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# முக்கிய அறிவித்தல்

உடனுதவும் பகுதி

பொதுசன நூலகம் யாழ்ப்பாணம்

நீங்கள் எடுத்து வாசிக்கும் புத்தகத்தில் கீறுதல், கிறுக்குதல் கிழித்தல், வெட்டுதல் போன்ற ஊறுபாடுகளைச் செய்ய வேண் டாமெனக் கேட்டுக்கொள்கின்றோம் புத்தகங்களை எடுக்கும் பொழுது இப்படியான குறைபாடுகளைக் கண்டால் நூலகப் பொறுப்பாளருக்கு உடன் தெரிவிக்கவும். இல்லாவிடில் இவ்வூறு பாடுகள் உங்களாலேயே செய்யப்பட்டதென்று கருதப்படுவது டன் நூலகத்தில் விதிக்கப்படும் தண்டனையையும் ஏற்க நேரிடும்.

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# LEGISLATIVE ENACTMENTS OF CEYLON.

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## REVISED EDITION,

## 1938.

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THE

# LEGISLATIVE ENACTMENTS OF CEYLON

IN FORCE ON

THE 30TH DAY OF JUNE, 1938.

## REVISED EDITION.

PREPARED UNDER THE AUTHORITY OF

THE

REVISED EDITION OF THE LEGISLATIVE ENACTMENTS ORDINANCE.

BY

HEMA HENRY BASNAYAKE

ADVOCATE OF THE SUPREME COURT OF CEYLON, CROWN COUNSEL.

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# CHAPTER 242.

## ALIENS REGISTRATION.

AN ORDINANCE TO PROVIDE FOR THE REGISTRATION OF ALIENS IN THE ISLAND.

*Ordinances* Nos. 30 of 1935, 7 of 1936.

[14*th October*, 1935.]

Short title.

**1.** This Ordinance may be cited as the Aliens Registration Ordinance.

Appointment of Registrar of Aliens.

**2.** The Governor may appoint any person, by name or by office, to be or to act as Registrar of Aliens.

Returns to be furnished by aliens.

**3.** Every alien who—

(*a*) enters the Island intending to remain therein for a period of one month or longer, or

(*b*) is in the Island one month after the date of his arrival therein, or

(*c*) has, at the date of the commencement of this Ordinance, been in the Island for a period of one month or longer,

shall forthwith furnish to the Registrar a return in the form prescribed in the Schedule :

Provided that the Governor may at any time by Proclamation published in the *Gazette* direct that every alien of any race, nationality, or class specified therein shall immediately upon entering the Island furnish the aforesaid return ; and, upon the publication of any such Proclamation, it shall be the duty of every alien to whom the Proclamation applies to furnish the aforesaid return accordingly ;

Provided further that this section shall not apply to—

(1) any alien who is in the Island at the date of the commencement of this Ordinance and who has furnished a return under section 8 of the Supervision of Aliens Ordinance, No. 14 of 1917* ; and

* Repealed by 30 of 1935.



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(2) any alien who is under the age of fifteen years at the time of his arrival in the Island, but every such alien shall, if at the date on which he attains his fifteenth year he intends to remain in the Island for a period of one month or longer, or if he is in the Island one month after that date, forthwith furnish to the Registrar a return in the form prescribed in the Schedule.

Restriction of movements of aliens.

**4.** The Governor may by Order restrict the movements of any alien or class of aliens and may in such Order prohibit any alien or member of a class of aliens from changing his residence or travelling within the Island without a permit issued in that behalf by such officer or officers and subject to such conditions as may be specified in the Order.

Deportation of aliens.

**5.** (1) The Governor may by Order direct the deportation of any alien from the Island if he is satisfied, after such inquiry as he may deem necessary, that the deportation of that alien is essential in the public interest.

(2) An alien who has been deported from the Island in pursuance of an Order made under subsection (1) shall not at any time after the date of that Order enter the Island without a permit issued by the Governor.

Verification of returns.

**6.** The Registrar or any police officer not below the rank of Assistant Superintendent may direct any alien—

(*a*) to appear before him and to supply on or before a specified date such information or explanation as the Registrar or such police officer may require in respect of any particulars stated in any return furnished by such alien ;

(*b*) to produce before a specified date such documentary or other evidence as the Registrar or such police officer may require for the purpose of verifying any facts or particulars in any return furnished by such alien.

Regulations.

**7.** (1) The Chief Secretary may make regulations—

(*a*) requiring any alien or any class of aliens to notify to the Registrar or other specified officer all changes or intended changes of residence ;

(*b*) varying the particulars required by the form of return prescribed in the Schedule ;



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(*c*) generally for the purpose of carrying out or giving effect to the provisions of this Ordinance.

(2) A regulation made under subsection (1) shall not come into operation unless it has been approved by the State Council and ratified by the Governor, nor until notification of such approval and ratification has been published in the *Gazette*.

(3) A regulation made under subsection (1) shall when approved by the State Council, ratified by the Governor, and published in the *Gazette* be as valid and effectual as if it were herein enacted.

Offences.

**8.** (1) Any alien who—

(*a*) commits a breach of any of the provisions of this Ordinance or of any regulation made thereunder, or

(*b*) makes default in complying with any order, direction, condition, or requirement duly made under the powers conferred by this Ordinance, or

(*c*) knowingly makes any false statement in any return furnished by him under this Ordinance or knowingly supplies any false information or any false explanation when required to furnish any information or explanation under this Ordinance,

shall be guilty of an offence and shall, on conviction after summary trial by a Magistrate, be liable to a fine not exceeding one thousand rupees or to simple or rigorous imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(2) All offences against this Ordinance shall be deemed to be cognizable offences within the meaning of the Criminal Procedure Code.

Onus of proof.

**9.** Whenever any question arises in any proceeding under this Ordinance whether any person alleged to be an alien is or is not an alien, the onus of proving that such person is not an alien shall lie upon such person.

Interpretation.

**10.** In this Ordinance unless the context otherwise requires—

"alien" means any person not being either a British subject or a British protected person ; [§ 2, 7 of 1936.]

"Registrar" means the person appointed by the Governor to be or to act as Registrar of Aliens under section 2.



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## SCHEDULE.

[Section 3.]

### FORM OF RETURN.

(1) Name in full (designation to be stated, Rev., Mr., Mrs., or Miss, &c.) : ————.

(2) Parentage, that is—

(*a*) Father's name in full and nationality : ————.

(*b*) Mother's (maiden) name in full, and original nationality : ————.

(3) Date of birth : ————.

(4) Place and country of birth : ————.

(5) Nationality : ————.

(6) Number, date and place of issue of passport or other papers of identity : ————.

(7) If male, whether he has served in the armed forces of his country, and if so in what capacity and between what dates : ————.

(8) Whether previously in the British Empire, and if so, places of residence, with dates : ————.

(9) Occupation : ————.

(10) Name and address of employer if any. (If engaged in religious or missionary work state the name of the religious body or missionary society) : ————.

(11) Date of arrival in Ceylon and name of ship by which arrived : ————.

(12) Names and addresses of persons, not exceeding three, to whom he is well known : ————.

————.

————.

(13) Duration of intended stay and address in Ceylon : ————.



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# CHAPTER 243.

## NATURALIZATION.

AN ORDINANCE TO PROVIDE FOR THE NATURALIZATION OF ALIENS.

*Ordinances* Nos. 21 of 1890, 5 of 1922, 12 of 1928.

[*5th December*, 1890.]

Short title.

**1.** This Ordinance may be cited as the Naturalization Ordinance.

Application for naturalization should be in writing and accompanied by an affidavit.

**2.** (1) Any person whilst actually residing in the Island may apply to the Governor that the privileges of naturalization may be conferred on him.

(2) Such application shall state the applicant's age, place of birth, place of residence, profession, trade or occupation, the length of time during which he has resided within the Island, that he is permanently settled in the Island, or is residing within the same with intent to settle therein.

(3) Such application shall be in writing and signed by the applicant, and shall be accompanied by an affidavit sworn by him verifying the truth of the statements contained in the application.

The Governor may call for further evidence.

**3.** The Governor may require such further information and evidence, by affidavit or otherwise, as to him may seem proper, in addition to the affidavit accompanying the application.

Governor's decision to grant or refuse the application final.

**4.** The Governor, if satisfied with the evidence adduced, shall take the case of the applicant into consideration, and may, with or without assigning any reason, grant or refuse such application, as he thinks most conducive to the public good, and no appeal shall lie from his decision.

Applicant to take the oath of allegiance.

**5.** (1) If such application is granted, the Chief Secretary shall, by notice in writing under his hand, require the applicant, within thirty days from the date of such notice, to take the oath of allegiance substantially in the form contained in the Schedule.



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(2) Such oath may be administered by any Magistrate or Justice of the Peace within the limits of his jurisdiction, and the person who shall administer the oath shall grant to the applicant a certificate in writing of his having taken and subscribed such oath, and of the date of his taking and subscribing the same, and shall forward to the Chief Secretary the oath so taken and subscribed, together with a duplicate of such certificate, which oath and duplicate certificate shall be filed and kept with the application, and the evidence relating thereto, in the Chief Secretary's Office.

Letters Patent may be issued for naturalization.

**6.** (1) It shall be lawful for the Governor, upon the production of such certificate as aforesaid, and upon being satisfied that the applicant has duly taken the prescribed oath within the period specified in section 5, to issue Letters Patent under the Public Seal of the Island granting to the applicant all the rights and privileges of a British subject, and thereupon the applicant shall, within the limits of the Island, be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject.

(2) Such Letters Patent shall bear a stamp of one hundred rupees, to be supplied by the applicant, and shall be enrolled for safe custody in the Supreme Court of the Island.

Loss of British nationality by foreign naturalization. [§ 2, 12 of 1928.]

**7.** When Letters Patent are issued to any person under this Ordinance, and such person, being in a foreign state and not under disability, becomes naturalized therein by obtaining a certificate of naturalization or by any other voluntary and formal act, such person shall thenceforth be deemed to have ceased to be a British subject and no longer to be entitled to the rights, powers, and privileges or subject to the obligations referred to in section 6 (1).

Cancellation of Letters Patent of naturalization.

**8.** (1) Where the Governor is satisfied that any such Letters Patent have been obtained by false representation or fraud, or by concealment of material circumstances, or that the person to whom such Letters Patent are granted has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Governor shall by Order cancel the Letters Patent.

(2) Without prejudice to the foregoing provisions the Governor shall by Order cancel any such Letters Patent in



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any case in which he is satisfied that the person to whom the Letters Patent were granted either—

(*a*) has during any war in which His Majesty is engaged unlawfully traded or communicated with the enemy or with the subject of an enemy State, or been engaged in or associated with any business which is to his knowledge carried on in such manner as to assist the enemy in such war ; or

(*b*) has within five years of the date of the grant of such Letters Patent been sentenced by any court in His Majesty's dominions to imprisonment for a term of not less than twelve months, or to a term of penal servitude, or to a fine of not less than one thousand five hundred rupees ; or

(*c*) was not of good character at the date of the grant of the Letters Patent ; or

(*d*) has since the date of the grant of the Letters Patent been for a period of not less than seven years ordinarily resident out of the Island otherwise than as a representative of a British subject, firm, or company carrying on business, or an institution established in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connection with the Island ; or

(*e*) remains according to the law of a State at war with His Majesty a subject of that State,

and that (in any case) the continuance of the Letters Patent is not conducive to the public good.

(3) The Governor may, if he thinks fit, before making an Order under this section, refer the case for such inquiry as is hereinafter specified, and in any case to which subsection (1) or paragraph (*a*), (*c*), or (*e*) of subsection (2) of this section applies, the Governor shall, by notice given to or sent to the last known address of the person to whom the Letters Patent were granted, give him an opportunity of claiming that the case be referred for such inquiry, and if such person so claims in accordance with the notice, the Governor shall refer the case for inquiry accordingly.

(4) An inquiry under this section shall be held by a committee constituted for the purpose by the Governor presided over by the Chief Justice or such other Judge of the Supreme Court as may be appointed in that behalf by the



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Governor, and shall be conducted in such manner as the Governor may direct :

Provided that any such inquiry may, if the Governor thinks fit, instead of being held as aforesaid, be held by a District Court to be appointed by the Governor, and the practice and procedure on any inquiry so held shall be regulated by rules made by the Judges of the Supreme Court.

(5) A committee appointed under this section shall have all such powers, rights, and privileges as are vested in a District Court or in any Judge thereof on the occasion of any action in respect of the following matters :—

(*a*) the enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or a request to examine witnesses abroad ; and

(*b*) the compelling the production of documents ; and

(*c*) the punishing persons guilty of contempt ;

and a summons signed by one or more members of the committee may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(6) Where the Governor cancels any such Letters Patent, the cancellation shall have effect from such date as the Governor may direct, and thereupon the Letters Patent shall be given up and cancelled, and any person refusing or neglecting to give them up shall be liable on summary conviction to a fine not exceeding one thousand rupees.

Publication in the *Gazette*.

**9.** All Letters Patent issued under this Ordinance and all Orders cancelling the same shall be published in the *Gazette*.

---

[Section 5.]

## SCHEDULE.

I, ————, do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth, His heirs and successors, according to law. So help me God.

---



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# CHAPTER 244.

## NATURALIZATION FEES.

AN ORDINANCE TO EMPOWER THE GOVERNOR TO MAKE PROVISION FOR THE IMPOSITION AND APPLICATION OF FEES UNDER THE BRITISH NATIONALITY AND STATUS OF ALIENS ACT, 1914.

*Ordinance* No. 5 of 1916.

[16*th February*, 1916.]

**1.** This Ordinance may be cited as the Naturalization (Fees) Ordinance. Short title.

**2.** The Governor may, by regulations published in the *Government Gazette*, make provision for the imposition and application of fees in the Island in respect of all matters in respect of which fees may be imposed and applied by regulations under the British Nationality and Status of Aliens Act, 1914. Governor may fix fees by regulation. (4 & 5 Geo. 5, c. 17.)



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# CHAPTER 245.

## EMIGRATION.

AN ORDINANCE TO REGULATE THE EMIGRATION OF PERSONS FROM CEYLON FOR THE PURPOSE OF EMPLOYMENT IN CERTAIN CAPACITIES OUTSIDE THE ISLAND.

*Ordinance* No. 22 of 1917.

[30*th August*, 1917.]

**1.** This Ordinance may be cited as the Emigration Ordinance. **Short title.**

**2.** In this Ordinance, unless the context otherwise requires— **Interpretation.**

"emigrant" shall mean a person who, being a native of the Island or for the time being resident in the Island, shall emigrate or be engaged for the purpose of being employed in any exhibition, or in any theatrical, musical, or spectacular performance, or as a servant in any other business, at any place beyond the limits of the Island, but shall not include an "Indian emigrant" as hereinafter defined, or a person who has obtained a pass for the said purpose issued to him under any Act in force in British India regulating the issue of passes to Indian emigrants;

"employer" shall include every person who engages or endeavours to induce any native or resident of the Island or any native of India to quit the Island for the purpose of taking part in any exhibition, or in any such performance as aforesaid, or as a servant in any other business at any place beyond the limits of the Island, or in the case of a native of India not resident in the Island, beyond the limits of the Island and of India;

"Indian emigrant" shall mean a person who, being a native of India, shall emigrate or be engaged for the purpose of being employed in any exhibition, or in any theatrical, musical, or spectacular performance, or as a servant in any other business, at any place beyond



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the limits of the Island and of India, but shall not include an "emigrant" or a person who has obtained a pass for the said purpose issued to him under any Act in force in British India regulating the issue of passes to Indian emigrants.

Prohibition against embarkation of emigrant or Indian emigrant.

**3.** (1) It shall not be lawful for any emigrant or Indian emigrant to embark, or for any person to cause, procure, or induce any emigrant or Indian emigrant to embark, on any ship except with the consent in writing of the Chief Secretary first had and obtained and after compliance with the requirements of this Ordinance.

(2) The Chief Secretary shall not grant his consent unless it is proved to his satisfaction that the emigrant or Indian emigrant in respect of whom such consent is desired, shall have completed his seventeenth year.

(3) Every application for such consent shall be in writing, and shall state the name in full and age and dwelling-place of the emigrant or Indian emigrant. The application by an employer shall be in the form A in the Schedule, and that by an emigrant or Indian emigrant in the form B in the said Schedule.

Engagement of emigrant or Indian emigrant to be in writing.

**4.** It shall be the duty of every employer, upon engaging an emigrant or Indian emigrant, to enter into a contract with him in writing, specifying the term of service, the nature of the services to be performed, the place where they are to be performed, the wages or other remuneration to be paid, and any other matter provided for in the agreement between them. Every such contract shall be in the English language, and shall be executed in triplicate and shall be attested by the Collector of Customs, who shall explain the same, or cause it to be explained, to the parties thereto. One of the triplicates shall be given to the emigrant or Indian emigrant, one to the employer, and the other shall be kept by the Collector of Customs of such port.

Pass for embarkation of emigrant or Indian emigrant.

**5.** (1) It shall be the duty of every emigrant or Indian emigrant desiring to embark on any ship to apply for and obtain from the Collector of Customs of the port of shipment a pass setting forth the name of the emigrant or Indian emigrant, the purpose for which he is about to leave the Island and the port at which he is to land. Every such pass shall be in the form C in the Schedule, and shall, except



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in the case of an emigrant or Indian emigrant in respect of whom an employer has obtained a pass under the next succeeding subsection, bear a stamp of the value of ten rupees, to be furnished by such emigrant or Indian emigrant. Such Collector shall preserve a copy of every pass issued by him.

Duty of employer to obtain pass.

(2) It shall be the duty of every employer desiring to ship any one or more emigrants or Indian emigrants on board any ship to apply for and obtain from the Collector of Customs of the port of shipment a pass setting out the names of the emigrants or Indian emigrants to be shipped, the services they have contracted to perform, the period for which they are to serve, and the port at which they are to be landed. Such pass shall in no case be issued by such Collector until after the execution of the contract required by section 4. Every such pass shall be in the form D in the Schedule, and shall bear a stamp of the value of ten rupees, to be furnished by such employer. Such Collector shall preserve a copy of every pass issued by him.

(3) The Collector of Customs shall not issue a pass either under subsection (1) or subsection (2) unless the consent in writing of the Chief Secretary is produced before him, and the Collector of Customs shall file a certified true copy of such consent with the copy of the pass kept by him.

Emigrant to execute bond.

**6.** (1) Every emigrant, other than a person in respect of whom an employer has entered into a bond under the next succeeding subsection, shall at the time of his applying for such pass enter into a bond with the Crown, by which he shall bind himself in a penal sum of three hundred rupees for the repayment by him of any expenditure which may be incurred by the Ceylon Government for his maintenance while away from the Island and the cost of his repatriation, and shall deposit with the Collector of Customs, for the due fulfilment of his bond a sum of three hundred rupees. Every such bond shall be in the form E in the Schedule, or as near thereto as the circumstances may require, and shall bear a stamp, to be supplied by such emigrant, of the value of ten rupees, in lieu of any stamp duty chargeable under any Ordinance for the time being in force relating to stamp duties.

Employer to execute bond in respect of emigrant.

(2) Every employer shall at the time of his applying for such pass as aforesaid enter with two good and sufficient sureties, to be approved by the Collector of Customs, into a



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joint and several bond with the Crown, by which he shall bind himself in a penal sum, calculated at the rate of three hundred rupees for every emigrant engaged by him, to return the emigrants mentioned in such pass at his own cost and charges to the Island at the expiration or sooner determination of their period of service, and shall deposit with the Collector, for the due fulfilment of his bond, a sum calculated at the rate of three hundred rupees for every emigrant engaged by him and mentioned in such pass. Every such bond shall be in the Form F in the Schedule, or as near thereto as the circumstances may require, and shall bear a stamp, to be supplied by such employer, the amount of which shall be calculated at the rate of ten rupees for each emigrant mentioned therein, in lieu of any stamp duty chargeable under any Ordinance for the time being in force relating to stamp duties.

Indian emigrant to execute bond.

(3) Every Indian emigrant, other than a person in respect of whom an employer has entered into a bond under the next succeeding subsection, shall at the time of his applying for such pass enter into a bond with the Crown, by which he shall bind himself in a penal sum of three hundred rupees for the repayment by him of any expenditure which may be incurred by the Indian Government for his maintenance while away from the Island and the cost of his repatriation, and shall deposit with the Collector of Customs, for the due fulfilment of his bond, a sum of three hundred rupees. Every such bond shall be in the form G in the Schedule, or as near thereto as the circumstances may require, and shall bear a stamp, to be supplied by such Indian emigrant, of the value of ten rupees, in lieu of any stamp duty chargeable under any Ordinance for the time being in force relating to stamp duties.

Employer to execute bond in respect of Indian emigrant.

(4) Every employer shall at the time of his applying for such pass as aforesaid enter with two good and sufficient sureties, to be approved by the Collector of Customs, into a joint and several bond with the Crown, by which he shall bind himself in a penal sum, calculated at the rate of three hundred rupees for every Indian emigrant engaged by him, to return the Indian emigrants mentioned in such pass at his own cost and charges to such place as the Collector of Customs may require to be specified in the bond at the expiration or sooner determination of their period of service, and shall deposit with the Collector, for the due fulfilment of his bond, a sum calculated at the rate of three hundred rupees for every



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Indian emigrant engaged by him and mentioned in such pass. Every such bond shall be in the form H in the Schedule or as near thereto as the circumstances may require, and shall bear a stamp, to be supplied by such employer, the amount of which shall be calculated at the rate of ten rupees for each Indian emigrant mentioned therein, in lieu of any stamp duty chargeable under any Ordinance for the time being in force relating to stamp duties.

Master of ship not to receive emigrant or Indian emigrant without pass.

**7.** (1) It shall not be lawful for the master of any ship to receive on board his ship any emigrant or Indian emigrant, except upon presentation of a pass in the form hereinbefore provided authorising the embarkation of such emigrant or Indian emigrant.

(2) For the purpose of enforcing the provisions of this Ordinance any police officer not below the rank of sergeant may—

(*a*) arrest without a warrant any person found on any ship whom he has reasonable cause to believe to be an emigrant or Indian emigrant who has not complied with the provisions of this Ordinance ;

(*b*) board any passenger ship, British or foreign, and examine the passenger register, and compel the production of all tickets and passes for inspection.

(3) Any person refusing to allow any such police officer as aforesaid to examine the passenger register, or refusing when required thereto to produce for inspection any ticket or pass, shall be guilty of an offence, and liable on conviction to the penalty prescribed by section 11 of this Ordinance.

(4) Whenever after the commencement of this Ordinance a third class passenger ticket for any of the ports to which this subsection applies is issued to a native of Ceylon or India, it shall be the duty of the person issuing it to forthwith report the issue of such ticket to the nearest police station.

(5) The Governor may, by Proclamation in the *Government Gazette*, declare the ports to which the provisions of subsection (4) shall apply, and may alter, amend, or revoke such Proclamation.

Limitation of shipment of domestic servants.

**8.** It shall not be lawful for any person to ship any natives of or persons residing in, the Island, or any native of India, in excess of two such natives or residents for service



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as domestic servants beyond the limits thereof, unless such shipper shall have previously satisfied the Collector of Customs of the port of shipment that such natives or residents are bona fide required by him, and will be employed by him as domestic servants and not otherwise, and that he will duly return such domestic servants on the expiration of their respective terms of service to such port in the Island or British India as the Collector of Customs shall specify; and every such shipper shall sign a declaration in the form I in the Schedule before the Collector of Customs.

Collector to preserve passes, &c.

**9.** The Collector of Customs shall preserve carefully in his office all copies of passes issued by him, and all bonds, declarations, and copies of contracts executed under the provisions of this Ordinance.

Power to Governor to make regulations.

**10.** (1) The Governor, may from time to time make, and when made revoke or vary, such regulations as may be considered necessary for any of the following purposes :—

(*a*) the inspection and examination of emigrants or Indian emigrants at the port of shipment by the Port Surgeon or a medical officer to be appointed in that behalf;

(*b*) fixing the fee to be paid to such Port Surgeon or medical officer for every such examination;

(*c*) providing for the return to his native village at his own expense or at the expense of the employer of any emigrant or Indian emigrant condemned by the Port Surgeon or medical officer as unfit to perform the services or duties required of him ;

(*d*) generally carrying out the objects of this Ordinance.

(2) All regulations made under this section shall be published by notification in the *Government Gazette*, and shall thereupon become as legal, valid, and effectual as they would have been had they been enacted as part of this Ordinance.

Penalty.

**11.** Every master of a ship and every employer or emigrant or Indian emigrant who shall commit any breach of the provisions of this Ordinance or of any of the regulations made hereunder, and every person who shall fail to comply with the provisions of section 7 (4) of this Ordinance, shall be guilty of an offence punishable with fine, which may extend to one



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thousand rupees, or with imprisonment of either description which may extend to two years, or with both.

False declarations.

**12.** Every person required to make a declaration under the provisions of this Ordinance who shall wilfully make a false declaration in respect of the particulars required to be furnished in such declaration shall be guilty of an offence punishable with fine, which may extend to five hundred rupees, or with imprisonment of either description which may extend to one year, or with both.

## SCHEDULE.

### Form A.

EMPLOYER'S FORM OF APPLICATION FOR CHIEF SECRETARY'S CONSENT.

[Section 3 (3).]

To the Hon. the Chief Secretary.

I, the undersigned *A. B.*, having engaged for service the following persons, namely,

(1) ————,
(2) ————,
(3) ————,

for the purpose of ————, and being about to convey them from Ceylon, do hereby, in terms of section 3 of the Emigration Ordinance, apply for your consent.

And I do hereby solemnly declare that to the best of my knowledge and belief the particulars stated by me below are true and correct, and I do further declare that the said persons

(1) ————.
(2) ————.
(3) ————.

have completed their seventeenth year.

| Names in full of Emigrants or Indian Emigrants. | State whether Emigrants or Indian Emigrants. | Rank or Profession. | Age. | Dwelling-Place. | Division and Revenue District. |
|---|---|---|---|---|---|
| | | | | | |

### Form B.

EMIGRANT'S OR INDIAN EMIGRANT'S FORM OF APPLICATION FOR CHIEF SECRETARY'S CONSENT.

[Section 3 (3).]

To the Hon. the Chief Secretary.

I, the undersigned *A. B.*, being desirous of emigrating from Ceylon for the purpose of ————, do hereby, in terms of section 3 of the Emigration Ordinance, apply for your consent.



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And I do hereby solemnly declare that to the best of my knowledge and belief the particulars stated by me below are true and correct, and I do further declare that I have completed my seventeenth year.

| Name in full of Emigrant or Indian Emigrant. | State whether Emigrant or Indian Emigrant. | Rank or Profession. | Age. | Dwelling-Place. | Division and Revenue District. |
|---|---|---|---|---|---|
| | | | | | |

## Form C.

[Section 5 (1).] PASS FOR EMIGRANTS OR INDIAN EMIGRANTS UNDER THE EMIGRATION ORDINANCE.

Stamp.

No. ——.

Dated at ————, the ———— day of ————, 19—. ————, of ————, an emigrant or Indian emigrant within the meaning of this Ordinance. is hereby authorised to embark on board the ship ————, in the Port of ————.

| Name. | Purpose of Emigration. | Term of Service. | Port at which he is to land. |
|---|---|---|---|
| | | | |

(*Signed*) ————,
Collector of Customs of the Port of ————.

## Form D.

[Section 5 (2).] PASS FOR EMPLOYED EMIGRANTS OR INDIAN EMIGRANTS.

Stamp.

No. ——.

Dated at ————, the ———— day of ————, 19—. ————, of ————, is hereby authorised to ship on board the ship ————, in the Port of ————, the following emigrants or Indian emigrants :—

| Name. | State whether Emigrant or Indian Emigrant. | Nature of Services to be performed. | Term of Service. | Port at which to be landed. |
|---|---|---|---|---|
| | | | | |

(*Signed*) ————,
Collector of Customs of the Port of ————.



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## Form E.

EMIGRANT'S BOND UNDER THE EMIGRATION ORDINANCE. [Section 6 (1).]

Stamp.

Know all men by these presents that I, *A. B.*, of ————, am held and firmly bound unto Our Sovereign Lord King George the Sixth in the sum of Rs. ————, to be paid to our said Sovereign, His heirs and successors, for which payment well and truly to be made I bind myself and my heirs, executors, and administrators firmly by these presents.

And for further and better securing the due performance of the obligations on my part herein contained, I, the said *A. B.*, hereby deposit with the Collector of Customs of the Port of ———— the sum of Rs. ————.

Whereas I, the said *A. B.*, intend to emigrate for service in ———— for the period of ———— years, commencing on the ———— day of ————, 19—, and am about to proceed to the Port of ———— :

The condition of the foregoing obligation is such that if I, the said *A. B.*, shall at my own cost and charges forthwith, upon the expiration of the said period of service or other determination of such service, or at any time thereafter, return to this Port, then the said obligation shall be null and void, but if I, the said *A. B.*, shall be repatriated at the cost and expense of the Ceylon Government, or if the Ceylon Government shall incur any expense in and about the maintenance of me, the said *A. B.*, prior to such repatriation or my return to this Port, then and in any such case this obligation shall remain in full force and virtue, and the said sum of Rs. ———— deposited as aforesaid shall be forfeited to His Majesty the King.

Dated at ————, Ceylon, this ———— day of ————, 19——.

Witnesses :—

(1) ————.

(2) ————. (*Signature of Obligor*) ————

## Form F.

EMPLOYER'S BOND. [Section 6 (2).]

Know all men by these presents that we, *A. B.*, of ———— (employer), and *C. D.*, of ————, and *E. F.*, of ———— (sureties), are held and firmly bound unto Our Sovereign Lord King George the Sixth in the sum of Rs. ————, to be paid to our said Sovereign, His heirs and successors, for which payment well and truly to be made we bind ourselves and every of us jointly and severally, and our heirs, executors, and administrators, and every of them firmly by these presents.

And for further and better securing the due performance of the obligations on his part herein contained, the said *A. B.* hereby deposits with the Collector of Customs of the Port of ———— the sum of Rs. ————.



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Whereas the said *A. B.* has engaged for service in ———— for the period of ———— years, commencing on the ———— day of ————, 19——, the following persons, namely,—

(1) ————.

(2) ————.

(3) ————.

and is about to convey them to the Port of ———— :

The condition of the foregoing obligation is that if the said *A. B.*, or his heirs, executors, or administrators, shall at his or their own cost and charges forthwith, upon the expiration of the said period of service or other determination of such service, re-convey or cause to be re-conveyed the said emigrants and each of them to this Port, then the said obligation shall be void, but otherwise shall remain in full force and virtue, and the said sum of Rs. ———— shall be forfeited to His Majesty the King.

Dated at ————, Ceylon, this ———— day of ————, 19——.

Witnesses :

(1) ————. (*Signatures of Obligors*) ————.

(2) ————. ————.

## Form G.

[Section 6 (3).] EMIGRANT'S BOND UNDER THE EMIGRATION ORDINANCE.

Stamp.

Know all men by these presents that I, *A. B.*, of ————, am held and firmly bound unto Our Sovereign Lord King George the Sixth in the sum of Rs. ————, to be paid to our said Sovereign, His heirs and successors, for which payment well and truly to be made I bind myself and my heirs, executors, and administrators firmly by these presents.

And for further and better securing the due performance of the obligations on my part herein contained, I, the said *A. B.*, hereby deposit with the Collector of Customs of the Port of ———— the sum of Rs. ————.

Whereas I, the said *A. B.*, intend to emigrate for service in ———— for the period of ———— years, commencing on the ———— day of ————, 19——, and am about to proceed to the Port of ———— :

The condition of the foregoing obligation is such that if I, the said *A. B.*, shall at my own cost and charges forthwith, upon the expiration of the said period of service or other determination of such service, or at any time thereafter, return to this Port, then the said obligation shall be null and void, but if I, the said *A. B.*, shall be repatriated at the cost and expense of the Indian Government, or if the Indian Government shall incur any expense in and about the maintenance of me, the said *A. B.*, prior to such repatriation or my return to ————, then and in any such case this obligation shall remain in full force and virtue, and the said



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sum of Rs. ———— deposited as aforesaid shall be forfeited to His said Majesty the King.

Dated at ————, Ceylon, this ———— day of ————, 19——.

Witnesses :

(1) ————. (*Signature of Obligor*) ————.

(2) ————.

## Form H.

EMPLOYER'S BOND (INDIAN EMIGRANT). [Section 6 (4).]

Know all men by these presents that we, *A. B.*, of ———— (employer), and *C. D.*, of ————, and *E. F.*, of ———— (sureties), are held and firmly bound unto Our Sovereign Lord King George the Sixth in the sum of Rs. ————, to be paid to our said Sovereign, His heirs and successors, for which payment well and truly to be made we bind ourselves and every of us jointly and severally and our heirs, executors, and administrators, and every of them firmly by these presents.

And for further and better securing the due performance of the obligations on his part herein contained, the said *A. B.* hereby deposits with the Collector of Customs of the Port of ———— the sum of Rs. ————.

Whereas *A. B.* has engaged for service in ———— for the period of ———— years, commencing on the ———— day of ————, 19——, the following Indian emigrants, namely—

(1) ————.

(2) ————.

(3) ————.

and is about to convey them to the Port of ———— :

The condition of the foregoing obligation is that if the said *A. B.*, or his heirs, executors, or administrators, shall at his or their own cost and charges forthwith, upon the expiration of the said period of service or other determination of such service, re-convey or cause to be re-conveyed the said Indian emigrants and each of them to ————, then the said obligation shall be void, but otherwise shall remain in full force and virtue, and the said sum of Rs. ———— shall be forfeited to His Majesty the King.

Dated at ————, Ceylon, this ———— day of ————, 19——.

Witnesses :

(1) ————. (*Signature of Obligors*) ————.

(2) ————.

## Form I.

DECLARATION UNDER THE EMIGRATION ORDINANCE. [Section 8.]

Whereas I, ————, of ————, have engaged ———— of ————, and ————, of ————, to serve me as domestic servants in ———— for the period of ———— years, beginning from the ———— day of ————, 19——, and I am about to ship them in the ship ———— for the port of ———— :



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I do hereby solemnly, sincerely, and truly declare that the said ——— and ——— are bona fide required by me for service as domestic servants, and that I will employ them as such and in no other capacity, and will, on the expiration of their term of service or other determination of such service, return them at my own cost and charges to the port of ———.

(*Signature*) ———.

Declared at ———, this ——— day of ———, 19——.

Before me :

———,

Collector of Customs, ———.



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# CHAPTER 246.

## EMIGRATION OF INDIANS FROM CEYLON.

AN ORDINANCE TO PROHIBIT NATIVES OF INDIA FROM ENTERING INTO CONTRACTS IN THIS ISLAND FOR LABOUR TO BE PERFORMED IN ANY BRITISH OR FOREIGN COLONY BEYOND THE LIMITS OF INDIA OR THIS ISLAND, AND FROM EMIGRATING FROM THIS ISLAND TO ANY SUCH COLONY FOR THE PURPOSE OF EMPLOYMENT AS LABOURERS.

*Ordinance* No. 3 of 1847.

[28*th September*, 1847.]

**1.** This Ordinance may be cited as the Emigration (Indians) Ordinance. Short title.

**2.** If any native of India who shall have emigrated therefrom to this Island shall enter into any contract within this Island for labour to be performed in any British or foreign colony beyond the limits of India or this Island, or shall embark or attempt to embark from any place in this Island on board any ship or vessel for the purpose of being conveyed to any British or foreign colony beyond the limits of India or this Island and of being employed in such colony as a labourer, every such native shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding fifty rupees. Penalty on natives of India contracting for labour to be performed in any British or foreign colony, or embarking on board any vessel for the purpose of employment as labourer in any such colony.

**3.** Every person who shall enter into any such contract as aforesaid with any such native of India, or shall knowingly aid or abet any such native in embarking or attempting to embark from any place in this Island on board any ship or vessel for the purpose of such conveyance and employment as aforesaid, or shall attempt by means of intoxication or by false imprisonment or other means of crimping to export any such native from any place in this Island on board any ship or vessel for the purpose of such conveyance and employment as aforesaid, and every master or person in charge of a ship or vessel who shall admit any such native on board Penalty on all persons aiding or abetting them.



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thereof for the purpose of such conveyance and employment as aforesaid, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding fifty rupees for every native so contracted with, aided, abetted, exported, or admitted on board.

Powers of search, &c., for the purposes of this Ordinance extended to officers of customs and pilots.

**4.** All powers vested by law in the officers of customs in regard to the searching and detention of ships and vessels, or otherwise for the prevention of smuggling on board thereof, may be exercised by such officers for the prevention of the illegal embarkation of natives of India on board of ships or vessels in any port, harbour, or roadstead in this Island, and of other offences against this Ordinance; and all persons authorised to act as pilots in this Island are hereby invested with the same powers and charged with the same duties as officers of the customs in this behalf.

This act not to extend to bona fide menial servants.

**5.** Nothing in this Ordinance contained shall be taken to apply to any native of India who shall of his own free will enter into any bona fide contract to serve on board any ship or vessel as a seaman or as a menial servant, or to any such native who shall embark or attempt to embark on board of any ship or vessel in pursuance of any such contract or as a menial servant or to any person who shall enter into any such contract with any such native, or who shall aid or abet any such native in embarking or attempting to embark on board any ship or vessel for the purpose of serving as a seaman or menial servant, or to any master or person in charge of any ship or vessel who shall admit any such native on board thereof for the purpose of such service as aforesaid, or to any native of India who shall hold a sufficient licence or certificate of some competent authority in that country to enter into any contract for labour to be performed in any British or foreign colony beyond the limits India or Ceylon or to embark for or proceed to any such colony.



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# CHAPTER 247.

## CEYLONESE EMIGRANTS.

AN ORDINANCE TO REGULATE THE EMIGRATION OF CEYLONESE LABOURERS FROM CEYLON UNDER CONTRACT OF SERVICE.

*Ordinances* Nos. 4 of 1882, 22 of 1884.

[16*th October*, 1882.]

Short title.

**1.** This Ordinance may be cited as the Ceylon Emigration Ordinance.

Power to Governor, to declare emigration lawful.

**2.** From and after the passing of this Ordinance the Governor may, from time to time, by notification published in the *Government Gazette*, declare that the emigration of the native inhabitants of this Island shall be lawful to any place described in such notification, provided that every such notification shall contain also a declaration that the Governor has been duly certified that the Government of the place to which the notification refers has made such laws and other provisions as the Governor shall deem sufficient for the protection of the native inhabitants of Ceylon emigrating to such place.

Contracts with natives for performance of labour in any place to which emigration has been authorised made lawful. Such contracts to be signed before a Magistrate.

**3.** From the date of any such notification contracts may be made with any native inhabitant of Ceylon for labour to be performed in any place to which emigration is authorised in the notification, and it shall be lawful to enable or assist any native inhabitant to emigrate to such place ; but all contracts and engagements under such notification shall be made and signed before a Magistrate, who is hereby authorised to take such signatures after reading over and explaining to the signatories the contract to be entered into by them.

Contracts for performance of labour in any place to which emigration has not been authorised unlawful.

**4.** It shall not be lawful for any person to make with any native inhabitant of this Island any contract for labour to be performed in any place without the limits of this Island to which emigration has not been declared lawful in manner aforesaid, and every person who shall make any such contract, or who shall knowingly aid or abet any native inhabitant of



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this Island in emigrating from this Island for the purpose of being employed under contract as a labourer, except to a place to which emigration shall have been declared lawful, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding two hundred rupees for every native inhabitant so contracted with, aided, or abetted :

Exceptions.

Provided always that nothing in this Ordinance contained shall be taken to apply to any native seaman who shall of his own free will contract to navigate any vessel, or who shall embark on board such vessel in pursuance of such contract, or to any person who shall contract to serve as a menial servant only, or who shall embark as such menial servant.



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# CHAPTER 248.

## FOREIGN RECRUITING.

AN ORDINANCE TO CONTROL RECRUITING IN CEYLON FOR THE SERVICE OF FOREIGN STATES.

*Ordinance* No. 1 of 1874.

[*7th November*, 1874.]

Short title.

**1.** This Ordinance may be cited as the Foreign Recruiting Ordinance.

Interpretation.

**2.** In this Ordinance "foreign state" includes any person or persons exercising or assuming to exercise the powers of Government in or over any country, colony, province, or people beyond the limits of Ceylon.

Governor empowered to prohibit or restrict attempt at recruiting.

**3.** If any person obtain or attempt to obtain recruits for the service of any foreign state in any capacity, the Governor may by Proclamation either prohibit such person from so doing, or permit him so to do, subject to conditions which the Governor may think fit.

Governor empowered to place general prohibition or restriction on recruiting.

**4.** The Governor may, from time to time, by Proclamation, either prohibit recruiting for the service of any foreign state, or impose upon such recruiting any conditions which he thinks fit.

Power to rescind or vary orders.

**5.** The Governor may, by Proclamation, rescind or vary any order made under this Ordinance in such manner as he thinks fit.

Penalties.

**6.** Whoever, in violation of any such prohibition or condition as aforesaid—

(*a*) induces or attempts to induce any person to accept or to agree to accept, or to proceed to any place with a view to obtaining, any commission or employment in the service of any foreign state; or



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(*b*) knowingly aids in the engagement of any person so induced by forwarding or conveying him, or by advancing money, or in any other way whatever,

shall be guilty of an offence, and be liable to imprisonment for any term not exceeding seven years, or to fine to such amount as the court by which such offence shall be tried shall think fit, or to both.



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# CHAPTER 249.

## DESTITUTE IMMIGRANTS.

AN ORDINANCE TO RESTRICT THE IMMIGRATION INTO CEYLON OF DESTITUTE, AND VICIOUS PERSONS, AND OF STOWAWAYS.

*Ordinances* Nos. 12 of 1907, 3 of 1910, 14 of 1911.

[10*th July*, 1907.]

**1.** This Ordinance may be cited as the Destitute Immigrants Ordinance. Short title.

**2.** In this Ordinance, unless the context otherwise requires— Interpretation.

" costs and charges " means—

(*a*) any money expended out of the public funds of the Island for the relief, maintenance, care or treatment of any destitute immigrant or stowaway ;

(*b*) the expenses of any such relief, maintenance, care, or treatment in any hospital, almshouse, or other institution for the relief of sick or destitute persons—

(i) which is maintained out of public funds, or

(ii) which is maintained by any charitable institution to the support of which the Government contributes ;

(*c*) in the case of a stowaway, any money expended out of public funds—

(i) for his maintenance, care, or treatment during imprisonment on conviction of any offence under this Ordinance or of any other offence.

(ii) for his deportation from the Island ;

" destitute immigrant " means any person, not being a native of Ceylon nor a native of British India, proceeding to Ceylon for the purpose of being employed



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there as a labourer or kangany, as to whom notice that he is a destitute immigrant is given in accordance with the provisions of this Ordinance;

"vessel" means any vessel of whatever kind used in navigating the sea;

"visiting officer" means any officer of police or customs, and includes any officer expressly appointed by the Governor to execute the provisions of this Ordinance.

Notice to destitute person arriving in vessel.

**3.** (1) If, on the arrival at any port or place in Ceylon of any vessel, there is on board any person, not being a native of Ceylon nor a native of British India proceeding to Ceylon for the purpose of being employed there as a labourer or kangany, who, in the opinion of any visiting officer visiting such vessel, is unable, by reason of physical or mental infirmity, to maintain himself by his own labour, or is destitute, and in either case is likely, if permitted to land, to become chargeable to the Island, such visiting officer shall give notice that such person is a destitute immigrant.

(2) Such notice shall be given either by serving a written notice on the master or person in charge of the vessel, or by nailing or affixing such notice to any mast or other part of the vessel, but shall, where practicable, be served on the master.

(3) A copy of the notice shall be served as soon as may be on the agent of the vessel.

Restriction on landing of destitute immigrants.

**4.** A destitute immigrant shall not, except by permission of the Governor, land in any part of the Island, until some person resident in Ceylon and approved by the Government Agent of the province or the Assistant Government Agent of the district as sufficient in that behalf, by letter of guarantee, has undertaken to repay to the Financial Secretary any costs and charges not exceeding the sum of two hundred and fifty rupees which, within one year from the date of the letter, may be incurred in respect of such destitute immigrant.

Penalty for landing destitute immigrant.

**5.** Every person who—

(*a*) being the master of a vessel, knowingly suffers any destitute immigrant who arrives in such vessel to land in Ceylon contrary to this Ordinance; or



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(*b*) being a destitute immigrant, knowingly and wilfully lands or suffers himself to be landed in Ceylon contrary to this Ordinance ; or

(*c*) knowingly lands or procures to be landed in Ceylon contrary to this Ordinance any destitute immigrant,

shall be liable on conviction to a penalty not exceeding five hundred rupees, and in default of payment to imprisonment of either description not exceeding one month.

Punishment of stowaways.

**6.** (1) Any person arriving at any port or place in Ceylon on board any British or foreign sea-going vessel who, by secreting himself on board or getting or remaining on board without the consent of either the owner, consignee, or master, or of a mate, or of the person in charge of the vessel, or of any other person entitled to give that consent, has obtained a passage without having paid for the same, shall be deemed to be a stowaway, and shall on summary conviction be liable to imprisonment of either description for any term not exceeding six months.

(2) Where any person has been convicted under this section, it shall be the duty of the Magistrate, on being satisfied that a passage has been provided for the convict in accordance with section 12, and that the vessel wherein such passage has been provided is ready to proceed to sea, to order the convict to be taken from jail and conducted in custody aboard such vessel.

Onus of proof of consent.

**7.** The onus of proving the consent of the owner or other person as aforesaid shall lie on the person charged.

Detention and apprehension of stowaway.

**8.** The detention of a stowaway shall not be deemed illegal if for no longer period than is reasonably necessary for the purpose of handing such person over to the police, and the police may apprehend any such stowaway without a warrant.

Prohibition of entry of prostitutes into Ceylon.

**9.** The entry into Ceylon of any prostitute or of any person living on the prostitution of others is hereby prohibited.

Penalty for unlawful entry of prostitutes, &c.

**10.** (1) Any prostitute or any person living on the prostitution of others entering, or being found within, Ceylon in disregard of the provisions of this Ordinance, shall be guilty of an offence, and shall be liable on conviction thereof to imprisonment of either description for a term not exceeding six months, and shall also be liable, in addition to such penalty, to be removed from Ceylon :



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Provided that such imprisonment shall cease for the purpose of removing the offender from Ceylon, or if the offender finds two sureties to the satisfaction of the Magistrate each in the sum of two hundred and fifty rupees that he will leave the Island within one month.

(2) Any male person over sixteen years of age who, having entered Ceylon after the commencement of this Ordinance, is found residing in a brothel, shall be deemed, until the contrary is proved, to be a person living on the prostitution of others.

Duty of master of vessel to answer questions of visiting officer.

**11.** The master of any vessel arriving in Ceylon shall answer all questions which a visiting officer may put to him for the purposes of this Ordinance; and any master who either refuses to answer any such question or gives an untrue answer thereto shall be liable to a penalty not exceeding one hundred rupees.

Liability of master to repay costs and charges in respect of immigrants unlawfully landed.

**12.** In the following cases, that is to say—

(*a*) where any destitute immigrant lands in Ceylon from any vessel contrary to the provisions of this Ordinance;

(*b*) where any stowaway is landed from any vessel at any place in Ceylon,

the master of the vessel shall be liable to pay to the Government of Ceylon—

Restriction of liability of the master in respect of destitute immigrants.

(i) all costs and charges incurred by the Government in connection with such immigrant during a period of two months from his landing;

(ii) all costs and charges incurred by the Government in connection with such stowaway until he shall have been placed on board a vessel on which a passage has been provided for him to some place at which he can lawfully be landed:

Provided that in the case of a destitute immigrant the master shall incur no liability to repay the said costs and charges, if he proves that the destitute immigrant was at the time of landing under an engagement of service, or in possession of a sum of money of not less than one hundred and fifty rupees;

Provided further, that in the case of a stowaway, if no such arrangement for his deportation shall have been made by the



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master, owner, agent, or charterer of the vessel within two months of his landing, such arrangement may be made by the Government.

Liability of owner in the absence of master.

**13.** (1) In the absence of the master of such vessel, or if such master departs from Ceylon before repaying such costs and charges, the owner, agent, and charterer of such vessel at the time when the immigrant or stowaway landed shall be liable to pay such costs and charges to the Government.

(2) Such costs and charges shall be recoverable by action as if an express agreement had been entered into with the Chief Secretary by the person, firm, company, association, body, master, owner, agent, or charterer chargeable.

Evidence as to costs and charges.

**14.** As regards costs and charges incurred on behalf of a destitute immigrant or stowaway, the following documents shall be prima facie evidence of the amount thereof, and also that they have been incurred by the Government, namely—

(*a*) as regards hospital charges, a written statement purporting to be signed by the Director of Medical and Sanitary Services ; and

(*b*) as regards other costs and charges, including those of removal, a written statement thereof signed or purporting to be signed by the Chief Secretary.

Scale of costs and charges.

**15.** (1) It shall be lawful for the Governor from time to time to prescribe a scale for the computation of costs and charges under this Ordinance, and such scale to alter, vary, or revoke.

(2) The scale so prescribed, altered, varied, or revoked shall be published in the *Government Gazette*.

(3) A copy of the *Government Gazette* purporting to contain any such scale, alteration, variation, or revocation shall be prima facie evidence of the tenor and due making of such scale or of such alteration, variation, or revocation, as the case may be.

Trial of offences.

**16.** All offences against this Ordinance shall be cognizable by a Magistrate's Court ; and such court shall have jurisdiction to inflict the full amount of fine to which the offender shall be liable, notwithstanding that such fine may exceed in amount the ordinary jurisdiction of such court.



F 4——J. N. 69528 (10/37).

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# CHAPTER 250.

## PASSPORTS.

*Ordinance No. 20 of 1923.*

AN ORDINANCE TO TAKE POWER TO REQUIRE PASSPORTS OF PERSONS ENTERING OR DEPARTING FROM CEYLON.

[22*nd December*, 1923.]

Short title.

**1.** This Ordinance may be cited as the Passport Ordinance.

Interpretation.

**2.** In this Ordinance, unless the context otherwise requires—

"departure" means departure by water or air ;

"entry" means entry by water or air ;

"passport" means a passport for the time being in force issued or renewed by the prescribed authority and satisfying the conditions prescribed relating to the class of passports to which it belongs.

Power to make regulations.

**3.** (1) The Governor may make regulations requiring that persons entering or departing from the Island shall be in possession of passports, and for all matters ancillary or incidental to that purpose.

(2) Without prejudice to the generality of the foregoing powers such regulations may—

(*a*) prohibit the entry into, or departure from, the Island of any person who has not in his possession a passport issued to him ;

(*b*) prescribe the authorities by whom passports may be issued or renewed, and the conditions with which the holders of such passports must comply, for the purposes of this Ordinance ;

(*c*) prescribe the fees to be charged in respect of passports ; and

(*d*) provide for the exemption, either absolutely or on any condition, of any person or class of persons from any provision of such regulations.



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(3) Regulations made under this section may provide that any contravention or attempted contravention thereof or of any order issued under the authority of any such regulation shall be a summary offence and shall be punishable with imprisonment of either description for a term not exceeding three months, or with fine not exceeding five hundred rupees, or with both.

(4) All such regulations shall be laid as soon as conveniently may be before the State Council, and may, at any time within forty days after the date of their being so laid before the Council, or at any of the three meetings of the Council next succeeding such date, by resolution of the Council, be disallowed or amended as may be directed by the said Council and such regulations subject to any such disallowance or amendment shall have the same force and effect as if enacted in this Ordinance.

(5) All regulations made under this section shall be published in the *Government Gazette*.

Power of arrest.

**4.** (1) Any officer of police, not below the rank of a sergeant, and any officer of the Customs Department empowered by a general or special order of the Governor in this behalf may arrest without warrant any person who has contravened, or has attempted to contravene, or against whom a reasonable suspicion exists that he has contravened or attempted to contravene, any regulation or order made under section 3 of this Ordinance.

(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested before a Magistrate or to the officer in charge of the nearest police station, and the provisions of section 37 of the Criminal Procedure Code, shall, so far as may be, apply in the case of any such arrest.

Power of removal of any person from the Island.

**5.** The Governor may, by general or special order, direct the removal of any person from the Island who, in contravention of any regulation made under section 3 of this Ordinance prohibiting entry into the Island without passport, has entered therein, and thereupon any officer of Government shall have all reasonable powers necessary to enforce such direction.



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## TITLE XXXIV.—PUBLIC OFFICERS.


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# CHAPTER 251.

## PUBLIC OFFICERS (SECURITY).

AN ORDINANCE RELATING TO THE GIVING OF SECURITY BY PUBLIC OFFICERS OF THE CROWN IN CEYLON.

*Ordinances* Nos. 14 of 1890, 12 of 1897, 9 of 1903, 10 of 1928, 15 of 1935.

[1*st July*, 1891.]

Short title.

**1.** This Ordinance shall be called The Public Officers (Security) Ordinance.

Different ways in which public officers may give security. [§ 2, 15 of 1935.]

**2.** (1) Every person in the employment of the Government of Ceylon who is required to give security for the due discharge in any respect of any duties to be performed by him in the course of such employment, shall give security according to the provisions of this Ordinance, in one or more of the following ways as the Governor may in each case determine, and not otherwise, namely :—

By personal bond and deposit of securities or money.

(*a*) by personal bond and deposit with the Deputy Financial Secretary to the extent required of public securities of the United Kingdom of Great Britain and Northern Ireland, India, or the Colonies, duly endorsed in favour of the said Deputy Financial Secretary, or by personal bond and lodgment of moneys in the Ceylon Savings Bank, or Post Office Savings Bank, or any local bank approved by the Governor, to such extent in the name of the said Deputy Financial Secretary ;

By personal bond and periodical payments.

(*b*) by personal bond and the making of periodical payments in accordance with the terms of such bond ;

By personal bond and guarantee of association of public servants.

(*c*) by personal bond and the guarantee of any association of public officers of the Crown in Ceylon for purposes of mutual guarantee, whereof the business is conducted according to rules from time to time approved by the Governor and published in the *Government Gazette ;*



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By personal bond and guarantee of a guarantee company duly approved by the Governor.

(*d*) by personal bond and the guarantee of any such public company or association accustomed as part of their regular business to guarantee the fidelity of any persons, as may be approved by the Governor.

Officers who have already given only personal security required to give security under this Ordinance.

(2) Any person in the employment of the Government of Ceylon who has heretofore given security by executing a joint and several bond with one or more sureties shall, from and after the coming into operation of this Ordinance, give security in one or other of the ways hereinbefore provided, as the Governor may determine.

Security to be given by shroffs.

[§ 3, 15 of 1935.]

**3.** (1) Any person in the employment of the Government of Ceylon as a shroff may be required to give security for the due discharge in the course of such employment of any duties to be performed by himself, his assistants, pay-clerks, other subordinates and messengers, and such person shall give such security as the Governor may in each case determine either in the manner provided in section 2 or in one or more of the following ways :—

(*a*) by personal bond and deposit with the Deputy Financial Secretary of moneys to the required amount ; or

(*b*) by hypothecation of immovable property to the satisfaction of the Governor ; or

(*c*) by personal bond and, in respect of any duties to be performed by himself by the additional guarantee of any such public company accustomed as part of its regular business to guarantee the fidelity of any persons, as may be approved by the Governor.

(2) The Deputy Financial Secretary shall pay to any shroff who deposits moneys with him under this section, at such times as the Governor may direct, interest at the rate of seven per centum per annum.

(3) The provisions of section 6 relating to moneys lodged in a bank under section 2 and to securities deposited with the Deputy Financial Secretary under the said section shall respectively apply to moneys deposited with the Deputy Financial Secretary under this section, and to mortgage bonds or other securities entered into under this section which have been so deposited.

Form and amount of bond or other instrument.

**4.** All bonds and all instruments relating to security under this Ordinance shall be in such form as may be prescribed and for such amount as may be fixed by the Governor, except as to



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any amount which may be fixed by law. The amount of the deposit in the Ceylon Savings Bank, or Post Office Savings Bank, or any local bank approved by the Governor, the aggregate amount of the periodical payments made, and the value of the securities deposited under this Ordinance by any public officer, shall be the same as the amount of the bond given by such officer. [§ 4, 15 of 1935.]

Bonds to be attested, approved, and recorded.

**5.** (1) Every such bond or instrument of securityship given under this Ordinance shall be attested by any District Judge, Commissioner of the Court of Requests, or Justice of the Peace, or by two subscribing witnesses, and when endorsed by any Crown Counsel as being in due form shall be recorded in the office of the Deputy Financial Secretary, and shall then be delivered to the Deputy Financial Secretary for safe keeping.

Free of stamp duty.

(2) Such bond or instrument shall not be subject to stamp duty, and the production of every such bond or instrument, or the record thereof, or any attested copy of such record, shall be sufficient prima facie evidence of its execution without proof by the officer or witnesses attesting the same.

Evidence thereof.

Receipt for deposit.

**6.** (1) The Deputy Financial Secretary shall give to any officer who deposits securities or lodges money in the Ceylon Savings Bank, or the Post Office Savings Bank, or any local bank approved by the Governor under section 2 of this Ordinance, a receipt for the same in such form as may be prescribed by the Governor.

Interest.

Principal of deposit when refunded.

(2) The depositor shall, unless and until the condition of his bond is broken, be entitled to receive from the Deputy Financial Secretary the interest on the securities or money so deposited as such interest becomes due from time to time, and shall, unless the condition of the bond is broken, be entitled to receive back from the said Deputy Financial Secretary, on obtaining the certificate of the said Deputy Financial Secretary under section 11 of this Ordinance, the securities or money so deposited by him.

(3) The securities and money so deposited, and any interest which may become due after a breach of the depositor's bond, may be applied by the order of the Governor in payment of any sums of money for which judgment shall be recovered against the depositor on his bond, or if the depositor is absent from Ceylon or his residence is not known, may be applied



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by the order of the Governor, without any legal proceedings, in payment of the amount for which judgment might be recovered against the depositor on his bond, if he were in Ceylon and his residence were known.

(4) Neither depositors nor their representatives shall, in any case or under any circumstances, have any right to require the return of securities or money deposited under section 2 of this Ordinance, or of any portion thereof, until they have obtained the certificate of the Deputy Financial Secretary under section 11 of this Ordinance.

On breach of bond and payment by guarantees, bond may be assigned to them.

