



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

EVIDENCE (AMENDMENT)

A

BILL

to amend the Evidence Ordinance (Chapter 14)

Presented by the Minister of Justice on 26th of November, 2020

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STATEMENT OF LEGAL EFFECT

Clauses 2 to 25 : These clauses make provisions to amend the Evidence Ordinance (Chapter 14) by replacing outdated words and expressions appearing in that Ordinance with the words and expressions which reflect the contemporary position.

Evidence (Amendment)

L.D.—O. 45/2016

AN ACT TO AMEND THE EVIDENCE ORDINANCE (CHAPTER 14)

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

1. This Act may be cited as the Evidence (Amendment) Act, No. of 2020. Short title.
- 5 **2.** Section 6 of the Evidence Ordinance (Chapter 14) (hereinafter referred to as the “principal enactment”) is hereby amended in the illustration (b) to that section, by the substitution for the words, “waging war against the Queen.” of the words, “waging war against the Republic”. Amendment of section 6 of Chapter 14.
- 10 **3.** Section 10 of the principal enactment is hereby amended in the illustration to that section, by the substitution for the words, “ ‘A’ has joined in a conspiracy to wage war against the Queen” of the words, “ ‘A’ has joined in a conspiracy to wage war against the Republic”. Amendment of section 10 of the principal enactment.
- 15 **4.** Section 37 of the principal enactment is hereby amended as follows:- Amendment of section 37 of the principal enactment.
 - (1) by the substitution for all the words starting from, “contained in any Act of the Parliament of the United Kingdom” to the words, “any part of such Realm or Territory, is a relevant fact.” of the words, “contained in any enactment of Sri Lanka or in the legislation of any foreign country or in any proclamation or notification of the Government of Sri Lanka, appearing in the Government *Gezette* of Sri Lanka, or in any proclamation or notification of the Government of any foreign country, appearing in any official publication of the Government of such foreign country, is a relevant fact.”; and
 - 20 (2) in the marginal note to that section, by the substitution for the words, “contained in any United Kingdom Act, enactment or notification,” of the words, “contained in any enactment or notification,”.
 - 25
 - 30

5. Section 57 of the principal enactment is hereby amended as follows:-

Amendment
of section 57
of the
principal
enactment.

- 5 (1) by the substitution in paragraph (1) of that section, for the words, "to be in force in any part of Ceylon;" of the words, "to be in force in any part of Sri Lanka;";
- 10 (2) by the substitution in paragraph (3) of that section, for the words, "war for Her Majesty's Navy, Army or Air force;" of the words, "war for the Sri Lanka Army, Navy or Air force;";
- (3) in paragraph (4) of that section-
- (i) by the substitution for the words, "Parliament and of the Legislature of Ceylon;" of the words, "the Legislature of Sri Lanka;" and
- 15 (ii) by the omission of the words starting from "*explanation*" to the words, "(e) the Parliament of Northern Ireland.;"
- 20 (4) by the substitution in paragraph (5) of that section, for the words, "the accession and the Sign Manual of the Sovereigns for the time being of Ceylon and of the United Kingdom;" of the words, "the Public Seal of the Republic of Sri Lanka;";
- 25 (5) by the substitution in paragraph (6) of that section, for the words, "all seals of which English courts take Judicial Notice; the seals of all the courts of Ceylon; the seals of Courts of Admiralty and maritime jurisdiction and of notaries public; and all seals which any person is authorized to use by any Act of the Parliament of the United Kingdom or other Law in force for the time being in Ceylon;" of
- 30 the words, "the seals of all the courts of Sri Lanka and of notaries public; and all seals which any

person is authorized to use by any enactment for the time being in force of the Legislature of Sri Lanka or of the Legislature of any foreign Country”;

- 5 (6) by the substitution in paragraph (7) of that section, for the words, “any public office in any part of Ceylon,” of the words, “any public office in any part of Sri Lanka,”;
- 10 (7) by the substitution in paragraph (8) of that section, for the words, “Sovereign recognized by Her Majesty;” of the words, “Sovereign recognized by the Republic of Sri Lanka;”;
- 15 (8) by the substitution in paragraph (10) of that section, for the words, “Her Majesty’s Realms and Territories;” of the words, “the territorial limits of the Democratic Socialist Republic of Sri Lanka and of its divisions;”;
- 20 (9) by the substitution in paragraph (11) of that section, for the words, “between Her Majesty and any State or body of persons;” of the words, “between the Republic of Sri Lanka and any foreign State or body of persons;”; and
- (10) by the substitution in paragraph (12) of that section, for the words, “advocates, proctors,” of the words, “attorneys-at-law;”.

- 25 **6.** Section 65 of the principal enactment is hereby amended in paragraph (6) of that section, by the substitution for the words, “Ceylon” of the word, “Sri Lanka”. Amendment of section 65 of the principal enactment.
- 30 **7.** Section 69 of the principal enactment is hereby amended by the substitution for the words, “executed in the United Kingdom,” of the words, “executed in any foreign Country;”. Amendment of section 69 of the principal enactment.

8. Section 74 of the principal enactment is hereby amended as follows:-

Amendment
of section 74
of the
principal
enactment.

(1) by the substitution in subparagraph (iii) of paragraph (a) of that section, for the words, "Ceylon or of any other part of Her Majesty's Realms and Territories, or of a foreign country;" of the words, "Sri Lanka or of a foreign country;" and

(2) by the substitution in paragraph (b) of that section, for the word, "Ceylon," of the word, "Sri Lanka,".

