



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

RELEASE OF REMAND PRISONERS

ACT, No. 8 OF 1991

[Certified on 8th March, 1991]

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**Release of Remand Prisoners Act,
No. 8 of 1991**

[Certified on 8th March, 1991]

L. D.—O. 30/89.

AN ACT TO PROVIDE FOR THE RELEASE FROM CUSTODY OF PERSONS ACCUSED OF CERTAIN OFFENCES WHO HAVE BEEN DETAINED IN PURSUANCE OF WARRANTS OF REMAND; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

1. This Act may be cited as the Release of Remand Prisoners Act, No. 8 of 1991.

Short title.

2. The provisions of this Act shall apply in respect of an accused person who—

Application of Act.

(a) has been remanded for being suspected of having committed or been concerned in the Commission of an offence specified in the Schedule to this Act; and

(b) has not been released under any provision of this Act, and subsequently remanded in respect of any other offence alleged to have been committed by him, before the conclusion of the trial of the offence in respect of which he had been originally remanded.

Such accused person is hereinafter referred to as a "person to whom this Act applies".

3. (1) Where a person to whom this Act applies has been granted bail by a competent court, but continues to remain in remand on the expiry of one month from the date of the order of remand due to his inability to furnish bail, the Superintendent of the Prison in which such person is remanded, shall produce him before the court remanding such person and the court shall release such person upon his executing a bond without sureties for his appearance in court.

Power of court in respect of an accused person who is remanded.

(2) Where a person to whom this Act applies has been in remand for a period of three months from the date of the order of remand, the Superintendent of the Prison in which such person is remanded, shall on the expiration of the three months, produce such person before the court remanding such person, and the court, shall if no proceedings have been instituted against such person at the time he is so produced, release such person on his executing a bond without sureties for his appearance in court.

(3) Where a person to whom this Act applies has been in remand for a period exceeding one year the Superintendent of the Prison in which such person is remanded shall upon the expiration of such period produce such person before the court remanding such person, and where—

- (a) trial against such person has not commenced when such person is so produced, the court shall release such person on his executing a bond without sureties for his appearance in court;
- (b) trial has commenced when such person is so produced, the court may release such person on his executing a bond without sureties for his appearance in court, unless it appears to the court for good and sufficient reasons to be recorded, that he should not be so released.

Warrant to specify enactment under which accused is remanded.

4. Every court making an order of remand, in respect of an accused person, under any law for the time being in force, shall cause to be endorsed on the warrant of remand, the provision of law under which such accused person is so remanded.

Duty of Magistrate to visit prison.

5. It shall be the duty of every Magistrate to visit every prison situated within the judicial division in respect of which he is appointed, at least once in every month.

Production of person to whom this Act applies before visiting Magistrate.

6. Where it is inexpedient for the Superintendent of the Prison to so produce any person to whom this Act applies, before the court remanding such person, in compliance with the provisions of section 3, he shall forthwith make a report to that effect to such court and shall produce such person before the Magistrate visiting such prison in compliance with the provisions of section 5.

Production of persons to whom this Act applies before a visiting Magistrate and powers of such Magistrate.

7. (1) Where a person to whom this Act applies is produced before a Magistrate visiting a prison in compliance with the provisions of section 5, such Magistrate shall exercise in relation to such person the powers conferred by section 3, on the court making an order of remand.

(2) The Superintendent of every prison shall obtain the particulars relating to the remand of every person to whom this Act applies, and remanded in such prison, from the court remanding such person, and shall, where the Magistrate before whom such person is produced under this

section, is not the Magistrate who remanded such person, furnish such particulars under his hand to the first-mentioned Magistrate for the purpose of enabling him to make an appropriate order in relation to such person under this Act.

(3) Where a Magistrate visiting a prison in compliance with section 5, orders the release of a person to whom this Act applies, upon such person executing a bond without sureties for his appearance he shall cause the court remanding such person to be informed of such release, and shall cause a copy of the bond executed by such person to be forwarded to that court.

8. For the avoidance of doubts it is hereby declared that the provisions of this Act shall apply also to, accused persons who are in remand on the date of commencement of this Act.

Act to apply to accused in remand on date of commencement of Act.

9. In the event of any inconsistency between this Act and the Code of Criminal Procedure Act, No. 15 of 1979 and any other written law relating to bail, other than the Constitution, the provisions of this Act shall prevail.

This Act to prevail in event of conflict.

10. Parliament may subject to the provisions of the Constitution by resolution, amend the Schedule to this Act, by adding any offence thereto, or omitting any offence therefrom.

Power of Parliament to amend the Schedule to this Act.

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

Sinhala text to prevail in case of inconsistency.

SCHEDULE

(Section 2)

1. Any offence for which a peace officer is empowered, under the Code of Criminal Procedure Act, No. 15 of 1979, to arrest only with a warrant.

2. Any of the following offences under the Penal Code :—

- (1) Section 157
- (2) Section 314
- (3) Section 315
- (4) Section 316
- (5) Section 326
- (6) Section 328
- (7) Section 329
- (8) Section 332

- (9) Section 333
 - (10) Section 348
 - (11) Section 386
 - (12) Section 411
 - (13) Section 412
 - (14) Section 433
 - (15) Section 434
 - (16) Offences under section 54A (d) of the Poisons, Opium and Dangerous Drugs Ordinance for the possession of a quantity—
 - (a) less than 5 kilogrammes of cannabis;
 - (b) less than 1 gramme of heroin.
 - (17) Section 367 of the Penal Code where the property is of a value less than one thousand rupees.