



SRI LANKA Judicature Act

(Consolidated Code and Amendments up to 2023)

Published by

LANKA LAW

www.lankalaw.net

ACT AND AMENDMENT	PAGE
Judicature Act Consolidated up to 1999	3-24
<u>31/2007 : Judicature (Amendment)</u>	25-27
<u>10/2010 : Judicature (Amendment)</u>	28-30
<u>26/2017 : Judicature (Amendment)</u>	31-33
<u>9/2018 : Judicature (Amendment)</u>	34-47
<u>5/2019 : Judicature (Amendment)</u>	48-51
<u>4/2022 : Judicature (Amendment)</u>	52-55
<u>34/2022 : Judicature (Amendment)</u>	56-81

JUDICATURE

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND CONSTITUTION OF A SYSTEM OF COURTS OF FIRST INSTANCE IN TERMS OF ARTICLE 105 (1) OF THE CONSTITUTION, TO DEFINE THE JURISDICTION OF AND TO REGULATE THE PROCEDURE IN AND BEFORE SUCH COURTS/AND TO PROVIDE FOR MATTERS CONNECTED WITH OR INCIDENTAL TO THE MATTERS AFORESAID.

Act Nos,

[2 of 1978](#)

[37 of 1979](#)

[71 of 1981](#) [18th November , 1981]

[35 of 1983](#) [4th October , 1983]

[36 of 1983](#) [4th October , 1983]

[50 of 1985](#) [27th December , 1985]

[16 of 1989](#) [8th November , 1989]

[29 of 1991](#) [9th August , 1991]

[30 of 1991](#) [9th August , 1991]

[27 of 1998](#) [4th June , 1998]

[27 of 1999](#) [30th August , 1999]

Gazette Nos,

[1380-17-2005](#)

[678-14-1991](#)

[2nd July , 1979]

Short title. **1.** This Act may be cited as the Judicature Act.

CHAPTER I

COURTS AND THEIR TERRITORIAL LIMITS

The Courts of First Instance. **2.** The Courts of First Instance for the administration of justice in the Republic of Sri Lanka shall be-

[\[2,16 of 1989\]](#)

- (a) the High Court of the Republic of Sri Lanka;
- (b) the District Courts ;
- (c) the Small Claims Courts;
- (d) the Magistrates' Courts;

Division of Sri Lanka for judicial purposes. **3*** For the purpose of the administration of justice Sri Lanka shall be divided into judicial zones, Judicial districts and Judicial divisions within such territorial limits as may in consultation with the Chief Justice and the President of the Court of Appeal from time to time be determined by the Minister by Order published in the Gazette :

Provided that the judicial zones, districts and divisions and their respective territorial limits as were in existence on the day preceding the date on which the provisions of this section are brought into operation * shall continue to be the zones, districts and divisions and their respective territorial limits under this Act until such Order of the Minister is published in the Gazette. (*1st July.1979)

CHAPTER II

ESTABLISHMENT OF THE COURTS OF FIRST INSTANCE

Composition of the High Court. **4.** The High Court of the Republic of Sri Lanka shall be a Court of record and shall consist of

[\[2.71 of 1981\]](#)

[\[2.35 of 1983\]](#)

[\[3.16 of 1989\]](#)

- (a) not less than ten and not more than forty Judges, each of whom shall be known as a " Judge of the High Court" ;
- (b) such Commissioners of the High Court as are appointed under Article 111A of the Constitution.'

District Courts, Small Claims Courts and Magistrates' Courts.

[\[3.71 of 1981\]](#)

[\[4.16 of 1989\]](#)

5.

(1) There shall be in such judicial district of Sri Lanka a " District Court" and in every judicial division there shall be a "Small Claims Court" and " Magistrates' Court" and each such court shall be holden by and before one person to be called the " District Judge ", " Judge of the Small Claims Court" and "Magistrate" respectively.

(3) Each court referred to in subsection (1) may be held at such convenient place or places within such judicial district or division, as the case may be, as the Minister shall by regulation from time to time appoint:

Provided that nothing in this section shall be construed to restrict or curtail the power possessed by every Judge to hold court at any convenient place within his territorial jurisdiction.

Judicial day. **5A.**

[\[5.16 of 1989\]](#)

(1) For the purpose of sittings for conducting trials and inquiries in every Court of First Instance a working calendar day shall be divided into two judicial days, each such judicial day beginning not later than 9.45 a.m. and 1.15 p.m. respectively.

(2) Trials and inquiries shall be fixed for every web. Judicial day.

(3) Every such judicial day shall, for the purposes of subsections (1) and (2) consist of a sitting in open court of a minimum duration of two and a half hours.

(4) Where any judge of any Court of First Instance is unable to comply with the provisions of this section he shall record the reasons for such inability and shall forthwith forward a copy of such reasons to the Judicial Service Commission.

Appointment of the Master. **5B.**

[\[5.16 of 1989\]](#)

(1) There shall be appointed to every such court as may be specified by the Minister by Order published in the Gazette, in consultation with the Chief Justice, an officer to be called the Master.

(2) The Master shall sit separately and exercise ail the powers or jurisdiction vested in him by subsection (3).

(3) The Master shall attend to and deal with all pre trial and postrial matter as arise in the course of a civil proceeding

instituted in the court to which he is appointed, including the framing of issues and the recording of admissions :

Provided that it shall be competent for the trial judge to record such admissions and frame such issues, whether by way of amendment of existing issues or otherwise, as may be considered to be appropriate during the conduct of the trial before; him.

(4) The Master may, with the concurrence of the judge of the court, submit for determination by such judge any matter which, may otherwise have been properly dealt with by him.

(5) The judge of any court may refer to the Master any matter of a procedural nature arising in the course of an action instituted in that court after the stage referred to in subsection (3).

(6) The Master shall have the power to do all such acts connected with or incidental or ancillary to, the exercise of the powers and jurisdiction vested in him by subsection (3), including the maintenance of the Journals of the Court.

Appointment of **5C.**
the recorder.

[\[5.16 of 1989\]](#)

(1) There shall be appointed to every court as may be specified by the Minister by Order published in the Gazette, in consultation with the Chief Justice, an officer to Be called the Recorder.

(2) The Recorder shall sit separately and exercise all the powers or jurisdiction vested in him by subsection (3).

(3) The Recorder shall attend to and deal with all pre-trial and post-trial matters not including sentencing as arise in the course of a criminal proceeding instituted in the Court to which he is appointed, including the recording of admissions and confessions : Nothing in this section shall prejudice the powers of the trial judge to record such admissions as may be considered to be appropriate during the conduct of the trial before him.

(4) The provisions of subsections (4),(5) and (6) of section 5B shall, mutatis mutandis, apply to and in relation to, the powers and functions of a Recorder appointed under subsection (1).

Appointment **6.**
retirement of
Judges.

[\[4.71 of 1981\]](#)

[\[3.35 of 1983\]](#)

[\[6.16 of 1989\]](#)

(1) Every District Judge, Judge of the Small Claims Court and Magistrate and all such Additional Judges and Magistrates of such courts shall be appointed to their offices by the Judicial Service Commission.

(2) Every person appointed to be or to act as a Judge or Magistrate, as the case may be, of a Court of First Instance shall before he enters upon his office take and subscribe or make and subscribe the oath or affirmation of office prescribed in the First Schedule hereto.

(3) The age of retirement of a Judge of the High Court (other than a Commissioner of the High Court appointed under Article 111A of the Constitution) shall be sixty-one years.

(4) The age of retirement of all other Judges and Magistrates shall be as provided by rules made under the Public and Judicial Officers (Retirement) Ordinance.

Salaries of the Judges of the High Court. **7.** The salaries of the Judges of the High Court shall be charged on the Consolidated Fund.

Appointment of **8.**
additional
Judges, c.
[\[5.71 of 1981\]](#)
[\[7.16 of 1989\]](#)

(1) The Judicial Service Commission may appoint as many Additional District Judges, Judges of the Small Claims Court and Magistrate's Court respectively in as the occasion may require.

(2) Every Additional District Judge, Judge of the Small Claims Court or Magistrate appointed to any such Court, shall sit separately and exercise all the powers and the jurisdiction vested in the District Court, the Small Claims Court or the Magistrate's Court as the case may be.

(3) Every Magistrate appointed to a judicial division shall have concurrent jurisdiction with the Magistrate appointed for every other judicial division, for the purposes of exercising jurisdiction under section 9(b) (iii) of the Code of Criminal Procedure Act, No, 15 of 1979.

CHAPTER III

THE HIGH COURT OF THE REPUBLIC OF SRI LANKA

Criminal **9.**
jurisdiction.
[\[6.71 of 1981\]](#)

(1) The High Court shall ordinarily have the power and authority and is hereby required to hear, try and determine in the manner provided for by written law all prosecutions on indictment instituted therein against any person in respect of-

(a) any offence wholly or partly committed in Sri Lanka

(b) any offence committed by any person on or over the territorial waters of Sri Lanka;

(c) any offence committed by any person in the air space of Sri Lanka;

(d) any offence committed by any person on the high seas where such offence is piracy by the law of nations;

(e) any offence wherever committed by any person on board or in relation to any ship or any aircraft of whatever category registered in Sri Lanka; or

(f) any offence wherever committed by any person, who is 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.

(2) The jurisdiction of the High Court shall subject to the provisions of any other law-

(a) in respect of any offence committed wholly or partly in Sri Lanka referred to in paragraph (a) of subsection (1), be ordinarily exercised by the High Court holden in a judicial zone within which such offence was wholly or partly committed;

(b) in respect of any offence committed in any place referred to in paragraphs (b) to (f) of subsection (1) shall be exercised by the High Court holden in the judicial zone nominated by the Chief Justice by a direction in writing under his hand :

Provided that the Chief Justice may may, if he deems fit, direct by writing under his hand that the High Court holden in any zone nominated by him shall hear and determine any offence referred to in paragraph (a) would ordinarily have been heard and determined by the High Court holden in any other judicial zone.

Sentence. **10.** The Judges of the High Court may impose any sentence or other penalty prescribed by written law.

Trial **11.**

by

Jury.

[\[8.16 of 1989\]](#)

(1) Subject to the provisions of sub-section (2) all trials in the High Court shall be before a Judge of the High Court sitting alone without a Jury.

(2) Trial in the High Court shall be by Jury before a Judge of the High Court where at least one of the charges is for an offence referred to in the Second Schedule hereto and the accused elects to be tried by a Jury.

(3) The election by the accused, to be tried by a Jury, shall be made at any time before the commencement of the trial.

Trials **12.**

at Bar.

(1) Notwithstanding anything to the contrary in this Act or any other written law, trials at Bar shall be held by the High Court in accordance with the law for the time being in force for offences punishable under the Penal Code and other laws.

(2) The Chief Justice shall nominate a Bench of three Judges of the High Court naming one of them as the Chairman and also specifying the zone where such trial shall be held:

Provided that the Chief Justice shall not by reason of the fact that he has made an order under this subsection be disqualified or precluded from hearing any appeal to the Supreme Court in any matter which is the subject of a direction made by him under this subsection.

