

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

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**EVIDENCE (AMENDMENT)**

**A**

**BILL**

**to amend the Evidence Ordinance (Chapter 14)**

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*Presented by the Minister of Justice on 26th of November, 2020*

(Published in the Gazette on October 20, 2020)

*Ordered by Parliament to be printed*

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**[Bill No. 14]**

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*STATEMENT OF LEGAL EFFECT*

*Clauses 2 to 25* : These clauses make provisions to amend the Evidence Ordinance (Chapter 14) by replacing outdated words and expressions appearing in that Ordinance with the words and expressions which reflect the contemporary position.

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| *Evidence (Amendment)* | 1 |

L.D.—O. 45/2016

AN ACTTOAMENDTHE EVIDENCE ORDINANCE (CHAPTER 14)

BE it enacted by the Parliament of the Democratic Socialist

Republic of Sri Lanka as follows:—

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| 5 | **1.** | This Act may be cited as the Evidence (Amendment) | Short title. |
| Act, No. of 2020. | | Amendment |
| **2.** | Section 6 of the Evidence Ordinance (Chapter 14) |
| of section 6 |
| (hereinafter referred to as the “principal enactment”) is hereby | |
| of Chapter 14. |
| amended in the illustration (*b*) to that section, by the | |
| 10 | substitution for the words, “waging war against the Queen.” | | Amendment |
| of the words, “waging war against the Republic”. | |
| **3.** | Section 10 of the principal enactment is hereby |
| amended in the illustration to that section, by the substitution | | of section 10 |
| for the words, “ ‘A’ has joined in a conspiracy to wage war | | of the |
| principal |
| against the Queen” of the words, “ ‘A’ has joined in a | |
| 15 | enactment. |
| conspiracy to wage war against the Republic”. | |
| Amendment |
| **4.** | Section 37 of the principal enactment is hereby |
| amended as follows:- | | of section 37 |
| of the |
| (1) | by the substitution for all the words starting from, | principal |
| 20 | enactment. |
| “contained in any Act of the Parliament of the United | |
| Kingdom” to the words, “any part of such Realm or | |
| Territory, is a relevant fact.” of the words, “contained | |
| 25 | in any enactment of Sri Lanka or in the legislation | |
| of any foreign country or in any proclamation or | |
| notification of the Government of Sri Lanka, | |
| appearing in the Government *Gezette* of Sri Lanka, | |
| or in any proclamation or notification of the | |
| Government of any foreign country, appearing in | |
| any official publication of the Government of such | |
| foreign country, is a relevant fact.”; and | |
| 30 |
| (2) | in the marginal note to that section, by the |
| substitution for the words, “contained in any United | |
| Kingdom Act, enactment or notification,” of the | |

words. “contained in any enactment or notification,”.

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| 2 | *Evidence (Amendment)* | Amendment of section 57 of the  principal  enactment. |
| **5.** | Section 57 of the principal enactment is hereby |
| amended as follows:- | |
| (1) | by the substitution in paragraph (1) of that section, |

for the words, “to be in force in any part of Ceylon;”

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| 5 | (2) | of the words, “to be in force in any part of |
| Sri Lanka;”; |
| by the substitution in paragraph (3) of that section, |

for the words, “war for Her Majesty’s Navy, Army or   
Air force;” of the words, “war for the Sri Lanka Army,

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| 10 | (3) | Navy or Air force;”; | |
| in paragraph (4) of that section- | |
| (i) | by the substitution for the words, “Parliament |

and of the Legislature of Ceylon;” of the words,  
“the Legislature of Sri Lanka;” and

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| 15 | (ii) | by the omission of the words starting from |

“*explanation*” to the words, “(*e*) the Parliament   
of Northern Ireland.”;

(4) by the substitution in paragraph (5) of that section, for the words, “the accession and the Sign Manual 20 of the Sovereigns for the time being of Ceylon and of the United Kingdom;” of the words, “the Public Seal of the Republic of Sri Lanka;”;

(5) by the substitution in paragraph (6) of that section,   
 for the words, “all seals of which English courts

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| 25 | take Judicial Notice; the seals of all the courts of Ceylon; the seals of Courts of Admiralty and |

maritime jurisdiction and of notaries public; and all seals which any person is authorized to use by any Act of the Parliament of the United Kingdom or 30 other Law in force for the time being in Ceylon;” of the words, “the seals of all the courts of Sri Lanka and of notaries public; and all seals which any

*Evidence (Amendment)*  3

person is authorized to use by any enactment for the   
time being in force of the Legislature of Sri Lanka   
or of the Legislature of any foreign Country”;

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| 5 | (6) | by the substitution in paragraph (7) of that section, |
| for the words, “any public office in any part of |
| Ceylon,” of the words, “any public office in any |

part of Sri Lanka,”;

