



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

**HIGH COURT OF THE PROVINCES
(SPECIAL PROVISIONS) (AMENDMENT)
ACT, No. 54 OF 2006**

[Certified on 28th December, 2006]

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*High Court of the Provinces (Special Provisions)
(Amendment) Act, No. 54 of 2006*

[Certified on 28th December 2006]

L. D.—O. 70/2006.

AN ACT TO AMEND THE HIGH COURT OF THE PROVINCES (SPECIAL
PROVISIONS) ACT, NO. 19 OF 1990

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

1. This Act may be cited as the High Court of the
Provinces (Special Provisions) (Amendment) Act, No. 54 of
2006.

Short title.

2. The following new sections are hereby inserted
immediately after section 5 of the High Court of the Provinces
(Special Provisions) Act, No. 19 of 1990 and shall have effect
as sections 5A, 5B, 5C and 5D of that Act :—

Insertion of new
sections 5A, 5B,
5C and 5D in Act,
No. 19 of 1990.

“Jurisdiction
to hear
appeals from
District
Courts and
Family
Courts.

5A. (1) A High Court established by Article
154P of the Constitution for a Province, shall
have and exercise appellate and revisionary
jurisdiction in respect of judgments, decrees
and orders delivered and made by any District
Court or a Family Court within such Province
and the appellate jurisdiction for the correction
of all errors in fact or in law, which shall be
committed by any such District Court or Family
Court, as the case may be.

(2) The provisions of sections 23 to 27 of
the Judicature Act, No. 2 of 1978 and sections
753 to 760 and sections 765 to 777 of the Civil
Procedure Code (Chapter 101) and of any
written law applicable to the exercise of the
jurisdiction referred to in subsection (1) by the
Court of Appeal, shall be read and construed as
including a reference to a High Court
established by Article 154P of the Constitution
for a Province and any person aggrieved by
any judgment, decree or order of a District

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Court or a Family Court, as the case may be, within a Province, may invoke the jurisdiction referred to in that subsection, in the High Court established for that Province :

Provided that no judgment or decree of a District Court or of a Family Court, as the case may be, shall be reversed or varied by the High Court on account of any error, defect or irregularity, which has not prejudiced the substantial rights of the parties or occasioned a failure of justice.

Hearing of
appeals.

5B. The jurisdiction of a High Court of a Province referred to in section 5A, shall be ordinarily exercised at all times by not less than two judges of that Court, sitting together as such High Court.

Appeal to the
Supreme
Court from
decisions of
the High
Court.

5c. (1) An appeal shall lie directly to the Supreme Court from any judgment, decree or order pronounced or entered by a High Court established by Article 154P of the Constitution in the exercise of its jurisdiction granted by section 5A of this Act, with leave of the Supreme Court first had and obtained. The leave requested for shall be granted by the Supreme Court, where in its opinion the matter involves a substantial question of law or is a matter fit for review by such Court.

(2) The Supreme Court may exercise all or any of the powers granted to it by paragraph (2) of Article 127 of the Constitution, in regard to any appeal made to the Supreme Court under subsection (1) of this section.

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(Amendment) Act, No. 54 of 2006

Transfer of cases from the Court of Appeal to the High Court of a Province.

5D. (1) Where any appeal or application in respect of which the jurisdiction is granted to a High Court established by Article 154P of the Constitution by section 5A of this Act is filed in the Court of Appeal, such appeal or application, as the case may be, may be transferred for hearing and determination to an appropriate High Court as may be determined by the President of the Court of Appeal and upon such reference, the said High Court shall hear and determine such appeal or the application, as the case may be, as if such appeal or application was directly made to such High Court.

(2) The President of the Court of Appeal in consultation with the Chief Justice, may issue directions from time to time pertaining to appeals, applications in revision and *restitutio in integrum* pending in the Court of Appeal on the date of the coming into operation of this section, to be removed for hearing and determination to an appropriate High Court established by Article 154P of the Constitution. Any such direction may be made by reference to the year in which the appeal or application, as the case may be, was filed in the Court of Appeal and such High Court shall be vested with jurisdiction to hear and determine such appeal or application, as the case may be, in accordance with the provisions of section 5A of this Act, as if such appeal or application was filed directly in such 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.

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