

**THE GAZETTE OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of October 16, 2026

SUPPLEMENT

(Issued on 16.10.2026)



**CIVIL PROCEDURE CODE
(AMENDMENT)**

A

BILL

to amend the Civil Procedure Code (Chapter 101)

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STATEMENT OF LEGAL EFFECT

Clause 2: This clause inserts sections 167A to 167x in the Civil Procedure Code (Chapter 101) (hereinafter referred to as the “principal enactment”), and the legal effect of the section as inserted is to facilitate the testimony of witnesses from any location in or outside Sri Lanka through contemporaneous audio-visual linkage and matters relating thereto.

Clause 3: This clause amends the First Schedule of the principal enactment and that amendment is consequential to the amendments made by section 167B.

Civil Procedure Code (Amendment)

L.D.- O. 10/2022

AN ACT TO AMEND THE CIVIL PROCEDURE CODE
(CHAPTER 101)

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

1. (1) This Act may be cited as the Civil Procedure Code (Amendment) Act, No. of 2026. Short title and date of operation

5 (2) The provisions of this Act other than this section shall come into operation on such date as the Minister may appoint by Order published in the *Gazette* (hereinafter referred to as the “appointed date”).

(3) The provisions of this section shall come into operation
10 on the date on which the Bill becomes an Act of Parliament.

2. The following new sections are hereby inserted immediately after section 167 of the Civil Procedure Code (Chapter 101) (hereinafter referred to as the “principal enactment”) and shall have effect as sections 167A, 167B, 167C, 167D, 167E, 167F, 167G, 167H, 167I, 167J, 167K, 167L, 167M, 167N, 167O, 167P, 167Q, 167R, 167S, 167T, 167U, 167V, 167W, and 167X of that enactment: -

“Power of the court
to issue direction

20

167A. (1) Notwithstanding the provisions of section 167 and any other written law, the court may -

Insertion of new sections
167A, 167B,
167C, 167D,
167E, 167F,
167G, 167H,
167I, 167J,
167K, 167L,
167M, 167N,
167O, 167P,
167Q, 167R,
167S, 167T,
167U, 167V,
167W, and
167X in
Chapter 101

(a) upon agreement of all the parties to the action;

(b) upon the application made
by a party to the action; or

(c) on its own motion in an
action,

5 and subject to subsections (2) and
(3), direct that the examination of
a witness be carried out through
contemporaneous audio-visual linkage
from a location at a remote point.

10 (2) The court shall, before directing
the examination of a witness to be
carried out through contemporaneous
audio-visual linkage, consider any
concerns or objections of the parties or
15 the witness.

(3) The court shall not direct that the
examination of a witness be carried out
through contemporaneous audio-visual
linkage unless the court is satisfied
20 that—

(a) it would be in the interests
of the administration of
justice;

25 (b) it would not be unfair to
any party to the action in
the court point;

(c) all parties have had notice
that the examination of
a witness be carried out

through contemporaneous
audio-visual linkage; and

(d) a contemporaneous audio-
visual linkage is available
or can reasonably be made
available.

5

Agreement of all
the parties to the
action

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167B. (1) Upon the agreement of
all the parties under paragraph (a) of
subsection (1) of section 167A, the
party who intends to call a witness to
give evidence of a witness through
contemporaneous audio-visual linkage
from a location at a remote point shall
make an application to the court for the
direction of the court.

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(2) An application under subsection
(1) shall be accompanied by a motion
signed by all the parties to the action
consenting to the taking of evidence
of a witness through contemporaneous
audio-visual linkage, which shall
include the name, address, electronic
mail address, National Identity
Card Number or Passport Number,
telephone number, and language of
such witness, location of the witness
and location at a remote point from
where the evidence is to be given
through contemporaneous audio-visual
linkage, and name, address, electronic
mail address, National Identity Card
Number or Passport Number, telephone
number of the person to be nominated
to coordinate the examination of a

witness through contemporaneous audio-visual linkage.

