



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRILANKA**

LAW COMMISSION (AMENDMENT)

A

BILL

to amend the Law Commission Act, No. 3 of 1969

Presented by the Minister of Justice on 09th August, 2016

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Ordered by Parliament to be printed

[Bill No. 126]

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STATEMENT OF LEGAL EFFECT

Clause 2: This clause amends section 2 of the Law Commission Act, No. 3 of 1969 (hereinafter referred to as the "principal enactment") and the legal effect of the section as amended is to change the composition of the Law Commission.

Clause 3: This clause amends section 8 of the principal enactment and the legal effect of the section as amended is to change the designation "Commissioner" into "member of the Commission".

Clause 4: This clause amends section 11 of the principal enactment and the legal effect of the section as amended is to change the designation "The Permanent Secretary to the Ministry" into "Secretary to the Ministry".

Clause 5: This clause amends section 12 of the principal enactment and is consequential to the amendments made by clause 8.

Clause 6: This clause amends section 13 of the principal enactment and is consequential to the amendments made by clause 8.

Law Commission (Amendment)

L. D.—O. 52/2015.

AN ACT TO AMEND THE LAW COMMISSION
ACT, NO. 3 OF 1969

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

1. This Act may be cited as the Law Commission Short title.
(Amendment) Act, No. of 2016.

5 2. Section 2 of the Law Commission Act, No. 3 of 1969 Replacement
(hereinafter referred to as the “principal enactment”) as last of section 2
amended by Act, No. 11 of 1978 is hereby repealed and the of Act, No. 3
as following section substituted therefor:— of 1969.

“Establishment
10 and
constitution
of the Law
Commission.” 2. (1) There shall be established a
Commission which shall be called the Law
Commission, and which shall consist of—

(a) the following *ex-officio* members:—

15 (i) the Secretary to the Ministry
of the Minister assigned the
subject of Justice or his
nominee not below the rank
of a Senior Assistant Secretary;

20 (ii) an officer not below the rank
of an Additional Solicitor-
General nominated by the
Attorney-General; and

25 (iii) the Legal Draftsman or his
nominee not below the rank
of a Senior Assistant Legal
Draftsman; and

(b) not less than ten and not more than fourteen other members appointed by the President (hereinafter referred to as the “appointed member”) from among persons appearing to the President to be suitably qualified for such appointment and the majority of whom shall be persons who have held or hold judicial office, or have experience as attorneys-at-law or teachers in law, or are academically qualified in law.

(2) The President shall appoint one of the members of the Commission to be the Chairman of the Commission.

(3) An appointed member shall, unless he earlier vacates his office, hold office for such period, not exceeding five years, as may be determined by the President at the time of his appointment, and shall be eligible for reappointment:

Provided, however, that if an appointed member vacates his office prior to the expiration of his term of office, his successor shall, unless he earlier vacates his office, hold office only for the unexpired portion of the term of the member whom he succeeds.

(4) An appointed member may resign his office by writing under his hand addressed to the President.

(5) There shall be paid to the members of the Commission for their services such remuneration as may be determined by the Minister, with the prior concurrence of the Minister assigned the subject of Finance.”.

3. Section 8 of the principal enactment is hereby amended by the substitution for the words “any Commissioner” of the words “any member of the Commission”. Amendment of section 8 of the principal enactment.
- 5 4. Section 11 of the principal enactment is hereby amended by the substitution for the words “The Permanent Secretary to the Ministry” of the words “The Secretary to the Ministry”. Amendment of section 11 of the principal enactment.
- 10 5. Section 12 of the principal enactment is hereby amended by the substitution for the words “the Commissioners” of the words “the members of the Commission”. Amendment of section 12 of the principal enactment.
- 15 6. Section 13 of the principal enactment is hereby amended by the repeal of the definition of the expression “Commissioner”. Amendment of section 13 of the principal enactment.
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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