Admiralty **13.**

jurisdiction.

[\[9.16 of 1989\]](#)

(1) Admiralty jurisdiction is hereby vested in the High Court and shall ordinarily be exercised by a Judge of the High Court sitting in the judicial zone of Colombo ; Provided that the Minister may by Order published in the Gazette empower a Judge of the High Court sitting in any other judicial zone also to exercise Admiralty jurisdiction and define the territorial limits and the territorial waters.* if any, adjacent thereto for the purpose of the exercise of

such jurisdiction.

(2) The Admiralty jurisdiction vested in the High Court shall be as provided for by law for the time being in force. The rules in force immediately prior to the coming into operation of this Act, shall continue to be in force until new rules are made, and any acts done in pursuance of these rules, after the coming into operation of this Act shall be deemed to have been, and to be, validly done.

(3)

(a) Any person who is dissatisfied with any final judgment given in the exercise of Admiralty jurisdiction may prefer an appeal to the Court of Appeal against such judgment for any error in fact or in law.

(b) Any person who is dissatisfied with any order made in the exercise of Admiralty jurisdiction may appeal against such order to the Court of Appeal for the correction of any error in fact or in law with the leave of the Court of Appeal first had and obtained.

(c) Every appeal to the Court of Appeal and every application for leave to appeal shall be made as nearly as may be in accordance with the procedure prescribed by the Civil Procedure Code.

(*See also sections 2 and 11 of the Maritime Zones Law.)

Right of appeal **14.** Any person who stands convicted of any offence by the High Court in criminal cases. may appeal therefrom to the Court of Appeal-

(a) in a case tried with a jury-

(i) against his conviction on any ground which involves a question of law alone; or

(ii) against his conviction on any ground which involves a question of fact alone, or a question of mixed law and fact; or

(iii) with the leave of the Court of Appeal against the sentence passed on his conviction, unless the sentence is one fixed by law;

(b) in a case tried without a jury, as of right, from any conviction or sentence except in the case where-

(i) the accused has pleaded guilty; or

(ii) the sentence is for a period of imprisonment of one month of whatsoever nature or a fine not exceeding one hundred rupees;

Provided that in every such case there shall be an appeal on a question of law or where the accused has pleaded guilty on the question of sentence only.

Right of the Attorney-General to appeal in criminal cases. **15.** The Attorney-General may appeal to the Court of Appeal in the following cases :-

(a) from an order of acquittal by a High Court-

(i) on a question of law alone in a trial with or without a jury ;

(ii) on a question of fact alone or on a question of mixed law and fact with leave of the Court of Appeal first had and obtained in a trial without a jury;

(b) in all cases on the ground of inadequacy or illegality of the sentence imposed or illegality of any other order of the High Court.

Right of party aggrieved to appeal in criminal cases. **16.**

(1) A person aggrieved by a judgment, order or sentence of the High Court in criminal cases may appeal to the Court of Appeal with the leave of such court first had and obtained in all cases in which the Attorney-General has a right of appeal under this Chapter.

(2) In this section "a person aggrieved" shall mean any person whose person or property has been the subject of the alleged offence in respect of which the Attorney-General might have appealed under this Chapter and shall, if such person be dead, include his next of kin namely his surviving spouse, children, parents or further descendants or brothers or sisters.

(3) Nothing in this section shall in any way affect the power of the Court of Appeal to act by way of revision in an appropriate case.

Sittings of the High Court, [\[7.71 of 1981\]](#) [\[4.35 of 1983\]](#) **17.** The High Court may subject to the provisions of this Act exercise its jurisdiction within any of the judicial zones specified and in existence under the provisions of section 3, and the Chief Justice may from time to time nominate and assign by writing under his hand a Judge of the High Court to exercise such jurisdiction of the High Court at sittings in the zone, as specified in such writing. Every Commissioner of the High Court appointed under Article 111A of the Constitution shall exercise such jurisdiction of the High Court within the judicial zone specified in his warrant of appointment.

Contempt of High Court. **18.** The High Court shall have power and authority to take cognizance of and try in a summary manner any offence of contempt committed against or in disrespect of its authority, and on conviction to commit the offender to jail for a period not exceeding five years. Such imprisonment shall be simple or rigorous as the court shall direct and the offender may, in addition thereto, or in lieu thereof, in the discretion of the court be sentenced to pay a fine not exceeding five thousand rupees.

CHAPTER IV DISTRICT COURTS

Jurisdiction of District Courts. **19.** [\[10.16 of 1989\]](#)

(1) Every District Court shall be a court of record and shall within its district have unlimited original jurisdiction in all civil

revenue, trust, matrimonial, insolvency and testamentary matters, save and except such of the aforesaid matters as are by or under this Act or by virtue of the provisions of any other enactment exclusively assigned by way of original jurisdiction to any other court of vested in any other authority and In the exercise of such jurisdiction to impose fines, penalties and forfeitures and shall in fake manner also have jurisdiction over the persons and estates of persons of unsound mind, minors and wards, over the estates of constuisque trust and over guardians and trustees and in any other matter in which jurisdiction is given to District Courts by law.

Civil jurisdiction. [\[11.16 of 1989\]](#) **19A.** Every District Court shall have cognizance of and full power to hear and determine all pleas, suits and actions in which a party defendant shall be resident within the district in which any such suit or action shall be brought, or in which the cause of action shall have arisen within such district or where the land in respect of which the action is brought lies, or is situate wholly or partly within such district, or the contract sought to be enforced was made within such district.

Custody of persons and estates of idiots, persons of unsound mind, c.

(1) Every District Court shall have the care and custody of the persons and estates of all idiots and persons of unsound mind and others who by reason of their mental or physical infirmities, or both such infirmities, are incapable of looking after or managing their persons or their affairs as the case may be and are resident within its district with full power to make them wards of the court and to appoint guardians and curators of all such persons and their estates, and to make order for the maintenance of such persons and the proper management of their estates, and to take proper securities for such management from such guardians and curators, and to call them to account, and to charge them with any balance which may be due to any such persons as aforesaid, or to their estates, and to enforce the payment thereof and to take order for the secure investment of any such balance; and such guardians and curators from time to time remove and replace as occasion may require.

(2) When any person is made a ward of court under subsection (1) he shall not be removed from Sri Lanka without the leave of court which may be granted subject to such terms and conditions as the court may by order impose including orders for security. Any person knowingly removing or assisting in such removal without leave of court shall be liable to be punished as for a contempt of court.

(3) The jurisdiction and powers of District Courts under this section as regards the charge of the property of persons of unsound mind and mentally deficient persons shall extend to the charge of the property in Sri Lanka of persons of unsound mind and mentally deficient persons who are not resident in Sri Lanka and may be exercised by any District Court within whose territorial limits any such property is situate.

(4) A "mentally deficient person" means a person mentally ill or feeble and incapable of managing his own affairs though not adjudicated a person of unsound mind in accordance with the law for the time being in force.

Testamentary Jurisdiction. **21.** Every District Court shall have full power and authority subject to and in accordance with the law in force for the time being-

(1) to appoint according to the law in force for the time being administrators of the estates and effects of any persons dying either intestate, or who may not by any last will or testament have appointed any executor or trustee for the administration of such estates or effects, whether such estates or effects may be within such district or any other district or districts within Sri Lanka;

(2) to inquire into and determine upon the validity of any document or documents adduced before it as and for the last will and testament of any person who may have died leaving property in Sri Lanka, and to record the same, and to grant probate thereof;

(3) to appoint administrators for the administration or execution of the trusts of any such last will or testament as aforesaid in cases where the executors or trustees thereby appointed shall not appear and take out probate thereof, or having appeared and taken out such probate, shall have resigned their office or shall by death or otherwise become incapable to carry any such trust fully into execution ; and

(4) to take proper securities from all executors (whenever it shall seem to the court expedient to require the same) and all administrators of the last wills and testaments of any deceased persons or of the estates and effects of any persons who may have died interstate, and from the attorneys of any executors who may apply for administration of the last wills and testaments of any deceased persons for the faithful performance of such trusts, and for the proper accounting in such court for what may come into their hands or be by them expended in the execution thereof and to call them to account; and when it shall seem to such court expedient, to cause all accounts rendered by them to be duly and carefully audited and examined and to charge them with any balance which may from time to time remain in their hands, applicable for the performance of such trusts and to enforce the payment thereof, and to take order for the secure investment of any such balances and the apportionment and payment thereof among and to such persons as shall be found entitled to the same, and such administrators from time to time to remove and replace as occasion may require.

Transfer of Testamentary cases. **22.** Where any court shall, under the provisions of this Chapter, have issued probate of the will or letters of administration of the estate or effects of any person who shall have left property within the jurisdiction of any other court, or where any application for such probate or letters of administration shall have been made to any court, it shall be lawful for the Court of Appeal, on

application showing good grounds therefor, to make order for the transfer of any cause, suit, action, or matter in regard to any such probate or administration so pending in any such court, to such other court; and the court to which the same shall be so transferred shall take cognizance thereof, and have power and jurisdiction in all respects with regard thereto as effectually to all intents and purposes as the court which originally had cognizance of the same.

Appeal. **23.**

[2, 37 of
1979]

[\[12.16 of
1989\]](#)

(1) Any person who is dissatisfied with, any judgment pronounced by a District Court in any civil action, proceeding or matter to which he is a party may prefer an appeal to the Court of Appeal against such judgment for any error in fact or in law.

(2) Any person who is dissatisfied with any order made by a District Court in the course of any civil action, proceeding or matter to which he is or seeks to be a party, may prefer an appeal to the Court of Appeal against such order for the correction of any error in fact or in law, with the leave of the Court of Appeal first had and obtained.

CHAPTER V

SMALL CLAIMS COURTS [§ 13,16 of 1989]

Jurisdiction of **24.**
Small Claims

Courts.

[\[8.71 of 1981\]](#)

(1) Every Small Claims Court shall be a court of record and shall have exclusive original jurisdiction and shall have cognizance of and full power to hear and determine all actions in which the debt, damage, or demand does not exceed such sum as may be specified by the Minister by an Order published in the Gazette and in which the party or parties defendant is or are resident within the jurisdiction of such court, or in which the cause of action has arisen within such jurisdiction and all proceedings under Chapter LXVIA of the Civil Procedure Code where the land or any part thereof is situate within the jurisdiction of such court, and all hypothecary action in which the amount claimed does not exceed such sum as may be specified in such order, and the land hypothecated, or any part thereof is situated within the jurisdiction of such court, and also all actions in which the title to, interest in, or right to the possession of any land is in dispute, and all actions for the partition or sale of land:

Provided that the value of the land or the particular share, right, or interest in dispute or to be partitioned or sold does not exceed such, sum as may be specified in such Order and the same or any part thereof is situate within, the jurisdiction of such court, and shall exercise any other jurisdiction as may be vested in it by any other law:

Provided always that such court shall not have cognizance of any action for criminal conversation, or for seduction, or for breach of promise of marriage, or for separation a menses thorn, or for divorce, a vineulomatrimonii, or for declaration of nullity of marriage.

