

# **TRADE LIBERALIZATION: THE WAY FORWARD**

## **National Policy Framework and National Registration process**

**Initial Report**

Presented To:

Hon. Malik Samarawickrama

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The Government of Democratic Socialist Republic of Sri Lanka

Prepared By:

**United Professionals' Movement**

APRIL 2016

This report

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prepared by UPM, has been principally accepted & adopted at the Meeting of the Presidents of Member Associations of The Organization of Professional Associations Sri Lanka (OPA) held on 19.04.2016 from 6.00 PM onwards at the OPA Auditorium, where the said meeting was called only for the said purpose and Presidents of Member Associations who were present further endorsed the Report and agreed to have further elaborations, deliberations & proper implementation to achieve the intended targets.

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**(I) EXECUTIVE SUMMARY**

In any trade liberalization process there can be negative as well as positive impacts and for trading between countries definitely the impact will flow to the masses whether the outcome is negative or positive. As a country or as professionals the key interest should be to first curtail / control or minimize the possible negative impacts while ensuring the proposed positive impact measures are implemented under due diligence and care.

To minimize relevant negative impacts through trade liberalization process it should be noted that relevant legal, regulatory and institutional frame works should be in place. This means “TO HAVE OUR HOUSE IN ORDER” to handle possible consequences. In such instances the National Registration Mechanisms and National Policy Frameworks should be in place with the Institutional Framework with necessary and absolute powers to intervene and interfere when possible misuse or exploitation of any trade agreement.

Around the world trade liberalization discussions takes considerably a long time period because it should be done parallel with the development of country specific legal and institutional frameworks. Sri Lankan government’s intentions are to bring in investments and to develop the country and to use trade agreements as a tool for the same. As United Professionals’ Movement (UPM) it is our intention to work with the government mechanisms hand in hand in terms of creating the required institutional framework in proactive manner; rather than blaming the governments in future for the negative impacts for the reasons of not having such frameworks in place. Further it is to be noted that in terms of ETCA, the proposal by the UPM to trade liberalization, may be at the last moment; what UPM endorses herein are the recommendations made by Joint Study Group Report in 2003 that has not been put into practice over last 14 years. Hence the ownership is vested with the Government of Sri Lanka to have the necessary mechanisms even “**AT 24<sup>TH</sup> HOUR**” rather than facing the negative impacts in time to come, that will create political instability and economic calamity in the country.

Though the GATT agreement refers “Goods” and GATS refers “Services”, the present day free trade agreements have the components of Economical and Investments as components of the agreements. Thereby these two sectors are intertwined and is a combination with Investments, technology transfer and other related sectors. Thereby it is essential to look at

the available legal system in holistically rather than in piecemeal in terms of GOODS or SERVICES.

The UPM has been able to identify several legislative enactments that either to be introduced to Sri Lankan legal system or to be amended by using the existing frameworks on urgent basis during the first phase of study. The said action has to be coordinated with the Government of Sri Lanka to achieve the intended target. It is the government duty to absorb the proposals in right spirit and to work as a UNIFIED TEAM to achieve the Sri Lanka's dreams to become financially, economically and socially sound nation.

**(ii) THE UPM**

The objective of formation of Sri Lankan Engineers' Association (SLEA) was to create a vibrant and responsible professional culture to work on Socio Political issues as such mandate has not been granted to the respective professional institutes; in this instances Institution of Engineers Sri Lanka (IESL). The blessing of the IESL and its Council were there right throughout the process and momentum gathered and still blooming and gathering around SLEA and it is tremendously higher as it geared towards issues that capture the inner souls of masses that includes ordinary citizens.

The tremendous success of formation of SLEA, led to the next level of forming UPM. The United Professional Movement (UPM) was a brainchild of Sri Lankan Engineers' Association (SLEA); specifically to create a vibrant discussion platform and forum for the socio economic and political issues in the country and to be a substantial contributor for the remedial measures or redirection of political and development ideologies and thereby to be a responsive and responsible corporate citizen of the country. , Following institutes are rallying, contributing and playing major roles in the UPM activities. Even The Organization of Professional Associations Sri Lanka (OPA) is in the support of UPM move to create the National Mechanism and National Policy for trade liberalization, has strengthened the UPM efforts significantly.

1. Bar Association of Sri Lanka
2. Chartered Institute of Management Accountants - Sri Lanka
3. Computer Society of Sri Lanka
4. Government Medical Officer's Association

5. Institute of Applied Statistics
6. Institute of Personnel Management Sri Lanka
7. Institution of Incorporated Engineers - Sri Lanka
8. Organization of Professional Associations of Sri Lanka
9. Sri Lanka Institute of Architects
10. Sri Lankan Engineers Association
11. The Institution of Engineers - Sri Lanka

**(iii) Editorial Board**

The report was compiled based on the available information and facts. Further this report has not gone in to in depth analysis of each and every Act and the Institutional framework to identify the exact amendment. The editorial boards consists of:

Eng. Gamini Nanda Gunawardana  
Arch. L T Kiringoda  
Eng. Arjuna Manamperi  
Eng. Lalith Kahatapitiya  
Eng. Palitha Abeywardena  
Key Editor – Arch. Nalaka C. Jayaweera

It is no doubt the said document may need further analysis in the next level of development of the National Registration Mechanisms leading to a National Policy. Thereby this is the framework of the preliminary work to be carried out in order **“TO HAVE OUR HOUSE IN ORDER”**.

**1. PREAMBLE**

The report is intended to identify the major legal short comings/loopholes in the Sri Lankan legal systems in terms of liberalization. The identified amendments to Acts and enactments of new Acts may not be possible to align to a single line Ministry as liberalization does not work in a single line argument and the country’s legal system does not works as separated and isolated entity. Thereby this report is for the Politicians, Administrators, Professionals and Bureaucrats, Technocrats and all Sri Lankans as the positive and / or negative effects of liberalization may not affect a specific section but will penetrate through the society. Primary and sole intention of this report is to make a positive impact in Sri Lankan economic and

business Society by exploring the available legal models in the world where the liberalization has been accepted and already in implementation to have proper institutional framework for the Government of Sri Lanka in terms of Human Capital Registration, which includes professional practice registration with proper powers and authority to take appropriate decisions with proper consultations.

## **2. INTRODUCTION**

Sri Lankans being an island is blessed with natural and geographical protection in comparison to landlocked country. Further based on historical evidence Sri Lanka has being a regional hub for International relations and trade due to its geographical location.

Sri Lanka signed the GATT (General Agreement on Trade & Tariff) Agreement in 1948 just after the independence. GATS (General Agreement on Trade in Services) a schedule of GATT was adopted by Sri Lankan Government in 1994. Further we are founder member of the WTO (World Trade Organization) which is the organization structure for GATT and GATS. In 1998, Sri Lanka signed ISLFTA (India Sri Lanka Free Trade Agreement), for Goods; which a came into operation in year 2000. Further SATIS (SAARC Agreement on Trade in Services) was signed on 29.04.2010 a regional agreement on liberalization of services amongst India, Pakistan, Bangladesh, Maldives, Bhutan, Nepal and Afghanistan along with Sri Lanka.

Apart from the aforesaid important trade agreements there could be many other Technical and Military agreements with many other countries. Except for the specific technical agreements and military agreements almost all the trade liberalization agreements are based on GATT and / or GATS model and almost all the definitions are to be interpreted with the GATT and / or GATS definitions.

