



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

**JUDICATURE (AMENDMENT)
ACT, No. 9 OF 2018**

[Certified on 15th of May, 2018]

Printed on the Order of Government

Published as a Supplement to Part II of the **Gazette of the Democratic
Socialist Republic of Sri Lanka** of May 18, 2018

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 16.00

Postage : Rs. 10.00

This Act can be downloaded from www.documents.gov.lk



Judicature (Amendment) Act, No. 9 of 2018

[Certified on 15th of May, 2018]

L. D.—O. 59/ 2017

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. 9 of 2018. Short title.

2. Judicature Act , No. 2 of 1978 (hereinafter referred to as the “principal enactment”) is hereby amended by the insertion immediately after section 12 thereof, of the following new sections which shall have effect as sections 12A, 12B and 12C of that enactment:— Insertion of new sections 12A, 12B and 12C in Act, No. 2 of 1978.

“Jurisdiction of the High Court established under Article 154P of the Constitution in respect of certain offences.

12A. (1) (a) Notwithstanding anything in any other written law, the High Court established by Article 154P of the Constitution for a Province shall, in terms of sub-paragraph (c) of paragraph (3) of Article 154P of the Constitution hear, try and determine in the manner provided for by written law and subject to the provisions of subsection (4), prosecutions on indictment against any person, in respect of financial and economic offences specified in the Sixth Schedule to this Act, and any other offence committed in the course of the same transaction of any such offence, with three Judges sitting together nominated by the Chief Justice from among the Judges of the High Court of the Republic of Sri Lanka (hereinafter referred to as the “Permanent High Court at Bar”)

(b) The Minister may, with the concurrence of the Chief Justice increase, by order published in the *Gazette*, the number of such Courts of the Permanent High Court at Bar.

(2) (a) Notwithstanding anything to the contrary in any other written law, the Permanent High Court at Bar shall have jurisdiction in respect of offences referred to in subsection (1) –

- (i) committed by any person wholly or partly in Sri Lanka; or
- (ii) wherever committed by a citizen of Sri Lanka in any place outside the territory of Sri Lanka or on board or in relation to any ship or aircraft of whatever category.

(b) For the avoidance of doubt it is hereby declared that the jurisdiction of any other Court in respect of the offences referred to in the Sixth Schedule, shall continue to be in force.

(3) The jurisdiction of such Permanent High Court at Bar shall–

- (a) if such Court is the Court established for the Western Province, be exercised by that Court sitting in Colombo and where necessary in any other place within the Western Province, as may be designated by the Minister by Order published in the *Gazette*, with the concurrence of the Chief Justice; or
- (b) if such Court is the Court established for any other Province, be exercised by that Court sitting in such place within that Province, as may be designated by the Minister by Order published in the *Gazette*, with the concurrence of the Chief Justice.

(4) (a) The Attorney General or, the Director General for the Prevention of Bribery and Corruption on the direction of the Commission to Investigate Allegations of Bribery or Corruption, as the case may be, shall, taking into consideration—

- (i) the nature and circumstances;
- (ii) the gravity;
- (iii) the complexity;
- (iv) the impact on the victim; or
- (v) the impact on the State,

of the offence, referred to in subsection (1), refer the information relating to the commission of such offence to the Chief Justice for a direction whether criminal proceedings in respect of such offence shall be instituted in the Permanent High Court at Bar.

(b) Where the Chief Justice is of the opinion that any one or more of the criteria specified in paragraph (a) has been satisfied in referring information under that paragraph, he may by order under his hand direct that the criminal proceedings in respect of such offence be instituted in the Permanent High Court at Bar.

(5) Where the Chief Justice so directs, a trial before such Permanent High Court at Bar shall—

- (a) be held upon indictment by the Attorney General, or the Director General for the Prevention of Bribery and Corruption on the

direction of the Commission to Investigate Allegations of Bribery or Corruption;

(b) be held and concluded expeditiously; and

(c) unless in the opinion of the Court, exceptional circumstances exist which shall be recorded, be heard from day to day, to ensure the expeditious disposal.

(6) (a) Where any Judge of the Permanent High Court at Bar, dies or resigns or requests to be discharged from hearing the whole or part of any trial, before or after its commencement, or refuses or becomes unable to act, or otherwise ceases to be a Judge of the High Court, the Chief Justice shall, not later than two weeks of such death, resignation, discharge, refusal, inability or other cause, which causes such Judge to cease to be a Judge of such High Court, nominate another Judge of the High Court of the Republic of Sri Lanka in his place, to hear the whole or any part of such trial.