(2) An Order made under subsection (1) shall not have effect until it is approved by Parliament and notification of such approval, is published in the Gazette.

Costs 25. It shall be lawful for the judge of every such court, in pronouncing his judgment or order in any case, to make such order respecting the payment of costs and expenses as to him shall appear just and reasonable.

Appeal 26. Any person who is dissatisfied with any final judgment of the Small Claims [19.71 of 1981](#) Court in any action, proceeding or matter or an order having the effect of a final judgment of such court may, (except where such right is expressly disallowed) appeal to the High Court established by Article 154P of the Constitution for the province in which such Small Claims Court is situated, against any such judgment or order, with, the leave of such Small Claims Court or where such leave is refused, with the leave of such High Court. The High Court may in the exercise of its appellate jurisdiction in respect of such judgments or orders, affirm, reverse, modify or correct any such order or judgment according to law or may give directions to the Small Claims Court from which the appeal has been preferred or order a new trial or further hearing, on such terms as such High Court shall think fit.

Where defence or claim in reconvention is beyond jurisdiction of court. **27.** Where in any proceeding before any Small Claims Court any defence or claim in reconvention of the defendant involves matter beyond the jurisdiction of the Court, such defence or claim in reconvention shall not affect the competence or duty of the Court to dispose of the matter in controversy in so far as it relates to the demand of the plaintiff and the defence thereto and the claim in reconvention: Provided that in such case it shall be lawful for the Court of Appeal or any Judge thereof, if it shall be thought fit, on the application of any party to the proceeding, to order that the whole proceeding be transferred from the court in which it is instituted to some court having jurisdiction over the whole matter in controversy and in such case the record in such proceeding shall be transmitted by the Registrar of the Court to the court to which by such order the proceeding is so transferred and the same shall thenceforth be continued and proceeded in such, court as if it had been originally commenced therein.

Judge of Small Claims Court to execute judgments, &. in appeal. **28.** The Judge of every Small Claims Court shall conform to and execute all such judgments, orders, and decrees of the Supreme Court or Court of Appeal or High Court established by Article 154P of the Constitution as shall be made and pronounced in any appeal, in like manner as any original judgment or order pronounced by the said Judge could or might have been executed.

Where value of action is beyond jurisdiction of court. [\[4.37 of 1979\]](#) [\[10.71 of 1981\]](#) **29.** Where there is evidence that the value of any action filed in any Small Claims Court is over the monetary jurisdiction of that Court, the Judge shall make order accordingly and shall record such fact and thereupon the action shall stand removed to the appropriate District Court.

Amicable settlement. [\[4.37 of 1979\]](#) **30.** It shall be the duty of the Judge of the Small Claims Court by all lawful means to endeavor to bring the parties to an amicable settlement where appropriate and to remove, with their consent, the real cause of grievance if any, between them.

CHAPTER VI
MAGISTRATES' COURTS

Powers and jurisdiction. **30.** Every Magistrates Court shall have and exercise all powers and authorities and perform all duties which Magistrates' Courts are empowered and required to have, exercise and perform by virtue of the provisions of the Penal Code or of the law relating to criminal procedure or of any other enactment for the time being in force in any way empowering or requiring them in that behalf. For the purposes of this section "law relating to criminal procedure " shall mean the Code of Criminal Procedure Act.

Right of appeal. **31.** Any party aggrieved by any conviction, sentence or order entered or imposed by a Magistrate's Court may subject to the provisions of any law appeal therefrom to the Court of Appeal in accordance with any law, regulation or rule governing the procedure and manner for so appealing.

CHAPTER VII
PRIMARY COURTS (Repealed)

[\[14.16 of 1989\]](#) **32-36)**

CHAPTER VIII
GENERAL PROVISIONS

Right of appeal to the Supreme Court. **37.** There shall be a right of appeal to the Supreme Court in accordance with the provisions of the Constitution and of any other law from any judgment or order of the Court of Appeal in any appeal from the High Court, the District Courts, the Small Claims Courts or the Magistrates' Courts.

Courts of First Instance to execute judgments &c in appeal. **38.** Every Court of First Instance shall in all cases of appeal from such court to the Court of Appeal and to the Supreme Court conform to and execute all such judgments, orders and decrees of the Court of Appeal and the Supreme Court, as the case may be, as shall be made and pronounced in such appeal in like manner as though such judgment, order or decree was made and pronounced by such Court of First Instance-

Objection to jurisdiction. **39.** Whenever any defendant or accused party shall have pleaded in any action, proceeding or matter brought in any Court of First Instance neither party shall afterwards be entitled to object to the jurisdiction of such court, but such court shall be taken and held to have jurisdiction over such action, proceeding or matter:

Provided that where it shall appear in the course of the proceedings that the action, proceeding or matter was brought in a court having no jurisdiction intentionally and with previous knowledge of the want of jurisdiction of such court, the Judge shall be entitled at his discretion to refuse to proceed further with the same, and to declare the proceedings null and void.

Attorneys at-law. **40.**

(1) The Supreme Court may in accordance with rules for the time being in force admit and enrol as attorneys-at-law persons of good repute and of competent knowledge and ability.

(2) When any order has been duly made for the admission of any person as an attorney-at-law of the Supreme Court the Registrar of the Supreme Court shall and he is hereby required at the time of such

admission to issue and deliver to such person so admitted a writing under the hand of such Registrar and the seal of the said court certifying the admission of such person as an attorney-at-law as aforesaid and the stamp duty specified in item 1 of Part V of Schedule A to the Stamp Ordinance shall be payable on such admission.

(3) The provisions of subsection (2) relating to stamp duty shall be deemed to have come into force on January 1, 1974.

Right of representation. **41.**

(1) Every attorney-at-law shall be entitled to assist and advise clients and to appear, plead or act in every court or other institution established by law for the administration of justice and every person who is a party to or has or claims to have the right to be heard in any proceeding in any such court or other such institution shall be entitled to be represented by an attorney-at-law.

(2) Every person who is a party to any proceeding before any person or tribunal exercising quasi-judicial powers and every person who has or claims to have the right to be heard before any such person or tribunal shall unless otherwise expressly provided by law be entitled to be represented by an attorney-at-law.

Refusal to admit, suspension and removal of attorney-at-law. **42.**

(1) The Supreme Court shall have the power to refuse to admit and enrol any person applying to be so admitted and enrolled as an attorney-at-law and shall if required to do so by the applicant, assign and declare in open court the reasons for such refusal.

(2) Every person admitted and enrolled as an attorney-at-law who shall be guilty of any deceit, malpractice, crime or offence may be suspended from practice or removed from office by any three Judges of the Supreme Court sitting together.

(3) Before any such attorney-at-law shall be suspended or removed as hereinbefore provided a notice containing a copy of the charge or charges against him and calling upon him to show cause within a reasonable time why he should not be suspended or removed, as the case may be, shall be personally served on him. If, however, personal service cannot be effected, the Supreme Court shall order such substituted service as it may deem fit:

Provided however that every such attorney-at-law may be suspended by any Judge of the Supreme Court on such cause as aforesaid pending the final decision of the Supreme Court.

(4) It shall be the duty of the presiding officer of any court or other tribunal administering justice before which any attorney-at-law is found guilty of any crime or offence which may be prescribed to forthwith report such fact to the

Supreme Court which may if it thinks fit suspend such attorney-at-law from practice pending the final determination of any appeal from such finding of guilty or a proceeding under subsection (3) whichever is later.

Inquiry by disciplinary committee into alleged misconduct of attorney-at-law. **43.**

(1) Where the Chief Justice or any Judge of the Supreme Court considers it expedient or necessary for the purpose of enabling the Court to determine whether or not proceedings should be taken for the suspension from practice or the removal from office of any attorney-at-law, the Chief Justice or any other Judge of the Supreme Court may by order direct that a preliminary inquiry into any alleged misconduct of such attorney-at-law shall be held by a disciplinary committee of the Bar Association of Sri Lanka constituted in accordance with the succeeding provisions of this Act.

(2) Nothing in subsection (1) shall be construed as to require the Supreme Court or any Judge thereof to direct that a preliminary inquiry be held as therein provided, before proceedings are taken under section 42 (3) in relation to any attorney-at-law.

(3) No member of such disciplinary committee, nor the secretary thereof shall, in respect of any act or thing done or omitted to be done by him in his capacity as such member or secretary, be liable to any action, prosecution or other proceeding in any civil or criminal court.

Disciplinary Committees. **44.**

(1) The Chief Justice shall appoint a panel of not less than fifteen members of the Bar Association of Sri Lanka for the purposes of constituting disciplinary committees for holding inquiries required by the preceding section.

(2) Every person appointed to the panel shall be a member thereof for a period of three years from the date of his appointment, unless he is earlier removed therefrom by the Chief Justice acting in his discretion, or earlier vacates the office by resignation or by ceasing to be a member of the Bar Association of Sri Lanka. Every member of the panel who vacates office as such by effluxion of time shall be eligible for renomination and reappointment.

(3) Any casual vacancy in the panel may be filled by the Chief Justice.

(4) Where any inquiry is required under section 43 to be held by a disciplinary committee, the Chief Justice shall appoint three persons from amongst the members of the panel to constitute the disciplinary committee for the purpose of the inquiry, and shall appoint one of them to be the chairman of the committee.

Justices of the Peace and **45.**

Unofficial
Magistrates.

[\[11.71 of 1981\]](#)

[\[16.16 of 1989\]](#)

[\[2.29 of 1991\]](#)

(1) The President of the Republic of Sri Lanka, the Speaker of the Parliament, the Ministers of State and the officers (whether holding office permanently or temporarily) enumerated in the Fifth Schedule hereto shall be ex officio Justices of the Peace for the Republic of Sri Lanka or for such portion thereof respectively as is indicated in the said Schedule.

(1A) The Minister may by regulation specify the officers (whether holding office permanently or temporarily) who shall be ex officio Justices of the Peace for the Republic of Sri Lanka or for any portion thereof, respectively, as is indicated in such regulation.

(2) The Minister may, from time to time by notice published in the Gazette, appoint such persons as shall be named in such notice to be Justices of the Peace for the Republic of Sri Lanka, or for such zones, districts or divisions as to the Minister shall seem expedient.

(3) The Minister may, from time to time by notice published in the Gazette, appoint any Justice of the Peace who is an attorney-at-law to be an Unofficial Magistrate for any judicial division or divisions, and any Justice of the Peace so appointed shall have all the powers and authority vested by this Act in Magistrates' Courts save and except the power and authority to hear, try and determine any criminal case.

(4) Every Justice of the Peace and every Unofficial Magistrate appointed under subsections (2) and (3) shall take and subscribe or make and subscribe an oath or affirmation of office in such form as may be determined by the Minister before a Judge of the High Court, District Judge, Judge of the Small Claims Court or Magistrate, and every such Judge is empowered and required, upon application on that behalf, to administer the same and to enter in the records of his court that the said oath or affirmation was duly administered and taken by him, and forthwith to transmit a copy of such entry to the Registrar of the Supreme Court to be entered in the records of that court.

