Cartographer, as the case may be, fails to submit the reasons within the period of one month or where the Office is not satisfied with the reasons given by the Hydrographic Surveyor or the Nautical Cartographer, the Office may after due inquiry cancel the registration of such Hydrographic Surveyor or the Nautical Cartographer as the case may be, and inform such person in writing about such cancellation.

(4) Where any Hydrographic Surveyor or a Nautical Cartographer is convicted for an offence under this Act, the Certificate of Registration issued to such person under section 18 shall –

- (a) where no appeal is preferred against the conviction, be cancelled; or
- (b) where an appeal is preferred in terms of relevant written law, be suspended until the decision of the appellate court to which the appeal is preferred is pronounced.

(5) Where the registration of a Hydrographic Surveyor or a Nautical Cartographer is cancelled, the name of such person shall be removed from the registers kept under section 38 of this Act.

(6) Any person whose registration is cancelled under this section shall within fourteen days handover his respective Certificate of Registration to the Office.

PART V

APPEALS

24. (1) Any person who is aggrieved by the decision of the Office other than under subsection (4) of section 23 may within thirty days of being notified of such decision, appeal to the Appeals Board appointed by the Minister for this purpose under section 25. Appeals

(2) The Appeals Board may, after taking into consideration all the relevant factors and where it is appropriate and reasonable –

- (a) allow the appeal and vary the decision of the Office or confirm such decision; or
- (b) disallow the appeal.

25. (1) The Minister shall appoint an Appeals Board which shall consist of – Appeals Board

- (a) a registered Hydrographic Surveyor and a Nautical Cartographer with at least five years experience;
- (b) an Attorney-at-Law who is qualified in the field of maritime law with at least ten years experience in the relevant field; and

(c) a Class 1 officer of the Sri Lanka Administrative Service.

(2) The Minister when appointing the members of the Appeals Board may consult the Office.

(3) The members of the Appeals Board shall hold office for a term of three years from the date of appointment and shall be eligible for reappointment.

(4) The Minister may make regulations prescribing the manner in which the meetings and business of the Appeals Board shall be carried out.

(5) The Appeals Board shall inform its decision to the Office.

(6) Upon receiving the decision of the Appeals Board, the Office shall forthwith inform the appellant of such decision and act in accordance with the decision of the Appeals Board.

(7) The members of the Appeals Board may be paid such remuneration as may be determined by the Minister with the concurrence of the Minister assigned the subject of Finance.

Inquiry by
Complaints
Resolution
Committee

26. (1) The Office shall establish a Complaints Resolution Committee (hereinafter referred to as the “Committee”) comprising of such officers authorised by the Office to hear complaints by any person relating to the professional misconduct or breach of any provision of this Act, or regulations or rules made thereunder.

(2) The Committee may hold such inquiries as may be deemed necessary or expedient and for such purpose summon and call upon any person to appear before the Committee to give evidence or to produce any book or document in the possession or control of such person as are required for the purpose of such inquiries.

(3) The Office shall establish an appropriate procedure for handling such complaints and all matters incidental thereto by rules made under this Act.

(4) The Committee may on receipt of any written complaint made by a person, examine the evidence produced before such Committee to find whether any prescribed act of professional misconduct has been committed by the Hydrographic Surveyor or Nautical Cartographer, against whom the complaint is made.

(5) Where the Committee finds that a person has contravened any provision of this Act, or regulations or a rules made thereunder, the Committee shall convey such finding with a recommendation to the Office and the Office shall have the discretion to either give effect to such recommendation or take any other action as it may deem expedient.

(6) The Office shall not take any action under this section without affording the person an opportunity of being heard.

PART VI

FINANCE

27. (1) The Office shall have its own Fund (hereinafter referred to as “the Fund”). Fund of the Office

(2) There shall be credited to the Fund –

- (a) all such sums of money as may be voted from time to time by Parliament, for the use of the Office;
- (b) all such sums of money as may be received by the Office in the exercise and discharge of its powers, duties and functions under this Act; and

- (c) all such sums of money as may be received by the Office by way of income, fees, charges, grants, gifts or donations from any source whatsoever whether within or outside Sri Lanka:

Provided that, the Office shall obtain the prior written approval of the Department of External Resources of the Ministry of the Minister assigned the subject of Finance, in respect of all foreign grants, gifts or donations made to the Office.

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

- (a) all such sums of money as are required to defray any expenditure incurred by the Office in the exercise, performance and discharge of its powers, duties and functions under this Act; and
- (b) all such sums of money as are required to be paid out of the Fund by or under this Act.

Financial year
and audit of
accounts

28. (1) The financial year of the Office shall be the calendar year.

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

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

(4) The Council shall submit the audited statement of accounts together with the auditor's report to the Minister

within five months of the end of the financial year to which such report relates. The Minister shall place such statement and the report before Parliament within two months of the receipt thereof.

PART VII

GENERAL

29. (1) The Council may in writing and subject to such conditions as may be specified therein, delegate to the National Hydrographer the powers, duties and functions conferred on the Council under paragraphs (a) and (b) of subsection (2) of section 16 and the National Hydrographer shall exercise, perform and discharge such powers, duties and functions in the name and on behalf of the Council.

Delegation of the powers of the Council

(2) The Council may, notwithstanding any delegation made under subsection (1), by itself exercise, perform or discharge any power, duty or function so delegated and may at any time revoke any such delegation.

30. No civil or criminal proceedings shall be instituted against the National Hydrographer, any officer or employee of the Office or any member of the Council, for any act which in good faith is done or purported to be done by him under this Act or on the directions of the Office or the Council as the case may be, if he proves that he acted in good faith and exercised all due diligence, reasonable care and skill.

Protection for action taken under this Act

31. (1) Every member of the Council, the National Hydrographer, and every officer or employee of the Office shall, before entering into the duties of his office sign a declaration that he will not disclose any information received by him or coming to his knowledge in the exercise,

Duty to maintain Secrecy

performance and discharge of his powers, duties and functions under this Act except for the purpose of giving effect to the provisions of this Act to the extent permitted under the provisions of Right to Information Act, No. 12 of 2016.

(2) Any person who contravenes the provisions of subsection (1), commits an offence under this Act, and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding one hundred thousand rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment.

Database

32. (1) The Office shall create, manage and maintain a database of all hydrographic survey data, marine data and hydrosatial data collected by the Office.

(2) The Office shall take all necessary steps including technical safeguards to ensure the security of all its databases and data.

Duplicates

33. (1) The duplicates of all the nautical charts and nautical publications prepared by every registered Hydrographic Surveyor or a Nautical Cartographer during the preceding month to be submitted to the Office on or before the fifteenth day of every month together with a list in duplicate in such form and manner as may be prescribed.

(2) The Office shall maintain such duplicates in the form and manner as may be prescribed.

(3) Where any nautical chart or fair sheet is not prepared by a Hydrographic Surveyor or a Nautical Cartographer in any month, such person shall, unless he is absent from Sri Lanka furnish a nil list for that month on or before the fifteenth day of the following month.

(4) A Hydrographic Surveyor or a Nautical Cartographer who fails to submit the duplicates commits a professional misconduct under the provisions of this Act.

34. Any nautical chart, fair sheet or any other navigational chart or bathymetric sheet prepared in accordance with any other written law, purporting to be a true copy of such a nautical chart or fair sheet and purporting to be signed by the National Hydrographer or any officer acting on his behalf shall be admissible in evidence in all cases and for all purposes and may be taken as *prima facie* evidence of the truth of the facts stated therein and it shall not be necessary to prove that such copy was in fact signed or authenticated by the National Hydrographer or the officer acting on his behalf or that it is a true copy or that the facts stated therein are accurate until the contrary is proved.

Authenticity of nautical charts & etc.

35. (1) A person who knowingly or willfully removes, destroys, alters the position of or markings on any hydrographic survey mark at the sea or coastal area, buoys or beacons that have been placed or set up for the control of hydrographic surveys or delineation of boundaries or identification of danger or for the purpose of any survey conducted under this Act, commits an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding one million rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Interference with survey marks

(2) Any person who is convicted under subsection (1) shall, in addition to the fine or term of imprisonment or both for which such person is liable also be liable to such costs as may be determined by the Office in respect of repairing, replacing or restoring any such survey marks, buoys or beacons specified in subsection (1).

Power to access
any place

36. (1) For the purpose of exercise, performance and discharge of the powers, duties and functions, it shall be lawful for the Office or any person authorised by the Office to conduct the following -

- (a) to have access to any place, premises, vehicle, aircraft or a vessel;
- (b) to place or enact any permanent light, benchmark, reference mark or any temporary flag, sign or other mark for the purpose of hydrographic surveying; and
- (c) to remove any flora or fauna obstructing any beacon, mark, trigonometrical point, flag, buoy or signal unless it is prohibited under any other written law.

(2) For the purpose of exercising the powers specified under subsection (1) –

- (a) prior written notice shall be given to the owner, occupier or the person in possession of the place, premises, vehicle, air craft or vessel within a reasonable period of time;
- (b) the owner, occupier or the person in possession shall be reimbursed with any damage caused to such person's property while carrying out any power, duty or function under subsection (1) in the manner specified by the Office; or
- (c) prior written approval of the relevant authority be obtained if the access to any place, premises, vehicle, aircraft or vessel is restricted due to national security or under the provision of any other written law.

37. Any vessel used for the hydrographic surveying in the waters of Sri Lanka and any mechanical or non-mechanical equipment shall be approved by the Office as may be specified by the Office in accordance with the rules made in that behalf.

Vessels of the hydrographic survey fleet

38. The Office shall, in accordance with the provisions of this Act and regulations made thereunder maintain the registers of the Hydrographic Surveyors and Nautical Cartographers in the form and manner as may be prescribed.

Registers to be kept by the Office

39. (1) In terms of the provisions of this Act, where any immovable property of the State is required for the purposes of the Office, such purpose shall be deemed to be a purpose for which a special grant or lease of such property be made to the Office under section 6 of the Crown Lands Ordinance (Chapter 454) and accordingly the provisions of that Ordinance shall apply to a special grant or lease of such property to the Office for such purpose.

State property both movable and immovable be made available to the Office

(2) Where any movable property of a Government department or any public corporation is required for the purposes of the Office, the Minister may by Order published in the *Gazette* transfer to and vest in the Office the possession and use of such movable property.

(3) No Order affecting any movable property of any Government department or public corporation shall be made by the Minister under subsection (2) without the concurrence of the Minister assigned with that department or public corporation.

40. Where any person contravenes any provision of this Act or any regulations or rules made thereunder and no penalty has been specified under this Act in respect of such contravention, such person shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding fifty thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Penalties for contraventions for which no specific provisions have been made

Provision regarding prosecution	<p>41. An officer authorized in writing by the Office shall be deemed to be a public servant within the meaning of section 136 of the Code of Criminal Procedure Act, No. 15 of 1979, for the purpose of instituting proceedings in respect of offences under this Act.</p>
Office deemed to be a Scheduled Institution within the meaning of the Anti-Corruption Act	<p>42. The Office shall be deemed to be a Scheduled Institution within the meaning of the Anti-Corruption Act, No. 9 of 2023 and the provisions of that Act shall be construed accordingly.</p>
Members, National Hydrographer, officers and employees of the Office deemed to be public servants	<p>43. All members of the Council, the National Hydrographer and all officers and employees of the Office shall be deemed to be public servants within the meaning and for the purposes of the Penal Code (Chapter 19).</p>
Directions of the Minister	<p>44. The Minister may from time to time, for the purpose of giving effect to the objects of the Act and the State policy, issue to the Council, general directions as to the exercise, performance and discharge of the powers, duties and functions of the Office.</p>
Provisions of this Act to prevail over other written law	<p>45. The provisions of this Act shall have effect notwithstanding anything to the contrary in any other written law and accordingly in the event of any inconsistency or conflict between the provisions of this Act and such other written law, the provisions of this Act shall prevail.</p>
Regulations	<p>46. (1) The Minister may make regulations in respect of all matters required by this Act to be prescribed or in respect of which regulations are authorized by this Act to be made.</p> <p>(2) In particular and without prejudice to the generality of the provisions contained in subsection (1), the Minister may make regulations in regard to –</p>

- (a) the mode and manner of preparation and maintenance of nautical charts in relation to the waters of Sri Lanka;
- (b) adaptation of international procedures related to hydrographic services;
- (c) the manner in which hydrographic surveys to be conducted and the form and the manner in which the nautical charts, fair sheets, digital data and other records pertaining to a hydrographic survey to be prepared and the details to be inserted in such nautical charts, fair sheets, field books and records;
- (d) the degree of accuracy to be attained in hydrographic surveys and the limit of error to be allowed;
- (e) the steps to be taken to test the accuracy of hydrographic surveys and for the correction of any inaccuracies that may be discovered;
- (f) the courses of study and training required to be obtained by a hydrographic surveyor before renewing such person's registration;
- (g) guidelines to be followed by registered hydrographic surveyors and Nautical Cartographers;
- (h) form and manner and procedure relating to qualifying exams and professional tests to be followed by persons who intend to register under the provisions this Act; and

- (i) registration of institutions which provide educational and professional qualifications to any person who intends to obtain a registration under the provisions of this Act.

