



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

**JUDICATURE (AMENDMENT)
ACT, No. 37 OF 1979**

[Certified on 5th June, 1979]

Printed on the Orders of Government

**Published as a Supplement to Part II of the Gazette of the Democratic
Socialist Republic of Sri Lanka of June 15, 1979**

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVT. PUBLICATIONS BUREAU, COLOMBO

Price : 45 cents

Postage : 25 cents

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L.D.—O 20/79

AN ACT TO AMEND THE 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) Act, No. 37 of 1979. Short title.

2. Section 23 of the Judicature Act, No. 2 of 1978, hereinafter referred to as the “principal enactment”, is hereby repealed and the following new section substituted therefor :— Replacement of section 23 of Act, No. 2 of 1978.

“ Appeals. 23. Any party who shall be dissatisfied with any judgment, decree, or order pronounced by a District Court may (excepting where such right is expressly disallowed) appeal to the Court of Appeal against any such judgment, decree, or order from any error in law or in fact committed by such court, but no such appeal shall have the effect of staying the execution of such judgment, decree, or order unless the District Judge shall see fit to make an order to that effect, in which case the party appellant shall enter into a bond, with or without sureties as the District Judge shall consider necessary, to appear when required and abide the judgment of the Court of Appeal upon the appeal.”

3. Section 26 of the principal enactment is hereby amended by the addition, at the end of that section, of the following new subsection :— Amendment of section 26 of the principal enactment.

“ (5) Until a Family Counsellor is attached to a Family Court under subsection (1), the preceding provisions of this section shall have no application to any proceedings instituted in such court:

Provided that where no Family Counsellor has been attached to such Family Court at the time the inquiry or trial has commenced, then, notwithstanding the attachment of the Family Counsellor, the inquiry or trial may continue and be proceeded with to final judgment without reference to the Family Counsellor.”

Replacement
of section 29
of the
principal
enactment.

4. Section 29 of the principal enactment is hereby repealed and the following new section substituted therefor :—

"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 court shall, as far as practicable, follow the provisions relating to summary procedure in the Civil Procedure Code.

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

(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."

Amendment
of the
Second
Schedule to
the principal
enactment.

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

- (a) by the omission of item 1 ;
- (b) by the renumbering of items 2, 3 and 4 as items 1, 2 and 3 respectively ; and
- (c) by the substitution, for the re-numbered item 3, of the following new item :—

"3. Abetment and conspiracy for the abetment or commission of the offences described in item 1 above and conspiracy for the commission of the offences described in item 2 above."

Amendment
of the
Third
Schedule
to the
principal
enactment.

6. The Third Schedule to the principal enactment is hereby amended as follows :—

- (a) by the insertion immediately after the item "Foreign Marriages Ordinance (Chapter 116).", of the following item :—

“Jaffna Matrimonial Rights and Inheritance Ordinance (Chapter 58).”, and

- (b) by the insertion immediately after the item “Marriage Registration Ordinance (Chapter 112).”, of the following item :—

“Married Women’s Property Ordinance (Chapter 56).”.