

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

**PREVENTION OF TERRORISM**   
**(TEMPORARY PROVISIONS) (AMENDMENT) ACT, No. 12 OF 2022**

**[Certified on 29th of March, 2022]**

*Printed on the Order of Government*

Published as a Supplement to Part II of the **Gazette of the Democratic Socialist Republic of Sri Lanka** of April 01, 2022

PRINTEDATTHEDEPARTMENTOFGOVERNMENTPRINTING, SRILANKA

TOBEPURCHASEDATTHEGOVERNMENTPUBLICATIONSBUREAU, COLOMBO5

**Price : Rs. 14.00**  **Postage : Rs. 15.00**

*This Act can be downloaded from* www.documents.gov.lk 

|  |  |
| --- | --- |
| *Prevention of Terrorism (Temporary Provisions) (Amendment) Act, No. 12 of 2022* | 1 |

[Certified on 29th of March, 2022]

L.D.–O. 1/2022

AN ACTTOAMENDTHE PREVENTIONOF TERRORISM   
(TEMPORARY PROVISIONS) ACT, NO. 48 OF 1979

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

|  |  |  |
| --- | --- | --- |
| **1.**  This Act may be cited as the Prevention of Terrorism (Temporary Provisions) (Amendment) Act, No. 12 of 2022.  **2.**  Section 9 of the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979 (hereinafter referred to as the “principal enactment”) is hereby amended in the proviso to subsection (1) thereof, by the substitution for the words“eighteen months.” of the words “twelve months.”.  **3.**  The following new sections are hereby inserted immediately after section 9 of the principal enactment and shall have effect as sections 9A and 9B of that enactment: - | | Short title  Amendment of section 9 of Act, No. 48 of 1979  Insertion of  sections 9A and 9B in the  principal  enactment |
| “Certified  copy of the  detention  Order to be  served on the Magistrate | 9A. (1) The officer in charge of the place of detention shall, forthwith and in any case, not later than forty-eight hours from the time of issuance of an Order under section 9, make available a certified copy of such Order to the Magistrate within whose judicial division the place of detention of the person in respect of whom such Order relates is situated, for the Magistrate to visit such place of detention, in terms of section 9B. |

(2) The detention of any person under   
section 9 shall be communicated to the Human   
Rights Commission of Sri Lanka in terms of   
section 28 of the Human Rights Commission   
of Sri Lanka Act, No. 21 of 1996, for the persons   
authorized by the Human Rights Commission   
of Sri Lanka to visit the place of detention in   
terms of that Act.

2 *Prevention of Terrorism (Temporary Provisions)*   
 *(Amendment) Act, No. 12 of 2022*

Duty of the 9B. (1) It shall be the duty of every Magistrate to visit place of Magistrate who has received a certified copy

detention of a detention Order in terms of subsection (1) of section 9A, to visit the place of detention of the person to whom the Order relates (in this section referred to as the “suspect”) at least once in every month during the period of detention, to ensure that the suspect is protected to the extent provided for in the Convention Against Torture and other Cruel, Inhumane or degrading Treatment or Punishment Act, No.22 of 1994.

(2) For the purpose of subsection (1), the   
Magistrate who visits any place of detention,   
shall–

(*a*) personally see the suspect, and look   
into his wellbeing, welfare and   
conditions under which he is kept at   
such place of detention; and

(*b*) record his observations and any   
complaint the suspect may make.

(3) Where the Magistrate is of the opinion,   
that the suspect may have been subjected to   
torture, the Magistrate may –

|  |  |
| --- | --- |
| (*a*)  (*b*) | direct that the suspect be produced before a Judicial Medical Officer for medical examination, and a report be submitted to him by such Judicial Medical Officer; and  make an order to change the place of detention of the suspect. |

|  |  |
| --- | --- |
| *Prevention of Terrorism (Temporary Provisions) (Amendment) Act, No. 12 of 2022* | 3 |

(4) Where the report of such Judicial   
Medical Officer reveals that the suspect has   
been subjected to torture, the Magistrate shall   
make an appropriate order, to provide necessary   
medical treatment to the suspect.