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| 10 | (7) | by the substitution in paragraph (8) of that section, | | | | |
| (8) | for | the | words, | “Sovereign | recognized |
| by Her Majesty;” of the words, “Sovereign | | | | |
| recognized by the Republic of Sri Lanka;”; | | | | |
| by the substitution in paragraph (10) of that section, | | | | |

for the words, “Her Majesty’s Realms and   
Territories;” of the words, “the territorial limits of

|  |  |  |
| --- | --- | --- |
| 15 | (9) | the Democratic Socialist Republic of Sri Lanka and |
| of its divisions;”; |
| by the substitution in paragraph (11) of that section, |

for the words, “between Her Majesty and any State   
or body of persons;” of the words, “between the

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| 20 | (10) | Republic of Sri Lanka and any foreign State or body |
| of persons;”; and |
| by the substitution in paragraph (12) of that section, |

for the words, “advocates, proctors,” of the words,  
“attorneys-at-law,”.

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| 25 | **6.** | Section 65 of the principal enactment is hereby | Amendment |
| amended in paragraph (6) of that section, by the substitution | | of section 65 |
| of the |
| for the words, “Ceylon” of the word, “Sri Lanka”. | |
| principal |

enactment.

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| 30 | **7.** | Section 69 of the principal enactment is hereby | Amendment |
| amended by the substitution for the words, “executed in the | | of section 69 |
| of the |
| United Kingdom,” of the words, “executed in any foreign | |
| principal |
| Country,”. | |
| enactment. |

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| 5 | 4 | *Evidence (Amendment)* | Amendment |
| **8.** | Section 74 of the principal enactment is hereby |
| amended as follows:- | | of section 74 |
| of the |
| (1) | by the substitution in subparagraph (iii) of paragraph | principal |
| enactment. |
| (*a*) of that section, for the words, “Ceylon or of any | |
| other part of Her Majesty’s Realms and Territories, | |
| 10 | or of a foreign country;” of the words, “Sri Lanka or | | Amendment |
| of a foreign counrty;” and | |
| (2) | by the substitution in paragraph (*b*) of that section, |
| for the word, “Ceylon,” of the word, “Sri Lanka,”. | |
| **9.** | Section 78 of the principal enactment is hereby |
| of section 78 |
| amended as follows:- | |
| of the |
| 15 | (1) | by the substitution in paragraph (1) of that section, | principal |
| enactment. |
| for the words, “Government of Ceylon” of the words, | |
| “Government of Sri Lanka”; | |
| (2) | by the substitution in paragraph (3) of that section, |
| for the words, “issued by Her Majesty or by the Privy | |
| Council, or by any department of Her Majesty’s | |
| 20 | Government - by copies or extracts contained in the | |
| London *Gazette* or in the *Gazette* of Ceylon or | |
| purporting to be printed by the Queeen’s printer;” | |
| 25 | of the words “issued by the President or any Minister | |
| or any department of Government-by copies or | |
| extracts contained in the *Gazette* of Sri Lanka;”; | |
| (3) | by the substitution in sub-paragraph (iii) of |
| paragraph (4) of that section for the words, “public | |
| enactment of Ceylon;” of the words, “public | |
| 30 | enactment of Sri Lanka;”. | |
| (4) | by the substitution in paragraph (5) of that section |
| for the words, “Municipal body in Ceylon-” of the | |
| words, “Municipal body in Sri Lanka-”; and | |
| 35 | (5) | by the substitution in subparagraph (ii) of paragraph |
| (6) of that section for the words, “of a British Consul | |
| or Diplomatic Agent,” of the words, “of any | |
| Ambassador, High Commissioner, or other | |
| diplomatic agent of Sri Lanka,”. | |

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| 5 | *Evidence (Amendment)* | | 5 | Amendment |
| **10.** | Section 79 of the principal enactment is hereby | |
| amended by the substitution for the words, “duly certified by | | | of section 79 |
| of the |
| any officer in Ceylon,” of the words, “duly certified by any | | |
| principal |
| officer in Sri Lanka”. | | |
| enactment. |
| **11.** | Section 81 of the principal enactment is hereby | | Amendment |
| amended by the substitution for all the words starting from | | | of section 81 |
| of the |
| “every document purporting to be the London *Gazette*” to | | |
| principal |
| the words, “by the Queen’s printer,” of the words, “every | | |
| enactment. |

document purporting to be the *Gazette* of Ceylon or Sri Lanka”.