5

(3) Upon the direction made under subsection (1), where the parties to the action agree to nominate a person to coordinate the examination of a witness through contemporaneous audio-visual linkage, the court may appoint such person as the Commissioner at the remote point.

10

(4) Upon the direction made under subsection (1), where-

(a) the parties to the action have agreed in writing for some valid reason, not being for mere convenience of the parties, to examine a witness through contemporaneous audio-visual linkage at a remote point outside Sri Lanka without appointing a Commissioner; and

(b) the court is satisfied, upon a formal hearing of the parties with regard to the specific arrangements for such remote hearing, and subject to directions to ensure the overall fairness of the trial proceedings,

5 the identity of the witness,
location, data security, and
confidentiality, that it is
appropriate and reasonable
to examine such witness
without appointing a
Commissioner,

10 the court may, without appointing a
Commissioner permit the examination
of a witness through contemporaneous
audio-visual linkage at a remote point
outside Sri Lanka under its supervision
and directions.

(5) Upon the direction made under subsection (1), where the parties to the action fail to nominate such person, the court shall, subject to the provisions of the succeeding subsections, appoint the Commissioner at a remote point to coordinate the examination of a witness through contemporaneous audio-visual linkage.

(6) Where a witness whose evidence is to be given is an employee of a government institution and the evidence to be given is in relation to the official duties assigned to such employee and, a contemporaneous audio-visual linkage is available in the government institution where such employee is employed, the officer in charge of the government institution or such other officer nominated by officer in charge shall be the Commissioner.

(7) Where a witness whose evidence is to be given is located outside Sri Lanka, the court may appoint-

- 5 (a) a diplomatic officer of the High Commission, the Embassy or the Consulate of Sri Lanka in such location at a remote point outside Sri Lanka as the
10 Commissioner at a remote point outside Sri Lanka; or
- 15 (b) where there is no High Commission, Embassy, Consulate of Sri Lanka, or a diplomatic officer for any reason, a person nominated by the party to the action to whom such direction is issued, as Commissioner
20 at a remote point outside Sri Lanka. Such person shall be one who is authorized to practise before a court of law, a Commissioner for
25 Oaths, or Notary Public or a person holding an equivalent position in such foreign jurisdiction. The party making the
30 nomination shall specify the name, address, and

telephone number or
electronic mail address of
the person to be nominated
as the Commissioner.

5 (8) The appointment of
Commissioner shall be made
substantially in Form No. 39A in the
First Schedule to this Code.

10 (9) The Registrar of the court or an
officer nominated by the court shall be
the court officer at the court point.

Unilateral
application by
a party to give
evidence or examine
15 a witness through
contemporaneous
audio-visual linkage

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167c. (1) A party who intends to
give evidence of a witness through
contemporaneous audio-visual linkage
under paragraph (b) of subsection
(1) of section 167A shall make an
application to the court by way of a
written motion for a direction of the
court to give evidence of the witness
who is in a remote location through
contemporaneous audio-visual linkage
after notice to the opposite party
containing the details as may be
applicable relating to the identification
of the witness giving evidence from a
location at a remote point including the
name, address, electronic mail address,
National Identity Card Number or
Passport Number, telephone number,
and the language of such witness,
location of the witness and location at
remote point from where the evidence
is to be given through contemporaneous
audio-visual linkage.

5

(2) Upon the consideration of such application, where the court decides to allow such application, the court shall appoint the Commissioner at the remote point and the court officer at the court point.

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(3) Upon the issue of the direction under subsection (1), the party who intends to give evidence of the witness through contemporaneous audio-visual linkage shall submit as may be applicable the name, address, electronic mail address, National Identity Card Number or Passport Number, and telephone number of a person to coordinate the examination of a witness through contemporaneous audio-visual linkage at the remote point.

20

(4) The provisions of subsections (3), (5), (6), (7), (8) and (9) of section 167B shall *mutatis mutandis* apply to the appointment of the Commissioner and court officer.