**7.** (1) When there shall have been a breach of the condition of any bond given under this Ordinance, and any mutual guarantee association, or public company, or other association which has given security under this Ordinance, shall have paid the whole amount of such bond or such lesser amount as the Crown may claim from such mutual guarantee association, or public company, or other association, such mutual guarantee association, or public company, or other association shall be entitled to have such bond assigned to them or to a trustee for them, and be entitled after such assignment to sue on such bond in their own names or in the name of the trustee :

Limit of amount to be recovered.

Provided that they shall not recover in any such action an amount larger than the sum they have actually paid as sureties.

How bond to be assigned.

(2) Such assignment shall be made by the Deputy Financial Secretary by endorsement on the bond or otherwise as he may think fit. The assignment shall bear the stamp, to be paid for by the assignee, to which an ordinary assignment of such bond would be liable.

Evidence thereof.

(3) In any action or suit on any bond assigned under this section judicial notice shall be taken of the signature of the Deputy Financial Secretary.

Promised guarantee not to entitle person to privileges of office.

**8.** (1) No promised guarantee of any public company or of any association shall entitle any public officer to any privileges of office that are dependent upon his being guaranteed, nor shall he become entitled to any such privileges until the policy of guarantee or other instrument legally binding the company or association shall have been actually executed and recorded in the office of the Deputy Financial Secretary.



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(2) If any public officer required to give security under this Ordinance shall improperly neglect for three months, or for such shorter time as may be fixed by the Governor, to give such security, his office shall be deemed vacated and a fresh appointment may be made thereto.

Office vacated if security not given within three months, or within any shorter period fixed by the Governor.

**9.** Security given under this Ordinance shall, so far as concerns the form and nature of the security, be deemed a sufficient security by any public officer required by law to give security for the due discharge in any respect of any duties to be performed by him in the course of his employment by the Government of Ceylon, whether the law hitherto in force does or does not specify any particular kind of security.

Security under this Ordinance sufficient in all cases.

**10.** It shall be lawful for the Governor, in any case in which security already given, either before or after the passing of this Ordinance, is, in his opinion, insufficient to secure the amount intended to be secured, to require fresh security under this Ordinance.

In what cases fresh security may be required by the Governor.

**11.** (1) Any public officer who has given security under this Ordinance, or his representatives, and the sureties of such officer, shall be entitled, on obtaining the written certificate of the Deputy Financial Secretary to the effect that there is no claim against such officer in respect of any breach of his bond, to have returned to him and them, the bonds or other instruments ; executed by him or them, and also to have satisfaction entered on the margin of the records of the said bonds or instruments ; and such person or his representatives shall also be entitled to have given back to him or them any deposit or portion of any deposit, as the case may be, of securities or of money in the Ceylon Savings Bank, or Post Office Savings Bank, or any local bank approved by the Governor, made by him under this Ordinance.

Bonds and guarantees, &c. may be given and deposits returned on certificate of the Deputy Financial Secretary.
[§ 2, 10 of 1928.]
[§ 6, 15 of 1935.]

(2) The Deputy Financial Secretary shall not give such certificate unless and until he shall be satisfied by the due auditing of accounts of such public officer, or by due inquiry otherwise, as the Governor may see fit to direct, that such person and his sureties have fully performed the conditions of their bonds or other instruments, or have fully discharged all liabilities in respect of any breach thereof, and that such person is entitled to a final discharge from his office.



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(3) In the case of depositors against whom the Crown has a claim which may be satisfied by a portion only of the deposit, the Deputy Financial Secretary may give a certificate stating that the depositor is entitled to a final discharge only after a portion of the deposit, specifying what portion, has been applied in satisfaction of such claim, and the depositor shall thereupon be entitled to have returned to him the remaining portion of the deposit.



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# CHAPTER 252.

## TEMPORARY LEVY OF SALARIES OF PUBLIC SERVANTS.

AN ORDINANCE TO ENABLE A TEMPORARY LEVY TO BE IMPOSED ON THE SALARIES AND WAGES OF PERSONS EMPLOYED IN THE PUBLIC SERVICE.

*Ordinance* No. 8 of 1932.

[21*st March*, 1932.]

**1.** This Ordinance may be cited as the Temporary Levy on Salaries of Public Servants (Enabling) Ordinance.

Short title.

**2.** (1) Whenever the Governor considers that, for the purpose of assisting in the maintenance of the financial stability of the Island, it is expedient to impose, for the benefit of the public revenue, a temporary levy on the salaries and wages of persons employed in the public service, he may, by Order issued with the prior approval of the Secretary of State, authorise the deduction from the salaries and wages payable to such of the persons aforesaid as the Order shall specify a sum calculated in such manner as the Order shall prescribe.

Authority to impose temporary levy on salaries and wages of public servants.

(2) An Order issued under this section shall state the period for which it is to remain in operation unless previously revoked :

Period of operation to be stated in Order.

Provided that nothing in this subsection shall prejudice the amendment of any Order during the period of its operation or the issue of any new Order to take effect on or at any time after the expiration of any preceding Order.

**3.** All deductions from salaries or wages made under any Order authorised by the preceding section shall be credited to the general revenue, or to the revenue of the service to which such salaries or wages are primarily chargeable, in such manner as the Order shall prescribe.

Deductions to be credited to revenue.



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Deductions not to affect pensions or gratuities or contributions required by the Widows' and Orphans' Pension Fund Ordinance.

**4.** No deduction from salaries or wages made under any Order authorised by section 2 shall be taken into account in the calculation of any pension or gratuity based on salaries or wages, or in the calculation of any abatement of salary required by the Widows' and Orphans' Pension Fund Ordinance, or by any Ordinance amending or substituted for that Ordinance.



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# CHAPTER 253.

## PUBLIC OFFICERS (RETIREMENT).

AN ORDINANCE TO PROVIDE FOR THE COMPULSORY RETIREMENT OF PUBLIC OFFICERS.

*Ordinances* Nos. 11 of 1910, 21 of 1917.

[12*th August*, 1910.]

**1.** This Ordinance may be cited as the Public Officers (Retirement) Ordinance. Short title.

**2.** (1) The Governor, subject to the approval of the Secretary of State, may make, and when made may revoke, vary, or amend, rules regulating the age at which, the reasons for which, and the conditions subject to which, public officers shall be required to retire from the public service. Power to make rules for compulsory retirement of public officers.

(2) In particular and without prejudice to the generality of the power conferred by the preceding subsection, such rules may—

(*a*) prescribe the age at which the retirement of public officers or of any particular class of public officers shall be compulsory ;

(*b*) provide, in such cases and subject to such conditions as may be prescribed, for the extension of the employment of public officers beyond the age prescribed by rule for compulsory retirement, and for the exemption of any particular class of public officers from the operation of any rule relating to the compulsory retirement of public officers ;

(*c*) prescribe an age earlier than the age at which retirement from the public service is compulsory at which the Governor may, subject to such conditions as to notice and otherwise as may be prescribed, require public officers to retire from the public service.



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# CHAPTER 254.

## NAVAL VOLUNTEER FORCE.

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF A VOLUNTEER NAVAL DEFENCE FORCE.

*Ordinance* No. 1 of 1937.

[19*th November*, 1937.]

Short title.

**1.** This Ordinance may be cited as the Naval Volunteer Ordinance.

Governor may raise a naval force.

**2.** It shall be lawful for the Governor to raise and maintain for the naval defence of the Island of Ceylon within its territorial waters a force of volunteers to be called the Ceylon Naval Volunteer Force.

Force to be maintained at public expense.

**3.** The Force shall be raised and maintained at the expense of the Island of Ceylon out of moneys provided by the State Council.

Period of service.

**4.** Every member of the Force shall be entered for a term of three years, and shall during such term be subject to the provisions of this Ordinance, and at the expiration of every third year of the period of his service as a volunteer he shall be entitled to claim his discharge:

Provided that if he is then in actual service his right to claim his discharge shall be suspended until the cessation of such service.

Force to consist of units.

**5.** The Force shall consist of such units as the Governor may appoint from time to time by notification in the *Gazette*.

Constitution of Force.

**6.** The Force shall consist of such numbers of officers and men as the Governor may from time to time decide. The officers of the Force shall receive either commissions or warrants from the Governor, and such commissions or warrants shall not be deemed to be vacated by the death or retirement from office of the Governor by whom the same were issued.



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Every member of Force to be a British subject.

**7.** Every member of the Force must be a British subject between the ages of eighteen and fifty domiciled in Ceylon or resident in Ceylon for a period of not less than twelve months in the eighteen months next preceding the date of enrolment in the Force.

Governor may dispense with services.

**8.** The Governor may at any time dispense with the services of any member of the Force.

Instruction.

**9.** The Governor may cause any member of the Force to be instructed, trained and exercised on shore or on board any ship or vessel or partly on shore and partly on board any ship or vessel within the limits of the Island of Ceylon including therein its territorial waters :

Provided that no member of the Force shall under this Ordinance be required to be in attendance for the purpose of instruction, training and exercise on more than twenty-eight days in any one year.

Organisation, conditions of service, &c., to be prescribed by regulations.

**10.** (1) The government, organisation, administration and training of the Force shall be prescribed by regulations made by the Governor. Such regulations may in particular provide for all or any of the following matters or things :—

(*a*) the numerical establishments of units of the Force, and the grades, ranks and ratings therein ;

(*b*) the training and inspection of the Force, the formation of training camps, the establishment of depots or stations of the Force, and the holding of manœuvres and exercises for the Force ;

(*c*) the attendance of members of the Force for the purpose of instruction, training or exercise ;

(*d*) the seniority of officers of the Force, and the appointment to, promotion to and tenure of commissioned or warrant rank in the Force ;

(*e*) the advancement to or reversion from petty officer rating of men of the Force ;

(*f*) the conditions as to physical fitness and efficiency on which members of the Force may continue to serve in the Force after completing their first term of service ;

(*g*) the calling into actual service of the members of the Force ;



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(*h*) the issue and care of arms, accoutrements, ammunition, supplies, clothing and equipment for members of the Force ;

(*i*) returns, books, forms and correspondence relating to the Force ;

(*j*) the establishment and conduct of institutions for providing recreation and refreshment to members of the Force ;

(*k*) generally for the better carrying out of the provisions of this Ordinance.

(2) Notwithstanding the provisions of subsection (1), any regulation prescribing the qualifications for entry into or conditions of service in the Force shall be made by the Chief Secretary but shall not have effect until approved by the State Council and ratified by the Governor. Notification of such approval and ratification shall be published in the *Gazette*.

Obstructing the Force.

**11.** Any person who wilfully obstructs any portion of the Force or any member thereof in the performance of any service or duty under this Ordinance or the regulations made thereunder shall be guilty of an offence.

**12.** Any person who—

Aiding or inducing member of Force to dereliction of duty.

(*a*) agrees with, or induces or attempts to induce any member of the Force to neglect or to act in conflict with his duty as a member of the Force, or

(*b*) who is a party to, or aids or abets, or incites to the commission of, any act whereby any lawful order given to any member of the Force or any law or regulation with which it is the duty of any member of the Force to comply may be evaded or infringed, or

(*c*) who supplies or is a party to supplying any member of the Force with intoxicating liquor when such member is on duty and prohibited by regulations or instructions from receiving or taking intoxicating liquor,

shall be guilty of an offence.

Failure to attend training in Force.

**13.** Any member of the Force who fails without just cause (the proof whereof shall lie upon him) to attend at any time or place lawfully appointed by proper authority for instruction, training or exercise shall be guilty of an offence.



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Wrongful disposal of property.

**14.** Any member of the Force who, without proper authority and permission, gives, sells, pledges, lends, or otherwise disposes of any arms, ammunition, accoutrements, clothing, supplies or any other article entrusted to or held by him for the service of the Force shall be guilty of an offence, and, in addition to any other penalty which may be imposed under this Ordinance, he may be ordered by the court convicting him to make good the loss or deficiency caused by such gift, sale, pledge, loan or other disposition.

Wrongful detention of property.

**15.** Any person who on discharge from the Force fails or neglects to render up any arms, ammunition, accoutrements, clothing, supplies or other article supplied to him as a member of the Force on demand being made to him by the proper authority shall be guilty of an offence, and in addition to any other penalty which may be imposed under this Ordinance he may be ordered by the court convicting him to make good the loss or deficiency caused by such failure or neglect.

Penalties.

**16.** Any person who is guilty of an offence under this Ordinance shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees, and in default of payment, to imprisonment for a term not exceeding three months.

Interpretation.

**17.** In this Ordinance, unless the context otherwise requires—

(22 & 23 Vict. c. 40. 3 Ed. 7, c. 6.)

"actual service" has the same meaning as in the Royal Naval Reserve (Volunteer) Act, 1859, of the Imperial Parliament as incorporated in the Naval Forces Act, 1903, of the Imperial Parliament;

"Force" means the Ceylon Naval Volunteer Force raised under this Ordinance.



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# CHAPTER 255.

## ADMIRALTY LANDS.

AN ORDINANCE FOR VESTING ALL LANDS AND PROPERTY IN CEYLON OCCUPIED BY OR FOR THE NAVAL SERVICE OF THE THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND IN THE LORD HIGH ADMIRAL, OR THE COMMISSIONERS FOR EXECUTING THE OFFICE OF LORD HIGH ADMIRAL, OF THE SAID UNITED KINGDOM FOR THE TIME BEING.

*Ordinance* No. 1 of 1862.

[29*th September*, 1862.]

Preamble.

WHEREAS divers lands have been at various times purchased in Ceylon for the use of the Naval Service of the United Kingdom of Great Britain and Northern Ireland, and conveyed to several different persons in trust for His Majesty and His royal predecessors, and His and their heirs and successors, and the same have been placed under the charge of the Commissioners for executing the office of Lord High Admiral of the said United Kingdom for the time being; and it is expedient that the same and all other lands in Ceylon that may be hereafter purchased or in any manner acquired by or used and occupied by or for the said service should be vested in the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the time being:

It is enacted as follows:

Short title.

**1.** This Ordinance may be cited as the Admiralty Lands Ordinance.

All lands, &c., held for the Naval Service vested in the Admiralty.

**2.** All lands and property which have been conveyed to or are vested in any person or persons, or are held or in any manner occupied by or in the name of any person in trust for His Majesty or His royal predecessors, and His or Their heirs or successors, for the use of the Naval Service of the said United Kingdom of Great Britain and Northern Ireland, or of any of the departments of or belonging to the said Naval Service, by whatever title or for whatever interest therein the



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same shall be had, held, or occupied, together with all rights, servitudes, and appurtenances thereto belonging, shall be vested in the Lord High Admiral of the said United Kingdom of Great Britain and Northern Ireland, or the Commissioners, for executing the office of Lord High Admiral aforesaid for the time being, according to the respective nature and quality of the said lands, and the several interests therein respectively, in trust for His Majesty, His heirs, and successors, for the public service.

Lands, &c., subsequently acquired for the Naval Service to vest in the Admiralty.

**3.** From and after the purchase and conveyance, grant, or demise thereof, all other lands hereafter purchased, taken, held, or occupied by the Lord High Admiral or the Commissioners aforesaid, or by any person by his or their order for the said Naval Service, or any of the departments thereof, and all things thereafter erected or built thereon, with the rights, servitudes, and appurtenances to the said lands and things respectively belonging, shall in like manner be vested in the Lord High Admiral or the said Commissioners for the time being, according to the respective nature and quality of the said lands and things, and the several interests therein in trust as aforesaid.

Lands vested in the succeeding Lords Commissioners of the Admiralty.

**4.** Upon the death, resignation, or removal of the present Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Northern Ireland, or of any of them, or of any future such Commissioners or of any Lord High Admiral of the United Kingdom of Great Britain and Northern Ireland, all such lands and things shall become vested in and be held by the succeeding Commissioners for executing the Office of Lord High Admiral aforesaid, or the Lord High Admiral aforesaid, as the case may be, and so in perpetual succession, according to the respective nature and quality of the said lands and the several interests therein in trust as aforesaid.

Title by which Lords Commissioners of Admiralty may be cited.

**5.** In all deeds, conveyances, leases, contracts, and other instruments touching any land, property, matter, or thing relating to the said Naval Service, or to any department under the control of the Commissioners aforesaid, or whereto they or any of them shall be parties, it shall be sufficient to describe them generally as "The Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Northern Ireland," without expressing their



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names ; and all such deeds, conveyances, leases, contracts, and other instruments wherein the said Commissioners shall be so described, and the execution or signature thereof by any two of them, or any person or persons duly authorised to sign for them, shall be as valid as if they or any of them had been expressly named therein and had executed or signed the same.

Lords Commissioners may sell, exchange, or let lands, &c.

**6.** The Lord High Admiral or the said Commissioners, or any two or more of them, or any person duly authorised by him or them, may sell, exchange, or in any manner dispose of or let or demise any of the said lands or property, together with their respective appurtenances vested in them by this Ordinance, either by public auction or private contract, and in due form of law convey, lease, or demise the same respectively to any person, and do all things in relation to such lands or property, or for the better management thereof, which he or they shall deem beneficial for the public service, which might be done by any person having a like interest in such lands and property.

Lords Commissioners may maintain and defend suits, &c.

**7.** The Lord High Admiral, or the Commissioners aforesaid for the time being, are hereby empowered to bring, prosecute, and maintain any suit or other proceeding at law, for recovering possession of any lands or property by this Ordinance vested in him or them, and to sue for any arrears of rent due in respect thereof, under any demise from the Lord High Admiral or Commissioners, or any person on his or their behalf, or on behalf of His Majesty, and also to bring, prosecute, or maintain, or to defend any other suit in respect of the said lands or property, or any trespass or encroachment committed thereon, or damage or injury done thereto ; and in every such suit the said Commissioners shall be called "The Commissioners for executing the Office of Lord High Admiral of Great Britain and Northern Ireland," without naming them ; and no such suit shall abate by the death, resignation, or removal of such Lord High Admiral or of such Commissioners, or any of them.



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# CHAPTER 256.

## FERMENTED LIQUOR ON BOARD HIS MAJESTY'S SHIPS.

*Ordinance.* No. 15 of 1886.

AN ORDINANCE TO PREVENT SPIRITUOUS OR FERMENTED LIQUORS BEING TAKEN ON BOARD HIS MAJESTY'S SHIPS WITHOUT THE CONSENT OF THE COMMANDERS THEREOF.

[*4th December*, 1886.]

Short title.

**1.** This Ordinance may be cited as the Liquor (On Board His Majesty's Ships) Regulation Ordinance.

No spirituous or fermented liquor of any description to be taken on board any of His Majesty's ships without the commander's consent.

Right of search.

Forfeiture.

**2.** It shall not be lawful for any person to take any spirituous or fermented liquor of any description on board any of His Majesty's ships or vessels in any part of the sea adjacent to the coast of this Island and within the territorial sovereignty of His Majesty, without the previous consent of the officer commanding the ship or vessel on board of which the same may be taken ; and it shall be lawful for any officer in His Majesty's service, or warrant or petty officer of the navy, or non-commissioned officer of marines, with or without seamen or persons under his command, to search any boat or vessel hovering about or approaching, or which may have hovered about or approached, any of His Majesty's ships or vessels ; and if any spirituous or fermented liquor be found on board such boat or vessel, to seize such spirituous or fermented liquor, and the same shall be forfeited to His Majesty and His successors ; and if any person shall take any spirituous or fermented liquor on board any of His Majesty's ships or vessels without such previous consent as aforesaid, or shall approach or hover about any of His Majesty's ships or vessels for the purpose of taking any spirituous or fermented liquor on board the same, without such previous consent, or for the purpose of giving or selling without such previous consent, spirituous or fermented liquor to men in His Majesty's service, every such person shall, upon a summary conviction thereof before a Magistrate, pay a fine not exceeding one hundred rupees for every such



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act or offence; and it shall be lawful for any officer in His Majesty's service, or any such warrant or petty officer or non-commissioned officer as aforesaid, or for any police officer, with or without any warrant or other process, to apprehend or cause to be apprehended any such offender or person so acting and to bring him or cause him to be brought before any Magistrate, for the purpose of having the offender summarily convicted of the same.

Right to seize with or without warrant.



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# CHAPTER 257.

## RIFLE AND ARTILLERY RANGES.

*Ordinance* No. 11 of 1904.

AN ORDINANCE TO MAKE PROVISION FOR SECURING THE PUBLIC AGAINST DANGER ARISING FROM THE USE OF RIFLE AND ARTILLERY RANGES.

[1*st September*, 1904.]

Short title.

**1.** This Ordinance may be cited as the Rifle and Artillery Ranges Ordinance.

Interpretation.

**2.** In this Ordinance, unless the context otherwise requires—

"military land" includes any part of the seashore or any other Crown or Government land for the time being appropriated to any military purpose with the consent of the Secretary of State or of the Governor, and also any private land so appropriated with the consent of the owner ;

"military purposes" means all or any of the following purposes, namely, an artillery range, a rifle range, a school of gunnery, experiments connected with gunnery or any purpose incidental thereto ;

"seashore" means the space between the sea and the furthest point periodically covered by the sea.

Power of Governor to make by-laws.

**3.** (1) The Governor may, from time to time, make and when made may revoke and vary, by-laws for regulating the use of any military land for the purpose to which it is appropriated, and for securing the public against danger arising from such use ; and may by such by-laws prohibit all intrusion on such land and all obstruction of the said use thereof.

(2) The by-laws when so made, revoked, or varied shall be published in the *Government Gazette*, and shall thereupon become as legal, valid, binding, and effectual as if the same had been inserted in this Ordinance, and all courts, Judges, and Magistrates shall take judicial notice thereof.



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(3) All such by-laws shall be laid before the State Council if in session within one month after such publication, and if not in session within one month of the commencement of the session next ensuing, and in either case they shall be laid on the table during four sittings at the least of the Council and any by-law which has been disapproved by resolution of the Council shall cease to have any force or effect.

Application of by-laws to sea and seashore adjoining military land.

**4.** Where any land, the use of which can be regulated by by-laws under this Ordinance, abuts on the sea or on the seashore, this Ordinance shall extend to such sea or seashore as if it were part of such land, and by-laws in relation thereto may be made accordingly :

Provided that any such by-laws shall not injuriously affect any right of navigation, anchoring, beaching boats, drawing nets, fishing, bathing, walking, or recreation, unless the Governor is satisfied that a restriction of such right is required for the safety of the public or for the exigencies of the military purpose to which the land abutting on the sea or seashore is appropriated, in which case the Governor may make by-laws restricting such rights to such extent as under all the circumstances of the case seems reasonable.

Penalty for breach of by-laws.

**5.** Any person committing a breach of any by-law made under this Ordinance shall be guilty of an offence, and shall be liable to be punished on conviction thereof by a fine not exceeding one hundred rupees, and in default of payment to simple or rigorous imprisonment not exceeding one month.



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# CHAPTER 258.

## DEFENCE FORCE.

*Ordinances* Nos. 8 of 1910, 12 of 1912, 22 of 1914, 42 of 1916, 1 of 1918, 20 of 1918, 8 of 1920, 18 of 1922, 11 of 1932.

AN ORDINANCE TO MAKE BETTER PROVISION FOR THE GOOD ORDER AND DISCIPLINE OF THE LOCAL FORCES OF CEYLON.

[19*th August*, 1910.]

Short title.

**1.** This Ordinance may be cited as the Defence Force Ordinance.

Division into parts.

**2.** This Ordinance is divided into parts as follows :

Part I.—Soldiers of the Defence Force.

Part II.—The Governor's Bodyguard.

Part III.—Town Guards.

Part IV.—Obligatory Provisions.

Part V.—Registration.

### PART I.

### SOLDIERS OF THE DEFENCE FORCE.

Interpretation.

**3.** In this Ordinance, unless the context otherwise requires—

"Appointments" includes accoutrements and equipments of every kind other than clothing ;

"Commandant" means the Commandant of the Defence Force forces in Ceylon, or any officer who may be appointed by the Governor to discharge the duties of the Commandant in consequence of the death, absence, or inability to act of the Commandant ;

"Commanding Officer of a corps" means the officer appointed to command the corps, or in his absence the senior officer for the time being in command of the corps ;

"the Officer Commanding the Troops" means the General or other Officer Commanding the Troops in the Island, and includes the officer for the time



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being commanding the troops in the Island, but does not include, except when on active service, an officer of lower rank than Lieutenant Colonel who is in command of the troops in consequence of the death, absence, or inability to act of the Officer Commanding the Troops ;

"officer" means a person holding a commission as officer in a Defence Force Corps ;

"Soldier of the Defence Force" means a member of a Defence Force Corps not being an officer.

ORGANIZATION OF DEFENCE FORCE CORPS.

Governor may accept services of corps.

**4.** (1) It shall be lawful for the Governor to accept the services of any persons desiring to be formed under this Ordinance into a Defence Force Corps, and offering their services ; and on such acceptance being notified in the *Government Gazette*, the proposed corps shall be deemed lawfully formed under this Ordinance.

(2) Any such corps shall be designated by such style as the Governor shall order.

(3) It shall be lawful for the Governor to authorise the formation of reserve Defence Force Corps or units of soldiers of the Defence Force subject to such rules and regulations as the Governor may from time to time prescribe.

Officer's commission to be issued by Governor.

**5.** The officers of a Defence Force Corps shall be commissioned by the Governor, and such commission shall not be deemed vacated by the death or retirement from office of the Governor by which the same was issued.

Power for soldier of the Defence Force to quit corps on conditions.

**6.** (1) Subject as hereinafter mentioned, any soldier of the Defence Force may, except when on active service, claim his discharge on complying with the following conditions :—

(*a*) giving to the Commanding Officer of his corps fourteen days' notice in writing of his intention to claim his discharge ;

(*b*) delivering up in good order (fair wear and tear only excepted) all arms, clothing, and appointments being public property or property of his corps issued to him ; and



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(c) paying all money due or becoming due by him under the rules of his corps, either before or at the date or by reason of his discharge from the corps ;

and thereupon he shall be struck out of the muster roll of the corps by the Commanding Officer.

(2) If any soldier of the Defence Force gives such notice and the Commanding Officer refuses to strike him out of the muster roll and the soldier of the Defence Force considers himself aggrieved thereby, the soldier of the Defence Force may appeal to a Magistrate, who shall hear and determine the appeal, and may for the purposes thereof administer oaths and examine any person as a witness ; and if it appears to such Magistrate that the arms, clothing, and appointments issued to the soldier of the Defence Force, being public property or property of his corps, have been delivered up in good order (fair wear and tear excepted), and that he has paid or is ready to pay sufficient compensation for any damages that such articles may have sustained, and that all moneys due or becoming due by him under this Ordinance or under the rules of his corps either before or at the time of or by reason of his quitting it have been paid, such Magistrate may order the Commanding Officer forthwith to strike such soldier of the Defence Force out of the muster roll, and such determination shall be binding on all persons.

(3) Nothing in this section contained shall authorise any soldier of the Defence Force to obtain his discharge, except with the consent of the Governor, before the expiration of any period of service for which he may have by writing engaged to serve.

Soldiers of the Defence Force to be under command of officers of regular forces.

**7.** Whenever any soldiers of the Defence Force are on active service, or are undergoing drill, exercise, or inspection together with or are voluntarily doing any duty together with His Majesty's regular forces or any portion thereof not being the permanent or temporary staff of such force, they and their officers shall, subject to regulations under this Ordinance, be under the command of the officers of His Majesty's regular forces, so, nevertheless, that the soldiers of the Defence Force shall, when the circumstances of the service admit, be led by their own officers under such command.

Annual inspection.

**8.** Inspection of every Defence Force Corps shall be held by the Officer Commanding the Troops or by



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some officer of His Majesty's regular forces nominated by the Officer Commanding the Troops, and at such times (at least once in every year) as the Officer Commanding the Troops may direct. In the event of the absence from the Island of the Officer Commanding, the Governor may request the Officer Commanding the Troops to nominate the inspecting officer, and for the purposes of this Ordinance such inspecting officer shall be deemed to have been nominated by the General or other Officer Commanding.

Requisites of efficiency to be declared by the Officer Commanding.

**9.** The General or other Officer Commanding the Troops shall, after consultation with the Commandant, by means of regulations, lay down conditions of efficiency, to be approved by the Governor, which conditions shall specify the drill and courses of instruction to be attended, the musketry practice to be executed, and the proficiency to be attained before a soldier of the Defence Force can be passed as efficient.

Disbanding of corps.

**10.** The Governor may disband or discontinue the services of any Defence Force Corps or any part thereof whenever it seems to him expedient to do so.

Courts of inquiry.

**11.** (1) The Officer Commanding the Troops, with the approval of the Governor, may at any time assemble a court of inquiry composed of officers of the Defence Force Corps to inquire into any matter relative to any Defence Force Corps or to any officer or soldier of the Defence Force, and to record the facts and circumstances ascertained on such inquiry, and, if so required, to report on the same for the information of the Officer Commanding the Troops.

(2) The Commanding Officer of a Defence Force Corps may at any time assemble a court of inquiry composed either of officers and soldiers of the Defence Force belonging to the corps or of such officers or of such soldiers of the Defence Force to inquire into any matter relative to the corps or any soldier of the Defence Force not being an officer, and to record the facts and circumstances ascertained on such inquiry, and, if so required, to report on the same for the information and assistance of the Commanding Officer.

(3) The Governor may call for a report of any court of inquiry, and may take such action thereon as he may deem fit.



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Power for Officer Commanding to make regulations for government of Defence Force.

**12.** (1) The Officer Commanding the Troops may, after consultation with the Commandant, make regulations, to be approved by the Governor, respecting anything in this Ordinance directed or authorised to be done or provided by regulation, and also such regulations as may seem fit (not being inconsistent with any of the provisions of this Ordinance) respecting—

(*a*) the appointment, promotion, and rank of officers ;

(*b*) the assembling and proceedings of courts of inquiry ;

(*c*) generally the execution of this Ordinance, and the general government, discipline, and training of the Defence Force.

(2) For the purpose of the discipline and training of all officers and soldiers of the Defence Force, whether persons to whom Part IV. of the Ordinance applies or not, the power to make regulations under this section shall include power to make regulations for all the purposes referred to in paragraph (*b*) of section 40, in the same manner as if such officers or soldiers were in all cases persons to whom the said part applies.

ACTIVE SERVICE.

Governor may call out soldiers of the Defence Force for active service in case of national emergency, invasion, &c.

**13.** (1) In case of great national emergency, or in case of actual or apprehended invasion of or attack on the Island, or of rebellion, insurrection, or other civil disturbance, the Governor may by Proclamation call out any Defence Force Corps or portion thereof for active service.

(2) Every officer and soldier of the Defence Force belonging to every corps or portion thereof so called out shall be bound to assemble at such place as may be directed by the Governor, and to perform such service as may be required under the orders of the senior officer in command of His Majesty's troops in this Island.

(3) Every such officer and soldier of the Defence Force from the time of his corps or the portion thereof to which he belongs being so called out shall, for the purposes of this Ordinance, be deemed on active service. If any such officer or soldier of the Defence Force, not incapacitated by infirmity for service, refuses or neglects so to assemble he shall be deemed a deserter.

(4) The period of such service shall continue so long as the Governor shall consider necessary, and shall end only by Proclamation of the Governor.



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(5) Nothing in this Ordinance shall render any officer or soldier of the Defence Force liable to serve or proceed on duty without his consent beyond the limits of the Island.

Soldiers of the Defence Force when called out on service to be entitled to pay and quarters.

**14.** All persons enrolled in any Defence Force Corps when called out on active service by the Governor shall be entitled to pay and allowances in such manner and after such rates and condition and to be quartered or billeted in like manner in every respect and under and subject to the same regulations as His Majesty's other forces, as far as the same shall by the Governor be deemed applicable to the Defence Force Corps.

Relief to families of soldiers of the Defence Force called out on service.

**15.** All persons enrolled, who shall when called out on such active service as aforesaid leave families shall during the period of their absence on active service be entitled to relief for their wives and families, and it shall be lawful for the Governor to fix the amount of such relief.

When travelling expenses are payable to soldiers of the Defence Force.

**16.** Whenever any person enrolled as aforesaid shall be called out on active service as aforesaid away from his place of residence, he shall be entitled to receive his travelling expenses from and to such residence, and it shall be lawful for the Governor to fix the rate and amount of such expenses.

Pensions to officers and soldiers disabled on service, and to widows and families of those who have been killed on service or have died within three years after being so disabled.

**17.** All officers and soldiers of the Defence Force who shall have received wounds or injuries while on active service as aforesaid, or contracted any illness directly traceable to fatigue or exposure incident to such active service, and the widows and families of all such officers and soldiers of the Defence Force who may have been killed or have died within three years after having been wounded or injured, of wounds or injuries received during such active service, or have died within three years from illness directly traceable to fatigue or exposure incident to such active service, shall be entitled to such pensions or gratuities as shall be fixed by the Governor :

Provided that no pension under this section shall exceed the sum of one thousand rupees per annum, and that no gratuity shall exceed the sum of one thousand rupees.

## DISCIPLINE.

As to discipline while not on active service.

**18.** With respect to the discipline of officers and soldiers of the Defence Force while they are not on active service, or undergoing drill, exercise, training, or inspection together



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with or voluntarily doing any duty together with His Majesty's regular forces or any part thereof, the following provisions shall take effect :

(i) The Commanding Officer of a Defence Force Corps may, subject to such appeal to the Commandant as hereinafter mentioned, discharge from the corps any soldier of the Defence Force and strike him out of the muster roll either for disobedience of orders by him while doing any duty with his corps, or for neglect of duty or misconduct by him as a member of the corps, or for other sufficient cause ; the existence and sufficiency of such cause to be judged of by the Commanding Officer, or in case of appeal by the Commandant.

(ii) The soldier of the Defence Force so discharged shall, nevertheless, be liable to deliver up in good order (fair wear and tear only excepted) all arms, clothing and appointments being public property or property of his corps issued to him, and pay all moneys due or becoming due by him under this Ordinance or under the rules of his corps either before or at the time or by reason of his discharge ; but any soldier of the Defence Force who feels aggrieved by such discharge may appeal to the Commandant within a reasonable time after such discharge, and the Commandant may cancel or confirm such discharge or give such other direction with reference thereto as to him may seem just and proper, and such determination shall be binding on all persons.

(iii) If any such officer or soldier of the Defence Force as aforesaid while—

(*a*) he is on the line of march or on duty with the corps to which he belongs or any part thereof ; or

(*b*) he is engaged in any exercise or drill with such corps or any part thereof ; or

(*c*) he is wearing the clothing or accoutrements of such corps, and is going to or returning from any place of exercise, drill, or assembly of such corps, or is otherwise on duty,

disobeys any lawful order of any officer under whose command he then is, or is guilty of misconduct, the



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officer then in command of the corps or any superior officer under whose command the corps then is may order the offender, if an officer, into arrest, and if not an officer, into the custody of any soldier of the Defence Force belonging to the corps ; provided that the offender be not kept in such arrest or custody longer than during the time of the corps or such portion thereof as aforesaid then remaining on march or duty, or continuing engaged in any such exercise or drill as aforesaid, or otherwise on duty ; and for the purposes of this provision any such officer or soldier of the Defence Force while going to or returning from any place of exercise, drill, or assembly of his corps shall be deemed to be on duty as long as he continues to wear the clothing or accoutrements of such corps.

(iv) Every such arrest shall be forthwith reported to the Commanding Officer of the corps or such other officer as may be prescribed.

Discipline of soldiers of the Defence Force when undergoing drill, &c., with regular forces.

**19.** (1) With respect to the discipline of officers and soldiers of the Defence Force when they are undergoing drill, exercise, training, or inspection, or voluntarily doing any other duty in conjunction with any part of His Majesty's Regular Forces, other than officers or non-commissioned officers permanently or temporarily attached to the staff of the Defence Force, the following provisions shall take effect :—

(44 & 45 Vict. c. 58.)

The Army Act and any other Act for the time being amending the same shall, in so far as the same are applicable to officers and soldiers of the Defence Force respectively and are consistent with the provisions of this Ordinance, apply to all officers and soldiers of the Defence Force, with the following modifications only :—

(*a*) that no officer or soldier of the Defence Force shall for any offence against such Act or Acts be subjected to the penalty of death ;

(*b*) that no sentence of a court martial assembled in Ceylon for the trial of any officer or soldier of the Defence Force shall be carried into execution unless confirmed by the Governor.



F 5——J. N. 69528 (10/37)

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Discipline of soldiers of the Defence Force when on active service with regular forces.

(2) Where the Defence Force or any part thereof or any other force raised in the Island is on active service with part of His Majesty's Regular Forces, whether within or without the limits of the Island, the Army Act and any Act for the time being amending the same shall apply to the officers and soldiers of such force in like manner as they apply to the officers and men of the Regular Forces.

RULES AND PROPERTY OF CORPS.

Power for corps to make rules.

**20.** (1) The members of a Defence Force Corps may from time to time make rules for the management of the property, finances, and civil affairs of the corps, and may alter or repeal any such rules; but any such rules shall not have effect unless or until the Commanding Officer of the corps thinks fit to transmit the same to the Governor for his approval through the Commandant, and such approval has been notified by the Governor to the Commanding Officer of the corps to be by him forthwith communicated to the corps; whereupon the rules so approved shall be binding on all members of the corps, and shall be published in the *Government Gazette*.

(2) A copy of the rules in print or writing or partly in print and partly in writing, certified under the hand of the Commanding Officer as a true copy of the rules whereof such approval has been notified as aforesaid, shall be conclusive evidence of the rules of the corps.

Vesting of property of corps in Commanding Officer ex officio.

**21.** All moneys subscribed by or to or for the use of a Defence Force Corps, and all effects belonging to any such corps or lawfully used by it, not being the property of an individual member of the corps, and the exclusive right to sue for and recover current subscriptions, arrears of subscriptions, and other moneys due to the corps, shall vest in the Commanding Officer of the corps for the time being and his successors in office, with power for him and his successors to sue, to make contracts and conveyances, and to do all other lawful things relating thereto; and any civil or criminal proceedings taken by virtue of this section by the Commanding Officer of a corps shall not be discontinued or abated by his death, resignation, or removal from office, but may be carried on and in the name of his successor in office.



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**22.** If any person fails to deliver up in good order (fair wear and tear excepted) any arms, clothing, or appointments which he is liable under this Ordinance or the rules framed hereunder to deliver up, he shall be liable to pay to the Commanding Officer of the corps the value thereof, as such value shall be determined by a general committee constituted in accordance with the rules framed under this Ordinance.

Soldiers of the Defence Force failing to give up arms, &c., when liable to do so to pay value thereof.

**23.** If any person belonging or having belonged to a Defence Force Corps neglects or refuses to pay anything subscribed or undertaken to be paid by him towards any of the funds or expenses of such corps, or due under the rules of such corps and actually payable by him, or to pay any fine incurred by him under the rules of such corps, such money or fine shall (without prejudice to any other remedy) be recoverable from him with costs at any time within eighteen months after the same becomes due and payable in manner hereinafter mentioned, and when recovered shall be applied as part of the fund of the corps to which the money properly belongs.

Recovery of subscriptions and fines.

MISCELLANEOUS.

**24.** Any money or fine re overable under this Ordinance may be recovered in the Court of Requests, notwithstanding the amount may be in excess of the ordinary jurisdiction of that court.

Recovery of fine, &c.

**25.** The Commanding Officer of any Defence Force Corps may appear in any Court of Requests or before any Magistrate by any member of the corps authorised by him in writing under his hand.

Appearance in court of Commanding Officer.

**26.** (1) Every mounted officer, and every mounted orderly of a Defence Force Corps, and every member of such corps while he belongs to a troop of cavalry in such corps, shall be at liberty to keep one horse without being liable to pay in respect thereof any municipal or other tax imposed upon horses.

Exemption from taxation.

(2) No toll shall be chargeable for the horses, animals, or conveyances of soldiers of the Defence Force going to or returning from the performance of any military duty, or for any vehicles employed in the course of such duty in conveying the arms, ammunition, accoutrements, uniforms, provisions, and baggage which are bona fide the property of any Defence Force Corps. Where such horses, animals, or conveyances



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are not in charge of soldiers of the Defence Force wearing the uniform of their corps, a certificate purporting to be under the hand of an officer of the corps to the effect that such horses, animals, or conveyances are employed on military duty shall be conclusive evidence that the same are exempt from payment of tolls.

(3) Letters being strictly on His Majesty's service and bearing on the outside or cover thereof the signature of any officer of the Defence Force Corps from whom they shall have been sent, and also words or letters indicating that such letters are on His Majesty's service only, will be received and forwarded by any post office in the Island free of postage. And should any private note or private communication of any sort or kind whatever be written or printed on or contained in any such official letter, it shall be deemed an offence, and any person found guilty thereof will be liable on conviction to any fine not exceeding fifty rupees.

(4) All arms, ammunition, accoutrements, or uniforms consigned to any officer of the Defence Force Corps being the property of the corps shall be passed by the customs duty free, on the officer to whom they are consigned delivering to the Collector of Customs a list of the articles and certifying at the foot thereof that they are bona fide the property of the corps :

Provided always that all such property shall, in case of the sale thereof after importation, be liable to and be charged with such and the same duties of customs as may by law be payable or charged on the like property not being the property of the Defence Force Corps.

Capitation grant.

**27.** It shall be lawful for the Deputy Financial Secretary, with the approval of the Governor, to pay to the Commanding Officer of every Defence force Corps for the purposes of the corps, such sums in each year as shall be fixed by the Governor for every soldier of the Defence Force returned as efficient in the annual returns of a corps, in accordance with any regulation passed under section 9, who is certified by the Commanding Officer to have fulfilled the efficiency requirements within the year, and also such special grants as shall from time to time be fixed by the Governor but such payment shall not be made unless the officer nominated in accordance with section 8 hereof certifies that the corps has been inspected by him and is in a state of efficiency.



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Oath of allegiance.

**28.** Every member of a Defence Force Corps shall on his admission or as soon afterwards as may be take the oath or make the affirmation set forth in the Schedule to this Ordinance, to be administered by a Justice of the Peace or by an officer of his corps who has taken such oath or affirmation.

Assaulting or resisting member of corps.

**29.** Whoever assaults or resists or abets within the meaning of the Penal Code any person in assaulting or resisting any member of the corps in the discharge of his duty shall be punishable on conviction before a Magistrate with fine not exceeding one hundred rupees, or with imprisonment of either description for any term not exceeding six months, or with both.

Saving clause with regard to authority of Commandant and Governor.

**30.** (1) Nothing in this Ordinance shall be held to interfere with the command of the Defence Force which is vested in the Commandant as senior officer responsible to the Governor for all matters connected with the force, except when acting with regular forces of the Crown or when called out under section 13.

(2) Nothing in this Ordinance shall be taken to abridge, curtail, or affect the power vested in the Governor as Commander-in-Chief of the Island and its dependencies.

Insurance of horses.

**31.** (1) A scheme may be established in manner hereinafter appearing for the insurance of the horses of members of the Ceylon Defence Force who are required to use horses in the performance of their duties. It shall be provided by such scheme of insurance that all members of the Ceylon Defence Force who are required to use horses as aforesaid shall pay to the general revenue, in respect of each such horse, such annual sum by way of premium as shall be prescribed by regulation ; and, that in the event of the death or permanent disablement of any such horse, the insurer shall receive from the Treasury such compensation as shall be prescribed by regulations.

(2) The Governor may from time to time make, and when made may rescind, vary, or revoke such regulations as may be considered necessary for the establishment and administration of the scheme of insurance, and for the regulation of all matters connected therewith or incidental thereto.



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(3) In particular and without prejudice to the generality of the powers conferred by the last preceding section such regulations may provide—

(*a*) for the appointment of a committee to manage all matters connected with the scheme of insurance ;

(*b*) for the determination of the value of horses for the purposes of insurance, and for prescribing the maximum amount at which horses will be valued for such purpose ;

(*c*) for prescribing the percentage of the value of horses which shall be paid annually by way of premium, and the manner and time of such payment ;

(*d*) for prescribing the description of horses, as regards age and soundness, which will be accepted for insurance, and for limiting the number of horses which may be insured by any soldier of the Defence Force ;

(*e*) for defining the risks against which insurers will be indemnified ;

(*f*) for prescribing the evidence which will be required in proof of the death or permanent disablement of an insured horse.

(4) Upon production of a certificate under the hand of a person authorised by regulation to give the same that a soldier of the Defence Force is entitled to compensation, the Deputy Financial Secretary shall pay to such soldier of the Defence Force the amount certified to be due to him out of the moneys voted for the purpose by the State Council.

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## PART II.

### The Governor's Bodyguard.

The Governor's Bodyguard.

**32.** (1) The corps of mounted men known as the Governor's Bodyguard shall be composed of men voluntarily recruited from the Indian Army under such conditions of service as the Governor shall from time to time determine with the concurrence of the Governor-General of India.

Subject to such conditions and to the provisions of this section, the Governor's Bodyguard shall be governed by the Indian Articles of War.

(2) The Governor's Bodyguard shall be considered to be a unit of the local forces of Ceylon, shall be commanded



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by an aide-de-camp of the Governor's staff, and shall be under the administration of the Commandant, but save as provided by the provisions of this section, the provisions of this Ordinance shall not be applicable to the Governor's Bodyguard.

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## PART III.

### Town Guards.

Town Guards.

**33.** (1) The Governor in time of war or other emergency may authorise the formation of a Town Guard for the defence and protection of any town in the Island and of its vicinity, under such special regulations under section 12 as he may approve, or pending the making of such regulations under such conditions as he may determine.

(2) Upon the publication of such authorisation in the *Government Gazette*, every such Town Guard shall constitute a Defence Force Corps, and all the provisions of the Ordinance shall, with the necessary modifications, apply thereto :

Provided that the Governor may exempt any Town Guard from any of the provisions of this Ordinance.

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## PART IV.

### Obligatory Provisions.

Application of Part IV.

**34.** (1) This part of the Ordinance shall apply to the following persons (not being members of His Majesty's Navy, Army, Air Force or of the Police Force of the Island), that is to say—

every European of the male sex resident in the Island who is a British subject, and is between the ages of eighteen and fifty.

(2) If any question arises as to whether any person is a person to whom this part of the Ordinance applies, such question shall be referred to the Governor, and the decision of the Governor shall be final.

Obligatory enlistment.

**35.** (1) Within one month of such date as shall be fixed by the Governor by Proclamation in that behalf, or in the case of persons to whom this part of the Ordinance shall become applicable subsequently to that date within three months of the date on which it becomes applicable, it shall



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be obligatory on every person to whom this part of the Ordinance applies who is not a soldier of the Defence Force—

(*a*) if he has attained the age of eighteen and has not yet attained the age of forty-one, to enrol himself in a Defence Force Corps formed under this Ordinance :

Provided that for the purposes of this paragraph a Defence Force Corps shall not be deemed to include a Town Guard other than the Colombo Town Guard ;

(*b*) if he has attained the age of forty-one and has not yet attained that of fifty, to enroll himself in a Town Guard which shall have been constituted a Defence Force Corps under this Ordinance, or as a member of the reserve of any Defence Force Corps.

(2) The Officer Commanding the Troops may, in any case in which in his opinion military exigencies so require, transfer any person enrolled as a soldier of the Defence Force to whom this part of the Ordinance applies from any Defence Force Corps or unit to any other Defence Force Corps or unit which he may specify, and it shall be the duty of every such person to serve in the corps or company to which he is so transferred :

Provided that any person so transferred shall be entitled within such time as may be prescribed to appeal to the Governor, whose decision shall be final.

(3) Any person who has completed five years' service in a Defence Force Corps referred to in paragraph (*a*) of subsection (1) of this section, and has attained the age of thirty years, may claim to be transferred to a reserve company of his corps :

Provided that the Officer Commanding the Troops may prohibit or cancel such transfer if he is satisfied that military exigencies so require.

(4) (*a*) Notwithstanding anything in this section contained, the Governor may direct that any person to whom this part of the Ordinance applies who has served outside the Island in any of His Majesty's Naval, or Military Forces, or in the Royal Air Force, during the Great European War 1914-1918, shall, instead of enrolling himself in any Defence Force Corps or reserve thereof, or in any Town Guard, be placed on the general reserve, or on the reserve of any Defence Force Corps :

Provided that the Governor may, if and when he thinks fit, cancel such appointment to such general reserve or reserve of a



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Defence Force Corps and direct any such person to enrol himself in a Defence Force Corps, and thereupon the provisions of this part of the Ordinance as to the liability to enrol himself shall become applicable to such person.

(*b*) The Governor may, if and when he thinks fit, direct any such person to be again placed on such general reserve or reserve of a Defence Force Corps, but without prejudice to the power of the Governor to direct any such person again to enrol himself in a Defence Corps as and when the Governor thinks fit to give any such direction.

Power to prescribe drills, &c.

**36.** (1) With reference to persons to whom this part of the Ordinance applies, the power of the Officer Commanding the Troops to make regulations under section 12 shall include power to make regulations regarding such persons at prescribed dates or within prescribed intervals—

(*a*) until they attain the prescribed standard of efficiency, to attend the drills and courses of instruction, and to execute the practice prescribed for the purpose of the attainment of such standard ; and

(*b*) after they attain such standard, to attend the drills and courses of instruction, and to execute the practice prescribed for the purpose of maintaining the standard so attained.

(2) Such regulations shall be published in the *Government Gazette*, and shall not come into force until the expiration of a period of forty days from the date of publication :

Provided that if, before the expiration of the period of forty days, notice of objection is given in writing by any member of the State Council to the Clerk of the Council, no regulation to which objection is taken shall come into force until approved with or without modification by the State Council.

Offences.

**37.** Any person to whom this part of the Ordinance applies, who—

(*a*) infringes any provision of section 35 of this Ordinance ; or

(*b*) refuses or neglects to take the oath or affirmation of allegiance provided for by section 28,

shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding two hundred rupees, or in



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the case of an offence which is in the nature of a continuing default, not exceeding fifty rupees for every day during which the default continues, or if such fine be not duly paid, to imprisonment of either description for a period not exceeding three months.

Committees.

**38.** (1) The Governor may, for the purposes of this part of the Ordinance, appoint committees composed of such number of persons and with such local jurisdiction as he may determine, and every such committee shall have power to order the exemption of any person from the application of this part of the Ordinance on the ground of the ill-health or infirmity of such person, or on the ground that the place of residence of such person renders compliance with the provisions of this part of the Ordinance impracticable, or for any other prescribed cause.

(2) Any person aggrieved by any refusal of exemption may appeal by petition to the Governor, and the decision of the Governor shall be final.

Power of Governor to exempt.

**39.** The Governor may by order exempt any person from the application of this part of the Ordinance.

Powers of Governor to make rules.

**40.** The Governor may make rules—

(*a*) for regulating the procedure to be followed by the committees appointed under section 38, and the exercise of their powers under that section ;

(*b*) for the trial by the prescribed tribunal of offences committed by persons to whom this part of the Ordinance applies against rules or regulations made under this Ordinance, for the trial of which no other provision is made, and of disciplinary offences committed by such persons, and for the punishment of offences so triable by military detention for a period not exceeding three months, or by a fine not exceeding two hundred rupees, or by such minor military punishments as may be prescribed ;

(*c*) generally for the purpose of the execution of the provisions of this part of the Ordinance.

Exclusion of certain provisions.

**41.** Section 6 shall not extend to any person to whom this part of the Ordinance applies :



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Provided that, except during the existence of hostilities, it shall be lawful for any such person to claim his discharge if he is about to leave the Island for a period of not less than six months.

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## PART V.

### REGISTRATION.

Registration of all Europeans.

**42.** (1) For the purpose of ascertaining the persons to whom Part IV. of this Ordinance applies, the Governor may make rules for the registration of all male Europeans who shall have resided in the Island for a period of three months or upwards irrespective of age or nationality.

(2) Any person who commits any breach of any provision of such rules shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding two hundred rupees, or, if such fine be not duly paid, to imprisonment of either description for a period not exceeding three months.

(3) If any question arises as to whether any person is a European within the meaning of subsection (1) of this section, such question shall be referred to the Governor, and the decision of the Governor shall be final.

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## SCHEDULE.

### OATH OF OFFICER AND SOLDIER OF THE DEFENCE FORCE.

[Section 28.]

I, *A. B.*, do solemnly promise and swear (*or* do solemnly, sincerely, and truly affirm and declare) that I will be faithful and bear true allegiance to His Majesty King George the Sixth and I will faithfully serve His Majesty in Ceylon for the defence of the same against all his enemies and oppressors whatsoever according to the conditions of my service.

(The name of successor of His Majesty King George the Sixth for the time being, with proper words of reference thereto, to be substituted as occasion requires.)

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# CHAPTER 259.

## MILITARY TRANSPORT.

*Ordinances* Nos. 4 of 1840, 3 of 1848.

AN ORDINANCE TO PROVIDE FOR THE SUPPLY OF BULLOCK CARTS AND OTHER MEANS OF TRANSPORT REQUIRED FOR HIS MAJESTY'S FORCES AND THEIR BAGGAGE ON MARCHES IN THIS ISLAND.

[1*st March*, 1840.]

Short title.

**1.** This Ordinance may be cited as the Military Transport Ordinance.

Supply of bullock carts and bullocks.

Mode of proceeding and rate.

**2.** All District Courts within their respective jurisdictions upon production of a requisition for that purpose signed by the Governor or the senior officer of His Majesty's forces, or other person duly authorised on that behalf, shall issue a warrant to any constable, police vidahn, or peace officer, requiring him to provide the number of bullock carts, bullocks, and drivers mentioned in such requisition, and allowing sufficient time to do the same, and specifying the weights which such bullock carts or bullocks shall carry, the places from and to which the said bullock carts, bullocks, and drivers shall travel, and the distance between the places, and also the rate of hire or payment which shall be demanded for the same; and such distance and rate shall be according to the distance and rate of hire for which bullock carts or bullocks are usually let out on private hire at the place where the same are impressed, together with such extra compensation as, the District Court shall under the circumstances consider to be reasonable, but making no allowance for dues or tolls on roads, bridges, or ferries, which are herein declared not to be demandable for the same while employed on such service, or returning therefrom; and the said constable, police vidahn, or peace officer shall, on receiving such warrant, order persons having bullock carts or bullocks to furnish the requisite supply, who are hereby required to furnish the same accordingly, together with proper drivers; and when it shall appear by a certificate of any District Judge that sufficient bullock carts or bullocks cannot be procured within his



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district, any adjoining District Court shall within its jurisdiction by a like course of proceeding supply the deficiency.

Bullock carts plying for common hire liable to be impressed before private carts.

**3.** All bullock carts plying for hire or the conveyance of goods shall be liable to be impressed under the provisions of this Ordinance before any carts kept by individuals exclusively for private use, and not let out for common hire.

Half of rate to be paid before loading.

**4.** The owners or drivers of any bullock carts or bullocks impressed under this Ordinance shall be entitled to be paid one-half of the hire thereof, according to the rate allowed by and specified in the warrant of the District Court, before his bullock cart or bullocks shall be loaded; and no bullock cart or bullocks shall be liable to carry a greater weight than shall be specified in the warrant of the District Court, and the loading of such bullock cart or bullock shall be first weighed, if required, at the expense of the party in fault, provided that the same can be done in a reasonable time without hindrance to His Majesty's service; and whenever it shall be necessary to impress bullock carts or bullocks for a march under this Ordinance, at least twenty-four hours' notice shall be given, and in case of emergency as long notice as the case will admit shall be given to the constable, police vidahn, or peace officer who shall have to order the requisite supply; and the owner or owners of every bullock cart or bullock which shall be detained and employed under this Ordinance shall, upon the discharge of such bullock cart or bullocks, be entitled to a cerificate of such service or employment; and no owner of any bullock cart or bullock shall be liable to have the same detained and employed under this Ordinance against his or her will, oftener than once in each year, except in case of pressing emergency.

Weight of loading.

Twenty-four hours' notice to constables, &c., for providing carts.

Certificate of employment to be given, and cart not liable to be impressed oftener than once a year.

Supply of carriages, &c., in case of emergency.

**5.** It shall be lawful for the Governor by his warrant, distinctly stating that a case of emergency doth exist, to authorise any officer commanding His Majesty's troops in any district or place, or any commissariat officer or agent for the supply of military stores and provisions, to make a requisition in writing under his hand to any District Court within its jurisdiction to issue its warrant for the provision, not only of bullock carts and bullocks kept by or belonging to any person and for any use whatsoever, but also of horses, carriages, hackeries, waggons, and vehicles, and also of boats, barges, and other vessels used for the transport of any commodities whatsoever upon any canal or navigable river, as shall be



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mentioned in the said requisition, therein specifying the place and distance to which such carriages, horses, or vessels shall go ; and on the production of the said requisition to any District Court, such court shall, within its jurisdiction, take all the same proceedings in regard to such additional supply so required on the said emergencies as the said courts are by this Ordinance required to take for the ordinary provision of bullock carts or bullocks ; and all provisions whatsoever of this Ordinance, as regards the procuring of the ordinary supply of bullock carts and bullocks, and the duties of the constables or other officers and owners of bullock carts and bullocks in that behalf, shall be to all intents applicable for the providing and payment according to the rate of hire usually paid for such other description of carriages or vessels so required on emergency, according to the length of the journey or voyage in such case ; and it shall be lawful to convey thereon, not only the baggage, provisions, and military stores of any regiment or detachment, but also the officers, soldiers, servants, women, children, and other persons of or belonging to the same.

Penalties upon persons offendign against provisions of this Ordinance.

**6.** If any constable, police vidahn, or other peace officer shall wilfully neglect or refuse to execute any warrant aforesaid of the District Court which shall be directed to him for providing bullock carts or bullocks, horses, carriages, or vessels, or if any person appointed by such constable to provide bullock carts or bullocks, horses, carriages, or vessels, shall refuse or neglect to supply the same or do any act or thing by which the execution of such warrant shall be hindered, such constable, police vidahn, peace officer, or other person shall forfeit for every such offence, neglect, or refusal any sum not exceeding fifty rupees nor less than twenty rupees, and the register or licence of every bullock cart for which default shall be made shall be thereupon forfeited and the plate thereof accordingly ordered to be removed from such cart.

Forfeiture of licence of bullock cart.

Penalties upon the military so offending.

**7.** If any military officer, non-commissioned officer, or soldier shall, except on emergency, constrain any bullock cart, or carriage, or vessel to proceed beyond the distance specified in the warrant of the District Court, or shall compel the owners or driver to take up any soldier or servant (except such as are sick), or shall otherwise, contrary to the will of the owner or driver, cause or permit any greater load to be put upon any carriage than is directed by this Ordinance,



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such officer, non-commissioned officer, or soldier shall, upon conviction, forfeit for every such offence any sum not exceeding fifty rupees nor less than twenty rupees.

