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3rd Session 1958-59

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Bribery (Amendment) Act, No. 40 of 1958

Date of Assent : November 3, 1958

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AN ACT TO AMEND THE BRIBERY ACT, NO. 11 OF 1954,
AND TO MAKE A CONSEQUENTIAL AMENDMENT IN
SECTION 147 OF THE CRIMINAL PROCEDURE CODE.

[Date of Assent: November 3, 1958]

BE it enacted by the Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and
the House of Representatives of Ceylon in this present
Parliament assembled, and by the authority of the
same, as follows:—

1. This Act may be cited as the Bribery (Amend-
ment) Act, No. 40 of 1958.

Short title.

2. (1) Section 1, this section, paragraph (b) of
section 5 (1), sub-paragraph (ii) of paragraph (b) of
section 6, and sections 13, 14, 66, 67 and 69 shall come
into operation on the date of enactment of this Act.

Operation of
this Act.

(2) The provisions of this Act other than those speci-
fied in sub-section (1) shall come into operation on such
date as the Minister of Justice may appoint by Order
published in the *Gazette*.

3. The heading in Part I of the Bribery Act,
No. 11 of 1954, hereinafter referred to as the "prin-
cipal Act", is hereby amended by the omission of the
words "or arraignment".

Amendment of
heading in
Part I of Act
No. 11 of 1954.

4. The following new section is hereby inserted in
Part I of the principal Act immediately before section
3, and shall have effect as section 2A, of that Act:—

Insertion of
new section
2A in the
principal Act.

Appointment
of Bribery
Commissioner
and other
officers.

2A. There shall be appointed, for the
purposes of this Act, a Bribery Commis-
sioner and such other officers as may be
necessary."

5. (1) Section 3 of the principal Act is hereby
amended as follows:—

Amendment of
section 3 of
the principal
Act.

(a) by the substitution, for the expression
"Attorney-General", wherever it occurs in
that section, of the expression "Bribery
Commissioner";

(b) in sub-section (4) of that section by the substi-
tution, in paragraph (c) of that sub-section,
for the words "produce any such docu-
ment", of the words "produce, or deliver
or furnish a certified copy of, any such
document";

(c) by the repeal of sub-sections (2) and (3) of that
section; and

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(d) by the renumbering of sub-section (4) as sub-section (2) of that section.

(2) The marginal note to section 3 of the principal Act is hereby amended by the substitution, for the expression "Attorney-General", of the expression "Bribery Commissioner".

Amendment of
section 4 of
the principal
Act.

6. Section 4 of the principal Act is hereby amended as follows:—

(a) by the substitution, for the expression "Attorney-General", wherever it occurs in that section, of the expression "Bribery Commissioner";

(b) in sub-section (1) of that section—

(i) by the omission of the words "or an arraignment"; and

(ii) by the substitution, in paragraph (c) of that sub-section, for the words "as specified in the notice, any book or document", of the words "within such time as may be specified in the notice, any book, document or cheque"; and

(c) in sub-section (2) of that section—

(i) by the substitution, for the words "a Board of Inquiry," of the words "a Bribery Tribunal,"; and

(ii) by the omission of the words "or arraignment".

Replacement of
section 5 of
the principal
Act.

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

" Prosecution
before a
Bribery
Tribunal.

5. (1) If the Bribery Commissioner is satisfied that there is a *prima facie* case of the commission by any person of an offence specified in Part II of this Act, such Commissioner or any advocate, proctor or officer authorised in writing by such Commissioner shall prosecute such person before a Bribery Tribunal.

(2) Before a public servant is prosecuted for an offence specified in Part II of this Act, the Bribery Commissioner shall notify in writing the intended prosecution to the authority who appointed such public servant to the office or post held by him."

8. Section 6 of the principal Act is hereby repealed.

Repeal of
section 6 of
the principal
Act.

9. Section 7 of the principal Act is hereby amended by the substitution, for the expression "Attorney-General", wherever it occurs in that section, of the expression "Bribery Commissioner".

Amendment of
section 7 of
the principal
Act.

10. Sections 8 and 9 of the principal Act are hereby repealed.

Repeal of
sections 8
and 9 of the
principal Act.

11. Section 10 of the principal Act is hereby amended as follows:—

Amendment of
section 10 of
the principal
Act.

