The Acts of Ceylon

1969

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J 12489—1,910 (3/70)

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THE ACTS OF CEYLON, 1969

TITLE OF ACT

No.

1. An Act to provide for the control of the importation and exportation of goods, for the regulation of the standards of exportable goods and for matters connected therewith or incidental thereto.
2. An Act to make all such legal provisions as may be necessary, by way of the amendment of certain written laws or otherwise, to give full force and effect to the decision of the Government of Ceylon to accept a proposed amendment to the original Articles of Agreement of the International Monetary Fund of which Ceylon is a member.
3. An Act to provide for the establishment of a Law Commission for the promotion of the reform of the law, and for matters connected therewith or incidental thereto.
4. An Act to amend the law relating to local authorities to provide that in assessing the annual rent of any premises which are situated within the administrative limits of any local authority and to which the Rent Restriction Act applies for the purpose of determining the annual value of such premises such local authority shall not have regard to the provisions of that Act.
5. An Act to amend the Higher Education Act, No. 20 of 1966.
6. An Act to amend the Inland Revenue Act, No. 4 of 1963.
7. An Act to make provision for the recovery of possession of quarters provided by or on behalf of the Government for the occupation of persons, and for matters connected therewith or incidental thereto.
8. An Act to amend the Local Government Service Pensions (Special Provisions) Act, No. 59 of 1961.
9. An Act to amend the Ayurveda Act, No. 31 of 1961.
10. An Act to incorporate the Ceylon National Chamber of Industries.
11. An Act to amend the Public Performances Ordinance.
12. An Act to amend the Co-operative Wholesale Establishment Act.
13. An Act to provide for the payment of pensions, gratuities and retiring allowances to certain Local Government Service employees who have retired from service and for matters connected therewith.
14. An Act to provide for the removal of doubts as to the validity of loans granted by Co-operative Societies for agricultural purposes to their members on the security of certain bonds, and as to the validity of such bonds, and for purposes connected therewith or incidental thereto.
15. An Act to incorporate the Ceylon Railway Guards' and Locomotive Enginemen's Provident Association.
16. An Act to amend the Land Development Ordinance and to make certain consequential amendments in other written law.
17. An Act to provide for the establishment of an Electricity Board for the development and co-ordination of the generation, supply and distribution of electrical energy; for the transfer to such Board of the Government Electrical Undertakings, and, in certain circumstances, of the electrical undertakings of Local Authorities; for the employment by the Board of employees of the Department of Government Electrical Undertakings; for the entering into joint schemes by such Board with any Government Department or approved body for the generation of electrical energy, the irrigation of lands, the control of floods or other like objects; to amend the Electricity Act and the Electricity (Amendment) Act, No. 59 of 1957; and to make provision for all matters connected therewith or incidental thereto.
18. An Act to establish a Commission known as the Local Government Service Commission for the purpose of making appointments of officers and servants of local authorities and for exercising other powers in respect of such officers and servants; for the constitution and regulation of a Local Government Service; to provide for the establishment of a Local Government Service Pension Fund, a Local Government Service Widows' and Orphans' Pension Fund and a Local Government Service Provident Fund; to provide for the repeal of the Local Government Service Ordinance and to provide for matters connected therewith or incidental thereto.

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No.

19. An Act to provide for the establishment of an Atomic Energy Authority and an Advisory Committee to advise such Authority, to specify the powers, duties, rights and functions of such Authority, and to provide for matters connected therewith or incidental thereto.

20. An Act to amend the Land Acquisition Act.

21. An Act to provide for the establishment of an Institute of Surveying and Mapping and for matters connected therewith.

22. An Act to amend the law relating to the civil liabilities and rights of the Crown, and for purposes connected therewith or incidental thereto.

23. An Act to amend the Civil Procedure Code.

24. An Act to amend the Civil Procedure Code and to effect consequential amendments in other written laws.

25. An Act to provide for the resuscitation and continuance in force of the Defence Regulations (Extension) Act, No. 24 of 1950, which expired after December 31, 1968, and for the validation rendered necessary by such expiry.

26. An Act to amend the Tea Propaganda Ordinance.

27. An Act to amend the Registration of Documents Ordinance.

28. An Act to provide for the constitution of an Urban Council for an area now forming part of the area of authority of the Anuradhapura Preservation Board, and to make provision for matters incidental to or connected therewith.

29. An Act to make fresh provision for the return of fugitive persons from Ceylon to other countries with which arrangements for such return have been made by the Government of Ceylon, to regulate the treatment of persons accused or convicted of offences in Ceylon who are returned from such countries, and to provide for matters connected therewith or incidental thereto.

30. An Act to provide for the service of the financial year, 1969–70, to authorize the raising of loans in or outside Ceylon for the purpose of such service, to make financial provision in respect of certain activities of the Government during that financial year, to enable the payment, by way of advances out of the Consolidated Fund of Ceylon or any other fund or moneys of, or at the disposal of, the Government, of moneys required during that financial year for expenditure on such activities, to provide for the refund of such moneys to that Consolidated Fund, and to make provision for matters connected with or incidental to the aforesaid matters.

31. An Act to amend the Ceylon Electricity Board Act, No. 17 of 1969, with retrospective effect.

32. An Act to amend the Muslim Marriage and Divorce Act.

33. An Act to amend the Explosives Act.

34. An Act to make special provision in regard to the Commission issued, under section 2 of the principal Act, by the Governor-General under the Seal of the Island on the 22nd day of October, 1965, and published in *Gazette Extraordinary* No. 14,540 of the said date, and the Commissioner appointed by or in the said Commission, for the purpose of removing certain legal difficulties which have arisen in consequence of a judgment by Her Majesty in Council on appeal from the Supreme Court of Ceylon (Privy Council Appeal No. 30 of 1968, Rajah Ratnagopal, Appellant *vs.* the Attorney-General, Respondent) in a matter arising out of proceedings held by or before the said Commission relating to the contract for the Town of Kandy Water Supply Scheme entered into between the Permanent Secretary to the Ministry of Local Government and Home Affairs onbehalf of the Government of Ceylon and the body of persons known as " EAU ET ASSAINISSMENT—SOCOMAN (SOCEA) ".

35. An Act to amend the Finance Act, No. 11 of 1963.

36. An Act to provide for the encouragement, promotion and development of industries in Ceylon ; to establish a public authority known as the Industrial Development Board of Ceylon ; to set up an Industrial Advisory Council and Industrial Panels, ; to provide for the establishment of an Industrial Development Fund, and to make provision for matters connected therewith or incidental thereto.

37. An Act to amend the Criminal Procedure Code, and to make provision enabling Magistrates' Courts to resume proceedongs in cases where before the passing of this Act, a Magistrate's Court, being of opinion that an accused was of unsound mind, has postponed further proceedings in a trial without considering whether the offence was of a trivial nature because it had no power to discharge the accused in such circumstances.

38. An Act to amend the Criminal Procedure Code.

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INDEX TO SHORT TITLES OF ACTS, 1969

SHORT TITLE	*No.*
Anuradhapura Urban Council (Special Provisions) Act, No. 28 of 1969	28
Appropriation Act, No. 30 of 1969	30
Atomic Energy Authority Act, No. 19 of 1969	19
Ayurveda (Amendment) Act, No. 9 of 1969	9
Bretton Woods Agreements (Special Provisions) Act, No. 2 of 1969	2
Ceylon Electricity Board Act, No. 17 of 1969	17
Ceylon Electricity Board (Amendment) Act, No. 31 of 1969	31
Ceylon National Chamber of Industries Act, No. 10 of 1969	10
Ceylon Railway Guards' and Locomotive Enginemen's Provident Association (Incorporation) Act, No. 15 of 1969	15
Civil Procedure Code (Amendment) Act, No. 23 of 1969	23
Civil Procedure Code (Amendment) Act, No. 24 of 1969	24
Contracts Commission (Special Provisions) Act, No. 34 of 1969	34
Co-operative Societies Loans (Special Provisions) Act, No. 14 of 1969	14
Co-operative Wholesale Establishment (Amendment) Act, No. 12 of 1969	12
Criminal Procedure Code (Amendment) Act, No. 37 of 1969	37
Criminal Procedure Code (Amendment) Act, No. 38 of 1969	38
Crown (Liability In Delict) Act, No. 22 of 1969	22
Defence Regulations (Resuscitation) Act, No. 25 of 1969	25
Explosives (Amendment) Act, No. 33 of 1969	33
Finance (Amendment) Act, No. 35 of 1969	35
Fugitive Persons Act, No. 29 of 1969	29
Government Quarters (Recovery of Possession) Act, No. 7 of 1969	7
Higher Education (Amendment) Act, No. 5 of 1969	5
Imports and Exports (Control) Act, No. 1 of 1969	1
Industrial Development Act, No. 36 of 1969	36
Inland Revenue (Amendment) Act, No. 6 of 1969	6
Institute of Surveying and Mapping Act, No. 21 of 1969	21
Land Acquisition (Amendment) Act, No. 20 of 1969	20
Land Development (Amendment) Act, No. 16 of 1969	16
Law Commission Act, No. 3 of 1969	3
Local Authorities (Special Provisions) Act, No. 4 of 1969	4
Local Government Service Act, No. 18 of 1969	18
Local Government Service Employees (Special Pension Provisions) Act, No. 13 of 1969	13
Local Government Service Pensions (Special Provisions) (Amendment) Act, No. 8 of 1969	8
Muslim Marriage and Divorce (Amendment) Act, No. 32 of 1969	32
Public Performances (Amendment) Act, No. 11 of 1969	11
Registration of Documents (Amendment) Act, No. 27 of 1969	27
Tea Propaganda (Amendment) Act, No. 26 of 1969	26

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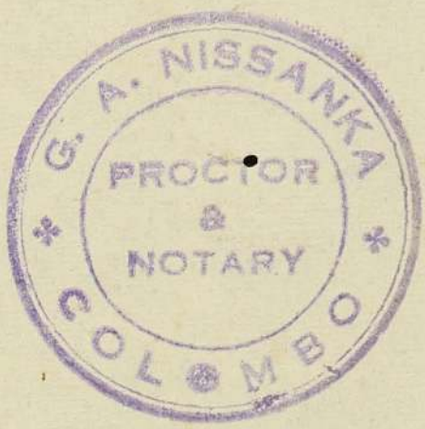
PARLIAMENT OF CEYLON

4th Session 1968-69



Imports and Exports (Control) Act, No. 1 of 1969

Date of Assent : January 16, 1969

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L. D.—O. 49/64.

AN ACT TO PROVIDE FOR THE CONTROL OF THE IMPORTATION AND EXPORTATION OF GOODS, FOR THE REGULATION OF THE STANDARDS OF EXPORTABLE GOODS AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: January 16, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and date of operation.

1. This Act may be cited as the Imports and Exports (Control) Act, No. 1 of 1969, and shall come into operation on such date as may be appointed by the Minister by Order published in the *Gazette*.

Appointment of officers and servants.

2. There may be appointed, by name or by office, for the purposes of this Act, a Controller of Imports and Exports and such Deputies and Assistants to him and such other officers and servants as may be necessary.

Powers and duties of officers.

3. (1) Every Deputy or Assistant Controller of Imports and Exports shall, in the exercise of his powers, the performance of his duties and the discharge of his functions, be subject to the general direction and control of the Controller of Imports and Exports.

(2) Every Deputy or Assistant Controller of Imports and Exports may, subject to the general direction and control of the Controller of Imports and Exports, exercise, perform or discharge all such powers, duties or functions vested in, imposed upon or assigned to the Controller of Imports and Exports by or under this Act as may be delegated to such Deputy or Assistant by the Controller of Imports and Exports.

(3) A Deputy or an Assistant Controller of Imports and Exports exercising, performing or discharging any power, duty or function of the Controller of Imports and Exports under this Act shall be deemed for all purposes to have been delegated to exercise, perform or discharge that power, duty or function until the contrary is proved.

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H 15691—5,005 (7/68)

Control of the import and export of goods.

4. (1) Subject to the provisions of sub-section (2) and of any regulations made under sub-section (3), no person shall import into, or export from, Ceylon any goods except under the authority, or otherwise than in accordance with the conditions, of a licence issued in that behalf under this Act by the Controller.

(2) The importation into, or the exportation from, Ceylon after the date of commencement of this Act by any person of any goods without a licence issued in that behalf under this Act shall be deemed not to be a contravention of the provisions of sub-section (1) if such importation or exportation was authorized by a licence issued under any written law for the time being in force.

(3) Regulations may be made exempting any specified class or classes of persons or goods from the provisions of sub-section (1).

Application for licences.

5. (1) Every application for a licence shall—

(*a*) be made to the Controller in such one of the prescribed forms as is appropriate to the case,

(*b*) state the particulars which that form requires to be stated, and

(*c*) be signed by the applicant.

(2) The Controller may direct any applicant for a licence to furnish him with such information as he may indicate in the direction for the purpose of enabling him to dispose of the application; and if the applicant fails to comply with such direction, the Controller may refuse to issue the licence to the applicant.

Licence fee.

6. Where a fee is prescribed for the issue of a licence, such licence shall not be issued by the Controller except upon the payment of such fee.

Issue of licences.

7. (1) The Controller shall have full power and discretion to make a decision either to issue or to refuse to issue a licence to an applicant therefor.

(2) The Controller may issue a licence subject to such conditions as he may deem necessary. Such conditions shall be set out in the licence.

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(3) Subject as hereafter provided in this Act, the decision of the Controller to issue or to refuse to issue a licence to an applicant therefor shall be final and conclusive and shall not be called in question in any court or tribunal whether by way of writ or otherwise.

Authority granted by licences.

8. A licence granted to any person shall, subject to the conditions set out in the licence and to the provisions of this Act, authorize such person to import into, or export from, Ceylon goods of such value and in such quantity or quantities as may be specified in the licence.

Power to amend, suspend or cancel licences.

9. (1) It shall be deemed to be a condition of every licence that the Controller may, at any time by order in writing, amend, suspend or cancel such licence and accordingly any of the powers conferred on the Controller by the preceding provisions of this sub-section may be exercised by the Controller at any time in respect of a licence.

(2) An order of the Controller amending, suspending or cancelling a licence shall, subject to any decision on an appeal under this Act from the order of the Controller, be final and conclusive and shall not be called in question in any court or tribunal whether by way of writ or otherwise.

Communication of refusal to issue a licence to applicant and of amendment or cancellation of a licence to the holder thereof.

10. (1) Where the Controller decides to refuse to issue a licence under this Act, he shall cause notice of the decision to be given to the applicant for the licence.

(2) Where the Controller makes an order amending, suspending or cancelling a licence, he shall cause notice of such order to be given to the holder of such licence.

(3) A notice under this section to any person shall be given to him by registered letter addressed to him and despatched through the post.

(4) A notice given to any person in the manner provided in sub-section (3) shall be deemed to have been served on him at the time at which the letter would have been delivered in the ordinary course of post.

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Appeals.

11. (1) An applicant for a licence who is aggrieved by the decision of the Controller refusing to issue such licence and any person who is aggrieved by the order of the Controller amending, suspending or cancelling a licence issued to such person may appeal in writing from that decision or order to the Minister within a period of fourteen days reckoned from the date of the service of notice of that decision or order on him.

(2) The decision of the Minister on any appeal preferred under the preceding provisions of this section shall be final and conclusive and shall not be called in question in any court or tribunal whether by way of writ or otherwise.

Power of Controller to call for information and inspect documents.

12. (1) The Controller may, by written notice, direct any person to whom a licence to import goods into Ceylon is issued to furnish before a date specified in the notice such information as the Controller may by the notice require in respect of the warehousing of such goods.

(2) After the exportation of any goods the Controller may, by written notice, direct the exporter of such goods to produce within such time as is specified in the notice satisfactory evidence that the goods have reached the ultimate destination specified in the licence issued to such exporter or in any bill of lading or other shipping document relating to such goods.

(3) For the purposes of this Act, the Controller may, by written notice, direct any person, including the manager of any bank in Ceylon—

(*a*) to furnish to such officer, and within such time, as may be specified in the direction, information regarding such matters relevant to the purposes of this Act as may be so specified, and

(*b*) to cause to be produced for inspection by such officer, within such time, and at such place as may be so specified, such books, accounts and other documents relevant to the purposes of this Act as may be so specified, including certified copies of entries in those books, accounts or other documents.

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(4) A notice under this section may be served—

(*a*) on any individual by delivering it to him or by leaving it at, or sending it by post to, his residence;

(*b*) on any firm by delivering it to any partner of the firm, or by leaving it at, or sending it by post to, the office of the firm;

(*c*) on any company by leaving it at, or sending it by post to, the registered office of the company.

Verification of information.

13. (1) A person who furnishes any information under this Act shall verify it by a declaration that the statements contained therein are true and accurate.

(2) Every declaration made under this Act shall be free from stamp duty.

Prohibition or regulation of certain imports and exports.

14. The Minister may by regulation—

(*a*) prohibit or regulate the importation or exportation of goods from or to countries specified in the regulation, or

(*b*) prohibit the importation or exportation of goods (whether from or to any country whatsoever or any country specified in the regulation) by any person, other than the Government of Ceylon and such corporate or unincorporate bodies of persons, if any, as may be specified in the regulation.

Confiscation.

15. It shall be deemed to be a condition of every licence that the Principal Collector of Customs shall have the power to confiscate on behalf of Her Majesty any goods or part thereof imported into, or intended to be exported from, Ceylon—

(*a*) in contravention of the provisions of this Act or of the provisions of any regulation made under this Act, or

(*b*) otherwise than in conformity with any terms or conditions stated in the licence relating to importation or exportation, as the case may be, of such goods,

and accordingly the power conferred on the Principal Collector of Customs by the preceding provisions of this section may be exercised by him in respect of any such goods.

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Offences.

16. Any person who—

(*a*) acts in contravention of any provision of this Act or of any regulation made thereunder, or

(*b*) acts in contravention of, or fails to comply with the condition of, a licence issued under this Act, or

(*c*) fails to comply with any direction given by the Controller in the exercise of his powers under section 12 of this Act, or

(*d*) furnishes for the purposes of this Act, any information which is, or any document the contents of which are, or any part of the contents of which is, to his knowledge untrue or incorrect,

shall be guilty of an offence under this Act.

Punishment for offences.

17. Every person who is guilty of an offence under this Act shall be liable, on conviction after summary trial before a Magistrate, to a fine not exceeding five thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Offences by bodies of persons.

18. Where an offence under this Act is committed by a body of persons, then—

(*a*) if that body of persons is a body corporate, every director and officer of that body corporate, or

(*b*) if that body of persons is a firm, every partner of that firm,

shall be deemed to be guilty of that offence:

Provided that a director or an officer of such body corporate, or a partner of such firm shall not be deemed to be guilty of such offence if he proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

No prosecution without the sanction of the Controller.

19. No prosecution for an offence under this Act shall be instituted except by, or with the written sanction of, the Controller.

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Regulations.

20. (1) The Minister may make regulations for the purposes of carrying out or giving effect to the principles and provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Minister may make regulations for or in respect of all or any of the following matters:—

(*a*) all matters stated or required by this Act to be prescribed or in respect of which regulations are authorized by this Act to be made; and

(*b*) the regulation of the standards of exportable goods of any specified class or description.

(3) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of publication or on such later date as may be specified in the regulation.

(4) Every regulation made by the Minister shall be brought before the Senate and the House of Representatives within a period of one month from the date of the publication of that regulation under sub-section (3), or, if no meeting is held within that period, at the first meeting after the expiry of that period, by a motion that such regulation shall be approved.

(5) Any regulation which the Senate or the House of Representatives refuses to approve shall be deemed to be rescinded but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation. The date on which such regulation shall be deemed to be rescinded shall be the date on which the Senate or the House of Representatives refuses to approve the regulation.

(6) Notification of the date on which any regulation made by the Minister is deemed to be rescinded shall be published in the *Gazette*.

(7) Any regulation made by the Minister shall, when approved by the Senate and the House of Representatives, be as valid and effectual as if it were herein enacted. Notification of such approval shall be published in the *Gazette*.

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Application of Customs Ordinance. Cap. 235.

21. The provisions of this Act shall be read and construed as one with the Customs Ordinance, and for the purpose of the application of the Customs Ordinance—

(*a*) goods the importation of which is prohibited by this Act or by regulation made under this Act shall be deemed to be goods the importation of which is prohibited by that Ordinance;

(*b*) goods the exportation of which is prohibited by this Act or by regulation made under this Act shall be deemed to be goods the exportation of which is prohibited by that Ordinance;

(*c*) goods the importation of which is restricted by this Act or by regulation made under this Act shall be deemed to be goods the importation of which is restricted by that Ordinance; and

(*d*) goods the exportation of which is restricted by this Act or by regulation made under this Act shall be deemed to be goods the exportation of which is restricted by that Ordinance.

Interpretation.

22. In this Act unless the context otherwise requires—

"Controller" means the Controller of Imports and Exports appointed under this Act, and includes a Deputy Controller and an Assistant Controller specially authorized by the Controller either generally or for some specific purpose to act on behalf of the Controller;

"export", with its grammatical variations and cognate expressions, when used in relation to any goods, means the carrying and taking out of Ceylon, or causing to be carried or taken out of Ceylon, whether by sea or by air of such goods;

"goods" includes any article, animal, substance or property whatsoever;

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" import ", with its grammatical variations and cognate expressions, when used in relation to any goods, means the importing or bringing into Ceylon, or causing to be imported or brought into Ceylon, whether by sea or by air of such goods;

" prescribed " means prescribed by regulation made under this Act.

Repeal of Chapter 236.

23. The Imports and Exports (Control) Act (Cap. 236) is hereby repealed:

Provided, however, that notwithstanding such repeal every licence issued under the Imports and Exports (Control) Act and having effect immediately prior to the date on which this Act comes into operation shall be deemed to be a licence issued under this Act and shall continue to have effect accordingly.

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PARLIAMENT OF CEYLON

4th Session 1968-69

Bretton Woods Agreements (Special Provisions) Act, No. 2 of 1969

Date of Assent : January 16, 1969

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L. D.—O. 28/68.

AN ACT TO MAKE ALL SUCH LEGAL PROVISIONS AS MAY BE NECESSARY, BY WAY OF THE AMENDMENT OF CERTAIN WRITTEN LAWS OR OTHERWISE, TO GIVE FULL FORCE AND EFFECT TO THE DECISION OF THE GOVERNMENT OF CEYLON TO ACCEPT A PROPOSED AMENDMENT TO THE ORIGINAL ARTICLES OF AGREEMENT OF THE INTERNATIONAL MONETARY FUND OF WHICH CEYLON IS A MEMBER.

[Date of Assent: January 16, 1969]

WHEREAS Ceylon is a member of the International Monetary Fund and the text of the original Articles of Agreement of that Fund were laid before Parliament prior to the passing of the Bretton Woods Agreements Act which enabled Ceylon to become such a member:

And whereas the Board of Governors of that Fund have, by resolution, approved an amendment which is proposed to such original Articles in order to institute a new facility based on special drawing rights in the Special Drawing Account in that Fund and to effect certain other changes (hereafter in this preamble referred to as " the proposed amendment"):

And whereas the text of the proposed amendment was laid before the House of Representatives on November 23, 1968:

And whereas the Government of Ceylon has decided to accept the proposed amendment so as to enable Ceylon to participate in the proposed Special Drawing Account in that Fund:

And whereas it is necessary to make the legal provisions hereinafter set out to give full force and effect to that decision:

Now, therefore, be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and date of operation.

1. This Act may be cited as the Bretton Woods Agreements (Special Provisions) Act, No. 2 of 1969, and shall come into operation on such date as may be appointed by the Minister by Order published in the *Gazette*.

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H 18720—2,815 (11/68)

Deposit of certain documents with the International Monetary Fund.

2. The Governor-General is hereby authorized by instruments under his hand to empower such person as may be named in such instruments, on behalf of the Government of Ceylon, to deposit with the International Monetary Fund—

(*a*) an instrument of acceptance stating that the Government of Ceylon has accepted the amendment which is proposed to the Articles of Agreement of that Fund in order to institute a facility based on special drawing rights in the Special Drawing Account in that Fund and to effect certain other changes; and

(*b*) an instrument setting forth that the Government of Ceylon undertakes all the obligations of a participant in the Special Drawing Account in that Fund in accordance with its law, and that it has taken all steps necessary to enable it to carry out all such obligations.

Amendment of section 2 of Chapter 424.

3. Section 2 of the Bretton Woods Agreements Act (as subsequently amended), hereafter referred to as the "principal Act", is hereby amended in paragraph (*b*) of that section, by the omission of the expression '(hereinafter referred to as "the Fund Agreement")'.

Amendment of section 4 of the principal Act.

4. Section 4 of the principal Act is hereby amended in sub-section (1) of that section as follows:—

(*a*) by the substitution, in paragraph (*c*) of that sub-section, for the expression "this Act; and", of the expression "this Act;";

(*b*) by the substitution, in paragraph (*d*) of that sub-section, for the expression "(which relates to the liquidation of the Fund).", of the expression "(which relates to the liquidation of the Fund);"; and

(*c*) by the insertion, immediately after paragraph (*d*) of that sub-section, of the following new paragraphs:—

"(*e*) to the Central Bank of Ceylon all sums paid by that Bank on behalf of Ceylon under section 2 of Article XXII of the Fund Agreement, and assessed as so payable under section 4 of Article XXII of the Fund Agreement;

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(*f*) any compensation which Ceylon is required or obliged to pay to any participant in the Special Drawing Account in that Fund under section 8 of Schedule I of the Fund Agreement (which relates to the administration of the liquidation of that Account); and

(*g*) all sums, other than sums by way of compensation referred to in paragraph (*f*), which Ceylon is required or obliged to pay to that Fund or any member thereof in order to discharge its obligations as a participant in the Special Drawing Account in that Fund. ".

Insertion of new section 8A in the principal Act.

5. The following new section is hereby inserted immediately after section 8, and shall have effect as section 8A, of the principal Act:—

" Special provisions relating to the Central Bank of Ceylon in relation to operations in the Special Drawing Account.

8A. (1) The Central Bank of Ceylon is hereby authorized to acquire, hold, and operate on, or dispose of, special drawing rights in the Special Drawing Account in the International Monetary Fund.

(2) The Central Bank of Ceylon is hereby authorized—

(*a*) to make payment of all sums required for the purpose of paying any charges payable to the International Monetary Fund under section 2 of Article XXVI of the Fund Agreement in respect of the special drawing rights in the Special Drawing Account in that Fund; and

(*b*) to receive, and to credit to its own funds, the interest payable by that Fund in respect of such special drawing rights under section 1 of the said Article XXVI,

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Insertion of new section 10 in the principal Act.

6. The following new section is hereby inserted immediately after section 9, and shall have effect as section 10, of the principal Act:—

Interpretation.

10. In this Act,—

"Fund Agreement" means the Articles of Agreement of the International Monetary Fund as originally adopted and as subsequently amended in order to institute a facility based on special drawing rights and to effect certain other changes;

"International Monetary Fund" means the International Monetary Fund which is established and is in operation in accordance with the provisions of the Fund Agreement.'.

Amendment of section 67 of Chapter 422.

7. Section 67 of the Monetary Law Act is hereby amended in sub-section (1) of that section as follows:—

(1) in paragraph (i) of that sub-section by the omission of the word "and";

(2) in sub-paragraph (*d*) of paragraph (ii) of that sub-section, by the substitution, for the expression "and coins.", of the expression "and coins; and"; and

(3) by the insertion, immediately after sub-paragraph (ii) of that sub-section, of the following new sub-paragraph:—

"(iii) either the whole, or such maximum percentage of the whole, of the holdings of special drawing rights in the Special Drawing Account in the International Monetary Fund according as may be determined, from time to time, by the Monetary Board.".

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PARLIAMENT OF CEYLON

4th Session 1968-69

Law Commission Act, No. 3 of 1969

Date of Assent : January 16, 1969

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L. D.—O. 37/66.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A LAW COMMISSION FOR THE PROMOTION OF THE REFORM OF THE LAW, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: January 16, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and date of operation.

1. This Act may be cited as the Law Commission Act, No. 3 of 1969, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

Establishment and constitution of the Law Commission.

2. (1) For the purposes of this Act, there shall be established a Commission which shall be called the Law Commission, and which shall consist of a Chairman and seven other Commissioners all of whom shall be appointed by the Governor-General from among persons appearing to the Governor-General to be suitably qualified for such appointment and the majority of whom shall be persons who have held or hold judicial office, or have experience as advocates or proctors or teachers in law, or are academically qualified in law.

(2) A Commissioner shall, unless he earlier vacates his office, hold office for such period, not exceeding five years, as may be determined by the Governor-General at the time of his appointment, and shall be eligible for reappointment:

Provided, however, that if a Commissioner vacates his office prior to the expiration of his term of office, his successor shall, unless he earlier vacates his office, hold office only for the unexpired portion of such term.

(3) A Commissioner may resign his office by writing under his hand addressed to the Governor-General.

(4) There shall be paid to the Commissioners for their services such remuneration as may be determined by the Minister, with the prior concurrence of the Minister of Finance.

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Objects of the Law Commission.

3. The objects of the Law Commission shall be to promote the reform of the law and, for the purposes of such promotion, to exercise, discharge and perform the powers, functions and duties conferred and imposed on the Commission by this Act.

Functions, &c., of the Law Commission.

4. It shall be the duty of the Law Commission to take and keep under review the law both substantive and procedural, with a view to its systematic development and reform, including in particular the codification of the law, the elimination of anomalies, the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments and generally the simplification and modernization of the law, and without prejudice to any action that has been taken or may be taken by Government in that behalf, in particular, the codification of the law in English, Sinhala and Tamil, and for that purpose—

(*a*) to receive and consider any proposals for the reform of the law which may be made or referred to them;

(*b*) to prepare and submit to the Minister, from time to time, programmes for the examination of different branches of the law with a view to reform, including recommendations as to the agency (whether the Commission or any other body) by which any such examination should be carried out;

(*c*) to undertake, in pursuance of any such recommendations approved by the Minister, the examination of particular branches of the law and the formulation, by means of draft Bills or otherwise, of proposals for reform therein;

(*d*) to prepare, from time to time, at the request of the Minister comprehensive programmes of consolidation and statute law revision, and to undertake the preparation of draft Bills in pursuance of any such programme approved by the Minister;

(*e*) to obtain such information as to the legal systems of other countries as appears to the Commission likely to facilitate the achievement of the objects of the Commission;

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(*f*) to keep under constant review the exercise by bodies, other than Parliament, of the power to legislate by subsidiary legislation with a view to ensuring that they conform to well-established principles and to the rule of law, that they do not have retrospective effect unless the enabling enactment confers express authority so to provide and that they do not make some unusual or unexpected use of the power conferred by the enactments under which they are made;

(*g*) to formulate programmes for rationalising and simplifying legal procedures including procedures of an administrative character connected with litigation; and

(*h*) to formulate programmes for the codification of the law in English, Sinhala and Tamil.

Duty of the Law Commission in regard to legal education.

5. It shall be the duty of the Law Commission in consultation with the Council of Legal Education to review the system of legal education in Ceylon and formulate programmes to be submitted to the Minister for the reform and development of legal education in order to bring such education into line with changes in the structure of the law, the practice of the law as a profession, the administration of justice and generally with significant social changes.

Certain matters to be laid before Parliament.

6. The Minister shall lay before Parliament any programmes prepared by the Law Commission under this Act and approved by him, and any proposals for reform formulated by the Commission under this Act in pursuance of such programmes.

The Law Commission to make reports on their proceedings.

7. The Law Commission shall, from time to time, make a report to the Minister on their proceedings during the period to which the report relates, and the Minister shall lay the report before Parliament with such comments, if any, as he thinks fit.

Power of delegation of the Law Commission.

8. The Law Commission may delegate to any Commissioner any of the powers, functions or duties of the Commission under this Act.

Power of the Law Commission to accept, hold, and dispose of, donations, &c.

9. The Law Commission may accept and hold donations, gifts or grants from any source whatsoever, and may dispose of such donations, gifts and grants in such manner as the Commission may deem best calculated to assist in the achievement of the objects of the Commission.

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Fund of the Law Commission.

10. (1) The Law Commission shall have its own Fund which shall be administered by the Commission.

(2) There shall be paid into the Fund of the Law Commission all such sums of money as may be received by the Commission by way of donations, gifts or grants from any source whatsoever.

(3) There shall be paid out of the Fund of the Law Commission all such sums of money as are required by the Commission for the purpose of exercising the power of disposition conferred on the Commission by section 9.

Staff, &c., of the Law Commission.

11. The Permanent Secretary to the Ministry of Justice may make available to the Law Commission all such staff, accommodation, equipment and other facilities as may be necessary to enable the Commission to carry out its work effectively.

Expenses of the Law Commission.

12. The expenses of the Law Commission, including the remuneration of the Commissioners, and all other expenses incurred in the working and administration of this Act, shall be defrayed out of moneys provided by Parliament for the purpose. The moneys required to meet such expenses in respect of any financial year of the Government may be included in the estimates for that year of the Ministry of Justice.

Interpretation.

13. In this Act unless the context otherwise requires—

"Commissioner" means a Commissioner appointed by the Governor-General under this Act;

"Law Commission" means the Law Commission established under this Act;

"Minister" means the Minister of Justice.

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PARLIAMENT OF CEYLON

4th Session 1968-69

Local Authorities (Special Provisions) Act, No. 4 of 1969

Date of Assent : January 22, 1969

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L. D.—O. 33/67.

AN ACT TO AMEND THE LAW RELATING TO LOCAL AUTHORITIES TO PROVIDE THAT IN ASSESSING THE ANNUAL RENT OF ANY PREMISES WHICH ARE SITUATED WITHIN THE ADMINISTRATIVE LIMITS OF ANY LOCAL AUTHORITY AND TO WHICH THE RENT RESTRICTION ACT APPLIES FOR THE PURPOSE OF DETERMINING THE ANNUAL VALUE OF SUCH PREMISES SUCH LOCAL AUTHORITY SHALL NOT HAVE REGARD TO THE PROVISIONS OF THAT ACT.

[Date of Assent: January 22, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Local Authorities (Special Provisions) Act, No. 4 of 1969.

Amendment of the Municipal Councils Ordinance.

2. (1) The Municipal Councils Ordinance is hereby amended in section 327 of that Ordinance by the addition at the end of that section of the following new sub-section:—

"(4) In determining for the purposes of this Ordinance the annual value of any premises to which the Rent Restriction Act applies, and in assessing the annual rent of such premises for the purposes of such determination, a Municipal Council shall not have regard to the provisions of that Act.".

(2) The amendment made in the Municipal Councils Ordinance by sub-section (1) shall be deemed to have come into operation on the first day of January, 1949:

Provided that nothing in the preceding provisions of this sub-section shall be deemed to have affected the judgment of the District Court of Colombo in the case of Mrs. R. Subramaniam vs. The Colombo Municipal Council (D. C. (Colombo) No. 62249 M).

Amendment of the Urban Councils Ordinance.

3. (1) The Urban Councils Ordinance is hereby amended in section 249 of that Ordinance as follows:—

(*a*) by the renumbering of that section as sub-section (1) of section 249; and

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(*b*) by the addition at the end of that section of the following new sub-section:—

"(2) In determining for the purposes of this Ordinance the annual value of any premises to which the Rent Restriction Act applies, and in assessing the annual rent of such premises for the purposes of such determination, an Urban Council shall not have regard to the provisions of that Act.".

(2) The amendment made in the Urban Councils Ordinance by sub-section (1) shall be deemed to have come into operation on the first day of January, 1949.

Amendment of the Town Councils Ordinance.

4. (1) The Town Councils Ordinance is hereby amended in section 244 of that Ordinance as follows:—

(*a*) by the renumbering of that section as sub-section (1) of section 244; and

(*b*) by the addition at the end of that section of the following new sub-section:—

"(2) In determining for the purposes of this Ordinance the annual value of any premises to which the Rent Restriction Act applies, and in assessing the annual rent of such premises for the purposes of such determination, a Town Council shall not have regard to the provisions of that Act.".

(2) The amendment made in the Town Councils Ordinance by sub-section (1) shall be deemed to have come into operation on the first day of January, 1949.

Amendment of the Village Councils Ordinance.

5. (1) The Village Councils Ordinance is hereby amended in section 58 of that Ordinance as follows:—

(*a*) by the renumbering of that section as sub-section (1) of section 58; and

(*b*) by the addition at the end of that section of the following new sub-section:—

"(2) In determining for the purposes of this Ordinance the annual value of any premises to which the Rent Restriction Act applies, and in assessing the annual rent of such premises for the purposes of such determination, a Village Council shall not have regard to the provisions of that Act.".

(2) The amendment made in the Village Councils Ordinance by sub-section (1) shall be deemed to have come into operation on the first day of January, 1949.

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PARLIAMENT OF CEYLON

4th Session 1968-69

Higher Education (Amendment) Act, No. 5 of 1969

Date of Assent : March 2, 1969

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L. D.—O. 43/68.

AN ACT TO AMEND THE HIGHER EDUCATION ACT, No. 20 OF 1966.

[Date of Assent : March 2, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Higher Education (Amendment) Act, No. 5 of 1969.

Insertion of new section 88A in Act, No. 20 of 1966.

2. (1) The following new section is hereby inserted immediately after section 88, and shall have effect as section 88A, of the Higher Education Act, No. 20 of 1966:—

"Special provision relating to the conferment of degrees on certain students.

88A. Notwithstanding anything to the contrary in any other provision of this Act, any student of a University who falls within either of the categories specified in paragraphs (*a*) and (*b*) of this section may be conferred with the degree of the University of Ceylon by the Senate of the University of Ceylon on the basis of results approved by the Senate of the University of Colombo established by Order made under section 34 and published in *Gazette Extraordinary* No. 14,752/1 of June 9, 1967, and the name and style of which University was altered to University of Ceylon, Colombo, by Order made under section 36 and published in *Gazette Extraordinary* No. 14,806/18 of June 18, 1968:—

(*a*) any student who was admitted to the Colombo Branch of the University of Ceylon prior to October 1, 1967; and

(*b*) any student who was admitted to the University of Colombo on October 1, 1967.".

(2) The amendment made in the Higher Education Act, No. 20 of 1966, by sub-section (1) shall be deemed for all purposes to have come into force on October 1, 1967.

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PARLIAMENT OF CEYLON

4th Session 1968-69

Inland Revenue (Amendment) Act, No. 6 of 1969

Date of Assent : March 20, 1969

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L. D.—O. 45/68.

An Act to amend the Inland Revenue Act, No. 4 of 1963.

[Date of Assent: March 20, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Inland Revenue (Amendment) Act, No. 6 of 1969.

Amendment of section 3 of Act No. 4 of 1963.

2. Section 3 of the Inland Revenue Act, No. 4 of 1963, hereafter in this Act referred to as the "principal Act", is hereby amended as follows:—

(A) in sub-section (1) of that section, in paragraph (*h*) of that sub-section, by the substitution in sub-paragraph (iv) of that paragraph, for the word "employment,", of the following:—

"employment where compensation for such loss is received prior to April 1, 1968,"; and

(B) in sub-section (4) of that section—

(1) in paragraph (*a*) of that sub-section—

(*a*) in sub-paragraph (ii) of that paragraph—

(i) by the substitution, for the words "Ordinance, and any sum refunded", of the words "Ordinance, any sum refunded", and

(ii) by the substitution, for all the words and figures from "which corresponds" to the end of that sub-paragraph, of the following:—

"which corresponds to the aforesaid section 46 (1) or section 49 and any sum received on or after

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April 1, 1968, as compensation for loss of any office or employment;''; and

(*b*) in sub-paragraph (v) of that paragraph, by the substitution, for all the words and figures from '' Provided that in the case of an entertainment allowance'' to the end of that sub-paragraph, of the following:—

''Provided that—

(*a*) in the case of an entertainment allowance granted to any person by his employer, such portion of the allowance as is equivalent to, or less than, ten *per centum* of the salary (excluding all allowances) payable to such person shall be deemed not to be profits from employment if it is proved to the satisfaction of the Assessor that such portion of that allowance had been utilized by such person in the course of his duties;

(*b*) in the case of any person who is employed as an executive officer, any sum granted as an allowance for travelling which is in excess of the amount determined in accordance with section 11 (2) as expenditure for travelling of such officer shall, for any year of assessment, ending on or before March 31, 1965, be profits from employment;

(*c*) in the case of any allowance granted by an employer to an employee for travelling in connection with any trade, business, profession or vocation carried on or exercised by such employer other than travelling from the place of residence of the employee to his place of employment and *vice versa*—

(i) such allowance, if it does not exceed one hundred rupees for a month, shall be deemed, for the year of assessment commencing on April 1, 1965, and

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for each of the three years of assessment next succeeding, not to be profits from employment, and

(ii) such allowance, if it does not exceed one thousand two hundred rupees for a year, or if it exceeds that amount, such portion of that allowance as is not in excess of that amount, shall for each year of assessment commencing on or after April 1, 1969, be deemed not to be profits from employment;

(*d*) any allowance for travelling, subsistence and lodging granted by an employer to an employee travelling outside Ceylon in connection with his employment shall, for any year of assessment commencing on or after April 1, 1969, be deemed not to be profits from employment if such allowance does not exceed the amount authorized for the purpose by the Controller of Exchange;'';

(2) in paragraph (*b*) of that sub-section—

(*a*) by the substitution, for the words '' subject to a deduction of twenty *per centum* for repairs '', of the following:—

'' subject to a deduction for any year of assessment ending on or before March 31, 1969, of twenty *per centum*, and for any year of assessment commencing on or after April 1, 1969, of twenty-five *per centum*, for repairs''; and

(*b*) by the substitution, for the words '' aforesaid deduction of twenty *per centum* '', of the words '' aforesaid deduction of twenty *per centum* or twenty-five *per centum*, as the case may be, '';

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(3) in paragraph (*c*) of that sub-section, by the substitution, for the words " and twenty-five *per centum* of such net annual value ", of the following:—

" and for any year of assessment ending on or before March 31, 1969, of twenty-five *per centum*, and for any year of assessment commencing on or after April 1, 1969, of thirty-three and one-third *per centum*, of such net annual value "; and

(4) in paragraph (*d*) of that sub-section, by the substitution, for the words " twenty *per centum* of the balance,", of the following:—

" twenty *per centum* of the balance for any year of assessment ending on or before March 31, 1969, and twenty-five *per centum* of the balance for any year of assessment commencing on or after April 1, 1969, ".

Amendment of Section 4 of the principal Act.

3. Section 4 of the principal Act is hereby amended as follows:—

(1) by the insertion, immediately after sub-section (2), of the following sub-section:—

" (2A) Where in the year preceding any year of assessment commencing on or after April 1, 1969, any person sells any property consisting of a land on which there is a house which was used by him for residential purposes at any time prior to the date of the sale and where, after the date of the sale and before the termination of a period of nine months after the expiry of the year preceding that year of assessment, such person utilizes at least fifty *per centum* of the proceeds of the sale of that property to acquire or construct a house to be used by him for residential purposes, then upon written request made by such person before the first day of October of that year of assessment or at any time before an assessment in respect of him is made for that year of assessment, the capital gain arising from the change of ownership of that property shall be deemed not to be that person's capital gain for that year of

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assessment but to be capital gain occurring upon a change of ownership of the house so acquired or constructed by him and such capital gain shall be in addition to and not in lieu of any other capital gain which may arise upon the change of ownership of such house."; and

(2) by the insertion, immediately after sub-section (10), of the following sub-section:—

"(10A) The provisions of sub-section (2A) shall not apply—

(*a*) to any capital gain in respect of which the provisions of section 90D of the National Housing Act apply; and

(*b*) to the capital gain of any person arising from the sale of any property described in sub-section (2A) if he has prior to the sale of such property but not prior to April 1, 1968, sold any property of that description.".

4. Section 5 of the principal Act, as amended by Act No. 26 of 1968, is hereby further amended in sub-section (1) of that section as follows:— Amendment of section 5 of the principal Act.

(1) by the substitution, for paragraph (*g*) of that sub-section, of the following paragraph:—

"(*g*) the emoluments, and any income not arising in Ceylon, of any scientist, technician, expert or adviser, who is not a citizen of Ceylon and who is brought to and employed in Ceylon on or after April 1, 1958, by a corporation to which section 6 applies or by the proprietor of an undertaking to which that section applies, for the purposes of that undertaking, but so however that such exemption shall end on the date of the cessation of employment of such scientist, technician, expert or adviser in such corporation or undertaking or on the date on which the exemption from tax granted by section 6 in respect of that corporation or undertaking ends, whichever is the earlier;

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(2) by the insertion, immediately after paragraph (*gg*), of the following paragraph:—

" (*ggg*) the emoluments, and any income not arising in Ceylon, of any scientist, technician, expert or adviser, who is not a citizen of Ceylon and who is brought to and employed in Ceylon on or after April 1, 1968, by the proprietor of any such industrial undertaking as is, on the recommendation of the Minister for the time being in charge of the subject of industries, declared by the Minister by notice published in the *Gazette* to be an approved industrial undertaking for the purposes of this section for such period as may be specified in the notice, but so however that such exemption shall end on the date of the cessation of employment of such scientist, technician, expert or adviser in such approved undertaking or on the date on which that undertaking ceases to be an approved industrial undertaking, whichever is the earlier; "; and

(3) by the substitution, for paragraph (*y*) of that sub-section, of the following paragraph:—

" (*y*) the profits and income of any University which is established or deemed to be established under the Higher Education Act, No. 20 of 1966: ".

Amendment of section 6 of the principal Act.

5. Section 6 of the principal Act, as amended by Act No. 26 of 1968, is hereby amended as follows:—

(1) in sub-section (1) of that section—

(*a*) in paragraph (i) of that sub-section, by the substitution in sub-paragraph (*b*) of that paragraph, for the words " which is declared ", of the words and figures " which prior to August 2, 1968, is declared ";

(*b*) in paragraph (iii) of that sub-section, by the substitution, for the words " of deep sea fishing; ", of the words and figures " of deep sea fishing commenced prior to August 2, 1968; ";

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(*c*) in paragraph (iv) of that sub-section, by the substitution, for the words " in the *Gazette;* ", of the words and figures " in the *Gazette* if the lease of such land was sanctioned upon an application made for that purpose prior to August 2, 1968; ";

(*d*) in paragraph (v) of that sub-section, by the substitution, for the words " published in the *Gazette*; and ", of the words " published in the *Gazette*; ";

(*e*) in paragraph (vi) of that sub-section, by the substitution, for the words " published in the *Gazette*. ", of the words " published in the *Gazette*; and ";

(*f*) by the insertion, immediately after paragraph (vi) of that sub-section, of the following paragraph :—

" (vii) to any such undertaking as is considered by the Minister for the time being in charge of the subject appropriate to the trade or business of that undertaking to be of a pioneering nature and is at the request of such Minister declared by the Minister of Finance by notice published in the *Gazette* to be an undertaking to which this section shall apply: "; and

(*g*) by the addition, at the end of that sub-section, of the following proviso :—

" Provided that this section shall not apply to any industrial undertaking (other than an undertaking referred to in paragraph (vii)) which on or after April 1, 1969, commences the production or manufacture in Ceylon of goods or commodities unless the Commissioner is satisfied that the conditions

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set out in paragraph (ii) are fulfilled in respect of that undertaking and unless such undertaking—

(*a*) is an undertaking—

(i) which, if it is a company, has its ordinary shares held wholly or partly by, or if it is not a company, has a capital provided wholly or partly by, any company, partnership or body of persons being a company, partnership or body of persons outside Ceylon,

(ii) which was approved by the Director of Industrial Development upon application made to the Ministry of Planning and Economic Affairs through the Permanent Secretary prior to August 2, 1968, and

(iii) which commenced the production or manufacture in Ceylon of goods or commodities on or before a date fixed by the Director of Industrial Development; or

(*b*) is an undertaking—

(i) which was approved by the Director of Industrial Development prior to August 2, 1968,

(ii) in respect of which the Commissioner is satisfied that any land, plant, machinery, fixtures or building was acquired for the purposes of that undertaking prior to August 2, 1968, or that prior to that date a contract was entered into for the purchase of any land,

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plant, machinery or fixtures for the purposes of that undertaking or for the purchase or erection of any building for the use of that undertaking, and

(iii) which commenced the production or manufacture in Ceylon of any goods or commodities on or before a date fixed by the Director of Industrial Development. ''; and

(2) in sub-section (2) of that section—

(*a*) in paragraph (v) of that sub-section, by the substitution, for the words '' carry on business, and '', of the words '' carry on business,'';

(*b*) in paragraph (vi) of that sub-section, by the substitution, for the expression '' paragraph (v) of that sub-section, '', of the expression '' paragraph (v) of that sub-section, and ''; and

(*c*) by the insertion, immediately after paragraph (vi), of the following paragraph:—

'' (vii) any undertaking referred to in paragraph (vii) of sub-section (1), being the profits and income of that undertaking for a period of five years reckoned from the date on which that undertaking commences to carry on business, ''.

6. Section 10 of the principal Act is hereby amended as follows:— Amendment of section 10 of the principal Act.

(1) in sub-section (1) of that section, by the substitution, in paragraph (*g*) of that sub-section, for the words '' expended by such person '', of the following:—

'' expended prior to April 1, 1968, by such person '', and

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(2) in sub-section (4) of that section, by the substitution, in paragraph (*b*) of that sub-section, for the words " in the case of a discard ", of the words " in the case of a sale or discard ".

Insertion of new sections 16A, 16B and 16C in the principal Act.

7. The following new sections are hereby inserted immediately after section 16, and shall have effect as sections 16A, 16B and 16C, of the principal Act:—

Allowances for approved donations to be deducted from assessable income in arriving at taxable income.

16A (1) In this section " approved donation " means a donation not less in amount than one thousand rupees—

(*a*) made in money or otherwise to the Government of Ceylon, or

(*b*) made in money to any approved charity within the meaning of section 67 or to any such public charitable trust or institution as is declared by the Minister by notice published in the *Gazette* to be an approved charity for the purposes of this section.

For the purposes of this section, the amount of a donation made to the Government of Ceylon otherwise than in money shall be the value of such donation, and such value shall—

(i) be the actual cost to the donor of the property donated, or

(ii) where the actual cost cannot be ascertained, be the market value of the property donated.

(2) Where the entirety of the assessable income of a wife or a child for any year of assessment is aggregated with the assessable income of the head of the family of which such wife or child is a member, any approved donation made by such wife or child shall, for the purposes of this section, be deemed to be an approved donation made by the head of the family.

(3) Where in the year preceding any year of assessment commencing on or

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after April 1, 1969, any person has, or is deemed to have, made an approved donation, then—

(*a*) one-half of the actual amount of the donation; or

(*b*) an amount representing one-twentieth of the assessable income of that person for that year of assessment or if that person is a company an amount representing one-fortieth of the assessable income of that company for that year of assessment; or

(*c*) twenty-five thousand rupees,

whichever amount is the least, shall be the allowance in relation to that donation and such allowance shall be deducted from the assessable income of that person for that year of assessment in arriving at his taxable income for that year of assessment.

(4) Where a person has, or is deemed to have, made in the year preceding any year of assessment two or more donations, whether to the same approved charity or to different such charities, or to the Government of Ceylon, or to one or more approved charities and to the Government of Ceylon, the aggregate amount of the donations, if such amount is not less than one thousand rupees, shall for the purposes of this section in relation to that year of assessment be treated as one approved donation.

Allowances for premia on life insurance policies and annuities and provident or pension fund contributions of employees to be deducted from assessable income in arriving at taxable income.

16B (1) Where an individual during the year preceding any year of assessment commencing on or after April 1, 1969—

(*a*) has paid or is deemed to have paid any premia on a life insurance policy or for the purchase of an annuity; or

(*b*) makes any contributions to any such provident fund or pension fund as is approved by the

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Commissioner or to a regulated provident fund,

then—

(i) a sum equal to one-half of such premia or contributions or one-half of such premia and contributions, as the case may be, or

(ii) an amount representing one-eighth of the assessable income of that individual for that year of assessment, or

(iii) five thousand rupees,

whichever amount is the least, shall be the allowance in relation to such premia or contributions or premia and contributions and such allowance shall be deducted from the assessable income of that individual for that year of assessment in arriving at his taxable income for that year of assessment:

Provided that no allowance under the preceding provisions of this subsection shall be granted in relation to—

(*a*) any premia paid outside Ceylon on any life insurance policy issued outside Ceylon after July 4, 1957, and

(*b*) any premia paid outside Ceylon for the purchase of an annuity outside Ceylon after July 4, 1957.

(2) Where the entirety of the assessable income of a wife or child for any year of assessment is aggregated with the assessable income of the head of the family of which such wife or child is a member, any premia paid or contributions made by the wife or child shall, for the purposes of this section, be deemed to be premia paid or contributions made by the head of the family.

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Allowances in respect of approved investments to be deducted from assessable income in arriving at taxable income.

16c (1) In this section—

" approved investment " means—

(*a*) an investment in an approved undertaking;

(*b*) any investment which is an approved investment within the meaning of paragraph (*b*) or paragraph (*c*) of the definition of "approved investment" for the purposes of paragraph (*g*) of sub-section (2) of section 69A;

(*c*) an investment in an approved project within the meaning of section 69,

but does not include—

(i) an investment for the purpose of purchasing an existing investment, or

(ii) an investment for the purpose of purchasing shares in a company, being an investment so made after the expiry of six years commencing from the date of the incorporation of that company; or

(iii) an investment for the purpose of purchasing shares in a company which are not ordinary shares;

"approved undertaking" means any new undertaking which is a company and which —

(*a*) if such undertaking is an industrial undertaking, is considered by the Minister for the time being in charge of the subject of industries to be essential for the economic progress of Ceylon and is at the request of such Minister declared by the Minister of Finance by notice

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published in the *Gazette* to be an approved undertaking for the purposes of this section, and

(*b*) if such undertaking is an undertaking other than an industrial undertaking, is considered by the Minister of Finance to be essential for the economic progress of Ceylon and is declared by him by notice published in the *Gazette* to be an approved undertaking for the purposes of this section.

(2) Where the entirety of the assessable income of a wife or child for any year of assessment is aggregated with the assessable income of the head of the family of which such wife or child is a member, any approved investment made by such wife or child shall be deemed to be an approved investment made by the head of the family.

(3) Where in the year preceding any year of assessment commencing on or after April 1, 1969, an individual has made or is deemed to have made an approved investment, then—

(*a*) an amount equal to one-half of the actual amount of that investment, or

(*b*) an amount representing one-tenth of the assessable income of that individual, or

(*c*) twenty-five thousand rupees,

whichever amount is the least, shall be the allowance in relation to that approved investment and such allowance shall be deducted from the assessable income of that individual for that year of assessment in arriving at his taxable income for that year of assessment:

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Provided, however, that the preceding provisions of this sub-section shall not apply to an approved investment made or deemed to have been made by an individual with any money withdrawn or realized by that individual on or after August 2, 1968, and before April 1, 1970, from an approved saving specified in paragraph (*b*) or paragraph (*c*) or paragraph (*g*) of sub-section (2) of section 69A and accordingly no deduction under this sub-section shall be made from the assessable income of that individual in relation to that approved investment.

(4) Where an individual has, or is deemed to have, made in any year of assessment two or more approved investments, the aggregate amount of such investments shall be treated as one approved investment for the purposes of this section.

(5) Where an allowance has been granted to an individual under sub-section (3) in respect of an approved investment and where, within a period of six years after the date of such investment, the ownership of that investment changes otherwise than by the death of the individual who made that investment or any sum of money in that investment is withdrawn or realized by the individual who made that investment, then in respect of the year of assessment in which such allowance was granted an additional assessment consisting of the difference between the amount of income tax to which the individual who has been granted the allowance would have been liable if such allowance had not been granted and the amount of tax charged for that year of assessment shall, notwithstanding anything in this Act, be made in respect of that individual and the provisions of this Act relating to notice of assessment, appeal and other proceedings shall apply in relation to such additional assessment.'.

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Amendment of section 17 of the principal Act.

8. Section 17 of the principal Act is hereby amended in sub-section (3) of that section by the insertion, immediately after paragraph (*c*) of that sub-section, of the following paragraph:—

"(*cc*) any sum received on or after April 1, 1968, as compensation for loss of office or employment, or ".

Amendment of section 21 of the principal Act.

9. Section 21 of the principal Act, as amended by Act No. 18 of 1965, is hereby further amended as follows:—

(1) in sub-section (1) of that section, by the substitution, for the words " year of assessment a family ", of the words and figures " year of assessment ending on or before March 31, 1969, a family ";

(2) by the insertion, immediately after sub-section (1) of that section, of the following sub-section:—

" (1A) Where for any year of assessment commencing on or after April 1, 1969, a family consists of a husband and wife and no child or dependent relative, an allowance of three thousand six hundred rupees in respect of such husband and wife shall be deducted from the assessable income of the head of such family for that year in arriving at his taxable income for that year.";

(3) in sub-section (2) of that section, by the substitution, for the words " year of assessment a family ", of the words and figures " year of assessment ending on or before March 31, 1969, a family ";

(4) by the insertion, immediately after sub-section (2) of that section, of the following sub-section:—

" (2A) Where for any year of assessment commencing on or after April 1, 1969, a family consists of a husband and wife and one or more children or dependent

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relatives or one or more children and dependent relatives, an allowance of three thousand six hundred rupees in respect of the husband and wife, and—

(*a*) if there is one child or dependent relative, an allowance of six hundred rupees in respect of such child or dependent relative,

(*b*) if there are two children, or two dependent relatives or one child and one dependent relative, an allowance of six hundred rupees in respect of such children or such dependent relatives or such child and such dependent relative,

(*c*) if there are three or more children, or three or more children and dependent relatives or three or more dependent relatives, in respect of such children or such children and dependent relatives or such dependent relatives, as the case may be, an allowance of one thousand two hundred rupees,

shall be deducted from the assessable income of the head of such family for that year in arriving at his taxable income for that year.'';

(5) in sub-section (3) of that section, by the substitution, for the words '' year of assessment a family '', of the words and figures '' year of assessment ending on or before March 31, 1969, a family '';

(6) by the insertion, immediately after sub-section (3) of that section, of the following sub-section:—

'' (3A) Where for any year of assessment commencing on or after April 1, 1969, a family consists of an individual and one child or dependent relative, or an individual and two children or dependent relatives or an individual and one child and one dependent relative, an allowance of three

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thousand rupees in respect of such individual and an allowance of six hundred rupees in respect of such child or dependent relative or such children or dependent relatives or such child and such dependent relative, as the case may be, shall be deducted from the assessable income of the head of such family for that year in arriving at his taxable income for that year.'';

(7) in sub-section (4) of that section, by the substitution, for the words " any year of assessment a family '', of the words and figures " any year of assessment ending on or before March 31, 1969, a family '';

(8) in sub-section (4A) of that section, by the substitution, for the words and figures " in respect of each year of assessment commencing on or after April 1, 1965,'', of the words and figures " in respect of the year of assessment commencing on April 1, 1965, and each of the three years of assessment immediately succeeding,'';

(9) by the insertion, immediately after sub-section (4A) of that section, of the following sub-section:—

" (4B) Where for any year of assessment commencing on or after April 1, 1969, a family consists of an individual and three or more children or three or more dependent relatives or three or more children and dependent relatives, an allowance of three thousand rupees in respect of such individual and an allowance of one thousand two hundred rupees in respect of such children or dependent relatives or such children and dependent relatives shall be deducted from the assessable income of the head of such family for that year in arriving at his taxable income for that year.'';

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(10) by the insertion, immediately after sub-section (6) of that section, of the following sub-section:—

'(6A) Sub-section (6) shall, in its application in respect of each year of assessment commencing on or after April 1, 1969, have effect as though for the words "five hundred rupees", there were substituted the words "nine hundred rupees" ';

(11) in sub-section (7) of that section, by the substitution, for the expression "under sub-section (2) or sub-section (3) or sub-section (4) or sub-section (6)", of the expression "under sub-section (2) or sub-section (2A) or sub-section (3) or sub-section (3A) or sub-section (4) or sub-section (4B) or sub-section (6) or sub-section (6A)"; and

(12) in the marginal note to that section, by the substitution, for the words "Allowances to be deducted", of the words "Allowances for members of a family, individuals not included in a family, and earned income to be deducted".

Amendment of section 23A of the principal Act.

10. Section 23A of the principal Act, as amended by Act No. 12 of 1964 and Act No. 18 of 1965, is hereby further amended as follows:—

(1) in sub-section (1) of that section—

(*a*) by the substitution, in paragraph (*a*) of that sub-section, for the words "to this Act, and", of the words "to this Act,";

(*b*) by the substitution, in paragraph (*b*) of that sub-section, for all the words and figures from "any year" to the end of that paragraph, of the following:—

"the year of assessment commencing on April 1, 1965, and each of the three years of assessment next succeeding, shall be computed in

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accordance with the appropriate provisions of Part III of the Second Schedule to this Act, and ''; and

(*c*) by the addition, at the end of that sub-section, of the following paragraph:—

'' (*c*) income tax for any year of assessment commencing on or after April 1, 1969, shall be computed in accordance with the provisions of Part IV of the Second Schedule to this Act. '';

(2) in sub-section (3) of that section, by the substitution, for the words and figures '' for any year of assessment commencing on or after April 1, 1965,'', of the words and figures '' for the year of assessment commencing on April 1, 1965, and each of the three years of assessment next succeeding, ''; and

(3) by the addition, at the end of that section, of the following sub-section:—

'' (4) For the purposes of the computation of the income tax payable for any year of assessment commencing on or after April 1, 1969, on the taxable income of any person who is the head of a family, the first slab of Rs. 1,800 and the second slab of Rs. 1,800 specified in Part IV of the Second Schedule to this Act shall—

(*a*) if such family consists of—

(i) a husband and wife, or

(ii) an individual and not more than two children who are not in receipt of any occupational income, or

(iii) an individual and not more than two dependent relatives, or

(iv) an individual and one child who is not in receipt of any occupational income and one dependent relative,

be increased by Rs. 600;

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(*b*) if such family consists of—

(i) a husband and wife and not more than two children who are not in receipt of any occupational income, or

(ii) a husband and wife and not more than two dependent relatives, or

(iii) a husband and wife and one child who is not in receipt of any occupational income and one dependent relative, or

(iv) an individual and three or more children who are not in receipt of any occupational income, or

(v) an individual and three or more dependent relatives, or

(vi) an individual and three or more children who are not in receipt of any occupational income and dependent relatives,

be increased by Rs. 1,200; and

(*c*) if such family consists of—

(i) a husband and wife and three or more children who are not in receipt of any occupational income, or

(ii) a husband and wife and three or more dependent relatives, or

(iii) a husband and wife and three or more children who are not in receipt of any occupational income and dependent relatives,

be increased by Rs. 1,800. ".

Amendment of section 24 of the principal Act.

11. Section 24 of the principal Act, as amended by Act No. 12 of 1964 and Act No. 18 of 1965, is hereby further amended as follows:—

(1) in paragraph (*c*) of that section—

(i) by the substitution, for the words " any year of assessment commencing on or after ", of the words " the year of assessment commencing on ", and

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(ii) by the substitution, for the words " in such preceding year, and ", of the words " in such preceding year, ";

(2) in paragraph (*d*) of that section—

(i) by the substitution, for the words and figures " any year of assessment commencing on or after April 1, 1965, ", of the following:—

" for the year of assessment commencing on April 1, 1965, and for each of the three years of assessment next succeeding, ", and

(ii) by the substitution, for the words " in such preceding year.", of the words "in such preceding year, and "; and

(3) by the addition, at the end of that section, of the following paragraph:—

" (*e*) the provisions of Part IV of the Second Schedule to this Act shall, in their application to that individual for any year of assessment commencing on or after April 1, 1969, have effect as if each of the sums mentioned in that Part of that Schedule, or the aggregate of the sums computed in the manner mentioned in sub-section (4) of section 23A, as the case may be, were reduced in the proportion which the number of days which he is resident bears to the number of days in such preceding year. ".

Amendment of section 28 of the principal Act.

12. Section 28 of the principal Act is hereby amended as follows:—

(1) in paragraph (*c*) of that section, by the substitution, for all the words from "in so far as the first three years" to the end of that paragraph, of the following:—

" but so however that the exemption from wealth tax granted to such scientist, technician, expert or adviser by this paragraph shall end on the date on which his employment in such corporation or undertaking ceases or on the date on which the

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exemption from income tax granted by section 6 in respect of that corporation or undertaking ends, whichever is the earlier;";

(2) by the insertion, immediately after paragraph (*c*), of the following paragraph:—

"(*cc*) any scientist, technician, expert or adviser who is not a citizen of Ceylon and who is brought to and employed in Ceylon on or after April 1, 1968, by the proprietor of any such industrial undertaking as is referred to in paragraph (*ggg*) of sub-section (1) of section 5, but so however that the exemption from wealth tax granted to such scientist, technician, expert or adviser by this paragraph shall end on the date on which his employment in such industrial undertaking ceases or on the date on which the exemption from income tax granted by section 6 in respect of that industrial undertaking ends, whichever is the earlier;"; and

(3) by the substitution, for paragraph (*i*) of that section, of the following paragraph:—

" (*i*) any University which is established or deemed to be established under the Higher Education Act, No. 20 of 1966; ".

13. Section 31 of the principal Act is hereby amended as follows:— Amendment of section 31 of the principal Act.

(1) by the insertion, immediately after sub-section (1) of that section, of the following sub-section:—

" (1A) Notwithstanding anything in paragraph (*g*) of sub-section (1), there shall not be excluded from the wealth of any person—

(*a*) for any year of assessment commencing on or after April 1, 1973, any investment made by him prior to August 2, 1968, in securities of the Government of Ceylon; and

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(*b*) for any year of assessment commencing on or after April 1, 1969, any investment made by him on or after August 2, 1968, in securities of the Government of Ceylon.''; and

(2) in sub-section (2) by the substitution, for all the words and figures from ''a person'' to ''that investment'', of the following:—

''a person has any investment which is an approved investment within the meaning of section 16c or section 69 or section 69A of this Act or section 47A of the Income Tax Ordinance, that investment''.

Amendment of section 39 of the principal Act.

14. Section 39 of the principal Act is hereby amended as follows:—

(1) by the insertion, immediately after sub-section (3), of the following sub-section:—

'' (3A) The individual chargeable with gifts tax in respect of taxable gifts shall be the donor but the donee shall be liable to gifts tax in like manner and to the like amount as the donor—

(*a*) if the donor dies and he does not leave any property in Ceylon or the property he leaves in Ceylon is in the opinion of the Assessor not sufficient to permit the recovery of the gifts tax; or

(*b*) if the donor ceases to be resident in Ceylon and he has no property in Ceylon or the property he has in Ceylon is in the opinion of the Assessor not sufficient to permit the recovery of the gifts tax; or

(*c*) if the Assessor having regard to the circumstances of the case is of the opinion that it is not practical to make an assessment on the donor:

Provided that the liability of the donee shall be limited to that portion of the gifts tax which appears to the Assessor to be

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attributable to the value of the gift made to the donee by the donor as at the date of the gift.''; and

(2) in sub-section (4) of that section, by the substitution, for all the words from ''The individual'' to '' from the donor,'', of the words '' Where the gifts tax cannot be recovered from the donor,''.

Amendment of section 41 of the principal Act.