Fines to be levied by distress.

**8.** All fines or penalties imposed by this Ordinance shall, on failure of immediate payment, be levied by summary warrant of distress and sale of the goods, property, and effects of the offender or offenders, and in default of payment the offender or offenders shall be liable to imprisonment not exceeding three calendar months, and it shall also be lawful for any court before whom any such offender may be convicted to order at its discretion the whole or any part of such fine or penalty when recovered to be paid over or applied to the use and benefit of the person who shall first have given information against or been active on the apprehending of such offender, or shall appear otherwise deserving of reward in the matter.

Informer's share.

Interpretation.

**9.** Whenever the words "bullock carts" or "bullocks" are used in this Ordinance, such words shall be respectively understood and construed to include buffalo carts as well as bullock carts, and buffaloes as well as bullocks.



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# CHAPTER 260.

## MERCHANT SHIPPING.

AN ORDINANCE RELATING TO MERCHANT SHIPPING.

*Ordinances* Nos. 7 of 1863, 3 of 1884, 3 of 1888, 7 of 1929.

[1*st January*, 1865.]

**1.** This Ordinance may be cited as the Merchant Shipping Ordinance.

Short title. [§ 2, 7 of 1929.]

APPOINTMENT OF SUPERINTENDENT.

**2.** The Principal Collector of Customs shall throughout Ceylon have the general superintendence of all matters relating to this Ordinance, and it shall be lawful for the Governor to appoint any officer of customs or any other person to be shipping officer at any port, and to perform such duties as are hereinafter mentioned. Due notice of every such appointment shall be published in the *Gazette*.

Principal Collector of Customs to be Superintendent. Governor to appoint shipping officers.

SHIPPING OFFICES.

**3.** A shipping office shall be established at each of the ports of Colombo, Galle, Trincomalee, and Jaffna, and at such other ports as the Governor shall hereafter deem necessary. For every such office there shall be a Superintendent, to be called a "shipping officer," with such necessary deputies, clerks, and servants, at such salaries or other allowances, and subject to such regulations, as the Governor shall from time to time direct and appoint. Every act done by or before any deputy duly appointed shall have the same effect as if done by or before a shipping officer.

Shipping offices.

**4.** The whole or any part of the business of the shipping office shall be conducted at the custom house, or at the office of the Master Attendant or Harbour Master, or at such other office as the Governor shall direct; and in respect of such business such custom house or office as aforesaid shall for all purposes be deemed to be a shipping office, and the officer of customs or other officer there to whom such business is

Business of shipping office may be transacted at custom house or elsewhere.



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committed shall for all purposes be deemed to be a shipping officer within the meaning of this Ordinance.

Business of shipping officer.

**5.** It shall be the general business of shipping officers to superintend and facilitate the engagement and discharge of seamen in manner hereinafter mentioned, and to perform such other duties relating to merchant seamen and merchant ships as are hereby, or under the Merchant Shipping Act, 1894, or as may hereafter under the powers herein contained, be committed to them. It shall also be the duty of shipping officers to give to all persons desirous of apprenticing boys to the sea service, and also to masters and owners of ships requiring apprentices, such assistance as may be in their power for facilitating the making of such apprentice-ships.

(57 & 58 Vict. c. 60.)

Fees to be paid upon engagements and discharges.

**6.** Such fees not exceeding the sums specified in the table marked A in the Schedule, as are from time to time fixed by the Governor, shall be payable to the shipping officers upon all engagements and discharges effected before shipping officers as hereinafter mentioned. Scales of the fees payable for the time being shall be conspicuously placed in the shipping offices ; and all shipping officers, their deputies, clerks, and servants may refuse to proceed with any engagements unless the fees payable thereon are first paid.

Fees by whom to be paid, &c.

**7.** Every owner or master of a ship engaging or discharging any seaman in a shipping office or before a shipping officer shall pay to the shipping officer the whole of the fees hereby made payable in respect of such engagement or discharge, and may, for the purpose of in part reimbursing himself, deduct in respect of each such engagement or discharge from the wages of all persons (except apprentices) so engaged or discharged, and retain any sums not exceeding the sums specified in that behalf in the table marked B in the Schedule :

Provided that if in any cases the sums which the owner is so entitled to deduct exceed the amount of the fee payable by him, such excess shall be paid by him to the shipping officer in addition to such fee.

Penalty on shipping officer asking other remuneration.

**8.** Any shipping officer, deputy shipping officer, or any clerk or servant in any shipping office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant



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ship, excepting the lawful fees payable under this Ordinance, shall for every such offence incur a penalty not exceeding two hundred rupees, and may be dismissed from his office.

EXAMINATIONS AND CERTIFICATES OF MASTERS AND MATES.

Examinations.

**9.** Examinations shall be instituted for persons who intend to become masters or mates of coastwise ships or foreign-going ships registered in this Island of the burden of fifty tons and upwards, or who wish to procure certificates of competency hereinafter mentioned.

Examiners.

**10.** The Governor shall from time to time nominate two or more competent persons as examiners and make rules as to the conduct of such examinations and as to the qualifications of the various classes of applicants, and such rules shall be strictly adhered to by the examiners. Fees at the following rates shall be paid to the examiners by all applicants for examinations :

Fees.

| | Of a Foreign-going Ship. Rs. c. | Of a Coast-wise Ship. Rs. c. |
|---|---|---|
| For a certificate as master .. | 20 0 .. | 10 0 |
| For a certificate as mate .. | 10 0 .. | 5 0 |

Certificates of competency.

**11.** The examiners shall deliver to every applicant who has passed the examination satisfactorily and who has given satisfactory evidence of his sobriety, experience, ability, and general good conduct on board ship a certificate, hereinafter called a "certificate of competency," to the effect that he is competent to act as master or mate of a coastwise ship registered in this Island, or as master or mate of a foreign-going ship registered in this Island, as the case may be.

Reciprocal recognition of certificates between Ceylon and other parts of His Majesty's dominions.

[§ 3, 7 of 1929.]

**12.** (1) Where the Governor is satisfied—

(*a*) that the legislature of any part of His Majesty's dominions has provided for the examination of, and the grant of certificates of competency to, persons intending to act as masters or mates on board ships ;

(*b*) that such examination is so conducted as to be equally efficient with the examination for the same purpose held under the provisions of this Ordinance ;



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(*c*) that such certificates are granted on such principles as to show the like qualifications and competency as are required in the case of certificates granted under this Ordinance ; and

(*d*) that reciprocal provisions have been made in such part of His Majesty's dominions for the recognition of certificates of competency granted under this Ordinance,

the Governor may by Order to be published in the *Gazette* declare that certificates of competency as a master or as a mate granted in such part of His Majesty's dominions shall be as valid and effectual for the purpose of this Ordinance, and shall be subject to any or all of the provisions of this Ordinance as if they were certificates of competency granted under this Ordinance.

(2) For the purposes of this section, the expression " part of His Majesty's dominions " shall be deemed to include any territory which is under His Majesty's protection, or in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions.

No ship of 50 tons to go to sea without certificated master, &c.

[§ 4, 7 of 1929.]

**13.** No ship registered in this Island of a burden of 50 tons or upwards shall go to sea from any port in this Island unless the master, and one officer besides the master, have obtained and possess valid and appropriate certificates either of competency or service under this Ordinance, or under the British or Indian Merchant Shipping Acts, or have obtained and possess certificates of competency of a type declared to be valid and effectual for the purposes of this Ordinance by an Order made under section 12 ; and whosoever, having been engaged to serve as master or mate, goes to sea as such master or mate without being at the time entitled to and possessed of such a certificate as hereinbefore required, and whosoever employs any person as such master or mate without ascertaining that he is at the time entitled to and possessed of such certificate shall for each such offence be liable to a penalty not exceeding two hundred rupees.

Record of grants, cancellations, &c., of certificates.

**14.** Every certificate, whether of competency or service, shall be made in duplicate ; one part shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded by the Principal Collector of Customs. A note of all orders made for cancelling, suspending, altering, or



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otherwise affecting any certificate in pursuance of the powers herein contained, shall be entered in the record of certificates.

Loss of certificate.

**15.** Whenever any master or mate proves to the satisfaction of the Principal Collector of Customs that he has, without fault on his part, lost or been deprived of any certificate already granted to him, a copy of the certificate shall, on payment of a fee of two rupees and fifty cents, be delivered to him, and such copy shall have all the effect of the original.

ENGAGEMENT OF SEAMEN.

Licences to procure seamen.

**16.** The Governor may authorise the granting to such persons as may be deemed fit of licences to engage or supply seamen for merchant ships, such licences to continue for such periods, and upon such terms, and to be revocable upon such conditions, as the Governor thinks proper and shall direct. If after such licence shall be granted at any port any person shall engage or supply seamen for merchant ships without a licence, he shall be liable to a fine not exceeding fifty rupees.

Agreements with seamen.

**17.** The master of every ship of the burden of 50 tons and upwards, other than a coastwise ship, shall enter into an agreement with every seaman whom he carries to sea from any port in this Island as one of his crew, in the manner hereinafter mentioned; and every such agreement shall be in a form sanctioned by the Governor, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof, that is to say—

(*a*) the nature and, as far as practicable, the duration of the intended voyage or engagement;

(*b*) the number and description of the crew, specifying how many are engaged as sailors;

(*c*) the time at which each seaman is to be on board or to begin work;

(*d*) the capacity in which each seaman is to serve;

(*e*) the amount of wages which each seaman is to receive;

(*f*) a scale of the provisions which are to be furnished to each seaman.



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And every such agreement shall be so framed as to admit of stipulations, to be adopted at the will of the master and seaman in each case (not being inconsistent with the provisions of this Ordinance), as to advance and allotment of wages, and may contain any other stipulations which are not contrary to law :

Proviso as to forms for British or colonial ships.

Provided that if the master of any ship belonging to the United Kingdom of Great Britain and Northern Ireland or any British possession has an agreement with his crew made in due form according to the law of the place to which such ship belongs or in which her crew were engaged, and engages single seamen in any port within this Island, such seamen may sign the agreement so made, and it shall not be necessary for them to sign an agreement under this Ordinance ;

Proviso where Ceylon or Indian seamen are shipped.

Provided also that in the case of Ceylon or Indian seamen, when it shall be agreed that the service of any such seamen shall end at any port not in this Island, the agreement shall contain stipulations for providing for such seamen fit employment on board some other vessel bound to the port at which they were shipped, or such other port as may be agreed on, or for providing them a passage to some such port as aforesaid free of charge, or on such other terms as may be agreed on ; and every such stipulation shall be signed by the owner of the vessel or by the master on his behalf, and shall be binding upon the said owner.

Agreements, except in special cases, to be made before and attested by a shipping officer.

**18.** In the case of all ships, in whatever part of His Majesty's dominions the same are registered, the following rules shall be observed with respect to agreements, that is to say—

Agreement to be signed by seamen.

(*a*) every agreement made in any port of this Island (except in such cases of agreements with substitutes as are hereinafter specially provided for) shall be signed by each seaman in the presence of a shipping officer ;

Shipping officer to cause agreement to be explained to seamen.

(*b*) such shipping officer shall cause the agreement to be read over and explained to each seaman in a language understood by him, or shall otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature ;

To be in duplicate.

(*c*) when the crew is first engaged the agreement shall be signed in duplicate, one shall be retained by the shipping officer, and the other (which shall contain



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a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship) shall be delivered to the master ;

Provision for substitutes.

(*d*) in the case of substitutes engaged in the place of seamen who have duly signed the agreement, and whose services are lost within twenty-four hours of the ship's putting to sea, by death, desertion, or other unforeseen cause, the engagement shall, when practicable, be made before some shipping officer duly appointed in the manner hereinbefore specified ; and whenever such last-mentioned engagement cannot be so made, the master shall, before the ship puts to sea, if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the seamen ; and the seamen shall thereupon sign the same in the presence of a witness, who shall attest their signatures.

Ships making short voyages may have running agreements.

**19.** In the case of ships making voyages averaging less than six months in duration, running agreements with the crew may be made to extend over two or more voyages, or for a period not exceeding twelve months, so that no such agreement shall extend beyond the next following thirty-first day of December of each year, or the first arrival of the ship at the port of destination within this Island after such date, or the discharge of cargo consequent upon such arrival ; and every person entering into such agreement, whether engaged upon the first commencement thereof or otherwise, shall enter into and sign the same in the manner hereby required for other foreign-going ships ; and every person engaged thereunder, if discharged in any port within the said Island, shall be discharged in the manner hereby required for the discharge of seamen belonging to other foreign-going ships.

Engagement and discharge of seamen in the meantime.

**20.** The master of every ship for which such a running agreement as aforesaid is made shall, upon every return to any port of this Island before the final termination of the agreement, discharge or engage before the shipping officer at such port any seamen whom he is required by law so to discharge or engage ; and shall upon every such return endorse on the agreement a statement (as the case may be) either that no such discharges or engagements have been made or are intended to be made before the ship again leaves port, or that all such discharges or engagements have been duly made



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as hereinbefore required, and shall deliver the agreement so endorsed to the shipping officer; and any master who wilfully makes a false statement in such endorsement shall incur a penalty not exceeding two hundred rupees; and the shipping officer shall also sign an endorsement on the agreement to the effect that the provisions of this Ordinance relating to such agreement have been complied with, and shall redeliver the agreement so endorsed to the master.

Fees to be paid on such running agreements.

**21.** For the purpose of determining the fees to be paid upon the engagement and discharge of seamen belonging to ships which have running agreements as aforesaid, the crew shall be considered to be engaged when the agreement is first signed, and to be discharged when the agreement finally terminates; and all intermediate engagements and discharges shall be considered to be engagements and discharges of single seamen.

In coastwise ships, or ships of less than 50 tons, agreements may be entered into before a shipping officer.

**22.** In the case of coastwise ships, or of ships of less than 50 tons burden, crews or single seamen may, if the master thinks fit, be engaged before a shipping officer in the manner hereinbefore directed with respect to ships of 50 tons burden and upwards.

Penalty for shipping seamen without agreement duly executed.

**23.** If in any case a master carries any seaman to sea without entering into an agreement with him in the form and manner and at the place and time hereby in such case required, the master shall for each such offence incur a penalty not exceeding fifty rupees.

Foregoing provisions applicable to foreign ships shipping British or Ceylon or Indian seamen.

**24.** The foregoing provisions relative to the engagement of and agreements with seamen shall be applicable also in respect of all ships belonging to the subjects of any foreign state upon which any British or Ceylon or Indian seamen may be shipped at any port within this Island.

To prevent infraction of Ordinance, shipping officer may board vessels and muster seamen.

**25.** For the purpose of preventing any seamen from being shipped at any port in this Island contrary to the provisions of this Ordinance, the shipping officer by himself or his deputy may enter at any time on board any ship upon which he shall have reason to believe that seamen have been shipped, and may muster and examine the several seamen employed therein; and any person who shall obstruct the said shipping officer or deputy in such duty shall be liable to a penalty not exceeding fifty rupees.



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Production of agreements and certificates.

**26.** The following rules shall be observed with respect to the production of agreements and certificates of competency or service for ships ; that is to say—

(*a*) the master shall, on signing the agreement with his crew, produce to the shipping officer before whom the same is signed the certificates of competency or service which the said master and his mate are hereby required to possess ; and upon such production being duly made and the agreement being duly executed as hereby required, the shipping officer shall sign and give to the master a certificate to that effect ;

(*b*) in the case of running agreements for ships, the shipping officer shall, before the second and every subsequent voyage made after the first commencement of the agreement, sign and give to the master, on his complying with the provisions herein contained with respect to such agreements, and producing to the shipping officer the certificate of competency or service of any mate then first engaged by him, a certificate to that effect ;

(*c*) the master shall, before proceeding to sea, produce the certificate so to be given to him by the shipping officer as aforesaid to the Collector of Customs, and no officer of customs shall clear any ship outwards in respect of which agreements and certificates are hereinbefore required without such production ; and if any such ship attempts to go to sea without a certificate, any such officer may detain her until such certificate as aforesaid is produced ;

(*d*) the master shall, within forty-eight hours after the ship's arrival at her final port of destination within this Island, or upon the discharge of the crew, whichever first happens, deliver the agreement to a shipping officer at such port ; such shipping officer shall thereupon give to the master a certificate of such delivery, and no officer of customs shall clear any ship inwards in respect of which agreements and certificates are hereinbefore required without the production of such certificate.

And if any master fail to deliver the agreement to a shipping officer at the time and in the manner hereby directed, he shall for every default incur a penalty not exceeding fifty rupees.



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Alterations to be void unless attested to have been made with the consent of all parties.

**27.** Every erasure, interlineation, or alteration in any such agreement with seamen as is required by this Ordinance (except additions so made as hereinbefore directed for shipping substitutes or persons engaged subsequently to the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in such erasure, interlineation, or alteration by the written attestation (if made in His Majesty's dominions) of some shipping officer, Justice of the Peace officer of customs, or other public functionary, or (if made out of His Majesty's dominions) of a British consular officer or, where there is no such officer, of two respectable British merchants.

Copy of agreement to be made accessible to crew.

**28.** The master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement, and if necessary a translation thereof in a language understood by the majority of the crew (omitting the signatures), to be placed or posted up in such part of the ship as to be accessible to the crew, and in default shall incur a penalty not exceeding fifty rupees.

Seamen discharged before voyage to have compensation.

**29.** Any seaman who has signed an agreement and is afterwards discharged before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner in addition to any wages he may have earned, due compensation for the damage thereby caused to him, not exceeding one month's wages, and may, on adducing such evidence as the court hearing the case deems satisfactory of his having been so improperly discharged as aforesaid, recover such compensation as if it were wages duly earned.

REGULATIONS OF ADVANCES.

Regulation of advances and advance notes.

**30.** No advance of wages shall be made or advance note given to any person but the seaman himself; and no advance note shall be given to any seaman who signs the agreement before a shipping master, unless in the presence of such shipping master.

Advances irregularly or improperly made not to be a discharge of wages.

**31.** If any advance of wages is made or any advance note given to any seaman in any such manner as to constitute a breach of any of the above provisions, the wages of such seaman shall be recoverable by him as if no such advance had been made or advance note given; and in the case of



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any advance note so given no person shall be sued thereon under the provisions hereinafter contained, unless he was in person or by his agent a party to the irregular or improper manner of giving the same.

ALLOTMENT OF WAGES.

Regulations as to allotment notes.

**32.** All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement, and shall state the amounts and times of the payments to be made.

Allotment notes may be sued on summarily by certain persons and under certain conditions.

**33.** The person in whose favour an allotment note of part of the wages of such seaman is made may, unless the seaman is shown in manner hereinafter mentioned to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, sue for and recover the sums allotted by the note when and as the same are made payable, with costs, from the owner or any agent who has authorised the drawing of the note; and in any such proceeding it shall be sufficient for the claimant to prove that he is the person mentioned in the note, and that the note was given by the owner or by the master or some other authorised agent; and the seaman shall be presumed to be duly earning his wages unless the contrary is shown to the satisfaction of the court, either by the official statement of the change in the crew caused by his absence made and signed by the master, as by this Ordinance is required, or by a duly certified copy of some entry in the official log book to the effect that he has left the ship, or by a credible letter from the master of the ship to the same effect, or by such other evidence, of whatever description, as the court in its absolute discretion considers sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

DISCHARGE AND PAYMENT OF WAGES.

Discharge from ships to be made before shipping officer.

**34.** All seamen discharged from any ship at any port within this Island, in whatever part of His Majesty's dominions the ship is registered, shall be discharged and receive their wages in the presence of a shipping officer duly appointed under this Ordinance, except in cases where some competent court otherwise directs; and any master or owner of any such ship who discharges any seaman belonging thereto, or except as aforesaid pays his wages in any other manner, shall incur a penalty not exceeding fifty rupees.



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Master to deliver account of wages.

35. Every master of such ship shall, not less than twenty-four hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a shipping officer, to such shipping officer, a full and true account of his wages and of all deductions to be made therefrom on any account whatever, and in default shall for each offence incur a penalty not exceeding fifty rupees; and no deduction from the wages of any seaman (except in respect of any matter happening after such delivery) shall be allowed unless it is included in the account so delivered; and the master shall during the voyage enter the various matters in respect of which such deductions are made, with the amounts of the respective deductions as they occur, in a book to be kept for that purpose, and shall, if required, produce such book at the time of the payment of wages and also upon the hearing before any competent authority of any complaint or question relating to such payments.

On discharge, masters to give seamen certificates of discharge, and return certificates of competency or service to mates.

36. Upon the discharge of any seaman, or upon payment of his wages, the master shall sign and give him a certificate of his discharge, specifying the period of his services and the time and place of his discharge; and if any master fail to sign and give to any such seaman such certificate of discharge, he shall for each such offence incur a penalty not exceeding fifty rupees; and the master shall also, upon the discharge of every certificated mate whose certificate of competency or service has been delivered to and retained by him, return such certificate, and shall in default incur a penalty not exceeding fifty rupees.

Shipping officer may decide questions which parties refer to him.

37. Every shipping officer shall hear and decide any question whatever between a master or owner and any of his crew which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall in any legal proceeding which may be taken in the matter before any Court of Justice be deemed to be conclusive as to the rights of the parties; and any document purporting to be such submission or award shall be prima facie evidence thereof.

Masters and others to produce ship's papers to shipping officer, and give evidence.

38. In any proceeding relating to the wages, claims, or discharge of any seaman carried on before any shipping officer under the provisions of this Ordinance, such shipping officer may call upon the owner or his agent, or upon the master or any mate or other member of the crew, to produce



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any log books, papers, or other documents in their respective possession or power relating to any matter in question in such proceeding, and may call before him and examine any of such persons being then at or near the place on any such matter; and every owner, agent, master, mate, or other member of the crew who, when called upon by the shipping officer, does not produce any such paper or document as aforesaid, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable excuse for such default, for each such offence incur a penalty not exceeding fifty rupees.

Settlement of wages.

**39.** The following rules shall be observed with respect to the settlement of wages, that is to say—

Release to be signed before and attested by the shipping officer;

(*a*) upon the completion before a shipping officer of any discharge and settlement, the master or owner and each seaman shall respectively, in the presence of the shipping officer, sign a mutual release of all claims in respect of the past voyage or engagement, and the shipping officer shall also sign and attest the release and shall retain the same;

to be a discharge;

(*b*) such release so signed and attested shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement;

and to be evidence.

(*c*) a copy of such release, certified under the hand of such shipping officer to be a true copy, shall be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims as aforesaid, and shall have all the effect of the original of which it purports to be a copy;

No other receipt to be a discharge.

(*d*) in cases in which discharge and settlement before a shipping officer are hereby required, no payment, receipt, settlement, or discharge otherwise made shall operate or be admitted as evidence of the release or satisfaction of any claim;

Voucher to be given to master, and to be evidence.

(*e*) upon any payment being made by a master before a shipping officer, the shipping officer shall, if required, sign and give to such master a statement of the whole amount so paid, and such statement shall as between the master and his employer, be, received as evidence that he has made the payments therein mentioned.



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LEGAL RIGHTS TO WAGES.

Right to wages and provisions when to begin.

**40.** A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

Seamen not to give up certain rights.

**41.** No seaman shall by any agreement forfeit his lien upon the ship or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this Ordinance, and every stipulation by which any seaman consents to abandon his right to wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative.

Wages not to be dependent on the earning of freight.

**42.** No right to wages shall be dependent on the earning of freight; and every seaman and apprentice who would be entitled to demand and recover any wages if the ship in which he had served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship, proof that he has not exerted himself to the utmost to save the ship, cargo, and stores, shall bar his claim.

In case of death such wages to be paid as after mentioned.

**43.** If any seaman or apprentice to whom wages are due under the last preceding enactment dies before the same are paid, they shall be paid and applied in the manner hereinafter specified with regard to the wages of seamen who die during a voyage.

Rights to wages in case of termination of service by wreck or illness.

**44.** In cases where the service of any seaman terminates before the period contemplated in the agreement by reason of the wreck or loss of the ship, and also in cases where such service terminates before such period as aforesaid by reason of his being left on shore at any place abroad, under a certificate of his unfitness or inability to proceed on the voyage, granted under the provisions of the British or Indian Merchant Shipping Acts, such seaman shall be entitled to wages for the time of service prior to such termination as aforesaid, but not for any further period.



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Wages not to accrue during refusal to work or imprisonment.

**45.** No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, whether before or after the time fixed by the agreement for his beginning work; nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

Period within which wages are to be paid.

**46.** The master or owner of every ship shall pay to every seaman his wages within three days after the cargo has been delivered, or within five days after the seaman's discharge, whichever first happens; and the seaman shall at the time of his discharge be entitled to be paid on account a sum equal to one-fourth part of the balance due to him; and every master or owner who neglects or refuses to make payment in manner aforesaid without sufficient cause shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days, not exceeding ten days, during which payment is delayed beyond the respective periods aforesaid; and such sum shall be recoverable as wages.

### Mode of Recovering Wages.

Seamen may sue for wages in summary manner.

**47.** Any seaman or apprentice, or any person duly authorised on his behalf, may sue in the Court of Requests established for the place at which the service has terminated, or at which the seaman has been discharged, or at which any person upon whom the claim is made is or resides, although the amount in suit may exceed the sum of three hundred rupees; and every order made by such court in the matter shall be final, and may be enforced by execution against the ship, as well as against the person and property of the owner or master, anything in any former law or Ordinance to the contrary notwithstanding.

Master to have same remedies for wages as seamen.

**48.** Every master of a ship shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of his wages which by this Ordinance or by any law or custom any seaman, not being a master, has for the recovery of his wages; and if in any proceeding in any court touching the claim of a master to wages any right of set-off or counter claim is set up, it shall be lawful for such court to enter into and adjudicate upon all questions, and to settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and to direct payment of any balance which is found to be due.



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WAGES AND EFFECTS OF DECEASED SEAMAN.

Master to take charge of effects of deceased seamen.

**49.** Whenever a seaman or apprentice, on a voyage which is to terminate at any port within this Island, dies during such voyage, the master shall take charge of all money, clothes, and effects which he leaves on board; and shall, if he think fit, cause all or any of the said clothes and effects to be sold by auction, and shall enter in the official log book a statement of the amount of money and a description of the effects left by the deceased, and in case of a sale of such effects the sum received for each article sold.

Effects and wages to be delivered and paid to shipping officer, with full accounts.

**50.** The master shall, within forty-eight hours after his arrival at his port of destination in this Island, deliver any such effects as aforesaid, and pay any money which he has taken charge of or received, and also the wages due to deceased, to the shipping officer at such port, and shall give to such shipping officer an account of the effects, money, and wages so to be delivered and paid; and no deductions claimed in such account shall be allowed unless verified, if there is an official log book, by the entry therein hereinbefore required, and also by such other vouchers (if any) as may be reasonably required by the shipping officer to whom the account is rendered.

Penalties for not taking charge of or accounting for such moneys and effects.

**51.** If the master fail to take such charge of the money or other effects of a seaman or apprentice dying during a voyage, or to make such entries in respect thereof, or to make such payment or delivery, or to give such account as hereinbefore respectively directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the shipping officer as aforesaid, and shall pay and deliver the same accordingly; and such master shall in addition incur a penalty not exceeding treble the value of the money or effects, or, if such value is not ascertained, not exceeding five hundred rupees. All money, wages, and effects of any seaman or apprentice dying during a voyage shall be recoverable in the same courts and by the same modes of proceeding by which seamen are hereby enabled to recover wages due to them.

Wages and property of deceased seaman may be paid without probate.

**52.** When money or effects left by or due to any deceased seaman or apprentice are paid or delivered to a shipping officer, then, subject to such deductions for expenses incurred in respect of the seaman or apprentice or of his said money and effects as the shipping officer thinks proper to allow, the



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shipping officer may pay and deliver the said money and effects to any claimants who can prove themselves to the satisfaction of the said shipping officer to be entitled thereto, and the said shipping officer shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered.

Unclaimed wages.

**53.** In cases of wages or effects of deceased seamen or apprentices received by any shipping officer as aforesaid to which no claim is substantiated within one year from the receipt thereof by such shipping officer, it shall be in the discretion of the shipping officer, subject to the orders of the Governor, if any subsequent claim is made, either to allow or refuse the same. And every shipping officer shall pay into the Treasury of this Island all moneys arising from the unclaimed wages and effects of deceased seamen to which no claim has been preferred within the period aforesaid, after having given notice of such unclaimed moneys being in his possession by advertisement in some public paper at least twice during such period. And such moneys shall be brought to account as revenue, if not claimed within two years from the date of such payment into the Treasury.

PROVISIONS, HEALTH, AND ACCOMMODATION.

Survey of provisions and water on complaint made.

**54.** Any three or more of the crew of any British ship registered at, trading with, or being at any port or place within the said Island, may complain to any shipping officer or other officer duly appointed in this behalf by the Governor, that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity, and such officer may thereupon examine the said provisions or water, or cause them to be examined; and if on examination such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall signify the same in writing to the master of the ship; and if such master does not thereupon provide other proper provisions or water in lieu of any so signified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so signified to be insufficient in quantity, or uses any provisions or water which have been so signified as aforesaid to be of a bad quality and unfit for use, he shall in every such case incur a penalty not exceeding two hundred rupees; and upon every such examination as aforesaid



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the officers making or directing the same shall enter a statement of the result of the examination in the official log, and shall (if such examination be made by a person not a shipping officer) send a report thereof to the shipping officer, and such report, if produced out of the custody of such shipping officer, shall be received in evidence in any legal proceeding.

Forfeiture for frivolous complaint.

**55.** If the officer to whom any such complaint as last aforesaid is made certifies in such statement as aforesaid that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

Allowance for short or bad provisions.

**56.** In the following cases, that is to say :—

(*a*) if during a voyage the allowance of any of the provisions which any seaman has by his agreement stipulated for is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement, and also except for any time during which such seaman wilfully and without sufficient cause refuses or neglects to perform his duty or is lawfully under confinement for misconduct either on board or on shore) ;

(*b*) if it is shown that any of such provisions are or have during the voyage been bad in quality and unfit for use,

the seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums to be paid to him in addition to and to be recoverable as wages, that is to say—

(i) if his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement, a sum not exceeding eighteen cents per diem in the case of a European seaman, or six cents per diem in the case of a Ceylon or Indian seaman ;

(ii) if his allowance is reduced by more than one-third of such quantity, a sum not exceeding thirty-six cents per diem in the case of a European seaman, or twelve cents per diem in the case of a Ceylon or Indian seaman ;



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(iii) in respect of such bad quality as aforesaid, a sum not exceeding fifty cents per diem in the case of a European seaman, or eighteen cents per diem in the case of a Ceylon or Indian seaman.

But if it be shown that any provisions the allowance of which has been reduced could not be procured or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, such circumstances taken into consideration, and shall be held to modify or refuse compensation, as the justice of the case may require.

Master to keep weights and measures on board.

**57.** Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles in the presence of a witness whenever any dispute arises about such quantities; and in default shall for every offence incur a penalty not exceeding fifty rupees.

Expense of medical attendance and subsistence in case of illness how to be defrayed.

**58.** Whenever the master or any seaman of any ship registered at any place within the said Island shall receive any hurt or injury in the service of the vessel, the expense of providing the necessary surgical and medical advice and attendance, with medicines, and of his subsistence, until he shall be cured or shall be brought back to the port from which he was shipped, or other port agreed upon, shall be defrayed, with the cost of his conveyance to such port, by the owner of the vessel, without any deduction on that account from the wages of such master or seaman ; and if paid by himself, may be recovered as part of his wages ; and if paid or allowed out of any moneys belonging to the Government of this Island, may be recovered from such owner, with full costs of suit, as a debt due to Government.

Shipping officer, &c., may enter on board any ship and inspect provisions, &c.

Procedure if provisions, &c., are found to be of a bad quality.

**59.** The shipping officer at any port in the said Island, by himself or his deputy, may enter at any time on board of any ship upon which seamen have been shipped at such port and inspect the provisions and water provided for the use of the crew prescribed by this Ordinance, or by any British or Indian Merchant Shipping Acts. If on inspection the provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the shipping officer shall proceed as provided in section 54 of this Ordinance, and the



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penalty prescribed in the said section shall be incurred by any default of the master of the ship in respect of such provisions or water.

BOATS FOR SEA-GOING SHIPS.

Boats for sea-going ships.

**60.** The following rules shall be observed with respect to boats and life-buoys, that is to say :—

Rules as to boats and life buoys.

(*a*) no decked ship shall proceed to sea from any place in this Island unless she is provided, according to her tonnage, with boats duly supplied with all requisites for use, and not being fewer in number nor less in their cubic contents than the boats, the number and cubic contents of which are specified in the table marked C in the Schedule for the class to which such ship belongs ;

(*b*) no ships carrying more than twenty-five passengers shall proceed to sea from any place in this Island unless, in addition to the boats hereinbefore required, she is also provided with an additional boat furnished with all requisites for use ;

(*c*) no such ship shall proceed to sea unless she is also provided with two life-buoys, and such boats and life-buoys shall be kept so as to be at all times fit and ready for use.

Penalty on masters and owners, &c., neglecting to provide boats and life-buoys.

**61.** In any of the following cases, that is to say—

(*a*) if any ship hereinbefore required to be provided with boats or life-buoys proceeds to sea without being so provided therewith, or if any of such boats or life-buoys are lost or rendered unfit for service in the course of the voyage through the wilful fault or negligence of the owner or master ; or,

(*b*) if, in case of any of such boats or life-buoys being accidentally lost or injured in the course of the voyage, the master wilfully neglects to replace or repair the same on the first opportunity ; or,

(*c*) if such boats and life-buoys are not kept so as to be at all times fit and ready for use,

then, if the owner appears to be in fault, he shall incur a penalty not exceeding five hundred rupees, and if the master appears to be in fault he shall incur a penalty not exceeding one hundred rupees.



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**62.** No officer of customs shall grant a clearance for any ship hereinbefore required to be provided with boats or with life-buoys unless the same is duly so provided; and if any such ship attempts to go to sea without such clearance any such officer may detain her until she is so provided.

Officers of customs not to clear ships not complying with the above provisions.

POWER OF MAKING COMPLAINTS.

**63.** If any seaman or apprentice whilst on board any ship states to the master that he desires to make complaint to a Magistrate against the master or any of the crew, the said master shall, if the ship is then at a place where there is a Magistrate, so soon as the service of the ship will permit, and if the ship is not then at such a place, so soon after her first arrival at such a place as the service of the ship will permit, allow such seaman to go ashore, or send him ashore in proper custody, so that he may be enabled to make such complaint, and shall in default incur a penalty not exceeding fifty rupees.

Seaman to be allowed to go ashore to make complaint to a Magistrate.

PROTECTION OF SEAMEN FROM IMPOSITION.

**64.** No wages due or accruing to any seaman or apprentice shall be subject to attachment from any court; and every payment of wages to a seaman shall be valid in law, notwithstanding any previous sale or assignment, of such wages, or of any incumbrance thereon; and no assignment or sale of such wages, or of salvage made prior to the accruing thereof, shall bind the party making the same; and no power of attorney or authority for the receipt of any such wages or salvage shall be irrevocable:

Provided that nothing herein contained shall be held to invalidate payments made by virtue of allotments under section 32.

Sale of and charge upon wages to be invalid.

**65.** No debt exceeding in amount three rupees incurred by any seaman after he has engaged to serve shall be recoverable until the service agreed for is concluded.

No debt exceeding three rupees recoverable till end of service.

**66.** If any person demands or receives from any seaman or apprentice payment in respect of his board or lodging in the house of such person for a longer period than such seaman or apprentice has actually resided or boarded therein, he shall incur a penalty not exceeding fifty rupees.

Penalty for overcharges by lodging-house keepers.



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Penalty for detaining seamen's effects.

**67.** If any person receives or takes into his possession or under his control any moneys, documents, or effects of any seaman or apprentice, and does not return the same or pay the value thereof when required by such seaman or apprentice, subject to such deduction as may be justly due to him from such seaman or apprentice in respect of board or lodging, or otherwise, or absconds therewith, he shall incur a penalty not exceeding fifty rupees, and any Magistrate may, besides inflicting such penalty, direct the amount or value of such moneys, documents, or effects, subject to such deduction as aforesaid, to be forthwith paid to such seaman or apprentice.

Persons not to go on board before actual arrival of ship, at the place of her destination without permission.

**68.** Every person who, not being in the service of His Majesty, and not being duly authorised by law for the purpose, goes on board any ship about to arrive at the place of her destination before her actual arrival at the place of her discharge, without the permission of the master, shall for every such offence incur a penalty not exceeding two hundred rupees ; and the master or person in charge of such ship may take any such person so going on board as aforesaid into custody and deliver him up forthwith to any police officer, to be by him taken before a Magistrate to be dealt with according to the provisions of this Ordinance.

Penalty for solicitations by lodging-house keepers.

**69.** If within twenty-four hours after the arrival of any ship at any port in this Island any person then being on board such ship solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such ship any effects of any seaman, except under his personal direction and with the permission of the master, he shall for every such offence incur a penalty not exceeding fifty rupees.

DISCIPLINE.

Penalty for misconduct endangering ship or life or limb.

**70.** Any master of or any seaman or apprentice belonging to any British ship, who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person belonging to or on board of such ship, or who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss, destruction or serious damage, or



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for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall for every such offence be liable to imprisonment, with or without hard labour, for a term not exceeding two years.

Power to investigate cases of alleged incompetency and misconduct.

**71.** If the Governor, on the information of any shipping officer, or on any other ground, has reason to believe that any master or mate who has obtained a certificate of competency or service under this Ordinance, is from incompetency or misconduct unfit to discharge his duties, he may direct any tribunal, board, or officer at or near to the place at which it may be convenient for the parties and witnesses to attend to institute an investigation; and thereupon such tribunal, board, or officer shall conduct the investigation, and may summon the master or mate to appear, and shall give him full opportunity of making a defence, either in person or otherwise, and shall, for the purpose of such investigation, have all the powers vested in Magistrates of summoning and examining witnesses, and may make such order with respect to the costs of such investigation as they may deem just, and shall on the conclusion of the investigation make a report upon the case to the Governor.

Governor may cancel or suspend certificates in certain cases.

**72.** The Governor may suspend or cancel the certificate (whether of competency or service) granted under this Ordinance to any master or mate in the following cases, that is to say :—

(*a*) if upon any investigation made in pursuance of the last preceding section it is reported that such master or mate is incompetent, or guilty of any gross act of misconduct, drunkenness, or tyranny, or that the loss or abandonment of or serious damage to any ship, or loss of life, has been caused by his wrongful act or default;

(*b*) if he is superseded by the order of any Admiralty Court, or of any duly constituted Naval Court;

(*c*) if he is shown to have been convicted of any offence.

And every master or mate whose certificate is cancelled or suspended shall deliver it to the shipping officer, or to such other person as the Governor shall direct, and in default shall for each offence incur a penalty not exceeding five hundred rupees; and the Governor may at any subsequent



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time grant to any person whose certificate has been cancelled a new certificate of the same or of any lower grade.

Offences of seamen and apprentices, and their punishments.

**73.** Whenever any seaman who has been lawfully engaged, or any apprentice to the sea service, commits any of the following offences, he shall be liable to be punished as follows, that is to say :—

Desertion.

(1) For desertion he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned ; and also, if such desertion takes place at any port or place not within this Island, at the discretion of the court, to forfeit all or any part of the wages or emoluments he may earn in any other ship in which he may be employed until his next return to any port or place within this Island, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him.

Neglecting or refusing to join or to proceed to sea, absence within twenty-four hours before sailing and absence without leave.

(2) For neglecting or refusing, without reasonable cause, to join his ship, or to proceed to sea in his ship, or for absence without leave at any time within twenty-four hours of the ship's sailing from any port, either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his ship or from his duty, not amounting to desertion, or not treated as such by the master, he shall be liable to imprisonment for any period not exceeding ten weeks, with or without hard labour, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding the amount of two days' pay, and in addition for every twenty-four hours of absence either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute.

Quitting without leave before ship is secured.

(3) For quitting the ship without leave after her arrival at her port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay.



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(4) For wilful disobedience to any lawful command he shall be liable to imprisonment for any period not exceeding four weeks, with or without hard labour, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding two days' pay. Act of disobedience.

(5) For continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also, at the discretion of the court, to forfeit for every twenty-four hours' continuance of such disobedience or neglect either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute. Continued disobedience.

(6) For assaulting any master or mate he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and to such forfeiture of wages as the court may direct. Assault on officers.

(7) For combining with any other or others, of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and to such forfeiture of wages as the court may direct. Combining to disobey.

(8) For wilfully damaging the ship, or embezzling or wilfully damaging any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for any period not exceeding twelve weeks, with or without hard labour. Wilful damage and embezzlement.

(9) For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay to such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability without prejudice to any further remedy. Act of smuggling causing loss to owner.



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Entry of offences to be made in official log, and to be read over or a copy given to the offender; and his reply, if any, to be also entered.

**74.** Upon the commission of any of the offences enumerated in the last preceding section an entry thereof shall be made in the official log book, and shall be signed by the master, and also by the mate or one of the crew; and the offender, if still in the ship, shall, before the next subsequent arrival of the ship at any port, or if she is at the time in port, before her departure therefrom, either be furnished with a copy of such entry, or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and a statement that a copy of the said entry has been so furnished, or that the same has been so read over as aforesaid, and the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid; and in any subsequent legal proceeding the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof the court hearing the case may, at its discretion, refuse to receive evidence of the offence.

Seamen whom masters of ships are compelled to convey, and persons going in ships without leave, to be subject to penalties for breach of discipline.

**75.** Every seafaring person whom the master of any ship is under the authority of this Ordinance or any law compelled to take on board and convey, and every person who goes to sea in any ship without the consent of the master or owner or other person entitled to give such consent, shall, so long as he remains in such ship be subject to the same laws and regulations for preserving discipline and to the same penalties and punishments for offences constituting or tending to a breach of discipline, to which he would be subject if he were a member of the crew and had signed the agreement.

Master or owner may apprehend deserters without warrant.

**76.** Whenever either at the commencement or during the progress of any voyage, any seaman or apprentice neglects or refuses to join, or deserts from, or refuses to proceed to sea in any ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner, ship's husband, or consignee, may, with or without the assistance of police officers, who are hereby directed to give the same if required, apprehend him without first procuring a warrant; and may thereupon in any case, and shall, in case he so requires and it is practicable, convey him before some court capable of taking cognizance of the matter to be dealt with according to law, and may for the purpose of conveying him before such court detain him in custody for a period not exceeding twenty-four hours, or such shorter time as may be necessary, or may, if he does not so require, or if there is no such court at or near



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the place, at once convey him on board; and if any such apprehension appears to the court before which the case is brought to have been made on improper or on insufficient grounds, the master, mate, owner, ship's husband, or consignee who makes the same or causes the same to be made, shall incur a penalty not exceeding two hundred rupees; and such penalty, if inflicted, shall be a bar to any action for false imprisonment in respect of such apprehension.

Deserters may be sent on board in lieu of being imprisoned.

**77.** Whenever any seaman or apprentice is brought before any court on the ground of his having neglected or refused to join or to proceed to sea in any ship in which he is engaged to serve or of having deserted or otherwise absented himself therefrom without leave, such court may, if the master or the owner or his agent so requires, instead of committing the offender to prison, cause him to be conveyed on board for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the ship, or the owner or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the offender, and, if necessary, to be deducted from any wages which he has then earned, or which by virtue of his then existing engagement he may afterwards earn.

Seamen imprisoned for desertion or breach of discipline may be sent on board before termination of sentence.

**78.** If any seaman or apprentice is imprisoned on the ground of his having neglected or refused to join or to proceed to sea in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline and if during such imprisonment and before his engagement is at an end his services are required on board his ship, any Magistrate may, at the request of the master or of the owner or his agent, cause such seaman or apprentice to be conveyed on board his said ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship or to the owner or his agent, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.

Entries and certificates of desertion abroad to be copied, sent home, and admitted in evidence.

**79.** In all cases of desertion from any ship registered at a port or place within this Island while such ship is at any place out of this Island, the master shall produce the entry of such desertion in the official log book to the person or persons required by this Ordinance or by the British or



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Indian Merchant Shipping Acts to endorse on the agreement a certificate of such desertion; and such person or persons shall thereupon make and certify a copy of such entry and also a copy of the said certificate of desertion; the master shall forthwith transmit such copies to the shipping master at the port where such seaman was engaged, who shall, if required, cause the same to be produced in any legal proceeding; and such copies, if purporting to be so made and certified as aforesaid, shall in any legal proceeding relating to such desertion be received as evidence of the entries therein appearing.

Facilities for proving desertion so far as concerns forfeiture of wages.

**80.** Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion, it shall be sufficient for the party insisting on the forfeiture to show that such seaman or apprentice was duly engaged in or that he belonged to the ship from which he is alleged to have deserted and that he quitted such ship before the completion of the voyage or engagement, or if such voyage was to terminate at any port or place within this Island, and the ship has not returned, that he is absent from her, and that an entry of the desertion has been duly made in the official log book, and thereupon the desertion shall, so far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving his ship.

Costs of procuring imprisonment may, to the extent of three pounds, be deducted from wages.

**81.** Whenever in any proceeding relating to seamen's wages it is shown that any seaman or apprentice has, in the course of the voyage, been convicted of any offence by any competent tribunal and rightfully punished therefor by imprisonment or otherwise, the court hearing the case may direct a part of the wages due to such seaman, not exceeding thirty rupees, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

Amount of forfeiture how to be ascertained when seamen contract for the voyage.

**82.** Whenever any seaman contracts for wages by the voyage, or by the run, or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Ordinance shall be taken to be an amount bearing the same proportion to the whole wages or share as the period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time



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spent in the voyage ; and if the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

Application of forfeitures.

**83.** All clothes, effects, wages, and emoluments which under the provisions hereinbefore contained are forfeited for desertion shall be applied in the first instance in or towards the reimbursement of the expenses occasioned by such desertion to the master or owner of the ship from which the desertion has taken place, and may, if earned subsequently to the desertion, be recovered by such master, or by the owner or his agent, in the same manner as the deserter might have recovered the same if they had not been forfeited ; and in any legal proceeding relating to such wages the court may order the same to be paid accordingly ; and, subject to such reimbursement, the same shall be paid into the Treasury of this Island, and carried to the account of Government ; and in all other cases of forfeiture of wages under the provisions hereinbefore contained the forfeiture shall, in the absence of any specific directions to the contrary, be for the benefit of the master or owner by whom the wages are payable.

Questions of forfeitures may be decided in suits for wages.

**84.** Any question concerning the forfeiture of or deductions from the wages of any seaman or apprentice may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding that the offence in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Penalty for false statement as to last ship or name.

**85.** If any seaman, on or before being engaged, wilfully and fraudulently makes a false statement of the name of his last ship or last alleged ship, or wilfully and fraudulently makes a false statement of his own name, he shall incur a penalty not exceeding fifty rupees, and such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses, if any, occasioned by any previous desertion, be paid and applied in the same manner as other penalties payable under this Ordinance.

Fines to be deducted from wages and paid to shipping officer.

**86.** Whenever any seaman commits an act of misconduct for which his agreement imposes a fine, and which it is intended to punish by enforcing such fine, an entry thereof shall be made in the official log book, and a copy of such entry shall be



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furnished or the same shall be read over to the offender, and an entry of such reading over and of the reply (if any) made by the offender shall be made, in the manner and subject to the conditions hereinbefore specified with respect to the offences against discipline specified in and punishable under this Ordinance; and such fine shall be deducted and paid over as follows; (that is to say) if the offender is discharged at any port or place within this Island, and the offence, and such entries in respect thereof as aforesaid, are proved, in the case of a foreign-going ship to the satisfaction of the shipping officer before whom the offender is discharged, and in the case of a coastwise ship to the satisfaction of the shipping officer at or nearest to the place at which the crew is discharged, the master or owner shall deduct such fine from the wages of the offender and pay the same over to such shipping officer; and if before the final discharge of the crew within the said Island any such offender as aforesaid enters into any of His Majesty's ships or is discharged at any place not in this Island, and the offence and such entries as aforesaid are proved to the satisfaction of the officer in command of the ship into which he so enters, or of the consular officer, officer of customs, or other person by whose sanction he is so discharged, the fine shall thereupon be deducted as aforesaid, and an entry of such deduction shall then be made in the official log book (if any) and signed by such officer or other person; and on the return of the ship within this Island the master or owner shall pay over such fine, in the case of foreign-going ships to the shipping officer before whom the crew is discharged, and in the case of coastwise ships to the shipping officer at or nearest to the place at which the crew is discharged; and if any master or owner neglects or refuses to pay over any such fine in manner aforesaid, he shall for each such offence incur a penalty not exceeding six times the amount of the fine retained by him:

Provided that no act of misconduct for which any such fine as aforesaid has been inflicted and paid shall be otherwise punished under the provisions of this Ordinance.

Penalty for enticing to desert and harbouring deserters.

**87.** Every person who by any means whatever persuades or attempts to persuade any seaman or apprentice to neglect or refuse to join or to proceed to sea in or to desert from his ship, or otherwise to absent himself from his duty, shall for each such offence in respect of each such seaman or apprentice incur a penalty not exceeding fifty rupees; and every person who wilfully harbours or secretes any seaman or apprentice



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who has deserted from his ship, or who has wilfully neglected or refused to join or has deserted from his ship, knowing or having reason to believe such seaman or apprentice to have so done, shall for every such seaman or apprentice so harboured or secreted incur a penalty not exceeding fifty rupees.

Penalty for obtaining passage surreptitiously.

**88.** Any person who secretes himself and goes to sea in any ship without the consent of either the owner, consignee, or master, or of a mate, or of any person in charge of such ship, or of any other person entitled to give such consent, shall incur a penalty not exceeding fifty rupees, or be liable to imprisonment, with or without hard labour, for any period not exceeding four weeks.

On change of masters documents hereby required to be handed over to successor.

**89.** If during the progress of a voyage the master of any ship registered at any port or place within this Island is superseded, or for any other reason quits the ship, and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and shall in default incur a penalty not exceeding one thousand rupees; and such successor shall, immediately on assuming the command of the ship, enter in the official log a list of the documents so delivered to him.

### Official Logs.

Official logs to be kept in forms sanctioned by the Governor.

**90.** The shipping officer may require an official log book of every ship registered at any port of this Island, not being a coastwise ship, to be kept in a form sanctioned by the Governor; and such official log may, at the discretion of the master or owner, either be kept distinct from the ordinary ship's log or united therewith, so that in all cases all the blanks in the official log be duly filled up.

Entries to be made in due time.

**91.** Every entry in every official log shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence and of the entry respecting it; and in no case shall any entry therein in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge be made more than twenty-four hours after such arrival.



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Entries required in official log.

**92.** Every master of a ship for which an official log book is hereby required shall make or cause to be made therein entries of the following matters, that is to say :—

Convictions.

(*a*) every legal conviction of any member of his crew, and the punishment inflicted ;

Offences.

(*b*) every offence committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the reading over such entry and concerning the reply (if any) made to the charge, as hereinbefore required ;

Punishments.

(*c*) every offence for which pnnishment is inflicted on board, and the punishment inflicted ;

Conduct, &c., of crew.

(*d*) a statement of the conduct, character, and qualifications of each of his crew, or a statement that he declines to give an opinion on such particulars ;

Illness and injuries.

(*e*) every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment adopted ;

Deaths.

(*f*) every case of death happening on board, and of the cause thereof ;

Births.

(*g*) every birth happening on board, with the sex of the infant and the names of the parents.

Marriages.

(*h*) every marriage taking place on board, with the names and ages of the parties ;

Quitting ships.

(*i*) the name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner, and cause thereof ;

Wages of men entering navy.

(*j*) the amount of wages due to any seaman who enters His Majesty's service during the voyage ;

Wages of deceased seamen.

(*k*) the wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom ;

Sale of deceased men's effects.

(*l*) the sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold and of the sum received for it ;

Collisions.

(*m*) every collision with any other ship, and the circumstances under which the same occurred.

Entries how to be signed.

**93.** The entries hereby required to be made in official log books shall be signed as follows ; that is to say, every such entry shall be signed by the master and by the mate or some



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other of the crew, and every entry of illness, injury, or death shall be also signed by the surgeon or medical practitioner on board (if any); and every entry of wages due to, or of the sale of the effects of, any seaman or apprentice who dies shall be signed by the master and by the mate and some other member of the crew, and every entry of wages due to any seaman who enters His Majesty's service shall be signed by the master and by the seaman or by the officer authorised to receive the seaman into such service.

Penalties in respect of official logs.

**94.** The following offences in respect of official log books shall be punishable as hereinafter mentioned, that is to say:—

(*a*) if in any case an official log book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log book is not made at the time and in the manner hereby directed, the master shall for each such offence incur the specific penalty herein mentioned in respect thereof, or, where there is no such specific penalty, a penalty not exceeding fifty rupees;

(*b*) every person who makes or procures to be made or assists in making any entry in an official log book, in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge within this Island, more than twenty-four hours after such arrival, shall for each such offence incur a penalty not exceeding fifty rupees;

(*c*) every person who wilfully destroys or mutilates or renders illegible any entry in any official log book, or who wilfully makes or procures to be made or assists in making any false or fraudulent entry or omission in any such log book, shall for each such offence be liable to imprisonment, with or without hard labour, for a term not exceeding one year.

Entries in official logs to be received in evidence.

**95.** All entries made in any official log book as hereinbefore directed shall be prima facie evidence in any proceeding in any Court of Justice, subject to all just exceptions.

Depositions to be received in evidence when witness cannot be produced.

**96.** Whenever, in the course of any legal proceedings instituted at any port or place within this Island before any Judge, Commissioner, or Magistrate, or before any person authorised by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the



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subject-matter of such proceeding, then, upon due proof that such witness cannot be found at or that he has departed from such port or place, any deposition that such witness may have previously made on oath in relation to the same subject-matter before any Justice of the Peace or Magistrate in His Majesty's dominions (including this Island), or any British consular officer elsewhere, shall, if authenticated by the signature of the Justice of the Peace, Magistrate, or Consular Officer, be admissible in evidence :

Provided that if the proceeding is criminal such deposition shall not be admissible unless it was made in the presence of the person accused, and the fact that it was so made is certified by the Justice of the Peace, Magistrate, or Consular Officer. It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition ; and in any criminal proceeding such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

Ordinance not to extend to ships of war.

**97.** Nothing in this Ordinance shall extend to any ship belonging to or in the service of His Majesty, or to any ship of war belonging to any foreign prince or state.

Interpretation.

**98.** In this Ordinance, unless the context otherwise requires—

" coastwise ship " includes every ship employed in trading or going between any ports or places in this Island or between any such port or place and any port or place on the coast of India between Bombay and Calcutta ;

" foreign-going ship " includes every ship employed in trading or going between some port or place in this Island and some port or place beyond the limits of this Island, excepting that part of the coast of India which lies between Bombay and Calcutta ;

" master " includes every person (except a pilot) having command or charge of any ship ;

" seaman " includes every person (except masters, pilots, and apprentices) employed or engaged in any capacity on board any ship ;

" ship " includes every description of vessel used in navigation not propelled with oars ;

" person " includes a corporation.



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## SCHEDULE.

### Table A.

FEES TO BE CHARGED FOR MATTERS TRANSACTED AT SHIPPING OFFICES. [Section 6.]

1. Engagement or discharge of crews :

| | Rs. c. |
|---|---|
| In ships under 100 tons .. .. | 3 0 |
| From 100 to 200 tons .. .. | 7 0 |
| 200 to 300 tons .. .. | 10 0 |
| 300 to 400 tons .. .. | 12 50 |
| 400 to 500 tons .. .. | 15 0 |
| 500 to 600 tons .. .. | 17 50 |
| 600 to 700 tons .. .. | 20 0 |
| 700 to 800 tons .. .. | 22 50 |
| 800 to 900 tons .. .. | 25 0 |
| 900 to 1,000 tons .. .. | 27 50 |
| Above 1,000 tons .. .. | 30 0 |

and so on for ships of larger tonnage, adding for every 100 tons above 1,000 two rupees and fifty cents.

2. Engagement or discharge of seamen separately, Re. 1 for each seaman.

3. Endorsement of change of master on registry, Rs. 2.

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### Table B.

SUMS TO BE DEDUCTED FROM WAGES BY WAY OF PARTIAL REPAYMENT OF FEES IN TABLE A. [Section 7.]

| | Rs. c. |
|---|---|
| 1. In respect of engagements and discharges of crews, upon each engagement and each discharge : | |
| From wages of any mate, purser, engineer, surgeon, carpenter, or steward .. .. | 0 74 |
| From wages of all others, except apprentices .. | 0 50 |
| 2. In respect of engagements and discharges of seamen, separately, upon each engagement and each discharge .. .. .. | 0 50 |



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TABLE C.

[Section 60.] NUMBER AND DIMENSIONS OF BOATS WITH WHICH SEA-GOING SHIPS ARE TO BE PROVIDED.

| Registered Tonnage. Sailing Ships. | Dimensions of Boats to be carried. Boats. Number. | Length. | Breadth. | Depth. | Total Number of Boats to be carried. |
|---|---|---|---|---|---|
| | | ft. | ft. in. | ft. in. | |
| Under 100 .. | 1 | 14 | 5 0 | 2 2 | 1 |
| 100 to 200 .. | 2 | 14 | 5 0 | 2 2 | 2 |
| 200 to 400 .. | 1 | 14 | 5 0 | 2 2 | 2 |
| | 1 | 16 | 5 6 | 2 3 | |
| 400 to 600 .. | 1 | 16 | 5 6 | 2 3 | 3 |
| | 1 | 22 | 5 6 | 2 5 | |
| | 1 | 22 | 4 4 | 3 3 | |
| 600 to 800 .. | 1 | 16 | 5 4 | 2 3 | 4 |
| | 2 | 24 | 5 6 | 2 6 | |
| | 1 | 25 | 7 0 | 3 6 | |
| 800 and upwards | 1 | 18 | 5 6 | 2 3 | 4 |
| | 2 | 24 | 5 6 | 2 6 | |
| | 1 | 26 | 8 0 | 3 8 | |



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# CHAPTER 261.