It is a fact that Sri Lanka has to undergo a 30 year terrorist war and thereby the development of the legal framework in terms of international trading has been delayed or not considered. It is important to note that GATS (1994), ISLFTA (1998) and PSLFTA (2002) were signed while the war is on. Further SATIS (2010) was signed at the peak of the war just few weeks before ending the war. As a result, in comparison to many other countries, Sri Lankan legal system lacks many legislative enactments that should be in in place for effective liberalization. Such legal enactments will provide the required clarity to the commitments referred in GATS and WTO.

This Report has identified the key commitments and definition of the GATS commitments and based on the experience and exposure by many professionals in many other countries the report proposes few legal enactments and amendments in order to liberalize the market in equal and competitive manner.

### **3. GATS AGREEMENT AND ITS CORE INTERPRETATIONS**

The present day Trade Liberalization Agreements are controlled by the WTO and Sri Lanka being a member of the WTO comes under the WTO purview. For agreements related to trade in Goods the GATT clauses will come in to operation and for service sector liberalization GATS agreement definitions and other common clauses would be applicable. As this report is intended to discuss the framework for service liberalization certain definitions in the GATS agreement shall be looked into.

#### **3.1 Article I – “Scope and Definitions”**

*Article I - Scope and Definition*

*1. This Agreement applies to measures by Members affecting trade in services.*

*2. For the purposes of this Agreement, trade in services is defined as the supply of a service:*

*(a) from the territory of one Member into the territory of any other Member;*

*(b) in the territory of one Member to the service consumer of any other Member;*

*(c) by a service supplier of one Member, through commercial presence in the territory of any other Member;*

*(d) by a service supplier of one Member, through presence of natural persons of a Member in the territory of any other Member.*

*3. For the purposes of this Agreement:*

*(a) "measures by Members" means measures taken by:*

*(i) central, regional or local governments and authorities; and*

*(ii) non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities; In fulfilling its obligations and commitments under the Agreement, each Member shall take such reasonable measures as may be available to it to ensure their observance by regional and local governments and authorities and non-governmental bodies within its territory;*

*(b) "services" includes any service in any sector except services supplied in the exercise of governmental authority;*

*(c) "a service supplied in the exercise of governmental authority" means any service which is supplied neither on a commercial basis, nor in competition with one or more service suppliers.*

### **The Outcome of the Article I:**

- (i) Service sector liberalization covers all 4 modes in its entirety and not limited part there in (unless exclusion clauses are brought in)
- (ii) It is the duty of the Sri Lankan Government to request all the possible legal impediments in different levels of the corresponding country.
- (iii) In any liberalization agreements if the other country is a combination of federal states then all such federal states should be party to the agreement, if the federal states are independent from the main state similar to India.

### **3.2 Article V - “Economic Integration”**

#### *Article V - Economic Integration*

1. This Agreement shall not prevent any of its Members from being a party to or entering into an agreement liberalizing trade in services between or among the parties to such an agreement, provided that such an agreement:

(a) has substantial sectoral coverage<sup>1</sup>, and

(b) provides for the absence or elimination of substantially all discrimination, in the sense of Article XVII, between or among the parties, in the sectors covered under subparagraph (a), through:

(i) elimination of existing discriminatory measures, and/or

(ii) prohibition of new or more discriminatory measures,

either at the entry into force of that agreement or on the basis of a reasonable time-frame, except for measures permitted under Articles XI, XII, XIV and XIV bis.

2. In evaluating whether the conditions under paragraph 1(b) are met, consideration may be given to the relationship of the agreement to a wider process of economic integration or trade liberalization among the countries concerned.

3. (a) Where developing countries are parties to an agreement of the type referred to in paragraph 1, flexibility shall be provided for regarding the conditions set out in paragraph 1, particularly with reference to subparagraph (b) thereof, in accordance with the level of development of the countries concerned, both overall and in individual sectors and subsectors.

(b) Notwithstanding paragraph 6, in the case of an agreement of the type referred to in paragraph 1 involving only developing countries, more favourable treatment may be granted to juridical persons owned or controlled by natural persons of the parties to such an agreement.

4. Any agreement referred to in paragraph 1 shall be designed to facilitate trade between the parties to the agreement and shall not in respect of any Member outside the agreement raise

*the overall level of barriers to trade in services within the respective sectors or subsectors compared to the level applicable prior to such an agreement.*

*5. If, in the conclusion, enlargement or any significant modification of any agreement under paragraph 1, a Member intends to withdraw or modify a specific commitment inconsistently with the terms and conditions set out in its Schedule, it shall provide at least 90 days advance notice of such modification or withdrawal and the procedure set forth in paragraphs 2, 3 and 4 of Article XXI shall apply.*

*6. A service supplier of any other Member that is a juridical person constituted under the laws of a party to an agreement referred to in paragraph 1 shall be entitled to treatment granted under such agreement, provided that it engages in substantive business operations in the territory of the parties to such agreement.*

*7. (a) Members which are parties to any agreement referred to in paragraph 1 shall promptly notify any such agreement and any enlargement or any significant modification of that agreement to the Council for Trade in Services. They shall also make available to the Council such relevant information as may be requested by it. The Council may establish a working party to examine such an agreement or enlargement or modification of that agreement and to report to the Council on its consistency with this Article.*

*(b) Members which are parties to any agreement referred to in paragraph 1 which is implemented on the basis of a time-frame shall report periodically to the Council for Trade in Services on its implementation. The Council may establish a working party to examine such reports if it deems such a working party necessary.*

*(c) Based on the reports of the working parties referred to in subparagraphs (a) and (b), the Council may make recommendations to the parties as it deems appropriate.*

*8. A Member which is a party to any agreement referred to in paragraph 1 may not seek compensation for trade benefits that may accrue to any other Member from such agreement.*

*<sup>1</sup>This condition is understood in terms of number of sectors, volume of trade affected and modes of supply. In order to meet this condition, agreements should not provide for the a priori exclusion of any mode of supply.”*

#### **The Outcome of the Article V:**

- (i) Prohibits the new laws.
- (ii) No compensation can be claimed for the possible damages.
- (iii)

### **3.3 Article V bis – “Labour Markets Integration Agreements”**

*Article V bis - Labour Markets Integration Agreements*

*This Agreement shall not prevent any of its Members from being a party to an agreement establishing full integration<sup>2</sup> of the labour markets between or among the parties to such an agreement, provided that such an agreement:*

*(a) exempts citizens of parties to the agreement from requirements concerning residency and work permits;*

*(b) is notified to the Council for Trade in Services.*

<sup>2</sup> Typically, such integration provides citizens of the parties concerned with a right of free entry to the employment markets of the parties and includes measures concerning conditions of pay, other conditions of employment and social benefits."

