



**Guidelines on Submission of Cabinet
Memoranda/Notes**

**Office of the Cabinet of Ministers
Colombo 01**

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Guidelines on submission of Cabinet Memoranda/Notes to the Cabinet

In terms of the provisions of Article 42(1) of the Constitution of the Democratic Socialist Republic of Sri Lanka, the Cabinet of Ministers has been charged with the direction and control of the Government of the Republic and the powers of appointing the Cabinet of Ministers, Non-Cabinet Ministers and assigning subjects and functions pertaining to the Ministries of the said Ministers have been vested with His Excellency the President as per the provisions of Articles 43 and 44 of the Constitution.

Accordingly, by the Gazette Extraordinary Notification No.2187/27 dated 2020-08-09, His Excellency the President has assigned the Cabinet of Ministers and the State Ministers the subjects and functions of such Ministries. Approval of the Cabinet of Ministers should be obtained by the Cabinet Minister pertaining to the subjects and functions so assigned, as and when necessary.

Therefore, it is the responsibility of the Secretaries to the Cabinet Ministries to ensure that approval of the Cabinet of Ministers is obtained for the tasks related to the subjects and functions assigned to their Ministries and State Ministries coming under the purview of the said Ministries where necessary, other than the subjects delegated to other authorities/institutions by the Constitution or any other written law or administrative regulations.

Accordingly, the Secretaries to the Cabinet Ministries should act in conformity with these guidelines when submitting Cabinet Memoranda/Notes, to the Cabinet.

01. Matters for which approval of the Cabinet of Ministers should be sought:

- (i) The following matters relating to the national policy formulation for which approval has not been granted previously by a Budget Proposal or by the Cabinet of Ministers:
 - (a) Formulation of new national policies or revision of existing national policies pertaining to the subjects and functions assigned to the Cabinet Ministries and the State Ministries coming under the purview of such Ministries.
 - (b) Sectoral policies, strategies and plans prepared within the approved national policy.
 - (c) Projects and Programmes recommended by the Department of National Planning to be implemented in conformity with the approved national policy.
- (ii) The following matters pertaining to the formulation of new

legislation/laws or amendments to an existing law:

- (a) To draft new legislation/ laws or amending legislation to an existing law pertaining to the subjects and functions assigned to the Cabinet Ministry and the State Ministries coming under the purview of the said Ministry and to instruct the Legal Draftsman to pursue action accordingly.
 - (b) To publish the draft Bill formulated by the Legal Draftsman in the Government Gazette on receipt of clearance of the Attorney General and to present the same thereafter in Parliament for approval.
 - (c) If it is intended to introduce amendments to a draft Bill presented in Parliament that would affect the core of a Bill approved by the Cabinet, at the Committee Stage of the said Bill in Parliament, such amendments.
 - (d) To present the Regulations or Notifications made by virtue of the powers vested with the Ministers under various Acts, with the concurrence of the Legal Draftsman in Parliament, subsequent to publishing the same in the Government Gazette.
 - (e) If it appears that the Regulations or Notifications referred to at (d) above have a possibility of causing considerable impact on the general public or targeted parties or would give rise to a conflict of views, such Regulations prior to publishing in the Government Gazette.
- (iii) Signing of Agreements/Memoranda of Understanding (MoUs) with Foreign Governments/International Organizations/Foreign Agencies, on behalf of the Government of Sri Lanka (subject to taking action as per the Circular dated 2019-12-19 issued by the Secretary to the President in relation to this matter.)
 - (iv) Appointment of all Cabinet Appointed Procurement Committees to take action on procurements exceeding the authority limits of the Cabinet Ministerial Procurement Committee specifically set out in the Government Procurement Guidelines and award the relevant procurements in accordance with the recommendations of the Procurement Committees so appointed.
 - (v) Seeking the authority to deviate from the provisions in the

Establishments Code/Financial Regulations/Government Procurement Guidelines/Contemporary Guidelines on Procurements of Public-Private Partnership Projects under exceptional circumstances in the national interest.

