



RECENT DEVELOPMENTS

Act No. 01 of 2019 - AN ACT TO AMEND THE CHEMICAL WEAPONS CONVENTION

Sri Lanka is a signatory for the Chemical Weapons Convention on 14th January 1993 and ratified same by Act No. 58 of 2007. The Chemical Weapons Conventions Act was passed to prohibit the development, production, stockpiling and use of chemical weapons and their destruction and it also established the National Chemical Weapons Authority for the implementation of the Chemical Weapons Convention.

Section 6 of the principle Act was amended by Act No. 01 of 2019 whereby the chairman of the aforesaid Authority was changed from “Secretary to the Ministry of the Minister in charge of the subject of Industries” to that of Secretary to the Ministry of the “Minister assigned the subject of Defense.”

Act No. 02 of 2019 - RECOVERY OF DAMAGES FOR THE DEATH OF A PERSON

The Law on death by negligence, omission or wrongful act, which was hitherto governed solely by common Law, has now been statutorized to some extent by this Act whereby the persons described in Section 2(2) of the Act have been given a right to file action against the wrongdoer for any wrongful act, negligence or omission caused by him which resulted in the death of a person.

The categories of damages that may be claimed have been described in S3 of the Act as follows;

- a) Damages for the loss of that person’s love and affection and care and companionship and
- b) Damages for the mental pain and suffering may also be claimed

Section 4 precludes the succession of the applicant where the applicant dies before filing the action or where the applicant dies after filing the action but before passing the Judgement.

Court has also been granted with the power to seek the assistance of an expert to decide any matter under the Act by Section 5.

Any person who has abandoned the deceased person has been prevented from claiming any damages under this Act by Section 6.

Section 7 has preserved the application of any other written or unwritten Law in relation to any right or remedy and this Act is to be considered supplementary to such Laws.

Act No. 03 of 2019 - COMMISSIONS OF INQUIRY (AMENDMENT) ACT

The Commissions of Inquiry Act No. 17 of 1948 granted power to the President to appoint Commissions to obtain information and/or inquire and report upon such administration, management, functions, conduct, matter or incident as to the administration, management and functions of any department of Government, any statutory body of any public or local authority or institution, the conduct of any public officer, an employee of a statutory body, any public or local authority or any institution or any matter or incident in respect of which an investigation or inquiry or both an investigation an inquiry as the case may be will, in his opinion, be in the national interest of the public safety or well being whenever it appears to the resident to be necessary that an investigation or inquiry or both where appropriate should be held.¹

Primarily, the Act No. 03 of 2019 introduced provisions to facilitate the Commission to Investigate Allegations of Bribery or Corruption established under Act No. 19 of 1994 to act on reports and material collected in the course of investigations or inquiries held under Section 2 of the Commissions of Inquiry Act No. 17 of 1948.

The Amendment in 2019 vested power in the Commission to Investigate Allegations of Bribery or Corruption established under Act No. 19 of 1994 to consider any material collected in the course of any investigation or inquiry held by a Commission of Inquiry appointed under Section 2 of the Commissions of Inquiry Act and if any offence under the Bribery Act or Declaration of Assets and Liabilities Law have been committed, to direct the Director General to institute criminal proceedings under the said Laws.²

¹ Section 2 of Act No. 17 of 1948 as amended by Act No. 16 of 2008

² Section 2 of the Amending Act No. 3 of 2019 and presently Section 24A of the Principle Act

The Commission to Investigate Allegations of Bribery or Corruption has also been granted power to forward any material collected under S24A to the Attorney General or to any other authority to take any appropriate action under any other written Law.³

However, the Commission to Investigate Allegations of Bribery or Corruption is prohibited unless it deems appropriate to, from recording a statement of a person given to the Commission of Inquiry appointed under Section 2 of the Commissions of Inquiry Act.⁴

This Act also provides for the Commission to Investigate Allegations of Bribery or Corruption to solicit, receive and consider the advice or opinion of the Attorney General or any person representing the Attorney General in giving effect to the provisions of Ss. 24A, 24B or 24C.⁵

Section 24E of this Act expressly states that the provisions of this Act shall not restrict the powers and functions Commission to Investigate Allegations of Bribery or Corruption conferred on it by the Commission to Investigate Allegations of Bribery or Corruption Act or any other written law. Section 3 introduces the Interpretation provision for the first time and it shall have effect as Section 27 of the Principle Act.

The word “President” which appears in the principle Act has been repealed and replaced with that of the word “Governor-General”.⁶

Act No. 10 of 2019 – MOTOR TRAFFIC (AMENDMENT) ACT

No person is now allowed to drive a light vehicle without completing the age of 18 years and no person is allowed to drive a heavy vehicle unless such a person has completed the age of 21 years.⁷

The minimum fine for the offences under S123 (1) (a) and (b) of the Act has also been increased to Rs. 25,000/- and the minimum fine for any offence under S123 (1) (c) has been declared as Rs. 30,000/-.⁸

³ Section 2 of the Amending Act No. 3 of 2019 and presently Section 24B of the Principle Act

⁴ Section 2 of the Amending Act No. 3 of 2019 and presently Section 24C of the Principle Act

⁵ Section 2 of the Amending Act No. 3 of 2019 and presently Section 24D of the Principle Act

⁶ Section 4 of the Amending Act No. 3 of 2019

⁷ Section 2(1) of the Amending Act No. 10 of 2019

⁸ Section 2(2) of the Amending Act No. 10 of 2019

The Act No. 10 of 2019 also introduced a penalty for driving at an excessive speed where the fines for such an offence range from Rs. 3,000/- to 15,000/- depending on the percentage of the speed at which a person drives in excess of the prescribed speed limit.⁹

This Act now makes it illegal and an offence punishable by a fine for persons to drive a motor vehicle on or across a railway crossing when the railway gate is closed or disregarding the railway signal system or without obeying directions of an authorized officer in a manner that is likely to endanger one's own safety or that of any other person.¹⁰

⁹ Section 3 of the Amending Act No. 10 of 2019

¹⁰ Section 4 of the Amending Act No. 10 of 2019