

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

**JUDICATURE(AMENDMENT)ACT, No. 34 OF 2022**

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

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| *Judicature (Amendment) Act, No. 34 of 2022* | 1 |

[Certified on 17th of November, 2022]

L.D.–O. 45/2021

AN ACTTOAMENDTHE JUDICATURE ACT, NO. 2 OF 1978

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 Judicature (Amendment) Act, No. 34 of 2022. | Short title and date of  operation |

(2) The provisions of this Act shall come into operation on such date or dates as the Minister may appoint by Order published in the *Gazette*.

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

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| **2.** Section 2 of the Judicature Act, No. 2 of 1978, (hereinafter referred to as the “principal enactment”) is hereby repealed and the following section is substituted therefor :- | | | Replacement of section 2 of Act, No. 2 of 1978 |
| “The Courts of First  Instance | 2. | The Courts of First Instance for the |
| administration of justice in the Republic of Sri Lanka shall be- | |
| (*a*) | | the High Court of the Republic of |
| Sri Lanka; | | |
| (*b*) | | the High Courts for the Provinces |
| established by Article 154P of the Constitution; | | |
| (*c*) | | the District Courts; |
| (*d*) | | the Family Courts; |
| (*e*) | | the Small Claims Courts; |
| (f) | | the Magistrates’ Courts; and |
| (*g*) | | the Primary Courts.”. |

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| Replacement of section 5 of the principal | 2 | *Judicature (Amendment) Act, No. 34 of 2022* |
| **3.** Section 5 of the principal enactment is hereby repealed and the following section is substituted therefor: - | |

enactment

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| “District  Courts,  Family  Courts, Small  Claims  Courts,  Magistrates’ Courts and  Primary  Courts | 5.(1) There shall be in each judicial district of Sri Lanka a “District Court” which shall be deemed to be the “Family Court” when exercising the jurisdiction vested in a Family Court under this Act or any written law, and which shall be deemed to be the “Small Claims Court” when exercising the jurisdiction vested in a Small Claims Court under this Act or any |

other written law, and in every judicial division   
there shall be a “Magistrate’s Court” and a  
“Primary Court” and, each such Court shall be   
holden by and before a person to be called the  
“District Judge”, “Judge of the Family Court”,  
“Judge of the Small Claims Court”,  
“Magistrate” and “Judge of the Primary Court”  
respectively.

(2) Each Court referred to in subsection (1)   
may be held at such convenient place or places   
within such judicial district or division, as the   
case may be, as the Minister shall, by regulation   
from time to time appoint:

Provided that nothing in this section shall   
be construed to restrict or curtail the power   
possessed by every Judge to hold the Court at   
any convenient place within his territorial   
jurisdiction.”.

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| Replacement of section 5B of the principal | **4.** Section 5B of the principal enactment is hereby repealed and the following section is substituted therefor: - |

enactment

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“Appointment 5B. (1) The Judicial Service Commission of the Pre- shall appoint a judicial officer from among the Trial Judge   
 District Judges and Magistrates to be called the Pre-Trial Judge, to any one or more Court of First Instance exercising civil jurisdiction, where the Judicial Service Commission is of the opinion that such appointment is required.

(2) The Pre-Trial Judge shall attend to and   
deal with pre-trial conferences as specified in   
the provisions of the Civil Procedure Code   
(Chapter 101) and post-trial matters assigned   
by the Judicial Service Commission which   
have arisen in the course of a civil proceeding   
instituted in the Court to which he is   
appointed.”.

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| **5.** Section 6 of the principal enactment is hereby amended by the repeal of subsection (1) thereof and the substitution therefor, of the following: - | Amendment of section 6 of the principal  enactment |

“(1) All District Judges, Judges of the Family   
Courts, Judges of the Small Claims Courts,   
Magistrates and Judges of the Primary Courts and all   
such Additional Judges and Additional Magistrates   
of such Courts shall be appointed to their offices by   
the Judicial Service Commission.”.

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| **6.** Section 8 of the principal enactment is hereby amended by the repeal of subsections (1) and (2) thereof and the substitution therefor, of the following: - | Amendment of section 8 of the principal  enactment |

“(1) The Judicial Service Commission may   
appoint as many additional District Judges,   
Additional Judges of the Family Court, Additional   
Judges of the Small Claims Court, Additional   
Magistrates or Additional Judges of the Primary Court   
to the same District Court, Family Court, Small Claims   
Court, Magistrate’s Court, and Primary Court   
respectively as the occasion may require.