- (vi) Submission of Supplementary Estimates to Parliament pertaining to matters of an urgent nature of the Government, relating to the expenditure which cannot be met by transferring of financial provisions allocated through the Annual Budget or those which cannot be postponed until the next Budget.
- (vii) Revision of Limits of the Advance Accounts stated in the Third Schedule of the Annual Appropriation Act.
- (viii) Determining all matters on providing provisions relating to the matters of Public Officers in instances where it would be appropriate to grant Cabinet approval in principle and obtain the approval in principle for the said matters in terms of Article 55(1) of the Constitution.
- (ix) Matters pertaining to the appointment, promotion, transfer, disciplinary control and dismissal of all Heads of Departments including District Secretaries/Government Agents by virtue of the powers vested in the Cabinet of Ministers in terms of Article 55(2) of the Constitution.
- (x) Making relevant appointments in instances where the Cabinet of Ministers is the Appointing Authority under any written law.
- (xi) Submission of Annual Reports and Statements of Accounts/Annual Performance Reports by Public Corporations and Statutory Boards, to Parliament.
- (xii) Proposals to reach a settlement/agreement in the event of a Court Case in which the Government is a party.
- (xiii) Proposals to submit appeals in respect of a Court Order to which the Government is a party.
- (xiv) Proposals submitted to reach a settlement/agreement in respect of disputes between two Government institutions without resorting to legal procedures.
- (xv) To inform the Cabinet of Ministers of the inability to implement a

previous Cabinet decision or proposals to amend a Cabinet decision.

02. **Matters which need not to be submitted to the Cabinet seeking approval:**

- (i) Proposals relating to the subjects assigned to other Authorities in terms of the provisions of the Constitution or the provisions of any other related law including Regulations, Publications, Laws/By-laws or the Establishments Code, Financial Regulations, Procedural Rules of the Public Service Commission, Guidance of the National Police Commission and the Procurement Guidelines etc. (including the subjects specified in List 1 of the Ninth Schedule of the Thirteenth Amendment to the Constitution).
- (ii) Matters pertaining to the subjects assigned to other Authorities by the Cabinet of Ministers.
- (iii) Proposals pertaining to a subject matter of a legal action pending before a Court of Law. (However, approval of the Cabinet of Ministers should be obtained to reach a settlement/agreement between the relevant parties).
- (iv) Although Cabinet approval is not required for the implementation of a Court Order, it is necessary to inform the Cabinet of such an Order.
- (v) Proposals inconsistent with the decisions made by the Boards of Directors of Public Enterprises, Public Corporations and Statutory Boards based on the commercial viability of the said Institutions, unless otherwise required in the national interest.

03. **Specific matters that require attention in the preparation of Cabinet Memoranda/Notes to the Cabinet:**

- (i) Only His Excellency the President, the Hon. Prime Minister or an Hon. Minister of the Cabinet can submit matters to the Cabinet through a Cabinet Memorandum or a Note to the Cabinet.
- (ii) If Cabinet approval is sought for proposals/recommendations submitted pertaining to the subjects and functions assigned to a Cabinet Minister or to the subjects and functions assigned to the State Ministers coming under the purview of the said Cabinet Ministry, **it is necessary to submit a Cabinet Memorandum** for the same.
- (iii) **A Note to the Cabinet should be submitted** to the Cabinet only

in instances where information is furnished to inform the Cabinet of additional information/progress on matters in a Memorandum which has already been submitted to the Cabinet or in an instance when information is furnished to the Cabinet on any other matter for its information. **Proposals/recommendations seeking approval of the Cabinet should not be submitted through such a Note to the Cabinet.**

- (iv) The responsibility for the proposals/recommendations in a Cabinet Memorandum is vested with the relevant Cabinet Minister and the responsibility pertaining to the preparation of Cabinet Memoranda/Notes to the Cabinet as per the instructions given by the Minister and in coordination with the State Ministers and Secretaries to the said State Ministries falling under the purview of the Ministry, in instances as found necessary, and to the accuracy of the contents therein, is vested with the Secretary to the relevant Cabinet Ministry.
- (v) If it appears that the proposals/recommendations stated in a Cabinet Memorandum have an impact on the relevant subjects of any other Ministry/Ministries or functions assigned to the said Ministry/Ministries, such matters and proposals to be included in the Memorandum should be discussed with the relevant Ministry/Ministries in the first instance.
- (vi) Based on the outcome of the said discussions, the relevant proposals should be submitted to the Cabinet as a Joint Memorandum under the hands of the relevant Cabinet Ministers.
- (vii) Approval of the Cabinet of Ministers should not be sought on matters falling within the scope of Institutions such as Provincial Councils, the Public Service Commission and the National Police Commission, where power has been delegated in terms of the provisions of the Constitution and such matters should be referred to the Cabinet for consideration, only if such Institutions intend that Cabinet approval is deemed essential for the same.
- (viii) Action should be taken as follows when submitting proposals to the Cabinet to formulate new legislation/laws or amending an existing law.
 - (a) When submitting proposals to draft a new Bill or for amending legislation to an existing law, a Concept Paper, enabling the Legal Draftsman to draft the Bill based on the