(5) The Magistrate shall also direct the   
Inspector General of Police to commence an   
investigation into the alleged torture in order   
to enable the Attorney-General to institute   
criminal proceedings against the person who   
is alleged to have committed the torture.”.

|  |  |  |
| --- | --- | --- |
| **4.**  Section 10 of the principal enactment is hereby  repealed and the following section is substituted therefor:- | | Replacement of section 10 of  the principal  enactment  Insertion of  section 10A in  the principal  enactment |
| “Order under section 9 to be final | 10. An Order made under section 9 shall be final and shall not be called in question in any proceedings or in any court of law, save and |
| except in proceedings under Article 126,140 or 141 of the Constitution.”.  **5.** The following new section is hereby inserted immediately after section 10 of the principal enactment and shall have effect as section 10A of that enactment:- | |
| “An  Attorney- at-Law to have access to a  person in  remand or in detention | 10A. (1) An Attorney- at- Law representing a person remanded or detained under this Act, shall have the right of access to such person and to make representations on behalf of such person, subject to such conditions as may be prescribed by regulations made under this Act |
| or as provided for in other written law. | |

(2) A person remanded or detained under   
this Act shall have the right to communicate   
with his relatives, as provided for in written   
law.”.

|  |  |  |
| --- | --- | --- |
| Amendment of  section 11 of the principal  enactment | 4 | *Prevention of Terrorism (Temporary Provisions)* |
| *(Amendment) Act, No. 12 of 2022*   **6.**  Section 11 of the principal enactment is hereby amended as follows:-  (1) by the insertion immediately after subsection (1) thereof, of the following subsections:- | |

“(1A) The person to whom an Order made under   
subsection (1) relates, shall be produced before a   
Judicial Medical Officer for medical examination   
before serving such Order to such person and a   
report be submitted by the Judicial Medical Officer   
in respect of such person.

(1B) An Order made under subsection (1) shall be   
served on the person to whom the Order relates, by   
the Magistrate in whose judicial division such   
person resides and the report of the Judicial   
Medical Officer referred to in subsection (1A) shall   
be produced before the Magistrate to ensure that   
such person has not been subjected to torture before   
serving such Order on such person.

(1C) Where the report issued by the Judicial   
Medical Officer under subsection (1A) reveals that   
such person has been subjected to torture, the   
Magistrate shall–

(*a*) make an appropriate order to provide necessary   
 medical treatment to such person; and

(*b*) where, at the time of serving on such person,   
an order made under subsection (1), an order of   
detention in respect of such person is also in   
force, make an order to change the place of   
detention of such person.

(1D) The Magistrate shall also direct the   
Inspector General of Police to commence an   
investigation into the alleged torture in order to   
enable the Attorney-General to institute criminal   
proceedings against the person who is alleged to   
have committed the torture.”.

|  |  |
| --- | --- |
| *Prevention of Terrorism (Temporary Provisions) (Amendment) Act, No. 12 of 2022* | 5 |

(2) in the proviso to subsection (3) thereof, by the   
substitution for the words “eighteen months.” of   
the words “twelve months.”;

(3) by the repeal of subsection (5) thereof and the   
substitution therefor of the following subsection:-

“(5) An Order made by the Minister under   
subsection (1) shall be final and shall not be called   
in question in any proceedings or in any court of   
law, save and except in proceedings under Article   
126, 140 or 141 of the Constitution.”.

|  |  |  |
| --- | --- | --- |
| **7.** | Section 14 of the principal enactment is hereby | Repeal of  section 14 of the principal  enactment  Amendment of  section 15 of the principal  enactment |
| repealed. | |
| **8.** | Section 15 of the principal enactment is hereby |
| amended by the addition immediately after subsection (2) thereof, of the following new subsection:- | |