25 A court on its own
motion to make
direction

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167D. (1) Where the court is satisfied under paragraph (c) of subsection (1) of section 167A that evidence of a witness shall be given through contemporaneous audio-visual linkage from a location at a remote point, it may direct the party to take necessary steps to give evidence of a witness through contemporaneous audio-visual linkage.

(2) Upon the direction made under subsection (1), the court shall appoint the Commissioner at the remote point and a court officer at the court point.

5 (3) The provisions of subsections (5), (6), (7), (8) and (9) of section 167B shall *mutatis mutandis* apply to the appointment of the Commissioner and court officer.

10 In the case of sickness or infirmity of a witness
15
20 **167E.** Where the court has issued a direction under section 167B, 167C, or 167D and the Judge is satisfied that a witness is unable to attend the court due to sickness or infirmity, the Commissioner may, subject to any further direction of the Judge visit the home or any other place where the witness resides and coordinate the examination of such witness through contemporaneous audio-visual linkage.

Issue of Commission

167F. (1) The court shall issue a commission-

25 (a) in Form No. 39B in the First Schedule to this Code to such Commissioner at a remote point within Sri Lanka by way of registered post, courier service or electronic means
30 in the case of a witness who is not an employee of a government institution; and

(b) in Form No. 39c in the First Schedule to this Code to such Commissioner at a remote point outside Sri Lanka by way of registered post, courier service, electronic means or, through a diplomatic mission or central authority.

(2) Where a witness whose evidence is to be given through contemporaneous audio-visual linkage is an employee of a government institution, such commission shall be delivered to the officer in charge of the institution or such other officer nominated by the officer in charge of the government institution by way of registered post, courier service, or electronic means.

(3) A copy of the commission referred to in subsections (1) and (2) shall be sent to the witness whose evidence is sought to be given through contemporaneous audio-visual linkage, along with the summons to be served on such witness.

Appointment of translators, interpreters etc. to assist a witness who is to be examined through contemporaneous audio-visual linkage

167G. (1) The court may, on any application by a party or on its own motion appoint the following persons to assist a witness who is to be examined through contemporaneous audio-visual linkage: -

- (a) a translator where the witness to be examined is not conversant with the language of the court;
- 5 (b) an interpreter where the witness to be examined is hearing or speech impaired;
- 10 (c) an expert for reading documents where the witness to be examined is visually impaired; or
- 15 (d) an interpreter, translator or specially trained educator where the witness to be examined is temporarily or permanently mentally or physically deficient.
- 20 (2) A translator, interpreter, expert or educator appointed under subsection (1) shall be a qualified person to perform his duties as a translator, interpreter, expert or educator.
- 25 Appointment of observer
- 30 **167H.** (1) The court may, on an application made to it with a copy to the other party, allow the opposite party to nominate an observer at the remote point within Sri Lanka who shall be an Attorney-at-Law or, in case of examination of a witness who is at

a remote point outside Sri Lanka, any person who is authorised to practise before a court of law at such foreign jurisdiction.

5 (2) Upon the application being allowed, the applicant shall inform the Commissioner of the name and other details of the observer.

10 Sharing and presenting documents, writings or exhibits

15 **167I.** Where documents including documents in electronic form, writings, or exhibits are to be used, an appropriate medium for formally sharing and presenting such documents, writings, or exhibits shall, prior to or during the examination of a witness be agreed upon and arranged by the parties, and where the parties fail to agree, the court may make the necessary orders.

20 Fixing a date, time and location at the remote point for the examination of a witness through audio-visual linkage

25 **167J.** (1) Where the court directs to give evidence of a witness through contemporaneous audio-visual linkage, the Judge shall, in consultation with the Commissioner, the court officer and the parties as the case may be, fix a date, time and location at the remote point for examination of the evidence of the witness through contemporaneous audio-visual linkage.

