



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

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

A

BILL

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

Presented by the Minister of Justice on 25th of May, 2017

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Ordered by Parliament to be printed

[Bill No. 180]

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STATEMENT OF LEGAL EFFECT

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

Code of Criminal Procedure (Special Provisions)
(Amendment)

L. D.—O. 3/2017.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) give due consideration to such representations; and

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

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

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

25 **3.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. Sinhala text to prevail in case of inconsistency.

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