## DISCIPLINE ON SHIPS.

*Ordinance No. 13 of 1917.*

AN ORDINANCE TO PROVIDE FOR THE DUE OBSERVANCE OF DISCIPLINE ON BOARD VESSELS BELONGING TO OR CHARTERED, HIRED, OR REQUISITIONED BY THE ADMIRALTY OR ARMY COUNCIL, OR BY THE GOVERNMENT OF INDIA, OR OF THIS ISLAND, OR OF ANY OTHER BRITISH POSSESSION.

[26*th June*, 1917.]

Short title.

**1.** This Ordinance may be cited as The Merchant Shipping (War Service) Ordinance.

Neglecting to join ship, deserting, or joining in a state of drunkenness.

**2.** (1) If a person lawfully engaged to serve on board any ship or vessel belonging to or chartered, hired, or requisitioned by the Admiralty or Army Council, or by the Government of India, or of this Island, or of any other British Possession—

(*a*) neglects or refuses without reasonable cause to join his ship or vessel, or to proceed to sea in his ship or vessel, or deserts or is absent without leave from his ship or vessel or from his duty at any time; or

(*b*) joins his ship or vessel, or is, whilst on board his ship or vessel, in a state of drunkenness, so that the performance of his duties or the navigation of his ship or vessel is thereby impeded,

he shall be guilty of an offence; and the master, mate, or owner of the ship or vessel, or his agent, or any naval or military officer, or any superintendent as defined by the Merchant Shipping Acts, 1894 to 1914, may, with or without the assistance of any police officer, convey on board his ship or vessel any person whom he has reason to believe to be guilty of an offence under paragraph (*a*) of this subsection; and all police officers are hereby directed to give assistance if required.

(2) The exercise of the powers conferred by the preceding subsection shall not be subject to the restrictions imposed by the Merchant Shipping Acts, 1894 to 1914, on the exercise of any similar powers conferred by those Acts, and for the



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(57 & 58 Vict. c. 60.)

purposes of this section a copy of any entry made in an official log book in manner provided by the Merchant Shipping Act, 1894, shall, if it purports to be signed and certified as a true copy or extract by the officer in whose custody the original log book is entrusted, be admissible in evidence.

(3) Any person guilty of an offence under this section shall be liable on summary conviction before a Magistrate, if the offence comes within the provision of paragraph (*a*) of subsection (1), to the penalties prescribed for such offence under section 221 of the Merchant Shipping Act, 1894 ; and if the offence comes within the provision of paragraph (*b*) of subsection (1), to a fine not exceeding fifty rupees.



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# CHAPTER 262.

## MASTERS ATTENDANT.

AN ORDINANCE TO DECLARE THE DUTIES OF MASTERS ATTENDANT, AND TO PROVIDE FOR THE BETTER PRESERVATION OF THE PORTS OF THE ISLAND, AND FOR THE BETTER REGULATION OF THE SHIPPING THEREIN.

*Ordinances* Nos. 6 of 1865, 3 of 1883, 6 of 1896, 4 of 1899, 10 of 1904, 20 of 1905, 14 of 1907, 30 of 1908, 19 of 1924.

[20*th October*, 1865.]

PRELIMINARY.

Short title.

**1.** This Ordinance may be cited as the Masters Attendant Ordinance.

Governor to declare ports to be brought under the Ordinance, and to define and vary their limits.

**2.** The Governor may, from time to time, declare by Proclamation the ports which are to be brought within the operation of this Ordinance, and may define the limits of such ports respectively; and it shall be lawful for the Governor, in like manner, to alter and amend such limits.

Port rules.

**3.** The Governor may, from time to time, frame and establish such port rules, not inconsistent with this Ordinance, as he may think necessary for any of the following purposes, namely:—

(*a*) for regulating the time at which, and the manner in which, vessels shall enter into or go out of any port subject to this Ordinance;

(*b*) for regulating the berths and stations to be occupied by vessels in any such port;

(*c*) for striking the yards and topmasts, and for rigging in the jib and driver booms, of vessels in any such port, whenever it may be proper so to do;

(*d*) for the removal or proper hanging or placing of anchors, spars, and other things in or attached to vessels in any such port;



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(*e*) for regulating vessels whilst taking in or discharging ballast or cargo, or any particular kind of cargo, in any such port, and the stations to be occupied by vessels whilst so engaged ;

(*f*) for keeping free passages of such width as may be deemed necessary within any such port, and along or near to the piers, jetties, landing-places, wharfs, quays, docks, moorings, and other works in or adjoining to the same, and for marking out the spaces so to be kept free ;

(*g*) for regulating the anchoring, fastening, mooring, and unmooring of vessels in any such port ;

(*h*) for regulating the mooring and warping of all vessels within any such port, and the use of warps therein ;

(*i*) for regulating the use of the mooring buoys, chains, and other moorings in any such port ;

(*j*) for fixing from time to time the charges to be made for boat hire which may be demanded by boats licensed to convey goods and passengers in the said ports ; the rates and charges of pilotage on vessels into and out of any of the said ports, from or to a distance of one league out at sea ; or for removing or re-mooring any vessel ; and the rates to be paid for the use of Government moorings, whenever the same shall be available, and the charges for work connected with mooring of the said vessels ;

(*k*) for regulating boats plying for the conveyance of passengers or goods within such port, whether for hire or otherwise ;

(*l*) for regulating bumboats, and all boats used by traders, hawkers, and others for the conveyance of goods for sale in any such port ;

(*m*) for maintaining good order on jetties and landing-places, for prohibiting the same from being frequented by loiterers or undesirable persons, and for preventing the commission of nuisances thereon ;

(*n*) for providing for the periodical inspection of steam boilers on water boats, barges, lighters, and similar vessels, and on launches as defined by the Launches Ordinance, and for prohibiting the use of such steam boilers, unless the same have been duly inspected and certified to be in good order. Such



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rules may prescribe a fee for the inspection of such steam boilers not exceeding twenty-one rupees for each inspection in the case of launches, and ten rupees and fifty cents in the case of other vessels ;

(*o*) for the issue of certificates of competency to the drivers and persons in charge of steam boilers on water boats, barges, lighters, and similar vessels (not being launches as defined by the Launches Ordinance), and for prohibiting steam boilers on such vessels to be worked by or to be in charge of persons who do not hold certificates ;

(*p*) for regulating the use of fires and lights within any such port ;

(*q*) for regulating and enforcing the use of signals by vessels at night in any such port ;

(*r*) for prohibiting the collection or removal of any coal which may be washed ashore or found within the limits of any such port except by duly licensed persons, and for granting licences for the collection and removal of such coal ;

(*s*) for regulating all other matters necessary to provide in every respect for the preservation of the ports and the better regulation of the shipping therein, and not specially provided for by this Ordinance :

Provided that such port rules shall be promulgated by Proclamation in the *Gazette* at least one month before the same shall take effect, and a copy and translation thereof in the vernacular languages of the district shall be fixed in some conspicuous place in the office of the Master Attendant of every port to which such order shall relate, and in the custom house, if any, of every such port.

MASTERS ATTENDANT.

Master Attendant may give direction for certain specific purposes.

**4.** The Master Attendant of any port subject to this Ordinance may, in respect of any vessel within such port, give directions for carrying into effect any port rule in force within such port.

Penalties for disobedience to orders of Master Attendant.

**5.** If any person shall wilfully and without lawful excuse refuse or neglect to obey any lawful direction of the Master Attendant after notice thereof shall have been given to him, such person shall for every such offence be liable to a fine not



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exceeding fifty rupees, and a further sum not exceeding fifty rupees for every day on which he shall wilfully continue to disobey such direction; and in case of such refusal or neglect it shall be lawful for the Master Attendant to do, or to cause to be done, all such acts as shall be reasonable or necessary for the purpose of carrying such direction into execution, and to hire and employ proper persons for that purpose; and all reasonable expenses which shall be incurred in doing such acts shall be paid and borne by the persons so offending. Any written notice of a direction given under this Ordinance, which shall be left for the master of any vessel with any person employed on board thereof, or which shall be affixed on a conspicuous place on board of such vessel, shall for the purposes of this Ordinance be deemed to have been given to the master thereof.

Master Attendant to appoint place for anchorage. [§ 2, 19 of 1924.]

**6.** (1) Whenever any vessel shall arrive within any port of this Island brought within the operation of this Ordinance, the Master Attendant of such port or any person authorised by him either generally or on a special occasion is hereby authorised and required to appoint the place where the same shall cast anchor, or be moored, or otherwise secured, and to direct the master or person in charge of such vessel to anchor, moor, or otherwise secure his vessel at such a place, or himself to cause it to be anchored, moored, or otherwise secured there.

(2) Such Master Attendant or authorised person as aforesaid shall at all times have full power and authority to board any such vessel and to remove or cause the removal of the same from one place of mooring or anchorage to another when he shall consider such removal expedient.

(3) If the master or person in charge of any such vessel shall be desirous of moving the same from one place of mooring or anchorage to another, such master or person in charge is hereby required to notify to the Master Attendant such his desire, and the Master Attendant shall, unless he see good and sufficient reason to the contrary, authorise the removal thereof by such master or person in charge, or shall himself remove it or cause its removal.

(4) If any master or person in charge of any such vessel or any other person shall neglect or disobey any lawful direction of the Master Attendant or of any person authorised as aforesaid, or shall offer any resistance or impediment to such Master Attendant or authorised person or to any person



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acting under the orders of such Master Attendant or authorised person in the execution of any duty or authority herein imposed upon or vested in or delegated to such Master Attendant or authorised person, or shall change the mooring or anchoring of any such vessel without the authority of the Master Attendant, every such master or person shall be guilty of an offence, and be liable to any fine not exceeding two hundred rupees.

Master Attendant may go on board any vessel in discharge of his duty.

**7.** The Master Attendant may, whenever he shall suspect that any offence has been or is about to be committed in any vessel contrary to this Ordinance, or whenever it is necessary for him so to do in the discharge of any duty imposed upon him by this Ordinance, go on board any vessel within the limits of any port. If the master or other person in charge of such vessel shall, without lawful excuse, refuse to allow any Master Attendant or any of his deputies or assistants to enter such vessel for the performance of any duty imposed upon him by this Ordinance, he shall for every such offence be liable to a fine not exceeding two hundred rupees.

Master Attendant to give assistance to ships in distress.

**8.** The Master Attendant shall render assistance to vessels in distress within sight of the port by every means in his power.

Flag to be hoisted when passage to or from ships dangerous.

**9.** Whenever the passage of boats to or from any vessels at anchor in any port shall become dangerous, the Master Attendant shall hoist a white flag with a red ball in the centre in some conspicuous place, and shall keep the same so hoisted as long as such danger shall continue ; and if any master or person in charge of a vessel or other person shall, after such signal shall have been made, prevent any boat which may be alongside of any vessel from returning ashore, every such master or person shall be guilty of an offence, and be liable to a fine not exceeding one hundred rupees ; and the remuneration to be made in respect of any boat returning under such circumstances shall be determined by the Master Attendant, and shall not thereafter be questioned.

Any floating timber, &c., or obstruction on shore, to be removed at expense of owner.

**10.** The Master Attendant may remove or cause to be removed any timber or raft floating or being in any part of any such port which shall impede the free navigation of such port ; or anything which shall obstruct or impede the lawful use of any pier, jetty, landing place, wharf, quay, dock, mooring or other work, or any part of the shore or bank



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which has been declared to be within the limits of such port, and which is not private property; and the owner of any such timber or raft, or other thing, shall be liable to pay the reasonable expenses of such removal.

Penalties for causing obstruction or public nuisance.

**11.** If any person shall, without lawful excuse, cause any obstruction or impediment to the navigation of any port subject to this Ordinance, or shall cause any public nuisance affecting or likely to affect such navigation, every such person shall be liable to a penalty not exceeding one hundred rupees, and also to pay all reasonable expenses which shall be incurred in abating or removing such nuisance, obstruction, or impediment, and the Master Attendant of the port may cause such nuisance, obstruction, or impediment to be abated and removed.

Master Attendant may raise any wreck impeding navigation.

**12.** If any vessel shall be wrecked, stranded, or sunk in any such port, so as to impede or to be likely to impede the navigation thereof, the Master Attendant may cause the same to be raised, removed, or destroyed; and unless the expense of such work shall be repaid within one month after the completion thereof, he shall recover the same in the manner provided in section 13 of this Ordinance.

Expenses of removal.

**13.** If the Master Attendant shall incur any expense in causing any obstruction, impediment, wreck, or nuisance to be removed, and such expense be not paid within one week after the same shall have been notified in the *Gazette*, or in such other manner as the Governor by any general or special order may direct, such expense certified to by the Master Attendant, and reported to the Magistrate's Court of the district, may be recovered in the same manner as any fine imposed by that court. The Master Attendant may, in addition to or exclusive of such remedy, cause such timber, raft, or other thing, or the materials of any nuisance or obstruction so removed, or so much thereof as may be necessary, to be sold by public auction, and may retain all the expenses of such removal and sale out of the proceeds of such sale, and shall pay the surplus of such proceeds or deliver so much of the timber and other materials as shall remain unsold to the owner or other person entitled to receive the same, and if no such person appear shall cause the same to be kept and deposited in such manner as the Governor may direct, and may, if necessary, from time to



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time realize the expenses of keeping the same, together with the expenses of such sale, by a further sale of so much of the said timber or other materials as may remain unsold.

LICENSED BOATS.

Passenger and cargo boats to be licensed.

**14.** No boat of any kind shall, within any port subject to this Ordinance, ply, whether for hire or otherwise, for the conveyance of passengers or goods between vessels in port and the shore, or as a bumboat, or as a boat for the conveyance of traders, hawkers, or of goods for sale, or for landing or shipping any cargo or goods, and no person shall act as tindal thereof, unless such boat and tindal shall be licensed for that purpose, by licence under the hand of the Master Attendant of the port, such licence to be issued and recalled or taken away in case of any misconduct by the owner, tindal, or any of the boatmen thereof, at the discretion of such Master Attendant, or (in the case of cargo boats and their tindals) of the Collector of Customs ; and such licence shall be in force for such period as may be expressed therein, unless previous to the expiration thereof the same shall be recalled or taken away as aforesaid, and shall specify the burden and description of the boat and (if a passenger boat) the number of passengers that may be conveyed therein at one time, the name of the owner and the tindal thereof, and the number of boatmen to be employed in the same, and all licences shall be registered in the offices of the Master Attendant at each port respectively ; and such licence shall be on a stamp of three rupees, to be paid by the owner of the boat and tindal respectively :

Provided, however, that it shall be lawful for vessels in landing or shipping passengers or cargo or goods to make use of their own boats ;

Provided further, that where a Master Attendant refuses granting a licence to any person applying for the same, or recalls the licence after it is issued, he shall with all convenient despatch report such refusal or recalling to the Governor, by whom the same shall and may be confirmed or reversed.

Penalty on tindals and boatmen of licensed boats for misconduct.

**15.** All owners of boats, tindals, and boatmen of licensed boats shall obey the orders of the Master Attendant of the port, and no licensed boat shall be absent from the port without his leave ; and if the owner, tindal, or principal person of any licensed boat shall not so obey the said orders,



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or shall suffer his licensed boat to be absent from the port without leave as aforesaid, or if he, on any verbal or written notice being given to him by the Master Attendant of the port or any officer of his department ordering such boat to proceed on board any vessel, shall refuse or neglect to comply with such order, not being manifestly prevented therefrom by stress of weather, or if he shall, when so required to proceed, have fewer seamen on board his boat than the number specified in his licence, unless by permission of the Master Attendant, who may in such case at his discretion order a proportionate reduction of the charges payable for the hire of such boat, such owner, tindal, or principal person shall be guilty of an offence, and be liable on conviction thereof to any fine not exceeding one hundred rupees.

Penalty on employment of unlicensed boats.

**16.** If any passengers or goods be landed from or shipped to any vessel in any of the said ports, in any boats, except in boats licensed as above mentioned, or in boats belonging to such vessel or after the expiration of the period mentioned in such licence, or after the same has been recalled, or contrary to the terms thereof, the owner, tindal, or person in charge of such boat shall be guilty of an offence, and be liable to a fine not exceeding twenty rupees, and the said goods and the unlicensed boat in which they may have been landed or shipped shall be forfeited, and shall be dealt with in the same manner as goods declared to be forfeited or liable to forfeiture by the laws for the time being in force relating to the customs.

Where specification of description, &c., of packages necessary.

**17.** In landing the cargoes of vessels, each separate boatload shall be accompanied by a note, addressed to the Collector of Customs, specifying the number and description of the packages and the marks and numbers affixed thereon, or, if in bulk, the quantity, as far as can be ascertained, of the goods so sent:

Provided that it shall be lawful for the Governor, by general or special directions to be by him for that purpose given to the Collector of Customs of any port, to allow any vessels or class of vessels to give boat notes in any simpler form, if it be found inexpedient to require of them the fuller form above prescribed. In default of giving a note as required by this Ordinance, or by the directions of the Governor as aforesaid, the master or supercargo shall be deemed guilty of an offence, and be liable to a fine not exceeding one hundred rupees.



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Number of boat to be painted thereon.

**18.** The owner of every boat shall paint or cause to be painted ; and shall keep painted in white or yellow, in English figures not less than twelve inches in length on a black ground on a conspicuous part on both sides of the bow of such boat, in a legible and distinct manner, the number of such boat as mentioned in the licence ; and the licence of such boat may be withheld until it is so marked.

Licensed boat to be always kept seaworthy.

**19.** Every licensed boat shall be kept well and completely dunnaged and seaworthy, and the Master Attendant shall, as often as he may think necessary, require the owners of licensed boats or any one or more of them to expose them in some convenient place for his inspection, and in case any owner shall neglect or refuse so to expose any boat belonging to him, and in case on any boat being so exposed the Master Attendant shall deem it unseaworthy, it shall be lawful for the Master Attendant to recall the licence.

Owners of licensed boats to keep two boats always ready for service in the night time.

**20.** The owners of licensed boats shall keep and provide for service during the night, that is to say, from six o'clock in the afternoon until six o'clock in the morning, two full-sized boats with their proper crews, according to a course or rotation to be specified by the Master Attendant on the first day of every current month, and to be notified in writing on some conspicuous part of his office, as regards the particular nights for the attendance of particular boats ; and every owner of such boat who shall fail to provide his boat properly manned, and in all respects fit for service, shall be guilty of an offence, and be liable on conviction thereof to any fine not exceeding fifty rupees.

### Masters of Vessels.

Penalty on throwing ballast, &c., overboard.

**21.** If any master or other person shall throw overboard from any vessel any stones or ballast or rubbish, or any other thing whatever likely to form a bank or shoal or to be detrimental to navigation within any of the said ports, except in such places as may be appointed for the purpose by the Master Attendant, and if any stones or ballast landed from any vessel on any wharf, quay, or other landing place in any of the said ports or in any place prohibited by public notice in writing signed by the Collector and Master Attendant of the port, be not removed, within twenty-four hours after the same shall have been landed, to the depositories appointed by the Collector of Customs and Master Attendant of the



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port, the master or other persons so throwing overboard or landing such stones or ballast shall be guilty of an offence, and liable on conviction thereof to a fine not exceeding two hundred rupees over and above any expenses which may be incurred in removing the same, and which expenses shall be recovered in the manner provided in section 13 of this Ordinance.

Ship losing anchor to give notice to Master Attendant.

**22.** Whenever any vessel shall have lost any anchor or cable in any of the said ports, the master or person in charge thereof shall immediately give notice of such loss to the Master Attendant, together with the bearings of such anchor or cable, and a description of any marks on them by which they could be recognized when discovered :

Provided always that it shall at all times be lawful for such master or person in charge to sweep for, and fish up, and recover such anchor or cable at his own expense.

When share of value of lost anchor to be paid to Master Attendant or other person recovering it.

**23.** If any master or person in charge of a vessel in any of the said ports shall request the Master Attendant to recover any anchor or cable which he shall have lost at any place therein, or if information shall be given to the Master Attendant that any anchor or cable has been found in any of the said ports, or is known or reported to have been lost from any vessel therein, the Master Attendant shall use his best endeavours to recover such anchor or cable, and shall be entitled upon recovering the same to one-third of the value thereof; and if the Master Attendant shall at any time refuse or neglect for the period of one calendar month after such request being made or such information being given to use such endeavours as aforesaid, it shall be lawful for any other person or persons, at his or their own expense to sweep for, and fish up, and recover such anchor or cable, and such person or persons shall in like manner be entitled to one-third of the value of any anchor or cable so recovered by him or them :

Provided always that if any difference of opinion shall arise between the Master Attendant and the master or person in charge of any such vessel, or his agents, as to the value of any such anchor or cable, the point shall be referred to the Collector of Customs, and his decision shall be conclusive ; and if any such difference shall arise between the master or person in charge of any ship or vessel, or his



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agents, and any other party or parties recovering such anchor or cable, the same shall be referred to the Master Attendant, whose decision shall be conclusive.

Anchor not owned within twelve months to become the property of His Majesty.

**24.** All anchors and cables which shall be recovered within any of the ports and by any person other than the person in charge of the vessel from which they are known to have been lost shall be landed at the wharf or place appointed for that purpose; and if the same shall not be claimed within the period of twelve months they shall become the property of His Majesty, and shall be sold by public auction. Two-thirds from the proceeds shall go to the party or parties who recovered the said anchor and cable, and one-third to His Majesty.

Penalty on master, person in charge of a vessel or other person offending against this Ordinance.

**25.** If any master or person in charge of a vessel or other person shall in any case fail or neglect to observe any lawful directions of the Master Attendant, or to do anything required of him by this Ordinance or by any port rule made under section 3 of this Ordinance, or shall do or omit to do anything contrary to the true and plain meaning of this Ordinance, or of any such port rule, or if any master or person in charge of any vessel or any other person shall interfere with any Master Attendant, or any of his deputies or officers, or any person acting under his authority, in the execution of his duty in regard to such vessel, so as to resist or impede him or them in the proper performance thereof, every such master or person in charge of a vessel, or other person, shall be guilty of an offence, and be liable to a fine not exceeding two hundred rupees.

Vessels not to obtain clearance until all charges are paid.

**26.** The officer of Government whose duty it shall be to grant a port clearance for any vessel shall not grant such port clearance until the owner, agent, or master of that vessel, or some other person, shall have paid all port dues, fees, and charges to which such vessel, or the owner or master of such vessel in respect thereof, shall be liable under this or any other Ordinance.

Ordinance not to extend to Government vessels or ships of war.

**27.** Nothing in this Ordinance contained shall extend to any vessel belonging to or in the service of His Majesty, or to any vessel of war belonging to any foreign prince or state, nor affect any law relative to the customs, nor any order or direction which shall have been lawfully made or given in pursuance of the provisions of any such law.



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MISCELLANEOUS.

Removing stones, &c., or injuring shores, prohibited.

**28.** In every port subject to this Ordinance, to which the provisions of this section shall be extended by an order of the Governor, no person, without the permission of the Master Attendant, shall remove or carry away any rock, stones, shingle, gravel, sand, or soil, or any artificial protection from any part of the bank or shore of such port; and no person shall sink, bury, or drive, in any part of such bank or shore, whether the same be public or private property, any mooring posts, anchor, or any other thing which is likely to injure, or to be used so as to injure such bank or shoal, except with the permission of the said Master Attendant, and with the aid or under the inspection of such person or persons (if any) as he may appoint to take part in or overlook the performance of such work. If any person shall offend against the provisions of this section, he shall be liable to a fine not exceeding one hundred rupees for every such offence, and to pay the expenses of repairing the injury (if any) done to such bank or shore, such expenses being recoverable in the manner provided in section 13 of this Ordinance.

Offences against this Ordinance, and debts due thereunder, to be respectively punishable and recoverable in Magistrates' Courts and Courts of Requests.

**29.** All offences against this Ordinance shall and they are hereby declared to be fully cognizable and punishable by Magistrates' Courts, and all sums becoming due by reason of any of the provisions thereof shall and they are hereby declared to be recoverable before Courts of Requests, though such offences and sums should exceed the ordinary jurisdiction of those courts.

Prohibition of diving for money.

**30.** (1) Whoever within any harbour, subject to the provisions of this Ordinance, dives for money thrown by passengers or others from vessels in harbour, shall be guilty of an offence, and shall be liable on conviction thereof to imprisonment of either description for a term not exceeding one month.

(2) Any police officer or peace officer may arrest and take before the Magistrate having jurisdiction any person found committing an offence against this section.

Interpretation.

**31.** In this Ordinance, unless the context otherwise requires—

"boat" includes canoes and cattamarans, and also launches propelled by steam, electricity, or other motive power;



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master," when used in relation to any vessel, includes any person having for the time being the charge or command or control of such vessel;

"Master Attendant" includes his deputies and assistants;

"port" includes all harbours roadsteads, and places of anchorage in the Island;

"vessel" includes anything made for the conveyance by water of human beings or of property.



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# CHAPTER 263.

## BOATMEN.

*Ordinances* Nos. 6 of 1880, 6 of 1896.

AN ORDINANCE FOR THE REGULATION AND CONTROL OF BOATMEN EMPLOYED IN LICENSED BOATS.

[10*th November*, 1880.]

Short title.

**1.** This Ordinance may be cited as the Boatmen's Ordinance.

Construction and application of Ordinance.

**2.** (1) This Ordinance shall be construed as one with the Masters Attendant Ordinance hereinafter referred to as " the principal Ordinance ".

(2) This Ordinance shall extend to the port of Colombo only, but the Governor may by Proclamation extend it to any other port or ports to which the provisions of the principal Ordinance extend.

Interpretation.

**3.** The term " licensed boat " shall mean any licensed boat when employed in carrying passengers for hire, and any bumboat and any boat used by traders or hawkers or for the conveyance of goods for sale.

Boatmen to be licensed.

**4.** From and after the first day of January, eighteen hundred and eighty-one, every person to be employed as a boatman in, or to serve as one of the crew, or in any capacity on board of any licensed boat, shall be duly licensed for that purpose as hereinafter provided.

Master Attendant to keep register of licensed boatmen ; particulars to be entered therein and shall issue licence to boatmen.

**5.** It shall be the duty of the Master Attendant to register in a book to be kept for that purpose, and to be called " the Register of Licensed Boatmen," in numerical order, the name, description, and such other particulars as may be necessary for identification, of every person applying to be licensed to be employed as a boatman, and he shall thereupon issue to such person a licence to be employed as aforesaid, which licence shall bear the registered number of the applicant, and shall be in the form in the Schedule, and shall be in force for



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such time as shall be mentioned therein, and the date of such licence, together with the period for which it shall be granted, shall be registered in " the Register of Licensed Boatmen " :

Provided, however, that the Master Attendant may, for good cause, refuse to issue a licence to any person applying therefor, and may from time to time renew any licence which may have expired, and such refusal or renewal shall be duly registered in the register.

May refuse to issue licence.

**6.** The Master Attendant shall cause to be delivered to each licensed boatman a badge of uniform pattern, bearing thereon the number of his licence, the cost of which shall be paid by the person to whom the same is delivered, and it shall be the duty of every licensed boatman, when acting as such, to wear such badge conspicuously exposed upon his person ; and in case the owner of such badge shall at any time satisfy the Master Attendant that such badge has been lost or destroyed it shall be lawful for the Master Attendant to cause another badge to be delivered to such boatman upon his paying the cost thereof.

Licensed boatmen to have badges and to wear them.

Provision for lost badges.

**7.** All boatmen licensed under this Ordinance shall be subject and liable to the orders, directions, and control of the Master Attendant, who is hereby invested with full power and authority to carry into execution the provisions of this Ordinance.

Boatmen to be under control of Master Attendant.

**8.** Rules for the government of licensed boatmen under this Ordinance shall from time to time be prepared by the Master Attendant, which rules, when approved by the Governor, and published in the *Gazette* shall have the effect of law ; and the Master Attendant shall cause every licensed boatman and the tindal of every licensed boat to be furnished with a copy of such rules in the English, Sinhalese, and Tamil languages.

Master Attendant, with approval of the Governor, may make rules for the government of licensed boatmen. Every boatman and tindal to be furnished with a copy of such rules.

**9.** The following shall be offences under this Ordinance :—

Offences.

(*a*) any person who shall employ, or permit to be employed, or to act or to serve as a boatman, or as one of the crew, or in any capacity on board of a licensed boat, any unlicensed person ;

(*b*) any unlicensed person who shall be employed, or who shall act or serve as a boatman, or as one of the crew, or in any capacity on board of a licensed boat ;



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(*c*) any licensed boatman who shall violate any rule to be made under the authority of this or the principal Ordinance ;

(*d*) any licensed boatman who shall act as such without wearing his proper badge exposed in a conpicuous manner ;

(*e*) any licensed boatman who shall disobey any lawful order given by the Master Attendant ;

(*f*) any licensed boatman who, while employed as such, shall use violent or abusive language to any passenger or who shall threaten or molest any passenger, or who shall by any means extort any money from any passenger ;

(*g*) any unlicensed person who shall use or exhibit, with intent to deceive, a boatman's badge, or any false badge intended to represent, or representing, a licensed boatman's badge ;

(*h*) any licensed boatman who shall use or exhibit any badge other than his own,

Penalties.

and the offender shall be liable to a penalty not exceeding twenty rupees, or to imprisonment, with or without hard labour, for any period not exceeding one month.

Master Attendant may suspend or cancel boatman's licence.

**10.** If any licensed boatman shall be convicted of any offence against this Ordinance, the Master Attendant may, in addition to any penalty which may have been imposed upon the offender, suspend or cancel the licence of such boatman, and any boatman whose licence shall have been suspended as aforesaid shall, for the purpose of this Ordinance, during the period of such suspension, be deemed un unlicensed person.

When boatman's licence has been cancelled or suspended, entry thereof to be made in register, and licence and badge to be delivered up. Cost of badge to be returned when licence expires.

**11.** When the licence of any boatman shall have expired and shall not have been renewed, or when it has been cancelled or suspended under the provisions of the previous section, the Master Attendant shall cause an entry thereof to be made in the register, and the boatman whose licence shall have expired and shall not have been renewed, or whose licence shall have been cancelled or suspended, shall forthwith deliver up to the Master Attendant his licence and badge, and it shall be the duty of the Master Attendant to return to the person whose licence shall have expired and shall not have been renewed, or whose licence shall have been cancelled, the



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original cost of such badge, and to return to the person whose licence has been suspended his licence and badge, when his period of suspension has expired ; and any licensed person who shall neglect or refuse to deliver up his licence and badge as required by this section shall be liable to a penalty not exceeding twenty rupees, or to imprisonment, with or without hard labour, for any period not exceeding one month.

Penalty on neglecting to deliver up licence and badge.

**12.** Any Magistrate's Court shall have jurisdiction over any offence against this Ordinance.

Any Magistrate's Court to have jurisdiction over offences.

SCHEDULE.

*License No.* ——. [Section 5.]

By the Master Attendant of the port of ———.

This is to license ——— as a boatman, under the Boatmen's Ordinance for the port of ———, for the period of ——— from the date hereof.

Dated ———.

*A. B.*,
Master Attendant.



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# CHAPTER 264.

## PILOTS.

*Ordinances* Nos. 4 of 1899, 5 of 1928.

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW RELATING TO PILOTS APPOINTED BY THE GOVERNOR OF CEYLON.

[20*th October*, 1899.]

Short title.

**1.** This Ordinance may be cited as the Pilots Ordinance.

Interpretation.

**2.** In this Ordinance, unless the context otherwise requires—

"Master Attendant" means the Master Attendant of any port, and includes his deputies and assistants ;

"master" includes any person having for the time being the charge, command, or control of any vessel ;

"pilot" means any person appointed by the Governor under section 5 for the purposes of conducting vessels to or out of any port named in such appointment ;

"port" means any port brought within the operation of this Ordinance under section 3 ;

"vessel" includes any ship or boat or any other description of vessel used in navigation of above 100 tons register.

Governor to declare ports brought under the operation of this Ordinance and to define their limits.

**3.** The Governor may, from time to time, by Proclamation declare the ports which are to be brought within the operation of this Ordinance, and define the limits of such ports respectively.

Vessel not to move into, out of or within a port without a pilot except when authorised.

[§ 2, 5 of 1928.]

**4.** (1) It shall be unlawful to bring into, or move when within, or remove out of, any port any vessel without having a pilot on board, except in accordance with any general authority to do so granted by the Master Attendant and published in the *Gazette*, or in accordance with the special authority of the Master Attendant or some officer empowered



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by him in that behalf communicated to the master of the vessel in writing or by a Government telegraph or signal station.

(2) If there shall be any contravention of this section, the master of the vessel concerned shall on conviction be liable to a fine not exceeding two hundred rupees for each offence.

Appointment of pilots.

**5.** (1) The Governor shall continue from time to time to appoint, fit, proper, and qualified persons to be pilots for the purpose of conducting vessels into or out of any port.

(2) The Governor may from time to time remove any pilot so appointed and appoint another in his stead.

(3) All such pilots shall be under the control and subject to the orders of the Master Attendant of the port for which they may be appointed.

Amount of outward pilotage to be paid in advance.

**6.** No pilot shall be in anywise bound to conduct any vessel to sea, neither shall any vessel proceed to sea, until the full amount of the outward pilotage of such vessel and the charges due on account of such vessel to the Master Attendant's department shall be first paid or secured to be paid to the satisfaction of such pilot and Master Attendant.

Pilots in certain cases to demand payment over and above the amount of pilotage.

**7.** Every pilot in charge of any vessel in, or entering, or proceeding from any port, who shall remain on board any such vessel for a period exceeding forty-eight hours, either on account of stress of weather or under quarantine, shall be entitled to demand and receive over and above the amount of pilotage charged under port rules made or to be made under the authority of section 3 of the Masters Attendant Ordinance the sum of five rupees for each and every day he shall so remain on board any vessel.

Penalty on pilot for misconduct.

**8.** Every pilot who shall refuse, neglect, or delay to take charge of any vessel when required to do so by the Master Attendant, unless upon good and sufficient cause to justify such refusal, neglect, or delay, and every pilot who shall quit any such vessel or decline the piloting thereof after he has taken charge thereof, or shall by drunkenness or otherwise render himself incapable of conducting any vessel, or do any injury to the same or to the tackle or furniture thereof, shall, in addition to his civil liability, be guilty of an offence, and be liable on conviction to a fine not exceeding two hundred rupees.



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Penalty on person acting as pilot without authority.

**9.** It shall be lawful for any pilot within the limits of the port for which he is appointed to supersede in the charge of any vessel any person not appointed to act as a pilot within such limits, and every person assuming or continuing in the charge and conduct of any vessel, not being a pilot, or not being duly appointed to act as a pilot within the limits in which such vessel shall actually be, after any pilot duly appointed to act within such limits shall have offered to take charge of such vessel, shall be guilty of an offence, and be liable to a fine not exceeding two hundred rupees :

Provided always that, notwithstanding anything in this Ordinance contained, any person shall and may lawfully and without being subject to any penalty by this Ordinance imposed assume or continue in the charge or conduct of any vessel as a pilot where and so long as a pilot duly appointed shall not have offered to take charge of such vessel or made a signal for that purpose, or where and so long as such vessel shall be in distress, or under circumstances which shall have rendered it necessary for the master or person in charge of such vessel to avail himself of the best assistance which at the time could be procured.

Pilot's liability limited.

**10.** The liability of a pilot for neglect or want of skill shall not exceed the sum of one thousand five hundred rupees, and in the event of his being entitled to fees on account of pilotage in respect of the voyage in which he was engaged when he became so liable, his liability shall not exceed the said sum and the amount payable to him as such fees.

Non-liability of Government, owner, or master where pilot is employed.

**11.** The Government or the owner or master of a ship shall not be answerable to any person whatsoever for any loss or damage occasioned by the fault or incapacity of any pilot acting in charge of that ship within the limits of any port brought under the operation of this Ordinance.

Penalty on pilot offending against Ordinance or port rule.

**12.** If any pilot shall in any case fail or neglect to observe any lawful directions of the Master Attendant, or to do anything required by him by this Ordinance or by any port rule made or to be made under the authority of section 3 of the Masters Attendant Ordinance, or shall do or omit to do anything contrary to the true and plain meaning of this Ordinance or of any such port rule, he shall be guilty of an offence, and be liable on conviction to a fine not exceeding two hundred rupees.



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**13.** Nothing in this Ordinance contained shall extend to any vessel belonging to or in the service of His Majesty, or to any vessel of war belonging to any foreign prince or state, nor affect any law relative to the customs, nor any order or direction which shall have been lawfully made or given in pursuance of the provisions of any such law.

Ordinance not to extend to vessels in the service of His Majesty and to vessels of war belonging to any foreign state.

**14.** All offences against this Ordinance shall and they are hereby declared to be fully cognizable and punishable by Magistrates' Courts, and all sums becoming due by reason of any of the provisions thereof shall and they are hereby declared to be recoverable before Courts of Requests, though such offences and sums should exceed the ordinary jurisdiction of those courts.

Offences against this Ordinance and debts due thereunder to be respectively punishable and recoverable in Magistrates' Courts and Courts of Requests.



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# CHAPTER 265.

## GRAVING DOCK AND PATENT SLIP.

*Ordinance No. 5 of 1908.*

AN ORDINANCE TO PROVIDE FOR THE REGULATION AND MANAGEMENT OF THE GRAVING DOCK AND PATENT SLIP AT THE PORT OF COLOMBO.

[22*nd September*, 1908.]

Short title.

**1.** This Ordinance may be cited as the Colombo Graving Dock and Patent Slip Ordinance.

Interpretation.

**2.** In this Ordinance and in any rules made thereunder, unless the context otherwise requires—

"graving dock" means the graving dock in the harbour at Colombo, and includes any basin, lock, entrance, channel, caisson, pier, quay, or other works, appliances, or things appertaining to the said graving dock;

"patent slip" means the patent slip in the harbour at Colombo, and includes any entrance channel, inclined plane, cradle, graving blocks, or other works, appliances, or things appertaining to the said patent slip.

Appointment of officers to superintend and manage graving dock and patent slip.

**3.** The Governor may from time to time appoint and remove a superintendent and such dock masters and such other officers and servants as may be necessary for the superintendence, management, and working of the graving dock and patent slip.

Rules.

**4.** (1) The Governor may from time to time make, and when made may revoke, amend, or vary rules for regulating the management and use of the graving dock and patent slip.



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(2) In particular and without prejudice to the generality of the power conferred by the foregoing subsection such rules may provide—

(*a*) for the guidance of the officers and servants in charge of, or employed in connection with, the graving dock and patent slip, and for regulating their respective duties and conduct ;

(*b*) for the safe and convenient use of the graving dock and patent slip, and for regulating the admission of vessels into or near the graving dock or on or near to the patent slip and their removal therefrom ;

(*c*) for prescribing the fees, charges, and rents to be paid for the use of the graving dock and patent slip ;

(*d*) for regulating the conduct of persons on board of any vessel or employed on any work being carried out on a vessel, when in the graving dock or on the patent slip ;

(*e*) for regulating the use of fires and lights on board of or for the use of any vessel in the graving dock or on the patent slip ;

(*f*) for regulating the sanitation of the graving dock and patent slip.

(3) All rules when made by the Governor shall be published in the *Gazette*, and from the date of such publication shall, subject to the provisions of the next following subsection, have the same force as if they had been enacted by this Ordinance.

(4) All such rules shall be laid before the State Council if in session, within one month of such publication, and if not in session, then as soon as possible after the commencement of the session next ensuing. If within forty days after their being so laid before the State Council any rule has been disapproved by resolution of the Council, then such rules shall cease to have any force or effect, but without prejudice to anything done thereunder.

Penalties for offences against rules.

**5.** The Governor may by any rules made under this Ordinance impose on offenders against the same such reasonable penalties as he thinks fit, not exceeding the sum of one hundred rupees for each offence, and, in the case of a continuing offence, a further penalty not exceeding fifty rupees for each day after written notice of the offence has been given



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to the offender; but all such rules imposing any penalty shall be so framed as to allow of the recovery of a sum less than the full amount of the penalty.

Limitation of liability.

**6.** (1) No action or other proceedings shall be commenced against any person for anything done, or purporting to have been done, in pursuance of this Ordinance or of any rules made thereunder, without giving to such person one month's previous notice in writing of the intended action or proceeding, and of the cause thereof, nor after six months from the accrual of the cause of such action or other proceeding.

(2) The Government of Ceylon shall not be responsible for the misfeasance, malfeasance, or non-feasance of any officer or servant appointed under this Ordinance, nor shall the said Government or any of the said officers or servants be liable in damages for any act bona fide done or ordered to be done by them in pursuance of this Ordinance or of any rule made thereunder.

Detention of vessels on account of stress of weather.

**7.** (1) The superintendent or other officer in charge of the graving dock or patent slip may refuse to undock any vessel, if the conditions of sea and weather or the state of the graving dock or patent slip are such that, in his judgment, the vessel cannot be undocked without undue risk of injury to the vessel or to the graving dock or patent slip.

(2) Where by reason of such refusal any vessel has been detained, after being ready to be undocked, in the graving dock or on the patent slip, neither the Government of Ceylon nor the superintendent or other officer in charge of the graving dock or patent slip shall be answerable for any loss or damages occasioned by or arising out of such detention; but no fees, charges, or rents shall be chargeable in respect of the period during which the vessel is detained after being ready to be undocked.



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# CHAPTER 266.

## SHIPPING INQUIRIES.

AN ORDINANCE TO AMEND THE LAW RELATING TO INQUIRIES INTO SHIPPING CASUALTIES AND THE CONDUCT OF SHIPS' OFFICERS.

*Ordinance* No. of 1899.

[*7th November*, 1899.]

Short title.

**1.** This Ordinance may be cited as the Shipping Inquiries Ordinance.

Interpretation.

**2.** In this Ordinance, unless the context otherwise requires—

"Board of Trade" means the Lords of the Committee for the time being of the Privy Council appointed for the consideration of matters relating to trade and foreign plantations;

"High Court" means His Majesty's High Court of Justice in England.

Authority to District Courts to make inquiries into shipping casualties and conduct of officers.

**3.** (1) It is hereby declared that District Courts shall have jurisdiction to make inquiries as to shipwrecks, or other casualties affecting ships, or as to charges of incompetency or misconduct on the part of masters, mates, or engineers of ships, in the following cases, namely :—

(*a*) where a shipwreck or casualty occurs to a British ship on or near the coast of Ceylon or to a British ship in the course of a voyage to a port in Ceylon;

(*b*) where a shipwreck or casualty occurs in any part of the world to a British ship registered in Ceylon;

(*c*) where some of the crew of a British ship which has been wrecked, or to which a casualty has occurred, and who are competent witnesses to the facts, are found in Ceylon;

(*d*) where the incompetency or misconduct has occurred on board a British ship on or near the coasts of Ceylon, or on board a British ship in the course of a voyage to a port in Ceylon;



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(*e*) where the incompetency or misconduct has occurred on board a British ship registered in Ceylon ;

(*f*) when the master, mate, or engineer of a British ship who is charged with incompetency or misconduct on board that British ship, is found in Ceylon.

(2) District Courts shall have the same jurisdiction over the matter in question as if it had occurred within their ordinary jurisdiction, but subject to all provisions, restrictions, and conditions which would have been applicable if it had so occurred.

INQUIRIES AND INVESTIGATIONS AS TO SHIPPING CASUALTIES.

Shipping casualties.

**4.** For the purpose of inquiries and investigations under this Ordinance a shipping casualty shall be deemed to occur—

(*a*) when on or near the coasts of Ceylon any ship is lost, abandoned, or materially damaged ;

(*b*) when on or near the coasts of Ceylon any ship has been stranded or damaged, and any witness is found in Ceylon ;

(*c*) when on or near the coasts of Ceylon any ship causes loss or material damage to any other ship ;

(*d*) when any loss of life ensues by reason of any casualty happening to or on board any ship on or near the coasts of Ceylon ;

(*e*) when in any place any such loss, abandonment, material damage, or casualty as above mentioned occurs, and any witness is found in Ceylon ;

(*f*) when in any place any British ship is stranded or damaged and any witness is found in Ceylon ;

(*g*) when any British ship is lost or is supposed to have been lost and any evidence is obtainable in Ceylon as to the circumstances under which she proceeded to sea or was last heard of.

Preliminary inquiry into shipping casualties.

**5.** When a shipping casualty has occurred, a preliminary inquiry may be held respecting the casualty by the following persons, namely :—

(*a*) where the shipping casualty occurs on or near the coasts of Ceylon, by the receiver of wrecks residing at or nearest to the place where such loss, abandonment, damage, or casualty occurred ;



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(*b*) where the shipping casualty occurs elsewhere, by the receiver of wrecks residing at or near any place at which the witnesses with respect to the casualty arrive or are found or can be conveniently examined; or

(*c*) by any other person appointed for that purpose by the Governor to make inquiry respecting such loss, abandonment, damage, or casualty.

Formal investigation of shipping casualties.

**6.** (1) A person authorised as aforesaid to make a preliminary inquiry shall, in any case where it appears to him requisite or expedient (whether upon a preliminary inquiry or without holding such inquiry) that a formal investigation should be held, and in any case where the Principal Collector of Customs so directs, apply to any District Court to hold a formal investigation, and the District Court shall thereupon hold the formal investigation.

(2) The court holding any such formal investigation shall hold the same with the assistance of one or more assessors of nautical, engineering, or other special skill or knowledge, to be appointed out of a list of persons for the time being approved for the purpose by the Governor in such manner and according to such general rules as may be prescribed by the Governor under section 13.

(3) Where a formal investigation involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a master, mate, or engineer, the court shall hold the investigation with the assistance of not less than two assessors having experience in the merchant service.

(4) It shall be the duty of the person who has applied to a court to hold a formal investigation to superintend the management of the case, and to render such assistance to the court as in his power.

(5) Each assessor shall either sign the report or state in writing to the Board of Trade his dissent therefrom and the reasons for that dissent.

(6) The court after hearing the case shall make a report to the Board of Trade containing a full statement of the case, and of the opinion of the court thereon, accompanied by such report of or extracts from the evidence and such observations as the court thinks fit.



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(7) The court may make such order as the court thinks fit respecting the costs of the investigation or any part thereof, and such order shall be enforced by the court as an order for costs in its ordinary jurisdiction.

(8) For the purposes of this Ordinance the court holding a formal investigation shall have all the powers it has when acting as a court in the exercise of its ordinary jurisdiction.

(9) Every formal investigation into a shipping casualty shall be conducted in such manner that if a charge is made against any person that person shall have an opportunity of making a defence.

Inquiry in case of loss of life from boat belonging to a fishing vessel.

**7.** When any loss of life arises by reason of any casualty happening to or on board any boat belonging to a fishing vessel, the Principal Collector of Customs may, if he thinks fit, cause an inquiry to be made or a formal investigation to be held as in the case of a shipping casualty, and the provisions of this Ordinance relating thereto shall apply accordingly.

POWER AS TO CERTIFICATE OF OFFICERS.

Power of court of investigation or inquiry as to certificates.

**8.** (1) The certificate of a master, mate, or engineer may be cancelled or suspended—

(*a*) by a court holding a formal investigation into a shipping casualty under this Ordinance, if the court finds that the loss or abandonment of, or serious damage to, any ship or loss of life has been caused by his wrongful act or default:

Provided that the court holding the formal investigation shall not cancel or suspend a certificate unless one at least of the assessors concurs in the finding of the court;

(*b*) by a court holding an inquiry under this Ordinance into the conduct of a master, mate, or engineer, if the court finds that he is incompetent, or has been guilty of any gross act of misconduct, drunkenness, or tyranny, or that in a case of collision he has failed to render such assistance, or give such information as is required under the fifth part of the Merchant Shipping Act, 1894.

(57, & 58 Vict. c. 60.)

(2) Where any case before any such court as aforesaid involves a question as to the cancelling or suspending of a



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certificate, that court shall, at the conclusion of the case or as soon afterwards as possible, state in open court the decision to which it has come with respect to the cancelling or suspending thereof.

(3) The court shall in all cases send a full report on the case with the evidence to the Board of Trade, and shall also, if it determines to cancel or suspend any certificate, send the certificate, cancelled or suspended, to the Board of Trade with its report.

(4) A certificate shall not be cancelled or suspended by a court under this section, unless a copy of the report or a statement of the case on which the investigation or inquiry has been ordered has been furnished, before the commencement of the investigation or inquiry, to the holder of the certificate.

Delivery of certificate cancelled or suspended.

**9.** (1) A master, mate, or engineer whose certificate is cancelled or suspended by any court shall deliver the certificate to that court on demand.

(2) If a master, mate, or engineer fail to comply with this section he shall for each offence be liable to a fine not exceeding five hundred rupees.

RE-HEARING OF INVESTIGATIONS AND INQUIRIES.

Re-hearing of investigations and inquiries.

**10.** (1) The Board of Trade may, in any case where a formal investigation as aforesaid into a shipping casualty or an inquiry into the conduct of a master, mate, or engineer has been held, order the case to be re-heard either generally or as to any part thereof, and shall do so—

(*a*) if new and important evidence, which could not be produced at the investigation or inquiry, has been discovered; or

(*b*) if for any other reason there has in their opinion been ground for suspecting that a miscarriage of justice has occurred.

(2) The Board of Trade may order the case to be re-heard by the court by whom the case was heard in the first instance or by the High Court, and the case shall be so re-heard accordingly.



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SUPPLEMENTAL PROVISIONS AS TO INVESTIGATIONS AND INQUIRIES.

No inquiry into any matter which has been the subject of previous inquiry.

**11.** (1) An inquiry shall not be held into any matter which has once been the subject of an investigation or inquiry and has been reported on by a competent court or tribunal in any part of His Majesty's dominions, or in respect of which the certificate of a master, mate, or engineer has been cancelled or suspended by a Naval Court.

(2) Where an investigation or inquiry has been commenced in the United Kingdom of Great Britain and Northern Ireland with reference to any matter, an inquiry with reference to the same matter shall not be held in the Island.

Appeals.

**12.** The Board of Trade may order a re-hearing of any inquiry under section 3, but if an application for re-hearing either is not made or is refused, an appeal shall lie from any order or finding of the court holding the inquiry to the High Court in England :

Provided that an appeal shall not lie—

(*a*) from any order or finding on an inquiry into a casualty affecting a ship registered in a British possession ;

(*b*) from a decision affecting the certificate of a master, mate, or engineer, if that certificate has not been granted either in the United Kingdom of Great Britain and Northern Ireland or in a British possession under the authority of the Merchant Shipping Act, 1894 ;

(57 & 58 Vict. c 60.)

(*c*) the appeal shall be conducted in accordance with such conditions and regulations as may from time to time be prescribed by rules made in relation thereto under the powers contained in Part VI. of the Merchant Shipping Act, 1894.

Rules as to investigations and inquiries.

**13.** (1) The Governor may, make general rules from time to time for carrying into effect the provisions relating to formal investigations, and in particular with respect to the appointment and summoning of assessors, the procedure, the parties, the persons allowed to appear, the notice to those parties or persons or to persons affected, and the re-hearing of any investigation or inquiry by the court or authority by whom the case was heard in the first instance.

(2) All rules made under the provisions of this section shall be laid before the State Council if then in session, and if not



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then in session then so soon as possible after the commencement of the next session ; and if within forty days after their being so laid before the State Council any of such rules be objected to by the State Council, the said Council may by resolution annul any such rules.

(3) Such rules as shall not be so annulled by the said Council within the usual forty days shall be proclaimed in the *Gazette*, and shall come into force upon the publication thereof or on such other day as may be specified in such Proclamation.



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# CHAPTER 267.

## WRECKS AND SALVAGE.

*Ordinances* Nos. 5 of 1861, 4 of 1862, 4 of 1863, 3 of 1883.

AN ORDINANCE RELATING TO WRECKS, SEA CASUALTIES, AND SALVAGE WITHIN THE LIMITS OF CEYLON.

[*2nd October*, 1861.]

Short title.

**1.** This Ordinance may be cited as the Wrecks and Salvage Ordinance.

APPOINTMENT OF SUPERINTENDENT OF WRECKS AND RECEIVERS.

Principal Collector of Customs to be superintendent of wrecks, and Governor to appoint receivers.

**2.** The Principal Collector of Customs shall throughout Ceylon have the general superintendence of all matters relating to wrecks; and it shall be lawful for the Governor to appoint any officer of customs or any other person to be a receiver of wrecks in any district, and to perform such duties as are hereinafter mentioned, and due notice of every such appointment shall be published in the *Gazette*.

DUTIES OF RECEIVERS.

Duty of receiver when any ship is stranded or in distress.

**3.** Whenever any ship or boat is stranded or in distress at any place on the shore of the sea, or of any tidal water within the limits of Ceylon, the receiver of the district within which such place is situate shall, upon being made acquainted with such accident, forthwith proceed to such place and take the command of all persons present, and assign such duties to each person and issue such directions as he may think fit, with a view to the preservation of such ship or boat, and the lives of the persons belonging thereto, and the cargo and apparel thereof; and if any person wilfully disobeys such directions he shall forfeit a sum not exceeding five hundred rupees; but it shall not be lawful for such receiver to interfere between the master of such ship or boat and his crew in matters relating to



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the management thereof, unless he is requested so to do by such master.

Powers of receiver in case of such accident to any ship or boat.

**4.** The receiver may, with a view to such preservation as aforesaid of the ship or boat, persons, cargo, and apparel, do the following things, that is to say :—

(*a*) summon such number of men as he thinks necessary to assist him ;

(*b*) require the master or other person having the charge of any ship or boat near at hand to give such aid with his men, ship, or boats as may be in his power ;

(*c*) demand the use of any waggon, cart, horses, or bullocks that may be near at hand.

And any person refusing without reasonable cause to comply with any summons, requisition, or demand so made as aforesaid, shall for every such refusal incur a penalty not exceeding one thousand rupees.

All articles washed on shore, or lost or taken from any ship or boat, to be delivered to the receiver.

**5.** All cargo and other articles belonging to such ship or boat as aforesaid that may be washed on shore, or otherwise be lost or taken from such ship or boat, shall be delivered to the receiver ; and any person, whether he is the owner or not, who secretes or keeps possession of any such cargo or article, or refuses to deliver the same to the receiver or to any person authorised by him to demand the same, shall incur a penalty not exceeding one thousand rupees ; and it shall be lawful for such receiver or other person as aforesaid to take such cargo or article by force from the person so refusing to deliver the same.

Power of receiver to suppress plunder and disorder by force.

**6.** Whenever any such accident as aforesaid occurs to any ship or boat, and any person plunders, creates disorder, or obstructs the preservation of such ship, boat, lives, or cargo, as aforesaid, it shall be lawful for the receiver to cause such person to be apprehended, and to use force for the suppression of any such plundering, disorder, or obstruction as aforesaid, with power to command all His Majesty's subjects to assist him in the use of such force ; and if any person is killed, maimed, or hurt by reason of his resisting the receiver in the execution of the duties hereby committed to him, or any person acting under his orders, such receiver or other person shall be freely and fully indemnified as well against the King's



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Majesty, His heirs, and successors, as against all persons so maimed or hurt, and against the heirs, executors, administrators, or other representatives of the persons so killed.

Certain officers to exercise powers of receiver in his absence.

**7.** During the absence of the receiver from the place where any such accident as aforesaid occurs, or in places where no receiver has been appointed under this Ordinance, the following officers in succession, each in the absence of the other, in the order in which they are named; (that is to say) the principal officer of customs in the district, or Master Attendant, or Government Agent, or Assistant Government Agent, or Superintendent or Assistant Superintendent of Police, and also any Justice of the Peace, commissioned officer on full pay in the Naval Service of His Majesty, or commissioned officer on full pay in the Military Service of His Majesty, or commissioned officer on full pay in the Air Service of His Majesty, may do all matters and things hereby authorised to be done by the receiver, with this exception, that with respect to any goods or articles belonging to any such ship or boat the delivery up of which to the receiver is hereinbefore required, any officer so acting shall be considered as the agent of the receiver, and shall place the same in the custody of the receiver; and no person so acting as substitute for any receiver shall be entitled to any fees payable to receivers, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

Power in case of a ship being in distress to pass over adjoining lands with carriages.

**8.** Whenever any such accident as aforesaid occurs to any ship or boat, all persons may, for the purpose of rendering assistance to such ship or boat, or saving the lives of the persons on board the same, or the cargo or apparel thereof, unless there is some public road equally convenient, pass and repass, either with or without carriages, horses, or cattle, over any adjoining lands, without being subject to interruption by the owner or occupier, so that they do as little damage as possible; and may also, on the like condition, deposit on such lands any cargo or other article recovered from such ship or boat; and all damage that may be sustained by any owner or occupier in consequence of any such passing or repassing or deposit as aforesaid shall be a charge on the ship, boat, cargo, or article in respect of or by which such damage was occasioned and shall, in default of payment, be recoverable as salvage is hereby made recoverable, and the amount payable in respect thereof, if disputed, shall be determined as disputed salvage is hereby directed to be determined.



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Penalty on owners and occupiers of land refusing to allow carriages, &c., to pass over their land.

**9.** If the owner or occupier of any land over or on which any person is hereby authorised to pass, repass, or deposit as aforesaid for any of the purposes hereinbefore mentioned, does any of the following things, that is to say :—

(*a*) impedes or hinders any such person from so passing or repassing, with or without carriages, horses, cattle, and servants, by locking his gates or placing any barrier, refusing, upon request to open such gates or remove such barrier, or otherwise, however ;

(*b*) impedes or hinders the deposit of any cargo or other article recovered from any such ship or boat as hereinbefore mentioned ;

(*c*) prevents such cargo or other articles from remaining so deposited for a reasonable time, until the same can be removed to a safe place of deposit,

he shall for every such offence incur a penalty not exceeding two hundred rupees.

Power of receiver to institute examination with respect to ships in distress.

**10.** Any receiver, or in his absence any Justice of the Peace, shall, as soon as conveniently may be, examine upon oath (which oath they are hereby respectively empowered to administer) any person belonging to any ship which may be or may have been in distress on the coast of Ceylon, or any other person who may be able to give any account thereof, or of the cargo or stores thereof, as to the following matters, that is to say :—

(*a*) the name and description of the ship ;

(*b*) the name of the master and of the owners ;

(*c*) the names of the owners of the cargo ;

(*d*) the ports or places from and to which the ship was bound ;

(*e*) the occasion of the distress of the ship ;

(*f*) the services rendered ;

(*g*) such other matters or circumstances relating to such ship or to the cargo on board the same as the receiver or justice thinks necessary.