30 (2) Any party calling a witness through contemporaneous audio-visual linkage shall forthwith inform the witness of the date, time and location at the remote point fixed according to subsection (1).

5 (3) Upon the fixing of a date under subsection (1), the court may direct to serve a summons to the witness who is to give evidence through contemporaneous audio-visual linkage within Sri Lanka informing the date, time, and location at a remote point.

10 (4) The provisions of subsection (1) of section 167F relating to the service of a commission shall *mutatis mutandis* apply to the service of summons to any witness giving evidence through contemporaneous audio-visual linkage outside Sri Lanka.

15 (5) Every summons for the attendance of a person to give evidence, or produce a document through contemporaneous audio-visual linkage shall—

20 (a) specify the date, time and location at the remote point at which he is required to attend for the purpose of giving evidence,
25 producing a document, or for both purposes through contemporaneous audio-visual linkage;

30 (b) specify any particular document and describe it with reasonable accuracy; and

- (c) direct the witness to attend in person at the remote point along with proof of identity details.

5 Participants in the examination of a witness through audio-visual linkage

167K. (1) Subject to the provisions of the Constitution, the proceedings at the examination of a witness through audio-visual linkage shall be conducted in public as any proceedings conducted physically in court.

10

(2) The following persons shall be entitled to be present at a court point -

15

- (a) the parties to the action or their Attorneys-at-Law or such parties and their Attorneys-at-Law;

20

- (b) the translator, interpreter, expert or specially trained educator appointed under subsection (1) of section 167G or all of them; and

25

- (c) any person permitted by the Judge at the time of deciding the date and time of the examination of a witness.

(3) The following persons shall be entitled to be present at a remote point -

- 5 (a) the Commissioner and any
technical officer assisting
the Commissioner;
- (b) the witness whose
attendance is required
either to give evidence
or produce documents
through contemporaneous
audio-visual linkage; and
- 10 (c) an observer permitted by
the court.

Duties of the
Commissioner and
the court officer

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167L. (1) The Commissioner shall be responsible for making all necessary arrangements in coordination with the court officer to facilitate the taking of evidence through contemporaneous audio-visual linkage including but not limited to ensuring the attendance of the witness at the remote point and matters connected therewith.

20

(2) It shall be the duty of the Commissioner to ensure that all directions issued by the Judge are complied with during the proceedings through contemporaneous audio-visual linkage and to ensure that no other recording takes place at the remote point.

25

(3) Notwithstanding the provisions of subsection (3) of section 167M, a person shall not record the examination

30

of a witness through contemporaneous audio-visual linkage at the remote point.

5 Safeguards to be
taken during the
examination of
a witness from a
location at a remote
point through
contemporaneous
audio-visual linkage
10

167M. (1) The Judge shall, with the assistance of the Commissioner at remote point unless no Commissioner has been appointed, confirm the identity of the witness to be examined through contemporaneous audio-visual linkage and administer an oath or affirmation to the witness prior to the examination in accordance with law, practice, and procedure of the court for the examination of a witness.

15

(2) The oath or affirmation taken or made by a witness and the evidence given under such oath or affirmation by such witness through contemporaneous audio-visual linkage from a remote point shall be deemed, including for the purpose of contempt of court, as if the witness had taken or made the oath or affirmation and given evidence in person in proceedings conducted physically in court.

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(3) The oral testimony of a witness through contemporaneous audio-visual linkage shall be recorded at the court point in writing by the Judge or in his presence as any proceeding conducted physically in the court and, the examination of a witness shall also be recorded electronically at the court point under a written direction of the judge.

35

(4) The examination of a witness through contemporaneous audio-visual linkage shall ordinarily take place during the court working hours:

5

Provided however, the court may issue suitable directions with regard to the timings of the examination of a witness through contemporaneous audio-visual linkage as the circumstances may require.

10

15

(5) The court point and the remote point shall constitute a formal court sitting during the proceedings through the contemporaneous audio-visual linkage and the Supreme Court may make rules laying down the protocols relating to the examination of a witness through contemporaneous audio-visual linkage.