same, should be forwarded along with the relevant Cabinet Memorandum. It should be ensured that the relevant provisions to achieve the expected objectives in the Concept Paper have been incorporated in the draft Bill, prior to seeking the clearance of the Attorney General for the same.

- (b) When seeking approval to submit a draft Bill formulated by the Legal Draftsman in Parliament, such draft Bill should be submitted in all three languages along with the clearance of the Attorney General for the same.
 - (c) The draft Bill should be published in the Government Gazette on receipt of Cabinet approval for the same and presented thereafter in Parliament for approval.
- (ix) The following information should be included in the relevant Cabinet Memorandum when seeking approval to enter into Agreements/Memoranda of Understanding (MoUs) with Foreign Governments/International Organizations/Foreign Agencies, on behalf of the Government of Sri Lanka.
- (a) Information pertaining to the benefits that could be accrued by the Government of Sri Lanka by entering into the proposed Agreement/ MoU and the responsibilities on the part of the Government of Sri Lanka.
 - (b) Concerns on financial commitments, if any, by the Government of Sri Lanka.
 - (c) A copy of the draft Agreement agreed to between the two countries at the officers level should be attached to the Memorandum and whether the clearance of the Attorney General and the concurrence of the Ministry in charge of the subject of Foreign Affairs have been obtained for the same.
- (x) When seeking Cabinet approval to amend/extend Agreements entered into with Foreign Funding Agencies on financing for the implementation of projects, the concurrence of the Department of External Resources of the General Treasury and the relevant Funding Agency should be obtained in the first instance and a statement to that effect should be included in the Memorandum.
- (xi) The following information should also be furnished along with

relevant Cabinet Memorandum when seeking approval for the procurements falling under the purview of the Cabinet of Ministers.

- (a) A copy of the Report containing the final recommendation of the Cabinet Appointed Procurement Committee.
 - (b) Whether the decision of the Procurement Committee has been conveyed to all the unsuccessful bidders and whether any appeals have/have not been received within the prescribed time period for submitting appeals to the Procurement Appeal Board.
 - (c) When appeals have been received by the Procurement Appeal Board, the views of the Secretary to the Cabinet Ministry, if disagreed with the recommendations of the Procurement Appeal Board in that regard.
 - (d) In seeking Cabinet approval for the procurements of Public Corporations, Statutory Boards and Government owned Companies, it should be ensured that the Boards of Directors/Boards of Management of the said institutions have granted concurrence to commence the relevant procurement procedure and the same should be indicated in the Memorandum.
 - (e) In instances where approval of the Cabinet has been granted to award the procurements as recommended by the Standing Cabinet Appointed Procurement Committee, subject to the covering approval of the Cabinet, a Report including the particulars relating to the procurements so awarded should be forwarded for the covering approval of the Cabinet once in two (02) months.
- (xii) When seeking approval of the Cabinet of Ministers for Annual Reports and Statements of Accounts/Annual Performance Reports of Public Corporations and Statutory Boards to be submitted to Parliament, they should be forwarded along with the following particulars:
- (a) A brief Report on the performance of the Institution pertaining to the relevant period.
 - (b) Short and medium term measures expected to be followed in

the future to enhance the performance of the Institution.