9. Section 78 of the principal enactment is hereby amended as follows:-

Amendment
of section 78
of the
principal
enactment.

(1) by the substitution in paragraph (1) of that section, for the words, "Government of Ceylon" of the words, "Government of Sri Lanka";

(2) by the substitution in paragraph (3) of that section, for the words, "issued by Her Majesty or by the Privy Council, or by any department of Her Majesty's Government - by copies or extracts contained in the London *Gazette* or in the *Gazette* of Ceylon or purporting to be printed by the Queen's printer;" of the words "issued by the President or any Minister or any department of Government-by copies or extracts contained in the *Gazette* of Sri Lanka;"

(3) by the substitution in sub-paragraph (iii) of paragraph (4) of that section for the words, "public enactment of Ceylon;" of the words, "public enactment of Sri Lanka;".

(4) by the substitution in paragraph (5) of that section for the words, "Municipal body in Ceylon-" of the words, "Municipal body in Sri Lanka-"; and

(5) by the substitution in subparagraph (ii) of paragraph (6) of that section for the words, "of a British Consul or Diplomatic Agent," of the words, "of any Ambassador, High Commissioner, or other diplomatic agent of Sri Lanka,".

10. Section 79 of the principal enactment is hereby amended by the substitution for the words, “duly certified by any officer in Ceylon,” of the words, “duly certified by any officer in Sri Lanka”.
- Amendment of section 79 of the principal enactment.
- 5 11. Section 81 of the principal enactment is hereby amended by the substitution for all the words starting from “every document purporting to be the London *Gazette*” to the words, “by the Queen’s printer,” of the words, “every document purporting to be the *Gazette* of Ceylon or Sri Lanka”.
- Amendment of section 81 of the principal enactment.
- 10 12. Section 82 of the principal enactment is hereby repealed.
- Replacement of section 82 of the principal enactment.
13. Section 85 of the principal enactment is hereby amended by the substitution for the words, “British Consul or Vice - Consul, or representative of her Majesty, or of the Governor - General of Ceylon, or of the Government of India,” of the words, “an Ambassador or High Commissioner or other diplomatic representative of Sri Lanka,”.
- Amendment of section 85 of the principal enactment.
- 15 14. Section 86 of the principal enactment is hereby amended by the substitution for all the words starting from “any country not forming part of Her Majesty’s Realms and Territories” to the words, “Government of India,” of the words, “any country other than the Republic of Sri Lanka is genuine and accurate, if the document purports to be certified in any manner which is certified by any representative of the Republic of Sri Lanka,”.
- Amendment of section 86 of the principal enactment.
- 20 25 15. Section 90A of the principal enactment is hereby amended by the repeal of the definition of the expression “company” and the substitution therefor of the following definition:-
- Amendment of section 90A of the principal enactment.
- 30 ““company” shall have the same meaning assigned to it under the Companies Act, No. 7 of 2007.”.

16. Section 90B of the principal enactment is hereby amended by the substitution of the words, “within Ceylon,” of the words “within Sri Lanka,”. Amendment of section 90B of the principal enactment.
- 5 17. Section 91 of the principal enactment is hereby amended in exception 2, to that section, by the substitution for the word, “Ceylon” of the word, “Sri Lanka”. Amendment of section 91 of the principal enactment.
18. Section 100 of the principal enactment is hereby amended by the substitution of the word, “Ceylon,” of the word “Sri Lanka,”. Amendment of section 100 of the principal enactment.
- 10 19. Section 111 of the principal enactment is hereby amended in the illustration (a) to that section, by the substitution of the words, “a proctor” and “the proctor” wherever those words appear in that illustration of the words respectively, “an attorney-at-law” and “the attorney-at-law”. Amendment of section 111 of the principal enactment.
- 15 20. Section 126 of the principal enactment is hereby amended by the substitution of the words, “Advocate, Proctor,” wherever those words appear in that section, of the words, “attorney-at-law”. Amendment of section 126 of the principal enactment.
- 20 21. Section 127 of the principal enactment is hereby amended by the substitution of the words, “advocates, proctors,” wherever those words appear in that section of the words, “attorneys-at-law”. Amendment of section 127 of the principal enactment.
- 25 22. Section 128 of the principal enactment is hereby amended by the substitution of the words, “advocate, proctor,” wherever those words appear in that section of the words, “attorney-at-law”. Amendment of section 128 of the principal enactment.
23. Section 132 of the principal enactment is hereby amended in subsection (1) of that section, by the substitution of the words, “her Majesty” of the words, “the State”. Amendment of section 132 of the principal enactment.

24. Section 149 of the principal enactment is hereby amended as follows:-

Amendment of section 149 of the principal enactment.

5 (1) in the illustration (a) to that section, by the substitution for the words, “An Advocate is instructed by a proctor” of the words “An attorney-at-law is instructed”; and

10 (2) in the illustration (b) to that section, by the substitution for the words, “A Proctor” and “the proctor” wherever those words appear in that illustration, of the words respectively as, “An Attorney-at-law” and “the Attorney-at-Law”.

25. Section 150 of the principal enactment is hereby amended in substitution for the words, “advocate or proctor”, wherever those words appear in that section of the words, 15 “attorney-at-law”.

Amendment of section 150 of the principal enactment.

26. 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 any inconsistency.