(1) by the repeal of sub-section (1) of that section and the substitution therefor of the following new sub-section:—

"(1) Where any person is to be prosecuted for bribery before a Bribery Tribunal, the Bribery Commissioner shall cause to be furnished to him—

(a) a concise statement of the particulars of the charge and a list of witnesses who are likely to be called to give evidence and a list of documents that may be used by the prosecutor, and

(b) a summary of such of the facts as are proposed to be relied on by the prosecutor.";

(2) in sub-section (2) of that section—

(a) by the substitution, for all the words and figure from "The Attorney-General" to "sub-section (1).", of the following:—

"The Bribery Commissioner shall, if so required by a Bribery Tribunal trying a charge of bribery against any person, furnish or cause to be furnished to such Tribunal any statement relating to that person recorded in the course of any investigation conducted by the Bribery Commissioner or by an officer authorised by him."; and

(b) by the substitution, for the words "unless the Court or Board," of the words "unless the Bribery Tribunal,";

then, for the purposes of any prosecution under this section, it shall be deemed, until the contrary is proved by him, that such property is or was property which he has or had acquired by bribery or to which he has or had converted any property acquired by him by bribery.

(2) In sub-section (1), "income" does not include income from bribery, and "receipts" do not include receipts from bribery.

(3) A person who is or had been the owner of any property which is deemed under sub-section (1) to be property which he has or had acquired by bribery or to which he has or had converted any property acquired by him by bribery shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years or a fine not exceeding five thousand rupees or both:

Provided that where such property is or was money deposited to the credit of such person's account in any bank and he satisfies the court that such deposit has or had been made by any other person without his consent or knowledge, he shall not be guilty of an offence under the preceding provisions of this sub-section.

(4) No prosecution for an offence under this section shall be instituted against any person unless the Bribery Commissioner has given such person an opportunity to show cause why he should not be prosecuted for such offence and he has failed to show cause or the cause shown by him is unsatisfactory in the opinion of such Commissioner."

15. Section 26 of the principal Act is hereby amended as follows:—

(1) by the substitution, for the words "a Court convicts", of the words "a Bribery Tribunal convicts";

(2) by the substitution, for the words "the Court shall," of the words "the Tribunal shall,";

Amendment of
section 26 of
the principal
Act.

- (3) by the substitution, for the words "the Court's", of the words "the Tribunal's"; and
- (4) by the substitution, for the words "opinion of the Court," of the words "opinion of the Tribunal,".

Amendment of
section 27 of
the principal
Act.

16. Section 27 of the principal Act is hereby amended by the repeal of sub-section (1) thereof and the substitution, for that sub-section, of the following new sub-section:—

"(1) Where, at the conclusion of the trial of a person charged with bribery before a Bribery Tribunal, the Tribunal is of the opinion that the complainant has wilfully and with intent to harm that person made a false, frivolous or groundless allegation against him, the President of the Tribunal shall certify that opinion under his hand and transmit the certificate together with the record of the proceedings to the Attorney-General."

Amendment of
section 28 of
the principal
Act.

17. (1) Section 28 of the principal Act is hereby amended as follows:—

(a) by the repeal of sub-section (1) of that section and the substitution, for that sub-section, of the following sub-section:—

"(1) A sentence of imprisonment passed by a Bribery Tribunal on a person convicted by the Tribunal of bribery shall be executed in the same manner as if the Tribunal were a court, and accordingly section 311 of the Criminal Procedure Code shall apply to such sentence and shall in its application to such sentence have effect as if, for the words "Magistrate who passed sentence" occurring in that section, there were substituted the words "Magistrate who, or the President of the Bribery Tribunal which, passed sentence";

(b) in sub-section (2) of that section—

- (i) by the substitution, for the words "a penalty", of the words "a fine or penalty";
- (ii) by the substitution, for the words "a Board of Inquiry", of the words "a Bribery Tribunal";

- (iii) by the substitution, for the words " the Board, ", of the words " the Tribunal, ";
 - (iv) by the substitution, for the words " may apply ", of the words " shall apply "; and
 - (v) by the substitution, for the words " may be recovered ", of the words " shall be recovered "; and
- (c) in sub-section (4) of that section, by the substitution, for the words " the competence of the court which imposed the fine or penalty or the competence of the Board of Inquiry which imposed the penalty. ", of the words " the competence of the Bribery Tribunal which imposed the fine or penalty. ".