15. Section 41 of the principal Act is hereby amended in sub-section (1) of that section by the substitution in paragraph (*d*) of that sub-section, for the expression '' section 67 (1) (*b*),'', of the expression '' section 16A or section 67 (1) (*b*), ''.

Amendment of section 44 of the principal Act.

16. Section 44 of the principal Act is hereby amended as follows:—

(1) by the insertion, immediately after sub-section (1) of that section, of the following sub-section:—

'' (1A) The net wealth of the wife of any non-resident individual for any year of assessment shall be deemed to be part of the net wealth of her husband for that year.'';

(2) in sub-section (2) of that section—

(*a*) in paragraph (*a*) of that sub-section, by the substitution, for the words ''as the number of days in that year of assessment during which the marriage subsists bears'', of the words ''as the number of days in the period during which the marriage subsists in the year preceding that year of assessment bears'', and

(*b*) in paragraph (*b*) of that sub-section, by the substitution, for the words '' as the number of days in that year of assessment during which the marriage subsists bears '', of the words '' as the number of days in the period during which the marriage subsists in the year preceding that year of assessment bears ''; and

(3) in sub-section (3) of that section, by the substitution, for the expression ''for the purposes of this section, '', of the expression ''for the purposes of this Act,''.

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Amendment of section 65 of the principal Act.

17. (1) Section 65 of the principal Act is hereby amended as follows:—

(*a*) in sub-section (1), in the proviso to that sub-section, by the substitution, for the words " expenses in Ceylon (including commission) and ", of the words " expenses in Ceylon (including commission), the amount of any dividend which under sub-section (5) does not form part of the investment income of the company and ";

(*b*) in sub-section (4) of that section, by the substitution, for the words 'For the purposes of this section, "investment income of the Life Insurance Fund " means,', of the following:—

' Subject to the provisions of sub-section (5), the expression " investment income of the Life Insurance Fund" in this section means,'; and

(*c*) by the addition, at the end of that section, of the following sub-section:—

" (5) Where a dividend is paid by any resident company to any company carrying on the business of life insurance and either—

(*a*) a deduction has been made under section 27 (1) in respect of that dividend by such resident company; or

(*b*) that dividend consists of any part of the amount of a dividend received by such resident company from another resident company,

that dividend shall not form part of the investment income of the Life Insurance Fund of the company carrying on the business of life insurance.".

(2) The amendments made in the principal Act by sub-section (1) of this section shall come into force on April 1, 1969, and shall apply to every year of assessment commencing on or after that date.

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Amendment of section 65A of the principal Act.

18. (1) Section 65A of the principal Act (inserted therein by Act No. 18 of 1965), is hereby amended as follows:—

(*a*) in sub-section (2) of that section, by the substitution, for the words 'For the purposes of this section, " investment income of the Life Insurance Fund " means', of the following:—

'Subject to the provisions of sub-section (3), the expression " investment income of the Life Insurance Fund " in this section means'; and

(*b*) by the addition, at the end of that section, of the following:—

"(3) Where a dividend is paid by any resident company to the Insurance Corporation of Ceylon and either—

(*a*) a deduction has been made under section 27 (1) in respect of that dividend by such resident company; or

(*b*) that dividend consists of any part of the amount of a dividend received by such resident company from another resident company,

that dividend shall not form part of the investment income of the Life Insurance Fund of the Insurance Corporation of Ceylon.".

(2) The amendments made in the principal Act by sub-section (1) of this section shall come into force on April 1, 1969, and shall apply to every year of assessment commencing on or after that date.

Amendment of section 67 of the principal Act.

19. Section 67 of the principal Act, as amended by Act No. 18 of 1965, is hereby further amended as follows:—

(1) in sub-section (2) of that section, by the substitution, for the words " has been made by any person,", of the following:—

"has been made by any person in the year preceding any year of assessment ending on or before March 31, 1969,"; and

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(2) in sub-section (3) of that section, by the substitution, for the words "made an approved donation,", of the following:—

"made an approved donation in the year preceding any year of assessment ending on or before March 31, 1969,".

Amendment of section 68 of the principal Act.

20. Section 68 of the principal Act, as amended by Act No. 18 of 1965, is hereby amended as follows:—

(1) in sub-section (1) of that section—

(*a*) in paragraph (*a*) of that sub-section, by the substitution, for the words "any year of assessment pays", of the following:—

"any year of assessment ending on or before March 31, 1969, pays"; and

(*b*) in paragraph (*b*) of that sub-section, by the substitution, for the words "any year of assessment makes", of the following:—

"any year of assessment ending on or before March 31, 1969, makes"; and

(2) in sub-section (1A) of that section, by the substitution, for the words and figures " for each year of assessment commencing on or after April 1, 1965, ", of the following:—

" for the year of assessment commencing on or after April 1, 1965, and for each of the three years of assessment next succeeding,".

Amendment of section 68A of the principal Act.

21. Section 68A of the principal Act (inserted therein by Act No. 26 of 1968) is hereby amended in sub-section (1) of that section, by the substitution, for the expression " March 31, 1969,", of the expression " March 31, 1970,".

Amendment of section 69A of the principal Act.

22. Section 69A of the principal Act (inserted therein by Act No. 18 of 1965), is hereby amended as follows:—

(1) in sub-section (1) of that section, by the substitution, for the words and figures " In respect of any year of assessment commencing on or after April 1, 1965—", of the

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words and figures " Subject to the provisions of sub-section (1A), in respect of any year of assessment commencing on or after April 1, 1965, and ending on or before March 31, 1969—";

(2) by the insertion, immediately after sub-section (1), of the following sub-section:—

" (1A) The provisions of sub-section (1) shall not apply in respect of any approved saving made on or after August 2, 1968.";

(3) by the substitution, for sub-section (3) of that section, of the following sub-section:—

" (3) Where any sum of money in an approved saving specified in paragraph (*b*) or paragraph (*c*) or paragraph (*g*) of sub-section (2) is withdrawn or realized by the individual who made that saving—

(*a*) before the expiry of a period of one year after the date of making that saving, in a case where the sum of money is withdrawn or realized prior to August 2, 1968, or

(*b*) before April 1, 1970, in a case where the sum of money is in an approved saving on August 2, 1968,

that sum of money shall be deemed not to be an approved saving for the purposes of sub-section (2) and accordingly, where any deduction from income tax was granted to that individual under sub-section (1) in respect of that approved saving, then in respect of the year of assessment in which such deduction was granted, an additional assessment consisting of the amount of income tax to which that individual, or if that individual is a member of a family, the head of that family, would have been liable if such deduction had not been granted, shall notwithstanding anything in this Act, be made in respect of that individual or the head of the family, and the provisions of this Act relating to

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notice of assessment, appeal and other proceedings shall apply in relation to such additional assessment:

Provided that the preceding provisions of this sub-section shall not apply to the amount of any approved saving withdrawn or realized after August 1, 1968, but before April 1, 1970—

(*a*) if, not later than ninety days after the date on which that amount was withdrawn or realized, it is utilized by the individual who made that approved saving to make an approved investment within the meaning of section 16c and if the investment so made is not realized prior to April 1, 1970; or

(*b*) if, not later than ninety days after the date on which that amount was withdrawn or realized, it is utilized by the individual who made that approved saving to make a gift to his son or daughter in consideration of the marriage of such son or daughter; or

(*c*) if that amount is withdrawn or realized—

(i) not earlier than one year after the date of making of that approved saving, and

(ii) after the death, on or after April 1, 1968, of the individual who made that approved saving; or

(*d*) if the Assessor is satisfied—

(i) that the individual who made that approved saving has ceased or will cease to be resident in Ceylon on or after April 1, 1968, and

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(ii) that a period of not less than two years has elapsed after the date of the making of that approved saving.''.

Amendment of section 73A of the principal Act.

23. Section 73A of the principal Act (inserted therein by Act No. 26 of 1968), is hereby amended by the substitution, for the expression '' April 1, 1969, '', of the expression '' April 1, 1970, ''.

Amendment of section 76 of the principal Act.

24. Section 76 of the principal Act is hereby amended by the substitution, for the words '' liable to United Kingdom income tax, or Commonwealth tax '', of the words '' liable to Commonwealth tax ''.

Amendment of section 97 of the principal Act.

25. Section 97 of the principal Act is hereby amended as follows:—

(1) in sub-section (9) of that section—

(*a*) in paragraph (*a*) of that sub-section, by the substitution, for the words '' require the appellant '', of the words '' require the appellant within the period specified in the notice ''; and

(*b*) by the addition, immediately after paragraph (*b*) of that sub-section, of the following paragraph:—

'' (*c*) require the appellant within the period specified in the notice to furnish the written evidence, on affidavit or in such other manner as may be specified in the notice, of any person mentioned in the list transmitted to the Commissioner by the appellant.''; and

(2) by the insertion, immediately after sub-section (11), of the following sub-section:—

'' (11A) Before making his determination on any appeal, the Commissioner may, if he considers it necessary so to do, by notice given in writing to any person require that person to produce for examination, or to transmit to the Commissioner within the period specified in such notice, any such deeds, plans,

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instruments, books, accounts, trade lists, stock lists, registers, cheques, paying-in-slips, auditors' reports or other documents in his possession as may be specified in such notice.''.

Amendment of section 99 of the principal Act.

26. Section 99 of the principal Act is hereby amended by the substitution, for all the words and figures from '' Any appellant,'' to '' may, by petition '', of the following:—

'' Where notice of a determination on an appeal is given under sub-section (8) of section 97 to the appellant, such appellant or his authorized representative, if he is dissatisfied with the determination, may, by petition ''.

Amendment of section 103 of the principal Act.

27. Section 103 of the principal Act, as amended by Act No. 18 of 1965, is hereby further amended by the substitution, for the words '' thereby, or where agreement '', of the following:—

'' thereby or where an appeal lodged against such an assessment is dismissed under sub-section (10) of section 97, or where agreement ''.

Amendment of section 124 of the principal Act.

28. Section 124 of the principal Act is hereby amended as follows:—

(1) in sub-section (4) of that section, by the substitution, in paragraph (*a*) of that sub-section, for the words '' any duty under this Act,'', of the words '' any duty under this Act or such other written law, ''; and

(2) by the addition, at the end of that section, of the following:—

'' (7) Where, for the purposes of prosecuting any director, manager, or other officer or employee of an insurance business who has acted in a manner prejudicial to the interests of the holders of policies issued in respect of that business, the Attorney-General by written notice requires the Commissioner to furnish such information relating to the assets of such director, manager, other officer or employee as is in the possession of the Commissioner, the Commissioner shall, notwithstanding anything in the preceding provisions of this section, furnish such information to the Attorney-General.''.

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Amendment of section 129 of the principal Act.

29. Section 129 of the principal Act, as amended by Act No. 26 of 1968, is hereby further amended in sub-section (1) by the substitution, for the definition of " regulated provident fund ", of the following definition:—

' " regulated provident fund " means any provident fund—

(*a*) which is established by a body corporate whose profits and income are exempt from income tax under any written law, and

(*b*) which is regulated and maintained under the written law by which such body corporate is constituted; '.

Amendment of the First Schedule to the principal Act.

30. The First Schedule to the principal Act is hereby amended as follows:—

(1) in the item relating to "Non-resident individuals"—

(*a*) in paragraph (*c*) of that item, by the substitution, for all the words and figures from " each year " to " 1965—", of the following:—

" the year of assessment commencing on April 1, 1965, and each of the three years of assessment immediately succeeding—";

(*b*) by the addition, at the end of that item, of the following paragraph:—

" (*d*) For each year of assessment commencing on or after April 1, 1969—

On the first Rs. 15,000 of the taxable income	15 *per centum*
On the next Rs. 6,000 of the taxable income	20 *per centum*
On the next Rs. 6,000 of the taxable income	25 *per centum*
On the next Rs. 6,000 of the taxable income	30 *per centum*
On the next Rs. 6,000 of the taxable income	40 *per centum*

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On the next Rs. 6,000 of the taxable income	50 *per centum*
On the next Rs. 10,000 of the taxable income	60 *per centum*
On the balance of the taxable income	65 *per centum.*'';

(2) by the substitution, for the item relating to "Hindu-undivided Families", of the following item:—

"*Hindu-undivided families—*

(*a*) *For any year of assessment ending on or before March 31, 1969—*

On the first Rs. 20,000 of the taxable income	31 *per centum*
On the next Rs. 10,000 of the taxable income	36 *per centum*
On the next Rs. 10,000 of the taxable income	46 *per centum*
On the next Rs. 10,000 of the taxable income	51 *per centum*
On the next Rs. 10,000 of the taxable income	56 *per centum*
On the next Rs. 20,000 of the taxable income	66 *per centum*
On the next Rs. 20,000 of the taxable income	76 *per centum*
On the balance of the taxable income	86 *per centum*

(*b*) *For any year of assessment commencing on or after April 1, 1969—*

On the first Rs. 25,000 of the taxable income	31 *per centum*
On the next Rs. 10,000 of the taxable income	36 *per centum*
On the next Rs. 10,000 of the taxable income	46 *per centum*
On the next Rs. 20,000 of the taxable income	56 *per centum*

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On the next Rs. 20,000 of the taxable income	66 *per centum*
On the balance of the taxable income	71 *per centum.*''.

Amendment of the Second Schedule to the principal Act.

31. The Second Schedule to the principal Act is hereby amended as follows:—

(1) in Part III of that Schedule—

(*a*) by the substitution, in item (A) of that Part, for the words and figures ''for any year of assessment commencing on or after April 1, 1965,'', of the following:—

''for the year of assessment commencing on April 1, 1965, and each of the three years of assessment next succeeding,'';

(*b*) by the substitution, in item (B) of that Part, for the words and figures ''for any year of assessment commencing on or after April 1, 1965, '', of the following:—

''for the year of assessment commencing on April 1, 1965, and each of the three years of assessment next succeeding,'';

(2) by the insertion, immediately after Part III of that Schedule, of the following:—

'' PART IV

The rates of income tax for any year of assessment commencing on or after April 1, 1969, shall be as follows:—

On the first Rs. 1,800 of the taxable income	7½ *per centum*
On the next Rs.1,800 of the taxable income	10 *per centum*
On the next Rs. 2,400 of the taxable income	12½ *per centum*
On the next Rs. 2,400 of the taxable income	15 *per centum*

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On the next Rs. 3,600 of the taxable income	17½ *per centum*
On the next Rs. 3,600 of the taxable income	20 *per centum*
On the next Rs. 3,600 of the taxable income	25 *per centum*
On the next Rs. 4,800 of the taxable income	30 *per centum*
On the next Rs. 4,800 of the taxable income	40 *per centum*
On the next Rs. 9,600 of the taxable income	50 *per centum*
On the next Rs. 9,600 of the taxable income	60 *per centum*
On the balance of the taxable income	65 *per centum*.''.

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PARLIAMENT OF CEYLON

4th Session 1968-69

Government Quarters (Recovery of Possession) Act, No. 7 of 1969

Date of Assent : April 28, 1969

Printed on the Orders of Government

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L. D.—O. 10/63.

AN ACT TO MAKE PROVISION FOR THE RECOVERY OF POSSESSION OF QUARTERS PROVIDED BY OR ON BEHALF OF THE GOVERNMENT FOR THE OCCUPATION OF PERSONS, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: April 28, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Government Quarters (Recovery of Possession) Act, No. 7 of 1969.

Application of Act.

2. The provisions of this Act—

(*a*) shall apply to all Government quarters; and

(*b*) shall be deemed at all times to have been, and to be, an implied condition of the occupation by persons of such quarters.

Power to issue quit notices.

3. (1) A competent authority may, at any time, serve or cause to be served on the occupier of any Government quarters a notice stating the reasons for the issue of such notice and requiring such occupier—

(*a*) to vacate such quarters together with his dependants, if any; and

(*b*) to deliver vacant possession of such quarters to such authority, or any other such competent authority or authorized person as may be specified in the notice,

before the expiry of such period as shall be specified in the notice, being a period commencing on such date as shall be so specified. The specified period shall not in any instance be less than two months from the date of its commencement.

(2) Every notice under sub-section (1) issued in respect of any Government quarters is in this Act referred to as a "quit notice".

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*1——H15858-3,755(7/68)

(3) A quit notice issued in respect of any Government quarters shall be deemed to have been served on the occupier of such quarters if such notice is sent by registered letter through the post to such occupier at the address of such quarters.

(4) Every quit notice shall be in the form A set out in the Schedule to this Act.

Obligation to comply with a quit notice.

4. Where a quit notice has been served on the occupier of any Government quarters—

(*a*) neither such occupier nor any dependant of his shall be entitled to occupy such quarters after the expiry of the period within which such occupier is required by such notice to vacate such quarters; and

(*b*) such occupier shall, before the expiry of that period, deliver vacant possession of such quarters to the authority or person to whom he is required to do so by the quit notice, and together with his dependants, if any, depart from such quarters.

Withdrawal or suspension of quit notice.

5. The Deputy Secretary to the Treasury may at any stage withdraw any quit notice or suspend its operation for such period as he deems fit.

Effect of non-compliance with a quit notice.

6. (1) In any case where the occupier of any Government quarters fails to comply with the provisions of paragraph (*b*) of section 4 in respect of any quit notice served on him relating to any Government quarters, any competent authority (whether or not he is the competent authority who issued such notice) may make an application in writing in the form B set out in the Schedule to this Act to the Magistrate's Court having jurisdiction over the area in which such quarters are situated—

(*a*) setting forth the following facts, namely—

(i) that he is a competent authority for the purposes of this Act,

(ii) that a quit notice (a copy of which is attached to the application) was served on the occupier of such quarters,

(iii) the reason for the serving of such quit notice on the occupier, and

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(iv) that such occupier has failed to comply with the provisions of the aforesaid paragraph (*b*) in respect of such notice relating to such quarters; and

(*b*) praying for the recovery of possession of such quarters and for the ejectment of such occupier and his dependants, if any, from such quarters.

(2) Every application under sub-section (1) shall be supported by an affidavit in the form C set out in the Schedule to this Act verifying the facts set forth in such application, and shall also be accompanied by a copy of the quit notice.

(3) Every application supported by an affidavit and accompanied by a copy of a quit notice under the preceding provisions of this section is in this Act referred to as an " application for ejectment ".

(4) Every application for ejectment shall be conclusive evidence of the facts stated therein.

(5) No stamp duties shall be payable for any application for ejectment.

Proceedings on receipt of an application for ejectment.

7. Upon receipt of an application for ejectment in respect of any Government quarters, a Magistrate's Court shall forthwith issue, and if need be reissue, a writ of possession to the Fiscal of the district in which such quarters are situated requiring and authorizing such Fiscal before a date specified in the writ, not being a date earlier than three or later than seven clear days from the date of the issue of such writ, to deliver possession of such quarters to the competent authority or other authorized person specified in the quit notice relating to such premises. Such writ shall be sufficient authority for the said Fiscal or any police officer authorized by him in that behalf to enter such quarters with such assistants as the Fiscal or such officer shall deem necessary and to give possession accordingly, and to eject the occupier and his dependants, if any, from such quarters.

Exclusion of application of the Rent Restriction Act.

8. Nothing in the provisions of the Rent Restriction Act shall apply to the ejectment of any person in occupation of any Government quarters.

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Interpretation.

9. In this Act, unless the context otherwise requires—

"authorized person", in relation to any Government quarters, means any person, other than a competent authority, authorized by a quit notice issued in respect of such quarters to take possession of such quarters;

"competent authority" means the Deputy Secretary to the Treasury, or any other public officer authorized by such Deputy Secretary to be a competent authority for the purposes of this Act;

"dependant", in relation to the occupier of Government quarters, means any person who is dependent on the occupier, whether as spouse, child or otherwise, and includes any other person who is permitted by the occupier to reside in such quarters;

"Government quarters" means any building or room or other accommodation occupied or used for the purposes of residence which is provided by or on behalf of the Government to any person, and includes any land or premises in which such building or room or other accommodation is situated, but does not include any house provided by the Commissioner for National Housing to which Part V of the National Housing Act applies;

"occupier", in the event of the death of the person who first came into occupation, includes a dependant of that person.

SCHEDULE

FORM A

Quit Notice

I, ..., (*state name and designation if any*) a competent authority for the purposes of the Government Quarters (Recovery of Possession) Act, do, by virtue of the powers vested in me by section 3 of that Act, require you ..... (*state name and designation if any*) the occupier of Government Quarters ..... (*state address of such quarters*)—

(*a*) to vacate possession of such quarters together with your dependants if any; and

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(*b*) to deliver vacant possession of such quarters to me*/or ..... (*state name and designation if any*) a competent authority for the purposes of that Act*/or ..... (*state name and designation if any*),

before the expiry of a period of two months commencing on the ..... (*state date*), because ..... (*state reason*).

.....

Signature and designation, if any, of competent authority.

Date: .....

* Omit if inapplicable.

FORM B

Application for Ejectment

To the Magistrate's Court of .....
(*state name of such Court*)

I, ..., (*state name and designation if any*) a competent authority for the purposes of the Government Quarters (Recovery of Possession) Act, do, by virtue of the powers vested in me by section 6 of that Act, by this application—

(*a*) set forth the following facts, namely,—

(i) that I am such competent authority;

(ii) that a quit notice (a copy of which is attached to this application) was served on ..... (*state name and designation if any*) the occupier of Government Quarters .....(*state address of such quarters*);

(iii) that the reason for the serving of such quit notice on such occupier was that* .....
..... ; and

* State whether the period for which the Government quarters were given to the occupier has expired, or whether the occupier has been transferred from the station which qualified him to occupy the Government quarters, or whether the occupier to whom the Government quarters were originally given has died, or any other reason which is considered adequate.

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(iv) that such occupier has failed to comply with the provisions of paragraph (*b*) of section 4 of that Act in respect of such notice relating to such quarters; and

(*b*) pray for the recovery of possession of such premises and for the ejectment of such occupier and his dependants, if any, from such premises.

.....

Signature and designation, if any, of competent authority.

Date: .....

FORM C

Affidavit

I, ..., (*state name and designation if any*) do, as required by section 6 of the Government Quarters (Recovery of Possession) Act, hereby solemnly, sincerely and truly affirm and declare—

(*a*) that I am a competent authority for the purposes of that Act;

(*b*) that a quit notice (a copy of which is attached to my application for ejectment) was served under that Act on ..... (*state name and designation if any*) the occupier of Government Quarters ..... (*state address of such quarters*);

(*c*) that the reason for the serving of such quit notice on such occupier was that* .... ; and

* State whether the period for which the Government quarters were given to the occupier has expired, or whether the occupier has been transferred from the station which qualified him to occupy the Government quarters, or whether the occupier to whom the Government quarters were originally given has died, or any other reason which is considered adequate.

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(*d*) that such occupier has failed to comply with the provisions of paragraph (*b*) of section 4 of that Act in respect of such notice relating to such quarters.

.....
Signature and designation, if any, of deponent.

Affirmed before me by the deponent on the .....
(*state date*).

.....
Signature and designation, if any. of person administering the affirmation.

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PARLIAMENT OF CEYLON

4th Session 1968-69

Local Government Service Pensions (Special Provisions) (Amendment) Act, No. 8 of 1969

Date of Assent : April 28, 1969

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Local Government Service Pensions (Special Provisions) (Amendment) Act, No. 8 of 1969

L. D.—O. 35/64.

AN ACT TO AMEND THE LOCAL GOVERNMENT SERVICE PENSIONS (SPECIAL PROVISIONS) ACT, NO. 59 OF 1961.

[Date of Assent: April 28, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Local Government Service Pensions (Special Provisions) (Amendment) Act, No. 8 of 1969.

Amendment of section 4 of Act No. 59 of 1961.

2. Section 4 of the Local Government Service Pensions (Special Provisions) Act, No. 59 of 1961, (hereinafter referred to as the " principal Act "), is hereby amended as follows:—

(1) by the substitution, for the expression " provisions of section 58 of the Local Government Service Ordinance ", of the expression " provisions of section 57 of the Local Government Service Ordinance to members of the service who have retired in accordance with the provisions of section 56 of that Ordinance and the pensions which are granted under the provisions of section 58 of that Ordinance "; and

(2) in the marginal note to that section, by the substitution, for the expression " under section 58 ", of the expression " under sections 57 and 58 ".

Amendment of section 5 of the principal Act.

3. Section 5 of the principal Act is hereby amended as follows:—

(1) by the substitution, for the expression " provisions of section 58 ", of the expression " provisions of section 57 or 58, as the case may be, "; and

(2) in the marginal note to that section, by the substitution, for the expression " under section 58 ", of the expression " under section 57 or 58 ".

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J 1860—4,755 (3/69)

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PARLIAMENT OF CEYLON

4th Session 1968-69

Ayurveda (Amendment) Act, No. 9 of 1969

Date of Assent : April 28, 1969

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L. D.—O. 21/68.

AN ACT TO AMEND THE AYURVEDA ACT, NO. 31 OF 1961.

[Date of Assent: April 28, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Ayurveda (Amendment) Act, No. 9 of 1969.

Insertion of new sections 21A, 21B, 21C and 21D in the Ayurveda Act, No. 31 of 1961.

2. The Ayurveda Act, No. 31 of 1961, is hereby amended by the insertion, immediately after section 21, of the following new sections which shall have effect as sections 21A, 21B, 21C and 21D, of that Act:—

Accounts of the Council and financial year.

21A. (1) The Council shall cause proper accounts to be kept of all the transactions of the Council and shall prepare an annual statement of such accounts in such form and containing such particulars as the Minister, with the concurrence of the Minister of Finance, may from time to time specify.

(2) The financial year of the Council shall be the period of twelve months commencing on the first day of October.

Audit of the accounts of the Council.

21B. (1) The Council shall have its accounts for each financial year audited by the Auditor-General.

(2) For the purpose of assisting him in the audit of such accounts, the Auditor-General may employ the services of any qualified auditor or auditors who shall act under his direction and control.

(3) For the purpose of meeting the expenses incurred by him in auditing the accounts of the Council, the Auditor-General shall be paid from the funds of the Council such remuneration as the Minister may determine with the concurrence of the Minister of Finance.

J 1174 —3,755 (2/69)

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(4) For the purposes of this section, the expression "qualified auditor" means—

(*a*) an individual who, being a member of the Institute of Chartered Accountants of Ceylon, possesses a certificate to practise as an Accountant issued by the Council of that Institute; or

(*b*) a firm of Chartered Accountants each of the partners of which, being a member of that Institute, possesses a certificate to practise as an Accountant issued by the Council of that Institute.

The Auditor-General's report.

21C. (1) The Auditor-General shall examine the accounts of the Council and furnish a report—

(*a*) stating whether he has or has not obtained all the information and explanations required by him;

(*b*) stating whether the accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Council; and

(*c*) drawing attention to any item in the accounts which in his opinion may be of interest to the Senate and the House of Representatives in any examination of the activities and accounts of the Council.

Annual accounts with the auditor's report and a report of the annual activities of the Council to be transmitted to the Minister.

21D. The Council shall, on receipt of the Auditor-General's report on the accounts for each financial year, transmit such report together with the income and expenditure account and the balance sheet to which the report relates, and a statement by the Council of its activities during that financial year to the Minister who shall cause copies thereof to be laid before the Senate and the House of Representatives before the end of the year next following the year to which such report and accounts relate.'.

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PARLIAMENT OF CEYLON

4th Session 1968-69

Ceylon National Chamber of Industries Act, No. 10 of 1969

Date of Assent: May 14, 1969

Printed on the Orders of Government

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Ceylon National Chamber of Industries Act, No. 10 of 1969

L. D.—O. 38/67.

AN ACT TO INCORPORATE THE CEYLON NATIONAL CHAMBER OF INDUSTRIES.

[Date of Assent: May 14, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Ceylon National Chamber of Industries Act, No. 10 of 1969.

Incorporation of the Ceylon National Chamber of Industries.

2. From and after the passing of this Act, such and so many persons as now are members of the Ceylon National Chamber of Industries (hereinafter referred to as "the Chamber") or shall hereafter be admitted members of the Corporation hereby constituted, whose names shall be inscribed in the register mentioned in section 5, shall be and become a Corporation with liability limited in manner provided in section 13, with continuance forever, under the style and name of "The Ceylon National Chamber of Industries", (hereinafter referred to as "the Corporation") and by that name shall and may sue and be sued in all Courts, with full power and authority to have and use a common seal and to change and alter the same at their pleasure.

General objects for which the Corporation is constituted.

3. The objects for which the Corporation is constituted are hereby declared to be—

(*a*) to promote and foster industrial growth in Ceylon and to co-operate with the Government and other associations in the attainment of such objective;

(*b*) to promote and protect the interests of persons connected with industrial undertakings in Ceylon;

(*c*) to represent and express on industrial, commercial and economic matters the opinions of the industrial community in Ceylon and to aid, assist and co-operate with others in such representation and expression;

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H 16529—4,255 (8/68)

(*d*) to advise and communicate on economic and industrial matters with public authorities, with similar associations in other places and with individuals;

(*e*) to foster fellow-feeling and co-operation among industrialists, workers and consumers in all matters of common interest;

(*f*) to adjust and settle disputes amongst members;

(*g*) to promote and take all action necessary to expand the exports of industrial goods of Ceylon;

(*h*) to collect and circulate statistics and other information relating to industrial, commercial and economic matters;

(*i*) to publish industrial, economic, commercial, scientific, technical and vocational journals and literature and to propagate industrial education in Ceylon;

(*j*) to maintain a library of books and publications on industrial, commercial and economic matters;

(*k*) to organize and establish and assist in organizing and establishing vocational and industrial training institutions in Ceylon and to arrange and assist in specialized training of personnel of members;

(*l*) to organize and participate in industrial exhibitions and seminars;

(*m*) to assist and provide facilities for industrial research and to take necessary steps to further the introduction of more efficient manufacturing techniques;

(*n*) to do such other matters as may be necessary to carry out the objects of the Corporation.

Executive Council.

4. (1) The affairs of the Corporation shall, subject to the rules in force for the time being of the Corporation made as hereinafter provided, be administered by an Executive Council, consisting of the Chairman, the Deputy Chairman, four Vice-Chairmen, the Honorary Treasurer and not more than forty other members to be elected in accordance with the rules in force for the time being of the Corporation.

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(2) The members of the Executive Council of the Chamber holding office on the date of commencement of this Act, shall be the members of the first Executive Council of the Corporation.

Register of members.

5. (1) The Executive Council shall cause a register to be kept, in which every person who at the date of the passing of this Act is a member of the Chamber and every person thereafter duly admitted a member of the Corporation hereby constituted, shall have his name inscribed.

(2) The register shall contain the following particulars:—

(*a*) the name and address of the member;

(*b*) the nature of the industry or industries in which the member is engaged;

(*c*) the date at which the name of any person was inscribed in the register as a member; and

(*d*) the date at which the person ceased to be a member.

Corporation may make rules.

6. It shall be lawful—

(*a*) for the Corporation, from time to time, at any general meeting of the members and by a majority of votes to make rules and pass resolutions for the admission, withdrawal or expulsion of members; for the conduct of the duties of the Executive Council and of the various officers, agents, and servants of the Corporation; and otherwise generally for the management of the affairs of the Corporation and the accomplishment of its objects. Such rules and resolutions, when made and passed, may at a like meeting be altered, added to, amended or cancelled;

(*b*) for the Executive Council, from time to time, to make rules and pass resolutions for the procedure in the transaction of business, for the appointment and the payment of remuneration to the various officers, representatives, agents and servants of the Corporation and to any other person or persons for services rendered; and for the expenditure and disposal of the funds of the Corporation. Such rules when made and such resolutions when

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passed may, by resolution passed at any general meeting of the members of the Corporation by a majority of votes, be altered, added to, amended or cancelled.

The rules in the Schedule to be the rules of the Corporation.

7. (1) Subject to the provisions of section 6, the rules set out in the Schedule, shall for all purposes, be the rules of the Corporation:

Provided, however, that nothing in this section contained shall be held or construed to prevent the Corporation at all times hereafter from making fresh rules, or from altering, amending, adding to, or cancelling any of the rules in the Schedule or to be hereafter made by the Corporation.

(2) All members of the Corporation shall be subject to the rules in force for the time being of the Corporation.

Power to raise loans, &c.

8. It shall be lawful for the Corporation to borrow or raise money for the purposes of the Corporation; and to create, execute, grant or issue any mortgages, bonds, debentures or obligations of the Corporation and to pay off and reborrow the money secured thereby or any part or parts thereof.

Debts due by and payable to the Corporation.

9. All debts and liabilities of the Chamber existing at the time of the coming into operation of this Act shall be paid by the Corporation hereby constituted, and all debts due to, and subscriptions and contributions payable to, the Chamber shall be paid to the Corporation for the purposes of this Act.

Procedure for affixing the seal of the Corporation.

10. The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of two of the members of the Board of Trustees, who shall sign their names on the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness. Any instrument sealed with the seal of the Corporation and signed by two members of the Board of Trustees shall be presumed to be duly executed.

Corporation may hold property.

11. The Corporation shall be able and capable in law to take and hold either as beneficial owner or as trustee or otherwise any property, movable or immovable, upon or by virtue of any instrument of

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purchase, grant, gift, or lease, or upon or by virtue of any testamentary disposition or otherwise, and all such property shall be held by the Corporation, for the purposes of this Act and subject to the rules for the time being of the Corporation or otherwise for the purposes of and upon the trusts and subject to the conditions in the relative instrument or disposition contained, with full power (subject always to the provisions of any written law relating to trusts and of the relative instrument or disposition) to sell, mortgage, lease, exchange or otherwise dispose of, encumber, or charge the same.

Board of Trustees.

12. (1) There shall be a Board of Trustees consisting of three members of the Corporation who shall be elected at a general meeting of the Corporation. Any vacancy caused by the death, resignation or discontinuance of any member, shall be filled by the Executive Council till the next general meeting.

(2) The power conferred on the Corporation by section 11 to sell, mortgage, lease, exchange or otherwise dispose of immovable property, shall be exercised by the Board of Trustees subject to the rules in force for the time being of the Corporation. The Board shall, however, obtain the prior sanction of the Executive Council for every such transaction.

Limit of liability of members.

13. No member of the Corporation shall, for the purpose of discharging the debts and liabilities of the Corporation, be liable to make any contribution exceeding the amount of such annual subscriptions as may be due from him to the Corporation.

Saving of the rights of the Crown and others.

14. Nothing in this Act contained shall prejudice or affect the rights of Her Majesty the Queen, Her Heirs and Successors or of any body politic or corporate or of any other person, except such as are mentioned in this Act, and those claiming by, from or under them.

SCHEDULE

Rules

Existing members.

(1) Save to the extent to which they are hereinafter required to comply with any of the rules, all firms, companies, corporations, co-operative societies, associations and individuals who are members on 1.10.1967, shall be deemed on the coming into operation of these rules, to have duly complied with and fulfilled the provisions of these rules relating to election for membership and accordingly shall be deemed to be members duly elected under and shall be bound by the rules.

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Eligibility for membership.

(2) (*a*) Any firm, company, corporation, co-operative society, association or individual, who is engaged in or connected with an industrial undertaking or who is interested in industrial development and willing to aid in carrying into effect the objects of the Chamber, may apply to the Secretary for election as a member or patron of the Chamber.

(*b*) Every application for election as a member or patron shall be made in the form or forms provided by the Chamber for the purpose and shall be accompanied by the enrolment fee and the annual subscription for the first year. The application shall include an agreement to be bound, if elected, by the rules and decisions of the Chamber and by the decisions of the Executive Council.

Election of members and patrons.

(3) (*a*) Every application for election as member or patron shall be tabled by the Secretary at the next meeting of the Executive Council.

(*b*) The Executive Council shall have the right to call for further information concerning any candidate for membership before proceeding to the election.

(*c*) A candidate who secures a majority of the votes of the Executive Council members who are present at the meeting and who vote, shall be admitted as a member.

(*d*) The decision of the Executive Council shall be final and it shall not be bound to assign any reason for its decision.

(*e*) The Executive Council may elect for a stated period any person as honorary patron or honorary member in recognition of exceptional services rendered by him to the Chamber and generally to the industrial development of the country.

(*f*) The date at which a person is inscribed as a member in the Register shall be the date on which he is elected as a member by the Executive Council.

(*g*) Every person elected as a member shall be notified by the Secretary of his admission to membership within fourteen days of his election.

Subscriptions.

(4) (*a*) The annual subscriptions payable by the members are as follows on the basis of the investment in the industry:—

Investment	*Annual Subscription*
(*a*) Under Rs. 5,000	... Rs. 75
(*b*) Rs. 5,000—Rs. 25,000	... Rs. 100
(*c*) Rs. 25,000—Rs. 50,000	... Rs. 125
(*d*) Rs. 50,000—Rs. 100,000	... Rs. 150
(*e*) Rs. 100,000 and above	... Rs. 200

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(*b*) The annual subscription of a member who is interested in industrial development but who is not engaged in an industrial undertaking is Rs. 50.

(*c*) The subscription for life-membership is Rs. 2,500 and for patron is Rs. 5,000 or more.

(*d*) The enrolment fee is Rs. 30.

(*e*) Except in the case of (*c*) above, the subscription shall be valid for a period of one year from the date on which the member was inscribed in the Register.

(*f*) The renewal subscription shall be paid within three months from the date of expiry of the subscription for the previous year and shall be valid for a period of one year from the date of expiry.

(*g*) Any member whose subscription is in arrears for a period of six months from the date of expiry shall *ipso facto* cease to be a member. The Secretary shall inform him of this by registered post.

(*h*) The Executive Council may, however, readmit to membership any person who has ceased to be a member under (*g*) above, provided he pays the arrears of subscription.

Register of members.

(5) The Secretary shall keep a Register of Members, which shall contain the following particulars:—

(*a*) the name and address of each member,

(*b*) the name and address of the representative of each member,

(*c*) the nature of the industry and the amount of investment,

(*d*) the date at which the name of the person was inscribed in the Register as member, and

(*e*) the date at which the person ceased to be a member.

Resignation of members.

(6) A member of the Chamber may resign by giving one calendar month's notice in writing to the Secretary of the Chamber of his intention to do so and on expiration of the notice period, he shall cease to be a member, but he shall, nevertheless, continue to be liable to the Chamber for any moneys due from him to the Chamber.

Executive Council.

(7) (*a*) The affairs of the Chamber shall, subject to the rules in force for the time being of the Chamber as hereinafter provided, be administered by an Executive Council.

(*b*) The Executive Council shall consist of the following office-bearers and members:—

(i) a Chairman,

(ii) a Deputy Chairman,

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(iii) four Vice-Chairmen,
(iv) a Treasurer,
(v) not less than 30 and not more than 40 members, and
(vi) persons admitted to membership by the Chairman under Clause 7 (*c*).

(*c*) The Chairman with the concurrence of the Executive Council, may admit to membership of the Council not more than five persons who have rendered distinguished public service or are persons of eminence in professional, commercial or industrial fields, including Law, Science and Engineering. Such members shall be members of the Executive Council and shall have voting rights but will not be called upon to pay any subscriptions.

(*d*) The Executive Council shall be elected at each annual general meeting.

(*e*) The Executive Council shall retire at each annual general meeting but every member thereof shall be eligible for re-election.

(*f*) Any vacancy occurring in the Council may be filled by the Executive Council till the next general meeting.

The Executive Council meetings.

(8) (*a*) The Chairman of the Chamber or in his absence the Deputy Chairman or in the absence of the Chairman and Deputy Chairman, one of the Vice-Chairmen shall preside at any Executive Council meeting. In their absence, the meeting shall elect a Chairman from amongst those present.

(*b*) As far as possible at least one meeting of the Executive Council shall be held each month.

(*c*) Not less than seven days notice of every meeting of the Executive Council shall be given to each member of the Executive Council.

(*d*) The Chairman may himself call or on requisition in writing signed by him or by any five members of the Executive Council, may require the Secretary to call a meeting of the Executive Council at any time, and on receipt of such requisition, the Secretary shall forthwith call such a meeting.

(*e*) At any meeting of the Executive Council, ten members of the Council present at the meeting shall constitute the quorum.

(*f*) Each member of the Executive Council shall have one vote and in case of a tie, the Chairman shall, in addition to his own vote, have a casting vote.

Powers of the Executive Council.

(9) (*a*) The Executive Council shall be responsible for the general direction, supervision and control of all activities of the Chamber, for the collection and disbursement of its funds and for the proper administration of the Chamber.

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(*b*) The Executive Council shall have the power to appoint such staff and on such terms as it may consider necessary.

(*c*) The Executive Council may from time to time appoint Sub-Committees for the purpose of considering and reporting on any affair of the Chamber or carrying on or promoting any object of the Chamber. The Secretary of the Chamber shall be the Secretary of such Committees.

(*d*) The Executive Council shall have the power to charge fees for any special services rendered by the Chamber to any member of the Chamber or to anyone else.

Advisory Council.

(10) (*a*) There shall be an Advisory Council consisting of the Chairman, the Deputy Chairman and six other members.

(*b*) Four members shall be elected at each Annual General Meeting.

(*c*) The other two members shall be admitted to the Council by the Chairman with the concurrence of the Executive Council. They shall be persons who have rendered distinguished public service or persons of eminence in professional, commercial or industrial fields, including Law, Science and Engineering.

(*d*) Meetings of the Advisory Council shall be called by the Chairman.

Duties of the officials of the Chamber.

(11) (*a*) There shall be a Chief Executive, Secretary and such other staff as the Executive Council may deem fit to appoint.

(*b*) The Chief Executive and the Secretary shall not be removable except on a substantive motion adopted at a general meeting and passed by a majority of two-thirds of the members present at that meeting.

(*c*) The Chief Executive shall have full administrative and disciplinary control over the employees of the Chamber and be responsible for its proper and efficient administration and for the prompt execution of the decisions of the Executive Council and general meetings. He shall be responsible for promptly depositing in the bank approved by the Executive Council all monies received by the Chamber.

(*d*) The Secretary shall attend every general meeting of the Chamber, of the Executive Council and of any Committees that may be appointed, and keep records of the proceedings which shall be submitted by him at subsequent meetings for confirmation. He shall be responsible for convening such meetings. He shall also keep the Register of Members and maintain it upto date and shall perform such other duties as may be assigned to him by the Executive Council.

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(*e*) The Honorary Treasurer shall be responsible for preparing quarterly statements of accounts, presenting such accounts at the Executive Council meetings and for presenting the audited statement of accounts for the year at the annual general meeting.

Board of Trustees.

(12) (*a*) There shall be a Board of Trustees consisting of three suitable members elected at the annual general meeting.

(*b*) Subject to the approval of the Executive Council, the Board shall have power:—

(i) to purchase and/or take on lease any lands or buildings for or on behalf of the Chamber at or for such price or prices and/or for such rent or rents and under such title and upon such terms and conditions as the Board may think fit and proper and also to erect and construct any building or buildings on any land or lands purchased or leased or to be purchased or leased as aforesaid. It shall also have power to sell or mortgage the whole or any part or parts of the property of the Chamber, whether movable or immovable;

(ii) to lease or let on any form of tenancy any land or buildings or any part or portions thereof respectively belonging to the Chamber for such periods and at such rent and upon such terms and conditions as it shall think fit and proper;

(iii) from time to time, at its discretion, to borrow money for the purposes of the Chamber, to such extent, in such manner and upon such terms and conditions as it may think fit and for such purposes to grant bonds, promissory notes, bills, debentures, interest warrants, bonds for cash credit, trust deeds or other documents and to issue letters of credit.

Annual general meeting.

(13) (*a*) The annual general meeting shall be held not later than the 31st day of May in each year as the Council for the time being shall decide for the purpose of the following businesses:—

(i) to receive the Annual Report and Audited Accounts of the preceding year;

(ii) to elect office-bearers and the Council members for the ensuing year;

(iii) to elect an Auditor;

(iv) to consider and take action as may be decided upon with reference to any other business motion or resolution of which due notice shall have been given.

(*b*) A notice of the Annual General Meeting shall be given to each member at least fourteen days before the date of the meeting.

(*c*) Notices of motions or resolutions shall be sent to reach the Secretary at least seven days before the date of the meeting.

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Special general meeting.

(14) (*a*) Special general meetings shall be convened by the Secretary on the direction of the Executive Council for the transaction of any business which in the opinion of the Council required the consideration of the general body of members.

(*b*) Special general meetings shall also be convened by the Secretary on a request signed by not less than fifteen members of the Chamber eligible to vote and specifying the subjects to be discussed.

(*c*) Not less than ten days' notice shall be given to each member specifying the place, date and time of the meeting.

(*d*) A statement of the business to be transacted shall be given by post or otherwise served at least three days before the date of the meeting.

Proceedings at annual or special general meetings.

(15) (*a*) The Chairman of the Chamber, or in his absence the Deputy Chairman or in the absence of the Chairman and Deputy Chairman, one of the Vice-Chairmen shall preside at any annual or special general meeting. In their absence, the meeting shall elect a Chairman from among those present.

(*b*) At any meeting, a resolution put to the vote of the Meeting shall be decided by a show of hands, unless a poll (before or on the declaration of the result on the show of hands) is demanded by the Chairman or by at least five members. Unless a poll is so demanded, a declaration by the Chairman that the resolution had, on show of hands, been carried unanimously or by a particular majority or lost and the entry to that effect in the book of the proceedings of the meetings of the Chamber and signed by the Chairman, shall be conclusive evidence of the fact.

(*c*) At any meeting of the Chamber, every member present, provided there are no arrears of subscription due by him to the Chamber, shall be entitled to one vote and in the event of equality of votes, the Chairman shall have a casting vote, in addition to his own vote.

(*d*) Any member who so desires may nominate in writing the name of any person to represent him at any meeting of the Chamber and to vote on his behalf, which writing shall be sent to the Secretary at least three days before the date of the meeting.

Quorum.

(16) The quorum at meetings of the Chamber shall be as follows:—

Annual or Special General Meeting	...	20
Executive Council Meeting	...	10

Minutes of meetings.

(17) The minutes of the proceedings of the meetings of the Chamber and the Executive Council shall be kept by the Secretary and shall be signed by the person presiding over the next meeting.

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Bank account and books of accounts.

(18) (*a*) All moneys shall be deposited in the Bank to the account of the Chamber and such account shall be operated by the Honorary Treasurer and one other person from a list of two members nominated by the Executive Council.

(*b*) The Executive Council shall cause to be kept proper books of accounts with respect to:—

(i) all sums of money received and expended by the Chamber and the matters in respect of which receipt and expenditure take place,

(ii) all sales and purchases of goods of the Chamber, and

(iii) the assets and liabilities of the Chamber.

(*c*) The books of accounts shall be kept at the office of the Chamber or at such other place as the Executive Council thinks fit and shall be open to inspection by any member of the Executive Council during office hours.

Industrial Sections.

(19) (*a*) Any number of members who may wish to associate themselves together in an Industrial Section with a view to representing more effectually the interests of any particular industry, may address the Council to that effect and the Council thereupon may if it thinks fit, authorise the formation of such an Industrial Section.

(*b*) The affairs of an Industrial Section shall be managed by a Committee elected from its members.

(*c*) The Secretary shall be the ex officio Secretary of any Industrial Section.

Regional Offices.

(20) (*a*) The Executive Council may establish regional offices to serve better the needs of members in each region. Each such office shall elect an Honorary Secretary and Honorary Treasurer of the Regional Office from among the members of the region in which the office is to be established.

(*b*) The Executive Council, in consultation with members in the region in which the Regional Office is to be established may form Regional Committees in order to assist in the administration of the Chamber in the respective Regional Offices.

(*c*) Where a Regional Office is established, the Executive Council may frame rules and regulations for the disposal of the funds collected in that region and for the proper functioning of that Regional Office.

Amendments to rules.

(21) No amendments to these rules shall be made except at an annual or special general meeting. No such amendment shall be valid unless it is passed by a majority of two-thirds of the members present at that meeting.

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(22) In these rules, the following words shall have the meanings set out unless such meanings are inconsistent with or repugnant to the subject or context:— Interpretation.

"the Chamber" shall mean the Ceylon National Chamber of Industries;

"Executive Council" shall mean the Executive Council of the Chamber;

"the Chairman" shall mean the Chairman of the Chamber for the time being and includes the Deputy Chairman and Vice-Chairmen;

"Honorary Treasurer" shall mean the Honorary Treasurer for the time being of the Chamber;

"co-operative society" shall mean any industrial co-operative society registered by the Department of Co-operative Development;

"the rules" shall mean these rules and the rules of the Chamber from time to time in force;

"a member" shall mean a member of the Chamber.

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PARLIAMENT OF CEYLON

4th Session 1968-69

Public Performances (Amendment) Act, No. 11 of 1969

Date of Assent : June 1, 1969

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L. D.—O. 52/66.

An Act to amend the Public Performances Ordinance.

Chapter 176, Volume VI, page 725.

[Date of Assent: June 1, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Public Performances (Amendment) Act, No. 11 of 1969.

Amendment of the long title of Chapter 176.

2. The long title of the Public Performances Ordinance (as last amended by Act No. 40 of 1961 and Act No. 26 of 1964), hereinafter referred to as " the principal enactment ", is hereby amended by the substitution, for the words " PUBLIC PERFORMANCES AND CARNIVALS. ", of the words "PUBLIC PERFORMANCES AND CARNIVALS, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO. ".

Amendment of section 2 of the principal enactment.

3. Section 2 of the principal enactment is hereby amended by the insertion, immediately after the definition of " carnival ", of the following new definitions:—

' " cinema " means any place ordinarily used for the exhibition of pictures or optical effects by means of a cinematograph, magic lantern, or other similar apparatus;

" club " means any body of persons, whether corporate or unincorporate, associated together for a common purpose; '.

Amendment of section 6 of the principal enactment.

4. Section 6 of the principal enactment is hereby amended as follows:—

(*a*) by the repeal of sub-section (1) of that section, and the substitution therefor of the following new sub-section:—

" (1) (*a*) Subject to the provisions of sub-section (9), no public performance shall, unless it has been certified by a certifying

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authority as suitable for public exhibition and such certificate remains unrevoked, be exhibited or presented either—

(i) to the public in any premises, whether public or private; or

(ii) to the members of any club in any cinema, building, erection or other premises authorized, for the time being, to be used for public performances under a licence or permit issued by a Municipal Council or other local authority.

(*b*) No exhibition of pictures or optical effects, by means of a cinematograph, magic lantern or other similar apparatus, which has not been submitted to or viewed by a certifying authority, shall be exhibited or presented either—

(i) to the public in any premises, whether public or private; or

(ii) to the members of any club in any cinema, building, erection or other premises authorized, for the time being, to be used for public performances under a licence or permit issued by a Municipal Council or other local authority. ''; and

(*b*) by the repeal of sub-section (10) of that section, and the substitution therefor of the following new sub-section:—

'' (10) The Minister may by Order published in the *Gazette*—

(*a*) prescribe a fee or charge to be paid in respect of any public performance submitted to and viewed by the certifying authority;

(*b*) provide for the collection or recovery of such fee or charge and the disposal thereof upon collection or recovery;

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(*c*) make such provision as he may consider necessary for carrying out or giving effect to the principles and purposes of this section, including provision for or in respect of any matter authorized or required by this section to be prescribed. ".

Insertion of new section 7 in the principal enactment.

5. The following new section is hereby inserted immediately after section 6, and shall have effect as section 7, of the principal enactment:—

" Reference to the order of a certifying authority in advertisements relating to a film.

7. Any person who, without the previous sanction of a certifying authority, prints, publishes, distributes or posts up, or causes to be printed, published, distributed or posted up, any newspaper advertisement, handbill, placard or poster which contains any reference to any order or decision of such certifying authority or any part thereof in respect of any public performance, shall be guilty of an offence, and shall be liable, on conviction after summary trial before a Magistrate, to a fine not exceeding one thousand rupees or to imprisonment of either description for any period not exceeding six months. ".

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PARLIAMENT OF CEYLON

4th Session 1968-69

Co-operative Wholesale Establishment (Amendment) Act, No. 12 of 1969

Date of Assent : June 1, 1969

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L. D.—O. 23/67.

AN ACT TO AMEND THE CO-OPERATIVE WHOLESALE ESTABLISHMENT ACT.

[Date of Assent: June 1, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Co-operative Wholesale Establishment (Amendment) Act, No. 12 of 1969.

Amendment of section 2 of Chapter 126.

2. Section 2 of the Co-operative Wholesale Establishment Act (hereinafter referred to as the " principal Act ") is hereby amended, in sub-section (2) of that section, by the substitution, for paragraph (*c*) thereof, of the following new paragraph:—

" (*c*) to carry on such other trade or business, including any agricultural or industrial undertaking or the business of banking or shipping, as may be approved by the Minister, with the concurrence of the Minister of Finance.".

Amendment of section 3 of the principal Act.

3. Section 3 of the principal Act is hereby amended as follows:—

(1) by the renumbering of that section as sub-section (1) of that section; and

(2) by the insertion, immediately after sub-section (1) of that section, of the following new sub-section:—

" (2) The board may, with the concurrence of the Minister, delegate any of its powers or duties relating to general supervision and administration to any director or officer of the board. Such director or officer shall exercise such powers or perform such duties subject to the general or special directions of the board.".

J 1162-3,005 (2/69)

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Insertion of new section 11A in the principal Act.

4. The following new section is hereby inserted immediately after section 11 of the principal Act and shall have effect as section 11A of that Act:—

" Protection for employees of the board for acts done in good faith.

11A. No suit, prosecution or other legal proceeding shall lie against any employee of the board in respect of any act which is done or purported to be done by him in good faith under this Act.".

Amendment of section 16 of the principal Act.

5. Section 16 of the principal Act is hereby amended by the repeal of sub-section (2) of that section, and the substitution therefor of the following new sub-section:—

" (2) Of the amounts standing to the credit of the General Reserve such proportion as may be determined by the Minister with the concurrence of the Minister of Finance, shall be invested in securities of any description referred to in section 20 of the Trusts Ordinance or in any trade or business which the Establishment may carry on under this Act; and the moneys realized from the sale of any such investment remaining after the making of any payment authorized by sub-section (3) of this section shall be reinvested in securities or in any such trade or business.".

Replacement of section 19 of the principal Act.

6. Section 19 of the principal Act is hereby repealed and the following new section substituted therefor:—

' Audit of accounts of the board.

19. (1) The board shall have its accounts audited each year by the Auditor-General. For the purpose of assisting him in the audit of such accounts, the Auditor-General may employ the services of any qualified auditor or auditors who shall act under his direction and control.

(2) For the purpose of meeting the expenses incurred by him in auditing the accounts of the board, the Auditor-General shall be paid from the funds of the board such remuneration as the

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Minister may determine with the concurrence of the Minister of Finance. Any remuneration received from the board by the Auditor-General shall, after deducting any sums paid by him to any qualified auditor employed by him for the purpose of such audit, be credited to the Consolidated Fund of Ceylon.

(3) For the purposes of this section the expression " qualified auditor " means—

(*a*) an individual who, being a member of the Institute of Chartered Accountants of Ceylon, possesses a certificate to practise as an Accountant issued by the Council of that Institute; or

(*b*) a firm of Chartered Accountants each of the partners of which, being a member of that Institute, possesses a certificate to practise as an Accountant issued by the Council of that Institute.'.

Amendment of section 20 of the principal Act.

7. Section 20 of the principal Act is hereby amended as follows:—

(1) in sub-section (1) of that section, by the substitution, for the expression "The auditor shall", of the expression " The Auditor-General shall ";

(2) in sub-section (2) of that section, by the substitution, for the expression " the auditor shall ", of the expression " the Auditor-General shall "; and

(3) by the substitution, for the marginal note to that section, of the following new marginal note:—

" The Auditor-General's report.".

Amendment of section 21 of the principal Act.

8. Section 21 of the principal Act is hereby amended as follows:—

(1) by the substitution, for the expression " the auditor's report ", of the expression " the Auditor-General's report "; and

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(2) in the marginal note to that section, by the substitution, for the expression " with auditor's report ", of the expression " with Auditor-General's report ".

Replacement of section 24 of the principal Act.

9. Section 24 of the principal Act is hereby repealed and the following new section substituted therefor:—

" Application of net annual profits.

24. The net annual profits of the board shall be applied to the following purposes:—

(*a*) firstly, for the payment to the Consolidated Fund of such sum as may be determined annually by the Minister acting with the concurrence of the Minister of Finance;

(*b*) secondly, for such other purposes including the payment of a bonus to the members of the staff of the board as may be determined by the board, with the approval of the Minister; and

(*c*) the balance of such annual profits for payment to the General Reserve. ".

Amendment of section 32 of the principal Act.

10. Section 32 of the principal Act is hereby amended in sub-section (2) of that section, as follows:—

(*a*) by the substitution, for the expression " building is to be acquired ", of the expression " building has been acquired "; and

(*b*) by the substitution, for the expression " the board shall, before an order relating to that land or building is made under section 38 of that Act, pay ", of the expression " the board shall pay ".

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PARLIAMENT OF CEYLON

4th Session 1968-69

Local Government Service Employees (Special Pension Provisions) Act, No. 13 of 1969

Date of Assent : June 1, 1969

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Local Government Service Employees (Special Pension Provisions) Act, No. 13 of 1969

L. D.—O. 58/68.

AN ACT TO PROVIDE FOR THE PAYMENT OF PENSIONS, GRATUITIES, AND RETIRING ALLOWANCES TO CERTAIN LOCAL GOVERNMENT SERVICE EMPLOYEES WHO HAVE RETIRED FROM SERVICE AND FOR MATTERS CONNECTED THEREWITH.

[Date of Assent: June 1, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Local Government Service Employees (Special Pension Provisions) Act, No. 13 of 1969.

Payment of pension, &c., to certain transferred members of the Local Government Service.

2. (1) Every member of the Local Government Service who was a transferred member to whom the Local Government Service Pension Scheme Regulations, 1952, published in *Gazette Extraordinary* No. 10,429 of July 30, 1952, as subsequently amended did not apply, and who had on or before June 30, 1964, retired from such service on the ground of his inability to work, in the Sinhala language, shall notwithstanding anything in the Local Government Service Ordinance or in any other written law, be deemed to have retired from such service on the ground of ill health under the by-laws, or rules of the local authority in whose employ he was on the day immediately preceding the day he became a transferred member; and accordingly, may be awarded by the Local Government Service Commission a pension, gratuity or retiring allowance in accordance with the provisions of section 58 of the Local Government Service Ordinance.

Cap. 264.

(2) The provisions of sections 59 and 60 of the Local Government Service Ordinance shall apply to every pension, gratuity or retiring allowance awarded under sub-section (1) of this section.

The date from which a pension or retiring allowance is

3. The pension or retiring allowance awarded to any person under section 2 of this Act shall be payable from the date on which such person retired from

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Interpretation.

4. In this Act—

Cap. 264.

" local authority " has the same meaning as in the Local Government Service Ordinance;

" Local Government Service " means the Local Government Service constituted under section 15 of the Local Government Service Ordinance;

" Local Government Service Commission " means the Local Government Service Commission established under section 2 of the Local Government Service Ordinance; and

" transferred member " means a person who has been transferred to the Local Government Service under section 55 or section 63 of the Local Government Service Ordinance.

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PARLIAMENT OF CEYLON

4th Session 1968-69

Co-operative Societies Loans (Special Provisions) Act, No. 14 of 1969

Date of Assent : June 1, 1969

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Co-operative Societies Loans (Special Provisions) Act, No. 14 of 1969

L. D.—O. 34/68.

AN ACT TO PROVIDE FOR THE REMOVAL OF DOUBTS AS TO THE VALIDITY OF LOANS GRANTED BY CO-OPERATIVE SOCIETIES FOR AGRICULTURAL PURPOSES TO THEIR MEMBERS ON THE SECURITY OF CERTAIN BONDS, AND AS TO THE VALIDITY OF SUCH BONDS, AND FOR PURPOSES CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: June 1, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and date of coming into force.

1. This Act may be cited as the Co-operative Societies Loans (Special Provisions) Act, No. 14 of 1969, and shall be deemed, for all purposes, to have come into force on September 2, 1967.

Special provisions applicable in the case of loans granted by Co-operative Societies for agricultural purposes on the security of certain bonds.

2. (1) A Co-operative Society shall have power to grant a loan for agricultural purposes to any person who is a member of that Society on the security of a bond which stipulates, *inter alia*, that in the event of default in the repayment of such loan, such person shall surrender on demand his rice ration book and those of the members of the family of such person, and accordingly—

(*a*) the grant of such loan shall be deemed, for all purposes, to be an object or purpose for which that Society may utilize its funds, notwithstanding anything in any relevant written law applicable to that Society;

(*b*) that Society, or any of its officers on behalf of that Society, shall have authority to do all such acts or things as may be necessary to give full force and effect to the preceding provisions of this sub-section;

(*c*) such person shall have power to enter into such bond, and to sign such bond on behalf of the minor members of his family, and is hereby authorized and required to do all such acts or things as may be necessary to comply with the terms of such bond and the provisions of this Act which are applicable in the event of default in the repayment of such loan;

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(*d*) each adult member of the family of such person shall have power to sign such bond, and is hereby authorized and required to do all such acts or things as may be necessary to enable such person to comply with the terms of such bond and the provisions of this Act referred to in paragraph (*c*) of this sub-section;

(*e*) such loan shall be deemed, for all purposes, to be validly given, notwithstanding that it was so given on the security of such bond; and

(*f*) such bond shall be deemed, for all purposes, to be valid, notwithstanding that it contains the stipulation referred to in the preceding provisions of this sub-section.

(2) The form of the bond referred to in sub-setion (1) shall be as determined, from time to time, by the Co-operative Society by which the loan to which the bond relates is granted.

Special provisions applicable in the event of default in the repayment of a loan.

3. (1) Where any Co-operative Society has granted a loan for agricultural purposes to any person who is a member of that Society on the security of a bond which stipulates, *inter alia*, that in the event of default in the repayment of the loan, such person shall surrender on demand his rice ration book and those of the members of the family of such person, then, the following provisions shall apply in the event of default in the repayment of such loan:—

(*a*) that Society shall have the right to demand from such person by notice in writing the surrender of all or any of such rice ration books within such time as may be specified in the notice, and, upon the expiration of that time, such person shall cease to have the right to retain possession of all or any such books;

(*b*) in the event of the rice ration books being so surrendered, that Society shall have the right to retain possession of them and to dispose of them in accordance with such directions as may be issued from time to time by the Food Controller;

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(*c*) upon failure to surrender the rice ration books in compliance with such a notice, no rice rations shall be issued to the holders of the rice ration books referred to in such notice until the loan is settled in full, whether by the surrender of rice ration books or otherwise;

(*d*) if the rice ration books are surrendered in compliance with such a notice but the value of the rice rations to which the coupons in such books relate is not sufficient to settle the loan in full, no rice rations shall be issued to the holders of the rice ration books referred to in such notice until such loan is settled in full, whether by the surrender of rice ration books or otherwise;

(*e*) every case of failure to so surrender the rice ration books shall forthwith be reported to the Food Controller by that Society, and the Food Controller shall forthwith issue written directions to the authorized distributor from whom rations are drawn on such rice ration books, to stop the issue of rations on such ration books, and it shall be the duty of such authorized distributor to comply with such directions;

(*f*) the settlement of the loan by means of the withholding of rice rations, whether by the surrender of the rice ration books to which such rice rations relate or otherwise, shall, after the assignment of a value to such rice rations as hereinafter provided, be effected in such mode and manner as may be determined by the Food Controller from time to time by directions which he is hereby authorized to issue in that behalf.

(2) For the purpose of enabling the repayment of any loan referred to in sub-section (1) by means of the surrender of rice ration books, the Food Controller may, from time to time, by notice published in the *Gazette* assign a value to a weekly rice ration. Different values may be so assigned in respect of the rice rations for different weeks.

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Special provisions relating to bonds entered into during a certain period.

4. No bond of the description referred to in section 2 (1) which was entered into by a member of any Co-operative Society at any time during the period commencing on September 2, 1967, and ending on the day immediately prior to the date on which this Act becomes an Act of Parliament shall be deemed or construed to be invalid by reason only of the fact that it contains on the face of it a reference to any provision of any regulation or regulations made, or purporting to have been made, under the Food Control Act; and such bond shall be read and construed, for all purposes, as though for that reference there had been substituted a reference to the provisions, or the corresponding provisions, of this Act.

Power of Minister to make Orders.

5. All matters connected with or relating to loans granted by Co-operative Societies for agricultural purposes to their members and defaults in the repayment of such loans for which no provision or no effective provision is made by this Act or in respect of which the provisions of this Act require to be supplemented or modified to meet special or unforeseen circumstances, may be provided for by Order of the Minister published in the *Gazette;* and every such Order shall, upon such publication, be as valid and effectual as if it were herein enacted.

This Act to prevail over other written law.

6. In the event of any conflict or inconsistency between the provisions of this Act and any other written law, such provisions shall, to the extent of such conflict or inconsistency, prevail over such other written law.

Interpretation.

7. In this Act, unless the context otherwise requires—

"authorized distributor" means a person authorized to be an authorized distributor under any regulations made under the Food Control Act;

"Co-operative Society" means a Co-operative Society registered under the Co-operative Societies Ordinance;

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" Food Controller " includes a Deputy Food Controller and any Assistant Food Controller;

" members of the family ", in relation to any person, means his spouse, his children who are minors, and his other children, being adults, who have signified their written consent in the bond referred to in section 2 (1) to surrender rice ration books, and the expression " minor members of the family " and " adult members of the family " shall be construed accordingly;

" relevant written law ", in relation to a Co-operative Society, means the Co-operative Societies Ordinance, any rules made thereunder, and the by-laws of that Society.

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PARLIAMENT OF CEYLON

4th Session 1968-69

Ceylon Railway Guards' and Locomotive Enginemen's Provident Association (Incorporation) Act, No. 15 of 1969

Date of Assent : June 1, 1969

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Ceylon Railway Guards' and Locomotive Enginemen's Provident Association (Incorporation) Act, No. 15 of 1969

L. D.—O. 26/67.

AN ACT TO INCORPORATE THE CEYLON RAILWAY GUARDS' AND LOCOMOTIVE ENGINEMEN'S PROVIDENT ASSOCIATION.

[Date of Assent: June 1, 1969]

WHEREAS an association called and known as "The Ceylon Railway Guards' and Locomotive Enginemen's Provident Association" was established in Colombo in the year one thousand nine hundred and twenty-four for the purpose of carrying out the objects of that association according to the rules agreed to by its members:

And whereas the said association has heretofore been successfully carrying out its objects, and has applied to be incorporated, and it is now desirable and expedient that the said association should be incorporated:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Ceylon Railway Guards' and Locomotive Enginemen's Provident Association (Incorporation) Act, No. 15 of 1969.

Incorporation.

2. The persons who, on the date of the commencement of this Act, are members of the Ceylon Railway Guards' and Locomotive Enginemen's Provident Association (hereinafter referred to as "the Association") and such other persons as are hereafter enrolled as members of the Association shall be a body corporate (hereinafter referred to as "the Corporation") with perpetual succession, a common seal and the name "The Ceylon Railway Guards' and Locomotive Enginemen's Provident Association". The Corporation may sue or be sued by that name.

General objects.