And such receiver or justice shall take the examinations down in writing, and shall make a copy of the same, which he shall send to the Principal Collector of Customs, who shall place the same in some conspicuous situation for the inspection of persons desirous of examining the same, and shall otherwise give such publicity thereto as he shall consider necessary.



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Original or certified copy of examination to be prima facie evidence.

**11.** Any such examination or a copy thereof certified under the hand of such receiver or justice shall be admitted in evidence in any Court of Justice, or before any person having by law or by consent of parties authority to hear, receive, and examine evidence as prima facie proof of all matters contained in such examination.

Rules to be observed by persons finding wreck.

**12.** The following rules shall be observed by any person finding or taking possession of wreck within Ceylon, that is to say :—

(*a*) if the person finding or taking possession of wreck is the owner, he shall as soon as possible give notice to the receiver of the district within which such wreck is found, stating that he has found or taken possession of the same, and he shall describe in such notice the marks by which such wreck is distinguished ;

(*b*) if any person not being the owner finds or takes possession of any wreck, he shall as soon as possible deliver the same to such receiver.

And if the owner makes default in performing the several things the performance of which is hereby imposed on the owner, he shall incur a penalty not exceeding five hundred rupees.

Any person who makes default in performing the several things the performance of which is hereby imposed on any person not being an owner shall forfeit all claim to salvage and shall pay to the owner of such wreck, if the same is claimed, but if the same is unclaimed, then to the person entitled to such unclaimed wreck, double the value of such wreck (such value to be recovered in the same way as a penalty of like amount), and he shall incur a penalty not exceeding five hundred rupees.

Power for receivers to seize concealed wreck.

**13.** Any receiver suspecting or receiving information that wreck is secreted, or in the possession of some person who is not the owner thereof, or otherwise improperly dealt with, may apply to any Justice of the Peace for a warrant ; and such Justice may grant a warrant for the receiver to enter into any house or place, and also into any ship or boat, and to search for, seize, and detain any such wreck there found ; and if any such seizure is made in consequence of information that may have been given by any person to the receiver, the informer shall be entitled, by way of salvage, to such a sum, not exceeding in any case fifty rupees, as the receiver may allow.



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Notice of wreck to be given by receiver.

**14.** Every receiver shall, within forty-eight hours after taking possession of any wreck, cause to be posted up in the custom house of the port nearest to the place where such wreck was found a description of the same, and of any marks by which it is distinguished, and shall give such publicity thereto otherwise as the Principal Collector of Customs shall direct.

Goods deemed perishable or of small value may be sold immediately.

**15.** In cases where any wreck in the custody of any receiver is under the value of fifty rupees, or is of so perishable a nature or so damaged that the same cannot, in his opinion, be advantageously kept, or if its value is not sufficient to defray the charge or warehousing, the receiver may sell the same before the expiration of the period hereinafter mentioned, and the money raised by such sale, less the expenses thereof, shall be held by the receiver for the same purposes, and subject to the same claims, for and to which the article sold would have been held liable if it had remained unsold.

Remuneration to receivers.

**16.** There shall be paid to all receivers appointed under this Ordinance the expenses properly incurred by them in the performance of their duties, and also such fees as may from time to time be directed by the Governor, and the receiver shall have the same lien and be entitled to the same remedies as for the recovery of such expenses and fees as a salvor has or is entitled to in respect of salvage due to him ; but save as aforesaid no receiver appointed under this Ordinance shall, as such, be entitled to any remuneration whatsoever.

### Salvage in Ceylon.

Salvage in respect of services rendered in Ceylon.

**17.** Whenever any ship or boat is stranded or otherwise in distress on the shore of any sea of or tidal water in Ceylon, and services are rendered by any person—

(*a*) in assisting such ship or boat ;

(*b*) in saving the lives of the persons belonging to such ship or boat ;

(*c*) in saving the cargo or apparel of such ship or boat, or any portion thereof ;

and whenever any wreck is saved by any person other than a receiver,

the owners of such ship or boat, cargo, apparel, or wreck shall pay to the person by whom such services are rendered, or by whom such wreck is saved, a reasonable amount of salvage,



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together with all expenses incurred by him in the performance of such services, or the saving of such wreck, the amount of such salvage and expenses (which expenses are hereinafter included under the term salvage) to be determined in case of dispute in manner hereinafter mentioned.

Salvage for life.

**18.** Salvage in respect of the preservation of the life or lives of any person shall be payable in priority to all other claims for salvage, and in cases where a ship or boat is destroyed, or where the value thereof is insufficient, after payment of the actual expenses incurred for the amount of salvage due in respect of any life or lives, the Governor may award to the salvors of such life or lives, out of the public revenue, such sum or sums as he may deem fit.

Disputes as to salvage, how to be settled.

**19.** Disputes between the owners of any such ship, boat, cargo, or apparel as aforesaid and the salvors as to the amount of salvage, and amongst several salvors as to the apportionment thereof, shall, if the parties cannot agree to settle the same by arbitration or otherwise, be determined by the competent court having jurisdiction in that behalf.

Payment of salvage, to whom to be made in case of dispute as to apportionment.

**20.** Whenever the salvage in respect of services rendered has been ascertained, and any of the salvors are absent, the party liable to pay the salvage may apply to the receiver of the district for liberty to pay the salvage to him ; and he shall, if he thinks fit, receive the same and grant a certificate under his hand, stating such payment and the services for which it is made ; and such certificate shall be a full discharge to the person to whom it is given against the claims of all persons in respect of the services therein mentioned.

Apportionment of salvage by receiver and payment over.

**21.** Upon the receipt of any such amount the receiver shall proceed to distribute the same among the several persons entitled thereto, and pay the share of each on application being made to him for that purpose.

Manner of enforcing payment of salvage.

**22.** Whenever any salvage is due to any person under this Ordinance the receiver shall act as follows, that is to say :—

(*a*) if the salvage is due in respect of services rendered in assisting any ship or boat, or in saving the lives of persons belonging to the same, or the cargo or apparel thereof, he shall detain such ship or boat, and the cargo and apparel belonging thereto, until



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payment is made, or process has been issued by some competent court for the detention of such ship, boat, cargo, or apparel ;

(*b*) if the same is due in respect of the saving of any wreck, and such wreck is not sold as unclaimed in pursuance of the provisions hereinafter mentioned, he shall detain such wreck until payment is made, or process has been issued in manner aforesaid ; but it shall be lawful for the receiver, if at any time previous to the issue of such process security is given to his satisfaction for the amount of salvage due, to release from his custody any ship, boat, cargo, apparel, or wreck so detained by him as aforesaid, and in all cases where bond or other security is given to the receiver it shall be lawful for the salvor, or for the owner of the property salved, or their respective agents, to institute proceedings in a competent court for the purpose of having the questions arising between them adjudicated upon, and the said court may enforce payment of the said bond or other security in the same manner as if bail had been given in the said court.

Power of receiver to sell property salved in cases of non-payment.

**23.** Whenever any ship, boat, cargo, apparel, or wreck is detained by any receiver for non-payment of any sums so due as aforesaid, and the parties liable to pay the same are aware of such detention, then in the following cases, that is to say :—

(*a*) in cases where the amount is not disputed, and payment thereof is not made within twenty days after the same has become due ;

(*b*) in cases where the amount is disputed, and no appeal is taken from the first tribunal by which the dispute is decided, and payment thereof is not made within twenty days after the decision of tribunal ;

(*c*) in cases where the amount is disputed, and an appeal is taken from the decision of the first tribunal to some other tribunal, and payment thereof is not made within such twenty days as last aforesaid, or such proceedings as are according to the practice of such other tribunal necessary for the prosecution of an appeal are not instituted within such twenty days,

the receiver may forthwith sell such ship, boat, cargo, apparel, or wreck, or a sufficient part thereof, and out of the



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proceeds of the sale after payment of all the expenses thereof, defray all sums of money due in respect of expenses, fees, and salvage, paying the surplus, if any, to the owners of the property sold, or other the parties entitled to receive the same.

Subject to payment of expenses, fees, and salvage, owner entitled to wreck.

Subject to the payment of such expenses, fees, and salvage as aforesaid, the owner of any wreck who establishes his claim thereto to the satisfaction of the receiver, within one year from the date at which such wreck has come into the possession of the receiver, shall be entitled to have the same delivered up to him.

Unclaimed wreck in Ceylon.

**24.** In the event of no owner establishing a claim to wreck found in Ceylon before the expiration of a year from the date at which the same has come into the possession of the receiver, the receiver shall, at the expiration of such year, sell the wreck, and after paying the expenses of the sale, and deducting therefrom his fees and all expenses (if any) incurred by him, and paying to the salvors such amount of salvage as the Principal Collector of Customs may, with the sanction of the Governor in each case or by any general rule, determine, deposit the balance of the produce of the sales in the Treasury, that the same may be carried to and made part of the consolidated fund of the United Kingdom of Great Britain and Northern Ireland, in virtue of and in accordance with the provisions of the Civil List Act, 1837.

(1 & 2 Vict. c. 2.)

MISCELLANEOUS.

All goods found derelict to be subject to the same duties as on importation.

**25.** All wrecks shall be subject to the same duties as if the same were imported into Ceylon.

Goods saved from ships wrecked to be forwarded to the ports of their original destination.

**26.** The Principal Collector of Customs shall permit all goods, wares, and merchandise saved from any ship stranded or wrecked to be forwarded to the port of its destination or shipment, but he is to take security, for the due protection of the revenue, in respect of such goods, wares, and merchandise.

In case of wreck, of foreign ships Consul-General or other Consular Officer to be deemed agent of owner.

**27.** Whenever any articles belonging to or forming part of any foreign ship which has been wrecked on or near the coasts of Ceylon, or belonging to or forming part of the cargo thereof, are found on or near such coasts, or are brought into any port in Ceylon, the Consul-General of the country to which such ship, or, in the case of cargo, to which the owners of such cargo may have belonged, or any Consular Officer of such



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country authorised in that behalf, shall, in the absence of the owner of such ship or articles and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of such articles.

**28.** In this Ordinance, unless the context otherwise requires— Interpretation.

"master" includes every person (except a pilot) having command or charge of any ship ;

"person" includes body corporate ;

"receiver" means any person appointed in pursuance of this Ordinance receiver of wrecks ;

"ship" includes every description of vessel used in navigation not propelled by oars ;

"wreck" includes jetsam, flotsam, lagan, and derelict found in or on the shores of the sea or any tidal water.



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# CHAPTER 268.

## COASTWISE PASSENGER TRAFFIC.

*Ordinances* Nos. 3 of 1886, 8 of 1891.

AN ORDINANCE RELATING TO VESSELS CARRYING PASSENGERS FROM ANY PORT OR PLACE IN CEYLON TO ANY OTHER PORT OR PLACE IN CEYLON AND FOR BETTER SECURING THE SAFETY AND COMFORT OF SUCH PASSENGERS.

[*2nd November*, 1886.]

Short title.

**1.** This Ordinance may be cited as the Coastwise Passenger Traffic Ordinance.

Number of passengers to be carried in unlicensed vessel.

**2.** No vessel shall carry a greater number of passengers from any port or place in Ceylon to any other port or place in Ceylon than in the proportion of one passenger to every four tons of her registered burden without a licence.

Number of passengers to be carried in licensed vessel.

**3.** Vessels may be licensed to carry passengers on any such voyage as aforesaid on the upper deck only, or both on upper deck and below it, in the following proportion and subject to the following conditions :—

(*a*) in the case of upper deck passengers, there shall be a clear space on deck of six superficial feet for each passenger ; and

(*b*) in the case of below deck passengers, there shall be a clear space of eight superficial feet for each passenger on a deck or platform, or on the top of cargo or ballast, with not less than five feet clear between such deck, platform, cargo, or ballast and the upper deck.

But no vessel shall be licensed as aforesaid unless provided with substantial bulwarks above the upper deck, and with suitable awnings to be spread whenever practicable, nor unless when carrying below deck passengers the required space for them is properly ventilated, and the cargo or ballast, in the absence of a deck or platform, is trimmed level and matted over.



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Conditions of licence.

**4.** No vessel shall be licensed to carry passengers on any such voyage as aforesaid unless she is provided with two life-buoys; and also, according to her tonnage, with boats duly supplied with all requisites for use, and not being fewer in number nor less in their cubic contents than shall be required by the officer or other authorised person granting the licence as hereinafter provided, anything which may be contained in the Merchant Shipping Ordinance, to the contrary notwithstanding; and such life-buoys and boats shall be kept so as to be at all times fit and ready for use.

Penalty on master of unlicensed vessel.

**5.** The master or tindal of any vessel which shall carry passengers on any such voyage as aforesaid, without a licence in a proportion exceeding that laid down in section 2 of this Ordinance shall be liable to a fine not exceeding twenty rupees for each passenger in excess of such proportion.

Penalty on master of licensed vessel.

**6.** The master or tindal of any licensed vessel which shall carry on any such voyage a greater number of passengers than is specified in the licence, or in which the accommodation therein required shall not be afforded, or who shall knowingly receive or allow to come on board such vessel a greater number of passengers than is specified in the licence, intending to proceed to sea with such passengers on any such voyage, shall be liable for any such offence to a fine not exceeding twenty rupees for each passenger in excess of such number, or for each passenger who is not provided with accommodation agreeably to the licence.

Penalty in respect of life-buoys and boats.

**7.** If any vessel hereinbefore required to be provided with life-buoys or boats shall proceed on any such voyage without being provided therewith; or if any of such life-buoys or boats are lost or rendered unfit for service in the course of the voyage through the wilful fault or negligence of the owner or master, or if, in case of any such life-buoys or boats being accidentally lost or injured in the course of the voyage, the master wilfully neglects to replace or repair the same on the first opportunity; or if such life-buoys and boats are not kept so as to be at all times fit and ready for use; then, in any such case, if the owner is in fault, he shall incur a penalty not exceeding five hundred rupees, and if the master is in fault, he shall incur a penalty not exceeding one hundred rupees.



F 8——J. N. 69528 (10/37)

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Governor to appoint ports or places for shipment of passengers when the number of passengers to be carried is greater than one to every four tons of burden.

**8.** Passengers in a greater number than one passenger to every four tons of the burden of any vessel shall not be shipped except from such ports or places as shall be from time to time appointed by the Governor, by any order published in the *Gazette ;* and the master or tindal of any vessel who shall take on board passengers for such voyage from any other port or place in a greater proportion to the burden of the vessel than is above mentioned shall be liable to a fine not exceeding twenty rupees for each passenger embarked.

Grant of licence to vessels.

**9.** It shall be at the discretion of the Collectors of Customs, or such other persons as the Governor may from time to time appoint for the purpose, to grant licences to vessels under this Ordinance. The licence shall describe the vessel, her tonnage and rig, the number of her life-buoys, boats, anchors, and cables, also the name of the owner and of the master or tindal, and the number of the crew, and shall specify the number of passengers she may carry and the space to be assigned for their accommodation :

Provided if any doubts shall arise whether any vessel about to proceed with passengers as aforesaid is seaworthy, so as to be fit for her intended voyage, and such doubts shall not be removed to the satisfaction of the Collector of Customs or such other person appointed by the Governor as aforesaid at the port or place from which such vessel is to be cleared out, it shall be lawful for such Collector or other person to cause such vessel to be surveyed by such person as shall be appointed by the Governor for that purpose, and if it shall be reported by such surveyor that such vessel is not seaworthy with reference to such voyage, such vessel shall not be cleared out until such vessel shall have been rendered seaworthy.

Supply of provisions on board passenger vessels plying coastwise.

**10.** The master or tindal of any vessel licensed to carry passengers who shall proceed on any such voyage without having laid in a supply of water and provisions for the passengers, according to a scale to be fixed by the Collector of Customs or such other person as the Governor may from time to time appoint for the purpose, and of which scale such master or tindal shall have had notice, shall be liable to a fine not exceeding one hundred rupees.

List of passengers to be signed by master.

**11.** The master or tindal of any vessel licensed to carry passengers as hereinbefore provided shall sign and deliver, in duplicate, to the principal officer of customs at the place of embarkation, or to such other person as the Governor may



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from time to time appoint for the purpose, a list substantially in the form A contained in the Schedule, of all passengers to be conveyed in such vessel, and such officer or other person, after satisfying himself of the correctness of the same, and that the number of passengers authorised is not exceeded, shall countersign and return one such list to the master or tindal, to be produced to the proper officer or person at the port or place to which the vessel is bound ; and should any additional passengers engage to proceed by such vessel after such list has been so countersigned, the master or tindal may insert their number in the original list, obtaining the signature of the controlling officer or person as before. The officer in charge of the customs may withhold the port clearance till this provision is complied with.

Additional passengers.

**12.** The principal officer in charge of the customs at the place of embarkation, or any person authorised by him or by the Governor, shall be at liberty at all times to enter and inspect any passenger vessel and the fittings, provisions, and stores therein, and to muster the passengers and crew, and whoever impedes such entry, inspection, or muster, or refuses to allow the same, shall be liable to a fine not exceeding fifty rupees.

Penalty for impeding entry or inspection.

**13.** If any passenger in any vessel shall be landed at any port or place other than the port or place at which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the master shall for each offence be liable to a penalty not exceeding two hundred rupees.

Penalty on landing passenger at a place other than at which he has contracted to land.

**14.** Nothing in this Ordinance contained shall take away or abridge any right of action which may accrue to any passenger or to any other person in respect of the breach or non-performance of any contract made with the master or owner of the vessel or his agent.

Passenger's right of action preserved.

**15.** Any offence against this Ordinance, though the same may be beyond the jurisdiction of a Magistrate's Court by reason of the amount of punishment to which the offender is liable, shall and may nevertheless be inquired into, tried, and punished by the Magistrate's Court of the district in which the offence was committed, wholly or in part, or where the offender is found ; and any fine imposed on the master or tindal of any vessel for the breach of this Ordinance may be

Adjudication of offences and recovery of penalties.



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recovered from the owner of such vessel or from his agent; and if the person directed to pay any penalty is the master or tindal of a vessel, and the same is not paid at the time and in the manner prescribed by the order of payment, the court ordering such payment may, in addition to the means prescribed by law for enforcing payment, direct by warrant the amount remaining unpaid to be levied by distress and sale of the said vessel, her tackle, furniture, and apparel.

Sum ordered to be paid leviable by distress on vessel.

Application of penalties.

**16.** Any Magistrate imposing any penalties under this Ordinance may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or in or towards payment of the expenses of the proceedings.

Interpretation.

**17.** In this Ordinance, unless the context otherwise requires—

"master" or "tindal" includes every person (other than a pilot) having command or charge of a vessel;

"passenger" means a person above the age of twelve years, or two persons between the ages of one year and twelve years, but does not include a child under one year of age;

"vessel" means every description of decked vessel of the registered burden of over fifteen tons used in navigation, but does not include any vessel propelled partly or wholly by steam, carrying upon any voyage from any port or place in Ceylon to any other port or place in Ceylon more than four passengers.

## SCHEDULE.

[Section 11.]

**Form A.**

| Name of Vessel. | Name of Master. | Tons per Register. | Port or Place of Embarkation. | No. | Port or Place at which Passengers have contracted to be landed. | Date of Departure. |
|---|---|---|---|---|---|---|
| | | | | | | |



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# CHAPTER 269.

## PASSENGER TRAFFIC TO INDIA.

AN ORDINANCE TO PREVENT THE OVERCROWDING OF VESSELS CARRYING PASSENGERS FROM CEYLON TO ANY PORT OR PLACE IN BRITISH INDIA.

*Ordinance* No. 4 of 1906.

[17*th March*, 1911.]

Short title.

**1.** This Ordinance may be cited as the Passenger Ships Ordinance.

Application of Ordinance.

**2.** (1) Subject to the exceptions mentioned in subsection (2), this Ordinance applies to ships carrying as passengers more than fifteen natives of Asia or Africa.

(2) But it does not apply—

(*a*) to any ship-of-war, troopship, transport, or other ship belonging to the Royal Navy or His Majesty's Indian Marine Service ;

(*b*) to any other ship for the time being in the service of His Majesty ;

(*c*) to any ship-of-war belonging to any Foreign Prince or State ;

(*d*) to any steamship not carrying as passengers more than sixty natives of Asia or Africa.

(3) Notwithstanding anything in subsections (1) and (2), the Governor may declare all or any of the provisions of this Ordinance to apply to sailing ships or any class of sailing ships carrying as passengers more than five natives of Asia or Africa, and to steamships or any class of steamships carrying as passengers more than thirty such natives.

Number of passengers to be carried in unlicensed vessels.

**3.** No vessel shall carry passengers from any port or place in Ceylon to any port or place in British India in a proportion greater than one passenger to every five tons of the burden of such vessel without a licence.

Number of passengers to be carried in licensed vessels.

**4.** No vessel shall be licensed to carry passengers on any such voyage as aforesaid in a proportion greater than one passenger to every two tons of burden nor unless the vessel



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has space on a deck or platform, under hatches, reserved for the accommodation of the passengers, in the proportion of six superficial feet for every passenger, with not less than five feet clear between the upper deck and the lower deck or platform ; except a vessel proceeding in ballast, which may be licensed to carry a number of passengers not exceeding the proportion of one and a half to every ton of her burden, provided that the whole of the space usually allotted for cargo, and not occupied by ballast, be kept for the accommodation of the passengers and for storing the provisions and water for their use ; and that the space left clear for the accommodation of the passengers on the deck or decks of the vessel be not less than four superficial feet for each passenger.

Penalty on master of unlicensed vessel.

**5.** The master or tindal of any vessel which shall carry passengers on any such voyage as aforesaid without a licence in a proportion exceeding that laid down in section 3 of this Ordinance, shall be liable to a fine not exceeding twenty rupees for each passenger in excess of such proportion.

Penalty on master of licensed vessel.

**6.** The master or tindal of any licensed vessel which shall carry on any such voyage a greater number of passengers than is specified in the licence, or in which the accommodation therein required shall not be afforded, or who shall knowingly receive or allow to come on board such vessel a greater number of passengers than is specified in the licence, intending to proceed to sea with such passengers on any such voyage, shall be liable for any such offence to a fine not exceeding twenty rupees for each passenger in excess of such number, or for each passenger who is not provided with accommodation agreeably to the licence.

Governor to appoint ports for shipment of passengers when the number of passengers to be carried is greater than one to every five tons of burden.

**7.** Passengers in a greater number than one passenger to every five tons of the burden of any vessel shall not be shipped from Ceylon for any port or place in British India, except from such ports as shall be from time to time appointed by the Governor by an Order published in the *Gazette;* and the master or tindal of any vessel who shall take on board passengers for such voyage from any other port or place in a greater proportion to the burden of the vessel than is above mentioned shall be liable to a fine not exceeding twenty rupees for each passenger embarked.

Grant of licence to vessels.

**8.** It shall be at the discretion of the Collectors of Customs for the ports appointed for shipping passengers, or such other persons as the Governor may from time to time appoint



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for the purpose, to grant licences to vessels under this Ordinance. The licence shall describe the vessel, her tonnage and rig, the number of her boats, anchors, and cables; also the name of the owner and of the master or tindal and the number of the crew; and shall specify the number of passengers she may carry and the space to be assigned for their accommodation:

Provided if any doubt shall arise whether any vessel about to proceed with passengers as aforesaid is seaworthy so as to be fit for her intended voyage, and such doubts shall not be removed to the satisfaction of the Collector of Customs at the port from which such vessel is to be cleared out, it shall be lawful for such Collector to cause such vessel to be surveyed by such person as shall be appointed by the Governor for that purpose, and if it shall be reported by such person that such vessel is not seaworthy with reference to such voyage, such vessel shall not be cleared out until such vessel shall have been rendered seaworthy.

Supply of provisions on board passenger vessels plying to and from Ceylon, &c.

**9.** The master or tindal of any vessel licensed to carry passengers from any port in Ceylon to any port or place in British India, who shall proceed on any such voyage without having laid in a supply of water and provisions for the passengers, according to a scale fixed under section 16 (*a*) of this Ordinance, and which shall be hung up at the custom house of the port, shall be liable to a fine not exceeding one hundred rupees.

List of passengers to be signed by master.

**10.** The master or tindal of any vessel licensed to carry passengers as hereinbefore provided shall sign and deliver in duplicate to the principal officer of customs at the place of embarkation, or such other person as the Governor may from time to time appoint for the purpose, a list, according to the form in the Schedule, of all passengers to be conveyed in such vessel, and such officer, after satisfying himself of the correctness of the same, and that the number of passengers authorised is not exceeded, shall countersign and return one such list to the master or tindal, to be produced to the proper officer at the port to which the vessel is bound; and should any additional passengers engage to proceed by such vessel after such list has been so countersigned, the master or tindal may insert their number in the original list, obtaining the signature of the controlling officer as before. The officer in charge of the customs may withhold the port clearance till this provision is complied with.

Additional passengers.



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Penalty for impeding entry or inspection.

**11.** The principal officer in charge of the customs at the port of embarkation, or any person authorised by him, shall be at liberty, at all times, to enter and inspect any passenger vessel, and the fittings, provisions, and stores therein, and to muster the passengers and crew, and whoever impedes such entry, inspection, or muster, or refuses to allow the same, shall be liable to a fine not exceeding fifty rupees.

Penalty on landing passenger at a place other than at which he has contracted to land.

**12.** If any passenger in any vessel shall be landed at any port or place other than the port or place at which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the master shall, for each offence, be liable to a penalty not exceeding two hundred rupees.

Passenger's right of action preserved.

**13.** Nothing in this Ordinance contained shall take away or abridge any right of action which may accrue to any passenger, or to any other person, in respect of the breach or non-performance of any contract made with the master or owner of the vessel or his agent.

Adjudication of offences and recovery of penalties.

**14.** Any offence against this Ordinance, though the same may be beyond the jurisdiction of a Magistrate's Court by reason of the amount of punishment to which the offender is liable, shall and may nevertheless be inquired into, tried, and punished by the Magistrate's Court of the district in which the offence was committed, wholly or in part, or where the offender is found. And any fine imposed on the master or tindal of any vessel for a breach of this Ordinance may be recovered from the owner of such vessel or from his agent. And if the person directed to pay any penalty is the master or tindal of a vessel, and the same is not paid at the time and in the manner prescribed by the order of payment, the court ordering such payment may, in addition to the means prescribed by law for enforcing payment, direct, by warrant, the amount remaining unpaid to be levied by distress and sale of the said vessel, her tackle, furniture, and apparel.

Sum ordered to be paid leviable by distress on vessel.

Application of penalties.

**15.** Any Magistrate imposing any penalties under this Ordinance may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or in or towards payment of the expenses of the proceedings.



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Rules.

**16.** (1) The Governor may make rules consistent with this Ordinance to regulate in the case of any ship or class of ships all or any of the following matters :—

(*a*) the scale on which food, fuel, and water are to be supplied to the passengers or to any class or classes of passengers, and the quality of the food, fuel, and water ;

(*b*) the medical stores and other appliances and fittings to be provided on board for maintaining health, cleanliness, and decency ; . .

(*c*) the boats, anchors, and cables to be provided on board ;

(*d*) the apparatus for the purpose of extinguishing fires on board and the precautions to be taken to prevent such fires ;

(*e*) the provision of appliances for saving life and of means for making signals of distress, and the supply of lights inextinguishable in water and fitted for attachment to life-buoys ;

(*f*) the access of between-decks passengers to the upper deck.

(2) In making a rule under this section the Governor may direct that a breach of it shall be punishable with fine, which may extend to two hundred rupees, and when the breach is a continuing breach with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

(3) All rules made under this Ordinance shall be published in the *Gazette*, and shall thereupon be as binding, effectual, and valid as if enacted therein, and all courts and Magistrates shall take judicial notice thereof.

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## SCHEDULE.

**Form.**

[Section 10.]

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|
| Name of Vessel. | Name of Master. | Tons per Register. | Port of Embarkation. | Number. | Port at which Passengers have contracted to be landed. | Date of Departure. |
| | | | | | | |



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# CHAPTER 270.

## SHIPWRECKED COLONIAL SEAMEN.

*Ordinance* No. 3 of 1880.

AN ORDINANCE TO MAKE PROVISION FOR THE RELIEF OF COLONIAL SEAMEN IN DISTRESS IN THE UNITED KINGDOM.

[13*th October*, 1880.]

Short title.

**1.** This Ordinance may be cited as the Colonial Seamen Repatriation Ordinance.

Financial Secretary to pay such reasonable sums expended by Shipwrecked Mariners' Society on relief of Colonial seamen as the Governor by warrant shall order.

**2.** If any colonial seaman becomes distressed in the United Kingdom of Great Britain and Northern Ireland by reason of shipwreck, and shall be relieved and sent home by "The Shipwrecked Mariners' Society," the Governor is hereby authorised, on the requisition of the Secretary of State for the Colonies, to issue a warrant on the Financial Secretary in the usual manner for the repayment of any fair and reasonable sum of money which may have been advanced for that purpose, and the Financial Secretary is hereby directed to pay such sum to the person or persons authorised to receive the same.

Interpretation.

**3.** The term "colonial seaman" means a seaman who last served in a ship registered in this Island.



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# CHAPTER 271.

## BAHAMAS AND LEEWARD ISLANDS LIGHT DUES.

AN ORDINANCE TO DECLARE THE CONSENT OF THE STATE COUNCIL TO THE LEVY IN CEYLON OF THE DUES FIXED IN RESPECT OF CERTAIN LIGHTHOUSES AND A BUOY PLACED ON OR NEAR THE COASTS OF THE BAHAMAS AND THE LEEWARD ISLANDS.

*Ordinance* No. 24 of 1934.

[22*nd December*, 1934.]

Preamble. (57 & 58 Vict. c. 60.)

WHEREAS by section 670 of the Merchant Shipping Act, 1894, it is provided that where any lighthouse, buoy or beacon has been erected or placed on or near the coasts of any British possession by or with the consent of the legislature of that possession His Majesty may by Order in Council fix such dues (in that Act referred to as colonial light dues) to be paid in respect of that lighthouse, buoy or beacon by the owner or master of every ship which passes the same and derives benefit therefrom as His Majesty may deem reasonable and may by like Order increase, diminish or repeal such dues, and those dues shall from the time mentioned in the Order be leviable throughout His Majesty's dominions and further that colonial light dues shall not be levied in any British possession unless the legislature of that possession has by address to the Crown or by Act or Ordinance duly passed signified its opinion that the dues ought to be levied :

And whereas the lighthouses and buoy specified in the First Schedule hereto have been erected or placed on or near the coasts of the Bahamas and the Leeward Islands by or with the consent of the legislatures of those possessions :

And whereas His Majesty, in pursuance of the powers in that behalf vested in Him by the said section and by and with the advice of His Privy Council, has been pleased to fix the dues to be paid in respect of the lighthouses and buoy specified in the first part of the said Schedule by the owner or master of every ship at one penny per ton of her register tonnage for every occasion after the first day of April, nineteen hundred



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and thirty-two, on which such ship passes and derives benefit from any of the said lighthouses or the said buoy :

And whereas His Majesty has been further pleased to fix the dues to be paid in respect of the lighthouse specified in the second part of the said Schedule by the owner or master of every ship at a half-penny per ton of her register tonnage for every occasion after the first day of April, nineteen hundred and thirty-two, on which such ship passes and derives benefit from the said lighthouse :

Be it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

Short title.

**1.** This Ordinance may be cited as the Bahamas and Leeward Islands Light Dues Ordinance.

Consent of legislature to the collection in Ceylon of dues fixed in respect of lighthouses and buoy in the First Schedule.

**2.** The opinion of the legislature is hereby signfied that on all ships, other than ships belonging to His Majesty or to the Government of Ceylon, which before arriving or touching at any port or place in this Island have passed and derived benefit from any of the lighthouses or the buoy enumerated in the First Schedule, there shall be levied the light dues fixed by His Majesty by Order in Council dated the seventeenth day of December, nineteen hundred and thirty-one, and set out in the Second Schedule, or such other charges as may hereafter be fixed in like manner, and that the dues shall be levied in accordance with the provisions of any Order of His Majesty in Council for the time being in force in that behalf.

---

[Section 2.]

## FIRST SCHEDULE.

### Part I.

| | Latitude. | Longitude. |
|---|---|---|
| *Lighthouses.* | | |
| Gun Cay .. | 25° 34′ N. .. | 79° 19′ W. |
| Abaco .. | 25° 51′ N. .. | 77° 11′ W. |
| Cay Sal .. | 23° 57′ N. .. | 80° 28′ W. |
| Great Isaac .. | 26° 02′ N. .. | 79° 06′ W. |
| Cay Lobos .. | 22° 23′ N. .. | 77° 36′ W. |
| Elbow Cay .. | 26° 32′ N. .. | 76° 57′ W. |
| Great Stirrup Cay | 25° 50′ N. .. | 77° 54′ W. |
| Castle Island .. | 22° 07′ N. .. | 74° 20′ W. |
| Inagua .. | 20° 56′ N. .. | 73° 40′ W. |
| Bird Rock .. | 22° 51′ N. .. | 74° 22′ W. |
| Watling Island .. | 24° 06′ N. .. | 74° 26′ W. |
| *Buoy.* | | |
| Matanilla Shoal .. | 27° 23′ N. .. | 79° 06′ W. |



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**Part II.**

| *Lighthouse.* | Latitude. | Longitude. |
|---|---|---|
| Sombrero Island .. | 18° 36′ N. .. | 63° 28′ W. |

## SECOND SCHEDULE.

[Section 2.]

1. One penny per ton of the register tonnage of every ship for every occasion after the first day of April, nineteen hundred and thirty-two, on which such ship passes and derives benefit from any of the lighthouses or the buoy specified in Part I. of the First Schedule.

2. A half-penny per ton of the register tonnage of every ship for every occasion after the first day of April, nineteen hundred and thirty-two, on which such ship passes and derives benefit from the lighthouse specified in Part II. of the First Schedule.



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# CHAPTER 272.

## MINICOY LIGHTHOUSE.

*Ordinance* No. 1 of 1882.

AN ORDINANCE TO DECLARE THE CONSENT OF THE LEGISLATURE TO THE ERECTION OF A LIGHTHOUSE ON MINICOY ISLAND, AND TO THE LEVY OF DUES IN RESPECT THEREOF, AND TO FIX THE DUES PAYABLE IN RESPECT OF THE MINICOY AND GREAT AND LITTLE BASSES LIGHTS.

[14*th October*, 1882.]

Preamble. (18 & 19 Vict. c. 91.)

WHEREAS by the 2nd section of "The Merchant Shipping Act Amendment Act, 1855," it is enacted that "In any case in which any lighthouse, buoy, or beacon has been or is hereafter erected or placed on or near the coasts of any British possession, by or with the consent of the legislative authority of such possession, Her Majesty may, by Order in Council, fix such dues in respect thereof, to be paid by the owner or master of every ship which passes the same or derives benefit therefrom, as Her Majesty may deem reasonable, and may in like manner from time to time increase, diminish, or repeal such dues; and from the time specified in such Order for the commencement of the dues thereby fixed, increased, or diminished, the same shall be leviable throughout Her Majesty's dominions, in manner hereinafter mentioned":

And whereas by the 3rd section of the said Act it is further enacted that "No such dues as aforesaid shall be levied in any Colony unless and until the legislative authority in such Colony has, either by address to the Crown or by an Act or Ordinance duly passed, signified its opinion that the same ought to be levied in such Colony":

And whereas it is proposed to erect a lighthouse on Minicoy Island, near the coasts of this Island, with the consent of the Legislature thereof, and it is expedient that such consent should be given, and also that the Legislature should, by Ordinance, signify its opinion that such dues as aforesaid ought to be levied in the Island:

And whereas Her Majesty has signified through her Principal Secretary of State for the Colonies that the dues to be levied by



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Her Order in Council in Ceylon on each vessel will be as follows, namely :—In respect of the lighthouse of the Island of Minicoy at cents ($2\frac{1}{2}$) two and a half per ton ; in respect of the lighthouse on the Great Basses Rocks and the lighthouse on the Little Basses Rocks at cents ($7\frac{1}{2}$) seven and a half per ton :

It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :

Short title.

**1.** This Ordinance may be cited as the Minicoy Lighthouse and Lighthouse Dues Ordinance.

Lighthouse to be erected at Minicoy.

**2.** The consent of the Legislature is hereby given to the erection of a lighthouse on the Island of Minicoy.

Fees for said lighthouse and those at Great and Little Basses to be collected as per Schedule.

**3.** The opinion of the Legislature is hereby signified that the dues so to be fixed by Her Majesty by Order in Council under the authority of section 2 of the said recited Act in respect of the said lighthouse on the Island of Minicoy, and in respect of the lighthouse on the Great Basses Rocks and of the lighthouse on the Little Basses Rocks, and set forth in the Schedule hereunder written, ought to be levied in this Island and the light dues so set forth in the Schedule shall be payable in accordance with the provisions of any Order made by Her Majesty in Council in respect of all ships whatever arriving or touching at any port or place in this Island, except ships belonging to Her Majesty and ships belonging to the Ceylon Government.

---

## SCHEDULE.

### TABLE OF DUES.*

| | | |
|---|---|---|
| 1. | In respect of the lighthouse on the Island of Minicoy .. .. | Cents $2\frac{1}{2}$ of a rupee per ton |
| 2. | In respect of the lighthouse on the Great Basses Rocks and in respect of the lighthouse on the Little Basses Rocks | Cents $7\frac{1}{2}$ of a rupee per ton. |

---

* See Order in Council dated 26th February, 1934, ordering that as from 1st April, 1934, the duties to be levied shall be as follows :

" that is to say, in respect of the Great Basses Lighthouse and the Little Basses Lighthouse, three hundredths of one penny per ton, and in respect of the Minicoy Lighthouse, one hundredth of one penny per ton of the burden of every ship on every voyage in which she passes or derives benefit from the said Lights respectively."



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# CHAPTER 273.

## GREAT BASSES LIGHTHOUSE.

*Ordinance* No. 15 of 1869.

AN ORDINANCE TO DECLARE THE CONSENT OF THE LEGISLATURE OF THIS ISLAND TO THE ERECTION OF A LIGHTHOUSE ON THE GREAT BASSES ROCKS, AND TO THE COLLECTION OF DUES IN RESPECT THEREOF.

[17*th December*, 1869.]

Preamble. (18 & 19 Vict. c. 91.)

WHEREAS by "The Merchant Shipping Act Amendment Act, 1855," it is enacted that in any case in which any lighthouse has been or is hereafter erected on or near the coasts of any British possession, by or with the consent of the legislative authority of such possession, Her Majesty may, by Order in Council, fix such dues in respect thereof, to be paid by the owner or master of every ship which passes the same or derives benefit therefrom, as Her Majesty may deem reasonable and may in like manner from time to time increase, diminish, or repeal such dues, and from the time specified in such Order for the commencement of the dues thereby fixed, increased, or diminished, the same shall be leviable throughout Her Majesty's dominions in manner in the said Act mentioned; and that no such dues shall be levied in any Colony unless and until the legislative authority in such Colony has, either by address to the Crown or by an Act or Ordinance duly passed, signified its opinion that the same ought to be levied in such Colony: And whereas a lighthouse is about to be erected on the Great Basses Rocks near the south-east coast of this Island, and it is expedient that the Legislature thereof should declare, by Ordinance, its consent to the erection of such lighthouse, and its opinion that such dues as Her Majesty may, by Order in Council, fix in respect thereof, pursuant to the said Act, ought to be levied in this Island: It is therefore declared and enacted as follows:

Short title.

**1.** This Ordinance may be cited as the Great Basses Lighthouse Ordinance.



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**2.** The lighthouse about to be erected on the Great Basses Rocks, near the south-east coast of this Island, is erected with the consent of the said Governor and Council, and any dues which may hereafter be fixed by Her Majesty, by Order in Council, in respect of the said lighthouse, ought to be and may be levied in this Island, in manner provided by the said Act, on all ships arriving or touching at any port or place therein, after or before passing the lighthouse, or deriving the benefit therefrom.

Consent of Ceylon Legislature to erection of lighthouse on the Great Basses Rocks; and to the collection in this Island of dues on ships touching at any port thereof, which may be fixed by Order in Council.



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## TITLE XXXVII.—GOVERNMENT.


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# CHAPTER 274.

## KANDYAN CONVENTION.

Proclamation of 2nd March, 1815.

[*2nd March*, 1815.]

At a Convention held on the Second day of March, in the year of Christ 1815, and the Cingalese year 1736, at the Palace in the city of Kandy, between His Excellency Lieut.-General Robert Brownrigg, Governor and Commander-in-Chief in and over the British settlements and territories in the Island of Ceylon, acting in the name and on behalf of His Majesty George the Third King, and His Royal Highness George, Prince of Wales, Regent, of the United Kingdom of Great Britain and Ireland, on the one part, and the Adigars, Dessaves, and other principal chiefs of the Kandyan provinces on behalf of the inhabitants, and in presence of the Mohottales, Coraals, Vidaans, and other subordinate headmen from the several provinces, and of the people then and there assembled on the other part, it is agreed and established as follows :—

**1.** That the cruelties and oppressions of the Malabar ruler, in the arbitrary and unjust infliction of bodily tortures and the pains of death without trial, and sometimes without an accusation or the possibility of a crime, and in the general contempt and contravention of all civil rights, have become flagrant, enormous, and intolerable, the acts and maxims of his government being equally and entirely devoid of that justice which should secure the safety of his subjects, and of that good faith which might obtain a beneficial intercourse with the neighbouring settlements.

**2.** That the Rajah Sri Wikreme Rajah Sinha, by the habitual violation of the chief and most sacred duties of a Sovereign, has forfeited all claims to that title or the powers annexed to the same, and is declared fallen and deposed from the office of king ; his family and relatives, whether in the ascending, descending, or collateral line, and whether by



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affinity or blood, are also for ever excluded from the throne, and all claim and title of the Malabar race to the dominion of the Kandyan provinces is abolished and extinguished.

**3.** That all male perons being or pretending to be relations of the late Rajah Sri Wikreme Rajah Sinha, either by affinity or blood, and whether in the ascending, descending, or collateral line, are hereby declared enemies to the government of the Kandyan provinces, and excluded and prohibited from entering those provinces on any pretence whatever, without a written permission for that purpose by the authority of the British Government, under the pains and penalties of martial law, which is hereby declared to be in force for that purpose; and all male persons of the Malabar caste now expelled from the said provinces are, under the same penalties, prohibited from returning, except with the permission before mentioned.

**4.** The dominion of the Kandyan provinces is vested in the Sovereign of the British Empire and to be exercised through the Governors or Lieutenant-Governors of Ceylon for the time being, and their accredited Agents, saving to the Adigars, Dessaves, Mohottales, Coraals, Vidaans, and all other chief and subordinate native headmen, lawfully appointed by authority of the British Government, the rights, privileges, and powers of their respective offices, and to all classes of the people the safety of their persons and property, with their civil rights and immunities, according to the laws, institutions, and customs established and in force amongst them.

**5.** The religion of Boodho, professed by the chiefs and inhabitants of these provinces, is declared inviolable, and its rites, ministers, and places of worship are to be maintained and protected.

**6.** Every species of bodily torture, and all mutilation of limb, member, or organ, are prohibited and abolished.

**10.** Provided always that the operation of the several preceding clauses shall not be contravened by the provisions of any temporary or partial proclamation published during the advance of the army; which provisions, in so far as incompatible with the said preceding articles, are hereby repealed.



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**11.** The royal dues and revenues of the Kandyan provinces are to be managed and collected for His Majesty's use and the support of the provincial establishment, according to lawful custom, and under the direction and superintendence of the accredited Agent or Agents of the British Government.

**12.** His Excellency the Governor will adopt provisionally, and recommend to the confirmation of His Royal Highness the Prince Regent, in the name and on behalf of His Majesty, such dispositions in favour of the trade of these provinces as may facilitate the export of their products, and improve the returns, whether in money or in salt, cloths, or other commodities useful and desirable to the inhabitants of the Kandyan country.



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# CHAPTER 275.

## DECLARATION OF BRITISH SOVEREIGNTY.

Proclamation 21st November, 1818, Order in Council of April 12, 1832. *Ordinance* No. 4 of 1892.

PROCLAMATION DECLARING BRITISH SOVEREIGNTY OVER THE KANDYAN PROVINCES, THE RIGHTS OF THE BRITISH GOVERNMENT THEREIN, THE FORM OF APPOINTMENT TO CERTAIN OFFICES, THE PRIVILEGES OF THE KANDYAN CHIEFS, THE RIGHTS OF THE KANDYAN SUBJECTS AND THE FREEDOM OF RELIGIOUS WORSHIP.

[21*st November*, 1818.]

The chiefs and people of the Kandyan nation, no longer able to endure the cruelties and oppressions which the late King Sri Wikreme Rajah Sinha tyrannically practised towards them, prayed the assistance of the British Government for their relief, and by a solemn act declared the late king deposed, and himself and all persons descending from or in any manner related to his family incapable of claiming or exercising royal authority within the Kandyan provinces, which were by the same solemn act ceded to the dominion of the British Sovereign.

**2.** The exercise of power by the representatives of His Britannic Majesty from the date of that Convention, the 2nd March, 1815, till the hour that insurrection broke out in the month of October, 1817, was marked by the greatest mildness and forbearance towards all classes, the strictest attention to the protection and maintenance of the rites, ministers, and places of worship of the religion of Budhoo, and a general deference to the opinions of the chiefs, who were considered as the persons best able from their rank and knowledge to aid the Government in ensuring the happiness of the mass of its new subjects : In exacting either taxes or services for the State an extraordinary and unprecedented laxity was allowed to take place, in order that the country might with more ease recover from any evil effects sustained by the contrary practice of the late king : In assessing punishments for offences,



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even where a plot to subvert the Government was proved, the spirit which always characterizes the British rule was strongly to be contrasted with the ancient and frequent recurrence of capital executions, preceded by the most cruel and barbarous tortures.

**3.** Under this mild administration on the part of the British Government the country appeared to rest in peace ; cultivation was increased, and Divine Providence blessed the exertions of the labourers and rewarded them by plenteous crops ; yet all this time there were factious and intriguing spirits at work, seeking for an opportunity to subvert the Government, for no purpose but to assume to themselves absolute power over the lives and properties of the general mass of subjects, which by the equal justice of British authority were protected from their avarice or malicious cruelty.

**4.** These plotters against the State were found among the very persons who had been restored to honours and security by the sole intervention of British power, and the opportunity of raising disturbance was chosen when, relying on the merited gratitude of all orders of the Kandyan nation, the Government had diminished the number of troops ; and the insurgent leaders, unconscious or forgetful of the extensive resources of the British Empire, thought, in setting up the standard of rebellion, as easily to effect their purpose of expelling the English from the country, as the people had been deluded to prostrate before the phantom whose pretensions they espoused merely to cover their own ambitious views of subjecting the nation to their arbitrary will.

**5.** After more than a year of conflict, which has created misery and brought destruction on many, the efforts of the British Government and the bravery of His Majesty's troops have made manifest to the Kandyans the folly of resistance, and that in the Government alone resides the power of protecting them in the enjoyment of happiness ; the flimsy veil which the rebel chiefs threw over their ambitious designs was torn aside by themselves, and the pageant whom the people were called to recognize as the descendant of the gods exposed as the offspring of a poor Cingalese empiric.

**6.** After such a display to the public of depraved artifice and injurious and unfeeling deception, the Government



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might reasonably hope that a sense of the misery brought on them by delusion should prevent the great body of the people from listening to any one who should attempt in future to seduce them into rebellion against its beneficent rule ; but it is also incumbent on it, from a consideration of the circumtances which have passed and the evil consequences which have ensued on the blind obedience which the people have thought due to their chiefs instead of to the Sovereign of the country, to reform by its inherent right, such parts of the practice of administration as, by occasioning the subject to lose sight of the majesty of the Royal Government, made him feel wholly dependent on the power of the various chiefs, which to be legal could only be derived to them by delegation from the sovereign authority of the country.

Declaration of British supremacy.

**7.** His Excellency the Governor therefore now calls to the mind of every person and of every class within these settlements that the sovereign majesty of the King of Great Britain and Ireland, exercised by his representative the Governor of Ceylon and his Agents in the Kandyan provinces, is alone the source from which all power emanates, and to which obedience is due ; that no chief who is not vested with authority or rank from this sovereign source is entitled to obedience or respect ; and that without powers derived from Government no one can exercise jurisdiction of any kind, or inflict the slightest punishment ; and finally, that every Kandyan, be he of the highest or lowest class, is secured in his life, liberty, and property from encroachment of any kind or by any person, and is only subject to the laws, which will be administered according to the ancient and established usages of the country, and in such manner and by such authorities and persons as in the name and on behalf of His Majesty is hereinafter declared.

Equal rights of every Kandyan subject.

Form of appointment to office.

**10.*** No person shall be considered entitled to execute office, either of the higher or lower class of headmen, unless thereto appointed by a written instrument signed, in respect to superior chiefs by His Excellency the Governor, and for inferior headmen by the Honourable the Resident, or provisionally by any Agent of Government thereto duly authorised, excepting in certain villages or departments which will be allotted for personal services to the Dessaves, in which the

* Sections 8, 9, 11, 12, 13, 14, 15 have had their effect.



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Dessave shall as before have the sole privilege of making appointments.

Religion.

**16.** As well the priest as all the ceremonies and processions of the Budhoo religion shall receive the respect which in former times was shown them ; at the same time it is in nowise to be understood that the protection of Government is to be denied to the peaceable exercise by all other persons of the religion which they respectively profess, or to the erection under due licence from His Excellency of places of worship in proper situations.

Erection of places of worship.

Temple lands exempted from taxation.

**21.*** The Governor, desirous of showing the adherence of Government to its stipulation in favour of the religion of the people, exempts all lands which now are the property of temples from all taxation whatever.

Lands belonging to certain loyal chiefs exempted from tax.

**22.** All lands also now belonging to the following chiefs whose loyalty and adherence to the lawful Government merits favour, viz. :—

Moolegodde Maha Nileme,
Mollegodde Nileme,
Ratwatte Nileme,
Kadoogamoone Nileme,
Dehigamme Nileme,
Mulligamme Nileme, lately Dessave of Welasse,
Eknillegodde Nileme,
Mahawalatene Nileme,
Doloswalle Nileme,
Eheyleyagodde Nileme,
Katugaha the elder,
Katugaha the younger,
Damboolane Nileme,
Godeagedere Nileme,
Gonegodde Nileme, formerly Adikaram of Bintenne,

shall be free of duty during their lives, and that their heirs shall enjoy the same free of duty, excepting with regard to such as paid pingo duty, which shall now and hereafter pay one-tenth to the Government of the annual produce, unless when exempted under the next clause.

* Sections 17-20 repealed by 4 of 1892.



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Lands of chiefs holding office exempted.

**23.** All lands belonging to chiefs holding offices either of the superior or inferior class, and of inferior headmen, shall during the time they are in office be free of duty.

All presents prohibited.

Provisions to British officers, troops, or other servants of Government travelling, to be furnished for payment.

**26.*** All presents to the Governor or other British authorities are strictly prohibited. In travelling, every officer, civil or military, chiefs, detachment of troops, or other servants of Government, on notice being given of their intended march or movement, are to be supplied with the provisions of the country in reasonable quantity and on payment being made for the same at the current price.

Remuneration for service of superior chiefs.

**28.†** The services of the Adigars, Dessaves, and other superior chiefs to Government shall be compensated by fixed monthly salaries in addition to the exemption of their lands from taxation.

Remuneration to inferior chiefs.

**29.** The services of the inferior chiefs shall be compensated as above by exemption from taxation, and that they also receive one twentieth part of the revenue paddy which they shall collect from the people under them, to be allotted in such portion as the Board of Commissioners shall under the authority of Government regulate.

Reservation of powers of making further provisions.

**56.‡** In all matters not provided for by this Proclamation or other Proclamations heretofore promulgated by the authority of the British Government, His Excellency reserves to himself and his successors the power of reforming abuses and making such provision as is necessary, beneficial, or desirable; he also reserves full power to alter the present provisions as may appear hereafter necessary and expedient,

General obedience enjoined.

and he requires in His Majesty's name all Officers, civil and military, all Adigars, Dessaves, and other chiefs, and all other His Majesty's subjects to be obedient, aiding and assisting in the execution of these or other his orders, as they shall answer the contrary at their peril.

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* Sections 24 and 25 have had their effect.
† Section 27 is obsolete.
‡ Section 30–55 repealed or have had their effect.



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# CHAPTER 276.

## COMMISSIONS OF INQUIRY.

AN ORDINANCE TO EMPOWER COMMISSIONERS, APPOINTED BY THE GOVERNOR TO INQUIRE INTO ANY MATTER REFERRED TO THEM FOR INQUIRY, TO HEAR EVIDENCE THEREON.

*Ordinances* Nos. 9 of 1872, 17 of 1904, 23 of 1933.

[20*th December*, 1872.]

Short title.

**1.** This Ordinance may be cited as the Commissions of Inquiry Ordinance.

Commissioners may issue summons to any person named therein to appear before them and to produce documents.

**2.** Whenever the Governor, shall issue a commission under the Seal of this Island, appointing one or more persons to inquire into and report upon any matter stated in such commission upon which information is, in his opinion, necessary, it shall be lawful for the Commissioners so appointed, by a summons under the hand of their Chairman, or if there be only one Commissioner, of such Commissioner, to require the attendance before them, at the time and place to be mentioned in the summons, of any person whose evidence shall, in the judgment of the Commissioners be material to the subject-matter of the inquiry referred to them, and to require all persons to bring before them such books, papers, deeds, and writing as to the said Commissioners shall appear necessary for arriving at the truth touching such subject-matter.

Commissioners to have all the powers of District Courts as respects persons failing to appear, or to be sworn, or to answer questions, or to produce documents.

**3.** If any person upon whom any such summons shall be served by the delivery thereof or by the same being left at his usual place of abode shall, without reasonable cause, of which the Commissioners shall be the judges, fail to appear before them at the time and place mentioned in the summons, or shall refuse to be sworn, or shall not make answer to such questions as shall be put to him touching the matters which the Commissioners are directed to inquire into, and which he is legally bound to make, or shall refuse or fail without reasonable cause, of which the Commissioners shall be the judges, to produce and show to the said Commissioners any such papers, books, deeds, or writings, being in his possession or under his control, as to the said Commissioners shall appear necessary



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for arriving at the truth of the things which they are directed to inquire into, the Commissioners shall have the same powers touching any such person so failing to appear, or refusing to be sworn, or not answering such questions as shall be put to him, or refusing to produce any such papers, books, deeds, or writings as aforesaid, as any District Court may by law exercise against any person for making default of appearance or for refusing to be sworn, or to give evidence, or to produce documents at the trial of any action depending in such court:

Provided, however, that it shall not be lawful for such Commissioners to exercise any of the said powers without first reporting to the Governor the case which renders, in their opinion, the exercise of them, or any of them, necessary, with full particulars, and obtaining the sanction of the Governor.

Commissioners empowered to administer oath. False evidence before them an offence.

**4.** The Commissioners so appointed are hereby empowered to administer oaths to all persons who shall be examined before them, and every person who, upon examination upon oath before the said Commissioners, shall wilfully give false evidence, shall be guilty of the offence of giving false evidence under Chapter XI. of the Penal Code, and shall be liable to the penalties therein prescribed.

Presumption on production of record of evidence given by a witness examined by a Commissioner.

**5.** The presumptions which, under section 80 of the Evidence Ordinance, are applicable to the documents therein mentioned shall apply to every document produced before any court purporting to be a record or memorandum of the evidence or any part of the evidence given by a witness examined by a Commissioner appointed under this Ordinance or by any person empowered by law to exercise the powers of such Commissioner with regard to administering oaths or affirmations to persons examined before him and purporting to be signed by such Commissioner or person.

Processes issued by Commissioners exempt from stamp duty. Fiscals bound to execute them.

**6.** No stamp duty shall attach to or be payable for any process issued by the Commissioners under the provisions of this Ordinance. Fiscals shall be bound to serve and execute all lawful processes and commands issued by the said Commissioners.

Persons affected by Inquiries may be represented by advocates or proctors. [§ 2, 23 of 1933.]

**7.** Any person whose conduct is the subject of inquiry under this Ordinance, or who is in any way implicated or concerned in the matter under inquiry, shall be entitled to be represented by one or more advocates or proctors at the whole of the inquiry, and any other person who may consider it desirable that he should be so represented may, by leave of the Commissioners, be represented in the manner aforesaid.



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# CHAPTER 277.

## STATE MORTGAGE BANK.

AN ORDINANCE FOR ESTABLISHING AND REGULATING THE CEYLON STATE MORTGAGE BANK.

*Ordinances* Nos. 16 of 1931, 23 of 1934, 1 of 1935, 58 of 1935.

[1*st October*, 1931.]

### CHAPTER I.

### PRELIMINARY.

Short title.

**1.** This Ordinance may be cited as the Ceylon State Mortgage Bank Ordinance.

Interpretation.

**2.** In this Ordinance except in so far as anything in the subject or context otherwise implies the following expressions shall have the meanings respectively assigned to them :—

" the Bank " means the Ceylon State Mortgage Bank ;

" Board " means the Board of Directors appointed under this Ordinance ;

" Branch Board " means a board established under section 24 ;

" Director ", " Member of a Branch Board ", " Manager ", and " Assistant Manager " means the persons appointed to these offices under this Ordinance ;

" prescribed " means prescribed by this Ordinance or by rules made thereunder.

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### CHAPTER II.

### ESTABLISHMENT.

Establishment of the Bank.

**3.** A bank to be called " The Ceylon State Mortgage Bank " shall be established in Colombo for the purpose of granting long-term loans for agricultural and other prescribed purposes in accordance with the provisions of this Ordinance on the primary mortgage of landed property situated in Ceylon.

[§ 2, 58 of 1935.]



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Legal status of the Bank.

**4.** The Bank shall be a body corporate having perpetual succession and a common seal; it shall under the above-mentioned name be capable of suing and being sued; and it shall subject to the provisions of this Ordinance be capable of acquiring, holding, and alienating property movable and immovable and of doing all such acts and things as bodies corporate may do and perform.

Head office of the Bank.

**5.** The head office of the Bank shall be in Colombo, and such branch offices as are necessary may be established in the provinces as the Board considers necessary.

The law governing the Bank.

**6.** The Bank shall be conducted and managed in accordance with the provisions of this Ordinance to the exclusion of the provisions of the Joint Stock Banking Ordinance, 1897, and any other law specially governing Banks.

Business of the Bank.

**7.** The business of the Bank shall be the granting of loans and their recovery in accordance with the provisions of this Ordinance, and for this purpose the Bank may raise funds by the issue of debentures and do all such other matters and things as may be incidental or subsidiary to its business.