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| 10 | **12.** | Section 82 of the principal enactment is hereby | Replacement |
| repealed. | | of section 82 |
| of the |

principal

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| 15 | **13.** | Section 85 of the principal enactment is hereby | enactment. |
| Amendment |
| amended by the substitution for the words, “British Consul | | of section 85 |
| of the |
| or Vice - Consul, or representative of her Majesty, or of the | |
| principal |
| Governor - General of Ceylon, or of the Government of India,” | |
| enactment. |

of the words, “an Ambassador or High Commissioner or other diplomatic representative of Sri Lanka,”.

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| 20 | **14.** | Section 86 of the principal enactment is hereby | Amendment |
| amended by the substitution for all the words starting from | | of section 86 |
| of the |
| “any country not forming part of Her Majesty’s Realms and | |
| principal |
| Territories” to the words, “Government of India,” of the words, | |
| enactment. |

“any counrty other than the Republic of Sri Lanka is genuine and accurate, if the document purports to be certified in any

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| 25 | manner which is certified by any representative of the | | Amendment |
| Republic of Sri Lanka,”. | |
| **15.** | Section 90A of the principal enactment is hereby |
| of section |
| amended by the repeal of the definition of the expression | |
| 90A of the |
| “company” and the substitution therefor of the following | |
| principal |
| 30 | definition:- | | enactment. |
| ““company” shall have the same meaning assigned | |

to it under the Companies Act, No. 7 of 2007.”.

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| 6 | *Evidence (Amendment)* | Amendment of section  90B of the  principal |
| **16.** Section 90B of the principal enactment is hereby amended by the substitution of the words, “within Ceylon,”of the words “within Sri Lanka,”. | |

enactment.

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| 5 | **17.** | Section 91 of the principal enactment is hereby | Amendment |
| of section 91 |
| amended in exception 2, to that section, by the substitution | |
| of the |
| for the word, “Ceylon” of the word, “Sri Lanka”. | |
| principal |

enactment.

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| **18.** | Section 100 of the principal enactment is hereby | Amendment of section  100 of the  principal |
| amended by the substitution of the word, “Ceylon,” of the word “Sri Lanka,”. | |

enactment.

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| 10 | **19.** | Section 111 of the principal enactment is hereby | Amendment |
| of section |
| amended in the illustration (*a*) to that section, by the | |
| 111 of the |
| substitution of the words, “a proctor” and “the proctor” | |
| principal |
| wherever those words appear in that illustration of the words | | enactment. |

respectively, “an attorney-at-law” and “the attorney-at -law”.

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| 15 | **20.** | Section 126 of the principal enactment is hereby | Amendment |
| 20 | amended by the substitution of the words, “Advocate, | | of section |
| 126 of the |
| Proctor,” wherever those words appear in that section, of the | |
| principal |
| words, “attorney-at-law”. | | enactment. |
| **21.** | Section 127 of the principal enactment is hereby | Amendment |
| of section |
| amended by the substitution of the words, “advocates, | |
| 127 of the |
| proctors,” wherever those words appear in that section of the | |
| principal |
| 25 | words, “attorneys-at-law”. | | enactment. |
| **22.** | Section 128 of the principal enactment is hereby | Amendment |
| of section |
| amended by the substitution of the words, “advocate, proctor,” | |
| 128 of the |
| wherever those words appear in that section of the words, | |
| principal |
| “attorney-at-law”. | | enactment. |
| Amendment |
| **23.** | Section 132 of the principal enactment is hereby |
| amended in subsection (1) of that section, by the substitution | | of section |
| 132 of the |
| of the words,“her Majesty” of the words, “the State”. | |
| principal |

enactment.

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| 5 | *Evidence (Amendment)* | | 7 | Amendment |
| **24.** | Section 149 of the principal enactment is hereby | |
| amended as follows:- | | | of section |
| 149 of the |
| (1) | in the illustration (*a*) to that section, by the | | principal |
| enactment. |
| substitution for the words, “An Advocate is | | |
| instructed by a proctor” of the words “An attorney- | | |

at- law is instructed”; and

(2) in the illustration (*b*) to that section, by the   
 substitution for the words, “A Proctor” and “the   
 proctor” wherever those words appear in that

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| 10 | illustration, of the words respectively as, “An | | Amendment |
| Attorney-at- law” and “the Attorney-at- Law”. | |
| **25.** | Section 150 of the principal enactment is hereby |
| 15 | amended in substitution for the words, “advocate or proctor”, | | of section |
| 150 of the |
| wherever those words appear in that section of the words, | |
| principal |
| “attorney-at-law”. | |
| enactment. |
| **26.** | In the event of any inconsistency between the |
| Sinhala text |
| Sinhala and Tamil texts of this Act, the Sinhala text shall | | to prevail in |
| case of any |
| prevail. | |
| inconsistency. |

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| 8 | *Evidence (Amendment)* |

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