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

**Part II of October 15, 2021**   
**SUPPLEMENT**   
(*Issued on 15.10.2021*)



**JUDICATURE (AMENDMENT)**   
**A**   
**BILL**   
**to amend the Judicature Act, No. 2 of 1978**

*Ordered to be published by the Minister of Justice*

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*STATEMENT OF LEGAL EFFECT*

*Clause 2:* This clause amends section 5C of the Judicature Act, No. 2 of 1978 and the legal effect of the amendment is to appoint judicial officers from among the Magistrates and District Judges to function as the “Recorder Judges” of High Courts and to empower such Recorder Judges to attend to pre-trial and post-trial matters.

*Judicature (Amendment)* L. D.–O. 20/ 2020

1

AN ACTTOAMENDTHE JUDICATURE ACT, NO. 2 OF 1978

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

|  |  |  |
| --- | --- | --- |
| **1.** | This Act may be cited as the Judicature (Amendment) | Short title |

Act, No. of 2021.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 5 | **2.** | Section 5C of the Judicature Act, No. 2 of 1978 is | | Replacement of |
| 10 | hereby repealed and the following section is substituted | | | section 5C of |
| Act, No. 2 of |
| therefor:– | | |
| 1978 |
| “Appointment of the  Recorder  Judge | | 5C. (1) The Judicial Service Commission shall appoint a judicial officer from among the District Judges and Magistrates to be called the |
| Recorder Judge, to any High Court exercising | | |

criminal jurisdiction, where such Commission   
is of the opinion that such appointment is   
required.

|  |  |
| --- | --- |
| 15 | (2) The Judge of such High Court (in this section referred to as the “trial Judge”) may |

delegate to the Recorder Judge appointed to   
such High Court, the power to preside over

|  |  |
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| 20 | pre-trial conferences subject to the provisions of the Code of Criminal Procedure Act, No. 15 |

of 1979.

(3) The Recorder Judge shall attend to and   
deal with pre-trial conferences delegated to him

|  |  |
| --- | --- |
| 25 | under subsection (2) as specified in section 195A of the Code of Criminal Procedure Act, |

No. 15 of 1979 and post-trial matters delegated   
to him by the trial Judge not including   
sentencing of an accused, that may arise in the   
course of a criminal proceeding.

2 *Judicature (Amendment)*

(4) The trial Judge may refer to the Recorder   
Judge any matter of a procedural nature arising   
in the course of the proceedings instituted in

|  |  |
| --- | --- |
| 5 | that court after the stage referred to in subsection (3). |

(5) The Recorder Judge may, with the   
concurrence of the trial Judge, submit for   
determination by the trial Judge any matter   
which may otherwise have been properly dealt

10 with by him.

(6) The Recorder Judge shall–

(*a*) sit separately and exercise all   
 the powers vested in him by   
 subsection (3);

|  |  |  |
| --- | --- | --- |
| 15 | (*b*) | have the power to do all such acts |
| connected with or incidental or |

ancillary to the exercise of the   
powers referred to in subsection (3)

|  |  |  |
| --- | --- | --- |
| 20 | (*c*) | including the maintenance of the |
| Journals of the Court; and |
| exercise the powers in relation to |

pre-trial conferences as specified in   
section 195A of the Code of

|  |  |
| --- | --- |
| 25 | Criminal Procedure Act, No. 15 of 1979 only in respect of matters where the High Court exercises |

criminal jurisdiction in terms of   
section 9 and shall not exercise the   
powers in respect of matters where

|  |  |
| --- | --- |
| 30 | the High Court is called upon to exercise appellate, revisionary or |

writ jurisdiction.”.

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| **3.** | In the event of any inconsistency between the Sinhala | Sinhala text to prevail in case |
| and Tamil texts of this Act, the Sinhala text shall prevail. | |

of   
inconsistency

|  |  |
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Department of Government Printing