

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

Part II of April 07, 2017

SUPPLEMENT

(Issued on 11. 04. 2017)



PREVENTION OF CRIMES (AMENDMENT)

A

BILL

to amend the Prevention of Crimes Ordinance (Chapter 22)

Ordered to be published by the Minister of Justice

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STATEMENT OF LEGAL EFFECT

Clause 2 : This clause amends section 2 of the Prevention of Crimes Ordinance (Chapter 22) (hereinafter referred to as the “principal enactment”) and the legal effect of the amendment is to replace the relevant section number of the repealed Criminal Procedure Code with the appropriate section number of the Code of Criminal Procedure Act, No. 15 of 1979.

Clause 3 : This clause amends section 3 of the principal enactment and the legal effect of the amendment is to replace the relevant section number of the repealed Criminal Procedure Code with the appropriate section number of the Code of Criminal Procedure Act, No. 15 of 1979.

Clause 4 : This clause amends section 5 of the principal enactment and the legal effect of the amendment is to make provisions to enable the court to direct the police to supervise a person of whom the term of imprisonment has expired or, under suspended sentence, as prescribed by rules made under section 17 of the principal enactment.

Clause 5 : This clause amends section 17 of the principal enactment and the legal effect of the section as amended is to introduce provisions to submit the rules made under that section before Parliament for approval.

Clause 6 : This clause amends section 18 of the principal enactment by replacing the definitions of the expressions, “crime” and “Registrar” with new definitions.

Clause 7 : This clause replaces the Schedule to the principal enactment in order to bring certain Acts and Ordinances under the purview of the principal enactment.

Prevention of Crimes (Amendment)

L. D.—O. 7/2015.

AN ACT TO AMEND THE PREVENTION OF CRIMES
ORDINANCE (CHAPTER 22)

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

1. This Act may be cited as the Prevention of Crimes Short title.
(Amendment) Act, No. of 2017.

5 **2.** Section 2 of the Prevention of Crimes Ordinance Amendment
(Chapter 22) (hereinafter referred to as the “principal of section 2
enactment”) is hereby amended in sub-paragraph (i) of Chapter
paragraph (b) of subsection (3) thereof, by the substitution 22.
for the words and figures, “by section 302 of the Criminal
10 Procedure Code”, of the words and figures, “by section 277
of the Code of Criminal Procedure Act, No. 15 of 1979”.

3. Section 3 of the principal enactment is hereby Amendment
amended in subsection (1) thereof, by the substitution for of section 3
the words and figures “under section 325(1) of the Criminal of the
15 Procedure Code, the Magistrate shall, notwithstanding principal
anything in section 190 of the Criminal Procedure Code”, enactment.
of the words and figures, “under section 306 of the Code of
Criminal Procedure Act, No.15 of 1979, the Magistrate shall,
notwithstanding anything in section 185 of that Act,”.

20 **4.** Section 5 of the principal enactment is hereby Amendment
amended as follows:— of section 5
of the
principal
enactment.

(1) in subsection (1) thereof, by the substitution for the
words “be subject to the supervision by the police”,
of the words “be subject to such supervision by the
25 police as prescribed by rules made under section
17,”; and

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(2) by the insertion, immediately after subsection (1) of that section, of the following new subsection:—

5 “(1A) Where a person referred to in subsection (1) is imposed a suspended sentence on being convicted of a crime, the Court may direct that such person be subject to such supervision by the police, as prescribed by rules made under section 17, from the date of imposing the suspended sentence, until the expiry of the operational period of such sentence.”.

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5. Section 17 of the principal enactment is hereby amended by the repeal of subsection (2) thereof and the substitution therefor of the following:—

Amendment of section 17 of the principal enactment.

“(2) All rules so made shall—

15 (a) be published in the *Gazette* and within a period of six months of such publication, be brought before the Parliament for approval; and

20 (b) come into force on the date on which they are approved by the Parliament or on such later date as may be specified in such rules.”.

6. Section 18 of the principal enactment is hereby amended as follows:—

Amendment of section 18 of the principal enactment.

25 (1) by the repeal of the definition of the word “crime” thereof and the substitution therefor, of the following definition:—

 ““crime” means an offence punishable under such sections listed under each Act, as specified in the Schedule hereto;” and

(2) by the repeal of the definition of the word “Registrar” thereof and the substitution therefor, of the following definition:—

5 ““Registrar” means the Registrar of Finger Prints and includes the Additional Registrar of Finger Prints, the Deputy Registrar of Finger Prints and the Assistant Registrar of Finger Prints.”.

7. The Schedule to the principal enactment is hereby
10 repealed and the following is substituted therefor:—

Replacement of the Schedule to the principal enactment.