(3) Every regulation made by the Minister within three months after its publication in the *Gazette* be brought before Parliament for approval.

(4) Any regulation 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.

(5) Notification of the date on which any regulation is so disapproved shall be published in the *Gazette*.

Rules

47. (1) Subject to the provisions of this Act, the Council may make rules in respect of all or any of the following matters: -

- (a) all matters for which rules are authorised or required to be made under this Act;
- (b) the meetings of the Council and the procedure to be followed at such meetings;
- (c) code of conduct to be followed by the officers and employees of the Office and a code of conduct to be followed by the registered Hydrographic Surveyors and Nautical Cartographers; and
- (d) the appointment, promotion, remuneration and disciplinary control of officers and employees and the grant of leave and other emoluments to officers and employees.

(2) Every rule made by the Office shall be approved by the Minister and be published in the *Gazette* and shall come into operation on the date of its publication or on such later date as may be specified therein.

48. In this Act, unless the context otherwise requires- Interpretation

“contiguous zone” means the zone which may not extend beyond twenty four nautical miles from the baselines from which the breadth of the territorial sea is measured;

“digital data” means information obtained or created by the operation of electronic equipment in the course of hydrographic surveying, nautical charting or related incidental activities;

“exclusive economic zone” means the zone which shall not extend beyond two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured;

“Fair sheets” means bathymetric data set in digital or graphic formats;

“hydrography” means the branch of applied sciences which deals with the measurement and description of the physical features of oceans, seas, coastal areas, lakes and rivers, as well as with the prediction of their change over time, for the primary purpose of safety of navigation and in support of all other marine activities, including economic development, security and defence, scientific research and environmental protection;

“hydrographic services” includes the management, maintenance, interpretation, certification and dissemination of bathymetric, hydrographic, shoreline, geodetic, geospatial, geomagnetic, and tide, water level, and current information, including the production of nautical charts, nautical information databases, and other products derived from hydrographic data; the development of nautical information systems and related activities;

“hydrographic survey” means any conduct of hydrography;

“hydrographic surveyor” means any person who studies and practices the science of hydrography complies with the international standard of competence as laid down by the international organizations;

“hydrospatial ” means the hydrospatial sciences and denoting data, information and knowledge that is associated with a particular location and time of the earth’s water and there contiguous zones;

“internal waters” mean waters located landward of the base lines from which the territorial sea is measured and includes such as rivers, lakes, ponds and reservoirs of Sri Lanka;

“marine” means anything related to navigation or shipping and includes anything related to or connected with the sea and refers to things which are used or adopted for the use at sea;

“marine data” means data relating to navigation or shipping and includes any data related to or connected with sea and the refers to data which are used or adopted for the use at sea;

“marine geospatial data ” includes dense data on the depth of oceans, magnetic nature, gravity changes, sound wave propagation in sea water temperature and pressure variations, behaviour of ocean currents and tides in the coastal zone of Sri Lanka;

“maritime” means bordering on, concerned with or related to the sea; and

“maritime zone” means any maritime zone declared under the Maritime Zones Law, No. 22 of 1976 and includes –

(a) the contiguous zone;

(b) the exclusive economic zone;

(c) the continental shelf; and

(d) the pollution prevention zone,

declared by Proclamation in terms of the aforesaid Law, and any other zone which may be declared at a future date under the said Law;

“Minister” means the Minister assigned the subject of the Defence under Article 44 or 45 of the Constitution;

“nautical cartography” means the art and science of expressing electronic or printed nautical charts by means of computer hardware and software which aids humans to make decisions and perform their functions;

“nautical cartographer” means the person employed in drawing and constructing electronic or printed nautical charts complies with the international standard of competence as laid down by the international organizations;

“nautical charting” means the activity or process of making a digital or printed chart of water bodies;

“nautical charts” means a chart specifically designed to meet the requirements of marine navigation, showing depths of water, nature of bottom, elevations, configuration and characteristics of coast, dangers, and aids to navigation;

“navigation” means the process of directing the movement of a craft from one point to another;

“notices to mariners” means corrections to nautical charts and publications. These only contain information which is vitally important to safety at sea;

“ocean” means the vast body of water on the surface of the globe, which surrounds the land the main or great sea, one of the main areas into which this body of water is divided geographically;

“pollution prevention zone” means the zone which is formulated to prevent, reduce, control and manage pollution arising out of ship based activity and shore based maritime related activity in the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka;

“prescribed” means prescribed by regulations made under this Act;

“public officer” shall have the same meaning assigned to such expression under the Constitution;

“sea” means the great body of salt water in general, as opposed to land;

“territorial waters” includes the territorial sea and the historic waters of Sri Lanka;

“waters of Sri Lanka” includes internal waters and territorial sea of Sri Lanka.

Sinhala text to prevail in case of inconsistency

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

English Acts of the Parliament can be purchased at the "PRAKASHANA PIYASA", DEPARTMENT OF
GOVERNMENT PRINTING, No. 118, DR. DANISTER DE SILVA MAWATHA, COLOMBO 8.



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

**CONTEMPT OF A COURT, TRIBUNAL OR INSTITUTION
ACT, No. 8 OF 2024**

[Certified on 01st of February, 2024]

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*Contempt of a Court, Tribunal or Institution
Act, No. 8 of 2024*

[Certified on 01st of February, 2024]

L.D.- O. 55/2021

AN ACT TO PROVIDE FOR THE UNIFORM APPLICATION OF THE LAW RELATING TO THE CONTEMPT OF A COURT, TRIBUNAL OR INSTITUTION; TO PROVIDE FOR THE PROCEDURE IN PUNISHING THE CONTEMPT OF A COURT, TRIBUNAL OR INSTITUTION; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

- | | |
|--|--------------------|
| <p>1. This Act may be cited as the Contempt of a Court, Tribunal or Institution Act, No. 8 of 2024.</p> | Short title |
| <p>2. The objects of this Act shall be to—</p> <p>(a) uphold the dignity and authority of a court, tribunal and institution;</p> <p>(b) protect the due administration of justice;</p> <p>(c) ensure adherence to judicial directives;</p> <p>(d) preserve and maintain the effectiveness and impartiality of a court, tribunal and institution;</p> <p>(e) strike a balance between the right of expression, fair comment and compliance with judicial directives;</p> <p>(f) set out with precision the ambit of contempt of a court, tribunal and institution; and</p> <p>(g) ensure the observance of, and respect for, the due process of law.</p> | Objects of the Act |

2 *Contempt of a Court, Tribunal or Institution*
Act, No. 8 of 2024

Certain acts
deemed to be
contempt of
a court,
tribunal or
institution

3. (1) Save as provided for in any other written law and subject to the provisions of the Constitution, any person who commits an act or omission with intent to-

- (a) bring the authority of a court, tribunal or institution and administration of justice into disrespect or disregard; or
- (b) interfere with, or cause grave prejudice to the judicial process in relation to any ongoing litigation,

commits contempt of a court, tribunal or institution, as the case may be.

(2) Save as provided for in any other written law and subject to the provisions of the Constitution, any person who does any of the following acts commits contempt of a court, tribunal or institution, as the case may be-

- (a) willful disobedience to any judgment, decree, direction, order, writ or other process of a court, tribunal or institution;
- (b) willful breach of an undertaking given to a court, tribunal or institution;
- (c) expressing, pronouncing or publishing any matter that is false which, or doing any other act which-
 - (i) scandalizes or lowers the judicial authority or dignity of a court, tribunal or institution;
 - (ii) gravely prejudices, or unlawfully interferes with, the due course of any judicial proceeding; or
 - (iii) interferes with, or obstructs the administration of justice;

- (d) (i) use of any electronic device or other instrument for audio or visual recording or both, in a court, tribunal or institution, or bringing into a court, tribunal or institution any such device or instrument for the purpose of audio or visual recording or both, without the leave of the court, tribunal or institution already obtained;
 - (ii) publication or transmission of an audio or a visual recording or both, of a proceeding or part of a proceeding of a court, tribunal or institution made by means of any electronic device or other instrument, or any such recording derived directly or indirectly from such device or instrument without the leave of the court, tribunal or institution already obtained;
 - (iii) use of any electronic device or other instrument, or publication or transmission of an audio or a visual recording or both, of a proceeding of a court, tribunal or institution, in contravention of any leave granted under sub-paragraph (i) or sub-paragraph (ii); or
 - (iv) tampering, altering or falsifying any audio or visual recording or both, of a proceeding of a court, tribunal or institution; or
- (e) scandalizing a court, tribunal or institution, or a judge or judicial officer with intent to-
- (i) interfere with the due administration of justice;
 - (ii) excite dissatisfaction in the minds of the public in regard to a court, tribunal or institution; or
 - (iii) cast public suspicion on the administration of justice.

4 *Contempt of a Court, Tribunal or Institution*
Act, No. 8 of 2024

Defences against
contempt of a
court, tribunal
or institution

4. (1) Any publication or expression of accurate facts made in good faith of a judge or judicial officer or, proceeding, judgment or order of a court, tribunal or institution as the case may be, on a matter of public interest shall not be deemed to be contempt of such court, tribunal or institution, where the risk of causing any impediment or prejudice to such judge or judicial officer or proceeding, judgement or order is merely incidental.

(2) Any publication or expression-

- (a) of accurate facts of any case or proceedings before a court, tribunal or institution made without malice or intention to impair the administration of justice; or
- (b) of fair comments on the merits of any judgment or order of a court, or action or application which has been heard and decided,

shall not be deemed to be contempt of a court, tribunal or institution where every attempt has been made to avoid any contempt and such publication or expression has been done *bona fide*.

(3) The provisions of subsections (1) and (2) shall not be construed as affecting or limiting any other valid defence for contempt of a court, tribunal or institution, contained in any other written law.

Non-disclosure
of source of
information

5. A person shall not be-

- (a) required to disclose, during the court proceedings;
or
- (b) found guilty of contempt of court for refusing to disclose,

the source of information contained in a publication for which he is responsible, unless it is established to the satisfaction of the court that disclosure is necessary in the interest of justice or national security or for the prevention of disorder or crime.

Contempt of a Court, Tribunal or Institution 5
Act, No. 8 of 2024

6. (1) The Supreme Court and the Court of Appeal shall have the power to punish for contempt of itself, whether committed in its presence or hearing or elsewhere.

Power of the Supreme Court and the Court of Appeal to punish contempt of a court, tribunal or institution

(2) Where the Supreme Court or the Court of Appeal, as the case may be, in the exercise of its jurisdiction as referred to in subsection (1), takes cognizance-

- (a) of contempt of court committed in its presence or hearing, the Supreme Court or the Court of Appeal shall hear and determine such matter in accordance with the procedure set out in section 8; and
- (b) of contempt of court committed otherwise than in its presence or hearing, the Supreme Court or the Court of Appeal shall hear and determine such matter in accordance with the procedure set out in section 9.