20

Examination of a witness through contemporaneous audio-visual linkage in accordance with the usual practice of the court

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167N. (1) The examination of a witness through contemporaneous audio-visual linkage shall, as closely as possible, be conducted in accordance with the usual practice of the court and, the provisions of the Evidence Ordinance (Chapter 14), and the Judicature Act, No. 2 of 1978 or any other written law for the time being in force, which provides for the giving of evidence through contemporaneous audio-visual linkage shall be applicable so long as they are not inconsistent with the provisions of this Code.

(2) The court, during the proceedings through the contemporaneous audio-visual linkage, having regard to the changed environment created by contemporaneous audio-visual linkage technology and the geographic separation of participants, may make appropriate directions to ensure that the giving of evidence through the contemporaneous audio-visual linkage will not interfere with or detract from a fair and impartial trial or the rights of the parties.

Failure of
contemporaneous
audio-visual linkage

167o. (1) Where a technological interruption is experienced during proceedings through contemporaneous audio-visual linkage, the court officer and the Commissioner shall make all endeavours to as soon as practicable, rectify such interruption and restore the connection.

(2) The Commissioner shall ensure that the witness at the remote point does not communicate with other participants during such interruption and inform the Judge at the court point immediately after restoring the connection that he has taken all steps to avoid the witness communicating with other participants and to limit their mobility as much as possible during such interruption.

Interruption to
proceedings

167p. (1) Where contemporaneous audio-visual linkage fails during the proceedings, and the technical

5 difficulty cannot be rectified quickly,
the court may adjourn the proceedings
or make such other orders as are
appropriate in the circumstances
including suspension and rescheduling
of the proceedings.

10 (2) If the Judge, on his own motion
or at the request of the Commissioner
or on the application of a party made
immediately after such interruption,
is satisfied that the giving of evidence
has been adversely prejudiced due to
15 technological interruption, he may
cancel the examination of a witness
immediately and either conduct the
examination of a witness afresh
through contemporaneous audio-visual
linkage or direct that an examination of
a witness be conducted physically in
20 court.

(3) In case of adjournment due
to the failure of contemporaneous
audio-visual linkage, the court may
make such order as to costs as may be
25 just.

Exchanging
documents to a
person at remote
point

30 **167Q.** In addition to the procedure
laid down in sections 167J and 167L,
during the examination of a witness at a
remote point through contemporaneous
audio-visual linkage, if it is necessary
to put a document to the witness at the
remote point, the court may, subject
to the applicable law and procedure,
35 permit the document to be put to the
witness in the following manner:-

5

(a) if the document is at the court point, a copy of such document, shall be transmitted by the court officer electronically to the Commissioner to be put to the witness by using a document visualizer or any other electronic means;

10

(b) (i) if the document is at the remote point, a copy of such document shall be transmitted by the Commissioner to the court officer to be put to the court electronically by using a document visualizer or any other electronic means; and

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(ii) the certified hard copy of such document shall forthwith be handed over to the Commissioner who shall transmit such document to the court by registered post or courier.

Protection of
witnesses in
proceedings

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167r. A witness during the proceedings through the contemporaneous audio-visual linkage in or outside Sri Lanka shall have the

same protection as a witness in any proceedings conducted physically in court.

5 Expenses for use of
contemporaneous
audio-visual linkage
for giving evidence

10

167s. (1) Where the court on its own motion directs that evidence of a witness be given through contemporaneous audio-visual linkage, the costs for such audio-visual hearing, unless the court directs otherwise, may be borne by the court.

15

(2) A party who seeks to call a witness to give evidence through contemporaneous audio-visual linkage shall pay all expenses of an audio-visual examination of a witness including other incidental expenses:

20

Provided that the expenses for any observer appointed by any opposing party, and the expenses of sending documents to the remote point for cross-examination shall be borne by such opposing party.