“SCHEDULE [section 18]

BRIBERY ACT (CHAPTER 26)

<i>Section</i>	<i>Nature of offence</i>
(i) 14	Bribery of judicial officers and members of Parliament.
(ii) 15	Acceptance of gratification by Members of Parliament for interviewing public servants.
(iii) 16	Bribery of police officers, peace officers and other public servants.
(iv) 17	Bribery for giving assistance or using influence in regard to contracts.
(v) 18	Bribery for procuring withdrawals of tenders.
(vi) 19	Bribery in respect of Government business.
(vii) 20	Bribery in connection with payment of claims, appointments, employments, grants, leases and other benefits.

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|--------|-----|--|
| (viii) | 21 | Bribery of public servants by persons having dealings with the Government. |
| (ix) | 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 of scheduled institution. |
| (x) | 23 | Use of threats or fraud to influence vote of members of local authority or of scheduled institution or of governing body of scheduled institution. |
| (xi) | 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. |
| (xii) | 24 | Acceptor of gratification to be guilty notwithstanding that purpose not carried out & c. |
| (xiii) | 25 | Attempt to commit, and abetment of an offence under Part II. |
| (xiv) | 70 | Corruption. |

COMMISSION TO INVESTIGATE ALLEGATIONS OF BRIBERY OR
CORRUPTION ACT, No. 19 OF 1994

- | <i>Section</i> | <i>Nature of offence</i> |
|----------------|---|
| (i) | 21 Making a false allegation. |
| (ii) | 22 Breach of provisions regarding secrecy. |
| (iii) | 23 Miscellaneous offences. |

COMPUTER CRIME ACT, No. 24 OF 2007

- | <i>Section</i> | <i>Nature of offence</i> |
|----------------|--|
| (i) | 3 Securing unauthorized access to a computer. |

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- (ii) 4 Doing any act to secure unauthorized access in order to commit an offence.
- (iii) 5 Causing a computer to perform a function without lawful authority.
- (iv) 6 Offences committed against national security & c.
- (v) 7 Dealing with data & c., unlawfully obtained.
- (vi) 8 Illegal interception of data.
- (vii) 9 Using of illegal devices.
- (viii) 10 Unauthorized disclosure of information enabling access to a service.
- (ix) 11 Attempt to commit an offence.
- (x) 12 Abetment of an offence.
- (xi) 13 Conspiring to commit an offence.

CONVENTION AGAINST ILLICIT TRAFFICKING IN NARCOTICS DRUGS AND
PSYCHOTROPIC SUBSTANCES ACT, No. 1 OF 2008

Section *Nature of offence*

- (i) 2 Offences under the Act.

CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT ACT, No. 22 OF 1994

Section *Nature of offence*

- (i) 2 Offence of Torture.

CONVENTION ON THE SUPPRESSION OF TERRORIST FINANCING
ACT, No. 25 OF 2005

Section *Nature of offence*

- (i) 3 Offences under the Act.

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FIREARMS ORDINANCE (CHAPTER 182)

<i>Section</i>	<i>Nature of offence</i>
(i) 22	Failure to obtain a Licence to possess a gun.
(ii) 44	Offences under Chapter 182 other than any offence in respect of which no specific punishment is provided.

IMMIGRANTS AND EMIGRANTS ACT (CHAPTER 351)

<i>Section</i>	<i>Nature of offence</i>
(i) 45(1)(a) to (n)	Immigration and emigration offences.
(ii) 45(2)	Preparation, attempt or abetment to commit offences specified in section 45(1)(a) to (n).
(iii) 45A(1)(a) to (c)	Offences of bringing persons into Sri Lanka in contravention of the Act.
(iv) 45A(2)(a) and (b)	Attempt, abetment or preparation to commit the offences specified in section 45A(1)(a) to (c).
(v) 45C(1)(a)	Offence of organizing.
(vi) 45C(1)(b)	Attempting, aiding and abetting for, or doing any act preparatory to the offence of organizing.

INTELLECTUAL PROPERTY ACT, No. 36 OF 2003

<i>Section</i>	<i>Nature of offence</i>
(i) 177	Falsification of entries in any register.
(ii) 178(1) and (2)	Infringement of rights protected under Part II.
(iii) 179	Infringement of Industrial Designs.
(vi) 181	Infringement of Patents.
(v) 184	Infringement of Marks.

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OFFENCES AGAINST PUBLIC PROPERTY ACT, NO. 12 OF 1982

<i>Section</i>	<i>Nature of offence</i>
(i) 2	Mischief to public property.
(ii) 3	Theft of public property.
(iii) 4	Robbery of public property.
(iv) 5	Dishonest misappropriation, criminal breach of trust, cheating, forgery and falsification of accounts.
(v) 10	Attempt to commit an offence under the Act.

OFFENSIVE WEAPONS ACT, NO. 18 OF 1966

<i>Section</i>	<i>Nature of offence</i>
(i) 2	Prohibition of the importation & c., of offensive weapons.
(ii) 3	Damage & c, to property by use of offensive weapons.
(iii) 4	Attempt to cause death or injury and causing of injury with offensive weapons.
(iv) 5	Attempt to commit offences other than offences under section 4 of the Act.

