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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

අංක 2319/37 - 2023 පෙබරවාරි මස 14 වැනි අඟහරුවාදා - 2023.02.14
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PART I : SECTION (I) — GENERAL

Government Notifications

ENGINEERING COUNCIL, SRI LANKA ACT, No. 4 OF 2017

REGULATIONS made by the Minister of Irrigation under Section 20(3), Engineering Council, Sri Lanka Act, No. 4 of 2017.

ROSHAN RANASINGHE (M.P.),
Minister of Irrigation.

Colombo,
15th January, 2023.

REGULATIONS

1. These regulations may be cited as the Appeal Board regulations.
2. The Appeal Board is empowered to allow or refuse Appeals against the decisions pronounced by the Engineering Council under Section 16(5) of the Act.
3. To ascertain the Appeal against the decision under Section 16(5) of the Act, the appeal must be tendered or lodged within 30 days from the date of receiving the decision.
4. The Appeal Board is established to consider whether there is any breach or violation of principles of natural justice during the proceeding of a disciplinary inquiry or during the consideration of an application for registration as an engineering practitioner by the Engineering Council.



5. The Engineering Council should make arrangements to carry out sittings of the Appeal Board and facilitate them to proceed with their duties.
6. The Chairman of the Appeal Board can obtain the necessary clerical staff with the remuneration out of the fund of the Council.
7. When an Appeal is being lodged or tendered the Appeal Board must issue notice to all parties to present before the Appeal Board with their representatives if any, specifying a date, time, and the place of the sittings of the Appeal Board under the registered postal cover.
8. On the day of the first sitting, the Appeal Board must ask the parties to tender their written legal submissions within 4 weeks from the day of the first sitting.
9. The Complaint Secretary of the Engineering Council of Sri Lanka is allowed to represent the Council in an Appeal with or without the assistance of a lawyer.
10. After tendering the written submissions from all the parties, the Appeal Board must pronounce to furnish an oral argument if the Board thinks that it is necessary.
11. After considering written and oral submissions the Appeal Board has to fix the appeal for order and it should pronounce as directed regulation number 14(i) or (ii) of these regulations.
12. If there's any legal objection that relates to an appeal, that objection must be mentioned to the Board very first or soon after it is revealed, without delay.
13. The legal objections can be considered with separate written or oral submissions if the Appeal Board thinks that it's necessary.
14. (i) If, when an appeal is being lodged and the Board thinks that there is no proper legal base or jurisdiction or is against the rules, regulations, and laws of the country, the Board is empowered to refuse the Appeal in the first instance without calling the Appeal on the first calling date. If the Board decides to refuse the Appeal for the above-mentioned reasons, the Board must acknowledge the Engineering Council of Sri Lanka and the appellant about the decision of refusal with reasoning.
(ii) When the Board pronounces a conclusive order regarding the Appeals Board must take steps to acknowledge all parties including the appellant ant in writing. The orders must consist of reasons for arriving at such order and they must be sent to the parties under the registered postal cover.
15. The Appeal Board members are entitled to be paid suitable remuneration out of the fund of the Engineering Council in the concurrence of the Minister of Finance.
16. In these regulations -

Act means the Engineering Council Sri Lanka Act, No. 4 of 2017;

“Appeal Board” or “Appeals Board” or “Board” refers to the Appeal Board established under Act No. 4 of 2017
“Engineering Council” or “Council” or “Engineering Council, Sri Lanka” or “Engineering Council of Sri Lanka” refers to the Engineering Council of Sri Lanka established under Act No. 4 of 2017.