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## CHAPTER III.

### MANAGEMENT.

### (i) *Board of Directors.*

The Board of Directors.

**8.** The general supervision, control, and administration of the affairs and business of the Bank shall be entrusted to a Board of Directors consisting of five fit and proper persons appointed by the Governor.

Powers of Board.

**9.** The Board may exercise all such powers and do all such acts and things as may be necessary for carrying on the business of the Bank.

Directors' term of office.

**10.** Every Director shall ordinarily be appointed for a term of five years and he shall hold office for that period unless he dies, retires, or is removed or disqualified earlier.

Remuneration of Directors.

**11.** Every Director shall in accordance with the prescribed scale be paid a fee for each day or portion of a day upon which he is engaged upon the business of the Bank.



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Disqualification and removal of Directors.

**12.** (1) The Governor may, for incapacity or misbehaviour, remove a Director from his office.

(2) No person shall be appointed to the office of Director who—

(*a*) has been adjudicated an insolvent and has not received a certificate ; or

(*b*) is of unsound mind or has been convicted of an offence and sentenced to imprisonment without the option of a fine.

(3) A person appointed to the office of Director shall become disqualified to retain his office and shall *ipso facto* cease to be a Director if—

(*a*) he is adjudicated an insolvent, or assigns his estate for the benefit of his creditors, or enters into a deed of arrangement with his creditors or makes an assignment of his remuneration for their benefit ;

(*b*) he is of unsound mind or is convicted of an offence and sentenced to imprisonment without the option of a fine ; or

(*c*) he is absent without leave from the Governor from all the meetings of the Board during any two consecutive months.

(4) No member of the State Council shall be appointed to or retain the office of Director :

Provided that a Director becoming disqualified to retain his office and *ipso facto* ceasing to be a Director under subsection 3 (*c*) of this section shall not thereby be deemed ineligible for reappointment.

Vacancies on the Board.

**13.** (1) When a Director ceases to hold office by reason of the expiry of the period for which he was appointed, the Governor shall make a new appointment. The retiring Director shall be eligible for reappointment if not otherwise disqualified.

(2) If a Director ceases to hold office before the expiry of the period for which he was appointed, the Governor shall make a new appointment for the remainder of the period for which such Director would have held office.

(3) Where a Director is granted leave of absence the Governor may make a new appointment for the period for which such Director is granted leave.



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Chairman of the Board.

**14.** The Governor shall each year appoint from among the Directors the Chairman of the Board for the year. The Chairman shall preside at every meeting of the Board at which he is present and shall have a second or casting vote in all cases of an equality of votes. In the absence of the Chairman, the Directors present at a meeting shall choose one of their number to preside who shall for that meeting have all the powers of the Chairman including the right to a casting vote.

Meetings.

**15.** (1) A meeting of the Board shall be held at least once a month and oftener if the Chairman thinks it necessary.

(2) The Chairman shall upon a written requisition of two Directors call a special meeting. No such special meeting shall be held unless at least four days' notice specifying the time of such meeting and the purpose for which it is to be held has been given by written or printed notice to every Director.

Quorum.

**16.** Three members shall constitute a quorum at any meeting of the Board and all acts authorised or required to be done by the Board shall be decided by a majority of Directors present and voting at a meeting at which a quorum is present :

Provided that when only three members are present no loan exceeding ten thousand rupees shall be sanctioned except by a unanimous resolution.

Minutes.

**17.** Minutes of the proceedings of every meeting of the Board shall be regularly drawn up and fairly entered in books to be kept for the purpose, and the books shall be so kept as to show properly tabulated details of the business transacted at each meeting. The minutes of the proceedings of each meeting shall be submitted at the next ensuing meeting, and if they are then passed as correct they shall be confirmed by the signature of the person presiding thereat, and shall thereafter be prima facie evidence of the proceedings of which they are a record.

(ii) *Officers of the Bank.*

Appointment and salary of Manager and Assistant Manager.

**18.** (1) The Board shall, subject to the approval of the Governor, appoint a person to be the Manager of the Bank, and may, subject to the approval of the Governor, remove such person from office and appoint another person in his stead.



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(2) The Board may, subject to the approval of the Governor, also appoint a person to the office of Assistant Manager of the Bank, and subject to the approval of the Governor remove such person from office and appoint another person in his stead.

(3) The Manager and Assistant Manager shall be full-time officers of the Bank and shall receive such salary as may, with the approval of the Governor, be fixed by the Board.

Powers of Manager and Assistant Manager.

**19.** (1) The Manager shall be the Chief Executive Officer of the Bank and all acts which are directed by this Ordinance to be done by the Board may, unless the contrary intention appears from the context, be done by the Manager if, with the approval of the Governor, he is specially or generally authorised in writing thereto by the Board. He shall attend and take part in every meeting of the Board, unless directed not to attend by the Board, but he shall not have the right to vote.

(2) The Assistant Manager may do all such acts as he is required or permitted to do by the Manager in writing, provided the Manager may himself have done them.

Subordinate officers.

**20.** For the purpose of carrying out the provisions of this Ordinance, the Board may by resolution appoint and at its discretion remove such officers and servants other than those hereinbefore mentioned as it may think necessary. It may also from time to time fix and alter the salaries and allowances attached to such offices.

Valuators.

**21.** The Board may from time to time appoint fit and proper persons to inspect and value properties for the purpose of this Ordinance, and prescribe the scale for their remuneration and travelling expenses.

Legal advisers.

**22.** The Board may from time to time appoint any duly qualified person to act as legal adviser to the Bank and prescribe the scale of fees for his remuneration.

Agents.

**23.** The Board may appoint any bank or any person as its agent in Ceylon or elsewhere to do any act on its behalf which it is authorised to delegate to another and it may enter into an agreement with such agent as to the duties to be performed and the remuneration therefor.



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(iii) *Branch Boards.*

Establishment and members.

**24.** The Board may from time to time establish Branch Boards for any area, and subject to the approval of the Governor it may from time to time appoint persons to serve on the Branch Boards.

Duties and powers.

**25.** A Branch Board shall be subordinate to the Board and shall—

(*a*) consider all applications submitted to it and transmit them to the Board with its recommendations thereon ; and

(*b*) advise and assist the Board in all matters in which its advice or assistance is sought.

Constitution. Members. Chairman.

**26.** Every Branch Board shall consist of two members and a Chairman who shall be specially appointed for each year by the Board.

Term of office of members.

**27.** A member of a Branch Board shall hold office for a period of two years, but he shall remain eligible for reappointment at the end of his term unless otherwise disqualified.

Qualification and disqualification for membership.

**28.** A member of a Branch Board shall be disqualified from holding office and shall be removed from office and cease *ipso facto* to hold office on the same grounds and for the same reasons that a Director is disqualified or may be removed from or cease to hold office.

Quorum and procedure at meetings.

**29.** Two members shall constitute a quorum of a Branch Board and all acts, matters, and things authorised or required to be done by a Branch Board shall be decided by a resolution of a meeting at which a quorum is present.

Remuneration.

**30.** Every member of a Branch Board shall in accordance with the prescribed scale be paid a fee for each day or portion of a day upon which he is engaged upon the business of the Bank, and also all reasonable expenses incurred by him for travelling and subsistence while so engaged at the request of the Board.

(iv) *General.*

Security from officers.

**31.** The Board may require the Manager, Assistant Manager, Accountant, Shroff, or any other officer of the Bank to



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furnish security for the faithful discharge of his duties in such amount and in such manner as the Board thinks proper.

Protection of officers.

**32.** No Director and no officer of the Bank shall be liable, either civilly or criminally, in respect of anything which he may have done or may have omitted to do when acting in good faith in pursuance or in supposed pursuance of his powers under this Ordinance.

Disabilities of Directors, officers, and servants.

**33.** No officer or servant of the Bank in receipt of a monthly salary and no Director shall be granted a loan under this Ordinance or be entitled to purchase any land sold under the provisions of this Ordinance.

Declaration of fidelity and secrecy.

**34.** Every Director, every member of a Branch Board, and every employee of the Bank shall, before entering upon his duties or exercising any power under this Ordinance, make before a Justice of the Peace a declaration of fidelity and secrecy in the prescribed form.

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## CHAPTER IV.

## DEBENTURES.

### (i) *Issue.*

Power to raise money on debentures.

**35.** The Board may raise from time to time by the issue of debentures funds necessary to carry on the business of the Bank :

(*a*) Provided that the total indebtedness of the Bank on the principal of the debentures shall never exceed the total sum loaned by the Bank upon the security of mortgages and remaining unpaid nor shall such total indebtedness exceed twenty-five million rupees ;

(*b*) Provided further that moneys repaid to the Bank on account of the principal of loans and retained by the Bank for the purpose of redeeming debentures shall for the purposes of this section be calculated for a period not exceeding six months as a part of the total sum loaned by the Bank upon the security of mortgages and remaining unpaid.

Form of debentures.

**36.** (1) Debentures shall be in the form prescribed and be authenticated by the seal of the Bank.



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[§ 2, 1 of 1935.] (2) The Board may compound for the payment of the stamp duty payable on the debentures in the same manner and subject to the same conditions as a joint stock company issuing debenture stock and authorised under section 3 of the Stamp Ordinance to compound for payment of stamp duty.

Amount of each debenture, rate of interest, and period of issue.

**37.** Debentures shall be for a sum of fifty rupees each and shall bear interest at a rate to be fixed at the time of issue by the Board with the approval of the Governor and subject to the rights of the Bank under section 40 to redeem them at any time they shall be redeemable twenty-five years from issue :

[§ 3, 1 of 1935.] Provided that where any applicant for debentures elects to have such debentures issued to him in a denomination higher than fifty rupees, the Directors may, if they think fit, issue debentures to that applicant in that higher denomination.

(ii) *Payments.*

Source for redemption of debentures.

**38.** (1) The interest on and principal of debentures shall be paid as they fall due from the funds of the Bank in the manner hereinafter provided. Should such funds be insufficient to make any such payments, such interest and principal shall be paid from the general revenue of the Island upon which they are hereby constituted a charge :

Provided that the principal of any debenture the interest upon which has to be paid under this section from the general revenue of the Island may if so ordered by the Governor be at any time redeemed and the debenture cancelled although such debenture has not under any other provision of this Ordinance become due for redemption.

[§ 2, 23 of 1934.] (2) The interest and principal falling due in respect of any debentures that may be issued in contravention of the provisions of section 35, shall, if such debentures are issued in all other respects in accordance with the provisions of this Ordinance, be a charge upon and be paid from the general revenue of the Island.

Payment of interest.

**39.** The interest due on a debenture shall run from the day named in the debenture and shall be paid half-yearly on the thirty-first day of March and the thirtieth day of September.



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(iii) *Redemption.*

Redemption and purchase of debentures.

**40.** (1) All sums paid to the Bank during any half-year as part of the principal of the loans granted by it, shall be employed to redeem outstanding debentures.

(2) For this purpose the Board may at any time redeem a sufficient number of debentures :

Provided that no debenture shall be so redeemed until all debentures bearing an earlier date of issue have been redeemed.

(3) If after all debentures of earlier dates of issue have been redeemed there are more debentures of any issue than are required the Board shall advertise the number required, the date of the issue in question, and the total number of debentures of that issue outstanding, and shall invite the holders of any such debentures to surrender the same at par. If sufficient debentures are not surrendered in response to such invitation the Board shall determine by drawing which of such debentures shall be compulsorily redeemed.

Power to redeem part of any debenture of the higher denominations. [§ 4, 1 of 1935.]

(4) If in the course of any drawing for the compulsory redemption of debentures, a debenture is drawn of such a denomination that the amount of that debenture together with the amount of the debentures previously drawn on that occasion exceeds the amount of the debentures to be compulsorily redeemed, the Board shall redeem such part of that debenture as may be sufficient for the purpose of such compulsory redemption, and shall issue to the holder of that debenture one or more new debentures of such denomination as the Board may determine and equal in the aggregate to the amount of the unredeemed part of that debenture.

Notice of drawing for redemption.

**41.** When debentures are to be redeemed by drawing under the last preceding section, the Board shall by advertisement in the *Gazette* and any two newspapers published in the Island, give not less than fifteen days' notice of the day, the hour, and the place at which the drawing will take place, and also the number of the debentures to be redeemed at that drawing.

Mode of drawing.

**42.** At the time and place so specified the drawing shall be done in the presence of any debenture holders who may choose to attend.



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Publication of result of drawing.

**43.** The Board shall, by such advertisement as is provided in section 41, declare the distinguishing numbers of the debentures to be compulsorily redeemed under section 40 or drawn for such compulsory redemption under section 42 and shall appoint a day not less than three months after the date of such advertisement on which the principal moneys secured by the said debenture and the interest due thereon will be repaid.

Payment of debentures drawn.

**44.** On or before the day so appointed the Board shall transfer to a special account kept for the purpose with a bank or banks in Colombo an amount equal to the principal of the debentures to be redeemed and the interest due upon them up to the appointed day, and upon the surrender of the said debentures to be redeemed payment of the principal and interest due shall be made out of this account on demand to the persons entitled to receive the same.

Cesser of interest after repayment is available.

**45.** From and after the day appointed for the repayment of any debentures all interest on the principal moneys secured thereby shall cease and determine, whether payment of the principal is or is not demanded.

(iv) *Transfer.*

Transfer of debentures.

**46.** A debenture holder may transfer all or any of his debentures in the manner prescribed by rules under this Ordinance.

(v) *Register.*

Register of debentures.

**47.** The Bank shall keep a register in which all debentures shall be entered together with their dates of issue and the names of their holders.

Validity of transfer.

**48.** No transfer of a debenture shall be legally valid until such transfer has been entered in the register and endorsed upon the debenture by an officer of the Bank thereto authorised in writing by the Board.

Transmission of debentures.

**49.** The executors or administrators or heirs of a deceased debenture holder shall be the only persons recognized by the Bank as having any title to the debentures of such deceased holder.

The register evidence of title.

**50.** The register shall be conclusive evidence that the persons entered therein as the holders of debentures are



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entitled to such debentures, of the dates of issue, redemption, cancellation, transfer, or transmission of debentures and of all other matters entered therein.

**51.** No notice of any trust in respect of any debenture shall be entered in the register or be receivable by the Bank. Trusts cannot be registered.

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## CHAPTER V.

### LOANS.

#### (i) *Granting.*

**52.** The Bank may make loans for any of the following purposes and such purposes only— Purpose for which loans may be granted.

(*a*) the purchase or lease of agricultural land, its development, and improvement and the incurring of capital expenditure necessary for the preparation of its produce for the market ;

(*b*) any purpose incidental, accessary, or ancillary to any of the above purposes ;

(*c*) the liquidation of debts already incurred for any of the above purposes ;

(*d*) any other purpose which may be prescribed by rule made under section 92 : [§ 5, 1 of 1935.]

Provided that in making such loans the Bank shall give preference to any person who applies for a loan for any of the purposes authorised in paragraphs (*a*), (*b*) and (*c*).

**53.** Every loan granted by the Bank shall be subject to the following conditions and limitations, namely :— Conditions on which loans may be granted.

(*a*) the amount on loan from the Bank to any person at any one time shall not exceed the amount fixed by rules under section 92, and no loan shall be less than the sum of two thousand five hundred rupees ; [§ 6, 1 of 1935.]

(*b*) no loan shall be granted for a period less than five years or exceeding twenty-five years ;

(*c*) no loan shall be granted unless its repayment is secured by a primary mortgage of immovable property in Ceylon, not being an undivided share, and



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until such mortgage executed substantially in the form in Schedule A or in any other form prescribed under section 90 is duly registered ;

(*d*) no loan shall exceed one-half the value of the property mortgaged as security ;

(*c*) no loan shall be granted at a rate of interest less than the minimum rate fixed by rule under section 92.

[§ 6, 1 of 1935.]

Requisites to be satisfied before loan is granted.

**54.** No loan shall be granted unless the Board shall have first satisfied itself—

(*a*) that the security offered is adequate, regard being had to the market value of the property, to the annual income derived or likely to be derived from it in the future, to the possibility of its depreciation in the future and to the risks incidental to a forced sale ;

(*b*) that the title of the borrower to the land offered as security has been passed by the bank's legal adviser as valid ;

(*c*) that the purpose for which the loan is required is one contemplated by section 52 ; and

(*d*) that there is no other good and valid reason why the loan should not be granted.

**55.** No loan shall be granted except by a resolution of the Board :

Provided that the Board may under section 19 empower the Manager to grant loans up to any sum not exceeding ten thousand rupees ;

Provided further that no loan exceeding ten thousand rupees shall be granted by a resolution passed by the favourable votes of less than three Directors.

Withdrawal of the grant of a loan.

**56.** At any time after the approval of a loan and before the actual payment of the money the Board may at its discretion and without assigning any reason therefor cancel or modify such approval and withhold payment of the whole or a portion of the money.

Priority of charge created by loan.

**57.** Where a loan is granted by the Bank, the property mortgaged as security for it shall from and after the date of the mortgage be charged with the payment of the loan with



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interest in priority to every other debt, mortgage, or charge affecting it, except an earlier duly registered mortgage debt due to a creditor who in good faith advanced the money before the loan was granted by the Bank.

(ii) *Application.*

Board's power to investigate application of loan.

**58.** (1) The Board may call upon any person to whom a loan has been granted to satisfy the Board that the loan has been or is being applied to the purpose for which it was granted, and the person so called upon may adduce evidence before any Director, appointed in writing for the purpose, to prove that the loan has been or is being applied for such purpose.

(2) If the Board is not satisfied that the loan has been or is being applied for the purpose for which it was granted it may by an order direct that within the time named therein either the loan be repaid in full with interest or a sum equal to the loan be applied to the said purpose.

(iii) *Repayment.*

Payment by half-yearly instalments.

**59.** (1) Repayment of loans shall be made half-yearly by instalments or equated payments.

(2) An instalment shall consist of a fixed portion of the principal together with the interest due up to the date of payment.

(3) An equated payment shall consist partly of principal and partly of interest calculated in accordance with the prescribed tables which specify as to every one hundred rupees of the loan—

(*a*) the number of the instalments ;

(*b*) the portion of each instalment which constitutes interest and the portion which is appropriated on account of principal ;

(*c*) the balance of principal still owing after each instalment has been paid.

Recalling of loans.

**60.** (1) If at any time after the granting of a loan the Board is satisfied—

(*a*) that the land given as security has depreciated in value to such an extent as to endanger the safety of the loan ; or



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(*b*) that the title of the borrower is such that it ought not to have been accepted as adequate ; or

(*c*) that owing to material misstatements by the borrower or misapprehension of the actual facts by the Board the loan was granted in circumstances in which it would not have been granted if the true facts had been known,

the Board shall, unless additional security which is adequate, in the opinion of the Board, is offered by the borrower, issue an order requiring the loan to be repaid either in full or in part by a date to be specified in the order.

(2) Any borrower who fails to comply with an order under this section shall be deemed to be in default in respect of the whole of the unpaid portion of his loan and the interest due thereon up to date, and the Board may proceed to recover the same in the manner provided in part iv of this Chapter.

Anticipation of payments.

**61.** The Board shall, if notice of three months is given by the borrower, accept payments in respect of a loan before they fall due.

Change of security.

**62.** The Board may accept new security in lieu of the whole or part of any security it has already accepted for a loan, if the security tendered in substitution is such that the Board would be entitled to accept it alone or together with the portion of the old security which is to remain, as the case may be, as security for a new loan equal to the total principal and interest still outstanding on account of the old loan.

(iv) *Recovery.*

Procedure on default of payment.

Sale.

**63.** (1) Whenever any person makes default in the payment of any sum due on a loan whether on account of principal or interest or of both he shall be deemed to be in default in respect of the whole of the unpaid portion of his loan and the interest due thereon up to date. And the Board may by special resolution published in the *Gazette* authorise any person in writing to sell the land mortgaged as security for such payment in order to recover the whole of the unpaid portion of the loan and the interest due



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thereon up to the date of sale by public auction at any time not less than twenty-one days after the date of publication in the *Gazette*.

(2) (*a*) Notice of every resolution under this section shall forthwith be despatched to the debtor at his registered address.

(*b*) The time and place of every sale shall be advertised in the *Gazette* at least fourteen days before the sale and copies of such notice shall be despatched to the debtor at his registered address, posted on or near the land and affixed to the walls of the Kachcheri and the several District or Magistrates' Courts within whose jurisdiction the land is situated.

(3) If the amount due together with any costs incurred by the Bank under section 64 is tendered at any time before the sale the land shall not be sold.

(4) The Board may fix an upset price below which the property shall not be sold to any person other than the Bank.

(5) Nothing herein contained shall preclude the Board from recovering the amount due on a mortgage bond otherwise than in accordance with the provisions of this Ordinance.

Costs of sale.

**64.** Besides the amount due on the loan, the Board may recover from the debtor or any person acting on his behalf the expenses of advertising the sale, and selling the land :

Provided that the costs incurred under this section shall not exceed the prescribed percentage of the loan.

Payment of excess.

**65.** If the land is sold, the Board shall, after deducting from the sale proceeds the amount due on the mortgage and the costs payable under section 64, pay the overplus, if any, either to the debtor or any person legally entitled to accept the payments due to the debtor, or into the District Court having jurisdiction over the land sold in case the Board is in doubt as to whom the money is to be paid.

Certificate of sale.

**66.** (1) If the land is sold the Board shall sign a certificate of sale and thereupon all the right, title, and interest of the debtor to and in the land shall vest in the purchaser, nor shall any person claiming through or under any disposition whatsoever of the debtor's right, title, or interest to and in the land made or registered subsequently



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to the mortgage of the land to the Bank be able in any court of law to move to invalidate the sale for any cause whatsoever or to maintain any right, title or interest to or in the land as against the purchaser.

Such certificate shall be conclusive proof with respect to the sale of any land that all provisions of this Ordinance have been observed.

(2) If the purchaser is some person other than the Bank the certificate shall be substantially in the form in Schedule B, and if the purchaser is the Bank the certificate shall be substantially in the form in Schedule C.

(3) Every certificate of sale shall be liable to the stamp duty and charges fixed for conveyance of immovable property, and to any registration or other charges authorised by law, all of which shall be payable by the purchaser.

Cancellation of sale.

**67.** If the land sold has been purchased on behalf of the Bank the Board may, at any time before it resells the land, cancel the sale by an endorsement to that effect on a certified copy of the certificate of sale, if the debtor or any one on his behalf pays the amount due in respect of the loan for which the land was sold (including the costs of seizure and sale) and interest on the aggregate sum at a rate not exceeding nine per centum per annum. Such an endorsement shall, upon registration in the office of the Registrar of Lands, revest the said land in the proprietor as though the sale under this Ordinance had never been made.

Resale by Bank.

**68.** If the land so sold has been purchased on behalf of the Bank, and the sale is not cancelled under the last preceding section, the Board may, at any time, resell the land and transfer it to the purchaser by endorsement on a certified copy of the certificate referred to in subsection (3) of section 66, all the right, title, and interest which would have been acquired by a purchaser at the original sale. The endorsement which shall be liable to the same stamp duty and charges as a certificate to a purchaser at the original sale, shall when it is registered in the office of the Registrar of Lands vest such right, title, and interest as aforesaid in the purchaser.

Limit of retention of property by the Bank.

**69.** If at any sale under section 63 the Bank has purchased any property sold for default in the repayment of a loan the Bank shall not hold such property for a



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longer period than is necessary to enable the Bank to resell the property for such a sum as will cover the total amount due to the Bank on account of loan, interest, and costs.

## CHAPTER VI.

### ACCOUNTS AND AUDIT.

(i) *Accounts.*

Capital Account and Revenue Account.

**70.** (1) The Board shall keep two accounts of the funds of the Bank, namely, the Capital Account and the Revenue Account. These two accounts shall be kept entirely separate and distinct.

(2) All sums received by the Bank shall be deposited in such other bank or banks in Colombo as the Governor shall approve, sums on Capital Account being deposited in a bank account separate and distinct from a bank account in which sums are deposited on Revenue Account.

(3) Except as hereinafter provided, no sum shall be transferred from or to Revenue Account to or from Capital Account and neither the bank account of sums in the Capital Account nor the bank account of sums in the Revenue Account shall be overdrawn.

Payments into and out of Capital Account.

**71.** Into the Capital Account shall be paid—

(*a*) the proceeds of the sale of all debentures ;

(*b*) all recoveries of the capital of loans ; and

(*c*) moneys credited to reserve fund as hereinafter provided ;

and from the Capital Account shall be paid—

(*a*) all moneys paid in the redemption of debentures ;

(*b*) all moneys loaned on mortgages ; and

(*c*) moneys specially authorised to be transferred therefrom under this Ordinance.

Limit to which Capital Account may be overdrawn.

**72.** The Capital Account shall not be overdrawn to the extent of a greater sum than is authorised by the Governor and the repayment of which is guaranteed by the Ceylon Government under the signature of the Financial Secretary.



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Payments into and out of Revenue Account.

**73.** Into the Revenue Account shall be paid—

(*a*) all moneys received on account of interest on loans ;

(*b*) all moneys received on account of fees, fines, and penalties, or which may otherwise become due to the Bank but are not included within the purview of section 71 ;

and out of the Revenue Account shall be paid—

(*a*) all moneys expended in the issue and sale of debentures ;

(*b*) all interest due on debentures ;

(*c*) all moneys paid on account of the working expenses of the Bank ; and

(*d*) all moneys paid on any account other than such as are contained within the purview of section 71.

Limit to which Revenue Account may be overdrawn.

**74.** The Revenue Account shall not be overdrawn to the extent of a greater sum than is authorised by the Governor and the repayment of which is guaranteed by the Ceylon Government under the signature of the Financial Secretary.

Transfers to reserve fund.

**75.** Each half year the Board shall decide what sum shall be carried forward in the Revenue Account as a provision against any possible shortfall in receipts in that account during the ensuing period of six months. Any balance to the credit of the Revenue Account over and above such sum shall be credited in the books of the Bank to the reserve fund and shall be transferred to the Capital Account.

Transfers from Capital to Revenue Account.

**76.** Should the balance at any time available in the Revenue Account, including the undrawn portion of such overdraft as may have been authorised under section 74, be insufficient to meet any payments which must be made the Board may transfer funds from the Capital Account to the Revenue Account provided such funds transferred shall never exceed the balance to the credit of the reserve fund in the books of the Bank.

Report of shortage to the Governor.

**77.** Should the Board at any time anticipate that the funds provided under the provisions of section 76 are likely to be insufficient to meet the liabilities and working expenses of the Bank it shall immediately report such anticipated shortage to the Governor.



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Action by the Governor.

**78.** Upon such report the Governor may authorise a further overdraft upon the Revenue Account and direct the Financial Secretary to sign and issue the necessary guarantee or may take such other action as to him may appear advisable.

Reserve fund how dealt with.

**79.** Each half year the Board shall decide what portion of the reserve fund shall be carried forward in the Capital Account as a provision against any possible shortfall in receipts in that account during the ensuing six months. Any balance to the credit of the reserve fund over and above such sum may be invested outside the Bank in such readily realizable securities as are from time to time authorised by the Governor :

Provided that the Board shall be free at any time to realize all or any of such securities and retransfer the proceeds to the Capital Account should it anticipate that such funds will be necessary to meet payments to be made from that account.

Restriction on investment of reserve fund in mortgage loans.

**80.** Until the total to the credit of the reserve fund equals one-tenth of the total of the outstanding debentures no portion of the reserve fund shall be invested in mortgage loans except for such short period as may be necessary to raise money upon debentures to cover such loans.

When reserve may be utilized for acquiring land and buildings for the use of the Bank.

**81.** When the total to the credit of the reserve fund exceeds one-tenth of the total of the debentures outstanding the Board may utilize such surplus or any portion thereof in the acquisition and purchase or erection of suitable land and buildings in which to carry on the business of the Bank or in the ordinary loan business of the Bank or for both of these purposes.

Report of shortage in the Capital Account to the Governor.

**82.** Should the Board at any time anticipate that the balance in the Capital Account, including the whole of the balance to the credit of the reserve fund and the undrawn portion of such overdraft as may have been authorised under section 72 is likely to be insufficient to meet payments which will have to be made from the said account it shall immediately report such anticipated shortage to the Governor.

Action by the Governor.

**83.** Upon such report the Governor may—

[§ 3, 58 of 1935.]

(*a*) authorise a further overdraft upon the Capital Account and direct the Financial Secretary to sign and issue the necessary guarantee, or



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(*b*) authorise the Financial Secretary to lend the Bank out of the general revenue of the Island any sum that may be necessary upon such terms as may be determined by the Financial Secretary as to the mode and time of repayment of the sum so lent and the interest payable thereon, or

(*c*) take such other action as to him may appear advisable.

Keeping of books and registers and safekeeping of securities.

**84.** The books of the Bank shall be kept, the debentures and mortgages shall be registered, and measures taken for the safekeeping of mortgages and other securities in accordance with the prescribed rules.

Half-yearly statement of securities.

**85.** The Board shall cause the books of the Bank to be balanced on every thirty-first day of March and every thirtieth day of September, and thereafter a statement in the prescribed form of the accounts of the Bank as upon that date to be prepared and audited. Such statement shall be signed by the Manager, the Accountant, a majority of the Directors, and the Auditor, and shall be sent to the Governor and published in the *Gazette* within two months of the said date.

(ii) *Audit.*

Half-yearly audit.

**86.** The accounts of the Bank shall be audited in the prescribed manner by the Auditor-General or other person specially appointed for the purpose by the Governor.

Auditor's rights and duties.

**87.** Every auditor shall be supplied with a copy of the half-yearly statement of accounts, and he shall examine it with the accounts and the documents relating thereto. He shall at all reasonable times have access to all books, registers, and documents kept by the Bank. And he may in relation to such accounts examine any Director or any officer of the Bank.

Auditor's statement, report, and certificate.

**88.** The auditor shall examine the books, registers, and documents of the Bank and shall forward to the Board a statement of the accounts in the prescribed form, together with a report thereon and a certificate signed by him, showing—

(*a*) whether the accounts contained a full and true account of everything which ought to be contained therein ; and



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(*b*) whether the books which by any rules made under this Ordinance are directed to be kept by the Bank have been duly and regularly kept ; and

(*c*) whether the funds have been invested and securities have been kept in the manner prescribed by the Ordinance and any rules made thereunder ; and

(*d*) whether all loans granted by the Bank have been granted in accordance with the requirements of the Ordinance and rules made thereunder ; and

(*e*) whether the instalments on the loans have been paid when they fell due and, if not, the extent of overdue instalments ; and

(*f*) whether, in his opinion, the statement of accounts is a full and fair statement containing the prescribed particulars and is properly drawn up so as to exhibit a true and correct view of the state of the Bank's affairs, and in case he has called for any explanation or information from the Board, whether it has been given and whether it is satisfactory.

(*g*) whether the accounts are deficient, and whether the Board or the officers of the Bank have failed to comply with this Ordinance or the rules made thereunder.

Auditor's power to summon witnesses and call for documents.

**89.** (1) Every auditor shall have the powers of a civil court under the Civil Procedure Code—

(*a*) to summon any person whose presence he may think necessary to attend him from time to time ; and

(*b*) to examine any person on oath to be by him administered ; and

(*c*) to issue a commission for the examination on interrogatories or otherwise of any person ; and

(*d*) to summon any person to produce any document or thing, the production of which appears to be necessary for the purposes of such audit or examination.

(2) Any person who when summoned refuses or, without reasonable cause, neglects to attend, or to produce any document or thing, or attends and refuses to be sworn or to be examined, shall be deemed to have committed an offence within the meaning of sections 172 and 173 of the Penal Code.



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## CHAPTER VII.

### Rules and Offences.

#### (i) *Rules.*

Rules made by the Board.

**90.** (1) The Board may make rules not inconsistent with the provisions of this Ordinance for the following purposes :—

(*a*) prescribing the subordinate staff to be employed by the Bank, their salaries, allowances, conditions of service, duties, rights, and privileges and any other matters connected therewith ;

(*b*) prescribing the fees to be paid by applicants for loans in respect of the valuation of land offered as security, the examination of their title thereto, the preparation, perfection, and registration of mortgage bonds and any other matters, in respect of which services are performed by any persons acting for or in the employ of the Bank in connection with the consideration or granting of loans to the said applicants ;

(*c*) prescribing the forms upon which and the manner in which applications shall be made for loans and any other matters connected therewith ;

(*d*) prescribing the principles upon which the valuation of property offered or accepted as security is to be carried out ;

(*e*) prescribing any forms to be used for the purpose of this Ordinance ;

(*f*) for all other matters connected with the business of the Bank for which the Board may properly prescribe or for the information and guidance of the public dealing with the Bank or of its own officers, employees, or agents.

(2) All rules made under this section shall be entered in a special book kept for the purpose in the office of the Board.

(3) Copies of all rules under paragraph (*a*) of subsection (1) and such rules under paragraph (*f*) of subsection (1) as the Board shall decide shall be kept in some place on the Bank premises where they may be inspected by any officer, employee, or agent of the Bank whom they may concern.



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(4) All rules under paragraphs (*b*), (*c*), and (*e*) of subsection (1) and such rules under paragraph (*f*) of subsection (1) as the Board shall decide shall be published in the *Gazette* for general information.

Rules made by the Board with the approval of the Governor.

**91.** (1) The Board may, subject to the approval of the Governor, make rules not inconsistent with the provisions of this Ordinance for the following purposes :—

(*a*) prescribing the powers and duties of the Manager and Assistant Manager of the Bank, their salaries and allowances and conditions of service and any other matters connected therewith ;

(*b*) prescribing scales of remuneration for the various services performed by valuators, inspectors, legal advisers, and agents employed by the Bank and the scales of travelling charges which may be paid to such persons ;

(*c*) prescribing the scale of travelling allowances to be paid to the Manager and Assistant Manager ;

(*d*) prescribing the forms of debentures and the procedure to be followed in their issue, registration, transfer, redemption, and cancellation. Providing for the issue of certificates representing given numbers of debentures, for the cancellation of such certificates and the issue of fresh certificates representing different numbers of debentures and for the replacement of debentures lost, destroyed, worn out, or defaced. Prescribing the fees to be charged in respect of any of the aforesaid operations and consistently with the provisions of this Ordinance for regulating in all matters not specifically dealt with in this Ordinance the manner in which debentures may be dealt with in respect of anything to be done by the Bank or the purchasers, sellers, or holders of debentures ;

(*e*) prescribing the rates of penal interest, the circumstances in which the same shall be charged, and other matters connected therewith ;

(*f*) prescribing the costs that may be recovered under section 64 ;

(*g*) prescribing the books, registers, and records to be kept and the manner and form in which they are to be kept ;



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(*h*) prescribing the form of declaration to be made under section 34 ;

(*i*) for establishing Branch Boards and defining their powers and the areas in respect of which they may act ;

(*j*) for establishing agencies and providing for their management ;

(*k*) prescribing the manner in which the accounts are to be audited ;

(*l*) prescribing the remuneration payable to agents of the Bank ;

(*m*) for providing for every other matter not herein specially provided for but necessary for the conduct of the business of the Bank, the regulation of its funds and generally for fully and efficiently carrying out and giving effect to its objects and purposes and guarding against violation of this Ordinance.

(2) All rules made under this section shall be entered in a special book kept for the purpose in the office of the Board.

(3) Copies of all rules made under paragraphs (*a*), (*b*), (*c*), (*g*), (*j*), (*l*) of subsection (1), and such rules under paragraph (*m*) of subsection (1), as the Board with the approval of the Governor shall decide, shall be kept in some place on the Bank premises where they may be inspected by any officer, employee, or agent of the Bank whom they may concern.

(4) All rules made under paragraphs (*d*), (*e*), (*f*), (*h*), (*i*), (*k*) of subsection (1) and such rules under paragraph (*m*) of subsection (1), as the Board with the approval of the Governor shall decide, shall be published in the *Gazette*.

Rules made by the Governor.

**92.** (1) The Governor may, after consulting the Board, make rules not inconsistent with the provisions of this Ordinance for the following purposes :—

(*a*) prescribing the fees payable to auditors and the fees and travelling allowances payable to the Directors and members of Branch Boards ;

(*b*) for regulating the meetings, proceedings, and business of the Board ;

(*c*) for regulating the institution and management of pensions and provident funds for the officers and servants of the Bank ;



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(*d*) prescribing—

(i) the sum which the amount on loan to any person at any time may not exceed,

(ii) the minimum rate of the interest to be charged on loans and the additional purposes for which loans may be made under section 52. [§ 7, 1 of 1935.]

(*e*) prescribing the terms and conditions on which loans may be made to Societies registered under the Co-operative Societies Ordinance.

(2) All rules made under this section shall be entered in a special book kept for the purpose in the office of the Board

(3) Copies of all rules made under this section shall be kept in some place on the Bank premises where they may be inspected by any officer, employee, or agent of the Bank whom they may concern.

(4) All rules made under this section shall be laid, as soon as conveniently may be, on the table of the State Council at two successive meetings of the Council, and shall be brought before the Council at the next subsequent meeting held thereafter by a motion that the said rules shall not be disapproved; and if upon the introduction of any such motion, or upon any adjournment thereof, the said rules are disapproved by the Council, such rules shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything already done thereunder; and such rules if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the *Gazette*.

(ii) *Offences.*

Liability as public servants of Directors, members of Branch Boards, and employees.

**93.** Every Director, every member of a Branch Board, and all officers and servants of the Bank, including agents, valuators, and inspectors shall, when acting in any such capacity, be deemed to be public servants within the meaning of the Penal Code.

Forgery of debentures and interest coupons.

**94.** Sections 18, 19, and 20 of the Paper Currency Ordinance, shall apply to debentures as if there were substituted in this section :—

(*a*) the word " debenture " for the words " currency note " or " note "; and

(*b*) the word " Directors " for the word " Commissioners."



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False evidence.

**95.** (1) Whoever, during any examination authorised by this Ordinance, makes upon oath a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding and shall be punished therefor in accordance with the Penal Code.

(2) Whoever makes a declaration required by this Ordinance or rules thereunder knowing it to be untrue in any particular shall be guilty of giving false evidence and shall be punished therefor in accordance with the Penal Code.

Liability of Directors, members of Branch Boards, and valuators for participating in the sanctioning of certain loans.

**96.** (1) A Director or a member of a Branch Board who participates in the discussion on, or who votes upon, any resolution for the granting of a loan—

(*a*) to a person who is a debtor or creditor of his or is in partnership with him or is in his employ; or

(*b*) on the security of any land in which he has a pecuniary interest,

shall be liable on conviction to a fine not exceeding five thousand rupees or, in default of payment, to imprisonment of either description for a period not exceeding three months.

(2) A person who acts as valuator in respect of the application for a loan—

(*a*) by a person to whom he stands in any of the relationships set out in subsection (1); or

(*b*) on security in which he has a pecuniary interest,

shall be liable to a fine of five hundred rupees.

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## CHAPTER VIII.

### Government Control and Miscellaneous.

Investigation by Governor.

**97.** Once in every period of five years, and oftener if he thinks it necessary, the Governor shall appoint some person, other than the auditor appointed under section 86, to investigate and report on the policy, general management and affairs of the Bank, and in respect of such investigation any person so appointed shall for compelling the attendance of witnesses, the production of documents and the administering



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of oaths to persons he examines be entitled to exercise the powers conferred on a Commissioner appointed under the Commissions of Inquiry Ordinance.

Governor's powers in case of mismanagement.

**98.** (1) If at any time it appears to the Governor—

(*a*) that the Board has failed to comply with any duty imposed on it either by this Ordinance or rules thereunder ; or

(*b*) that the Board is conducting the business of the Bank in a manner that is likely to endanger the solvency, safety, or credit of the Bank,

the Governor may take any of the following steps :—

(i) by an order addressed to the Board issue directions for the proper management of the Bank and require compliance therewith within a time to be specified in the order ;

(ii) appoint new Directors to carry on the business of the Bank ;

(iii) direct the Manager or any other person whom he may appoint to carry on the business of the Bank ;

(iv) appoint an officer or officers to inquire and report upon the constitution, working, and financial condition of the Bank ;

(v) make an order for the winding up of the Bank ; or

(vi) take any other steps which to him may appear necessary.

(2) An officer or officers appointed under the last preceding section shall for the purpose of the inquiry have the same powers to require attendance of persons and the production of accounts and other documents as a District Judge has in relation to matters within his jurisdiction.

Cost of proceedings.

**99.** The remuneration to be paid to any person appointed under this Chapter and the cost of carrying out the order shall be defrayed out of the funds of the Bank.

*Miscellaneous.*

Custody and affixing of common seal.

**100.** The common seal of the Bank shall be in the custody of the Manager, and shall not be affixed to any instrument, except in the presence of the Manager (or in his absence,



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of the Assistant Manager) and two Directors, who shall sign their names to such instrument in token of their presence.

Penal interest in case of default.

**101.** Any mortgage bond to secure a loan by the Bank may provide that if the borrower fails or neglects to pay on the due date the instalment and interest or to make the equated payment, as the case may be, then due in respect of the loan, then interest shall be payable on the loan in respect of the half-year for which default has been made at such rate in excess of that at which the loan has been granted as may be prescribed by the rules under section 91 (1) (*e*).

Power to inspect valuation rolls of local rating authorities.

**102.** The Board shall have access without fee or charge to the valuation roll of any local rating authority, and the officers of every such authority shall upon application supply to the Board full particulars as to any valuation of rateable property in respect of which such local authority has power to levy rates.

Registered address and notices.

**103.** (*a*) Every debenture holder and every person who takes a loan from the Bank shall register with the Bank an address in Ceylon to which all notices to him may be addressed. Failure by any such debenture holder or person to register such address shall absolve the Bank from all responsibility in respect of the service of any notice required under this Ordinance to be served upon such debenture holder or person :

Provided that if it is necessary to notice any person whose address is not registered under the preceding section the Board shall publish a notice addressed to such person in the *Gazette* and a daily newspaper and such notice shall be deemed to be duly given to such person on the day on which such notice appears.

(*b*) Service of any notice under this Ordinance shall be deemed to be effected by properly addressing, registering and posting a letter containing the notice to the address registered under this section of the person to be noticed, and the time at which the notice was served shall, unless the contrary is proved, be the time at which the letter would be delivered in the ordinary course of events.

Loans to Co-operative Societies.

**104.** In accordance with such terms and conditions as the Governor may in consultation with the Board from time to time prescribe, the Bank may notwithstanding anything to



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the contrary in this Ordinance make loans to any society registered under the Co-operative Societies Ordinance, whose object is the granting of long-term loans for purposes substantially the same as those specified in section 52.

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## CHAPTER IX.

### Temporary Provisions.

**105.** The Bank shall be deemed to be established as from the sixth day of December, nineteen hundred and thirty-one. Date of establishment of Bank.

**106.** (1) The five Directors first appointed shall retire one annually in any order that they may agree to or in the order that they may determine by drawing lots. Directors first appointed.

(2) The vacancy caused by each successive retirement shall be filled by a new appointment by the Governor, the retiring Director remaining eligible for reappointment, unless otherwise disqualified.

(3) The date for retirement shall be the thirty-first day of December in every year, provided that the first retirement shall not occur earlier than one year after appointment.

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## SCHEDULE A.

FORM OF MORTGAGE BOND. [Section 53 (*c*).]

To all to whom these presents shall come ———— of ———— (hereinafter called "The Mortgagor," which expression shall, where the context so requires or admits, mean and include the said ————, his heirs, executors, and administrators) ————

Sends Greeting :

1. (*a*) Whereas the mortgagor is the lawful owner free from encumbrances of the land called ————, more fully described in the schedule hereto.

(*b*) And whereas the said mortgagor has applied to "The Ceylon State Mortgage Bank" (hereinafter called "The Bank," which expression shall, where the context so requires, mean and include the persons deriving title from the Bank) for a loan under the Ceylon State Mortgage Bank Ordinance, to be applied in or towards the following purposes, that is to say, (*a*) ———— (*b*) ———— and (*c*) ————.

(*c*) And whereas the Bank has agreed to grant such loan to the mortgagor on having the repayment thereof with interest secured in the manner hereinafter appearing.



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2. Now this bond witnesseth as follows :—

(*a*) In pursuance of the said agreement and in consideration of the sum of ———— Rupees now paid by the Bank to the mortgagor (the receipt of which sum the mortgagor hereby acknowledges) the mortgagor is held and firmly bound to the Bank in the said sum of ———— Rupees lawful money of Ceylon and interest thereon at the rate of ———— Rupees per centum per annum to be paid to the Bank, for which payment to be and well truly made the mortgagor is firmly bound by these presents.

(*b*) And for further securing to the Bank the payment of all the money payable by virtue of or in respect of these presents the mortgagor does hereby specially mortgage to the Bank as a first or primary mortgage free from all encumbrances the land called ———— and in the first schedule hereto fully described with all rights, privileges, easements, servitudes, and appurtenances whatsoever thereto belonging, or in anywise appertaining or used or enjoyed, therewith or reputed or known as part and parcel thereof, and all the estate, right, title, interest, property, claim, and demand whatsoever of the mortgagor in, to, out of, or upon, the said land.

(*c*) And for better securing the said mortgage the mortgagor does herewith deposit in the hands of the said Bank the title deeds of the said property.

3. The mortgagor hereby covenants with the Bank as follows :—

(*a*) That the land mortgaged by these presents is in nowise encumbered either by a prior charge, fiscal's seizure, or claim and that the mortgagor has full power and legal right to mortgage the same and will warrant and defend title to the said land against all other claimants whatsoever.

(*b*) (i.) That the mortgagor will pay the said principal sum of Rupees ———— in half-yearly instalments of not less than ———— Rupees ———— on the ———— day of ———— and the ———— day of ———— in each and every year, the first of such payments to be made on the ———— day of ———— and shall on the same dates pay all interest due on the said sum of Rupees ———— or the balance thereof then outstanding at the rate of ———— per centum per annum or ———— in each and every year, the first of such payments to be made ———— Rupees and interest in the instalments and on the dates set out in the second schedule hereto. (Retain only the appropriate alternative.)

(*c*) That during the continuance of this security the mortgagor will pay and discharge and indemnify the Bank against all rates, taxes, duties, charges, assessments, impositions, and outgoings whatsoever which shall be assessed, charged, or imposed upon, or payable in respect of, the mortgaged premises or any part thereof by the mortgagor or the Bank or a receiver in respect thereof and that if the mortgagor shall at any time refuse or neglect to make such payments or to deliver the receipt therefor to the Bank on demand the Bank may pay the same, and all moneys expended by the Bank under this provision shall be deemed to be properly paid by the Bank.

(*d*) That the mortgagor will from time to time so long as money remains owing on this security well and substantially repair and keep in good and substantial repair and condition all buildings



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and other improvements erected and made upon the said land. and the Bank may at all times be at liberty by itself, its agents or servants, to enter upon the said land to view and inspect the said buildings and improvements.

(*e*) That if the mortgagor fail or neglect to repair the said buildings and improvements or to keep them in good and substantial repair and conditions as aforesaid, then and in any such case and as often as the same shall happen it shall be lawful for, but not obligatory upon, the Bank, at the cost and expense in all things of the mortgagor, to repair the said buildings and improvements and keep them in good and substantial repair and condition.

(*f*) Insurance shall be effected as may be prescribed by regulations of instruction of the Bank. Every policy of insurance so effected or renewal thereof shall be in the name of the Bank.

(*g*) That all moneys expended by the Bank in and about repairing or keeping in repair any of the said buildings and improvements as aforesaid, or in the insurance thereof, or in attempting to exercise or enforce any power, right, or remedy herein contained or implied, in favour of the Bank, shall be payable to the Bank by the mortgagor on demand, and until paid shall be charged on the said land together with interest at the rate of not more than the rate prescribed for the time being under the said Ordinance, or any amendment thereof, computed from the date or dates of such moneys being expended.

(*h*) That the mortgagor will at all times cultivate and manage the lands hypothecated in a skilful and proper manner and according to the rules of good husbandry. Failure in the performance of this condition shall entail the immediate recovery of the advance should the Bank so desire.

(*i*) That the power of sale and incidental powers in that behalf conferred upon the Bank under the said Ceylon State Mortgage Bank Ordinance, or any amendment thereof shall be implied herein and that they may be exercised if and whenever the mortgagor makes default in the full and punctual payment of any instalment of interest or principal in accordance with the respective covenants for payment thereof herein contained, or if and whenever the mortgagor makes default in the faithful observance and performance of any other covenant or conditions on his part herein contained or implied : Provided however, and it is hereby expressly agreed, that the Bank may, in exercising the said power of sale and incidental powers as aforesaid (and by special resolution of its Board of Directors to that effect published in the *Gazette*) sell any land mortgaged to it as security either in its entirety or in two or more separate blocks or in both such ways, at any public sale or sales held under the said Ordinance.

(*j*) That if and whenever the mortgagor makes any such default as in the last preceding covenant mentioned, it shall be lawful for the Bank to call up and compel payment of all principal interest, and other moneys for the time being owing under this security, notwithstanding that the time or times by these presents appointed for the payment thereof respectively may not have arrived.

4. Provided always that upon any sale under the statutory power a purchaser shall not either before or after conveyance



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be concerned to see or inquire whether any default has been made in payment of any such instalment or be effected by any notice that no such default has occurred or that the sale is otherwise unnecessary or improper.

5. Provided that this bond is subject to the provisions of the Ceylon State Mortgage Bank Ordinance, or any law amending or replacing the same and all regulations made thereunder so far as they are capable of applying it to the exclusion of the common law governing mortgages.

Witnesses : ————.

————,

—— (Notary's Attestation).

*The First Schedule above referred to.*

Particulars of the land mortgaged.

*The Second Schedule.*

Table showing details of the number and amount of instalments to be paid.

## SCHEDULE B.

[Section 66 (2).] FROM OF CERTIFICATE OF SALE—SECTION 66 (2).

Whereas the sum of ———— Rupees is due to the Ceylon State Mortgage Bank from ———— and the land called ————, hereinafter more fully described, has been mortgaged by the said ———— on bond No. —— as security for its payment in the manner provided by the said bond :

And whereas a sum due in respect of the said bond has not been paid by the said ———— :

And whereas the said land was sold in conformity with the Ceylon State Mortgage Bank Ordinance, on the ———— day of ———— and the same was purchased by ———— of ———— for the sum of ———— Rupees, which has been duly paid by the said ———— :

Now know Ye that We, ———— (the Directors of the Ceylon State Mortgage Bank), by virtue and in the exercise of the power in us vested in this behalf and rules thereunder, do hereby certify that the following property, to wit, (*here describe the property with special accuracy by metes and bounds*). has been sold to ———— and purchased by the said ———— for the sum of ———— Rupees, which he has duly paid, and that the said premises are and shall henceforward be vested in the said ————, his heirs, executors, administrators, and assigns.

Given under the Seal of the Bank at Colombo on this ———— day of ———— in the presence of us ———— Directors and ———— Manager.

Directors : 1. ————. 2. ————.

Manager : ————.



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## SCHEDULE C.

FORM OF CERTIFICATE OF SALE—SECTION 66 (2). [Section 66 (2).]

Whereas the sum of ———— Rupees is due to the Ceylon State Mortgage Bank from ———— and the land called ————, hereinafter more fully described, has been mortgaged by the said ———— on bond No. —— as security for its payment in the manner provided by the said land :

And whereas a sum due in respect of the said bond has not been paid by the said ————:

And whereas the said land was sold in conformity with the Ceylon State Mortgage Bank Ordinance, on the ———— day of ————, and the same was purchased for and on behalf of the Ceylon State Mortgage Bank by ———— for the sum of ———— Rupees, which has been duly credited to the said Bank in part (*or* full, *as the case may be*) satisfaction, of the sum due as aforesaid :

Now know Ye that We, the Directors of the said Bank, by virtue and in exercise of the power in us vested in this behalf by the said Ordinance and rules thereunder, do hereby certify that the following property, to wit, (*here describe the property with special accuracy by metes and bounds*) has been sold and purchased by the said ———— for and on behalf of the said Bank for the sum of ———— Rupees, and that the said premises are and shall henceforward be absolutely vested in the said Bank.

Given under the Seal of the Bank at Colombo on this ———— day of ———— in the presence of us ———— Directors and ————Manager.

Directors : 1. ————.
2. ————.

Manager : ————.



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# CHAPTER 278.

## CEYLON SAVINGS BANK.

*Ordinances* Nos. 12 of 1859, 12 of 1892, 7 of 1895, 19 of 1909, 24 of 1920, 17 of 1923, 5 of 1927, 14 of 1928, 17 of 1930, 26 of 1933.

AN ORDINANCE TO PROVIDE FOR THE BETTER REGULATION OF THE CEYLON SAVINGS BANK.

[1*st January*, 1860.]

Short title.

**1.** This Ordinance may be cited as the Ceylon Savings Bank Ordinance.

Interpretation.

**2.** In this Ordinance, unless the context otherwise requires—

" the bank " shall mean the Ceylon Savings Bank.

" Governor " shall mean the officer executing the Government of Ceylon.

Management.

**3.** The bank shall be under the management of a board of three directors, who shall not directly or indirectly receive any salary, allowance, profit, or benefit whatsoever therefrom :

Provided, however, that nothing in this section shall prevent any member of the board (or any officer of the bank) from becoming depositors therein on the same terms as others.

Nomination of directors and appointment of president.

[§ 3, 5 of 1927.]

**4.** The Governor shall from time to time nominate the three members of the board of directors and also appoint one of them president of the board.

Meetings. Quorum.

**5.** The president shall appoint the times for the meetings of the board of directors for the transaction of business. At such meetings two directors shall be sufficient to form a quorum.

Treasurer.

**6.** The Financial Assistant and Accountant of the Treasury for the time being shall be the treasurer of the said bank.



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Board of directors.

**7.** The board of directors may, with the approval of the Governor, order the treasurer to pay out of the funds of the bank such sums of money as to them shall seem fit, for the purposes of the business and of the carrying on of the bank, including the payment of salaries, pensions, fees, or other allowances to the officers and servants of the bank, and may from time to time order the treasurer to advance to the secretary out of the said funds such sums of money as the Governor shall determine for the current purposes of the bank.

General meeting.
[§ 4, 5 of 1927.]

**8.** A general meeting of the depositors of the said bank shall be held once a year, on or before the thirtieth day of June, at which meeting the board of directors shall submit a statement of the affairs of the said bank for the preceding year.

Special meeting.

**9.** The board of directors may call special general meetings when they think proper; and, on the requisition of any two directors delivered in writing to the secretary, it shall be obligatory on him to call a special general meeting within fifteen days from the date of the delivery of such requisition.

Notice of general meetings.
[§ 2, 17 of 1930.]

**10.** Seven days' notice of every general meeting shall be published in all the local newspapers.

Board of directors to make rules and regulations.

**11.** The board of directors may from time to time make rules and regulations touching the business of the said bank, which said rules and regulations shall not come into operation until they shall have been approved of by the Governor.

Regulations when valid to be kept in a book.

**12.** Such rules and regulations shall be entered in a book to be kept at the office of the said bank, which book shall be open at all reasonable hours to the inspection of the depositors.

Regulations on whom binding.

**13.** The said rules and regulations so made as aforesaid shall be binding on the board of directors and officers of, and all depositors in, and all borrowers and other persons having dealings with, the bank, and their respective heirs, executors, administrators, assigns, and agents, without further notice thereof.

Printed copies of regulations to be furnished.

**14.** The board of directors, and all officers, depositors, borrowers, and other persons having dealings with the bank, and their respective heirs, executors, administrators, assigns,



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and agents, shall, on demand, be entitled to be furnished by the secretary of the said bank with one printed copy of the said rules and regulations, as often as the same are altered and amended, free of expense, and any additional copies on a reasonable payment for the same.

Depositors.
[§ 2, 14 of 1928.]

**15.** (1) No depositor shall be allowed to deposit in the bank any sum less than fifty cents at any one time or more than two thousand rupees in any one year, nor shall any depositor be allowed to have deposits in the bank amounting at any one time to more than six thousand rupees, including accrued interest.

(2) Nothing in this section shall be deemed to apply to deposits by any charitable society or institution.

Moneys in name of married woman.

**16.** Any deposit made in the name of a married woman, or in the name of a woman who shall marry after such deposit, shall be deemed to be the separate property of such woman, and shall be accounted for and paid to her as if she were an unmarried woman :

Provided that nothing herein contained shall, as against the creditors of a husband, give protection to any deposit made by him in fraud of such creditors, and that any moneys so deposited may be followed as if this section had not been passed.

Charitable societies as depositors.
[§ 3, 14 of 1928.]

**17.** Any charitable society or institution may deposit funds in the bank, but no such society or institution shall be allowed to deposit any sum less than fifty cents at any one time or more than three thousand rupees in any one year, or to have deposits in the bank amounting at any one time to more than nine thousand rupees, including accrued interest :

Provided that the bank may at any time refuse to receive a deposit from any charitable society or institution, and may give thirty days notice in writing to the treasurer, trustees, or officers of any such society or institution to withdraw from the bank all or any part of the money standing to the credit of the society or institution, and from and after the expiration of such thirty days no further interest shall be payable on the sum of money to which such notice relates.

Interest on deposits.
[§ 4, 14 of 1928.]

**18.** No interest shall be paid or allowed by the bank on any deposits standing to the credit of any depositor, which are in excess of the sum prescribed either by section 15 or



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by section 17 as the maximum sum which may be held by such depositor at any one time.

Discharge for payments made to charitable societies.

**19.** The receipt of any such treasurer, trustees, or officers for the time being of any such society or institution, for money withdrawn by or paid to such society or institution, shall be a sufficient discharge to the said bank in that behalf.

Deposits by or on behalf of minors.

**20.** The said bank may receive deposits from or for the benefit of minors, subject to the same regulations as to deposits made by others, and it shall be lawful for the bank to pay to such minors the interest which may become due on such deposits. Any deposit made by or on behalf of any minor may be paid to him personally, or to his guardian for his use, if the deposit was made by any person other than the minor, together with the interest accrued thereon. The receipt of any minor or guardian for money paid to him under this section shall be a sufficient discharge therefor.

Arbitration.

**21.** In case any dispute shall arise between the board of directors of the said bank, or any person or persons acting under them, and any individual depositor therein, or any trustee of a depositor, or any person claiming to be heir, executor, administrator, assign, or agent of such depositor, then and in every such case the matter so in dispute shall be referred to two arbitrators, one to be appointed by each party, which arbitrators shall in the first instance conjointly appoint an umpire, and the judgment of such arbitrators or umpire shall be conclusive :

Provided that neither party shall be entitled to institute any suit in reference to such dispute as aforesaid until after the same has been referred to arbitration in manner aforesaid, and then only in case of the arbitrators or umpire failing to make an award within the time specified in the order of reference, or, if no time is specified therein, within a reasonable time.

