

CHAPTER XXIX

INTERPRETATION

254. In the Constitution—

Interpretation.

“Central Government” means the persons or institutions exercising the executive power of the People not devolved on the Regions, and insofar as such reference is to the exercise of legislative or judicial power means the persons or institutions exercising the legislative or judicial power, as the case may be, of the People not devolved on the Regions, and expression the “Centre” shall be construed accordingly;

“commencement of the Constitution” means the date appointed by the Proclamation made under Article 256.

“conclusion of the General Election” means the time at which Members of Parliament for all the electoral districts in respect of which a poll has been taken on the date or dates specified in the Proclamation made under paragraph (4) of Article 86 have been declared elected by the respective returning officers, or when on the results declared more than half the total membership of Parliament consists of Members belonging to any single recognized political party or independent group, whichever event occurs earlier;

“existing law “ and “existing written law” means any law or written law, respectively, in force immediately prior to the Constitution and which, under the Constitution ,continue in force;

“judicial officer” other than in Articles 156, 157 and 158, means any person who holds office as—

- (a) a Judge of the Supreme Court ;
- (b) a Judge of the Court of Appeal ;
- (c) Judge of a Regional High Court ; or
- (d) any judge, presiding officer or member of any other court of first Instance, tribunal or institution created and established for the administration of justice or for the adjudication of any labour or other dispute but does not include a person who performs arbitral functions or a national public officer or regional public

officer whose principal duty or duties is or are not the performance of functions of a judicial nature.

A court or tribunal or institution shall not have jurisdiction to determine the question whether a person is a judicial officer within the meaning of the Constitution but such question shall be determined by the Judicial Service Commission whose decision thereon shall be final and conclusive. An act of such person or proceeding held before such person, prior to such determination, shall be, deemed not to be invalid by reason of such determination;

“law” means any Act of Parliament, and any law enacted by any legislature at any time prior to the commencement of the Constitution and includes an Order in Council but does not include a Statute of a Provincial Council;

“local authority” means any Municipal Council, Urban Council or Pradeshiya Sabha and includes any Authority created and established by or under any law to exercise, perform and discharge powers, duties and functions corresponding to or similar to the powers, duties and functions exercised, performed and discharged by any such Council or Sabha;

“national public officer” means a person who holds any paid office under the Republic, other than a judicial officer but does not include—

- (a) the President ;
- (b) a Vice-President ;
- (c) the Speaker ;
- (d) a Minister ;
- (e) the Governor of a Region ;
- (f) a member of the Judicial Service Commission ;
- (g) a member of the Election Commission ;
- (h) a member of the National Public Service Commission ;
- (i) a member of the Finance Commission ;
- (j) a member of the National Police Commission ;
- (k) a Deputy Minister ;
- (l) a Member of Parliament ;
- (m) the Secretary-General of Parliament ;
- (n) a member of the President’s staff ;
- (o) an Advisor or Consultant to the President or a Ministry of a Minister ;
- (p) a member of a Minister’s staff ;
- (q) a member of the staff of the Secretary General of Parliament;
- (r) a member of the staff of the Election Commission ;

“public corporation” means any corporation, board or other body which was or is established by or under any written law other than the Companies Act, No.17 of 1982, with funds or capital wholly or partly provided by the Government by way of grant, loan or otherwise ;

“recognized political party” means unless Parliament otherwise provides, every political party which is treated as a recognized political party under the Parliamentary Elections Act, No.1, of 1981;

“State” includes a Regional Administration or Regional Council;

“territorial waters” includes the territorial sea and the historic waters of Sri Lanka;

“written law” means any law and subordinate legislation, Statutes Proclamations, Rules, By-laws and Regulations made or issued by any body or person having power or authority under any law or Statute to make or issue the same ; and

“1978 Constitution” means the Constitution enacted on the 16th day of August 1978.