

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

**Part II of March 03, 2017**

**SUPPLEMENT**

*(Issued on 06. 03. 2017)*



**CODE OF CRIMINAL PROCEDURE (SPECIAL  
PROVISIONS) (AMENDMENT)**

**A**

**BILL**

**to amend the Code of Criminal Procedure (Special Provisions)  
Act, No. 2 of 2013**

*Ordered to be published by the Minister of Justice*

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*STATEMENT OF LEGAL EFFECT*

*Clause 2 :* This clause amends the Code of Criminal Procedure (Special Provisions) Act, No. 2 of 2013 by inserting section 6A in that Act and the legal effect of the amendment is to make provisions to ensure the rights of an Attorney-at-Law who represents a person held in the police custody.

*Code of Criminal Procedure (Special Provisions)*  
(Amendment)

L. D.—O. 3/2017.

AN ACT TO AMEND THE CODE OF CRIMINAL PROCEDURE  
(SPECIAL PROVISIONS) ACT, NO. 2 OF 2013

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

1. This Act may be cited as the Code of Criminal Procedure (Special Provisions) (Amendment) Act,  
5 No. of 2017.

2. The following new section is hereby inserted  
immediately after section 6 of the Code of Criminal  
Procedure (Special Provisions) Act, No. 2 of 2013 and shall  
have effect as section 6A of that Act:—

Insertion of  
new section  
6A in Act,  
No. 2 of  
2013.

10 “Right of an Attorney-at-Law to access a person in the police custody.  
15 6A. (1) Notwithstanding anything to the contrary in this Act, an Attorney-at-Law representing a person in police custody shall, from the time such person is taken into custody, be entitled to have access to the police station in which such person is being held in custody, for the purpose of meeting the officer in charge of the police station and making representations to such officer.

20 (2) The right of an Attorney-at-Law, to have access to the police station, and to make representations, shall not affect the investigations that may be conducted in respect of the person being represented.

25 (3) Any such Attorney-at-Law shall be permitted entry into such police station and

2     *Code of Criminal Procedure (Special Provisions)*  
          *(Amendment)*

shall, be treated cordially and courteously, and  
be given a fair and patient hearing by the police  
officers attached to such police station.

5           (4) Any such Attorney-at-Law shall, on  
behalf of the person being held in police  
custody, be entitled to meet the officer in  
charge of the police station and ascertain from  
such officer the following information:—

10                 (a) offence alleged to have been  
committed by such person;

               (b) date, time and location of the arrest  
of such person;

15                 (c) date, approximate time and place of  
producing such person before a  
Magistrate; and

               (d) any other information, the revealing  
of which would not adversely affect  
the conduct of further investigations  
and the interests of justice.

20           (5) Any such Attorney-at-Law shall be  
entitled to—

               (a) make representations on behalf of  
such person, to the officer in charge  
of the police station; and

25                 (b) make an application to the officer in  
charge of the police station, seeking  
the grant of bail for such person in  
terms of section 6 of the Bail Act,  
No. 30 of 1997.

*Code of Criminal Procedure (Special Provisions)* 3  
(Amendment)

5 (6) Such Attorney-at-Law shall, if he so requests, be allowed to have access to the person in custody, unless such access is prejudicial to the investigation being conducted.

(7) Where such Attorney-at-Law makes, representations or, an application under subsection (5), such officer shall—

10 (a) make a record of the representations so made;

(b) give due consideration to such representations; and

(c) record reasons for the grant or refusal of such application seeking bail.

15 (8) Every officer in charge of a police station shall, if he is not in a position to entertain representations made by an Attorney-at-Law, under this section, appoint a suitable police officer to entertain such representations.

20 (9) For the purposes of this section the expression “officer in charge of a police station” includes any other police officer representing such officer in charge of the police station.”.

25 **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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