(5) All persons who on the day preceding the date on which the provisions of this section are brought into operation were Justices of the Peace or Unofficial Magistrates respectively shall continue to hold such office and be deemed to have been appointed for all purposes under this Act.

Transfer **46.**
of cases.

(1) Whenever it appears to the Court of Appeal-

- (a) that a fair and impartial trial cannot be had in any particular court or place; or
- (b) that some questions of law of unusual difficulties are likely to arise; or
- (c) that a view of the place in or near which any offence is

alleged to have been committed may be required for the satisfactory inquiry into or trial of the same ; or

(d) that it is so expedient on any other ground,

the court may order upon such terms as to the payment of costs or otherwise as the said court thinks fit, for the transfer of any action, prosecution, proceeding or matter pending before any court to any other court and accordingly in every such case, the court to which any such action, prosecution, proceeding or matter is so transferred shall, notwithstanding anything to the contrary in this or any other law, take cognizance of and have the power and jurisdiction to hear, try and determine such action, prosecution, proceeding or matter, as fully and effectually to all intents and purposes as if such court had an original power and jurisdiction.

(2) Every application for transfer of any action, prosecution, proceeding or matter under this section shall be supported by an affidavit setting out the grounds on which it is based.

(3) The Court of Appeal, in making an order for transfer under this section may, if it thinks fit, direct that the court to which such action, prosecution, proceeding or matter is transferred shall call all or any of the witnesses who have been examined before the court from which the transfer is made, and take their evidence afresh.

Power of Attorney-
General to decide court
or place at which
inquiry or trial should
be held.

47.

(1) Whenever it appears to the Attorney-General that it is expedient that any inquiry into or trial of any criminal offence shall be transferred from any court or place, to any other court or place, it shall be lawful for the Attorney-General in his discretion by his fiat in writing to designate such last-mentioned court or place, and such inquiry or trial shall be held accordingly on the authority of such fiat which shall be filed of record with the proceedings in such inquiry or trial so transferred as aforesaid.

(2) Any person aggrieved by a transfer made under such fiat of the Attorney-General may apply to the Court of Appeal, by motion supported by affidavit, setting out the grounds for such application for retransfer or for transfer to any other court or place of such inquiry or trial, and the Court of Appeal may after notice to the Attorney-General, who shall, if he thinks fit, be heard to show cause against such motion, if it considers that good cause has been shown why the application shall be granted, make order accordingly.

(3) Every person making an application for a transfer under this Chapter shall give to the Attorney-General and also to the accused or complainant as the case may be, notice in writing of such application together with a copy of the grounds on which it is made. No order shall be made on the merits of the application unless and until at least forty-eight hours have elapsed between the receipt of

such notice and the hearing of such application. Every accused person making an application for a transfer under the preceding section may be required by the Court of Appeal, in its discretion, to execute a bond with or without surety conditioned that he will, if convicted, pay the cost of the prosecution.

Provision for continuing any case begun before a Judge becoming disabled.
[\[2.27 of 1999\]](#)

48. In the case of death, sickness, resignation, removal from office, absence from Sri Lanka, or other disability of any Judge before whom any action, prosecution, proceeding or matter, whether on any inquiry preliminary to committal for trial or otherwise, has been instituted or is pending, such action, prosecution, proceeding or matter may be continued before the successor of such Judge who shall have power to act on the evidence already recorded by his predecessor, or partly recorded by his predecessor and partly recorded by him or, if he thinks fit, to re-summon the witness and commence the proceedings afresh :

Provided that where any criminal prosecution, proceeding or matter (except on an inquiry preliminary to committal for trial) is continued before the successor of any such judge, the accused may demand that the witnesses be resummoned and reheard.

Provisions for hearing of cases where Judge is a party.
[\[17.16 of 1989\]](#)

49.

(1) Except with the consent of both parties thereto, no Judge shall be competent, and in no case shall any Judge be compellable, to exercise jurisdiction in any action, prosecution, proceeding or matter in which he is a party or personally interested.

(2) No Judge shall hear an appeal from or review any judgment, sentence or order passed by himself.

(3) Where any Judge who is a party or personally interested, is a Judge of the Supreme Court or the Court of Appeal, the action, prosecution, proceeding or matter to or in which he is a party or is interested, or in which an appeal from his judgment shall be preferred, shall be heard or determined by some other Judge or Judges of the said court :

Provided that in every other case some other Judge of the High Court, the District Court, Small Claims Court and the Magistrates' Court and Primary Court, as the case may be, of any adjoining zone, district or division shall have jurisdiction to hear, try and determine such action, prosecution, proceeding or matter.

Conviction or acquittal no bar to any civil action.

50. The alleged commission of a crime or offence, or the conviction or acquittal of any person of a crime or offence, shall not be a bar to a civil action for damages against such person at the instance of any person who may have suffered any injury, or who may allege that he has suffered an injury, loss or damage from or by reason of the commission of any such crime or offence.

In what court offences declared punishable by fines or imprisonment generally may be tried.

51. Where any crime or offence is declared by any written law to be punishable by such punishment as the court before which a conviction is obtained may impose or by such fine or imprisonment as the aforesaid court may impose, such crime or

offence may be tried within the zone, district or division, as the case may be, in which the crime or offence was committed, in any court having criminal jurisdiction which the Attorney-General may elect for the prosecution of such crime or offence, jurisdiction for such purpose being hereby given to such court. However, the accused person shall, in case of conviction, receive no larger amount of fine, or longer term of imprisonment than the court by which he is tried is empowered to impose in the exercise of its ordinary Jurisdiction. Such right of electing the court may be exercised by the Attorney-General, even where the prescribed maximum punishment exceeds that which a Magistrate's Court of Primary Court is empowered to impose.

Registrar and other officers of Courts of First instance. [\[18.16 of 1989\]](#) **52.**

(1) There shall be appointed to the High Court and to each of the District Courts, Small Claims Courts and Magistrates' Courts established under this Act, a Registrar, a Deputy Fiscal and such other officers as may be necessary for the administration and for the due execution of the powers and the performance of the duties of such courts including the service of process and the execution of decrees of court and other orders enforceable under any written law.

(2) Subject to the provisions of the Constitution the Registrar of the High Court shall act under the supervision, direction and control of the President of the Court of Appeal.

(3) Every Deputy Fiscal appointed to a court shall be responsible for the service of process issued by that court and the execution of decrees and orders made by that court and shall act under the supervision, direction and control of the fiscal.

Ministerial acts in absence of officers. **53.**

During the absence from duty of any ministerial or other officer of any court who is authorized or required by law to sign any process of the court or certificate or other document or execute any instrument or perform any other specified duty or function, the Judge of the court shall have power to direct any other officer of the court to sign such process, certificate or document, execute such instrument or perform such duty or function, and every act done in that behalf by such officer in conformity with any such direction of the Judge shall be deemed to be valid and effectual for all purposes.

Injunctions. [\[19.16 of 1989\]](#) **54.**

(1) Where in any action instituted in a High Court, District Court or a Small Claims Court, it appears-

(a) from the plaint that the plaintiff demands and is entitled to a judgment against the defendant, restraining the commission or continuance of an act or nuisance, the commission or continuance of which would produce injury to the plaintiff; or

(b) that the defendant during the tendency of the action is

doing or committing or procuring or suffering to be done or committed, or threatens or is about to do or procure or suffer to be done or committed, an act or nuisance in violation of the plaintiffs rights in respect of the subject-matter of the action and tending to render the judgment ineffectual, or

(c) that the defendant during the pendency of the action threatens or is about to remove or dispose of his property with intent to defraud the plaintiff, the Court may, on its appearing by the affidavit of the plaintiff or any other person that sufficient grounds exist therefor, grant an injunction restraining any such defendant from-

(i) committing or continuing any such act or nuisance;

(ii) doing or committing any such act or nuisance;

(iii) removing or disposing of such property.

(2) For the purposes of this section, any defendant who shall have by his answer set up any claim in reconvention and shall thereupon demand an affirmative judgment against the plaintiff shall be deemed a plaintiff, and shall have the same right to an injunction as he would have in an action brought by him against the plaintiff for the cause of action stated in the claim in reconvention, and the plaintiff shall be deemed the defendant and the claim in reconvention the plaint.

(3) Such injunctions may be granted at any time after the commencement of the action and before final judgment after notice to the defendant, where the object of granting an injunction will be defeated by delay, the court may enjoin the defendant until the hearing and decision of the application for an injunction but for periods not exceeding fourteen days at a time.

Contempt proceedings. **55.**

[\[20.16 of 1989\]](#)

(1) Every District Court, Small Claims Court and Magistrates' Court shall, for the purpose of maintaining its proper authority and efficiency, have a special jurisdiction to take cognizance of, and to punish with the penalties in that behalf as hereinafter provided, every offence of contempt of court committed in the presence of the court itself and all offences which are committed in the course of any act or proceeding in the said courts respectively, and which are declared by any law for the time being in force to be punishable as contempts of court.

(2) The following sentences of fines or imprisonment as the case may be, may be imposed on conviction for contempt by the following courts respectively, namely-

(a) by a District Court fine not exceeding two thousand five hundred rupees or imprisonment, either simple or rigorous, for a period not exceeding two years;

(b) by the Small Claims Court and the Magistrate's Court fine not exceeding one thousand five hundred rupees or imprisonment either simple or rigorous for a period not exceeding eighteen months.

Transitional provisions, **56.**

(1) All civil actions, proceedings or matters pending in the District Courts and Magistrates' Courts in respect of matters which by this Act are within the jurisdiction of a District Court, Family Court or Primary Court on the day preceding the date on which the provisions of this section are brought into operation*, shall stand removed to the appropriate District Court, Family Court or Primary Court, as the case may be, and such court shall have jurisdiction to take cognizance of, hear and determine or to continue and complete the same, and the judgments and orders of the aforesaid District Courts and Magistrates' Courts delivered or made before the date on which the provisions of this section are brought into operation shall have the same force and effect as if they had been delivered or made by the appropriate District Court, Family Court or Primary Court, as the case may be :

Provided that any such civil action, proceeding or matter in which the adducing of evidence has commenced as at the day preceding the date on which the provisions of this section are brought into operation* in the District Court or Magistrate's Court, as the case may be, shall be heard and determined by the said District Court or Magistrate's Court.

(2) All criminal actions, proceedings or matters pending in any District Court on the day preceding the date on which the provisions of this section are brought into operation* shall stand removed to the High Court, and such court shall have jurisdiction to take cognizance of, hear and determine or to continue and complete the same, and the judgments and orders of the aforesaid District Court delivered or made before the date on which the provisions of this section are brought into operation* shall have the same force and effect as if they had been delivered or made by the High Court:

Provided that any such criminal action, proceeding or matter in which the adducing of evidence has commenced as at the day preceding the date on which the provisions of this section are brought into operation* in the District Court shall be heard and determined by the said District Court.