(2) The following new marginal note is hereby substituted for the marginal note to section 28 of the principal Act:—

" Execution of sentences
of imprisonment passed,
and recovery of fine or penalty
imposed, by a Bribery
Tribunal. "

18. (1) Section 29 of the principal Act is hereby amended by the substitution, for the words " is convicted or found guilty of bribery by a court, Commission of Inquiry, or Board of Inquiry, ", of the words " is convicted or found guilty of bribery by a Bribery Tribunal or a Commission of Inquiry, ".

Amendment of
section 29 of
the principal
Act.

(2) The following new marginal note is hereby substituted for the marginal note to section 29 of the principal Act:—

" Effect of a conviction
of a person of bribery
by a Bribery Tribunal,
or the finding of a
Commission of Inquiry
that a person is guilty
of bribery. "

19. Section 31 of the principal Act is hereby repealed.

Repeal of
section 31 of
the principal
Act.

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Amendment of
section 34 of
the principal
Act.

20. Section 34 of the principal Act is hereby amended as follows:—

(a) in sub-section (1) of that section, by the substitution, in paragraph (e) of that sub-section, for the expression "Attorney-General", of the expression "Bribery Commissioner"; and

(b) in sub-section (3) of that section, by the substitution, for the expression "Attorney-General", of the expression "Bribery Commissioner,".

Amendment of
section 39 of
the principal
Act.

21. Section 39 of the principal Act is hereby amended, in sub-section (3) of that section, by the substitution, for the words "by a Court", of the words "by a Bribery Tribunal".

Amendment of
heading in
Part IV of
the principal
Act.

22. The following heading is hereby substituted for the heading "Boards of Inquiry" occurring in Part IV of the principal Act:—

"Bribery Tribunals."

Repeal of
section 40 of
the principal
Act.

23. Section 40 of the principal Act is hereby repealed.

Replacement of
section 41 of
the principal
Act.

24. Section 41 of the principal Act is hereby repealed and the following new section is substituted therefor:—

"Appointment
of the Panel
from which
Bribery
Tribunals
are to be
constituted
and of the
Chairman of
the Panel.

41. (1) The Governor-General shall, on the advice of the Minister of Justice, appoint a Panel (hereinafter referred to as the Panel) of not more than fifteen persons who have judicial experience or legal knowledge, for the purpose of the constitution of Bribery Tribunals as hereinafter provided.

(2) Each member of the Panel shall, unless he vacates office earlier, hold office for three years and shall be eligible for reappointment.

(3) The Governor-General shall, on the advice of the Minister of Justice, fill vacancies in the Panel caused by death, resignation or otherwise.

(4) A person appointed to fill a vacancy in the Panel shall, unless he vacates office earlier, hold office for the

remainder of the term of office of the member of the Panel in whose place he is appointed.

(5) The Governor-General shall, on the advice of the Minister of Justice, appoint one of the members of the Panel to be the Chairman of the Panel.

(6) The Chairman of the Panel shall, unless he vacates the office of such Chairman earlier, hold such office during the term of his membership of the Panel.

(7) Where, due to illness or absence from Ceylon, the Chairman of the Panel or any member of the Panel is temporarily unable to officiate as such Chairman or member, the Governor-General may, on the advice of the Minister of Justice, appoint, for the period during which such Chairman or member is unable so to officiate, a member of the Panel to act as and in the place of such Chairman, or any person qualified to be a member of the Panel to act as a member of the Panel in the place of the member of the Panel who is unable so to officiate. ”.

25. Section 42 of the principal Act is hereby repealed and the following new section is substituted therefor:—

Replacement of
section 42 of
the principal
Act.

“ Constitution
of Bribery
Tribunals.

42. (1) A Bribery Tribunal shall, according as the Chairman of the Panel may decide, consist of—

(a) such Chairman and two other members of the Panel selected by such Chairman, or

(b) three members of the Panel so selected, such Chairman not being one of them.

(2) Any number of Bribery Tribunals may be constituted as herein provided for the trial of persons prosecuted for bribery. ”.

Replacement
of section 43
of the principal
Act.

26. Section 43 of the principal Act is hereby repealed and the following new section is substituted therefor :—

“ President
of a
Bribery
Tribunal.

43. (1) Where the Chairman of the Panel is a member of a Bribery Tribunal, he shall be the President of that Tribunal.