(b) Where a new Judge has been nominated under paragraph (a), it shall not be necessary for any evidence taken prior to such nomination to be retaken and the Permanent High Court at Bar shall be entitled to continue the trial from the stage at which it was immediately prior to such nomination, subject to the proviso to section 48 of this Act.

(7) The provisions of the Code of Criminal Procedure Act, No.15 of 1979 and the Commission to Investigate Allegations of

Bribery or Corruption Act, No. 19 of 1994 or any other written law, shall, *mutatis mutandis*, apply to the institution of proceedings and trials before the Permanent High Court at Bar.

Right of Appeal.

12B. (1) An appeal from any judgment, sentence or order pronounced at a trial held by a Permanent High Court at Bar under section 12A, shall be made within twenty eight days from the pronouncement of such judgment, sentence or order to the Supreme Court and shall be heard by a Bench of not less than five Judges of that Court nominated by the Chief Justice.

(2) The provisions of the Code of Criminal Procedure Act, No. 15 of 1979 and the Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994, or of any other written law governing appeals to the Court of Appeal from judgments, sentences or orders of the High Court in cases tried without a Jury shall, *mutatis mutandis*, apply to the appeals to the Supreme Court under subsection (1) from judgments, sentences or orders pronounced at a trial held before the Permanent High Court at Bar under section 12A.

(3) Any appeal made under this section shall be heard and disposed of, expeditiously.

Construction of written law in relation to the offences prosecuted against, in the permanent High Court at Bar.

12C. Where criminal proceedings have been instituted in terms of subsection (4) of section 12A, in the Permanent High Court at Bar, in respect of an offence referred to in subsection (1) of section 12A, a reference to any other court in the relevant law, shall be deemed to be a reference to the Permanent High Court at Bar, with effect from the date on which the indictment is filed in the Permanent High Court at Bar.”.

Amendment of section 63 of the principal enactment.

3. Section 63 of the principal enactment is hereby amended by the insertion immediately after the definition of the expressions “District Courts” and “Magistrate Courts” of the following definition:—

““Commission to Investigate the Allegations of Bribery or Corruption” means the Commission to Investigate Allegations of Bribery or Corruption established under section 2 of the Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994;

“Director General for the Prevention of Bribery and Corruption” means the Director General for the Prevention of Bribery and Corruption appointed under section 16 of the Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994;”.

Addition of the Sixth Schedule in the principal enactment.

4. The principal enactment is hereby amended by the addition immediately after the Fifth Schedule thereof, of the following Schedule:-

“SIXTH SCHEDULE

[section 12A (1)]

<i>Column I</i>	<i>Column II</i>
The law	Section and the offence
Penal Code (Chapter 19)	<p>366 - Theft.</p> <p>386 - Dishonest misappropriation of Property.</p> <p>387 - Dishonest misappropriation of property possessed by a deceased person at the time of his death.</p> <p>388 - Criminal breach of trust.</p> <p>390 - Criminal breach of trust by a carrier.</p> <p>391 - Criminal breach of trust by a clerk or Servant.</p> <p>392 - Criminal breach of trust by public servant, or by banker, merchant, or agent.</p> <p>392A- Criminal breach of a trust by public servant in respect of money or balance of money.</p> <p>392B- Criminal breach of trust by agent in respect of postal articles.</p> <p>394 - Dishonestly receiving stolen property.</p> <p>395 - Habitually dealing in stolen property.</p> <p>396 - Assisting in concealment of stolen property.</p> <p>398 - Cheating.</p> <p>399 - Cheating by personation.</p> <p>401 - Cheating with knowledge that wrongful loss may be thereby caused to a person whose interest the offender is bound to protect.</p>

	403 - Cheating and dishonestly inducing a delivery of property.
	404 - Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors.
	405 - Dishonestly or fraudulently preventing from being made available for his creditors a debt or demand due to the offender.
	406 - Dishonest or fraudulent execution of deed of transfer containing a false statement of consideration.
	407 - Dishonest or fraudulent removal or concealment of property or release of claim.
	452 - Forgery.
	453 - Making a false document.
	455 - Forgery of a record of a Court of Justice or of a public register of births, etc.
	456 - Forgery of a valuable security or will.
	457 - Forgery of the purpose of cheating.
	459 - Using as genuine a forged document.
	460 - Making or possessing a counterfeit seal, plate, and etc, with intent to commit a forgery punishable under section 456.
	461 - Making or possessing a counterfeit seal, plate and etc. with intent to commit a forgery punishable otherwise.
	462 - Having possession of a forged record or valuable security or will, known to be forged, with intent to use it as genuine.