25

30

(3)(a) Where the technology live-court room or technology service of the court installed in court premises or any other technology service provided by any other service provider on a subscription basis is in place in any court, the court may dispense with the costs for the use of contemporaneous audio-visual linkage facility in Sri Lanka, either in full or in part.

(b) Where the court dispenses with the costs in part under paragraph (a), the method of calculation of the cost shall be as prescribed.

5

(4) Where the court, after evidence is led as to the proof of the document, accepts the document, the party who sought to impeach the document shall be liable to pay the incurred cost of proving the document in addition to tax cost unless the court for good reason recorded directs otherwise.

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Return of
commission

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167T. Upon the commission being duly executed, such commission shall be returned by the Commissioner to the court that issued such commission together with his report in writing with the date, his name, and signature, and directions made by the court and steps taken by him to comply with the directions issued by the court to such Commissioner.

20

The transcripts of the
record of evidence of
the witness at remote
point & requests for
certified transcripts
of video recording

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167U. (1) Subject to the provisions of section 167P, the evidence recorded in terms of section 167M shall become the official record of the testimony and any party to the action shall be entitled to a transcript of the proceedings.

30

(2) The encrypted master copy of the transcript of the proceedings shall be retained in the court digital server separately as part of the record by the registrar and an encrypted backup copy shall be at any other safe location.

5 (3) Where a party in the course of contemporaneous audio-visual recording, informs that some material be considered privileged or confidential, the court shall make appropriate directions in that regard.

10 (4) A party may be allowed to view the master copy of the transcript of the proceedings through the contemporaneous audio-visual recording retained in the court on application and such application shall be decided by the Judge on a case-by-case basis, subject to conditions, including that the master copy may be viewed only in the presence of the Registrar or an officer nominated by the court.

20 (5) A copy of the master copy of the transcript of the proceedings or backup copy of the proceedings through the contemporaneous audio-visual recording shall not be issued to any party by the court.

25 Location at remote point or premises to be considered part of a court

30 **167v.** (1) A location at remote point at which contemporaneous audio-visual linkage is being used for the purpose of giving evidence of a witness in any proceedings under this Code shall be deemed to be part of the Sri Lankan court that is sitting in a courtroom or other place for the purpose of conducting the proceedings under this Code.

5 (2) Any offence committed at remote point during the examination of a witness through contemporaneous audio-visual linkage shall be deemed to have been committed at the courtroom or other place where the court is sitting for the purposes of the laws in force in Sri Lanka and the laws relating to evidence, procedure, contempt of court and perjury shall *mutatis mutandis* apply.

15 (3) All proceedings conducted by a court through contemporaneous audio-visual linkage shall be judicial proceedings and all the courtesies and practices applicable to any proceedings conducted physically in court, including protocols in regulations made, shall apply to these proceedings.

20 Regulations

167w. The Minister may, with the concurrence of the Chief Justice, make regulations under section 840 of this Code for the following matters: -

25 (a) prescribing the type of equipment and the method of technology to be used, and the arrangements to be made where a witness is to give evidence through contemporaneous audio-visual linkage; and

35 (b) prescribing the method of calculating the cost of contemporaneous audio-visual linkage and

5 payment, if any, to be made
to any external service
provider for providing
contemporaneous audio-
visual linkage to such
proceedings in Sri Lanka
or outside Sri Lanka.

Interpretation

167x. For the purpose of sections
167A to this section (both inclusive)-

10 “central authority” means the
Secretary to the Ministry
of the Minister assigned the
subject of Justice;

15 “c o n t e m p o r a n e o u s
audio-visual linkage”
means any technological
facility that enables-

20 (a) persons who are
taking part in the
proceedings at the
court point to see
and hear all other
persons taking part
in the proceedings at
25 a remote point where
the evidence is being
given; and

30 (b) all persons taking
part in the
proceedings at a
remote point to see
and hear persons
taking part in the
proceedings at the
35 court point;