(2) Where the Chairman of the Panel is not a member of a Bribery Tribunal, he shall appoint a member of that Tribunal as the President of that Tribunal. ”.

Replacement
of section
44 of the
principal Act.

27. Section 44 of the principal Act is hereby repealed and the following new section is substituted therefor :—

“ When a
Bribery
Tribunal
may be
replaced
by a new
Tribunal.

44. If any member of a Bribery Tribunal is, for any reason, unable to officiate as such member, the Chairman of the Panel shall replace such Tribunal with another Bribery Tribunal constituted as provided in section 42, and the new Tribunal shall try afresh every person whose trial is not concluded by the previous Tribunal and in doing so may use the evidence already recorded by the previous Tribunal or take evidence afresh. ”.

Replacement of
section 45 of
the principal
Act.

28. Section 45 of the principal Act is hereby repealed and the following new section is substituted therefor :—

“ Remuneration
of members
of the Panel.

45. The members of the Panel shall be paid such remuneration as shall be determined by the Minister of Justice in consultation with the Minister of Finance. ”.

Amendment of
section 46 of
the principal
Act.

29. (1) Section 46 of the principal Act is hereby amended, in sub-section (1) of that section, by the substitution, for the words “ Board of Inquiry ”, of the words “ Bribery Tribunal ”.

(2) The marginal note to section 46 of the principal Act is hereby amended by the substitution, for the words “ Board of Inquiry ”, of the words “ Bribery Tribunal ”.

30. (1) Section 47 of the principal Act is hereby amended as follows:—

Amendment of
section 47 of
the principal
Act.

(A) in sub-section (1) of that section—

(a) by the substitution, for the words “ A Board of Inquiry ”, of the words “ A Bribery Tribunal ”;

(b) by the substitution, for paragraph (a) of that sub-section, of the following paragraph:—

“ (a) to hear, try and determine any prosecution for bribery made against any person before the Tribunal; ”;

(c) by the substitution, in paragraphs (b), (c) and (d) of that sub-section, for the words “ the Board ”, of the words “ the Tribunal ”;

(d) by the substitution, in paragraph (g) of that sub-section,—

(i) for the words “ a public servant arraigned before the Board ”, of the words “ a person prosecuted for bribery before the Tribunal ”,

(ii) for the words “ that public servant ”, of the words “ that person ”, and

(iii) for the expression “ Attorney-General ”, of the expression “ Bribery Commissioner ”;

(e) by the substitution, in paragraph (h) of that sub-section,—

(i) for the words “ a public servant arraigned before the Board ”, of the words “ a person prosecuted for bribery before the Tribunal ”, and

(ii) for the words “ such public servant ”, wherever they occur in that paragraph, of the words “ such person ”; and

(f) by the substitution, in paragraph (i) of that sub-section,—

(i) for the words “ the Board ”, of the words “ the Tribunal ”, and

(ii) for the words "the inquiry into a charge of bribery against a public servant.", of the words "the trial of any person who is prosecuted for bribery before the Tribunal."; and

(B) in sub-section (2) of that section,—

(a) by the substitution, for the words "A Board of Inquiry", of the words "A Bribery Tribunal"; and

(b) by the substitution, for the words "the Attorney-General.", of the words "the Bribery Commissioner,".

(2) The marginal note to section 47 of the principal Act is hereby amended by the substitution, for the words "Boards of Inquiry.", of the words "Bribery Tribunals.".

Amendment of
section 48 of
the principal
Act.

31. (1) Section 48 of the principal Act is hereby amended as follows:—

(a) in sub-section (1) of that section,—

(i) by the substitution, for the words "Board of Inquiry", of the words "Bribery Tribunal";

(ii) by the substitution, for the words "selected for inquiring into a charge of bribery", of the words "trying any person on a charge of bribery"; and

(iii) by the substitution, for the words "hold the inquiry.", of the words "hold the trial.";

(b) by the repeal of sub-section (2) of that section;

(c) in sub-section (3) of that section, by the substitution, for the words "Board of Inquiry", of the words "Bribery Tribunal";

(d) in sub-section (4) of that section, by the substitution, for the words "Board of Inquiry", of the words "Bribery Tribunal"; and

(e) in sub-section (5) of that section,—

(i) by the substitution, for the words "Board of Inquiry", of the words "Bribery Tribunal";

(ii) by the substitution, for the word "inquiry", wherever it occurs in that sub-section, of the word "trial";

(iii) by the substitution, for the words " the Board ", of the words " the Tribunal "; and

(iv) by the substitution, for the words " The Board ", of the words " The Tribunal ".