(3) The Court of Appeal shall have the power to punish for contempt of a Court of First Instance or tribunal or institution, whether committed in its presence or hearing or elsewhere:

Provided however, the provisions of this section shall not prejudice or affect the rights of a Court of First Instance to punish for contempt of itself.

(4) Where the Court of Appeal, in the exercise of its jurisdiction as referred to in subsection (3), takes cognizance of contempt of a Court of First Instance or tribunal or institution referred to in that subsection, the Court of Appeal shall hear and determine such matter in accordance with the procedure set out in section 10.

7. (1) Notwithstanding the provisions of any other written law, the Courts of First Instance shall have the power to punish for contempt of court committed in its presence or hearing or in the course of proceedings in such Courts of

Power of the Courts of First Instance to punish contempt of court

6 *Contempt of a Court, Tribunal or Institution*
Act, No. 8 of 2024

First Instance, or any act which is specified in this Act or in any other written law for the time being in force as being punishable as contempt of court, subject to the provisions of this Act.

(2) Where any Court of First Instance takes cognizance of contempt of court referred to in subsection (1), such Court of First Instance shall hear and determine such matter in accordance with the procedure set out in section 11.

Procedure where contempt of court is in the presence of the Supreme Court or the Court of Appeal

8. (1) Where it is alleged, or appears to the Supreme Court or the Court of Appeal, as the case may be, that a person has committed contempt of court in its presence or hearing, the Supreme Court or the Court of Appeal may-

- (a) cause such person to be detained in custody;
- (b) at any time before the rising of the Supreme Court or the Court of Appeal, on the day on which the contempt of court is alleged to have been committed or as early as possible thereafter, cause a rule to be issued on him signed by the Registrar of the Court, giving particulars in writing of the contempt of court with which he is charged; and
- (c) fix a date for the hearing of the charge.

(2) On the date fixed for the hearing of the charge, the person charged with contempt of court shall be afforded an opportunity to make his defence to the charge.

(3) The Supreme Court or the Court of Appeal, as the case may be, shall, after affording the person charged with contempt of court an opportunity to furnish an affidavit in defence and hearing the person charged with contempt of court and taking such evidence as may be necessary or as

may be offered by such person, proceed either forthwith or after such adjournment as the Supreme Court or the Court of Appeal may think fit, to determine the charge and to make order for the punishment or discharge of the person charged.

(4) Notwithstanding anything contained in the preceding provisions of this section, where a person charged with contempt of court under subsection (1) applies, whether orally or in writing, to have the charge against him tried by some Judge or Judges other than the Judge or Judges in whose presence or hearing the contempt of court is alleged to have been committed, the Court shall cause the matter to be placed, together with a statement of the facts of the case, before the Chief Justice or the President of the Court of Appeal as the case may be, for such directions as the Chief Justice or the President of the Court of Appeal as the case may be, may think fit to issue with respect to the trial of the charge.

(5) Notwithstanding anything contained in any other written law, at the trial of a person charged with contempt of court under subsection (1) which is held, in pursuance of a direction issued under subsection (4), by a Judge or Judges other than the Judge or Judges in whose presence or hearing the contempt of court is alleged to have been committed, the statement of facts placed before the Chief Justice or the President of the Court of Appeal as the case may be, under subsection (4) by the Judge or Judges in whose presence or hearing the contempt of court is alleged to have been committed shall be received in evidence, but no such Judge or Judges shall be summoned or examined as a witness.

(6) The provisions of subsections (2) and (3) shall, *mutatis mutandis* but subject to the provisions of subsection (5), apply to the hearing and determination of the charge by the Judge or Judges other than the Judge or Judges in whose

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presence or hearing the contempt of court is alleged to have been committed, in pursuance of a direction issued under subsection (4).

(7) The Supreme Court or the Court of Appeal, as the case may be, may, pending the determination of a charge under this section, direct that such person be released on bail subject to such conditions as such Court may deem fit to impose.

Procedure where contempt of court is not in the presence of the Supreme Court or the Court of Appeal

9. (1) The Supreme Court or the Court of Appeal, as the case may be, may take cognizance of contempt of court committed against it, or in disrespect of its authority, other than contempt of court committed in its presence or hearing, on-

- (a) its own motion;
- (b) a motion filed by the Attorney-General, together with any document or thing in support of the motion; or
- (c) a motion filed by any other person, together with an affidavit and any document or thing in support of the motion.

(2) Every motion or affidavit filed under subsection (1) shall set out the particulars of the contempt of court alleged to have been committed by the person alleged to have committed the contempt of court.

(3) The Supreme Court or the Court of Appeal, as the case may be, shall, after perusing the motion, and the affidavit, document or thing filed under subsection (1) and satisfying itself that a *prima facie* case of contempt of court has been established against the person alleged to have committed such contempt-

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- (a) cause a rule to be issued on such person signed by the Registrar of the Court, giving particulars in writing of the contempt of court with which he is charged;
- (b) direct that such rule, together with a copy of the document filed under subsection (1), be served personally on such person; and
- (c) fix a date for the hearing of the charge.

(4) On the date fixed for the hearing of the charge, the Attorney-General may lead the evidence of such witness relevant to the document filed under subsection (1), if necessary, subject to the right of cross-examination of the person charged with contempt of court.

(5) On the date fixed for the hearing of the charge, the person charged with contempt of court shall be afforded an opportunity to make his defence to the charge and shall be entitled to file an affidavit or to adduce evidence in his defence.

(6) The Supreme Court or the Court of Appeal, as the case may be, shall hear and determine the charge after considering the affidavit filed by the person charged with contempt of court or after hearing the evidence adduced by such person, as the case may be.

(7) Pending the determination of a charge under this section, the Supreme Court or the Court of Appeal, as the case may be, may direct that-

- (a) the person charged with contempt of court under this section be detained in such custody as it may specify; or

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- (b) such person be released on bail subject to such conditions as it may deem fit to impose.

Procedure for the exercise of jurisdiction of the Court of Appeal in respect of contempt committed against a Court of First Instance, tribunal or institution

10. (1) The Court of Appeal may take cognizance of contempt committed against, or in disrespect of the authority of, a Court of First Instance or tribunal or an institution on-

- (a) a reference made to it by such Court of First Instance, tribunal or institution;
- (b) a motion filed by the Attorney-General, together with any document or thing in support of the motion; or
- (c) a motion filed by any other person, together with an affidavit and any document or thing in support of the motion.

(2) Every reference made, or motion or affidavit filed under subsection (1) shall set out the particulars of the contempt of the court, tribunal or institution as the case may be, alleged to have been committed by the person alleged to have committed such contempt.

(3) The Court of Appeal shall, after perusing the reference made or the motion or affidavit filed under subsection (1), as the case may be, and satisfying itself that a *prima facie* case of contempt of a court, tribunal or institution, as the case may be, has been established against the person alleged to have committed such contempt-

- (a) cause a rule to be issued on such person signed by the Registrar of the Court, giving particulars in writing of the contempt of court, tribunal or institution, with which he is charged;

(b) direct that such rule, together with a copy of the reference or motion and document made or filed under subsection (1), be served personally on such person; and

(c) fix a date for the hearing of the charge.

(4) On the date fixed for the hearing of the charge, the Attorney-General may lead the evidence of such witness relevant to the document filed under subsection (1), if necessary, subject to the right of cross-examination of the person charged with contempt.

(5) The Court of Appeal shall hear and determine the charge after considering the affidavit filed by the person charged with such contempt or after hearing the evidence adduced by such person, as the case may be.

(6) Pending the determination of a charge under this section, the Court of Appeal may direct that-

(a) the person charged with contempt of a court, tribunal or institution under this section be detained in such custody as it may specify; or

(b) such person be released on bail subject to such conditions as it may deem fit to impose.

11. (1) Where a Court of First Instance takes cognizance of contempt of court committed against, or in disrespect of the authority of, such Court of First Instance, such Court of First Instance shall, subject to the provisions of subsections (2) and (3), hear and determine such matter in accordance with the procedure set out in Chapter LXV of the Civil Procedure Code.

Procedure for the exercise of jurisdiction conferred on the Courts of First Instance to try contempt of court

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(2) Where the Judge of a Court of First Instance referred to in subsection (1) acts under section 795 of the Civil Procedure Code, such Judge shall inquire from the accused whether he wishes to be tried by a Judge other than the Judge in whose presence or hearing the contempt of court is alleged to have been committed.

(3) If the accused indicates to the Judge of such Court of First Instance, in response to the inquiry under subsection (2), orally or in writing, that he wishes to be tried by a Judge other than the Judge in whose presence or hearing the contempt of court is alleged to have been committed, such Judge shall cause the matter to be placed, together with the minutes of the facts recorded by such Judge, before the Chief Justice for such directions as the Chief Justice may think fit to issue with regard to the hearing of the charge.

Appeals

12. (1) An appeal may lie from any order or decision of the Court of Appeal in the exercise of its jurisdiction to punish for contempt of itself and a Court of First Instance, tribunal or institution, as the case may be, to the Supreme Court.

(2) The Supreme Court may, pending any appeal, order that—

- (a) the execution of the punishment, or the order or decision appealed against be suspended; or
- (b) the appellant, if he is in confinement, be released on bail.

(3) Where any person who is aggrieved by any order or decision of a Court of First Instance, against which an appeal may be filed, indicates to such Court of First Instance that he intends to prefer an appeal against such order or decision to the Court of Appeal, such Court of First Instance shall, until the expiry of the time limit for the filing of the appeal, order—

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- (a) the execution of the punishment, or the order or decision appealed against be suspended; or
- (b) the appellant, if he is in confinement, be released on bail.

13. (1) A court shall not initiate any proceedings in relation to contempt of a court, tribunal or institution, either on its own motion or otherwise, after the expiry of a period of one year from the date on which such contempt was formally brought to the attention of that court.

Period of limitation for proceedings for contempt of a court, tribunal or institution

(2) A tribunal or institution shall not refer to the Court of Appeal any matter relating to the contempt of such tribunal or institution, after the expiry of a period of one year from the date on which such contempt was formally brought to the attention of that tribunal or institution.

14. Where contempt of a court, tribunal or institution under this Act is committed by a body of persons, then-

Contempt of a court, tribunal or institution by a body of persons

- (a) if that body of persons is a body corporate, every director, manager or secretary of that body corporate at the time of the commission of such contempt;
- (b) if that body of persons is a firm, every partner of that firm at the time of the commission of such contempt; and
- (c) if that body of persons is an unincorporated body, every individual who is a member of such unincorporated body at the time of the commission of such contempt,

shall be deemed to have committed that contempt:

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Provided however, any director, manager or secretary of such body corporate or any partner of such firm or any individual of such unincorporated body shall not be deemed to have committed such contempt if he proves to the satisfaction of the court that such contempt was committed without his knowledge or that he exercised all due diligence to prevent the commission of such contempt.

This Act to
prevail over
other law

15. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other written law, and accordingly, in the event of any inconsistency between the provisions of this Act and such other law, the provisions of this Act shall prevail.

Interpretation

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

“Civil Procedure Code” means, the Civil Procedure Code (Chapter 101);

“Court of First Instance” means, the High Court of the Republic of Sri Lanka, the High Court for a Province established by Article 154P of the Constitution, the District Court, the Family Court, the Small Claims Court, the Magistrate’s Court or the Primary Court;

“institution” means, an institution created and established by written law for the administration of justice and for the adjudication and settlement of industrial and other disputes;

“publish” means, to disseminate, distribute, exhibit, provide or communicate by oral, visual, written, electronic or other means including by way of newspaper, radio, television or through the use

of the internet or other online communication system, to the public at large or a member of the public, and includes causing to be published, and “publication” is to be construed accordingly; and

“tribunal” means, a tribunal created and established by written law for the administration of justice and for the adjudication and settlement of industrial and other disputes.

