



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

JUDICATURE (AMENDMENT)

A

BILL

to amend the Judicature Act, No. 2 of 1978

Presented by the Minister of Justice on 10th of November, 2021

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Ordered by Parliament to be printed

[Bill No. 89]

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STATEMENT OF LEGAL EFFECT

Clause 2: This clause amends section 5c of the Judicature Act, No. 2 of 1978 and the legal effect of the amendment is to appoint judicial officers from among the Magistrates and District Judges to function as the “Recorder Judges” of High Courts and to empower such Recorder Judges to attend to pre-trial and post-trial matters.

Judicature (Amendment)

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. of 2021. Short title

5 **2.** Section 5c of the Judicature Act, No. 2 of 1978 is hereby repealed and the following section is substituted therefor:— Replacement of section 5c of Act, No. 2 of 1978

10 “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.

15 (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.

20 (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.

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(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.”.

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

