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ICTA
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**UN Electronic Communications Convention & Electronic
Transactions Act No. 19 of 2006**

National Implementation

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Introduction



- Status of ICT related Laws
- Influence of UNCITRAL Texts on Sri Lankan Legislation
- Electronic Transactions Act No. 19 of 2006
 - General Objectives
 - Policy principles
 - Status of Implementation (admissibility of SMS and Mobile Payment guidelines)
 - National Certification Authority & Authentication framework
- Conclusions
- UN Electronic Communications Convention (2005)
 - Impact and Commitment to Ratify

Sri Lankan ICT Sector



- First in South Asia to Liberalise Telecom Sector – 88% mobile penetration (Sept 2011) - 5 mobile operators, 16 ISPs, 5 gateways
- A large pool of educated workers – per capita highest No. of Accountants & ICT workforce growth 66% from 2005 to 2010
- Sri Lanka ranked amongst the Top 20 emerging destinations in A.T Kearney Global Services Location Index
- Technology Driven Colombo Stock Exchange (replicated in Mauritius & Croatia)
- ICT Sector - 5th Largest Revenue Earner for Sri Lanka – ICT Services & Knowledge Based Economy. ICT Development driven by *e-Sri Lanka Development Project*, funded by several development partners
- Reached “Middle Income Status” (Source World Bank – 2011)

Status of e-Commerce & ICT Laws



- Telecommunications Act 1991 (as amended)
- Information & Communication Technology Act No. 27 of 2003 – Amended by Act No. 33 of 2008
- Payment & Settlement Systems Act No. 28 of 2005
- Electronic Transactions Act No. 19 of 2006
- Payment Devices Frauds Act No. 30 of 2006
- Computer Crimes Act No. 24 of 2007

Influence / Implications of UNCITRAL Texts



- Arbitration Act No. 11 of 1995
 - Largely Based on UNCITRAL Model Law
 - Gives effect to the New York Convention
- Electronic Transactions Act No. 19 of 2006
 - UNCITRAL Model Law on e-Commerce (1996)
 - UN Electronic Communications Convention (2005)
- Secured Transactions Act No. 49 of 2009
 - Established online registry for Movable Assets (Secured Transactions Registry)
 - Movable asset registry for SME's
 - Legislation based on "UNCITRAL Legislative Guide on Secured Transactions"
- More needed to be done – CISG ?? (commercial sales between merchants) – personal laws

Electronic Transactions Act No. 19 of 2006



- **Preamble**

- AN Act TO **RECOGNISE** AND **FACILITATE** THE FORMATION OF CONTRACTS, THE CREATION AND EXCHANGE OF DATA MESSAGES, ELECTRONIC DOCUMENTS, ELECTRONIC RECORDS AND OTHER COMMUNICATIONS IN ELECTRONIC FORM IN SRI LANKA; AND TO PROVIDE FOR THE APPOINTMENT OF A CERTIFICATION AUTHORITY AND ACCREDITATION OF CERTIFICATION SERVICE PROVIDERS; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OF INCIDENTAL THERETO
- All transactions and business done in “electronic” form would be recognised under the Act (b2b, b2c, G2b, G2C etc) except those specifically excluded under Section 23 (Last Wills, Power of Attorney, Transfer of immovable Property etc)
- Enacted – 7th March 2006, Operational w.e.f 1st October 2007

Electronic Transactions Act No. 19 of 2006

Section 2 - Objectives



- to facilitate domestic and international electronic commerce by eliminating legal barriers
- to encourage the use of reliable forms of electronic commerce
- to facilitate electronic filing of documents with Government and to promote efficient delivery of Government services by means of reliable forms of electronic communications; and
- to promote public confidence in the authenticity, integrity and reliability of data messages and electronic communications

https://www.yunbaogao.cn/report/index/report?reportId=5_7453

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Transactions Act No. 19 of 2006



Transactions – Section 26

Electronic Messages

Electronic Documents

Electronic Records

Electronic Communications

and business done in “electronic” form would be valid under the Act, except those specifically excluded under Wills, Power of Attorney, Transfer of immovable Property