5 “Commissioner” includes a
person appointed by the
court as Commissioner
under the provisions of
section 167B, 167C or 167D,
who shall coordinate the
examination of a witness
at a remote point through
contemporaneous audio-
visual linkage;

10
15 “court officer” includes any
Registrar or officer of
court nominated by the
Judge at the court point and
engaged to coordinate the
examination of a witness
through contemporaneous
audio-visual linkage from a
remote point and functions
at the court point;

20
25 “court point” refers to the
courtroom where the
court is physically sitting
and hears the evidence
of witnesses either by
traditional means or
through contemporaneous
audio-visual linkage;

30 “document” includes any
document in electronic

form within the meaning
of this Code or any other
written law in force;

5 “employee of a government
institution” in relation to
giving evidence through the
contemporaneous audio-
visual linkage includes -

10 (a) a member of staff
of any government
institution or a
person employed
in or engaged by
any government
15 institution, who
provides an
expert’s report for
use in evidence
in proceedings
20 or proposed
proceedings or who
is called as an expert
to give opinion
evidence in the
25 proceedings; and

(b) a member of
any government
institution called to
tender a document
or to corroborate
30 a document of

such government
institution which is
kept in the custody
of such government
institution;

5

“government institution”
includes the office of
the Secretary to the
President, the office of
the Secretary to the Prime
Minister, the office of the
Secretary to the Cabinet of
Ministers, the offices of the
Ministers appointed under
Article 44 or 45 of the
Constitution, the Judicial
Service Commission, the
Constitutional Council, the
Commissions referred to
in the Schedule to Article
41B of the Constitution,
the Parliamentary
Commissioner for
Administration, the
Secretary-General of
Parliament, any Ministry
or Department of the
Government, a Provincial
Council, a Provincial
Ministry or Department, a
local authority, a Public
Corporation, a business
or other undertaking
vested in the government
under any written law,
any company registered
under the Companies Act,
No. 07 of 2007, in which

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- 5 the Government, a public corporation or a local authority holds more than fifty *per centum* of the shares of that company and any hospital, health care service facility, clinic, centre for disabled persons, detention centre, prison, 10 children's home, shelter home, safe house, child care centre, remand home or any centre, home or school for the care, protection or custody of children or youthful offenders, 15 owned or controlled by the Government or a Provincial Council or a local authority;
- 20 "Minister" means Minister assigned the subject of Justice under Article 44 or 45 of the Constitution;
- 25 "recording" means a recording on any medium —
- (a) of a single image, a moving image or any sound; or
- 30 (b) from which a single image, a moving image or any sound may be produced or reproduced;

5 “remote point” means the place where the witness to be examined for the proceedings through contemporaneous audio-visual linkage is located whether within or outside Sri Lanka;

10 “technological interruption” includes any equipment or network failure or fault at any site or with service providers which causes
15 slower transmission speed or poor audio-visual quality;

20 “technology live-courtroom” means the courtroom enabling members of the public or court users to see and hear proceedings that are held at remote point or broadcast and lined with
25 any other location at remote point;

30 “transmission” means any transmission by electronic means of a single image, a moving image or any sound.”.

35 **3.** The First Schedule to the principal enactment is hereby amended by the insertion of the following new forms immediately after Form No. 39 (FORM OF WARRANT OF ARREST AGAINST THE WITNESS FOR DISOBEDIENCE TO A SUMMONS) thereof-

Amendment
of the First
Schedule to
the principal
enactment

“No. 39A

**COMMISSION FOR COORDINATING THE
EXAMINING OF THE WITNESS THROUGH
CONTEMPORANEOUS AUDIO-VISUAL LINKAGE.**

5 [section 167B (8)]

In the High Court/ District Court of

Case No.

.....

Plaintiff

10 Vs.

.....

Defendant

To

..... (Name

15 of the person to be appointed as the Commissioner) of

.....

