

PARLIAMENT OF CEYLON

1st Session 1960-61



Supreme Court Appeals (Special Provisions) Act, No. 4 of 1960

Date of Assent : October 14, 1960

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO Annual Subscription (including Bills) Rs. 25, payable in advance to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, POST OFFICE BOX 500, SECRETARIAT, COLOMBO 1

Price : 10 cents

Postage : 10 cents

*Supreme Court Appeals (Special Provisions)
Act, No. 4 of 1960*

L. D.—O. 13/60.

AN ACT TO MAKE SPECIAL PROVISION IN REGARD TO CIVIL APPEALS PRESENTED TO THE SUPREME COURT, AND IN RESPECT OF WHICH THERE IS ANY ERROR, OMISSION OR DEFAULT IN COMPLYING WITH THE PROVISIONS OF ANY WRITTEN LAW RELATING TO SUCH APPEALS.

[Date of Assent: October 14, 1960.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Supreme Court Appeals (Special Provisions) Act, No. 4 of 1960.

Short title.

2. Where, in respect of any appeal to the Supreme Court under the Civil Procedure Code, there is any error, omission or default in complying with the provisions of that Code or any other written law relating to such appeal, the Court of first instance shall, notwithstanding anything to the contrary in that Code or such other written law, transmit to the Supreme Court the petition of appeal together with all the papers and proceedings of the case relevant to the decree or order appealed against.

Special provision in respect of appeals to the Supreme Court under the Civil Procedure Code.

3. (1) Where, in respect of any appeal to the Supreme Court to which this section applies, whether by way of petition or otherwise, which is presented to the appropriate authority, there is any error, omission or default in complying with the provisions of any written law relating to such appeal, such authority shall, notwithstanding anything to the contrary in such law, transmit to the Supreme Court such appeal together with all the papers and proceedings relating to the case or matter which is the subject of such appeal.

Special provision in respect of appeals to the Supreme Court to which this section applies.

(2) In this section—

(a) “ appeal to the Supreme Court to which this section applies ” means any appeal, other than any appeal referred to in section 2 or any appeal against any judgment or order pronounced or made by a court in the exercise of its criminal jurisdiction; and

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(b) "appropriate authority", in relation to any appeal to which this section applies, means any Court, person or body of persons to which, or to whom, such appeal is required to be presented for transmission to the Supreme Court under any written law relating to such appeal.

Special provision as to the rejection or dismissal of appeals by the Supreme Court.

4. (1) Subject to the provisions of sub-section (2), where an appeal referred to in section 2 or section 3 has been presented to the Court of first instance or the appropriate authority, as the case may be, within the time prescribed by any written law relating to such appeal, the Supreme Court shall not exercise the powers vested in such Court by any written law to reject or dismiss that appeal on the ground only of any error, omission or default on the part of the appellant in complying with the provisions of any written law relating to such appeal, unless material prejudice has been caused thereby to the respondent to such appeal.

(2) The Supreme Court shall, in the case of any appeal referred to in sub-section (1), which is not rejected or dismissed by such Court direct the appellant to comply with such directions as the Court may deem necessary for the purpose of rectifying, supplying or making good any error, omission or default so referred to within such time and upon such conditions as may be specified in such directions, and shall reject or dismiss that appeal if the appellant fails to comply with such directions.

(3) In this section, the expression "appellant", in relation to any appeal under any written law, includes any agent of the appellant who is authorised by that law to make such appeal or to represent the appellant at the appeal.

Application of the Act.

5. The preceding provisions of this Act shall apply, in addition to appeals to the Supreme Court on or after the date of commencement of this Act, to appeals presented before the date of commencement of this Act but not finally disposed of by the Supreme Court.

Interpretation.

6. In this Act, the expression "appeal" includes any case stated for the opinion of the Supreme Court.