(3) All criminal actions, proceedings or matters pending in any Magistrates Court which by the provisions of this Act are within the jurisdiction of a Primary Court, on the day preceding the date on which the provisions of this section are brought into operation* shall stand removed to the appropriate Primary Court and such Primary Court shall have jurisdiction to take cognizance of, hear and determine or to continue and complete the same, and the judgments and orders of the Magistrate's Court aforesaid delivered or made before the date on which the provisions of this section are

brought into operation* shall have the same force and effect as if they had been delivered or made by the appropriate Primary Court:

Provided that any criminal action, proceeding or matter in which the adducing of evidence has commenced as at the day preceding the date on which the provisions of this section are brought into operation* in the Magistrate's Court shall be heard and determined by the said Magistrate's Court.

(* 1st July, 1979.)

[\[21.16 of 1989\]](#) Repealed

Operation of the territorial limits and the jurisdiction of court. **58.** Where by virtue of the provisions of this Act, any area previously forming part of the jurisdiction of any District Court or Magistrate's Court is excluded therefrom, and any action, proceeding or matter in the court on the day preceding the date on which the provisions of this section are brought into operation* ceases to be within the jurisdiction of that court by reason only of the exclusion of that area, such action, proceeding or matter may, notwithstanding anything in this Act, be heard and determined or continued and completed by that court as if such area had not been excluded from the Jurisdiction of that District Court or Magistrate's Court, as the case may be.

Court to make appropriate orders in certain matters. **59.** If any matter or question of procedure shall arise before any court, in consequence of the coming into operation of the provisions of this Act, or in respect of any matter, or question of procedure not provided for by this Act, the court shall have the power to make such orders and give such directions as the court considers necessary to prevent injustice and as the justice of the case may require.

Nomination of courts for special categories of cases. **60.** The Minister may by regulation with the concurrence of the Chief Justice nominate the High Court to holden in any specified judicial zone or a court or courts anywhere in Sri Lanka to hear and determine such categories of civil or criminal proceedings or any other matters as shall be specified in such regulation and accordingly such court or courts shall notwithstanding anything to the contrary in this or any other written law in regard to the territorial limits of the jurisdiction of such courts have jurisdiction to hear and determine all such proceedings or matters:

Provided that the nomination of any such court or courts shall not affect the jurisdiction of any other court to hear and determine any such proceedings or matters:

Provided further that until regulations are made under this section all regulations made under section 46 of the Administration of Justice Law, No. 44 of 1973, + and in force on the 2nd day of July, 1979, shall, mutatis mutandis, apply. (+ Repealed by section 62 of Act No. 2 of 1978 with effect from 2nd July, 1979.)

Effect of an Order under section 3. **60A.** For the avoidance of doubts it is hereby declared that where, by reason of an Order made under section 3, any area of a judicial zone, judicial district or judicial division falls into another or new judicial zone, judicial district or judicial division, the court in which any action, proceeding or matter is pending on the day immediately preceding the date of such Order, shall have full power and jurisdiction to carry on and complete such action, proceeding or matter.

Regulations. **61.**

1380-17-2005

[1380-17-2005](#)

(1) The Minister may make regulations for carrying out or giving

effect to the principles and provisions of this Act and for matters required by this Act to be prescribed or in respect of which regulations are authorized by this Act to be made.

(2) Every regulation made by the Minister under subsection (1) shall be published in the Gazette and shall come into force on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation shall as soon as convenient after the publication in the Gazette be brought before Parliament for approval and any regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done thereunder.

(4) The date on which any regulation is deemed to be so rescinded shall be published in the Gazette.

Interpretation. **63.** + In this Act-

"the High Court of the Republic of Sri Lanka" shall mean the High Court existing at the date of enactment of this Act and deemed to have been created and established by Parliament in terms of Article 105 (2) read with Article 169 (6) of the Constitution;

"District Courts" and "Magistrates' Courts" shall mean the District Courts and Magistrates' Courts deemed to be created and established by Parliament in terms of Article 105(2) of the Constitution. (+ Repealed by section 62 of Act No. 2 of 1978 with effect from 2nd July, 1979. = Section 62, repealing Chapter I of the Administration of Justice Law. No. 44 of 1973, and the Conciliation Board Act. No, 10 of 195S. with effect from 2nd July. 1979, omitted under the provisions of the Revision of the Legislative Enactments Act.)



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

**JUDICATURE (AMENDMENT)
ACT, No. 31 OF 2007**

[Certified on 08th August, 2007]

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 August 10, 2007

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

Price : Rs. 6.00

Postage : Rs. 5.00

Judicature (Amendment) Act, No. 31 of 2007

[Certified on 08th August, 2007]

L.D.—O. 11/2007.

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. 31 of 2007 and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

Short title and date of operation.
- 2.** Section 4 of the Judicature Act, No. 2 of 1978 is hereby amended by the substitution for the words “not more than forty Judges.” of the words “not more than sixty Judges.”.

Amendment of section 4 of Act No.2 of 1978.
- 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.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA AVENUE, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**JUDICATURE (AMENDMENT)
ACT, No. 10 OF 2010**

[Certified on 18th August, 2010]

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 August 20, 2010

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRILANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 1.50

Postage : Rs. 5.00

Judicature (Amendment) Act, No. 10 of 2010

[Certified on 18th August, 2010]

L. D. —O. 17/2010.

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:—

- | | |
|--|---|
| <p>1. This Act may be cited as the Judicature (Amendment) Act, No. 10 of 2010 and shall come into operation on such date as the Minister may, by Order published in the <i>Gazette</i> appoint.</p> | <p>Short title and date of operation.</p> |
| <p>2. Section 4 of the Judicature Act, No. 2 of 1978 is hereby amended in paragraph (a) of that section, by the substitution for the words “not more than sixty Judges,” of the words “not more than seventy-five Judges,”.</p> | <p>Amendment of section 4 of Act No. 2 of 1978.</p> |
| <p>3. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.</p> | <p>Sinhala texts to prevail in case of inconsistency.</p> |

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.



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

**JUDICATURE (AMENDMENT)
ACT, No. 26 OF 2017**

[Certified on 17th of November, 2017]

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 November 17, 2017

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

Price : Rs. 4.00

Postage : Rs. 10.00

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



Judicature (Amendment) Act, No. 26 of 2017

[Certified on 17th of November, 2017]

L.D.—O. 32/2017

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. 26 of 2017. Short title.
- 2.** Section 4 of the Judicature Act, No. 2 of 1978 is hereby amended by the repeal of paragraph (a) of that section and the substitution therefor of the following paragraph:— Amendment of section 4 of Act, No. 2 of 1978.

“(a) not less than ten and not more than one hundred and ten judges, each of whom shall be known as a “Judge of the 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.



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

(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)	366 - Theft. 386 - Dishonest misappropriation of Property. 387 - Dishonest misappropriation of property possessed by a deceased person at the time of his death. 388 - Criminal breach of trust. 390 - Criminal breach of trust by a carrier. 391 - Criminal breach of trust by a clerk or Servant. 392 - Criminal breach of trust by public servant, or by banker, merchant, or agent. 392A- Criminal breach of a trust by public servant in respect of money or balance of money. 392B- Criminal breach of trust by agent in respect of postal articles. 394 - Dishonestly receiving stolen property. 395 - Habitually dealing in stolen property. 396 - Assisting in concealment of stolen property. 398 - Cheating. 399 - Cheating by personation. 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.</p> <p>404 - Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors.</p> <p>405 - Dishonestly or fraudulently preventing from being made available for his creditors a debt or demand due to the offender.</p> <p>406 - Dishonest or fraudulent execution of deed of transfer containing a false statement of consideration.</p> <p>407 - Dishonest or fraudulent removal or concealment of property or release of claim.</p> <p>452 - Forgery.</p> <p>453 - Making a false document.</p> <p>455 - Forgery of a record of a Court of Justice or of a public register of births, etc.</p> <p>456 - Forgery of a valuable security or will.</p> <p>457 - Forgery of the purpose of cheating.</p> <p>459 - Using as genuine a forged document.</p> <p>460 - Making or possessing a counterfeit seal, plate, and etc, with intent to commit a forgery punishable under section 456.</p> <p>461 - Making or possessing a counterfeit seal, plate and etc. with intent to commit a forgery punishable otherwise.</p> <p>462 - Having possession of a forged record or valuable security or will, known to be forged, with intent to use it as genuine.</p>
--	---

	<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 setout 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*

	<p>19 - Bribery in respect of government business.</p> <p>20 - Bribery in connection with payment of claims, appointments, employments, grants, leases, and other benefits.</p> <p>21 - Bribery of public officers by persons having dealings with the Government.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>24 - Accept of gratification.</p> <p>25 - Attempt to commit and abetment of an offence under Part II of the Bribery Act.</p> <p>70 - Corruption.</p> <p>- Conspiracy and Abetment to commit the offences under the Bribery Act, set out in this Schedule.</p>
--	--

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.

English Acts of the Parliament can be purchased at the "PRAKASHANA PIYASA", DEPARTMENT OF
GOVERNMENT PRINTING, NO. 118, DR. DANISTER DE SILVA MAWATHA, COLOMBO 8.



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

**JUDICATURE (AMENDMENT)
ACT, No. 5 OF 2019**

[Certified on 05th of April, 2019]

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 April 05, 2019

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

Price : Rs. 8.00

Postage : Rs. 15.00

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



Judicature (Amendment) Act, No. 5 of 2019

[Certified on 05th of April, 2019]

L. D.—O. 33/ 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. 5 of 2019. Short title.
2. Section 45 of the Judicature Act, No. 2 of 1978 is hereby amended as follows:— Amendment of section 45 of Act, No. 2 of 1978.
 - (i) by the repeal of subsection (2) of that section and the substitution therefor of the following new subsection:—

“(2)The Minister may, from time to time by notice published in the *Gazette*, appoint such persons as shall be named in such notice to be Justices of the Peace for the Republic of Sri Lanka or for any administrative district as to the Minister shall seem expedient:

Provided however, where any appointment of any Justice of the Peace has been made prior to the date of coming into operation of this proviso for any zone, district or division, such appointment shall be deemed to have been made for the relevant administrative district containing the Divisional Secretary’s Division within which the residence of such Justice of the Peace was situated at the time of appointment for such zone, district or division.”;

2 *Judicature (Amendment) Act, No. 5 of 2019*

- (ii) by the insertion of the following new subsection immediately after subsection (2):—

“(2A) For the purposes of this section “administrative district” shall mean an administrative district established under the Administrative Districts Act (Chapter 392).”;

- (iii) by the insertion of the following subsection immediately after subsection (5):—

“(6) The Minister may make regulations for the suspension, cancellation and termination of office of a Justice of the Peace.”.

Sinhala text to prevail in case of inconsistency.

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

English Acts of the Parliament can be purchased at the "PRAKASHANA PIYASA", DEPARTMENT OF
GOVERNMENT PRINTING, NO. 118, DR. DANISTER DE SILVA MAWATHA, COLOMBO 8.