(Address of the person to be appointed as the Commissioner)

WHEREAS the above-styled action has been instituted
by the above-named Plaintiff against Defendant(s)
20 above-named for

..... (nature of the action) under the

provisions of the

..... law (applicable law).

WHEREAS the parties to the action/ the Plaintiff/ the
25 Defendant has moved court/ the court by its own motion has
decided to authorize that the evidence of the below-mentioned
witness may be given, recorded or examination of a witness
may be carried out or made through contemporaneous
audio-visual linkage from a location at a remote point.

Name of the Witness:
 NIC/ Passport No.:
 Address:
 Contact details:

- 5 AND WHEREAS this court has appointed you as a Commissioner to coordinate the examination of the afore-stated witness through contemporaneous audio-visual linkage with the court point, at the following remote point.
 Address of the remote point:
 10 You are hereby ordered to coordinate the examining of the afore-stated witness through contemporaneous audio-visual linkage on the date and time to be informed by this Court and take and subscribe or make and subscribe an oath or affirmation substantially in Form No. 39C
 15 attached hereto and return immediately to court, a copy of such oath or affirmation by electronic means and the original of such oath or affirmation within 14 days upon the completion of giving evidence, to Registrar of this Court *via*.....
 20 (Email address of the Registrar)

Dated this day of

By Order of Court
 Signed

25

Registrar

Commission drawn by me,
 (Registered Attorney for Plaintiff/ Defendant)

No. 39B

**(Service of Commission to Commissioner at remote
point within Sri Lanka)**

**SERVICE OF COMMISSION FOR COORDINATING
THE EXAMINING OF A WITNESS
THROUGH CONTEMPORANEOUS AUDIO-VISUAL
LINKAGE**

[section 167F(1)(a)]

In the High Court/ District Court of

.....

Case No.

.....

Plaintiff

Vs.

.....

Defendant

To (Name of
the person to be appointed as the Commissioner) of
.....

(Address of the Commissioner).

You are hereby commissioned to coordinate the examination
of the below-mentioned witness through contemporaneous
audio-visual linkage on the stated date and time: -

Details of the witness:

Name:

NIC/ Passport No:

Address of the remote point:

Contact Details of the remote point:

.....

Date and time of the examination:

.....

Contact Details of the Court Point:

.....

5 Documents attached:

.....

By Order of Court

Signed

Registrar

10

No. 39C

**(Service of Commission to Commissioner at a remote
point outside Sri Lanka)**

**SERVICE OF COMMISSION FOR COORDINATING
THE EXAMINING OF A WITNESS**

15

**THROUGH CONTEMPORANEOUS AUDIO-VISUAL
LINKAGE.**

[section 167F(1)(b)]

To: Director/Legal Division,
Ministry of Foreign Affairs

20

Colombo 01

**RE: Request to serve the Service of Commission to a
diplomatic officer of the Sri Lankan Embassy / High
Commission/ Consulate or to a person named through
the Central Authority.**

25

The Director/Legal, Ministry of Foreign Affairs is requested
to serve the attached commission together with documents
to the duly appointed diplomatic officer of the Sri Lankan

Embassy/High Commission/Consulate of or to the person named through the Central Authority and return the copy of this form to the Court of with a statement of the service endorsed hereon, and signed by the Director/Legal
 5 of the Ministry of Foreign Affairs, Sri Lanka.

In the High Court/ District Court of

.....
 Case No.

10

.....

Plaintiff

Vs.

.....

Defendant

To (Name of
 15 the person to be appointed as the Commissioner) of

 (Address of the Commissioner).

You are hereby commissioned to coordinate the examination of the below-mentioned witness through contemporaneous
 20 audio-visual linkage on the stated date and time.

Details of the witness:

Name:

NIC/ Passport No.:

Address of the remote point:

25 Contact Details of the remote point:

Date and time of the examination:

Contact Details of the Court Point:

Documents attached:

By Order of Court

30

Signed

Registrar.”.

4. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.
- Sinhala text
to prevail
in case of
inconsistency

