

Announcement

I wish to inform the Parliament that I have received the determination of the Supreme Court in respect of the Bill entitled "Engineering Council, Sri Lanka" which has been challenged in the Supreme Court in terms of Article 121(1) of the Constitution.

The Supreme Court has determined that—

- (i) the omission to nominate Engineering Technicians in the Council under Clause 3(b) is inconsistent with Article 12(1) of the Constitution;
- (ii) the failure to nominate a fair representation of all the categories of "Engineering Practitioners" referred to in Clause 41 is inconsistent with Article 12(1) and 12(2) of the Constitution;
- (iii) Clauses 3(b), 4(1), 4(2), 4(3), 4(4), 4(6), 5(1), 5(2), 8(2), 8(3), 8(4)(a), 8(4)(b), 8(5), 8(6), 11, 16(6), 20(1), 20(3), 21(1), 21(8), 29, 30(1), 30(2), 31(1), 31(2), 34(1), 34(2), 38(1), 38(2), 38(3)(a) and 38(4) are inconsistent with Articles 3, 43(1) and 43(3) and require to be passed by the special majority required in terms of Article 84(2) and approved by the people at a referendum by virtue of provisions of Article 83;
- (iv) Clause 9(3) is inconsistent with Article 12(1); and
- (v) Clause 39(2)(e) does not provide for the guidelines that are required to determine the roles, responsibilities and competence of different categories of the engineering practitioners registered under this Act and thereby it violates Article 12(1) of the Constitution.

The Supreme Court has further determined that the inconsistencies will cease if the above Clauses are amended as per the determination of the Court.

I order that the determination of the Supreme Court be printed in the Official Report of today's proceedings.