

PROGRESS OF LEGISLATION AMENDMENTS BY THE MINISTRY OF JUSTICE  
(as of 31<sup>st</sup> October 2021)

Progress		Total	
COMPLETED			
A	New legislations/ Amendments passed by the Parliament	08	08
TO BE COMPLETED			
B	New legislations/ Amendments to be passed by/ presented to the Parliament.	04	83
C	New legislations/ Amendments to be submitted for Cabinet Approval	06	
D	New legislations/ Amendments being drafted by the Legal Draftsman's Department	29	
E	New legislations/ Amendments submitted to Hon. Attorney General for Certificate of Constitutionality.	07	
F	New legislations/ Amendments being developed	37	
OTHER			
G	New legislations/ Amendments completed and referred to other line Ministry/Agencies	05	05

## **A. New legislations/ Amendments passed by the Parliament.**

1. Penal Code (Amendment) Act, No.5 of 2021
2. Evidence (Amendment) Act, No. 6 of 2021
3. Bail (Amendment) Act, No.7 of 2021.
4. Code of Criminal Procedure (Amendment) Act, No. 14 of 2021
5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Amendment) Act, No. 15 of 2021
6. Coronavirus Disease 2019 (COVID - 19) (Temporary Provisions) Act, No. 17 of 2021
7. Youthful Offenders (Training Schools) (Amendment) Act, No. 25 of 2021
8. Penal Code (Amendment) Act, No. 25 of 2021

Total- 08

## **B. New legislations/ Amendments to be passed by/ presented to the Parliament.**

1. Amendment to the Code of Criminal Procedure Act (Pre-trial Conference)
2. Ottawa Convention Bill
3. Amendment to the Civil Procedure Code (Section 88(2) and Section 59)
4. Amendment to Judicature Act(Appointment of Recorder Judge for Pre-trial Conference in Criminal High Court)

Total- 04

## **C. New legislations/ Amendments to be submitted for Cabinet Approval**

1. Amendment to the Muslim Marriage and Divorce Ordinance
2. Amendment to the Mediation Board Act
3. Amendments To Mediation (Special Categories of Disputes) Act

4. Amendment to the Code of Criminal Procedure Act (Consequential amendment on Statutory Rape provisions in the Penal Code)
5. Amendment to the Judicature Act (Consequential amendment on Statutory Rape provisions in the Penal Code)
6. Amendment to the Debt Conciliation Ordinance.

Total- 06

#### D. New legislations/ Amendments being drafted by the Legal Draftsman's Department

1. Proceeds of Crime Bill- *Amended draft is being considered.*
2. Children and Young Persons (Amendment)-Amended draft incorporating *Attorney General's observations is considered by the Ministry..*
3. Amendments to the Penal Code (Protection of Human Dignity and Social Harmony, Fake News and Hate Speech)- *Draft being further amended based on the Criminal Law Reforms Sub Committee's recommendations, as instructed by the Attorney General.*
4. Amendment to the Poisons, Opium and Dangerous Drugs Ordinance- *Attorney General's observations are being incorporated.*
5. Amendment to the Community Based Corrections Act- *Amended draft is being considered by the Ministry.*
6. Amendment to the Penal Code (Statutory Rape) - *Further amendments to the draft are being incorporated.*
7. Small Claims Court Bill- *Observations of the Committee for Pre-Trial Procedure and Small Claims Courts are incorporated into the draft.*
8. Amendment to Judicature Act (Small Claims Court) - *Observations of the Committee for Pre-Trial Procedure and Small Claims Courts are incorporated into the draft.*
9. Bill for the establishment of a Bureau for Rehabilitation - *Further amendments to the draft are being incorporated.*
10. Amendment to Marriage Registration Ordinance (Exclusion of Marriages of Muslims) - *The amended draft being considered by the Family Law Advisory Committee of the Civil Law Reforms Sub Committee.*

