



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

**CODE OF CRIMINAL PROCEDURE
(AMENDMENT) ACT, No. 28 OF 1998**

[Certified on 4th June, 1998]

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Code of Criminal Procedure (Amendment)
Act, No. 28 of 1998

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L.D.—O.17/97.

AN ACT TO AMEND THE CODE OF CRIMINAL PROCEDURE ACT,
No. 15 of 1979

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

1. This Act may be cited as the Code of Criminal Procedure (Amendment) Act, No. 28 of 1998.

Short title.

2. Section 2 of the Code of Criminal Procedure Act, No. 15 of 1979 (hereinafter referred to as the "principal enactment") is hereby amended as follows :—

Amendment of
section 2 of Act
No. 15 of 1979.

(1) by the insertion immediately after the definition of "Chief Justice" of the following definition :—

"child abuse" means an offence under section 286A, 288, 288A, 288B, 308A, 360A, 360B, 360C, 363, 364A, 365, 365A, or 365B of the Penal Code when committed in relation to a child ;"

(2) by the insertion, immediately after the definition of "person" of the following definition :—

"place of safety" includes a remand home or hospital or any institution for care and custody ;".

3. The following new section is hereby inserted immediately after section 43 and shall have effect as section 43A of the principal enactment :—

Insertion of new
section 43A in the
principal
enactment.

Special
provisions
regarding
persons
arrested in
respect of
child abuse.

43A (1) The provisions of sections 36 and 37 shall not apply in relation to persons suspected or accused of child abuse.

(2) A police officer making an arrest, without a warrant, of any person suspected or accused of child abuse, shall without unnecessary delay and

within twenty four hours of the arrest, produce such person before a Magistrate having jurisdiction in the case.

(3) The Magistrate before whom a person arrested under subsection (2) is produced may upon a certificate being filed by a police officer not below the rank of a Superintendent of Police or in his absence the officer acting on his behalf, to the effect that it is necessary to detain such person in custody for the purpose of investigation, make an order permitting the detention of such person in police custody for a period not exceeding three days.

(4) Upon the conclusion of the investigation or upon the completion of the period of detention specified in the order made under subsection (3), which ever occurs first, such person shall be produced before the Magistrate and the provisions of this Act, shall apply, to and in relation to such person."

Insertion of new
section 451A in
the principal
enactment

4. The following new section is hereby inserted immediately after section 451 and shall have effect as section 451A, of the principal enactment :—

"Warrant of
granting
custody of
victim to a
place of
safety.

451A. (1) Where it appears to a court in which indictment or charge for child abuse has been filed that the child in relation to whom the child abuse is alleged to have been committed requires care and protection, the court may order such child to be kept in a place of safety for care and protection, pending the trial.

(2) Where a court makes an order under subsection (1) that a child in relation to whom the child abuse is alleged to have been committed be kept in a place of safety for care and protection, a warrant substantially in the form set out in the Second Schedule shall be signed by the court and delivered to the Fiscal of the court."

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5. The following new section is hereby inserted immediately after section 453 and shall have effect as section 453A of the principal enactment :—

"Priority for trials and appeals.

453A. Every court shall give priority to the trial of any person charged with or indicted for child abuse before such court and to the hearing of any appeal from the conviction of any person for child abuse or against any sentence imposed on such conviction."

Insertion of new section 453A in the principal enactment.

6. The First Schedule to the principal enactment amended by Act, No. 19 of 1997 is hereby further amended as follows :—

Amendment of the First Schedule to the principal enactment.

(1) by the insertion immediately after the entries relating to section 287, of the following entries :—

"288	Causing or procuring children to beg.	May arrest without warrant.	Summons	Not bailable	Not compoundable	Imprisonment of either description for not exceeding five years and may also be liable to a fine.	Magistrate's Court.
288A	Hiring or employing children to act as procurer for sexual intercourse.	Same	Same	Same	Same	Imprisonment of either description for not less than two years and not exceeding five years and may also be liable to a fine.	
288B	Hiring or employing children to traffic in restricted articles.	Same	Same	Same	Same	Imprisonment of either description for not less than five years and not exceeding seven years and may also be liable to a fine."	

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(2) by the repeal of the entries relating to section 302."

Amendment of the
Second Schedule
to the principal
enactment.

7. The Second Schedule to the principal enactment as amended by Act No. 4 of 1995 is hereby further amended by the insertion, after Form No. 11 thereof of the following Form :—

"No. 11A"

**FORM OF WARRANT OF COMMITMENT TO
PLACE OF SAFETY**

In the High Court of.....(or the Magistrate's
Court at.....)

To the Fiscal of.....and the Manager of.....
(Name of the place of safety.)

Whereas.....has been indicted for/charged with
the offence of.....before this Court ;

And Whereas the said offence is alleged to have been
committed in relation to.....and the
said.....requires care and protection, pending the
trial of such offence ;

These are therefore to command you, the said Fiscal to
take the said.....and convey him safely
to.....and there deliver him to the Manager thereof,
together with the copy of this warrant certified under your
hand, and I do command you, the Manager of the
said.....to receive the said.....into your custody
and keep him safely under your care and protection, pending
the trial of the said offence.

Given under my hand this.....day 199 ..

Signed,
Judge of the High Court/
Magistrate."

Sinhala text to
prevail in case of
inconsistency.

8. In the event of any inconsistency between the Sinhala
and Tamil texts of this Act, the Sinhala text shall prevail.

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