

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

**CHILDREN AND YOUNG PERSONS (AMENDMENT) ACT, No. 39 OF 2022**

**[Certified on 17th of November, 2022]**

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| *Children and Young Persons (Amendment)* | 1 |

*Act, No. 39 of 2022*

[Certified on 17th of November, 2022]

L.D.—O. 26/2019

AN ACTTOAMENDTHE CHILDRENAND YOUNG PERSONS   
ORDINANCE (CHAPTER 23)

BE it 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 Children and Young Persons (Amendment) Act, No. 39 of 2022.  (2) The provisions of this Act other than this section shall come into operation on such date as the Minister may by Order published in the *Gazette* appoint. | Short title and date of  operation |

(3) Different dates may be appointed for bringing into operation of different provisions of this Act.

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

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| **2.**  (1) In the Children and Young Persons Ordinance (Chapter 23) (hereinafter referred to as the “principal enactment”) there shall be substituted–  (*a*) for the words “Children and Young Persons Ordinance”, the words “Children’s Ordinance”; | Amendment of Chapter 23 and written law &  etc. |

(*b*) for the words “children and young persons”, the word “children”;

(*c*) for the words “child or young person”, the word “child”; and

(*d*) for the words “age of sixteen years”, the words “age of eighteen years”,

wherever such words appear in the principal enactment.

(2) In any other written law, there shall be substituted for the words “Children and Young Persons Ordinance”,“children and young persons” and “child or young person”, the words “Children’s Ordinance”, “children” and “child”, respectively, wherever those words occur in relation to the

principal enactment.

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(3) Every reference to “Children and Young Persons Ordinance”, “children and young persons”, “child or young person” and “age of sixteen years” in any regulation or rule made under the principal enactment or notice, notification, contract, communication or other document issued under the principal enactment shall be read and construed as a reference respectively, to “Children’s Ordinance”,“children”, “child” and “age of eighteen years”.

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| Amendment of section 9 of the principal  enactment | **3.** | Section 9 of the principal enactment is hereby |
| amended as follows:–  (1) by the repeal of subsection (3) of that section; and | |

(2) in subsection (4) of that section-

(*a*) by the substitution, for the words “Where a   
young person is brought”, of the words “Where   
a child who is above the age of fourteen years   
is brought”; and

(*b*) by the substitution, for the words “the young   
person”, of the words “such child”, wherever   
those words appear in that subsection.

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| Amendment of  section 13 of the principal  enactment  Amendment of  section 15 of the principal  enactment | **4.** | Section 13 of the principal enactment is hereby |
| amended in the marginal note to that section, by the substitution for the words “children and young offenders”, of the word “children”. | |
| **5.** | Section 15 of the principal enactment is hereby |
| amended as follows:–  (1) in subsection (1) of that section- | |

(*a*) by the substitution for the words “in due course   
 of law:” of the words “in due course.”; and

(*b*) by the repeal of the proviso to that subsection;   
 and

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(2) by the substitution, in subsection (2) of that section, for the words “in the case of a young person” and“the young person may be committed to prison.”, of the words “in the case of a child who is above the age of sixteen years” and “such child who is above the age of sixteen years shall be placed in a remand home”, respectively.

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| **6.** | The sub-heading appearing immediately before | Amendment of sub-heading of Part II of the  principal  enactment |
| section 22 of Part II of the principal enactment is hereby repealed and the following sub-heading is substituted therefor:– | |

“CHILD OFFENDERS”.

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| **7.** | Section 23 of the principal enactment is hereby | | | Replacement of section 23 of the principal  enactment |
| repealed and the following section is substituted therefor: - | | | |
| “Restrictions | | 23. (1) A child shall not be ordered to be | |
| o n  punishment  of children. | | | imprisoned for any offence or be committed to prison in default of payment of a fine. |

(2) In the case of a child who has attained   
the age of sixteen years or above, where the   
probation officer is of the opinion that such   
child is so unruly a character and cannot be   
detained in a remand home or certified school   
or if such child is of so depraved a character   
that such child is not a fit person to be so   
detained, the court shall direct the probation   
officer to cause a psychological assessment to   
be made of such child by the medical experts   
and report to court.

(3) Where the report of a psychological   
assessment referred to in subsection (2)   
confirms that the child is not fit to be detained   
in a remand home, the court shall order such   
child to be detained in a training school for

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youthful offenders, notwithstanding the   
provisions relating to age and the period of   
detention specified in the Youthful Offenders   
(Training Schools) Ordinance (Chapter 25).”.