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(2) Every Additional District Judge, Additional   
Judge of the Family Court, Additional Judge of the   
Small Claims Court, Additional Magistrate, or   
Additional Judge of the Primary Court appointed to   
any such Court, shall sit separately and exercise all   
the powers and the jurisdiction vested in the District   
Court, Family Court, Small Claims Court,   
Magistrate’s Court and Primary Court, respectively,   
of that district or division, as the case may be, for   
which such Additional District Judge, Additional   
Judge of the Family Court, Additional Judge of the   
Small Claims Court, Additional Magistrate or   
Additional Judge of the Primary Court, is so   
appointed.”.

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| Amendment of  section 14 of the principal  enactment | **7.** Section 14 of the principal enactment is hereby amended by the substitution for the words “the High Court may”, of the words and figures “the High Court of the Republic of Sri Lanka or the High Court for the Province |

established by Article 154P of the Constitution may”.

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| Amendment of  section 15 of the principal | **8.** Section 15 of the principal enactment is hereby amended as follows:- |

enactment   
 (1) in paragraph (*a*) thereof, by the substitution for the words “by a High Court-”, of the words and figures “by a High Court of the Republic of Sri Lanka or a High Court for the Province established by Article 154P of the Constitution- ”; and

(2) in paragraph (*b*) thereof, by the substitution for the words “order of the High Court.”, of the words and figures“order of the High Court of the Republic of Sri Lanka or the High Court for the Province established by Article 154P of the Constitution.”.

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| *Judicature (Amendment) Act, No. 34 of 2022* | 5 | Amendment of  section 16 of the principal  enactment |
| **9.** Section 16 of the principal enactment is hereby amended in subsection (1) thereof by the substitution for the words “of the High Court”, of the words and figures “of | |

the High Court of the Republic of Sri Lanka or the High Court for the Province established by Article 154P of the Constitution”.

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| **10.** Section 19 of the principal enactment is hereby repealed and the following section is substituted therefor: - | Replacement of section 19 of the principal |

enactment

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| “Jurisdiction of District  Courts | 19.Every District Court shall be a court of record and shall within its district have |

unlimited original jurisdiction in all civil,   
revenue, trust, insolvency and testamentary   
matters, save and except such of the aforesaid   
matters as are by or under Chapter VA of this   
Act or by virtue of the provisions of any other   
enactment exclusively assigned by way of   
original jurisdiction to any other court or vested   
in any other authority and in the exercise of   
such jurisdiction to impose fines, penalties and   
forfeitures and shall, in like manner also have   
jurisdiction over the persons and estates of   
persons of unsound mind and wards, over the   
estates of *cestuis que* trust and over guardians   
and trustees and in any other matter in which   
jurisdiction is given to District Court by law.”.

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| **11.** Section 19A of the principal enactment is hereby repealed. | Repeal of  section 19A of the principal |

enactment

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| Amendment of  section 23 of the principal | 6 | *Judicature (Amendment) Act, No. 34 of 2022* |
| **12.** Section 23 of the principal enactment is hereby amended as follows:- | |

enactment

(1) in subsection (1) thereof, by the substitution for the words “the Court of Appeal”, of the words and figures “the High Court for the Province established by Article 154P of the Constitution”; and

(2) in subsection (2) thereof, by the substitution for the words “to the Court of Appeal” and “of the Court of Appeal”, respectively, of the words and figures “to the High Court for the Province established by Article 154P of the Constitution”and “of the High Court for the Province established by Article 154P of the Constitution”.

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| Replacement of Chapter V of the principal | **13.** Chapter V of the principal enactment is hereby repealed and the following Chapter is substituted therefor: - |

enactment

“CHAPTER V

FAMILY COURTS

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| Jurisdiction  of a District  Court | 24. (1) Every Family Court shall be a court of record and shall have sole original jurisdiction in respect of matrimonial disputes, |

actions for divorce, nullity and separation,   
damages for adultery, claims for alimony,   
disputes between spouses, parents and children   
as to matrimonial property, custody of minor   
children, dependants’ claims, guardianship   
and curatorship matters, claims in respect of   
declaration of legitimacy and, illegitimacy and   
marriage, adoption and applications for   
amendment of birth registration entries, claims   
for seduction and breach of promise of marriage   
and such other matters provided for by any   
other written law:

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Provided that anything in the preceding   
provisions of this subsection shall not affect   
the provisions of the Kandyan Marriage and   
Divorce Act (Chapter 113) and the provisions   
of the Muslim Marriage and Divorce Act   
(Chapter 115).