3. The general objects of the Corporation shall be—

(*a*) to promote thrift among its members;

(*b*) to aid members in pecuniary difficulties and to give relief to them by way of financial assistance in times of need;

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(*c*) to grant loans to members for such purposes as the Corporation may from time to time determine in accordance with the rules of the Corporation made as hereinafter provided;

(*d*) on retirement, resignation, dismissal or termination of services in any other way or on the death, of any member, to pay him or to his widow and children, heirs or nominees, as the case may be, such portion of his contributions to the funds of the Corporation and such donations, as may be authorized by the rules of the Corporation; and

(*e*) generally to assist financially the members of the Corporation.

Membership.

4. (1) Every person of the age of thirty years or under holding an appointment in the Ceylon Government Railway in any of the undermentioned grades shall be eligible for admission as a member of the Corporation—

(*a*) Guards, Locomotive Enginemen, Engine Drivers and Locomotive Enginemen Trainees;

(*b*) Officers of the Supervisory Grades, members of the Security Service and Special Apprentices.

(2) Any member who may be transferred to a different grade or department but still continues in the service of the Ceylon Government may retain his membership of the Corporation.

Committee of Management.

5. (1) The affairs of the Corporation shall be administered, subject to the rules made as hereinafter provided, by a Committee of Management consisting of a President, two Vice-Presidents and fourteen members elected once a year at the annual general meeting.

(2) The Committee of Management shall appoint a Joint Secretary and Treasurer of the Corporation in accordance with such rules as may be made for the purpose by the Corporation.

(3) The first members of the Committee of Management shall consist of the President, the two Vice-Presidents, the Secretary, the Treasurer and the

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other members of the Committee of Management of the Association holding office at the time of the coming into operation of this Act and that Committee of Management shall continue to function until the first annual general meeting of the Corporation is held after the coming into operation of this Act.

(4) The quorum for meetings of the Committee of Management shall be nine.

General meetings.

6. (1) An annual general meeting of the members of the Corporation shall be held not later than the 31st day of July in each year at which shall be submitted a Balance Sheet, a Profit and Loss Account, and an account of receipts and disbursements of the Corporation during the twelve months ending on the 31st day of March preceding, all of which shall be prepared by the Joint Secretary and Treasurer and duly audited. In exceptional circumstances, it shall be lawful for the Committee of Management to postpone the holding of the annual general meeting to a date not later than the 31st day of October.

The Joint Secretary and Treasurer shall, not less than seven days before the date fixed for the meeting, issue to all members the agenda for that meeting.

(2) The Joint Secretary and Treasurer shall, on the direction of the Committee of Management or upon the written requisition of thirty or more members of the Corporation, call a special general meeting.

(3) The quorum for a general meeting of the members of the Corporation shall be fifty.

(4) Notice of not less than fourteen days shall be given of every general meeting by advertisement in at least one local daily newspaper or in the Railway Weekly Notice.

(5) Voting at a general meeting shall be by a show of hands unless otherwise decided at such meeting. The President shall have a casting vote in addition to his original vote.

Register of members.

7. (1) The Committee of Management shall cause a register to be kept in which the name of every person who has been a member of the Corporation and of every person who is duly admitted a member of the Corporation shall be entered.

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(2) The register shall contain the following particulars:—

(*a*) the name, age on admission, address and designation, of each member,

(*b*) the date on which the name of any person was entered in the register as a member,

(*c*) the date on which any person ceased to be a member,

(*d*) such other information as may be required by the Committee of Management.

Rules.

8. (1) It shall be lawful for the Corporation from time to time at any general meeting and by a majority of not less than two-thirds of such members of the Corporation entitled to vote as are present at the meeting to make rules for any of the following purposes:—

(*a*) the admission, suspension, withdrawal or expulsion of members;

(*b*) the election of members to the Committee of Management and the definition of their powers and duties and the duties of the various officers, agents and servants of the Corporation;

(*c*) the determination and collection of contributions or other calls payable by members and the payment of monies due to them and the imposition of fines, forfeitures and penalties for breaches of rules and the withdrawal or refunding of contributions;

(*d*) the granting of loans and the regulation of the terms and conditions of their grant;

(*e*) the establishment and the regulation of schemes for the benefit of the employees and the establishment of any funds; and

(*f*) the procedure for the transaction of business at general meetings of the Corporation and at meetings of the Committee of Management and for the management of the affairs of the Corporation and the accomplishment of its objects.

(2) Any rule made by the Corporation may be amended or rescinded in like manner as a rule may be made under sub-section (1).

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(3) No rule or amendment or rescission of a rule shall have effect unless the same is confirmed by the Minister of Finance and notice of such confirmation is published in the *Gazette*.

(4) The rules of the Association in force at the time this Act comes into operation shall be deemed to be rules of the Corporation made under this section, and may accordingly be amended, rescinded or replaced by new rules so made.

Property to be held by the Corporation.

9. Any property, movable or immovable, held by the Association before the coming into operation of this Act, or acquired by the Corporation after the coming into operation of this Act, and all subscriptions, contributions, donations, fines, loans and advances received or to be received shall be held by the Corporation for the purposes of this Act.

Debts due by, and payable to the Corporation.

10. All debts and liabilities of the Association existing at the time of the coming into operation of this Act shall be paid and discharged by the Corporation hereby constituted and all debts due to, and subscriptions, contributions, fines, and loans and advances payable to, the Association shall be paid to the Corporation.

Corporation may hold property movable and immovable.

11. The Corporation shall have power to take and hold any property, movable or immovable, upon or by virtue of any instrument of purchase, grant, gift or lease or upon or by virtue of any testamentary disposition or otherwise, and all such property shall be held by the Corporation for the purposes of this Act with power to sell, mortgage, lease, exchange or otherwise dispose of, encumber or charge the same subject only to the provisions of section 12.

Corporation may not sell, exchange or mortgage lands without leave of court.

12. (1) It shall not be lawful for the Corporation to sell, exchange, or mortgage any land vested in it without the leave of the District Court of Colombo, which leave shall be applied for by the Committee of Management by petition addressed to the said court setting out the facts and reasons for which the Corporation desires to sell, exchange, or mortgage such land, and praying for an order of the said court.

(2) A copy of every such petition shall be served on the General Manager of Railways at least fourteen days before the hearing of the petition.

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(3) The General Manager of Railways may oppose the prayer of the petition, and if, after hearing him upon such opposition, the said court is of opinion that it is to the general advantage of the Corporation to grant the prayer of the petition, an order may be made to that effect.

Seal of Corporation how affixed.

13. The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of two members of the Committee of Management, authorized in that behalf by such Committee, who shall sign their names on the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness. Any instrument sealed with the seal of the Corporation and signed by two members of the Committee of Management shall be deemed to be duly executed.

Investment of funds.

14. The funds of the Corporation shall be placed in the name of the Corporation in one or more banks in Ceylon as may be determined by the Committee of Management and it shall be lawful for the Committee of Management from time to time to invest such part of the funds as is not immediately required for any purpose of the business of the Corporation or in connection with the management of the affairs of the Corporation and the achievement of its objects in such manner as the Committee of Management may determine,—

(*a*) in fixed or savings deposits in one or more local banks, or in Ceylon Savings Certificates; or

(*b*) in any bonds, debentures or other securities of the Government of Ceylon; or

(*c*) in any other investment as may from time to time be approved by the Secretary to the Treasury.

Dissolution.

15. The Corporation shall not be dissolved except with the consent of at least four-fifths of the members on the roll. If the Corporation is dissolved, the funds of the Corporation shall, after payment of all claims, be divided among the members in proportion to the amount lying to the credit of each member in the books of the Corporation.

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Saving of the rights of the Crown and others.

16. Nothing in this Act contained shall prejudice or affect the rights of Her Majesty the Queen, Her Heirs and Successors or of any body politic or corporate or any other persons, except such as are mentioned in this Act and those claiming by, from or under them.

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PARLIAMENT OF CEYLON

4th Session 1968-69

Land Development (Amendment) Act, No. 16 of 1969

Date of Assent : June 6, 1969

Printed on the Orders of Government

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L. D.—O. 28/63.

AN ACT TO AMEND THE LAND DEVELOPMENT ORDINANCE AND TO MAKE CERTAIN CONSEQUENTIAL AMENDMENTS IN OTHER WRITTEN LAW.

[Date of Assent: June 6, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Land Development (Amendment) Act, No. 16 of 1969.

Amendment of section 2 of Chapter 464.

2. Section 2 of the Land Development Ordinance, hereinafter referred to as the " principal enactment ", is hereby amended as follows:—

(*a*) by the insertion, immediately before the definition of " alienation ", of the following new definition:—

> ' " Agricultural and Industrial Credit Corporation of Ceylon " means the Corporation established under the Agricultural and Industrial Credit Corporation Ordinance; ';

(*b*) by the insertion, immediately after the definition of " alienation ", of the following new definitions:—

> ' " Ceylon State Mortgage Bank " means the Bank established under the Ceylon State Mortgage Bank Ordinance;
>
> " citizen of Ceylon " means an individual who is a citizen of Ceylon under any law for the time being in force relating to citizenship; ';

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(*c*) by the omission of the definitions of " Ceylonese " and " condition of ownership ";

(*d*) by the insertion, immediately after the definition of " disposition ", of the following new definition:—

' " district agricultural committee " shall have the same meaning as in the Irrigation Ordinance; ';

(*e*) by the omission of the definition of " middle-class Ceylonese ";

(*f*) by the insertion, immediately after the definition of " peace officer ", of the following new definition:—

' " People's Bank " means the Bank established under the People's Bank Act, No. 29 of 1961; ';

(*g*) in the definition of " permit-holder " by the substitution, for the words " been issued;", of the words " been issued and includes a person who is in occupation of any land alienated to him on a permit although no permit has actually been issued to him;";

(*h*) by the omission of the definitions of " protected holding " and "unprotected holding "; and

(*i*) by the insertion, immediately before the definition of " regulation ", of the following new definition:—

' " registered society " shall have the same meaning as in the Co-operative Societies Ordinance; '.

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Amendment of section 8 of the principal enactment.

3. Section 8 of the principal enactment is hereby amended as follows:—

(1) in paragraph (*n*) of that section, by the substitution, for the words "middle-class Ceylonese;", of the words "certain classes of persons;"; and

(2) by the repeal of paragraph (*o*) of that section.

Replacement of sections 10 and 11 of the principal enactment.

4. Sections 10 and 11 of the principal enactment are hereby repealed and the following sections are substituted therefor:—

"Duty of Government Agent to transmit to the district agricultural committee the scheme and diagram prepared by him under section 9 for its observations.

10. The Government Agent shall transmit to the district agricultural committee constituted in his administrative district the scheme and diagram prepared by him under section 9 for consideration by that committee.

Duty of the district agricultural committee to return within thirty days the scheme and diagram with its observations.

11. The district agricultural committee shall, within thirty days after the date of the receipt of the scheme and the diagram from the Government Agent, return the scheme and the diagram to the Government Agent with the observations of the committee on that scheme and diagram.".

Repeal of section 12 of the principal enactment.

5. Section 12 of the principal enactment is hereby repealed.

Replacement of section 13 of the principal enactment.

6. Section 13 of the principal enactment is hereby repealed and the following section is substituted therefor:—

"Scheme and diagram prepared by the Government Agent, modified if necessary, to be transmitted to the Land Commissioner.

13. (1) After considering the observations made by the district agricultural committee on the scheme and diagram prepared by the Government Agent under section 9, the Government Agent may, if he considers it necessary so to do, modify such scheme and diagram; and the scheme and diagram, or the modified scheme and diagram, as the

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case may be, shall thereupon be transmitted by the Government Agent to the Land Commissioner together with the observations of the district agricultural committee on the scheme and diagram as prepared and transmitted to that committee by the Government Agent.

(2) The Land Commissioner shall consider the scheme and diagram transmitted to him by the Government Agent under sub-section (1) and shall, within thirty days after the receipt of the scheme and diagram, decide whether a Land Kachcheri should be held or not.".

Amendment of section 17 of the principal enactment.

7. Section 17 of the principal enactment is hereby amended by the substitution, for all the words, letters and figures from "No scheme" to "in paragraph (*o*) of that section:", of the following:—

"No scheme which has been confirmed by the Land Commissioner shall, except with the approval and consent of the Minister, be varied or modified so as to enable land which has been mapped-out for any purpose mentioned in paragraphs (*a*) to (*f*) of section 8 to be mapped-out or to be utilized for the purpose mentioned in paragraph (*n*) of that section:".

Insertion of new section 19A in the principal enactment.

8. The following new section is hereby inserted in Chapter III of the principal enactment immediately before section 20, and shall have effect as section 19A, of the principal enactment:—

"Manner of alienation of Crown land.

19A. (1) Alienation of Crown land to any person under the provisions of this Ordinance shall be effected in the manner hereinafter provided.

(2) Every such person shall in the first instance receive a permit authorizing him to occupy the land.

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A permit-holder shall pay annually as rent such sum as may be specified in the permit.

(3) When a permit-holder has complied with the conditions specified in the schedule to the permit to the satisfaction of the Government Agent within the period specified for such compliance in the permit or, where the period for such compliance has been extended by the Government Agent, within the period as so extended, he shall, instead of paying rent, pay annually a sum of such amount, and for such period, as may be determined by the Government Agent in accordance with regulations made under section 38.

The date on which such annual payments shall commence, the number of such payments and the amount of each such payment shall be endorsed at any time by the Government Agent on the permit issued to such permit-holder.

The Government Agent shall in addition cause the land alienated on such a permit to be surveyed by the Surveyor-General, and the extent and description (by reference to metes and bounds) of the land so surveyed shall be inserted in such permit. The Government Agent shall, after the particulars relating to such extent and description are inserted in the permit, cause the permit to be registered; no fee shall be paid or recovered for such registration.

(4) A permit-holder who has paid all sums which he is required to pay under sub-section (3) and has complied with all the other conditions specified in the permit shall become the owner of the land of which he is in occupation and shall be entitled to receive a grant of that land.

(5) Every grant issued under sub-section (4) shall contain a condition that the owner of the holding shall not dispose of a divided portion, or an undivided share of the holding which is

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less in extent than the unit of the sub-division or the maximum fraction specified in the grant.

(6) In the case of any grant made to a person of any prescribed class or description there shall be in addition a condition that the owner of the holding shall not dispose of such holding except with the prior approval of the Government Agent.''.

Replacement of section 20 of the principal enactment.

9. Section 20 of the principal enactment is hereby repealed and the following section is substituted therefor:—

" Selection of persons to whom Crown land shall be alienated.

20. The selection of persons to whom Crown land shall be alienated under this Ordinance shall be made at a Land Kachcheri:

Provided that such selection may be made otherwise than at a Land Kachcheri in such cases as may be prescribed. ''.

Insertion of new section 22A in the principal enactment.

10. The following new section is hereby inserted immediately after section 22, and shall have effect as section 22A, of the principal enactment:—

" The persons to whom Crown land may be alienated.

22A. (1) No Crown land shall be alienated to any person other than a person who is a citizen of Ceylon.

Any alienation of land made in contravention of the preceding provisions of this section shall be invalid.

(2) The persons to whom land shall be alienated shall be selected from such classes of persons as may be prescribed.''.

Amendment of section 23 of the principal enactment.

11. Section 23 of the principal enactment is hereby amended as follows:—

(*a*) in sub-section (1) of that section, by the substitution, for the words " select any applicant to receive a permit or a grant of Crown land '', of the words " select the applicants to whom Crown land shall be alienated ''; and

(*b*) in sub-section (3) of that section, by the substitution, for all the words from " by

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that sub-section:" to the end of that sub-section, of the words " by that sub-section. ".

Insertion of new section 23A in the principal enactment.

12. The following new section is hereby inserted immediately after section 23, and shall have effect as section 23A, of the principal enactment:—

" Power of Land Commissioner to vary decision of a Government Agent by way of revision.

23A. Where by reason of a decision of a Government Agent made at a Land Kachcheri or otherwise a person is in occupation of any land as a permit-holder, the Land Commissioner may, within one year after the date on which such person has been in occupation of such land, vary by way of revision the decision of the Government Agent, if in the opinion of the Land Commissioner the justice of the case so requires. ".

Repeal of section 26 of the principal enactment.

13. Section 26 of the principal enactment is hereby repealed.

Repeal of sections 32, 33 and 34 of the principal enactment.

14. Sections 32, 33 and 34 of the principal enactment are hereby repealed.

Repeal of section 36 of the principal enactment.

15. Section 36 of the principal enactment is hereby repealed.

Replacement of section 38 of the principal enactment.

16. Section 38 of the principal enactment is hereby repealed and the following section is substituted therefor:—

" Principles governing the determination of the amount of the annual payment.

38. The amount to be paid by a permit-holder annually for the purposes of sub-section (3) of section 19A shall be determined in accordance with such regulations as may be made in that behalf.".

Replacement of sections 39 and 40 of the principal enactment.

17. Sections 39 and 40 of the principal enactment are hereby repealed and the following sections are substituted therefor:—

" Protection of land alienated on permits and grants.

39. (1) No land alienated on a permit or grant shall be seized or sold in execution of the decree of any court:

Provided that the preceding provisions of this section shall not apply to the seizure and sale of land alienated on a grant in execution of

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a decree entered in an action for the enforcement of a mortgage on that land which is permitted by this Ordinance:

And provided further that where any land alienated on a grant has been accepted as bail for the release of any person accused of an offence before any court and where such person does not appear as required by such court, such land may be seized and sold for the recovery of such amount as may be fixed as bail by such court.

(2) Where land alienated on a grant is sold in execution of a decree entered in an action for the enforcement of a mortgage on that land, the sale shall not be confirmed by the court unless the Land Commissioner has approved the purchaser upon application made in that behalf by the purchaser.

(3) Where the Land Commissioner refuses to approve the purchaser of any land alienated on a grant, the purchaser shall apply to the court by petition to set aside the sale on the ground that he has not been approved by the Land Commissioner. Upon such application being made, the court shall pass an order setting aside the sale.

(4) When a sale of land alienated on a grant is set aside under sub-section (3)—

(*a*) the purchaser shall be entitled to receive back his purchase money from any person to whom the purchase money has been lawfully paid, and

(*b*) the land shall be purchased by the Crown for such sum as the Chief Valuer of the Government or any officer authorized by him may determine.

(5) An order for the repayment of the purchase money may be made by the court on an application made under sub-section (3) if the person against whom

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the order is directed is a party to the application and such order may be enforced against such person in like manner as a decree for money.

(6) If the amount paid by the Crown for the purchase under this section of any land alienated on a grant exceeds the total amount of the debt due to the mortgagee together with the costs of seizure and sale, the mortgagor shall be entitled to such excess.

Seizure and sale of land alienated on a permit or grant invalid.

40. Subject to the provisions of section 39, the seizure and sale in execution of the decree of a court of any land alienated on a permit or grant shall be invalid.''.

Amendment of section 41 of the principal enactment.

18. Section 41 of the principal enactment is hereby amended as follows:—

(*a*) by the substitution, for the words '' by grant as a protected holding '', of the words '' by grant or to land alienated on a permit in respect of which the permit-holder is paying an annual sum by virtue of the provisions of sub-section (3) of section 19A ''; and

(*b*) by the substitution, for the word '' grantee '', of the words '' grantee or of such permit-holder ''.

Replacement of sections 42 and 43 of the principal enactment.

19. Sections 42 and 43 of the principal enactment are hereby repealed and the following sections are substituted therefor:—

'' Power of owner to dispose of holding.

42. The owner of a holding may dispose of such holding to any other person except where the disposition is prohibited under this Ordinance, and accordingly a disposition executed or effected in contravention of the provisions of this Ordinance shall be null and void.

Leases and mortgages of holdings where permitted.

43. The owner of a holding—

(*a*) shall not lease such holding to any other person except in such circumstances as may be prescribed; and

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(*b*) shall not mortgage such holding to any person other than the Agricultural and Industrial Credit Corporation of Ceylon or the People's Bank or the Ceylon State Mortgage Bank or a registered society or other prescribed institution. ".

Repeal of sections 44 and 45 of the principal enactment.

20. Sections 44 and 45 of the principal enactment are hereby repealed.

Replacement of sections 46 and 47 of the principal enactment.

21. Sections 46 and 47 of the principal enactment are hereby repealed and the following sections are substituted therefor:—

" Disposition of land alienated on a permit.

46. (1) Subject to the provisions of sub-section (2), no permit-holder shall execute or effect any disposition of the land alienated to him on the permit.

(2) With the written consent of the Government Agent, a permit-holder may mortgage his interest in the land alienated to him on the permit to any registered society of which he is a member.

(3) Any disposition, other than a disposition in accordance with the provisions of sub-section (2), of any land alienated on a permit shall be null and void.

Recovery of moneys due on mortgage of land alienated on a permit.

47. (1) Where default is made by a permit-holder who is a member of a registered society in the payment of any sum due to the registered society on any loan granted on the mortgage of the land alienated on the permit, whether that sum is due on account of principal or interest or both, the registered society may, after a decision or award under section 53 of the Co-operative Societies Ordinance has been made on the dispute which had arisen between the registered society and such member by reason of the default, report the defaulter to the Government Agent and transmit to him a certified copy of the decision or award.

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(2) The Government Agent, upon receipt of a report made under sub-section (1) and of a certified copy of the decision or award referred to in that sub-section, may take action under Chapter X of this Ordinance to recover the sum due from the person against whom the report was made as though such sum were due to the Crown and not to the registered society by which the report was made.

(3) Notwithstanding anything in any other written law, any sum due to a registered society on account of any sum granted on the mortgage of land alienated on a permit shall be recovered in the manner set out in this section and accordingly such registered society shall not take, and shall be precluded from taking, proceedings for the recovery of such sum in any other manner.

(4) The Government Agent shall deliver to a registered society any sum recovered under this section by him in satisfaction of the debt due to such registered society and shall pay the costs of seizure, if recovered, into the Consolidated Fund of Ceylon.''.

Replacement of section 48 of the principal enactment.

22. Section 48 of the principal enactment is hereby repealed and the following section is substituted therefor:—

'Definition of successor.

48. In this Chapter "successor", when used with reference to any land alienated on a permit or a holding, means a person who is entitled under this Chapter to succeed to that land or holding upon the death of the permit-holder or owner thereof, if that permit-holder or owner died without leaving behind his or her spouse, or, if that permit-holder or owner died leaving behind his or her spouse, upon the failure of that spouse to succeed to that land or holding or upon the death of that spouse.'.

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Insertion of new sections 48A and 48B in the principal enactment

23. The following new sections are hereby inserted immediately after section 48, and shall have effect as sections 48A and 48B, of the principal enactment:—

"Spouse of a deceased permit-holder entitled to succeed to land alienated to that permit-holder on the permit.

48A. (1) Upon the death of a permit-holder who at the time of his or her death was paying an annual sum by virtue of the provisions of sub-section (3) of section 19A, the spouse of that permit-holder, whether he or she has or has not been nominated as successor by that permit-holder, shall be entitled to succeed to the land alienated to that permit-holder on the permit and the terms and conditions of that permit shall be applicable to such spouse:

Provided that where a spouse who was not nominated as successor by the deceased permit-holder succeeded under the preceding provisions of this sub-section to the land alienated on the permit and where after so succeeding, such spouse marries, then upon such marriage—

(*a*) the person nominated by the deceased permit-holder shall succeed to the land, or

(*b*) if no successor has been so nominated, the title to the land shall devolve as prescribed by rule 1 of the Third Schedule.

(2) If, during the lifetime of the spouse of a deceased permit-holder who has succeeded under sub-section (1) to the land alienated on the permit, the terms and conditions of the permit are complied with by such spouse, such spouse shall be entitled to a grant of that land subject to the following conditions:—

(*a*) such spouse shall have no power to dispose of the land alienated by the grant;

(*b*) such spouse shall have no power to nominate a successor to that land;

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(*c*) upon the death of such spouse, or upon his or her marriage, the person, who was nominated as successor by the deceased permit-holder or who would have been entitled to succeed as his successor, shall succeed to that land:

Provided that the aforesaid conditions shall not apply to a grant of any land to be made to a spouse who has been nominated by the deceased permit-holder to succeed to the land alienated on the permit.

(3) Any disposition or nomination made by a spouse in contravention of the provisions of sub-section (2) shall be invalid.

Spouse of a deceased owner of a holding entitled to succeed to that holding.

48B. (1) Upon the death of the owner of a holding, the spouse of that owner shall be entitled to succeed to that holding subject to the following conditions:—

(*a*) upon the marriage of such spouse, title to the holding shall devolve on the nominated successor of the deceased owner or, if there was no such nomination, on the person who was entitled to succeed under rule 1 of the Third Schedule;

(*b*) such spouse shall have no power to dispose of that holding;

(*c*) such spouse shall have no power to nominate a successor to that holding:

Provided that the aforesaid conditions shall not apply to a spouse who has been nominated by the deceased owner of the holding to succeed to that holding.

(2) Any disposition or nomination made by a spouse in contravention of the provisions of sub-section (1) shall be invalid.".

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Replacement of section 49 of the principal enactment.

24. Section 49 of the principal enactment is hereby repealed and the following section is substituted therefor:—

"Succession to land alienated on a permit or to a holding.

49. Upon the death of a permit-holder who at the time of his or her death was paying an annual sum by virtue of the provisions of sub-section (3) of section 19A, or of an owner of a holding, without leaving behind his or her spouse, or, where such permit-holder or owner died leaving behind his or her spouse, upon the failure of such spouse to succeed to the land alienated to that permit-holder on the permit or holding or upon the death of such spouse, a person nominated as successor by such permit-holder or owner shall succeed to that land or holding.".

Repeal of section 50 of the principal enactment.

25. Section 50 of the principal enactment is hereby repealed.

Replacement of section 51 of the principal enactment.

26. Section 51 of the principal enactment is hereby repealed and the following section is substituted therefor:—

"Restriction on nomination of successors to holdings.

51. No person shall be nominated by the owner of a holding or a permit-holder as his successor unless that person is the spouse of such owner or permit-holder, or belongs to one of the groups of relatives enumerated in rule 1 of the Third Schedule.".

Replacement of section 52 of the principal enactment.

27. Section 52 of the principal enactment is hereby repealed and the following section is substituted therefor:—

"General principles applicable to nomination.

52. (1) A nomination made by the owner of a holding or a permit-holder who on the date of making such nomination was unmarried shall, upon the marriage of such owner or permit-holder, be null and void.

(2) More persons than one may be nominated by the owner of a holding or a permit-holder as successors to the holding or land alienated on the permit provided that such nomination does not contravene the conditions of the grant or permit.

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(3) No person shall be nominated as successor to a part or share, whether divided or undivided, of a holding or a land alienated on a permit, unless in the document whereby he is so nominated a successor is duly nominated for the remaining part or share of the holding or land alienated on the permit.

(4) The nomination of a successor and the cancellation of any such nomination shall not be made subject to any condition or defeasance.''.

Amendment of section 53 of the principal enactment.

28. Section 53 of the principal enactment is hereby amended as follows:—

(*a*) by the substitution, for the words '' successor or of a life-holder '', of the word '' successor ''; and

(*b*) by the substitution, for the words '' the owner '', of the words '' the owner or permit-holder ''.

Replacement of section 54 of the principal enactment.

29. Section 54 of the principal enactment is hereby repealed and the following section is substituted therefor:—

'' Further nomination.

54. The owner of a holding or permit-holder may make a further nomination in lieu of any nomination which has been cancelled; and a person may be renominated as successor notwithstanding the previous cancellation of the nomination of that person in such capacity.''.

Amendment of section 55 of the principal enactment.

30. Section 55 of the principal enactment is hereby amended as follows:—

(*a*) by the substitution, for the words '' a successor or a life-holder '', of the words '' a successor ''; and

(*b*) by the substitution, for the words '' such successor or life-holder '', of the words '' such successor ''.

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Amendment of section 56 of the principal enactment.

31. Section 56 of the principal enactment is hereby amended as follows:—

(*a*) in sub-section (1) of that section—

(i) by the substitution, for the words " a successor or of a life-holder ", of the words " a successor ", and

(ii) by the substitution, for the words " in duplicate ", of the words " in triplicate ";

(*b*) by the substitution, for sub-section (2) of that section, of the following sub-section:—

" (2) The provisions of sub-section (1) shall not apply to any nomination or cancellation of a successor made by last will in the manner hereinafter provided, or to the nomination and cancellation of a successor to a land alienated on a permit made in the manner provided in section 87. "; and

(*c*) in sub-section (3) of that section, by the substitution, for the words " nomination of a successor or of a life-holder ", of the words " nomination of a successor ".

Amendment of section 57 of the principal enactment.

32. Section 57 of the principal enactment is hereby amended by the substitution, for the words " a successor or a life-holder ", of the words " a successor ".

Amendment of section 58 of the principal enactment.

33. Section 58 of the principal enactment is hereby amended as follows:—

(*a*) in sub-section (1) of that section—

(i) by the substitution, for the words " a successor or of a life-holder ", of the words " a successor ", and

(ii) by the substitution, for the words " the holding ", of the words " the holding or land "; and

(*b*) in sub-section (2) of that section, by the substitution, for the words " of successors or of life-holders ", of the words " of successors ".

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Amendment of section 60 of the principal enactment.

34. Section 60 of the principal enactment is hereby amended as follows:—

(1) by the substitution, for the words "of a successor or of a life-holder", of the words "of a successor";

(2) by the substitution, for all the words from "the holding" to the end of that section, of the words "the holding or the permit-holder."; and

(3) in the marginal note to that section, by the substitution, for the words "of owner.", of the words "of owner or permit-holder.".

Replacement of section 61 of the principal enactment.

35. Section 61 of the principal enactment is hereby repealed and the following section is substituted therefor:—

"Nomination cancelled by death of nominee.

61. The death during the lifetime of the owner of a holding or a permit-holder of a person who has been nominated by that owner or permit-holder as a successor to that holding or the land alienated on the permit shall operate as a cancellation of the nomination of that person as a successor.".

Amendment of section 62 of the principal enactment.

36. Section 62 of the principal enactment is hereby amended as follows:—

(*a*) in sub-section (1) of that section—

(i) by the substitution, for the words "successor to a holding,", of the words "successor to a holding or a land alienated on a permit,", and

(ii) by the substitution, for the words "successor to that holding", of the words "successor to that holding or land";

(*b*) by the omission of sub-section (2) of that section;

(*c*) by the renumbering of sub-section (3) as sub-section (2) of that section; and

(*d*) in renumbered sub-section (2) of that section, by the substitution, for the words "a holding.", of the words "a holding or a permit-holder.".

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Amendment of section 63 of the principal enactment.

37. Section 63 of the principal enactment is hereby amended as follows:—

(*a*) by the substitution, for the words " as successor to or as life-holder of a holding, ", of the words " as successor to a holding or to a land alienated on a permit, ";

(*b*) by the substitution, for the words " owner of that holding. ", of the words " owner of that holding or the permit-holder to whom that land has been alienated."; and

(*c*) in the marginal note to that section, by the substitution, for the words " of owner.", of the words " of owner or permit-holder. ".

Amendment of section 64 of the principal enactment.

38. Section 64 of the principal enactment is hereby amended as follows:—

(*a*) by the substitution, for the words " owner of a holding ", of the words " owner of a holding or a permit-holder "; and

(*b*) by the substitution, for the words " owner of that holding. ", of the words " owner of that holding, or of the date of the death of that permit-holder, as the case may be. ".

Amendment of section 65 of the principal enactment.

39. Section 65 of the principal enactment is hereby amended as follows:—

(*a*) in sub-section (1) of that section, by the substitution, for the words " a holding ", of the words " a holding or of a permit-holder ";

(*b*) in sub-section (2) of that section—

(i) by the substitution, for the words " a holding ", of the words " a holding or of a permit-holder ", and

(ii) by the substitution, for all the words from " the title to the holding " to the end of that sub-section, of the following:—

" the title to the holding or to the land alienated to that permit-holder shall devolve as though no nomination or cancellation of a nomination had been registered after the death of the owner of that holding or permit-holder.".

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Amendment of section 66 of the principal enactment.

40. Section 66 of the principal enactment is hereby amended as follows:—

(*a*) by the substitution, for the words " a holding ", of the words " a holding or a permit-holder ";

(*b*) by the substitution, for the words " that owner ", of the words " that owner or permit-holder "; and

(*c*) by the substitution, for the words " the owner;", of the words " the owner or permit-holder;".

Replacement of section 68 of the principal enactment.

41. Section 68 of the principal enactment is hereby repealed and the following section is substituted therefor:—

" Failure of succession.

68. (1) The spouse of a deceased permit-holder, who at the time of his or her death was paying an annual sum by virtue of the provisions of sub-section (3) of section 19A, or the spouse of an owner, fails to succeed to the land held by such permit-holder on the permit or to the holding of such owner, as the case may be—

(*a*) if such spouse refuses to succeed to that land or holding, or

(*b*) if such spouse does not enter into possession of that land or holding within a period of six months reckoned from the date of the death of such permit-holder or owner.

(2) A nominated successor fails to succeed to the land held on a permit by a permit-holder who at the time of his or her death was paying an annual sum by virtue of the provisions of sub-section (3) of section 19A or to the holding of an owner if he refuses to succeed to that land or holding, or, if the nominated successor does not enter into possession of that land or holding within a period of six months reckoned—

(i) where such permit-holder or owner dies without leaving behind his or her spouse, from the date of the death of such permit-holder or owner; or

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(ii) where such permit-holder or owner dies leaving behind his or her spouse, from the date of the failure of such spouse to succeed, such date being reckoned according to the provisions of paragraph (*b*) of sub-section (1), or of the death of such spouse, as the case may be.".

Repeal of sections 69, 70 and 71 of the principal enactment.

42. Sections 69, 70 and 71 of the principal enactment are hereby repealed.

Replacement of section 72 of the principal enactment.

43. Section 72 of the principal enactment is hereby repealed and the following section is substituted therefor:—

"Succession under the Third Schedule.

72. If no successor has been nominated, or if the nominated successor fails to succeed, or if the nomination of a successor contravenes the provisions of this Ordinance, the title to the land alienated on a permit to a permit-holder who at the time of his or her death was paying an annual sum by virtue of the provisions of sub-section (3) of section 19A or to the holding of an owner shall, upon the death of such permit-holder or owner without leaving behind his or her spouse, or, where such permit-holder or owner died leaving behind his or her spouse, upon the failure of such spouse to succeed to that land or holding, or upon the death of such spouse, devolve as prescribed in rule 1 of the Third Schedule.".

Replacement of section 73 of the principal enactment.

44. Section 73 of the principal enactment is hereby repealed and the following section is substituted therefor:—

"Date of succession.

73. Title to a land alienated on a permit or to a holding shall be deemed to have devolved on any person entitled to succeed to the land or holding under the provisions of section 72 as from the date of the death of the permit-holder or

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owner of the holding if such permit-holder or owner died without leaving behind his or her spouse, or, if such permit-holder or owner died leaving behind his or her spouse, upon the failure of such spouse to succeed or from the date of the death of such spouse, as the case may be.''.

Amendment of section 74 of the principal enactment.

45. Section 74 of the principal enactment is hereby amended by the substitution, for the words '' successors of a holding,'', of the words '' successors to a land alienated on a permit or holding,''.

Amendment of section 75 of the principal enactment.

46. Section 75 of the principal enactment is hereby amended as follows:—

(*a*) by the substitution, for the words '' a successor or of a life-holder '', of the words '' a successor ''; and

(*b*) by the substitution, for the words '' of either '', of the words '' of a successor ''.

Amendment of section 76 of the principal enactment.

47. Section 76 of the principal enactment is hereby amended as follows:—

(*a*) in sub-section (1) of that section—

(i) by the substitution, for the words '' title to a holding '', of the words '' title to a holding or land alienated on a permit ''; and

(ii) by the substitution, for the words '' that holding '', of the words '' that holding or land '';

(*b*) in sub-section (3) of that section, by the substitution, for the words '' owner of the holding '', of the words '' owner of the holding or as permit-holder ''; and

(*c*) by the substitution, for sub-section (5) of that section, of the following sub-section:—

'' (5) Subject to the provisions of this section, a person appointed under sub-section (1) to be the curator of a minor shall in respect of the holding of such minor or of the land alienated on a permit to which such minor has succeeded and in

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respect of the management, control, occupation and protection of that holding or land exercise all the rights and be subject to all the liabilities of a curator appointed by a court of competent jurisdiction.".

Repeal of sections 77 to 83 of the principal enactment.

48. Sections 77, 78, 79, 80, 81, 82 and 83 of the principal enactment are hereby repealed.

Replacement of section 84 of the principal enactment.

49. Section 84 of the principal enactment is hereby repealed and the following section is substituted therefor:—

"Succession on the death of a permit-holder who was paying rent under section 19A (2) for the land alienated.

84. Upon the death of a permit-holder who at the time of his or her death was paying rent under sub-section (2) of section 19A for the land alienated to him or her on the permit, then,—

(*a*) if that permit-holder is survived by his or her spouse, the spouse shall be entitled to succeed to that land;

(*b*) if that permit-holder is not survived by his or her spouse or if the spouse does not succeed to the land, any other person who is a duly nominated successor of the deceased permit-holder shall be entitled to succeed to that land on such person obtaining a permit from the Government Agent under the provisions of this Ordinance to occupy that land.".

Replacement section 85 of the principal enactment.

50. Section 85 of the principal enactment is hereby repealed and the following section is substituted therefor:—

"Reversion of land to Crown under certain circumstances.

85. Where on the death of a permit-holder who at the time of his or her death was paying rent under sub-section (2) of section 19A for the land alienated to him or her on the permit, a person entitled to succeed to that land under the provisions of section 84 fails to so succeed, such person shall be deemed to have surrendered to the Crown his or her title to that land.".

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Replacement of section 87 of the principal enactment.

51. Section 87 of the principal enactment is hereby repealed and the following section is substituted therefor:—

"Name of successor nominated by the permit-holder may be endorsed on permit before issue.

87. A person to whom a Government Agent has agreed to alienate land may nominate as his successor any person who is entitled under this Ordinance to be so nominated, and the name of such successor may be endorsed on the permit before it is issued to the first-mentioned person, and the Government Agent may upon being requested so to do by the permit-holder cancel the name of such successor by an endorsement on the permit and endorse on the permit the name of any other person suggested by the permit-holder as his successor.".

Repeal of sections 88 to 103 of the principal enactment.

52. Sections 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102 and 103 of the principal enactment are hereby repealed.

Replacement of sections 105 and 106 of the principal enactment.

53. Sections 105 and 106 of the principal enactment are hereby repealed and the following sections are substituted therefor:—

"Power of the Government Agent in respect of a land alienated on a permit where there is a failure of succession or where such land has been vested in the Crown.

105. Where in the case of a land alienated on a permit to any person who was at the time of his death paying an annual sum by virtue of the provisions of sub-section (3) of section 19A there has been a failure of succession because there is no person lawfully entitled to succeed or because no person so entitled is willing to succeed or where any land has vested in the Crown under section 86, the Government Agent of the administrative district in which that land is situated shall be entitled to take possession of that land on behalf of the Crown.

Notice to permit-holder where there has been a breach of the conditions of the permit.

106. (1) If it appears to the Government Agent that a permit-holder has failed to observe a condition of the permit, the Government Agent may by notice in writing require such permit-holder to pay by way of fine such sum not exceeding one hundred rupees, and on or before such date, as may be specified in the notice.

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(2) Where a permit-holder fails to comply with the requirements of a notice issued under sub-section (1), or where a permit-holder contravenes a condition of the permit on a second or subsequent occasion, the Government Agent may issue a notice in the prescribed form intimating to the permit-holder that his permit will be cancelled unless sufficient cause to the contrary is shown to the Government Agent on a date and at a time and place specified in the notice.".

Amendment of section 107 of the principal enactment.

54. Section 107 of the principal enactment is hereby amended as follows:—

(*a*) by the substitution, for the word and figures " section 106 ", of the words and figures " sub-section (2) of section 106 "; and

(*b*) by the substitution, for the words " thirty days ", of the words " forty-two days ".

Amendment of section 108 of the principal enactment.

55. Section 108 of the principal enactment is hereby amended by the addition at the end of that section of the following new sub-section:—

" (3) Where a notice issued under section 106 is served on the permit-holder personally, the officer to whom service thereof has been entrusted shall furnish a declaration duly signed by him to the Government Agent that such notice has been served on the permit-holder.".

Amendment of section 109 of the principal enactment.

56. Section 109 of the principal enactment is hereby amended in sub-section (1) of that section by the substitution, for the words " fourteen days ", of the words " twenty-eight days ".

Amendment of section 110 of the principal enactment.

57. Section 110 of the principal enactment is hereby amended as follows:—

(*a*) in sub-section (2) of that section, by the addition, at the end of that sub-section, of the following words:—

" All such evidence shall be given on oath or affirmation which the Government Agent is hereby authorized to administer for the purpose."; and

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(*b*) by the addition at the end of that section of the following new sub-section:—

"(3) Where an inquiry under this section is adjourned, notice in writing of the date and the time to which the inquiry is adjourned shall be given by the Government Agent to the permit-holder.".

Amendment of section 114 of the principal enactment.

58. Section 114 of the principal enactment is hereby amended in sub-section (1) of that section by the substitution, for the words "thirty days", of the words "forty-two days".

Insertion of new section 118A in the principal enactment.

59. The following new section is hereby inserted immediately after section 118, and shall have effect as section 118A, of the principal enactment:—

"Effect of the Land Commissioner reversing a decision of the Government Agent selecting a person to receive a permit for the occupation of land.

118A. Where the Land Commissioner in the exercise of his powers under section 23A varies a decision of a Government Agent selecting a person to receive a permit for the occupation of land, the Land Commissioner shall give notice in writing in the prescribed form to such person that—

(*a*) where a permit has been issued to such person, such permit shall, with effect from the date specified in the notice, be deemed to be cancelled; or

(*b*) where no permit has been issued to such person and where such person is in occupation of the land, such person shall vacate and deliver possession of the land on such date and at such time, and to such officer, as may be specified in the notice.".

Amendment of section 119 of the principal enactment.

60. Section 119 of the principal enactment is hereby amended by the substitution, for the words "been cancelled,", of the following:—

"been cancelled under the provisions of section 104,".

Repeal of section 124 of the principal enactment.

61. Section 124 of the principal enactment is hereby repealed.

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Amendment of section 127 of the principal enactment.

62. Section 127 of the principal enactment is hereby amended as follows:—

(*a*) in sub-section (1) of that section as follows:—

(i) by the substitution, for the words "on the application of the Government Agent, ", of the words " on the application of the Government Agent or other prescribed officer, "; and

(ii) by the substitution, for the words " Government Agent or to his representative. ", of the words " Government Agent or other prescribed officer or to the representative of the Government Agent or other prescribed officer. "; and

(*b*) in sub-section (3) of that section, by the substitution, for the words " Government Agent or to his representative. ", of the words " Government Agent or other prescribed officer or to the representative of the Government Agent or other prescribed officer. ".

Amendment of section 128 of the principal enactment.

63. Section 128 of the principal enactment is hereby amended as follows:—

(*a*) by the renumbering of that section as sub-section (1) of section 128;

(*b*) in renumbered sub-section (1) by the substitution, for the words " Crown land after the cancellation of the permit whereby such land was alienated. ", of the following:—

" Crown land—

(*a*) after the cancellation of the permit whereby that land was alienated, or

(*b*) after the date on which possession of that land was required by notice under paragraph (*b*) of section 118A to be delivered to the officer specified in such notice, or

(*c*) after the Government Agent was entitled to take possession of that land by virtue of the provisions of section 105. "; and

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(*c*) by the addition at the end of that section of the following new sub-section:—

"(2) At any inquiry by a Magistrate into cause shown against the issue of an order of ejectment from a land alienated on a permit, it shall not be open to the permit-holder or any other person claiming title to such land through or under the permit-holder to assert or prove—

(*a*) that such land does not belong to the Crown, or

(*b*) if the permit was cancelled, that such cancellation should not have been made.".

Amendment of section 129 of the principal enactment.

64. Section 129 of the principal enactment is hereby amended by the substitution, for the words "an owner or by a permit-holder", of the words "a permit-holder".

Amendment of section 130 of the principal enactment.

65. Section 130 of the principal enactment is hereby amended in sub-section (3) of that section by the substitution, for the words "on grants or permits,", of the words "on permits,".

Amendment of section 132 of the principal enactment.

66. Section 132 of the principal enactment is hereby amended by the substitution, for the words "The owner of a holding or a permit-holder", of the words "A permit-holder".

Amendment of section 133 of the principal enactment.

67. Section 133 of the principal enactment is hereby amended as follows:—

(*a*) by the substitution, for the words "by an owner or by a permit-holder", of the words "by a permit-holder"; and

(*b*) by the substitution, for all the words from "on the holding" to the end of that section, of the words "on the land held by such permit-holder on the permit.".

Amendment of section 134 of the principal enactment.

68. Section 134 of the principal enactment is hereby amended as follows:—

(*a*) by the substitution, for all the words from "If the owner of a holding" to "so made default:", of the following:—

"If a permit-holder makes default in the due payment of any moneys payable by him in respect of the land alienated to that

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permit-holder on the permit, the Government Agent or any person authorized by him in writing may seize and sequester the crops of such land together with any movable property therein belonging to the permit-holder who has so made default: " ;

(*b*) by the substitution, for the words " bedding of the owner ", of the words " bedding of the permit-holder "; and

(*c*) in the marginal note to that section, by the substitution, for the words " defaulting owner. ", of the words " defaulting permit-holder. ".

Amendment of section 140 of the principal enactment.

69. Section 140 of the principal enactment is hereby amended as follows:—

(*a*) by the substitution, for the words " the owner ", of the words " the permit-holder "; and

(*b*) by the substitution, for the word " holding " wherever that word occurs in that section, of the words " land alienated on the permit ".

Amendment of section 141 of the principal enactment.

70. Section 141 of the principal enactment is hereby amended as follows:—

(*a*) by the substitution, for sub-section (1) of that section, of the following sub-section:—

" (1) A seizure of a land referred to in section 140 shall be effected by serving upon the permit-holder to whom that land was alienated a notice substantially in the prescribed form and by affixing a copy of such notice in a conspicuous position on such land. A copy of such notice may also be served on any other person interested in the land or affected by the seizure thereof.";

(*b*) in sub-section (2) of that section—

(i) by the substitution, for the words " the owner of a holding ", of the words " a permit-holder ", and

(ii) by the substitution, for the words " that owner ", wherever those words occur collectively in that sub-section, of the words " that permit-holder "; and

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(*c*) in sub-section (3) of that section, by the substitution, for the words " No holding shall be seized if the defaulting owner thereof ", of the words " No land shall be seized if the defaulting permit-holder to whom that land was alienated ".

Amendment of section 142 of the principal enactment.

71. Section 142 of the principal enactment is hereby amended as follows:—

(*a*) in sub-section (1) of that section, by the substitution, for the words " of a holding ", of the words " of a land referred to in section 140 "; and

(*b*) in sub-section (2) of that section—

(i) by the substitution, for the words " a holding ", of the words " a land alienated on a permit ", and

(ii) by the substitution, for the words " that holding ", of the words " that land ".

Replacement of section 143 of the principal enactment.

72. Section 143 of the principal enactment is hereby repealed and the following section is substituted therefor:—

" Seizure of land under section 142 operates as cancellation of permit.

143. (1) The seizure of a land under section 142 shall operate as a cancellation of the permit under which such land was alienated, and the permit-holder to whom such land was alienated shall have no claim whatsoever to such land but such permit-holder shall, if he pays within a period of one year from the date of the seizure of the land the total amount due in respect of such land together with the costs of seizure, be entitled to be placed in possession of such land on the same terms and conditions on which the land was held by such permit-holder on the date of the seizure.

Where the permit-holder dies before the expiry of the period of one year herein before specified the right to be placed in possession of the land alienated to the deceased permit-holder may be exercised by the spouse of such permit-holder or any other person nominated by such permit-holder as his successor on

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the same terms and within the same period.

(2) The right referred to in sub-section (1) may be given effect to upon an endorsement substantially in the prescribed form made by the Government Agent on the permit relating to such land. Every such endorsement shall be registered.''.

Repeal of sections 144 to 151 of the principal enactment.

73. Sections 144, 145, 146, 147, 148, 149, 150 and 151 of the principal enactment are hereby repealed.

Amendment of section 152 of the principal enactment.

74. Section 152 of the principal enactment is hereby amended as follows:—

(*a*) in sub-section (1) of that section—

(i) by the substitution, for the words '' the owner of a protected holding '', of the words '' a permit-holder '', and

(ii) by the substitution, for the words '' such holding,'', of the words '' the land alienated to that permit-holder on the permit,''; and

(*b*) in sub-section (2) of that section, by the substitution, for the words '' the owner of a protected holding in respect of such holding.'', of the words '' a permit-holder in respect of the land alienated to that permit-holder on the permit.''.

Amendment of section 154 of the principal enactment.

75. Section 154 of the principal enactment is hereby amended by the substitution, for the words '' a protected holding, '', of the words '' a land alienated on a permit to any person,''.

Amendment of section 156 of the principal enactment.

76. Section 156 of the principal enactment is hereby amended as follows:—

(*a*) by the relettering of paragraph (*k*) of that section as paragraph (*l*); and

(*b*) by the insertion, immediately after paragraph (*j*) of that section, of the following new paragraph:—

'' (*k*) the return of the annual payments made by the permit-holder who had made such payments under sub-section (3) of section 19A and whose permit was cancelled; ''.

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Amendment of section 160 of the principal enactment.

77. Section 160 of the principal enactment is hereby amended by the substitution, for the words " any holding ", wherever those words occur collectively in that section, of the words " any land alienated on a permit or holding ".

Amendment of section 161 of the principal enactment.

78. Section 161 of the principal enactment is hereby amended by the substitution, for the words " permit or a grant,", of the word " permit,".

Replacement of section 162 of the principal enactment.

79. Section 162 of the principal enactment is hereby repealed and the following section is substituted therefor:—

" Notary prohibited from attesting instrument of disposition of a holding in contravention of the provisions of this Ordinance.

162. (1) A notary shall not attest any instrument operating as a disposition of a holding which contravenes the provisions of this Ordinance.

(2) An instrument executed or attested in contravention of the provisions of this section shall be null and void.".

Amendment of section 165 of the principal enactment.

80. Section 165 of the principal enactment is hereby amended as follows:—

(*a*) by the renumbering of that section as sub-section (1) of that section; and

(*b*) by the addition at the end of that section of the following new sub-section:—

" (2) Notwithstanding anything in any other law—

(*a*) the Crown shall be entitled to institute action against any person, in whose favour an action against the Crown for vindication of title to any land referred to in sub-section (1) has been decided, for the value of any improvements effected on that land by the Crown or any person to whom such land has been alienated under this Ordinance; and

(*b*) no action shall be maintainable in any court of law against the Crown for damages arising from the occupation of such land by any person to whom such land has been so alienated.".

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Insertion of new section 165A in the principal enactment.

81. The following new section is hereby inserted immediately after section 165, and shall have effect as section 165A, of the principal enactment:—

Power to acquire land the title of which has been vindicated under section 165.

165A. (1) Where an action instituted by any person against the Crown for vindication of title to any land alienated under this Ordinance has been decided in favour of such person, and where the Minister approves the acquisition of that land by the Crown, that land shall be deemed to be required for a public purpose and may accordingly be acquired compulsorily under the Land Acquisition Act.

(2) For the purposes of the assessment of compensation in respect of any land which is referred to in sub-section (1) and which is acquired under the Land Acquisition Act, sub-section (1) of section 45 of that Act shall have effect as if there were substituted, for the words "on the date of publication of that notice in the *Gazette*" occurring in that sub-section, the words "on the day immediately preceding the date of alienation of that land by the Crown under the Land Development Ordinance." '.

Amendment of section 168 of the principal enactment.

82. Section 168 of the principal enactment is hereby amended as follows:—

(*a*) in sub-section (1) of that section—

(i) by the substitution, for the words "If any person —", of the words "If any person without the permission of the Government Agent—";

(ii) in paragraph (*a*) of that sub-section, by the substitution, for the words "land which has been mapped-out; or ", of the words "land; or "; and

(iii) by the substitution, for the words "to pay a fine not exceeding one hundred rupees:", of the words "to pay a fine not exceeding five hundred rupees or to imprisonment of either descrip-

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tion for a term not exceeding six months or to both such fine and imprisonment: '';

(*b*) in sub-section (2) of that section, by the substitution, for the words " Government Agent '', of the words " Government Agent or other prescribed officer ''; and

(*c*) by the substitution, for the marginal note to that section, of the following marginal note:—

" Offences in regard to Crown land.''.

Insertion of new section 168A of the principal enactment.

83. The following new section is hereby inserted immediately after section 168, and shall have effect as section 168A, of the principal enactment:—

" Encroachment on land alienated on a permit.

168A. (1) If any person encroaches on any land which has been alienated under this Ordinance on a permit, he shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(2) Proceedings under sub-section (1) may be instituted by the Government Agent of the administrative district in which the land encroached on is situated or by any officer authorized in that behalf by such Government Agent.

(3) A conviction under sub-section (1) shall operate as an order of ejectment made under section 125 and on such conviction the Government Agent of the administrative district in which the land encroached on is situated or other prescribed officer may, after the lapse of the appealable time, or, if an appeal has been preferred, after the conviction has been affirmed in appeal, apply to the Magistrate under section 127 for the enforcement of such order of ejectment.''.

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Amendment of section 170 of the principal enactment.

84. Section 170 of the principal enactment is hereby amended in sub-section (2) of that section by the substitution, for the words " a life-holder or a successor ", of the words " a successor ".

Repeal of section 171 of the principal enactment.

85. Section 171 of the principal enactment is hereby repealed.

Amendment of section 172 of the principal enactment.

86. Section 172 of the principal enactment is hereby amended as follows:—

(*a*) by the substitution, for the words " owners of holdings ", wherever those words occur collectively in that section, of the words " permit-holders who are paying annual sums by virtue of the provisions of sub-section (3) of section 19A "; and

(*b*) by the substitution, for the words " the owner of a holding ", of the words " such a permit-holder ".

Repeal of the First and Second Schedules to the principal enactment.

87. The First and Second Schedules to the principal enactment are hereby repealed.

Amendment of the Third Schedule to the principal enactment.

88. The Third Schedule to the principal enactment is hereby amended as follows:—

(*a*) in rule 1 of that Schedule, by the substitution, for all the words from " Where, on the death of the owner," to " more relatives than one in any group.", of the following:—

" (*a*) The groups of relatives from which a successor may be nominated for the purposes of section 51 shall be as set out in the subjoined table.

(*b*) Title to a holding for the purposes of section 72 shall devolve on one only of the relatives of the permit-holder or owner in the order of priority in which they are respectively mentioned in the subjoined table, the older being preferred to the younger where there are more relatives than one in any group."; and

(*b*) by the repeal of rules 3 and 5.

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Rights of persons who are in occupation of lands as permit-holders or owners on the date of commencement of this Act to elect whether they propose to hold such lands according to the provisions of the principal enactment as amended by this Act or not and consequences of such election.

89. (1) Every person who, on the day immediately preceding the date of commencement of this Act, is in occupation of any land alienated under the provisions of the principal enactment in the capacity of either permit-holder or owner, shall, on or before such date as may be notified in the *Gazette* by the Government Agent of the administrative district in which such land is situated, elect whether such person will hold such land under the provisions of the principal enactment as amended by this Act or under the provisions of the principal enactment before such amendment, and shall notify such election to the Government Agent.

(2) Where a person elects under sub-section (1) to hold the land alienated to such person under the provisions of the principal enactment as amended by this Act, the provisions of the principal enactment as so amended shall be deemed to apply to such alienation and such person shall be entitled to have the new terms and conditions applicable to such alienation endorsed by the Government Agent on the permit or grant, as the case may be. But where no permit has actually been issued to such person in respect of any land alienated to him on a permit, the Government Agent shall issue to such person a permit wherein the new terms and conditions applicable to such alienation shall be specified and if such person has already developed the land alienated to the satisfaction of the Government Agent, he shall be required to pay annually, in lieu of rent, a sum of such amount and for such period as the Government Agent may determine in accordance with regulations made under section 38 and the date on which such annual payments shall commence, the number of such payments and the amount of each such payment shall be specified in the permit.

(3) Where a person elects under sub-section (1) to hold the land alienated to such person under the provisions of the principal enactment before they were amended by this Act, the provisions of the principal enactment shall, notwithstanding anything in this Act, be deemed to apply to such alienation.

(4) In this section, " permit-holder " includes a person who is in occupation of any land alienated to him on a permit although no permit has actually been issued to him.

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Amendment of other written law.

90. (1) The Agricultural and Industrial Credit Corporation Ordinance is hereby amended in sub-section (1) of section 51 of that Ordinance by the insertion, immediately after paragraph (*b*) of that sub-section, of the following new paragraph:—

"(*bb*) to grant loans of money to the owner of any holding alienated under the Land Development Ordinance for the purpose of the cultivation, development or improvement of that holding;".

(2) The People's Bank Act, No. 29 of 1961, is hereby amended in paragraph (*a*) of sub-section (1) of section 5 of that Act as follows:—

(*a*) in sub-paragraph (iii) of that paragraph, by the substitution, for the words " small-scale undertaking; and ", of the words " small-scale undertaking; ";

(*b*) by the renumbering of sub-paragraph (iv) of that paragraph as sub-paragraph (v); and

(*c*) by the insertion, immediately after sub-paragraph (iii) of that paragraph, of the following new sub-paragraph:—

" (iv) short-term, medium-term and long-term loans and other accommodation to persons who are the owners of holdings alienated under the Land Development Ordinance for their requirements; and ".

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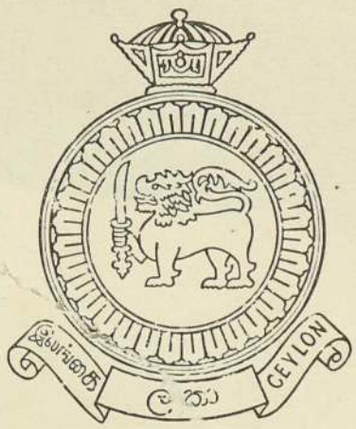
PARLIAMENT OF CEYLON

4th Session 1968-69



Ceylon Electricity Board Act, No. 17 of 1969

Date of Assent : June 6, 1969

Printed on the Orders of Government

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L. D.—O. 66/59.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF AN ELECTRICITY BOARD FOR THE DEVELOPMENT AND CO-ORDINATION OF THE GENERATION, SUPPLY AND DISTRIBUTION OF ELECTRICAL ENERGY; FOR THE TRANSFER TO SUCH BOARD OF THE GOVERNMENT ELECTRICAL UNDERTAKINGS, AND, IN CERTAIN CIRCUMSTANCES, OF THE ELECTRICAL UNDERTAKINGS OF LOCAL AUTHORITIES; FOR THE EMPLOYMENT BY THE BOARD OF EMPLOYEES OF THE DEPARTMENT OF GOVERNMENT ELECTRICAL UNDERTAKINGS; FOR THE ENTERING INTO JOINT SCHEMES BY SUCH BOARD WITH ANY GOVERNMENT DEPARTMENT OR APPROVED BODY FOR THE GENERATION OF ELECTRICAL ENERGY, THE IRRIGATION OF LANDS, THE CONTROL OF FLOODS OR OTHER LIKE OBJECTS; TO AMEND THE ELECTRICITY ACT AND THE ELECTRICITY (AMENDMENT) ACT, NO. 59 OF 1957; AND TO MAKE PROVISION FOR ALL MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: June 6, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Ceylon Electricity Board Act, No. 17 of 1969, and shall come into operation on such date as may be appointed by the Minister by Order published in the *Gazette*.

PART I

CONSTITUTION, POWERS AND DUTIES OF THE CEYLON ELECTRICITY BOARD

Establishment of the Ceylon Electricity Board.

2. (1) There shall be established a Board which shall be called the Ceylon Electricity Board, hereinafter referred to as " the Board ".

(2) The Board shall, by the name assigned to it by sub-section (1), be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

1——J 342—3,758 (1/69)

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Members of the Board.

3. (1) The Board shall consist of—

(*a*) four members appointed by the Minister from persons who appear to the Minister to have had experience and shown capacity in engineering, commerce, administration or accountancy,

(*b*) one member appointed by the Minister, in consultation with the Minister of Local Government, to represent local authorities,

(*c*) one member appointed by the Minister, in consultation with the Minister in charge of industries, to represent the field of industry, and

(*d*) one member being an officer of the General Treasury nominated by the Minister of Finance.

(2) A person shall be disqualified for being appointed or continuing as a member of the Board if he is a Senator or a Member of Parliament.

(3) Before appointing a person to be a member of the Board, the Minister shall satisfy himself that such person has no such financial or other interest as is likely to affect prejudicially the discharge by such person of his functions as a member of the Board, and the Minister shall satisfy himself, from time to time, with respect to every member of the Board appointed by the Minister, that such member has no such interest. Any person who is appointed by the Minister, or whom the Minister proposes to appoint, as a member of the Board shall, whenever requested by the Minister so to do, furnish to the Minister such information as the Minister considers necessary for the performance of his duties under this sub-section.

(4) A member of the Board who is in any way directly or indirectly interested in any contract made or proposed to be made by the Board shall disclose the nature of his interest at a meeting of the Board and such disclosure shall be recorded in the minutes of the

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Board and the member shall not take part in any deliberation or decision of the Board with respect to that contract.

(5) Subject to the provisions of sub-sections (6) and (7) every member of the Board, other than the member nominated by the Minister of Finance, shall—

(*a*) hold office for a period of five years, and

(*b*) be eligible for reappointment:

Provided that a member appointed by the Minister to fill a vacancy in the office of a member of the Board, other than any such vacancy as shall have occurred by virtue of the operation of sub-section (6), shall, subject to the provisions of sub-section (7), hold office for the unexpired portion of the term of office of the member whom he succeeds.

(6) The term of office of three of the six members of the Board first appointed by the Minister shall terminate at the expiry of a period of three years from the date of appointment; and, for the purpose of securing compliance with the preceding provisions of this sub-section, the Board shall at its first meeting under this Act determine by lot the three members appointed by the Minister whose term of office shall so terminate.

(7) Where in the interests of the efficient performance of the functions or the discharge of the duties of the Board, it is considered necessary to do so,—

(*a*) any member of the Board, appointed under paragraph (*a*) of sub-section (1), may be removed by the Minister,

(*b*) any member appointed under paragraph (*b*) of sub-section (1) may be removed by the Minister in consultation with the Minister of Local Government,

(*c*) any member appointed under paragraph (*c*) of sub-section (1) may be removed by the Minister in consultation with the Minister in charge of industries, and

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(*d*) any member nominated by the Minister of Finance may be removed by the Minister of Finance.

(8) The removal of any member of the Board from office under sub-section (7) shall not be called in question in any court.

(9) A member of the Board who is not a public officer may resign from the Board by letter addressed to the Minister.

(10) Where a member of the Board becomes, by reason of illness or other infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, then, if he is a member appointed by the Minister, the Minister may appoint any fit person to act in his place, and, if he is the member nominated by the Minister of Finance, that Minister may nominate another officer of the General Treasury to act in his place.

(11) All or any of the members of the Board may be paid such remuneration from the funds of the Board and shall be subject to such conditions of service, as may be determined by the Minister with the concurrence of the Minister of Finance.

(12) (*a*) The Chairman of the Board shall preside at every meeting of the Board at which he is present. In the absence of the Chairman from any meeting of the Board, the Vice-Chairman shall preside at such meeting, and in the absence of both the Chairman and the Vice-Chairman, a member chosen by the majority of the members present shall preside at such meeting.

(*b*) The Chairman or Vice-Chairman or other member of the Board, as the case may be, who presides at any meeting of the Board shall have, in addition to his own vote, a casting vote.

(13) The quorum for any meeting of the Board shall be three members of the Board, and, subject as aforesaid, the Board may regulate its own procedure.

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Board may act despite vacancy.

4. The Board may act notwithstanding a vacancy among the members thereof.

General Manager of the Board, his powers and duties and their delegation.

5. (1) The Board shall, with the approval of the Minister, appoint a competent and experienced person as General Manager of the Board.

(2) The General Manager shall, subject to the general direction of the Board on matters of policy, be charged with the direction of the business of the Board, the organization and execution of the powers, functions and duties of the Board, and the administrative control of the employees of the Board.

(3) The General Manager may, with the approval of the Board, delegate to any other employee of the Board such of his powers, functions or duties as he may from time to time consider necessary, and any employee to whom any such powers, functions or duties are so delegated shall exercise them subject to the general or special directions of the General Manager.

(4) The General Manager shall retire from office on reaching the age of sixty years:

Provided, however, that his term of office may be extended thereafter by the Board with the prior approval of the Minister.

(5) The General Manager may not be removed from office except for good and sufficient cause and without the prior approval of the Minister.

Chairman and Vice-Chairman of the Board

6. (1) The Minister shall appoint a Chairman, and may appoint a Vice-Chairman, of the Board from the members of the Board.

(2) If the Chairman or the Vice-Chairman is, by reason of illness or other infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, the Minister may appoint one of the members of the Board to act in his place.

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(3) The Minister may, without assigning a reason, terminate the appointment of the Chairman, or the Vice-Chairman, of the Board. The termination of the appointment of the Chairman, or the Vice-Chairman, of the Board shall not be called in question in any court.

(4) Where the Chairman, or the Vice-Chairman, of the Board is not a public officer, he may resign the office of such Chairman or Vice-Chairman by letter addressed to the Minister.

(5) Subject to the provisions of sub-sections (3) and (4), the term of office of the Chairman of the Board shall be the period of his membership of the Board, and the term of office of the Vice-Chairman of the Board shall be the period of his membership of the Board.

Seal of the Board.

7. (1) The seal of the Board shall be in the custody of the Board.

(2) The seal of the Board may be altered in such manner as may be determined by the Board.

(3) The seal of the Board shall not be affixed to any instrument or document except in the presence of two members of the Board both of whom shall sign the instrument in token of their presence.

Powers of the Minister in relation to the Board.

8. (1) The Minister may, after consultation with the Board, give to the Board in writing general or special directions as to the performance of the duties and the exercise of the powers of the Board in relation to matters which appear to him to affect the national interest, and the Board shall give effect to such directions.

(2) The Minister may, from time to time, direct the Board in writing to furnish to him in such form as he may require, returns, accounts and other information with respect to the property and business of the Board, and the Board shall carry out every such direction.

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(3) The Minister may order all or any of the activities of the Board to be investigated and reported upon by such person or persons as he may specify and upon such order being made, the Board shall afford all such facilities and furnish all such information as may be necessary to carry out such order.

Officers and servants of Board deemed to be public servants. Cap. 19.

9. All officers and servants of the Board shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Board deemed to be a scheduled institution within the meaning of Bribery Act. Cap. 26.

10. The Board shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall be construed accordingly.

Duties of the Board.

11. (1) It shall be the duty of the Board, with effect from the date of the transfer to the Board of the Government Electrical Undertakings under section 18, to develop and maintain an efficient, co-ordinated and economical system of electricity supply for the whole of Ceylon other than the area of authority of the Anuradhapura Preservation Board.

(2) For the purpose referred to in sub-section (1), it shall be the duty of the Board—

(*a*) to take over and carry on the Government Electrical Undertakings with effect from the date of the transfer to the Board of such Undertakings;

(*b*) to take over and carry on any electrical undertakings transferred to the Board under section 26;

(*c*) to generate or acquire supplies of electricity;

(*d*) to construct, maintain and operate the necessary works for the generation of electricity by all means;

(*e*) to construct, maintain and operate the necessary works for the inter-connection of generating stations and sub-stations and for the transmission of electricity in bulk from generating stations and sub-stations to such places as may be necessary from time to time;

(*f*) to distribute and sell electricity in bulk or otherwise; and

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(*g*) to develop a sound, adequate and uniform electricity policy, and, for that purpose, to control and utilize national power resources.