“(3) Every trial under this Act shall be held on a day to day basis, unless in the opinion of the court exceptional circumstances warrant postponement of the commencement or continuation of trial, for reasons which shall be recorded by court.”.

|  |  |  |
| --- | --- | --- |
| **9.** | Section 15A of the principal enactment is hereby | Amendment of section 15A of the principal  enactment  Insertion of new section 15B in  the principal  enactment |
| amended in subsection (1) thereof, by the substitution for the words and figures “section 19(*a*)”, of the word and figure“section 19”. | |
| **10.** | The following new section is hereby inserted |
| immediately after section 15A of the principal enactment and shall have effect as section 15B of that enactment:- | |

6 *Prevention of Terrorism (Temporary Provisions)*

*(Amendment) Act, No. 12 of 2022*

“Grant of 15B. Notwithstanding anything to the bail to contrary in the provisions of this Act, if the persons in remand or in trial against a person remanded or detained

detention under this Act has not commenced after the expiration of twelve months, from the date of arrest, the Court of Appeal may release such person on bail, upon an application in that behalf, made by the suspect or an Attorney- at- Law on his behalf:

Provided however, notwithstanding the   
provisions of subection (2) of section 15, the   
High Court may in exceptional circumstances   
release the suspect on bail subject to such   
conditions as the High Court may deem fit:

Provided further, where the trial against an   
accused in respect of whom the indictment has   
been forwarded and filed in the High Court,   
has not commenced after the expiration of   
twelve months from the date of such filing, the   
High Court may consider to release such person   
on bail, upon an application in that behalf   
made by the accused or an Attorney- at-Law   
on his behalf.”.

|  |  |  |  |
| --- | --- | --- | --- |
| Replacement of section 19 of  the principal  enactment | **11.**  Section 19 of the principal enactment is hereby  repealed and the following section is substituted therefor:- | | |
| “Provisions of any  written law relating to  the grant of bail not to  apply to  persons  accused of | 19. Notwithstanding the provisions of any other written law, every person convicted by any court of any offence under this Act 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: | |
| any offence under this  Act | | Provided however, that the Court of Appeal may in exceptional circumstances release on bail any such person subject to such conditions as the Court of Appeal may deem fit .”. |

|  |  |  |  |
| --- | --- | --- | --- |
| *Prevention of Terrorism (Temporary Provisions)* | | 7 | Replacement  of section 26  of the  principal  enactment |
| *(Amendment) Act, No. 12 of 2022*   **12.**  Section 26 of the principal enactment is hereby repealed and the following section is substituted therefor:- | | |
| “Protection  of officers  &c. | 26. (1) An Order made or direction given under this Act may be questioned in proceedings under Article 126, 140 or 141 of the Constitution. | |

(2) Subject to the provisions of subsection   
(1), no suit, prosecution or other proceeding,   
civil or criminal, shall lie against any officer or   
person for any act or thing done in good faith   
in pursuance of any Order made or direction   
given under this Act.”.

|  |  |
| --- | --- |
| **13.**  Section 31 of the principal enactment is hereby amended as follows:-  (1) by the repeal of the definition of the expression “newspaper”; | Amendment of  section 31 of the principal  enactment |

(2) by the repeal of the definition of the expression  
 “printing press”; and

(3) by the insertion immediately after the definition  
 “specified person” of the following definition:-

“ “torture” shall have the same meaning assigned   
to such expression under the Convention   
Against Torture and other Cruel, Inhumane   
or degrading Treatment or Punishment Act,   
No.22 of 1994;”.

|  |  |
| --- | --- |
| **14.**  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 |

|  |  |
| --- | --- |
| 8 | *Prevention of Terrorism (Temporary Provisions) (Amendment) Act, No. 12 of 2022* |

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

GOVERNMENT PRINTING, NO. 118, DR. DANISTER DE SILVA MAWATHA, COLOMBO 8.