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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 2360/22 - 2023 නොවැම්බර් මස 27 වැනි සඳුදා - 2023.11.27
No. 2360/22 - MONDAY, NOVEMBER 27, 2023

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PART I : SECTION (I) — GENERAL

Government Notifications

L.D-B. 19/78 (VII)

THE JUDICATURE ACT, No. 2 OF 1978

REGULATIONS made by the Minister of Justice, Prison Affairs and Constitutional Reforms under Section 61 read with Section 45 of the Judicature Act, No. 2 of 1978.

Dr. WIJEYADASA RAJAPAKSHE,
Minister of Justice, Prison Affairs and
Constitutional Reforms.

Colombo,
23th November, 2023.

REGULATIONS

1. These regulations may be cited as the Justices of the Peace (Appointment, Suspension, Cancellation and Code of Conduct) Regulations No. 3 of 2023.
2. A person eligible to be appointed as a Justice of the Peace, shall :-
 - (a) be a Sri Lankan citizen;
 - (b) not be below thirty years of age;
 - (c) be of good character, be of unquestionable integrity and command the respect and confidence of the local community or the country;



- (d) be able to speak, read and write any one of the official languages fluently;
- (e) not have been convicted by any court of law for any criminal charge other than for an offence under the Motor Traffic Act (Chapter 203) for which offence the fine shall not exceed ten thousand rupees as may vary from time to time;
- (f) not be a bankrupt;
- (g) have rendered good service to the community;
- (h) be physically and mentally fit;
- (i) be a person having passed three subjects in G. C. E. Advance Level Examination:

Provided however in exceptional circumstances a person who does not have three passes or who does not have G. C. E. Advance Level qualifications at all, may be appointed by the Minister giving reasons in writing if the Minister is of the opinion that such person is suitable to be appointed as a justice of the Peace, in considering his exemplary service rendered to the society in terms of a particular skill or experience gained in a particular field; and

- (j) not be a person whose previous appointment as a Justice of the Peace had been cancelled or terminated.
3. A person eligible to be appointed as a justice of the Peace may forward their application in writing to the Minister. The Minister may, upon receiving a duly completed application, appoint any person qualified in accordance with these regulations to be a Justice of the Peace.
 4. A person appointed as a Justice of the Peace may unless he vacates office earlier by resignation, death or his appointment is suspended or cancelled by the Minister hold Office of a Justice of the Peace for life.
 5. The Secretary shall maintain a Register of Justices of the Peace containing the following particulars:-
 - (a) Full Name;
 - (b) Date of Birth;
 - (c) National Identity Card Number;
 - (d) Residential Address and Telephone Numbers (mobile and fixed line);
 - (e) Date of appointment, registration number and jurisdiction; and
 - (f) Date of resignation, suspension, cancellation or termination where applicable in terms of regulation 8 of the Office of Justice of the Peace;
 - (g) Death.
 6. (1) Every Justice of the Peace shall submit a Certificate of Life substantially in the Form specified in the Schedule I hereto, certified by the relevant Grama Niladhari and the Divisional Secretary, to the Secretary on or before the Thirty-first day of March in every two years for the purpose of updating the register under regulation 5.

Provided however, every person who has been appointed as a Justice of the Peace prior to the coming into force of these Regulations shall submit a Certificate of Life certified by the relevant Grama Niladhari and Divisional Secretary, within one year from date of coming into operation of these Regulations to the Secretary.

