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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

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No. 1462/8 - TUESDAY, SEPTEMBER 12, 2006

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

CF 1/64.

THE PUBLIC SECURITY ORDINANCE (CHAPTER 40)

REGULATIONS made by the President under Section 5 of the Public Security Ordinance (Chapter 40)

MAHINDA RAJAPAKSHA,
President.

Colombo,
12th September, 2006.

Regulations

The Emergency (Miscellaneous Provisions and Powers) Regulation, No. 01 of 2005 published in *Gazette Extraordinary* No. 1405/14 of August 13, 2005 and deemed to be in force by virtue of Section 2A of the Public Security Ordinance, as amended from time to time, is hereby further amended by the repeal of regulation 22 thereof, and the substitution therefor of the following regulation:-

“Custody of
Persons who
Surrender”

22. (1) The President may by order appoint, by name or by office, a person to be the Commissioner General of Rehabilitation for the purposes of this regulation.

(2) Any person who surrenders (hereinafter referred to as the “surrendee”) in connection with any offence under the Explosives Act, the Offensive Weapons Act, No. 18 of 1966, the Firearms Ordinance, the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979 or under Chapter VI, Chapter VII or Chapter VIII of the Penal Code or under any emergency regulation, or through fear of terrorist activities to any police officer, or any member of the armed forces, or to any public officer or any other person or body of persons authorized by the President by order, shall be required to give a written statement to the officer or person authorized to the effect that he is surrendering voluntarily.

(3) The Secretary to the Ministry of the Minister in-charge of the subject of Defence shall, from time to time approve Centres to be known as “Protective Accommodation and Rehabilitation Centres” (hereafter referred to as “the Centre”) for the purpose of receiving and keeping surrendees.

(4) The officer or person to whom a person surrenders in terms of paragraph (2), shall, within ten (10) days of such surrendee hand over the surrendee to the Commissioner-General of Rehabilitation who shall assign such surrendee to a Centre. The Commissioner-General of Rehabilitation shall upon assigning the surrendee to a Centre, endeavour to provide the surrendee with appropriate vocational, technical or other training during his stay at the Centre.

(5) The officer or any other person to whom a person surrenders in terms of paragraph (2) shall inform the Secretary to the Ministry of the Minister in-charge of the subject of Defence, no later than ten (10) days of the surrender, that a voluntary surrender has been made and such person was handed over to the Commissioner-General of Rehabilitation in the manner set out in paragraph (4) above.

(6) On the Secretary to the Ministry of the Minister-in-Charge of the subject of Defence being informed in terms of paragraph (5), by the officer or person to whom the surrenderee surrendered, that the surrenderee has been handed over to the Commissioner-General of Rehabilitation, he shall make an order authorizing the Commissioner-General of Rehabilitation to keep such surrenderee for a period not exceeding twelve months in the first instance at the Centre to which he has been assigned. Such period will be computed from the date of handing over of such surrenderee by the officer or person as the case may be, to the Commissioner-General of Rehabilitation.

(7) The Commissioner-General shall within a period of two months of the date of the surrenderee being handed over to him, forward a Report to the Secretary to the Ministry of the Minister in-charge of the subject of Defence indicating the nature of the rehabilitation being carried out in respect of the surrenderee.

(8) A surrenderee assigned to a Centre may with the permission of the officer in-charge of the Centre be entitled to meet his parents, or relations or guardian as the case may be, once in every two weeks.

(9) The Commissioner-General of Rehabilitation shall prior to the expiration of the aforesaid period of twelve months, forward to the Secretary to the Ministry of the Minister in-charge of the subject of Defence, a report stating whether in his opinion it is appropriate to release the surrender or to extend for a further period the rehabilitation of such surrenderee.

(10) At the end of the period of twelve months the Secretary to the Ministry of the Minister in-charge of the subject of Defence, may, after persual of the report submitted to him under paragraph (9) by the Commissioner-General of Rehabilitation—

(a) order the release of such person ; or

(b) extend the period of rehabilitation for periods of three months at a time, so however that the aggregate period of such extensions shall not exceed a further twelve months. Each such extension shall be made on the recommendation of the Commissioner-General of Rehabilitation and of an Advisory Committee appointed by the President in terms of paragraph (4) of regulation 19 of these regulations.

(11) The surrenderee shall, at the end of the extended period of rehabilitation, be released.

(12) The Superintendent of Police of the Division in-charge of the division within which a person surrendered in terms of paragraph (2) may, after the expiration of three months from the date of his being assigned to a Centre, with prior written approval of Secretary to the Ministry of the Minister in-charge of the subject of Defence, investigate the involvement of any surrenderee who is suspected of being connected with, or concerned in, the commission of an offence set out in paragraph (2) and where it is so necessary to try him for the commission of such offence.

(13) Where at the end of any trial a surrenderee is found guilty of the offence in connection with which he is charged or indicted, the Court may in determining the sentence to be imposed on him take into consideration the fact of his surrender, The Court may where appropriate, order that such surrenderee be subjected to a further period of rehabilitation as may be determined by Court, at a Centre.

(14) Where a surrendee found guilty of an offence and subjected to a further period of rehabilitation by Order of Court in terms of paragraph (13), acts in a manner detrimental to the rehabilitation programme or the interest of the other surrendees at the Centre, The Commissioner-General of Rehabilitation may on production of such person before the Court which sentenced him present such facts to Court and the Court may after such summary inquiry as the Court thinks fit, make order sentencing him to imprisonment in lieu of such further period of rehabilitation.”.

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