

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

**CORONAVIRUS DISEASE 2019 (COVID - 19) (TEMPORARY PROVISIONS)**   
**ACT, No. 17 OF 2021**

**[Certified on 23rd of August 2021]**

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| *Coronavirus Disease 2019 (COVID - 19) (Temporary Provisions) Act, No. 17 of 2021* | 1 |

[Certified on 23rd of August 2021]

L.D.-O 19/2020

AN ACTTOMAKETEMPORARYPROVISIONSINRELATIONTOSITUATIONS

WHEREPERSONSWEREUNABLETOPERFORMCERTAINACTIONS

REQUIREDBYLAWTOBEPERFORMEDWITHINTHEPRESCRIBEDTIME   
PERIODSDUETOCOVID - 19CIRCUMSTANCES; TOASSIGNALTERNATIVE   
COURTSWHEREACOURTCANNOTFUNCTIONDUETOCOVID - 19   
CIRCUMSTANCES; TOCONDUCTCOURTPROCEEDINGSUSINGREMOTE

COMMUNICATIONTECHNOLOGYTOFACILITATETHECONTROLOF   
CORONAVIRUSDISEASE2019 (COVID - 19); ANDFORMATTERS   
CONNECTEDTHEREWITHORINCIDENTALTHERETO.

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

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| **1.** (1)This Act may be cited as the Coronavirus Disease 2019 (COVID -19) (Temporary Provisions) Act, No. 17 of 2021. The provisions of this Act shall be in operation for a period of two years commencing fromMarch 1, 2020. | Short title,  duration and  extension of  operation of the Act |

(2) The Minister may, at any time within one month prior to the expiration of the period of operation of this Act, by Order published in the *Gazette*, extend for a further period the operation of the Act:

Provided however, the aggregate period of any extension shall not exceed two years from the date of suchextension.

PART I

RELIEFFOR INABILITYTO COMPLYWITH PRESCRIBED TIME PERIODS

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| **2.** (1)Where any court, tribunal or any other authority established by or under any law is satisfied that, a person was prevented from- | | Relief in respect of inability to  comply with  prescribed time periods |
| (*a*) | instituting or filing any action, application, appeal |

or other legal proceeding, as the case may be, within   
the period prescribed by law for such purpose; or

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 *(Temporary Provisions) Act, No. 17 of 2021*

(*b*) performing any act which is required by law to be   
 done or performed within a prescribed time period,

due to any COVID - 19 circumstance, it shall be competent for such court, tribunal or any other authority established by or under any law to allow, admit or entertain an action, application, appeal, other proceeding or act, referred to in paragraph (*a*) or (*b*), notwithstanding the lapse of the time period prescribed by law for such purpose and subject to the provisions of section 9, the period within which such person was subject to such COVID - 19 circumstance shall be excluded in calculating the said prescribed time period.

(2)Any relief granted under subsection (1) shall not apply in relation to any application or appeal-

(*a*) to which the following rules apply-

(i) the Supreme Court (Temporary Provisions)   
Rules, 2020 published in the *Gazette*   
Extraordinary No. 2174/4 of May 6, 2020;

(ii) the Supreme Court (Temporary Provisions)   
Rules, 2021 published in the *Gazette*   
Extraordinary No. 2211/56 of January 21, 2021;

(iii) the Court of Appeal (Procedure for Appeals   
from High Courts established by Article 154P   
of the Constitution) (Temporary Provisions)   
Rules, 2020 published in the *Gazette*   
Extraordinary No. 2175/2 of May 12, 2020; or

(iv) the Court of Appeal (Procedure for Appeals   
from High Courts established by Article 154P   
of the Constitution) (Temporary Provisions)   
Rules, 2021 published in the *Gazette*   
ExtraordinaryNo. 2211/56 of January 21, 2021;

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| (*b*) | *Coronavirus Disease 2019 (COVID - 19)* | 3 |
| *(Temporary Provisions) Act, No. 17 of 2021*  to which any Supreme Court Rule or Court of Appeal Rule as may be made under Article 136 of the Constitution within the period of operation of this Act, granting any exclusion of time period as a relief in respect of any COVID- 19 circumstance, apply. | |

PART II

DESIGNATIONOF ATLERNATIVE COURTS

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| **3.** | (1) Subject to the provisions of sections 46 and 47 of | Designation of alternative  courts in place of courts  affected by  COVID - 19  circumstances |
| the Judicature Act, No. 2 of 1978,where the ordinary functioning of any court of first instance is disrupted due to any COVID - 19 circumstance, the Judicial Service Commission may designate the nearest court of concurrent jurisdiction as the alternative court in place of such court, for the period during which such COVID - 19 circumstance exists. Any action, prosecution, proceeding or matter filed in or considered by such court of first instance or any new action, prosecution, proceeding or matter filed, shall be considered or heard by the court so designated: | |

Provided however, no transfer of an action, prosecution, proceeding or matter referred to in this subsection shall be made where-