11. Amendment to Marriage Registration Ordinance (Registration of divorces and nullity of marriages) - *The amended draft being considered by the Family Law Advisory Committee of the Civil Law Reforms Sub Committee.*
12. Protection from Online Falsehoods and Manipulation Bill- *The amended draft being considered by the Committee appointed to draft the law.*
13. Amendment to the Registration of Documents Ordinance- *Observations of the Civil Law Sub Committee are being incorporated.*
14. Amendment to the Notaries Ordinance- *Draft is being amended.*
15. Amendment to Civil Procedure Code (Muslim Marriage and Divorce Law) - *The preliminary draft is considered by the Muslim Law Advisory Committee.*
16. Matrimonial Causes Act (Family Law Act) - *The draft being considered by the Family Law Advisory Committee of the Civil Law Reforms Sub Committee.*
17. Recognition of Foreign Divorces- *the Family Law Advisory Committee has given their concerns and views to the Civil Law Reforms Committee to address the concerns of the Committee.*
18. Prison Administration Bill- *Amended draft is being considered.*
19. Amendment to the Dangerous Animals Ordinance- *Preliminary draft is considered by the Criminal Law Reforms Sub Committee along with the observations of the LD.*
20. New Legislation to replace the Assistance to and Protection of Victims of Crime and Witness Act- *Attorney General's observations are being incorporated.*
21. Amendment to Partition Law- *Preliminary draft is being prepared.*
22. Amendment to the Civil Procedure Code (Chapter 101) (Revoking Chapter LXVI) - *Preliminary draft is being prepared.*
23. Amendment to the High Court of the Provinces (Special Provisions) (Amendment) Act No.19 of 1990 (Inclusion of Small Claims Court into Section 5A) - *Preliminary draft is being prepared.*
24. Amendment to the Prevention of Frauds Ordinance- *Preliminary draft is being prepared.*
25. The Recovery of Possession of the Premises given on Lease (Special Provisions)) Act - *Preliminary draft is being prepared.*
26. Amendment to the Rent Act- *Preliminary draft is being prepared.*
27. Amendment to the Civil Procedure Code (Chapter 101) (Pre-Trial Conference) - *Preliminary draft is being prepared.*

28. Amendment to the Civil Procedure Code (Chapter 101) (New Section 154A- Exception on adducing formal proof of the execution or the genuineness of any attested deed or document not being a will) – *Final draft requested.*
29. Amendment to the Kandyan Marriage and Divorce Act- *Preliminary draft is being prepared.*

Total- 29

#### E. New legislations/ Amendments submitted to Hon. Attorney General for Certificate of Constitutionality.

1. Amendment to the Code of Criminal Procedure Act (Issue of copies of Judgments of cases free of charge.)
2. Amendment to the Civil Procedure Code (Issue of copies of Judgments of cases free of charge.)
3. Amendment to the Civil Procedure Code (Accidents – Injuries – Deaths)
4. Amendment to Wills Ordinance
5. Amendments to the Powers of Attorney Ordinance
6. Amendment to Revocation of Irrevocable Deeds of Gifts on the ground of Gross Ingratitude
7. Amendment to the Code of Criminal Procedure Act (Procedure for the Protection of Human Dignity and Social Harmony, Fake News and Hate Speech)

Total- 07

#### F. New legislations/ Amendments being developed

1. Amendment to the Penal Code (Repealing Obscene Publication Provisions) (Sections 285, 286 and 286A) - *Awaiting till the Obscene Publications Bill is finalized to submit both draft Bills are to be submitted to the Cabinet together.*
2. Amendment to the Code of Criminal Procedure Act (Dispensing with the requirement of personal attendance of accused or suspect) – *The Bill was gazette on 08.10.2021, and delayed*

*presenting in Parliament until BASL and Criminal Law Reforms Sub Committee submits their recommendations.*

3. Amendment to the Penal Code (Increase of Fines) - *Cabinet Decision of the Consequential Amendment has required the Ministry to obtain the views of the Police Department.*
4. Amendment to the Code of Criminal Procedure Act (Increase of Fines)-*Cabinet Decision received. A letter was sent to Mr. Karavita DIG (Legal) to study the draft and submit their observations.*
5. Amendment to the Civil Procedure Code (Chapter 101) (Chapter VIII of the Issue and Service of Summons) - *Cabinet Approval received waiting for the Civil Law Reforms Sub Committee to submit the Final Draft Model to make LD the request.*
6. Amendment to the Drug Dependent Persons (Treatment and Rehabilitation) Act -*Informed the State Ministry of National Security & Disaster Management that the Ministry is in agreement and to proceed with obtaining the approval and the signature of H.E. the President for the Joint Cabinet Memorandum.*
7. Child Protection and Justice Bill- LDO 18/2015 - *A Committee chaired by Mr. Suhada Gamalath, PC is revising the draft Bill in line with the Experts Comments.*
8. Amendment to Bail Act, No.30 of 1997- *The Ministry is considering the recommendations submitted by the Criminal Law Reforms Sub Committee on amending the Bail Act.*
9. Amendment to Judicature Act (Section 5B) – *The recommendation of the Committee for Pre-Trial Procedure and Small Claims Courts on appointing Pre-trial Judge is considered by the Ministry .*

