



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

CRIMINAL PROCEDURE (SPECIAL
PROVISIONS) (AMENDMENT) ACT,
No. 24 OF 1979

[Certified on 19th April, 1979]

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Criminal Procedure (Special Provisions)
(Amendment) Act, No. 24 of 1979

[Certified on 19th April, 1979]

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AN ACT TO AMEND THE CRIMINAL PROCEDURE (SPECIAL PROVISIONS) LAW, No. 15 OF 1978.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Criminal Procedure (Special Provisions) (Amendment) Act, No. 24 of 1979. Short title.

2. Section 2 of the Criminal Procedure (Special Provisions) Law, No. 15 of 1978 (hereinafter referred to as the “principal enactment”), is hereby amended as follows:— Amendment
of section 2
of Law
No. 15 of 1978.

- (1) in paragraph (a) of that section, by the substitution, for the words “until the conclusion of the trial;”, of the following:—

“until the conclusion of the trial:

Provided that if such court is the High Court it shall be competent for such High Court, or if such court is a District Court or a Magistrate's Court, it shall be competent for the High Court holden in the zone within which the district or division of such District Court or Magistrate's Court is situated, subject to the provisions of section 103 (3) of the Administration of Justice Law, No. 44 of 1973, and except in the case of any offence under the Offensive Weapons Act, No. 18 of 1966, in exceptional circumstances to release such person on bail after recording its reasons thereof:

Provided further, that such person may appeal to the Court of Appeal from an order of the High Court;”;

- (2) by the substitution for paragraph (c) thereof of the following new paragraph:—

“(c) every person convicted by any court of any offence set out in the First Schedule hereto, shall notwithstanding that he has lodged a petition of appeal against his conviction or the sentence imposed on him, be kept on remand until the determination of the appeal:

Provided however, that the Court of Appeal may in exceptional circumstances release such person on bail ;” ;

- (3) by the insertion immediately after paragraph (c) thereof, of the following new paragraph :—

“ (d) every person convicted by any court of any offence set out in the Second Schedule hereto, shall notwithstanding that he has lodged a petition of appeal against his conviction or the sentence imposed on him, be kept on remand until the determination of the appeal :

Provided, however, that if such court is the High Court, it shall be competent for such High Court, or if such court is a District Court or a Magistrate's Court, it shall be competent for the High Court holden in the zone within which the district or division of such District Court or Magistrate's Court is situated, subject to the provisions of section 103 (3) of the Administration of Justice Law, No. 44 of 1973, in exceptional circumstances to release such person on bail after recording reasons therefor. ” ;

- (4) by the omission of the proviso to that section ; and
(5) in the marginal note to that section, by the substitution, for the words “ bail not to apply ”, of the words “ bail to apply, subject to modification ”.

Amendment
of section 4
of the
principal
enactment.

3. Section 4 of the principal enactment is hereby amended by the repeal of paragraph (a) of that section and the substitution therefor of the following new paragraph :—

“ (a) every court which convicts a person of an offence set out in the First or Second Schedule hereto which is punishable with imprisonment, shall, notwithstanding its ordinary powers of punishment, impose on such person, in addition to any other punishment, other than imprisonment, a sentence of imprisonment for a period of not less than one-third of the maximum period of punishment prescribed for the offence ; and ”.

4. Section 6 of the principal enactment is hereby amended by the substitution, for the words "Supreme Court", of the words "Court of Appeal or to the High Court".

Amendment of section 6 of the principal enactment.

5. Section 8 of the principal enactment is hereby repealed and the following new section substituted therefor:—

Replacement of section 8 of the principal enactment.

"Duration of this Law.

8. The provisions of this Law shall be in operation for the period ending on the thirty-first day of December, 1980."

6. The First Schedule to the principal enactment is hereby amended in item 8 thereof, by the substitution under the heading "Nature of Offence" for the words "on the highway between sunset and sunrise", of the words "on the highway".

Amendment of the First Schedule to the principal enactment.

7. The Second Schedule to the principal enactment is hereby amended as follows:—

Amendment of the Second Schedule to the principal enactment.

(1) by the insertion, immediately after item 2 thereof of the following new item—

"2A. Section 367 Theft of movable property belonging to Government Departments, Statutory Boards and Public Corporations." ; and

(2) in item 5 thereof, by the substitution under the heading "Nature of offence" for the words "on the highway between sunset and sunrise" of the words "on the highway".