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

JUDICATURE (AMENDMENT) ACT, No. 4 OF 2022

[Certified on 17th of February, 2022]

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 February 18, 2022

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

Price : Rs. 9.00

Postage : Rs. 15.00

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



Judicature (Amendment) Act, No. 4 of 2022

[Certified on 17th of February, 2022]

L. D.-O. 20/2020

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. 4 of 2022. Short title

2. Section 5c of the Judicature Act, No. 2 of 1978 is hereby repealed and the following section is substituted therefor:— Replacement of section 5c of Act, No. 2 of 1978

“Appointment of the Recorder Judge 5c. (1) The Judicial Service Commission shall appoint a judicial officer from among the District Judges and Magistrates, to be called the Recorder Judge, to any High Court exercising criminal jurisdiction, where such Commission is of the opinion that such appointment is required.

(2) The Judge of such High Court (in this section referred to as the “Trial Judge”) may delegate to the Recorder Judge appointed to such High Court, the power to preside over pre-trial conferences subject to the provisions of the Code of Criminal Procedure Act, No. 15 of 1979.

(3) The Recorder Judge shall attend to and deal with pre-trial conferences delegated to him under subsection (2) as specified in section 195A of the Code of Criminal Procedure Act, No. 15 of 1979 and post-trial matters delegated to him by the Trial Judge not including sentencing of an accused, that may arise in the course of a criminal proceeding.

(4) The Trial Judge may refer to the Recorder Judge any matter of a procedural nature arising in the course of the proceedings instituted in that court after the stage referred to in subsection (3).

(5) The Recorder Judge may, with the concurrence of the Trial Judge, submit for determination by the Trial Judge any matter which may otherwise have been properly dealt with by him.

(6) The Recorder Judge shall—

- (a) sit separately and exercise all the powers vested in him by subsection (3);
- (b) have the power to do all such acts connected with or incidental or ancillary to the exercise of the powers referred to in subsection (3) including the maintenance of the Journals of the Court; and
- (c) exercise the powers in relation to pre-trial conferences as specified in section 195A of the Code of Criminal Procedure Act, No. 15 of 1979 only in respect of matters where the High Court exercises criminal jurisdiction in terms of section 9 and shall not exercise the powers in respect of matters where the High Court is called upon to exercise appellate, revisionary or writ jurisdiction.”.

Sinhala text to prevail in case of inconsistency

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

English Acts of the Parliament can be purchased at the "PRAKASHANA PIYASA", DEPARTMENT OF
GOVERNMENT PRINTING, NO. 118, DR. DANISTER DE SILVA MAWATHA, COLOMBO 8.



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

JUDICATURE (AMENDMENT) ACT, No. 34 OF 2022

[Certified on 17th of November, 2022]

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 November 18, 2022

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

Price : Rs. 45.00

Postage : Rs. 15.00

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



Judicature (Amendment) Act, No. 34 of 2022

[Certified on 17th of November, 2022]

L.D.-O. 45/2021

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. (1) This Act may be cited as the Judicature (Amendment) Act, No. 34 of 2022.

Short title and date of operation

(2) The provisions of this Act shall come into operation on such date or dates as the Minister may appoint by Order published in the *Gazette*.

(3) Different dates may be appointed for bringing into operation different provisions of this Act.

2. Section 2 of the Judicature Act, No. 2 of 1978, (hereinafter referred to as the “principal enactment”) is hereby repealed and the following section is substituted therefor :-

Replacement of section 2 of Act, No. 2 of 1978

“The Courts of First Instance

2. The Courts of First Instance for the administration of justice in the Republic of Sri Lanka shall be-

- (a) the High Court of the Republic of Sri Lanka;
- (b) the High Courts for the Provinces established by Article 154P of the Constitution;
- (c) the District Courts;
- (d) the Family Courts;
- (e) the Small Claims Courts;
- (f) the Magistrates’ Courts; and
- (g) the Primary Courts.”.

2 *Judicature (Amendment) Act, No. 34 of 2022*

Replacement of section 5 of the principal enactment

3. Section 5 of the principal enactment is hereby repealed and the following section is substituted therefor: -

“District Courts, Family Courts, Small Claims Courts, Magistrates’ Courts and Primary Courts

5. (1) There shall be in each judicial district of Sri Lanka a “District Court” which shall be deemed to be the “Family Court” when exercising the jurisdiction vested in a Family Court under this Act or any written law, and which shall be deemed to be the “Small Claims Court” when exercising the jurisdiction vested in a Small Claims Court under this Act or any other written law, and in every judicial division there shall be a “Magistrate’s Court” and a “Primary Court” and, each such Court shall be holden by and before a person to be called the “District Judge”, “Judge of the Family Court”, “Judge of the Small Claims Court”, “Magistrate” and “Judge of the Primary Court” respectively.

(2) Each Court referred to in subsection (1) may be held at such convenient place or places within such judicial district or division, as the case may be, as the Minister shall, by regulation from time to time appoint:

Provided that nothing in this section shall be construed to restrict or curtail the power possessed by every Judge to hold the Court at any convenient place within his territorial jurisdiction.”.

Replacement of section 5B of the principal enactment

4. Section 5B of the principal enactment is hereby repealed and the following section is substituted therefor: -

“Appointment of the Pre-Trial Judge 5B. (1) The Judicial Service Commission shall appoint a judicial officer from among the District Judges and Magistrates to be called the Pre-Trial Judge, to any one or more Court of First Instance exercising civil jurisdiction, where the Judicial Service Commission is of the opinion that such appointment is required.

(2) The Pre-Trial Judge shall attend to and deal with pre-trial conferences as specified in the provisions of the Civil Procedure Code (Chapter 101) and post-trial matters assigned by the Judicial Service Commission which have arisen in the course of a civil proceeding instituted in the Court to which he is appointed.”.

5. Section 6 of the principal enactment is hereby amended by the repeal of subsection (1) thereof and the substitution therefor, of the following: -

Amendment of section 6 of the principal enactment

“(1) All District Judges, Judges of the Family Courts, Judges of the Small Claims Courts, Magistrates and Judges of the Primary Courts and all such Additional Judges and Additional Magistrates of such Courts shall be appointed to their offices by the Judicial Service Commission.”.

6. Section 8 of the principal enactment is hereby amended by the repeal of subsections (1) and (2) thereof and the substitution therefor, of the following: -

Amendment of section 8 of the principal enactment

“(1) The Judicial Service Commission may appoint as many additional District Judges, Additional Judges of the Family Court, Additional Judges of the Small Claims Court, Additional Magistrates or Additional Judges of the Primary Court to the same District Court, Family Court, Small Claims Court, Magistrate’s Court, and Primary Court respectively as the occasion may require.

(2) Every Additional District Judge, Additional Judge of the Family Court, Additional Judge of the Small Claims Court, Additional Magistrate, or Additional Judge of the Primary Court appointed to any such Court, shall sit separately and exercise all the powers and the jurisdiction vested in the District Court, Family Court, Small Claims Court, Magistrate's Court and Primary Court, respectively, of that district or division, as the case may be, for which such Additional District Judge, Additional Judge of the Family Court, Additional Judge of the Small Claims Court, Additional Magistrate or Additional Judge of the Primary Court, is so appointed.”.

Amendment of section 14 of the principal enactment

7. Section 14 of the principal enactment is hereby amended by the substitution for the words “the High Court may”, of the words and figures “the High Court of the Republic of Sri Lanka or the High Court for the Province established by Article 154P of the Constitution may”.

Amendment of section 15 of the principal enactment

8. Section 15 of the principal enactment is hereby amended as follows:-

(1) in paragraph (a) thereof, by the substitution for the words “by a High Court-”, of the words and figures “by a High Court of the Republic of Sri Lanka or a High Court for the Province established by Article 154P of the Constitution-”; and

(2) in paragraph (b) thereof, by the substitution for the words “order of the High Court.”, of the words and figures “order of the High Court of the Republic of Sri Lanka or the High Court for the Province established by Article 154P of the Constitution.”.

9. Section 16 of the principal enactment is hereby amended in subsection (1) thereof by the substitution for the words “of the High Court”, of the words and figures “of the High Court of the Republic of Sri Lanka or the High Court for the Province established by Article 154P of the Constitution”.

Amendment of section 16 of the principal enactment

10. Section 19 of the principal enactment is hereby repealed and the following section is substituted therefor: -

Replacement of section 19 of the principal enactment

“Jurisdiction of District Courts 19. Every District Court shall be a court of record and shall within its district have unlimited original jurisdiction in all civil, revenue, trust, insolvency and testamentary matters, save and except such of the aforesaid matters as are by or under Chapter VA of this Act or by virtue of the provisions of any other enactment exclusively assigned by way of original jurisdiction to any other court or vested in any other authority and in the exercise of such jurisdiction to impose fines, penalties and forfeitures and shall, in like manner also have jurisdiction over the persons and estates of persons of unsound mind and wards, over the estates of *cestuis que* trust and over guardians and trustees and in any other matter in which jurisdiction is given to District Court by law.”.

11. Section 19A of the principal enactment is hereby repealed.

Repeal of section 19A of the principal enactment

Amendment of section 23 of the principal enactment

12. Section 23 of the principal enactment is hereby amended as follows:-

(1) in subsection (1) thereof, by the substitution for the words “the Court of Appeal”, of the words and figures “the High Court for the Province established by Article 154P of the Constitution”; and

(2) in subsection (2) thereof, by the substitution for the words “to the Court of Appeal” and “of the Court of Appeal”, respectively, of the words and figures “to the High Court for the Province established by Article 154P of the Constitution” and “of the High Court for the Province established by Article 154P of the Constitution”.

Replacement of Chapter V of the principal enactment

13. Chapter V of the principal enactment is hereby repealed and the following Chapter is substituted therefor: -

“CHAPTER V

FAMILY COURTS

Jurisdiction of a District Court

24. (1) Every Family Court shall be a court of record and shall have sole original jurisdiction in respect of matrimonial disputes, actions for divorce, nullity and separation, damages for adultery, claims for alimony, disputes between spouses, parents and children as to matrimonial property, custody of minor children, dependants’ claims, guardianship and curatorship matters, claims in respect of declaration of legitimacy and, illegitimacy and marriage, adoption and applications for amendment of birth registration entries, claims for seduction and breach of promise of marriage and such other matters provided for by any other written law:

Provided that anything in the preceding provisions of this subsection shall not affect the provisions of the Kandyan Marriage and Divorce Act (Chapter 113) and the provisions of the Muslim Marriage and Divorce Act (Chapter 115).

(2) The Family Court shall also have sole and exclusive jurisdiction in respect of all matters specified in subsection (1) and where reference is made to any court in respect of such matters in any of the enactments referred to in the Third Schedule hereto, it shall be deemed to be a reference to a Family Court:

Provided that this subsection shall have no application to any offences alleged to have been committed in violation of the provisions of any such enactment.

(3) An application for the custody of a minor child or of the spouse of any marriage alleged to be kept in wrongful or illegal custody by any parent or by the other spouse or guardian or relative of such minor child or spouse shall be heard and determined by the Family Court; and such Court shall have full power and jurisdiction to hear and determine the same and make such orders both interim and final as the justice of the case shall require.

