



EXCHANGE CONTROL (AMENDMENT)

LAW, No. 14 OF 1972

OF

THE NATIONAL STATE ASSEMBLY

[Certified on 13th December, 1972]

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*Exchange Control (Amendment) Law,
No. 14 of 1972*

L. D.—O. 84/71.

A LAW TO AMEND THE EXCHANGE CONTROL ACT

BE it enacted by the National State Assembly of the Republic of Sri Lanka as follows:—

1. This Law may be cited as the Exchange Control (Amendment) Law, No. 14 of 1972.

Short title

2. The Exchange Control Act is hereby amended by the insertion, immediately after Part V, of the following new Part, which shall have effect as Part VA, of that Act:—

Amendment of
Chapter 433.

PART VA

INVESTIGATION OF OFFENCES UNDER THIS ACT AND
SPECIAL EVIDENTIARY PROVISIONS

Special powers
of police
officers.

30A. Where the Inspector-General of Police, or the Head of the Department of Exchange Control, or an officer of that department authorized by him for the purposes of this section, has reasonable ground to suspect the commission of an offence or a series of offences under this Act, involving an amount or an aggregate amount exceeding ten thousand rupees, he may authorize a police officer to do any or all of the acts specified in this section without obtaining the prior authority of a Magistrate and without a warrant, that is to say,—

(1) arrest and take into custody any person (hereinafter referred to as a "suspected person"), who has been concerned in any such offence or a series of such offences, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned:

(2) record any statement of any suspected person or of any other person supposed to be acquainted with any facts relating to any such offence;

(3) obtain the signature and specimen handwriting of any suspected person;

(4) do all such acts as may be reasonably necessary for photographing, measuring, fingerprinting or otherwise identifying any suspected person;

(5) search a suspected person, or enter with such assistance as may be required and search the dwelling house or the place of work of such person;

(6) enter with such assistance as may be required and search any place, building, vehicle or vessel concerned in or connected with or supposed to be concerned in or connected with any such offence; and

(7) notwithstanding anything to the contrary in any other law, whether written or otherwise, inspect and take possession of any movable property whatsoever, including any telegraphic message, any postal document (whether local or foreign) and obtain certified or photostat copies of any books or documents in any bank, which are considered necessary for the purpose of the investigation into any such offence.

**Holding of
arrested persons
in custody.**

30B. (1) Any suspected person who has been arrested under the 1st preceding section shall be produced within twenty-four hours before a Magistrate who, if written application is made to him by a police officer not below the rank of Assistant Superintendent to the effect that investigations into any offence under this Act in relation to such person are not complete, may make order that such person be held in the custody

of the Fiscal for a period of one month and if, at the end of such period, a like application is made to him, may order that such person be kept in the custody of the Fiscal for a second month.

(2) Before the expiry of the second month from the date of arrest of a suspected person, the Attorney-General may make an application to a Judge of the Supreme Court that such person should be held in further custody for the completion of the investigations into the alleged offence, and the Supreme Court may in its discretion by a warrant addressed to the Fiscal of the administrative district in which such person is in custody direct that such person be detained in the custody of the Fiscal for a period not exceeding three months. The Attorney-General may make more than one application under this subsection provided, however, that the total period of detention that the Supreme Court may order under this subsection shall not exceed three months.

(3) If no application under subsection (2) is made by the Attorney-General before the expiry of the second month, or if such application having been made is refused by the Supreme Court, the suspected person shall be brought before a Magistrate who shall order that such person be set at liberty or be released on bail.

(4) During the period that a suspected person is in the lawful custody of the Fiscal under this section, any police officer investigating the alleged offence shall have the right of access during reasonable hours to such person for the purpose of the continuation of the investigation into the alleged offence, and may take such person from place to place if such action is considered necessary for the purposes of the investigation.

4. *Exchange Control (Amendment) Law,
No. 14 of 1972*

(5) During the period that a suspected person is in the lawful custody of the Fiscal under this section, such person shall be detained in such place as may be authorized in writing by the Secretary to the Ministry of Justice. Whether such place is a prison established under the Prisons Ordinance or not, it shall be the duty of the person or officer in charge of such place to receive such person and to keep him in detention, and the provisions of the Prisons Ordinance and the rules made thereunder shall apply to such person:

Provided that the Secretary to the Ministry of Justice may, from time to time, by order issued to the person or officer in charge of such place direct that any of the provisions of the Prisons Ordinance or the rules made thereunder shall not apply to such person subject to such conditions or modifications as may be set out in the order.

(6) It shall not be necessary to publish any order made under subsection (5) in the *Gazette*, and accordingly such order shall take effect upon its being signed by the Secretary to the Ministry of Justice.

Impounding of passports, &c., of persons whose presence in Sri Lanka is considered necessary for investigation into offences under this Act or for trials relating to such offences.