#### **The Outcome of the Article VI:**

- (i) Service sector liberalization does not have provisions for labor market access except movement of individual consultants in specified 4 modes. Explain exclusion of unskilled and semi skilled workers.
- (ii) Separate agreements to be signed among the countries in terms of labor market access.
- (iii) Any argument forwarded in terms of filling employment (ship building welders and IT project managers) are completely a false claim and misinterpretation and misinforming the GATS agreement. Not clear refer to the clause and explain

### **3.4 Article VI – “Domestic Regulation”**

*“Article VI - Domestic Regulation*

*1. In sectors where specific commitments are undertaken, each Member shall ensure that all measures of general application affecting trade in services are administered in a reasonable, objective and impartial manner.*

*2. (a) Each Member shall maintain or institute as soon as practicable judicial, arbitral or administrative tribunals or procedures which provide, at the request of an affected service supplier, for the prompt review of, and where justified, appropriate remedies for, administrative decisions affecting trade in services. Where such procedures are not independent of the agency entrusted with the administrative decision concerned, the Member shall ensure that the procedures in fact provide for an objective and impartial review.*

*(b) The provisions of subparagraph (a) shall not be construed to require a Member to institute such tribunals or procedures where this would be inconsistent with its constitutional structure or the nature of its legal system.*

3. Where authorization is required for the supply of a service on which a specific commitment has been made, the competent authorities of a Member shall, within a reasonable period of time after the submission of an application considered complete under domestic laws and regulations, inform the applicant of the decision concerning the application. At the request of the applicant, the competent authorities of the Member shall provide, without undue delay, information concerning the status of the application.

4. With a view to ensuring that measures relating to qualification requirements and procedures, technical standards and licensing requirements do not constitute unnecessary barriers to trade in services, the Council for Trade in Services shall, through appropriate bodies it may establish, develop any necessary disciplines. Such disciplines shall aim to ensure that such requirements are, *inter alia*:

(a) based on objective and transparent criteria, such as competence and the ability to supply the service;

(b) not more burdensome than necessary to ensure the quality of the service;

(c) in the case of licensing procedures, not in themselves a restriction on the supply of the service.

5. (a) In sectors in which a Member has undertaken specific commitments, pending the entry into force of disciplines developed in these sectors pursuant to paragraph 4, the Member shall not apply licensing and qualification requirements and technical standards that nullify or impair such specific commitments in a manner which:

(i) does not comply with the criteria outlined in subparagraphs 4(a), (b) or (c); and

(ii) could not reasonably have been expected of that Member at the time the specific commitments in those sectors were made.

(b) In determining whether a Member is in conformity with the obligation under paragraph 5(a), account shall be taken of international standards of relevant international organizations<sup>3</sup> applied by that Member.

6. In sectors where specific commitments regarding professional services are undertaken, each Member shall provide for adequate procedures to verify the competence of professionals of any other Member.

<sup>3</sup> The term "relevant international organizations" refers to international bodies whose membership is open to the relevant bodies of at least all Members of the WTO.

#### **The Outcome of the Article VI:**

(i) As per Sub Clause 5, country is prohibited to bring any regulations that are restrictive in nature at the moment of sector liberalization.

(ii) The Sub Clause 5 further refers the international standards based on the International Organization. In reality the professional registration are done by the Governments, Federal States and Local Authorities and not by professional institute or by any International Institute s. Thereby the technically the said clause has no meaning.

(iii)

### 3.5 Article XVI – “Market Access”

#### *PART III - SPECIFIC COMMITMENTS*

##### *Article XVI - Market Access*

1. *With respect to market access through the modes of supply identified in Article I, each Member shall accord services and service suppliers of any other Member treatment no less favourable than that provided for under the terms, limitations and conditions agreed and specified in its Schedule.<sup>8</sup>*

2. *In sectors where market-access commitments are undertaken, the measures which a Member shall not maintain or adopt either on the basis of a regional subdivision or on the basis of its entire territory, unless otherwise specified in its Schedule, are defined as:*

*(a) limitations on the number of service suppliers whether in the form of numerical quotas, monopolies, exclusive service suppliers or the requirements of an economic needs test;*

*(b) limitations on the total value of service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;*

*(c) limitations on the total number of service operations or on the total quantity of service output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;<sup>9</sup>*

*(d) limitations on the total number of natural persons that may be employed in a particular service sector or that a service supplier may employ and who are necessary for, and directly related to, the supply of a specific service in the form of numerical quotas or the requirement of an economic needs test;*

*(e) measures which restrict or require specific types of legal entity or joint venture through which a service supplier may supply a service; and*

*(f) limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.*

<sup>8</sup> If a Member undertakes a market-access commitment in relation to the supply of a service through the mode of supply referred to in subparagraph 2(a) of Article I and if the cross-border movement of capital is an essential part of the service itself, that Member is thereby committed to allow such movement of capital. If a Member undertakes a market-access commitment in relation to the supply of a service

through the mode of supply referred to in subparagraph 2(c) of Article I, it is thereby committed to allow related transfers of capital into its territory.

<sup>9</sup> Subparagraph 2(c) does not cover measures of a Member which limit inputs for the supply of services.

#### **The Outcome of the Article XVI:**

- (i) The limitations are applicable only to the given circumstances.
- (ii) In order to incorporate such limitations and regulate the same the institutional framework must be there. as
- (iii)

### **3.6 Article XXVIII – “Definitions”**

*Article XXVIII – Definitions - For the purpose of this Agreement:*

(a) *"measure" means any measure by a Member, whether in the form of a law, regulation, rule, procedure, decision, administrative action, or any other form;*

(b) *"supply of a service" includes the production, distribution, marketing, sale and delivery of a service;*

(c) *"measures by Members affecting trade in services" include measures in respect of*

*(i) the purchase, payment or use of a service;*

*(ii) the access to and use of, in connection with the supply of a service, services which are required by those Members to be offered to the public generally;*

*(iii) the presence, including commercial presence, of persons of a Member for the supply of a service in the territory of another Member;*

(d) *"commercial presence" means any type of business or professional establishment, including through*

*(i) the constitution, acquisition or maintenance of a juridical person, or*

*(ii) the creation or maintenance of a branch or a representative office,*

*within the territory of a Member for the purpose of supplying a service;*

(e) *"sector" of a service means,*

*(i) with reference to a specific commitment, one or more, or all, subsectors of that service, as specified in a Member's Schedule,*

*(ii) otherwise, the whole of that service sector, including all of its subsectors;*

(f) "service of another Member" means a service which is supplied,  
(i) from or in the territory of that other Member, or in the case of maritime transport, by a vessel registered under the laws of that other Member, or by a person of that other Member which supplies the service through the operation of a vessel and/or its use in whole or in part;  
or  
(ii) in the case of the supply of a service through commercial presence or through the presence of natural persons, by a service supplier of that other Member;

(g) "service supplier" means any person that supplies a service;

(h) "monopoly supplier of a service" means any person, public or private, which in the relevant market of the territory of a Member is authorized or established formally or in effect by that Member as the sole supplier of that service;

(i) "service consumer" means any person that receives or uses a service;

(j) "person" means either a natural person or a juridical person;

(k) "natural person of another Member" means a natural person who resides in the territory of that other Member or any other Member, and who under the law of that other Member:

(i) is a national of that other Member; or

(ii) has the right of permanent residence in that other Member, in the case of a Member which:

1. does not have nationals; or

2. accords substantially the same treatment to its permanent residents as it does to its nationals in respect of measures affecting trade in services, as notified in its acceptance of or accession to the WTO Agreement, provided that no Member is obligated to accord to such permanent residents treatment more favourable than would be accorded by that other Member to such permanent residents. Such notification shall include the assurance to assume, with respect to those permanent residents, in accordance with its laws and regulations, the same responsibilities that other Member bears with respect to its nationals;

(l) "juridical person" means any legal entity duly constituted or otherwise organized under applicable law, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, joint venture, sole proprietorship or association;