(3) Nothing in this section shall be construed as imposing on the Board, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court or tribunal to which the Board will not otherwise be subject.

Powers of the Board.

12. The Board may exercise all or any of the following powers:—

(*a*) to purchase electrical energy in bulk;

(*b*) to carry out investigations and to collect and record data concerning the generation, distribution and utilization of power, and the development of power resources;

(*c*) to maintain shops and showrooms for the display, sale, or hire of electrical equipment, and to conduct displays, exhibitions and demonstrations thereof, and generally to do all things incidental to such sale and hire and for the promotion and encouragement of the use of electricity;

(*d*) to promote the standardization of the system of supply of all types of electrical fittings and equipments;

(*e*) to acquire, hold, take or give on lease or hire, mortgage, pledge or sell or otherwise dispose of, any immovable or movable property;

(*f*) to enter into and perform, either directly or through duly authorized agents, all such contracts as may be necessary for the performance of the duties and the exercise of the powers of the Board;

(*g*) to do anything necessary for the purpose of advancing the skill of persons employed by the Board or the efficiency of the equipment of the Board, or for improving the manner in which that equipment is operated;

(*h*) to conduct research into matters affecting the generation, distribution, transmission, supply and use of electricity;

(*i*) to provide facilities for training persons required to carry out the work of the Board, including the arrangement by the Board with any body or agency for such facilities;

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(*j*) to establish provident funds and pension funds, and to provide welfare and recreational facilities, houses, hostels and other like accommodation, for the persons employed by the Board;

(*k*) subject to the provisions of section 5 and of Part III of this Act, to make rules in relation to the officers and servants of the Board, including their appointment, promotion, remuneration, disciplinary control, conduct and the grant of leave to them;

(*l*) to enter into joint schemes with any Government Department or any body approved by the Minister, for the generation of electrical energy, the irrigation of lands, the control of floods or other like purposes;

(*m*) to make rules in respect of the administration of the affairs of the Board; and

(*n*) to do all other things which, in the opinion of the Board, are necessary to facilitate the proper carrying on of its business.

Consulting engineers.

13. The Board may, from time to time, appoint persons who are qualified as engineers to be, or to act as, consultants to the Board and pay them such remuneration as it thinks proper.

Power of the Board to supervise and control generating stations installed for joint schemes.

14. It shall be the duty of the Board and the Board shall have the power to supervise and control the design, construction and operation of all electrical generating stations, high voltage transmission lines, switching stations and other electrical installations installed for the purpose of any joint scheme entered into by the Board under the provisions of paragraph (*l*) of section 12 with any Government Department or any body approved by the Minister:

Provided, however, that in the exercise of such supervision and control, the Board shall have due regard to the needs of such Department or body.

Disputes arising from exercise of powers of Board under section 14.

15. Where any dispute arises between the Board and any Government Department or body referred to in section 14 in connection with the exercise of the powers of the Board under that section, such dispute shall be referred to the Minister, and the decision of the Minister thereon shall be final.

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Board to undertake exclusively transmission of high voltage electrical energy in bulk.

16. No person or body other than the Board shall, except with the written permission of the Board given with the approval of the Minister, undertake the transmission of high voltage electrical energy in bulk from one place to another in Ceylon:

Provided, however, that the preceding provisions of this section shall not apply to the transmission of such energy by the Anuradhapura Preservation Board within the area of authority of that Board.

Chapter 205 and Act No. 59 of 1957, to be amended.

17. (1) Subject to the provisions of sub-section (2), the Electricity Act and the Electricity (Amendment) Act, No. 59 of 1957, are hereby amended in the manner set out in the Schedule to this Act.

(2) The provisions of sub-section (1) shall take effect on the date of the transfer of the Government Electrical Undertakings to the Board under section 18.

PART II

Transfer to the Board of the Government Electrical Undertakings and other electrical undertakings

Transfer to the Board of the Government Electrical Undertakings.

18. (1) As soon as may be convenient after the coming into operation of this Act, the Minister shall, by Order, transfer the Government Electrical Undertakings to the Board, and may, subject to the provisions of sub-section (4) of this section and the provisions of section 39, by the same Order or by a subsequent Order provide—

(*a*) for the transfer to, and the vesting in, the Board of any movable or immovable property of the Crown required for the purposes of the Board;

(*b*) for the transfer to the Board of all or any rights, obligations and liabilities relating to or connected with such Undertakings and for the adaptation or modification of contracts or other instruments for the purpose of giving effect to the transfer of such rights, obligations and liabilities to the Board;

(*c*) for the adaptation or modification of any written law to such extent as may be necessary for the purpose of enabling the Board to carry on such Undertakings in lieu of the Government;

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(*d*) for such financial adjustments between the Government and the Board as may be necessary in consequence of any such transfer; and

(*e*) for any other matter supplementary to or consequential on the matters aforesaid including the continuation of legal proceedings.

(2) Subject to the provisions of sub-section (3) the provisions of any Order made by the Minister under sub-section (1) may be amended or varied by him from time to time by a subsequent Order.

(3) No Order shall be made by the Minister under sub-section (1) or sub-section (2)—

(*a*) affecting any immovable property of the Crown without the concurrence of the Minister to whom the subject of Crown lands is for the time being assigned; or

(*b*) affecting any matter referred to in paragraph (*d*) of sub-section (1) without the prior concurrence of the Minister of Finance.

(4) Subject to the provisions of sub-section (5), every Order made by the Minister under this section shall be brought before the Senate and the House of Representatives by a motion that such Order be approved. Where such Order is approved, notification of such Order shall be published in the *Gazette*. Every such Order shall come into force on the date of the publication of such notification of approval or on such later date as may be specified in the Order. Every such Order shall, on its coming into force as herein before provided, be as valid and effectual as if it were herein enacted.

(5) The first Order made under this section after the coming into operation of this Act, shall be published in the *Gazette*, and shall have effect from the date of such publication or from such later date as may be specified in the Order.

Licences under the Electricity Act to be granted in consultation with Board. Cap. 205.

19. (1) With effect from the date of the transfer to the Board of the Government Electrical Undertakings, no licence shall be granted under the Electricity Act except in consultation with the Board.

(2) The preceding provisions of this section shall have effect notwithstanding anything to the contrary in the Electricity Act.

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Voluntary transfer scheme.

20. (1) Subject to the provisions of sub-section (2), the Board and any local authority who is a licensee within the meaning of the Electricity Act may, of their own motion, jointly prepare a transfer scheme, hereinafter in this Act referred to as a " voluntary transfer scheme ", for the transfer to the Board of the electrical undertakings carried on by such authority in its capacity as such licensee.

(2) The Board shall refer to arbitration through the Minister, as hereinafter provided, any dispute between the Board and the local authority upon any matter or question in connection with the preparation of a voluntary transfer scheme. In such preparation the Board and the local authority shall have regard to and be bound by the decision given upon any dispute so referred to arbitration.

Compulsory transfer scheme.

21. The Board shall, whenever it is directed so to do by the Minister under section 22, prepare a transfer scheme, hereinafter in this Act referred to as a " compulsory transfer scheme ", for the compulsory transfer to the Board of the electrical undertakings carried on by a local authority in its capacity as a licensee under the Electricity Act.

Cap. 205.

Direction for preparation of compulsory transfer scheme.

22. Where, as respects the electrical undertakings carried on by a local authority in its capacity as a licensee within the meaning of the Electricity Act, the Minister is satisfied, after consultation with the Minister of Local Government and after such inquiry as he may deem necessary, at which such local authority and the Board shall be given an opportunity of being heard,—

(*a*) that such authority has been guilty of neglect, default or mismanagement in carrying on such undertakings, or

(*b*) that such authority has defaulted in the payment of the charges for the supply of electricity by the Board,

the Minister may, with the concurrence of the Minister of Local Government, issue a written direction to the Board to prepare a compulsory transfer scheme for the transfer to the Board of such undertakings.

Contents of transfer scheme.

23. (1) A transfer scheme prepared under this Act in respect of the electrical undertakings carried on by a local authority in its capacity as a licensee within the meaning of the Electricity Act shall provide for

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the transfer to the Board of such undertakings, and may, subject to the provisions of sub-section (2), also provide—

(*a*) for the transfer to, and the vesting in, the Board of any movable or immovable property of such authority used for the purposes of such undertakings;

(*b*) for the transfer to the Board of all or any rights, obligations and liabilities of such authority relating to or connected with such undertakings, and for the adaptation or modification of contracts or other instruments for the purpose of giving effect to the transfer of such rights, obligations and liabilities from such authority to the Board;

(*c*) for the adaptation or modification of any written law to such extent as may be necessary for the purpose of enabling the Board to carry on such undertakings in lieu of such authority;

(*d*) for such financial adjustments between such authority and the Board as may be necessary in consequence of any such transfer ; and

(*e*) for any other matter supplementary to or consequential on the matters aforesaid including the continuation of legal proceedings.

(2) A voluntary transfer scheme shall provide for the grant to the local authority by the Board of compensation in respect of the transfer of the electrical undertakings of such local authority to the Board.

(3) A voluntary transfer scheme shall bear the seal of the Board and the local authority in token of its preparation by the Board and such authority.

(4) A compulsory transfer scheme shall bear the seal of the Board in token of its preparation by the Board.

Powers of Board for the purposes of the preparation of a transfer scheme.

24. (1) For the purposes of the preparation of a transfer scheme under this Act in respect of the electrical undertakings carried on by a local authority in its capacity as a licensee within the meaning of the Electricity Act, the Board may—

(*a*) hold such inquiries and inspect such movable or immovable property of the local authority as the Board may consider necessary; and

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(*b*) direct such local authority, or any officer of such local authority, to furnish to the Board such particulars and other information as the Board may consider necessary relating to such undertakings and other matters for which provision is to be made in such scheme, and to produce for examination books or documents containing such particulars or information.

(2) It shall be the duty of a local authority or any officer of such local authority to comply with any direction issued to such local authority or such officer, as the case may be, by the Board under sub-section (1).

(3) Any officer of a local authority who without reasonable cause fails to comply with any direction issued to him under sub-section (1), shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding one year, or to a fine not exceeding one thousand rupees, or to both such imprisonment and fine.

Presentation of schemes to Minister for approval.

25. (1) Upon the completion of the preparation of a voluntary transfer scheme by the Board and any local authority under this Act, the Board shall present such scheme to the Minister for his approval, and upon such presentation the Minister shall, with the concurrence of the Minister of Local Government, either approve such scheme without modification, or approve such scheme with any such modifications as may be agreed upon by the Minister, the Board and such authority, or, in the absence of such agreement, as may be decided upon a reference by the Minister to arbitration, as hereinafter provided, of any matter which cannot be so agreed upon.

(2) Upon the completion of the preparation of a compulsory transfer scheme by the Board under this Act, the Board shall present such scheme to the Minister for his approval, and upon such presentation the Minister shall, with the concurrence of the Minister of Local Government, either approve such scheme without modification, or approve such scheme with any such modifications as the Minister may deem necessary.

(3) In exercising his power of approval in respect of any transfer scheme under sub-section (1) or sub-section (2), the Minister shall have particular regard

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to the necessity of ensuring that the transfer scheme makes adequate provision in respect of the matters specified in section 23.

(4) The Minister, the Board and any local authority shall be bound by the decision given on any matter referred to arbitration under sub-section (1).

Orders to give effect to transfer schemes.

26. (1) Where a voluntary transfer scheme has been approved by the Minister under this Act, the Minister shall prepare and publish in the *Gazette*, an Order, hereinafter in this Act referred to as a "voluntary transfer Order", embodying the provisions of such scheme and such other provisions as the Minister may deem necessary to give full force and effect to such scheme.

(2) Where a compulsory transfer scheme has been approved by the Minister under this Act, the Minister shall prepare and publish in the *Gazette* an Order, hereinafter in this Act referred to as a "compulsory transfer Order", embodying the provisions of such scheme and such other provisions as the Minister may deem necessary to give full force and effect to such scheme.

(3) A voluntary transfer Order may from time to time be amended, by the Minister by Order published in the *Gazette*, in such manner and to such extent as may, after prior consultation with the Minister of Local Government, be agreed upon by the Minister, the Board and the local authority in respect of whose electrical undertakings such Order was made, or, in the absence of such agreement, as may be decided upon a reference by the Minister to arbitration, as hereinafter provided, of any matter which cannot be so agreed upon.

(4) The Minister, the Board and the local authority shall be bound by the decision given on any matter referred to arbitration under sub-section (3).

(5) A compulsory transfer Order may from time to time be amended by the Minister by Order published in the *Gazette*.

(6) Every Order made by the Minister under this section shall be brought before the Senate and the House of Representatives by a motion that such Order be approved. Where such Order is approved, notification of such approval shall be published in the *Gazette*. Every such Order shall come into force on the date of the publication of such notification of approval or

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on such later date as may be specified in the Order. Every such Order shall, on its coming into force, as herein before provided, be as valid and effectual as if it were herein enacted.

Effect of a transfer Order.

Cap. 205.

27. (1) With effect from the date of the transfer to the Board of the electrical undertakings carried on by a local authority in its capacity as a licensee within the meaning of the Electricity Act, that local authority shall cease to be a licensee under that Act.

(2) The provisions of sub-section (1) shall have effect notwithstanding the provisions of the Electricity Act.

Reference of certain disputes to arbitration.

28. (1) Any dispute between the Board and any local authority upon any matter or question relating to, or connected with, the giving effect to, or the interpretation of, any provision of any voluntary transfer Order or compulsory transfer Order which has come into force, shall be referred by the Board to arbitration through the Minister.

(2) The parties to any dispute referred to arbitration under sub-section (1) shall be bound by the decision given upon such arbitration.

Procedure for taking possession of property for and on behalf of Board.

29. (1) For the purpose of giving effect to any voluntary transfer Order or compulsory transfer Order which has come into force, any officer of the Board authorized in writing in that behalf by the Chairman of the Board may, subject to the provisions of sub-section (2), take possession of any property transferred to and vested in the Board by such Order.

(2) The officer referred to in sub-section (1) shall, by notice in writing—

(*a*) inform the local authority that such officer intends to take possession of such property for and on behalf of the Board on such date and at such time and place as shall be specified in the notice, and

(*b*) require an authorized agent of the local authority to be present on the date and at the time and place so specified and to assist such officer to take possession of such property.

(3) After any property has been taken possession of by an officer of the Board under sub-section (1), such officer shall send a certificate to the local authority to the effect that he has taken possession of such property.

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(4) The notice required to be given under sub-section (2) shall be deemed to be given if it is sent by registered post to the local authority.

(5) Any person who fails, without reasonable cause, to comply with any requirement of a notice given under sub-section (2), shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding one year, or to a fine not exceeding one thousand rupees, or to both such imprisonment and fine.

Prevention of, or obstruction to, taking possession of property for and on behalf of Board.

30. (1) Every person who prevents or obstructs any officer of the Board from taking possession of any property for and on behalf of the Board under section 29, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding one year, or to a fine not exceeding one thousand rupees, or to both such imprisonment and fine.

(2) Where any officer of the Board authorized under section 29 to take possession of any property for and on behalf of the Board, is unable or apprehends that he will be unable to take possession of such property because of any obstruction or resistance that has been or is likely to be offered, he shall, on making an application in that behalf to the Magistrate's Court having jurisdiction over the place where that property is kept or situated, be entitled to an order of the court directing the Fiscal to deliver possession of that property to him for and on behalf of the Board.

(3) Where an order under sub-section (2) is issued to the Fiscal by a Magistrate's Court, he shall forthwith execute that order and shall in writing report to the court the manner in which that order was executed.

(4) For the purpose of executing an order issued by a Magistrate's Court under sub-section (2), the Fiscal or any person acting under his direction may use such force as may be necessary to enter any place where any movable property to which the order relates is kept and seize such movable property, or to enter any land, building or other structure to which that order relates and to eject any person in occupation thereof, and to deliver possession of such movable

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property, land, building or other structure to the person who is authorized to take possession thereof for and on behalf of the Board.

PART III

Staff of the Board

Appointments to the staff of the Board.

31. Subject to the provisions of section 5, the Board may appoint to its staff such officers and servants as the Board may deem necessary, and determine their terms of remuneration and other conditions of employment.

Retirement of public officers of the Department and their employment by the Board.

32. Upon the transfer on any date (hereinafter in this Part referred to as the ' transfer date '), of the Government Electrical Undertakings to the Board under section 18, the following provisions shall have effect, except in relation to officers in a transferable service of the Government:—

(1) The post of every pensionable public officer of the Department who, on the transfer date, has not less than ten years' pensionable service, shall be deemed to be abolished and such officer shall be deemed to have retired and shall be eligible for such a pension under the Minutes on Pensions as would have been awarded to him had he retired from the public service on the ground of abolition of office on the transfer date.

(2) Every pensionable public officer of the Department who, on the transfer date, has less than ten and not less than eight years' pensionable service, shall be offered temporary employment by the Board on such terms and conditions as may be agreed upon by him and the Board for such period of time only as, when added to his pensionable service under the Government, makes an aggregate of ten years' pensionable service (service under the Board being counted as pensionable service under the Government for the computation of such aggregate), and—

(*a*) where he accepts such temporary employment under the Board—

(i) he shall, during such employment, be subject to the same disciplinary control as any other officer or servant of the Board;

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(ii) he shall be deemed, for the purposes of the Minutes on Pensions, to be holding the post in the Department that he held on the transfer date;

(iii) in respect of him, the Board shall pay out of the funds of the Board to the Deputy Secretary to the Treasury to be credited to the Consolidated Fund of Ceylon for every complete month of service during which he is in the temporary employment of the Board such sum not exceeding twenty-five *per centum* of the salary payable to him in the post that he held in the Department on the transfer date as may be determined by the Minister of Finance;

(iv) he shall, for the purposes of the preceding sub-paragraphs (ii) and (iii) be deemed, during such period of temporary employment under the Board, to have earned his increments, if any, in the post in the Department that he held on the transfer date, provided his service under the Board has been satisfactory; and

(v) at the end of the said period of temporary employment under the Board, the post he held in the Department on the transfer date shall be deemed to be abolished and he shall be deemed to have retired from the public service and shall be eligible for such a pension under the Minutes on Pensions as would have been awarded to him had he retired from the public service on the ground of abolition of office on the date of termination of his temporary employment with the Board; and

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(*b*) where he does not accept such temporary employment under the Board, the post he held in the Department on the transfer date shall be deemed to be abolished, and he shall be eligible for an award under the Minutes on Pensions on the ground of abolition of office on the transfer date.

(3) The post of every pensionable public officer of the Department who has less than eight years' pensionable service shall be deemed to be abolished, and such officer shall be eligible for an award under the Minutes on Pensions on the ground of abolition of office on the transfer date.

(4) The post of every public officer of the Department who is a contributor to the Public Service Provident Fund established under the Public Service Provident Fund Ordinance, shall be abolished and such officer shall, for the purposes of that Ordinance, be deemed to have left the service of the Government upon the determination of contract with the consent of the Government otherwise than by dismissal.

Cap. 434.

(5) Every public officer of the Department whose post is abolished or deemed to be abolished under any of the preceding provisions of this section, shall be immediately offered employment by the Board on such terms and conditions as may be agreed upon by such officer and the Board:

Provided, however, that such terms and conditions shall be not less favourable than the terms and conditions on which such officer was employed in the Department.

(6) Notwithstanding—

(*a*) the provisions of the preceding paragraphs (1), (2), (3) and (4), and

(*b*) anything to the contrary in any other written law,

where a public officer of the Department is employed by the Board under the provisions of the preceding paragraph (5),—

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(i) if such officer is eligible for a pension and elects to draw his full pension, he shall not be paid such pension during the period of his employment with the Board;

(ii) if such officer is eligible for a pension and elects to draw a gratuity in partial commutation of one-fourth part of his pension in accordance with the provisions of section 2A (1) (i) of the Minutes on Pensions—

(*aa*) such gratuity shall not be paid to him but shall be credited to his account in a provident fund of the Board established under section 12 (*j*);

(*bb*) the remaining three-fourths part of the pension payable to him under the said Minutes shall not be paid to him during the period of his employment by the Board; and

(*cc*) for the purposes of the computation of the period of " twelve years and six months from the date of his retirement " referred to in section 2A (1) (ii) of the said Minutes, the date of his retirement shall be deemed to be the last date of his employment under the Board;

(iii) if such officer is eligible for a gratuity and not a pension under the Minutes on Pensions such gratuity shall not be paid to him but shall be credited to his account in a provident fund of the Board established under section 12 (*j*); and

(iv) if such officer is eligible for the receipt of any sum of money under the Public Service Provident Fund Ordinance, such sum shall not be paid to him but shall be credited to his account in a provident fund of the Board established under section 12 (*j*). Cap. 434.

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Employment of personnel in case of transfer of electrical undertakings of a local authority to the Board.

Cap. 205.

33. Where the electrical undertakings carried on by a local authority in its capacity as a licensee under the Electricity Act are transferred to the Board under this Act, the provisions of section 32 shall, *mutatis mutandis*, apply to and in relation to all officers and servants of the local authority, including members of the Local Government Service, subject to such modifications, alterations or additions as may be prescribed by regulation made in that behalf by the Minister in consultation with the Minister of Local Government:

Provided, however, that the application of the provisions of section 32 shall not be construed to, and any regulation made as aforesaid shall not, adversely affect the terms of service of any public officer employed by the Board under the said provisions.

Appointment of public officers and officers and servants of local authorities, other than those referred to in sections 32 and 33, to the staff of the Board.

34. (1) At the request of the Board, any public officer, other than an officer referred to in section 32 may, with the consent of that officer and of the Secretary to the Treasury, be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent, or be permanently appointed to such staff.

(2) Where any public officer is temporarily appointed to the staff of the Board under sub-section (1), the provisions of sub-section (2) of section 9 of the Motor Transport Act, No. 48 of 1957, shall, *mutatis mutandis*, apply to and in relation to him.

(3) Where any public officer is permanently appointed to the staff of the Board under sub-section (1), the provisions of sub-section (3) of section 9 of the Motor Transport Act, No. 48 of 1957, shall, *mutatis mutandis*, apply to and in relation to him.

(4) At the request of the Board, any officer or servant of any local authority (whether he be a member of the Local Government Service or not), other than an officer or servant referred to in section 33 may, with the consent of such officer or servant and the local authority or the Local Government Service Commission, as the case may be, be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent, or be permanently appointed to such staff, on such terms and conditions including those relating to pension or provident fund rights as may be agreed upon by the Board and that Commission or authority.

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(5) Where an officer or servant of any local authority, whether he be a member of the Local Government Service or not, is temporarily appointed to the staff of the Board under sub-section (4), he shall be subject to the same disciplinary control as any other member of the staff of the Board.

Service to the Board to be regarded as service to the Government for the purposes of contracts to serve the Government.

35. Where any person has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Board by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

Employment by Board of persons already in receipt of pensions.

36. Notwithstanding anything to the contrary in any other law, where any person who is already in receipt of a pension from the Government or from any local authority or from the Local Government Service Commission, is employed by the Board he shall not be paid such pension during the period of his employment by the Board.

Interpretation.

37. For the purposes of this Part—

"pensionable public officer" means a public officer who—

(*a*) holds a post declared to be a pensionable post under section 2 of the Minutes on Pensions; and

(*b*) who does not belong to a transferable service of the Government;

"pensionable service" means service under the Government which is reckonable for pension under the Minutes on Pensions.

PART IV

Finance, Auditing and Annual Report

General duty of the Board in financial matters.

38. It shall be the duty of the Board so to exercise its powers and perform its functions under this Act as to secure that the total revenues of the Board are sufficient to meet its total outgoings properly chargeable to revenue account including depreciation and interest on capital, and to meet a reasonable proportion of the cost of the development of the services of the Board.

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Transfer of certain moneys to the Board and investment of equity capital by Government in the Board and the payment of certain money to the Government by the Board.

39. Notwithstanding anything to the contrary in any other written law—

(*a*) the balance lying to the credit of the Reserve, Renewals and Extensions Fund and the balance lying to the credit of the Net Revenue Account of the Government Electrical Undertakings shall, with effect from the date of the transfer to the Board of such Undertakings, be transferred to the Board, and the Board shall place such balances in an appropriate reserve fund or funds established by the Board with the General Treasury;

(*b*) all sums due to the Government from the Department in respect of moneys advanced by the Government (other than moneys advanced from loans obtained by the Government from the International Bank for Reconstruction and Development upon any agreement referred to in paragraph (*c*) of this section or upon any other agreement) to the Department for expenditure on capital works shall, with effect from the date of the transfer to the Board of the Government Electrical Undertakings, be deemed to be an investment of equity capital in the Board by the Government, and the Board shall pay to the Government a dividend on such equity capital at such rate not exceeding eight *per centum* per annum as the Minister of Finance may in consultation with the Minister determine;

(*c*) the payments by way of interest and repayment of capital that have to be made by the Government to the International Bank for Reconstruction and Development upon agreement No. 101 CE dated July 9, 1954, agreement No. 209 CE dated September 17, 1958, and agreement No. 283 CE dated June 6, 1961, entered into between the Government and that Bank shall, with effect from the date of the transfer to the Board of the Government Electrical Undertakings, be made by the Board to the Government as such payments fall due; and

(*d*) the payment of all sums by way of interest and repayment of capital that have to be made by the Government to the International Co-operation Administration and to the Export Credit Insurance Corporation of Canada

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shall, with effect from the date of the transfer to the Board of the Government Electrical Undertakings, be made by the Board to the Government as such payments fall due.

Grant to the Board from the Consolidated Fund.

40. As soon as practicable after the coming into operation of this Act, there may be granted to the Board, with the prior approval of the House of Representatives, from the Consolidated Fund of Ceylon such sum of money and on such terms as may be determined by the Minister of Finance in consultation with the Minister.

Borrowing powers of Board.

41. (1) The Board may, with the consent of the Minister, or in accordance with the terms of any general authority given by him, borrow temporarily, by way of overdraft or otherwise, such sums as the Board may require for meeting its obligations or discharging its duties under this Act:

Provided that the aggregate of the amounts outstanding in respect of any temporary loans raised by the Board under this sub-section shall not at any time exceed such sum as may be determined by the Minister in consultation with the Minister of Finance.

(2) The Board may, with the consent of the Minister given with the concurrence of the Minister of Finance, borrow money, otherwise than by way of a temporary loan under sub-section (1), for all or any of the following purposes:—

(*a*) the provision of working capital;

(*b*) the provision of money for meeting any expenses incurred in connection with any permanent work or other thing, the cost of which is properly chargeable to capital account ;

(*c*) the redemption of any stock issued or any loan raised by the Board ;

(*d*) the provision of money necessary for the making of any payment to any local authority under the provisions of this Act; and

(*e*) any other purpose for which capital moneys are properly applicable, including the repayment of any money temporarily borrowed under sub-section (1).

(3) The Board may, with the consent of the Minister given with the concurrence of the Minister of Finance, borrow money for any of the purposes

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mentioned in sub-section (2) by way of loans from the Government, by the issue of Ceylon Electricity Stock under section 43, or in any other manner whatsoever.

Board may borrow from the International Bank for Reconstruction and Development, &c.

42. (1) The Government is hereby authorized to guarantee, on such terms and conditions as the Government may determine, loans raised by the Board from the International Bank for Reconstruction and Development, or from any other international or foreign organization approved by the Government. The loans authorized to be guaranteed under this sub-section may be denominated in foreign currency.

(2) All sums payable by the Government under any guarantee given under sub-section (1) are hereby charged on the Consolidated Fund of Ceylon.

(3) All sums payable by the Board in respect of principal, interest and other charges on any loan to the Board from the International Bank for Reconstruction and Development or from any other international or foreign organization approved by the Government, or by the Government under any guarantee given under sub-section (1) shall, notwithstanding anything to the contrary in any law of Ceylon, be paid—

(*a*) without a deduction for, and free from, any taxes, duties or fees now or hereafter imposed by or under any law of Ceylon, and

(*b*) free from all restrictions now or hereafter imposed by or under any law of Ceylon:

Provided, however, that the preceding provisions of this sub-section shall not apply to any taxes, duties, fees or restrictions upon payments under any bond or promissory note to a holder thereof other than the International Bank for Reconstruction and Development or any other international or foreign organization approved by the Government when such bond or promissory note is beneficially owned by an individual or a corporation resident in Ceylon.

(4) For the purposes of sub-section (3), the question whether an individual or a corporation is or is not resident in Ceylon shall be determined in accordance with the provisions of section 54 of the Inland Revenue Act, No 4 of 1963.

(5) Every guarantee agreement between the Government and the International Bank for Reconstruction and Development or any other international or foreign organization approved by the Government pursuant to this Act and every guarantee given by

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the Government pursuant to any such guarantee agreement shall, notwithstanding anything to the contrary in any law of Ceylon, be valid and enforceable in accordance with their respective terms.

(6) In the case of any loan made to the Board by the International Bank for Reconstruction and Development or any other international or foreign organization approved by the Government and guaranteed by the Government, the Government shall bear any loss, and be entitled to any profit, resulting from any revaluation of the Ceylon rupee in relation to the currency or currencies in which that loan is expressed.

The amount of every such loss is hereby charged on the Consolidated Fund of Ceylon.

(7) The Governor-General, or any person authorized in that behalf by the Governor-General by instrument under his hand, is hereby empowered, on behalf of the Government, to sign any guarantee agreement between the Government and the International Bank for Reconstruction and Development or any other international or foreign organization approved by the Government.

(8) Notwithstanding anything in any other written law, no agreement, bond or other document executed by the Board in respect of any loan which may be raised by the Board from the International Bank for Reconstruction and Development, or from any other international or foreign organization approved by the Government, shall be subject to, or be charged with, any stamp duty or duties whatsoever.

(9) As soon as possible after the end of each financial year, the Minister of Finance shall cause to be laid before the Senate and the House of Representatives a report containing a statement of every loan, bond and guarantee entered into under this section, during the course of that financial year.

Ceylon Electricity Stock.

43. (1) The Board may create and issue any stock required for the purpose of exercising the powers of the Board under sub-section (3) of section 41, and the stock so created and issued is hereinafter in this Act referred to as " Ceylon Electricity Stock ".

(2) Ceylon Electricity Stock shall be issued, transferred, dealt with, redeemed and cancelled in accordance with such terms as may be determined by the Board with the approval of the Minister given with the concurrence of the Minister of Finance.

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Government guarantee.

44. (1) The Minister of Finance may, with the concurrence of the Minister, guarantee the repayment of, and the payment of the interest on, any Ceylon Electricity Stock created and issued under section 43.

(2) Any sum required for the fulfilment of a guarantee provided under sub-section (1) may, with the prior approval of the House of Representatives, be paid out of the Consolidated Fund of Ceylon.

(3) Any sum paid out of the Consolidated Fund of Ceylon in fulfilment of a guarantee provided under sub-section (1) shall be repaid, together with interest thereon at such rate as the Minister of Finance may with the concurrence of the Minister determine, by the Board in such manner and over such period as the Minister of Finance may with such concurrence determine.

Minister of Finance to inform Parliament about guarantee.

45. (1) Immediately after a guarantee is provided under section 44, the Minister of Finance shall lay or cause to be laid a statement of the guarantee before the Senate and the House of Representatives.

(2) Where any sum is paid under section 44, out of the Consolidated Fund of Ceylon in fulfilment of any guarantee provided under that section, the Minister of Finance shall forthwith lay or cause to be laid before the Senate and the House of Representatives a statement that such sum has been paid.

Investment of the funds of the Board.

46. Any funds of the Board which are not immediately required for the purpose of the business of the Board shall be invested by the Board in such manner as the Minister may, with the concurrence of the Minister of Finance, determine.

Reserves.

47. (1) The Board may establish and maintain with the General Treasury—

(*a*) an insurance reserve to cover the insurance of movable and immovable property of the Board and to meet third-party risks and liabilities arising under the Workmen's Compensation Ordinance; Cap. 139.

(*b*) a sinking fund in respect of the repayment of loans taken by the Board;

(*c*) a redemption fund in respect of the redemption of Ceylon Electricity Stock; and

(*d*) any other reserve fund that the Board may consider necessary.

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(2) The Board shall establish and maintain with the General Treasury—

(*a*) a depreciation reserve to cover the depreciation of the movable and immovable property of the Board; and

(*b*) a general reserve for the purpose of financing capital works from revenue moneys, ensuring the financial stability of the Board, and for such other purposes as the Board may from time to time determine.

(3) The sums to be carried from time to time, to the credit of each of the reserves and funds specified in sub-sections (1) and (2), shall be such sums as may be determined by the Board.

(4) The moneys comprised in the reserves and funds referred to in sub-sections (1) and (2) may be applied in such manner as the Board may determine.

Application of the revenue of the Board.

48. (1) The revenue of the Board in any year shall be applied in defraying the following charges:—

(*a*) the working and establishment expenses (including allocations to the insurance reserve and the depreciation reserve), in connection with the exercise and performance of the powers and duties of the Board, properly chargeable to revenue account;

(*b*) the interest on any temporary loan raised by the board;

(*c*) any sums required on account of the payments that have to be made to the Government under paragraph (*c*) of section 39;

(*d*) the interest due on Ceylon Electricity Stock issued under section 43;

(*e*) the interest on and the repayment of the principal of any loan from the Government or any other source; and

(*f*) any sums required on account of the payment of a dividend under paragraph (*b*) of section 39.

(2) The surplus of the revenue of the Board in any year which remains after the charges mentioned in sub-section (1) have been defrayed, shall be allocated to any one or more of the reserves and funds established under section 47.

Accounts of the Board and audit of such accounts.

49. (1) The Board shall cause proper accounts of its income and expenditure and of all its other transactions to be kept in a form which shall conform to the best commercial standards, and shall prepare an

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annual statement of accounts and statistics relating to its business in such form and containing such particulars as the Minister, with the concurrence of the Minister of Finance, may from time to time specify. The financial year of the Board shall commence on such date as may be determined by the Board.

(2) The accounts of the Board for each financial year shall be audited by the Auditor-General. For the purpose of assisting him in the audit of such accounts, the Auditor-General may employ the services of any qualified auditor or auditors who shall act under his direction and control.

(3) For the purpose of meeting the expenses incurred by him in the audit of the accounts of the Board, the Auditor-General shall be paid by the Board such remuneration as the Minister may, with the concurrence of the Minister of Finance, determine. Any remuneration received from the Board by the Auditor-General shall, after deducting any sums paid by him to any qualified auditor employed by him for the purposes of such audit, be credited to the Consolidated Fund of Ceylon.

(4) The Auditor-General shall examine the accounts of the Board and furnish a report—

(*a*) stating whether he has or has not obtained all the information and explanations required by him;

(*b*) stating whether the accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Board; and

(*c*) drawing attention to any item in the accounts which in his opinion may be of interest to the Senate and the House of Representatives in any examination of the activities and accounts of the Board.

(5) The Auditor-General shall transmit his report to the Board.

(6) For the purposes of this section, the expression " qualified auditor " means—

(*a*) an individual who, being a member of the Institute of Chartered Accountants of Ceylon, possesses a certificate to practise as an Accountant issued by the Council of that Institute; or

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(*b*) a firm of Chartered Accountants each of the partners of which, being a member of that Institute, possesses a certificate to practise as an Accountant issued by the Council of that Institute.

Powers of Auditor-General and his assistants.

50. The Auditor-General and any person assisting him in the audit of the accounts of the Board shall have access to all such books, deeds, contracts, accounts, vouchers and other documents of the Board as the Auditor-General may consider necessary for the purposes of such audit, and shall be furnished by the Board or its officers with such information within their knowledge as may be required for such purposes.

Report of the Board and copies of Auditor-General's report and statement of accounts and statistics to be sent to the Minister and laid before the Senate and the House of Representatives, and copies of such reports and statistics to be made available for purchase by the public.

51. (1) The Board shall, as soon as possible, after the end of each financial year of the Board, make to the Minister a report on the exercise and performance by the Board of its powers and duties during that year and on its policy and programme. Such report for any year shall set out any direction given by the Minister to the Board during that year unless the Minister has notified to the Board his opinion that it is against the interest of national security to do so. The Minister shall lay a copy of such report before the Senate and the House of Representatives.

(2) The Board shall, on receipt of the Auditor-General's report in each year, transmit to the Minister—

(*a*) a copy of such report; and

(*b*) a copy of the statement of accounts and statistics prepared under sub-section (1) of section 49.

(3) The Minister shall lay copies of the report and statement referred to in sub-section (2) before the Senate and the House of Representatives.

(4) The Board shall cause copies of the report of the Board and of the Auditor-General's report and the statement of accounts and statistics referred to in sub-section (2) to be printed at the expense of the Board and to be made available for purchase by the public at such price as shall be determined by the Board.

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PART V

Tariffs and Charges

Board to fix tariffs and charges.

52. (1) Subject to the provisions of this Act, the prices to be charged by the Board for the supply of electrical energy by the Board shall be in accordance with such tariffs as may be fixed from time to time by the Board with the approval of the Government:

Provided, however, that—

(i) the tariffs in force—

(*a*) immediately prior to the date of the transfer to the Board of the Government Electrical Undertakings, in any area of supply of such Undertakings, or

(*b*) immediately prior to the date of the transfer to the Board of the electrical undertakings carried on by a local authority in its capacity as a licensee within the meaning of the Electricity Act, in the authorized area of supply of such licensee,

Cap. 205.

shall continue in force and be deemed to be tariffs fixed by the Board under this section until varied or replaced by tariffs fixed by the Board in accordance with this section; and

(ii) the preceding provisions of this section shall not preclude the Board from charging special prices by agreement with any person or body.

(2) Before any tariffs are fixed by the Board under sub-section (1), the Board shall, by notification published in the *Gazette*, give publicity to such tariffs and a period of one month shall be fixed by the Board to enable any person or body or local authority to make representations relating to such tariffs.

(3) The tariffs fixed by the Board under sub-section (1)—

(*a*) shall be published in the *Gazette* and in such other manner as may appear to the Board best calculated to give publicity to such tariffs;

(*b*) shall come into force on the date of their publication in the *Gazette* or on such later date as may be specified therein; and

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(*c*) may include rent and other charges in respect of electrical fittings provided by the Board.

No undue preference to be shown in fixing tariffs and making agreements under section 52.

53. The Board, in fixing tariffs and making agreements under section 52, shall not show undue preference as between persons similarly placed, having regard to the place and time of the supply of electrical energy, the quantity of such energy supplied, the consumer load and power factor and the purpose for which such supply is taken.

Board to determine tariff in cases of doubt.

54. If any question arises as to whether or not a tariff is applicable in any case, or as to which tariff is so applicable, the Board shall determine that question, and such determination shall be final and conclusive.

Recovery of electricity supply charge from a local authority.

55. (1) In this section, the expression "electricity supply charge" means the sum payable to the Board for electrical energy supplied by the Board.

(2) (*a*) The electricity supply charge of a local authority in respect of any month shall be paid by such authority—

(i) within a period of thirty days from the date of the receipt by such authority of a bill relating to such charge from the Board, or

(ii) where such authority, upon receipt of such bill, disputes, under sub-section (3), a part or the whole of the amount of such charge—

(*aa*) in respect of the undisputed part of such bill, within a period of thirty days from the date of receipt of the bill; and

(*bb*) in respect of the disputed part of such bill, within a period of thirty days from the date of the final determination of such disputed part as hereinafter provided.

(*b*) A bill relating to the electricity supply charge sent by the Board to a local authority shall be dispatched by registered post and shall be deemed to have been received by that authority on the day on which that bill would have been delivered in the ordinary course of post.

(3) Where a local authority receives a bill from the Board for the payment of the electricity supply charge of such authority in respect of any month, such authority may, within a period of twenty-one days from the date of receipt by that authority of

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such bill, dispute a part or the whole of the amount of such charge by a written communication to that effect to the Board. Such communication shall specify the portion of such amount so disputed and the reasons therefor.

(4) No local authority shall be entitled to dispute the amount of the electricity supply charge of such authority in respect of any month except under and in accordance with sub-section (3).

(5) Where a part or the whole of the amount of the electricity supply charge of any local authority in respect of any month is disputed by such authority, such disputed part of the amount—

(*a*) shall be finally determined by agreement between the Board and such authority, or

(*b*) in the absence of such agreement within a period of thirty days from the date of the receipt by the Board of a communication as to such dispute from such authority under sub-section (3), shall be finally determined by arbitration, and for that purpose, the Board is hereby required and authorized to refer the dispute to arbitration through the Minister.

(6) A final determination as to the disputed part of the amount of the electricity supply charge of any local authority, whether by agreement or on arbitration, shall be binding on the Board and such authority.

(7) Where the electricity supply charge of a local authority in respect of any month is not paid by such authority to the Board within the period it is so required to be paid under sub-section (2), the Chairman of the Board shall certify in writing the amount which is due from such authority on account of such charge that has not been so paid.

(8) Upon the production of a certificate issued by the Chairman of the Board under sub-section (7) before any District Court or Court of Requests within whose jurisdiction the whole or any part of the area of administration of the local authority in respect of which such certificate is issued is situated, according as the sum specified in such certificate exceeds or does not exceed seven hundred and fifty rupees, the court shall direct a writ of execution to issue to the Fiscal authorizing him and requiring him

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to seize and sell all or any of the property movable or immovable of such authority or such part thereof as may be necessary for the recovery of that sum, and the provisions of sections 226 to 297 of the Civil Procedure Code shall, *mutatis mutandis*, apply to the execution of such writ and to such seizure and sale. Cap. 101

(9) Where the Chairman of the Board issues the certificate referred to in sub-section (7), he shall in writing notify the local authority specified in the certificate that the sum so specified is payable, but the non-receipt of such notice by such local authority shall not invalidate the proceedings under this section.

(10) Nothing in the provisions of sub-sections (8) and (9) of this section shall affect or be deemed or construed to affect the right of the Board to recover in any other manner any sum payable to the Board by a local authority on account of the electricity supply charge of that authority.

(11) Any sum due to the Board from a local authority in respect of the electricity supply charge of that authority shall, notwithstanding anything to the contrary in any other written law, be the first charge on the moneys in the fund of that authority.

PART VI
General

Regulations and penalty for their contravention.

56. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Minister may make regulations in respect of all or any one of the following matters:—

(*a*) any matter required by this Act to be prescribed or in respect of which regulations are authorized by this Act to be made; and

(*b*) the prevention of theft of, or damage to, or the commission of nuisances on, any property used by the Board, and the imposition of penalties on, and the recovery of compensation from, persons responsible for such theft, damage or nuisance.

(3) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

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(4) Every regulation made by the Minister shall, as soon as convenient after its publication in the *Gazette*, be brought before the Senate and the House of Representatives for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval, but without prejudice to anything previously done thereunder.

(5) Any person who contravenes the provisions of any regulation made under this Act shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding one year or to a fine not exceeding one thousand rupees, or to both such imprisonment and fine.

Acquisition of immovable property under the Land Acquisition Act for the Board.

Cap. 460.

57. (1) Where any immovable property is required to be acquired for any purpose of the Board and the Minister, by Order published in the *Gazette*, approves of the proposed acquisition, that property shall be deemed to be required for a public purpose and may accordingly be acquired under the Land Acquisition Act and be transferred to the Board.

(2) Any sum payable for the acquisition of any immovable property under the Land Acquisition Act for the Board, shall be paid by the Board.

Power of companies, &c., to enter into contracts with the Board.

58. Any company or other body of persons may, notwithstanding anything to the contrary in any written law or instrument relating to its functions, enter into and perform or carry out all such contracts and agreements with the Board as may be necessary for the performance of the duties and the exercise of the powers of the Board.

Protection for action taken under this Act or on the direction of the Board.

59. (1) No suit or prosecution shall lie—

(*a*) against the Board for any act which in good faith is done or is purported to be done by the Board under this Act; or

(*b*) against any member, officer, servant or agent of the Board for any act which in good faith is done or is purported to be done by him under this Act or on the direction of the Board.

(2) Any expense incurred by the Board in any suit or prosecution brought by or against the Board before any court shall be paid out of the funds of the Board.

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and any costs paid to, or recovered by, the Board in any such suit or prosecution shall be credited to the funds of the Board.

(3) Any expense incurred by any such person as is referred to in paragraph (*b*) of sub-section (1) in any suit or prosecution brought against him before any court in respect of any act which is done or is purported to be done by him under this Act or on the direction of the Board shall, if the court holds that such act was done in good faith, be paid out of the funds of the Board, unless such expense is recovered by him in such suit or prosecution.

No writ to issue against person or property of a member of the Board.

60. No writ against person or property shall be issued against a member of the Board in any action brought against the Board.

Special grant of lease of Crown property to Board.

Cap. 454.

61. Where any immovable property of the Crown is required for the purpose of the Board, such purpose shall be deemed to be a purpose for which a special grant or lease of such property may be made under section 6 of the Crown Lands Ordinance, and accordingly, the provisions of that Ordinance shall apply to a special grant or lease of such property to the Board.

Arbitration.

62. (1) Where any matter or dispute is required to be referred to arbitration by the Minister under this Act or is referred to arbitration through the Minister under this Act, such matter or dispute shall be so referred by the Minister, as soon as practicable, to a Board of Arbitration consisting of one arbitrator appointed by the Board, another arbitrator appointed by the other party to the matter or dispute, and an umpire (who shall be appointed by the Minister to be the Chairman of the Board of Arbitration) agreed upon by the two arbitrators or, in the event of an absence of such agreement within two months, nominated by the Minister.

(2) In the event of any difference of opinion among the members of the Board of Arbitration, the decision or determination of the majority shall be the decision of that Board.

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(3) Regulations may be made—

(*a*) in respect of all matters relating to or connected with the conduct of proceedings upon arbitration under this section; and

(*b*) providing for the payment of fees to the persons appointed under this section as arbitrators or as members of the Board of Arbitration.

(4) The decision or determination given upon arbitration under this section in respect of any matter or dispute shall be final and conclusive.

Penalty for causing failure of electricity supply of the Board.

63. (1) Any person who, unlawfully and maliciously, does any act which causes or is likely to cause a failure of electrical energy supplied by the Board, shall be guilty of an offence.

(2) Any person who aids or abets any other person in the commission of an offence under sub-section (1), shall be guilty of an offence.

(3) Every person who is guilty of an offence under sub-section (1) or sub-section (2), shall upon conviction be liable to rigorous imprisonment for a term not exceeding seven years.

(4) Every offence under sub-section (1) or sub-section (2) shall, notwithstanding anything in the Criminal Procedure Code, be a cognizable offence within the meaning and for the purposes of that Code.

Cap. 20.

Amendment of other written laws, &c.

64. (1) Wherever, in any provision of any other written law or in any notice, permit, communication, form or other document issued, made, required or authorized by or under any other written law—

(*a*) the expression " Department of Government Electrical Undertakings " occurs, there shall be substituted therefor, the expression " the Ceylon Electricity Board "; and

(*b*) the expression " General Manager, Department of Government Electrical Undertakings " occurs, there shall be substituted therefor, the expression " General Manager, Ceylon Electricity Board ";

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and accordingly, wherever in any such provision, notice, permit, communication, form or other document—

(i) the abbreviation " Department " is used to denote the Department of Government Electrical Undertakings, such abbreviation shall be read and construed as a reference to the Ceylon Electricity Board; and

(ii) the abbreviation " General Manager " is used to denote the General Manager of the Government Electrical Undertakings, such abbreviation shall be read and construed as a reference to the General Manager of the Ceylon Electricity Board.

(2) The provisions of sub-section (1) shall take effect on the date on which the Government Electrical Undertakings are transferred to the Board under section 18.

This Act to prevail over other written laws.

65. The provisions of this Act shall have effect notwithstanding anything contained in any other written law, and accordingly in the event of any conflict or inconsistency between the provisions of this Act and such other law, the provisions of this Act shall prevail.

Interpretation.

66. In this Act, unless the context otherwise requires—

" Anuradhapura Preservation Board " means the Anuradhapura Preservation Board established under the Anuradhapura Preservation Board Act, No. 32 of 1961;

" Department " means the Department of Government Electrical Undertakings;

" local authority " means any Municipal Council, Urban Council, Town Council or Village Council;

" Local Government Service ", "Local Government Service Commission ", and " member of the Local Government Service " have the same meanings, respectively, as in the Local Government Service Ordinance; Cap. 264.

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" Minister of Local Government " means the Minister who is for the time being charged with the administration of the subjects and functions relating to or connected with Local Government, whether with or without any other subjects or functions;

" prescribed " means prescribed by regulation;

" public officer " has the same meaning as in the Ceylon (Constitution) Order in Council, 1946; Cap. 379.

" transfer scheme " means a voluntary transfer scheme prepared under section 20 or a compulsory transfer scheme prepared under section 21;

" transferable service of the Government " means a service of the Government to which appointments are made subject to transfer within that service.

[Section 17]

SCHEDULE

AMENDMENTS TO THE ELECTRICITY ACT AND THE ELECTRICITY (AMENDMENT) ACT, No. 59 OF 1957

1. Section 11 of the Electricity Act is amended in paragraph (*b*) thereof, by the substitution, for the words " Government Agent of the administrative district within which such place is situated ", of the word " Board ".

2. Section 15 of the Electricity Act is amended as follows:—

(1) by the renumbering of sub-sections (1), (2) and (3) of that section, as sub-sections (2), (3) and (4), respectively, of that section;

(2) by the renumbering of sub-sections (4), (5), (6), (7), (8) and (9) of that section, as sub-sections (6), (7), (8), (9), (10) and (11), respectively, of that section;

(3) by the insertion, immediately before the renumbered sub-section (2), of the following new sub-section:—

" (1) In connection with the carrying out of the works referred to in section 12, a licensee or a person authorized by him in that behalf in writing shall be entitled, after giving one week's notice in the prescribed form and in the manner set out in sub-section

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(4), to enter upon any land notwithstanding that it is private property for the purpose of a preliminary inspection in connection with the proposed works.'';

(4) in the renumbered sub-section (2), by the substitution, for the expression '' sub-section (2) '', of the expression '' sub-section (3) '';

(5) in the renumbered sub-section (3), by the substitution, for the expression '' sub-section (1) '', of the expression '' sub-section (2) '';

(6) in the renumbered sub-section (4), by the substitution, for the expression '' The notice referred to in sub-section (2) '', of the expression '' Any notice referred to in sub-section (1) or sub-section (3) '';

(7) by the insertion, immediately after the renumbered sub-section (4), of the following new sub-section:—

'' (5) For the purpose of giving a notice referred to in sub-section (1) or sub-section (3), the licensee or a person authorised by him in writing in that behalf shall be entitled to enter the land. '';

(8) in the renumbered sub-section (7)—

(*a*) by the substitution, for the expression '' sub-section (4) '', of the expression '' sub-section (6) ''; and

(*b*) by the substitution, for the expression '' sub-section (2) '', of the expression '' sub-section (3) '';

(9) in the renumbered sub-section (9), by the substitution, for the expression, '' sub-section (2) '', of the expression '' sub-section (3) '';

(10) in the renumbered sub-section (10)—

(*a*) by the substitution, for the expression '' sub-section (7) '', of the expression '' sub-section (9) ''; and

(*b*) by the substitution, for the expression '' sub-section (2) '', of the expression '' sub-section (3) ''; and

(11) in the renumbered sub-section (11), by the substitution, for the expression '' sub-section (2) '', of the expression '' sub-section (3) ''.

3. Section 16 of the Electricity Act is repealed and the following section is substituted therefor:—

'' Power of licensee to enter on land and carry out works of repair and maintenance and operations for ensuring safety of the public.

16. For the purposes of the maintenance and repair of any electric line or works forming part of the installation or for the purpose of ensuring the safety of the public, a licensee or any person authorized by him in that behalf in writing may at all reasonable times enter upon any land on, under or over which the line has been laid, placed or carried or upon which posts or other apparatus have been erected, or on or over which there are trees, branches of trees or any wires which are likely to cause damage to the said electric line or works and thereby

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prejudice public safety, and may carry out all necessary maintenance operations or repairs and all operations necessary for ensuring public safety, and may in the course thereof fell or lop trees, remove vegetation or any wires other than telegraph lines and do all other things necessary for the aforesaid purposes, subject, however, to the condition that the repairs or other operations shall be so carried out as to cause as little damage as possible and that the licensee shall pay compensation to the owner of the land for any damage that may be caused. ".

4. Section 17 of the Electricity Act is amended in the proviso to sub-section (1) thereof, by the substitution, for the words " to grow ", of the words " to grow or for the removal of any wire which has been fixed ".

5. Section 33 of the Electricity Act is repealed and the following section is substituted therefor:—

" Supply for private purposes.

33. (1) A licensee shall, upon being required to do so by the owner or occupier of any premises situated within one hundred and fifty feet from any distributing main of the licensee in which he is for the time being required to maintain or is maintaining a supply of energy for the purposes of general supply to private consumers, give and continue to give a supply of energy to those premises in accordance with the provisions of this Act and the regulations made thereunder, and he shall furnish and lay any service lines that may be necessary for the purpose of supplying the maximum power which may be required by such owner or occupier.

(2) The performance of the duty imposed on the licensee by the provisions of sub-section (1) shall be subject to the following conditions:—

(*a*) The owner or occupier of the premises who requires a supply of energy from the licensee shall—

(i) make a written application to the licensee specifying a point at which such energy is required to be supplied and the maximum power required to be supplied and the day upon which such supply is required to commence, not being an earlier day than is reasonable after the date of the receipt of the application by the licensee, having regard to the situation of the point at which such supply is required to be given and to the length of line which has to be laid and plant which has to be erected for affording such supply;

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(ii) if required by the licensee so to do, enter into a written contract with the licensee to continue for a period of at least five years, to receive and, subject to any prescribed rebate, pay for a supply of such an amount of energy that the payment to be made for the supply will be at least twenty *per centum* per annum on the outlay (excluding expenditure upon generating plant then already provided and any electric line then already placed) incurred by the licensee in making provision for the supply; and

(iii) if required by the licensee so to do, defray the cost of the construction of the service line.

(*b*) The wires, fitting and apparatus which are to be laid or installed by such owner or occupier upon his premises for the purpose of receiving, transforming or using the supply of energy shall be of the prescribed quality or not inferior thereto; they shall be laid or installed in the prescribed manner, and they shall not be of any type or description prohibited by regulation on the ground of its being dangerous or on any similar ground. ".

6. Section 53 of the Electricity Act is amended as follows:—

(1) by the substitution, for sub-section (1) thereof, of the following sub-section:—

" (1) A suitable person, to be designated the Chief Electrical Inspector, shall be appointed for the purposes of this Act. "; and

(2) by the substitution, for the marginal note to that section, of the following marginal note:—

" Chief Electrical Inspector. ".

7. Section 55 of the Electricity Act is amended as follows:—

(1) in sub-section (1) thereof—

(*a*) in paragraph (*a*), by the substitution, for the words " works, and ", of the word " works. ";

(*b*) by the renumbering of paragraph (*b*) as paragraph (*c*) of that sub-section; and

(*c*) by the insertion, immediately after paragraph (*a*), of the following new paragraph:—

" (*b*) any accident or explosion or fire which has occurred in any part of any premises supplied with electrical energy from the licensee's works, if such event has been brought to the notice of the licensee, and "; and

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(2) in sub-section (2) thereof, by the substitution, for paragraph (*a*), of the following paragraph:—

" (*a*) the cause of any accident, explosion, fire, loss of life or personal injury referred to in sub-section (1), whether notice of such accident, explosion, fire, loss of life or personal injury has or has not been received from the licensee, or ".

8. Sections 59A, 59B, 59C and 59D, of the Electricity Act, inserted by Act No. 59 of 1957, are repealed.

9. Section 74 of the Electricity Act is amended in sub-paragraph (*b*) of paragraph (1) thereof, as follows:—

(1) by the substitution, for the words " under the hand of the General Manager ", of the words "under the hand of the General Manager of the Board "; and

(2) by the substitution, for the words " on behalf of the General Manager.", of the words " on behalf of the Board. ".

10. Section 80 of the Electricity Act is amended in sub-section (1) thereof, by the substitution, for paragraph (*a*), of the following paragraph:—

" (*a*) where the Board is the addressee, at the office of the Board; ".

11. Section 81 of the Electricity Act is repealed and the following section is substituted therefor:—

" Board to have powers of a licensee.

81. For the purposes of the electrical installations of the Board and the supply of energy by the Board, the Board shall have all the powers conferred on a licensee by this Act, and shall, in the exercise of any such power, comply with such of the provisions of this Act as a licensee is required by this Act to comply with when exercising that power. ".

12. Section 82 of the Electricity Act is amended as follows:—

(1) by the insertion, immediately before the definition of " consumer ", of the following definition:—

" Board " means the Ceylon Electricity Board established under the Ceylon Electricity Board Act, 1969; ";

(2) in the definition of "consumer ", by the substitution, for the words " General Manager ", wherever those words occur in that definition, of the word " Board "; and

(3) by the omission of the definition of " General Manager ".

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13. Sections 2, 11, 67 and 74, other than sub-paragraph (*b*) of paragraph (1) of the said section 74, of the Electricity Act, are amended by the substitution, for the words " General Manager, " wherever those words occur in those sections, of the word " Board ".

14. Section 5 of the Electricity (Amendment) Act No. 59 of 1957, is repealed.

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PARLIAMENT OF CEYLON

4th Session 1968-69

Local Government Service Act, No. 18 of 1969

Date of Assent : June 25, 1969

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L. D.—O. 14/66.

AN ACT TO ESTABLISH A COMMISSION KNOWN AS THE LOCAL GOVERNMENT SERVICE COMMISSION FOR THE PURPOSE OF MAKING APPOINTMENTS OF OFFICERS AND SERVANTS OF LOCAL AUTHORITIES AND FOR EXERCISING OTHER POWERS IN RESPECT OF SUCH OFFICERS AND SERVANTS; FOR THE CONSTITUTION AND REGULATION OF A LOCAL GOVERNMENT SERVICE; TO PROVIDE FOR THE ESTABLISHMENT OF A LOCAL GOVERNMENT SERVICE PENSION FUND, A LOCAL GOVERNMENT SERVICE WIDOWS' AND ORPHANS' PENSION FUND AND A LOCAL GOVERNMENT SERVICE PROVIDENT FUND; TO PROVIDE FOR THE REPEAL OF THE LOCAL GOVERNMENT SERVICE ORDINANCE AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: June 25, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and date of operation.

1. This Act may be cited as the Local Government Service Act, No. 18 of 1969, and shall come into operation on such date (hereafter in this Act referred to as the " appointed date ") as the Minister may appoint by Order published in the *Gazette*.

Establishment of Local Government Service Commission.

2. (1) For the purposes of this Act, there shall be established a central authority to be called and known as the Local Government Service Commission (hereinafter referred to as " the Commission ").

(2) The Commission shall by the name assigned to it by sub-section (1) be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

(3) The Commission shall consist of a Chairman and four other members all of whom shall be appointed by the Minister.

(4) A person shall be disqualified for being appointed or continuing as the Chairman or a member of the Commission if he is a Senator or Member of Parliament or a member of a local authority.

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(5) Where any member of the Commission, other than the Chairman, is, by reason of illness or other infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, the Minister may appoint any person to act in his place.

(6) Where the Chairman is, by reason of illness or other infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, the Minister may appoint any other member of the Commission to act in his place.

(7) The Minister may, without assigning a reason, remove the Chairman or any other member of the Commission from office. The removal of the Chairman or any member of the Commission from office by the Minister shall not be called in question in any court.

(8) Any member of the Commission including the Chairman may resign his office by letter addressed to the Minister.

(9) Subject to the provisions of sub-section (7) and sub-section (8), the term of office of each member of the Commission including the Chairman shall be three years:

Provided, however, that if the Chairman or any other member of the Commission vacates his office prior to the expiration of his term of office, his successor shall, unless such successor vacates his office earlier, hold office for the unexpired portion of the term of office of the person whom he succeeds.

Conduct of business.

3. (1) The Chairman shall preside at every meeting of the Commission. In the absence of the Chairman from any meeting of the Commission, the members of the Commission attending that meeting shall elect from themselves the chairman for that meeting.

(2) Every question which comes up for consideration before the Commission shall be determined by the majority of the members of the Commission.

(3) The quorum for any meeting of the Commission shall be three.

(4) Subject to the provisions of this Act, the Commission may regulate its own procedure.

(5) Any act or proceeding of the Commission shall not be invalid by reason only of the existence of a vacancy among its members or any defect in the appointment of any of its members.

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Staff of the Commission.

4. (1) There shall be a Secretary of the Commission, who shall be a member of the Ceylon Administrative Service.

(2) The other members of the staff of the Commission shall be appointed from the transferable services of the Government.

Remuneration of Chairman and other members of the Commission.

5. The Chairman and other members of the Commission shall be entitled to receive such remuneration as the Minister may, with the concurrence of the Minister of Finance, determine.

Powers of the Commission.

6. (1) The Commission shall have the following powers:—

(*a*) to determine all matters relating to methods of recruitment to, and conditions of employment in, the service, and the principles to be followed in making appointments to the service and in making promotions and transfers from one post in the service to another;

(*b*) to recruit, appoint, promote, transfer, dismiss, retire, interdict, or otherwise punish, members of the service and generally to maintain discipline in the service;

(*c*) to conduct examinations for appointments to the service or to appoint boards of examiners for the purpose of conducting such examinations, and to charge fees from candidates presenting themselves for examinations;

(*d*) to classify the posts in the service into classes or grades, to determine the qualifications necessary for appointment to any such post or to posts in any class or grade, to fix the scale of salaries to be attached to any such post or to posts in any class or grade, and to revise or adjust with effect from such date as the Commission may determine any scale so fixed;

(*e*) to determine the cases in which disciplinary action against members of the service may be taken by local authorities generally or by local authorities of any specified description, or by any particular local authority, and the punishments which such authorities or authority may impose on such members;

(*f*) to call upon any local authority to keep the prescribed records relating to members of the service;

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(*g*) to call upon any local authority to furnish before a specified date such files, other documents or information as the Commission may require in respect of any member of the service in the employment of that local authority;

(*h*) upon the failure of any local authority to furnish any files, other documents or information required under paragraph (*g*), to authorize, with the approval of the Minister, any member or officer of the Commission to enter the office of the local authority and to obtain such files, other documents or information, as the case may be, and for the purpose of obtaining such files or other documents or information, to search that office and to remove such files or other documents from that office to the office of the Commission and to keep such files or other documents in the office of the Commission for such period as the Commission may deem necessary, and to inspect and take copies of any books, accounts or other documents kept in the office of the local authority;

(*i*) to regulate in the prescribed manner a scheme for providing medical facilities to members of the service and their wives and children and for providing financial assistance or relief to members of the service who are in debt;

(*j*) to authorize any member or members of the Commission or any retired civil list officer or officers to hold an inquiry, in any case involving the exercise of the disciplinary powers of the Commission or in any such case of any specified class or description, for the purpose of making recommendations to the Commission in regard to the exercise of such powers in such case;

(*k*) to delegate, subject to such terms and conditions as may be determined by the Commission, and subject to the provisions of such regulations as may be made for the purpose, to local authorities of any specified description or to any particular local authority any of the powers (other than the power to appoint or dismiss members of the service), duties or

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functions conferred or imposed upon, or vested in, the Commission by or under this Act;

(*l*) to make rules under this Act;

(*m*) to exercise such other powers as may be vested in the Commission by Order made by the Minister under this section and published in the *Gazette*.

(2) In the exercise of the powers vested in the Commission by sub-section (1) the Commission may modify, vary, revise or set aside any decision or determination made by the Commission.

Powers of the Minister in relation to the Commission.

7. The Minister may call upon the Commission to furnish such files, other documents or information as the Minister may require in respect of the performance of the duties and the exercise of the powers of the Commission.

Division of Ceylon into areas for the purposes of this Act, and residential qualifications.

8. (1) For the purposes of this Act, Ceylon shall be divided into areas specified in Part I of the Schedule hereto.

(2) No person shall be appointed by the Commission to any post specified in Part II of the Schedule hereto except on the result of an open competitive examination held in accordance with such rules as may be made for the purpose.

(3) No person shall be appointed to any post specified in Part II of the Schedule hereto under any local authority in any area specified in Part I of that Schedule unless that person has been resident within that area for a period of at least three years immediately preceding the date of his appointment.

(4) No person who is appointed to any post specified in Part II of the Schedule hereto under any local authority in any area specified in Part I of that Schedule shall be transferred to any post outside that area:

Provided, however, that the preceding provisions of this sub-section shall not apply to any such person who was appointed to any post on any date prior to the appointed date and who, under the repealed Ordinance, could be transferred to any post in any area.

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Application of the Commissions of Inquiry Act.

9. The Commission established by this Act shall, in the case of any inquiry held into any matter involving the exercise of any disciplinary power vested in that Commission by or under this Act, have the same powers as a commission appointed under the Commissions of Inquiry Act; and accordingly, any reference in any provision of the Commissions of Inquiry Act to a commission shall be deemed to include a reference to the Commission established by this Act.

Constitution of a Local Government Service, and provisions relating to members of that service.

10. (1) A service to be called and known as the Local Government Service is hereby constituted.

(2) The Local Government Service shall consist of all monthly paid officers and servants of Municipal Councils, Urban Councils, Town Councils and Village Councils other than the officers and servants whose posts are specified in Part III of the Schedule hereto.

(3) Every person who was, on the day immediately preceding the appointed date, a monthly paid officer or servant of any local authority (other than an officer or servant whose post is specified in Part III of the Schedule hereto), or a member of the Local Government Service constituted by the repealed Ordinance shall, with effect from the appointed date, be deemed to be a member of the Local Government Service constituted by this Act.

(4) Every member of the service shall, so long as he continues as such member, be deemed for all purposes to be in the service of the Commission notwithstanding that he is for the time being employed under a local authority and notwithstanding that his salary is paid out of the funds of that local authority.

(5) Every member of the service shall be deemed to be a public servant within the meaning and for the purposes of the Penal Code.

(6) Every member of the service shall be deemed to be a public servant within the meaning and for the purposes of the Public Servants (Liabilities) Ordinance.

(7) No member of the service shall be dismissed or otherwise punished except in accordance with the provisions of this Act or any rules made thereunder.

(8) No member of the service shall be dismissed unless an order of dismissal is made by at least three members of the Commission.

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Appointments to be made by the Commission.

11. On or after the appointed date, every appointment of any monthly paid officer or servant of any local authority other than an officer or servant whose post is specified in Part III of the Schedule hereto shall, notwithstanding anything in any other written law, be made only by the Commission.

Appointments, transfers, salaries, and abolition of posts.

12. (1) Every local authority shall cause and permit every person who is appointed or transferred under this Act to any post in the service of that authority to perform and discharge the functions and duties of that post and shall, out of its funds, pay the salary and allowances of each such person.

(2) On or after the appointed date, no post in any local authority other than a post specified in Part III of the Schedule hereto shall, notwithstanding anything in any other written law, be abolished by such local authority except with the approval in writing of the Minister.

Certain enactments not to apply to the Commission and to members of the service.