#### Civil Law Reforms Sub Committee & its Advisory Committees

10. Amendment to the Civil Procedure Code (Chapter 101) (Writ of execution) - *Summons and Writ of Execution Advisory Committee has started its work on this.*
11. Amendment to the Registration of Title Act- *Title Registration Advisory Committee to submit their report soon.*
12. Amendment to the Condominium Property Act- *Condominium Law Advisory Committee is in the process of drafting the Act.*
13. Adoption Law- *Adoption Law Advisory Committee is developing the law.*
14. Amendments to Enforcement of Foreign Judgments Act and Enforcement of Judgments, Reciprocal Act- *Reciprocal Enforcement of Foreign Judgments is developing the amendment.*
15. Privacy Law- *Privacy Law Advisory Committee is developing the law.*

16. Amendment to Local Government Law- *Sub Committee has had Initial discussions to identify the necessity to amend these laws.*
17. Patient Rights Law- - *Sub Committee has have received a comprehensive proposal.*
18. Amendment to Civil Procedure Code (Section 14A) - *The draft amendment is being considered by the Sub Committee.*
19. Amendment to Civil Procedure Code (Section 167- amendment to introduce provisions for leading of evidence using audio visual link) - *The final draft developed is being considered by the Digital Law Committee.*
20. Amendment to Civil Procedure Code (Section 205- amendment to new provisions to be included to facilitate issuing of certified copies with Digital signature) - *The final draft developed is being considered by the Digital Law Committee.*

#### Commercial Law Reforms Sub Committee & its Expert Panels

21. New proposed Act "The Investment Disputes High Court" (for the establishment of a new Court to resolve high value investment related disputes.)- *Sub Committee is in the process of finalizing the draft law.*
22. Amendment to the Commercial High Court Act No. 10 of 1996 – *Sub- Committee has completed the amendment and is contemporaneously drafting Rules of Court to expedite cases in the Commercial High Court.*
23. New Arbitration Act - *Arbitration Law Expert Panel is drafting a new arbitration law to replace the existing Act, in line with the 2006 UNCITRAL Model Law.*
24. New Law to enable Commercial Mediation- *Arbitration Law Expert Panel is in the process of drafting this.*
25. Labour law Reforms- *In collaboration with the Ministry of Labour the Labour Law Expert Panel is considering reforms that would encourage Foreign Investment.*
26. Amendment to Intellectual Property Act (in relation to traditional knowledge and have suggested proposals with respect to the law on copyright, trademarks and patent)- *Intellectual Property Law Expert Panel has proposed certain amendments and considering the nature of the amendments that would be needed to implement their proposals and draft the amending legislature.*
27. Shipping related law reforms- *Shipping Law Expert Panel is studying all the shipping related laws (that contain some archaic pieces of legislation) to adopt international best practices.*
28. Amendment to Companies Act- *Company Law Expert Panel is studying to accommodate the expeditious resolution of company related disputes and the drafting of New Winding up Rules.*

29. Insurance law reforms- *Insurance Law Expert Panel is studying all laws and regulations on insurance that would encourage international best practices in the industry.*
30. Banking law reforms- *Banking and Finance Expert Panel is studying all laws and regulations on insurance that would encourage international best practices in banking and finance. Amendments to statues may include the Banking Act, Lease Finance Act, and Finance Business Act.*
31. Amendment to Electronic Transactions Act- *Commerce Advisory Committee is studying the Act and is in the process of proposing amendments to upgrade it to encompass international best practices and to better facilitate e-business.*