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| (*a*)  (*b*) | any such court of first instance has reserved such action, prosecution, proceeding or matter for judgment, order or other pronouncement; or  all hearings in such action, prosecution, proceeding or matter have been concluded before such court of first instance. |

(2) An action, prosecution, proceeding or matter filed in or considered by an alternative court referred to in subsection (1) may, by the presiding Judge of the alternative court, subsequently be transferred to the court of first instance which previously exercised jurisdiction in relation to such action upon the resumption of ordinary functions of such original court:

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 *(Temporary Provisions) Act, No. 17 of 2021*

Provided however, no transfer of an action, prosecution, proceeding or matter referred to in this subsection shall be made where-

(*a*) the alternative court has reserved such action,   
 prosecution, proceeding or matter for judgment,   
 order or other pronouncement; or

(*b*) all hearings in such action, prosecution, proceeding   
 or matter have been concluded before such   
 alternative court.

PART III

CONDUCTING COURT PROCEEDINGS USING REMOTE COMMUNICATION TECHNOLOGY

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| Conducting  court  proceedings  using remote | **4.** | (1) Notwithstanding anything contained in any other |
| written law, where, in any action, application, appeal or other proceeding before a court of first instance, – | |

communication

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| technology | (*a*) | any person is unable to appear in court; or |
| (*b*) | the proceedings of the court cannot be conducted |

under the ordinary procedure,

due to any COVID - 19 circumstance, such action, application, appeal or proceeding before such court may be conducted by means of a live video or live television link created using a remote communication technology.

(2) The provisions of–

(*a*) the Supreme Court (Electronic Filing and Urgent   
 Digital Virtual Hearings) (Special Provisions) Rules,   
 2021 published in the *Gazette*  Extraordinary   
 No. 2212/54 of January 29, 2021;

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| (*b*) | *Coronavirus Disease 2019 (COVID - 19)* | 5 |
| *(Temporary Provisions) Act, No. 17 of 2021*   the Court of Appeal (Electronic Filing and Urgent | |

Digital Virtual Hearings) (Special Provisions) Rules,   
2021 published in the  *Gazette*Extraordinary   
No. 2216/8 of February 23, 2021; and

(*c*) any other Supreme Court Rule or Court of Appeal   
 Rule as may be made under Article 136 of the   
 Constitution within the period of operation of this   
 Act, in relation to conducting of court proceedings   
 using remote communication technology,

shall, *mutatis mutandis,* apply to the extent possible, in relation to any action, application, appeal or proceeding conducted before any court of first instance under subsection (1).

PART IV

GENERAL

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| **5.** | Any period excluded as a relief under section 2 of | Limitations on relief under this Act |
| this Act shall not exceed a period of twelve months: | |

Provided that, a period exceeding twelve months may be excluded as a relief where the court, tribunal or any other authority established by or under any law is satisfied that it is just and equitable to do so and the period so excluded shall not exceed a period of further six months:

Provided further, that the period excluded as a relief shall not exceed eighteen months in the aggregate.

**6.** The burden of proof that the inability to comply Burden of proof with the prescribed time periods for the purpose of section 2   
is due to any COVID - 19 circumstance, shall be on   
the party making the application for relief under such   
section.

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 *(Temporary Provisions) Act, No. 17 of 2021*

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| Guidelines, &c on any  COVID -19  circumstance to be considered  *prima facie*  evidence | **7.** | (1) Any guideline, direction, circular, notice or |
| decision whether in the printed or electronic form, made by the Government in relation to any COVID - 19 circumstance shall be admissible as *prima facie* evidence in any action, application, appeal or other legal proceeding instituted or made under this Act, without further proof. | |

(2) Where a party to such action, application, appeal or other legal proceeding disputes the admissibility of such guideline, direction, circular, notice or decision as evidence, the burden of proof shall be on the party who disputes such admissibility.

(3) For the purpose of this section, “Government” means any proper authority as defined in any regulation made under the Quarantine and Prevention of Diseases Ordinance (Chapter 222) in relation to COVID-19.

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| Interpretation | **8.** | In this Act, unless the context otherwise requires – |

“COVID - 19” means the Coronavirus Disease 2019   
(COVID - 19) declared as a quarantinable   
disease by Notification published in the   
*Gazette* Extraordinary No. 2167/18 of   
March 20, 2020 under the Quarantine and   
Prevention of Diseases Ordinance   
(Chapter 222);

“COVID - 19 circumstance” includes-

(*a*) COVID - 19; or

(*b*) any other circumstance arising out of or   
 consequential to the circumstances   
 referred to in paragraph (*a*); and

“Minister” means the Minister assigned this Act   
under Article 44 or 45 of the Constitution.

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| *Coronavirus Disease 2019 (COVID - 19)* | 7 | Sinhala text to  prevail in case  of inconsistency |
| *(Temporary Provisions) Act, No. 17 of 2021*   **9.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. | |

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English Acts of the Parliament can be purchased at the “PRAKASHANA PIYASA”, DEPARTMENTOF

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