(2) The Family Court shall also have sole   
and exclusive jurisdiction in respect of all   
matters specified in subsection (1) and where   
reference is made to any court in respect of   
such matters in any of the enactments referred   
to in the Third Schedule hereto, it shall be   
deemed to be a reference to a Family Court:

Provided that this subsection shall have no   
application to any offences alleged to have   
been committed in violation of the provisions   
of any such enactment.

(3) An application for the custody of a minor   
child or of the spouse of any marriage alleged   
to be kept in wrongful or illegal custody by   
any parent or by the other spouse or guardian   
or relative of such minor child or spouse shall   
be heard and determined by the Family Court;   
and such Court shall have full power and   
jurisdiction to hear and determine the same   
and make such orders both interim and final as   
the justice of the case shall require.

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| Care of  minors, and  charge of  their  property | 25. The jurisdiction and powers of District Courts under section 20 as regards the care and custody of persons of unsound mind and mentally deficient persons and the charge of |

their property shall, in like manner and with   
the same powers be exercised by a Family Court

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as regards the care of the persons of minors and   
wards and the charge of their property and shall   
extend to the charge of the property in Sri   
Lanka of minors and wards who are not resident   
in Sri Lanka.

Family 26. (1) There shall be for every judicial Counsellor district an officer who shall be called the “Family Counsellor”.

(2) Where a dispute in any action in respect   
of any matter within the jurisdiction of a Family   
Court, or any application for maintenance,   
comes up for inquiry or trial before a District   
Judge, Judge of the Family Court or Magistrate,   
as the case may be, such District Judge, Judge   
of the Family Court or Magistrate shall, unless   
any party to the action expresses in writing a   
desire to the contrary, refer such dispute to a   
Family Counsellor, who shall-

(*a*) make every effort to induce the   
 parties to settle such dispute; and

(*b*) submit his report thereon to the   
 District Judge, Judge of the   
 Family Court or Magistrate as the   
 case may be, within such time as   
 may be specified by such District   
 Judge, Judge of the Family Court   
 or Magistrate.

(3) Where any dispute is settled, the terms   
of settlement shall be entered, signed by each   
party to the dispute and the Family Counsellor,   
and be forwarded to the District Judge, Judge   
of the Family Court or Magistrate as the case   
may be who shall enter such terms of settlement   
as a decree of such Court.

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(4) Where a Family Counsellor is not able   
to settle any dispute referred to in subsection   
(1), he shall refer such dispute to the District   
Judge, Judge of the Family Court or Magistrate   
for determination after inquiry or trial.

(5) No District Judge, Judge of a Family   
Court or Magistrate shall hold any inquiry or   
trial in respect of any dispute, until such   
dispute is referred to him by the Family   
Counsellor under subsection (4).

Appeals 27. A person who is dissatisfied with a judgment, decree or order pronounced by the Family Court after inquiry or trial may, in accordance with any law, regulation or rule governing the manner and procedure for appeals from the District Court, prefer an appeal therefrom to the High Court for the Province established by Article 154P of the Constitution for any error in law or in fact.

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| Transfer  cases from  one Family  Court to  another and  consolidation | 28. (1) In the event of two or more separate proceedings or actions being instituted in respect of the same or substantially the same family dispute in more than one Family Court, any party to such proceedings or actions may |

apply, or any Judge of such Family Court in   
which the said proceedings or actions had been   
instituted may refer the matter, to the Court of   
Appeal which shall, in the exercise of its   
powers, as it may deem fit, transfer one or more   
of such proceedings or actions to one of the   
Family Courts, in which proceedings or actions   
have already been instituted by the said parties;   
so that, all such disputes may be conveniently   
or expeditiously heard and determined in one   
Family Court.

