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SUPPLEMENT

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**PARLIAMENT (POWERS AND PRIVILEGES)
(AMENDMENT)**

A

BILL

to amend the Parliament (Powers and Privileges) Act (Chapter 383)

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STATEMENT OF LEGAL EFFECT

Clause 2 : This clause amends the long title of the Parliament (Powers and Privileges) Act No. 21 of 1953 (hereinafter referred to as the “principal enactment”) and the legal effect of the long title as amended is to remove the word “House” and insert the word “Parliament” in the long title.

Clause 3 : This clause amends section 2 of the principal enactment and the legal effect of the section as amended is to –

- (i) remove the definition of expression “clerk”;
- (ii) substitute new definitions for the definition of expressions of “Committee”, “House”, “member”, “officer of Parliament”; and
- (iii) insert new definitions of expressions for the expressions of “conduct as a member”, “document”, “electronic”, “Parliament”, “precincts of Parliament”, “proceedings of Parliament” and “publication”.

Clause 4 : This clause amends section 11 of the principal enactment and the legal effect of the section as amended is to substitute for the words “clerk”, and “House” of the words “Secretary-General” and “Parliament” and remove the word “President”.

Clause 5 : This clause amends section 12 of the principal enactment and the legal effect of the section as amended is to remove the word “president” in that section.

Clause 6 : This clause amends section 13 of the principal enactment and the legal effect of the section as amended is to remove the word “President” in that section.

Clause 7 : This clause amends section 14 of the principal enactment and the legal effect of the section as amended is consequential to the amendment made by clause 11 of the Bill.

Clause 8 : This clause amends section 17 of the principal enactment and the legal effect of the section as amended is to substitute for the words “House” and “short hand writer” of the words “Parliament” and “transcript staff member”.

Clause 9 : This clause amends section 20 of the principal enactment and the legal effect of the section as amended is to remove the word “President” and substitute for the word “clerk” the word “Secretary-General of Parliament”.

Clause 10 : This clause amends section 21 of the principal enactment and the legal effect of the section as amended is to remove the word “President” in that section.

Clause 11 : This clause inserts new section 22A, 22B, and 22C in the principal enactment. The new sections provide -

- (i) that the Speaker may allow a member to make a complain of an alleged offence;
- (ii) for reference of matters of an alleged offence to the Attorney-General;
- (iii) for making of an application by Attorney-General in any case to constitute conclusive evidence that the application has been duly made.

Clause 12 : This clause amends section 24 of the principal enactment and the legal effect of the section as amended is to substitute for the words “Section 49 of the Courts Ordinance” of the words “Article 136 of the Constitution”.

Clause 13 : This clause repeals section 25 of the principal enactment.

Clause 14 : This clause repeals section 26 of the principal enactment.

Clause 15 : This clause amends section 27 of the principal enactment and the legal effect of the section as amended is consequential to the amendment made by clause 11 of the Bill.

Clause 16 : This clause amends section 29 of the principal enactment and the legal effect of the section as amended is to remove the words “gentleman Usher” and “president” in that section.

Clause 17 : This clause amends section 30 of the principal enactment and the legal effect of the section as amended is to remove the word “president” in that section.

Clause 18 : This clause amends Part B of the Schedule to the principal enactment and the legal effect of the section as amended is to repeal item 9 of part B and substitute a new item.

Clause 19 : This clause makes a general amendment to the principal enactment and the legal effect of the section as amended is to substitute for the words “Clerk”, “Clerk of Parliament”, “President or Speaker”, and “Ceylon”, of the words “Secretary-General”, “Secretary- General of Parliament”, “Speaker” and “Sri Lanka”.

Parliament (Powers and Privileges)
(Amendment)

L.D.—O. 1/2019

AN ACT TO AMEND THE PARLIAMENT (POWERS AND PRIVILEGES) ACT
(CHAPTER 383)

Be it enacted by the Parliament of the Democratic Socialist
Republic of Sri Lanka:-

1. This Act may be cited as the Parliament (Powers and Privileges) (Amendment) Act, No. of 2019 Short title.

5 2. The long title of the Parliament (Powers and Privileges) Act, No. 21 of 1953 (hereinafter referred to as the “principal enactment”) is hereby repealed and the following long title is substituted therefor:- Amendment
of the long
title of
Chapter 383.

10 “AN ACT TO DECLARE AND DEFINE THE
PRIVILEGES, IMMUNITIES AND POWERS OF
PARLIAMENT AND OF THE MEMBERS
THEREOF; TO SECURE FREEDOM OF
SPEECH AND DEBATE OR PROCEEDINGS
15 IN PARLIAMENT; TO PROVIDE FOR THE
PUNISHMENT OF BREACHES OF THE
PRIVILEGES OF PARLIAMENT; AND TO GIVE
PROTECTION TO PERSONS EMPLOYED IN THE
PUBLICATION OF THE REPORTS, PAPERS,
20 MINUTES, VOTES OR PROCEEDINGS OF
PARLIAMENT.”