(2) The marginal note to section 48 of the principal Act is hereby amended by the substitution, for the words " Board of Inquiry ", of the words " Bribery Tribunal ".

32. Section 49 of the principal Act is hereby repealed and the following new section is substituted therefor:—

Replacement of
section 49 of
the principal
Act.

" Proceedings
ordinarily
to be in
public.

49. A Bribery Tribunal shall ordinarily conduct its proceedings in public, but may conduct any proceedings *in camera* if, having regard to the circumstances of any case, the Tribunal considers it necessary in the public interest to do so. The Tribunal may at any time exclude any person from its proceedings."

33. Section 50 of the principal Act is hereby amended as follows:—

Amendment of
section 50 of
the principal
Act.

(a) in sub-section (1) of that section,—

(i) by the substitution, for the words " Board of Inquiry ", of the words " Bribery Tribunal ", and

(ii) by the substitution, for the words " President of the Board ", of the words " President of the Tribunal ";

(b) in sub-section (2) of that section, by the substitution, for the words " Board of Inquiry ", of the words " Bribery Tribunal ";

(c) in sub-section (3) of that section, by the substitution, for the words " Board of Inquiry ", of the words " Bribery Tribunal ";

(d) in sub-section (4) of that section, by the substitution, for the words " Board of Inquiry ", of the words " Bribery Tribunal ";

(e) in sub-section (5) of that section, by the substitution, for the words " Board of Inquiry ", of the words " Bribery Tribunal "; and

(f) in sub-section (6) of that section,—

(i) by the substitution, for the words “ Board of Inquiry ”, of the words “ Bribery Tribunal ”, and

(ii) by the substitution, for the words “ the Board ”, of the words “ the Tribunal ”.

Amendment of section 51 of the principal Act.

34. Section 51 of the principal Act is hereby amended by the substitution, for the words “ Board of Inquiry ”, of the words “ Bribery Tribunal ”.

Replacement of section 52 of the principal Act.

35. Section 52 of the principal Act is hereby repealed and the following new section is substituted therefor:—

“ Regulation of procedure, and record of proceedings.

52. (1) Subject to the provisions of this Act, a Bribery Tribunal may regulate its own procedure.

(2) There shall be a record of the proceedings in every trial before a Bribery Tribunal.”.

Amendment of section 53 of the principal Act.

36. Section 53 of the principal Act is hereby amended—

(a) by the substitution, for the words “ Board of Inquiry ”, of the words “ Bribery Tribunal ”, and

(b) by the substitution, for the words “ the Board ”, of the words “ the Tribunal ”.

Amendment of section 54 of the principal Act.

37. Section 54 of the principal Act is hereby amended by the substitution, for the words “ Board of Inquiry ”, of the words “ Bribery Tribunal ”.

Amendment of section 55 of the principal Act.

38. Section 55 of the principal Act is hereby amended, in sub-section (1) of that section, by the substitution, for the word “ inquiry.”, of the word “ trial.”.

Amendment of section 56 of the principal Act.

39. Section 56 of the principal Act is hereby amended—

(a) by the substitution, for the words “ Board of Inquiry ”, of the words “ Bribery Tribunal ”;

(b) by the substitution, for the word “ inquiry ”, of the word “ trial ”; and

- (c) by the substitution, for the expression "Attorney-General", of the expression "Bribery Commissioner".

40. Section 58 of the principal Act is hereby amended—

Amendment of section 58 of the principal Act.

- (a) by the substitution, for the words "Board of Inquiry", of the words "Bribery Tribunal";
- (b) by the substitution, for the words "President of the Board", of the words "President of the Tribunal"; and
- (c) by the substitution, for the words "the Board", of the words "the Tribunal".

41. Section 59 of the principal Act is hereby amended by the substitution, for the words "Board of Inquiry.", of the words "Bribery Tribunal."

Amendment of section 59 of the principal Act.

42. Section 60 of the principal Act is hereby repealed and the following section is substituted therefor:—

Replacement of section 60 of the principal Act.

"Service of summons.