17. 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

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

ONLINE SAFETY ACT, No. 9 OF 2024

[Certified on 01st of February, 2024]

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Online Safety Act, No. 9 of 2024

[Certified on 01st of February, 2024]

L.D.-O. 34/2021

AN ACT TO ESTABLISH THE ONLINE SAFETY COMMISSION; TO PROVIDE SAFETY FROM PROHIBITED STATEMENTS MADE ONLINE; TO PREVENT THE USE OF ONLINE ACCOUNTS AND INAUTHENTIC ONLINE ACCOUNTS FOR PROHIBITED PURPOSES; TO MAKE PROVISIONS TO IDENTIFY AND DECLARE ONLINE LOCATIONS USED FOR PROHIBITED PURPOSES IN SRI LANKA; TO SUPPRESS THE FINANCING AND OTHER SUPPORT OF COMMUNICATION OF PROHIBITED STATEMENTS AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

1. This Act may be cited as the Online Safety Act, No. 9 of 2024. Short title

2. The provisions of this Act shall apply where – Application of the Act
 - (a) a person commits an offence under this Act in respect of a citizen of Sri Lanka, while being present in Sri Lanka or outside Sri Lanka;
 - (b) a loss, damage or harm is caused within or outside Sri Lanka by the commission of an offence under this Act, to the State or to a person resident in Sri Lanka; or
 - (c) an offence under this Act, wherever committed, is committed by a person who is a citizen of Sri Lanka.

3. The objectives of this Act shall be- Objectives of the Act
 - (a) to protect persons against harm caused by communication of prohibited statements, by way of an online account or through an online location;

- (b) to ensure protection from communication of statements in contempt of court or prejudicial to the maintenance of the authority and impartiality of the judiciary, by way of an online account or through an online location;
- (c) to introduce measures to detect, prevent and safeguard against the misuses of online accounts and bots to commit offences under this Act; and
- (d) to prevent the financing, promotion and other support of online locations which repeatedly communicate prohibited statements in Sri Lanka, by way of online account or through an online location.

PART I

ESTABLISHMENT OF THE ONLINE SAFETY COMMISSION

Establishment of
the Online
Safety
Commission

4. (1) There shall be established a Commission, which shall be called the Online Safety Commission (hereinafter referred to as the “Commission”).

(2) The Commission shall, by the name assigned to it by subsection (1), be a body corporate with perpetual succession and a common seal, and may sue and be sued in such name.

(3) The Commission shall exercise and perform the powers and functions assigned to it under this Act for the purpose of achieving the objectives of this Act.

Appointment of
the members of
the Commission

5. (1) The Commission shall consist of five members appointed by the President, subject to the approval of the Constitutional Council, from among the persons having

qualifications and experience in one or more of the fields of information technology, law, governance, social services, journalism, science and technology or management.

(2) Subject to the provisions of section 6, the President shall recommend the names of five persons to be appointed as members of the Commission under subsection (1), to the Constitutional Council for approval.

(3) The President shall, within a period of fourteen days of receiving the approval of the Constitutional Council, appoint the persons approved by the Constitutional Council under subsection (2) as members of the Commission.

(4) Where the Constitutional Council refuses to approve the name of a person referred to in subsection (2), the President shall make a fresh nomination, and the provisions of subsections (1), (2), and (3) shall apply to such nomination accordingly.

(5) In the event of the President failing to make the necessary appointments within the period of fourteen days as specified in subsection (3), the persons approved by the Constitutional Council shall be deemed to have been appointed as the members of the Commission, with effect from the date of the expiry of such period.

6. A person shall be disqualified from being appointed or continuing as a member of the Commission, if such person-

- (a) is elected or appointed as a Member of Parliament, a Member of a Provincial Council or a Member of a local authority;

Disqualification
for being
appointed as a
member

- (b) is not or ceases to be a citizen of Sri Lanka;
- (c) directly or indirectly holds or enjoys an entitlement or benefit under an agreement entered by or on behalf of the Commission;
- (d) has any financial or other interest that may adversely impact the implementation of the functions as a member of the Commission;
- (e) absents himself from attending three consecutive meetings of the Commission, without a valid reason;
- (f) has been discovered or declared as a person of unsound mind under any law effective in Sri Lanka or in any other country;
- (g) a person who, having been declared an insolvent or a bankrupt under any law in Sri Lanka or in any other country, is an undischarged insolvent or bankrupt; or
- (h) has been sentenced or received an order for a term of imprisonment imposed by any court in Sri Lanka or in any other country.

Resignation,
removal and
term of office of
members of the
Commission

7. (1) A member of the Commission may resign from office by letter in that behalf addressed to the President, and such resignation shall take effect from the date on which the resignation is accepted in writing by the President.

(2) A member of the Commission may be removed from his office by the President, subject to the approval of the Constitutional Council following a hearing of the relevant member where such person—

- (a) is unable to exercise, perform and discharge the powers, duties and functions of such office because of an infirmity of body or mind that has lasted for more than a period of three months;
- (b) has failed to exercise, perform and discharge the powers, duties and functions of such office for a consecutive period of more than three months without the approval of the Commission; or
- (c) is disqualified in terms of the provisions of section 6.

(3) Any hearing under subsection (2) shall be concluded within three months from the date of commencement of such hearing.

(4) Upon the receipt of the approval of the Constitutional Council, the President shall, in writing, remove such member of the Commission, and shall state in the letter of removal-

- (a) the date on which the removal shall take effect which shall not be a date earlier than the date on which the letter of removal is received; and
- (b) the reasons for the removal.

(5) Any member of the Commission may be suspended from the office by the President prior to the commencement of the hearing or during the course of the hearing under subsection (2).

(6) The term of office of a member of the Commission shall be three years from the date of appointment.

(7) Where a member of the Commission vacates office by death, resignation or other cause, the President shall appoint, having regard to the provisions of sections 5 and 6, another eligible person in such member's place, and the person so appointed shall hold office for the unexpired period of the term of office of the member whom such person succeeds.

(8) A member of the Commission whose term of office is due to end otherwise than by removal, shall be eligible for reappointment for not more than one further term of office, whether consecutive or otherwise.

(9) Members of the Commission shall be paid such remuneration as may be determined by a resolution of Parliament and such remuneration shall be charged to the Fund of the Commission.

Chairman of the
Commission

8. (1) The President shall appoint one of the members of the Commission to be the Chairman of the Commission (hereinafter referred to as the "Chairman").

(2) The Chairman may resign from the office of Chairman by letter in that behalf addressed to the President and the resignation shall take effect from the date on which it is accepted, in writing, by the President.

(3) The Chairman shall cease to be the Chairman, if disqualified to be a member of the Commission in terms of section 6.

(4) The term of office of the Chairman shall be three years.

(5) The Chairman shall not, on vacation of the office of Chairman, be eligible for reappointment as Chairman.

(6) Without prejudice to the provisions of this section, the Chairman shall, within one month of being appointed as the Chairman, nominate a member in writing, to be the Deputy Chairman to discharge the functions of the Chairman during his absence from office due to illness or any other cause.

9. (1) The Chairman shall summon all meetings of the Commission. Any member of the Commission may, by written notice, request the Chairman to call a meeting of the Commission and the Chairman shall not otherwise than for good reason, refuse to do so.

Meetings of the
Commission

(2) The Commission may decide any matter, which is determined by the Chairman to be urgent with the agreement of the majority of the members.

(3) The Chairman shall preside at all meetings of the Commission and in the absence of the Chairman at any meeting, the Deputy Chairman shall preside at such meeting.

(4) The quorum for a meeting of the Commission shall be three members including the Chairman. In the absence of the Chairman, the quorum shall be three members including the Deputy Chairman.

(5) All matters for decision by the Commission shall be decided by a majority of the votes of the members of the Commission present and voting at the meeting at which the decision is taken. The decision so supported by the votes of a majority of the members of the Commission on any matter shall be deemed to be the decision of the Commission on that matter.

(6) All decisions of the Commission, supported by reasons, shall be in writing and the seal of the Commission affixed thereto in accordance with paragraph (c) of section 10.

(7) In case there is an equality of votes on any matter to be decided by the Commission, the Chairman shall have a casting vote.

(8) Subject to the preceding provisions of this section, the Commission may regulate the procedure in regard to the meetings of the Commission and the transaction of business at such meetings.

(9) No act, decision or proceeding of the Commission shall be deemed to be invalid by reason only of the existence of any vacancy in its membership or defect in the appointment of any member thereof.

Seal of the
Commission

10. The Seal of the Commission-

- (a) shall be determined by the Commission and may be altered in such manner as may be determined by the Commission;
- (b) shall be in the custody of such person as the Commission may determine from time to time; and
- (c) shall not be affixed to any instrument or document except with the sanction of the Commission and in the presence of two members of the Commission who shall sign the instrument or document in token of their presence.

PART II

POWERS AND FUNCTIONS OF THE COMMISSION

11. The Commission shall have the following powers and functions: -

Powers and
functions of the
Commission

- (a) to issue directives to persons, internet service providers or internet intermediaries, who have published or communicated or whose service has been used to communicate any prohibited statement, requiring them to provide to persons who have been adversely affected by any prohibited statement, an opportunity of responding to such prohibited statement;
- (b) to issue notices to persons who communicate prohibited statements, to stop the communication of such statements;
- (c) to issue notices to any internet service provider or internet intermediary to disable access to an online location which contains a prohibited statement by the end users in Sri Lanka or to remove such prohibited statement from such online location;
- (d) to refer to the appropriate court as provided for in paragraph (3) of Article 105 of the Constitution or any other relevant written law for its consideration any communications that may be in contempt of court or prejudicial to the maintenance of the authority and impartiality of the judiciary, and to provide such assistance as may be required from any court in respect of any matter so referred to such court;

- (e) to make recommendations to internet service providers and internet intermediaries to remove prohibited statements;
- (f) to maintain an online portal containing information to enlighten the public of the falsity of any statement;
- (g) to specify declared online locations in terms of the provisions of this Act, and make recommendations to disable access to the information disseminated through such online location;
- (h) to carry out such investigations as may be necessary to exercise and perform the powers and functions of the Commission;
- (i) to issue codes of practice by way of rules for internet service providers and internet intermediaries who provide internet based communication services to the end users in Sri Lanka;
- (j) to register, in such manner as may be specified by rules made under this Act, the websites providing social media platforms to the end users in Sri Lanka;
- (k) to consult, to the extent the Commission considers appropriate, any person or group of persons who or which may be affected, or likely to be affected, in the discharge of its powers and functions;
- (l) to advise the Government, as the Commission deems appropriate, on all matters concerning online safety in Sri Lanka, within the purview of this Act;

- (m) to acquire and hold property movable and immovable, and to sell, lease, mortgage, exchange, or otherwise dispose of the same;
- (n) to enter into such contracts as may be necessary for the exercise, performance and discharge of its powers, duties and functions;
- (o) to obtain the assistance of the police in the conduct of any investigation undertaken by the Commission;
- (p) to appoint, employ and dismiss members of the staff of the Commission and to exercise disciplinary control over such staff; and
- (q) generally, to do all such other acts and things as are incidental to or consequential in the exercise, performance and discharge of its powers, duties and functions under this Act.

PART III

PROHIBITION OF ONLINE COMMUNICATION OF FALSE STATEMENTS

12. Any person, whether in or outside Sri Lanka, who poses a threat to national security, public health or public order or promotes feelings of ill-will and hostility between different classes of people, by communicating a false statement, commits an offence and shall on conviction be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand rupees or to both such imprisonment and fine.