- (m) *"juridical person of another Member" means a juridical person which is either:*
- (i) *constituted or otherwise organized under the law of that other Member, and is engaged in substantive business operations in the territory of that Member or any other Member; or*
  - (ii) *in the case of the supply of a service through commercial presence, owned or controlled by:*
    1. *natural persons of that Member; or*
    2. *juridical persons of that other Member identified under subparagraph (i);*

(n) *a juridical person is:*

- (i) *"owned" by persons of a Member if more than 50 per cent of the equity interest in it is beneficially owned by persons of that Member;*
- (ii) *"controlled" by persons of a Member if such persons have the power to name a majority of its directors or otherwise to legally direct its actions;*
- (iii) *"affiliated" with another person when it controls, or is controlled by, that other person; or when it and the other person are both controlled by the same person;*

(o) *"direct taxes" comprise all taxes on total income, on total capital or on elements of income or of capital, including taxes on gains from the alienation of property, taxes on estates, inheritances and gifts, and taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation.*

<sup>12</sup> Where the service is not supplied directly by a juridical person but through other forms of commercial presence such as a branch or a representative office, the service supplier (i.e. the juridical person) shall, nonetheless, through such presence be accorded the treatment provided for service suppliers under the Agreement. Such treatment shall be extended to the presence through which the service is supplied and need not be extended to any other parts of the supplier located outside the territory where the service is supplied.

#### **The Outcome of the Article XXVIII:**

- (i) The definition of Juridical person may include any entity.
- (ii) Juridical person may need to be control by 50% of members state where such prohibits the international forms operating and attempting to use the facility. (not clear to me)
- (iii)

na

#### **4. The proposed Legislative Mechanism**

The key intentions of the proposed mechanism is as follows:

- 4.1 OVERALL GOVERNMENT INSTITUTIONAL FRAMEWORK**
- 4.2 GENERAL AMENDMENTS TO SUPPORT NATIONAL REGISTRATION MECHANISMS FOR ALL PROFESSIONS, VOCATIONS AND SKILLED AND UNSKILLED WORKERS**
- 4.3 PROPOSED AMENDMENTS TO THE NATIONAL REGISTRATION ACTS**
- 4.4 POSSIBLE NEW NATIONAL REGISTRATION BOARDS OR CAN HAVE ONE ACT TO ALL THE PROFESSIONS**
- 4.5 POSSIBLE OVERALL ACTS THAT ARE NEEDED TO BE IN PLACE BEFORE LIBERALIZATION(IF THESE SECTORS ARE NOT COVERED IN THE AFORESAID ACT)**

Item	Name	Starting date	Duration	Responsibility	Working Group	Committee members	Reference
<b>4.1</b>	<b>OVERALL GOVERNMENT INSTITUTIONAL FRAMEWORK</b>						
1.	National Human Capital Commission (NHCC)	Immediately	Undefined	Hon. Minister	Prime		(i)National Human Resources Development Council Act, No. 18 of 1997
2.	National Human Capital Authority Act (NHCA)	April 2016	3 months	All ministers & secretaries of Ministries			(i)National Human Resources Development Council Act, No. 18 of 1997
3.	Employment Integration Agreements	April 2016	2 months	All ministers & secretaries of Ministries			
<b>4.2</b>	<b>GENERAL AMENDMENTS TO SUPPORT NATIONAL REGISTRATION MECHANISMS FOR ALL PROFESSIONS, VOCATIONS AND SKILLED AND UNSKILLED WORKERS</b>						
4.	Emigration and immigration Act	April 2016	2 months	The Department of Immigration and emigration Defense Ministry			(i)Immigrants and Emigrants Act, No. 20 of 1948
5.	Exchange Control Act	April 2016	2 months	Department of Exchange Control			(i)Exchange Control Act, No. 24 of 1953

6.	Registrar of companies Act	April 2016	2 months	The Department of registrar of companies	(i)Companies Act, No. 7 of 2007
7.	Labor Laws	April 2016	2 months	The Ministry of labor	
8.	BOISL Act	April 2016	2 months	Chairman BOILSL Secretary to the Ministry	(i)Greater Colombo Economic Commission Law (Investment Board Law) No.4 of 1978
9.	Inland Revenue Act	April 2016	2 months	Director General Inland Revenue	(i)Inland Revenue Act, No. 10 of 2006
10.	Banking Laws	April 2016	2 months	Governor, Central Bank	(i)Banking Act, No. 30 of 1988 (ii)Recovery of loans by Banks (Special Provisions) Act, No. 4 of 1990
11.	Partnership registration Act	April 2016	2 months	Legal Draftsmen	
12.	Sole proprietorship / business registration acts	April 2016	2 months	Legal Draftsmen	(i)Business Names Act, No. 7 of 1987 (ii)Enforcement of the Licensing of Traders Act, No. 62 of 1961

13.	Professional Insurance Laws	April 2016	2 months	Sri Lanka Insurance Board	
14.	Consumer Affairs authority Act	April 20016	2 months	CAA	(i)Consumer Affairs Authority Act, No. 9 of 2003 (ii)Consumer Protection Act, No. 1 of 1979 (iii)Public Utilities Commission of Sri Lanka Act, No. 35 of 2002
<b>4.3 PROPOSED AMENDMENTS TO THE NATIONAL REGISTRATION ACTS</b>					
15.	Amendment to the Sri Lanka Medical Council Act	April 2016	2 months	SLMC, SLMA, GMOA	
16.	Amendments to the Construction Industry Development Authority Act (CIDA)	April 2016	2 months	CIDA	(i)Construction Industry Development Act, No. 33 of 2014
17.	Amendment to the Surveyors Act	April 2016	2 months	Surveyor General	Survey Act, No. 17 of 2002
18.	Institute of Chartered Accountants Act	April 2016	2 months	ICASL	

19. Engineering Council April 2016 2 months IESL and others  
Act (to be enacted)

**4.4 POSSIBLE NEW NATIONAL REGISTRATION BOARDS OR CAN HAVE ONE ACT TO ALL THE PROFESSIONS**

20. Computer industry April 2016 2 months  
and software  
professional  
registration Act
21. Schools April 2016 2 months Ministry of  
Standardization and Education  
registration Act
22. Educational April 2016 2 months Ministry of  
Institutes Education  
Standardization and  
Registration Act
23. University April 2016 2 months Ministry of Higher  
Standardization and Education  
Registration Act
24. Lawyers and Law April 2016 2 months Bar Association,  
Chambers Ministry of Justice  
Registration Act

- |     |  |            |          |                                   |
|-----|--|------------|----------|-----------------------------------|
| 25. | Vocations<br>Registration act                      | April 2016 | 2 months | Ministry of<br>Vocational Studies |
| 26. | Skilled and unskilled<br>labor registration<br>Act | April 2016 | 2 months | Labor Ministry                    |

E. **POSSIBLE OVERALL ACTS THAT ARE NEEDED TO BE IN PLACE BEFORE LIBERALIZATION (IF THESE SECTORS ARE NOT COVERED IN THE AFORESAID ACT)**

