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PART I : SECTION (I) — GENERAL

Government Notifications

L.D B 11/79

THE PREVENTION OF TERRORISM (TEMPORARY PROVISIONS) ACT, No. 48 OF 1979

REGULATION made by the President under section 27 of the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979 read with paragraph (2) of Article 44 of the Constitution.

MAHINDA RAJAPAKSA
President.

Colombo,
29th August, 2011.

Regulations

1. These Regulations may be cited as the Prevention of Terrorism (Detainees and Remandees) Regulations No. 4 of 2011.

2. (1) Any person who has been detained in terms of the provisions of any emergency regulation which was in operation on the day immediately prior to the date on which these regulations came into operation, shall forthwith on the coming into operation of these regulations, be produced before the relevant Magistrate, who shall take steps to detain such person in terms of the provisions of the Criminal Procedure Code Act, No. 15 of 1979.

(2) Any person who has —

- (a) been remanded by a Magistrate in connection with the commission of an offence in terms of the provisions of any emergency regulation which was in operation on the day immediately prior to the date on which these regulations came into operation ; or
- (b) been connected with or concerned in, or who is reasonably suspected of being connected with or concerned in the commission of any unlawful activity within the meaning of the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979,

shall with effect from the date of the coming into operation of these regulations, be deemed to have been remanded under the provisions of the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979. The provisions of the said Act relating to custody of persons and the grant of bail shall thereupon be applicable in relation to such person.

3. Notwithstanding the fact that the state of emergency declared by Proclamation in terms of section 2 of the Public Security Ordinance (Chapter 40) has lapsed and any regulation made under section 5 of the Public Security Ordinance (Chapter 40) has with effect from August 30, 2011 ceased to be valid and effectual, no person detained in such custody other than judicial custody in terms of any such regulations, shall be released until the expiry of thirty days from August 30, 2011.

Provided however, if no Detention Order in terms of Part III of the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979 is issued prior to the expiration of the period of Thirty days in respect of such person, such person shall forthwith be released from custody by the person in whose custody he is held, unless such person has been produced before a Magistrate and remanded under the provisions of Part II of the said Act, or any other law for the time being in force.