Care of
minors, and
charge of
their
property

25. The jurisdiction and powers of District Courts under section 20 as regards the care and custody of persons of unsound mind and mentally deficient persons and the charge of their property shall, in like manner and with the same powers be exercised by a Family Court

as regards the care of the persons of minors and wards and the charge of their property and shall extend to the charge of the property in Sri Lanka of minors and wards who are not resident in Sri Lanka.

Family
Counsellor

26. (1) There shall be for every judicial district an officer who shall be called the “Family Counsellor”.

(2) Where a dispute in any action in respect of any matter within the jurisdiction of a Family Court, or any application for maintenance, comes up for inquiry or trial before a District Judge, Judge of the Family Court or Magistrate, as the case may be, such District Judge, Judge of the Family Court or Magistrate shall, unless any party to the action expresses in writing a desire to the contrary, refer such dispute to a Family Counsellor, who shall-

- (a) make every effort to induce the parties to settle such dispute; and
- (b) submit his report thereon to the District Judge, Judge of the Family Court or Magistrate as the case may be, within such time as may be specified by such District Judge, Judge of the Family Court or Magistrate.

(3) Where any dispute is settled, the terms of settlement shall be entered, signed by each party to the dispute and the Family Counsellor, and be forwarded to the District Judge, Judge of the Family Court or Magistrate as the case may be who shall enter such terms of settlement as a decree of such Court.

(4) Where a Family Counsellor is not able to settle any dispute referred to in subsection (1), he shall refer such dispute to the District Judge, Judge of the Family Court or Magistrate for determination after inquiry or trial.

(5) No District Judge, Judge of a Family Court or Magistrate shall hold any inquiry or trial in respect of any dispute, until such dispute is referred to him by the Family Counsellor under subsection (4).

Appeals

27. A person who is dissatisfied with a judgment, decree or order pronounced by the Family Court after inquiry or trial may, in accordance with any law, regulation or rule governing the manner and procedure for appeals from the District Court, prefer an appeal therefrom to the High Court for the Province established by Article 154P of the Constitution for any error in law or in fact.

Transfer cases from one Family Court to another and consolidation

28. (1) In the event of two or more separate proceedings or actions being instituted in respect of the same or substantially the same family dispute in more than one Family Court, any party to such proceedings or actions may apply, or any Judge of such Family Court in which the said proceedings or actions had been instituted may refer the matter, to the Court of Appeal which shall, in the exercise of its powers, as it may deem fit, transfer one or more of such proceedings or actions to one of the Family Courts, in which proceedings or actions have already been instituted by the said parties; so that, all such disputes may be conveniently or expeditiously heard and determined in one Family Court.

(2) In the event of there being two or more proceedings or actions instituted or pending in the same Family Court as between the same parties or relating to substantially the same matter, it shall be competent for the said Court to direct that such proceedings or actions be consolidated into a single proceeding, if in the opinion of the said Court it is convenient to do so or it be so necessary in the interest of justice and the expeditious disposal of such matters in dispute. The Court may, in such an event make such order or deliver such judgment or enter such decree from time to time as the exigencies and justice of the case may require.

Procedure in
Family
Courts

29. (1) All proceedings in a Family Court shall be instituted and conducted as expeditiously as possible in accordance with such regulations as may be prescribed:

Provided that until such regulations have been so prescribed, the Family Court shall, as far as practicable, follow the provisions relating to summary procedure in the Civil Procedure Code (Chapter 101).

(2) The provisions of the Adoption of Children Ordinance (Chapter 61) governing the institution and conducting of proceedings under the said Ordinance shall be deemed to apply to such proceedings that may be instituted in the Family Court.

(3) All applications for the care and custody of minor children shall take precedence over all other matters in every Family Court and shall, unless exceptional circumstances so warrant, be heard from day to day to ensure the expeditious disposal of the same.”.

14. The following new Chapter is hereby inserted immediately after Chapter V of the principal enactment and shall have effect as Chapter V_A of that enactment: -

Insertion of new Chapter V_A in the principal enactment

“CHAPTER V_A

SMALL CLAIMS COURTS

Jurisdiction of Small Claims Courts

29A. (1) Every Small Claims Court shall be a court of record and shall have exclusive original civil jurisdiction and shall have cognizance of and full power to hear and determine all actions specified in the Seventh Schedule hereto:

Provided however, a Small Claims Court shall have no jurisdiction or power to hear and determine any action filed under the provisions of Chapter LIII of the Civil Procedure Code (Chapter 101) or action for the recovery of money to which special provisions are made under any other written law.

(2) All actions specified in the Seventh Schedule shall not exceed a sum of rupees one million and five hundred thousand excluding interest, or such other amount as may be fixed by the Minister from time to time, by an Order published in the *Gazette*.

(3) An Order made under subsection (2) shall not have effect, until it is approved by Parliament and notification of such approval is published in the *Gazette*.

Procedure before the Small Claims Courts 29B. The proceedings before any Small Claims Court may be taken by the special procedure for Small Claims Court as provided in the Small Claims Courts' Procedure Act, No. 33 of 2022 and any other written law.

Order respecting payment of costs and expenses 29C. It shall be lawful for the Judge of every Small Claims Court, in pronouncing his order or judgment in any case, to make such order in respect of the payment of costs and expenses as to him shall appear just and reasonable.

Appeals 29D. (1) Any person who is dissatisfied with any judgment pronounced by any Small Claims Court in any action, proceeding or matter to which he is a party, may, except where such right is expressly disallowed, prefer an appeal therefrom to the High Court for the Province established by Article 154P of the Constitution in which such Small Claims Court is situated for any error in law or in fact.

(2) Any person who is dissatisfied with any order made by any Small Claims Court in the course of any action, proceeding, or matter to which he is or seeks to be a party, may prefer an appeal to the High Court for the Province established by Article 154P of the Constitution in which such Small Claims Court is situated against such order for the correction of any error in law or in fact, with the leave of such High Court first had and obtained.

(3) Any person who is dissatisfied with any order made by any Small Claims Court setting

aside or refusing to set aside the judgment entered upon default in the course of any action, proceeding or matter to which he is, or seeks to be a party, may prefer an appeal to the High Court for the Province established by Article 154P of the Constitution in which such Small Claims Court is situated, for the correction of any error of law or fact, with the leave of such High Court first had and obtained.

(4) The provisions of Chapters LVIII, LIX, LX and LXI of the Civil Procedure Code (Chapter 101) with reference to appeal and the stay of execution pending appeal, shall apply so far as they are not inconsistent with the provisions of this Chapter.

(5) The Judge of every Small Claims Court shall conform to and execute all such judgments, orders, and decrees of the Supreme Court, Court of Appeal or High Court for the Province established by Article 154P of the Constitution as shall be made and pronounced in any appeal, in like manner as any original judgment or order pronounced by the said Judge could or might have been executed.

Amicable settlements

29E. It shall be the duty of the Judge of the Small Claims Court by all lawful means to make every effort to induce the parties, before or during the trial, to arrive at a settlement where appropriate and if the parties agree to a settlement, the settlement shall be recorded and signed by the parties and a judgment made in accordance with the terms as settled.”.

15. Section 31 of the principal enactment is hereby amended by the substitution for the words “appeal therefrom to the Court of Appeal”, of the words and figures “appeal

Amendment of section 31 of the principal enactment

therefrom to the High Court for the Province established by Article 154P of the Constitution.”.

Insertion of new Chapter VII in the principal enactment

16. The following new Chapter is hereby inserted immediately after Chapter VI of the principal enactment and shall have effect as Chapter VII of that enactment: -

“CHAPTER VII

PRIMARY COURTS

Civil jurisdiction

32. (1) Every Primary Court shall, subject to the provisions of any other law, have original civil jurisdiction where the debt, damage, demand or claim does not exceed one thousand five hundred rupees and shall also have jurisdiction in respect of the enforcement of by-laws of local authorities and matters relating to the recovery of revenue of such local authorities.

(2) The Primary Courts shall have no jurisdiction in respect of the disputes referred to in the Fourth Schedule hereto, irrespective of the value of such claim.

Criminal jurisdiction

33. (1) Every Primary Court shall have exclusive original criminal jurisdiction in respect of such offences as may, by regulation, be prescribed by the Minister and the Minister may, in that regulation specify in the case of each offence the limitations, restrictions and conditions in respect of each such offence.

(2) The Primary Courts shall have sole and exclusive jurisdiction in respect of all offences alleged to have been committed in violation of the provisions of any enactment or any subsidiary legislation made thereunder, in respect of which jurisdiction is vested in such Court.

(3) Anything in this section shall not preclude a Magistrate from convicting and passing sentence on any person found guilty after trial of any offence specified in subsection (1).

Duty to conciliate disputes

34. (1) Where any civil proceeding or matter is instituted in a Primary Court, it shall be the duty of the Judge of that Primary Court to summon the parties to appear before him and wherever appropriate to make every effort to induce such parties to arrive at a settlement before proceeding to inquiry or trial. Where such parties agree to a settlement, such settlement shall be recorded and signed by the parties thereto and shall be entered as a decree of the said Primary Court and be enforceable, as a decree thereof.

(2) Where any criminal proceeding or matter is instituted in a Primary Court, it shall be the duty of the Judge of that Court to summon the parties concerned to appear before him and wherever appropriate to induce such parties to arrive at a settlement. Where such parties agree to a settlement, such settlement shall be recorded and signed by the parties concerned and notwithstanding anything to the contrary in any other law, the offence to which the proceeding or matter relates shall be compounded.

Appeals

35. (1) Any party aggrieved by any judgment, order, decree, conviction or sentence, entered or imposed after inquiry or trial by a Primary Court may, subject to any law and in accordance with any law, regulation or rule governing the procedure and manner for so appealing, prefer an appeal therefrom to the High Court for the Province established by Article 154P of the Constitution for any error in law or in fact:

Provided that where there is no such law, regulation or rule governing the procedure and manner for so appealing, the provisions relating to appeals from a Magistrate's Court shall apply to an appeal in a criminal matter or proceeding and the provisions relating to appeals from a District Court shall apply to an appeal in a civil matter or proceeding.

(2) No appeal shall lie from any judgment, order, decree, conviction or sentence entered or imposed by reason of a settlement of the dispute between the parties arrived at under the provisions of this Chapter.

Procedure in
Primary
Courts

36. All proceedings in a Primary Court shall be instituted and conducted as expeditiously as possible in accordance with such law as may be applicable thereto and, if there be no such law, in accordance with the provisions relating to summary procedure in the Civil Procedure Code (Chapter 101) in respect of a civil matter or proceeding and in accordance with the provisions relating to summary trials in a Magistrate's Court in respect of a criminal matter or proceeding.”.