Prohibition of communication of false statements in Sri Lanka

Communication of false statement amounting to contempt

13. Any person, whether in or outside Sri Lanka who communicates a false statement by way of an online account or through an online location which amounts to contempt of court, in the opinion of any court which exercises the special jurisdiction to punish the offence of contempt of court, in terms of paragraph (3) of Article 105 of the Constitution or any other relevant written law, commits an offence and the provisions of that Article and relevant written law shall, *mutatis mutandis*, apply in sentencing such person.

Wantonly giving provocation by false statement to cause riot

14. Any person, whether in or outside Sri Lanka who maliciously or wantonly, by way of an online account or through an online location, by communicating a false statement, gives provocation to any person or incites any person intending or knowing it to be likely that such provocation or incitement, will cause the offence of rioting to be committed, shall-

- (a) if the offence of rioting be committed in consequence of such provocation, be liable to imprisonment of either description for a term not exceeding five years, or to a fine not exceeding five hundred thousand rupees or to both such imprisonment and fine; and
- (b) if the offence of rioting be not committed, be liable to imprisonment of either description for a term not exceeding three years, or to a fine not exceeding three hundred thousand rupees, or to both such imprisonment and fine.

Disturbing a religious assembly by a false statement

15. Any person, whether in or outside Sri Lanka who by communicating a false statement, voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremonies,

commits an offence and shall on conviction be liable to imprisonment of either description for a term not exceeding three years, or to a fine not exceeding three hundred thousand rupees, or to both such imprisonment and fine.

16. Any person, whether in or outside Sri Lanka who with the deliberate and malicious intention of outraging the religious feelings of any class of persons by way of an online account or through an online location by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or the religious beliefs of that class by communicating a false statement, commits an offence and shall on conviction be liable to imprisonment of either description for a term not exceeding three years, or to a fine not exceeding three hundred thousand rupees or to both such imprisonment and fine.

Deliberate and malicious communication of false statement to outrage religious feelings

17. Any person, whether in or outside Sri Lanka who deceives any person by communicating a false statement, by way of an online account or through an online location-

Online cheating

- (a) fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property; or
- (b) intentionally induces the person so deceived to do or omit to do anything which he would not do or omit, if he was not so deceived, and which act or omission causes or is likely to cause harm to that person in body, mind, reputation, or property, or damage or loss to the Government,

commits the offence of “online cheating” and shall on conviction be liable to imprisonment for a term which may extend to seven years or to a fine not exceeding seven hundred thousand rupees, or to both such imprisonment and fine.

Online cheating
by personation

18. Any person, whether in or outside Sri Lanka who, by means of an online account, cheats by -

- (a) pretending to be some other person;
- (b) knowingly substituting one person for another; or
- (c) representing that such person or any other person is a person other than the person really is,

commits the offence of “online cheating by personation” and shall on conviction be liable to imprisonment of either description for a term which may extend to three years or to a fine not exceeding three hundred thousand rupees, or to both such imprisonment and fine.

Circulating false
report with
intent to cause
mutiny or an
offence against
the State, & c.

19. Any person, whether in or outside Sri Lanka who communicates any false statement, with intent to cause any officer, sailor, soldier, or airman in the navy, army or air force of Sri Lanka to mutiny, or with intent to cause fear or alarm to the public, induces any other person to commit an offence against the State or against the public tranquillity, commits an offence and shall on conviction be liable to imprisonment of either description for a term not exceeding seven years, or to a fine not exceeding seven hundred thousand rupees, or to both such imprisonment and fine.

Communicating
statements to
cause harassment
& c.

20. (1) Any person, whether in or outside Sri Lanka who wilfully makes or communicates a statement, with intention to cause harassment to another person (in this section referred to as the “target person”), by publishing any private information of the target person or a related person of the target person, and as a result causes the target person or any other person harassment, commits an offence and shall on conviction be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred

thousand rupees and in the event of a second or subsequent conviction, such term of imprisonment or fine or both such imprisonment and fine may be doubled.

(2) For the purpose of this section-

- (a) “private information” means personal information, including any image, audio or video details, that any person may reasonably expect to remain private, but does not include any information that may be evidence of the commission of any other offence; and
- (b) “harassment” means an act or behaviour which has the effect of threatening, alarming or distressing a person or violating a person’s dignity or creating an intimidating, degrading, hostile, humiliating or offensive environment or, which has all such effects.

Illustrations-

- (a) X and Y were formerly in a relationship which has since ended. X writes a post on a social media platform including Y’s photographs and personal mobile number, intending to cause harassment to Y by facilitating the identification or enabling others to contact Y. Y did not see the post, but receives and is harassed by telephone calls and short messages via short message service from strangers (who have read the post) propositioning Y for sex. X is guilty of an offence under this section in relation to such post.
- (b) X and Y were formerly in a relationship which has since ended. X posts a photograph of Y in the possession of X which Y could reasonably have expected to remain private. X is guilty of an offence under this section in relation to such post.

Child abuse & c.

21. (1) Any person, whether in or outside Sri Lanka, who, by way of an online account or through an online location commits or aids and abets an act upon a child, which constitutes an offence within the meaning of section 286A, 288, 288A, 288B, 308A, 360A, 360B, 360C, 363, 364A, 365, 365A or 365B of the Penal Code commits an offence and shall on conviction be liable to the punishment for each such offence as specified in the Schedule hereto:

Provided however, in the case of aiding and abetting to commit an offence under section 363 of the Penal Code in respect of a child, every reference to a “woman” in subsection (2) of section 364 of the Penal Code shall be read and construed as a reference to a “child” for the purpose of this section.

(2) Any person, whether in or outside Sri Lanka, who, by way of an online account or through an online location, publishes any photograph, audio or video of abusive or pornographic nature relating to a child, commits an offence and shall on conviction be liable to imprisonment for a term not less than two years and not exceeding twenty years or to a fine not exceeding one million rupees, or to both such imprisonment and fine.

(3) Where any person is convicted for an offence under subsection (1), such person shall, in addition to the penalty specified therein, be liable to pay such compensation as may be ordered by court, to the child or group of children in respect of whom such offence was committed.

Making or altering bots to commit an offence

22. Any person, whether in or outside Sri Lanka, who makes or alters a bot with the intention of communicating or enabling any other person to communicate, by means of a

bot, a statement which constitutes an offence under this Act, commits an offence and shall on conviction be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand rupees, or to both such imprisonment and fine.

PART IV

MEASURES AGAINST ONLINE COMMUNICATION OF PROHIBITED STATEMENTS IN SRI LANKA

23. (1) A person aggrieved by the communication of a prohibited statement which is seen, heard or otherwise perceived by the users of internet based communication services (in this Act referred to as the “end users”) in Sri Lanka, by any other person, may either in writing or in electronic form, make a complaint providing information pertaining to such communication to the Commission.

Providing information to the Commission on communication of prohibited statement

(2) The Commission shall designate such number of information officers from among the staff of the Commission as the Commission may deem necessary, from time to time, to receive information in relation to communication of a prohibited statement for the purpose of subsection (1).

(3) (a) Every complaint shall set out all available details of the person or persons responsible for the making or communicating the prohibited statement, including, where available, details pertaining to the Universal Resource Locator (hereinafter referred to as the “URL”) or other identifying features of the location or number from which the prohibited statement was communicated or published, and such other details as may be prescribed.

(b) Where it is possible to do so, the complainant shall serve a copy of the complaint to the person or persons making or communicating the prohibited statement and any internet service provider or internet intermediary.

(c) In the event, the information necessary to give such notice as aforesaid is not available, the complainant shall specify the absence of such information in the complaint.

(4) A written acknowledgement of the receipt, including a receipt in electronic form, of such information shall be immediately issued by the information officer on behalf of the Commission.

(5) Where the Commission is of the opinion that sufficient material exists that a prohibited statement has been communicated, the Commission shall carry out investigations through the officers of the Commission. During such investigations, an opportunity to be heard shall be given to the person alleged to have communicated such prohibited statement.

(6) (a) If the Commission is satisfied, that sufficient material exists that a prohibited statement has been communicated, it may, taking into consideration the seriousness of the matter and the likelihood of damage or harm caused by such prohibited statement, issue notice to the person who communicated such prohibited statement, to take measures to prevent the circulation of such prohibited statement.

(b) A person to whom a notice has been issued under paragraph (a) shall comply with such notice immediately but not later than twenty four hours from such notice.

(c) Notice referred to in paragraph (a), shall be deemed to be served, where it is served by personal service, sent by post to the last known address of the person who communicated such prohibited statement, or served by electronic means to such person, or served by such other appropriate method adopted by the Commission depending on the nature of the case.

(d) Notice referred to in paragraph (a) shall be deemed to be served by electronic means where such notice is sent to such person's email address or social media account, or internet service provider or internet intermediary on whose online location such prohibited statement has been communicated.

(7) Where any person fails to comply with a notice issued under subsection (6) within twenty four hours of such notice, the Commission shall issue a notice to the internet service provider or internet intermediary on whose online location such prohibited statement has been communicated-

- (a) to disable access by the end users in Sri Lanka to such prohibited statement; or
- (b) to remove such prohibited statement from such online location,

as the case may be, for the period specified in such notice.

(8) The internet service provider or internet intermediary to whom a notice has been issued under subsection (7) shall comply with such notice within twenty four hours from the issuance of such notice.

(9) Where-

- (a) a person fails to act in accordance with the provisions of paragraph (b) of subsection (6); or
- (b) an internet service provider or internet intermediary fails to act in accordance with the provisions of subsection (8),

the Commission may apply to the Magistrate's Court by way of petition and affidavit to obtain an order directing such person or internet service provider or internet

intermediary, as the case may be, to comply with such provisions and the provisions of section 24, shall *mutatis mutandis*, apply in relation to such application.

Applying for a court order to prevent circulation of prohibited statements

24. (1) Any person affected by the communication of any prohibited statement may apply to the Magistrate's Court by way of petition and affidavit to obtain an order to prevent the circulation of such information.

(2) Upon considering such application, the Magistrate may issue a conditional order to such person or the internet service provider or internet intermediary on whose online location such prohibited statement has been communicated.

(3) The order made under subsection (2) may contain, *inter alia*-

(a) the name of the person who is required to stop communication of the prohibited statement with immediate effect; and

(b) any other order as the Magistrate deems fit.

(4) (a) The order made under subsection (2) shall be deemed to be served, where it is served by personal service, sent by post to the last known address of such person, or served by electronic means to such person, or by such other appropriate method ordered by the Magistrate depending on the nature of the case.

(b) The order made under subsection (2) shall be deemed to be served by electronic means where such order is sent to such person's email address or social media account, or internet service provider or internet intermediary on whose online location such prohibited statement has been communicated.

(5) The person against whom a conditional order is made under subsection (2) shall either comply with such order or appear before the Magistrate as specified in subsection (6) to show cause as to why the order shall not be made absolute.

(6) Where the person against whom a conditional order is made under subsection (2) intends to show cause, such person shall appear before the Magistrate making that order within a period of two weeks of making such order and move to have the order set aside or modified in the manner hereinafter provided.

(7) If the person against whom an order is made under subsection (2) neither complies with the order nor appears before the Magistrate under subsection (6), such person shall be liable to the penalty specified in subsection (9) and the order shall be made absolute.

(8) (a) Where such person appears before the Magistrate in terms of subsection (6), to show cause by way of petition and affidavit, the Magistrate shall hold an inquiry which shall be concluded within two weeks of the date of commencement of the inquiry.

(b) The Magistrate may, having regard to the facts stated by the person against whom the conditional order is made under subsection (2), either move to have the order set aside or modified, if the Magistrate is satisfied that the order made under this section is not reasonable and proper, and make an appropriate order subject to the provisions of this Act.

(c) If the Magistrate is not so satisfied, the order made under subsection (2) shall be made absolute.

(d) Where the order under subsection (2) is modified under paragraph (b), such order shall be made absolute.

