



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

**HIGH COURT OF THE PROVINCES
(SPECIAL PROVISIONS) (AMENDMENT)
ACT, No. 54 OF 2006**

[Certified on 28th December, 2006]

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*High Court of the Provinces (Special Provisions)
(Amendment) Act, No. 54 of 2006*

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L. D.—O. 70/2006.

AN ACT TO AMEND THE HIGH COURT OF THE PROVINCES (SPECIAL
PROVISIONS) ACT, NO. 19 OF 1990

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

1. This Act may be cited as the High Court of the Provinces (Special Provisions) (Amendment) Act, No. 54 of 2006. Short title.

2. The following new sections are hereby inserted immediately after section 5 of the High Court of the Provinces (Special Provisions) Act, No. 19 of 1990 and shall have effect as sections 5A, 5B, 5C and 5D of that Act :— Insertion of new sections 5A, 5B, 5C and 5D in Act, No. 19 of 1990.

“Jurisdiction to hear appeals from District Courts and Family Courts. 5A. (1) A High Court established by Article 154P of the Constitution for a Province, shall have and exercise appellate and revisionary jurisdiction in respect of judgments, decrees and orders delivered and made by any District Court or a Family Court within such Province and the appellate jurisdiction for the correction of all errors in fact or in law, which shall be committed by any such District Court or Family Court, as the case may be.

(2) The provisions of sections 23 to 27 of the Judicature Act, No. 2 of 1978 and sections 753 to 760 and sections 765 to 777 of the Civil Procedure Code (Chapter 101) and of any written law applicable to the exercise of the jurisdiction referred to in subsection (1) by the Court of Appeal, shall be read and construed as including a reference to a High Court established by Article 154P of the Constitution for a Province and any person aggrieved by any judgment, decree or order of a District

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Court or a Family Court, as the case may be, within a Province, may invoke the jurisdiction referred to in that subsection, in the High Court established for that Province :

Provided that no judgment or decree of a District Court or of a Family Court, as the case may be, shall be reversed or varied by the High Court on account of any error, defect or irregularity, which has not prejudiced the substantial rights of the parties or occasioned a failure of justice.

Hearing of
appeals.

5B. The jurisdiction of a High Court of a Province referred to in section 5A, shall be ordinarily exercised at all times by not less than two judges of that Court, sitting together as such High Court.

Appeal to the
Supreme
Court from
decisions of
the High
Court.

5C. (1) An appeal shall lie directly to the Supreme Court from any judgment, decree or order pronounced or entered by a High Court established by Article 154P of the Constitution in the exercise of its jurisdiction granted by section 5A of this Act, with leave of the Supreme Court first had and obtained. The leave requested for shall be granted by the Supreme Court, where in its opinion the matter involves a substantial question of law or is a matter fit for review by such Court.

(2) The Supreme Court may exercise all or any of the powers granted to it by paragraph (2) of Article 127 of the Constitution, in regard to any appeal made to the Supreme Court under subsection (1) of this section.

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Transfer of
cases from
the Court of
Appeal to the
High Court
of a
Province.

5D. (1) Where any appeal or application in respect of which the jurisdiction is granted to a High Court established by Article 154P of the Constitution by section 5A of this Act is filed in the Court of Appeal, such appeal or application, as the case may be, may be transferred for hearing and determination to an appropriate High Court as may be determined by the President of the Court of Appeal and upon such reference, the said High Court shall hear and determine such appeal or the application, as the case may be, as if such appeal or application was directly made to such High Court.

(2) The President of the Court of Appeal in consultation with the Chief Justice, may issue directions from time to time pertaining to appeals, applications in revision and *restitutio in integrum* pending in the Court of Appeal on the date of the coming into operation of this section, to be removed for hearing and determination to an appropriate High Court established by Article 154P of the Constitution. Any such direction may be made by reference to the year in which the appeal or application, as the case may be, was filed in the Court of Appeal and such High Court shall be vested with jurisdiction to hear and determine such appeal or application, as the case may be, in accordance with the provisions of section 5A of this Act, as if such appeal or application was filed directly in such High Court.”.

3. 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.

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