



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

SHOP AND OFFICE EMPLOYEES
REGULATION OF EMPLOYMENT AND
REMUNERATION (AMENDMENT)
ACT, No. 12 OF 1978

[Certified on 5th December, 1978]

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Employment and Remuneration)
(Amendment) Act, No. 12 of 1978*

register or record for examination or inspection, the Commissioner is hereby empowered to assess any short payment of remuneration payable to such employee on the basis of all the evidence, both oral and documentary, available to him and the provisions of subsection (2) shall apply where default is made in the payment of any such remuneration.

(2) Where an employer makes default in the payment of any sum which he is liable to pay as remuneration under subsection (1) and the Commissioner is of opinion that it is impracticable or inexpedient to recover that sum under any other provision of this Act, then, he may issue a certificate containing particulars of the sum so due and the name and place of residence of the defaulting employer to the Magistrate having jurisdiction in the division in which such place is situated. The Magistrate shall thereupon summon such employer before him to show cause why further proceedings for the recovery of the sum due should not be taken against him and in default of sufficient cause being shown the sum in default shall be deemed to be a fine imposed on such employer by such Magistrate, and shall be recovered accordingly. Every sum so recovered shall be paid to the Commissioner.

(3) The correctness of any statement in a certificate issued by the Commissioner for the purpose of this section shall not be called in question or examined by the court in any proceeding under this section, and accordingly nothing in this section shall authorize the court to consider or decide the correctness of any statement in such certificate and the Commissioner's certificate shall be sufficient evidence that the amount due under subsection (1) from the defaulting employer has been duly calculated and that such amount is in default."

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4. The following new section is hereby inserted immediately after section 54, and shall have effect as section 54A, of the principal enactment:—

Insertion
of new
section 54A
in the
principal
enactment.

“ Penalty for
failure to
maintain
register,
notice or
record.

54A. Every employer who fails to keep or maintain any register, notice or record required under section 18 to be kept or maintained, or who fails to produce the register or record required to be produced by the Commissioner or any prescribed officer under paragraph (b) of subsection (1) of section 50, shall be guilty of an offence, and shall be liable—

- (a) in the case of a first offence, to a fine not less than one hundred rupees and not exceeding two hundred and fifty rupees;
- (b) in the case of a second offence, to a fine not less than two hundred and fifty rupees and not exceeding five hundred rupees; and
- (c) in the case of a subsequent offence, to a fine not less than five hundred rupees and not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment, and shall in addition, be liable to a fine not exceeding fifty rupees for each day on which the offence is continued after conviction.”.

5. Section 64 of the principal enactment is hereby repealed and the following new section substituted therefor:—

Replacement of
section 64
of the
principal
enactment.

“ Sanction of
prosecutions.

64. No prosecution for any offence under this Act shall be instituted except by or with the written permission of the Commissioner and within six years of the commission of the offence.”.