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(2) In the event of there being two or more   
proceedings or actions instituted or pending   
in the same Family Court as between the same   
parties or relating to substantially the same   
matter, it shall be competent for the said Court   
to direct that such proceedings or actions be   
consolidated into a single proceeding, if in the   
opinion of the said Court it is convenient to do   
so or it be so necessary in the interest of justice   
and the expeditious disposal of such matters   
in dispute. The Court may, in such an event   
make such order or deliver such judgment or   
enter such decree from time to time as the   
exigencies and justice of the case may require.

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| Procedure in  Family  Courts | 29. (1) All proceedings in a Family Court shall be instituted and conducted as expeditiously as possible in accordance with |

such regulations as may be prescribed:

Provided that until such regulations have   
been so prescribed, the Family Court shall, as   
far as practicable, follow the provisions relating   
to summary procedure in the Civil Procedure   
Code (Chapter 101).

(2) The provisions of the Adoption of   
Children Ordinance (Chapter 61) governing   
the institution and conducting of proceedings   
under the said Ordinance shall be deemed to   
apply to such proceedings that may be   
instituted in the Family Court.

(3) All applications for the care and custody   
of minor children shall take precedence over   
all other matters in every Family Court and   
shall, unless exceptional circumstances so   
warrant, be heard from day to day to ensure the   
expeditious disposal of the same.”.

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| *Judicature (Amendment) Act, No. 34 of 2022* | 11 | Insertion of  new Chapter  VA in the  principal |
| **14.** The following new Chapter is hereby inserted immediately after Chapter V of the principal enactment and shall have effect as Chapter VA of that enactment: - | |

enactment

“CHAPTER VA

SMALL CLAIMS COURTS

|  |  |
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| Jurisdiction  of Small  Claims  Courts | 29A. (1) Every Small Claims Court shall be a court of record and shall have exclusive original civil jurisdiction and shall have |

cognizance of and full power to hear and   
determine all actions specified in the Seventh   
Schedule hereto:

Provided however, aSmall Claims Court   
shall have no jurisdiction or power to hear and   
determine any action filed under the provisions   
of Chapter LIII of the Civil Procedure Code   
(Chapter 101) or action for the recovery of   
money to which special provisions are made   
under any other written law.

(2) All actions specified in the Seventh   
Schedule shall not exceed a sum of rupees one   
million and five hundred thousand excluding   
interest, or such other amount as may be fixed   
by the Minister from time to time, by an Order   
published in the *Gazette.*

(3) An Order made under subsection (2) shall   
not have effect, until it is approved by   
Parliament and notification of such approval   
is published in the *Gazette*.

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Procedure 29B. The proceedings before any Small before the   
Small Claims Claims Court may be taken by the special

Courts procedure for Small Claims Court as provided in the Small Claims Courts’ Procedure Act, No. 33 of 2022 and any other written law.

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| Order  respecting  payment of  costs and  expenses | 29C. It shall be lawful for the Judge of every Small Claims Court, in pronouncing his order or judgment in any case, to make such order in respect of the payment of costs and |

expenses as to him shall appear just and   
reasonable.

Appeals 29D. (1) Any person who is dissatisfied with any judgment pronounced by any Small Claims Court in any action, proceeding or matter to which he is a party, may, except where such right is expressly disallowed, prefer an appeal therefrom to the High Court for the Province established by Article 154P of the Constitution in which such Small Claims Court is situated for any error in law or in fact.

(2) Any person who is dissatisfied with any   
order made by any Small Claims Court in the   
course of any action, proceeding, or matter to   
which he is or seeks to be a party, may prefer an   
appeal to the High Court for the Province   
established by Article 154P of the Constitution   
in which such Small Claims Court is situated   
against such order for the correction of any   
error in law or in fact, with the leave of such   
High Court first had and obtained.

(3) Any person who is dissatisfied with any   
order made by any Small Claims Court setting

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aside or refusing to set aside the judgment   
entered upon default in the course of any   
action, proceeding or matter to which he is, or   
seeks to be a party, may prefer an appeal to the   
High Court for the Province established by   
Article 154P of the Constitution in which such   
Small Claims Court is situated, for the   
correction of any error of law or fact, with the   
leave of such High Court first had and obtained.

(4) The provisions of Chapters LVIII, LIX,   
LX and LXI of the Civil Procedure Code   
(Chapter 101) with reference to appeal and the   
stay of execution pending appeal, shall apply   
so far as they are not inconsistent with the   
provisions of this Chapter.