13. (1) Nothing in the Wages Boards Ordinance shall apply or be construed or deemed to apply to or in relation to or in the case of any person who is a member of the service, notwithstanding that he is employed for the time being under a local authority in or in connection with any service or undertaking which partakes of the nature of a trade or industry.

(2) Nothing in the Industrial Disputes Act, or in the Employees' Provident Fund Act shall apply or be construed or deemed to apply to or in relation to the Commission in its capacity as employer or to or in relation to or in the case of any person who is a member of the service:

Provided, however, that the preceding provisions of this sub-section shall not be deemed to affect any industrial dispute pending, on the day immediately preceding the appointed date, before an industrial court or a labour tribunal, and accordingly, for the purposes of any such dispute, the Commission shall be deemed to be the successor to the Local Government Service Commission established by the repealed Ordinance.

Rules.

14. (1) Rules may be made—

(*a*) for the recruitment, appointment, promotion, transfer, resignation and retirement of members of the service;

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(*b*) for the filling of vacancies of the service;

(*c*) for the dismissal, interdiction or punishment of members of the service;

(*d*) generally for the maintenance of discipline in the service;

(*e*) providing for the conditions and circumstances in which, and the restrictions subject to which, the employees of local authorities will be eligible for the grant of pensions and gratuities under the Local Government Service Pension Fund established under section 16, and the payments to be made to such employees under such Pension Fund;

(*f*) providing for the conditions and circumstances in which, and the restrictions subject to which, widows and children of employees of local authorities will be eligible for the grant of pensions under the Local Government Service Widows' and Orphans' Pension Fund established under section 17, the fixing of the contributions to be made to such Fund by the authority administering such Fund and employees of local authorities, the payments to be made from such Fund to such widows and children, the authorizing of contributions of such employees to be deducted from their salaries and the prescribing of the procedure for making such deductions;

(*g*) prescribing the procedure for making deductions from the salaries of contributors to the Local Government Service Provident Fund established under section 18.

(2) Any rule made under paragraph (*e*) or paragraph (*f*) of sub-section (1) shall, if so expressed, be deemed to have had effect from such date, prior to the date of the publication of the rule in the *Gazette*, as may be specified therein.

Duties of local authorities.

15. Every local authority shall—

(*a*) keep and maintain in respect of each member of the service in its employ, the prescribed registers or records;

(*b*) enter therein all such particulars relating to each of those members as may be prescribed;

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(*c*) furnish to the Commission such returns or reports relating to those members as may be prescribed or such information as the Commission may from time to time require;

(*d*) permit any member or officer of the Commission authorized in that behalf under section 6 (1) (*h*) to enter its office and to inspect and take copies of any books, accounts, records, or other documents kept therein.

Establishment of Pension Fund.

16. (1) There shall be established a Fund to be known as the Local Government Service Pension Fund for the payment of pensions and gratuities to the pensionable members of the service.

(2) The pension scheme established under the repealed Ordinance shall be deemed to be the Local Government Service Pension Fund established under this section.

Establishment of Widows' and Orphans' Pension Fund.

17. (1) There shall be established a Fund to be known as the Local Government Service Widows' and Orphans' Pension Fund for the payment of pensions to the widows and children of the pensionable members of the service.

(2) The widows' and orphans' pension fund or scheme established under the repealed Ordinance shall be deemed to be the Local Government Service Widows' and Orphans' Pension Fund established under this section.

Establishment of Provident Fund.

18. (1) There shall be established a Fund to be known as the Local Government Service Provident Fund for the grant of benefits to the non-pensionable members of the service.

(2) The Local Government Service Provident Fund established under the repealed Ordinance shall be deemed to be the Local Government Service Provident Fund established under this section.

Regulations

19. Regulations may be made under this Act—

(*a*) for the administration, regulation, supervision and control of each of the Funds established under sections 16, 17 and 18; and

(*b*) for all matters for and in respect of which regulations are authorized or required to be made under this Act.

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Repeal of the Local Government Service Ordinance (Chapter 264).

20. (1) The Local Government Service Ordinance is hereby repealed with effect from the appointed date.

(2) Notwithstanding the repeal of the Local Government Service Ordinance,—

(*a*) the provisions of sections 55 to 58 of that Ordinance shall remain in force;

(*b*) the provisions of sections 29, 31 to 44, 47 to 52, 54, and 59 to 62 of that Ordinance shall remain in force subject to such modifications as may be made by regulations made under this Act;

(*c*) every regulation made under that Ordinance (other than a regulation relating to the establishment, administration, regulation or management of the provident fund or the pension scheme or the widows' and orphans' pension fund or scheme, established under that Ordinance, made under sections 45 and 53 of that Ordinance) and in force on the day immediately preceding the appointed date shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to be a rule made under this Act, and have effect accordingly, and may be amended, varied or rescinded by rule made under this Act;

(*d*) every regulation relating to the establishment, administration, regulation or management of the provident fund or the pension scheme or the widows' and orphans' pension fund or scheme, established under that Ordinance, made under section 45 or 53 of that Ordinance, and in force on the day immediately preceding the appointed date shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to be a regulation made under this Act, and have effect accordingly, and may be amended, varied or rescinded by regulation made under this Act; and

(*e*) any inquiry or other matter, which, on the day immediately preceding the appointed date, was pending, may be continued, heard and determined by the Commission established under this Act, or if that Commission so thinks fit, be held or considered afresh and determined by that Commission.

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(3) The Minister, upon being satisfied that the continuance in operation of any of the sections of the repealed Ordinance referred to in paragraphs (*a*) and (*b*) of sub-section (2), is no longer required for the purposes of this Act, may, by Order published in the *Gazette*, declare that any such section shall cease to have effect.

Officers or servants on staff of the Local Government Service Commission established by the repealed Ordinance deemed to have been retired on the ground of abolition of their offices.

21. Every officer or servant who, on the day immediately preceding the appointed date, was on the staff of the Local Government Service Commission established by the repealed Ordinance shall, for the purposes of the application of the Minutes on Pensions, be deemed to have been retired, with effect from the appointed date, on the ground of the abolition of the post held by such officer or servant:

Provided that the preceding provisions of this section shall not apply in the case of an officer or servant who, on or before the appointed date, accepts and is appointed to a post in the public service or any local authority.

Amendment and replacement of Schedule.

22. The Minister may, by regulation, amend or vary the Schedule to this Act and may from time to time replace that Schedule by a new Schedule incorporating all amendments or variations made therein under the preceding provisions of this section.

Removal of difficulties.

23. If, in first giving effect to the provisions of this Act, any doubt or difficulty arises in respect of any matter or question for which no provision or no effective provision is made by this Act, the Minister may, by Order, remove or determine such doubt or difficulty. Every such Order shall be published in the *Gazette*, and upon such publication shall have the force of law and be as valid and effectual as if it were herein enacted.

Contributions by local authorities to the Local Government Service Pension Fund, the Local Government Service Widows' and Orphans' Pension Fund and the Local Government Service Provident Fund

24. The payment of any sum by a local authority by way of contribution to the Local Government Service Pension Fund or the Local Government Service Widows' and Orphans' Pension Fund or the Local Government Service Provident Fund under this Act or regulations made under this Act shall be deemed to be a purpose for which the funds at the disposal of the local authority may be expended under the written law relating to the powers of that local authority, and such sum may, in the case of a local authority which has defaulted in the payment

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of any sum to any of the aforesaid funds, be deducted from any moneys payable by the Government to such local authority.

Minister to make regulations.

25. (1) The Minister may make all such regulations as may seem to him to be necessary for carrying out the provisions of this Act or giving effect to the principles thereof, including regulations for all matters for or in respect of which regulations are authorized or required to be made under this Act.

(2) No regulation made by the Minister under this section shall have effect until it has been approved by the Senate and the House of Representatives, and notification of such approval has been published in the *Gazette*.

(3) Upon the publication of any notification under sub-section (2), the regulation to which the notification relates shall be as valid and effectual as though it were herein enacted.

Commission to make rules.

26. (1) The Commission may, subject to the general or special direction of the Minister, make rules for all matters for or in respect of which rules are authorized or required to be made under this Act, and all matters stated or required by this Act to be prescribed.

(2) No rule made by the Commission under this Act shall have effect until it has been approved by the Senate and the House of Representatives, and notification of such approval has been published in the *Gazette*.

Immunity of individual members of the Commission.

27. No action, prosecution or other proceeding, whether civil or criminal, shall be instituted or maintained against any member of the Commission in respect of any decision taken or act done or omitted by the Commission or by any member thereof in his capacity as such member.

Interpretation.

28. In this Act, unless the context otherwise requires—

" Chairman " means the Chairman of the Commission;

" local authority " means any Municipal Council, Urban Council, Town Council or Village Council;

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" members of the service " means the monthly paid officers and servants of local authorities (other than the officers and servants whose posts are specified in Part III of the Schedule hereto), whether such officers and servants were appointed before, on or after the appointed date;

" prescribed " means prescribed by rule made under this Act;

" regulation " means a regulation made by the Minister under this Act;

" repealed Ordinance " means the Local Government Service Ordinance (Chapter 264);

" rule " means a rule made under this Act;

" the service " means the Local Government Service constituted by section 10 of this Act.

SCHEDULE

PART I (Section 8)

Area A comprising the following:—

The administrative districts of Colombo, Kalutara, Galle, Matara, Hambantota and Puttalam, exclusive of Puttalam Pattu and Gravets, Kalpitiya Division, Demala Hatpattuwa and Udappu village area.

Area B comprising the following:—

The North-Central Province and the Province of Uva. The administrative districts of Kandy, Matale, Nuwara-Eliya, Ratnapura, Kegalla and Kurunegala.

Demala Hatpattuwa in the administrative district of Puttalam.

Vavuniya South (Sinhalese Division) in the administrative district of Vavuniya.

Bintenne Pattu and Wewagam Pattu in the administrative district of Batticaloa.

Gomarankadawala, Madawachchiya and Kantalai village areas in the administrative district of Trincomalee.

Panama village area in the administrative district of Batticaloa.

Puttalam Pattu village area in the administrative district of Puttalam.

The village areas of Meda Palata and Uda Palata in the Divisional Revenue Officer's Division of Wewagam Pattu of the administrative district of Amparai and the village area of Samanturai West in the Divisional Revenue Officer's Division of Samanturai Pattu.

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Area C comprising the following:—

The administrative districts of Jaffna, Mannar and Trincomalee (exclusive of Gomarankadawala, Madawachchiya and Kantalai village areas).

The administrative district of Puttalam exclusive of Demala Hatpattuwa, Pitigal Korale South, Pitigal Korale North and Puttalam Pattu village area.

The administrative district of Vavuniya exclusive of Vavuniya South (Sinhalese Division).

The administrative district of Batticaloa exclusive of Bintenne Pattu, Wewagam Pattu and Panama village area.

The Udappu village area in the administrative district of Puttalam.

The village area of Manmunai South in the Batticaloa District, the village area of Palukamam Mandur and Navagiri Nagar in the Divisional Revenue Officer's Division of Eruvil Porativu and the village area of Samanturai East in the Divisional Revenue Officer's Division of Samanturai Pattu of Amparai administrative district.

PART II (Section 8).

Municipal Councils

Every post specified hereunder if the maximum of the salary scale assigned to the post exceeds Rs. 1,500 per annum:—

Clerks.

Assistant Clerks.

Stenographers.

Assistant Stenographers.

Typists.

Urban Councils

Every post specified hereunder if the maximum of the salary scale assigned to that post exceeds Rs. 1,200 per annum:—

Clerks.

Assistant Clerks.

Stenographers.

Typists.

Typist-Clerks.

Town Councils

Every post specified hereunder if the maximum of the salary scale assigned to that post exceeds Rs. 900 per annum:—

Clerks.

Assistant Clerks.

Village Councils

Every post specified hereunder if the maximum of the salary scale assigned to that post exceeds Rs. 900 per annum:—

Clerks.

Assistant Clerks.

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PART III (Sections 10, 11, 12 and 28).

1. Every post of a temporary or casual nature in any local authority.

2. Every post in a Municipal Council, if the maximum of the salary scale assigned to that post does not exceed Rs. 1,500 per annum.

3. Every post in an Urban Council if the maximum of the salary scale assigned to that post does not exceed Rs. 1,200 per annum.

4. Every post in a Town Council or a Village Council if the maximum of the salary scale assigned to that post does not exceed Rs. 900 per annum.

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PARLIAMENT OF CEYLON

4th Session 1968-69

Atomic Energy Authority Act, No. 19 of 1969

Date of Assent: June 25, 1969

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L. D.—O. 20/59.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF AN ATOMIC ENERGY AUTHORITY AND AN ADVISORY COMMITTEE TO ADVISE SUCH AUTHORITY, TO SPECIFY THE POWERS, DUTIES, RIGHTS AND FUNCTIONS OF SUCH AUTHORITY, AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: June 25, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Atomic Energy Authority Act, No. 19 of 1969.

Establishment of the Atomic Energy Authority.

2. (1) There shall be established an Authority which shall be called the Atomic Energy Authority (hereinafter in this Act referred to as the "Authority").

(2) The Authority shall consist of not less than four and not more than seven members appointed by the Minister from among persons who appear to the Minister to have had experience and shown capacity in dealing with matters connected with atomic energy, administration or finance.

Disqualification for being appointed or being a member of the Authority.

3. A person shall be disqualified for being appointed or being a member of the Authority so long as he is a Senator or a Member of Parliament.

Term of office of members of the Authority.

4. (1) Every member of the Authority shall hold and vacate his office in accordance with the terms of his appointment, but he may resign his office by letter addressed to the Minister. He shall, on ceasing to be a member, be eligible for reappointment.

(2) The Minister may, if he thinks it expedient to do so, remove from office any member of the Authority.

Chairman of the Authority.

5. (1) The Minister shall appoint one of the members of the Authority to be its Chairman.

(2) The Chairman of the Authority shall hold and vacate his office in accordance with the terms of his appointment, but he may resign his office by letter

1—H 19643—3,258 (12/68)

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addressed to the Minister. He shall, on vacating his office, be eligible, so long as he is a member of the Authority, for reappointment.

Remuneration of members of the Authority.

6. Where the Minister, in consultation with the Minister of Finance, decides that remuneration should be paid to each member of the Authority and determines the remuneration to be so paid, the Authority shall pay such remuneration.

Remuneration for employment of members of the Authority otherwise than as such member.

7. Where any member, other than the Chairman, of the Authority is employed about the affairs of the Authority otherwise than as such member, the Authority shall pay to that member such remuneration, if any, (in addition to any remuneration to which he may be entitled in respect of his office as such member), as the Minister may, in consultation with the Minister of Finance, determine.

The Authority to be a corporation.

8. The Authority shall, by the name assigned to it by sub-section (1) of section 2, be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

Seal of the Authority.

9. The seal of the Authority—

(*a*) shall be in the custody of such person as the Authority may from time to time determine;

(*b*) may be altered in such manner as may be determined by the Authority; and

(*c*) shall not be affixed to any document except with the sanction of the Authority and in the presence of two members of the Authority who shall sign the document in token of their presence.

The Authority may acquire and hold property, raise loans, appoint the necessary staff, &c.

10. (1) The Authority may acquire, hold, take or give on lease or hire, mortgage, pledge and sell or otherwise dispose of any movable or immovable property.

(2) The Authority may appoint such officers and servants as may be necessary for the performance of the work of the Authority. The conditions of employment, including remuneration, of any officer or servant appointed under this sub-section shall be determined by the Authority.

(3) The Authority may do such other things as are incidental or conducive to the attainment of its purposes.

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Quorum.

11. The quorum for a meeting of the Authority shall be three.

The Authority may act despite vacancy.

12. The Authority may act notwithstanding a vacancy among its members so long as the number of members of the Authority is sufficient to constitute a quorum for a meeting of the Authority.

Disclosure of interest of a member of the Authority in a contract made or proposed to be made by the Authority.

13. (1) A member of the Authority who is directly or indirectly interested in a contract made or proposed to be made by the Authority shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the Authority.

(2) Any disclosure made by a member of the Authority under sub-section (1) shall be recorded in the minutes of the Authority and that member—

(*a*) shall not take part after the disclosure in any deliberation or decision of the Authority with respect to the contract to which the disclosure relates, and

(*b*) shall be disregarded for the purpose of constituting a quorum of the Authority for any such deliberation or decision.

The Authority may regulate its procedure.

14. Subject to the other provisions of this Act, the Authority may regulate its procedure.

Functions of the Authority.

15. (1) The Authority shall undertake and make arrangements for the conduct of research and development activities relating to—

(*a*) the production of atomic energy, including processes, materials, and devices relating to such production;

(*b*) the utilization of fissionable and radioactive materials for medical, agricultural, industrial and other peaceful purposes;

(*c*) the protection of health during such research and development activities;

(*d*) the protection of health of persons employed at premises or places in which any radioactive materials are manufactured, produced, treated, stored or used or any irradiating apparatus is used, and the prevention of injury caused by ionizing radiations to the health of other persons; and

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(*e*) the protection of health of persons transporting radioactive materials.

(2) The arrangements referred to in sub-section (1) shall contain such provisions to protect health, to minimize danger from explosion and other hazards to life and property, and to require the reporting and to permit the inspection of work performed thereunder, as the Authority may determine.

Powers of the Authority in regard to the production, use and disposal of atomic energy, &c.

16. The Authority shall have power—

(*a*) to produce, use and dispose of atomic energy and carry out research into any matters connected therewith;

(*b*) to manufacture or otherwise produce, buy or otherwise acquire, store and transport any article which in the opinion of the Authority is, or is likely to be, required for or in connection with the production or use of atomic energy or such research as aforesaid, and to dispose of any article manufactured, produced, bought or otherwise acquired by the Authority;

(*c*) to manufacture or otherwise produce, buy or otherwise acquire, treat, store, transport and dispose of any radioactive material;

(*d*) to do all such things (including the erection of buildings and the execution of works) as appear to the Authority necessary for the exercise of the aforementioned powers;

(*e*) to make arrangements with universities and other institutions or persons both in Ceylon and abroad and Government Departments for the conduct of research into matters connected with atomic energy or radioactive materials and, with the approval of the Minister given in consultation with the Minister of Finance, to make grants or loans to universities and other institutions or persons and Government Departments engaged in the production or use of atomic energy or radioactive materials or in research into matters connected with atomic energy or radioactive materials;

(*f*) to make available for use in connection with such research or production conducted or carried out by any institution or person other than the Authority such of the Authority's equipment and facilities as the Authority may determine, and

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(*g*) to distribute information relating to, and educate and train persons in matters connected with, atomic energy or radioactive materials.

Power to obtain information.

17. (1) Any officer authorized in that behalf by the Authority may by written notice served on any person require such person to make such returns, at such times, and containing such particulars as may be specified in the notice, of all or any of the following:—

(*a*) any such radioactive material specified in the notice as is in his possession or under his control;

(*b*) any plant in his possession or under his control designed or adapted for the production or use of atomic energy or research into matters connected therewith;

(*c*) any contract entered into by him or any right granted by or to him relating to the production or use of atomic energy or research into matters connected therewith; and

(*d*) any other information in his possession relating to any work carried out by him, or on his behalf or under his direction, in connection with the production or use of atomic energy or research into matters connected therewith.

(2) Any person who—

(*a*) fails to comply with any notice served on him under sub-section (1), or

(*b*) knowingly makes any untrue statement in any return made in pursuance of such notice,

shall be guilty of an offence.

Control of importation, exportation, production, acquisition, treatment, storage, transport and disposal of radioactive materials.

18. (1) The Authority may by Order published in the *Gazette* make such provision as it thinks expedient for prohibiting or regulating, subject to such exceptions, if any, as may be made by or under the Order—

(*a*) the importation into, or exportation from, Ceylon of all radioactive materials, or radioactive materials of any class or description specified in the Order;

(*b*) the production, acquisition, treatment, storage, transport and disposal of any radioactive material; and

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(*c*) the acquisition, production, possession, use, disposal, export or import of any plant designed or adapted for the production or use of atomic energy or for research into matters connected therewith.

(2) Any person who contravenes or fails to comply with an Order made under sub-section (1) shall be guilty of an offence.

Regulations for the control of the sale and supply of radioactive materials and of the use of irradiating apparatus, for certain purposes.

19. (1) Regulations may be made, in consultation with the Minister of Health, regarding—

(*a*) the sale or supply of any material which contains more than a specified quantity of a radioactive chemical element (whether natural or artificial) and is intended to be taken internally by, injected into or applied to, a human being, with particular regard to the qualifications, and including if necessary the licensing, of persons who sell and supply such materials; and

(*b*) the use, for the purpose of the medical, surgical or dental diagnosis or treatment of human beings, of any, or any specified class or description of, irradiating apparatus, with particular regard to the qualifications, and including, if necessary, the licensing of persons who so use such apparatus.

(2) Any person who contravenes or fails to comply with a regulation made for the purposes of this section shall be guilty of an offence.

Safety regulations for certain occupations.

20. (1) With respect to any class or description of premises or places specified in the regulations, being premises or places in which any radioactive materials are manufactured, produced, treated, stored or used or any irradiating apparatus is used, provision may be made by regulations—

(*a*) to prevent injury being caused by ionizing radiations to the health of persons employed at those premises or places or other persons;

(*b*) to secure that any radioactive waste products resulting from such manufacture, production, treatment, storage or use as aforesaid are disposed of safely;

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(*c*) for the enforcement of measures of environmental protection in respect of persons who reside in areas where work is carried on in regard to any source of ionizing radiation, including measures for imposing requirements as to the erection or structural alteration of buildings or the carrying out of works; or

(*d*) for the effective monitoring of equipment, materials and environment, and the medical examination and the treatment, both prophylactic and curative, of persons who are exposed to ionizing radiation;

and the regulations may, in particular and without prejudice to the generality of this sub-section, provide for imposing requirements as to the erection or structural alteration of buildings or the carrying out of works.

(2) With respect to the transport of any radioactive materials, regulations may be made to prevent injury being caused by such transport to the health of persons engaged therein and other persons.

(3) Regulations made for the purposes of this section may provide for imposing requirements, prohibitions and restrictions on employers, employees and other persons.

(4) Any person who contravenes or fails to comply with a regulation made for the purposes of this section shall be guilty of an offence.

Use of installations, equipment and materials for laboratory or experimental purposes.

21. (1) The officers and servants of the Authority may, without any such licence, permit or approval as may be required by any other written law, maintain and use, on any premises lawfully occupied by the Authority for laboratory or experimental purposes, such installations, equipment, and materials as they may consider necessary or desirable for those purposes.

(2) The provisions of sub-section (1) shall not be deemed to relieve the Authority of responsibility for taking reasonable precautions for the safety and protection of persons and property or for liability for the consequence of the acts of its officers and servants in the course of their employment.

No atomic weapon to be produced or developed.

22. (1) The Authority or any other persons shall not produce or develop, or cause the production or development of, any atomic weapon or part of an atomic weapon, or conduct or cause to be conducted

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experimental work with the intention that it shall lead to explosive nuclear assemblies for atomic weapons.

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence punishable with imprisonment not exceeding twenty years on conviction after trial by an appropriate court.

Powers of entry and inspection.

23. (1) The Permanent Secretary may, on the recommendation of the Authority, authorize in writing any person to enter at all reasonable hours any premises, (other than premises solely used for residential purposes), vehicle, vessel or aircraft for the purpose of ascertaining whether there has been committed, or is being committed, in or in connection with the premises, vehicle, vessel or aircraft an offence under this Act.

(2) The Permanent Secretary may, on the recommendation of the Authority, authorize in writing any person to enter at all reasonable hours any premises where such person has reasonable grounds for believing that work is being carried out for the purposes of or in connection with the production or use of atomic energy or research into matters connected therewith, or that there is any prescribed substance, or any plant designed or adapted for the production or use of atomic energy or research into matters connected therewith, and may inspect the premises and any articles found therein, and make copies of, or extracts from, any drawing, plan or other document found in the premises and, for the purpose of making such copies or extracts, may remove any such drawing, plan or other document and retain possession thereof for a period not exceeding seven days.

(3) Any person who wilfully obstructs any other person exercising powers conferred on that person by sub-section (1), or sub-section (2), shall be guilty of an offence.

Compulsory acquisition of land required by the Authority. Cap. 460.

24. Any land required for the purposes of the Authority shall be deemed to be needed for a public purpose and may be acquired by the Crown under the Land Acquisition Act and transferred to the Authority.

Compulsory acquisition of plant required by the Authority.

25. (1) The Permanent Secretary may, on the recommendation of the Authority, and subject to and in accordance with the provisions contained in the Schedule to this Act, compulsorily acquire any plant

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designed or adapted for the production or use of atomic energy or research into matters connected therewith, and transfer the same to the Authority.

(2) In the case of any such plant affixed to any land as is compulsorily acquired under sub-section (1), the Permanent Secretary may cause it to be severed from the land, and shall, if such severance is made, cause any damage caused by such severance to be made good.

(3) Such compensation in respect of the acquisition of any plant under this section shall be paid by the Permanent Secretary to the person who is the owner and to any other person who has an interest in the plant, as may be agreed upon between the Permanent Secretary and such person or persons with the approval of the Minister of Finance or, in default of such agreement, as may be determined by an arbitrator mutually agreed upon by the Permanent Secretary and such person or persons or, failing such last-mentioned agreement, by an arbitrator appointed by the District Judge of Colombo. The arbitrator may, if he thinks fit, be assisted by not more than two assessors, and the fees of the arbitrator and assessors shall be payable by the Permanent Secretary or such person or persons in such proportion as the arbitrator determines.

26. (1) Notwithstanding anything to the contrary contained in the Patents Ordinance or any other law—

Acquisition of certain rights to patents by the Authority. Cap. 152.

(*a*) the Permanent Secretary or any person authorized thereto by him may, on the recommendation of the Authority, by notice in writing served upon the holder of or any applicant for a patent which in the opinion of the Authority relates to or can be applied in connection with the processing or use of any prescribed material or the production, application or use of atomic energy, advise such holder or applicant that it desires to acquire the rights in the patent or the rights of the applicant to obtain a patent, as the case may be, and the service of such a notice shall have the effect of divesting the person upon whom it has been served of any such rights and vesting those rights in the Authority;

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(*b*) if any rights in respect of which a notice has been served under paragraph (*a*), have been assigned or if any licence has been granted under a patent in respect of which such a notice has been served, the Permanent Secretary shall simultaneously with the service of that notice, or as soon as possible thereafter, cause a copy of the notice to be served upon the assignee or licensee and may at the same time cause such assignee or licensee to be informed that it desires to cancel the assignment or licence, and in that event such assignment or licence shall be deemed to have been cancelled.

(2) A copy of any notice served under paragraph (*a*), and of any communication addressed under paragraph (*b*) to an assignee of any rights in a patent or to a licensee under a patent, shall forthwith be transmitted by the Permanent Secretary to the Registrar within the meaning of the Patents Ordinance.

Cap. 152.

(3) Such compensation in respect of the acquisition of any rights to a patent under this section shall be paid by the Permanent Secretary to the holder, applicant, assignee, or licensee, hereinafter called a "person interested in the patent", as may be agreed upon between the Permanent Secretary and such person interested in the patent with the approval of the Minister of Finance or, in defaut of such agreement, as may be determined by an arbitrator mutually agreed upon by the Permanent Secretary and such person interested in the patent or, failing such last-mentioned agreement, by an arbitrator appointed by the District Judge of Colombo. The arbitrator may, if he thinks fit, be assisted by not more than two assessors, and the fees of the arbitrator and assessors shall be payable by the Permanent Secretary or such person interested in the patent in such proportion as the arbitrator determines.

Compulsory acquisition by the Authority of rights under contracts.

27. (1) The Permanent Secretary may, on the recommendation of the Authority, cause to be served on any person who is party to a contract relating to the production or use of atomic energy or research into matters connected therewith, not being a contract for the rendering of personal services, a notice in writing stating that on such date as shall be specified in the notice the rights and liabilities of that person under the contract will be transferred to the Authority.

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(2) Where a notice under sub-section (1) is served on any person, then, subject to any withdrawal of the notice under the succeeding provisions of this section, the contract to which the notice relates shall, as regards any rights exercisable, or liabilities incurred on or after the date specified in the notice in accordance with the provisions of sub-section (1), have effect as if the Authority were a party to the contract instead of such person and as if for any reference in the contract to such person there were substituted a reference to the Authority.

(3) A notice under sub-section (1) shall contain a statement to the effect that objections may be made thereto within such time and in such manner as shall be specified in the notice, and if any such objection is duly made and not withdrawn, the Permanent Secretary shall afford an opportunity to the person making the objections of appearing before and being heard by a person appointed by the Permanent Secretary for the purpose. The person so appointed shall make a report on such objections to the Permanent Secretary.

(4) After considering the objections duly made to a notice under sub-section (1) and the report made on such objections under sub-section (3), the Permanent Secretary may cause to be served on the person on whom that notice was served a further notice in writing withdrawing the original notice, and if the original notice has already taken effect, it shall cease to operate in relation to the contract to which it relates as regards any rights exercisable, or liabilities incurred, on or after the date on which the notice of withdrawal was served.

(5) Where the rights and liabilities of a party to a contract are transferred to the Authority under this section, the Permanent Secretary shall pay to that party such compensation in respect of any loss suffered by that party as may be agreed upon between the Permanent Secretary and that party with the approval of the Minister of Finance or, in default of such agreement, as may be determined by an arbitrator mutually agreed by the Permanent Secretary and that party or, failing such last-mentioned agreement, by an arbitrator appointed by the District Judge of Colombo. The arbitrator may, if he thinks fit, be assisted by not more than two assessors, and the fees of the arbitrator and assessors shall be payable by the Permanent Secretary or that party in such proportion as the arbitrator determines.

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Funds of the Authority.

28. (1) Such sums as may from time to time be granted for the purposes of the Authority by Parliament or by resolution of the House of Representatives shall form part of the funds of the Authority.

(2) The Authority may utilize its funds for defraying all expenditure incurred in the exercise of its powers and performance of its functions under this Act.

(3) Any expense incurred by the Permanent Secretary in the exercise of powers or the performance of functions under this Act shall be defrayed or paid out of the funds of the Authority.

Disclosure of information obtained under the Act.

29. Any person who, without the consent of the Authority, discloses any information obtained in the exercise of powers under this Act, shall be guilty of an offence.

Punishment for offences under this Act.

30. (1) Any person who is guilty of an offence under this Act shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding three months or to a fine not exceeding one thousand rupees or to both such imprisonment and such fine.

(2) Where any offence under this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of that body, or was purporting to act in any such capacity, shall be deemed to be guilty of the offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Advisory Committee.

31. (1) The Minister shall appoint an Advisory Committee consisting of such number of persons as may be determined by him. The members of such Committee shall be persons who have experience of all or any of the matters specified in sub-section (1) of section 15. Such Committee shall advise the Authority on any such question relating to any of the aforesaid matters as may be referred to it by the Authority.

(2) Every member of the Advisory Committee shall hold and vacate his office as such member in accordance with the terms of his appointment, but he may

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resign his office by letter addressed to the Minister. He shall, on ceasing to be a member of such Committee, be eligible for reappointment.

(3) The Minister shall appoint one of the members of the Advisory Committee to be the Chairman of such Committee.

(4) The Advisory Committee may regulate its procedure.

Accounts and audit thereof.

32. (1) The Authority shall cause its accounts to be kept in such form and in such manner as the Minister may direct.

(2) The Authority shall cause its books to be balanced as on the thirtieth day of September in each year and shall, before the thirty-first day of December next, cause to be prepared an income and expenditure account and a balance sheet containing a summary of the assets and liabilities of the Authority made up to the first-mentioned date. The income and expenditure account and the balance sheet shall be signed by the Chairman of the Authority, and by such officer of the Authority as may be authorized by the Authority to do so.

(3) The Authority shall have its accounts audited each year by the Auditor-General. For the purpose of assisting him in the audit of such accounts, the Auditor-General may employ the services of any qualified auditor who shall act under his direction and control.

(4) For the purpose of meeting the expenses incurred by him in auditing the accounts of the Authority the Auditor-General shall be paid from the funds of the Authority such remuneration as the Minister may determine with the concurrence of the Minister of Finance. Any remuneration received from the Authority by the Auditor-General shall, after deduction of any sums paid by him to any qualified auditor employed by him for the purpose of such audit, be credited to the Consolidated Fund of Ceylon.

(5) For the purposes of this section, the expression " qualified auditor " means—

(*a*) an individual who, being a member of the Institute of Chartered Accountants of Ceylon, possesses a certificate to practise as an Accountant issued by the Council of that Institute; or

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(*b*) a firm of Chartered Accountants each of the partners of which, being a member of that Institute, possesses a certificate to practise as an Accountant issued by the Council of that Institute.

(6) The Auditor-General and any person assisting him in the audit of the accounts of the Authority shall have access to all such books, deeds, contracts, accounts, vouchers and other documents of the Authority, as the Auditor-General may consider necessary for the purposes of the audit, and shall be furnished by the members or officers of the Authority with such information within their knowledge as may be required for such purposes.

(7) The Auditor-General shall examine the accounts of the Authority and furnish a report—

(*a*) stating whether he has or has not obtained all the information and explanations required by him;

(*b*) stating whether the accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Authority; and

(*c*) drawing attention to any item in the accounts which in his opinion may be of interest to the Senate and the House of Representatives in any examination of the activities and accounts of the Authority.

(8) The Auditor-General shall transmit his report to the Authority.

Information furnished to, and directions given by, the Minister.

33. (1) The Authority shall furnish to the Minister such information as he may call for from time to time in respect of the activities and financial position of the Authority.

(2) The Minister may, from time to time, give the Authority general directions, and, after consultation with the Authority, give the Authority special directions, as to the exercise of the powers and the discharge of the duties of the Authority, and such directions shall be carried out by the Authority.

Annual report.

34. (1) The Authority shall annually prepare a written report of the Authority's work and finances during the year completed, including any information furnished to, and directions given by, the Minister under section 33, and shall transmit to the Minister—

(*a*) a copy of such report;

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(*b*) a copy of the income and expenditure account and balance sheet in respect of such year certified by the Auditor-General; and

(*c*) a copy of the Auditor-General's report furnished under sub-section (8) of section 32.

(2) The Minister shall lay copies of the reports and statements referred to in sub-section (1) before the Senate and the House of Representatives.

Provident fund.

35. The Authority may establish and regulate a provident fund for the benefit of all or any of the employees of the Authority and their departments or nominees, and may make contributions to such fund out of the moneys of the Authority.

Crown land and Crown buildings.

36. Any Crown land or any Crown building may, subject to such conditions as may be determined by the Minister with the concurrence of the Minister for the time being in charge of the subject of Crown lands, be made available for the use of, or be alienated to, the Authority for any purpose of the Authority or for the residence of any officer or servant of the Authority.

Exemptions from certain duties and taxes.

37. (1) The Authority shall be exempt from the payment of any customs duty on any goods imported by the Authority if the Minister in consultation with the Minister of Finance approves of such exemption.

(2) In the case of any instrument containing any agreement between the Authority and any other person and providing for making a payment to the Authority as a contribution to the general support of the Authority's work, both the Authority and such other person shall be exempt from the payment of any stamp duty on such instrument.

(3) Any person making a payment to the Authority as a contribution to the general support of the Authority's work, may claim the amount of the payment as a deduction from income, in the year in which the payment is actually made, for the purposes of computing liability for income tax, and the payment shall be deemed not to be a taxable gift for the purposes of the Inland Revenue Act, No. 4 of 1963.

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Protection of members, &c., of the Authority for action taken under this Act or on the direction of the Authority.

38. (1) No suit or prosecution shall lie against any member, officer, servant or agent of the Authority for any act which in good faith is done or purports to be done by him under this Act or on the direction of the Authority.

(2) Any expense incurred by the Authority in any suit or prosecution brought by or against the Authority before any court shall be paid out of the funds of the Authority, and any costs paid to, or recovered by, the Authority in any such suit or prosecution shall be credited to the funds of the Authority.

(3) Any expense incurred by any such person as is referred to in sub-section (1) in any suit or prosecution brought against him before any court in respect of any act which is done or purports to be done by him under this Act or on the direction of the Authority shall, if the court holds that such act was done in good faith, be paid out of the funds of the Authority, unless such expense is recovered by him in such suit or prosecution.

No writ to issue against person or property of a member of the Authority.

39. No writ against person or property shall be issued against a member of the Authority in any action brought against the Authority.

Regulations.

40. (1) The Authority may make regulations generally for the purpose of giving effect to the principles and provisions of this Act and particularly in respect of any matter which is stated or required by this Act to be prescribed, or for or in respect of which regulations are required or authorized by this Act to be made.

(2) No regulation made under this Act shall have effect until it is approved by the Minister, confirmed by the Senate and the House of Representatives, and published in the *Gazette*.

Compensation for injury.

41. (1) If injury is caused to an employee of the Authority or to any other person by ionizing radiations from any material on any premises occupied by the Authority or from any waste discharged in whatever form on or from any such premises or from any material in the course of carriage on behalf of the Authority, the Authority shall be liable to pay compensation to such person in accordance with such scale as the Minister may specify by Order published in the *Gazette*:

Provided that the claim to such compensation shall be made, notwithstanding the provisions of any other law, within a period of thirty years, from the date of

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the occurrence which gave rise to the claim or where the occurrence was a continuing one or was one of a succession of occurrences, the date of the last event in the course of the occurrence or succession of occurrences to which the claim relates.

(2) If any person who has been employed by any employer in any process in which ionization radiation occurs, for a continuous period of not less than six months, contracts any prescribed disease, such employer shall be liable notwithstanding the provisions of any other written law to pay to such person compensation in the prescribed manner unless the employer proves that the disease had not arisen as a result of such employment:

Provided always that a claim for payment of such compensation shall be made to such employer whilst such person is in the employment of such employer or within thirty years from the date on which such person ceased to be employed by such employer.

(3) If any person who has been employed by the Authority for a continuous period of not less than six months, contracts any disease specified by the Minister by Order, the Authority shall be liable to pay such person compensation specified by the Minister by Order unless the Authority proves that the disease had not arisen as a result of such employment:

Provided that the claim to such compensation shall be made while such person is in the employment of the Authority or within such time from the date on which such person ceased to be employed by the Authority as the Minister may specify by Order.

(4) The compensation referred to in sub-sections (1), (2) and (3) shall not be less than the sums payable for any corresponding injury under the Workmen's Compensation Ordinance, and where a claim is not admitted by the Authority, compensation may be recovered, as far as may be, in the same manner as in the Workmen's Compensation Ordinance. Cap. 139.

(5) The provisions of this section shall not bar a person from recovering damages in a court of law, but, where damages are awarded the court shall take into consideration any compensation paid under this section.

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Interpretation.

42. In this Act unless the context otherwise requires—

" atomic energy " means the energy released from atomic nuclei as a result of any process, but does not include energy released in any process of natural transmutation or radioactive decay which is not accelerated or influenced by external means;

" material " means any natural or artificial material, whether in solid or liquid or in the form of gas or vapour, and includes any manufactured article or any article which has been subjected to any artificial treatment or process;

" Permanent Secretary " means the Permanent Secretary to the Ministry of which the Minister is in charge;

" plant " includes any machinery, equipment or appliance, whether affixed to land or not;

" prescribed substance " means uranium, thorium, beryllium, lithium or any of their compounds, or any other substance which the Minister may by notification in the *Gazette* prescribe, being a substance which, in his opinion, is or may be used for the production or use of atomic energy or research into matters connected therewith; and

" radioactive material " means any material which consists of or contains any radioactive chemical element whether natural or artificial.

SCHEDULE [Section 25 (1)].

Procedure for compulsory acquisition of plant

1. Where the Permanent Secretary proposes to acquire any plant under section 25 of this Act, he shall cause to be served upon the person appearing to him to be the owner thereof a notice in writing (hereinafter referred to as a " notice of acquisition ") specifying the plant to be acquired and requiring that person to make to him within a time specified in the notice a written declaration containing such particulars as may be so specified in regard to the ownership of that plant and to any agreement or charge by virtue of which any other person has an interest in that plant.

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2. Upon the service of a notice of acquisition under paragraph 1 of this Schedule no plant to which the notice relates shall be removed from the premises in which the article is situate at the time of the service of the notice without the consent of such person as is specified in the notice; and if any person knowingly removes, or causes or permits to be removed, any article in contravention of this paragraph, he shall be guilty of an offence.

3. If it appears to the Permanent Secretary in consequence of any written declaration made to him in pursuance of paragraph 1 of this Schedule or otherwise that any person other than the person on whom the notice of acquisition was served is the owner of, or has an interest in, any article to which the notice relates, the Permanent Secretary shall cause to be served a copy of the notice of acquisition on that other person.

4. A notice of acquisition shall contain a statement to the effect that an objection may be made thereto within such time (not being less than twenty-eight days) and in such manner as may be specified in the notice, and if any such objection is duly made and not withdrawn, the Permanent Secretary shall afford an opportunity to the person making the objection of appearing before and being heard by a person appointed by the Permanent Secretary for the purpose, and if the person making the objection avails himself of the opportunity, the Permanent Secretary may afford to any other person to whom it appears to the Permanent Secretary expedient to afford it, an opportunity of being heard on the same occasion.

5. If any such objection as aforesaid is duly made and not withdrawn, the Permanent Secretary shall, after considering such objection and the report of the person appointed by the Permanent Secretary under paragraph 4 of this Schedule, cause to be served on the person upon whom the notice of acquisition of or copy thereof was served a further notice in writing either withdrawing the notice of acquisition or confirming it as respect all the articles to which it relates or such of those articles as may be specified.

6. Any plant with respect to which a notice of acquisition is served under this Schedule shall—

(*a*) if no objection is duly made to the notice, vest, absolutely and free from all encumbrances, in the Permanent Secretary at the expiration of the time for making such an objection, and

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(*b*) if such an objection is duly made and the notice is confirmed as respects that article by a notice served under paragraph 5 of this Schedule, vest, absolutely and free from all encumbrances, in the Permanent Secretary on the service of the last-mentioned notice.

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PARLIAMENT OF CEYLON

4th Session 1968-69

Land Acquisition (Amendment) Act, No. 20 of 1969

Date of Assent : June 25, 1969

Printed on the Orders of Government

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Land Acquisition (Amendment) Act, No. 20 of 1969

L. D.—O. 14/68.

AN ACT TO AMEND THE LAND ACQUISITION ACT.

[Date of Assent: June 25, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Land Acquisition (Amendment) Act, No. 20 of 1969.

Insertion of new section 51A in Chapter 460.

2. The following new section is hereby inserted immediately after section 51, and shall have effect as section 51A, of the Land Acquisition Act:—

"Certain actions under this Act before any court to be given priority.

51A. (1) Where any decision, declaration or Order to which this section applies, and any act or thing done under or in consequence of such decision, declaration or Order is called in question in any court whether by way of action, appeal, application in revision or any mandate in the nature of a writ referred to in section 42 of the Courts Ordinance, such court shall give the highest priority to the hearing and disposal of such action, appeal, application or mandate, and for that purpose shall ordinarily hear and dispose of such action, appeal, application or mandate before all other business or cases pending or being heard or disposed of by such court.

(2) This section shall apply to any decision made under section 4, any declaration made under section 5, and any Order made under section 38.".

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PARLIAMENT OF CEYLON

4th Session 1968-69

Institute of Surveying and Mapping Act, No. 21 of 1969

Date of Assent: June 25, 1969

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Institute of Surveying and Mapping Act, No. 21 of 1969

L. D. –O. 3/54.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF AN INSTITUTE OF SURVEYING AND MAPPING AND FOR MATTERS CONNECTED THEREWITH.

[Date of Assent: June 25, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Institute of Surveying and Mapping Act, No. 21 of 1969.

Establishment of Institute of Surveying and Mapping.

2. There shall be established an Institute which shall be called the Institute of Surveying and Mapping, hereafter in this Act referred to as " the Institute ".

Functions of the Institute.

3. The functions of the Institute shall be—

(*a*) to provide instruction in surveying, levelling and mapping;

(*b*) to hold examinations for the purpose of ascertaining the persons who have acquired proficiency in surveying, levelling and mapping;

(*c*) to grant diplomas to persons who have pursued approved courses of study in the Institute and who have passed the examinations of the Institute.

Administration of the affairs of the Institute.

4. (1) During the period commencing on the date of enactment of this Act and ending on February 20, 1971, the affairs of the Institute shall be administered and the functions of the Institute shall be discharged by the Government Project Representative in consultation with the Project Manager.

(2) The Government Project Representative may assign to the Project Co-Manager the functions and duties to be carried out by him. In the discharge of his functions and duties, the Project Co-Manager shall be subject to the general direction and control of the Government Project Representative.

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(3) After the expiry of the period referred to in sub-section (1), the affairs of the Institute shall be administered and its functions shall be discharged by such officer of the Survey Department as is appointed for the purpose by the Surveyor-General. The officer so appointed shall administer the affairs of the Institute and discharge its functions subject to the general or special directions of the Surveyor-General.

Advisory and Co-ordinating Board.

5. (1) For the purpose of advising the person who under this Act is responsible for administering the affairs of the Institute and for discharging its functions, there shall be a Board to be called and known as the Advisory and Co-ordinating Board.

(2) (*a*) During the period commencing on the date of enactment of this Act and ending on February 20, 1971, the Advisory and Co-ordinating Board shall consist of—

(i) the Government Project Representative;

(ii) the Director of Foreign Aid or his representative;

(iii) the Director-General of Education or his representative;

(iv) the Resident Representative of the United Nations Development Programme in Ceylon or his representative;

(v) the Project Manager;

(vi) the Project Co-Manager; and

(vii) not more than two members appointed by the Minister from persons who have wide experience and knowledge of matters relating to surveying and levelling and the functions of the Institute and who are not practising surveyors or levellers.

(*b*) After the expiry of the period referred to in paragraph (*a*) of this sub-section, the Advisory and Co-ordinating Board shall consist of—

(i) the Surveyor-General,

(ii) the officer of the Survey Department appointed by the Surveyor-General to administer the affairs of the Institute and to discharge its functions,

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(iii) the Director-General of Education or his representative,

(iv) not more than two members appointed by the Minister from persons who have wide experience and knowledge of matters relating to surveying and levelling and the functions of the Institute and who are not practising surveyors or levellers.

(3) The members of the Advisory and Co-ordinating Board shall elect a Chairman from among its members.

(4) The Minister may, without assigning a reason, remove from office a member of the Advisory and Co-ordinating Board appointed under sub-paragraph (vii) of paragraph (*a*) of sub-section (2) or under sub-paragraph (iv) of paragraph (*b*) of that sub-section.

(5) Subject to the provisions of sub-section (6) the Advisory and Co-ordinating Board may regulate the procedure in regard to the meetings of the Board and the transaction of business at such meetings.

(6) The person referred to in sub-paragraph (iv) of paragraph (*a*) of sub-section (2) and the person referred to in sub-paragraph (v) of that paragraph may speak but shall not be entitled to vote on any question coming up for decision at a meeting of the Advisory and Co-ordinating Board.

Fund of the Institute.

6. There shall be a fund of the Institute into which shall be paid—

(*a*) any gifts or donations received for the purposes of the Institute;

(*b*) all moneys voted out of the Consolidated Fund of Ceylon for the purposes of the Institute, and

(*c*) any other moneys that the Minister may direct to be so paid.

Disbursement of moneys of the fund.

7. No disbursement shall be made out of the fund except on the authority of the Government Project Representative in consultation with the Project Manager.

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Accounts of the Institute.

8. (1) The accounts of the Institute shall be maintained by the Project Co-Manager in such manner as the Treasury may direct.

(2) The accounts of the Institute shall be annually audited by the Auditor-General if necessary with the assistance of a qualified auditor.

Loan to the Institute of the Government Training School for Surveyors.

9. The land, buildings, furniture and fixtures and any other property used for the maintenance of the Survey Department's Training School for Surveyors at Diyatalawa shall be loaned to the Institute of Surveying and Mapping on such terms and conditions and for such period as may be determined by the Minister.

Annual report.

10. (1) The Government Project Representative shall submit to the Minister a report of the work of the Institute and the audited statement of accounts as soon as may be after the completion of each financial year.

(2) The report of the Government Project Representative together with the statement of accounts and the comments of the Auditor-General thereon shall be tabled in the Senate and the House of Representatives.

Interpretation.

11. In this Act—

" Government Project Representative " means the Surveyor-General;

" Project Co-Manager " means the person appointed by the Government, in consultation with the Executive Agency namely, the United Nations Organization, as Co-Manager of the Project known as the Institute of Surveying and Mapping, Diyatalawa; and

" Project Manager " means the person appointed by the United Nations Organization, in consultation with the Government, as Leader of the International Team assisting the Project known as the Institute of Surveying and Mapping, Diyatalawa.

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PARLIAMENT OF CEYLON

4th Session 1968-69

Crown (Liability In Delict) Act, No. 22 of 1969

Date of Assent : June 25, 1969

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L. D.—O. 3/54.

AN ACT TO AMEND THE LAW RELATING TO THE CIVIL LIABILITIES AND RIGHTS OF THE CROWN, AND FOR PURPOSES CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: June 25, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and date of operation.

1. This Act may be cited as the Crown (Liability In Delict) Act, No. 22 of 1969, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

PART I

SUBSTANTIVE LAW

Liability of the Crown in delict.

2. (1) Subject to the provisions of this Act, the Crown shall be subject to all those liabilities in delict to which, if it were a private person of full age and capacity, it would be subject in respect of delicts committed by its officers or agents:

Provided that no proceedings shall lie against the Crown by virtue of the preceding provisions of this sub-section in respect of any act or omission of an officer or agent of the Crown, unless the act or omission would apart from the provisions of this Act have given rise to a cause of action in delict against that officer or agent or his estate.

(2) Where the Crown is bound by a statutory duty which is binding also upon persons other than the Crown and its officers, then, subject to the provisions of this Act, the Crown shall, in respect of a failure to comply with that duty, be subject to all those liabilities in delict (if any) to which it would be subject if it were a private person of full age and capacity.

(3) Where any functions are conferred or imposed upon an officer of the Crown as such by or under any written law, and that officer commits a delict while performing or purporting to perform those functions, the liabilities of the Crown in respect

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of the delict shall be such as they would have been if those functions had been conferred or imposed solely by virtue of instructions lawfully given by the Crown.

(4) Any written law which negatives or limits the amount of the liability of any officer of the Crown in respect of any delict committed by that officer shall, in case of proceedings against the Crown under this section in respect of a delict committed by that officer, apply in relation to the Crown as it would have applied in relation to that officer if the proceedings against the Crown had been proceedings against that officer.

(5) No proceedings shall lie against the Crown by virtue of this section in respect of anything done or omitted to be done by any person while discharging or purporting to discharge any responsibilities of a judicial or quasi-judicial nature vested in him, or any responsibilities which he has in connection with the execution of judicial process, or any responsibilities vested in him in his capacity as a member or delegate of the Public Service Commission or the Judicial Service Commission.

Provisions as to industrial property.

3. (1) Where after the coming into operation of this Act any officer or agent of the Crown infringes a patent, or infringes a registered trade mark, or infringes any copyright (including any copyright in a design subsisting under the Patents Ordinance or the Designs Ordinance) and the infringement is committed with the authority of the Crown, then, subject to the provisions of this Act, civil proceedings in respect of the infringement shall lie against the Crown.

(2) Nothing in the preceding sub-section or in any other provisions of this Act shall affect the rights of the Minister under section 30 of the Patents Ordinance.

(3) Save as expressly provided by this section, no proceedings shall lie against the Crown by virtue of this Act in respect of the infringement of a registered trade mark, or in respect of the infringement of any such copyright as is mentioned in sub-section (1) of this section.

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Application of law as to indemnity contribution, joint and several wrongdoers and contributory negligence.

4. (1) Where the Crown is subject to any liability by virtue of this Part of this Act, the law relating to indemnity and contribution shall be enforceable by or against the Crown in respect of the liability to which it is so subject as if the Crown were a private person of full age and capacity.

(2) Without prejudice to the effect of the preceding sub-section, the Law Reform (Contributory Negligence and Joint Wrongdoers) Act shall bind the Crown.

Liability in connection with postal articles.

5. (1) Subject to the provisions of the Post Office Ordinance, the Ceylon Post Office Savings Bank Ordinance and the Telecommunications Ordinance, no proceedings in delict shall lie against the Crown for anything done or omitted to be done in relation to a postal article by any person while employed as an officer or agent of the Crown, or for anything done or omitted to be done in relation to the Ceylon Post Office Savings Bank or to a telephonic message of the Crown whilst so employed, nor shall any officer of the Crown be subject, except at the suit of the Crown, to any civil liability for any of the matters aforesaid.

(2) In this section, the terms " postal article " and " message " shall have the same meanings as in the Post Office Ordinance and the Telecommunications Ordinance, respectively.

Provisions relating to armed forces.

6. (1) Nothing done or omitted to be done by a member of the armed forces of the Crown while on duty as such shall subject either him or the Crown to liability in delict for causing the death of another person or causing personal injury to another person, in so far as the death or personal injury is due to anything suffered by that other person while he is a member of the armed forces of the Crown, if—

(*a*) at the time when that thing is suffered by that other person, he is either on duty as a member of the armed forces of the Crown or is, though not on duty as such, on any land, premises, ship, aircraft or vehicle for the time being used for the purposes of the armed forces of the Crown; and

(*b*) the Minister of Defence and External Affairs certifies that his suffering that thing has been or will be treated as attributable to service for the purposes of entitlement to an award from the Crown;

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Provided, however, that this sub-section shall not exempt a member of the said forces from liability in delict in any case in which the court is satisfied that the act or omission was not connected with the execution of his duties as a member of those forces.

(2) No proceedings in delict shall lie against the Crown for death or personal injury due to anything suffered by a member of the armed forces of the Crown, if—

(*a*) that thing is suffered by him in consequence of the nature or condition of any such land, premises, ship, aircraft or vehicle as aforesaid, or in consequence of the nature or condition of any equipment or supplies used for the purposes of those forces; and

(*b*) the Minister of Defence and External Affairs certifies as mentioned in the preceding sub-section.

(3) No act or omission of an officer of the Crown shall subject him to liability in delict for death or personal injury in so far as the death or personal injury is due to anything suffered by a member of the armed forces of the Crown being a thing as to which the conditions aforesaid are satisfied.

(4) The Minister of Defence and External Affairs, if satisfied that it is the fact—

(*a*) that a person was or was not on any particular occasion on duty as a member of the armed forces of the Crown; or

(*b*) that at any particular time any land, premises, ship, aircraft, vehicle, equipment or supplies was, or was not, or were or were not, used for the purposes of the said forces,

may issue a certificate certifying that to be the fact; and any such certificate shall, for the purposes of this section, be conclusive as to the fact which it certifies.

Saving in respect of acts done under prerogative and other powers.

7. (1) Nothing in this Part of this Act shall extinguish or abridge any powers or authorities which, if this Act had not been passed, would have been exercisable by virtue of the prerogative of the Crown, or any powers or authorities conferred on the Crown or any of its officers by any written law, and, in

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particular, nothing in this Part of this Act shall extinguish or abridge any powers or authorities exercisable by the Crown or any of its officers, whether in time of peace or war, for the purposes of the defence of Ceylon, or of the exercise of emergency powers, or of training, or maintaining the efficiency of, any of the armed forces of the Crown.

(2) Where in any proceedings under this Act it is material to determine whether anything was properly done or omitted to be done in the exercise of the prerogative of the Crown, the Minister of Defence and External Affairs may, if satisfied that the act or omission was necessary for any such purpose as is mentioned in the last preceding sub-section, issue a certificate to the effect that the act or omission was necessary for that purpose; and the certificate shall, in those proceedings, be conclusive as to the matter so certified.

PART II

Miscellaneous and Supplemental

Exclusion of proceedings *in rem* against the Crown.

8. (1) Nothing in this Act shall authorize proceedings *in rem* in respect of any claim against the Crown, or the arrest, detention or sale of any of Her Majesty's ships or aircraft, or of any cargo or other property belonging to the Crown, or give to any person any lien on any such ship, aircraft, cargo or other property.

(2) Where proceedings *in rem* have been instituted in any court against any such ship, aircraft, cargo or other property, the court may, if satisfied, either on an application by the plaintiff for an order under this sub-section or an application by the Crown to set aside the proceedings, that the proceedings were so instituted by the plaintiff in the reasonable belief that the ship, aircraft, cargo or other property did not belong to the Crown, order that the proceedings shall be treated as if they were *in personam* duly instituted against the Crown or duly instituted against any other person whom the court regards as the proper person to be sued in the circumstances, and that the proceedings shall continue accordingly.

Any such order may be made upon such terms, if any, as the court thinks just; and where the court makes any such order it may make such consequential orders as the court thinks expedient.

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Application to the Crown of certain provisions of written law.

9. (1) Subject to the provisions of sub-section (2), this Act shall not prejudice the right of the Crown to take advantage of the provisions of any written law although not named therein; and it is hereby declared that in any civil proceedings against the Crown the provisions of any written law which could, if the proceedings were between subjects, be relied upon by the defendant as a defence to the proceedings, whether in whole or in part, or otherwise, may, subject to any express provision to the contrary, be so relied upon by the Crown.

(2) No court shall refuse to entertain any action brought by virtue of this Act on the ground that the provisions of section 461 of the Civil Procedure Code have not been complied with.

(3) Where the provisions of section 461 of the Civil Procedure Code have not been complied with in respect of an action brought by virtue of this Act, the court shall direct the plaintiff to comply with such directions as the court may deem necessary to make good the omission and shall refuse to entertain the action if the plaintiff fails to comply with such directions.

Pending proceedings.

10. Save as otherwise expressly provided, the provisions of this Act shall not affect proceedings by or against the Crown which have been instituted before the coming into operation of this Act.

Savings.

11. (1) Nothing in this Act shall apply to proceedings by or against, or authorize proceedings in delict to be brought against, Her Majesty in Her private capacity.

(2) Except as otherwise expressly provided, nothing in this Act shall—

(*a*) authorize proceedings to be taken against the Crown in respect of any alleged liability of the Crown arising otherwise than in respect of Her Majesty's Government in Ceylon, or affect proceedings against the Crown in respect of any such alleged liability as aforesaid; or

(*b*) affect proceedings by the Crown otherwise than in respect of Her Majesty's Government in Ceylon; or

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(*c*) affect any rules of evidence or any presumption relating to the extent to which the Crown is bound by any written law; or

(*d*) affect any right of the Crown to control or otherwise intervene in proceedings affecting its rights, property or profits.

(3) A certificate of the Minister of Defence and External Affairs—

(*a*) to the effect that any alleged liability of the Crown arises otherwise than in respect of Her Majesty's Government in Ceylon; or

(*b*) to the effect that any proceedings by the Crown are proceedings otherwise than in right of Her Majesty's Government in Ceylon,

shall, for the purposes of this Act, be conclusive as to the matter so certified.

Regulations.

12. (1) The Minister may make regulations under this Act for such purpose or purposes as may be necessary to give full force and effect to the principles and provisions of this Act.

(2) In particular, but without prejudice to the generality of the powers conferred by sub-section (1), the Minister may make regulations for or in respect of all or any of the following matters:—

(*a*) the determination or adjustment of any question or matter relating to the Crown, or to proceedings by or against the Crown, or matters connected therewith or incidental thereto for the determination or adjustment of which no provision, or adequate or effective provision, is made by this Act;

(*b*) the removal or adjustment of any conflict or inconsistency between the provisions of this Act and any other written law;

(*c*) the removal or adjustment of any difficulties which may arise in first giving effect to the provisions of this Act in relation to the Crown, or to proceedings by or against the Crown;

(*d*) all matters connected with or incidental to the matters aforesaid.

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(3) Any regulation made under this Act may be of general application, or may be limited in its application to any specified purpose or purposes.

(4) No regulation made by the Minister under this Act shall have effect until it is approved by the Senate and the House of Representatives, nor until notification of such approval is published in the *Gazette*.

(5) Every regulation made by the Minister under this Act shall, upon the publication in the *Gazette* of a notification of the approval of that regulation as provided in sub-section (4), be deemed to be as valid and effectual as though it were herein enacted.

Interpretation.

13. In this Act, unless the context otherwise requires—

"agent", in relation to the Crown, does not include an independent contractor employed by the Crown;

"armed forces of the Crown" means the Ceylon Army, the Royal Ceylon Navy and the Royal Ceylon Air Force;

"officer", in relation to the Crown, means any person who holds a paid office as a servant of the Crown in respect of the Government of the Island, and includes a Minister of the Crown;

"proceedings against the Crown" includes a claim by way of set-off or counter-claim raised in proceedings by the Crown;

"statutory duty" means any duty imposed by or under any written law.

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PARLIAMENT OF CEYLON

4th Session 1968-69

Civil Procedure Code (Amendment) Act, No. 23 of 1969

Date of Assent : June 25, 1969

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L. D.—O. 12/64.

AN ACT TO AMEND THE CIVIL PROCEDURE CODE.

[Date of Assent: June 25, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Civil Procedure Code (Amendment) Act, No. 23 of 1969.

Amendment of section 84 of Chapter 101.

2. Section 84 of the Civil Procedure Code is hereby amended as follows:—

(*a*) in sub-section (1) of that section, by the substitution, for all the words from "unless the plaintiff" to the end of that sub-section, of the following:—

"unless the plaintiff shall have previously applied to the court by way of motion supported by affidavit to have such decree set aside."; and

(*b*) by the repeal of sub-section (2) of that section and the substitution therefor of the following new sub-section:—

"(2) Upon such application being duly made, the court shall, after giving the defendant due notice, hear such application, and if, after such hearing, at which both the plaintiff and the defendant shall have been given an opportunity of being heard, the court—

(*a*) is satisfied that there was good cause for the non-appearance of the plaintiff, the court shall set aside the decree *nisi* upon such terms and conditions as to costs or otherwise as it thinks fit and shall appoint a day for proceeding with the action as from the stage at which the decree *nisi* was entered; or.

(*b*) is not so satisfied, the court shall make such decree absolute.".

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J 2405—3,758 (3/69)

Amendment of First Schedule to Chapter 101.

3. Form No. 21 in the First Schedule to the Civil Procedure Code is hereby amended by the substitution, for all the words from " unless sufficient " to " the date hereof.", of the following:—

" unless an application by way of motion supported by affidavit to have this decree set aside is made before the expiration of a period of fourteen days from the date hereof, and after the hearing of such application, at which both the plaintiff and the defendant shall have been given an opportunity of being heard, whether before or after the expiration of that period, this decree is set aside.".

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PARLIAMENT OF CEYLON

4th Session 1968-69

Civil Procedure Code (Amendment) Act, No. 24 of 1969

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Civil Procedure Code (Amendment) Act, No. 24 of 1969

L. D.—O. 4/68.

AN ACT TO AMEND THE CIVIL PROCEDURE CODE AND TO EFFECT CONSEQUENTIAL AMENDMENTS IN OTHER WRITTEN LAWS.

[Date of Assent: June 25, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Civil Procedure Code (Amendment) Act, No. 24 of 1969.

Amendment of sections 338, 394, 519, 542, 545, 547 and 582 of the Civil Procedure Code.

2. (1) Sections 338, 394, 519, 542, 545, 547 and 582 of the Civil Procedure Code are hereby amended by the substitution, for the words " two thousand five hundred rupees ", wherever those words occur collectively in those sections, of the words " twenty thousand rupees ".

(2) The marginal notes to sections 519, 545 and 547 of the Civil Procedure Code are hereby amended by the substitution, for the words " two thousand five hundred rupees ", wherever those words occur collectively in those marginal notes, of the words " twenty thousand rupees ".

Amendment of Part III of Schedule A to the Stamp Ordinance.

3. The Stamp Ordinance is hereby amended in Schedule A to that Ordinance, in Part III of that Schedule, as follows:—

(*a*) under the heading " Class 1 ", by the substitution, for the words and figures " Up to and including Rs. 5,000 ", of the words and figures " Up to and including Rs. 20,000 ";

(*b*) under the heading " Class 2 ", by the substitution, for the words and figures " Over Rs. 5,000 up to and including Rs. 10,000 ", of the words and figures " Over Rs. 20,000 up to and including Rs. 30,000 ";

(*c*) under the heading " Class 3 ", by the substitution, for the words and figures " Over Rs. 10,000 ", of the words and figures " Over Rs. 30,000 "; and

(*d*) in paragraph 2 of that Part, by the substitution, for the figures " 5,000 ", of the figures " 20,000 ".

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Construction of references to administration of estates of or above two thousand five hundred rupees in any written law other than the Civil Procedure Code.

4. Wherever reference is made in any written law other than the Civil Procedure Code, whether expressly or by implication, to the administration through a court of competent testamentary jurisdiction of an estate of or above the value of two thousand five hundred rupees, such written law shall, unless the context otherwise requires, be read and construed as though the expression " twenty thousand rupees " had been substituted for the expression " two thousand five hundred rupees " wherever the latter expression occurs, or, in cases where such reference is by way of implication only, as though such references related to an estate of or above the value of twenty thousand rupees.

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PARLIAMENT OF CEYLON

4th Session 1968-69

Defence Regulations (Resuscitation) Act, No. 25 of 1969

Date of Assent: June 25, 1969

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L. D.—O. 9/50.

AN ACT TO PROVIDE FOR THE RESUSCITATION AND CONTINUANCE IN FORCE OF THE DEFENCE REGULATIONS (EXTENSION) ACT, NO. 24 OF 1950, WHICH EXPIRED AFTER DECEMBER 31, 1968, AND FOR THE VALIDATION RENDERED NECESSARY BY SUCH EXPIRY.

[Date of Assent: June 25, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Defence Regulations (Resuscitation) Act, No. 25 of 1969.

Resuscitation and continuance in force of the Defence Regulations (Extension) Act, No. 24 of 1950.

2. (1) The Defence Regulations (Extension) Act, No. 24 of 1950, which, by virtue of the Defence Regulations (Resuscitation) Act, No. 41 of 1968, continued in force until December 31, 1968, and then expired, shall be deemed to have been in force during the period commencing on the date of such expiry and ending on the day immediately preceding the date of the commencement of this Act and to be in force thereafter until December 31, 1970, and may be continued in force for any further period or periods in the manner prescribed in section 6 of the Defence Regulations (Extension) Act, No. 24 of 1950.

(2) All such orders and instruments as were made under any of the Defence Regulations specified in the Defence Regulations (Extension) Act, No. 24 of 1950, and were in force at the time of the expiry of that Act shall be deemed to have been in force during the period commencing on the date of expiry of that Act and ending on the day immediately preceding the date of the commencement of this Act and to be in force thereafter until they are rescinded or annulled or until they expire.

Validation.

3. All such orders and instruments as may have been made under any of the Defence Regulations specified in the Defence Regulations (Extension) Act, No. 24 of 1950, during the period commencing on the date of expiry of that Act and ending on the day immediately preceding the date of the commencement of this Act shall be deemed to have been and to be as valid and effectual as if the Defence Regulations (Extension) Act, No. 24 of 1950, had been in force during that period.

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J 2402—3,258 (3/69)

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PARLIAMENT OF CEYLON

5th Session 1969-70

Tea Propaganda (Amendment) Act, No. 26 of 1969

Date of Assent : August 30, 1969
and published as a Supplement to Ceylon Government Gazette,
Part II of September 12, 1969

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L. D.—O. 5/69.

AN ACT TO AMEND THE TEA PROPAGANDA ORDINANCE.

