



PARLIAMENT (POWERS AND PRIVILEGES)

(AMENDMENT) LAW,

No. 5 OF 1978

OF

THE NATIONAL STATE ASSEMBLY

[Certified on 2nd February, 1978]

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L. D.—O. 6/78.

A LAW TO AMEND THE PARLIAMENT (POWERS AND PRIVILEGES) ACT

BE it enacted by the National State Assembly of the Republic of Sri Lanka as follows:—

1. This Law may be cited as the Parliament (Powers and Privileges) (Amendment) Law, No. 5 of 1978.

Short title.

2. Section 22 of the Parliament (Powers and Privileges) Act (hereinafter referred to as the "principal enactment") is hereby amended as follows:—

Amendment of section 22 of Chapter 383.

(a) by the repeal of subsection (2) of that section, and the substitution therefor of the following new subsection:—

"(2) Every breach of the privileges of Parliament which is specified in the Schedule to this Act (whether in Part A or Part B thereof) shall be an offence under this Part punishable by the National State Assembly or by the Supreme Court under the provisions hereinafter contained in that behalf.";

(b) by the repeal of subsection (3) of that section.

3. Section 27 of the principal enactment is hereby amended as follows:—

Amendment of section 27 of the principal enactment.

(a) by the repeal of subsection (1) of that section, and the substitution therefor of the following new subsection:—

"(1) Subject to the provisions of subsections (1A), (2) and (3), the National State Assembly shall have power and jurisdiction to punish summarily any breach of the privileges of Parliament specified in the Schedule to this Act (whether in Part A or Part B thereof).";

(b) by the insertion, immediately after subsection (1) of that section, of the following new subsection:—

"(1A) Where a question as to the admissibility of any evidence arises in any proceedings taken before the National State Assembly, or any committee thereof, in the

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exercise of the powers conferred by section 22 or section 27(1), such question shall be determined according to the law relating to evidence applicable in proceedings before the Supreme Court for the punishment of any offence under this Act." ; and

(c) by the substitution for the marginal note to that section of the following new marginal note:—

"National State Assembly's jurisdiction over offences specified in Part A and Part B of Schedule."

Insertion of
new section
27A in the
principal
enactment.

4. The following new section is hereby inserted immediately after section 27, and shall have effect as section 27A, of the principal enactment:—

"Power of
National State
Assembly to
order attendance
of any person
and
consequences of
default.

27A. (1) For the purpose of exercising the powers conferred on the National State Assembly by virtue of section 27, the Assembly or any committee thereof which is duly authorized by such Assembly may order any person to attend before the Assembly or such committee, or to attend and produce any paper, book, record or document in the possession or under the control of such person, and such person shall comply with such order.

(2) Where a person fails to comply with the provisions of subsection (1) he shall be liable to be arrested by the Sergeant-at-Arms or any officer of the National State Assembly or any police officer authorized by the Speaker or the Chairman of such committee, as the case may be, and upon such arrest, the person so arrested shall be produced forthwith before the National State Assembly or such committee, as the case may be, and such Assembly or committee may remand such person to the custody of the Fiscal of the highest Court exercising original criminal jurisdiction within the judicial zone of Colombo, or release such person upon such terms as the National State Assembly or such committee shall determine."

5. Section 28 of the principal enactment is hereby repealed and the following new section substituted therefor:—

Replacement of section 28 of the principal enactment.

"Punishment which National State Assembly may impose.

28. (1) The punishment which may be imposed by the National State Assembly for any offence specified in Part A of the Schedule to this Act shall be imprisonment of either description for a term not exceeding two years or a fine not exceeding five thousand rupees, or both such fine and imprisonment.

(2) The punishment which may be imposed by the National State Assembly for any offence specified in Part B of the Schedule to this Act shall be admonition at the Bar of the National State Assembly or removal from the precincts of the National State Assembly.

(3) In the case of an offence committed by a member, the National State Assembly may, in addition to or in lieu of any punishment herein before specified, order his suspension from the service of the National State Assembly for any period not exceeding one month.

(4) In the case of an offence committed by a person who is not a member, the National State Assembly may also order that such person shall be prohibited from entering the National State Assembly or its precincts for a period not exceeding six months."

6. Section 32 of the principal enactment is hereby repealed and the following new section substituted therefor:—

Replacement of section 32 of the principal enactment.

"Punishment imposed by National State Assembly to be carried out as punishment imposed by Supreme Court.

32. Any punishment imposed by the National State Assembly under section 28 of this Act shall be enforced and carried out as if it were a punishment imposed by the Supreme Court under section 23 of this Act and the relevant provisions shall, *mutatis mutandis*, apply."

Amendment of
Part A of
Schedule to the
principal
enactment.

7. Part A of the Schedule to the principal enactment is hereby amended by the substitution for the heading appearing therein, of the following new heading:—

“OFFENCES TO BE PUNISHABLE BY THE NATIONAL STATE ASSEMBLY OR BY THE SUPREME COURT.”.