(5) The Judge of every Small Claims Court   
shall conform to and execute all such   
judgments, orders, and decrees of the Supreme   
Court, Court of Appeal or High Court for the   
Provinceestablished by Article 154P of the   
Constitution as shall be made and pronounced   
in any appeal, in like manner as any original   
judgment or order pronounced by the said   
Judge could or might have been executed.

Amicable 29E. It shall be the duty of the Judge of the settlements Small Claims Court by all lawful means to make every effort to induce the parties, before or during the trial, to arrive at a settlement where appropriate and if the parties agree to a settlement, the settlement shall be recorded and signed by the parties and a judgment made in accordance with the terms as settled.”.

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| **15**. Section 31 of the principal enactment is hereby amended by the substitution for the words “appeal therefrom to the Court of Appeal”, of the words and figures “appeal | Amendment of  section 31 of the principal  enactment |

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therefrom to the High Court for the Province   
established by Article 154P of the   
Constitution.”.

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| Insertion of new Chapter VII in  the principal  enactment | **16.** The following newChapter is hereby inserted immediately after Chapter VI of the principal enactment and shall have effect as Chapter VII of that enactment: - |

“CHAPTER VII

PRIMARY COURTS

|  |  |
| --- | --- |
| Civil  jurisdiction | 32. (1) Every Primary Court shall, subject to the provisions of any other law, have original civil jurisdiction where the debt, damage, demand or claim does not exceed one thousand five hundred rupees and shall also have jurisdiction in respect of the enforcement of by-laws of local authorities and matters relating to the recovery of revenue of such local authorities. |

(2) The Primary Courts shall have no   
jurisdiction in respect of the disputes referred   
to in the Fourth Schedule hereto, irrespective   
of the value of such claim.

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| Criminal  jurisdiction | 33. (1) Every Primary Court shall have exclusive original criminal jurisdiction in respect of such offences as may, by regulation, be prescribed by the Minister and the Minister may, in that regulation specify in the case of each offence the limitations, restrictions and conditions in respect of each such offence. |

(2) The Primary Courts shall have sole and   
exclusive jurisdiction in respect of all offences   
alleged to have been committed in violation   
of the provisions of any enactment or any   
subsidiary legislation made thereunder, in   
respect of which jurisdiction is vested in such   
Court.

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(3) Anything in this section shall not preclude   
a Magistrate from convicting and passing   
sentence on any person found guilty after trial of   
any offence specified in subsection (1).

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| Duty to  conciliate  disputes | 34. (1) Where any civil proceeding or matter is instituted in a Primary Court, it shall be the duty of the Judge of that Primary Court to |

summon the parties to appear before him and   
wherever appropriate to make every effort to   
induce such parties to arrive at a settlement   
before proceeding to inquiry or trial. Where   
such parties agree to a settlement, such   
settlement shall be recorded and signed by the   
parties thereto and shall be entered as a decree   
of the said Primary Court and be enforceable,   
as a decree thereof.

(2) Where any criminal proceeding or matter   
is instituted in a Primary Court, it shall be the   
duty of the Judge of that Court to summon the   
parties concerned to appear before him and   
wherever appropriate to induce such parties to   
arrive at a settlement. Where such parties agree   
to a settlement, such settlement shall be recorded   
and signed by the parties concerned and   
notwithstanding anything to the contrary in any   
other law, the offence to which the proceeding   
or matter relates shall be compounded.

Appeals 35. (1) Any party aggrieved by any judgment, order, decree, conviction or sentence, entered or imposed after inquiry or trial by a Primary Court may, subject to any law and in accordance with any law, regulation or rule governing the procedure and manner for so appealing, prefer an appeal therefrom to the High Court for the Province established by Article 154P of the Constitution for any error in law or in fact:

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Provided that where there is no such law,   
regulation or rule governing the procedure and   
manner for so appealing, the provisions relating   
to appeals from a Magistrate’s Court shall apply   
to an appeal in a criminal matter or proceeding   
and the provisions relating to appeals from a   
District Court shall apply to an appeal in a   
civil matter or proceeding.

(2) No appeal shall lie from any judgment,   
order, decree, conviction or sentence entered   
or imposed by reason of a settlement of the   
dispute between the parties arrived at under   
the provisions of this Chapter.