- |     |   |            |          |                              |
|-----|---|------------|----------|------------------------------|
| 27. | Professional Liability<br>and indemnity Act           | April 2016 | 2 months | Sri Lanka Insurance<br>Board |
| 28. | Anti-Dumping Act                                      | April 2016 | 2 months |                              |
| 29. | Fisherman and<br>Fishing Industry<br>registration Act | April 2016 | 2 months | Ministry of<br>Fisheries     |
| 30. | Water resource<br>usage and<br>Registration Act       | April 2016 | 2 months | Water Board,<br>NWS&DB       |
| 31. | Hospital<br>Standardization and<br>registering Act    | April 2016 | 2 months | Ministry of Health<br>sector |

#### 4.1 OVERALL GOVERNMENT INSTITUTIONAL FRAMEWORK

##### (1) National Human Capital Commission under the new constitution (NHCC)

###### (A) Objectives

- (i) To advice and the government of Sri Lanka in terms of future plans of development of Human Capital for the development of the country.
- (ii) To approve the service sector liberalization terms and conditions
- (iii) To approve the movement of natural persons terms and conditions
- (iv)

###### (B) Members

- (i) All members should be appointed by the Constitutional Council among the experts of the industry.
- (ii)

###### (C) Responsibility

- (i) Constitution Amendment Committee
- (ii) His Excellency President and Hon. Prime Minister
- (iii) Hon Cabinet of Ministers
- (iv) All political parties and their representatives
- (v) Legal Draftsmen
- (vi) General Public
- (vii)

###### (D) Institutions

- (i) Ministry of labor
- (ii) Ministry of vocational studies
- (iii) Ministry of Higher education
- (iv)

##### (2) National Human Capital Authority Act (NHCA)

###### (A) Objectives

- (i) This should be pinnacle authoritative body of National Human Capital which consists of all working populations of professionals, vocations and skilled and unskilled workers of the country.
- (ii)

**(B) Powers**

The authority shall have powers:

- (i) To decide and recommend to the NHCC on any terms or conditions specified in the NHCC.
- (ii) To be the registration board for any profession or vocation that does not come under any national registration boards.
- (iii) To be the authority to decide the quotas and limits of any profession or vocation to be allowed for non Sri Lankans.
- (iv) To be the agency to decide the employment contracts for the non Sri Lankans.
- (v) To be the agency to recommend the visas and other connected issues.
- (vi) To decide, recommend or stipulate any terms or condition in terms of the its objectives with proper consultation of other professional institutes and licensing authorities.

(vii)

**(C) Responsibility**

- (i) His Excellency President and Hon. Prime Minister
- (ii) Hon Cabinet of Ministers
- (iii) All political parties and their representatives
- (iv) Legal Draftsmen
- (v) General Public

(vi)

**(D) Institutions**

- (i) Ministry of labor
- (ii) Ministry of vocational studies
- (iii) Ministry of Higher education

(iv)

**(3) Employment Integration Agreements**

**(A) Objectives**

- (i)
- (ii)

**(B) Powers**

- (i)

- (ii)
- (C) **Responsibility**
  - (i)
  - (ii)
- (D) **Institutions**
  - (i)
  - (ii)

#### **4.2 NATIONAL REGISTRATION MECHANISMS FOR ALL PROFESSIONS, VOCATIONS AND SKILLED AND UNSKILLED WORKERS**

##### **(4) Emigration an immigration Act**

###### **(A) Objectives**

- (i) Classification of Visa inclusive of Tourist Visa, Work Visa for Unskilled Labor, Skilled labor, lower management, Middle management, Top Management; Consultants / Practice Visa - Different types of Visas for various levels of professional practice.
- (ii) Different visas fee for each and every sector.
- (iii) Before issuing visas to get the approval from the registrar of companies and respective national registration boards or NHCA
- (iv) Heavy penalty fees on persons who stay without visa
- (v) Not issue visas for any person who has been black listed in the national registration boards or NHCA.
- (vi) Introduction of latest technology to VISA by inserting chips to detect the persons.
- (vii) Foreign employment VISAS can be connected with TRC network of Mobile phones to detect the location and other connected information.
- (viii) Before extending visas to get approval from Inland Revenue department for any unpaid taxes for work visas. Further all work visas should have tax file.
- (ix) Business visa to be extended should be subject to an approval by the respective registration entity.
- (x) Not to issue tourist visa consecutively for more than 3 months.

(xi) Any employer to employs Tourist Visa holders should be black listed with immediate effect and the tourist shall be deported with immediate effect with black listing of the visa and the passport.

(xii) Work visas holder shall not be allowed to work outside the employed agency and any event such persons shall be deported with the agency to be prohibited for any further foreign employment for a period of 3 years.

(xiii)

**(B) Responsibility**

(i) The Director General of Emigration and Immigration

(ii)

**(C) Institutions**

(i) The Department of Emigration and Immigration

(ii) The President Secretariat

**(5) Exchange Control Act**

**(A) Objectives**

(i)

**(B) Responsibility**

(i)

**(C) Institutions**

(i)

**(6) Registrar of companies Act**

**(A) Objectives**

(i) Not to accept any company registration in terms of all professions and vocation without the approval of the respective national registration boards.

(ii) Allow 1 year as a grace period to rectify all the existing companies to the national registration standards and failing to liquidate all such companies.

(iii) Insurance policy requirement as a priority to be register under registrar of companies.

(iv) Tax files for all registered companies

- (v) Affidavit to the effect that professionals involved as directors does not have any other practice under sole proprietorship, partnership or by the personal names.
- (vi) Local Directors to have minimum share basis.
- (vii) Professional liability, Accountability and responsibility for a minimum period of 15 years to be hold by local Directors irrespective of whether such persons has resigned or not.
- (viii) Any black listed person from any national registration boards shall be prohibited to hold any directorship until and unless such is cleared.
- (ix) Foreign persons whom were blacklisted on any ground by the registration authorities shall be prohibited to hold any office in any company until such is cleared.

(x)

**(B) Responsibility**

- (i) The Registrar General of Registrar of companies
- (ii)

**(C) Institutions**

- (i) The Department of Registrant of Companies
- (ii) Ministry of Trade and Commerce
- (iii)

**(7) Labor Laws**

**(A) Objectives**

- (i) The application of EPF, ETF and gratuity for foreign employments.
- (ii) Compulsory application of leave and other Sri Lankan labor laws to foreign workers
- (iii) Need to have a country certificate to the effect that employee is no servicing any prison terms or under bail for pending court case.
- (iv) Punishment to employee who employs non Sri Lankans outside the stipulated framework.
- (v) International banking limitations and regulations of transferring the salaries and other benefits.

