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The Gazette of the Democratic Socialist Republic of Sri Lanka EXTRAORDINARY

අංක 1561/11 - 2008 අගෝස්තු 05 වැනි අඟහරුවාදා - 2008.08.05

No. 1561/11 - TUESDAY, AUGUST 05, 2008

(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 RAJAPAKSA,
President.

Colombo,
05th August, 2008.

Regulations

The Emergency (Miscellaneous Provisions and Powers) Regulation, No. 1 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, and amended from time to time, is hereby further amended as follows :-

(1) in regulation 19 thereof,

(a) by the insertion immediately after paragraph (1) of that regulation of the following paragraph :-

“1(A) The provisions of Sections 36, 37 and 38 of the Code of Criminal Procedure Act, No. 15 of 1979 shall not apply in relation to a person detained under provisions of paragraph (1) :

Provided that where any person has been detained under the provisions of paragraph (1), such person shall be produced before a Magistrate within a reasonable time having regard to the circumstances of each case, and in any event not later than thirty days from the date of such detention. :

Provided further that the Magistrate shall not release any person on bail unless the prior written approval of the Attorney-General has been obtained :

Provided further, that where any person detained under the provisions of paragraph (1) is produced before the Magistrate by the person in whose custody he is detained, the court shall order that such person continue to be detained in terms of the detention order made in terms of paragraph (1) in such place as is specified in the said detention order.

(1B) The production of any person in conformity with the provisions of paragraph (1A) shall not affect the detention of such person under the provisions of paragraph (1).

(1C) Any person detained in pursuance of the provisions of paragraph (1) for a period of one year reckoned from the date of his arrest, may upon the expiration of such period, be detained by the Secretary for a further period of six months, if it appears that the release of such person would be detrimental to the interests of national security :

Provided that any person detained for a further period of six months shall be produced before a Magistrate every sixty days :

Provided further it shall be the duty of the person in whose custody such person is detained, to cause the production of such person in the manner aforesaid.” ; and

- (2) by the repeal of regulation 21 of those regulations and the substitution therefore of the following regulation :-

“21. The secretary may, where he is of opinion that it is in the interest of national security, issue in respect of any person detained in terms of paragraph (1) of regulation 19 and who has subsequently been placed in fiscal custody, a further detention order authorizing the custody of such person in accordance with the provisions of regulation 19, in a place to be specified in such detention order. In such a case, the court that had previously placed such person in fiscal custody shall order that such person be detained in terms of the detention order in the place specified in such order.”.