

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

Part II of August 12, 2016

SUPPLEMENT

(Issued on 15. 08. 2016)



CODE OF CRIMINAL PROCEDURE (AMENDMENT)

A

BILL

to amend the Code of Criminal Procedure Act, No. 15 of 1979

Ordered to be published by the Minister of Justice

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STATEMENT OF LEGAL EFFECT

Clause 2 : This clause amends the Code of Criminal Procedure Act, No. 15 of 1979 by inserting section 37A in that Act and the legal effect of the section as amended is to make provision to ensure the right of a person in the police custody whose statements have been recorded but who has not been produced before a Magistrate to retain and consult a legal counsel at his own expense or with the assistance of Legal Aid Commission, where he is unable to afford the expenses of such legal counseling.

Code of Criminal Procedure
(Amendment)

L. D.—O. 2/2016.

AN ACT TO AMEND THE CODE OF CRIMINAL PROCEDURE
ACT, No. 15 OF 1979

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 (Amendment) Act, No. of 2016. Short title.

2. The following new section is hereby inserted immediately after section 37 of the Code of Criminal Procedure Act, No. 15 of 1979 and shall have effect as section 37A of that Code:— Insertion of section 37A in Act, No. 15 of 1979.

“Right of persons arrested, to retain and consult an Attorney-at-law.”

37A. (1) Any person who has been arrested and detained in police custody, shall have the right to retain and consult an Attorney-at-law of his choice at his own expense, after the recording of his statements in terms of the provisions of subsection (1) of section 110 and prior to being produced before a Magistrate.

(2) If the person so arrested informs the officer in-charge of the relevant police station that he is unable to retain and consult an Attorney-at-law at his own expense, the service of an Attorney-at-law from the Legal Aid Commission of Sri Lanka established under the Legal Aid Law, No. 27 of 1978, shall be provided to him where the Legal Aid Commission is in a position to provide such service.

2 *Code of Criminal Procedure*
(Amendment)

(3) The officer in-charge of the relevant police station, shall make a request to the Legal Aid Commission to provide the service referred to in subsection (2).”.

- 5 **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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