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| Procedure in  Primary  Courts | 36. All proceedings in a Primary Court shall be instituted and conducted as expeditiously as possible in accordance with such law as may |

be applicable thereto and, if there be no such   
law, in accordance with the provisions relating   
to summary procedure in the Civil Procedure   
Code (Chapter 101) in respect of a civil matter   
or proceeding and in accordance with the   
provisions relating to summary trials in a   
Magistrate’s Court in respect of a criminal   
matter or proceeding.”.

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| Replacement of section 37 of the principal  enactment | **17.** Section 37 of the principal enactment is hereby repealed and the following section is substituted therefor:- | | |
| “Right of  appeal to the Supreme  Court | 37. There shall be a right of appeal to the Supreme Court in accordance with the provisions of the Constitution and of any other law– | |
| (*a*) | | from any judgment or order of the Court |

of Appeal in any appeal from the High   
Cout of the Republic of Sri Lanka or the   
High Court for the Province established   
by Article 154P of the Constitution; or

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(*b*) from any judgment or order of the High   
 Court for the Province established by   
 Article 154P of the Constituton in any   
 appeal from the District Courts, the   
 family Courts, the Small Claims Courts,   
 the Magistrates’ Courts or the Primary   
 Courts.”.

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| **18.** Section 38 of the principal enactment is hereby amended follows:- | | Amendment  of section 38  of the  principal  enactment |
| (1) | by the renumbering of that section as subsection |
| (1) thereof ; and | |
| (2) | by the addition immediately after the renumbered |

subsection (1) thereof, of the following subsection:-

“(2) Every Courts of First Instance other than   
the High Court for the Province established by   
Artcle 154P of the Constitution shall in all cases of   
appeal from such Courts of First Instance to the   
High Court for the Province established by Article   
154P of the Constitution conform to and execute   
all such judgments, orders and decrees of the High   
Court for the Province established by Article 154P   
of the Constitution, as shall be made and   
pronounced in such appeal in like manner as though   
such judgment, order or decree was made and   
pronounced by such Courts of First Instance.”.

|  |  |
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| **19.** Section 45 of the principal enactment is hereby amended by the repeal of subsection (4) thereof and the substitution therefor, of the following: -  “(4) Every Justice of the Peace and every | Amendment  of section 45  of the  principal  enactment |

Unofficial Magistrate appointed under subsections   
(2 ) and (3 ) shall take and subscribe or make and   
subscribe an oath or affirmation of office in such   
form as may be determined by the Minister before a   
Judge of the High Court, District Judge, Judge of   
the Family Court, Judge of the Small Claims Court,

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Magistrate, or Judge of the Primary Courtand every   
such Judge is empowered and required, upon   
application in that behalf, to administer the same   
and to enter in the records of his court that the said   
oath or affirmation was duly administered and taken   
by him, and forthwith to transmit a copy of such   
entry to the Registrar of the Supreme Court to be   
entered in the records of that Court.”.

|  |  |
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| Amendment of  section 49 of the principal  enactment | **20.** Section 49 of the principal enactment is hereby amended by the repeal of the proviso to subsection (3) of that section and the substitution therefor, of the following :- |

“Provided that in every other case some other Judge   
of the High Court of the Republic of Sri Lanka, the   
High Court for the Province established by Article   
154P of the Constitution, the District Court, Family   
Court, Small Claims Court, Magistrate of the   
Magistrate’s Court and Judge of the Primary Court, as   
the case may be, of any adjoining zone, district or   
division shall have jurisdiction to hear, try and   
determine such action, prosecution, proceeding or   
matter.”.

|  |  |
| --- | --- |
| Amendment of  section 52 of the principal | **21.** Section 52 of the principal enactment is hereby amended as follows:- |

enactment   
 (1) in subsection (1) thereof, by the substitution for the words “to the High Court and to each of the District Courts, Small Claims Courts and Magistrates’ Courts”, of the words and figures “to the High Court of the Republic of Sri Lanka, and to the High Court for the Province established by Article 154P of the Constitution and to each of the District Courts, Family Courts, Small Claims Courts, Magistrates’ Courts and Primary Courts”; and

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(2) in subsection (2) thereof, by the substitution for the   
 words “Registrar of the High Court”, of the words   
 and figures “Registrar of the High Court of the   
 Republic of Sri Lanka and the Registrar of the High   
 Court for the Province established by Article 154P   
 of the Constitution”.