- (2) Every Justice of the Peace who fails to submit such Certificate of Life other than the for grounds considered reasonable by the Minister shall be deemed to have resigned from the Office of Justice of the Peace with effect from the last date on which such Certificate of Life was due.
7. Every Justice of the Peace shall observe the provisions of the Code of Conduct for Justices of the Peace specified in the Schedule II to these Regulations, and proof of failure to do so shall be an act of misconduct to the office bestowed and shall be liable to be removed from the Office of a Justice of the Peace by the Minister of by notification in writing under his hand.
8. The Minister may cancel an appointment as a Justice of the Peace where such person :-
- (a) Fails to take the oath of office within three months of the appointment;
 - (b) fails to comply with any of the conditions relating to his appointment;
 - (c) is convicted by any court of law on any criminal charge;
 - (d) is declared a bankrupt by a court of law;
 - (e) is found to be physically and mentally unfit to carry out the functions of the office;
 - (f) is found guilty of abusing his authority; or
 - (g) is found guilty of misconduct by violating any provision of the Code of Conduct for Justices of the Peace specified under regulation 7.
9. A Justice of the Peace may at any time resign from his office by a request in that behalf addressed to the Minister in writing.
10. The Procedure for cancelation of the appointment to the Office of Justice of Peace shall be as follows :-
- (a) Upon the Secretary receiving any information, complaint or allegation that a Justice of the Peace has committed any act or breach specified in regulation 8, the Secretary shall cause an inquiry to be made into all the circumstances surrounding the alleged act or breach;
 - (b) where in inquiry under paragraph (a) is to be conducted, the Minister may suspend such person from holding the Office of the Justice of the Peace until the conclusion of such inquiry.
 - (c) on receipt of the findings of the inquiry under paragraph (a), the Secretary shall forward the findings and his recommendations to the Minister. The Minister shall take a decision, having regard to the recommendations and the findings of the Secretary.
11. In these regulations unless the context otherwise requires :-

"Secretary" means the Secretary to the Ministry of the Minister assigned the Subject of Justice and includes any Additional Secretary to whom the power is delegated by such Secretary in writing.

"Minister" means the Minister assigned the Subject of Justice.

SCHEDULE 1

[Regulations 6]

CERTIFICATE OF LIFE

.....(year)

Justice of the Peace (Appointment, Suspension, Cancellation, and Code of Conduct) Regulations

Instructions to Justices of the Peace:

1. This certificate expires on two years from the date specified in the certificate issued by the Divisional Secretary.
2. Please fill out the entire form.
3. Please ensure that the signature and the official seals are completed, if not the certificate will be rejected.
4. If there is any change of NIC/Passport the relevant copies will have to be attached and submitted.
5. Failure to submit the certificate on or before 31st March biannually shall be deemed to have resigned from the Office of Justice of the Peace as per Regulation 6 (2).

1. Office Information :

- 1.1. Registration No. :
- 1.2. Date of Appointment. :
- 1.3. Jurisdiction :

2. Personal Information :

- 2.1. Full Name (English) :
- 2.2. Full Name (Sinhala/Tamil) :
- 2.3. Have your name changed? : Yes/No If Yes,
2.3.1 Full Name (English) :
- 2.3.2 Full Name (Sinhala/Tamil) :
- 2.4. Date of Birth :
- 2.5. Permanent Address :
- 2.6. Temporary Address, if any :
- 2.7. Contact Details :
- 2.7.1. Mobile : Direct :
- 2.7.2 Email :

3. **Identification Information :**

- 3.1 Sri Lankan NIC No. :
3.2 Citizenship Card No. :
3.3 Passport No. (if Any)

Passport No.	Date of Issue	Date of Expiry	Issued Country

4. **Declaration :**

I do hereby declare that the above information is true and correct to the best of my knowledge and I have enclosed herewith the copies of documents as necessary.

.....
Signature of the Justice of Peace

.....
Date

5. **Certification :**

5.1. Certification by the Grama Niladari

Certify that I have seen Mr./Mrs./Ms./Rev./Dr. the holder of the Office of Justice of Peace under Registration No., and that he/she is alive on this date, and *prima facie* found to be physically and mentally fit to carry out the functions of the office.

.....
Signature of the Grama Niladari

.....
Seal

Date :

5.2. Endorsement of the certification by the Divisional Secretary

I endorse the above certification of Grama Niladari, having seen the said Justice of Peace is alive on this date and *prima facie* found to be physically and mentally fit to carry out the functions of the office.