3. Section 2 of the principal enactment is hereby amended as follows:- Amendment
of section 2
of the
principal
enactment.

(1) by the repeal of the definition of the expression
“Clerk”;

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- (2) by the repeal of the definition of the expression “Committee” and the substitution therefor of the following definition:-

5 “ “Committee” means any Committee of Parliament;”;

- (3) by the insertion immediately after the definition of the expression “Committee” of the following new definition:-

10 “ “Conduct as a member” means conduct as a member of Parliament with regard to proceedings of Parliament;”;

- (4) by the insertion immediately after the definition of the expression “conduct as a member” of the following definitions:-

15 “ “Document” includes a record, information, communication or transaction in any form including –

(a) written, print or electronic;

(b) audio and video recordings; and

20 (c) words, figures, symbols, sounds, graphics, drawings;

“electronic” shall have the same meaning assigned to it under the Electronic Transactions Act, No. 19 of 2006;”;

- 25 (5) by the repeal of the definition of the expression “House”, and the substitution therefor of the following definition:-

“ “House” means the Chamber of Parliament;”;

- (6) by the repeal of the definition of the expression “member”, and the substitution therefor of the following definition:-

“ “Member” means the Member of Parliament;”;

- 5 (7) by the repeal of the definition of the expression “officer of the House”, and the substitution therefor of the following new definition:-

10 “ “Officer of Parliament” means the Secretary-General of Parliament and includes any person who may from time to time be appointed to the staff of the Secretary-General of Parliament whether permanently or temporarily, and police officer on duty within the precincts of Parliament;”;

- 15 (8) by the insertion immediately after the definition of the expression “officer of Parliament” of the following definitions of expressions:-

“ “Parliament” means the Parliament of Sri Lanka and includes a committee;

20 “precincts of Parliament” means the area of land and every building or part of a building under the control of Parliament and includes every other building or part of a building provided or used in connection with the
25 proceedings of Parliament;

“proceedings of Parliament” includes –

- (a) all things said, done or written by a member or by officer of Parliament or by any person ordered or authorized to

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 (Amendment)

attend before the House or its committees
and in the course of a sitting for the
purpose of transacting the business of
the House or its committees;

5 (b) all things said, done or written between
 members and officers of Parliament for
 the purpose of enabling any member or
 any such officer to carry out his or her
10 functions as a member of Parliament or
 officer of parliament;

 (c) presentation or submission of a
 document to the House or a Committee;
 the preparation of a document for the
15 purposes of or incidental to the
 transacting of any business of the House
 or its committees; and the formulation,
 making or publication of a document,
 including a report, by or pursuant to an
20 order of the House or a Committee and
 the document so formulated, made or
 published;

 (d) any opinion or advice communicated
 to the speaker or Secretary General of
25 parliament by the Attorney General or
 an officer assisting the Attorney
 General;

“publication” includes publication in print, in
electronic form including audio and video
and live or delayed broadcasting;”;

30 (9) in the definition of the expression “President” or
 “Speaker”, by the substitution for the words,
 “President” or “Speaker” of the word, “Speaker”.

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(Amendment)

4. Section 11 of the principal enactment is hereby amended as follows:- Amendment of section 11 of the principal enactment.
- 5 (1) by the substitution for the words, “ under the hand of the clerk issued by direction of the President or Speaker or the chairman of the Committee” of the words, “ under the hand of the Secretary-General of Parliament issued by direction of the Speaker or the Chairman of the Committee”;
- 10 (2) by the substitution for the words, “five miles of the Chamber of the House” of the words, “eight kilometers of Parliament” .
5. Section 12 of the principal enactment is hereby amended by the substitution for the words, “the President or the Speaker” of the words, “the Speaker”. Amendment of section 12 of the principal enactment.
- 15 6. Section 13 of the principal enactment is hereby amended by the substitution for the words, “the President or the Speaker” of the words, “the Speaker”. Amendment of section 13 of the principal enactment.
- 20 7. Section 14 of the Principal enactment is hereby amended in paragraph (b) of that section by the substitution for the words, “section 26 of this Act” of the words, “section 22B (2) of this Act”. Amendment of section 14 of the principal enactment.
- 25 8. Section 17 of the principal enactment is hereby amended by the substitution for the words, “No member, or officer of the House and no short hand writer employed to take minutes” of the words, “No member, or officer of Parliament and no transcript staff member employed to take minutes”. Amendment to section 17 of the principal enactment.
- 30 9. Section 20 of the principal enactment is hereby amended as follows:- Amendment of section 20 of the principal enactment.
- (1) in subsection (2) of that section by the substitution for the words, “ The President or Speaker” of the words “ The Speaker”;

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(Amendment)

(2) in subsection (3) of that section by the substitution for the words, “ the President or Speaker under this section shall be duly authenticated by the Clerk” of the words, “the Speaker under this section shall be duly authenticated by the Secretary-General of Parliament;

(3) in subsection (4) of that section by the substitution for the words, “The President or Speaker” of the words, “The Speaker”;

10 **10.** Section 21 of the principal enactment is hereby amended by the substitution for the words, “order of the President or Speaker” of the words, “order of the Speaker” .