(vi)

**(B) Responsibility**

- (i) The Secretary for the Ministry of labor
    - (ii)
  - (C) **Institutions**
    - (i) Ministry of Labor
    - (ii)
- (8) BOISL Act**
- (A) **Objectives**
    - (i) There cannot be any company with BOISL facility and comes under mode 3 under liberalization. Thereby “National Treatment” shall be given to all the parties.
    - (ii) Bringing in Skilled workers through BOI companies should be referred to relevant regulatory professional body.
  - (B) **Responsibility**
    - (i) The Chairman of BOISL
    - (ii)
  - (C) **Institutions**
    - (i) The Chairman of BOISL
    - (ii) The Secretary to the Ministry of foreign Investments
    - (iii) Department of Inland Revenue
    - (iv)
  - (D) **Responsibility**
    - (i)
- (9) Inland Revenue Act**
- (A) **Objectives**
    - (i) Compulsory tax file if the visa on consultants
    - (ii) Compulsory PAYE number for all work visa applicants
    - (iii) All mode 3 application shall have Tax, NBT and VAT numbers at the registration level.
    - (iv)
  - (B) **Responsibility**
    - (i)
  - (C) **Institutions**
    - (i)
- (10) Banking Laws**

(A) **Objectives**

- (i) Terms and conditions for personal and professional loans for non-citizens holding resident visas
- (ii) Mechanisms of transferring the income earn from Sri Lanka.
- (iii)

(B) **Responsibility**

- (i)

(C) **Institutions**

- (i)

**(11) Partnership registration Act**

(A) **Objectives**

- (i) Compulsory registration for partnership agreements
- (ii) Any partnership in terms service sectors to obtain national registrations boards
- (iii) Professional insurance policy requirement
- (iv) Affidavit to the effect that all partners does not hold any business of the same profession.
- (v)

(B) **Responsibility**

- (i)

(C) **Institutions**

- (i)

**(12) Sole proprietorship / business registration acts**

(A) **Objectives**

- (i) Compulsory registration for sole proprietorship
- (ii) Any sole proprietorships in terms service sectors to obtain national registrations boards
- (iii) Professional insurance policy requirement
- (iv) Affidavit to the effect that the owner does not hold any business of the same profession.
- (v)

(B) **Responsibility**

- (i)

(C) **Institutions**

(i)

**(13) Professional Insurance Laws**

**(A) Objectives**

- (i) Insurance to all types of practices inclusive of Trademarks
- (ii) Making compulsory to such insurances before any registration.
- (iii)

**(B) Responsibility**

(i)

**(C) Institutions**

(i)

**(14) Consumer Affairs authority Act**

**(A) Objectives**

- (i) To strengthen the CAA as per the powers vested with CAA.
- (ii) To create the consumer regulations in all professional sectors
- (iii) To create the required framework for the consumer protection in terms of the services
- (iv) To merge with the National Registration and to sign the consumer protection accord by all service providers.

(v)

**(B) Responsibility**

- (i) Chairman, CAA
- (ii)

**(C) Institutions**

- (i) CAA
- (ii) Secretary to the Ministry of Trade
- (iii)

**4.3 PROPOSED AMENDMENTS TO THE NATIONAL REGISTRATION ACTS**

**(15) Amendment to the Sri Lanka Medical Council Act**

**(A) Objectives**

(i)

**(B) Responsibility**

(ii)

**(C) Institutions**

(iii)

**(16) Amendments to the Construction Industry Development Authority Act (CIDA)**

**(A) Objectives**

- (i) Adding the omitted definition at Parliament committee stage.
- (ii) Listing of all professional and vocational careers in the construction industry by Credential committee.
- (iii) Regulations to the effect of Practice registration of all professionals, contractors, etc. as per the CIDA act.
- (iv)

**(B) Responsibility**

- (i)

**(C) Institutions**

- (i)

**(D) Proposed Legal Framework for amendments**

- (i) Key Professional Practices to Cover
  - (a) Engineers
  - (b) Architects
  - (c) Quantity Surveyors
  - (d) Town and Country Planners
  - (e) Project Managers
  - (f) Interior Designers
  - (g) Landscape Designers
  - (h) Urban Designers
  - (i) Valuers
  - (j)
- (ii) National Practice Registration Institutional Frameworks
  - (a) Individual Practices
  - (b) Sole Proprietorship
  - (c) Limited Liability Company
  - (d) Government Institutions
  - (e) Trademarks
- (iv) **Class of Practices**
  - (a) Class 1 – C1 – Any works
  - (b) Class 2 – C2 – Defined work loads
  - (c) Class 3 – C3 – Defined work loads

- (d) Class 4 – C4 – Defined work loads
- (e)
- (v) **Intended National Registrations Practice Groups**
  - (a) Engineers
    - Structural Engineers
    - Mechanical Engineers
    - Electrical Engineers
    - Water Supply & Drainage
    - Irrigation
    - Road
  - (b) Architectural Designers
    - Chartered Architects
    - Architects
    - Architectural licentiates
    - Architectural Technicians
  - (c) Quantity Surveyors
    - Chartered Quantity Surveyors
    - Quantity Surveyors
    - Quantity Surveying Technicians
  - (d) Town and Country Planners
    - Chartered Town & Country Planners
  - (e) Project Managers
  - (f) Interior Designers
  - (g) Landscape Designers
  - (h) Urban Designers
  - (i) Valuers

Chartered Valuers

Valuers

(vi) **Key Intended registration of Vocations**

(a) Engineering

Engineer

Junior Engineer

Site Engineer

Construction engineer

Bar bending Engineers

(b) Architectural

Senior architect

Junior architect

Project Architect

(c) Quantity Surveyors

Project Quantity Surveyors

Project Quantity Surveyors

**17. Amendment to the Surveyors Act**

(A) **Objectives**

(i) Making the registration as National registration.

(ii) To have Practice as well as employment under the same Act.

(iii) Insertion of disciplinary code for possible violations.

(iv)

(B) **Responsibility**

(i)

(C) **Institutions**

(i)

**18. Chartered Accountants Act**

(A) **Objectives**

(i)

(B) **Responsibility**

(i)

(C) **Institutions**

(i)

**19. Engineering Council Act**

- (A) **Objectives**
  - (i)
- (B) **Responsibility**
  - (i)
- (C) **Institutions**
  - (i)

**4.4 POSSIBLE NEW NATIONAL REGISTRATION BOARDS OR CAN HAVE ONE ACT TO ALL THE PROFESSIONS**

**20. Computer industry and software professional registration Act**

- (A) **Objectives**
  - (i)
- (B) **Responsibility**
  - (i)
- (C) **Institutions**
  - (i)

**21. Schools Standardization and registration Act**

- (A) **Objectors**
  - (i)
- (B) **Responsibility**
  - (ii)
- (C) **Institutions**
  - (iii)

**22. Educational Institutes Standardization and Registration Act**

- (A) **Objectors**
  - (i) Standardization of government and private educational institutes covering primary, secondary schools, pirivenas.
  - (ii) Grace period to develop to the required standards.
  - (iii) Special financial packages to develop the existing schools.
  - (iv)
- (B) **Responsibility**
  - (i)
- (C) **Institutions**
  - (i)

**23. University Standardization and Registration Act**

(A) **Objectives**

- (i) Standardization entry criterion for Sri Lankan Universities or any affiliated universities operated in Sri Lanka
- (ii) Standardization of physical requirements in terms of starting a university in terms of land, buildings and equipment's.
- (iii) Standardization of academic, nonacademic and total staff requirement for each university course
- (iv)

(B) **Responsibility**

- (i)

(C) **Institutions**

- (i)

**24. Lawyers and Law Chambers Registration Act**

(A) **Objectives**

- (i)

(B) **Responsibility**

- (i)

(C) **Institutions**

- (i)

**25. Vocations Registration act**

(A) **Objectives**

- (i)

(B) **Responsibility**

- (i)

(C) **Institutions**

- (i)

**26. Skilled and unskilled labor registration Act**

(A) **Objectives**

- (i)

(B) **Responsibility**

- (i)

(C) **Institutions**

- (i)

**4.5 POSSIBLE OVERALL ACTS THAT ARE NEEDED TO BE IN PLACE BEFORE LIBERALIZATION  
(IF THESE SECTORS ARE NOT COVERED IN THE AFORESAID ACT)**

**27. Professional Liability and indemnity Act**

**(A) Objectives**

(i)

**(B) Responsibility**

(i)

**(C) Institutions**

(i)

**28. Anti-Dumping Act**

**(A) Objectives**

(i) To be the authority to decide on dumping of goods and services

(ii) To be the authority to counter proposals and strategies in terms of dumping

(iii) To temporary cancel any license or registration issued to party within immediate effect

(iv) To have proper inquiries along with other registration authorities.