30c. Where the Inspector-General of Police, or the Head of the Department of Exchange Control, or an officer of the department authorized by him for the purposes of this section, is of opinion that the presence of any person in Sri Lanka (being a citizen of Sri Lanka or the holder of a Sri Lanka Passport) is necessary either for the purpose of an investigation into any offence under the Act or for the purpose of any trial relating to such offence which is pending before any court, such officer shall inform the Controller of Immigration and Emigration, and it shall be the duty of the Controller to cause the passport and other travel documents of such person to be impounded.

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30D. If the Inspector-General of Police, or the Head of the Department of Exchange Control, or an officer of that department authorized by him for the purposes of this section, is of opinion that any person accused of, or reasonably suspected of having committed, any offence under this Act, being a person who is not a citizen of Sri Lanka or the holder of a Sri Lanka Passport is likely to leave Sri Lanka, such officer may cause such person to be arrested and produced forthwith before a Magistrate who shall either require such person to execute a bond with one or more sureties for his appearance at the trial relating to such offence, or order him to be detained in custody until he can be brought to trial.

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30E. (1) If, in the course of an investigation into any offence under this Act, it appears to a police officer not below the rank of Assistant Superintendent that sums of moneys involved in such offence have been deposited in an account in any bank, he may so inform the Head of the Department of Exchange Control who may direct in writing the manager of the bank in which the account is maintained not to permit any person to operate such account, or to permit any person to operate such account only in accordance with such terms and conditions as are set out in such direction.

(2) Any direction given by the Head of the Department of Exchange Control under subsection (1) shall remain valid for a period of one week from the date on which such direction was given, unless such Head by a further written direction orders that his direction shall continue in force beyond the period of one week.

(3) The manager of any bank who receives any direction under this section shall comply with such direction.

Statements
relating to
offences under
this Act by
persons about to
leave
Sri Lanka.

30F. (1) In the course of an investigation into any offence under this Act, a person who is about to leave Sri Lanka may be required to make a statement on oath or affirmation relating to such offence before a District Judge or Magistrate in the presence of the suspected person or persons.

(2) The District Judge or Magistrate before whom a statement is made under this section shall—

- (a) record such statement;
- (b) read over such statement in the presence of the suspected person or persons to the person making the statement;
- (c) explain the statement to the suspected person or persons;
- (d) afford the suspected person or persons an opportunity to ask any questions relevant to the statement from the person making the statement;
- (e) record such questions together with the answers given by the person making the statement;
- (f) direct the person making the statement to place his signature at the end of the record of such statement; and
- (g) certify, if such be the case, that the requirements of this section have been complied with.

(3) Any District Judge or Magistrate is hereby empowered and required—

- (a) to administer an oath or affirmation in a manner authorized for witnesses under the Oath Ordinance to any person desiring to make a statement in accordance with this section and
- (b) thereafter to take proceedings under the provisions of subsection (2).

(4) The statement purporting to be certified under this section may be produced in court and given in evidence against the suspected person or persons, and shall be *prima facie* evidence of the facts therein stated.

Special
evidentiary
provisions
applicable to
trial of offences
under this
Act.

30G. The following evidentiary provisions shall apply at any trial of any offence under this Act:—

(1) A statement made by any person, whether or not it amounts to a confession and whether or not such person was in the custody of or in the presence of a police officer, or an officer of the Department of Exchange Control, or the Customs Department, or the Inland Revenue Department at the time the statement was made and whether or not such statement was made in the immediate presence of a Magistrate, may be proved as against such person, if such statement is not irrelevant under section 24 of the Evidence Ordinance:

Provided, however, that no such statement shall be proved as against such person if such statement was made to a police officer below the rank of Assistant Superintendent.

(2) Any statement admissible under subsection (1) may be proved as against any other person jointly charged with the person making such statement if, and only if, such statement is corroborated in material particulars by evidence other than the statement referred to in subsection (1).

(3) The burden of proving that any statement referred to in subsection (1) is irrelevant under

section 24 of the Evidence Ordinance shall be on the person asserting it to be irrelevant.

- (4) The provisions of sections 25, 26 and 30 of the Evidence Ordinance shall have no application, notwithstanding anything to the contrary in any other law whether written or otherwise.
- (5) Any document found in the custody, control or possession of a person accused of any offence under this Act or of an agent or representative of such person may be produced in court and given as evidence against such person without the maker of such a document being called as a witness, and the contents of such document shall be evidence of the facts therein stated.
- (6) Any statement made by, or any information furnished by, a person accused of any offence under this Act or by his agent or representative to the Commissioner of Inland Revenue or to any officer of his department, or any information furnished by such person to his agent or representative which suggests any inference as to any facts in issue or relevant, shall be relevant and admissible.
- (7) The Commissioner of Inland Revenue or any officer of his department shall, where so required by any court inquiring into or trying an offence under this Act, produce in court any such statement or information

as is referred to in subsection
(6) or give evidence relating to
such statement or information.

Powers of a
police officer
under this
Part to be
in addition to
any other
powers.

30H. The powers of a police officer
under this Part of this Act shall be in
addition to and not in derogation of any
powers conferred on such officer by any
other written law.