Investment of deposits.

**22.** The several sums which shall from time to time be deposited in the bank shall be invested by the treasurer, with the concurrence of the directors, on the mortgage of immovable property in this Island, or in such Government securities of the United Kingdom of Great Britain and Northern Ireland, or of India, or of this Island, or of any British colony as may be approved by the Governor or in the debentures of the Ceylon [§ 2, 26 of 1933.]



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State Mortgage Bank, and the treasurer is hereby empowered, with the concurrence of the directors, from time to time to sell, realize, or otherwise dispose of any investments or securities made by him under the provisions of this section :

Provided, however, that in the event of the investment of any money in Great Britain, the same shall be made in the names of the Crown Agents for the time being, who are hereby empowered from time to time to sell or otherwise dispose of such securities ;

[§ 5, 5 of 1927.]

Provided also that should any moneys remain in the hands of the treasurer over and above the principal of the moneys deposited in the said bank, the same may, until so invested as aforesaid, be deposited at interest by the treasurer, with the concurrence of the directors, in any bank, approved of by the Governor, carrying on business in this Island.

Instruments need not specify the name of treasurer.

**23.** All mortgages, hypothecations, bonds, receipts, instruments, and securities for moneys invested or deposited as aforesaid shall be granted to " the treasurer of the Ceylon Savings Bank ", without specifying the name of the treasurer.

Actions by and against the bank.

**24.** All suits and actions to be instituted by or against the bank shall be instituted by or against the Attorney-General of the Island for the time being.

Deposits and payments.

**25.** The accountant of the bank shall pay to the treasurer all sums of money received by him from depositors, as often as the same shall amount to five hundred rupees ; and the treasurer shall not make any payment unless the person or persons applying for that purpose shall produce to him an order signed by the secretary and one director.

Bank officers to give security and to contribute to Widows' and Orphans' Pension Fund.

**26.** The secretary, the accountant, and other officers of the bank receiving salaries from the funds of the bank are hereby declared to be public officers in the employment of the Government of Ceylon, and may be required to give security for the due performance of the duties of their respective offices under the provisions of the Public Officers (Security) Ordinance. And all such officers in the receipt of salaries of not less than two hundred and fifty rupees per annum shall be liable to contribute to the Widows' and Orphans' Pension Fund under the provisions of the Widows' and Orphans' Pension Fund Ordinance.



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Letters of administration when to be dispensed with.

**27.** In case of the death of any depositor whose deposits including interest thereon, shall not amount to rupees two thousand five hundred, and where the treasurer shall be satisfied by affidavit that the depositor died intestate, and that no letters of administration are required by law to be taken out, the treasurer shall be at liberty to pay the amount of such deposits to any person or persons appearing to him to be entitled thereto as heir or heirs at law of the deceased depositor; and such payment shall be a full discharge from all further liability in respect of the money so paid.

Effects of bank in whom vested.

**28.** All moneys, goods, chattels, and effects whatsoever, and all securities for money or other obligatory instruments and evidences or muniments of title, and all other effects whatsoever, and all rights or claims, belonging to or held by the said bank, shall vest in the Government of this Island for the use and benefit of the said bank and the respective depositors therein, their heirs, executors, administrators, or assigns respectively, according to their respective claims and interest, and also shall, for all purposes of action or suit, as well criminal as civil, in anywise touching or concerning the same, be deemed and taken to be, and shall in every such proceeding (where necessary) be stated to be the property of "the Crown" without further description.

Exemption from stamp duty.

**29.** No power, warrant, or letter of attorney granted or to be granted by the board of directors, nor any power, warrant, or letter of attorney given by any depositor in the said bank to any other person, authorising him to make any deposit of any sum of money in the said bank on behalf of the said depositor, or to sign any document or instrument required by the rules or regulations of the said bank to be signed on making such deposit, or to receive back any sum of money deposited in the said bank, or the dividends or interest arising therefrom, nor any receipt nor any entry in any book of receipts for money deposited in the said bank, nor for any money received by any depositor, his executors, or administrators, assigns, attorneys, or agents, from the funds thereof, nor any draft or order, nor any appointment of any agent, nor any certificate or other instrument for the revocation of such appointment, nor any bond or other instrument or document whatsoever required or authorised to be given, issued, signed, made, or produced in pursuance of this Ordinance or of the rules and regulations of the said bank, shall be subject to or be charged with any stamp duty or duties whatsoever.

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# CHAPTER 279.

## IMPERIAL BANK OF INDIA.

*Ordinance No. 1 of 1921.*

AN ORDINANCE TO MAKE PROVISION FOR THE TRANSFER TO THE IMPERIAL BANK OF INDIA OF THE UNDERTAKING AND PROPERTY OF THE BANK OF MADRAS.

[27*th January*, 1921.]

Preamble.

WHEREAS the Bank of Madras is a Bank now constituted and regulated by an Act of the Legislature of British India entitled The Presidency Banks Act, 1876, and subsequent amending Act or Acts :

And whereas an Act of the said Legislature entitled The Imperial Bank of India Act, 1920, has provided for the constitution of an Imperial Bank of India for the purpose of taking over the undertakings of the said Bank of Madras and of the Bank of Bengal and the Bank of Bombay as constituted by the said Presidency Banks Act, 1876, and subsequent amending Act or Acts, and to carry on the business of banking in accordance with the provisions of the said Act :

And whereas it is provided by the said Imperial Bank of India Act, 1920, that, subject to the provisions of the said Act, as from the appointed day as thereby defined the undertaking of the said Bank of Madras shall be transferred to and shall vest in the said Imperial Bank of India :

And whereas the appointed day is defined in the said Act to mean such day as the Governor-General of India in Council may appoint for the commencement of the said Act :

And whereas the said Bank of Madras maintains a branch or agency in Ceylon, and carries on business and owns and possesses property in Ceylon :

And whereas it is expedient to make provision for the transfer to the said Imperial Bank of India of the undertaking of the said Bank of Madras in Ceylon from the said appointed day :



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Be it therefore enacted by the Governor of Ceylon, by and with the advice of the Legislative Council thereof, as follows :

Short title.

**1.** This Ordinance may be cited as the Imperial Bank of India Ordinance.

Interpretation.

**2.** In this Ordinance, unless the context otherwise requires—

"appointed day" means the day on which The Imperial Bank of India Act, 1920, shall come into operation in India ;

"the Bank" means The Imperial Bank of India as constituted by the Act of the Legislature of British India entitled "The Imperial Bank of India Act, 1920," and any Act or Acts amending or substituted for the said Act ;

"the Bank of Madras" means the Bank of Madras as constituted and regulated by the Act of the Legislature of British India entitled "The Presidency Banks Act, 1876," and any Act or Acts amending or substituted for the said Act.

Transfer of undertaking of Bank of Madras in Ceylon to the Imperial Bank of India.

**3.** (i) Subject to the provisions of this Ordinance, the undertaking in Ceylon of the Bank of Madras shall, as from the appointed day, be transferred to and shall vest in the Bank.

(ii) The said undertaking shall be deemed to include all rights, powers, authorities, and privileges, and all property, movable and immovable, including cash balances, reserve funds, investments, and all other interests, and rights in or arising out of such property as may be in the possession of the Bank of Madras immediately before the appointed day, and all books, accounts, and documents relating thereto, and shall also be deemed to include all debts, liabilities, and obligations of whatsoever kind then existing of such undertaking.

(iii) All contracts, deeds, bonds, agreements, and other instruments of whatever nature subsisting or having effect immediately before the appointed day, and to which the Bank of Madras is a party, shall be of as full force and effect against or in favour of the Bank, as the case may be, and may be enforced as fully and effectually as if, instead of the Bank of Madras, the Bank had been a party thereto.



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Officers in employment of Bank of Madras in Ceylon at commencement of Ordinance.

**4.** Every officer and servant employed immediately before the appointed day by the Bank of Madras, who shall under or by virtue of The Imperial Bank of India Act, 1920, become an officer or servant of the Bank, shall from the appointed day be deemed an officer or servant of the Bank for the purpose of this Ordinance.

Stay of proceedings against Bank of Madras.

**5.** As from the appointed day no person shall make, assert, or take any claims, demands, or proceedings against the Bank of Madras, or against a director or officer thereof in his capacity as such director or officer, except in so far as may be necessary for enforcing the provisions of this Ordinance or of The Imperial Bank of India Act, 1920, so far as the same may be enforceable in Ceylon.

References to Bank of Madras in enactments and instruments.

**6.** (i) All references to the Bank of Madras contained in any Ordinance or in any rules or regulations made under or by virtue of any Ordinance shall from the appointed day be deemed to be references to the Bank so far as the context permits.

(ii) Where by any instrument power is given to invest in, to hold, or to exercise any rights in regard to shares or stock in the Bank of Madras, then that power may be exercised as if the same power were given by such instrument in regard to shares in the Bank.

(iii) A power of attorney in favour of the Bank of Madras or in favour of the Bank of Madras and its officers shall be deemed, as the case may be, to be a power of attorney in favour of the Bank or of the Bank and its officers.

Saving as to rights of His Majesty and others.

**7.** Nothing in this Ordinance contained shall prejudice or affect the rights of His Majesty the King, His heirs, and successors or of any body politic or corporate, or of any other persons, except such as are mentioned in this Ordinance, and those claiming by, from, or under them.



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# CHAPTER 280.

## LOAN BOARD.

AN ORDINANCE TO PROVIDE FOR THE CONSTITUTION AND MANAGEMENT OF THE LOAN BOARD AND TO MAKE CERTAIN UNCLAIMED BALANCES AVAILABLE FOR CERTAIN PUBLIC PURPOSES.

*Ordinances* Nos. 4 of 1865, 10 of 1926.

[1*st July*, 1866.]

**1.** This Ordinance may be cited as the Loan Board Ordinance. Short title.

LOAN BOARD AND OFFICERS.

**2.** It shall be lawful for the Governor, subject to the pleasure of His Majesty, His heirs, and successors, from time to time as occasion may require, to appoint three or more fit and proper persons to be the Commissioners of the Loan Board, and to nominate one of them to be the Chief Commissioner ; and they shall hold office during pleasure, and exercise the duties and powers hereby conferred on them. Governor to appoint Commissioners of Loan Board.

**3.** It shall be lawful for the Governor from time to time to appoint such secretary, clerks, and other ministerial officers as to him may appear necessary, to assist the Commissioners in the execution of the duties and powers hereby conferred on them. Governor to appoint secretary, clerks, &c.

**4.** The Deputy Financial Secretary shall be the Treasurer of the Loan Board, provided, however, that nothing herein contained shall prevent the Deputy Financial Secretary being appointed a Commissioner in addition. Treasurer.

**5.** The Governor may from time to time, direct to be paid out of the funds of the Treasury, to such Commissioners, secretary, clerks, and officers as aforesaid, such salaries or remuneration as to him shall appear reasonable. Salaries.

MEETINGS OF LOAN BOARD.

**6.** Meetings of the Commissioners for the despatch of business shall be held, and special meetings shall be convened Meetings of Commissioners.



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at such times and with such notice to the Commissioners as shall be fixed by general rules made under section 9.

Chairman.

**7.** The Chief Commissioner shall be the Chairman of such meeting. In his absence it shall be competent to the Commissioners to elect one of their own body.

Majority to decide.

Quorum.

Casting vote.

**8.** All acts whatsoever authorised or required by virtue of this Ordinance to be done by the Loan Board may and shall be done and decided by the majority of the Commissioners, such number not being less than two. When the votes of the Commissioners present in regard to any question shall be equally divided, the Chairman, besides his vote as a Commissioner, shall have a casting vote.

RULES AND REGULATIONS.

Commissioners may make rules and regulations.

**9.** It shall be lawful for the Commissioners to make such rules and regulations as they may deem expedient for any of the following purposes :—

(*a*) for regulating the meetings and proceedings of the Commissioners ;

(*b*) for determining the securities upon which loans are to be made and the charges payable by borrowers ;

(*c*) for determining the rates of interest on loans and deposits ;

(*d*) for determining the distribution of interest realized upon the loans ;

(*e*) for regulating the books and forms of accounts to be kept and rendered ;

(*f*) for providing for every other matter not herein specially provided for, but necessary for the due regulation of the board and the funds thereof :

Provided that such rules and regulations be not repugnant to or inconsistent with any of the provisions of this Ordinance, and that copies thereof with all convenient speed be transmitted to the Governor for the approval, amendment, or disallowance thereof by the Governor ; and the said rules so approved or amended shall thereupon become as legal, valid, and effectual as if the same had been inserted herein.



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GENERAL PROVISIONS.

Control of Loan Board, &c., to be vested in Commissioners.

**10.** As soon as Commissioners have been appointed for the purposes of this Ordinance, the management of the Loan Board and all control and superintendence over or regarding the investment, management, and administration of any of the funds heretofore and now administered by the Loan Board (to wit, the funds administered in the time of the Dutch Government by the Weeskamer and Boedelkamer, the funds formed of the deposits made by the suitors of the Supreme Court of Judicature, the funds formed of the deposits made by suitors in the different District Courts in this Island, or by or on account of trustees, tutors, curators, guardians, executors, administrators, receivers, minors, insane or interdicted persons, deceased persons, insolvents' and trust estates, and all funds of whatever description which have come to the custody of the Loan Board or are at present administered by it) shall be vested in and be exercised by the said Commissioners, subject to the limitations herein prescribed, and the Judges of the Supreme Court shall be relieved from any share in the general superintendence and control over the said board, and from the necessity of affixing their signatures to the accounts and other documents thereof:

Provided that nothing herein contained shall be construed to limit or affect the jurisdiction of the said Supreme Court in any question that may come before it for judgment in due course of law, affecting the title to or the recovery of any money or estate, or part of such funds as aforesaid, or affecting the application thereof to the use of any suitor or other person thereto entitled.

Commissioners to be trustees.

**11.** All moneys and estate forming at present the funds hereinbefore mentioned, and which are invested by or in the name of the Registrar of the Supreme Court, or lying in deposit subject to the disposal of the Loan Board, or which are vested in, due to, or in any way within the power or under the control of either of them, shall be deemed to be vested in the said Commissioners of the Loan Board hereunder appointed in trust for the use of the persons who shall be entitled to the same, and for the uses, ends, and purposes further in this Ordinance provided and declared.

Commissioners to invest suitors' fund, subject to certain rules.

**12.** It shall be lawful for the said Commissioners from time to time to lend out at interest all such moneys hereby vested in them as trustees as aforesaid, or which may have been or may hereafter be transmitted by or from or on account of the



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several courts and Judges of this Island to the Treasury, subject to such rules and regulations regarding investment, security, change of securities, interest, conditions, and administration as they may from time to time make as herein provided.

Commissioners to sue and be sued.

**13.** The Commissioners hereby appointed shall be entitled to sue upon all bonds, obligations, mortgages, and securities, and all contracts whatever heretofore granted to or made by the Loan Board or the Registrar of the Supreme Court on behalf of the Loan Board, and to recover the same, and to appear in all suits or proceedings already commenced or taken in which the Loan Board or the said Registrar is interested, for and on behalf of the Loan Board ; and all bonds, obligations, mortgages, and all contracts whatsoever to, by, or with the Commissioners hereunder appointed, and all suits and actions by or against the said Commissioners, shall be made to, by, or with them, and shall be instituted by or against them, under the name of " The Commissioners of the Loan Board," without specifying the names of the individual Commissioners or any of them ; and no action shall abate by reason of the death, removal, resignation, incapacity, or going out of office of any of them ; and the service of all process in any suit or action against the said Commissioners shall be made on the secretary.

Duty of Board to keep books of account.

**14.** The Commissioners of the Loan Board shall from time to time order and direct a book or books to be kept, in which shall be entered true and regular accounts of all sums of money received, paid, and expended by the Loan Board and of the several articles, matters, and things in respect of which sums of money shall have been disbursed.

Power to Auditor-General to audit accounts.

**15.** All accounts kept by the Board under the last preceding section or otherwise shall be subject to audit by the Auditor-General, who shall have power at all times, by himself or by any person appointed by him in writing, to inspect all books and documents of account, and to call for the production of all documents or vouchers necessary for the verification of such accounts.

Parate execution.

**16.** It shall be lawful for the Commissioners of the Loan Board to sue out from any court having jurisdiction over the person or effects of any person who now owes or may hereafter owe money to the Loan Board, and who shall not repay the principal amount at the period by his obligation stipulated,



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in one month after demand made in writing by or in the name of the said Commissioners, or shall make default in the payment of the stipulated interest, due on the same for more than one month, process of parate execution against the body and effects of such person ; and every such court is hereby authorised and directed on the application of the said Commissioners, verified by affidavit of any Commissioners swearing to the existence of the obligation and default, forthwith, and without further notice or delay, to issue such process.

Power of Commissioners to purchase property. [§ 2, 10 of 1926.]

**17.** (1) Where in a hypothecary action an order is made that any property mortgaged to the Commissioners shall be sold, the Commissioners may purchase the mortgaged property or any part thereof in the same manner and subject to the same restrictions and conditions as may other mortgagees in similar circumstances.

(2) All property so purchased shall be conveyed to the Commissioners as such, and it shall not be necessary to mention the names of the Commissioners in the conveyance, and after such conveyance the property shall vest in the Commissioners from time to time without any further conveyance or transfer.

(3) The Commissioners shall hold property so purchased by them upon trust to sell the same as and when, in their opinion, a sale shall be beneficial and until sale shall have full power to manage the property and expend money thereon and to let the same.

(4) All conveyances on sale, leases, agreements, and other documents relating to property so purchased by the Commissioners may be executed by the Chief Commissioner and either the Secretary of the Loan Board for the time being or at least one other Commissioner, and the conveyances on sale, leases, agreements, and other documents so executed shall be as valid and effectual as if they had been executed by each and every of the said Commissioners.

(5) All purchases hitherto made by the Commissioners of properties mortgaged to them are hereby declared to be as valid and effective for all intents and purposes as if this section had been in force at the time of such purchase, and the properties so purchased shall vest in the Commissioners from time to time without any further conveyance or transfer, and shall be subject to the provisions of subsection (3) of this section.



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Expenses of establishment.

**18.** The Commissioners of the Loan Board shall pay to the Government of Ceylon as a contribution towards the expenses of the establishment of the Board one-fifth share of all interest accruing from the investments made by the Loan Board :

Provided that if in any year the said expenses amount to more than the said one-fifth share, the actual amount of such expenses shall be so deducted.

Agents to transmit moneys to the Treasury.

**19.** At the end of every month the Government Agent of each province in the Island shall transmit to the Treasury at Colombo the balance, if any, which at the end of every such month shall be in his hands to the credit of each and every District Court within his province, or if such balance be in favour of such Government Agent in account with any of the District Courts within his province, he shall then draw upon the said Treasury for the amount of such balance ; and all suitors and other persons entitled to the moneys so transmitted to the Treasury shall be entitled to the same advantages and interest, subject to the same conditions as the moneys now under the administration of the Loan Board are entitled and subject to, or to which they shall become entitled and subject by any rules and regulations to be made as herein provided.

Disposal of moneys long unclaimed.

**20.** Whereas certain moneys heretofore administered by the Loan Board have been in deposit for very long periods of time and no claims have been preferred to them, and the retention of them in the books and accounts of the Board is productive of much inconvenience, it is enacted as follows :—

If unclaimed for more than a third part of a century, money forfeited to the Crown.

(1) If any money now or which may hereafter come under the administration of the Loan Board shall have been in deposit to the credit of any person or estate, and shall not have been claimed by any person having a just and lawful right thereto for the period of one-third of a century from the date of such deposit, or having been claimed, such claim shall have been abandoned, withdrawn, or not prosecuted within one year from the date of claim, or if such claim has been set aside, then and in every such case every account with such person or estate shall be closed, and all such money shall, owing to the lapse of such period, become the property of the Crown, and shall be paid over by the Commissioners of the Loan Board to the Deputy



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Financial Secretary, to be carried to the account of the public revenue, but to be appropriated for such purposes cognate to or connected with the administration of justice as the State Council shall by resolution sanctioned by the Governor determine.

If unclaimed for more than ten years and upwards, but less than a third part of a century, moneys to be paid to the general revenue, which is made liable for the payment of such claims.

(2) If any money now or which may hereafter come under the administration of the Loan Board shall have been in deposit for any period less than one-third of a century to the credit of any person or estate, and shall not have been claimed by any person having just and lawful right thereto for ten years and upwards, or having been claimed such claim shall have been abandoned, withdrawn, or not prosecuted within one year from the date of claim, or if such claim has been set aside, then and in every such case (after the expiration of ten years and upwards aforesaid) every account with such person or estate shall be closed; and all such money shall, owing to the lapse of time, be paid over by the Commissioners of the Loan Board to the Deputy Financial Secretary, to be carried to the account of the public revenue, but to be appropriated for such purposes cognate to or connected with the administration of justice as the Governor shall from time to time determine:

Provided, however, that if any person shall within one-third of a century from the date of such deposit establish a claim to any portion of the said last-mentioned moneys to the satisfaction of a competent Court of Justice, such claim, as well the principal money as the interest due thereon, shall be paid by the Government out of the general revenue, which is hereby declared liable to meet all such claims.

Interest never to exceed principal.

**21.** No person entitled to receive interest on any money in deposit in the Loan Board shall be entitled to receive as interest a larger amount than the principal, in case, at the time of payment, the interest unpaid and in arrear shall exceed the principal.

Nothing herein to affect liability of board to account to courts or to execute its orders.

**22.** Nothing herein contained shall be deemed to affect the liability of the Loan Board to account to the different courts for the moneys placed in deposit by the orders of such courts, or to conform to and comply with such orders as it has heretofore done.



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# CHAPTER 281.

## LOCAL LOANS.

*Ordinances* Nos. 22 of 1916, 6 of 1930, 25 of 1931.

AN ORDINANCE TO PROVIDE FACILITIES FOR THE GRANTING OF LOANS FOR LOCAL PURPOSES OF PUBLIC UTILITY.

[*5th August*, 1916.]

Short title.

**1.** This Ordinance may be cited as the Local Loans and Development Ordinance.

Commissioners.

**2.** (1) For the purposes of this Ordinance the Governor may appoint a Board of Commissioners to be called "The Local Loans and Development Commissioners" (hereinafter referred to as "the Commissioners").

(2) The Commissioners shall be of such number, and shall be appointed subject to such conditions, as the Governor may determine.

(3) The Deputy Financial Secretary for the time being shall be appointed a Commissioner, and shall be Chairman of the Board.

(4) The Commissioners from time to time so appointed, including all persons appointed to fill temporary and casual vacancies, shall constitute a body corporate, and shall have perpetual succession and a common seal, and may sue and be sued in the name of "The Local Loans and Development Commissioners."

Staff.

**3.** (1) The Commissioners may from time to time appoint or employ a secretary, and such number of professional, clerical, or other officers as they may, with the consent of the Governor, deem necessary, and may from time to time assign to any persons so appointed or employed by them such salary or remuneration as they, with the sanction of the Governor, may think proper.

(2) No Commissioner shall receive any remuneration in consideration of the discharge of his duties :



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Provided that nothing in this subsection contained shall preclude any Commissioner from receiving such travelling allowance or other expenses as may be sanctioned by regulations made under this Ordinance.

Duties of Commissioners.

**4.** It shall be the duty of the Commissioners out of the fund provided by this Ordinance from time to time, in accordance with the provisions of this Ordinance, to make loans for any of the purposes thereby authorised, on such terms as to security and repayment and otherwise as they may determine.

Assignment of existing loans.

**5.** (1) The Governor may by Order notified in the *Government Gazette* assign to the Commissioners any loan already granted by the Government to any person, society, or body of persons, or to any local authority, including any loan converted under section 29 of this Ordinance, and thereupon all sums due in respect of the said loans shall become payable to the Commissioners on the same terms and conditions as those on which prior to such assignment they were payable to the Government, and all securities for the payment of such sums shall be enforceable in the same manner as if they had been given in respect of a loan under this Ordinance.

(2) Every such loan shall for the purposes of this Ordinance be deemed to be a loan under this Ordinance.

Expenses of Ordinance.

**6.** All expenses incurred by the Commissioners in execution of this Ordinance shall be paid out of moneys provided by the State Council.

Constitution of fund.

**7.** (1) For the purpose of this Ordinance there shall be constituted a fund to be called " The Local Loans and Development Fund " (hereinafter referred to as " the fund ").

(2) There shall be paid into the fund—

(*a*) all such sums as may be appropriated to the fund by Ordinance or by resolution of the State Council ;

(*b*) all sums from time to time falling due in respect of any loan under this Ordinance ;

(*c*) all other sums which may in any other manner become payable to the Commissioners in respect of any matter incidental to their powers and duties under this Ordinance.

(3) There shall be paid out of such fund—

(*a*) all such loans as may be granted by the Commissioners ;



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(*b*) all such sums in the way of contribution to the revenue of the Island as may from time to time be ordered by the Governor.

Purposes of loans.

**8.** (1) The Commissioners may out of the fund, from time to time as they think it expedient, make loans for the following purposes :—

(*a*) to any local authority for the purpose of any work of public utility which such authority may be authorised by law to undertake ;

[§ 2, 6 of 1930.]

(*b*) to any society registered under the Co-operative Societies Ordinance, for any purpose of the society ;

(*c*) to any Government officer for the purpose of building a house for his own residence ; and

(*d*) to any person, body, or local authority, for any purpose of public utility that may be approved by the Governor.

(2) Notwithstanding anything contained in this section, the Governor may at any time before the same shall have been advanced disallow any loan proposed by the Commissioners to be made under this section.

Limits of borrowing powers.

**9.** Every loan to a local authority under this Ordinance shall be subject to the limits of the borrowing powers of such local authority under any general or other Ordinance regulating its powers and duties, and for the purpose of the application of the said limits a loan under this Ordinance shall be deemed to be raised under the authority of such Ordinance.

Regulations.

**10.** The Commissioners, subject to the approval of the Governor, may make regulations for the following purposes :—

(*a*) the proceedings of the Board and the transaction of its business ;

(*b*) the custody and use of its common seal and the manner in which documents shall be executed on its behalf ;

(*c*) the duties of its staff ;

(*d*) the conditions as to interest, security, repayment, or otherwise on which loans shall be granted ;

(*e*) generally for the exercise of its powers and the discharge of its duties under this Ordinance.



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Minutes and proceedings.

**11.** (1) Any minute made of proceedings at meetings of the Commissioners, if signed by any person purporting to be the Chairman, either of the meeting of the Commissioners at which such proceedings took place, or of the next ensuing meeting of the Commissioners, shall be receivable in evidence in all legal proceedings, without further proof, and until the contrary is proved every meeting of the Commissioners, in respect of the proceedings of which minutes have been so made, shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified to act.

(2) An act or proceeding of the Commissioners shall not be questioned on account of any vacancy or vacancies in their body.

Report.

**12.** (1) The Commissioners shall annually cause to be made out for every financial year a report of their transactions under this Ordinance during the year.

(2) Every such report shall contain such particulars as the Governor may direct, and shall be published for general information in such manner as he may think fit.

Audit.

**13.** (1) The accounts of the Board shall once in every financial year be laid before Government and audited under its direction.

(2) The report of the auditor upon the accounts of the Board, together with an abstract of the accounts, shall be published annually for public information in such manner as the Governor shall direct.

Security for loans.

**14.** (1) Before advancing any money on account of a loan, the Commissioners shall take security for the repayment of the loan with the interest thereon, consisting of—

(*a*) a mortgage of immovable property ; or

(*b*) a mortgage of any rate or tax, together with (save as hereinafter provided) a personal security.

(2) The Commissioners may, if they think fit, dispense with personal security in any case in which in their opinion the mortgaged property or rate is sufficient security for the payment of the principal and interest of the loan within the stipulated period.



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[§ 2, 25 of 1931.]

(3) The Commissioners may, if they think fit, in the case of any society registered under the Co-operative Societies Ordinance dispense with any security other than an obligation binding upon the Society and its members.

Power of local authority to mortgage rate or tax.

**15.** (1) For the purpose of providing security for any loan under this Ordinance, a local authority may, with the approval of the Governor, mortgage to the Commissioners any rate or tax which the authority is by law authorised to make or impose, for such period as may be agreed upon.

(2) Where a loan is granted by the Commissioners on the security of a mortgage of any rate or tax, whether with or without any other security, such rate or tax, from and after the date of the mortgage, shall be charged with the payment to the use of His Majesty of the loan with interest as in the mortgage mentioned.

Charge on property and priority of loan.

**16.** Where a loan is granted by the Commissioners on the security of a mortgage of any property, whether with or without any other security, the property from and after the date of the mortgage shall be charged with the payment to the use of His Majesty of the loan with interest as in the mortgage mentioned, in priority, save so far as otherwise specified in the mortgage, over every other debt, mortgage, or charge whatsoever affecting the property, except any loan due to any creditor not assenting to such priority which has been advanced in good faith before the loan advanced by the Commissioners and secured by a duly registered mortgage of the property executed to a person who is entitled as a bona fide creditor to the repayment thereof with interest :

Provided that if there is more than one such creditor, and not less than four-fifths in value of such creditors consent in writing that the said charge shall have priority over the loans and mortgages of such creditors, in such case the loans and mortgages of all such creditors, as well those who have not agreed as those who have agreed, shall be postponed to the loan granted by the Commissioners and to the said charge thereof, and to the security for the same.

Power where rate or tax in default.

**17.** (1) Where any loan under this Ordinance is secured by the mortgage of any rate or tax, whether with or without any other security, and default is made in making payment according to the terms of mortgage, it shall be lawful to the



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Governor, without prejudice to any remedy, to appoint an officer with the powers following :—

(*a*) to make any rate or impose any tax which the local authority may make or impose for the purpose of fulfilling its obligations under the mortgage ;

(*b*) to receive and collect the proceeds of any rate or tax so made or imposed, or made or imposed by the local authority, and to pay such proceeds, or so much thereof as the Commissioners may require, for the purpose of defraying the amount due under the mortgage.

(2) Every officer so appointed shall have and may exercise the same powers, authorities, and duties as if he had been appointed by the local authority, and it shall be the duty of all officers of the local authority to give to such officer all such assistance as he may require for the purposes aforesaid.

(3) Every such officer in making an estimate of the rate or tax to be made or imposed under this section may add such sum as he may think sufficient for defraying all costs, charges, and expenses, including remuneration to any officer or other person employed, incurred by such officer in the execution of his powers under this section, or otherwise incurred by the Commissioners by reason of the default in payment.

Loans by Commissioners a Crown debt.

**18.** Every sum payable to the Commissioners in pursuance of any loan under this Ordinance shall be deemed to be payable to the use of His Majesty, His heirs and successors, and may be recovered in the same manner as a debt to the Crown under the Crown Debtors Ordinance.

Security for completion of works partly finished or not commenced.

**19.** Where the Commissioners grant a loan in aid of any work which is either partly completed or not commenced, they may by a bond to His Majesty or otherwise take such security for the application of the loan to the work, and for the due completion of the work, including the raising of sufficient funds for that purpose, as they may think sufficient for securing the interest of the public.

Examination as to proper application of moneys lent.

**20.** (1) Where a loan under this Ordinance has been advanced for any purpose on the security of any rate or tax, it shall be the duty of the Commissioners to satisfy themselves that the loan is applied to such purpose, and they may from



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time to time make such examination as they may think necessary with a view to ascertain that such loan has been so applied.

(2) For the purpose aforesaid the Commissioners may appoint any officer to conduct on their behalf any examination under this section, and such officer shall have the same powers to require the attendance of persons and the production of accounts and other documents, so far as such attendance or production is required for the purpose of such examination, as a District Judge has in relation to matters within his jurisdiction.

Order of Commissioners upon examination.

**21.** (1) Where upon any examination made in pursuance of the last preceding section it appears to the Commissioners that any sum being the whole or part of the money raised by the loan has not been applied for the said purpose, the Commissioners may order that sum to be, within the time named in the order, applied either for the said purpose or towards the repayment to the Commissioners of the principal of the loan, or partly in one of such ways and partly in the other; and further, if it appears to them that the sum or any part thereof has been applied for some purpose other than that for which it was advanced, may by the same or any other order direct a sum equal to the amount so misapplied to be raised within the time and out of the fund, rate, or tax named in the order, and to be applied as directed by the order.

(2) An order made by the Commissioners in pursuance of this section may be enforced by writ of mandamus.

Misapplication of loan.

**22.** (1) If any loan or any part of any loan advanced under this Ordinance shall be applied to any purpose other than that provided for in the mortgage, the Commissioners may, without prejudice to any other remedy provided by this Ordinance, by notice in writing addressed to the mortgagor, recall the said loan or any part thereof, and may require the same, or such part thereof, to be repaid on such date as may be specified in the notice, and any security given for the purpose of the loan shall be enforceable accordingly.

(2) If any mortgagor to whom any loan shall have been advanced under this Ordinance, or any person entrusted, or purporting to be entrusted, with the same or any part thereof, or with the application of the same or any part thereof, shall



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apply the same to any purpose other than that provided for in the mortgage, every such person—

(*a*) unless he proves that he acted in good faith and without knowledge that he was not entitled so to apply the same, shall be gulity of an offence and shall be liable, in addition to any civil liability, to a fine not exceeding the amount so misapplied ;

(*b*) if he shall have acted wilfully and knowingly, shall be guilty of the offence of criminal breach of trust, and shall be liable to the punishment prescribed therefor.

Enforcement of securities.

**23.** Where any immovable property mortgaged as security for a loan granted under this Ordinance is sold for the purpose of the enforcement of the security, the Commissioners may buy any such property at the sale, and may manage the same in accordance with regulations made under this Ordinance, and may sell or otherwise dispose of the same in such manner as they may think fit.

Power to administer oaths.

**24.** (1) The Commissioners may examine any persons willing to be examined on any matters connected with the execution of this Ordinance, and may for that purpose or otherwise for the purpose of the execution of this Ordinance administer an oath and take any affidavit or declaration.

(2) Any person who, when examined by the Commissioners in pursuance of this Ordinance or any regulation made under this Ordinance, wilfully gives false evidence, or who, for the purpose of obtaining a loan under this Ordinance, wilfully gives information to the Commissioners which is false in any material particular, shall be guilty of an offence, and may be tried and punished in the same manner as if he had given false evidence in a judicial proceeding.

Suspension of payment of principal and interest.

**25.** The Commissioners may postpone for any time not exceeding five years the payment of any sum in respect of principal and interest, or either, due or to become due, in respect of a loan under this Ordinance for the purpose of any work or enterprise, upon such terms and conditions, for the completion and carrying-out of such work or enterprise, and the ultimate payment of such principal and interest as they may authorise.

Change of security.

**26.** The Commissioners may, subject to the prescribed regulations, if under the circumstances they think fit, accept



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any security in lieu of any security previously given to them or any part of such security, subject to such terms and conditions as they direct, so however that the substituted security shall be of the character which the Commissioners might take if the loan were originally granted at the time of such substitution.

Power to extend time, compound, or release.

**27.** The Commissioners, subject to the approval of the Governor, may from time to time extend the period for the repayment of any loan, or compound, or release any loan or any part thereof, subject to such terms and conditions as they may think fit.

Payment of loan before the same is due.

**28.** The Commissioners may, if they think fit, at any time accept payment of the whole or any part of the principal and interest of any loan or other money secured by any mortgage under this Ordinance before the time when the same is due, and may release or convey the mortgaged property to the person paying the same, or as he may direct, upon such terms and conditions and in such manner and form as the Commissioners may deem expedient.

Conversion of existing loans.

**29.** (1) The Governor may direct that any loan advanced to any local authority before the commencement of this Ordinance, which is repayable by means of a sinking fund, shall be converted into a loan repayable by instalments of principal and interest, and such loan shall be converted accordingly, and thereupon the security given for the purpose of the repayment of the loan and the interest due in respect thereof before such conversion shall be deemed to have reference to such loan as converted, and shall be enforceable accordingly.

(2) Subject to any special agreement between the Government and the local authority, the terms of such conversion shall be as follows :—

(*a*) all investments made for the purpose of the sinking fund shall be transferred to the Government in reduction of the amount due under the loan at the market value of the respective securities at the date of the transfer ;

(*b*) the annual amount payable in respect of principal and interest under the conversion shall not exceed the annual amount payable in respect of the sinking fund and interest under the original loan.



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Service of notices.

**30.** (1) Notices, directions, orders, and documents required by this Ordinance, or by any regulation made under this Ordinance, to be served or sent may, unless otherwise expressly provided, be served and sent by post, and until the contrary is proved shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that the letter containing the notice, direction, order or document was prepaid and properly addressed and put into the post.

(2) Notices and documents required by this Ordinance, or by any regulation made under this Ordinance, to be served on the Commissioners, may be so served by serving the same on their secretary, or by sending the same addressed to or delivering the same at the office of the Commissioners.

Meaning of mortgagor.

**31.** All references to a mortgagor shall, if need be, be deemed to include a reference to the successors, heirs, executors, administrators, and assigns of, or other persons claiming through or under such mortgagor.

Local authority not to include Municipality of Colombo.

**32.** The expression "local authority" in this Ordinance shall not include the Municipality of Colombo.



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# CHAPTER 282.

## PUBLIC WORKS LOAN (1909).

*Ordinance No. 6 of 1909.*

AN ORDINANCE TO MAKE PROVISION FOR RAISING A LOAN OF THREE MILLION FOUR HUNDRED AND THIRTY-SIX THOUSAND EIGHT HUNDRED AND FIFTY-FOUR POUNDS STERLING FOR THE CONSTRUCTION OF CERTAIN PUBLIC WORKS AND OTHER PURPOSES.

[23*rd March*, 1909.]

Short title.

**1.** This Ordinance may be cited as the Public Works Loan (1909) Ordinance.

Authority to Governor to borrow by sale of debentures or inscribed stock.

**2.** The Governor is hereby authorised to issue stock or debentures, or both, under the provisions of "The General Loan and Inscribed Stock Ordinance, 1907" * to an amount sufficient to produce, as nearly as may be, the sum of three million four hundred and thirty-six thousand eight hundred and fifty-four pounds sterling, and such further sum as may be necessary to defray the expenses of issue.

Application of loan.

**3.** The money to be borrowed under the authority of this Ordinance shall be appropriated and applied to the purposes specified in the Schedule, and to no other purpose :

Provided that it shall be lawful for the Governor, with the previous approval of a Secretary of State, to direct that any sums which may not be required for a purpose specified in the Schedule may be appropriated and applied to any other purpose therein specified.

Commencement of contribution to sinking fund.

**4.** Contribution to sinking fund, as contemplated by the provisions of sections 13 and 27 of "The General Loan and Inscribed Stock Ordinance, 1907" * shall commence after the expiration of three years from the date on which the interest on the first debentures or inscribed stock to be issued under this Ordinance shall begin to run.

* Repealed by 5 of 1921.



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## SCHEDULE.

PURPOSES TO WHICH LOAN IS APPLICABLE. [Section 3.]

| | | £ |
|---|---|---|
| 1. | Colombo Harbour Works .. .. | 800,000 |
| 2. | Railway Construction (1899 programme) .. | 98,400 |
| 3. | Duplication of Colombo Water Main .. | 55,867 |
| 4. | Irrigation .. .. .. | 113,333 |
| 5. | Colombo Stations Extension .. .. | 296,666 |
| 6. | Ratnapura Railway .. .. | 200,000 |
| 7. | Colombo Drainage (First Series of Works) .. | 333,334 |
| 8. | Colombo Drainage (Second Series of Works) .. | 500,000 |
| 9. | Colombo Lake Development .. .. | 319,900 |
| 10. | Karaiur Reclamation, Jaffna .. .. | 10,000 |
| 11. | Duplication of Moratuwa and Ragama Railway Lines .. .. .. | 180,000 |
| 12. | Mannar Railway .. .. | 409,254 |
| 13. | Motor Traction .. .. | 120,000 |
| 14. | Extension of Railway where most required (nominal) .. .. .. | 100 |
| | Total .. | 3,436,854 |



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# CHAPTER 283.

## PUBLIC WORKS LOAN (1921).

*Ordinance No. 6 of 1921.*

AN ORDINANCE TO MAKE PROVISION FOR A LOAN OF SIX MILLION POUNDS STERLING FOR THE CONSTRUCTION OF CERTAIN PUBLIC WORKS AND OTHER PURPOSES.

[16*th February*, 1921.]

Short title.

**1.** This Ordinance may be cited as the Public Works Loan (1921) Ordinance.

Authority. Governor to borrow by sale of debentures or inscribed stock.

**2.** (1) The Governor is hereby authorised to issue stock or debentures, or both, under the provisions of the General Loan and Inscribed Stock Ordinance to an amount sufficient to produce, as nearly as may be, the sum of six million pounds sterling, to be appropriated and applied to the purposes specified in the Schedule, and such further sum as may be necessary to defray the expenses of issue :

Provided that no expenditure shall be incurred in respect of the tenth item in the Schedule, until such expenditure shall have been approved by a resolution of the State Council and by the Secretary of State.

(2) It shall be lawful for the Governor to direct that any sums which may not be required for a purpose specified in the Schedule may be appropriated and applied to any other purpose therein specified :

Provided that no such transfer of money from one item of the Schedule to any other item thereof shall be made, unless such transfer shall first have been approved by a resolution of the State Council and by the Secretary of State.

Commencement of contribution to sinking fund.

**3.** The contributions to sinking fund, as contemplated by sections 13 and 27 of the General Loan and Inscribed Stock Ordinance, shall commence after the expiration of three years from the date on which the interest on the first debentures or inscribed stock to be issued under this Ordinance shall begin to run.



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**4.** The borrowing powers created by the Public Works Loan (1909) Ordinance, except to the extent to which they have been already exercised at the date of the commencement of this Ordinance shall as from such date cease to be operative. Repeal.

## SCHEDULE.

PURPOSES TO WHICH THE LOAN IS APPLICABLE. [Section 2.]

| | | £ |
|---|---|---|
| 1. | Repayment to the general balance of the Island of sums advanced therefrom to the Municipal Council of Colombo for construction of the Colombo Drainage Works and the extension of the Colombo Waterworks .. .. | 1,420,000 |
| 2. | Colombo Lake Development .. .. | 172,000 |
| 3. | Kolonnawa Oil Depot .. .. | 260,000 |
| 4. | Colombo Stations Extensions .. .. | 241,000 |
| 5. | Harbour Rail Connection .. .. | 71,000 |
| 6. | Duplication of the Main Line . .. | 532,000 |
| 7. | Badulla Railway Extension .. .. | 358,000 |
| 8. | Puttalam Railway Extension .. .. | 515,000 |
| 9. | Batticaloa-Maho and Trincomalee Light Railway | 950,000 |
| 10. | Other Works of Development .. .. | 1,481,000 |
| | Total .. | 6,000,000 |



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# CHAPTER 284.

## PUBLIC WORKS LOAN (1929).

*Ordinance* No. 26 of 1929.

AN ORDINANCE TO MAKE PROVISION FOR CERTAIN LOANS FOR THE CONSTRUCTION OF CERTAIN PUBLIC WORKS AND OTHER PURPOSES.

[29*th November*, 1929.]

Short title.

**1.** This Ordinance may be cited as the Public Works Loan (1929) Ordinance.

Authority to Governor to borrow for certain purposes.

**2.** The Governor is hereby authorised to raise by a loan or loans a total sum not exceeding thirty-eight million eight hundred and forty thousand rupees to be appropriated and applied in accordance with the provisions of sections 7 and 10 of this Ordinance and for the purposes specified in the Schedule, and, in addition to such sum as aforesaid, such further sum as may be necessary to defray the expenses of the raising of the loan.

Loans to be a charge upon general revenue and assets.

**3.** The principal moneys and interest subscribed or payable in respect of a loan authorised by this Ordinance are hereby charged upon and shall be payable out of the general revenue and assets of the Island.

Method of issuing loans.

**4.** A loan authorised by this Ordinance may be raised by such instalments, at such time or times, and by such of the following methods as the Governor may direct—

(*a*) by the issue of stock under the provisions of the Ceylon Inscribed Rupee Stock Ordinance ;

(*b*) by the issue of stock or debentures or both under the provisions of the General Loan and Inscribed Stock Ordinance ;

(*c*) by any other method or methods approved by a resolution of the State Council and by the Secretary of State.



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Rate of exchange in calculation of amount of sterling loan.

**5.** For the purpose of calculating the total sum which may be borrowed under the authority of this Ordinance any sum borrowed in sterling currency shall be converted into rupees at the rate of one shilling and six pence to the rupee.

Transfer of sums from an item of Schedule to another purpose.

**6.** It shall be lawful for the Governor to direct that any sum provided under any item of the Schedule which may not be required for the purpose indicated in that item may be appropriated and applied to any other purpose, whether indicated in the Schedule or not :

Provided that no such transfer of money from any one purpose to any other purpose shall be made unless such transfer shall first have been approved by a resolution of the State Council and by the Secretary of State.

Refund from loan to general revenue.

**7.** There shall be refunded out of the proceeds of the loan or loans raised in accordance with section 2 to the general revenue of the Island :—

(*a*) all sums expended therefrom prior to the first day of October, nineteen hundred and twenty-nine, not exceeding a total of twenty-five million rupees, in respect of any of the items mentioned in the Schedule ;

(*b*) all sums which may have been or may be expended therefrom after the first day of October, nineteen hundred and twenty-nine, in respect of any of the said items.

Enlargement of limitation of interest imposed by section 3 of the Ceylon Inscribed Rupee Stock Ordinance.

**8.** Notwithstanding the proviso to section 3 of the Ceylon Inscribed Rupee Stock Ordinance, any stock issued under the provisions of that Ordinance for a purpose authorised by or under this Ordinance may bear interest at a rate not exceeding six per centum per annum.

Date of commencement of contributions to sinking fund.

**9.** If a loan or any part thereof authorised by this Ordinance shall be issued under the provisions of the Ceylon Inscribed Rupee Stock Ordinance, or under the provisions of the General Loan and Inscribed Stock Ordinance, the date from which contributions to the sinking fund in respect of any stock or debentures so issued shall commence shall be such date, not later than three years after the date from which interest on such stock or debentures shall be payable, as the Governor shall determine.



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Power to issue Treasury Bills, and to repay expenditure in respect thereof from money borrowed under this Ordinance.

**10.** (1) In anticipation of the issue of the whole or any portion of any loan authorised by this Ordinance, the Governor may, if he shall think fit, raise such instalments of any such loan as he may deem to be required by the issue of Treasury Bills under the Colonial Treasury Bills Ordinance, or the Local Treasury Bills Ordinance.

(2) Sums raised under this section shall be applied in the manner authorised for the loan in anticipation of which they are raised, and upon the raising of such loan the Governor may—

(*a*) expend from such loan such sums as may from time to time be necessary to meet the liabilities of the Island in respect of any such Treasury Bill; and

(*b*) refund from such loan to the general revenue of the Island a sum equal to the amount which shall have been or may be expended therefrom in respect of such liabilities.

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## SCHEDULE.

[Section 2.]

PURPOSES TO WHICH THE LOAN IS APPLICABLE.

| | *Railway.* | Rs. |
|---|---|---|
| 1. | Completion of the Batticaloa-Trincomalee Light Railway, including improvements to permanent way .. .. .. | 2,498,010 |
| 2. | Ratmalana carriage and locomotive workshops . | 6,685,920 |
| 3. | Additional rolling stock (1927–28 and 1928–29 programmes) .. .. | 5,003,395 |
| 4. | Maradana station enlargement and new carriage sidings .. .. .. | 2,500,000 |
| 5. | Coal stacking ground : Dematagoda .. | 850,000 |
| 6. | New stations : Kondavil, Tellipallai, and Egoda Uyana .. .. .. | 194,000 |
| 7. | Additions and improvements to, and remodelling of stations : Fort, Moratuwa, Panadure, Kalutara South, Anuradhapura, Manampitiya, and Trincomalee .. .. | 2,606,825 |
| 8. | Bungalows and workmen's dwellings .. | 359,000 |
| 9. | Duplication of parts of Coast and Kelani Valley lines .. .. .. | 1,160,000 |
| 10. | New engine shed and yard : Nawalapitiya .. | 958,500 |
| 11. | Additional crossing stations and additional areas, accommodation and equipment for goods traffic at various stations, including Colombo Goods, Puliyankulam, Moragollagamuwa, Welikanda, Tampalakamam, Hatton, and Jaffna | 750,100 |
| 12. | Additional signalling at stations .. | 53,000 |



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| | | Rs. |
|---|---|---|
| 13. | Track circuiting: Kelaniya, Hunupitiya, and Veyangoda .. .. .. | 42,000 |
| 14. | Coal stage, crane, and turntable: Galle .. | 28,700 |
| 15. | Better yard accommodation and lining drain: Kandy .. .. .. | 118,000 |
| 16. | Washing out plant for engines: Anuradhapura . | 45,000 |
| 17. | Extension of water supply: Fort and Vavuniya.. | 34,500 |
| 18. | Safety measures and repairs of slips and washaways on Main, Northern, and Puttalam lines. | 129,800 |
| | *Electrical Undertakings.* | |
| 19. | Purchase of the Colombo Electric Tramways and Lighting Co.'s plant, land, buildings, and goodwill .. .. .. | 3,452,667 |
| 20. | Stanley power station and new distribution system .. .. .. | 5,488,970 |
| 21. | Changing over the existing voltage and supply of the Colombo distribution system to 230 volts | 500,000 |
| 22. | Extensions of the Colombo Electricity Supply to adjacent areas .. .. | 1,191,163 |
| | *Telephones.* | |
| 23. | Extension and development of the telephone system .. .. .. | 2,499,740 |
| 24. | Underground cable: Colombo-Kalutara .. | 710,000 |
| | *General.* | |
| 25. | Loan to Tea Research Institute of Ceylon .. | 980,710 |
| | | 38,840,000 |



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# CHAPTER 285.

## PUBLIC WORKS LOAN (1937).

*Ordinances* Nos. 5 of 1937, 6 of 1937.

AN ORDINANCE TO AUTHORISE A SUM OF ONE HUNDRED MILLION RUPEES TO BE RAISED BY WAY OF LOAN FOR THE CONSTRUCTION OF CERTAIN PUBLIC WORKS AND FOR OTHER PURPOSES.

[18*th March*, 1937.]

Short title.

**1.** This Ordinance may be cited as the Public Works Loan (1937) Ordinance.

Authority to raise loan.

**2.** The Governor is hereby authorised to raise by way of loan a sum not exceeding one hundred million rupees for the purposes mentioned in the first column of the Schedule.

Method of raising loan.

**3.** The loan or any part of the loan authorised by this Ordinance may be raised at such time or times as the Governor may determine under the General Loan and Inscribed Stock Ordinance, or under any other Ordinance which may hereafter be enacted to make provision for the creation and issue of registered stock, Government promissory notes and bearer bonds for the purpose of raising loans in Ceylon.

Authority to raise additional sums for incidental expenses, &c.

**4.** In addition to the sum specified in section 2, the Governor is hereby authorised to raise in the manner prescribed in section 3 such further sums as may be necessary for the purpose—

(*a*) of defraying the expenses incurred in raising the loan or any part thereof; and

(*b*) of paying the stamp duty on transfers of such stock as may be issued under the General Loan and Inscribed Stock Ordinance.

Determination of sterling equivalent of authorised loan.

**5.** For the purpose of determining in sterling currency the amount of any loan or part of a loan authorised by this Ordinance to be raised in rupee currency, one shilling and six pence shall be deemed to be the equivalent of one rupee.



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Appropriation and expenditure.

**6.** Save as hereinafter provided, the sums respectively specified in the second column of the Schedule shall, out of any moneys raised under the authority of this Ordinance, be appropriated for the purposes mentioned in the corresponding entries in the first column of that Schedule ; but no expenditure shall at any time be incurred for any purpose mentioned in the first column of the Schedule until such expenditure shall have been authorised by a resolution passed by the State Council and ratified by the Governor :

Provided that nothing in this section shall apply to any refund to general revenue authorised by section 8.

Variation of appropriation authorised in Schedule.

**7.** It shall be lawful for the Governor to direct that any sum or part of any sum appropriated by or under this Ordinance for any purpose mentioned in the first column of the Schedule, shall, if it is not required for that purpose, be appropriated and applied to any other purpose whether mentioned in the Schedule or not :

Provided that no such direction shall be given by the Governor unless the variation of the appropriation made in the Schedule shall first have been approved by resolution of the State Council and sanctioned by the Secretary of State. [§ 2, 6 of 1937.]

Refund from loan to revenue.

**8.** Out of the total sum raised under the authority of this Ordinance, there shall be refunded to the general revenue of Ceylon—

(*a*) a sum not exceeding sixteen million rupees in repayment of all sums expended out of the general revenue prior to the first day of October, nineteen hundred and thirty-six, in respect of any of the items mentioned in the Schedule ; and

(*b*) all sums expended out of the general revenue on or after the first day of October, nineteen hundred and thirty-six, in respect of any of the said items.

Power to issue Treasury Bills and to repay expenditure in respect thereof from loan.

**9.** (1) In anticipation of the raising of any loan or of any part of any loan under the authority of this Ordinance, the Governor may, if he thinks fit, raise such sum as he may deem necessary by the issue of Treasury Bills under the Colonial Treasury Bills Ordinance, or the Local Treasury Bills Ordinance, or under both those Ordinances.

(2) Every sum raised under this section shall be applied in the manner authorised for the loan or part of the loan in



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respect of which that sum is raised, and upon the raising of such loan or part of such loan the Governor may—

(*a*) expend therefrom such amounts as may from time to time be necessary to meet the liabilities of the Government in respect of the Treasury Bills issued under subsection (1), or

(*b*) where such liabilities have been met in the first instance out of the general revenue, refund to the general revenue such sums as may have been expended therefrom for that purpose.

Date of first contribution to sinking fund of loan issued under Ordinance.

**10.** Where the loan or any part of the loan authorised by this Ordinance is issued under the provisions of the General Loan and Inscribed Stock Ordinance, the date from which contributions to the sinking fund shall commence shall be such date, not later than three years after the date from which interest on such loan may first become payable, as the Governor may determine.

Exemption from taxes and duties.

**11.** The interest payable—

(*a*) upon any inscribed stock or debentures issued by authority of this Ordinance under the General Loan and Inscribed Stock Ordinance, and

(*b*) upon any registered stock, promissory notes or bearer bonds issued by authority of this Ordinance under any Ordinance hereafter to be enacted and held by the Government of any part of His Majesty's Dominions (including therein any British protectorates or protected state and any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty),

shall be exempt from all taxes and duties leviable or payable under any written law in force in Ceylon notwithstanding anything in any such written law to the contrary.

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[Sections 2 and 6.]

## SCHEDULE.

| | I. | II. |
|---|---|---|
| | *New Works and Buildings.* | Rs. |
| 1. | New office accommodation in Colombo .. | 2,000,000 |
| 2. | Law Courts .. .. | 2,000,000 |
| 3. | New buildings for the Government Stores Department .. .. | 1,250,000 |
| 4. | Wireless beacons .. .. | 84,000 |
| 5. | Komari Lighthouse .. .. | 141,000 |



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| I. | | II. |
|---|---|---|
| | | Rs. |
| 6. | Aerodrome at Ratmalana and Emergency Landing Ground, Puttalam .. | 400,000 |
| 7. | House of Detention and Home for Vagrants at Wanatamulla .. .. | 170,000 |
| 8 | Training School for Youthful Offenders at Watupitiwela .. .. | 480,000 |
| 9. | Model Processing house for Jaffna Malayalam Tobacco Co-operative Sale Society .. | 60,000 |
| 10. | Veterinary Department and Farm School (Transfer and reorganisation) .. | 150,000 |
| 11. | Erection of a Public Aquarium .. | 175,000 |
| 12. | Replacement of the S.T. " Nautilus " (Department of Fisheries) .. .. | 150,000 |
| 13. | Improvements to existing salterns and construction of brine tanks .. | 100,000 |
| 14. | Plants for manufacture of refined salt, &c., and of caustic soda and chloride of lime .. | 185,000 |
| 15. | Out-Patient Dispensary for Colombo .. | 750,000 |
| 16. | Hospital for Incurables .. .. | 150,000 |
| 17. | Leper Hospital .. .. | 330,000 |
| 18. | Mental Hospital .. .. | 325,000 |
| 19. | Acquisition of land for building quarters for the resident staff of the General Hospital who now live in rented buildings .. | 500,000 |
| 20. | Acquisition of land in Colombo for reclamation | 600,000 |
| 21. | Extension to Library, University College .. | 200,000 |
| 22. | Extension of the Colombo Museum .. | 300,000 |
| 23. | State Council and Secretariat Buildings .. | 3,701,297 |
| | *Roads and Bridges.* | |
| 24. | High-Level Road to Avissawella .. | 2,616,747 |
| 25. | Alawwa Bridge .. .. | 358,833 |
| 26. | Widening Colombo-Galle Road .. | 5,250,000 |
| 27. | Hayes-Lauderdale Road .. .. | 50,000 |
| | *Water Supply Scheme.* | |
| 28. | Water Supply, Trincomalee .. | 1,000,000 |
| | *Post and Telegraph.* | |
| 29. | New Workshops and new Sorting Office, Colombo .. .. .. | 1,000,000 |
| 30. | New Post Offices and Postal Buildings in different parts of the Island .. | 500,000 |
| 31. | Modernizing the existing telephone system, including buildings, and estensions to the existing Government Telephone Systems .. | 3,177,000 |
| 32. | Radio Development .. .. | 245,000 |
| | *Colombo Port Commission.* | |
| 33. | Oil Dock, Deep Water Quay, &c. .. | 12,000,000 |
| 34. | Two new Tugs .. .. | 1,000,000 |
| 35. | Lebnitz Rock Breaker .. .. | 300,000 |
| 36. | New Caisson for Graving Dock .. | 400,000 |
| 37. | Third Lock and Bridge at McCallum Road .. | 670,000 |
| 38. | Deepening Colombo Harbour .. | 860,000 |
| 39. | Rock removal .. .. | 380,000 |
| 40. | Extension to Graving Dock .. | 1,120,000 |



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| | I. | II. |
|---|---|---|
| | | Rs. |
| | *Electrical Undertakings.* | |
| 41. | Hydro-Electrical Scheme and other Electrical extensions and new works .. | 24,000,000 |
| | *Irrigation Works.* | |
| 42. | Irrigation Schemes .. .. | 15,150,000 |
| | *Miscellaneous.* | |
| 43. | Government Model Farms .. .. | 1,000,000 |
| 44. | Industrial Development .. .. | 3,000,000 |
| 45. | Water Supply Schemes .. .. | 7,500,000 |
| 46. | New roads and bridges and other works of development .. .. | 4,221,123 |
| | | 100,000,000 |



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# CHAPTER 286.