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| Amendment of  section 24 of the principal  enactment | **8.** | Section 24 of the principal enactment is hereby |
| amended as follows:-  (1) by the repeal of subsection (1) of that section and the | |

substitution therefor of the following subsection:-

“(1) Where in lieu of sentence of death, a sentence   
of detention has been passed by any court   
under section 53 of the Penal Code in respect   
of a person who is under the age of eighteen   
years at the time of the commission of an offence   
by such person, the court may order such person   
to be detained in a remand home for such period   
as may be specified in the sentence.”; and

(2) by the repeal of subsection (3) of that section and the substitution therefor of the following subsection:-

“(3) A person detained pursuant to an order made   
by a court under section 53 of the Penal Code   
as referred to in subsection (1) or a direction   
made by the Minister under subsection (2) shall,   
while so detained be deemed to be in legal   
custody.”.

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| Amendment of  section 25 of the principal  enactment | **9.** | Section 25 of the principal enactment is hereby |
| amended as follows:-  (1) by the substitution, in subsection (1) of that section, | |

for all the words from “may be specified in the order,”  
to the words “exceeding one month.”, of the   
following words:-

“may be specified in the Order:

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Provided however, in the case of a child who has   
attained the age of sixteen years or above, the   
provisions of subsection (2) and (3) of section 23   
shall *mutatis mutandis* apply to and in relation to   
such child.”; and

(2) by the substitution, in subsection (2) of that section, for the words and figures “under section 28(1) or section 29(1).”, of the words and figures “under section 28(1).”.

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| **10.** | Section 26 of the principal enactment is hereby | Amendment of  section 26 of the principal  enactment |
| amended as follows:-  (1) by the substitution, in subsection (1) of that section, | |

for the words “a child who has attained the age of   
twelve years or a young person”, of the words “a   
child who has attained the age of twelve years”;

(2) by the substitution, in subsection (2) of that section, for the words and figures “under section 28(1) or section 29(1).”, of the words and figures “under section 28(1).”; and

(3) by the substitution, in the marginal note to that section, for the words “a child or young offender” of the words “a child offender”.

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| **11.** | Section 27 of the principal enactment is hereby | Amendment of  section 27 of the principal  enactment |
| amended as follows:-  (1) by the substitution, in subsection (2) of that section, | |

for the words and figures “under section 28(1) or   
section 29(1).”, of the words and figures “under   
section 28(1).”; and

(2) by the substitution, in the marginal note to that section, for the words “child or young offender” of the words “child offender”.

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| Amendment of  section 28 of the principal | **12.** | Section 28 of the principal enactment is hereby |
| amended, by the repeal of subsection (2) of that section. | |

enactment

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| Repeal of  section 29 of the principal | **13.** | Section 29 of the principal enactment is hereby |
| repealed. | |

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| Amendment of  section 30 of the principal  enactment  Amendment of  section 31 of the principal  enactment  Amendment of  section 32 of the principal  enactment | **14.** | Section 30 of the principal enactment is hereby |
| amended, by the substitution for the words and figures“sections 25 to 29,” of the words and figures “sections 25 to 28,”. | |
| **15.** | Section 31 of the principal enactment is hereby |
| amended in the marginal note to that section, by the substitution for the words “child or young offender” of the words “child offender”. | |
| **16.** | Section 32 of the principal enactment is hereby |
| amended as follows:-  (1) by the repeal of paragraph (*b*) of that section and the | |

substitution therefor of the following paragraph:-

“(*b*) a child who has attained the age of sixteen   
years or above who has been ordered to be   
detained in a training school for youthful   
offenders and pardoned by the President on   
condition of his agreeing to undergo training   
in a school,”;

(2) in the proviso to that section-

(*a*) by the substitution, in paragraph (*a*) of that   
proviso, for the word “person”, of the word  
“child”; and

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(*b*) by the substitution, in paragraph (*b*) of that   
proviso, for the words “a young person”, of the   
words “a child”; and

(3) in the marginal note to that section, by the substitution for the words “children and young offenders”, of the words “child offenders”.

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| **17.** | Section 42 of the principal enactment is hereby | | Replacement of section 42 of the principal  enactment |
| repealed and the following section is substituted therefor: - | | |
| “Duration of | | 42. Where a court orders a child to be sent |
| approved or certified  school orders | | to an approved or certified school, the order shall specify the duration of stay which shall |

not be more than three years and be an   
authority for such child’s detention in such   
approved or certified school, as the case may   
be, until the expiration of such period as is   
specified in such order.”.

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| **18.** | Section 43 of the principal enactment is hereby | Amendment of  section 43 of the principal  enactment  Amendment of  section 44 of the principal  enactment  Amendment of  section 45 of the principal  enactment |
| amended in the marginal note to that section, by the substitution for the words “children or young persons”, of the word “children”. | |
| **19.** | Section 44 of the principal enactment is hereby |
| amended, by the substitution for the words “age of nineteen years:”, of the words “age of twenty one years:”. | |
| **20.** | Section 45 of the principal enactment is hereby |
| amended in subsection (1) of that section, by the substitution for the words “not attained the age of fourteen years, until he attains the age of sixteen years.”, of the words “not attained | |

the age of eighteen years, until he attains the age of twenty years.”.