[Date of Assent: August 30, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Tea Propaganda (Amendment) Act, No. 26 of 1969.

Amendment of section 8 of Chapter 169.

2. Section 8 of the Tea Propaganda Ordinance (as amended by Act No. 35 of 1966) is hereby further amended, in sub-section (1) of that section, by the substitution, for the expression " not exceeding four rupees per one hundred pounds ", of the expression " not exceeding five rupees per one hundred pounds ".

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PARLIAMENT OF CEYLON

5th Session 1969-70

Registration of Documents (Amendment) Act, No. 27 of 1969

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L. D.—O. 7/68.

An Act to amend the Registration of Documents Ordinance.

[Date of Assent: August 30, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Registration of Documents (Amendment) Act, No. 27 of 1969.

Insertion of new section 2A in Chapter 117.

2. The following section is hereby inserted immediately after section 2 of the Registration of Documents Ordinance and shall have effect as section 2A of that enactment:—

"Hours of business in land register offices.

2A. Notwithstanding anything in the Holidays Act, No. 17 of 1965, every land register office shall be kept open for public business on any day—

(1) from 9 a.m. to 4 p.m., if that day is not a public holiday, the day immediately preceding a Poya Day or a day declared by the Secretary to the Treasury as a special off-day for public officers; and

(2) from 9 a.m. to 12.30 p.m., if that day, being a day immediately preceding a Poya Day, is not a public holiday or a day declared by the Secretary to the Treasury as a special off-day for public officers, or, if one-half of any day has been declared by the Secretary to the Treasury as a special half off-day for public officers. ".

B 69440—J 730 (9/69)

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PARLIAMENT OF CEYLON

5th Session 1969-70

Anuradhapura Urban Council (Special Provisions) Act, No. 28 of 1969

Date of Assent : August 30, 1969

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L. D.—O. 30/68.

AN ACT TO PROVIDE FOR THE CONSTITUTION OF AN URBAN COUNCIL FOR AN AREA NOW FORMING PART OF THE AREA OF AUTHORITY OF THE ANURADHAPURA PRESERVATION BOARD, AND TO MAKE PROVISION FOR MATTERS INCIDENTAL TO OR CONNECTED THEREWITH.

[Date of Assent: August 30, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Anuradhapura Urban Council (Special Provisions) Act, No. 28 of 1969.

Urban Councils Ordinance to operate in area which is to be excluded from Area of Authority of Anuradhapura Preservation Board.

2. (1) Notwithstanding the provisions of the Anuradhapura Preservation Board Act, the Minister may make an Order under section 2 of the Urban Councils Ordinance declaring any area (hereinafter referred to as the " urban area ") forming part of the Area of Authority of the Anuradhapura Preservation Board to be a town for the purposes of that Ordinance and assign to the Urban Council to be constituted for that urban area the name and designation " Anuradhapura Urban Council ".

(2) With effect from the date on which such an Order is published in the *Gazette*, notwithstanding the provisions of the Anuradhapura Preservation Board Act, the Urban Councils Ordinance shall, subject to the provisions of this Act, operate within that urban area, and with effect from the date of the constitution of the Anuradhapura Urban Council that urban area shall be excluded from such Area of Authority and the operation of the Anuradhapura Preservation Board Act.

Transfer and vesting of property, rights, duties, &c., of Anuradhapura Preservation Board in Anuradhapura Urban Council.

3. With effect from the date of the constitution of the Anuradhapura Urban Council—

(*a*) all the immovable property vested in the Anuradhapura Preservation Board by section 34 of the Anuradhapura Preservation Board

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B 69440—5,750 (9/69)

Act or acquired for such Board under the Land Acquisition Act in accordance with the provisions of section 15 of the Anuradhapura Preservation Board Act and situated in the urban area, other than any such property in the possession or charge of any Government Department or leased or deemed to be leased by the Board under section 14 of the Anuradhapura Preservation Board Act, is hereby transferred to and vested in such Council, and any such property so vested in the Council which is immovable property of the Crown vested in the Board subject to any conditions shall be held by the Council subject to those conditions;

(*b*) all the rights, debts, liabilities and obligations of the Anuradhapura Preservation Board on that day, other than in respect of any lease referred to in paragraph (*a*) of this section, in so far as they relate to the urban area, are hereby transferred to such Council;

(*c*) the installations, equipment and other property of the Anuradhapura Preservation Board installed, maintained and operated within the urban area for the purpose of generating, transmitting and supplying electrical energy and the power-house belonging to such Board situated outside the urban area are hereby transferred to and vested in such Council; and

(*d*) all contracts, deeds, bonds, agreements and other instruments which relate wholly or partly to the urban area and which subsist or have effect on that day and to which the Anuradhapura Preservation Board is a party, other than any contract of employment with any officer or servant of such Board or any lease bond referred to in paragraph (*a*), shall, to the extent to which they relate to such urban area, have effect against or in favour of such Council as fully and effectively as if, instead of such Board, the Council had been a party thereto.

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Other property vested in Council.

4. With effect from the date of the constitution of the Anuradhapura Urban Council all immovable property of the following classes, namely—

(*a*) waste lands and open spaces;

(*b*) stone, cabook, and gravel quarries;

(*c*) public lakes and streams;

(*d*) public tanks, ponds and channels;

(*e*) Crown lands, whether with or without buildings;

(*f*) public parks and gardens and all erections and structures therein,

situated within the urban area (other than any property of any such class which is in the possession or charge of any Government Department or which is leased or deemed to be leased by the Anuradhapura Preservation Board under section 14 of the Anuradhapura Preservation Board Act) is hereby vested in such Council.

Vesting not to prejudice right of Crown, &c.

5. Nothing in section 3 or 4 shall be deemed—

(i) to affect or prejudice any right or title of the Crown to any such immovable property, or the right of the Crown at any time to resume or dispose of such property for public purposes; or

(ii) to affect or prejudice any right, title or interest which any military authority, in which lands are vested on behalf of the Crown, has or may have in any such property; or

(iii) to prevent the Anuradhapura Urban Council from surrendering to the Crown at any time any such immovable property.

Pending suits, appeals, &c., to be continued by or against Council.

6. With effect from the date of the constitution of the Anuradhapura Urban Council all suits, appeals or other legal proceedings instituted by, or against, the Anuradhapura Preservation Board in respect of—

(i) any immovable property transferred to and vested in such Council by paragraph (*a*) of section 3 and section 4;

(ii) any right, debt, liability or obligation of such Board transferred to such Council by paragraph (*b*) of section 3;

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(iii) the installations, equipment and other property transferred to and vested in such Council by paragraph (*c*) of section 3; and

(iv) any contract, deed, bond, agreement or other instrument which has effect against or in favour of such Council by virtue of the operation of the provisions of paragraph (*d*) of section 3,

and pending on that day shall not abate or be discontinued or be in any way prejudicially affected by reason of the operation of the provisions of paragraphs (*a*), (*b*), (*c*) and (*d*) of section 3 and section 4, and accordingly may be continued and enforced by, or against, such Council.

By-laws and licences in force in any area excluded from Area of Authority to continue in force.

7. (1) Every by-law in force in the whole or any part of any area excluded from the Area of Authority of the Anuradhapura Preservation Board on the date of such exclusion shall continue in force in the whole or such part of such area, as the case may be, in which such by-law was in force, as though it were a by-law made by the Anuradhapura Urban Council under the Urban Councils Ordinance and may be amended or rescinded by by-law made by such Council under that Ordinance.

(2) Every licence issued by the Anuradhapura Preservation Board and in force in any area on the date of the exclusion of that area from the Area of Authority of such Board shall continue in force as though such licence was issued by the Anuradhapura Urban Council under the Urban Councils Ordinance.

(3) Every reference in any such by-law or licence to the Anuradhapura Preservation Board or to its Chairman shall be deemed to be a reference to the Anuradhapura Urban Council and to its Chairman, respectively.

Officers and servants of Anuradhapura Preservation Board.

8. (1) All officers and servants of the former Anuradhapura Urban Council, other than the officers in the Local Government Service, who became officers and servants of the Anuradhapura Preservation Board and who are in office on the day immediately prior to the date of the constitution of the Anuradhapura Urban Council shall, on that date, become officers and servants of such Council.

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(2) The Minister for the time being in charge of the subject of the Anuradhapura Preservation Board Act may with the concurrence of the Minister transfer to the Anuradhapura Urban Council any other officers and servants of the Anuradhapura Preservation Board who may be required by such Council. With effect from the date of such transfer, such officer or servant shall become an officer or servant, respectively, of such Council.

(3) Notwithstanding anything to the contrary in the Urban Councils Ordinance, every person who becomes an officer or servant of the Anuradhapura Urban Council under sub-section (1) or sub-section (2) shall hold office as nearly as practicable by the same tenure and upon the same terms and conditions as under the said Board, and while performing the same or corresponding duties shall, as nearly as practicable, receive no less salary or remuneration or allowances and be entitled to receive no less pension and gratuity, if any, than he would have been entitled to receive from the said Board.

Power to transfer money and any movable property of the Anuradhapura Preservation Board.

9. The Minister for the time being in charge of the subject of the Anuradhapura Preservation Board Act shall transfer to the Anuradhapura Urban Council—

(*a*) from the funds of the Anuradhapura Preservation Board such sum of money which he may determine; and

(*b*) any movable property of such Board.

Land revested in the Crown.

10. (1) All Crown land situated in the urban area vested in the Anuradhapura Preservation Board on the day immediately prior to the date of the constitution of the Anuradhapura Urban Council, and not vested in such Council by this Act, are with effect from that date hereby vested in the Crown.

(2) Every lease of any Crown land, whether with or without buildings, within the urban area granted prior to the date of the constitution of the Anuradhapura Urban Council, and subsisting on that date, shall be deemed to be a lease granted by the Government

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Agent of the administrative district in which such land is situated, and may be enforced or acted upon as fully and effectually as if such Government Agent had been a party to such lease.

Amendment of section 3 of the Anuradhapura Preservation Board Act.

11. Section 3 of the Anuradhapura Preservation Board Act is hereby amended in sub-section (1) of that section, as follows:—

(1) in paragraph (*b*) of that sub-section, by the substitution, for the expression "Archaeological Commissioner, and", of the expression "Archaeological Commissioner,";

(2) in paragraph (*c*) of that sub-section, by the substitution, for the expression "Government Town Planner.", of the expression "Government Town Planner, and"; and

(3) by the insertion, immediately after paragraph (*c*) of that sub-section, of the following new paragraph:—

"(*d*) the person for the time being holding the office of Commissioner of Local Government.".

Interpretation.

12. In this Act unless the context otherwise requires—

"Anuradhapura Preservation Board Act" means the Anuradhapura Preservation Board Act, No. 32 of 1961, as amended by any subsequent Act;

"former Anuradhapura Urban Council" has the same meaning as in the Anuradhapura Preservation Board Act; and

"Minister" means the Minister for the time being in charge of the subject of local government.

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PARLIAMENT OF CEYLON

5th Session 1969-70

Fugitive Persons Act, No. 29 of 1969

Date of Assent : August 30, 1969

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L. D.—O. 27/64.

AN ACT TO MAKE FRESH PROVISION FOR THE RETURN OF FUGITIVE PERSONS FROM CEYLON TO OTHER COUNTRIES WITH WHICH ARRANGEMENTS FOR SUCH RETURN HAVE BEEN MADE BY THE GOVERNMENT OF CEYLON, TO REGULATE THE TREATMENT OF PERSONS ACCUSED OR CONVICTED OF OFFENCES IN CEYLON WHO ARE RETURNED FROM SUCH COUNTRIES, AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: August 30, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and date of operation.

1. This Act may be cited as the Fugitive Persons Act, No. 29 of 1969, and shall come into operation on such date as may be appointed by the Minister by Order published in the *Gazette*, in this Act referred to as the " appointed date ".

PART I

PRELIMINARY

Consequence of extradition arrangement.

2. (1) Where any extradition arrangement has been made by the Government of Ceylon with any other country, then, subject to the provisions of section 3, the Minister may by Order, in this Act referred to as a " declaratory Order ", declare—

(*a*) that the provisions of this Act shall apply to such other country, without any modifications, limitations or conditions; or

(*b*) that such provisions shall apply to such other country, subject to such modifications, limitations or conditions as the Minister, having due regard to the terms of such arrangement, may deem expedient to specify in the Order for the purpose, and the purpose only, of implementing such terms.

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(2) A declaratory Order made in consequence of any extradition arrangement shall recite or embody the terms of the arrangement.

(3) A declaratory Order made in consequence of any extradition arrangement—

(*a*) shall be laid before the Senate, and the House of Representatives, for approval;

(*b*) shall, if it is so approved, be published in the *Gazette;*

(*c*) shall come into force on the date of such publication, or on such later date as may be specified therein;

(*d*) shall be in force for so long, and so long only, as such arrangement remains in force; and

(*e*) shall for so long, and so long only, as it is in force be as valid and effectual as though it were herein enacted.

(4) Where a declaratory Order ceases to be in force by virtue of the operation of the provisions of subsection (3) (*d*) of this section, the Minister shall cause a notice of such cessation to be published in the *Gazette*.

(5) For the purposes of any declaratory Order, any territory for the external relations of which any country is responsible may be treated as part of that country or, if the Government of that country so requests, as a separate country.

Special provision as to the making of a declaratory Order.

3. No declaratory Order shall be made in consequence of any extradition arrangement, unless the arrangement—

(*a*) is in conformity in all respects with the provisions of this Act containing restrictions on the return of fugitive persons; and

(*b*) is substantially in conformity with the other provisions of this Act, subject to the modifications, limitations or conditions, if any, specified in the Order for the purpose of implementing the terms of the arrangement.

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Effect of a declaratory Order.

4. (1) For so long, and so long only, as a declaratory Order is for the time being in force in respect of any country, the provisions of this Act shall apply to, and in relation to, such country, subject to the modifications, limitations or conditions, if any, specified in the Order for the purpose of implementing the terms of the extradition arrangement in consequence of which the Order was made.

(2) For so long, and so long only, as a declaratory Order made in consequence of any extradition arrangement is for the time being in force, the Order—

(*a*) shall be conclusive evidence that the arrangement complies with the provisions of section 3; and

(*b*) shall be final and conclusive, and shall not be called in question in any court or tribunal.

Relevant offences.

5. (1) For the purposes of this Act, any offence of which a person is accused or has been convicted in any designated country is a relevant offence if—

(*a*) it is an offence which, by whatsoever name or designation called in the law of such country or however described in that law, falls within any of the descriptions set out in the First Schedule, and is specified in the extradition arrangement made with such country; and

(*b*) the act or omission constituting the offence, or the equivalent act or omission, would constitute an offence against the law of Ceylon if it took place within Ceylon or, in the case of an extra-territorial offence, in corresponding circumstances outside Ceylon.

(2) In determining for the purposes of this section whether an offence against the law of any designated country falls within any description set out in the First Schedule, any special intent or state of mind or special circumstances of aggravation which may be necessary to constitute that offence under the law shall be disregarded.

(3) The descriptions set out in the First Schedule include, in each case, offences of attempting or conspiring to commit, of assisting, counselling or

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procuring the commission of or being accessory before or after the fact to the offences therein described, and of impeding the apprehension or prosecution of persons guilty of those offences.

(4) References in this section to the law of any designated country include references to the law of any part of that country.

General restrictions on return of fugitive persons.

6. (1) A fugitive person shall not be returned under this Act to any designated country, or committed to or kept in custody for the purposes of such return, if it appears to the Minister, to the court of committal, or to the Supreme Court on an application for *habeas corpus* or for review of the order of committal,—

(*a*) that the offence of which that person is accused or was convicted is an offence of a political character;

(*b*) that the request for his return, though purporting to be made on account of a relevant offence, is in fact made for the purpose of prosecuting or punishing him on account of his race, religion, nationality, caste or political opinions; or

(*c*) that he might if returned, be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality, caste or political opinions.

(2) A fugitive person accused of any offence shall not be returned under this Act to any designated country, or committed to or kept in custody for the purposes of such return, if it appears, as provided in sub-section (1) of this section, that if charged with that offence in Ceylon he would be entitled to be discharged under any rule of law relating to previous acquittal or conviction.

(3) A fugitive person shall not be returned under this Act to any designated country, or committed to or kept in custody for the purposes of such return, unless provision is made by the law of that country or by the extradition arrangement with that country, for securing that he will not, unless he has first been restored or had an opportunity of returning to

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Ceylon, be dealt with in that country for or in respect of any offence committed before his return under this Act, other than—

(*a*) the offence in respect of which his return under this Act is requested;

(*b*) any lesser offence proved by the facts established before the court of committal; or

(*c*) any other offence, being a relevant offence in respect of which the Minister may consent to his being so dealt with.

(4) The reference in this section to an offence of a political character does not include an offence against the life or person of—

(*a*) the Head of the Commonwealth; or

(*b*) the head of any country, other than a commonwealth country, by whatsoever name or designation called,

or any related offences described in sub-section (3) of section 5.

PART II

Proceedings for return

Authority to proceed.

7. (1) Subject to the provisions of this Act relating to provisional warrants, a fugitive person of any designated country shall not be dealt with thereunder except in pursuance of an order of the Minister, in this Act referred to as an " authority to proceed ", issued in pursuance of a request made to the Minister by or on behalf of the Government of that country.

(2) There shall be furnished with any request made, for the purposes of this section, in respect of a fugitive person of any designated country—

(*a*) who is accused of an offence, a warrant for his arrest issued in that country; or

(*b*) who is unlawfully at large after conviction of an offence, a certificate of the conviction and sentence in that country and a statement of the amount, if any, of that sentence which has been served,

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together, in each case, with particulars of that person, and of the facts upon which, and the law under which, he is accused or was convicted, and evidence sufficient to justify the issue of a warrant for his arrest under section 8.

(3) On receipt of such a request the Minister may issue an authority to proceed, unless it appears to him that an order for the return of the fugitive person concerned could not lawfully be made, or would not in fact be made, in accordance with the provisions of this Act.

Arrest for the purposes of committal.

8. (1) A warrant for the arrest of a fugitive person accused of a relevant offence, or alleged to be unlawfully at large after conviction of such an offence, may be issued—

(*a*) on the receipt of an authority to proceed, by a competent Magistrate's Court; or

(*b*) without such an authority, by such Court or by any other Magistrate's Court in any part of Ceylon, upon information that such person is or is believed to be in or on his way to Ceylon.

Any warrant issued by virtue of paragraph (*b*) of this sub-section is in this Act referred to as a " provisional warrant ".

(2) A warrant of arrest under this section may be issued upon such evidence as would, in the opinion of the Court, authorize the issue of a warrant for the arrest of a person accused of committing a corresponding offence or, as the case may be, of a person alleged to be unlawfully at large after conviction of an offence, within the local limits of the jurisdiction of the Court.

(3) Where a provisional warrant is issued under this section, the Court by which it is issued shall forthwith give notice to the Minister, and transmit to him the information and evidence, or certified copies of the information and evidence, upon which it was issued; and the Minister may in any case, and shall if he decides not to issue an authority to proceed in respect of the fugitive person to whom the warrant relates, by order cancel the warrant and, if that person has been arrested thereunder, discharge him from custody.

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(4) Notwithstanding anything in the Criminal Procedure Code, a warrant of arrest issued under this section may, without an endorsement to that effect, be executed in any part of Ceylon, whether such part is within or outside the local limits of the jurisdiction of the Court by which it is so issued, and may be so executed by any person to whom it is directed, or by any police officer.

(5) Where a warrant is issued under this section for the arrest of a fugitive person accused of an offence of stealing or receiving stolen property, or any other offence in respect of property, any Magistrate's Court in any part of Ceylon shall have the like power to issue a warrant to search for the property as if the offence has been committed within the local limits of the jurisdiction of that Court.

Proceedings for committal.

9. (1) A fugitive person arrested in pursuance of a warrant issued under section 8 shall, unless he is previously discharged under sub-section (3) of that section, be brought as soon as practicable before any such competent Magistrate's Court, in this Act referred to as a " Court of committal ", as may be directed by the warrant.

(2) For the purposes of proceedings under this section, a Court of committal shall have the like powers, including power to adjourn the case and meanwhile to remand the fugitive person arrested under the warrant either in custody or on bail, and the proceedings shall be conducted as nearly as may be in the like manner, as if the proceedings were proceedings in respect of an offence alleged to have been committed by that person which is summarily triable by that Court in its capacity as a Magistrate's Court.

(3) Where the fugitive person arrested is in custody by virtue of a provisional warrant and no authority to proceed has been received in respect of him, the Court of committal may fix a reasonable period, notice of which shall be given by the Court to the Minister, after which he will be discharged from custody unless such an authority has been received.

(4) Where an authority to proceed has been issued in respect of the fugitive person arrested and the Court of committal is satisfied, after hearing any evidence tendered in support of the request for the

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return of that person or on behalf of that person, that the offence to which the authority relates is a relevant offence, and is further satisfied,—

(*a*) where that person is accused of the offence, that the evidence would be sufficient to warrant his trial for that offence if it has been committed within the local limits of the jurisdiction of the Court; or

(*b*) where that person is alleged to be unlawfully at large after conviction of the offence, that he has been so convicted and appears to be so at large,

the Court shall, unless his committal is prohibited by any other provision of this Act, commit him to custody to await his return thereunder; and if the Court is not so satisfied, or if the committal of that person is so prohibited, the Court shall discharge him from custody.

Application for *habeas corpus*, &c.

10. (1) Where a fugitive person is committed to custody under section 9, the Court shall inform him in ordinary language of his right to make an application for *habeas corpus*, or to apply for review of the order of committal, to the Supreme Court, and shall forthwith give notice of the committal to the Minister.

(2) A fugitive person committed to custody under section 9 shall not be returned under this Act—

(*a*) in any case, until the expiration of a period of fifteen days commencing on the day on which an order for his committal is made;

(*b*) if an application for *habeas corpus*, or an application for review of the order of committal, is made in his case to the Supreme Court, so long as proceedings on that application are pending.

(3) On any such application the Supreme Court may, without prejudice to any other jurisdiction of the Court, order the fugitive person committed to be discharged from custody if it appears to the Court that—

(*a*) by reason of the trivial nature of the offence of which he is accused or was convicted; or

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(*b*) by reason of the passage of time since he is alleged to have committed it, or to have become unlawfully at large, as the case may be; or

(*c*) because the accusation against him is not made in good faith in the interests of justice,

it would, having regard to all the circumstances, be unjust or oppressive to return him.

(4) On any such application the Supreme Court may receive additional evidence relevant to the exercise of their jurisdiction under section 6 or under sub-section (3) of this section.

Order for return to requesting country.

11. (1) Where a fugitive person of a designated country is committed to await his return and is not discharged by order of the Supreme Court, the Minister may by warrant order him to be returned to that country, unless the return of that person is prohibited, or prohibited for the time being, by section 6 or this section, or the Minister decides under this section to make no such order in his case.

(2) An order shall not be made under this section in the case of a fugitive person who is serving a sentence of imprisonment or detention, or is charged with an offence, in Ceylon—

(*a*) if that person is serving such a sentence, until the sentence has been served;

(*b*) if that person is charged with an offence, until the charge is disposed of or withdrawn and, if it results in a sentence of imprisonment, until the sentence has been served.

(3) The Minister shall not make an order under this section in the case of any fugitive person, if it appears to the Minister, on the grounds mentioned in sub-section (3) of section 10, that it would be unjust or oppressive to return that person.

(4) The Minister may decide to make no order under this section in respect of a fugitive person of any designated country who is accused or convicted of any relevant offence not punishable with death in Ceylon, if that person could be, or has been, sentenced to death for that offence in that country.

(5) The Minister may decide to make no order under this section for the return of a fugitive person committed in consequence of a request made by or on behalf of a designated country if another request for his return under this Act, or a requisition for his

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surrender under the Extradition Act, 1870, of the United Kingdom, has been made by or on behalf of another designated country and it appears to the Minister, having regard to all the circumstances of the case, and in particular—

(*a*) the relative seriousness of the offence in question;

(*b*) the date on which each such request was made; and

(*c*) the nationality or citizenship of that person and his ordinary residence,

that preference should be given to the other request.

(6) Notice of the issue of a warrant under this section shall forthwith be given to the fugitive person to be returned thereunder.

Discharge in case of delay in returning.

12. (1) If a fugitive person of any designated country committed to await his return is in custody in Ceylon under this Act after the expiration of the following period, that is to say—

(*a*) in any case, the period of two months commencing on the first day on which, having regard to sub-section (2) of section 10, he could have returned;

(*b*) where a warrant for his return has been issued under section 11, the period of one month commencing on the day on which that warrant was issued,

he may apply to the Supreme Court for his discharge.

(2) If upon any such application being made the Supreme Court is satisfied that reasonable notice of the proposed application has been given to the Minister, the Court shall, unless sufficient cause is shown to the contrary, by order direct the applicant to be discharged from custody and, if a warrant for his return has been issued under section 11, quash that warrant.

Evidence.

13. (1) In any proceedings under this Act, including proceedings on an application for *habeas corpus* in respect of a fugitive person in custody thereunder—

(*a*) a document, duly authenticated, which purports to set out evidence given on oath in a designated country shall be admissible as evidence of the matters stated therein;

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(*b*) a document, duly authenticated, which purports to have been received in evidence, or to be a copy of a document so received, in any proceedings in any such country shall be admissible in evidence;

(*c*) a document, duly authenticated, which certifies that such person was convicted on a date specified in the document of an offence against the law of, or of a part of, any such country shall be admissible as evidence of the fact and date of the conviction.

(2) A document shall be deemed to be duly authenticated for the purposes of this section—

(*a*) in the case of a document purporting to set out evidence given as aforesaid, if the document purports to be certified by a Judge or Magistrate or officer in or of the designated country in question to be the original document containing or recording that evidence or a true copy of such document;

(*b*) in the case of a document which purports to have been received in evidence as aforesaid or to be a copy of a document to be certified as aforesaid, or to be a copy of a document so received, if the document purports to be certified as aforesaid to have been, or to be a true copy of a document which has been, so received;

(*c*) in the case of a document which certifies that a person was convicted as aforesaid, if the document purports to be certified as aforesaid,

and in any such case the document is authenticated either by the oath of a witness, or by the official seal of a Minister, of the designated country in question.

(3) In this section " oath " includes any affirmation or declaration.

(4) Nothing in this section shall be deemed or construed to affect or prejudice the admission in evidence of any document which is admissible in evidence apart from this section.

Custody.

14. (1) Any fugitive person remanded or committed to custody under section 9 shall be committed to a like institution as a person charged with an offence before the Court of committal in its capacity as a Magistrate's Court.

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(2) If any fugitive person who is in custody by virtue of a warrant under this Act escapes out of custody, he may be retaken in any part of Ceylon in like manner as a person escaping from custody under a warrant for his arrest issued in that part in respect of an offence committed therein.

(3) Where a fugitive person, being in custody in any part of Ceylon whether under this Act or otherwise, is required to be removed in custody under this Act to another part of Ceylon and is so removed by sea or by air, he shall be deemed to continue in legal custody until he reaches the place to which he is required to be removed.

(4) A warrant under section 11 for the return of a fugitive person to any designated country shall be sufficient authority for all persons to whom it is directed and all police officers to receive that person, keep him in custody and convey him into the jurisdiction of that country.

Form of warrants and orders.

15. (1) Any warrant or order to be issued or made by the Minister under the foregoing provisions of this Act shall be given under the hand of the Minister.

(2) Regulations may be made under this Act prescribing the form of any warrant or order to be issued or made by the Minister under the foregoing provisions of this Act.

PART III

Treatment of persons returned from designated countries

Restriction upon proceedings for other offences.

16. (1) This section shall apply to any person accused or convicted of an offence under the law of Ceylon who is returned to Ceylon from any designated country, under any law of that country corresponding with this Act.

(2) A person to whom this section applies shall not, during the period described in sub-section (3) of this section, be dealt with in Ceylon for or in respect of any offence committed before he was returned to Ceylon, other than—

(*a*) the offence in respect of which he was returned;

(*b*) any lesser offence proved by the facts established for the purposes of securing his return; or

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(*c*) any other offence in respect of which the Government of the designated country from which he was returned may consent to his being dealt with.

(3) The period referred to in sub-section (2) of this section in relation to a person to whom this section applies is the period commencing on the day of his arrival in Ceylon on his return as mentioned in sub-section (1) of this section and ending forty-five days after the first subsequent day on which he has the opportunity to leave Ceylon.

Restoration of persons not tried or acquitted.

17. (1) This section shall apply to any person accused of an offence under the law of Ceylon who is returned to Ceylon as mentioned in sub-section (1) of section 16.

(2) If in the case of a person to whom this section applies, either—

(*a*) proceedings against him for the offence for which he was returned are not begun within the period of six months commencing on the day of his arrival in Ceylon on being returned; or

(*b*) on his trial for that offence, he is acquitted or discharged by any Court in Ceylon,

the Minister may, if he thinks fit, on the request of that person, arrange for him to be sent back free of charge and with as little delay as possible to the country from which he was returned.

PART IV

Miscellaneous

Regulations.

18. (1) The Minister may make regulations under this Act in respect of all such matters as are necessary for giving full force and effect to the principles and provisions of this Act.

(2) Without prejudice to the generality of the powers conferred by sub-section (1) of this section, the Minister may make regulations under this Act—

(*a*) for all matters stated or required by this Act to be prescribed;

(*b*) amending, varying or replacing any Schedule;

(*c*) for all matters in respect of which no provision, or no adequate provision, is made by the provisions of this Act, and

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(*d*) for all matters in respect of which it is necessary to supplement the provisions of this Act to meet unforeseen or special circumstances.

(3) Every regulation made under this Act shall be laid before the Senate and the House of Representatives for approval.

(4) Every regulation made under this Act shall, upon its being approved by the Senate and the House of Representatives, be published in the *Gazette*, and shall come into force on the date of such publication, or on such later date as may be specified therein.

(5) Every regulation made under this Act shall, upon its coming into force as herein before provided, be as valid and effectual as though it were herein enacted.

Special provision relating to the United Kingdom.

19. For the purposes of this Act, the term "country", in its application in the case of the United Kingdom, includes any United Kingdom dependency, that is to say,—

(*a*) any colony, not being a colony for whose external relations a country, other than the United Kingdom, is responsible;

(*b*) any associated state within the meaning of the West Indies Act, 1967, of the United Kingdom; and

(*c*) any country outside Her Majesty's Dominions, being a country in which Her Majesty has jurisdiction, or over which She extends protection, in right of Her Government in the United Kingdom,

not being in any case a country which is or forms part of any other commonwealth country.

Repeals and transitory provisions.

20. (1) Subject to the other provisions of this section, the enactments specified in the Third Schedule are hereby repealed as respects Ceylon, and accordingly shall cease to operate as part of the law of Ceylon.

(2) The repeals effected by sub-section (1) of this section shall not affect the operation in Ceylon of the Fugitive Offenders Act, 1870, of the United Kingdom, in any case where, before the appointed date, a warrant endorsed under section 3 of that Act, or a provisional warrant issued under section 8 of this Act, has been executed in Ceylon.

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Provided, however, that for the purposes of proceedings under that Act in respect of a fugitive person from a designated country, sub-section (1) of section 6 of this Act shall apply as though—

(*a*) for the references to this Act there were substituted references to that Act; and

(*b*) for references to the Court of committal and the order of committal there were substituted references to the Magistrate before whom that person is brought under section 5 of that Act and the order of that Magistrate.

(3) Without prejudice to the operation of sub-section (2) of this section, this Act shall apply to offences committed before as well as on or after the appointed date.

21. In this Act, unless the context otherwise requires— Interpretation.

" commonwealth country " means any country for the time being specified in the Second Schedule;

" competent Magistrate's Court " means a Magistrate's Court having jurisdiction in any area within the limits of the district of Colombo as defined and set out in the First Schedule to the Courts Ordinance;

" country " means any country, whether or not it is a commonwealth country;

" designated country " means any country in respect of which there is a declaratory Order for the time being in force;

" extradition arrangement " means any arrangement, treaty or agreement made by the Government of Ceylon with any other country for the return to that country of persons found in Ceylon—

(*a*) who are accused of having committed in that country any offences which, by whatsoever name or designation called in the law of that country or however described in that law, fall within any of the descriptions set out in the First Schedule and are specified in such arrangement, treaty or agreement; or

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(*b*) who are persons alleged to be unlawfully at large after conviction of any such offence in that country;

" fugitive person " means a person found in Ceylon—

(*a*) who is accused of having committed any relevant offence in any designated country; or

(*b*) who is alleged to be unlawfully at large after conviction of such offence in that country,

and the expression " fugitive person of a designated country " shall be construed accordingly;

" application for *habeas corpus* " means an application for a mandate in the nature of a writ of *habeas corpus;*

" Minister " means the Prime Minister and Minister of Defence and External Affairs;

" review ", in relation to the Supreme Court, includes revision;

" Schedule " means a Schedule to this Act.

FIRST SCHEDULE (Section 5)

Description of Returnable Offences.

1. Murder of any degree.
2. Manslaughter.
3. An offence against the law relating to abortion.
4. Maliciously or wilfully wounding or inflicting grievous bodily harm.
5. Assault occasioning actual bodily harm.
6. Rape.
7. Unlawful sexual intercourse with a female.
8. Indecent assault.
9. Procuring, or trafficking in, women or young persons for immoral purposes.
10. Bigamy.
11. Kidnapping, abduction or false imprisonment, or dealing in slaves.

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12. Stealing, abandoning, exposing or unlawfully detaining a child.

13. Bribery.

14. Perjury or subornation of perjury or conspiring to defeat the course of justice.

15. Arson.

16. An offence concerning counterfeit currency.

17. An offence against the law relating to forgery.

18. Stealing, embezzlement, fraudulent conversion, fraudulent false accounting, obtaining property or credit by false pretences, receiving stolen property or any other offence in respect of property involving fraud.

19. Burglary, housebreaking or any similar offence.

20. Robbery.

21. Blackmail or extortion by means of threats or by abuse of authority.

22. An offence against bankruptcy law or company law.

23. Malicious or wilful damage to property.

24. Acts done with the intention of endangering vehicles, vessels or aircrafts.

25. An offence against the law relating to dangerous drugs or narcotics.

26. Piracy.

27. Revolt against the authority of the master of a ship or the commander of an aircraft.

28. Contravention of import or export prohibitions relating to precious stones, gold and other precious metals.

SECOND SCHEDULE (Section 21)

Commonwealth Countries.

1. Australia.
2. Barbados.
3. Botswana.
4. Canada.
5. The Republic of Cyprus.
6. The Gambia.
7. Ghana.
8. Guyana.
9. India.
10. Jamaica.
11. Kenya.

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12. Lesotha.
13. Malawi.
14. Malaysia.
15. Malta.
16. New Zealand.
17. Nigeria.
18. Pakistan.
19. Sierra Leone.
20. Singapore.
21. Tasmania.
22. Trinidad and Tobago.
23. Uganda.
24. United Kingdom.
25. Zambia.

THIRD SCHEDULE (Section 20)

ENACTMENTS.

1. The Extradition Acts, 1870 to 1932, of the United Kingdom.
2. The Extradition Ordinance (Chapter 47).
3. The Extradition (India) Act (Chapter 48).

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PARLIAMENT OF CEYLON

5th Session 1969-70

Appropriation Act, No. 30 of 1969

Date of Assent : September 30, 1969

Printed on the Orders of Government

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L. D.—O. 153/34.

AN ACT TO PROVIDE FOR THE SERVICE OF THE FINANCIAL YEAR, 1969-70, TO AUTHORIZE THE RAISING OF LOANS IN OR OUTSIDE CEYLON FOR THE PURPOSE OF SUCH SERVICE, TO MAKE FINANCIAL PROVISION IN RESPECT OF CERTAIN ACTIVITIES OF THE GOVERNMENT DURING THAT FINANCIAL YEAR, TO ENABLE THE PAYMENT, BY WAY OF ADVANCES OUT OF THE CONSOLIDATED FUND OF CEYLON OR ANY OTHER FUND OR MONEYS OF, OR AT THE DISPOSAL OF, THE GOVERNMENT, OF MONEYS REQUIRED DURING THAT FINANCIAL YEAR FOR EXPENDITURE ON SUCH ACTIVITIES, TO PROVIDE FOR THE REFUND OF SUCH MONEYS TO THAT CONSOLIDATED FUND, AND TO MAKE PROVISION FOR MATTERS CONNECTED WITH OR INCIDENTAL TO THE AFORESAID MATTERS.

[Date of Assent: September 30, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the Appropriation Act, No. 30 of 1969.

Appropriation for financial year, 1969-70.

2. (1) Without prejudice to any other law authorizing any expenditure, the expenditure of the Government, which it is estimated will be rupees three thousand five hundred and seven million four hundred and forty-one thousand six hundred and forty-eight, for the service of the financial year beginning on October 1, 1969, and ending on September 30, 1970, shall be met—

(*a*) from payments which are hereby authorized to be made out of the Consolidated Fund of Ceylon, or any other fund or moneys of, or at the disposal of, the Government ; and

(*b*) from the proceeds of loans which are hereby authorized to be raised, whether in or outside Ceylon, for and on behalf of the Government, so however, that the aggregate of such proceeds does not exceed rupees one thousand one hundred and fifty million.

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2——J 5065—3,008 (7/69)

The sum of rupees three thousand five hundred and seven million four hundred and forty-one thousand six hundred and forty-eight, hereinbefore referred to may be expended as specified in the First Schedule to this Act.

(2) The provisions of sub-section (1) of this section shall have effect without prejudice to the provisions of any other written law authorizing the raising of loans for and on behalf of the Government.

Financial provision in respect of certain activities of the Government for the financial year, 1969–70.

3. (1) The receipts of the Government, during the financial year referred to in section 2, from each activity specified in column I of the Second Schedule to this Act shall be credited to the account of such activity, but the aggregate of the receipts so credited shall not exceed the maximum limit specified in the corresponding entry in column III of that Schedule. Any receipts from such activity in excess of such maximum limit shall be credited to the Consolidated Fund of Ceylon.

(2) The expenditure incurred by the Government, during the financial year referred to in section 2, on each activity specified in column I of the Second Schedule to this Act shall be paid out of the receipts of the Government from such activity during that financial year, but such expenditure shall not exceed the maximum limit specified in the corresponding entry in column II of that Schedule.

(3) The debit balance, outstanding at the end of the financial year referred to in section 2, of any activity specified in column I of the Second Schedule to this Act shall not exceed the maximum limit specified in the corresponding entry in column IV of that Schedule, and the total liabilities of that activity at the end of that financial year shall not exceed the maximum limit specified in the corresponding entry in column V of that Schedule.

Payment from the Consolidated Fund, or any other fund or moneys of, or at the disposal of the Government, of advances for expenditure on the activities referred to in section 3 during the financial year, 1969–70.

4. Whenever, at any time during the financial year referred to in section 2, the receipts of the Government from any activity specified in column I of the Second Schedule to this Act are insufficient to meet the expenditure incurred by the Government on such activity, the Minister of Finance may, from time to time, by Order direct that such sums as he may deem necessary to meet such expenditure shall be payable, by way of advances, out of the Consolidated Fund of Ceylon, or any other fund

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or moneys of, or at the disposal of, the Government, so however, that the aggregate of the sums so advanced does not exceed the maximum limit of expenditure specified in the corresponding entry in column II of that Schedule. Any sums so advanced in respect of such activity shall be refunded to that Consolidated Fund in such manner as the Minister of Finance may by Order direct.

Power to transfer unexpended moneys from one Vote to another Vote under the same head of expenditure.

5. Any moneys which, by virtue of the provisions of the First Schedule to this Act, have been allocated to any vote other than Votes Nos. 3, 5 and 7, appearing under any head specified in that Schedule but have not been expended and are not likely to be expended, may be transferred to any other vote under that head by order of the Secretary to the Treasury or any other officer authorized by him.

Powers of Minister of Finance to vary the maximum limits specified in the Second Schedule to this Act.

6. The Minister of Finance, with the approval of the Government, may, on or before April 30, 1971, by Order vary or alter any of the maximum limits specified in column II, column III, column IV or column V, of the Second Schedule to this Act. Any such Order shall, if so expressed therein, be deemed to have had effect from such date prior to the date of the making of such Order as may be specified therein.

Power of House of Representatives to amend the Second Schedule to this Act.

7. The House of Representatives may, by resolution, amend the Second Schedule to this Act, by adding to the appropriate columns of that Schedule, any activity and all or any of the maximum limits relating to such activity.

First Schedule

Sums payable for general services

		Rs.
Head 1,	His Excellency the Governor-General	
	Vote No. 1, Personal emoluments and other allowances of staff	289,434
	Vote No. 2, Administration Charges—Recurrent Expenditure	202,600
	Vote No. 3, Administration Charges—Capital Expenditure	12,000

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		Rs.
Head 2, Prime Minister		
	Vote No. 1, Personal emoluments and other allowances of staff	286,231
	Vote No. 2, Administration Charges—Recurrent Expenditure	122,350
	Vote No. 7, Economic Development—Capital Expenditure	15,000,000
Head 3, Judges of the Supreme Court		
	Vote No. 1, Personal emoluments and other allowances of staff	648,164
	Vote No. 2, Administration Charges—Recurrent Expenditure	93,950
Head 4, Cabinet Office		
	Vote No. 1, Personal emoluments and other allowances of staff	138,711
	Vote No. 2, Administration Charges—Recurrent Expenditure	22,500
Head 5, Senate		
	Vote No. 1, Personal emoluments and other allowances of staff	436,767
	Vote No. 2, Administration Charges—Recurrent Expenditure	218,445
Head 6, House of Representatives ..		
	Vote No. 1, Personal emoluments and other allowances of staff	946,472
	Vote No. 2, Administration Charges—Recurrent Expenditure	1,750,725
Head 7, Judicial Service Commission		
	Vote No. 1, Personal emoluments and other allowances of staff	104,632
	Vote No. 2, Administration Charges—Recurrent Expenditure	6,575

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	Rs.
Head 8, Public Service Commission	
Vote No. 1, Personal emoluments and other allowances of staff	307,325
Vote No. 2, Administration Charges—Recurrent Expenditure	38,375
Head 9, Audit Office	
Vote No. 1, Personal emoluments and other allowances of staff	4,245,499
Vote No. 2, Administration Charges—Recurrent Expenditure	492,600
Head 10, Office of the Leader of the House of Representatives	
Vote No. 1, Personal emoluments and other allowances of staff	82,373
Vote No. 2, Administration Charges—Recurrent Expenditure	8,000
Head 11, Office of the Leader of the Opposition in the House of Representatives	
Vote No. 1, Personal emoluments and other allowances of staff	62,618
Vote No. 2, Administration Charges—Recurrent Expenditure	2,850
Head 12, Department of Elections (Parliamentary and Local Bodies)	
Vote No. 1, Personal emoluments and other allowances of staff	1,437,490
Vote No. 2, Administration Charges—Recurrent Expenditure	10,314,810
Vote No. 3, Administration Charges—Capital Expenditure	75,000
Head 14, Minister of Defence and External Affairs	
Vote No. 1, Personal emoluments and other allowances of staff	47,937,926
Vote No. 2, Administration Charges—Recurrent Expenditure	15,938,382
Vote No. 3, Administration Charges—Capital Expenditure	3,475,610

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	Rs.
Head 15, Army	
Vote No. 1, Personal emoluments and other allowances of staff	29,031,064
Vote No. 2, Administration Charges—Recurrent Expenditure	12,135,310
Vote No. 3, Administration Charges—Capital Expenditure	2,956,710
Head 16, Royal Ceylon Navy	
Vote No. 1, Personal emoluments and other allowances of staff	12,736,720
Vote No. 2, Administration Charges—Recurrent Expenditure	6,997,530
Vote No. 3, Administration Charges—Capital Expenditure	1,048,640
Head 17, Royal Ceylon Air Force	
Vote No. 1, Personal emoluments and other allowances of staff	9,838,676
Vote No. 2, Administration Charges—Recurrent Expenditure	5,318,020
Vote No. 3, Administration Charges—Capital Expenditure	1,290,010
Head 18, Department of External Affairs Abroad	
Vote No. 1, Personal emoluments and other allowances of staff	9,639,023
Vote No. 2, Administration Charges—Recurrent Expenditure	5,768,699
Vote No. 3, Administration Charges—Capital Expenditure	373,886
Vote No. 4, Services provided by the Department—Recurrent Expenditure	82,750
Head 22, Minister of Planning and Economic Affairs	
Vote No. 1, Personal emoluments and other allowances of staff	1,882,000
Vote No. 2, Administration Charges—Recurrent Expenditure	3,069,092
Vote No. 3, Administration Charges—Capital Expenditure	31,325
Vote No. 7, Economic Development—Capital Expenditure	466,675

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	Rs.
Head 26, Minister of Information and Broadcasting	
Vote No. 1, Personal emoluments and other allowances of staff	63,735
Vote No. 2, Administration Charges—Recurrent Expenditure	2,380
Vote No. 3, Administration Charges—Capital Expenditure	12,000
Vote No. 7, Economic Development—Capital Expenditure	3,000,000
Head 27, Department of Information	
Vote No. 1, Personal emoluments and other allowances of staff	1,303,840
Vote No. 2, Administration Charges—Recurrent Expenditure	730,000
Vote No. 3, Administration Charges—Capital Expenditure	532,000
Head 28, Minister of State	
Vote No. 1, Personal emoluments and other allowances of staff	349,330
Vote No. 2, Administration Charges—Recurrent Expenditure	71,600
Vote No. 3, Administration Charges—Capital Expenditure	7,000
Vote No. 6, Economic Development—Recurrent Expenditure	3,900,000
Vote No. 7, Economic Development—Capital Expenditure	12,500,000
Head 29, Zoological Gardens	
Vote No. 1, Personal emoluments and other allowances of staff	459,700
Vote No. 2, Administration Charges—Recurrent Expenditure	493,500
Vote No. 3, Administration Charges—Capital Expenditure	368,000
Head 30, Department of Wild Life	
Vote No. 1, Personal emoluments and other allowances of staff	755,600
Vote No. 2, Administration Charges—Recurrent Expenditure	275,850
Vote No. 3, Administration Charges—Capital Expenditure	275,000

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	Rs.
Head 31, Government Press	
Vote No. 1, Personal emoluments and other allowances of staff	7,843,700
Vote No. 2, Administration Charges—Recurrent Expenditure	8,688,000
Vote No. 3, Administration Charges—Capital Expenditure	20,020
Head 32, Department of National Archives	
Vote No. 1, Personal emoluments and other allowances of staff	316,790
Vote No. 2, Administration Charges—Recurrent Expenditure	39,450
Vote No. 3, Administration Charges—Capital Expenditure	500,000
Head 33, Department of Controller of Imports and Exports	
Vote No. 1, Personal emoluments and other allowances of staff	1,321,470
Vote No. 2, Administration Charges—Recurrent Expenditure	246,200
Head 35, Minister of Finance	
Vote No. 1, Personal emoluments and other allowances of staff	298,815
Vote No. 2, Administration Charges—Recurrent Expenditure	15,250
Head 36, Treasury	
Vote No. 1, Personal emoluments and other allowances of staff	4,005,640
Vote No. 2, Administration Charges—Recurrent Expenditure	674,500
Vote No. 3, Administration Charges—Capital Expenditure	70,000
Head 37, Pensions	
Vote No. 2, Administration Charges—Recurrent Expenditure	87,550,000
Head 38, Public Debt	
Vote No. 2, Administration Charges—Recurrent Expenditure	87,692

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	Rs.
Head 39, Loan Board	
Vote No. 1, Personal emoluments and other allowances of staff	56,715
Vote No. 2, Administration Charges—Recurrent Expenditure	1,650
Head 40, Government Stores	
Vote No. 1, Personal emoluments and other allowances of staff	1,930,000
Vote No. 2, Administration Charges—Recurrent Expenditure	322,755
Vote No. 3, Administration Charges—Capital Expenditure	173,710
Head 41, Department of Inland Revenue	
Vote No. 1, Personal emoluments and other allowances of staff	8,609,000
Vote No. 2, Administration Charges—Recurrent Expenditure	1,066,000
Vote No. 3, Administration Charges—Capital Expenditure	143,110
Head 42, Customs	
Vote No. 1, Personal emoluments and other allowances of staff	5,558,000
Vote No. 2, Administration Charges—Recurrent Expenditure	790,000
Vote No. 3, Administration Charges—Capital Expenditure	608,275
Head 43, Department of Census and Statistics	
Vote No. 1, Personal emoluments and other allowances of staff	2,643,000
Vote No. 2, Administration Charges—Recurrent Expenditure	1,826,300
Vote No. 3, Administration Charges—Capital Expenditure	249,000
Head 44, National Savings Movement	
Vote No. 1, Personal emoluments and other allowances of staff	224,790
Vote No. 2, Administration Charges—Recurrent Expenditure	89,170
Head 45, Widows' and Orphans' Pension Office	
Vote No. 1, Personal emoluments and other allowances of staff	359,000
Vote No. 2, Administration Charges—Recurrent Expenditure	25,100

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	Rs.
Head 46, Combined Services	
Vote No. 1, Personal emoluments and other allowances of staff	768,000
Vote No. 2, Administration Charges—Recurrent Expenditure	12,000
Head 47, Miscellaneous Services	
Vote No. 2, Administration Charges—Recurrent Expenditure	393,453,420
Vote No. 3, Administration Charges—Capital Expenditure	50,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	625,000
Vote No. 5, Services provided by the Department—Capital Expenditure	15,000,000
Vote No. 7, Economic Development—Capital Expenditure	9,783,000
Head 50, Official Language Department	
Vote No. 1, Personal emoluments and other allowances of staff	592,540
Vote No. 2, Administration Charges—Recurrent Expenditure	72,960
Head 55, Minister of Land, Irrigation and Power	
Vote No. 1, Personal emoluments and other allowances of staff	620,265
Vote No. 2, Administration Charges—Recurrent Expenditure	39,000
Vote No. 6, Economic Development—Recurrent Expenditure	5,553,000
Vote No. 7, Economic Development—Capital Expenditure	69,400,020
Head 56, Land Commissioner	
Vote No. 1, Personal emoluments and other allowances of staff	8,988,659
Vote No. 2, Administration Charges—Recurrent Expenditure	1,086,000
Vote No. 3, Administration Charges—Capital Expenditure	250,000
Vote No. 6, Economic Development—Recurrent Expenditure	1,569,634
Vote No. 7, Economic Development—Capital Expenditure	26,972,010

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	Rs.
Head 57, Land Settlement Department	
Vote No. 1, Personal emoluments and other allowances of staff	712,728
Vote No. 2, Administration Charges—Recurrent Expenditure	137,550
Head 58, Survey Department	
Vote No. 1, Personal emoluments and other allowances of staff	10,935,433
Vote No. 2, Administration Charges—Recurrent Expenditure	3,200,000
Vote No. 3, Administration Charges—Capital Expenditure	1,092,010
Vote No. 6, Economic Development—Recurrent Expenditure	15,664,944
Head 59, Forest Department	
Vote No. 1, Personal emoluments and other allowances of staff	3,261,617
Vote No. 2, Administration Charges—Recurrent Expenditure	602,700
Vote No. 3, Administration Charges—Capital Expenditure	115,000
Vote No. 6, Economic Development—Recurrent Expenditure	110,000
Vote No. 7, Economic Development—Capital Expenditure	6,502,109
Head 60, Irrigation Department	
Vote No. 1, Personal emoluments and other allowances of staff	3,453,774
Vote No. 2, Administration Charges—Recurrent Expenditure	342,750
Vote No. 3, Administration Charges—Capital Expenditure	550,010
Vote No. 6, Economic Development—Recurrent Expenditure	20,545,254
Vote No. 7, Economic Development—Capital Expenditure	90,000,000
Head 61, Valuation Department	
Vote No. 1, Personal emoluments and other allowances of staff	1,197,413
Vote No. 2, Administration Charges—Recurrent Expenditure	246,020

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	Rs.
Head 62, Land Development Department	
Vote No. 1, Personal emoluments and other allowances of staff	1,161,346
Vote No. 2, Administration Charges—Recurrent Expenditure	61,300
Vote No. 6, Economic Development—Recurrent Expenditure	5,743,902
Vote No. 7, Economic Development—Capital Expenditure	21,500,000
Head 63, Electrical Department (Commercialised Activities)	
Vote No. 1, Personal emoluments and other allowances of staff	7,658,801
Vote No. 2, Administration Charges—Recurrent Expenditure	69,561,302
Vote No. 3, Administration Charges—Capital Expenditure	750,000
Vote No. 7, Economic Development—Capital Expenditure	57,892,754
Head 64, Electrical Department (Non-Commercialised Activities)	
Vote No. 1, Personal emoluments and other allowances of staff	72,168
Vote No. 2, Administration Charges—Recurrent Expenditure	4,084,750
Vote No. 3, Administration Charges—Capital Expenditure	700,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	1,169,000
Vote No. 5, Services provided by the Department—Capital Expenditure	1,500,000
Vote No. 7, Economic Development—Capital Expenditure	200,000
Head 65, Commissioner, Agricultural Corps	
Vote No. 1, Personal emoluments and other allowances of staff	7,500,000
Vote No. 2, Administration Charges—Recurrent Expenditure	1,542,800
Vote No. 3, Administration Charges—Capital Expenditure	189,217
Head 70, Minister of Home Affairs	
Vote No. 1, Personal emoluments and other allowances of staff	483,015
Vote No. 2, Administration Charges—Recurrent Expenditure	150,240
Vote No. 3, Administration Charges—Capital Expenditure	3,500

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	Rs.
Head 71, Provincial Administration	
Vote No. 1, Personal emoluments and other allowances of staff	28,703,637
Vote No. 2, Administration Charges—Recurrent Expenditure	3,078,650
Vote No. 3, Administration Charges—Capital Expenditure	340,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	474,000
Head 72, Registrar-General	
Vote No. 1, Personal emoluments and other allowances of staff	4,748,135
Vote No. 2, Administration Charges—Recurrent Expenditure	297,160
Head 73, Department of Mosques and Muslim Charitable Trusts	
Vote No. 1, Personal emoluments and other allowances of staff	53,789
Vote No. 2, Administration Charges—Recurrent Expenditure	21,380
Head 74, Excise Department	
Vote No. 1, Personal emoluments and other allowances of staff	3,188,183
Vote No. 2, Administration Charges—Recurrent Expenditure	579,000
Vote No. 3, Administration Charges—Capital Expenditure	180,000
Vote No. 7, Economic Development—Capital Expenditure	1,141,410
Head 75, Department of Kandyan Peasantry Rehabilitation	
Vote No. 1, Personal emoluments and other allowances of staff	62,124
Vote No. 2, Administration Charges—Recurrent Expenditure	19,000
Vote No. 3, Administration Charges—Capital Expenditure	25,000
Vote No. 5, Services provided by the Department—Capital Expenditure	1,000,000
Vote No. 7, Economic Development—Capital Expenditure	4,000,000
Head 76, Department of Rural Development and Cottage Industries	
Vote No. 1, Personal emoluments and other allowances of staff	11,325,814
Vote No. 2, Administration Charges—Recurrent Expenditure	1,253,080
Vote No. 4, Services provided by the Department—Recurrent Expenditure	814,547
Vote No. 5, Services provided by the Department—Capital Expenditure	1,600,000
Vote No. 6, Economic Development—Recurrent Expenditure	1,492,158
Vote No. 7, Economic Development—Capital Expenditure	8,639,842

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	Rs.
Head 80, Minister of Health	
Vote No. 1, Personal emoluments and other allowances of staff	2,461,720
Vote No. 2, Administration Charges—Recurrent Expenditure	573,812
Head 81, Department of Health	
Vote No. 4, Services provided by the Department—Recurrent Expenditure	211,013,757
Vote No. 5, Services provided by the Department—Capital Expenditure	9,000,000
Head 82, Department of Ayurveda	
Vote No. 4, Services provided by the Department—Recurrent Expenditure	6,962,834
Vote No. 5, Services provided by the Department—Capital Expenditure	430,500
Head 85, Minister of Nationalised Services	
Vote No. 1, Personal emoluments and other allowances of staff	1,089,544
Vote No. 2, Administration Charges—Recurrent Expenditure	645,200
Vote No. 3, Administration Charges—Capital Expenditure	12,000
Vote No. 5, Services provided by the Department—Capital Expenditure	500,000
Head 86, Colombo Port Commission	
Vote No. 1, Personal emoluments and other allowances of staff	6,672,000
Vote No. 2, Administration Charges—Recurrent Expenditure	18,261,410
Vote No. 3, Administration Charges—Capital Expenditure	500,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	2,140,500
Vote No. 5, Services provided by the Department—Capital Expenditure	240,000
Vote No. 6, Economic Development—Recurrent Expenditure	3,413,134
Vote No. 7, Economic Development—Capital Expenditure	15,449,282
Head 87, Coast Lights	
Vote No. 1, Personal emoluments and other allowances of staff	90,000
Vote No. 2, Administration Charges—Recurrent Expenditure	51,500

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	Rs.
Head 90, Minister of Industries and Fisheries	
Vote No. 1, Personal emoluments and other allowances of staff	393,326
Vote No. 2, Administration Charges—Recurrent Expenditure	11,550
Vote No. 6, Economic Development—Recurrent Expenditure	1,587,305
Vote No. 7, Economic Development—Capital Expenditure	165,000,000
Head 91, Geological Survey Department	
Vote No. 6, Economic Development—Recurrent Expenditure	1,348,088
Vote No. 7, Economic Development—Capital Expenditure	220,000
Head 92, Salt Department	
Vote No. 1, Personal emoluments and other allowances of staff	13,231
Vote No. 2, Administration Charges—Recurrent Expenditure	1,769
Head 93, Department of Fisheries	
Vote No. 1, Personal emoluments and other allowances of staff	1,267,285
Vote No. 2, Administration Charges—Recurrent Expenditure	389,202
Vote No. 3, Administration Charges—Capital Expenditure	70,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	25,000
Vote No. 5, Services provided by the Department—Capital Expenditure	1,000,000
Vote No. 6, Economic Development—Recurrent Expenditure	888,097
Vote No. 7, Economic Development—Capital Expenditure	2,002,980
Head 98, Minister of Commerce and Trade	
Vote No. 1, Personal emoluments and other allowances of staff	318,765
Vote No. 2, Administration Charges—Recurrent Expenditure	281,100
Vote No. 6, Economic Development—Recurrent Expenditure	2,861,183
Vote No. 7, Economic Development—Capital Expenditure	500,000

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	Rs.
Head 99, Department of Registrar of Companies	
Vote No. 1, Personal emoluments and other allowances of staff	482,783
Vote No. 2, Administration Charges—Recurrent Expenditure	52,504
Head 100, Department of Merchant Shipping	
Vote No. 1, Personal emoluments and other allowances of staff	112,261
Vote No. 2, Administration Charges—Recurrent Expenditure	3,917
Head 101, Department of Commodity Purchase	
Vote No. 3, Administration Charges—Capital Expenditure	181,000
Head 105, Minister of Justice	
Vote No. 1, Personal emoluments and other allowances of staff	897,806
Vote No. 2, Administration Charges—Recurrent Expenditure	47,460
Vote No. 4, Services provided by the Department—Recurrent Expenditure	65,000
Head 106, District Courts	
Vote No. 1, Personal emoluments and other allowances of staff	3,096,916
Vote No. 2, Administration Charges—Recurrent Expenditure	308,450
Head 107, Courts of Requests and Magistrates' Courts	
Vote No. 1, Personal emoluments and other allowances of staff	2,728,446
Vote No. 2, Administration Charges—Recurrent Expenditure	414,000
Head 108, Fiscal's Department	
Vote No. 1, Personal emoluments and other allowances of staff	1,869,804
Vote No. 2, Administration Charges—Recurrent Expenditure	906,360
Head 109, Attorney- General	
Vote No. 1, Personal emoluments and other allowances of staff	1,172,836
Vote No. 2, Administration Charges—Recurrent Expenditure	239,400

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	Rs.
Head 110, Legal Draftsman	
Vote No. 1, Personal emoluments and other allowances of staff	470,091
Vote No. 2, Administration Charges—Recurrent Expenditure	7,750
Head 111, Rural Courts	
Vote No. 1, Personal emoluments and other allowances of staff	1,316,215
Vote No. 2, Administration Charges—Recurrent Expenditure	197,200
Head 112, Debt Conciliation Board	
Vote No. 1, Personal emoluments and other allowances of staff	100,665
Vote No. 2, Administration Charges—Recurrent Expenditure	13,935
Head 113, Department of the Bribery Commissioner	
Vote No. 1, Personal emoluments and other allowances of staff	202,092
Vote No. 2, Administration Charges—Recurrent Expenditure	53,350
Head 114, Registrar of the Supreme Court	
Vote No. 1, Personal emoluments and other allowances of staff	1,025,035
Vote No. 2, Administration Charges—Recurrent Expenditure	409,872
Head 115, Department of Prisons	
Vote No. 1, Personal emoluments and other allowances of staff	7,324,923
Vote No. 2, Administration Charges—Recurrent Expenditure	5,287,545
Vote No. 3, Administration Charges—Capital Expenditure	170,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	78,000
Head 116, Government Analyst	
Vote No. 1, Personal emoluments and other allowances of staff	544,252
Vote No. 2, Administration Charges—Recurrent Expenditure	72,700

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	Rs.
Head 117, Public Trustee	
Vote No. 1, Personal emoluments and other allowances of staff	286,894
Vote No. 2, Administration Charges—Recurrent Expenditure	32,015
Head 118, Law Commission	
Vote No. 1, Personal emoluments and other allowances of staff	110,263
Vote No. 2, Administration Charges—Recurrent Expenditure	13,300
Head 125, Minister of Local Government	
Vote No. 1, Personal emoluments and other allowances of staff	5,904,725
Vote No. 2, Administration Charges—Recurrent Expenditure	58,355,060
Vote No. 3, Administration Charges—Capital Expenditure	445,010
Vote No. 4, Services provided by the Department—Recurrent Expenditure	3,875,600
Vote No. 5, Services provided by the Department—Capital Expenditure	33,139,920
Vote No. 6, Economic Development—Recurrent Expenditure	768,000
Vote No. 7, Economic Development—Capital Expenditure	400,000
Head 134, Minister of Agriculture and Food	
Vote No. 1, Personal emoluments and other allowances of staff	562,241
Vote No. 2, Administration Charges—Recurrent Expenditure	561,825
Vote No. 7, Economic Development—Capital Expenditure	20,295,329
Head 135, Department of Agriculture	
Vote No. 1, Personal emoluments and other allowances of staff	3,093,589
Vote No. 2, Administration Charges—Recurrent Expenditure	5,026,287
Vote No. 6, Economic Development—Recurrent Expenditure	31,596,726
Vote No. 7, Economic Development—Capital Expenditure	15,970,000

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	Rs.
Head 136, Department of Agrarian Services	
Vote No. 1, Personal emoluments and other allowances of staff	2,413,000
Vote No. 2, Administration Charges—Recurrent Expenditure	15,336,967
Vote No. 3, Administration Charges—Capital Expenditure	2,000,000
Vote No. 6, Economic Development—Recurrent Expenditure	6,269,435
Vote No. 7, Economic Development—Capital Expenditure	42,814,483
Head 137, Rubber Replanting Subsidy Scheme	
Vote No. 7, Economic Development—Capital Expenditure	10,000,000
Head 138, Coconut and Cocoa Rehabilitation Scheme	
Vote No. 7, Economic Development—Capital Expenditure	18,800,020
Head 139, Food Commissioner	
Vote No. 1, Personal emoluments and other allowances of staff	10,314,922
Vote No. 2, Administration Charges—Recurrent Expenditure	5,109,292
Vote No. 3, Administration Charges—Capital Expenditure	2,658,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	361,800,000
Head 140, Marketing Department	
Vote No. 1, Personal emoluments and other allowances of staff	1,100,000
Vote No. 2, Administration Charges—Recurrent Expenditure	177,800
Vote No. 4, Services provided by the Department—Recurrent Expenditure	1,500,000
Vote No. 6, Economic Development—Recurrent Expenditure	109,500
Vote No. 7, Economic Development—Capital Expenditure	1,091,000
Head 141, Department for Co-operative Development	
Vote No. 1, Personal emoluments and other allowances of staff	10,385,446
Vote No. 2, Administration Charges—Recurrent Expenditure	2,106,600
Vote No. 3, Administration Charges—Capital Expenditure	180,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	750
Vote No. 7, Economic Development—Capital Expenditure	76,187

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	Rs.
Head 145, Minister of Education and Cultural Affairs	
Vote No. 1, Personal emoluments and other allowances of staff	12,251,438
Vote No. 2, Administration Charges—Recurrent Expenditure	1,397,920
Vote No. 3, Administration Charges—Capital Expenditure	791,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	408,162,679
Vote No. 5, Services provided by the Department—Capital Expenditure	30,965,210
Vote No. 6, Economic Development—Recurrent Expenditure	162,548
Head 146, Educational Publications Department	
Vote No. 1, Personal emoluments and other allowances of staff	441,690
Vote No. 2, Administration Charges—Recurrent Expenditure	73,850
Vote No. 3, Administration Charges—Capital Expenditure	16,000
Head 147, Grants to National Council of Higher Education and Universities	
Vote No. 4, Services provided by the Department—Recurrent Expenditure	32,700,000
Vote No. 5, Services provided by the Department—Capital Expenditure	8,562,851
Head 148, Department of Examinations	
Vote No. 1, Personal emoluments and other allowances of staff	1,641,088
Vote No. 2, Administration Charges—Recurrent Expenditure	4,264,777
Vote No. 3, Administration Charges—Capital Expenditure	91,495
Head 149, Department of National Museums	
Vote No. 3, Administration Charges—Capital Expenditure	21,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	650,798
Head 150, Department of Cultural Affairs	
Vote No. 1, Personal emoluments and other allowances of staff	191,315
Vote No. 2, Administration Charges—Recurrent Expenditure	25,400
Vote No. 3, Administration Charges—Capital Expenditure	40,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	1,346,670

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	Rs.
Head 151, Archaeological Department	
Vote No. 4, Services provided by the Department—Recurrent Expenditure	692,626
Vote No. 5, Services provided by the Department—Capital Expenditure	1,602,390
Head 158, Minister of Labour and Employment	
Vote No. 1, Personal emoluments and other allowances of staff	223,357
Vote No. 2, Administration Charges—Recurrent Expenditure	70,500
Vote No. 3, Administration Charges—Capital Expenditure	2,257,809
Head 159, Department of Labour	
Vote No. 1, Personal emoluments and other allowances of staff	5,558,891
Vote No. 2, Administration Charges—Recurrent Expenditure	852,000
Vote No. 3, Administration Charges—Capital Expenditure	38,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	65,000
Vote No. 5, Services provided by the Department—Capital Expenditure	2,295,010
Vote No. 6, Economic Development—Recurrent Expenditure	1,858,070
Head 163, Minister of Public Works, Posts and Telecommunications	
Vote No. 1, Personal emoluments and other allowances of staff	431,730
Vote No. 2, Administration Charges—Recurrent Expenditure	53,845
Head 164, Department of Buildings	
Vote No. 1, Personal emoluments and other allowances of staff	4,281,095
Vote No. 2, Administration Charges—Recurrent Expenditure	4,246,750
Vote No. 3, Administration Charges—Capital Expenditure	14,256,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	1,372,000
Vote No. 5, Services provided by the Department—Capital Expenditure	21,114,000
Vote No. 6, Economic Development—Recurrent Expenditure	150,000
Vote No. 7, Economic Development—Capital Expenditure	2,230,000