- (c) Measures already taken and expected to be taken by the Management and Board of Directors/ Board of Management of the relevant Institution to rectify the issues pointed out in the Audit queries submitted for the period applicable to the Annual Report.
 - (d) Other important matters pertaining to the institution, which need the attention of the Cabinet of Ministers.
- (xiii) Cabinet Memoranda/Notes to the Cabinet should be prepared in the three languages. However, considering the practical difficulties likely to arise in the preparation and submission of certain attachments to the Memoranda in the three languages, it would be appropriate to pursue action as follows:
- (a) Relevant attachments should be prepared in the three languages when submitting Cabinet Memoranda pertaining to the following matters:
 - * Bills drafted by the Legal Draftsman to be presented in Parliament or Regulations to be presented as subsidiary legislation under any law for approval in Parliament.
 - * A document to be published for public awareness after receiving Cabinet approval.
 - * Documents to be used by officers at various levels, such as Policy documents prepared in relation to a particular field.
 - * Draft Circulars submitted seeking Cabinet approval.
 - * Agreements to be submitted to Parliament after obtaining Cabinet approval.
 - (b) It would be more appropriate to prepare Reports consisting of technical matters for the reference of only a small group of persons, documents that may have a discrepancy owing to certain inconsistency/difference between the versions prepared in the three languages and the documents such as Procurement Committee Reports which may be challenged in a court of law in some instances, only in one language and include a summary/abstract thereof in the Memorandum.
 - (c) It would be appropriate to submit the prepared Concept

Papers/Documents for the Legal Draftsman to base the draft only in one language and include a summary containing the basic/salient features of such documents in the Memorandum prepared in the three languages or annex as a separate attachment.

(d) When submitting various Committee Reports to the Cabinet, it is sufficient to present them in the same language in which they have been prepared by the said Committees and an abstract of the said Report should be included in the Memorandum.

(xiv) When a Report is submitted pertaining to a particular matter in terms of a Cabinet decision, inclusion of an abstract of the said decision in the Cabinet Memorandum/Note to the Cabinet submitted along with the Report, would help the Cabinet to easily comprehend the matters mentioned in the said Report.

04. Essential matters to be included in a Cabinet Memorandum/Note to the Cabinet and the presentation format:

Since a Note to the Cabinet makes an intimation to the Cabinet, it would be more appropriate if a brief description of such matters is presented. However, if the particular information refers to a previous Cabinet decision, that decision should be briefly mentioned and inclusion of further information in the Note to the Cabinet would be sufficient.

Since a specific approval is sought through a Cabinet Memorandum, most essential information should be included in a Memorandum, enabling the Cabinet to easily comprehend all relevant information and take the most appropriate decision in that regard.

There is no specific format for a Cabinet Memorandum and its format may vary depending on the matters for which approval is sought. However, when seeking approval on a particular matter, it will facilitate the Cabinet to arrive at a decision on the proposals/recommendations contained in the Memorandum by presenting the information which needs specific attention of the Cabinet, as follows:

*** Topic**

It is expected to state the Topic in a short and simple form explaining the objective of the Memorandum.

*** Background**

It is pertinent to mention briefly under this paragraph, the objective of submitting the Cabinet Memorandum. If the Cabinet has taken a decision previously on the relevant matter, it would be appropriate to give the particulars in that regard, namely, the date and the reference of the said Cabinet decision.

*** Description and Justification**

Relevant details of the proposals/recommendations seeking Cabinet approval and justification of the said proposals/recommendations are expected under this paragraph.

Further, if legal matters are involved in the relevant proposals/recommendations, such information, the expenditure to be incurred for the implementation of the proposals/recommendations, the manner in which provisions could be secured for the same, the views and concurrence of other relevant Ministries and Institutions in this regard, if available, would be more appropriate to be included under this paragraph.

*** Proposals/Recommendations**

Although the information pertaining to proposals/ recommendations of the memorandum seeking Cabinet approval is furnished under the paragraphs on Background and Justification, it is imperative to mention the said proposals/recommendations very clearly and specifically under this paragraph, since the Cabinet decision relating to the particular Memorandum is drafted based on the proposals/recommendations stated in the Memorandum.

*** Signature and the Date**

The signature of the relevant Cabinet Minister and the date should be placed at the end of the Cabinet Memorandum. In the case of a joint Memorandum submitted by two or more Cabinet Ministers, the signatures of the relevant Ministers and the dates should be placed at the end of the Cabinet Memorandum. (It is appropriate to ensure that different dates are not indicated). Placing the signature/signatures of the Cabinet Minister/Ministers in the original Memorandum drafted either in Sinhala or English would suffice and mentioning the name/names of the Minister/Ministers as 'Signed by' in the translated copies of the Memorandum would be adequate.

The Secretaries of the Ministries are expected to pay special attention to the

following matters as well in presenting Cabinet Memoranda / Notes to the Cabinet.