#### Criminal Law Reforms Sub Committee

32. Obscene Publications Bill - *Sub Committee is reviewing the final draft as per the Cabinet Decision.*
33. Amendment to the Code of Criminal Procedure Act (Dispensing with the requirement of personal attendance of accused or suspect) – *The Bill was gazette on 08.10.2021, and delayed presenting in Parliament as the Sub Committee was requested to submits recommendations in consultation of BASL.*
34. New Law on Disposal of Court Productions- *Sub Committee is currently to develop a separate legislation.*
35. New Law for protection of Elders’ Rights- *Sub Committee is in the process of drafting a legislation to the law in consideration of existing laws.*
36. Amendment to Code of Criminal Procedure Act- *Sub Committee is in the process of drafting a legislation to enable Digitization and Court Automation in Criminal Courts.*
37. Amendment to the Forest Ordinance- *Sub Committee is in the process of finalizing the draft.*

Total- 37

#### G. New legislations/ Amendments completed and referred to other line Ministry/Agencies

1. Amendment to Domestic Violence Act- *Family Law Advisory Committee's recommendations are sent to the State Ministry of Women and Child Development, Pre-schools & Primary Education, School Infrastructure & Education Services.*



2. Proposed Amendment to the Hotel Keepers Ordinance- *Criminal Law Reforms Sub Committee's recommendations are sent to the Ministry of Tourism.*
3. Amendment to Antiquities Act, No. 24 of 1998- *Criminal Law Reforms Sub Committee's recommendations are sent to the Department of Archaeology.*
4. Proposed Amendments to Domestic Violence Act, No. 34 of 2005- *Criminal Law Reforms Sub Committee's recommendations are sent to the State Ministry of Women and Child Development, Pre-schools & Primary Education, School Infrastructure & Education Services.*
5. Proposed amendments to the Financial Transactions Reporting Act, no. 06 of 2006- *The proposed amendment by the Criminal Law Reforms Sub-committee was submitted to the FIU.*

Total- 05

\*Note:

## COMPLETED TASKS BY THE COMMITTEES APPOINTED FOR LAW REFORMS

### Civil Law Reforms Sub Committee & its Advisory Committees

- Rent Law Advisory Committee –
  - Amendment to the Rent Act - *Preliminary draft is prepared by Legal Draftsman based on the model law developed by the Committee.* (Please see [item D- 26](#) above)
- Notarial Advisory Committee –
  - Amendment to the Registration of Documents Ordinance- *Observations of the Civil Law Sub Committee are being incorporated.* (Please see [item D- 13](#) above)
  - Amendment to the Notaries Ordinance -*Draft is prepared by Legal Draftsman based on the model law developed by the Committee.* (Please see [item D- 14](#) above)
  - Amendment to the Prevention of Frauds Ordinance- *Preliminary draft is being prepared.* (Please see [item D- 24](#) above)
  - Amendment to Wills Ordinance- *Awaiting Constitutionality Certificate for the Draft prepared by Legal Draftsman based on the model law developed by the Committee.* (Please see [item E- 4](#) above)
  - Amendments to the Powers of Attorney Ordinance - *Awaiting Constitutionality Certificate for the Draft prepared by Legal Draftsman based on the model law developed by the Committee.* (Please see [item E- 5](#) above)

- Amendment to Revocation of Irrevocable Deeds of Gifts on the ground of Gross Ingratitude- *Awaiting Constitutionality Certificate for the Draft prepared by Legal Draftsman based on the model law developed by the Committee..* (Please see [item E- 6](#) above)
- Debt Conciliation Advisory Committee –
  - Amendment to the Debt Conciliation Ordinance – *Awaiting Cabinet Approval.* (Please see [item C- 6](#) above)
- Family Law Advisory Committee –
  - Amendments to Marriage Registration Ordinance (Exclusion of Marriages of Muslims & Registration of divorces and nullity of marriages) - *The amended draft prepared by Legal Draftsman being considered by the Advisory Committee.* (Please see [item D- 10 & 11](#) above)
  - Matrimonial Causes Act (Family Law Act) - *The Legal Draftsman's draft being considered by the Advisory Committee.* (Please see [item D- 16](#) above)
  - Recognition of Foreign Divorces- *Civil Law Reforms Sub Committee is in the process of finalizing the draft incorporating its suggestions.* (Please see [item D- 17](#) above)
- Summons and Writ of Execution Advisory Committee –
  - Amendment to the Civil Procedure Code (Chapter 101) (Chapter VIII of the Issue and Service of Summons) - *Cabinet Approval received waiting for the Civil Law Reforms Sub Committee to submit the Final Draft Model to make LD the request.* (Please see [item F- 6](#) above)
  - Amendment to the Rent Act - *Preliminary draft is prepared by Legal Draftsman based on the model law developed by the Committee.* (Please see [item D- 26](#) above)
- Land Law Advisory Committee –
  - Amendment to the Civil Procedure Code (Chapter 101) (New Section 154A- Exception on adducing formal proof of the execution or the genuineness of any attested deed or document not being a will) – *Final draft requested from Legal Draftsman and to be sent to Attorney General.* (Please see [item D- 28](#) above)
- Partition Law Advisory Committee (Appointed by BASL) –
  - Amendment to Partition Law- *Preliminary draft is being prepared.* (Please see [item D- 21](#) above)