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	Rs.
Head 165, Department of Highways	
Vote No. 1, Personal emoluments and other allowances of staff	6,210,379
Vote No. 2, Administration Charges—Recurrent Expenditure	3,272,210
Vote No. 3, Administration Charges—Capital Expenditure	1,500,000
Vote No. 5, Services provided by the Department—Capital Expenditure	500,000
Vote No. 6, Economic Development—Recurrent Expenditure	39,355,303
Vote No. 7, Economic Development—Capital Expenditure	76,200,000
Head 166, Department of Posts and Telecommunications	
Vote No. 1, Personal emoluments and other allowances of staff	80,520,380
Vote No. 2, Administration Charges—Recurrent Expenditure	12,642,967
Vote No. 3, Administration Charges—Capital Expenditure	500,000
Vote No. 7, Economic Development—Capital Expenditure	16,362,114
Head 170, Minister of Communications	
Vote No. 1, Personal emoluments and other allowances of staff	287,888
Vote No. 2, Administration Charges—Recurrent Expenditure	46,725
Vote No. 3, Administration Charges—Capital Expenditure	32,927
Head 171, Railway	
Vote No. 1, Personal emoluments and other allowances of staff	42,808,837
Vote No. 2, Administration Charges—Recurrent Expenditure	43,561,260
Vote No. 3, Administration Charges—Capital Expenditure	1,300,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	93,000
Vote No. 6, Economic Development—Recurrent Expenditure	47,751,250
Vote No. 7, Economic Development—Capital Expenditure	30,000,000

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	Rs.
Head 172, Civil Aviation	
Vote No. 1, Personal emoluments and other allowances of staff	3,329,292
Vote No. 2, Administration Charges—Recurrent Expenditure	1,722,026
Vote No. 3, Administration Charges—Capital Expenditure	2,477,450
Vote No. 6, Economic Development—Recurrent Expenditure	445,000
Vote No. 7, Economic Development—Capital Expenditure	5,200,000
Head 173, Commissioner of Motor Traffic	
Vote No. 1, Personal emoluments and other allowances of staff	1,392,525
Vote No. 2, Administration Charges—Recurrent Expenditure	118,448
Vote No. 3, Administration Charges—Capital Expenditure	86,500
Head 180, Minister of Social Services	
Vote No. 1, Personal emoluments and other allowances of staff	164,371
Vote No. 2, Administration Charges—Recurrent Expenditure	32,445
Head 181, Department of Social Services	
Vote No. 1, Personal emoluments and other allowances of staff	1,228,700
Vote No. 2, Administration Charges—Recurrent Expenditure	9,850
Vote No. 4, Services provided by the Department—Recurrent Expenditure	26,049,000
Vote No. 5, Services provided by the Department—Capital Expenditure	54,010
Head 182, Department of Probation and Child Care Services	
Vote No. 1, Personal emoluments and other allowances of staff	285,122
Vote No. 4, Services provided by the Department—Recurrent Expenditure	4,503,627
Vote No. 5, Services provided by the Department—Capital Expenditure	296,277
Vote No. 6, Economic Development—Recurrent Expenditure	34,460
Vote No. 7, Economic Development—Capital Expenditure	316,800

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	Rs.
Head 183, Minister of Scientific Research and Housing	
Vote No. 1, Personal emoluments and other allowances of staff	211,497
Vote No. 2, Administration Charges—Recurrent Expenditure	22,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	522,000
Vote No. 5, Services provided by the Department—Capital Expenditure	2,000,000
Vote No. 6, Economic Development—Recurrent Expenditure	780,990
Vote No. 7, Economic Development—Capital Expenditure	2,675,050
Head 184, Department of Meteorology	
Vote No. 1, Personal emoluments and other allowances of staff	1,260,251
Vote No. 2, Administration Charges—Recurrent Expenditure	169,123
Vote No. 3, Administration Charges—Capital Expenditure	396,000
Head 185, Department of National Housing	
Vote No. 1, Personal emoluments and other allowances of staff	1,640,459
Vote No. 2, Administration Charges—Recurrent Expenditure	123,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	1,500
	3,507,441,648

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Second Schedule

Department	*Item No.*	*I* *Activities of the Government*	*II* *Maximum limits of Expenditure of the activities of Government*	*III* *Maximum limits of Receipts to be credited to the accounts of the activities of Government*	*IV* *Maximum limits of Debit Balances of the activities of Government*	*V* *Maximum limits of Liabilities of the activities of Government*
			Rs.	*Rs.*	*Rs.*	*Rs.*
His Excellency the Governor-General	1 ..	Advances to Public Officers ..	8,000 ..	14,000 ..	36,000 ..	—
Prime Minister ..	2 ..	Advances to Public Officers ..	20,000 ..	20,000 ..	40,000 ..	—
Judges of the Supreme Court	3 ..	Advances to Public Officers ..	20,000 ..	8,000 ..	24,000 ..	—
Cabinet Office ..	4 ..	Advances to Public Officers ..	10,000 ..	10,500 ..	6,500 ..	—
Senate ..	5 ..	Advances to Public Officers ..	28,000 ..	27,000 ..	57,000 ..	—
House of Representatives	6 ..	Advances to Public Officers ..	50,000 ..	42,000 ..	118,000 ..	—
Judicial Service Commission	7 ..	Advances to Public Officers ..	9,000 ..	8,000 ..	8,000 ..	—
Public Service Commission	8 ..	Advances to Public Officers ..	20,000 ..	18,000 ..	30,000 ..	—
Audit Office ..	9 ..	Advances to Public Officers ..	400,000 ..	300,000 ..	700,000 ..	—

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Department	Item No.	Activities of the Government	I Maximum limits of Expenditure of the activities of Government Rs.	II Maximum limits of Receipts to be credited to the accounts of the activities of Government Rs.	III Maximum limits of Debit Balances of the activities of Government Rs.	IV Maximum limits of Liabilities of the activities of Government Rs.
Office of the Leader of the House of Representatives	10 ..	Advances to Public Officers ..	10,000 ..	5,000 ..	18,500 ..	—
Office of the Leader of the Opposition in the House of Representatives	11 ..	Advances to Public Officers ..	4,000 ..	2,500 ..	2,000 ..	—
Department of Elections (Parliamentary and Local Bodies)	12 ..	Advances to Public Officers ..	125,000 ..	120,000 ..	165,000 ..	—
Minister of Defence and External Affairs	13 ..	Advances to Public Officers (Establishment and Finance Division)	200,000 ..	200,000 ..	200,000 ..	—
	14 ..	Advances to Public Officers (Police Division)	1,700,000 ..	1,625,000 ..	1,642,000 ..	—
	15 ..	Advances to Public Officers (Immigration Division)	400,000 ..	275,000 ..	415,000 ..	—

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Army	16	Purchase of Stores required for Works Services by the Ceylon Army Engineers, 3 Works Services	1,150,000	1,000,000	850,000	70,000
	17	Development work undertaken by the Army units	4,000,000	4,000,000	50,000	—
	18	Agricultural development work undertaken by the Army units	300,000	500,000	—	—
	19	Advances to Public Officers	1,800,000	1,800,000	800,000	—
Navy	20	Advances to Public Officers	1,000,000	950,000	550,000	—
Air Force	21	Prepayments to Air Ministry, U.K., on Account of Training of R.Cy.A.F. Personnel	130,500	130,500	100,000	—
	22	Advances to Public Officers	550,000	550,000	350,000	—
External Affairs Abroad	23	Advances to Public Officers	150,000	75,000	280,000	—
	24	Running expenses of Ceylon Students' welfare centre in London	235,000	155,000	1,500	—
Minister of Planning and Economic Affairs	25	Advances to Public Officers (Establishment and Finance, General Economic Affairs, Perspective Planning and Private Sector Affairs Divisions)	175,000	95,000	223,000	—
	26	Advances to Public Officers (External Resources Division)	40,000	25,000	60,000	—
	27	Advances to Public Officers (Plan Implementation Division)	50,000	35,000	60,000	—
Department of Information	28	Advances to Public Officers	200,000	95,000	245,000	—
Minister of State	29	Advances to Public Officers	150,000	140,000	140,000	—

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		I	II	III	IV	V
Department	*Item No.*	*Activities of the Government*	*Maximum limits of Expenditure of the activities of Government*	*Maximum limits of Receipts to be credited to the accounts of the activities of Government*	*Maximum limits of Debit Balances of the activities of Government*	*Maximum limits of Liabilities of the activities of Government*
			Rs.	*Rs.*	*Rs.*	*Rs.*
Zoological Gardens ..	30 ..	Advance Account for the purchase and exchange of exhibits for the Zoological Gardens	130,000 ..	60,000 ..	70,000 ..	—
Government Press ..	31 ..	Advances to Public Officers ..	900,000 ..	850,000 ..	553,000 ..	—
	32 ..	Charges for official advertisements by Government Departments in Newspapers	650,000 ..	650,000 ..	50,000 ..	—
Imports and Exports ..	33 ..	Advances to Public Officers ..	160,000 ..	150,000 ..	174,000 ..	—
Treasury ..	34 ..	Advances for the maintenance of graves of Boer Prisoners of War	300 ..	300 ..	300 ..	—
	35 ..	Advances for payments on behalf of other Governments	3,100,000 ..	3,200,000 ..	900,000 ..	—
	36 ..	Advances to Public Officers ..	600,000 ..	500,000 ..	750,000 ..	—
	37 ..	Miscellaneous Advances ..	600,000 ..	500,000 ..	1,500,000 ..	—

	38 ..	Advances to Government-sponsored Corporations	9,000,000 ..	5,000,000 ..	48,000,000 ..	—
Loan Board ..	39 ..	Advances to Public Officers ..	4,000 ..	4,500 ..	3,000 ..	—
Government Stores ..	40 ..	Advances to Public Officers ..	190,000 ..	175,000 ..	135,000 ..	—
	41 ..	Advance account for the purchase, transport and maintenance of equipment, stores, &c.	95,000,000 ..	98,000,000 ..	17,000,000 ..	20,000,000
	42 ..	Purchase of Building materials, etc., to be supplied to Public Works Department and Public Works Department Contractors	8,700,000 ..	9,000,000 ..	1,400,000 ..	2,000,000
Department of Inland Revenue	43 ..	Advances to Public Officers ..	675,000 ..	550,000 ..	860,000 ..	—
Customs ..	44 ..	Under-valued goods ..	60,000 ..	50,000 ..	50,000 ..	—
	45 ..	Expenses in connection with seized and forfeited goods	15,000 ..	10,000 ..	40,000 ..	—
	46 ..	Advances to Public Officers ..	270,000 ..	240,000 ..	297,000 ..	—
Department of Census and Statistics	47 ..	Advances to Public Officers ..	300,000 ..	200,000 ..	300,000 ..	—
National Savings Movement	48 ..	Advances to Public Officers ..	18,000 ..	19,000 ..	25,000 ..	—
Widows' and Orphans' Pension Office	49 ..	Advances to Public Officers ..	40,000 ..	35,000 ..	35,000 ..	—
Miscellaneous Services ..	50 ..	Government Insurance Fund ..	150,000 ..	800,000 ..	— ..	—
Public Service Provident Fund	51 ..	Advances to Public Officers ..	30,000 ..	30,000 ..	28,000 ..	—

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SECOND SCHEDULE

I			*II*	*III*	*IV*	*V*
Department	*Item No.*	*Activities of the Government*	*Maximum limits of Expenditure of the activities of Government*	*Maximum limits of Receipts to be credited to the accounts of the activities of Government*	*Maximum limits of Debit Balances of the activities of Government*	*Maximum limits of Liabilities of the activities of Government*
			Rs.	*Rs.*	*Rs.*	*Rs.*
Teachers' Widows' and Orphans' Pension Fund Office	52 ..	Advances to Public Officers ..	8,000 ..	6,000 ..	9,000 ..	—
Official Language Department	53 ..	Advances to Public Officers ..	60,000 ..	50,000 ..	130,000 ..	—
Minister of Land, Irrigation and Power	54 ..	Advances to Public Officers ..	80,000 ..	55,000 ..	93,000 ..	—
Land Commissioner ..	55 ..	Loans to owners of holdings under the L. D. O.	400,000 ..	400,000 ..	3,350,000 ..	—
	56 ..	Administration of Estates acquired for village expansion	5,000 ..	5,000 ..	34,000 ..	—

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	57 ..	Loans to Co-operative Colonization Schemes and purchase of Agricultural and other equipment for use by the Co-operative Societies in Colonization Schemes	5,000 ..	5,000 ..	25,000 ..	—
	58 ..	Advances to Public Officers ..	750,000 ..	500,000 ..	925,000 ..	—
Land Settlement Department	59 ..	Advances to Public Officers ..	90,000 ..	70,000 ..	70,000 ..	—
Survey Department ..	60 ..	Purchase and Re-sale of Empire Survey Review	1,900 ..	1,900 ..	— ..	—
	61 ..	Advances to Public Officers ..	1,600,000 ..	1,300,000 ..	1,850,000 ..	—
Forest Department ..	62 ..	Extraction and supply of Timber, Firewood, and other Forest produce to Government Departments and the Public including sale of seized timber	1,250,000 ..	3,000,000 ..	— ..	—
	63 ..	Operation of the Government run saw mills for the conversion of timber	10,000 ..	50,000 ..	— ..	—
	64 ..	Advances to Public Officers ..	300,000 ..	375,000 ..	340,000 ..	—
Irrigation Department ..	65 ..	Purchase of Stores, Mechanical Branch, Ratmalana	2,000,000 ..	5,500,000 ..	4,800,000 ..	1,500,000
	66 ..	Work Done Advance Account, Mechanical Branch, Ratmalana	8,000,000 ..	8,000,000 ..	750,000 ..	—
	67 ..	Advances to Public Officers ..	1,450,000 ..	1,450,000 ..	1,160,000 ..	—

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SECOND SCHEDULE

I			II	III	IV	V
Department	*Item No.*	*Activities of the Government*	*Maximum limits of Expenditure of the activities of Government*	*Maximum limits of Receipts to be credited to the accounts of the activities of Government*	*Maximum limits of Debit Balances of the activities of Government*	*Maximum limits of Liabilities of the activities of Government*
			Rs.	*Rs.*	*Rs.*	*Rs.*
Valuation Department ..	68 ..	Advances to Public Officers ..	80,000 ..	65,000 ..	120,000 ..	—
Land Development Department	69 ..	Land Development Stores, Advance Account	5,500,000 ..	5,500,000 ..	2,250,000 ..	1,000,000
	70 ..	Land Development Work Done Advance Account	4,500,000 ..	5,500,000 ..	1,500,000 ..	—
	71 ..	Operation of Saw Mills and Logging Units	2,500,000 ..	3,500,000 ..	1,000,000 ..	—
	72 ..	Advances to Public Officers ..	1,120,000 ..	1,220,000 ..	715,000 ..	—
Electrical Department ..	73 ..	Electrical Stores Advance Account	7,000,000 ..	7,000,000 ..	8,000,000 ..	3,000,000
	74 ..	Work Done Advance Account ..	2,500 ..	5,000 ..	2,500 ..	—
	75 ..	Advances to Public Officers ..	1,500,000 ..	1,450,000 ..	975,000 ..	—
	76 ..	Work done by local authorities, etc., to accommodate expenditure incurred in carrying out works for the Department by the local authorities	30,000 ..	30,000 ..	— ..	—

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Agricultural Corps	77	Working of the Agricultural Corps—(Operation of transport services and Supply of provisions and work done for other Departments and Agencies)	8,000,000*	8,000,000*	1,630,000	—
	78	Advances to Public Officers	40,000	10,000	30,000	—
Minister of Home Affairs	79	Advances to Public Officers	100,000	75,000	2,559,000	—
Colombo Kachcheri	80	Advances to Public Officers	300,000	250,000	450,000	—
Kalutara Kachcheri	81	Advances to Public Officers	160,000	120,000	144,000	—
Kandy Kachcheri	82	Advances to Public Officers	220,000	200,000	43,000	—
Matale Kachcheri	83	Advances to Public Officers	100,000	90,000	127,000	—
Nuwara Eliya Kachcheri	84	Advances to Public Officers	75,000	70,000	47,000	—
Galle Kachcheri	85	Advances to Public Officers	175,000	165,000	226,000	—
Matara Kachcheri	86	Advances to Public Officers	130,000	125,000	145,000	—
Hambantota Kachcheri	87	Advances to Public Officers	225,000	115,000	254,000	—
Jaffna Kachcheri	88	Advances to Public Officers	140,000	130,000	120,000	—
Mannar Kachcheri	89	Advances to Public Officers	60,000	55,000	57,000	—
Vavuniya Kachcheri	90	Advances to Public Officers	75,000	65,000	46,000	—
Batticaloa Kachcheri	91	Advances to Public Officers	100,000	115,000	17,000	—
Amparai Kachcheri	92	Advances to Public Officers	85,000	85,000	79,000	—
Trincomalee Kachcheri	93	Advances to Public Officers	65,000	70,000	24,000	—
Kurunegala Kachcheri	94	Advances to Public Officers	300,000	250,000	306,000	—
Puttalam Kachcheri	95	Advances to Public Officers	80,000	86,000	45,000	—

* This includes Rs. 2,000,000 worth of aid received from World Food Programme.

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SECOND SCHEDULE

I			*II*	*III*	*IV*	*V*
Department	*Item No.*	*Activities of the Government*	*Maximum limits of Expenditure of the activities of Government*	*Maximum limits of Receipts to be credited to the accounts of the activities of Government*	*Maximum limits of Debit Balances of the activities of Government*	*Maximum limits of Liabilities of the activities of Government*
			Rs.	*Rs.*	*Rs.*	*Rs.*
Anuradhapura Kachcheri	96	Advances to Public Officers	120,000	125,000	125,000	—
Polonnaruwa Kachcheri	97	Advances to Public Officers	40,000	40,000	15,000	—
Badulla Kachcheri	98	Advances to Public Officers	125,000	115,000	142,000	—
Moneragala Kachcheri	99	Advances to Public Officers	58,000	50,000	43,000	—
Ratnapura Kachcheri	100	Advances to Public Officers	110,000	90,000	138,000	—
Kegalle Kachcheri	101	Advances to Public Officers	125,000	110,000	154,000	—
Registrar-General's Dept.	102	Advances to Public Officers	325,000	300,000	370,000	—
Mosques and Muslim Charitable Trusts	103	Advances to Public Officers	40,000	20,000	50,000	—
Excise	104	Advances to Public Officers	300,000	300,000	300,000	—
	105	Sale and Distribution of Arrack	53,150,000	183,150,000	—	—
	106	Working of State Distillery	3,730,000	4,050,000	—	—
Department of Kandyan Peasantry Rehabilitation	107	Advances to Public Officers	66,000	20,000	81,000	—

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Department of Rural Development and Cottage Industries	108 ..	Purchase and sale of Cottage Industrial Products	18,300,000 ..	23,000,000 ..	26,000,000 ..	—
	109 ..	Establishment and management of Industrial Workshops including supply of raw material	14,500,000 ..	16,300,000 ..	6,000,000 ..	—
	110 ..	Financing of the Production and Marketing of Industrial Products and Granting of Loans to individual Cottage Workers, Industrial Co-operative Societies and incorporated bodies for the development of Industries, including the supply of Plant, Machinery, Equipment, etc., on Hire-Purchase	10,000 ..	1,000,000 ..	9,700,000 ..	—
	111 ..	Advances to Public Officers ..	1,900,000 ..	1,200,000 ..	1,768,000 ..	—
	112 ..	Running expenses of Industrial Schools	1,600,000 ..	1,500,000 ..	1,800,000 ..	—
Minister of Health ..	113 ..	Advances to Public Officers ..	275,000 ..	250,000 ..	290,000 ..	—
Health ..	114 ..	Purchase of Medical, Surgical and Laboratory requisites	19,500,000 ..	18,500,000 ..	3,800,000 ..	5,000,000
	115 ..	Occupational Therapy, Mental Hospital, Angoda	48,000 ..	50,000 ..	— ..	—
	116 ..	Dairy Farm ..	58,000 ..	60,000 ..	— ..	—
	117 ..	Running of a Bakery at Mental Hospital, Angoda, with aid from CARE for the benefit of the inmates of the Angoda and Mulleriyawa Hospitals	120,000 ..	315,000 ..	— ..	—

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	118	Central Garage, Anti-Malaria Campaign	500,000	500,000	25,000	—
	119	Advances to Public Officers	9,000,000	8,500,000	9,500,000	—
Ayurveda	120	Advances to Public Officers	130,000	115,000	105,000	—
Minister of Nationalised Services	121	Advances to Public Officers	250,000	200,000	389,000	—
Colombo Port Commission	122	Work Done Account	1,500,000	1,000,000	821,000	—
	123	Work Done Account, Mahara	250,000	150,000	330,000	—
	124	Harbour Works Stores Account	8,000,000	8,000,000	6,500,000	3,000,000
	125	Advances to Public Officers	1,700,000	1,600,000	1,300,000	—
Minister of Industries and Fisheries	126	Advances to Public Officers	400,000	270,000	477,000	—

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	127 ..	Financing of the Production and marketing of Industrial Products, purchase of raw materials and granting of loans to Private Sector and small-scale Industries for purchase of plant and machinery, etc., on hire-purchase	100,000 ..	500,000 ..	964,000 ..	—
Fisheries ..	128 ..	Advances to Public Officers ..	150,000 ..	140,000 ..	168,000 ..	—
	129 ..	Loans to Fishing Industry through Co-operative Societies and individuals and Advances to Fishery Officers who are appointed as Liquidators of such Societies to meet their preliminary expenses	450,000 ..	200,000 ..	2,136,000 ..	—
	130 ..	Loans for the mechanisation of the fishing industry including purchase of mechanized boats, engines and ancillary fishing gear, navigational and subsidiary fishing equipment	5,000,000 ..	2,500,000 ..	30,500,000 ..	—
Minister of Commerce and Trade	131 ..	Advances to Public Officers ..	180,000 ..	125,000 ..	170,000 ..	—
Commodity Purchase	132 ..	Purchase and sale of rubber, tea, coconut products, other commodities and formic and acetic acids, including administrative expenses	200,000,000 ..	190,000,000 ..	22,000,000 ..	—
	133 ..	Advances to Public Officers ..	207,500 ..	200,000 ..	107,500 ..	—
Minister of Justice ..	134 ..	Advances to Public Officers (Ministry Office)	75,000 ..	75,000 ..	75,000 ..	—

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Department	Item No.	Activities of the Government	I Maximum limits of Expenditure of the activities of Government Rs.	II Maximum limits of Receipts to be credited to the accounts of the activities of Government Rs.	III Maximum limits of Debit Balances of the activities of Government Rs.	IV Maximum limits of Liabilities of the activities of Government Rs.
	135 ..	Advances to Public Officers (District Courts, Courts of Requests and Magistrates' Courts, Rural Courts, Fiscal's Department and Law Commission)	600,000 ..	600,000 ..	600,000 ..	—
Attorney-General ..	136 ..	Advances to Public Officers ..	70,000 ..	70,000 ..	70,000 ..	—
Legal Draftsman ..	137 ..	Advances to Public Officers ..	30,000 ..	30,000 ..	30,000 ..	—
Debt Conciliation Board	138 ..	Advances to Public Officers ..	10,000 ..	5,000 ..	10,000 ..	—
Bribery Commissioner	139 ..	Advances to Public Officers ..	20,000 ..	20,000 ..	12,000 ..	—
Supreme Court ..	140 ..	Advances to Public Officers ..	70,000 ..	70,000 ..	60,000 ..	—
Prisons ..	141 ..	Advances to Public Officers ..	450,000 ..	450,000 ..	350,000 ..	—
	142 ..	Prisons Industrial and Agricultural Undertakings	2,350,000 ..	2,150,000 ..	850,000 ..	—

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Government Analyst	143	Advances to Public Officers	50,000	50,000	51,000	—
Public Trustee	144	Advances to Public Officers	50,000	50,000	55,000	—
	145	Advances for the Administration of Estates and Trusts	5,000	5,000	2,000	—
Minister of Local Government	146	Advances to Public Officers	800,000	500,000	800,000	—
	147	Purchase of stores to be used on works undertaken by the Water Supply, Drainage and Local Government Works Division	1,000,000	1,000,000	1,000,000	200,000
	148	Administration of the Jathika Pola	30,000	30,000	—	—
	149	Working expenses of the Rest Houses taken over by the Ministry of Local Government	100,000	100,000	—	—
	150	Capital work done for Local Authorities	2,000,000	2,000,000	500,000	—
Minister of Agriculture and Food	151	Advances to Public Officers	175,000	175,000	200,000	—
Agriculture	152	Medium-term loans for the construction of tobacco flue curing barns	325,000	125,000	2,100,000	—
	153	Short-term loans to Tobacco Societies	400,000	350,000	390,000	—
	154	Machine hire and workshop	8,000,000	6,500,000	9,000,000	—
	155	Operation of the Agricultural Workshop, Welisara	600,000	400,000	1,250,000	100,000
	156	Running expenses of Central Agricultural Stores, Narahenpitiya	1,300,000	1,300,000	750,000	250,000
	157	Advances to Public Officers	2,000,000	1,900,000	1,800,000	—

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Department	Item No.	Activities of the Government	II Maximum limits of Expenditure of the activities of Government	III Maximum limits of Receipts to be credited to the accounts of the activities of Government	IV Maximum limits of Debit Balances of the activities of Government	V Maximum limits of Liabilities of the activities of Government
			Rs.	Rs.	Rs.	Rs.
	158 ..	Running expenses of Government Meat Stalls	400,000 ..	300,000 ..	350,000 ..	—
	159 ..	Purchase and sale of agro-chemicals and agricultural seeds (for vegetable growing)	2,500,000 ..	2,250,000 ..	325,000 ..	—
	160 ..	Potato Extension Scheme ..	6,400,000 ..	5,000,000 ..	300,000 ..	—
	161 ..	Maintenance of Agricultural Farms	8,000,000 ..	7,500,000 ..	3,900,000 ..	—
	162 ..	Maintenance of Livestock Farms including purchase and sale of cattle	9,400,000 ..	7,400,000 ..	5,200,000 ..	—
	163 ..	Certified seed and Planting Materials	4,500,000 ..	3,500,000 ..	970,000 ..	—
Agrarian Services	164 ..	Granting of loans to Co-operative Societies for the production, storage and marketing of agricultural crops and livestock	3,500,000 ..	3,000,000 ..	66,000,000 ..	—

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	165 ..	Issue on loan or sale of seed paddy, seed onions, planting materials, implements and other agricultural requisites in deficit areas	75,000 ..	75,000 ..	2,200,000 ..	—
	166 ..	Working of the Guaranteed Price Scheme and Rice Milling and repairs and maintenance of buildings	325,000,000 ..	325,000,000 ..	15,000,000 ..	—
	167 ..	Scheme for the supply of fertilizers and other agricultural requisites and repairs and maintenance of buildings	62,000,000 ..	62,000,000 ..	13,000,000 ..	3,000,000
	168 ..	Advances to Public Officers ..	650,000 ..	600,000 ..	680,000 ..	—
	169 ..	Advance Account for granting of loans to Cultivation Committees	500,000 ..	500,000 ..	770,000 ..	—
	170 ..	Acquisition of Paddy Lands under the Paddy Lands Act	20,000 ..	— ..	20,000 ..	—
Food Commissioner	171 ..	Advances to Public Officers ..	700,000 ..	700,000 ..	520,000 ..	—
	172 ..	Food Purchases and Distribution Account	1,162,000,000 ..	770,000,000 ..	102,000,000 ..	22,500,000
Marketing	173 ..	Advances to Public Officers ..	525,000 ..	500,000 ..	370,000 ..	—
	174 ..	Purchase, collection and sale of local and other products, and provision of cold storage facilities	24,500,000 ..	22,700,000 ..	4,350,000 ..	—
	175 ..	Working of the Agricultural Products (Regulation) Ordinance	2,000 ..	2,000 ..	— ..	—
	176 ..	Working of the Hospital Supply Branch	11,250,000 ..	11,000,000 ..	270,000 ..	—

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	177 ..	Working of the Marketing Department transport service and vehicles repair station for repairs and servicing of Government vehicles	1,700,000 ..	1,700,000 ..	300,000 ..	—
	178 ..	Catering and Working of the Bakery and Kitchens	3,850,000 ..	3,900,000 ..	250,000 ..	—
	179 ..	Working of the Cold Rooms at Lotus Road	450,000 ..	460,000 ..	85,000 ..	—
	180 ..	Purchase, collection, processing, canning and sale of local canned products	6,750,000 ..	7,150,000 ..	950,000 ..	—
Co-operative Department	181 ..	Advances for Co-operative conferences, propaganda and training	2,000 ..	2,000 ..	— ..	—
	182 ..	Advances to Public Officers ..	500,000 ..	500,000 ..	500,000 ..	—

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	183 ..	Advances for the establishment of collecting depots, the purchase of the necessary vans, weighing machines, spraying equipment, leaf bags, repayment of debts to factory owners	50,000 ..	80,000 ..	170,000 ..	—
Minister of Education and Cultural Affairs	184 ..	Advances to Public Officers ..	15,000,000 ..	14,000,000 ..	7,900,000 ..	—
	185 ..	Ceylon Journal of Education and Adyapana Navodaya	40,000 ..	40,000 ..	8,000 ..	—
	186 ..	Advances for purchase of materials, etc., of the production unit and cost of minor repairs to school buildings	175,000 ..	175,000 ..	8,000 ..	—
	187 ..	School Science equipment Production unit	225,000 ..	100,000 ..	190,000 ..	—
	188 ..	"Siyawasa" Lottery and celebrations	100,000 ..	100,000 ..	— ..	—
Examinations ..	189 ..	Advances to Public Officers ..	115,000 ..	96,000 ..	161,000 ..	—
National Museums ..	190 ..	Advances to Public Officers ..	36,000 ..	32,000 ..	35,000 ..	—
Educational Publications	191 ..	Advances to Public Officers ..	100,000 ..	70,000 ..	138,000 ..	—
	192 ..	Printing, publicity and sale of books (including purchase of copyright, publications, translation rights and translation fees and salaries and allowances of staff)	7,550,000 ..	7,000,000 ..	6,800,000 ..	—
Cultural Affairs ..	193 ..	Advances to Public Officers ..	28,000 ..	28,000 ..	16,000 ..	—

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Archaeological	194	Advances to Public Officers	118,000	110,000	128,000	—
Minister of Labour and Employment	195	Advances to Public Officers	20,000	20,000	23,000	—
Labour	196	Labour Gazette	105,000	105,000	—	—
	197	Advances to Public Officers	725,000	725,000	580,000	—
	198	Provision of Funds for Co-operative Labour Societies	150,000	150,000	215,000	—
Minister of Public Works, Posts and Telecommunications	199	Advances to Public Officers	30,000	32,500	26,000	—
Department of Buildings	200	Advances to Public Officers	1,100,000	950,000	1,150,000	—
	201	Stores advance account of Department of Buildings	2,500,000	2,000,000	500,000	250,000

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Department of Highways	202 ..	Advances to Public Officers ..	1,430,000 ..	1,235,000 ..	1,495,000 ..	—
	203 ..	Government Factory Stores Advance Account	4,750,000 ..	3,000,000 ..	4,750,000 ..	2,000,000
	204 ..	Government Factory Work done Advance Account	2,600,000 ..	2,700,000 ..	360,000 ..	—
	205 ..	Government Factory Foundry Materials Advance Account	275,000 ..	275,000 ..	1,500 .	—
	206 ..	Department of Highways Stores Advance Account	16,000,000 ..	15,000,000 ..	1,500,000 ..	1,000,000
	207 ..	Government Factory Log Sawing Advance Account	600,000 ..	600,000 ..	50,000 ..	—
	208 ..	Department of Highways, Bridges and Culvert Advance Account	1,800,000 ..	2,000,000 ..	550,000 ..	—
Department of Posts and Telecommunications	209 ..	Advance for the purchase of Telecommunication Stores	7,500,000 ..	8,000,000 ..	6,000,000 ..	4,000,000
	210 ..	Advance for the manufacture of articles in the Telecommunication Workshop	30,000 ..	30,000 ..	25,000 ..	—
	211 ..	Advance on rent for improvements, repairs, payment of annual rental and maintenance of rented offices and quarters	40,000 ..	45,000 ..	25,000 ..	—
	212 ..	Advance for the purchase of Postal Stores	1,000,000 ..	900,000 ..	900,000 ..	300,000
	213 ..	Advance for the maintenance and running expenses of the Overseas Telecommunication Services including expenses of the O. T. S. Conferences	7,200,000 ..	14,500,000 ..	— ..	—
	214 ..	Advances to Public Officers ..	4,650,000 ..	4,350,000 ..	3,700,000 ..	—

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SECOND SCHEDULE

I			II	III	IV	V
Department	*Item No.*	*Activities of the Government*	*Maximum limits of Expenditure of the activities of Government*	*Maximum limits of Receipts to be credited to the accounts of the activities of Government*	*Maximum limits of Debit Balances of the activities of Government*	*Maximum limits of Liabilities of the activities of Government*
			Rs.	*Rs.*	*Rs.*	*Rs.*
Minister of Communications	215 ..	Advances to Public Officers ..	25,000 ..	20,000 ..	25,000 ..	—
Railway ..	216 ..	Railway Stores Advance Account ..	80,000,000 ..	80,000,000 ..	50,000,000 ..	35,000,000
	217 ..	Work Done Advance Account ..	1,750,000 ..	1,750,000 ..	500,000 ..	—
	218 ..	Stores Manufacturing Advance Account	4,000,000 ..	4,000,000 ..	1,100,000 ..	—
	219 ..	Foundry Shop Advance Account ..	1,600,000 ..	1,600,000 ..	75,000 ..	—
	220 ..	Timber Conversion Advance Account	1,200,000 ..	1,200,000 ..	50,000 ..	—
	221 ..	Galgamuwa and Ambepussa quarries Advance Account	500,000 ..	500,000 ..	50,000 ..	—
	222 ..	Sundry Advances Account ..	850,000 ..	850,000 ..	150,000 ..	—
	223 ..	Advances to Public Officers ..	4,500,000 ..	4,500,000 ..	3,500,000 ..	—
	224 ..	Catering Service Advance Account	5,000,000 ..	6,000,000 ..	— ..	—
Civil Aviation ..	225 ..	Advances to Public Officers ..	250,000 ..	225,000 ..	271,000 ..	—

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Commissioner of Motor Traffic	226 ..	Advances to Public Officers	..	110,000 ..	95,000 ..	117,000 ..	—
Minister of Social Services	227 ..	Advances to Public Officers	..	30,000 ..	25,000 ..	5,000 ..	—
Department of Social Services	228 ..	Advances to Public Officers	..	250,000 ..	225,000 ..	316,000 ..	—
Department of Probation and Child Care Services	229 ..	Advances to Public Officers	..	250,000 ..	175,000 ..	455,000 ..	—
Minister of Scientific Research and Housing	230 ..	Advances to Public Officers	..	25,000 ..	20,000 ..	25,000 ..	—
Department of Meteorology	231 ..	Advances to Public Officers	..	120,000 ..	100,000 ..	95,000 ..	—
Department of National Housing	232 ..	Advances to Public Officers	..	200,000 ..	150,000 ..	338,000 ..	—
		TOTAL	..	2,356,902,700	2,085,485,700	572,799,300	104,170,000

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PARLIAMENT OF CEYLON

5th Session 1969-70

Ceylon Electricity Board (Amendment) Act, No. 31 of 1969

[*Date of Assent: November 4, 1969*]

Printed on the Orders of Government

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Ceylon Electricity Board (Amendment) Act, No. 31 of 1969

L. D.—O. 43/69.

AN ACT TO AMEND THE CEYLON ELECTRICITY BOARD ACT, NO. 17 OF 1969, WITH RETROSPECTIVE EFFECT.

[Date of Assent: November 4, 1969]

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Ceylon Electricity Board (Amendment) Act, No. 31 of 1969.

Insertion of new sections 31A, 31B and 31C in Act No. 17 of 1969.

2. The following new sections are hereby inserted immediately after section 31, and shall have effect as section 31A, section 31B and section 31C, of the Ceylon Electricity Board Act, No. 17 of 1969 (in this Act referred to as the " principal Act "):—

" Notice required to be given by certain public officers of the Department before the transfer date.

31A. (1) Every public officer of the Department, not being any such officer in a transferable service of the Government, shall, before the date on which the Government Electrical Undertakings are transferred to the Board under section 18 (in this Act referred to as the " transfer date "), give notice in writing to the General Manager of the Department that such officer intends, on that date,—

(*a*) to continue in office as a public officer of the Department and to perform, so long as he so continues, work for and on behalf of the Board in his capacity as such officer; or

(*b*) to retire from the public service and become an employee of the Board if, being a pensionable officer of the Department, he would on that date have had not less than ten years' pensionable service; or

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(*c*) to leave the public service and become an employee of the Board if, being a pensionable officer of the Department, he would on that date have less than ten years' pensionable service; or

(*d*) to leave the public service and become an employee of the Board if he is a contributor to the Public Service Provident Fund established under the Public Service Provident Fund Ordinance; or

(*e*) to both leave the public service and not become an employee of the Board.

(2) A notice given to the General Manager of the Department before the transfer date by a public officer of the Department under sub-section (1) shall be final.

Effect of not giving notice under section 31A (1) or giving such notice under section 31A (1) (*a*).

31B. (1) Any public officer of the Department who does not give the notice required by sub-section (1) of section 31A before the transfer date, or gives such notice under paragraph (*a*) of that sub-section, shall continue in office as such officer on and after that date and, for so long as he so continues in office, shall perform work for and on behalf of the Board in his capacity as such officer and be subject to the same conditions of service as he was subject to while doing work for the Department in his capacity as such officer, and accordingly the rules made by the Public Service Commission, and the Administrative Regulations, the Financial Regulations, and the Treasury Circulars of the Government, shall continue to apply to and in relation to such officer.

(2) Where any public officer of the Department continues in office as such officer on and after the transfer date performing work for and on behalf of the

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Board in his capacity as such officer, the Board shall pay out of the funds of the Board to the Deputy Secretary to the Treasury to be credited to the Consolidated Fund of Ceylon such sum not exceeding such amount as may be determined by the Minister of Finance as sufficient to cover the salary, and other expenses including pension or provident fund contributions, payable by the Government in respect of such officer.

(3) In the event of any conflict or inconsistency between the provisions of sub-section (1) and any other provisions of this Act, the provisions of that sub-section shall to the extent of such conflict or inconsistency prevail over such other provisions.

Effect of a notice given under any of the paragraphs (*b*) to (*e*) of section 31A (1).

31C. (1) Any public officer of the Department who gives notice under any of the paragraphs (*b*) to (*e*) of sub section (1) of section 31A before the transfer date shall,—

(*a*) if such notice is so given by him under paragraph (*b*) of that sub-section, become an employee of the Board on that date and shall, subject to the provisions of section 32, be eligible for such a pension under the Minutes on Pensions as would have been awarded to him had he retired from the public service on the ground of abolition of office on that date; or

(*b*) if such notice is so given by him under paragraph (*c*) of that sub-section, become an employee of the Board on that date and shall be deemed to have left the public service on that date and shall, subject to the provisions of section 32, be eligible for such an award under the Minutes on Pensions as would

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have been awarded to him if he had left the public service on the ground of abolition of office on that date; or

(*c*) if such notice is so given by him under paragraph (*d*) of that sub-section, become an employee of the Board on that date, and shall be deemed for the purposes of the Public Service Provident Fund to have left the service of the Government upon the determination of contract with the consent of the Government otherwise than by dismissal; or

(*d*) if such notice is so given by him under paragraph (*e*) of that sub-section, and —

(i) if he is a public officer of the class or description referred to in paragraph (*b*) of that sub-section, be deemed to have retired from the public service on that date and shall be eligible for such a pension under the Minutes on Pensions as would have been awarded to him had he retired from the public service on the ground of abolition of office on that date, or

(ii) if he is such an officer of the class or description referred to in paragraph (*c*) of that sub-section, be deemed to have left the public service on that date and shall be eligible for such an award under the Minutes on Pensions as would have been

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awarded to him if he had left the public service on the ground of abolition of office on that date, or

(iii) if he is any such public officer of the class or description referred to in paragraph (*d*) of that sub-section, be deemed for the purposes of the Public Service Provident Fund Ordinance to have left the service of the Government upon the determination of contract with the consent of the Government otherwise than by dismissal.

(2) In the event of any conflict or inconsistency between the provisions of sub-section (1) and any other provisions of this Act, the provisions of that sub-section shall to the extent of such conflict or inconsistency prevail over such other provisions. ".

Replacement of section 32 of the principal Act.

3. Section 32 of the principal Act is hereby repealed and the following new section substituted therefor:—

'Special provisions applicable to certain employees of the Board.

32. The following provisions shall apply to and in relation to any employee of the Board who became such an employee on the transfer date by virtue of the operation of the provisions of section 31c:—

(1) Such employee shall be employed by the Board on such terms and conditions as may be agreed upon by such employee and the Board;

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Provided, however, that such terms and conditions shall be not less favourable than the terms and conditions on which such employee was previously employed in the Department.

(2) If on the transfer date, such employee was a public officer of the Department holding a post declared to be pensionable and who had less than ten and not less than eight years' pensionable service, then,—

(*a*) he shall be deemed, for the purposes only of the Minutes on Pensions, to be holding the post in the Department that he held on the transfer date until such period of time as, when added to his pensionable service under the Government, makes an aggregate of ten years' pensionable service (service under the Board being counted as pensionable service under the Government for the computation of such aggregate);

(*b*) in respect of him the Board shall pay out of the funds of the Board to the Deputy Secretary to the Treasury to be credited to the Consolidated Fund of Ceylon for every complete month of the period of service during which he is deemed for the purposes only of the Minutes on Pensions to be holding the post in the Department that he

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held on the transfer date such sum as may be determined by the Minister of Finance; and

(*c*) at the end of such period he shall be deemed to have retired from the public service and shall be eligible for such a pension under the Minutes on Pensions as would have been awarded to him had he retired from the public service on the ground of abolition of office on the termination of such period.

(3) Notwithstanding—

(*a*) the provisions of section 31c and the preceding provisions of this section; and

(*b*) anything to the contrary in any other written law,

where a public officer of the Department becomes an employee of the Board by virtue of the operation of the provisions of section 31c,—

(*a*) if such officer is eligible for a pension and elects to draw his full pension, he shall not be paid such pension during the period of his employment with the Board;

(*b*) if such officer is eligible for a pension and elects to draw a gratuity in partial commutation of one-fourth part of his pension in accordance with the provisions of section 2A (1) (i) of the Minutes on Pensions—

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(i) such gratuity shall not be paid to him but shall be credited to his account in a provident fund of the Board established under section 12 (*j*);

(ii) the remaining three-fourths part of the pension payable to him under the said Minutes shall not be paid to him during the period of his employment by the Board; and

(iii) for the purposes of the computation of the period of "twelve years and six months from the date of his retirement" referred to in section 2A (1) (ii) of the said Minutes, the date of his retirement shall be deemed to be the last date of his employment under the Board;

(*c*) if such officer is eligible for a gratuity and not a pension under the Minutes on Pensions such gratuity shall not be paid to him but shall be credited to his account in a provident fund of the Board established under section 12 (*j*); and

(*d*) if such officer is eligible for the receipt of any sum of money under the Public Service Provident Fund Ordinance, such sum shall not be paid to him but shall be credited to his account in a provident fund of the Board established under section 12 (*j*).'.

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Insertion of new section 32A in the principal Act.

4. The following new section is hereby inserted immediately after section 32, and shall have effect as section 32A, of the principal Act:—

"Special provisions applicable to certain persons who continue as public officers of the Department on and after the transfer date while performing work for and on behalf of the Board in their capacity as such officers.

32A. (1) Any person who on and after the transfer date continues in office as a public officer of the Department performing work for and on behalf of the Board in his capacity as such officer may at any time be permanently appointed to the staff of the Board.

(2) Where any public officer is permanently appointed to the staff of the Board under sub-section (1), the provisions of sub-section (3) of section 9 of the Motor Transport Act, No. 48 of 1957, shall, *mutatis mutandis*, apply to and in relation to him.".

Amendment of section 34 of the principal Act.

5. Section 34 of the principal Act is hereby amended in sub-section (1) of that section by the substitution, for the expression "section 32,", of the expression "section 31A,".

Retrospective effect of amendments made in the principal Act by this Act

6. The amendments made in the principal Act by the preceding provisions of this Act shall be deemed for all purposes to have come into force and effect on the date of the commencement of the principal Act.

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PARLIAMENT OF CEYLON

3rd Session 1967-68

Registration of Persons Act, No. 32 of 1968

Date of Assent : June 22, 1968

Printed on the Orders of Government

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L. D.—O. 35/61.

AN ACT TO PROVIDE FOR THE REGISTRATION OF CERTAIN PERSONS WHO ARE IN CEYLON, FOR THE ISSUE OF IDENTITY CARDS TO THE PERSONS SO REGISTERED, AND FOR PURPOSES CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: June 22, 1968]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and date of operation.

1. This Act may be cited as the Registration of Persons Act, No. 32 of 1968, and shall come into operation on such date as may be appointed by the Minister by Order published in the *Gazette* (in this Act referred to as the " appointed date ").

Persons liable to registration.

2. (1) Every person who is in, or enters, Ceylon on or after the appointed date, and has attained, or attains, the age of eighteen years, not being a person—

(*a*) who is not liable to registration by virtue of the operation of the provisions of sub-section (2); or

(*b*) who has entered, or enters, Ceylon before or on or after that date in contravention of the provisions of section 10 of the Immigrants and Emigrants Act; or

(*c*) who remains in Ceylon on or after that date in contravention of the provisions of section 15 of that Act,

shall be a person liable to registration.

(2) The following persons shall not be liable to registration—

(*a*) a person who is the holder of a valid *visa* or endorsement granted to him under the Immigrants and Emigrants Act; or

(*b*) a person who is exempted from the operation of Part III of that Act by, or by virtue of, an Order made under section 2 (1) of that Act.

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PART I

Administration

Appointment of officers and servants.

3. (1) For the purposes of this Act, there may be appointed—

(*a*) a person, by name or by office, to be or to act as the Commissioner for the Registration of Persons;

(*b*) a person, or two or more persons, by name or by office, to be or to act as a Deputy Commissioner, or Deputy Commissioners, for the Registration of Persons; and

(*c*) two or more persons, by name or by office, to be or to act as Assistant Commissioners for the Registration of Persons.

(2) For the purposes of this Act, there may be appointed such number of persons, by name or by office, to be or to act as Registration Officers and Certifying Officers, and such number of other officers and servants, as may be necessary for such purposes.

Powers and duties of officers.

4. In the exercise, performance or discharge of the powers, duties or functions, conferred, imposed or assigned by or under this Act—

(*a*) the Commissioner shall be subject to the general or special directions of the Minister; and

(*b*) any Deputy Commissioner, any Assistant Commissioner, any Certifying Officer and any Registration Officer shall be subject to the general or special directions of the Commissioner.

Delegation of powers of the Commissioner.

5. (1) The Commissioner may, either generally or specially, authorize any Deputy Commissioner, any Assistant Commissioner or any Divisional Revenue Officer to exercise, perform or discharge any power, duty or function conferred or imposed upon, or assigned to, the Commissioner by or under this Act:

Provided, however, that the preceding provisions of this section shall not apply to the power to compound offences conferred upon the Commissioner by section 51.

(2) Any Government Agent may, subject to the general direction and control of the Commissioner, exercise, perform or discharge any power, duty or function conferred or imposed upon, or assigned to, the Commissioner by or under this Act.

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PART II

Registration of Persons

Register of Persons.

6. For the purposes of this Act, the Commissioner shall open and maintain, or cause to be opened and maintained, a book to be called the "Register of Persons", in the prescribed form, in which persons shall be registered from time to time, under and in accordance with the provisions of this Act.

Order appointing the period within which persons liable to registration are required to apply for such registration.

7. (1) The Minister may, by Order published in the *Gazette*, appoint, in respect of all districts, a period within which persons liable to registration who are in any such district are required to apply for such registration under and in accordance with the provisions of this Act. The period so appointed shall commence on the same date, and shall, subject to the provisions of any Order published by the Minister under sub-section (2), expire on the same date, in respect of all districts.

(2) The date of the expiration of the period appointed by Order published in the *Gazette* by the Minister under sub-section (1) may be altered, in respect of any district, from time to time by the Minister by a like Order.

(3) The Minister shall cause copies of any Order made under the preceding provisions of this section to be published in such Sinhala, Tamil and English newspapers, and to be exhibited in such conspicuous place or places in all or any districts, as he may deem best calculated to give publicity thereto.

(4) Regulations may be made under this Act prescribing the period within which persons who are not liable to registration, but who subsequently become so liable, shall apply for such registration under and in accordance with the provisions of this Act.

Obligation of persons liable to registration to apply for such registration.

8. A person liable to registration shall, within the appropriate appointed period, apply for such registration under and in accordance with the provisions of this Act.

Applications for registration.

9. (1) Every application for registration shall be addressed to the Commissioner, and shall be delivered to the appropriate Certifying Officer for transmission to the Commissioner or Government Agent.

(2) Every application for registration—

(*a*) shall be in writing;

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(*b*) shall be in the prescribed form and shall contain the prescribed particulars;

(*c*) shall be signed by the applicant;

(*d*) shall bear three impressions of the appropriate identifying mark of the applicant taken by the appropriate Certifying Officer; and

(*e*) shall bear the prescribed endorsements under the hand of such Certifying Officer.

Where a person is unable to make such application himself by reason of the fact that he is physically disabled or is of unsound mind, such application may be made and signed on his behalf by his guardian or other person having the care and custody of such person.

(3) An application for registration shall be accompanied by three unmounted copies of a photograph of the applicant of the prescribed dimensions, specifications, standards and quality. One such copy shall bear, at the back thereof, the signature, or one impression of the appropriate identifying mark, of the applicant, affixed in the presence of the appropriate Certifying Officer, and an endorsement under the hand of such Officer certifying that it is a copy of a photograph of the applicant and that such signature or mark was so affixed in the presence of such Officer.

(4) It shall be the duty of the appropriate Certifying Officer, upon being requested so to do, to take the impressions referred to in paragraph (*d*) of sub-section (2), and to make the endorsements referred to in paragraph (*e*) of that sub-section, and sub-section (3).

(5) Upon the receipt of an application for registration, the appropriate Certifying Officer shall,—

(*a*) if such application is not returned to the applicant as required by paragraph (*c*) of this sub-section, make a written acknowledgment of the receipt of such application to the applicant; and

(*b*) if such application has been duly made under and in accordance with the provisions of this Act or any regulation made thereunder, transmit such application, within seven days of its receipt, to the Commissioner; or

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(*c*) if such application has not been so made, return it to the applicant for compliance with such provisions.

Grounds on which application for registration may be rejected by the Commissioner.

10. (1) An application for registration may be rejected by the Commissioner—

(*a*) if the application is not made under and in accordance with the provisions of this Act, or any regulation made thereunder; or

(*b*) if the applicant is not a person liable to registration under this Act, or is not a person liable to such registration by virtue of paragraph (*b*) or paragraph (*c*) of sub-section (1) of section 2, or paragraph (*a*) or paragraph (*b*) of sub-section (2) of that section; or

(*c*) if the applicant is already a registered person; or

(*d*) on the ground specified in section 37,

and accordingly, no such application shall be rejected by the Commissioner except in any of the circumstances referred to in the preceding provisions of this section.

(2) In the event of any application for registration or any application for a duplicate of an identity card being rejected by the Commissioner it shall be his duty to inform the applicant in writing that such application has been rejected and such written information shall include a statement of the grounds for such rejection.

(3) Where the Commissioner rejects an application for registration in the circumstances specified in paragraph (*a*) or paragraph (*d*) of sub-section (1), the applicant shall be entitled to make a fresh application for such registration under this Act.

Disposal of application for registration by the Commissioner.

11. (1) Upon the receipt of an application for registration, the Commissioner—

(*a*) may reject the application on any ground referred to in section 10; or

(*b*) if he does not so reject it, shall allow the application.

(2) Where the Commissioner allows an application for registration, he shall register the applicant in the Register of Persons by entering in such Register the prescribed particulars relating to the applicant.

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Every entry made in the Register of Persons under this sub-section is in this Act referred to as a " registration entry ". A person registered under this sub-section is in this Act referred to as a " registered person ".

(3) Where the Commissioner has, in consequence of his decision on any application for registration, registered the applicant, the Commissioner shall cause a copy of one registration entry relating to the applicant certified under his hand to be served on the applicant.

Appeals to an appropriate Tribunal against decisions of the Commissioner on applications for registration.

12. Any applicant for registration who is aggrieved by the decision of the Commissioner on his application for registration may, within a period of three weeks reckoned from the date on which notice of such decision was served on such applicant, appeal against that decision to any appropriate Tribunal.

Finality of decisions of the Commissioner on applications for registration.

13. The decision of the Commissioner on any application for registration shall, where no appeal against such decision is preferred to an appropriate Tribunal within the period allowed therefor by this Act, be final and conclusive.

Part III

Identity Cards

Identity cards to be issued to registered persons.

14. The Commissioner shall, as soon as practicable after a person becomes a registered person, issue to that person an identity card. Such card—

(*a*) shall be in the prescribed form and shall contain the prescribed particulars;

(*b*) shall bear one of the copies of the photograph furnished by that person along with his application for registration; and

(*c*) shall bear the signature, or a facsimile of the signature, of the Commissioner, the Deputy Commissioner, an Assistant Commissioner, or a Registration Officer or, in lieu of, or in addition to, such signature or facsimile, a distinguishing mark imposed on that card by a machine or other device by or under the authority of the Commissioner.

Identity card to be produced when required.

15. (1) The holder of an identity card shall, on a request made by the Commissioner or any other prescribed officer, produce that card at such time and place as shall be specified in such request, and permit it to be inspected:

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Provided, however, that no person shall be deemed to have contravened the preceding provisions of this section, if his identity card had, at the time of the alleged contravention, been lost and he has complied with the provisions of sub-section (1) of section 16 relating to the reporting of such loss to the nearest police station, and the making of an application for the issue of a duplicate identity card.

(2) If in any prosecution against any person for an offence under this Act by reason of a contravention of the provisions of sub-section (1), there is produced a certificate issued by the Commissioner, a Deputy Commissioner, an Assistant Commissioner, or a police officer of a rank not below that of Assistant Superintendent or any such public officer as may be notified for such purpose by the Minister from time to time in the *Gazette*, to the effect that he is satisfied that such person is the holder of an identity card, it shall be presumed, until the contrary is proved by such person, that such person is the holder of such card.

Issue of duplicate identity card in case of loss of original.

16. (1) Any person who has lost his identity card shall immediately report such loss to the nearest police station, and shall thereafter forthwith apply to the Commissioner for a duplicate of that identity card.

(2) An application for a duplicate of an identity card under this section—

(*a*) shall be made in the prescribed form;

(*b*) shall bear a stamp or stamps of the value of the prescribed fee for the issue of such duplicate;

(*c*) shall be signed by the applicant; and

(*d*) shall be accompanied by a certified copy of the relevant extract of the information book of the police station to which the loss of the original of such card was reported by the applicant, and three unmounted copies of a photograph of the applicant of the prescribed dimensions, specifications, standards and quality, one of which shall bear the signature or impression, and the endorsement, referred to in section 9 (3).

(3) Upon the receipt of an application for the issue of a duplicate of an identity card made under and in accordance with the preceding provisions of this

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section, the Commissioner shall issue such duplicate to the applicant unless he rejects such application upon the ground that the application is not made under and in accordance with the provisions of this Act, or any regulation made thereunder.

(4) An applicant for the issue of a duplicate identity card under this section shall be liable to pay for the cost of the copies of the photograph which accompany his application for such duplicate.

Issue of duplicate identity card in case of damage, &c., of original.

17. (1) Where an identity card is damaged, defaced, or illegible or in danger of becoming illegible, the holder of that card shall forthwith—

(*a*) report that fact in writing to the Commissioner; and

(*b*) apply to the Commissioner for a duplicate of that card.

(2) An application for a duplicate of an identity card under this section—

(*a*) shall be in the prescribed form;

(*b*) shall be signed by the applicant; and

(*c*) shall be accompanied by three unmounted copies of a photograph of the applicant of the prescribed dimensions, specifications, standards and quality, one of which shall bear the signature or impression, and the endorsement, referred to in section 9 (3), and the original of that card.

(3) No application for the issue of a duplicate identity card shall be refused by the Commissioner except upon the ground that the application is not made under and in accordance with the provisions of this Act, or any regulation made thereunder.

(4) Regulations may be made under this Act providing for the issue by the Commissioner upon the expiration of each such period of time as may be specified therein to the holders of existing identity cards of new identity cards in replacement of such existing cards. Such regulations may contain provisions similar or substantially similar to the provisions made by this Act in relation to the issue of duplicate identity cards.

(5) An applicant for the duplicate of an identity card under this section shall be liable to pay the cost of the copies of the photograph which accompany such application.

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Recovery of lost identity cards.

18. (1) Where a person who has lost his identity card subsequently recovers possession of that card, such person shall,—

(*a*) if the provisions of sub-section (1) of section 16 have been complied with by such person prior to such recovery, forthwith inform the police station referred to in that sub-section, and the Commissioner of the fact of such recovery; and

(*b*) if a duplicate of that card had been issued to him prior to such recovery, surrender the original of that card to the Commissioner for cancellation within the prescribed period.

(2) Any person who finds an identity card which was not issued to him shall forthwith surrender that card to the Commissioner or the nearest police station.

Surrender of an identity card.

19. (1) In the event of the death of the holder of an identity card, the person having the custody of that card shall forthwith surrender it to the Registrar of Deaths to whom the occurrence of that death is reported, and such Registrar shall, upon such surrender, transmit that card to the Commissioner.

(2) Regulations may be made under this Act providing for the surrender of identity cards by persons leaving Ceylon permanently.

Appeals to an appropriate Tribunal against decisions of the Commissioner on applications for duplicates of identity cards.

20. An applicant for the duplicate of an identity card who is aggrieved by the decision of the Commissioner on such application may, within a period of three weeks reckoned from the date on which notice of such decision was served on such applicant, appeal against that decision to an appropriate tribunal.

Finality of decisions of the Commissioner on applications for duplicates of identity cards.

21. The decision of the Commissioner on any application for a duplicate of an identity card shall, where no appeal against such decision is preferred to an appropriate Tribunal within the period allowed therefor by this Act, be final and conclusive.

Identity card not transferable.

22. The holder of an identity card shall not transfer or assign that card to any other person, and any such transfer or assignment effected in contravention of the preceding provisions of this section shall be null and void.

Alteration of identity card.

23. (1) No person, other than the Commissioner or any other officer, acting in the course of his duty as such, shall make any mark, endorsement, or entry

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upon, or erase, cancel or alter any such mark, endorsement or entry contained in, any identity card, or otherwise deface or destroy such card.

(2) Any mark, endorsement, or entry, or any erasure, cancellation or alteration, referred to in subsection (1) shall be properly authenticated by the Commissioner or other officer responsible therefor.

Not more than one identity card to be issued to any person.

24. The Commissioner shall not issue more than one identity card to any person, notwithstanding that such person, whether by inadvertence or otherwise, is registered more than once in the Register of Persons; and accordingly any such card issued by the Commissioner in contravention of the preceding provisions of this section shall be invalid and of no effect for the purposes of this Act.

Part IV

Registration of Persons Tribunals

Registration of Persons Tribunals.

25. (1) The Minister, after consultation with the Minister of Justice, may, in respect of each district, establish such number of Tribunals to be known as Registration of Persons Tribunals as may be necessary for the purposes of this Act. Any such Tribunal (in this Act referred to as a " Tribunal ") may, after like consultation, be abolished by the Minister.

(2) A Tribunal shall consist of one member, and accordingly there may be appointed one person, by name or by office, to be or to act as such member.

Jurisdiction of a Tribunal.

26. Every appeal against the decision of the Commissioner on any application for registration, or for the duplicate of an identity card, made to any appropriate Tribunal may be entertained, heard and determined by such Tribunal.

Record of proceedings before a Tribunal.

27. A Tribunal shall keep a record of all such proceedings before the Tribunal as relate to the entertaining, hearing and deciding of every appeal made to the Tribunal under this Act.

Power to summon witnesses, etc.

28. A Tribunal shall, for the purpose of entertaining and hearing and deciding every appeal made to the Tribunal under this Act, have all the powers of a District Court—

(*a*) to summon and compel the attendance of witnesses;

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(*b*) to compel the production of documents; and

(*c*) to administer any oath or affirmation to witnesses.

Persons giving evidence before a Tribunal bound to state the truth.

29. Every person giving evidence on any matter before a Tribunal shall be bound to state the truth on such matter.

Decision of a Tribunal to contain reasons.

30. Every decision of a Tribunal on any appeal made to the Tribunal under this Act shall contain the reasons therefor.

Costs of proceedings before a Tribunal.

31. The decision of a Tribunal on any appeal made to the Tribunal under this Act shall, unless for special reason the Tribunal directs otherwise, contain an order as to the person who is to pay the costs of the proceedings relating to the appeal and shall determine the amount of such costs.

Procedure and practice before a Tribunal.

32. (1) The proceedings before a Tribunal on any appeal made to the Tribunal under this Act shall as far as possible be free from the formalities and technicalities of the rules of procedure and evidence ordinarily or normally applicable to a court of law, and may be conducted by the Tribunal in any manner, not inconsistent with the principles of natural justice, which to the Tribunal may seem best adapted to elicit proof concerning the matters that are being investigated.

(2) Subject to the provisions of this Act, the practice and procedure to be followed in the making of any appeal to a Tribunal under this Act, and by a Tribunal in the entertaining, hearing and deciding of such appeal, shall be as prescribed by regulations made under this Act.

Decisions by a Tribunal.

33. (1) The decision of a Tribunal on any appeal made to the Tribunal under this Act shall be final and conclusive.

(2) A Tribunal shall cause notice of its decision on any appeal made to the Tribunal under this Act to be served on the Commissioner, and also on the appellant, through the Commissioner.

Punishment of contempts.

34. Every offence of contempt committed against or in disrespect of the authority of a Tribunal shall be punishable by the Supreme Court or any Judge thereof under section 47 of the Courts Ordinance as

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though it were an offence of contempt committed against or in disrespect of the authority of that Court.

Failure to obey summons, to give evidence, &c.

35. (1) If any person upon whom a summons is served, or caused to be served, by a Tribunal—

(*a*) fails without cause, which in the opinion of the Tribunal is reasonable, to appear before the Tribunal at the time and place mentioned in the summons; or

(*b*) refuses to be sworn or, having been duly sworn, refuses or fails without cause, which in the opinion of the Tribunal is reasonable, to answer any question put to him during the proceedings on any appeal relating to matters relevant to the appeal; or

(*c*) refuses or fails without cause, which in the opinion of the Tribunal is reasonable, to produce and show to the Tribunal any document or other thing which is in his possession or power and which is in the opinion of the Tribunal necessary for arriving at the truth of the matters relevant to the appeal; or

(*d*) interferes with the lawful process of the Tribunal,

such person shall be guilty of the offence of contempt against or in disrespect of the authority of the Tribunal.

(2) Where a Tribunal determines that a person has committed any offence of contempt (referred to in sub-section (1)) against or in disrespect of its authority, the Tribunal may transmit, or cause to be transmitted, to the Supreme Court a certificate setting out such determination. Every such certificate shall be signed by the Tribunal.

(3) In any proceedings for the punishment of an offence of contempt which the Supreme Court may think fit to take cognizance of as provided in section 34, any document purporting to be a certificate signed and transmitted to the Court under sub-section (2) shall—

(*a*) be received in evidence, and be deemed to be such a certificate without further proof unless the contrary is proved; and

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(*b*) be conclusive evidence that the determination set out in the certificate was made by the Tribunal and of the facts stated in the determination.

(4) In any proceedings taken as provided in section 34 for the punishment of any alleged offence of contempt against or in disrespect of the authority of a Tribunal, the member of the Tribunal shall not, except with his own consent, be summoned or examined as a witness.

PART V

GENERAL

Government to meet cost of copies of photographs accompanying any application for registration.

36. The cost of the copies of the photograph which are required, under section 9, to accompany any application for registration shall be paid by the Government, and accordingly shall be a charge on the Consolidated Fund of Ceylon. The mode and manner of such payment by the Government shall be as prescribed.

Power of Commissioner, &c., to require applicants for registration or duplicate identity cards to furnish information.

37. (1) The Commissioner or any other authorized officer may direct an applicant for registration, or for a duplicate of an identity card, to furnish, within such period as may be specified in the direction, the Commissioner or such other officer with such information or documents indicated in the direction relating to the prescribed particulars specified in the application as may be necessary for the purpose of enabling the Commissioner to dispose of the application, and if the applicant fails to comply with such direction, the Commissioner may reject the application.

(2) For the purposes of sub-section (1) and of sections 38 and 39, the expression "authorized officer" means any Deputy Commissioner, any Assistant Commissioner, any Government Agent, or Assistant Government Agent or Divisional Revenue Officer.

Power to require employers to furnish returns regarding persons in their employment.

38. For the purpose of ensuring that the provisions of this Act are being complied with, the Commissioner or any other authorized officer may, from time to time, by general or special direction, require any employer to furnish, within such period as may be specified in the direction, to the Commissioner or such other officer a return containing all such particulars

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relating to the persons in the employment of such employer as may be indicated in the direction, and it shall be the duty of such employer to comply with that direction.

Power of Commissioner or authorized officer to require information from persons generally, and to hold inquiries.

39. (1) The Commissioner, or any other authorized officer,—

(*a*) may direct any person to furnish, within such period as shall be specified in the direction, the Commissioner or such other officer with such information within his knowledge as shall be so specified relating to any other person referred to in the direction, being information which is necessary for the following purposes, namely, the disposal of any application made by such other person under this Act, or for the verification of the correctness of any particulars specified in any such application, or of any return or information made or furnished by such other person under this Act; and

(*b*) may, from time to time, hold all such inquiries as he may deem necessary for any of such purposes.

(2) For the purposes of any inquiry held under sub-section (1), the Commissioner or any other authorized officer, shall have all the powers of a District Court—

(*a*) to summon and compel the attendance of witnesses;

(*b*) to compel the production of documents; and

(*c*) to administer any oath or affirmation to witnesses.

(3) Section 142 of the Civil Procedure Code and section 132 of the Evidence Ordinance shall apply to a witness in any proceedings at any inquiry held under sub-section (1) as though those proceedings were proceedings before a civil court.

Certificate issued by certain officers for special purposes.

40. If in any prosecution for an offence under this Act, there is produced a certificate issued by the Commissioner, a Deputy Commissioner, an Assistant Commissioner, or a police officer of a rank not below that of Assistant Superintendent, to the effect that

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he is satisfied that the person either against whom the prosecution is instituted, or in respect of whom such offence is alleged to have been committed, is a person—

(*a*) who is liable to registration, it shall be presumed, until the contrary is proved by the defence, that such person is a person of the description referred to in that certificate; or

(*b*) who was in any district on a date specified in that certificate, it shall be presumed, until the contrary is proved by the defence, that such person was in that district on that date.