60. Summons on a person issued in proceedings before a Bribery Tribunal may be served—

(a) in the manner of service of summons prescribed by the Criminal Procedure Code, or

(b) in the following manner:—

(i) by registered letter addressed and despatched by express post to such person; or

(ii) where such person is a public servant, by registered letter addressed and despatched by express post to the head of the department, office or establishment in which he is employed; or

(iii) where such person is employed under any other person, by registered letter addressed

and despatched by express post to the employer; or

(iv) by any village headman; or

(v) in urgent cases by telegram.”.

Amendment of section 61 of the principal Act.

43. Section 61 of the principal Act is hereby amended—

(a) by the substitution, for the words “ Board of Inquiry ”, of the words “ Bribery Tribunal ”; and

(b) by the substitution, for the words “ the Board,”, of the words “ the Tribunal,”.

Amendment of section 62 of the principal Act.

44. Section 62 of the principal Act is hereby amended—

(a) by the substitution, for the words “ Board of Inquiry ”, wherever they occur in that section, of the words “ Bribery Tribunal ”;

(b) by the substitution, for the word “ inquiry ”, wherever it occurs in that section, of the word “ trial ”; and

(c) in sub-section (3) of that section, by the substitution, for the words “ the Board ”, of the words “ the Tribunal ”.

Amendment of section 63 of the principal Act.

45. (1) Section 63 of the principal Act is hereby amended—

(a) by the substitution, for the words “ Board of Inquiry ”, of the words “ Bribery Tribunal ”; and

(b) by the substitution, for the word “ inquiry ”, of the word “ trial ”.

(2) The marginal note to section 63 of the principal Act is hereby amended by the substitution, for the word “ Inquiry.”, of the word “ trial.”.

Amendment of section 64 of the principal Act.

46. (1) Section 64 of the principal Act is hereby amended—

(a) by the substitution, for the word “ inquiry ”, wherever it occurs in that section, of the word “ trial ”; and

(b) by the substitution, for the words “ Board of Inquiry ”, of the words “ Bribery Tribunal ”.

(2) The marginal note to section 64 of the principal Act is hereby amended by the substitution, for the word "inquiry.", of the word "trial."

47. Section 65 of the principal Act is hereby amended by the substitution, for the words "Board of Inquiry", of the words "Bribery Tribunal".

Amendment of section 65 of the principal Act.

48. (1) Section 66 of the principal Act is hereby amended as follows:—

Amendment of section 66 of the principal Act.

(a) in sub-section (1) of that section—

- (i) by the substitution, for the words "Board of Inquiry", of the words "Bribery Tribunal";
- (ii) by the substitution, for the words "the inquiry", of the words "the trial"; and
- (iii) by the addition, at the end of that sub-section, of the following:—

"If the Tribunal finds the accused person not guilty, the Tribunal shall forthwith record a verdict of acquittal. If the Tribunal finds the accused person guilty, the Tribunal shall forthwith record a verdict of guilty and pass sentence on him according to law and record such sentence.";

(b) in sub-section (2) of that section—

- (i) by the substitution, for the words "Board of Inquiry", of the words "Bribery Tribunal", and
- (ii) by the substitution, for the words "the Board.", of the words "the Tribunal."; and

(c) in sub-section (3) of that section, by the substitution, for the words "Board of Inquiry", of the words "Bribery Tribunal".

(2) The marginal note to section 66 of the principal Act is hereby amended by the substitution, for the words "Boards of Inquiry.", of the words "Bribery Tribunals."

49. Section 67 of the principal Act is hereby repealed.

Repeal of section 67 of the principal Act.

Amendment of
section 68 of
the principal
Act.

50. (1) Section 68 of the principal Act is hereby amended as follows:—

(a) by the substitution, for the words “ Board of Inquiry ”, wherever they occur in that section, of the words “ Bribery Tribunal ”; and

(b) by the substitution, for the words “ the Board ”, wherever they occur in that section, of the words “ the Tribunal ”.

(2) The marginal note to section 68 of the principal Act is hereby amended by the substitution, for the words “ Boards of Inquiry. ”, of the words “ Bribery Tribunals. ”.

Amendment of
section 69 of
the principal
Act.

51. (1) Section 69 of the principal Act is hereby amended by the substitution, for the words “ Board of Inquiry ”, of the words “ Bribery Tribunal ”.

(2) The marginal note to section 69 of the principal Act is hereby amended by the substitution, for the words “ Boards of Inquiry. ”, of the words “ Bribery Tribunals. ”.