- Other
  - Amendment to the Civil Procedure Code (Section 88(2) and Section 59) - *Observations given for the draft.* (Please see [item B-3](#) above)
  - Amendment to the Mediation Board Act- *Finalized amendments to be submitted to Cabinet approval.* (Please see [item C-2](#) above)
  - Amendments to Mediation (Special Categories of Disputes) Act- *Finalized amendments to be submitted to Cabinet approval.* (Please see [item C-3](#) above)
  - Amendment to the Civil Procedure Code (Accidents – Injuries – Deaths) - *Observations given for the draft.* (Please see [item E-3](#) above)

#### Criminal Law Reforms Sub Committee

- Proposed Amendments to the Criminal Procedure Code Amendment Bill (Pre-Trial Conference))- *The recommendations of the Sub Committee were considered by the Ministry in finalizing the Committee Stage Amendments.* (Please see [item B-1](#) above)
- Amendment to the Penal Code and the Code of Criminal Procedure Act (Filling in the gaps in the Law of Rape including making Rape of Boys a crime.)- *The recommendations of the Sub Committee were considered by the Ministry in finalizing the draft.* (Please see [item C-4](#) above)
- Proposed Amendment to Poison opium and Dangerous Drugs Act, No.13 of 1984- *The recommendations of the Sub Committee were considered by the Ministry in finalizing the draft.* (Please see [item D-4](#) above)
- Dangerous Animals Ordinance- *The draft was developed based on the recommendations of the Sub Committee.* (Please see [item D-19](#) above)
- Proposed amendment to the Assistance to and Protection of Victims of Crime and Witnesses Act, No.04 of 2015- *The recommendations of the Sub Committee were considered by the Ministry in finalizing the draft.* . (Please see [item D-20](#) above)
- Amendment to Code of Criminal Procedure Act (Increase of Fines) - *The recommendations of the Sub Committee were considered by the Ministry in finalizing the draft.* (Please see [item F-3](#) above)
- Bail Act, No.30 of 1997- *The recommendations are considered by the Ministry.* (Please see [item F-8](#) above)
- Amendment to the Penal Code (Protection of Human Dignity and Social Harmony, Fake News and Hate Speech) - *The recommendations of the Sub Committee were considered by the Ministry in finalizing the draft.* (Please see [item D-3](#) above)

### Committee for Pre-Trial Procedure and Small Claims Courts

- Small Claims Court Bill- *The draft was developed based on the recommendations of the Committee.* (Please see [item D-7](#) above)
- Amendment to Judicature Act (Small Claims Court) - *The draft was developed based on the recommendations of the Committee.* (Please see [item D-8](#) above)
- Amendment to the Civil Procedure Code (Chapter 101) (Revoking Chapter LXVI) - *Preliminary draft is being prepared based on the recommendations of the Committee.* (Please see [item D-22](#) above)
- Amendment to the High Court of the Provinces (Special Provisions) (Amendment) Act No.19 of 1990 (Inclusion of Small Claims Court into Section 5A) - *The draft was developed based on the recommendations of the Committee.* (Please see [item D-23](#) above)
- Amendment to the Civil Procedure Code (Chapter 101) (Pre-Trial Conference) - *The draft was developed based on the recommendations of the Committee.* (Please see [item D-27](#) above)
- Amendment to Judicature Act (Section 5B) – The recommendation of the *Committee for Pre-Trial Procedure and Small Claims Courts on appointing Pre-trial Judge is considered by the Ministry.* (Please see [item F-9](#) above)

### Committee for Muslims Marriage and Divorce Act

- Amendment to the Muslim Marriage and Divorce Ordinance - *The draft law was developed based on the recommendations of the Committee.* (Please see [item C-1](#) above)