Limitation in regard to prosecutions.

41. No prosecution shall be instituted in any court for any offence under this Act except with the prior written sanction of the Commissioner.

Proof of instrument issued by the Commissioner.

42. (1) Every document purporting to be an instrument made or issued by the Commissioner, in pursuance of any provision of this Act, or any regulation made thereunder, and to be signed by him or on his behalf, shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by him.

(2) Prima facie evidence of any instrument referred to in sub-section (1) may, in any legal proceedings, be given by the production of a document purporting to be certified to be a true copy of the instrument by, or on behalf of, the Commissioner.

(3) In this section, the expression "instrument" includes any identity card, certificate, direction or other instrument.

Commissioner, &c., deemed to be peace officers.

43. The Commissioner, each Deputy Commissioner, each Assistant Commissioner, every Government Agent, every Registration Officer, every Certifying Officer and every other officer acting under the authority of the Commissioner, shall be deemed to be a peace officer within the meaning of the Criminal Procedure Code for the purpose of exercising any power conferred upon a peace officer by that Code.

Offences.

44. (1) Any person who—

(*a*) fails to make an application for registration in compliance with the provisions of section 8;

(*b*) gives any incorrect information in such application or in response to any inquiry; or

(*c*) makes more than one such application,

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shall be guilty of an offence under this Act, and shall be liable to a fine not exceeding five hundred rupees.

(2) Any person who abets or incites any other person liable to registration not to make an application for registration as required by this Act shall be guilty of an offence under this Act, and shall be liable to rigorous imprisonment for a term of one year.

(3) Any employer—

(*a*) who fails to carry out the duty imposed on him by section 38 to comply with any direction issued to him under that section to furnish a return relating to any person or persons in his employment; or

(*b*) who furnishes any such return containing any particular regarding such person or persons that is untrue or incorrect,

shall be guilty of an offence under this Act, and shall be liable to a fine of one thousand rupees,—

(i) in the case referred to in paragraph (*a*) of this sub-section, in respect of each such person or persons in relation to whom he has omitted to furnish such return; and

(ii) in the case referred to in paragraph (*b*) of this sub-section, in respect of each such person or persons to whom such untrue or incorrect particular relates.

(4) Any person who contravenes or fails to comply with any provision of this Act, other than any such provision as is referred to in sub-sections (1) to (3), or any regulation made thereunder, shall be guilty of an offence under this Act and shall be liable to a fine not exceeding one thousand rupees, or to imprisonment of either description for a term of not less than three months but not more than one year, or to both such fine and imprisonment.

Burden of proof cast on applicants for registration.

45. Upon an application made for registration, the burden of proving the truth or accuracy of any particulars furnished, or statement made, in connection with such application shall lie on the applicant.

The operation of the Immigrants and Emigrants Act not to be prejudiced or affected by this Act.

46. (1) The provisions of this Act shall be without prejudice to the operation of the Immigrants and Emigrants Act, and accordingly the fact that a person has applied for registration or is registered in the Register of Persons or is the holder of an identity card shall not, if that person has entered or is remaining

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in Ceylon in contravention of the provisions of the Immigrants and Emigrants Act, be deemed or construed to make lawful his entry or residence in Ceylon.

(2) The provisions of this Act shall be without prejudice to the operation of the Citizenship Act, the Indian and Pakistani Residents (Citizenship) Act or the Indo-Ceylon Agreement (Implementation) Act, No. 14 of 1967, and accordingly the fact that a person has applied for registration or is registered in the Register of Persons or is the holder of an identity card shall not in any manner be held to be proof that such person is or was entitled to citizenship of Ceylon under the provisions of any of the citizenship laws referred to in this sub-section.

Certain identity cards invalid.

47. An identity card which has been issued or obtained by means of a false representation, or fraud, or which is not surrendered to the Commissioner under section 18 (1) (*b*) within the period referred to in that section, shall be invalid and of no effect for the purposes of this Act.

Offences to be triable summarily by a Magistrate.

48. All offences under this Act shall be triable summarily by a Magistrate.

Liability in case of offences committed by a body corporate or unincorporate.

49. (1) Where an offence under this Act is committed—

(*a*) by a body corporate, every person who, at the time of the commission of the offence, was a director, general manager, secretary or other similar officer of the body corporate or was purporting to act in such capacity; or

(*b*) by a body unincorporate, every person who, at the time of the commission of the offence, was the head or secretary, or a member of the governing board, of that body, or was purporting to act in such capacity,

shall be deemed to be guilty of that offence unless he proves that such offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of such offence as he ought to have exercised having regard to the nature of his functions in such capacity and in all the circumstances.

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(2) For the purposes of this section, the term—

(*a*) " governing board ", in relation to a body unincorporate, means the person or persons for the time being charged with the management or administration of the affairs of that body;

(*b*) " head ", in relation to a body unincorporate, means the chairman or president for the time being of that body or, in the absence of a chairman or president, the person who for the time being occupies the position of head, by whatsoever name called, of the management or administration of the affairs of that body; and

(*c*) " secretary ", in relation to a body unincorporate, includes any person who for the time being occupies the position of secretary, by whatsoever name called.

Offences to be cognizable.

50. All offences under this Act shall be cognizable offences for the purposes of the application of the provisions of the Criminal Procedure Code, notwithstanding anything contained in the First Schedule to that Code.

Compounding of offences.

51. The Commissioner may compound any offence under sub-section (1) of section 44 by accepting from the person who is alleged to have, or is reasonably suspected of having, committed that offence a sum of money not exceeding half the amount of the maximum fine that is liable to be imposed under this Act on such person for that offence.

Regulations.

52. (1) The Minister may make regulations for the purpose of giving effect to the principles and provisions of this Act.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the Minister may make regulations for or in respect of all or any of the following matters:—

(*a*) all matters stated or required by this Act to be prescribed;

(*b*) all matters for which regulations are required or authorized by this Act to be made;

(*c*) the maximum price that may be charged for photographs taken for the purposes of this Act;

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(*d*) the mode or manner in which identifying marks shall be taken for the purposes of this Act;

(*e*) all matters relating to the taking of photographs for the purposes of this Act, and in particular—

(i) the mode or manner in which photographs may be taken, and the dimensions, specifications, standards and quality of such photographs,

(ii) the registration of persons as photographers for any area or areas in Ceylon, and the circumstances in which such registration may be allowed, refused or cancelled,

(iii) the fees payable for registration as a photographer, and

(iv) the procedure to be followed by applicants for registration in obtaining photographs for the purposes of this Act;

(*f*) the establishment and maintenance of registers and registries; and

(*g*) all matters incidental to, or connected with, the matters aforesaid.

(3) No regulation made by the Minister under this Act shall come into force until it has been approved by the Senate and the House of Representatives, and notification of such approval is published in the *Gazette*.

(4) Every regulation made by the Minister under this Act shall, on its coming into force as herein before provided, be as valid and effectual as if it were herein enacted.

Service of documents.

53. (1) Save as otherwise expressly provided in this Act, any document, decision or other matter which is required by or under this Act to be served on, or notified to, any person shall, if it is not served on, or notified personally to, such person, be deemed to have been duly served or notified—

(*a*) if it is left at the usual or last known place of abode or of business of such person, or, in case such person is resident in an estate, if it is left with the Superintendent of that estate for transmission to such person; or

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(*b*) if it is sent to him by post in a registered letter addressed to his last known place of abode or of business, or in case such person is resident on any estate, if it is sent by post in a registered letter addressed to the Superintendent of that estate for transmission to such person.

(2) In this section—

(*a*) the term " document " means any order, notice, or other document by whatsoever name or designation called; and

(*b*) the term " Superintendent ", in relation to any estate, means the person in charge of that estate by whatsoever name or designation called.

Fees, fines and penalties to be credited to the Consolidated Fund of Ceylon.

54. All sums paid or recovered by way of fees, fines and penalties under this Act shall be credited to the Consolidated Fund of Ceylon.

Interpretation.

55. In this Act unless the context otherwise requires—

" appropriate appointed period ", in relation to a person liable to registration, means the period within which such person is required, by virtue of the operation of section 7 or any Order made thereunder, to apply for registration under and in accordance with the provisions of this Act;

" appropriate Certifying Officer ", in relation to any applicant for registration or any registered person, means the Certifying Officer within whose area of appointment such applicant or person, as the case may be, is ordinarily resident;

" appropriate identifying mark ", in relation to any person, means—

(*a*) if such person has a left thumb, an impression in ink of that thumb; or

(*b*) if such person has no left thumb, an impression in ink of his right thumb; or

(*c*) if such person has no left thumb and right thumb, an impression in ink of any finger of his left hand or right hand;

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" appropriate Tribunal ", in relation to an appeal from the decision of the Commissioner on an application for registration or for the duplicate of an identity card, means a Registration of Persons Tribunal for the district from which the application was made;

" Assistant Commissioner " means a person appointed to be, or to act as, an Assistant Commissioner for the Registration of Persons for the purposes of this Act;

" Certifying Officer " means a person appointed to be, or to act as, a Certifying Officer for the purposes of this Act;

" Commissioner " means a person appointed to be, or to act as, the Commissioner for the Registration of Persons for the purposes of this Act;

" Deputy Commissioner " means a person appointed to be, or to act as, a Deputy Commissioner for the Registration of Persons for the purposes of this Act;

" district " means an administrative district established under the Administrative Districts Act;

" employer " means any person who on his own behalf, or on whose behalf any other person, employs any person, and includes any person who on behalf of any other person employs any person, and in particular in the case of any estate, includes any Superintendent, Assistant Superintendent, Conductor or Kangany;

" Government Agent " means the Government Agent for a district, and includes any Assistant Government Agent, or any Additional Assistant Government Agent, for that district, or any Office Assistant, or any extra Office Assistant, to such Government Agent;

" holder ", in relation to an identity card, means a person to whom such card is issued under this Act;

" identity card " means an identity card issued by the Commissioner under this Act, and includes a duplicate thereof so issued;

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" person " means an individual;

" person liable to registration " means a person who, under the provisions of this Act, is liable to registration;

" registered person " means a person registered in the Register of Persons under this Act;

" Registration Officer " means a person appointed to be, or to act as, a Registration Officer for the purposes of this Act;

" Register of Persons " means the Register of Persons, and includes any part thereof, opened and maintained by the Commissioner under this Act;

" registered photographer " means a person registered as a photographer under the provisions of any regulation made under this Act;

" registered or registration " means registered, or registration, as the case may be, in the Register of Persons under this Act.

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PARLIAMENT OF CEYLON

5th Session 1969-70

Explosives (Amendment) Act, No. 33 of 1969

Date of Assent : December 9, 1969

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L. D.—O. 18/66.

AN ACT TO AMEND THE EXPLOSIVES ACT.

[Date of Assent: December 9, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Explosives (Amendment) Act, No. 33 of 1969.

Amendment of the long title of Chapter 183.

2. The long title of the Explosives Act (hereinafter referred to as the "principal Act") is hereby amended, by the substitution, for the expression "Importation, Possession, Sale,", of the expression "Importation, Exportation, Possession, Sale, Exposure for Sale,".

Replacement of section 8 of the principal Act.

3. Section 8 of the principal Act is hereby repealed and the following new section substituted therefor:—

"Prohibition of importation, exportation, manufacture, sale, exposure for sale or supply of explosives by persons other than licensees or permittees.

8. (1) No person, other than a licensee or permittee who is authorized by his licence or permit to do so, shall import or export any explosive.

(2) No person, other than a licensee who is authorized by his licence to do so, shall manufacture, sell, expose for sale or supply any explosive.".

Amendment of section 9 of the principal Act.

4. Section 9 of the principal Act is hereby amended as follows:—

(1) in sub-section (1) of that section, by the substitution, for the expression "manufacturer, importer or supplier of any explosives, or acquire, possess, transport", of the expression "manufacturer, importer, exporter or supplier of any explosives, or acquire, possess, transport, sell, expose for sale";

(2) in sub-section (2) of that section, by the substitution, for the expression "acquire, possess, transport or use", of the expression "import, export, acquire, possess, transport or use", and

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(3) by the substitution, for the marginal note to that section, of the following new marginal note:—

"Licences and permits relating to explosives.".

Amendment of section 10 of the principal Act.

5. Section 10 of the principal Act is hereby amended as follows:—

(1) by the substitution, for the expression "quantity of safety cartridges or fireworks as does not exceed the prescribed quantity.", of the expression "quantity of any class of explosives as does not exceed the quantity prescribed in respect of such class of explosives."; and

(2) by the substitution, for the marginal note to that section, of the following new marginal note:—

"Exemption up to prescribed quantity of any class of explosives.".

Amendment of section 11 of the principal Act.

6. Section 11 of the principal Act is hereby amended as follows:—

(1) in paragraph (*b*) of that section, by the substitution, for the expression "importation,", of the expression "importation, exportation, sale, exposure for sale,";

(2) by the relettering of paragraphs (*c*) and (*d*) of that section as paragraphs (*d*) and (*e*) of that section, respectively; and

(3) by the insertion, immediately after paragraph (*b*) of that section, of the following new paragraph:—

"(*c*) to exempt, subject to such conditions as may be imposed, any school or other educational institution from the requirement of obtaining a permit for the acquisition, possession, transportation or use of any class or classes of explosives;".

Amendment of section 12 of the principal Act.

7. Section 12 of the principal Act is hereby amended as follows:—

(1) in sub-section (1) of that section, by the substitution, in paragraph (*b*) of that sub-section, for the expression "transport and sell", of the expression "transport, sell, expose for sale";

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(2) in sub-section (2) of that section, by the substitution, in paragraph (*b*) of that sub-section, for the expression " transport and sell ", of the expression " transport, sell, expose for sale ";

(3) by the renumbering of sub-sections (3) and (4) of that section as sub-sections (4) and (5) of that section, respectively;

(4) by the insertion, immediately after sub-section (2) of that section, of the following new sub-section:—

" (3) A licence granted for the purpose of carrying on the business of an exporter of explosives shall, subject to the conditions set out in the licence and the provisions of this Act and of the regulations made under this Act, authorize the licensee—

(*a*) to export explosives of the class or classes specified in the licence, and

(*b*) to acquire, possess and transport the explosives to be exported under the authority of the licence.";

(5) in the renumbered sub-section (4) of that section, by the substitution, in paragraph (*b*) of that sub-section, for the expression " transport and sell ", of the expression " transport, sell, expose for sale ";

(6) in the renumbered sub-section (5) of that section, by the substitution,—

(*a*) for the expression " A permit shall,", of the expression " A permit, other than a permit granted for the importation or exportation of explosives, shall,"; and

(*b*) for the expression " class so specified. ", of the expression " class or classes specified."; and

(7) by the insertion, immediately after the renumbered sub-section (5) of that section, of the following new sub-sections:—

" (6) A permit granted for the importation of any explosives shall, subject to the conditions set out in the permit and

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the provisions of this Act and of the regulations made under this Act, authorize the permittee to import explosives of the class or classes specified in the permit and to possess, transport and use the explosives imported under the authority of the permit.

(7) A permit granted for the exportation of any explosives shall, subject to the conditions set out in the permit and the provisions of this Act and of the regulations made under this Act, authorize the permittee to export explosives of the class or classes specified in the permit and to acquire, possess and transport the explosives to be exported under the authority of the permit.''.

Amendment of section 14 of the principal Act.

8. Section 14 of the principal Act is hereby amended as follows:—

(1) in sub-section (1) of that section, by the substitution, for paragraph (*a*) of that sub-section, of the following new paragraph:—

'' (*a*) who is convicted of any offence under any of the sections of the Penal Code enumerated in the Schedule to this Act, or under the Offensive Weapons Act, No. 18 of 1966, or '' ; and

(2) in sub-section (3) of that section—

(*a*) by the substitution, in paragraph (*b*) of that sub-section, for the expression '' was used '', of the expression '' was used, or '' ; and

(*b*) by the insertion, immediately after paragraph (*b*) of that sub-section, of the following new paragraphs:—

'' (*c*) when (for reasons to be recorded by him in writing) the licensing authority deems it necessary for the security of the public peace to refuse to issue a licence or permit to an applicant, or

(*d*) if the licensing authority is satisfied that the possession and use of explosives by an applicant is dangerous to the life or property of any other person or persons. ''.

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Amendment of section 16 of the principal Act.

9. Section 16 of the principal Act is hereby amended as follows:—

(1) by the insertion, immediately after sub-section (4) of that section, of the following new sub-section:—

"(5) The Controller may in such circumstances as he may deem necessary, cause the issue of copies of licences or permits issued under this Act to the holders thereof on payment of the prescribed fee."; and

(2) in the marginal note to that section, by the substitution, for the expression "and permits.", of the expression "and permits and copies thereof.".

Amendment of section 18 of the principal Act.

10. Section 18 of the principal Act is hereby amended as follows:—

(1) in sub-section (1) of that section, by the substitution, for the expression "within thirty days", of the expression "not less than thirty days";

(2) by the renumbering of sub-section (2) of that section as sub-section (3) of that section; and

(3) by the insertion, immediately after sub-section (1) of that section, of the following new sub-section:—

"(2) Where any person fails to make the necessary application for the renewal of a licence within the time specified in sub-section (1), the licensing authority may in his discretion allow the renewal of such licence on payment, in addition to the fee prescribed for such licence, of a fine equal to the amount of the fee prescribed for such a licence.".

Amendment of section 21 of the principal Act.

11. Section 21 of the principal Act is hereby amended, by the substitution, for sub-section (1) of that section, of the following new sub-section:—

"(1) (*a*) Where a licensee or permittee is convicted by a court of an offence under any of the sections of the Penal Code enumerated in the Schedule to this Act or under the Offensive

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Weapons Act, No. 18 of 1966, the court shall cause notice of such conviction to be given to the licensing authority who granted a licence or permit to such licensee or permittee, and such licensing authority shall, upon receipt of such notice, by written order cancel that licence or permit. Such order shall specify the grounds of cancellation of such licence or permit.

(*b*) Where a licensee or permittee is convicted by a court of an offence under this Act, or of any offence under any other written law which was committed in connection with the possession or use of any gun or explosive or in the commission of which any gun or explosive was used, the court shall cause notice of such conviction to be given to the licensing authority who granted a licence or permit to such licensee or permittee, and such licensing authority may, upon receipt of such notice, by written order suspend that licence or permit for a period specified in the order or cancel that licence or permit. Such order shall specify the grounds of suspension or cancellation of such licence or permit. ".

Amendment of section 25 of the principal Act.

12. Section 25 of the principal Act is hereby amended as follows:—

(1) by the substitution, for paragraph (*a*) of that section, of the following new paragraph:—

" (*a*) enter and inspect any place, or stop, enter and inspect any vehicle or vessel in which —

(i) any explosive is manufactured, possessed, used, supplied, sold, exposed for sale, transported, imported or exported under a licence or permit, or

(ii) he has reason to believe that any explosive has been or is manufactured, possessed, used, supplied, sold, exposed for sale, transported, imported or exported in contravention of this Act or of any regulations made under this Act, or

(iii) he has reason to believe that any explosive in a deteriorated condition is possessed; ";

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(2) in paragraph (*c*) of that section, by the substitution, for the expression " value thereof; and ", of the expression " value thereof; ";

(3) by the relettering of paragraph (*d*) of that section as paragraph (*e*) of that section; and

(4) by the insertion, immediately after paragraph (*c*) of that section, of the following new paragraph:—

" (*d*) where he has reason to believe that any explosive found in any such place, vehicle or vessel is in a deteriorated condition—

(i) cause such explosive to be removed from such place, vehicle or vessel without payment therefor; and

(ii) give directions as to the use or disposal of such explosive; and " .

Amendment of section 26 of the principal Act.

13. Section 26 of the principal Act is hereby amended as follows:—

(1) in sub-section (2) of that section, by the substitution—

(*a*) in paragraph (*a*) of that sub-section, for the expression " sub-section (3); and ", of the expression " sub-section (5); and "; and

(*b*) in paragraph (*b*) of that sub-section, for the expression " for an analysis thereof and a report on the results of the analysis. ", of the expression " for an analysis thereof and a certificate specifying the results of the analysis. ";

(2) by the renumbering of sub-section (3) of that section as sub-section (5) of that section;

(3) by the insertion, immediately after sub-section (2) of that section, of the following new sub-sections:—

" (3) Where in any prosecution of a person for an offence under this Act, a certificate of the Government Analyst is

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produced in court to the effect that he is satisfied that an article in respect of which the offence is alleged to have been committed is an explosive as defined in this Act, the court shall presume, until the contrary is proved, that the article in respect of which the offence is alleged to have been committed is an explosive as defined in this Act.

(4) Where in any prosecution of a person for an offence under this Act, a certificate of the Government Analyst is produced in court to the effect that he is satisfied that an article in respect of which the offence is alleged to have been committed is not an authorized explosive as defined in the regulations made under this Act, the court shall presume, until the contrary is proved, that the article in respect of which the offence is alleged to have been committed is not an authorized explosive as defined in the regulations made under this Act. "; and

(4) in the renumbered sub-section (5) of that section, by the substitution, in paragraph (*a*) of that sub-section, for the expression " period of fourteen days ", of the expression " period of three months " .

Amendment of section 27 of the principal Act.

14. Section 27 of the principal Act is hereby amended as follows:—

(1) in sub-section (1) of that section, as follows:—

(*a*) by the substitution, in paragraph (*b*) of that sub-section, for the expression " of a licence, ", of the expression " of a licence or permit, "; and

(*b*) by the substitution, for the expression " term not exceeding one year ", of the expression " term not exceeding two years "; and

(2) in sub-section (2) of that section, by the substitution, in paragraph (*b*) of that sub-section, for the expression " of a licence, ", of the expression " of a licence or permit, ",

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Amendment of section 37 of the principal Act.

15. Section 37 of the principal Act is hereby amended as follows:—

(1) in the definition of "explosives", by the substitution, in paragraph (*b*) of that definition, for the expression "by reason of its explosive properties,", of the expression "by reason of its explosive properties, or any substance which, for the reason that it develops explosive properties when in contact with any other substance,"; and

(2) by the insertion, immediately after the definition of "explosives", of the following new definition:—

'"Government Analyst" includes an Assistant Government Analyst;'.

Insertion of Schedule in the principal Act.

16. The following Schedule is hereby inserted immediately after section 37 of the principal Act:—

"SECTIONS 14 AND 21. SCHEDULE

Section of Penal Code.	*Nature of Offence.*
114 to 126 (inclusive) ...	Offences against the State.
128 to 133 (inclusive) and 135 ...	Offences relating to the Army, Navy and Air Force.
140, 141, 142, and 144 to 155 (inclusive) ...	Unlawful assembly and rioting.
219, 219A, 220 and 220A (inclusive) ...	Resistance to lawful apprehension.
226 to 256 (inclusive) ...	Offences relating to coin and Government stamps.
296, 297, 298, 300, and 301 ...	Culpable homicide, death by negligence, &c.
315 to 324 (inclusive) ...	Voluntarily causing hurt by dangerous weapons, &c.
344 and 347 ...	Criminal force.
367 to 371 (inclusive) ...	Theft, theft of cattle, &c.
373 to 378 (inclusive) ...	Extortion, &c.
380 to 385 (inclusive) ...	Robbery, &c.
387	Criminal misappropriation.
389 to 392 (inclusive) but excluding 392A and 392B ...	Criminal breach of trust.
394 to 397 (inclusive) ...	Dishonestly receiving stolen property.

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Section of Penal Code		*Nature of Offence*
400 to 403 (inclusive)	...	Cheating.
411 to 426 (inclusive)	...	Mischief, &c.
433 to 451 (inclusive)	...	House-trespass, lurking house-trespass, house-breaking, &c.
452 to 466 (inclusive)	...	Forgery, &c.
478A to 478D (inclusive)	...	Offences relating to currency notes and bank notes.
486	... ...	Criminal intimidation.
101 to 113B (inclusive) and 490		Abetting, conspiring, attempting, &c., to commit any offence against the sections of the Penal Code enumerated in this Schedule.''.

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PARLIAMENT OF CEYLON

5th Session 1969-70

Contracts Commission (Special Provisions) Act, No. 34 of 1969

Date of Assent : December 9, 1969

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L. D.—O. 27/69.

AN ACT TO MAKE SPECIAL PROVISION IN REGARD TO THE COMMISSION ISSUED, UNDER SECTION 2 OF THE PRINCIPAL ACT, BY THE GOVERNOR-GENERAL UNDER THE SEAL OF THE ISLAND ON THE 22ND DAY OF OCTOBER, 1965, AND PUBLISHED IN *Gazette Extraordinary* No. 14,540 OF THE SAID DATE, AND THE COMMISSIONER APPOINTED BY OR IN THE SAID COMMISSION, FOR THE PURPOSE OF REMOVING CERTAIN LEGAL DIFFICULTIES WHICH HAVE ARISEN IN CONSEQUENCE OF A JUDGMENT BY HER MAJESTY IN COUNCIL ON APPEAL FROM THE SUPREME COURT OF CEYLON (PRIVY COUNCIL APPEAL NO. 30 OF 1968, RAJAH RATNAGOPAL, APPELLANT *Vs.* THE ATTORNEY-GENERAL, RESPONDENT) IN A MATTER ARISING OUT OF PROCEEDINGS HELD BY OR BEFORE THE SAID COMMISSION RELATING TO THE CONTRACT FOR THE TOWN OF KANDY WATER SUPPLY SCHEME ENTERED INTO BETWEEN THE PERMANENT SECRETARY TO THE MINISTRY OF LOCAL GOVERNMENT AND HOME AFFAIRS ON BEHALF OF THE GOVERNMENT OF CEYLON AND THE BODY OF PERSONS KNOWN AS "EAU ET ASSAINISSMENT—SOCOMAN (SOCEA)".

[Date of Assent: December 9, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Contracts Commission (Special Provisions) Act, No. 34 of 1969.

Validation of the issue of the Contracts Commission and the appointment of the Commissioner.

2. Subject to the provisions of section 3, the Commission purporting to have been issued, under section 2 of the principal Act, by the Governor-General under the Seal of the Island on the 22nd day of October, 1965, and published in *Gazette Extraordinary* No. 14,540 of the said date, in this Act referred to as the "Contracts Commission", shall be deemed, for the purposes mentioned in the said Commission, to have been and to be so validly issued, and the Commissioner appointed by or in the said Commission, in this Act referred to as "the Commissioner", shall be deemed, for such purposes, to have

J 7436—3,525 (10/69)

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been and to be so validly appointed, and accordingly the provisions of the principal Act and any other written law shall be deemed, for such purposes, to have applied and to apply in the case of the said Commission and the Commissioner in like manner and to the same extent as they would have applied and would apply if, apart from the preceding provisions of this section, the said Commission and the said Commissioner had been so validly issued and so validly appointed.

Section 2 not to apply in the case of the Kandy Water Supply Contract.

3. Subject to the succeeding provisions of this Act, the provisions of section 2 shall not apply to the Contracts Commission and the Commissioner in so far and in so far only as such Commission and the Commissioner were purported to have been issued and appointed for any purposes connected with or relating to the Kandy Water Supply Contract, and accordingly such Commission and the Commissioner shall be deemed not to have been and not to be validly issued and appointed by the Governor-General under the principal Act for any such purposes, and all proceedings held by or before the Commissioner for any such purposes shall be deemed to have been and to be null and void.

Protection of the Commissioner and certain other persons from legal proceedings.

4. No civil or criminal proceedings shall be instituted or maintained against any person, whether in his capacity as the Commissioner, a witness, a counsel, a member of the staff of the Contracts Commission, or a public officer or other person who tendered or tenders assistance or furnished or furnishes information to such Commission in any capacity whatsoever, in respect of any act *bona fide* done or omitted to be done, whether before or on or after the date of the commencement of this Act, by such person for any purposes mentioned in such Commission including in particular, but without prejudice to the generality of the preceding provisions of this section, any such purposes connected with or relating to the Kandy Water Supply Contract, and where any such proceedings in respect of any such act have been instituted in any court before that date, the court shall, on the application of any party, set aside or dismiss the proceedings, without making any award as to costs or expenses.

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Protection of proprietors, &c., of newspapers from legal proceedings.

5. No civil or criminal proceedings shall be instituted or maintained against any person, in his capacity as the proprietor or editor or printer or publisher of any newspaper, in respect of the *bona fide* publication, whether before or on or after the date of the commencement of this Act, in such newspaper of a report of the proceedings, or any part of the proceedings, of any inquiry or investigation held by or before the Contracts Commission, or of the report or recommendations, or any part of the report or recommendations, issued or made by the said Commission, for any purposes mentioned in the Commission (including any such purposes connected with or relating to the Kandy Water Supply Contract), and where any such proceedings in respect of any such publication have been instituted in any court before that date the court shall, on the application of any party, set aside or dismiss the proceedings, without making any award as to costs or expenses.

Interpretation and construction.

6. (1) In this Act, unless the context otherwise requires—

"civil or criminal proceedings" includes proceedings by way of mandates in the nature of any of the writs referred to in section 42 of the Courts Ordinance;

"counsel" means any advocate or proctor who represented or represents any person at any inquiry held by or before the Contracts Commission;

"Kandy Water Supply Contract" means the Contract for the Town of Kandy Water Supply Scheme entered into between the Permanent Secretary to the Ministry of Local Government and Home Affairs on behalf of the Government of Ceylon and the body of persons known as "EAU ET ASSAINISSMENT — SOCOMAN (SOCEA)", and includes any sub-contract for the performance of such contract entered into between the contractor and other persons or bodies of persons, and any tenders or negotiations or quotations or offers by whatsoever name or designation called made by other persons or bodies of persons for the purposes of such contract or any such sub-contract;

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" newspaper " means any paper containing public news, intelligence or occurrences, and includes any magazine, journal or other publication by whatsoever name called;

" principal Act " means the Commissions of Inquiry Act, as amended from time to time;

" purposes ", in any context relating to the Contracts Commission or the Kandy Water Supply Contract, means the purposes mentioned in paragraph (1), and the report and the recommendations referred to in the other paragraphs, of such Commission;

" witness " means any person who gave or gives evidence at any inquiry or investigation held by or before the Contracts Commission.

(2) This Act shall be read and construed as one with the principal Act:

Provided, however, that in the event of any conflict or inconsistency between the provisions of this Act and the provisions of the principal Act, the provisions of this Act shall, to the extent of such conflict or inconsistency, prevail over the provisions of the principal Act.

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PARLIAMENT OF CEYLON

5th Session 1969-70

Finance (Amendment) Act, No. 35 of 1969

Date of Assent : December 28, 1969

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L. D.—O. 34/69.

AN ACT TO AMEND THE FINANCE ACT, No. 11 OF 1963.

[Date of Assent: December 28, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Finance (Amendment) Act, No. 35 of 1969.

Amendment of section 120 of the Finance Act, No. 11 of 1963.

2. Section 120 of the Finance Act, No. 11 of 1963, as amended by Act No. 50 of 1968, is hereby further amended as follows:—

(1) in sub-section (1) of that section, by the substitution, for all the words from " chargeable with business turnover tax " to the end of that sub-section, of the following:—

" chargeable with business turnover tax—

(*a*) for any year of assessment ending on or before September 30, 1969, if, but only if—

(i) in the case of a business carried on by him for a period of not less than one year prior to the date of commencement of that year of assessment, the turnover made by him from that business for the accounting period immediately preceding that year of assessment is not less than one hundred thousand rupees, or

(ii) in the case of a business carried on by him for a period of less than one year prior to the date of commencement of that year of assessment, the turnover made by him from that business during that period is not less than a sum which bears to one hundred thousand rupees the same proportion as the number of

J 7930—6,538 (10/69)

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days in that period bears to three hundred and sixty-five, and

(*b*) for any year of assessment commencing on or after October 1, 1969, if, but only if—

(i) in the case of a business carried on by him for a period of not less than one year prior to the date of commencement of that year of assessment, the turnover made by him from that business for the accounting period immediately preceding that year of assessment is not less than seventy-five thousand rupees, or

(ii) in the case of a business carried on by him for a period of less than one year prior to the date of commencement of that year of assessment, the turnover made by him from that business during that period is not less than a sum which bears to seventy-five thousand rupees the same proportion as the number of days in that period bears to three hundred and sixty-five.''; and

(2) by the insertion, immediately after sub-section (1A) of that section, of the following sub-section:—

'' (1B) (*a*) Where any person commences to carry on any business on a day within any year of assessment commencing on or after October 1, 1969, or during the year of assessment commencing on October 1, 1969, begins to make, in the course of carrying on any business started by him prior to that date, regular sales of goods or commodities, such person shall, notwithstanding anything to the contrary in sub-section (1), be chargeable with business turnover tax in respect of the

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turnover made by him during that year of assessment from the business commenced by him, or from the business in the course of which such sales of goods or commodities were made, or, where the business commenced by him or in the course of which such sales of goods or commodities were made together with any other business carried on by him is deemed to be one business for the purposes of this Part of this Act, from the businesses so deemed to be one:

Provided, however, that such person shall not be liable to pay business turnover tax—

(i) for the quarter in which he commenced such business or began to make such sales of goods or commodities if the turnover made by him for that quarter from the business commenced by him, or from the business in the course of which such sales of goods or commodities were made or, where that business together with any other business is deemed to be one business, from the businesses so deemed to be one business, is less than the sum which bears to eighteen thousand seven hundred and fifty rupees the same proportion as the number of days in the period beginning on the date on which he commenced such business or such sales of goods or commodities, as the case may be, and ending on the last day of that quarter bears to ninety-one, or

(ii) for any subsequent quarter of that year of assessment if the turnover for that quarter is less than eighteen thousand seven hundred and fifty rupees.

(*b*) Where the turnover made by any person for any year of assessment from any business commenced by him, or from the sales of goods or commodities made in the year of assessment commencing on October 1, 1969, in the course of carrying on any

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business is less than the sum which bears to seventy-five thousand rupees the same proportion as the number of days in the period beginning on the date of commencement of such business or sales of goods or commodities and ending on the last day of that year of assessment bears to three hundred and sixty-five, such person shall, upon an application made within three years after the expiry of that year of assessment, be entitled to a refund of the tax paid by him under the preceding provisions of this sub-section.".

Amendment of section 122 of the principal Act.

3. Section 122 of the principal Act is hereby amended in sub-section (1) of that section, by the substitution, for the words " being in respect " to " in that year ", of the words " being in respect of each quarter of that year ".

Amendment of section 159 of the principal Act.

4. Section 159 of the principal Act is hereby amended in sub-section (1) of that section, by the insertion, immediately after the definition of " precedent partner " of the following definition:—

' " quarter " in relation to any year of assessment, means the period of three months commencing on the first day of October, the first day of January, the first day of April and the first day of July; ' .

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PARLIAMENT OF CEYLON

5th Session 1969-70

Industrial Development Act, No. 36 of 1969

Date of Assent : December 28, 1969

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L. D.—O. 3/66.

AN ACT TO PROVIDE FOR THE ENCOURAGEMENT, PROMOTION AND DEVELOPMENT OF INDUSTRIES IN CEYLON; TO ESTABLISH A PUBLIC AUTHORITY KNOWN AS THE INDUSTRIAL DEVELOPMENT BOARD OF CEYLON; TO SET UP AN INDUSTRIAL ADVISORY COUNCIL AND INDUSTRIAL PANELS; TO PROVIDE FOR THE ESTABLISHMENT OF AN INDUSTRIAL DEVELOPMENT FUND, AND TO MAKE PROVISION FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: December 28, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and date of operation.

1. This Act may be cited as the Industrial Development Act, No. 36 of 1969, and shall come into operation on such date, hereinafter referred to as the "appointed date", as the Minister may appoint by Notification published in the *Gazette*.

Establishment of the Industrial Development Board of Ceylon, &c.

2. For the purposes set out in this Act, there shall be established in accordance with the succeeding provisions of this Act—

(*a*) an Industrial Advisory Council,

(*b*) such number of Industrial Panels as the Minister may determine,

(*c*) a fund called the Industrial Development Fund, and

(*d*) a board called the Industrial Development Board of Ceylon, hereinafter referred to as the "Board".

PART I

ESTABLISHMENT OF AN INDUSTRIAL ADVISORY COUNCIL AND INDUSTRIAL PANELS

Industrial Advisory Council and its functions.

3. (1) There shall be a Council of persons which shall be called "The Industrial Advisory Council", hereinafter referred to as "the Council", to advise the Minister on matters connected with the promotion and development of industries in Ceylon.

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(2) The Council shall consist of a Chairman and such other members not exceeding twenty in number, appointed by the Minister. Subject to the provisions of this Act, the functions and duties of the Council shall be prescribed by regulation.

Establishment of Industrial Panels and their functions.

4. (1) The Minister may establish Industrial Panels for any class or group of industries or for any prescribed matters connected with the development of industries.

(2) Each Industrial Panel, hereinafter referred to as the " Panel ", shall consist of a Chairman and such other members as may be appointed by the Minister. The functions and duties of the Panel shall be prescribed by regulation.

Expenses of administration of Industrial Panels.

5. The expenses of the administration of the Industrial Panels (including the remuneration of members of the Panels) shall be borne by the Board.

PART II

Establishment and administration of the Industrial Development Fund

The Industrial Development Fund.

6. There shall be established with the General Treasury a fund called the Industrial Development Fund, hereinafter referred to as the " Fund ", for the encouragement, promotion and development of industries in Ceylon.

Payments into the Fund.

7. There shall be paid into the Fund—

(*a*) the proceeds of the industrial development cess levied under section 12;

(*b*) the proceeds of licence fees on the importation of specified goods in the manner set out in section 9 (1);

(*c*) the proceeds of the business turnover tax in respect of specified classes of business in the manner set out in section 9 (2);

(*d*) all such sums of money as may from time to time be voted by the House of Representatives for the purposes of the Fund;

(*e*) all moneys received as donations under section 8; and

(*f*) all such sums of money as are required to be paid into the Fund under this Act or any other written law.

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Donations to the Fund.

8. (1) The Secretary to the Treasury may receive and credit to the Fund any donations made by any person to the Fund.

(2) Where a person making a donation under subsection (1) specifies the purpose for which such donation is to be used, such donation shall be used only for such purpose.

Mode of payment of fees and taxes to the Fund, referred to in section 7.

9. (1) Where the Minister, with the concurrence of the Minister of Finance, specifies, for the purposes of section 7, any description of goods for the importation of which a licence fee is payable under regulations made under the Imports and Exports (Control) Act, the Controller of Imports and Exports shall credit the proceeds of the import control fees collected in respect of such goods to the Fund.

(2) Where the Minister, with the concurrence of the Minister of Finance, specifies, for the purposes of section 7, any class or description of business, the business turnover tax collected in respect of such class or description of business by the Commissioner of Inland Revenue shall be credited to the Fund.

(3) In this section—

" Controller of Imports and Exports " means the Controller of Imports and Exports appointed under the Imports and Exports (Control) Act;

" business turnover tax " has the meaning assigned to it in Part XII of the Finance Act, No. 11 of 1963;

" Commissioner of Inland Revenue " means the Commissioner of Inland Revenue appointed under the Inland Revenue Act, No. 4 of 1963.

(4) Regulations may be made in regard to all matters necessary for the effective collection and crediting to the Fund of the fees and taxes referred to in section 7.

Administration of the Fund.

10. (1) The Fund shall be under the control and administration of the Deputy Secretary to the Treasury.

(2) The Deputy Secretary to the Treasury shall, as soon as possible after the end of each calendar year, prepare a report on the administration of the Fund.

(3) The Deputy Secretary to the Treasury shall cause to be maintained a full and appropriate account of the Fund in respect of each calendar year.

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(4) The accounts of the Fund for each calendar year shall be audited by or under the direction of the Auditor-General.

(5) A report on the administration of the Fund (together with the report of the Auditor-General on the accounts of the Fund) shall be placed by the Minister before the Senate and the House of Representatives.

Payments out of the Fund.

11. The Deputy Secretary to the Treasury shall pay out of the Fund—

(*a*) to the Board such sums of money as the Minister may, in consultation with the Minister of Finance, from time to time determine; and

(*b*) to any other institution or body of persons (whether corporate or unincorporate), such sums of money as the Minister may, with the concurrence of the Minister of Finance, from time to time determine as being necessary for the promotion and development of industries in Ceylon.

Industrial development cess.

12. (1) For the purposes of this Act there shall be imposed, levied and paid, a cess, called the industrial development cess, in respect of any industry or industries, in such manner and of such amount as may from time to time be determined by resolution of the House of Representatives. The proceeds of such cess shall be credited to the Fund.

(2) Any resolution passed by the House of Representatives under sub-section (1) may be rescinded or amended from time to time by the House.

(3) Regulations may be made in respect of all matters necessary for the effective levy and collection of the industrial development cess, and its payment into the Fund.

PART III

Industrial Development Board of Ceylon

Its Objects and Constitution

Industrial Development Board of Ceylon.

13. There shall be established a Board which shall be called the Industrial Development Board of Ceylon.

Board to be body corporate.

14. The Board shall, by the name assigned to it by section 13, be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in that name.

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Objects of the Board.

15. The objects of the Board shall be:—

(*a*) to assist in the encouragement, promotion and development of industries in Ceylon;

(*b*) to assist in the proper co-ordination and in the inter-related growth of all industrial undertakings in the private and public sectors of the economy of the country;

(*c*) to foster industrial research with the object of utilizing the natural resources of Ceylon, improving the technical processes and methods used in industries and developing appropriate technologies and equipment for local industries, and discovering processes and methods for the better utilization of waste products;

(*d*) to foster the export of local industrial products to overseas markets;

(*e*) to assist in such measures in the field of international trade and regional co-operation as are necessary or conducive to industrial development;

(*f*) to provide for services and facilities of every description required by or in connection with any industrial undertaking or industrial establishment in Ceylon, including the provision of capital, credit, marketing, managerial, technical facilities and legal advice:

Provided that in regard to the provision of capital grants such service shall be limited to establishments or undertakings whose capital investment does not exceed two hundred thousand rupees;

(*g*) to advise on matters relating to the promotion and development of industries in Ceylon; and

(*h*) to take all such measures as may be necessary for, or conducive to, the attainment of the objects specified in this section.

Board to exercise its powers to fulfil its objects.

16. For the purpose of fulfilling the objects of the Board, the Board may exercise, discharge and perform the powers, functions and duties conferred or imposed on the Board by or under this Act or any other written law.

Constitution of the Board.

17. (1) The Board shall consist of nine members of whom—

(*a*) six members shall be appointed by the Minister;

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(*b*) one member shall be appointed by the Minister in consultation with the Minister in charge of Planning and Economic Affairs;

(*c*) one member, being an officer of the General Treasury, shall be appointed by the Minister in consultation with the Minister of Finance; and

(*d*) one member shall be appointed by the Minister in consultation with the Minister in charge of Commerce and Trade.

(2) The Minister shall appoint one of the members of the Board to be the Chairman of the Board.

Disqualification.

18. A Senator or a Member of Parliament shall not be qualified to be a member of the Board.

Terms of office of members.

19. Every member shall hold office for a period of three years, unless he vacates, or is removed from, office earlier.

Appointment of acting members.

20. If any member is temporarily unable to discharge the duties of his office on account of ill health, absence from Ceylon or any other cause, the Minister may, subject to the requirements of section 17, appoint some other person to act as member in his place.

Resignation and removal of members.

21. (1) A member may resign office by letter addressed to the Minister.

(2) The Minister may, if he thinks it expedient to do so, remove a member from office.

Eligibility of members for reappointment.

22. A member who vacates office by effluxion of time shall be eligible for reappointment.

Quorum for meeting of the Board.

23. The quorum for any meeting of the Board shall be five.

Procedure at meetings of the Board.

24. Subject to the other provisions of this Act, the Board may regulate its procedure in regard to the meetings of the Board and the transaction of business at such meetings.

Vacancy among members not to invalidate acts of the Board.

25. Any act or proceeding of the Board shall not be deemed to be invalid by reason only of the existence of any vacancy among its members or any defect in the appointment of any of its members.

Remuneration of members of the Board.

26. The members of the Board shall be remunerated in such manner and at such rates as the Minister may, in consultation with the Minister of Finance, determine.

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Seal of the Board.

27. (1) The common seal of the Board shall be in the custody of such person as the Board may decide from time to time.

(2) The seal of the Board may be altered in such manner as may be determined by the Board.

(3) The seal of the Board shall not be affixed to any instrument or document except in the presence of two members of the Board, both of whom shall sign the instrument or document in token of their presence.

(4) The Board shall maintain a register of the instruments or documents to which the seal of the Board is affixed.

Minister's directions to the Board.

28. (1) In the exercise, discharge and performance of its powers, functions and duties, the Board shall be subject to, and act in accordance with, such general or special directions as the Minister may from time to time issue.

(2) The Minister shall, in issuing directions under sub-section (1) with regard to any matter affecting the functions assigned to any other Minister, act in consultation with that Minister.

Members of the Board deemed to be public servants.

29. All members of the Board shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Delegation of duties, functions and powers by the Board.

30. (1) The Board may delegate to any member of the Board or to any employee of the Board any of its powers or duties.

(2) Every delegate appointed under sub-section (1) shall exercise or perform the power or duty delegated to him subject to the general or special directions of the Board.

PART IV

Duties and Powers of the Board

Duties of the Board.

31. It shall be the duty of the Board—

(*a*) to render as far as possible, such services as are contemplated in the objects of the Board for the benefit of—

(i) the Government or any Department of the Government, or

(ii) any industry which is, or is to be carried on, in Ceylon, or

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(iii) any Government-sponsored Corporation, or

(iv) any agency of the Government, or

(v) any local authority;

(*b*) to take all such measures as may be necessary for the fulfilment of its objects;

(*c*) to submit to the Minister, together with the views of the Board, the reports and recommendations of the Industrial Panels set up under this Act; and

(*d*) either on its own motion or at the request of the Minister, to advise him on all matters relating to the promotion and development of industries.

No duty of the Board to be enforceable in court.

32. Nothing in section 31 shall be construed as imposing on the Board, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court or tribunal to which the Board would not otherwise be subject.

Powers of the Board.

33. (1) The Board shall have the power to do all such acts and take all such steps as may be necessary for or conducive to the attainment of its objects.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the Board shall have the power—

(*a*) to establish, maintain and carry on industrial estates in Ceylon;

(*b*) to engage in, or co-operate with, local institutions or bodies of persons or foreign institutions or governments, in the display or distribution of industrial products manufactured in Ceylon;

(*c*) subject to the proviso of paragraph (*f*) of section 15, to assist financially or otherwise any local authority, State-sponsored Corporation or Government Department or any person or body of persons (whether corporate or unincorporate), in the purchase of industrial machinery or raw materials, or in the provision of any other facilities or in the doing of any act or thing necessary for or conducive to the attainment of the objects of the Board;

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(*d*) to train, or assist financially the training of, persons to do work which is wholly or mainly connected with the attainment of the objects of the Board;

(*e*) to participate in the business of any industrial undertaking or activities related to industrial development in such manner as the Minister may determine;

(*f*) to levy fees or other charges for services performed, or facilities or equipment provided, by the Board;

(*g*) to acquire, hold, take or give on lease, mortgage or hire, pledge or sell or otherwise dispose of, any movable or immovable property;

(*h*) to employ such officers and servants as may be necessary for carrying out the objects of the Board;

(*i*) to provide financial assistance, welfare and recreational facilities, houses, hostels and other like accommodation for persons employed by the Board;

(*j*) to construct, manufacture, purchase, maintain and repair anything required for the purposes of the objects of the Board;

(*k*) to enter into and perform or carry out, whether directly or through any officer or agent authorized in that behalf by the Board, all such contracts or agreements as may be necessary for the attainment of the objects of the Board;

(*l*) subject to the provisions of this Act, to make rules in relation to its officers and servants, including their appointments, promotions, remuneration, disciplinary control, conduct and grant of leave to them;

(*m*) subject to the provisions of this Act, to make rules in respect of the administration of the affairs of the Board; and

(*n*) to do all other acts which, in the opinion of the Board, are necessary to facilitate the proper carrying out of its objects or the performance of its duties.

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PART V

Finance and Accounts of the Board

Board to utilize its moneys.

34. The moneys of the Board may be utilized by the Board for the purpose of carrying out its objects or in the exercise, discharge or performance of its powers, functions and duties under this Act or any other written law.

Accounts of the Board.

35. The Board shall, in respect of each financial year, cause proper accounts of its income and expenditure and of all its other transactions to be kept and shall prepare an annual statement of accounts and statistics relating to its business, in such form and containing such particulars as the Minister may determine.

Financial year of the Board.

36. The financial year of the Board shall be as determined by the Board.

Audit of accounts of the Board.

37. (1) The accounts of the Board in respect of each financial year shall be submitted to the Auditor-General for audit before the lapse of six months from the end of the financial year. For the purpose of assisting him in the audit of such accounts, the Auditor-General may employ the services of any qualified auditor or auditors who shall act under his direction and control.

(2) For the purpose of meeting the expenses incurred by him in auditing the accounts of the Board, the Auditor-General shall be paid from the funds of the Board such remuneration as the Minister may, with the concurrence of the Minister of Finance, determine. Any remuneration received from the Board by the Auditor-General shall, after deducting any sums paid by him to any qualified auditor employed by him for the purpose of such audit, be credited to the Consolidated Fund of Ceylon.

(3) The Auditor-General and any person assisting him in the audit of the accounts of the Board shall have access to all such books, deeds, contracts, accounts, vouchers and other documents of the Board as the Auditor-General may consider necessary for the purposes of the audit, and shall be furnished by the Board, or its officers with such information within their knowledge as may be required for such purposes.

(4) For the purposes of this section, the expression "qualified auditor" means—

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(i) an individual who, being a member of the Institute of Chartered Accountants of Ceylon, possesses a certificate to practise as an Accountant issued by the Council of that Institute; or

(ii) a firm of Chartered Accountants each of the partners of which, being a member of that Institute, possesses a certificate to practise as an Accountant issued by the Council of that Institute.

The Auditor-General's report.

38. (1) The Auditor-General shall examine the accounts of the Board and furnish a report—

(*a*) stating whether he has or has not obtained all the information and explanations required by him;

(*b*) stating whether the accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Board; and

(*c*) drawing attention to any item in the accounts which in his opinion may be of interest to the Senate and the House of Representatives and any examination of the activities and accounts of the Board.

(2) The Auditor-General shall transmit his report to the Board together with the audited accounts.

The Auditor-General's report and the report of the annual activities of the Board to be transmitted to the Minister.

39. The Board shall, on the receipt of the audited accounts and the Auditor-General's report each year, transmit such report and such accounts together with the statement by the Board of its activities during the financial year to which such report relates, to the Minister who shall cause copies thereof to be laid before the Senate and the House of Representatives within twelve months of the close of the financial year of the Board to which the accounts relate.

Exemption from customs duty.

40. Notwithstanding anything in any other written law, the Principal Collector of Customs may, with the sanction of the Secretary to the Treasury, waive the customs duty on articles imported by the Board for any of its purposes.

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Powers to borrow.

41. (1) It shall be lawful for the Board, subject to the approval of the Minister, to borrow from the Government or any person or persons such sum or sums of money as may be necessary for any of the purposes of the Board.

(2) Every loan raised by the Board shall be subject to such rate or rates of interest and to such conditions for the repayment thereof as may be approved by the Minister.

(3) For the purposes of securing the repayment of any sums borrowed by the Board and interest accruing thereon, the Board may mortgage or assign to the lender by or on whose behalf such sum or any part thereof may be lent, any property belonging to the Board or assign to such lender any right to any sums of money accruing to the Board.

PART VI

Staff and Departments of the Board

Staff of the Board.

42. Subject to the other provisions of this Act, the Board may—

(*a*) appoint, dismiss and exercise disciplinary control over the staff of the Board;

(*b*) fix the wages or salary or other remuneration of such staff;

(*c*) determine the terms and conditions of service of such staff;

(*d*) establish and regulate a provident fund or scheme for the benefit of such staff and may make contributions towards such fund or scheme.

Agencies, departments and divisions of the Board.

43. (1) The Board may establish and maintain such number of departments, divisions or agencies of the Board as it may deem necessary for the proper and effective conduct of its business.

(2) Each department, division or agency of the Board shall be responsible for the administration and conduct of such part of the business of the Board as may be assigned to it by the Board.

(3) The head of each such department, division or agency and other members of the staff of the Board attached to such department, division or agency shall exercise, discharge and perform such powers, functions and duties as may be determined by the Board.

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(4) Regulations may be made under this Act in respect of all or any of the matters referred to in the preceding provisions of this section.

Appointment of public officers to the staff of the Board.

44. (1) At the request of the Board any officer in the public service may, with the consent of that officer and of the Secretary to the Treasury, be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent or be permanently appointed to such staff.

(2) Where an officer in the public service is temporarily appointed to the staff of the Board—

(*a*) he shall be subject to the same disciplinary control as any other member of such staff;

(*b*) if at the time of his temporary appointment to the staff of the Board, his substantive post in the public service was a post declared to be pensionable under the Minutes on Pensions—

(i) he shall, while in the employ of the Board, be deemed to have been absent from duty in the public service on leave granted without salary on grounds of public policy and accordingly, section 10 (i) of those Minutes shall apply to him, and

(ii) in respect of him, the Board shall pay out of the funds of the Board to the Deputy Secretary to the Treasury to be credited to the Consolidated Fund of Ceylon for every complete month during which he is in the employ of the Board, such sum not exceeding twenty-five *per centum* of the salary payable to him in his substantive post in the public service as may be determined by the Minister of Finance; and

(*c*) if, at the time of his temporary appointment to the staff of the Board, he was a contributor to the Public Service Provident Fund established under the Public Service Provident Fund Ordinance, his service to the Board shall, for the purposes of that Ordinance, be deemed to be service to the Government, and accordingly he shall, while he is in the employ of the Board, continue to pay to the

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Public Service Provident Fund such contribution as he was liable under that Ordinance to pay, and in respect of him the Board shall pay at the close of each financial year out of the funds of the Board to the Deputy Secretary to the Treasury to be credited to the officer's account in the Public Service Provident Fund a sum equivalent to such contribution as the Government is liable to pay to the Public Service Provident Fund in respect of him.

(3) Where an officer in the public service is permanently appointed to the staff of the Board—

(*a*) he shall be deemed to have left the public service;

(*b*) if, at the time of his permanent appointment to the staff of the Board, his substantive post in the public service was a post declared to be pensionable under the Minutes on Pensions—

(i) he shall be eligible for such an award under those Minutes as might have been made to him if he had been retired from the public service on the ground of ill health on the date of his permanent appointment to the staff of the Board,

(ii) the amount of any such award made under those Minutes shall not be paid to him unless his employment in the Board is terminated by retirement on account of age or ill health or by the abolition of the post held by him in the Board or on any other ground approved by the Minister of Finance, and

(iii) in the event of his death while in the employ of the Board, such an award as might have been made in respect of him under those Minutes if he had died immediately before his permanent appointment to the staff of the Board may be made in respect of him; and

(*c*) if, at the time of his permanent appointment to the staff of the Board, he was a contributor to the Public Service Provident Fund

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established under the Public Service Provident Fund Ordinance, he shall, for the purposes of that Ordinance, be deemed to have left the service of the Government upon the determination of contract with the consent of the Government otherwise than by dismissal.

(4) Where the Board employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Board by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

PART VII

General

Regulations.

45. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act, and for all matters which are required by this Act to be prescribed, or in respect of which regulations are required to be made.

(2) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified therein.

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the *Gazette*, be brought before the Senate and the House of Representatives for approval.

Any such regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously done thereunder. Notification of the date on which any regulation made by the Minister is so deemed to be rescinded shall be published in the *Gazette*.

Power of Board to compound claims.

46. The Board may compound any claim or demand made against the Board by any person for such sum or other compensation as the Board may deem sufficient.

Board deemed to be a scheduled institution within the meaning of the Bribery Act.

47. The Board shall be deemed to be a scheduled institution within the meaning of the Bribery Act and the provisions of that Act shall be construed accordingly.

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Returns and information.

48. The Board or any officer of the Board authorized in that behalf by the Board, may by notice require any person to furnish to the Board or to such officer, within such period of time as shall be specified in the notice, all such returns and information as are within the knowledge of that person relating to any matter as may be necessary to enable the Board to perform its duties and functions under this Act.

Power of companies, &c., to enter into contracts with the Board.

49. Any public authority or other body of persons (whether corporate or unincorporate) may, notwithstanding anything to the contrary in any written law or instrument relating to its functions, enter into and perform all such contracts with the Board as may be necessary for the exercise, discharge or performance of the powers, functions or duties of the Board.

Transfer of Crown property and certain contracts and liabilities to the Board.

50. (1) The Minister may, subject to the provisions of sub-section (2) and sub-section (3), by Order published in the *Gazette*, transfer to the Board—

(*a*) any movable or immovable property of the Crown required for the purposes of the Board, and

(*b*) any contracts and liabilities of the Crown connected with such purposes.

(2) No movable property, and no contract or liability, of the Crown shall be transferred to the Board under sub-section (1) without the concurrence of the Minister of Finance.

(3) No immovable property of the Crown shall be transferred to the Board under sub-section (1) without the concurrence of the Minister of Finance and the Minister to whom the subject of Crown lands is for the time being assigned.

(4) Upon the publication of an Order under sub-section (1) in the *Gazette*—

(*a*) the properties specified in that Order shall vest in and be the properties of the Board;

(*b*) the contracts specified in that Order shall be deemed to be the contracts of the Board and all subsisting rights and obligations of the Crown under such contracts shall be deemed to be the rights and obligations of the Board; and

(*c*) the liabilities specified in that Order shall be deemed to be the liabilities of the Board.

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Power to acquire land compulsorily.

51. The Minister may by Order published in the *Gazette* approve of the proposed acquisition of any land, or any interest in any land, other than Crown land, for any purpose of the Board, and where such an Order is so published, the land or the interest in any land specified in the Order shall be deemed to be required for a public purpose and may be acquired under the Land Acquisition Act, and, when so acquired, shall be transferred to the Board under that Act.

Exemption from provisions of certain Ordinances.

52. (1) The Minister who for the time being is in charge of the subject of Crown lands may, by Order published in the *Gazette*, exempt the Board from any such provision of any of the following Ordinances as may be specified in the Order:—

Crown Lands Encroachments Ordinance;

Crown Lands Ordinance;

Definition of Boundaries Ordinance;

Fauna and Flora Protection Ordinance;

Forest Ordinance;

Land Development Ordinance.

(2) An Order made and published under sub-section (1) shall have the force of law.

Expenses incurred for action taken under this Act on the direction of the Board.

53. (1) Any expense incurred by the Board in any suit or prosecution brought by or against the Board before any court shall be paid out of the funds of the Board, and any costs paid to, or recovered by, the Board in any such suit or prosecution shall be credited to the funds of the Board.

(2) Any expense incurred by any member, officer, servant or agent of the Board in any suit or prosecution brought against him before any court in respect of any act which is done or purported to be done by him under this Act, or on the direction of the Board shall, if the court holds that such act was done in good faith, be paid out of the funds of the Board, unless such expense is recovered by him in such suit or prosecution.

Board to take over the business of certain Corporations.

54. (1) On such date as the Minister may fix by notification published in the *Gazette*, the Board shall take over and carry on the business of—

(*a*) " The Industrial Development Board "; and

(*b*) " The Industrial Estates Corporation ",

set up under the State Industrial Corporations Act, No. 49 of 1957.

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(2) Upon the taking over by the Board of the business of the Corporations set up under the State Industrial Corporations Act, No. 49 of 1957, and referred to in sub-section (1), the Board shall offer employment to every employee of each of the said Corporations upon terms and conditions not less favourable than those enjoyed by such employee before the taking over.

(3) Regulations may be made in respect of all matters directly or indirectly arising out of the carrying out by the Board of its duties referred to in sub-section (1) and sub-section (2).

This Act to have precedence over other written law.

55. The provisions of this Act shall have effect notwithstanding anything contained in any other written law and accordingly, in the event of any conflict or inconsistency between the provisions of this Act and such other written law, the provisions of this Act shall prevail.

Interpretation.

56. In this Act unless the context otherwise requires:

"agency of the Government" means any body or institution acting on behalf of the Government, whether established by any written law or otherwise;

"Government-sponsored Corporation" has the same meaning as in the Government-sponsored Corporations Act;

"local authority" means any Municipal Council, Urban Council, Town Council or Village Council;

"public officer" has the same meaning as in the Ceylon (Constitution) Order in Council, 1946.

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PARLIAMENT OF CEYLON

5th Session 1969-70

Criminal Procedure Code (Amendment) Act, No. 37 of 1969

Date of Assent : December 28, 1969

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Criminal Procedure Code (Amendment) Act, No. 37 of 1969

L. D.—O. 16/69.

AN ACT TO AMEND THE CRIMINAL PROCEDURE CODE AND TO MAKE PROVISION ENABLING MAGISTRATES' COURTS TO RESUME PROCEEDINGS IN CASES WHERE, BEFORE THE PASSING OF THIS ACT, A MAGISTRATE'S COURT, BEING OF OPINION THAT AN ACCUSED WAS OF UNSOUND MIND, HAS POSTPONED FURTHER PROCEEDINGS IN A TRIAL WITHOUT CONSIDERING WHETHER THE OFFENCE WAS OF A TRIVIAL NATURE BECAUSE IT HAD NO POWER TO DISCHARGE THE ACCUSED IN SUCH CIRCUMSTANCES.

Chapter 20, Volume 1, page 434.

[Date of Assent: December 28, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Criminal Procedure Code (Amendment) Act, No. 37 of 1969.

Amendment of section 367 of Chapter 20.

2. Section 367 of the Criminal Procedure Code, hereinafter referred to as the " principal enactment", is hereby amended as follows:—

(1) in sub-section (2) of that section, by the substitution, for the words " If the Magistrate's Court ", of the words " If the Magistrate's Court, in the case of an inquiry, "; and

(2) by the insertion of the following sub-section immediately after sub-section (2) of that section:—

" (3) If the Magistrate's Court, in the case of a trial, is of opinion that the accused is of unsound mind and consequently incapable of making his defence, it may—

(*a*) if the court is of the view that the offence with which the accused is charged is of a trivial nature and that, having regard to the medical evidence, the accused may be discharged without danger of doing injury to himself or to any other person, order the accused to be discharged, or

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6761—4,258 (9/69)

(*b*) postpone further proceedings in the case. ".

Amendment of section 369 of the principal enactment.

3. Section 369 of the principal enactment is hereby amended, in sub-section (1) of that section, by the substitution, for the words " incapable of making his defence the court, ", of the words " incapable of making his defence, and has not been discharged under the provisions of sub-section (3) of section 367, the court, ".

Power to Magistrate's Court to review certain cases.

4. (1) Where a Magistrate's Court holding a trial before the date on which this Act came into force, being of opinion that the accused was of unsound mind and consequently incapable of making his defence, has postponed further proceedings in the case under the provisions of sub-section (2) of section 367 of the principal enactment, and the Minister of Justice has, by writing under the hand of the Permanent Secretary, ordered the accused to be confined in a mental hospital, under the provisions of sub-section (2) of section 369 of that enactment, if it appears to the Visitors of the mental hospital, or any two of them, that the offence with which the accused was charged was of a trivial nature, and the Medical Superintendent or doctor in charge of the mental hospital certifies that the accused may be discharged without danger of doing injury to himself or to any other person, such Visitors may make a written application, to which the certificate of such Medical Superintendent or doctor in charge shall be appended, to the Magistrate's Court before which the accused was originally charged, to resume proceedings in the case.

(2) Where an application to resume proceedings in a case is made under the provisions of sub-section (1), it shall be lawful for the Magistrate's Court to resume proceedings in that case and, if the court is satisfied that the offence with which the accused was charged is of a trivial nature and, after hearing the evidence, if necessary, of the Medical Superintendent or doctor who issued the certificate, that the accused may be discharged without danger of doing injury to himself or to any other person, to order the accused to be discharged. If the Court is not so satisfied, the accused shall continue to be confined in the mental hospital in like manner as if proceedings had not been resumed.

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PARLIAMENT OF CEYLON

5th Session 1969-70

Criminal Procedure Code (Amendment) Act, No. 38 of 1969

Date of Assent : December 28, 1969

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Criminal Procedure Code (Amendment) Act, No. 38 of 1969

L. D.—O. 57/68.

AN ACT TO AMEND THE CRIMINAL PROCEDURE CODE.

[Date of Assent: December 28, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Criminal Procedure Code (Amendment) Act, No. 38 of 1969.

Amendment of section 2 of Chapter 20.

2. Section 2 of the Criminal Procedure Code (hereinafter referred to as the " principal enactment ") is hereby amended by the insertion, immediately after the definition of " Registrar ", of the following new definition:—

' " Registrar of Finger Prints " means any person appointed to be or to act as Registrar of Finger Prints, and includes any person appointed to be or to act as Assistant Registrar of Finger Prints; '.

Amendment of section 406 of the principal enactment.

3. Section 406 of the principal enactment, as last amended by Act No. 13 of 1968, is hereby further amended as follows:—

(1) in sub-section (3) of that section—

(*a*) by the substitution, for the expression " Government Examiner of Questioned Documents, may be used ", of the expression " Government Examiner of Questioned Documents, or any document purporting to be a report under the hand of the Registrar of Finger Prints upon any matter or thing examined by such Registrar for a finger-print, palm print or footprint, may be used ";

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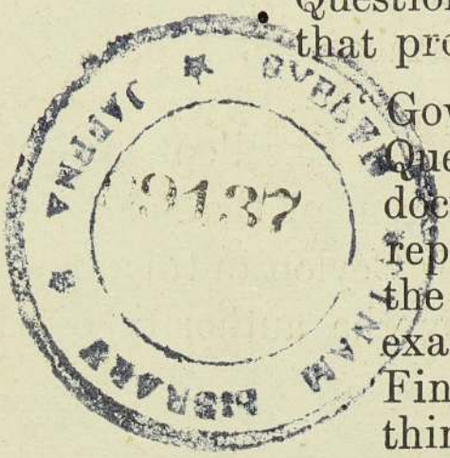
J 6758—4,258 (9/69)

(*b*) in the proviso to that sub-section, by the substitution, for all the words from "Government Examiner of Questioned Documents" to the end of that proviso, of the following:—



"Government Examiner of Questioned Documents with the document in respect of which his report is so needed, or of proving the identity of the matter or thing examined by such Registrar of Finger Prints with the matter or thing in respect of which his report is so needed.";

(2) in sub-section (4) of that section—

(*a*) by the substitution, for the expression "or the Government Examiner of Questioned Documents or a Government Radiologist referred", of the expression "or the Government Examiner of Questioned Documents or the Registrar of Finger Prints or a Government Radiologist referred"; and

(*b*) by the substitution, for the expression "Government Examiner of Questioned Documents or Government Radiologist", of the expression "Government Examiner of Questioned Documents or Registrar of Finger Prints or Government Radiologist";

(3) in sub-section (5) of that section, by the substitution, for the expression "Government Examiner of Questioned Documents", of the expression "Government Examiner of Questioned Documents or Registrar of Finger Prints"; and

(4) in the marginal note to that section, by the substitution, for the expression "Government Examiner of Questioned Documents receivable", of the expression "Government Examiner of Questioned Documents or Registrar of Finger Prints receivable".

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