(9) Where the person against whom any order is made under this section fails to comply with such order within the period and in the manner ordered by the Magistrate, such person commits an offence and shall on conviction be liable to imprisonment for a term not exceeding five years or to a fine not exceeding two million rupees and the Magistrate may order the Commission to take steps to -

- (a) disable access by end users in Sri Lanka to the online location containing such communication of the prohibited statement in Sri Lanka; or
- (b) remove the relevant communication of the prohibited statement in Sri Lanka from the online location containing such communication.

Disclosure of
identity
information

25. (1) Where any person is aggrieved by the communication of a prohibited statement and the information necessary to serve a copy of the complaint under subsection (3) of section 23 is not available, such person shall specify the absence of such information in the complaint made under subsection (1) of section 23.

(2) In the event of the receipt of a complaint referred to in subsection (1), the Commission shall make an application to the Magistrate's Court by way of petition and affidavit seeking a conditional order directing the internet intermediary on whose online location such prohibited statement was communicated, to disclose the information regarding the identity of the person who communicated the prohibited statement.

(3) The Magistrate may upon being satisfied that –

- (a) the statement was a prohibited statement;
- (b) the order is sought for the sole purpose of identifying the person who communicated such prohibited statement; and
- (c) the order is a proportionate and necessary response in all of the circumstances of the matter before the Court, taking into consideration whether the petitioner's right to disclosure of the information is outweighed by any countervailing right or interest of the person sought to be identified,

issue the order sought by the Commission.

(4) The order made under subsection (3) may contain, *inter alia*-

- (a) the name of the internet intermediary which is required to disclose the information sought; and
- (b) any other order as the Magistrate deems fit.

(5) (a) The order made under subsection (3) shall be deemed to be served, where it is served by personal service, sent by post to the last known address of the internet intermediary, or served by electronic means to such internet intermediary, or by such other appropriate method ordered by the Magistrate depending on the nature of the case.

(b) The order made under subsection (3) shall be deemed to be served by electronic means where such order is sent to the email address or social media account, of the internet intermediary on whose online location such prohibited statement has been communicated.

(6) The internet intermediary against whom a conditional order is made under subsection (3) shall either comply with such order or appear before the Magistrate as specified in subsection (7) to show cause as to why the order shall not be made absolute.

(7) Where the internet intermediary against whom a conditional order is made under subsection (3) intends to show cause, it shall appear before the Magistrate making that order within a period of two weeks of making such order and move to have the order set aside or modified in the manner hereinafter provided.

(8) If the internet intermediary against whom an order is made under subsection (3) neither complies with the order nor appears before the Magistrate under subsection (7), it shall be liable to the fine specified in subsection (10) and the order shall be made absolute.

(9) (a) Where such internet intermediary appears before the court in terms of subsection (7) to show cause by way of petition and affidavit, the Magistrate shall hold an inquiry which shall be concluded within two weeks of the date of commencement of the inquiry.

(b) The Magistrate may, having regard to the facts stated by the internet intermediary against whom the conditional order is made under subsection (3), either move to have the order set aside or modified, if the Magistrate is satisfied that the order under this section is not reasonable and proper, make an appropriate order subject to the provisions of this Act.

(c) If the Magistrate is not so satisfied, the order made under subsection (3) shall be made absolute.

(d) Where the order under subsection (3) is modified under paragraph (b), such order shall be made absolute.

(10) Where the internet intermediary against whom any order is made under this section fails to comply with such order within the period and in the manner ordered by the Magistrate, such person shall be liable to a fine not exceeding ten million rupees.

26. (1) Any person who is aggrieved by the communication of a prohibited statement may, by way of a civil action instituted in the District Court within the jurisdiction of which such aggrieved person resides, apply for an order directing the internet intermediary of the online location on which such prohibited statement communicated to disclose any information regarding the identity or the location of the person who used such online location to communicate such statement using the inauthentic online account or bot.

Aggrieved person to seek disclosure of identity information

(2) Upon the receipt of an application under subsection (1), the court may, if-

- (a) the prohibited statement was communicated by a person whose identity cannot be traced by the person who is aggrieved by such statement;
- (b) the internet intermediary against whom the order is sought was involved in the communication of such statement whether innocently or not;

- (c) the information sought is necessary for the aggrieved person to initiate legal proceedings to seek redress in relation to the damage or harm caused by the communication of such statement; and
- (d) the aggrieved person's right to get such information disclosed is outweighed by any countervailing right or interest of the person sought to be identified,

order an internet intermediary to disclose the information as requested by the aggrieved person.

Exemption from liability of internet service providers in certain cases

27. (1) Subject to the provisions of any other written law and the provisions of subsection (2), a person who engages in providing the following services shall have no liability in relation to the communication of a prohibited statement circulated through the online location owned, operated or controlled by such person, or for making available to the end users through such online location a communication link which contains any prohibited statement by any other party, which amounts to an offence under this Act or for any compensation payable for any wrongful loss caused to any person by such communication:-

- (a) an internet intermediary service;
- (b) a telecommunication service;
- (c) a service of giving public access to the internet;
- (d) a computing resource service;
- (e) an email service, if emails are the only user-generated content enabled by such service;
- (f) a short message service or multimedia messaging service -

- (i) if such short messages are the only user-generated content enabled by such service;
 - (ii) if such multimedia messages are the only user-generated content enabled by such service; or
 - (iii) if such short messages and multimedia messages are the only user-generated content enabled by such service; or
- (g) one-to-one live aural communication service, if such one-to-one live aural communications are the only user-generated content enabled by such service.

(2) Where-

- (a) a false statement, prohibited statement or material communicated on any service referred to in subsection (1) has been removed within six months from the date of coming in to operation of this Act; or
- (b) any material has been uploaded or interfered with by third parties,

the owner of an online account or the internet service provider shall have no liability in relation to the statement or the material referred to in paragraph (a) or (b).

(3) The exemption from liability granted under subsection (1) shall not apply, if such person –

- (a) has initiated the communication;
- (b) has selected the end user of the communication;
- (c) has selected or modified the content of the communication; or

(d) has not complied with the provisions of this Act, any regulation or rule made thereunder or any code of practice issued by the Commission by way of rules made under this Act, in providing such service.

(4) Any person who fails to adhere to the relevant code of practice issued by the Commission by way of rules made under this Act, and thereby causes wrongful loss to any other person, shall be liable to pay damages by way of compensation to the person who suffered such loss.

(5) For the purpose of this section-

“computing resource service” includes any internet service provided by a person to the public using any means except by the use of an internet intermediary service, a telecommunications service or a service of giving public access to the internet;

“telecommunication service” shall have the same meaning assigned to such term in the Sri Lanka Telecommunications Act, No. 25 of 1991.

PART V

DECLARED ONLINE LOCATIONS

Declared online locations

28. (1) The Commission may declare an online location as a “declared online location”, if-

(a) three or more different prohibited statements have been communicated to the end users in Sri Lanka on such online location in respect of which conditional orders were made absolute by the Magistrate under section 24; and

- (b) at least three of such statements had first been communicated to the end users in Sri Lanka on such online location within six months prior to the date of a declaration under this section is made.

(2) For the purposes of paragraph (a) of subsection (1), a statement is different from another if it is different in a material particular from that other statement.

(3) A declaration made under this section shall contain-

- (a) the URL, domain name, or any other unique identifier of the online location;
- (b) the relevant orders made by the Magistrate's Court;
- (c) the date on which the declaration comes into effect;
- (d) the date on which the declaration expires which must not be later than two years after the date referred to in paragraph (c);
- (e) a notice for the owner or operator of the online location whether in or outside Sri Lanka to communicate in such manner as may be specified in the declaration, to any end user in Sri Lanka who accesses the online location, a notice in such form as may be specified in such declaration, that the online location is the subject of a declaration; and
- (f) such other particulars as may be prescribed.

(4) A declaration made under this section may expire-

- (a) on the date specified therein, in accordance with paragraph (d) of subsection (3); or

- (b) on the date it is cancelled or set aside by the Commission,

whichever is earlier.

(5) As soon as possible after a declaration is made and before the date it comes into effect, the Commission shall publish, in such form and manner as may be prescribed, a notice in the *Gazette* -

- (a) stating that a declaration has been issued under this section; and
- (b) setting out the URL, domain name, or any other unique identifier of the online location, to which the declaration relates.

(6) (a) The declaration shall be deemed to be served, if the declaration is served by personal service, sent by post to the last known address of such owner or operator of the online location, or served by electronic means to such person, or by such other appropriate method adopted by the Commission, depending on the nature of the case.

(b) The declaration shall be deemed to be served by electronic means where such declaration is sent to the email address or social media account of the owner or operator of the online location through which such prohibited statement has been communicated.

(7) Where any owner or operator of a declared online location fails to comply with the notice to communicate a notice as referred to in paragraph (e) of subsection (3), the Commission or any person authorised by the Commission may apply to the Magistrate for an order directing owner or operator to-

- (a) disable access by the end users in Sri Lanka to such declared online location;
- (b) to communicate to all end users in Sri Lanka who access such declared online location, a notice declaring that the online location is the subject of a declaration; and
- (c) any other order as the Magistrate deems fit.

(8) Upon considering such application, the Magistrate may make a conditional order on the owner or operator of a declared online location containing the directions applied by the Commission under subsection (7).

(9) The order made under subsection (8) may contain, *inter alia*-

- (a) the name of the owner or operator of a declared online location who is required to disable access by the end users in Sri Lanka to the declared online location;
- (b) the manner of communicating the notice referred to in paragraph (e) of subsection (3); and
- (c) the period within which such notice shall be published after the service of the order.

(10) The order made under subsection (8) shall be deemed to be served on the owner or operator of a declared online location against whom the order is made, if the order is served by personal service, sent by registered post to the last known address of such person, or served by electronic means to such person, or by any other method deemed proper by the Magistrate depending on the nature of the case and in accordance with the provisions of this Act.

(11) The owner or operator of a declared online location against whom a conditional order is made under subsection (8) shall either comply with such order or appear before the Magistrate as specified in subsection (12) to show cause as to why the order shall not be made absolute.

(12) Where the owner or operator of a declared online location against whom a conditional order is made under subsection (8) intends to show cause, such person shall appear before the Magistrate making that order within a period of two weeks of making such order and move to have the order set aside or modified in the manner hereinafter provided:

Provided however, any owner or operator of a declared online location against whom a conditional order is made under subsection (8) shall be bound to comply with the order with effect from the date of making such order until such order is set aside or modified by the Magistrate in terms of the provisions of this section.

(13) If the owner or operator of a declared online location against whom an order is made under subsection (8) neither complies with the order nor appears before the Magistrate under subsection (12) such person shall be liable to the penalty specified in subsection (15) and the order shall be made absolute.

(14) (a) Where such owner or operator of a declared online location appears before the Magistrate in terms of subsection (12) to show cause by way of petition and affidavit, the Magistrate shall hold an inquiry which shall be concluded within two weeks of the date of commencement of the inquiry.

(b) The Magistrate may, having regard to the facts stated by the owner or operator of a declared online location against whom the conditional order is made under subsection (8), either move to have the order set aside or modified, if the Magistrate is satisfied that the order under this section is not reasonable and proper, and make an appropriate order, subject to the provisions of this Act.

(c) If the Magistrate is not so satisfied, the order made under subsection (8) shall be made absolute.

(d) Where the order under subsection (8) is modified under paragraph (b), such order shall be made absolute.

(15) Where the owner or operator of a declared online location against whom the order is made under this section fails to comply with such order within the period and in the manner ordered by the Magistrate's Court, such owner or operator of a declared online location commits an offence and shall on conviction be liable to imprisonment for a term not exceeding six years or to a fine not exceeding ten million rupees and Magistrate's Court may make an order directing the Commission to take steps to disable access by the end users in Sri Lanka to the declared online location.

(16) The Commission may at any time suspend, vary or cancel a declaration made under subsection (1) for such period as the Commission may determine-

(a) on its own initiative; or

(b) on an application by-

(i) the owner or operator of the declared online location; or

(ii) any person with editorial control over the online location.