	<p>463 - Counterfeiting a device or mark used for authenticating documents described in section 456 or possessing counterfeit marked material.</p> <p>464 - Counterfeiting a device or mark used for authenticating documents other than those described in section 456, or possessing counterfeit marked material.</p> <p>467 - Falsification of accounts.</p> <p>468 - Possession of any imitation of any currency note, bank note or coin.</p> <p>100, - Conspiracy and Abetment to 101, commit the offences of the Penal 101A, Code set out in this Schedule. 102, 113A, 113B</p>
Prevention of Money Laundering Act, No. 5 of 2006	<p>3 - Offence of Money Laundering.</p> <p>4 - An act amounting to an Offence under this section.</p> <p>- Conspiracy and Abetment to commit the offences under the Prevention of Money Laundering Act, No. 5 of 2006 set out in this Schedule.</p>
Bribery Act (Chapter 26)	<p>14 - Bribery of Judicial Officers and Members of Parliament.</p> <p>15 - Acceptance of gratification by Members of Parliament for interviewing public officers.</p> <p>16 - Bribery of police officers, peace officers and other public officers.</p> <p>17 - Bribery for giving assistance or using influence in regard to contracts.</p> <p>18 - Bribery for procuring withdrawal of tenders.</p>

10 *Judicature (Amendment) Act, No. 9 of 2018*

	19 - Bribery in respect of government business.
	20 - Bribery in connection with payment of claims, appointments, employments, grants, leases, and other benefits.
	21 - Bribery of public officers by persons having dealings with the Government.
	22 - Bribery of member of local authority, or of scheduled institution, or of governing body of scheduled institution, and bribery of officer or employee of local authority or such institution.
	23 - Use of threats or fraud to influence vote of member of local authority, or of scheduled institution, or of governing body of scheduled institution.
	23A - To own or to have owned property deemed under this section to be property acquired by bribery or property to which property acquired by bribery has or had been converted.
	24 - Accept of gratification.
	25 - Attempt to commit and abetment of an offence under Part II of the Bribery Act.
	70 - Corruption.
	- Conspiracy and Abetment to commit the offences under the Bribery Act, set out in this Schedule.

Offences Against Public Property Act, No. 12 of 1982	<p>3 - Theft of public property.</p> <p>5 - Dishonest misappropriation, criminal breach of trust, cheating, forgery and falsification of Accounts.</p> <p>- Conspiracy and Abetment to commit the offences under the offences against Public Property Act, set out in this Schedule.</p>
Convention on the Suppression of Terrorist Financing Act, No. 25 of 2005	<p>3 - offences under the Convention on the Suppression of Terrorist Financing Act.</p> <p>- Conspiracy and Abetment to commit the offences under the Convention on the Suppression of Terrorist Financing Act set out in this Schedule.</p>
Banking Act, No. 30 of 1988	Any act constituting an offence under Banking Act.
Registered Stocks and Securities Ordinance (Chapter 420)	Any act constituting an offence under Registered Stocks and Securities Ordinance.
Local Treasury Bills Act (Chapter 417)	Any act constituting an offence under Local Treasury Bills Act.
Securities and Exchange Commission of Sri Lanka Act, No. 36 of 1987	Any act constituting an offence under Securities and Exchange Commission of Sri Lanka Act.
Regulation of Insurance Industry Act, No. 43 of 2000	Any act constituting an offence under Regulation of Insurance Industry Act.
Finance Business Act, No. 42 of 2011	Any act constituting an offence under Finance Business Act.

12 *Judicature (Amendment) Act, No. 9 of 2018*

Payment Devices and Frauds Act, No. 30 of 2006	Any act constituting an offence under Payment Devices and Frauds Act.
Computer Crime Act, No. 24 of 2007	Any act constituting an offence under Computer Crime Act.
Offences under any law for the time being in force relating to transnational organized crime.”.	

Sinhala text to prevail in case of inconsistency.

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