Amendment of section 21 of the principal enactment.

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

Insertion of sections 22A, 22B and 22C of the principal enactment.

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

20 Reference of matters of an alleged offence to the Attorney-General. 22B. (1) The Speaker may in an event of an alleged offence under this part refer such matter if required so to do—
(a) by resolution of Parliament; or

25 (b) on the recommendation of the Committee on ethics and privileges by resolution of Parliament,

to the Attorney-General to furnish a report on such alleged offence.

30 (2) Where a matter is to be referred to the Attorney-General under subsection (1) the

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

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

10 (b) may record on oath or affirmation of the statement of any other person whose evidence is or may be in the opinion of the Speaker, relevant.

15 (3)The statement of any other person may be recorded under the preceding provisions of this section at any time after the matter has been referred to the Attorney- General if the Speaker considers it necessary whether of his own motion or at the request of the Attorney-General.

20 (4) The provisions of sections 10 to 13 shall apply for the purpose of enabling statements to be recorded under subsection (2) of this section in like manner as they apply for the purpose of enabling evidence to be taken by a Committee, and for the purpose aforesaid the person authorized by or under subsection (2) of this section to take such statement shall have the same powers as are conferred by those sections on a Committee or the Chairman thereof.

30 (5)The provisions of sections 15 to 17, shall apply to and in relation to any evidence given for the purposes of subsection (2) of this section.

(6) Notwithstanding anything in the preceding provisions of this section, a person

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(Amendment)

who is alleged to have committed an offence under this Part shall not be bound or compelled without his consent to make any statement under subsection (2) in relation to that offence.

5 (7) Where a matter is referred under
subsection (1) to the Attorney-General for
report, the record of all statements taken under
subsections (2) and (3) shall be transmitted to
10 the Attorney- General, and the Attorney-
General shall, after consideration of such
statements, report to the Speaker stating
whether there is, in the opinion of the Attorney-
General, sufficient evidence to take further
15 steps under this Act in respect of an alleged
offence under this Part; and such report shall
contain, for the information of Parliament, a
summary of the facts which in the opinion of
the Attorney- General, are capable of being
20 proved upon the evidence contained in the
statements.

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

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

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

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

Amendment
of section 24
of the
principal
enactment.

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13. Section 25 of the principal enactment is hereby repealed. Repeal of section 25 of the principal enactment.
14. Section 26 of the principal enactment is hereby repealed. Repeal of section 26 of the principal enactment.
- 5 15. Section 27 of the principal enactment is hereby amended in subsection (2) of that section by the substitution for the words, “under section 26” of the words, “under section 22B”. Amendment of section 27 of the principal enactment.
16. Section 29 of the principal enactment is hereby amended as follows:- Amendment of section 29 of the principal enactment.
- 10 (1) by the substitution for the words, “the gentleman Usher or the Sergeant-at-Arms as the case may be” of the words, “ the Sergeant-at-Arms”;
- (2) by the substitution for the words, “by the President or the Speaker” of the words, “by the Speaker”.
- 15
17. Section 30 of the principal enactment is hereby amended by the substitution for the words, “by the President or Speaker” of the words, “by the Speaker”; Amendment of section 30 of the principal enactment.
18. The Schedule to the principal enactment is hereby amended in Part B of the Schedule by the repeal of item 9 and the substitution therefor of the following item:- Amendment of the Schedule to the principal enactment.
- 20 “9. The publication of any proceedings of the House or of a Committee of Parliament which is—
- (a) held in camera; or
- 25 (b) prohibited by the Speaker or by the Chairman of Committees.”.

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(Amendment)

19. (1) In the principal enactment and in any other written law there shall be substituted for the words, “Clerk”, “Clerk of Parliament”, “President or the Speaker” and “Ceylon” of the words, “Secretary-General”, “Secretary-General of Parliament”, “Speaker” and “Sri Lanka” respectively.

General amendment to the principal enactment.

(2) Every reference to the “clerk”, “Clerk of Parliament”, “President or Speaker, and “Ceylon” in any regulation, rule, notice, notification, contract, communication, or other document shall be read and construed as a reference respectively to the “Secretary-General” and “Secretary-General of Parliament”, “Speaker” and “Sri Lanka” .

(3) In sections 3, 10, 17, 18, 20, 21, 27(2) and (3), 29 and 30 of the principal enactment, there shall be substituted for the word “House” of the word, “Parliament” .

20. 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.