Insertion of
new section 69A
in Part IV of
the principal
Act.

52. The following new section is hereby inserted in Part IV of the principal Act immediately after section 69, and shall have effect as section 69A, of that Act:—

“ Appeal
against
conviction of
an offence
specified in
Part II of
this Act.

69A. (1) Where a person is convicted by a Bribery Tribunal of any offence specified in Part II of this Act, he may prefer an appeal to the Supreme Court against such conviction for any error in law or in fact by lodging, within ten days from the date of such conviction, with such Tribunal a petition of appeal addressed to the Supreme Court.

(2) Every appeal under sub-section (1) shall be heard by two Judges of the Supreme Court and shall, as far as practicable, be given priority over other business of that Court.

(3) In the case of an appeal under sub-section (1) the Bribery Commissioner shall be deemed to be the party complainant.

(4) The provisions of sections 339 to 352 of the Criminal Procedure Code which apply to and in relation to appeals

from judgments of District Courts in criminal cases shall, *mutatis mutandis*, apply to and in relation to appeals under sub-section (1).”.

53. Section 70 of the principal Act is hereby amended, in paragraph (a) of that section, by the substitution, for the expression “sub-section (4) of section 3 by the Attorney-General”, of the expression “sub-section (2) of section 3 by the Bribery Commissioner”.

Amendment of section 70 of the principal Act.

54. Section 71 of the principal Act is hereby amended—

Amendment of section 71 of the principal Act.

(a) by the substitution, for the expression “Attorney-General”, of the expression “Bribery Commissioner”, and

(b) by the substitution, for the words “Board of Inquiry”, of the words “Bribery Tribunal”.

55. Section 72 of the principal Act is hereby amended by the substitution, for the expression “Attorney-General”, wherever that expression occurs in that section, of the expression “Bribery Commissioner”.

Amendment of section 72 of the principal Act.

56. Section 73 of the principal Act is hereby amended by the substitution, for all the words from “in or before” to “Board of Inquiry”, of the words “before a Commission of Inquiry or Bribery Tribunal”.

Amendment of section 73 of the principal Act.

57. (1) Section 74 of the principal Act is hereby amended by the substitution, for the words “Board of Inquiry”, wherever they occur in that section, of the words “Bribery Tribunal”.

Amendment of section 74 of the principal Act.

(2) The marginal note to section 74 of the principal Act is hereby amended by the substitution, for the words “Board of Inquiry”, of the words “Bribery Tribunal”.

58. (1) Section 75 of the principal Act is hereby amended—

Amendment of section 75 of the principal Act.

(a) by the substitution, for the words “Board of Inquiry”, wherever they occur in that section, of the words “Bribery Tribunal”, and

- (b) by the substitution, for the words " or Board " of the words " or Tribunal ".

(2) The marginal note to section 75 of the principal Act is hereby amended by the substitution, for the words " Board of Inquiry.", of the words " Bribery Tribunal."

Amendment of section 76 of the principal Act.

59. Section 76 of the principal Act is hereby amended—

- (a) by the substitution, for the words " Board of Inquiry ", of the words " Bribery Tribunal ", and
(b) by the substitution, for the words " the Board ", wherever they occur in that section, of the words " the Tribunal ".

Amendment of section 77 of the principal Act.

60. (1) Section 77 of the principal Act is hereby amended as follows:—

- (a) by the substitution, for the words " Board of Inquiry ", wherever they occur in that section, of the words " Bribery Tribunal ";
(b) in sub-section (1) of that section,—
(i) by the substitution, for the words " or Board," of the words " or Tribunal, ", and
(ii) by the substitution, for the words " President of the Board ", of the words " President of the Tribunal "; and
(c) in sub-section (2) of that section, by the substitution, for the words " the Board ", of the words " the Tribunal ".

(2) The marginal note to section 77 of the principal Act is hereby amended by the substitution, for the words " Board of Inquiry.", of the words " Bribery Tribunal,".

Amendment of section 78 of the principal Act.

61. (1) Section 78 of the principal Act is hereby amended as follows:—

- (a) by the repeal of sub-sections (1), (2) and (3) of that section;
(b) by the renumbering of sub-section (4), sub-section (5) and sub-section (6) of that section as sub-section (1), sub-section (2) and sub-section (3) respectively;

(c) in renumbered sub-section (1) of that section, by the substitution, for the expression "Attorney-General" where that expression occurs for the first time in that sub-section, of the expression "Bribery Commissioner";

(d) in renumbered sub-section (3) of that section, by the substitution, for the words "Board of Inquiry", of the words "Bribery Tribunal".