PAYMENT DEVICES FRAUDS ACT, NO. 30 OF 2006

<i>Section</i>	<i>Nature of offence</i>
(i) 3	Acts amounting to payment devices fraud.
(ii) 4	Attempt to commit an offence under the Act.
(iii) 5	Abetment of an offence under the Act.
(iv) 6	Conspiracy to commit an offence under the Act.

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PENAL CODE (CHAPTER 19)

<i>Section</i>	<i>Nature of offence</i>
(i) 101, 102, 113A and 113B	Abetting and conspiracy to commit any offence of the Penal Code specified in this Schedule.
(ii) 114 to 123, (both inclusive)	Offences against the State.
(iii) 141	Joining an unlawful assembly armed with any deadly weapon.
(iv) 145	Rioting armed with deadly weapons.
(v) 190 to 224 (both inclusive)	Giving or fabricating false evidence and offences against public justice.
(vi) 226 to 256 (both inclusive)	Offences relating to coin and Government stamps.
(vii) 286A	Obscene Publication, exhibition &c. relating to children.
(viii) 288	Causing or procuring children to beg.
(ix) 288A	Hiring or employing children to act as procurers for sexual intercourse.
(x) 288B	Hiring or employing children to traffic in restricted articles.
(xi) 296, 297, 300 and 301	Murder, Culpable homicide and attempt thereto.
(xii) 303 to 309 (both inclusive)	Causing miscarriage or injuries to unborn children, exposure of infants and the concealment of births.
(xiii) 308A	Cruelty to children.
(xiv) 315 to 324 (both inclusive)	Voluntarily causing hurt by dangerous weapon, & c.
(xv) 334 to 339 (both inclusive)	Wrongful confinement, & c.
(xvi) 344	Using criminal force to deter a public servant from discharge of his duty.

(xvii) 345	Sexual harassment.
(xviii) 354	Kidnapping.
(xix) 355 to 359 (both inclusive)	Aggravated form of offence of kidnapping and abduction.
(xx) 358A	Debt bondage etc. and recruitment of children for use in armed conflict.
(xxi) 360	Kidnapping or abducting a child under ten years.
(xxii) 360A	Procuration.
(xxiii) 360B	Sexual exploitation of children.
(xxiv) 360C	Trafficking.
(xxv) 360D	Offences relating to adoption.
(xxvi) 360E	Offences relating to soliciting a child.
(xxvii) 364	Rape.
(xxviii) 364A	Incest.
(xxix) 365	Unnatural offence.
(xxx) 365A	Acts of gross indecency between persons.
(xxxi) 365B	Grave sexual abuse.
(xxxii) 367 to 371 (both inclusive)	Theft, theft of cattle, & c.
(xxxiii) 373 to 378 (both inclusive)	Extortion, & c.
(xxxiv) 380 to 385 (both inclusive)	Robbery, & c.
(xxxv) 387	Dishonest misappropriation.
(xxxvi) 389 to 392 (both inclusive)	Criminal breach of trust.
(xxxvii) 394 to 396 (both inclusive)	Dishonestly receiving stolen property, etc.
(xxxviii) 400 to 403 (both inclusive)	Cheating.

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(xxxix) 404 to 407 (both inclusive)	Fraudulent deeds and dispositions of property, etc.
(xl) 412 to 416 (both inclusive)	Mischief to animals, irrigation works and public roads & c.
(xli) 418 to 426 (both inclusive)	Mischief, & c.
(xlii) 435 to 451 (both inclusive)	House trespass, house breaking, & c.
(xliii) 454 to 467 (both inclusive)	Forgery, Fraudulent cancellation & c. of a will, etc. and falsification of accounts.
(xliv) 478A to 478D (both inclusive)	Offences relating to currency notes and bank notes.
(xlv) 490	Attempting to commit offences of the Penal Code specified in this Schedule.

POISONS, OPIUM AND DANGEROUS DRUGS ACT (CHAPTER 218)

<i>Section</i>	<i>Nature of offence</i>
(i) 54A	Manufacture, trafficking, import or export and possession of dangerous drugs.
(ii) 54B	Abetting in the commission of an offence under section 54A.
(iii) 78	Contravention or failure to comply with any provisions of Chapter 218 or any regulation, or any order or direction lawfully given thereunder.

PREVENTION OF MONEY LAUNDERING ACT, No. 5 OF 2006

<i>Section</i>	<i>Nature of offence</i>
(i) 3(1)	Offences of money laundering.
(ii) 3(2)	Attempting, conspiring and aiding or abetting money laundering.

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PREVENTION OF TERRORISM (TEMPORARY PROVISIONS) ACT, No. 48 OF 1979

<i>Section</i>	<i>Nature of offence</i>
(i) 2	Offences under the Act.
(ii) 3	Preparation, abetment, conspiracy or incitement to commit an offence under the Act.

SRI LANKA BUREAU OF FOREIGN EMPLOYMENT ACT, No. 21 OF 1985

<i>Section</i>	<i>Nature of offence</i>
(i) 64	Illegal charging of fee.”.

- 8.** 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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