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| Insertion of new section 51A in  the principal  enactment | **21.** | The following new section is hereby inserted | |
| immediately after section 51 of the principal enactment and shall have effect as section 51A of the principal enactment:- | | |
| “Every new | | 51A. (1) In every approved or certified |
| approved or certified | | school, there shall be- |
| school to | | |
| have primary | | (*a*) a “primary section” in which children |
| and  secondary sections | | who have not attained the age of fifteen years shall be detained; and |

(*b*) a “secondary section” in which children   
who have attained the age of fifteen   
years but not attained the age of   
eighteen years shall be detained.

(2) Where-

(*a*) a Magistrate makes an order under   
 section 26; or

(*b*) the Minister makes an Order under   
 section 32,

committing a child to an approved or certified   
school, such order under section 26 or order   
under section 32 shall, at the time of   
commitment, specify whether the child should   
be committed to the primary section or the   
secondary section of such school, depending   
on the age of the child:

Provided however, the manager of such   
school shall transfer a child who is in the   
primary section, to the secondary section upon   
such child reaching the age of fifteen years.”.

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| **22.** | Section 55 of the principal enactment is hereby | Amendment of  section 55 of the principal  enactment |
| amended in subsection (1) of that section as follows:- (1) by the substitution, in paragraph (*a*) of that | |

subsection, for the words “(*a*) if he is”, of the words  
“(i) if he is”; and

(2) by the substitution, in paragraph (*b*) of that subsection, for the words “(*b*) if he has”, of the words“(ii) if he has”.

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| **23.** | Section 57 of the principal enactment is hereby | Amendment of  section 57 of the principal  enactment  Amendment of  section 71 of the principal |
| amended, by the substitution for the words “the expressions“child” and “young person” mean”, of the words “the expression “child” means”. | |
| **24.** | Section 71 of the principal enactment is hereby |
| amended, by the repeal of subsection (6) of that section. | |

enactment

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| **25.** | Section 72 of the principal enactment is hereby | Amendment of  section 72 of the principal  enactment |
| amended as follows:-  (1) by the substitution, in subsection (1) of that section, | |

for all the words from “of a young person” to the   
words “Penal Code,”, of the words “of a child, causes   
or encourages the commission in respect of such child   
of any offence under section 345, 360A, 363, 364,   
364A, 365 or 365B of the Penal Code or any offence   
under the Obscene Publications Ordinance (Chapter   
30),”;

(2) by the substitution, in subsection (2) of that section, for the words “in respect of a child or young person being a female, a person shall, if he has knowingly allowed her to consort with,” of the words “in respect of a child, a person shall, if he has knowingly allowed such child to consort with,”; and

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(3) by the substitution, in the marginal note to that section, for the words “of girl under sixteen.”, of the words “of a child.”.

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| Amendment of  section 73 of the principal  enactment | **26.** | Section 73 of the principal enactment is hereby |
| amended as follows:-  (1) by the substitution for all the words from “care of a child” to the words “to reside”, of the words “care of a child allows that child to reside”; and | |

(2) by the repeal of the marginal note to that section and the substitution therefor, of the following marginal note: -

“Allowing children

to be in brothels.”.

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| Amendment of  section 74 of the principal  enactment | **27.** | Section 74 of the principal enactment is hereby |
| amended by the repeal of the marginal note to that section and the substitution therefor, of the following marginal note:- | |

“Causing or procuring

children to beg.”.

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| Repeal of  section 76 of the principal | **28.** | Section 76 of the principal enactment is hereby |
| repealed. | |

enactment

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| Amendment of  section 80 of the principal  enactment  Amendment of  section 88 of the principal  enactment | **29.** | Section 80 of the principal enactment is hereby |
| amended by the repeal of subsection (3) of that section. | |
| **30.** | Section 88 of the principal enactment is hereby |
| amended as follows:-  (1) by the repeal of the definition of the expression “child” and the substitution therefor of the following definition: - | |

“ “child” means a person under the age of eighteen   
 years;”;

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(2) by the insertion, immediately after the definition of the expression “scheduled offence”, of the following definition: -

“ “training school for youthful offenders” means a   
training school established under the   
Youthful Offenders (Training Schools)   
Ordinance (Chapter 25);”; and

(3) by the repeal of the definition of the expression “young person”.

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| **31.** | In the event of any inconsistency between the | Sinhala text to  prevail in case  of inconsistency |
| Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. | |

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