(v) To permanently cancel the good or the service with proper black listing of the good or service and its suppliers.

(vi)

**(B) Responsibility**

(i)

**(C) Institutions**

(i)

**29. Fisherman and Fishing Industry registration Act**

**(A) Objectives**

(i) To be the registration authority of inland water and sea water boats, trawlers, fisherman and fishing Industries.

(ii) To be the authority to decide the limitations and scheduling of fishing.

(iii) To be the authority to approve or disapprove any Sri Lankan or non Sri Lankan entity or vessel to fish in Sri Lankan waters

(iv) To be the authority to take into custody of any person or boats who have involved in fishing

(v)

**(B) Responsibility**

(i)

**(C) Institutions**

(i)

**30. Water resource usage and Registration Act**

**(A) Objectives**

(i) To be the authority of registration of ground or pipe borne water source owners, suppliers, distributors and sales outlets.

(ii) To be the authority to decide the quantity of water to be exported to other countries

(iii) To be the authority licensing of all ground water extraction entities

(iv) To be the authority to decide the licensing of dumping waste water or treated water or any production water back to the water resources

(v) To be the authority to define the water treatment systems an parameters

(vi)

**(B) Responsibility**

(i)

**(C) Institutions**

(i)

**31. Hospital Standardization ad registering Act**

**(A) Objectives**

(i) Standardization of all nursing hospitals, nursing homes and dispensaries.

(ii) categorization of all hospitals and dispensaries

(iii) Standardization of staff requirement for each type of hospital

(iv)

**(B) Responsibility**

(i)

**(C) Institutions**

(i)

## 5. Possible Acts and Institutional Frameworks

In order to achieve the objectives as specified in Part 4 above, it is vital to evaluate the present legal system. On the available information the present legal system provide following Acts in the specified areas for many specified works. Thereby it is vital to evaluate the sector and to bridge the gaps in order to ensure “OUR HOUSE IN ORDER”, as Investment’s and economic partnerships does not restrict to GOODS and SERVCIES alone and the impact could be on many angles and many ways.

### 5.1 Professional and Semi Professional Institutes

#### (A) Constructing Industry

- (i) Institution of Engineers of Sri Lanka (IESL) - Institute of Engineers, Ceylon - Law No. 17 of 1968 as amended
- (ii) Sri Lanka Institute of Architects (SLIA) - Law No. 1 of 1976 as amended by Act No 14 of 1996
- (iii) Institute of Quantity Surveyors Sri Lanka (IQSSL) - Act no. 20 of 2007
- (iv) Institute of Valuers of Sri Lanka - Law No. 33 of 1975 as amended
- (v) Surveyors Institute of Sri Lanka - Act No. 22 of 1982 as amended
- (vi) Institute of Town Planners Sri Lanka (ITPSL) - Act, No. 23 of 1986 as amended
- (vii) Institution of Incorporated Engineers Sri Lanka (IIESL) - Institute of Engineering Diplomates, Sri Lanka by Act no. 64 of 1992 as amended by Institution of Incorporated Engineers, Sri Lanka by Act no.11 of 2000
- (viii) Sri Lanka Institute of Interior Designers - Act No. 02 of 1998 as amended
- (ix) Association of Consulting Engineers, Sri Lanka - Act, No. 42 of 2003 as amended
- (x) Sri Lanka Institute of Landscape Architects - Act No. 33 of 2009 as amended.
- (xi) Society of Structural Engineers Sri Lanka - Act No. 40 of 2009 as amended
- (xii) The Institute of Project Managers, Sri Lanka (IPMSL) - Act No. 073 of 2009 as amended
- (xiii) Association of Public Service Engineers (APSE)
- (xiv) Engineers Guild of Sri Lanka (EGSL)
- (xv)

#### (B) Health Sector

- (i) General Dental Practitioners Association (GDPA)

- (ii) Government Dental Surgeons' Association (GDSA)
- (ii) Government Medical Officers Association (GMOA)
- (iv) Graduates Nurses' Foundation of Sri Lanka (GNF)
- (v) Independent Medical Practitioners Association (IMPA)
- (vi) Pharmaceutical Society of Sri Lanka (PSSL)
- (vii) Sri Lanka Dental Association (SLDA)
- (viii) Sri Lanka Medical Association (SLMA)
- (ix)
- (C) Human Resource
  - (i) Institute of Personnel Management of Sri Lanka (IPM)
  - (ii)
- (D) Accountancy
  - (i) Association of Chartered Certified Accountants Sri Lanka (ACCA)
  - (ii) Chartered Institute of Management Accountants (CIMA)
  - (iii) Institute of Chartered Accountants of Sri Lanka (ICA)
  - (iv)
- (E) Banking
  - (i) Association of Professional Bankers, Sri Lanka (APB)
  - (ii)
- (F) Legal
  - (i) Bar Association of Sri Lanka (BASL)
  - (ii)
- (G) Agriculture, Animal Husbandry, Poultry and Fishing
  - (i) Sri Lanka Organisation of Agricultural Professionals (SLOAP)
  - (ii) Sri Lanka Veterinary Association (SLVA)
  - (iii)
- (I) Education and Higher Education
  - (i)
- (J) Irrigation, Ground Water and Water resource
  - (i)
- (K) Roads, Rail Roads, Harbors and Airports
  - (i)
- (L) Others
  - (i) Applied Statistics Association of Sri Lanka (ASASL)

- (ii) Association of Scientific Technical Workers (ASTW)
- (iii) Gemologists Association of Sri Lanka (GASL)
- (iv) Institute of Chemistry, Ceylon (ICC)
- (v) Sri Lanka Council of Archeologists (SLCA)
- (vi) Sri Lanka Society for Quality Control (SLSQC)ix)
- (vii) Company of Master Mariners Sri Lanka (CMMSL)
- (viii) Computer Society of Sri Lanka (CSSL)
- (ix) Institute of Chartered Secretaries and Administrators in Sri Lanka (ICSASL)
- (x) Institute of Chartered Shipbrokers, Sri Lanka Branch (ICS)
- (xi) Institute of Hospitality (IH)
- (xii) Institute of Supply and Materials Management (ISMM)
- (xiii) Sri Lanka Economic Association (SLEA)
- (xiv) Sri Lanka Institute of Marketing (SLIM)
- (xv) Sri Lanka Institute of Taxation (SLIT)
- (xvi) Sri Lanka Library Association (SLLA)
- (xvii)