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| **22.** Section 54 of the principal enactment is hereby amended in subsection (1) thereto by the substitution for the words “Where in any action instituted in a High Court, District Court or Small Claims Court, it appears-”, of the | Amendment  of section 54  of the  principal  enactment |

words “Where in any action instituted in a High Court of the Republic of Sri Lanka, High Court for the Province established by Article 154P of the Constitution, District Court, Family Court or Small Claims Court, it appears-”.

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| **23.** Section 55 of the principal enactment is hereby repealed and the following section is substituted therefor:- | | Replacement of section 55 of the principal  enactment |
| “Contempt | 55. (1) Every District Court, Family Court, |
| proceedings | Small Claims Court, Magistrate’s Court and |

Primary Court shall, for the purpose of   
maintaining its proper authority and efficiency,   
have a special jurisdiction to take cognizance   
of, and to punish with the penalties in that   
behalf as hereinafter provided, every offence   
of contempt of court committed in the presence   
of the court itself and all offences which are   
committed in the course of any act or   
proceeding in the said court respectively, and   
which are declared by any law for the time   
being in force to be punishable as contempt of   
court.

(2) The following sentences of fines or   
imprisonment as the case may be, may be   
imposed on conviction for contempt by the   
following courts respectively, namely-

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(*a*) by a District Court and Family   
 Court afine not exceeding two   
 thousand five hundred rupees or   
 imprisonment, either simple or   
 rigorous, for a period not   
 exceeding two years;

(*b*) by a Small Claims Court and   
 Magistrate’s Court – afine not   
 exceeding one thousand five   
 hundred rupees or imprisonment   
 either simple or rigorous, for a   
 period not exceeding eighteen   
 months; and

(*c*) by a Primary Court – afine not   
 exceeding five hundred rupees or   
 imprisonment, either simple or   
 rigorous, for a period not   
 exceeding three months.”.

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| Insertion of  section 57 in the principal  enactment | **24.** The following new section is hereby inserted immediately after section 56 of the principal enactment and shall have effect as section 57 of that enactment: - | |
| “Where  Judge of a  Primary  Court is not appointed | 57. Where a Judge of a primary Court of any judicial division established under this Act has not been appointed, the Magistrate of such division shall be deemed for all purpose to be |
| and shall exercise all jurisdiction of the Judge | |

of the Primary Court of such division until a   
Judge of such Primary Court is appointed:

Provided that where a Judge of a Primary   
Court of such division is appointed, the   
Magistrate of such division may hear and   
determine all prosecutions, actions,   
proceedings or matters in which such   
Magistrate has commenced the recording of   
any evidence.”.

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| *Judicature (Amendment) Act, No. 34 of 2022* | 21 | Addition of the Third and  Fourth  Schedules to the |
| **25.** The principal enactment is hereby amended by the insertion immediately after the Second Schedule thereof, of the following new Schedules: - | |

principal

“THIRD SCHEDULE enactment

[Section 24(2)]

Enactments

(1) Adoption of Children Ordinance (Chapter 61)

(2) Births and Deaths Registration Act (Chapter 110)

(3) Civil Procedure Code (Chapter 101)

(4) Jaffna Matrimonial Rights and Inheritance Ordinance

(Chapter 58)

(5) Legitimacy Act, No. 3 of 1970

(6) Marriage Registration Ordinance (Chapter 112)

(7) Married Women’s Property Ordinance (Chapter 56)

(8) Matrimonial Rights and Inheritance Ordinance (Chapter 57)

FOURTH SCHEDULE

[Section 32(2)]

Actions excluded from the jurisdiction of Primary Courts

(1) Any action concerning an act or order purporting to be

done or made by the State or concerning an act purporting

to be done by any person by order of the State.

(2) Any action concerning an act purporting to be done by any

person in pursuance of a judgement or order of a court or

of a judicial officer acting in the execution of his office.

(3) Any action concerning any act or order purporting to be

done or made by any officer of the State in his official

capacity.

(4) Any action for the partition or sale of immovable property

under the law relating to partition for the time being in

force.

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| 22 | (5) | *Judicature (Amendment) Act, No. 34 of 2022* |
| Any action by a mortgagee of immovable property for the |

enforcement of the mortgage or for the sale of the property,   
or by a mortgagor of immovable property for the redemption   
of the mortgage.

(6) Any action to restrain waste.