(17) For the purpose of subsection (16), a person has “editorial control over an online location” if the person is able to decide-

- (a) whether any statement may be included or excluded on the online location; or
- (b) where to place any statement on the online location.

(18) Upon a declaration being suspended, varied or cancelled under subsection (16), the Commission shall-

- (a) publish, in such form and manner as may be prescribed, a notice of the suspension, variation or cancellation in the *Gazette*; and
- (b) make reasonable efforts to give a copy of such notice to the owner or operator of the declared online location.

Certain persons not to communicate in Sri Lanka, paid content on declared online locations, & c.

29. (1) An internet service provider must take reasonable steps (both in and outside Sri Lanka) to ensure that, after a prescribed period commencing on the date a declaration made under section 28 comes into effect, any paid content that it includes or causes to be included on a declared online location, is not communicated in Sri Lanka on the declared online location.

(2) An internet intermediary must take reasonable steps (both in and outside Sri Lanka) to ensure that, after a prescribed period commencing on the date a declaration made under section 28 comes into effect, any paid content that it includes or causes to be included on a declared online location is not communicated in Sri Lanka on the declared online location.

(3) An internet intermediary must take reasonable steps (both in and outside Sri Lanka) to ensure that, after a prescribed period commencing on the date on the declaration made under section 28 comes into effect, it does not, when acting as an internet intermediary, facilitate the communication in Sri Lanka of any paid content that gives publicity to, or otherwise promotes, a declared online location.

(4) An internet service provider or internet intermediary shall be treated for the purposes of subsection (1) or (2), as the case may be, as having taken reasonable steps to ensure that any paid content that it includes or causes to be included on a declared online location is not communicated in Sri Lanka on the declared online location, if it has taken such steps as may be prescribed.

(5) An internet intermediary is treated for the purposes of subsection (3), as having taken reasonable steps to ensure that it does not facilitate the communication in Sri Lanka of any paid content mentioned in that subsection if it has taken such steps as may be prescribed.

(6) A person who fails to comply with the provisions of subsection (1), (2) or (3) commits an offence and shall on conviction be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding ten million rupees and in the event of a second or subsequent conviction, such term of imprisonment or fine or both such imprisonment and fine may be doubled.

30. (1) Any person, whether in or outside Sri Lanka, who solicits, receives or agrees to receive any financial or other material benefit as an inducement or reward for operating a declared online location commits an offence and shall on conviction be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five million rupees and in the event of a second or subsequent conviction, such term of imprisonment or fine or both such imprisonment and fine may be doubled.

Prohibition on deriving benefits from operating a declared online location

(2) Where a court convicts any person of an offence under this section, the court shall order, in addition to imposing on that person the punishment in subsection (1), the forfeiture of any assets acquired through the commission of an offence under this section.

Prohibition on providing financial support to declared online locations

31. (1) A person, whether in or outside Sri Lanka, who expends or applies any property knowing or having reason to believe that the expenditure or application supports, helps or promotes the communication of prohibited statements to the end users in Sri Lanka on a declared online location commits an offence and shall on conviction be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five million rupees and in the event of a second or subsequent conviction, such term of imprisonment or fine or both such imprisonment and fine may be doubled.

(2) The provisions of subsection (1) shall not apply to an internet service provider or an internet intermediary which gives any consideration for the purpose of communicating any paid content in Sri Lanka on the declared online location.

(3) Where a court convicts any person of an offence under this section, the court shall order, in addition to imposing on that person the punishment in subsection (1), the forfeiture of any property acquired through expending or applying any property by the commission of an offence under this section.

(4) For the purpose of this section, “property” means money and all other property, movable or immovable, including things in action and other intangible or incorporeal property.

PART VI

COUNTERACTING INAUTHENTIC ONLINE ACCOUNTS AND
COORDINATED INAUTHENTIC BEHAVIOUR

32. (1) If the conditions in subsection (2) are satisfied, the Commission may issue a notice in writing to an internet intermediary, requiring it to do one or both of the following, for the period specified in such notice: -

Counteracting
inauthentic
online accounts
and coordinated
inauthentic
behaviour

- (a) to refrain from permitting its services from being used to communicate any prohibited statement in Sri Lanka through one or more specified online accounts; or
- (b) to refrain from permitting any person from using one or more specified online accounts to interact with any end user of its internet intermediary service in Sri Lanka.

(2) The conditions referred to in subsection (1) shall be, as follows:-

- (a) such online account or accounts shall have been created with the internet intermediary in respect of which the notice under subsection (1) is issued;
- (b) either a prohibited statement has been communicated in Sri Lanka using the specified online account or coordinated inauthentic behaviour has been carried out in Sri Lanka using the specified online account; and
- (c) the Commission has determined that the online account is an inauthentic online account or is controlled by a bot.

(3) The notice shall be deemed to be served on the internet intermediary, if it is served by personal service, sent by post to the last known address of such internet intermediary, or served by electronic means to such person, or by any other method deemed proper by the Commission depending on the nature of the case.

(4) Where a notice issued under subsection (1) has not been complied with, the Commission shall submit an application to the Magistrate's Court. Upon considering such application the Magistrate may issue a conditional order on the internet intermediary containing the directions applied for by the Commission under subsection (1).

(5) An Order made under subsection (4) shall specify that it has effect-

- (a) indefinitely; or
- (b) for a specified period not exceeding three months.

(6) The order made under subsection (4) shall be deemed to be served on the internet intermediary against whom the order is made, if the order is served by personal service, sent by registered post to the last known address of such person, or served by electronic means to such person, or by any other method deemed proper by the Magistrate depending on the nature of the case and in accordance with the provisions of this Act.

(7) The internet intermediary against whom a conditional order is made under subsection (4) shall either comply with such order or appear before the Magistrate as specified in subsection (8) to show cause as to why the order shall not be made absolute.

(8) Where the internet intermediary against whom a conditional order is made under subsection (4) intends to show cause, it shall appear before the Magistrate making that order, within a period of two weeks of making such order and move to have the order set aside or modified in the manner hereinafter provided:

Provided however, any internet intermediary against whom a conditional order is made under subsection (4) shall be bound to comply with the order with effect from the date of making such order until such order is set aside or modified by the Magistrate in terms of the provisions of this section.

(9) If the internet intermediary against whom an order is made under subsection (4) neither complies with the order nor appears before the Magistrate under subsection (8) he shall be liable to the penalty specified in subsection (11) and the order shall be made absolute.

(10) (a) Where such internet intermediary appears before the Magistrate in terms of subsection (8) to show cause by way of petition and affidavit, the Magistrate shall hold an inquiry which shall be concluded within two weeks of the date of commencement of the inquiry.

(b) The Magistrate may having regard to the facts stated by the internet intermediary against whom the conditional order is made under subsection (4), either move to have the order set aside or modified, if the Magistrate is satisfied that the order under this section is not reasonable and proper, make an appropriate order subject to the provisions of this Act.

(c) If the Magistrate is not so satisfied, the order made under subsection (4) shall be made absolute.

(d) Where the order under subsection (4) is modified under paragraph (b), such order shall be made absolute.

(11) Where the internet intermediary against whom the order is made under this section fails to comply with such order within the period and in the manner ordered by the Magistrate, such person commits an offence and shall on conviction be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding ten million rupees, and the Magistrate may make an order directing the Commission to take steps to enforce such order by preventing access to the prohibited statement within Sri Lanka, notwithstanding anything contrary in any other law.

PART VII

APPOINTMENT OF EXPERTS TO ASSIST INVESTIGATIONS AND THEIR POWERS

Appointment of
experts to assist
investigations

33. (1) The Minister may, in consultation with the Minister assigned the subject of Justice, appoint, by Order published in the *Gazette*, any public officer or an employee of a Government department, public corporation or a Government company, having the required qualification and experience in electronic engineering or software technology (hereinafter referred to as an “expert”) to assist the Commission in the investigation of an offence under this Act.

(2) For the purposes of this section-

“expert” includes-

- (a) any member of the staff of any university who possesses the prescribed qualification and, who is nominated by the Vice-Chancellor of the relevant university;

- (b) any public institution which in the opinion of the relevant university possesses the prescribed qualification and is nominated by the Vice-Chancellor of such university:

Provided that where an “expert” cannot be identified in terms of paragraph (a) or (b) above the Minister may, in consultation with the Vice-Chancellor of the relevant university appoint any other institution which satisfies the prescribed qualification;

“Government company” means a company registered or deemed to be registered under the Companies Act, No. 07 of 2007 in which the Government or a public corporation or local authority holds fifty *per centum* or more of the shares of that company;

“university” means any university established under the Universities Act, No. 16 of 1978.

(3) The qualification and experience (having regard to the specific areas of expertise) required to be fulfilled by an officer appointed under subsection (1) and the manner and mode of appointment and the conditions of appointment of such officer shall be as prescribed.

(4) For the purpose of an investigation under this Act, an expert called upon to assist the Commission shall, have the power to-

- (a) enter upon any premises along with a police officer not below the rank of a sub-inspector;

- (b) access any information system, computer or computer system or any programme, data or information held in such computer to perform any function or to do any such other thing;
- (c) require any person to disclose any traffic data;
- (d) orally examine any person; and
- (e) do such other things as may be reasonably required, for the purposes of this Act.

(5) An expert shall be paid such remuneration as may be determined by the Minister in consultation with the Minister assigned the subject of Finance.

(6) An expert may be called upon to assist the Commission or any police officer in the investigation of an offence under this Act and it shall be duty of the expert to render all such assistance as may be required for the purposes of such investigation. Where any proceedings have been commenced consequent to the findings of an investigation, it shall be the duty of the expert to make available for the purposes of such proceedings, any information, data, material or other matter that may be obtained by him in the course of such investigation.

Duty to assist investigations

34. Any person who is required by an expert, under the authority of a police officer, to make any disclosure or to assist in an investigation in respect of an offence under this Act shall comply with such requirement.

Powers of search and seizure with warrant

35. (1) An expert who assists a police officer, for an investigation in respect of an offence under this Act, under the authority of a warrant issued in that behalf by a Magistrate, on application made for such purpose by the police officer, may -

- (a) obtain any information including subscriber information and traffic data in the possession of any internet service provider; or
- (b) intercept any wire or electronic communication including subscriber information and traffic data, at any stage of such communication.

(2) The Minister may, by regulations prescribe the manner in which, and the procedures required to be followed in respect of, the retention and interception of data and information including traffic data, for the purposes of any investigation in respect of an offence under this Act.

PART VIII

FINANCE

36. (1) The Commission shall have its own Fund.

Fund of the
Commission

(2) There shall be credited to the Fund of the Commission all such sums of money as may be voted from time to time by Parliament for the use of the Commission.

(3) All sums of money required to defray expenditure incurred by the Commission in the exercise and performance of its duties and functions under this Act, shall be paid out of the Fund of the Commission, and such other expenditure to be charged on the Fund in terms of this Act.

(4) The Commission shall cause proper accounts to be kept of the receipts and expenditure, assets and liabilities and all other transactions of the Commission.

(5) The financial year of the Commission shall be the calendar year.

Audit of
accounts

37. The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to and in relation to the audit of the accounts of the Fund of the Commission.

PART IX

GENERAL

Provisions of the
Code of
Criminal
Procedure Act to
apply

38. (1) Save as expressly provided in this Act, the provisions of the Code of Criminal Procedure Act, No. 15 of 1979, shall, *mutatis mutandis*, apply to investigations, institution of proceedings, the trial of offences and to appeals from judgments, sentences and orders pronounced at any such trial under this Act.

(2) Where the Commission, on consideration of material collected in the course of investigations conducted under this Act, is satisfied that any person has committed an offence under the provisions of this Act, it may take steps to institute criminal proceedings in terms of section 136 of the Code of Criminal Procedure Act, No. 15 of 1979.

Jurisdiction

39. (1) The jurisdiction to hear, try and determine all offences under this Act shall be vested with the Magistrate's Court.