Replacement of
section 37 of the
principal
enactment

17. Section 37 of the principal enactment is hereby repealed and the following section is substituted therefor:-

“Right of
appeal to the
Supreme
Court

37. There shall be a right of appeal to the Supreme Court in accordance with the provisions of the Constitution and of any other law—

- (a) from any judgment or order of the Court of Appeal in any appeal from the High Court of the Republic of Sri Lanka or the High Court for the Province established by Article 154P of the Constitution; or

- (b) from any judgment or order of the High Court for the Province established by Article 154P of the Constitution in any appeal from the District Courts, the family Courts, the Small Claims Courts, the Magistrates' Courts or the Primary Courts.”.

18. Section 38 of the principal enactment is hereby amended follows:-

Amendment
of section 38
of the
principal
enactment

- (1) by the renumbering of that section as subsection (1) thereof ; and
- (2) by the addition immediately after the renumbered subsection (1) thereof, of the following subsection:-

“(2) Every Courts of First Instance other than the High Court for the Province established by Article 154P of the Constitution shall in all cases of appeal from such Courts of First Instance to the High Court for the Province established by Article 154P of the Constitution conform to and execute all such judgments, orders and decrees of the High Court for the Province established by Article 154P of the Constitution, as shall be made and pronounced in such appeal in like manner as though such judgment, order or decree was made and pronounced by such Courts of First Instance.”.

19. Section 45 of the principal enactment is hereby amended by the repeal of subsection (4) thereof and the substitution therefor, of the following: -

Amendment
of section 45
of the
principal
enactment

“(4) Every Justice of the Peace and every Unofficial Magistrate appointed under subsections (2) and (3) shall take and subscribe or make and subscribe an oath or affirmation of office in such form as may be determined by the Minister before a Judge of the High Court, District Judge, Judge of the Family Court, Judge of the Small Claims Court,

Magistrate, or Judge of the Primary Court and every such Judge is empowered and required, upon application in that behalf, to administer the same and to enter in the records of his court that the said oath or affirmation was duly administered and taken by him, and forthwith to transmit a copy of such entry to the Registrar of the Supreme Court to be entered in the records of that Court.”.

Amendment of section 49 of the principal enactment

20. Section 49 of the principal enactment is hereby amended by the repeal of the proviso to subsection (3) of that section and the substitution therefor, of the following :-

“Provided that in every other case some other Judge of the High Court of the Republic of Sri Lanka, the High Court for the Province established by Article 154P of the Constitution, the District Court, Family Court, Small Claims Court, Magistrate of the Magistrate’s Court and Judge of the Primary Court, as the case may be, of any adjoining zone, district or division shall have jurisdiction to hear, try and determine such action, prosecution, proceeding or matter.”.

Amendment of section 52 of the principal enactment

21. Section 52 of the principal enactment is hereby amended as follows:-

- (1) in subsection (1) thereof, by the substitution for the words “to the High Court and to each of the District Courts, Small Claims Courts and Magistrates’ Courts”, of the words and figures “to the High Court of the Republic of Sri Lanka, and to the High Court for the Province established by Article 154P of the Constitution and to each of the District Courts, Family Courts, Small Claims Courts, Magistrates’ Courts and Primary Courts”; and

- (2) in subsection (2) thereof, by the substitution for the words “Registrar of the High Court”, of the words and figures “Registrar of the High Court of the Republic of Sri Lanka and the Registrar of the High Court for the Province established by Article 154P of the Constitution”.

22. Section 54 of the principal enactment is hereby amended in subsection (1) thereto by the substitution for the words “Where in any action instituted in a High Court, District Court or Small Claims Court, it appears-”, of the words “Where in any action instituted in a High Court of the Republic of Sri Lanka, High Court for the Province established by Article 154P of the Constitution, District Court, Family Court or Small Claims Court, it appears-”.

Amendment of section 54 of the principal enactment

23. Section 55 of the principal enactment is hereby repealed and the following section is substituted therefor:-

Replacement of section 55 of the principal enactment

“Contempt proceedings

55. (1) Every District Court, Family Court, Small Claims Court, Magistrate’s Court and Primary Court shall, for the purpose of maintaining its proper authority and efficiency, have a special jurisdiction to take cognizance of, and to punish with the penalties in that behalf as hereinafter provided, every offence of contempt of court committed in the presence of the court itself and all offences which are committed in the course of any act or proceeding in the said court respectively, and which are declared by any law for the time being in force to be punishable as contempt of court.

(2) The following sentences of fines or imprisonment as the case may be, may be imposed on conviction for contempt by the following courts respectively, namely-

- (a) by a District Court and Family Court a fine not exceeding two thousand five hundred rupees or imprisonment, either simple or rigorous, for a period not exceeding two years;
- (b) by a Small Claims Court and Magistrate's Court – a fine not exceeding one thousand five hundred rupees or imprisonment either simple or rigorous, for a period not exceeding eighteen months; and
- (c) by a Primary Court – a fine not exceeding five hundred rupees or imprisonment, either simple or rigorous, for a period not exceeding three months.”.

Insertion of section 57 in the principal enactment

24. The following new section is hereby inserted immediately after section 56 of the principal enactment and shall have effect as section 57 of that enactment: -

“Where Judge of a Primary Court is not appointed

57. Where a Judge of a primary Court of any judicial division established under this Act has not been appointed, the Magistrate of such division shall be deemed for all purpose to be and shall exercise all jurisdiction of the Judge of the Primary Court of such division until a Judge of such Primary Court is appointed:

Provided that where a Judge of a Primary Court of such division is appointed, the Magistrate of such division may hear and determine all prosecutions, actions, proceedings or matters in which such Magistrate has commenced the recording of any evidence.”.

25. The principal enactment is hereby amended by the insertion immediately after the Second Schedule thereof, of the following new Schedules: -

Addition of the Third and Fourth Schedules to the principal enactment

“THIRD SCHEDULE

[Section 24(2)]

Enactments

- (1) Adoption of Children Ordinance (Chapter 61)
- (2) Births and Deaths Registration Act (Chapter 110)
- (3) Civil Procedure Code (Chapter 101)
- (4) Jaffna Matrimonial Rights and Inheritance Ordinance (Chapter 58)
- (5) Legitimacy Act, No. 3 of 1970
- (6) Marriage Registration Ordinance (Chapter 112)
- (7) Married Women’s Property Ordinance (Chapter 56)
- (8) Matrimonial Rights and Inheritance Ordinance (Chapter 57)

FOURTH SCHEDULE

[Section 32(2)]

Actions excluded from the jurisdiction of Primary Courts

- (1) Any action concerning an act or order purporting to be done or made by the State or concerning an act purporting to be done by any person by order of the State.
- (2) Any action concerning an act purporting to be done by any person in pursuance of a judgement or order of a court or of a judicial officer acting in the execution of his office.
- (3) Any action concerning any act or order purporting to be done or made by any officer of the State in his official capacity.
- (4) Any action for the partition or sale of immovable property under the law relating to partition for the time being in force.

22 *Judicature (Amendment) Act, No. 34 of 2022*

- (5) Any action by a mortgagee of immovable property for the enforcement of the mortgage or for the sale of the property, or by a mortgagor of immovable property for the redemption of the mortgage.
- (6) Any action to restrain waste.
- (7) Any action to recover from a person to whom compensation has been paid under the Land Acquisition Act (Chapter 460) or Land Reform Law No. 1 of 1972, the whole or any part of the compensation.
- (8) Any action for the specific performance or rescission of a contract or for damages for breach of contract.
- (9) Any action for the rectification or cancellation of an injunction.
- (10) Any action to obtain an injunction.
- (11) Any action relating to a trust including an action to make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust, and any action by a co-trustee to enforce against the estate of a deceased trustee a claim for the contribution.
- (12) Any action for a declaratory decree including a decree for the declaration of title to land.
- (13) Any action for a property which the plaintiff has conveyed while insane or under other incapacity.
- (14) Any action to contest an award made by an arbitrator.
- (15) Any action upon a foreign judgement as defined in the Civil Procedure Code (Chapter 101) or upon a judgement obtained in any court in Sri Lanka.
- (16) Any action to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets.
- (17) Any action for a legacy or for the whole or a share of a residue bequeathed by a testator or for the whole or a share of the property of an intestate.
- (18) Any action-

- (a) for a dissolution of partnership or for the winding up of the business of a partnership after its dissolution;
 - (b) for an account of partnership transactions; or
 - (c) for a balance of partnership-account.
- (19) Any action for an account of property administered under decree or order of any court.
- (20) Any other action for an account, including an action by a mortgagor, after the mortgage has been satisfied, to recover surplus collection received by the mortgagee, and any action for the profits on immovable property belonging to the plaintiff which has been wrongfully received by the defendant.
- (21) Any action for a general average loss or for salvage.
- (22) Any action for compensation in respect of collision between ships.
- (23) Any action on a policy of insurance or for the recovery of any premium paid under any such policy.
- (24) Any action for compensation or damages -
 - (a) for loss resulting from the death of a person caused by actionable wrong;
 - (b) for wrongful arrest;
 - (c) for malicious prosecution;
 - (d) for wrongful restraint or confinement;
 - (e) for defamation;
 - (f) for adultery or seduction;
 - (g) for breach of contract of betrothal or promise of marriage;
 - (h) for inducing a person to break a contract made with the plaintiff;
 - (i) for obstruction to or interference with the enjoyment of any servitude or the exercise of any right over property.

24 *Judicature (Amendment) Act, No. 34 of 2022*

- (25) Any action by a Muslim for the recovery of Mahr.
- (26) Any action for the custody of a minor.
- (27) Any action for a divorce or a judicial separation.
- (28) Any action relating to maintenance, affiliation or adoption.
- (29) Any action for contribution by a sharer in joint property in respect of a payment made by him of money due from a co-sharer.
- (30) Any action by one of several joint mortgagors of immovable property for contribution in respect of money paid by him for the redemption of the mortgaged property.
- (31) Any action against the State or a local authority to recover money paid under protest in satisfaction of a claim made on account of any tax or rate or other levy.
- (32) Any action under the Companies Act, No. 7 of 2007 as amended from time to time.
- (33) Any action relating to trade marks, patents or copyrights under the Intellectual Property Act, No. 36 of 2003.
- (34) Any action founded on nuisance.
- (35) Any action for rent and ejection and proceedings under the Rent Act, No. 7 of 1972.
- (36) Any action expressly or by implication excluded from the jurisdiction of Primary Courts by any written law (other than this Act) for the time being in force.”.

Addition of the Seventh Schedule to the principal enactment

26. The principal enactment is hereby amended by the addition immediately after the Sixth Schedule thereof, of the following new Schedule: -

“SEVENTH SCHEDULE [Section 29A(2)]

Actions

- 1. Any action for the recovery of money (either as a debt or fee or payment or damage or demand including an action for the recovery of damages on accident or personal injury or in any other similar category);

2. Any action for the recovery of movable property;
3. Any action for a counterclaim in respect of any cause of action specified in items 1 and 2;
4. Any other jurisdiction as is conferred upon it by any other law.”.

27. 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

English Acts of the Parliament can be purchased at the "PRAKASHANA PIYASA", DEPARTMENT OF
GOVERNMENT PRINTING, NO. 118, DR. DANISTER DE SILVA MAWATHA, COLOMBO 8.