- (i) The language of the Memorandum/Note to the Cabinet should be simple and easy to comprehend.
- (ii) It is appropriate to limit the content of the Memorandum/Note to the Cabinet, to two (02) pages.
- (iii) Paragraphs and sub-paragraphs should be properly and accurately numbered and separation of paragraphs and numbering of paragraphs of the Memorandum/Note to the Cabinet should be similar in the Sinhala, Tamil and English copies.
- (iv) The idea expressed in the language of the original Cabinet Memorandum/Note to the Cabinet, should be correctly incorporated in the translations.
- (v) It should be ensured not to submit Cabinet Memoranda/Notes to the Cabinet with typographical and translation errors. Special attention should be paid to the accuracy of the numerical data and it must be ensured that the numerical information is correctly incorporated in the translated copies as well.
- (vi) Only relevant essential documents pertaining to the matters indicated in the Cabinet Memorandum/Note to the Cabinet should be attached thereto as appendices. Such appendices should be correctly numbered and their reference numbers should be properly mentioned in the relevant places of the Memorandum/Note to the Cabinet. It should be ensured that the attachments of the translated texts are also numbered similarly and accurately.
- (vii) In the preparation of Cabinet Memoranda/Notes to the Cabinet, the font size of the topic should be 14 and for the content the font size should be 12. Line spacing should be 1.2.
- (viii) Only A4 size paper should be used for printing. The original copy of the Memorandum/Note to the Cabinet which is signed by the Cabinet Minister and the original copies of its translated texts should be printed on one side of the A4 paper, whereas other copies should be printed on both sides of the A4 paper.
- (ix) Each page of the Memorandum/Note to the Cabinet should

contain a three (3)cm margin on the left side and a two (2)cm margin on the right side.

- (x) Page numbers should be correctly indicated at the bottom of each page.

05. General Matters:

- (i) Cabinet Memoranda on Establishment matters including the appointments to be made by the Cabinet will first be referred to the 'Cabinet Sub-Committee on Establishment Matters' and the recommendations made by the said Sub-Committee will be presented to the Cabinet for approval.
- (ii) Memoranda submitted for the enactment of new laws or making amendments to the existing laws will first be referred to the 'Cabinet Sub-Committee on Legislation' and then the recommendations made by the said Committee will be presented to the Cabinet for approval.
- (iii) The first page of the original Cabinet Memorandum/Note to the Cabinet signed by the Cabinet Minister and the first page of the originals of the translated copies should be printed in the official letter head of the Ministry.
- (iv) The original copy prepared in the three languages should be sent to the Office of the Cabinet of Ministers along with another 60 copies. If the Memorandum is in respect of Annual Reports of Public Corporations and Statutory Boards, 05 copies of the Annual Report prepared in the three languages and a Compact Disc (CD) containing the said Report should be submitted along with 60 copies of the Memorandum.
- (v) The Secretary to the relevant Cabinet Ministry should personally place his signature and the date in the covering letter submitted along with the Cabinet Memorandum/Note to the Cabinet. Only in instances when the Secretary to the Cabinet Ministry is unable to do so, an Additional Secretary of that Ministry authorized for the purpose by the Secretary should place the counter-signature in the said covering letter. The name, designation, contact details (including mobile contact number) of the relevant senior officer should be mentioned in that covering letter for the purpose of obtaining further clarifications relating to the matter mentioned in the Cabinet Memorandum/Note to the Cabinet.
- (vi) Cabinet Memoranda/Notes to the Cabinet received in the Office

of the Cabinet of Ministers will be listed on the Agenda of the Cabinet meeting only after obtaining the observations of the Minister in Charge of the subject of Finance and other relevant Ministers. Therefore, it is the responsibility of all Secretaries to the Cabinet Ministries to submit Memoranda/Notes to the Cabinet, to the Office of the Cabinet of Ministers with adequate time to undergo that procedure.

- (vii) The Office of the Cabinet of Ministers will inform the relevant Ministries in respect of the Memoranda/Notes to the Cabinet deferred by the Cabinet and accordingly, all Secretaries to the Cabinet Ministries should make necessary arrangements to deliver the required number of copies of those Memoranda/Notes to the Cabinet, to the Cabinet Office expeditiously, in order to re-submit the same to the Cabinet.
- (viii) Since Cabinet Memoranda/Notes to the Cabinet and the decisions relevant thereto are treated as 'confidential documents', it will be the responsibility of all Secretaries to Ministries to ensure that the said documents or the information contained therein do not fall into the hands of irrelevant parties.