(2) Notwithstanding anything contained in subsection (1), where there are aggravating circumstances or circumstances that give rise to public disquiet in connection with the commission of an offence, it shall be lawful for the Attorney-General to forward indictment directly to the High Court.

- 40.** Any person who attempts to commit an offence under this Act or to cause such an offence to be committed, commits an offence and shall on conviction be liable to imprisonment of either description for a term not exceeding one half of the maximum term provided for each of such offences or to a fine not exceeding one half of the maximum fine provided for each of such offences or to both such imprisonment and fine.
- 41.** A person who abets an offence under this Act commits an offence and shall be tried in the same manner, and shall on conviction be liable to the same punishment, provided for in this Act for the first-mentioned offence. In this subsection the expression “abet” shall have the same meaning as in sections 100 and 101 of the Penal Code.
- 42.** A person who conspires with any other person to commit an offence under this Act commits an offence and shall be tried in the same manner and shall on conviction be liable to the same punishment provided for in this Act for the first-mentioned offence. In this section, the expression “conspire” shall have the same meaning as in section 113A of the Penal Code.
- 43.** Every offence under this Act shall be –
- (a) a non-cognizable offence within the meaning of and for the purposes of the Code of Criminal Procedure Act, No. 15 of 1979; and
 - (b) a bailable offence within the meaning of the Bail Act, No. 30 of 1997.
- 44.** Where an offence under this Act is committed by a body of persons, then, if that body of persons is-
- Attempt to commit an offence
- Abetment of an offence
- Conspiring to commit an offence
- Offences under this Act to be non-cognizable and bailable
- Offences by body of persons

- (a) a body corporate, every director, or other principal officer of that body corporate;
- (b) a firm, every partner of that firm; and
- (c) an unincorporated body, every individual who is a controlling member of such body and every principal officer of that body responsible for its management and control,

commits an offence:

Provided however, that no such person shall be deemed to have committed an offence if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

Protection from
action

45. (1) A suit or prosecution shall not lie against-

- (a) the Commission for any act which in good faith is done or omitted to be done, by the Commission under this Act; or
- (b) any member, staff of the Commission or an expert appointed under section 33 for any act which in good faith is done or omitted to be done, by such person under this Act or any other Act.

(2) Any expenses incurred by the Commission in any suit or prosecution brought by, or against, the Commission before any court, shall be paid out of the Fund of the Commission and any costs paid to, or recovered by, the Commission in any such suit or prosecution, shall be credited to the Fund of the Commission.

(3) Any expenses incurred by any member, staff of the Commission or an expert assisting the Commission, in any suit or prosecution brought against such person in any court in respect of any act which is done, or purported to be done, by such person under this Act or on the direction of the Commission shall, if the court holds that the act was done in good faith, be paid out of the Fund of the Commission, unless such expense is recovered by such person in such suit or prosecution.

46. (1) The Commission shall within three months of the end of each financial year, prepare a report of its activities during that year and its proposed activities in the following year, and shall transmit a copy of such report together with a copy of the audited accounts of the Commission for that year, to the Minister.

Annual reports
of the
Commission

(2) The Minister on receipt of a report prepared under subsection (1)-

- (a) shall cause a copy of such report to be placed before Parliament;
- (b) may require the members of the Commission to clarify any matter arising from such report to Parliament or a Committee of Parliament; and
- (c) may require the Commission to publish such report and accounts in such manner as the Commission considers appropriate to bring them to the attention of the public.

(3) Without prejudice to the generality of subsection (1), every annual report shall contain-

- (a) a general survey of developments during the year to which the report relates in respect of matters falling within the scope of the Commission's function and in particular, ensuring online safety; and

- (b) details of the measures taken by the Commission to ensure online safety during that year.

Members and staff of the Commission deemed to be public servants

47. All members and staff of the Commission shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Commission deemed to be a scheduled institution for the purpose of the Anti-Corruption Act

48. The Commission shall be deemed to be a scheduled institution within the meaning of the Anti-Corruption Act, No. 9 of 2023, and the provisions of that Act shall be construed accordingly.

Commission to make rules

49. (1) The Commission shall make rules for the purpose of the following matters:-

- (a) to issue the codes of practice applicable for internet service providers and internet intermediaries who provide internet based communication services, specifying security practices and procedures required to be followed by them; and
- (b) to specify the manner in which the websites providing social media platforms to the end users in Sri Lanka shall be registered under this Act.

(2) The Commission shall make the first rules under subsection (1), within twenty four months from the date of commencement of this Act.

(3) The Commission shall, prior to making rules under subsection (1), hold public consultations for a period of not less than two weeks.

(4) The period of public consultation referred to in subsection (3) may be extended for a further period as may be specified by the Commission.

(5) 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 therein.

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

50. (1) The Minister may make regulations in respect of all matters which are required by this Act to be prescribed or in respect of which regulations are required or authorized to be made under this Act.

Regulations

(2) Every regulation 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 therein.

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

(4) Notification of the date on which any regulation is deemed to be so rescinded shall be published in the *Gazette*.

51. In the event of any inconsistency or conflict between the provisions of this Act and any other written law, the provisions of this Act shall prevail.

This Act to prevail over other written law

Interpretation

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

“bot” means a computer program made or altered for the purpose of running automated tasks;

“Chairman” includes the Deputy Chairman appointed under subsection (6) of section 8;

“child” means a person under the age of eighteen years;

“coordinated inauthentic behaviour” means any coordinated activity carried out using two or more online accounts, in order to mislead the end users in Sri Lanka of any internet intermediary service as to any matter, but excludes any activity carried out using online accounts-

(a) that are controlled by the same person; and

(b) none of which is an inauthentic online account or is controlled by a bot;

“communicate” means communicating to one or more end users in Sri Lanka on or through the internet, a false statement or private information and includes transmitting, distributing, sharing, generating, propagating, publishing or tagging and the term “communication” shall be construed accordingly;

“computer” means an electronic or similar device having information processing capabilities;

“computer system” means a computer or group of interconnected computers, including the internet;

“declared online location” means an online location declared under section 28;

“false statement” means a statement that is known or believed by its maker to be incorrect or untrue and is made especially with intent to deceive or mislead but does not include a caution, an opinion or imputation made in good faith;

“inauthentic online account” means an online account that is controlled by a person other than the person represented (whether by its user, unique identifier or other information) as its holder, and the representation is made for the purpose of misleading the end users in Sri Lanka of any internet intermediary service as to the holder’s identity;

“internet service provider” means an entity offering the transmission, routing, or providing of connections for digital online communications, between or among points specified by a user, of material of the user’s choosing, without modification to the content of the material as sent or received, including those offering telecommunication services under the Telecommunications Act, No. 25 of 1991;

“internet intermediary” means a person who provides any internet intermediary service;

“internet intermediary service” means-

- (a) a service that allows end users to access materials originating from third parties on or through the internet;
- (b) a service of transmitting such materials to end users on or through the internet;

- (c) a service of displaying, to an end user who uses the service to make an online search, an index of search results, each of which links that end user to content hosted or stored at a location which is separate from the location of the index of search results; or
- (d) a service which facilitates the communication of paid content in any place by acting as the link or part of the link between the owners or operators of online locations and advertisers and internet service providers, through the means of an internet based service,

but excludes any act done for the purpose of, or that is incidental to, the provision of a service of giving the public access to the internet or a computing resource service;

“material” means anything that consists of or contains a statement;

“Minister” means the Minister to whom the function of administering the provisions of this Act is assigned in terms of Article 44 or 45 of the Constitution;

“online account” means an account created with an internet intermediary for the use of an internet intermediary service;

“online location” means any website, webpage, chatroom or forum, or any other thing that is hosted on a computer and can be seen, heard or otherwise perceived by means of the internet;

“paid content” means any statement that is communicated in any place upon payment of a consideration;

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

“person” means a natural or legal person;

“prescribe” means prescribe by regulations;

“prohibited statement” means a statement specified in section 12, 13, 14, 15, 16, 17, 19 or 20;

“publish” means making available to the public on or through the internet;

“social media platform” means a service provided by an internet intermediary-

(a) solely for the purpose of enabling online social interaction between two or more end users in Sri Lanka;

(b) which allows end users in Sri Lanka to link to some or all of the other end users; or

(c) which allows the end users in Sri Lanka to post material on the service,

but does not include any such service of which any information communicated through the service is not accessible by the end users in Sri Lanka;

“statement” means any word including abbreviation and initial, number, image (moving or otherwise), sound, symbol or other representation, or a combination of any of these.

(2) Any word or expression used in this Act and defined in the Penal Code but not defined in this Act shall have the same meaning assigned to such word or expression in the Penal Code.

53. 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

SCHEDULE

(section 21(1))

Section of the Penal Code	Offence under the Penal Code	Punishment
286A	Obscene publication & c. relating to Children	Imprisonment of either description for a term not less than two years and not exceeding ten years and may also be punished with fine
288	Causing or procuring children to beg	Imprisonment of either description for a term not exceeding five years and may also be liable to a fine
288A	Hiring or employing children to act as procurers for sexual intercourse	Imprisonment of either description for a term not less than two years and not exceeding five years and may also be liable to a fine
288B	Hiring or employing children to traffic in restricted articles	Imprisonment of either description for a term not less than five years and not exceeding seven years and may also be liable to a fine
308A	Cruelty to children	Imprisonment of either description for a term not less than two years and not exceeding ten years and may also be punished with fine and be ordered to pay compensation of an amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such person

Section of the Penal Code	Offence under the Penal Code	Punishment
360A	Procuration	Imprisonment of either description for a term not less than two years and not exceeding ten years and may also be punished with fine
360B	Sexual exploitation of children	Imprisonment of either description for a term not less than five years and not exceeding twenty years and may also be punished with fine
360c	Trafficking	Imprisonment of either description for a term not less than three years and not exceeding twenty years and may also be punished with fine
363	Rape	Rigorous imprisonment for a term not less than seven years and not exceeding twenty years and fine and shall in addition be ordered to pay compensation of an amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such person and further term of imprisonment which may extend up to two years in case of failure to pay compensation

Section of the Penal Code	Offence under the Penal Code	Punishment
	<p>Rape</p> <p>(a) by a public officer on a woman in his custody</p> <p>(b) by a person being on the management or staff of a remand home, women's or children's institution & c. on any woman inmate</p> <p>(c) by a person being on the management or staff of a hospital on a woman in that hospital</p> <p>(d) on a pregnant woman</p> <p>(e) on a woman under eighteen years</p> <p>(f) on a mentally or physically disabled woman</p> <p>(g) by a gang of persons</p>	<p>Rigorous imprisonment for a term not less than ten years and not exceeding twenty years and fine and shall in addition be ordered to pay compensation of an amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such person and further term of imprisonment which may extend up to two years in case of failure to pay compensation</p>
	<p>Rape on a woman under sixteen years of age and where such woman stands</p>	<p>Rigorous imprisonment for a term not less than fifteen years and not exceeding twenty years and fine</p>

Section of the Penal Code	Offence under the Penal Code	Punishment
	towards the man in any of the degrees of relationship enumerated in section 364A	
364A	Incest	Rigorous imprisonment for a term not less than seven years and not exceeding twenty years and fine
365	Unnatural offence	Rigorous imprisonment for a term not less than ten years and not exceeding twenty years and fine and shall be ordered to pay compensation of an amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such person
365A	Acts of gross indecency between persons	Rigorous imprisonment for a term not less than ten years and not exceeding twenty years and fine and shall also be ordered to pay compensation of an amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such person

Section of the Penal Code	Offence under the Penal Code	Punishment
365B	Grave sexual abuse	Rigorous imprisonment for a term not less than seven years and not exceeding twenty years and fine and shall also be ordered to pay compensation of an amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such person.

English Acts of the Parliament can be purchased at the "PRAKASHANA PIYASA", DEPARTMENT OF
GOVERNMENT PRINTING, No. 118, DR. DANISTER DE SILVA MAWATHA, COLOMBO 8.