



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

CRIMINAL PROCEDURE (SPECIAL
PROVISIONS) (AMENDMENT)
ACT, No. 54 OF 1980

[Certified on 11th December, 1980]

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**Criminal Procedure (Special Provisions)
(Amendment) Act, No. 54 of 1980**

[Certified on 11th December, 1980]

L.D.—O. 76/80.

AN ACT TO AMEND THE CRIMINAL PROCEDURE (SPECIAL PROVISIONS) LAW, No. 15 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 Criminal Procedure (Special Provisions) (Amendment) Act, No. 54 of 1980. Short title.

2. The Criminal Procedure (Special Provisions) Law, No. 15 of 1978 (hereinafter referred to as the “principal enactment”), as amended by Act No. 24 of 1979, is hereby amended by the insertion, immediately after section 1 of that enactment, of the following new section, which shall have effect as section 1A thereof :— Insertion of new section 1A in Law No. 15 of 1978.

“Code of Criminal Procedure Act to be read subject to this Law.” 1A. The provisions of the Code of Criminal Procedure Act, No. 15 of 1979, shall, in all matters relating to bail, be read subject to the provisions of this Law.”

3. Section 2 of the principal enactment is hereby amended in paragraph (a) of that section, by the substitution for the first proviso to that paragraph, of the following proviso :— Amendment of section 2 of the principal enactment.

“Provided that if such court is the High Court it shall be competent for such High Court, or if such court is a Magistrate’s Court, it shall be competent for the High Court holden in the zone within which the division of such Magistrate’s Court is situated—

(i) if it is an offence under section 114, or section 191, or section 296 of the Penal Code, with the consent of the Attorney-General, to release such person on bail ; or

(ii) if it is any other offence, except in the case of any offence under the Offensive Weapons Act, No. 18 of 1966, in exceptional circumstances to release such person on bail after recording its reasons therefor :”.

Insertion of
new section
2A in the
principal
enactment.

4. The following new section is hereby inserted immediately after section 2, and shall have effect as section 2A, of the principal enactment :—

"Persons referred to in section 2(a) not to be admitted to bail by Court of Appeal other than in exceptional circumstances

2A. Notwithstanding anything to the contrary in any other law, a person referred to in paragraph (a) of section 2 shall not be admitted to bail by the Court of Appeal other than in exceptional circumstances."

Amendment
of section 4 of
the principal
enactment.

5. Section 4 of the principal enactment is hereby amended in paragraph (a) of that section, by the substitution for the words "shall, notwithstanding its ordinary powers of punishment," of the words "shall, if such person has been previously convicted of any offence set out in the First or Second Schedule hereto, committed within a period of five years of the date of commission of the offence for which he is convicted, notwithstanding its ordinary powers of punishment,".

Amendment
of
section 8 of
the principal
enactment.

6. Section 8 of the principal enactment is hereby amended by the substitution for the words and figures "thirty-first day of December, 1980," of the words and figures "thirty-first day of December, 1982."

Amendment
of the First
Schedule to
the principal
enactment.

7. The First Schedule to the principal enactment is hereby amended as follows :—

(1) by the insertion, immediately after item 7 thereof, of the following new item :—

"7A. Section 300
of the
Penal Code.

Attempt to murder, where the weapon used is an "offensive weapon" as defined in the Offensive Weapons Act, No. 18 of 1966, or an "explosive" as defined in the Explosives Act, or a "gun" as defined in the Firearms Ordinance."

(2) in item 8 thereof, by the substitution under the heading "Nature of Offence", for the words "Robbery committed on the highway," of the words "Robbery, where the value of the property is five thousand rupees or more.";

(3) by the insertion, immediately after item 8 thereof, of the following new item :—

"8A. Section 382
of the
Penal Code.

Voluntarily causing hurt in committing robbery."

(4) by the insertion, immediately after item 17 thereof, of the following item ;—

“17A. Section 17 of the Firearms Ordinance.	Manufacture of guns without a licence.”; and
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(5) by the addition, immediately after item 18 thereof, of the following new items :—

“19. Section 8 of the Explosives Act.	Importation, manufacture &c. of explosives without licence.
20. Section 9 of the Explosives Act.	Carrying on business of manufacturer, importer &c. of explosives without licence.”.

8. The Second Schedule to the principal enactment is hereby amended as follows :—

Amendment
of the Second
Schedule to
the principal
enactment.

(1) in item 2 thereof, by the substitution under the heading “Nature of Offence” for the word “murder”, of the words and figures ‘murder, where the weapon used is a weapon other than an “offensive weapon” as defined in the Offensive Weapons Act, No. 18 of 1966, or an “explosive” as defined in the Explosives Act, or a “gun” as defined in the Firearms Ordinance’;

(2) in item 5 thereof, by the substitution under the heading “Nature of Offence” for the words “Robbery other than robbery committed on the highway.”, of the words “Robbery, where the value of the property is less than five thousand rupees.”; and

(3) by the omission of item 7 thereof.

9. The amendments made in the principal enactment by this Act shall apply to all prosecutions, proceedings or other matters pending in any court, whether in appeal or otherwise, on the day immediately preceding the date of commencement of this Act.

Pending
actions.