(7) Any action to recover from a person to whom compensation   
 has been paid under the Land Acquisition Act (Chapter   
 460) or Land Reform Law No. 1 of 1972, the whole or any   
 part of the compensation.

(8) Any action for the specific performance or rescission of a   
 contract or for damages for breach of contract.

(9) Any action for the rectification or cancellation of an   
 injunction.

(10) Any action to obtain an injunction.

(11) Any action relating to a trust including an action to make   
good out of the general estate of a deceased trustee the loss   
occasioned by a breach of trust, and any action by a co-  
trustee to enforce against the estate of a deceased trustee a   
claim for the contribution.

(12) Any action for a declaratory decree including a decree for   
 the declaration of title to land.

(13) Any action for a property which the plaintiff has conveyed   
 while insane or under other incapacity.

(14) Any action to contest an award made by an arbitrator.   
(15) Any action upon a foreign judgement as defined in the Civil   
 Procedure Code (Chapter 101) or upon a judgement   
 obtained in any court in Sri Lanka.

(16) Any action to compel a refund by a person to whom an   
executor or administrator has paid a legacy or distributed   
assets.

(17) Any action for a legacy or for the whole or a share of a   
residue bequeathed by a testator or for the whole or a share   
of the property of an intestate.

(18) Any action-

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(*a*) for a dissolution of partnership or for the winding   
 up of the business of a partnership after its   
 dissolution;   
(*b*) for an account of partnership transactions; or   
(*c*) for a balance of partnership-account.

(19) Any action for an account of property administered under   
 decree or order of any court.

(20) Any other action for an account, including an action by a   
mortgagor, after the mortgage has been satisfied, to recover   
surplus collection received by the mortgagee, and any action   
for the profits on immovable property belonging to the   
plaintiff which has been wrongfully received by the   
defendant.

(21) Any action for a general average loss or for salvage.   
(22) Any action for compensation in respect of collision between   
 ships.

(23) Any action on a policy of insurance or for the recovery of   
 any premium paid under any such policy.

(24) Any action for compensation or damages -  
 (*a*) for loss resulting from the death of a person   
 caused by actionable wrong;   
 (*b*) for wrongful arrest;   
 (*c*) for malicious prosecution;   
 (*d*) for wrongful restraint or confinement;   
 for defamation; (*e*)   
 (*f*) for adultery or seduction;   
 (g) for breach of contract of betrothal or promise of   
 marriage;   
 (*h*) for inducing a person to break a contract made   
 with the plaintiff;   
 (*i*) for obstruction to or interference with the   
 enjoyment of any servitude or the exercise of   
 any right over property.

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(25) Any action by a Muslim for the recovery of Mahr.

(26) Any action for the custody of a minor.

(27) Any action for a divorce or a judicial separation.

(28) Any action relating to maintenance, affiliation or adoption.

(29) Any action for contribution by a sharer in joint property in   
respect of a payment made by him of money due from a   
co-sharer.

(30) Any action by one of several joint mortgagors of immovable   
property for contribution in respect of money paid by him   
for the redemption of the mortgaged property.

(31) Any action against the State or a local authority to recover   
money paid under protest in satisfaction of a claim made on   
account of any tax or rate or other levy.

(32) Any action under the Companies Act, No. 7 of 2007 as   
 amended from time to time.

(33) Any action relating to trade marks, patents or copyrights   
under the Intellectual Property Act, No. 36 of 2003.

(34) Any action founded on nuisance.

(35) Any action for rent and ejectment and proceedings under   
 the Rent Act, No. 7 of 1972.

(36) Any action expressly or by implication excluded from the   
jurisdiction of Primary Courts by any written law (other

than this Act) for the time being in force.”.

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| Addition of the Seventh  Schedule to the principal | **26.** The principal enactment is hereby amended by the addition immediately after the Sixth Schedule thereof, of the following new Schedule: - |

enactment  
 “SEVENTH SCHEDULE [Section 29A(2)]

Actions

1. Any action for the recovery of money (either as a debt or   
 fee or payment or damage or demand including an action   
 for the recovery of damages on accident or personal injury   
 or in any other similar category);

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2. Any action for the recovery of movable property;

3. Any action for a counterclaim in respect of any cause of

action specified in items 1 and 2;

4. Any other jurisdiction as is conferred upon it by any other

law.”.

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| **27.** 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 |

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| 26 | *Judicature (Amendment) Act, No. 34 of 2022* |

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