LAW COMMISSION

CHAPTER 16

LAW COMMISSION

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

[29th November, 1969.]

1. This Act may be cited as the Law Commission Act.

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 of not less than ten and not more than fourteen other Commissioners all of whom shall be appointed by the President from among persons appearing to the President 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 attorneys-at-law or teachers in law, or are academically qualified in law.

(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 President 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 President.

(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 in charge of the subject of Finance.

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.

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 Sinhala, Tamil and English, 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
general 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 Sinhala,
Tamil and English.

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 Sri Lanka 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.

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.

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.

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

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.

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

(2) There shall be paid into the Fund of
the Law 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 Law 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.

11. The Secretary to the Ministry
charged with the subject 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.

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.

13. In this Act, unless the context
otherwise requires-

"Commissioner" means a Commissioner
appointed by the President under
this Act ;

"Law Commission" means the Law
Commission established under this
Act ;

"Minister" means the Minister in charge
of the subject of Justice.