(2) The marginal note to section 78 of the principal Act is hereby amended by the substitution, for all the words from "Prosecution" to "suits", of the word "Suits".

62. Section 79 of the principal Act is hereby amended—

Amendment of
section 79 of
the principal
Act.

(a) by the substitution, for the words "in any Court, Commission of Inquiry, or Board of Inquiry," of the words "before a Commission of Inquiry or Bribery Tribunal," and

(b) by the substitution, for the words "the Court, Commission or Board", of the words "the Commission or Tribunal".

63. Section 80 of the principal Act is hereby amended—

Amendment of
section 80 of
the principal
Act.

(a) in sub-section (1) of that section, by the substitution, for the words "the Attorney-General or any officer authorised in that behalf by the Attorney-General", of the words "the Bribery Commissioner or any officer authorised in that behalf by the Bribery Commissioner", and

(b) in sub-section (2) of that section, by the substitution, for the expression "Attorney-General", of the expression "Bribery Commissioner".

64. Section 81 of the principal Act is hereby amended as follows:—

Amendment of
section 81 of
the principal
Act.

(a) in sub-section (1) of that section—

(i) by the substitution, for the expression "Attorney-General", of the expression "Bribery Commissioner",

- (ii) by the substitution, for all the words from "tender, or" to "a pardon" of the words "tender a pardon";
- (b) by the repeal of sub-section (2) of that section and the substitution therefor of the following sub-section:—

"(2) Every person accepting a tender of pardon under this section shall be examined as a witness, in the case of a trial before a Bribery Tribunal, by the Tribunal, and, in the case of an inquiry by a Commission of Inquiry, by the Commission."; and

- (c) by the addition, at the end of that section, of the following sub-section:—

"(3) Where a person who has accepted a tender of pardon under this section has, either by wilfully concealing anything essential or by giving false evidence, not complied with the condition on which the tender of pardon was made, he may be prosecuted for the offence in respect of which the pardon was tendered or for any other offence of which he appears to have been guilty in connection with the same matter.".

Repeal of section 83 of the principal Act.

65. Section 83 of the principal Act is hereby repealed.

Amendment of section 84 of the principal Act.

66. Section 84 of the principal Act is hereby amended by the substitution, for the expression "section 147", of the expression "section 147 (1)".

Amendment of section 85 of the principal Act.

67. Section 85 of the principal Act is hereby amended by the substitution, for the words "on the advice of the Prime Minister," of the words "on the advice of the Minister of Justice,".

Amendment of section 86 of the principal Act.

68. (1) Section 86 of the principal Act is hereby amended by the substitution, for the expression "Attorney-General", of the expression "Bribery Commissioner".

(2) The marginal note to section 86 of the principal Act is hereby amended by the substitution, for the expression "Attorney-General", of the expression "Bribery Commissioner".

69. The following new section is hereby inserted in Part VI immediately after section 86, and shall have effect as section 86A, of the principal Act:—

Insertion of
new section
86A in the
principal Act.

Expenses of
persons
attending
any trial or
inquiry under
this Act to
give evidence.

86A. A person who attends any trial or inquiry under this Act to give evidence may be paid out of the Consolidated Fund of Ceylon the expenses of attending the trial or inquiry at such rates and subject to such conditions as are from time to time prescribed for witnesses under Chapter XXA of the Criminal Procedure Code.”.

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70. Section 91 of the principal Act is hereby amended—

Amendment of
section 91 of
the principal
Act.

- (a) by the omission of the definition of “ Board of Inquiry ”, and
- (b) by the insertion, immediately after the definition of “ bribery ”, of the following definition:—
“ Bribery Tribunal ” means a Bribery Tribunal constituted under this Act;’.

71. Section 147 of the Criminal Procedure Code, as amended by section 84 of the principal Act, is hereby further amended, in sub-section (1) of that section, by the substitution, in paragraph (aa) of that sub-section, for the expression “ Attorney-General ”, of the expression “ Bribery Commissioner ”.

Amendment of
section 147 (1)
(aa) of the
Criminal
Procedure
Code.