.....
Signature of the Divisional Secretary

.....
Seal

Date :

SCHEDULE II

[Regulation 7]

CODE OF CONDUCT FOR JUSTICES OF THE PEACE

The objective of this Code is to enforce the effective administration of justice by promoting high moral and ethical conduct among Justices of the Peace and eradication of opportunities for corrupt practices.

1. Access to Service :

A Justice of the Peace shall provide services of the Justice of the Peace with courtesy, dignity and respect, and deal with requests for services in a timely manner and shall not unreasonably refuse to provide services of the Justice of the peace.

2. Duties and Functions :

2.1 Every Justice of the Peace shall :-

- (i) be required to serve the public in relation to attestation and authentication of documents, in accordance with the following conditions:-
 - (a) Shall clearly record his registration number together with the full name with initials, signature and date on the document, which he signs;
 - (b) shall never certify a document unless the original has been produced and examined and he is satisfied as to the identity of the person signing the document;
 - (c) Where it is required that a declaration or instrument be signed or attested before a Justice of the Peace, Justice of the Peace shall ensure that the same is carried out before him; and
 - (d) shall not witness, attest, declare or sign any documents, affidavits which to his knowledge contain fraudulent and incorrect information;
- (ii) not offer legal advice in his capacity as a Justice of the Peace;
- (iii) endeavor to acquaint himself with the laws in force in Sri Lanka, in particular with the Code of Criminal Procedure Act, No. 15 of 1979; the Civil Procedure Code (Chapter 101); Judicature Act, No. 2 of 1978, Oath and Affirmation Ordinance (Chapter 23), and Affidavits Ordinance (Chapter 24).

2.2 In carrying out the duties of his office, a Justice of the Peace shall -

- (i) Abide by the oath of office;
- (ii) not charge a fee or accept any gift for providing services;
- (iii) act professionally, fairly, diligently and expeditiously to the best of his ability;
- (iv) act with integrity and independence;
- (v) not engage in dishonest or unlawful activities;
- (vi) not behave in such manner as to taint the office of Justice of Peace which shall be likely to bring the office into disrepute or public ridicule or cause public scandal;
- (vii) Avoid impropriety or the appearance of impropriety;
- (viii) Act at all times in the interest of the public and remain independent and impartial when providing the services of the Justice of the Peace;

- (ix) disclose any interest or relationship likely to lead to a conflict of interest in any matter with which he is concerned in the capacity of Justice of the Peace;
- (x) decline to provide services in matters where the Justice of Peace has a personal, family, financial, or business interest;
- (xi) not use the title of Justice of the Peace to claim or imply that he has any special authority, credibility or status to advance or appear to advance his own interests in any business, commercial or personal transaction or dispute;
- (xii) act in a calm and courteous manner consistent with the dignity of the office without regard to age, gender, race, colour, religion, culture, social class, language, mental or physical ability or political opinion;
- (xiii) safeguard the confidentiality of information and the privacy of information and the details about any individual that he becomes aware by virtue of his office as a Justice of the Peace and shall not disclose such information except as required by law; and
- (xiv) not join or create any associations to gain personal benefits using the title of Justice of the Peace.

3. **Official Seal/Letterhead :**

A Justice of the Peace shall state his registration number in the seal and the letterhead whether in hard copy or electronic form and shall not use the Government emblem.

4. **Sign Boards :**

A Justice of the Peace may display the title of Justice of the Peace to advertise his availability to perform services of the Justice of the Peace for the public at his office or residence including the use of the title after his or her name on a business card or letterhead whether in hard copy or electronic form as the case may be.

5. **Notification :**

- (a) A Justice of the Peace shall notify the Secretary in writing of any of the following changes as soon as practicable after such change:-
 - (i) a change to the name of the Justice of the Peace;
 - (ii) a change of residential address or telephone number.
- (b) All the justices of the Peace shall keep their immediate families informed to notify the Secretary of their demise as soon as possible in writing through the relevant Grama Niladhari.

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