## **5.2 Government Ministries, Boards, Authorities and Institutes**

- (A) Construction industry
  - (i) Construction Industry Development Act, No. 33 of 2014
  - (ii)
- (B) Health Sector
  - (i) Medical Ordinance, No. 26 of 1927
  - (ii) Health Services Act, No. 12 of 1952
  - (iii) Nursing Homes (Regulations) Act, No. 16 of 1949
  - (iv) Private Medical Institutions (Registration) Act, No 21 of 2006
  - (v) Sri Lanka Nurses' Council Act, No. 19 of 1988
  - (vi) Ayurveda Act, No. 31 of 1961
  - (vii) Homoeopathy Act, No. 7 of 1970
  - (viii) Cosmetics, Devices and Drugs Act, No. 27 of 1980
  - (ix) Poisons, Opium and Dangerous Drugs Ordinance, No. 17 of 1929
  - (x)
- (C) Accountancy
  - (i) Sri Lanka Accounting and Auditing Standards Act, No. 15 of 1995

- (ii)
- (D) Agriculture, Animal Husbandry, Poultry and Fishing
  - (i) National Aquatic Research Agency (NARA)
  - (ii) Fisheries Corporation
  - (iii) Fisheries and Aquatic Resources Act, No. 2 of 1996
  - (iv) Fishermen’s Pension and Social Security Benefits Scheme Act, No. 23 of 1990
  - (v) National Aquaculture Development Authority of Sri Lanka Act, No.53 of 1998
  - (vi) National Aquatic Resources Research and Development Agency Act, No. 54 of 198
  - (vii) Animal Diseases Act, No. 59 of 1992
  - (viii) Animal Feed Act, No. 15 of 1986
  - (ix) Animal Act, No. 29 of 1958
  - (x) Veterinary Surgeons and Practitioners Act, No. 46 of 1956
  - (xi) Export Agriculture Development Act, No. 46 of 1992
  - (xii)
- (E) Education and Higher Education
  - (i) National Institute of Technical Education of Sri Lanka Act, No. 59 of 1998
  - (ii) Tertiary and Vocational Education Act, No. 20 of 1990
  - (iii) Vocational Training Authority of Sri Lanka Act, No. 12 of 1995
  - (iv) University of Vocational Technology Act, No. 31 of 2008
  - (v) Sri Lanka Ocean University Act, No. 31 of 2014
  - (vi) Sri Lanka Institute of Advanced Technological Education No. 29 of 1995
  - (vii) National Institute of Business Management Act, No. 23 of 1976
  - (viii) Universities Act, No. 16 of 1978
  - (ix) Council of Legal Education Law No. 6 of 1974
  - (x) Assisted Schools and Training Colleges Act, No. 5 of 1960
  - (xi) Colleges of Education Act, No. 30 of 1986
  - (xii) National Authority on Teacher Education Act, No. 32 of 1997
  - (xiii) National Institute of Education Act, No. 28 of 1985
  - (xiv)
- (F) Irrigation, Ground Water and Water resource
  - (i) Irrigation Ordinance, No. 22 of 1946

- (ii) Water Resources Board Act, No. 29 of 1964
- (iii) National Water Supply and Drainage Board Law, No. 2 of 1974
- (iv)
- (G) Roads, Rail Roads, Harbors and Airports
  - (i) Road Development Authority Act, No. 73 of 1981
  - (iv) Ceylon Government Railways (CGR)
  - (viii) Sri Lanka Ports Authority Act, No. 51 of 1979
  - (x) Sri Lanka Airport and Aviation Authority (SLAAA)
  - (xi) Civil Aviation Authority of Sri Lanka Act, No. 34 of 2002
  - (xii) Air Navigation (Special Provisions) Act, No. 2 of 1982
  - (xiii) Civil Aviation Act, No. 14 of 2010
  - (xiv) Railways Act, No. 18 of 19503
  - (xv)
- (H) Labor
  - (i) Employees Trust Fund Act, No. 46 of 1980
  - (ii) Employees Trust Fund (Special Provisions) Act, No. 19 of 1993
  - (iii) Employees' Councils Act, No. 32 of 1979
  - (iv) Employees' Provident Fund Act, No. 15 of 1958
  - (v) Employment of Women, Young Persons and Children Act, No. 47 of 1956
  - (vi) Factories Ordinance, No. 45 of 1942
  - (vii) Industrial Dispute Act, No. 43 of 1950
  - (viii) Maternity Benefits Ordinance, No. 32 of 1939
  - (ix) Payment of Gratuity Act, No. 12 of 1983
  - (x) National Institute of Occupational Safety and Health Act, No. 38 of 2009
  - (xi) Termination of Employment of Workmen (Special Provision) Act, No. 45 of 1971
  - (xii) Trade Union Ordinance, No. 14 of 1935 □ Wages Boards Ordinance, No. 27 of 1941
  - (xiii) Workmen's Compensation Act, No. 19 of 1934
  - (xiv) Fee Charging Employment Agencies Act, No. 37 of 1956
  - (xv) Shop and Office Employees (Regulation of Employment and Remuneration) Act, No. 19 of 1954
  - (xvi)
- (I) Insurance

- (i) National Insurance Trust Fund Act, No. 28 of 2006
- (ii) Regulation of Insurance Industry Act, No. 43 of 2000
- (iii)
- (J) Standards
  - (i) Sri Lanka Accreditation Board for Conformity Assessment Act, No. 32 of 2005
  - (ii) Sri Lanka Standard Institute Act, No. 6 of 1984
  - (iii) Measurement Units, Standards and Services Act, No. 35 of 1995
  - (iv) Weights and Measures Ordinance, No. 37 of 1946
  - (v)
- (K) Customs and Inland Revenue
  - (i) Debits Tax Act, No. 12 of 2007
  - (ii) Customs Ordinance, No. 17 of 1956
  - (iii) Economic Service Charge Act, No. 13 of 2006
  - (iv) Inland Revenue Act, No. 10 of 2006
  - (v) Nation Building Tax Act, No. 9 of 2009
  - (vi) Tax Appeals Commission Act, No. 23 of 2008
  - (vii) Environment Conservation Levy Act, No. 26 of 2008
  - (viii) Value Added Tax Act, No. 14 of 2002
  - (ix)
- (L) Legal
  - (i) Enforcement of Foreign Judgments Ordinance, No. 15 of 1956
  - (ii) Mediation Boards Act, No. 72 of 1988
  - (iii) Institute of Corporation Lawyers Law, No. 33 of 1978
  - (iv)
- (M) Special Acts to critically evaluate
  - (i) Registration of Persons Act, No. 32 of 1968
  - (ii) Citizenship Act, No. 18 of 1948
  - (iii) Grant of Citizenship to Persons of Indian Origin Act, No. 35 of 2003
  - (iv) Grant of Citizenship to Stateless Persons (Special Provisions) Act, No. 39 of 1988
  - (v) Grant of Citizenship to Stateless Persons Act, No. 5 of 1986
  - (vi) Extradition Law, No. 8 of 1977
  - (vii) Cultural Property Act, No. 73 of 1988

- (viii) Sri Lanka Credit Information Bureau Act, No. 18 of 1990
- (ix) National Enterprise Development Authority Act, No. 17 of 2006
- (x)

**NOTES: To all the aforesaid institutional frameworks**

1. All existing facilities to be registered shall be applied under new laws.
2. A grace period of 6 months to 3 years shall be given to rectify any mistake exists.
3. Government shall facilitate to have proper educational and universities by making land and financial facilities available within the grace period.
4. Any institute fail to rectify within the stipulated period should be delisted or registered under the lowest category or should be for sale in public auction.
5. Government or semi government entities shall adhere to the same within the stipulated period.
6. Any Government or semi government entity failed to rectify the same would be delisted from the registration or considered for the lowest category.