

PARLIAMENT OF CEYLON

4th Session 1968-69



Law Commission Act, No. 3 of 1969

Date of Assent : January 16, 1969

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON, To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Annual Subscription (including Bills) Rs. 30 (Local), Rs. 40 (Foreign), payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, P. O. Box 500, COLOMBO 1, before 20th December each year in respect of the year following. Late subscriptions will be accepted on the condition that Bills issued before the date of payment will not be supplied.

Price : 25 cents

Postage : 10 cents

Law Commission Act, No. 3 of 1969

L. D.—O. 37/68.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A LAW COMMISSION FOR THE PROMOTION OF THE REFORM OF THE LAW, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: January 16, 1969]

BE it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Law Commission Act, No. 3 of 1969, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

Short title
and date of
operation.

2. (1) For the purposes of this Act, there shall be established a Commission which shall be called the Law Commission, and which shall consist of a Chairman and seven other Commissioners all of whom shall be appointed by the Governor-General from among persons appearing to the Governor-General 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 advocates or proctors or teachers in law, or are academically qualified in law.

Establishment
and constitution
of the Law
Commission.

(2) A Commissioner shall, unless he earlier vacates his office, hold office for such period, not exceeding five years, as may be determined by the Governor-General at the time of his appointment, and shall be eligible for reappointment:

Provided, however, that if a Commissioner 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 such term.

(3) A Commissioner may resign his office by writing under his hand addressed to the Governor-General.

(4) There shall be paid to the Commissioners for their services such remuneration as may be determined by the Minister, with the prior concurrence of the Minister of Finance.

Objects of the
Law Commission.

3. The objects of the Law Commission shall be to promote the reform of the law and, for the purposes of such promotion, to exercise, discharge and perform the powers, functions and duties conferred and imposed on the Commission by this Act.

Functions, &c.,
of the Law
Commission.

4. It shall be the duty of the Law Commission to take and keep under review the law both substantive and procedural, with a view to its systematic development and reform, including in particular the codification of the law, the elimination of anomalies, the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments and generally the simplification and modernization of the law, and without prejudice to any action that has been taken or may be taken by Government in that behalf in particular, the codification of the law in English, Sinhala and Tamil, and for that purpose—

- (a) to receive and consider any proposals for the reform of the law which may be made or referred to them;
- (b) to prepare and submit to the Minister, from time to time, programmes for the examination of different branches of the law with a view to reform, including recommendations as to the agency (whether the Commission or any other body) by which any such examination should be carried out;
- (c) to undertake, in pursuance of any such recommendations approved by the Minister, the examination of particular branches of the law and the formulation, by means of draft Bills or otherwise, of proposals for reform therein;
- (d) to prepare, from time to time, at the request of the Minister comprehensive programmes of consolidation and statute law revision, and to undertake the preparation of draft Bills in pursuance of any such programme approved by the Minister;
- (e) to obtain such information as to the legal systems of other countries as appears to the Commission likely to facilitate the achievement of the objects of the Commission;

- (f) to keep under constant review the exercise by bodies, other than Parliament, of the power to legislate by subsidiary legislation with a view to ensuring that they conform to well-established principles and to the rule of law, that they do not have retrospective effect unless the enabling enactment confers express authority so to provide and that they do not make some unusual or unexpected use of the power conferred by the enactments under which they are made;
- (g) to formulate programmes for rationalising and simplifying legal procedures including procedures of an administrative character connected with litigation; and
- (h) to formulate programmes for the codification of the law in English, Sinhala and Tamil.

5. It shall be the duty of the Law Commission in consultation with the Council of Legal Education to review the system of legal education in Ceylon and formulate programmes to be submitted to the Minister for the reform and development of legal education in order to bring such education into line with changes in the structure of the law, the practice of the law as a profession, the administration of justice and generally with significant social changes.

Duty of the Law Commission in regard to legal education.

6. The Minister shall lay before Parliament any programmes prepared by the Law Commission under this Act and approved by him, and any proposals for reform formulated by the Commission under this Act in pursuance of such programmes.

Certain matters to be laid before Parliament.

7. The Law Commission shall, from time to time, make a report to the Minister on their proceedings during the period to which the report relates, and the Minister shall lay the report before Parliament with such comments, if any, as he thinks fit.

The Law Commission to make reports on their proceedings.

8. The Law Commission may delegate to any Commissioner any of the powers, functions or duties of the Commission under this Act.

Power of delegation of the Law Commission.

9. The Law Commission may accept and hold donations, gifts or grants from any source whatsoever, and may dispose of such donations, gifts and grants in such manner as the Commission may deem best calculated to assist in the achievement of the objects of the Commission.

Power of the Law Commission to accept, hold, and dispose of, donations, &c.

Fund of the
Law Commission.

10. (1) The Law Commission shall have its Fund which shall be administered by the Commission

(2) There shall be paid into the Fund of the Commission all such sums of money as may be received by the Commission by way of donations, gifts or grants from any source whatsoever.

(3) There shall be paid out of the Fund of the Commission all such sums of money as are required by the Commission for the purpose of exercising the power of disposition conferred on the Commission by section 9.

Staff, &c., of
the Law
Commission.

11. The Permanent Secretary to the Ministry of Justice may make available to the Law Commission all such staff, accommodation, equipment and other facilities as may be necessary to enable the Commission to carry out its work effectively.

Expenses of
the Law
Commission.

12. The expenses of the Law Commission including the remuneration of the Commissioners and all other expenses incurred in the working and administration of this Act, shall be defrayed out of moneys provided by Parliament for the purpose. The moneys required to meet such expenses in respect of any financial year of the Government may be included in the estimates for that year of the Ministry of Justice.

Interpretation.

13. In this Act unless the context otherwise requires—

“ Commissioner ” means a Commissioner appointed by the Governor-General under this Act;

“ Law Commission ” means the Law Commission established under this Act;

“ Minister ” means the Minister of Justice.