## COLONIAL TREASURY BILLS.

AN ORDINANCE TO PROVIDE FOR THE ISSUE OF TREASURY BILLS BY THE CROWN AGENTS IN LONDON ON BEHALF OF THE GOVERNMENT OF CEYLON.

*Ordinance* No. 7 of 1923.

[31*st July*, 1923.]

Short title.

**1.** This Ordinance may be cited as the Colonial Treasury Bills Ordinance.

Power to borrow by the issue of Treasury Bills.

**2.** The Governor whenever authorised thereto by a resolution of the State Council may request the Crown Agents for the Colonies to borrow by the issue in London of Ceylon Government Treasury Bills, sums not exceeding the amount specified in such resolution ; and the Crown Agents may also, with the approval of the Governor, borrow from time to time by the issue of such Treasury Bills, such sums as may be required to pay off at maturity, Bills already lawfully issued by them and outstanding.

Principal of Bills.

**3.** The principal moneys represented by the Treasury Bills issued under the provisions of this Ordinance are hereby charged upon and shall be payable out of the general revenues and assets of the Island.

Proceeds of Bills.

**4.** The proceeds of the issue of the Treasury Bills shall be paid into the General Account of the Island with the Crown Agents for the Colonies.

Amounts and period of Currency of Bills.

**5.** Every Treasury Bill issued under this Ordinance shall be for the sum of one thousand pounds or a multiple of one thousand pounds and shall be payable at par at such time or times as the Governor or the Crown Agents for the Colonies on his behalf shall before the issue of such Treasury Bills, fix and determine, but not later than one year from the date of issue.

Repayment of Bills.

**6.** The Governor shall appropriate out of the general revenues of the Island, the necessary sum to pay the principal



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represented by the Treasury Bills and shall remit that sum to the Crown Agents for the Colonies in London at such time as will enable them to pay the said principal at their office in London when the Treasury Bills fall due.

Cancellation of repaid Bills.

**7.** Upon repayment of the principal moneys represented by the Treasury Bills, the Bills shall be delivered up to the Crown Agents, to be by them cancelled and forwarded to the Government of Ceylon.



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# CHAPTER 287.

## LOCAL TREASURY BILLS.

AN ORDINANCE TO PROVIDE FOR THE BORROWING OF MONEY BY THE ISSUE OF TREASURY BILLS IN CEYLON.

*Ordinance* No. 8 of 1923.

[31*st July*, 1923.]

Short title.

**1.** This Ordinance may be cited as the Local Treasury Bills Ordinance.

Power to borrow by the issue of Treasury Bills.

**2.** The Governor whenever authorised thereto by a resolution of the State Council may direct the Deputy Financial Secretary to borrow by the issue in the Island of Ceylon Government Treasury Bills, sums not exceeding the amount specified in such resolution; and the Deputy Financial Secretary may also, with the approval of the Governor, borrow from time to time by the issue of such Treasury Bills, such sums as may be required to pay off at maturity, Bills already lawfully issued by him and outstanding.

Principal of Bills.

**3.** The principal moneys represented by the Treasury Bills issued under the provisions of this Ordinance are hereby charged upon and shall be payable out of the general revenues and assets of the Island.

Proceeds of Bills.

**4.** The proceeds of the issue of the Treasury Bills shall be paid into the Treasury.

Amounts and period of currency of Bills.

**5.** Every Treasury Bill issued under this Ordinance shall be for the sum of one thousand rupees or a multiple of one thousand rupees and shall be payable at par at such time or times as the Governor shall before the issue of such Treasury Bills fix and determine, but not later than one year from the date of issue.

Repayment of Bills.

**6.** The Governor shall appropriate out of the general revenues of the Island the necessary sum to pay the principal



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represented by the Treasury Bills, and shall direct the Deputy Financial Secretary to pay the said principal at the Treasury in Colombo when the Treasury Bills fall due.

Cancellation of repaid Bills.

**7.** Upon repayment of the principal moneys represented by the Treasury Bills, the Bills shall be delivered up to the Deputy Financial Secretary to be by him cancelled and retained on behalf of the Government of Ceylon.



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# CHAPTER 288.

## GENERAL LOAN AND INSCRIBED STOCK.

AN ORDINANCE TO DECLARE THE TERMS AND CONDITIONS APPLICABLE TO LOANS AUTHORISED TO BE RAISED BY THE GOVERNMENT OF CEYLON AND TO PROVIDE FOR THE CREATION OF CEYLON INSCRIBED STOCK.

*Ordinances* Nos. 5 of 1921, 6 of 1928, 29 of 1935, 12 of 1937.

[16*th February*, 1921.]

Short title.

**1.** This Ordinance may be cited as the General Loan and Inscribed Stock Ordinance.

Loans to be raised by debentures or inscribed stock.

**2.** Whenever by any Ordinance authority shall have been given, or shall hereafter be given, to raise any sum of money for the purposes mentioned in such Ordinance, the Governor, or the Crown Agents acting on his behalf, may from time to time, as he or they may deem expedient, raise such sum either by debentures or by Ceylon inscribed stock, or partly by debentures and partly by inscribed stock.

Loans to be a charge upon general revenue.

**3.** The principal moneys and interest represented by the debentures or inscribed stock issued under the provisions of this Ordinance are hereby charged upon and shall be payable out of the general revenues and assets of the Island of Ceylon.

Borrowing upon debentures.

**4.** When the Governor, or the Crown agents acting on his behalf, shall deem it expedient to raise money by debentures such debentures shall be issued in London, on behalf of the Government of Ceylon by the Crown Agents, upon the best and most favourable terms that can be obtained, and shall be signed by any one of them on that behalf.

Amount of each debenture.

**5.** Every debenture issued under the provisions of this Ordinance shall be for the sum of not less than one hundred pounds sterling.



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Redemption of debentures.
[§ 2, 29 of 1935.]

**6.** The debentures shall be redeemable either—

(*a*) at par on a fixed date to be declared at the time of issue of the debentures, such date being not later than sixty years from the date of the issue :

Provided that the Governor or the Crown Agents acting on his behalf may reserve the option to redeem the debentures at some earlier date on such conditions as may be declared at the time of issue ; or

(*b*) by annual drawings at par, or at the option of the Governor or the Crown Agents acting on his behalf of purchase at or below par.

Interest coupons.

**7.** There shall be attached to every debenture coupons for the payment of the interest to become due in each half-year upon the principal represented by the debenture. The coupon shall be sufficient in number to provide for the payment of the interest, either during the whole period for which the debenture has to run, or for such limited period as the Crown Agents, acting on behalf of the Government of Ceylon, may determine.

Form of debentures and coupons.

**8.** The debentures, and the coupons thereto, shall be in such form as the Governor, or the Crown Agents acting on his behalf, may direct or approve.

Debentures and coupons transferable by delivery.

**9.** Every debenture and coupon, and the right to receive the principal and interest represented thereby, shall be transferable by delivery.

Registry of debentures.

**10.** Every debenture shall, before being issued, be registered in a register book to be kept for that purpose at the office in London of the Crown Agents.

Payment of interest.

**11.** The interest upon the principal represented by each debenture shall run from the day named in that behalf in the debenture, and shall be paid half-yearly on the days named in that behalf in the debenture at the office in London of the Crown Agents.

Mode of providing for payment of interest on debentures.

**12.** (1) So long as any of the debentures remain outstanding, the Governor shall, in each half-year ending with the day on which the interest on the debentures falls due, appropriate out of the general revenues and assets of the



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Island of Ceylon a sum equal to one half-year's interest on the whole of the debentures issued, including any which may have been redeemed, but exclusive of any which may have been at any time exchanged for inscribed stock, and shall remit that sum to the Crown Agents at such time as will enable them to pay thereout the then current half-year's interest on the day on which it falls due.

(2) Debentures shall not be deemed to be outstanding for the purpose of this Ordinance by reason only that one or more of the debentures have not been presented for payment on the day appointed for payment, and have, in consequence, not been paid.

Further sums to be remitted for the redemption of the debentures. [§ 3, 29 of 1935.]

**13.** The Governor shall, in the half year ending on the date specified in the terms of issue of the loan as that on which the first contribution to the sinking fund shall be taken, and in each subsequent half year, appropriate out of the said revenues and assets of the Island of Ceylon for the formation of a sinking fund an additional sum equal to one-half of the annual contribution specified in the prospectus, or in the case of a loan not issued publicly, in the terms of issue, relating to the loan, and the said contribution shall be in respect of the total nominal amount of all the debentures issued, including any which may have been redeemed, but exclusive of any which may have been at any time exchanged for inscribed stock, and shall remit that sum to the Crown Agents with the remittance hereinbefore mentioned.

Application of sinking fund.

**14.** The sinking fund shall be applied in the first place in payment of all expenses of, or incidental to, the redemption of the debentures, and the cost and expenses of all notices required by this Ordinance to be given, and in the next place, and subject to the aforesaid payments, in repayment of the principal moneys for the time being represented by the debentures.

Creation of sinking fund for redemption of debentures payable on a fixed date. [§ 4, 29 of 1935.]

**15.** In the case of debentures redeemable on a fixed date the Crown Agents shall invest so much of the money so remitted to them as aforesaid as shall not be required for the payment of interest for the current half-year in the purchase of such securities as may be approved by His Majesty's Principal Secretary of State for the Colonies as a sinking fund for the final extinction of the debt, and the Crown Agents shall also invest the dividends, interest, or produce of such investments



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in the purchase of like securities, and may from time to time, with the approval of the Secretary of State, change any such investments, and shall hold such fund in trust for the repayment of the principal moneys for the time being represented by the debentures.

Disposal of sinking fund when debentures are redeemed by purchase or by annual drawings.

**16.** In the case of debentures redeemable by annual drawings, the Crown Agents shall place and keep the moneys so remitted to them, or so much thereof as may not be required for immediate payments, at interest, and shall hold all such moneys and the accumulations thereon in trust, to apply them in the first place to the purchase of the debentures when they can be obtained at a price not exceeding par, and secondly, to the redemption of the debentures by means of annual drawings.

Appointment of day for drawing of debentures.

**17.** After the date specified in the Ordinance authorising a loan as that on which the contributions to the sinking fund shall commence in respect of that loan, and so long thereafter as any of the debentures remain outstanding and unsatisfied, the Crown Agents shall in every year, unless the whole of the money applicable in that year to the redemption of debentures has been applied in the purchase thereof, appoint a day in that year for the drawing by lot of the debentures to be redeemed.

Notice of time and place appointed for drawing.

**18.** If a day is appointed for drawing, the Crown Agents shall give, by advertisement in the London *Times* newspaper, not less than fifteen days' previous notice, specifying the day on which, and the hour and place at which, the drawing will take place.

Mode of drawing.

**19.** On the day and at the hour and place so specified the Crown Agents shall hold a meeting, at which the holder of any debenture may, if he think fit, be present, and shall then in the presence of such debenture holders, if any, as may attend, and of a notary public, draw by lot out of the whole number of debentures for the time being outstanding debentures of the specified nominal amount.

Notice of debentures drawn for redemption.

**20.** The Crown Agents shall thereupon declare the distinguishing numbers of the debentures drawn for redemption, and shall as soon as may be, by advertisement in the London *Times* newspaper, specify those numbers, and appoint a day, not being later as to each debenture than the day on which the



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then current half-year's interest thereon is payable, on which the principal moneys represented by the debentures so distinguished will be repaid.

Payment of drawn debentures.

**21.** On the day so appointed the Crown Agents shall, at their office in London, on demand, pay to the holders of the debentures drawn for repayment the principal moneys represented by those debentures, with all interest payable thereon up to that day.

Cesser of interest from day appointed for payment of principal.

**22.** From and after the day appointed for the repayment of any debenture all interest on the principal moneys represented thereby shall cease and determine, whether payment of the principal shall have been demanded or not.

Redeemed debentures to be cancelled.

[§ 5, 29 of 1935.]

**23.** Upon the repayment of the principal moneys represented by any debenture, the debenture with all the coupons thereunto belonging shall be delivered up to the Crown Agents, to be by them cancelled and disposed of in such manner as the Governor or the Crown Agents acting on his behalf may decide. Any debenture redeemed by purchase shall be cancelled and disposed of in like manner.

Borrowing upon inscribed stock.

(40 & 41 Vict. c. 59.)

**24.** When the Governor, or the Crown Agents acting on his behalf, shall deem it expedient to raise money by the issue of Ceylon inscribed stock, then such stock shall be issued in England by the Crown Agents under the provisions of the Act of the Imperial Parliament entitled " The Colonial Stock Act, 1877," upon the best and most favourable terms that can be obtained.

Redemption of inscribed stock.

[§ 6, 29 of 1935.]

**25.** (1) All the inscribed stock which may be created under the provisions of this Ordinance shall be redeemable at par on a date to be named in that behalf by the Crown Agents when issuing the stock, such date not being later than sixty years from the date of issue :

Provided that the Governor or the Crown Agents acting on his behalf may reserve the option to redeem the stock in whole or in part, by drawings or otherwise, at any time prior to such date on such conditions as may be declared at the time of issue.

(2) From and after the date appointed for the redemption of the stock or any part of it all the interest on the principal moneys represented thereby shall cease and determine whether payment of the principal shall have been demanded or not.



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Mode of providing for the payment of interest on inscribed stock.

**26.** So long as any of the inscribed stock shall remain unredeemed, the Governor shall, in each half-year ending with the day on which the interest on such inscribed stock falls due, appropriate out of the general revenues and assets of the Island a sum equal to one half-year's interest on the whole of such inscribed stock, and shall remit that sum to the Crown Agents at such time as will enable them to pay thereout the then current half-year's interest on the day when it falls due.

Mode of providing for repayment of principal of inscribed stock. [§ 7, 29 of 1935.]

**27.** The Governor shall, in the half-year ending on the date specified in the terms of issue of the loan as that on which the first contribution to the sinking fund shall be taken, and in each subsequent half year, appropriate out of the said revenue and assets of the Island of Ceylon for the formation of a sinking fund an additional sum equal to one-half of the annual contribution specified in the prospectus or in the case of a loan not issued publicly, in the terms of issue, relating to the loan in respect of the total nominal amount of such inscribed stock including any such inscribed stock as may at any time have been issued in exchange for debentures under the authority of this Ordinance, and shall remit that sum to the Crown Agents with the remittance hereinbefore mentioned.

Creation of sinking fund.

**28.** The Crown Agents shall, for the purpose of forming such sinking fund, from time to time invest so much of the money so remitted to them as aforesaid as shall not be required for the payment of interest for the current half-year in the purchase of such securities as may from time to time be approved by His Majesty's Principal Secretary of State for the Colonies, and shall also invest the dividends, interest, or produce of such investments in the purchase of like securities, and may from time to time, with the approval of the Secretary of State, change any such investments, and shall hold such fund in trust for repayment of the principal moneys for the time being represented by the inscribed stock.

Charge upon general revenue.

**29.** In case the sinking funds provided for by this Ordinance shall be insufficient for the payment of all the principal moneys borrowed under the authority of this Ordinance at the time the same shall have become due, the Governor shall make good the deficiency out of the general revenues and assets of the Island of Ceylon.



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Cesser of sinking fund contribution. [§ 3, 6 of 1928.]

**30.** Notwithstanding anything to the contrary contained in this Ordinance, if at any time the trustees of the sinking fund of any loan (other than a debenture loan redeemable by annual drawings or by purchase in the market) issued under the provisions of this Ordinance or the General Loan and Inscribed Stock Ordinance, 1907*, or Ordinance No. 19 of 1884†, or to be issued under the provisions of this Ordinance are satisfied that the value of the sinking fund will be sufficient with further accumulations of interest but without further payments of contributions to enable the loan to be redeemed out of the proceeds of the sinking fund when the same shall fall due to be redeemed, the Governor may with the approval of the Secretary of State suspend further payments of contributions to the said sinking fund :

Provided always that contributions to the sinking fund shall be recommenced if the trustees shall at any time inform the Governor that it is necessary.

Expenses to be paid out of sinking fund.

**31.** All expenses of, or incidental to, the management of the sinking fund, or to the payment of the principal moneys borrowed, shall be paid out of the sinking fund.

Governor's powers in regard to loans.

**32.** The Governor shall also have and may from time to time exercise the following powers and authorities or any of them :—

Debentures convertible into inscribed stock on conditions prescribed by Crown Agents at time of issue.

(*a*) he may authorise the Crown Agents when issuing any loan in the form of debentures to declare that such debentures will be convertible into inscribed stock at such dates and on such terms and conditions as may be prescribed by the Crown Agents at the time of the issue of the debentures ;

Conversion of loans generally.

(*b*) he may declare all or any of the Ceylon loans, whether existing in the form of stock or debentures, to be convertible into inscribed stock to be issued under the provisions of this Ordinance ;

Creation and issue of stock in exchange for other securities.

(*c*) he may authorise the creation and issue of such an amount of inscribed stock in exchange for the securities held for such loans as may be necessary ;

Creation and sale of inscribed stock to raise loans and for other purposes. [§ 8, 29 of 1935.]

(*d*) he may authorise the creation and sale of any such inscribed stock or debentures for the purpose of raising money for redeeming any outstanding loans, whether issued before or after the commencement

* Repealed by 5 of 1921. † Repealed by 22 of 1907.



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of this Ordinance, for paying any expense in the creation of inscribed stock, and otherwise for carrying out the provisions of this Ordinance ;

Arrangements for conversion.

(*e*) any conversion so authorised may be effected either by an arrangement with the holders of existing securities or by purchase thereof out of moneys raised by the sale of inscribed stock, or partly in one way and partly in the other.

Exchange of securities for inscribed stock.

**33.** Nothing in this Ordinance contained shall authorise an increase of the capital or of the annual charge on any loan, except—

(*a*) when securities exchanged for inscribed stock bear a rate of interest not less than the inscribed stock, an additional amount of inscribed stock may be created and issued to make up the difference in saleable value between the securities and the inscribed stock ;

(*b*) in the case of the conversion of securities into inscribed stock, the Crown Agents shall issue such an amount of inscribed stock as may be required to defray the stamp duties and all other expenses incidental to the conversion ;

(*c*) in accordance with such terms and conditions as may be prescribed under section 32 (*a*) of this Ordinance.

Converted securities to be cancelled.

**34.** The securities exchanged or otherwise converted into inscribed stock under the provisions of this Ordinance shall be forthwith cancelled by the Crown Agents, and the debentures surrendered shall be cancelled and transmitted to the Governor of Ceylon.

Trustees to apportion amount of sinking fund released by conversion.

**35.** The trustees of the sinking fund appointed under this Ordinance, and acting under any Ordinance authorising the issue of any securities which may be exchanged into inscribed stock or cancelled or purchased under the provisions of this Ordinance, shall determine what amount of the sinking fund held by them and created for repayment of such securities shall be released, and in the determination of such question the trustees shall take into consideration the value of the whole investments held by them on account of such sinking funds, the amount of the debt remaining a charge on such sinking funds, and such matters as the trustees may think fit to take into account.



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Sinking fund released how to be disposed of.

**36.** So much of the sinking funds as may be released shall either be transferred unto the trustees of the inscribed stock sinking fund, or be disposed of in such a manner as the Governor, with the advice and consent of the State Council, may direct.

Creation, inscription, issue, conversion, and transfer of inscribed stock.

**37.** The Crown Agents may from time to time, at the request of the Governor, make arrangements for all or any of the following things :—

(*a*) for inscribing stock in their books ;

(*b*) for managing the creation, inscription, and issue of inscribed stocks ;

(*c*) for effecting the conversion of loans into inscribed stock ;

(*d*) for paying interest on inscribed stock and managing the transfers thereof ;

(*e*) for issuing inscribed stock certificates to bearer, and as often as occasion shall require re-inscribing them.

Raising of loans in Ceylon.

**38.** This Ordinance shall be applicable only to the raising of loans in England, and nothing in this Ordinance contained shall prevent the raising of loans in the Island upon such terms and conditions as shall be specified in any Ordinance authorising the raising of such loans.

Exemption of debentures and inscribed stock from taxes, duties and levies in certain cases. [§ 2, 12 of 1937.]

**39.** (1) Where any loan charged on the public revenue of Ceylon has been issued prior to the ninth day of February, nineteen hundred and thirty-two, in the form of debentures or inscribed stock, any new debentures or inscribed stock issued or to be issued in conversion of or for the purpose of redeeming any such debentures or inscribed stock, together with the interest on such new debentures or inscribed stock, may, by resolution passed by the State Council and ratified by the Governor, be exempted with effect from a date specified in such resolution from all taxes, duties and levies payable or recoverable under any written law for the time being in force in Ceylon.

(2) Where by any written law or by resolution of the State Council under subsection (1) any debentures or inscribed stock have been exempted from any taxes, duties or levies, any new debentures or inscribed stock issued or to be issued in conversion of or for the purpose of redeeming the debentures or inscribed stock so exempted, together with the interest on such new debentures or



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inscribed stock, may, by resolution passed by the State Council and ratified by the Governor, be exempted with effect from a date specified in such resolution from all taxes, duties and levies payable or recoverable under any written law for the time being in force in Ceylon.

(3) It shall be lawful to specify in any resolution of the State Council under subsection (1) or subsection (2) any date prior to the date on which that resolution is passed.

(4) Every resolution under subsection (1) or subsection (2) shall, when ratified by the Governor, be published in the *Gazette*; and the debentures or inscribed stock expressed by that resolution to be exempted from all taxes, duties and levies payable or recoverable under any written law for the time being in force shall, together with the interest on such debentures or inscribed stock, be exempt from all such taxes, duties and levies with effect from the date specified in the resolution.

Exemption of 3 per cent. Inscribed Stock, 1959–1964, from taxes.

**40.** Notwithstanding anything in any written law to the contrary, Ceylon Government 3 per cent. Inscribed Stock, 1959–1964, whether issued in conversion of any part of the Ceylon Government 6 per cent. Inscribed Stock, 1936–1951, or for cash, shall, together with the interest on such aforementioned 3 per cent. stock be exempt with effect from the date of the issue thereof from all taxes, duties or levies payable or recoverable under any written law for the time being in force in Ceylon.

Saving clause.

**41.** Nothing in this Ordinance, or in the repeal of Ordinance No. 19 of 1884*, or of "The General Loan and Inscribed Stock Ordinance, 1907†," shall affect the rights of any person who holds stock or bonds under the authority of Ordinance No. 19 of 1884*, or of "The General Loan and Inscribed Stock Ordinance, 1907†."

Interpretation.

**42.** In this Ordinance, unless the context otherwise requires—

"Crown Agents" means the person or persons for the time being acting as Crown Agents for the Colonies in England;

"Governor" means the person for the time being administering the Government of Ceylon.

* Repealed by 22 of 1907. † Repealed by 5 of 1921.



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# CHAPTER 289.

## REGISTERED STOCK AND SECURITIES.

AN ORDINANCE TO MAKE PROVISION FOR THE CREATION AND ISSUE OF REGISTERED STOCK, GOVERNMENT PROMISSORY NOTES AND BEARER BONDS FOR THE PURPOSE OF RAISING LOANS IN CEYLON.

*Ordinance* No. 7 of 1937.

[1*st April*, 1937.]

**1.** This Ordinance may be cited as the Registered Stock and Securities Ordinance. Short title.

**2.** (1) Whenever by any Ordinance, whether enacted before or after the date on which this Ordinance comes into operation, authority has been or is hereafter given to raise any sum of money by way of loan for any purpose mentioned in that Ordinance, or whenever it is necessary to raise any sum of money for the purpose of repaying any loan raised by the Government under this or any other Ordinance, the Governor may from time to time raise such sum or any part thereof under the provisions of this Ordinance in any one or more of the following modes :— Issue of registered stock promissory notes and bearer bonds for the purpose of raising authorised loans.

(*a*) by the creation and issue of registered stock ;

(*b*) by the issue of securities in the form of Government promissory notes ;

(*c*) by the issue of securities in the form of bearer bonds.

(2) Registered stock or securities issued under this Ordinance for the purpose of raising any specified sum of money shall be deemed to be stock or securities issued in respect of a separate loan notwithstanding that the sum of money so raised is part only of a sum of money authorised by any other Ordinance to be raised by way of a loan.

**3.** The principal moneys and interest represented or secured by any registered stock or securities issued under this Ordinance are hereby charged upon and shall be payable out of the general revenue and assets of Ceylon. Loans to be a charge upon revenue.



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Governor to specify mode of raising loan and other particulars.

**4.** (1) The Governor shall, in respect of each loan to be raised under this Ordinance, specify by Order published in the *Gazette*—

(*a*) the sum of money to be raised by that loan ;

(*b*) the mode or modes of raising the loan ;

(*c*) the rate of interest payable on the loan ;

(*d*) the dates in each year on which the half-yearly interest on the loan shall be payable ;

(*e*) the rate at which a half-yearly appropriation out of the general revenue and assets of Ceylon shall be made as a contribution to the sinking fund established for the purpose of redeeming that loan and the date from which such contributions shall commence ;

(*f*) the date of redemption of the registered stock or securities to be issued for the purpose of raising that loan.

(2) The date of redemption of any registered stock or securities shall not be later than sixty years from the date of issue of such stock or securities.

(3) Where the Governor deems it expedient to reserve an option to redeem any registered stock or securities at any date earlier than the date of redemption specified for such stock or securities by the Order under subsection (1), he shall by that Order further specify the terms and conditions on which such stock or securities may be redeemed at any earlier date.

Registrar to make necessary arrangements.

**5.** Upon the publication under section 4 of an Order of the Governor in respect of any loan to be raised under this Ordinance, the Registrar may, subject to the provisions of that Order and to such further directions as the Governor may issue in that behalf, make all such arrangements as may be necessary to raise that loan upon the most favourable terms that can be obtained.

REGISTERED STOCK.

Register of stock.

**6.** The Registrar shall keep a register in respect of each issue of registered stock under this Ordinance.

Liability of Government in respect of issue of registered stock.

**7.** The Government of Ceylon shall be bound to pay to the person registered for the time being as the owner of any registered stock (hereinafter called the " stockholder "), the principal sum represented by that stock and the interest



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due thereon, in accordance with the provisions of this Ordinance, at the rate and on the dates specified by the Governor by Order under section 4 or in pursuance of an option to redeem such stock reserved in that Order.

Stockholders.

**8.** For the purposes of this Ordinance, no person shall be entitled to any registered stock unless he is registered as a stockholder.

Registration of first stockholders.

**9.** No person shall be registered as the first stockholder of any registered stock except upon payment in full of the purchase price of that stock.

Stock certificates.

**10.** Every stockholder shall be entitled to obtain from the Registrar a stock certificate, that is to say, a certificate of the registration in the register of the name of that stockholder as the owner of the stock specified in that certificate. No stockholder of any stock, other than the first stockholder of that stock, shall be entitled to obtain a stock certificate except upon payment of the prescribed fee.

Transfer of registered stock.

**11.** (1) For the purposes of this Ordinance, the title of any stockholder to any registered stock shall not be deemed to be transferred to any other person except upon the execution of an instrument in writing signed by the stockholder and the transferee and upon the registration of that transferee as the stockholder in the manner hereinafter provided.

(2) Interest which has fallen due in respect of any registered stock but which has not been paid to the stockholder for the time being shall not be deemed to be payable to a transferee of that stock unless the instrument of transfer expressly provides for the payment of that interest to that transferee.

Registration of transfers of stock.

**12.** No person shall be registered as the transferee of any registered stock except upon payment of the prescribed fee and surrender to the Registrar of the stock certificate and the instrument of transfer relating to that stock.

Payment of interest to joint stockholders.

**13.** (1) Where two or more persons are registered as joint holders of any stock, it shall be lawful for the Registrar to pay any interest due thereon to the person whose name appears first in the register among those joint holders :



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Provided, however, that where one or more of the joint holders, including the person whose name appears first in the register, is dead or under any legal disability, it shall be lawful for the Registrar on proof to his satisfaction of such death or disability, to pay such interest to that person whose name appears first on the register among the surviving joint holders or among the joint holders who are not under any such disability ;

Provided, further, that if the first of such joint holders or, if that joint holder is dead or under any legal disability, then if the first of the surviving joint holders or the first of the joint holders who are not under legal disability requests the Registrar in writing to pay the interest due on such stock to any specified person, it shall be lawful for the Registrar to pay such interest to that person accordingly.

(2) Nothing herein contained shall affect the rights of joint holders of any registered stock *inter se* or any claim which the representative of a deceased person may have against the survivor or survivors under or in respect of any registered stock to which subsection (1) applies.

Closing of register.

**14.** The register of stock shall be closed for a period of fourteen days immediately preceding each date on which interest on that stock falls due ; and no transfer of that stock shall be registered during that period.

Alteration of register.

**15.** (1) No alteration shall be made in the register of stock except for the purpose of effecting or recording—

(*a*) a transfer of registered stock ;

(*b*) an exchange of registered stock for securities or of securities for registered stock ;

(*c*) a subdivision or consolidation of registered stock ;

(*d*) a devolution or vesting of title to registered stock on or in any person by reason of the death or insolvency of a stockholder or otherwise ;

(*e*) a seizure or sequestration of stock by process of law ;

(*f*) a change in the name, title or designation of any stockholder :

Provided that the Registrar may at any time alter the register for the purpose of correcting any bona fide clerical or arithmetical error.



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(2) No alteration shall be made in the register except upon—

(*a*) application made in such form as the Registrar may provide ;

(*b*) proof to the satisfaction of the Registrar of the facts stated in the application and of any other matters relevant thereto ; and

(*c*) payment of the prescribed fee.

Register to be conclusive evidence of facts entered therein.

**16.** The entries in the register of stock kept under this Ordinance shall be conclusive evidence of the facts, matters, particulars, and transactions to which those entries relate : Provided that nothing herein contained shall affect the provisions of the Proof of Public Documents Ordinance.

GOVERNMENT PROMISSORY NOTES.

Government promissory notes.

**17.** (1) Every promissory note shall be signed by the Registrar for and on behalf of the Government of Ceylon and shall, when issued, bind the Government of Ceylon to pay the principal sum mentioned in that note and the interest thereon in accordance with the provisions of this Ordinance, at the rate and on the dates specified in the Order of the Governor under section 4 or in pursuance of an option to redeem such notes reserved in that Order.

(2) Promissory notes shall be issued in such denominations as the Governor may direct.

(3) The provisions of section 10 of the Money Lending Ordinance, shall have no application to any promissory note issued under this Ordinance.

Manner and effect of indorsement.

**18.** Notwithstanding anything in the Bills of Exchange Ordinance—

(*a*) no indorsement of a Government promissory note shall be valid unless made by the signature of the holder written on the back of the note in one of the spaces provided for that purpose ;

(*b*) a person shall not, by reason only of his having indorsed a Government promissory note, be liable to pay any money due either as principal or as interest thereon.



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Right of survivors of joint or several payees of promissory notes.

**19.** (1) Notwithstanding anything in any law to the contrary—

(*a*) when a promissory note is payable to two or more persons jointly, and either or any of them dies, the note shall be payable to the survivor or survivors of those persons ; and

(*b*) when a promissory note is payable to two or more persons severally, and either or any of them dies, the note shall be payable, to the survivor or survivors of those persons, or to the representative of the deceased, or to any of them.

(2) Nothing herein contained shall affect any claim which any representatives of a deceased person may have against the survivor or survivors under or in respect of any promissory note to which subsection (1) applies.

BEARER BONDS.

Bearer bonds.

**20.** (1) Every bearer bond shall be signed by the Registrar for and on behalf of the Government of Ceylon and shall, when issued, bind the Government of Ceylon to pay the principal sum mentioned in that bond and the interest thereon in accordance with the provisions of this Ordinance, at the rate and on the dates specified in the Order of the Governor under section 4 or in pursuance of an option to redeem such bond reserved in that Order.

(2) Bearer bonds shall be issued in such denominations as the Governor may direct.

Interest coupons.

**21.** (1) There shall be attached to every bearer bond coupons for the payment of interest which fall due thereunder :

Provided that the number of coupons attached to a bearer bond on the date of its issue to any person may cover a period shorter than that of the currency of the bond if, in the opinion of the Registrar, it is inconvenient or inexpedient to attach to that bond coupons sufficient in number to cover the entirety of the period of the currency of the bond.

(2) If the number of coupons attached to any bearer bond on the date of its issue to any person is insufficient to cover all payments of interest due on that bond after that date, the holder of the bond shall be entitled to a renewal thereof at the prescribed time and in the prescribed manner and circumstances.



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PAYMENT OF INTEREST AND REDEMPTION OF STOCK AND SECURITIES.

Appropriation of revenue for payment of interest.

**22.** So long as any interest is payable under this Ordinance in respect of any stock or securities, the Governor shall, in each half-year ending with the date on which the interest on such stock or securities falls due, appropriate out of the general revenue and assets of Ceylon a sum sufficient to meet all interest payable on that date and shall authorise the Registrar to pay such interest out of the sum so appropriated.

Payment of interest.

**23.** (1) The interest due on any registered stock or securities shall be payable half-yearly on the dates specified by Order of the Governor under section 4.

(2) Where any amount has become payable on any date as interest due on any registered stock or securities, no interest on that amount shall, after that date, be paid or payable by the Government to any person in any circumstances.

Cessation of liability to pay interest.

**24.** No person shall be entitled to claim interest on any registered stock or securities in respect of any period which has elapsed after the earliest date on which demand could lawfully have been made for the payment of the principal amount due on such stock or securities.

Place of payment.

**25.** All payments of interest and all payments of the principal amount due on any registered stock or securities shall be made at the Treasury in Colombo :

Provided that it shall be lawful for the Registrar or any person authorised by the Registrar in that behalf to pay any such interest or principal amount at any other place, whether within or outside Ceylon, in pursuance of any arrangement which the Registrar may make for that purpose.

Payment to minors and lunatics.

**26.** Any sum not exceeding five thousand rupees payable by way of interest or as principal in respect of any registered stock or security standing in the name of or held by a minor or lunatic may be paid in such manner as may be prescribed ; and, upon payment of any such sum in the prescribed manner, the Government shall, notwithstanding any written or other law to the contrary, be discharged from all liability to pay that sum.



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SINKING FUNDS.

Appropriation of revenue for sinking fund.

**27.** After the date specified in the Order of the Governor under section 4 as the date from which contributions to the sinking fund for any loan shall commence, the Governor shall, in each half-year ending with the date specified in that Order for the payment of the half-yearly interest on any stock or securities issued in respect of that loan, appropriate out of the general revenue and assets of Ceylon a sum determined in accordance with the rate specified in that Order as the contribution to the sinking fund established for the purpose of redeeming that loan.

Separate sinking fund for each loan.

**28.** A separate sinking fund shall be established for each loan raised under this Ordinance.

Investment of sinking fund.

**29.** (1) All moneys appropriated under section 27 as contributions to the sinking fund established for any loan shall be paid to the Trustees, and may by them be invested—

(*a*) in stock or securities issued in respect of that loan: Provided that such stock or securities shall not, for the purpose of such investment, be purchased at a price in excess of their par value ; or

(*b*) in such other investments or classes of investments as may be approved by the Governor.

(2) The Trustees may from time to time in their discretion vary any investment made under subsection (1) or may realise and re-invest any moneys invested under that subsection ; and the provisions of subsection (1) shall apply in like manner to any such variation or re-investment.

Investment of interest on sinking fund.

**30.** The dividends, interest, bonus and other profits of any investment of any part of any sinking fund shall be invested by the Trustees so as to form part of that sinking fund in like manner as moneys appropriated under section 27 as contributions to that sinking fund.

Cessation of contributions to sinking fund.

**31.** Notwithstanding anything to the contrary contained in this Ordinance, if at any time the Trustees are satisfied that the sinking fund of any loan raised under the provisions of this Ordinance will be sufficient with further accumulations of interest, but without further payments of contributions, to enable the loan to be redeemed at the time fixed for its



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redemption, they shall inform the Governor accordingly ; and the Governor is hereby authorised in such event to suspend further payments of half-yearly contributions to that sinking fund :

Provided, however, that the contributions to that sinking fund shall be recommenced if the Trustees at any time thereafter inform the Governor that they are no longer satisfied that the sinking fund with further accumulations of interest will be sufficient for the redemption of that loan.

Expenses to be paid out of sinking fund.

**32.** There shall be paid out of the sinking fund all expenses specifically incurred in, or incidental to, the investment and management of that fund and the repayment of the loan for which that fund was established.

Deficiency in sinking fund to be a charge upon revenue.

**33.** In the event of the sinking fund established for any loan under this Ordinance being found, at the time fixed for the repayment of that loan, to be insufficient for such redemption, the deficiency shall be made good out of the general revenue and assets of Ceylon.

CONVERSION OF LOANS.

Power of Governor to authorise—

**34.** The Governor shall have and may from time to time exercise the following powers and authorities or any of them :—

conversion of loans generally ;

(*a*) he may declare any stock or securities issued in Ceylon under the provisions of this or any other Ordinance to be convertible into registered stock or other securities to be issued under the provisions of this Ordinance ;

creation and issue of stock or securities necessary for conversion ;

(*b*) he may authorise the creation and issue under this Ordinance of such an amount of registered stock or securities as may be necessary for the conversion of the stock or securities in respect of which a declaration has been made under paragraph (*a*) ;

creation and issue of stock or securities to meet expenses of conversion ;

(*c*) he may authorise the creation and issue under this Ordinance of such registered stock or securities as may be necessary for the purpose of paying any expenses incurred in the creation and issue of registered stock or securities under this section ;



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new stock or securities to have all privileges of original stock or securities.

(*d*) he may declare that all privileges, exemptions and immunities attaching by virtue of any written law in force in Ceylon to any stock or securities shall attach to any new registered stock or securities issued under this Ordinance in conversion of such earlier stock or securities.

Arrangements for conversion.

**35.** Any conversion authorised under section 34 may be effected either by arrangement with the holders of existing stock or securities, or by purchase thereof out of moneys raised by the sale of stock or securities, or partly in one way and partly in the other.

ISSUE OF DUPLICATES AND RENEWALS OF STOCK CERTIFICATES AND SECURITIES.

Issue of duplicate stock certificates.

**36.** When a stock certificate is lost, stolen or destroyed either wholly or in part, the Registrar may, on proof to his satisfaction of such loss, theft or destruction and on payment of the prescribed fee, issue a duplicate stock certificate in the name of the stockholder of the registered stock to which the stock certificate relates. Every duplicate stock certificate so issued shall have the word "DUPLICATE" printed, impressed or stamped thereon.

Issue of duplicate securities.

**37.** (1) When a security is alleged to have been lost, stolen or destroyed either wholly or in part, and a person claims to be the person to whom but for the loss, theft or destruction it would be payable, he may, on application to the Registrar and on producing proof to the satisfaction of the Registrar of the loss, theft or destruction and of the justice of the claim, obtain from the Registrar on payment of the prescribed fee, an order for—

(*a*) the payment of interest in respect of such security said to be lost, stolen or destroyed, pending the issue of a duplicate security ; and

(*b*) the issue after a period to be specified in the order of a duplicate security payable to the applicant.

(2) An order shall not be made under subsection (1) until after the issue of the prescribed notification of the loss, theft or destruction.

(3) The loss of the security in respect of which an order is made under subsection (1) shall be published in the prescribed manner.



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(4) If at any time before the Government becomes discharged under the provisions of this Ordinance from liability in respect of any security the whole of which is alleged to have been lost, stolen or destroyed, such security is found, any order passed in respect thereof under this section shall be cancelled.

Renewal of stock certificates and securities.

**38.** On the surrender to the Registrar of a stock certificate or promissory note or bearer bond which is defaced or damaged, or of a promissory note in which the spaces provided for indorsement have all been used for that purpose, or of a bearer bond at the end of the period which the interest coupons originally attached to that bond were intended to cover, the Registrar may, if he is satisfied that the claim of the person surrendering the certificate, note or bond is just and lawful, issue to such person on payment of the prescribed fee, if any, a new certificate, note or bond of the same class or series and value, and shall thereupon cancel the certificate, note or bond surrendered to him for renewal.

Right of Registrar to compel renewal of securities.

**39.** It shall be lawful for the Registrar, in such circumstances as may be prescribed—

(*a*) to issue a notice to the holder of any security directing him to apply for a renewal of that security; and

(*b*) to withhold payment of the interest or principal amount due in respect of that security until the application for renewal has been made and determined.

Renewal of promissory note in case of dispute as to title.

**40.** (1) Where there is a dispute as to the title to a promissory note in respect of which application for renewal has been made, the Registrar may—

(*a*) where any party to the dispute has obtained a final decision from a court of competent jurisdiction declaring him to be entitled to such note, issue a renewed note in favour of such party, or

(*b*) refuse to renew the note until such a decision has been obtained, or

(*c*) after such inquiry as he may deem necessary, declare by order in writing which of the parties is, in his opinion, entitled to such note, and may, after the expiration of three months from the date of such declaration, issue a renewed note in favour of such



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party, unless within that period he has received notice that proceedings have been instituted by any person in a court of competent jurisdiction for the purpose of establishing title to such note.

In this subsection, the expression "final decision" means a decision from which no appeal or further appeal lies or any decision which is appealable but against which no appeal has been filed within the period of limitation allowed by law.

(2) The Registrar may for the purposes of any inquiry under this section exercise all or any of the powers of a Commissioner under the Commissions of Inquiry Ordinance.

Exchange of registered stock and securities.

**41.** On application made by any person claiming to be the holder of any registered stock or securities issued under this Ordinance, the Registrar may, if he is satisfied that the applicant is the lawful holder of such stock or securities, and on payment of the prescribed fee, exchange stock for securities or securities for stock or securities of one kind for securities of the other kind :

Provided that—

(*a*) all stock and securities so given or taken in exchange shall have been issued in respect of the same loan ; and

(*b*) the nominal value of the stock or securities given by the Registrar in exchange shall be the same as the nominal value of the stock or securities taken by him in exchange.

Consolidation and subdivision of stock and securities.

**42.** Subject to such conditions as may be prescribed, the Registrar may—

(*a*) on the application of a person claiming to be entitled to any stock or securities, and

(*b*) on being satisfied of the justice of the claim of such applicant, and

(*c*) on surrender of the stock certificate relating to such stock or of such securities receipted in the prescribed manner, and

(*d*) on payment of the prescribed fee,

consolidate or subdivide such stock or securities and issue to the applicant one or more new stock certificates or securities as may be required.



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Liability in respect of promissory note renewed, &c.

**43.** (1) When a renewed promissory note has been issued under section 38 or section 40, or a new promissory note has been issued on an exchange under section 41 or upon a consolidation or subdivision under section 42, in favour of any person, the note so issued shall be deemed to constitute a new contract between the Government and such person and all persons deriving title thereafter through him.

(2) No such renewal, exchange, consolidation or subdivision shall affect the rights as against the Government of any other person to the security or securities so renewed, exchanged, consolidated or subdivided or to any stock so exchanged.

Indemnity bonds.

**44.** Where application is made to the Registrar under this Ordinance for the issue of a duplicate stock certificate or a duplicate security or for the exchange, renewal, consolidation or subdivision of any stock or securities, the Registrar may require the applicant, as a condition precedent to the grant of the application, to execute a bond with or without sureties undertaking to indemnify the Government against the claims of all persons claiming under the original stock certificate or security or under the stock or securities so exchanged, renewed, consolidated or subdivided, as the case may be.

Immediate discharge in certain cases.

**45.** On payment by or on behalf of the Government to the holder of a bearer bond of the amount expressed therein on or after the date when it becomes due or on the renewal of a bearer bond under section 38, or on the renewal of a promissory note under section 40, or on the exchange of a bearer bond under section 41, or on the consolidation or subdivision of a bearer bond under section 42, the Government shall be discharged in the same way and to the same extent as if such bearer bond or promissory note were a promissory note payable to bearer :

Provided that in the case of a promissory note renewed under section 40, nothing in this section shall be deemed to bar a claim against the Government in respect of such note by any person who had no notice of proceedings under that section or who derives title through a person who had no such notice.

Discharge in other cases.

**46.** Save as otherwise provided in this Ordinance, the liability of the Government shall—

(*a*) in respect of any registered stock or security redeemed on or after the date on which payment of the principal amount becomes due, be discharged after the lapse of six years from that date ;



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(*b*) in respect of any security in place of which a duplicate is issued under section 37, be discharged after the lapse of six years from the date of the first notification under section 37 (3) published in respect of such security or from the date of the last payment of interest on such security, whichever date is the later ;

(*c*) in respect of a security for which a renewed security is issued under section 38 or section 40, or in respect of stock or securities in place of which new stock or securities are issued upon an exchange under section 41, or upon a consolidation or subdivision under section 42, be discharged after the lapse of six years from the date of the issue of the renewed security or of the new stock or securities, as the case may be.

Summary procedure in special cases.

**47.** (1) If within six months of the death of a person who was entitled to registered stock or to a promissory note the nominal or face value of which does not in the aggregate exceed five thousand rupees, probate of the will or letters of administration of the estate of such person is not produced to the Registrar, he may, after such inquiry as he may deem necessary, determine who is the person entitled to such stock or promissory note or to administer the estate of the deceased and may—

(*a*) where any such stock relates to a loan due for repayment, authorise the registration of the name of such person in substitution for the name of the deceased in the register of stock and the payment to such person of the amount due in respect of that stock ;

(*b*) where any such promissory note relates to a loan due for repayment, authorise payment to such person of the amount due on that promissory note ;

(*c*) where any such stock or promissory note relates to a loan not due for repayment, authorise, in the case of stock, the registration of the name of such person in substitution for the name of the deceased, and, in the case of a promissory note, the renewal of such promissory note in favour of such person.

(2) Upon the payment or renewal of any promissory note in accordance with subsection (1), the Government shall be discharged from all liability in respect of the note so paid or renewed ; and any substitution of names made under that



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subsection shall, for the purposes of any claim against the Government, be deemed to have effected a valid transfer of the stock in respect of which it was made.

(3) Any creditor or claimant against the estate of the deceased may recover his debt or claim out of money paid to any person under subsection (1) and remaining in his hands unadministered in the same manner and to the same extent as if the said person had obtained letters of administration of the estate of the deceased ; and nothing in this section shall affect any claim of an executor or administrator or other representative of the deceased against such person other than a claim to recover amounts lawfully paid by him in due course of administration of the estate of the deceased.

MISCELLANEOUS.

Registrar and Trustees.

**48.** (1) For the purposes of this Ordinance—

(*a*) the Deputy Financial Secretary shall be the Registrar ; and

(*b*) the Deputy Chief Secretary and the Deputy Financial Secretary shall be the Trustees of the sinking fund established for each loan.

(2) The Registrar may by writing under his hand delegate to any officer of the Department of the Deputy Financial Secretary any of the powers or duties conferred or imposed upon him by this Ordinance.

Signature of Registrar may be printed on stock or securities.

**49.** The signature of the Registrar may be printed, stamped, engraved, or impressed by any mechanical process on any stock certificate, promissory note or bearer bond and a signature so printed, stamped, engraved, or impressed shall be as valid as if it had been inscribed in the proper handwriting of the Registrar.

Holding of stock and securities by holders of public and other offices

**50.** (1) In the case of any public or other office to which the Governor may by notification in the *Gazette* declare this subsection to apply—

(*a*) registered stock may be issued to or transferred to or by the holder for the time being of that office by the name of his office ;

(*b*) a promissory note may be made or indorsed payable to or to the order of the holder of that office by the name of his office.



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(2) When registered stock or a promissory note is issued to or held by the holder of an office to which subsection (1) applies, such stock or promissory note shall be deemed to be transferred, notwithstanding anything to the contrary in this Ordinance, from each holder of the office to the succeeding holder of the office on the date on which the latter takes charge of the office.

(3) When the holder of an office to which subsection (1) applies indorses to a third party a promissory note made or indorsed as aforesaid, he shall subscribe the indorsement with his name and the name of the office.

(4) This section applies as well to an office of which there are two or more joint holders as to an office of which there is a single holder.

Notice of Trust not receivable save as provided.

**51.** (1) Save as otherwise provided in or under this Ordinance, no notice of any trust in respect of any registered stock or securities shall be receivable by the Registrar or by the Government.

(2) The Registrar shall not be deemed to have received notice of any trust by reason only of the fact that he has recognised an indorsement on a Government promissory note by an executor or an administrator, as such, nor shall he inquire into the terms of any will by which such executor or administrator may be bound; but, on being satisfied of the due appointment of such executor or administrator, he shall be entitled to treat such executor or administrator as the owner of any promissory note belonging to the estate represented by such executor or administrator.

Seizure of stock or securities by Fiscal.

**52.** The provisions of section 229 of the Civil Procedure Code, shall apply to the seizure of stock or securities by the Fiscal in the execution of a decree of court, as if stock certificates or securities were share certificates and as if the Registrar were the proper officer of a company or corporation referred to in that section.

Exemption from stamp duties.

**53.** All documents or instruments made or used under the provisions of this Ordinance shall be in such form as the Financial Secretary may specify and shall be free from stamp duty, anything in any other Ordinance to the contrary notwithstanding.



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Inspection of register and documents.

**54.** (1) No person shall be entitled to inspect, or to receive information derived from, any registered stock or security in the possession of the Government or any register, book or other document kept or maintained by or on behalf of the Government in relation to registered stock or securities, save on payment of such fee and save in such circumstances and on such terms and conditions as may be prescribed.

(2) Nothing in this section shall apply to the Auditor-General or to the Commissioner of Income Tax.

Regulations.

**55.** (1) The Governor may make regulations for the purpose of giving effect to the provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters :—

(*a*) the manner in which payment of interest in respect of stock or securities is to be made and acknowledged ;

(*b*) the circumstances in which promissory notes must be renewed before further payment of interest thereon can be claimed ;

(*c*) the fees to be paid in respect of the issue of duplicate stock certificates or securities and of the renewal, exchange, consolidation and subdivision of stock or securities ;

(*d*) the proof required to be produced by persons applying for duplicate stock certificates or securities ;

(*e*) the conditions subject to which stock or securities may be exchanged, consolidated or subdivided ;

(*f*) enabling holders of registered stock to be described in the register of stock as trustees, and either as trustees of any particular trust or as trustees without qualification, and for the recognition of powers of attorney granted by holders of stock so described ;

(*g*) the holding of registered stock or promissory notes by the holders of offices other than public offices, and the manner in which and the conditions subject to which stock so held may be transferred ;

(*h*) all matters required by this Ordinance to be prescribed and all matters incidental to or connected with the matters hereinbefore enumerated.



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(3) Nothing in any regulation made under paragraphs (*f*) and (*g*) shall, as between any trustees or as between any trustees and beneficiaries under a trust, be deemed to authorise the trustees to act otherwise than in accordance with the rules of law applying to the trust and the terms of the instrument constituting the trust ; and neither the Government nor the Registrar nor any person holding or acquiring any interest in any registered stock shall by reason only of any entry in the register of stock or of anything in any document or instrument relating to registered stock, be affected with notice of any trust or of the fiduciary character of any stockholder or of any fiduciary obligation attaching to the holding of any registered stock.

(4) All regulations made by the Governor shall be published in the *Gazette* and shall upon such publication be as valid and effectual as if herein enacted.

Delegation of powers of Governor.

**56.** The Governor may by Order published in the *Gazette* delegate to the Financial Secretary any power conferred on the Governor by this Ordinance subject to such conditions, reservations and restrictions as may be specified in the Order.

Savings.

**57.** Nothing in this Ordinance contained shall affect the provisions of—

the Paper Currency Ordinance ;

the Ceylon Inscribed Rupee Stock Ordinance ;

the General Loan and Inscribed Stock Ordinance ;

the Colonial Treasury Bills Ordinance ;

the Local Treasury Bills Ordinance ;

or any stock, debentures, Treasury bills or other Government securities issued thereunder.

Interpretation.

**58.** In this Ordinance, unless the context otherwise requires—

" bearer bond " means a bearer bond issued under this Ordinance ;

" prescribed " means prescribed by this Ordinance or by any regulation made thereunder ;

" promissory note " means a Government promissory note issued under this Ordinance ;



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"register of stock" means the register of stock kept under section 6;

"registered stock" or "stock" means registered stock issued under this Ordinance;

"security" means a bearer bond or a promissory note;

"stockholder" means the person registered for the time being as the owner of any registered stock.



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# CHAPTER 290.

## INSCRIBED RUPEE STOCK.

*Ordinances* Nos. 8 of 1892, 6 of 1928.

AN ORDINANCE TO PROVIDE FOR THE CREATION OF INSCRIBED RUPEE STOCK TO BE ISSUED IN CEYLON.

[*6th September*, 1892.]

Short title.

**1.** This Ordinance may be cited as the Ceylon Inscribed Rupee Stock Ordinance.

Governor may raise by means of inscribed rupee stock money which he is authorised to raise by loan.

**2.** It shall be lawful for the Governor, whenever he desires to raise any sum or sums of money, being the whole or any portion of any sum which he may have been or shall hereafter be authorised to raise by way of loan, by any Ordinance which may have been or at any time may be passed, to raise the same or any part thereof by the creation and issue of inscribed rupee stock, under the provisions of this Ordinance.

Stock to be styled "Ceylon Inscribed Rupee Stock," and issued by the Deputy Financial Secretary.

**3.** Such stock shall be styled "Ceylon Inscribed Rupee Stock," and shall from time to time be issued by the Deputy Financial Secretary of Ceylon, who is hereinafter defined as "the Registrar," upon the best and most favourable terms that can be obtained, and in such amounts and on such conditions, subject to the provisions of this Ordinance, as the Governor may before the issue thereof from time to time direct :

Provided that the interest on such stock shall not exceed four per centum per annum.

Inscribed rupee stock to be a charge upon general revenue.

**4.** The principal moneys and interest secured by the inscribed rupee stock created under the provisions of this Ordinance are hereby charged upon and shall be payable out of the general revenues and assets of the Government of Ceylon.

When the principal is to be repaid.

**5.** All the inscribed rupee stock which may be created under the provisions of this Ordinance shall be redeemable at par on a date to be named in that behalf by the Deputy Financial Secretary when issuing the stock, such date not



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being later than fifty years from the date of issue. From and after which date all interest on the principal moneys secured thereby shall cease and determine, whether payment of the principal shall have been demanded or not.

Principal and interest where payable.

**6.** The principal moneys secured by the inscribed rupee stock created under this Ordinance, and the interest thereon, shall be payable at the Treasury at Colombo :

Provided that it shall be lawful for the Registrar to make such arrangements as the Governor may approve for making the interest payable by post dividend warrant at any Kachcheri in the Island.

Appropriation out of general revenue of sums to meet interest and principal.

**7.** So long as interest shall continue to be payable on any such inscribed rupee stock, the Governor shall in each half-year ending with the day on which the interest thereon falls due, appropriate out of the general revenue and assets of the Island a sum equal to one-half year's interest thereon, and shall authorise the Deputy Financial Secretary to pay thereout the then current half-year's interest on the day when it falls due. After the date specified in the Ordinance authorising an issue of inscribed rupee stock as that on which the contribution to sinking fund shall commence, the Governor shall further appropriate out of the said revenue and assets in each half-year ending as aforesaid an additional sum for the formation of a sinking fund equal to one-half per centum on the total nominal amount of such inscribed rupee stock, and that sum shall be vested in the hands of the Deputy Chief Secretary and of the Deputy Financial Secretary, who are hereby appointed trustees of the sinking fund.

Investment of sinking fund.

**8.** The contributions to the sinking fund shall be applied as follows :—

(*a*) if the price of the inscribed rupee stock be below par at the time when the contributions are received, the trustees shall, if practicable, purchase therewith the inscribed rupee stock in the market, and shall cancel in the register the stock so purchased ;

(*b*) the trustees shall invest so much of the contributions as shall not be applied in the purchase of inscribed rupee stock, and the dividends, interest, or produce of such investments, in the purchase of such debentures, stock, or other security, as may from time to time be approved by the Governor, and shall hold



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such fund in trust for repayment of the principal moneys for the time being secured by the inscribed rupee stock.

Any deficiency in sinking fund to be made good out of general revenue.

**9.** In case the sinking fund shall be insufficient to provide the necessary funds for the redemption of the inscribed rupee stock when it shall have become due, the deficiency shall be made good out of the general revenue and assets of the Government of Ceylon.

Cesser of sinking fund contribution. [§ 2, 6 of 1928.]

**10.** Notwithstanding anything to the contrary contained in this Ordinance, if at any time the trustees of the sinking fund of any Ceylon Inscribed Rupee Stock issued or to be issued under the provisions of this Ordinance are satisfied that the value of the sinking fund will be sufficient with further accumulations of interest but without further payments of contributions to enable the loan to be redeemed out of the proceeds of the sinking fund when the same shall fall due to be redeemed, the Governor may with the approval of the Secretary of State suspend further payments of contributions to the said sinking fund :

Provided always that contributions to the sinking fund shall be recommenced if the trustees shall at any time inform the Governor that it is necessary.

Expenses to be paid out of sinking fund.

**11.** All expenses of or incidental to the management of the sinking fund or to the repayment of the principal moneys borrowed shall be paid out of the sinking fund.

Transfer of stock.

**12.** The stock to which this Ordinance applies shall be transferred as follows :—

(*a*) the transfer shall be made by an agreement in writing which shall be signed by the transferor and transferee, which shall be attested by a credible witness, but no transfer under such agreement shall be registered without the production of the stock certificate referred to in section 22 ;

(*b*) the person becoming entitled to any stock or dividend thereon in consequence of the death, bankruptcy, or marriage of the stockholder, or of any devolution in law from the stockholder, or otherwise than by transfer of the stock, shall produce such evidence of his title as may be reasonably required by the Registrar.



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Closing of register for dividend.

**13.** The Registrar may, for such period not exceeding fourteen days as he may from time to time fix previous to each payment of dividend on stock to which this Ordinance applies, close the register of the stock as regards transfers, upon giving not less than seven days' notice of such closing by advertisement in the *Government Gazette* and in one newspaper published in Ceylon.

The persons who on the day of such closing are inscribed as stockholders shall, as between them and their transferees of stock, be entitled to the dividend then next payable thereon.

Dividends in case of infancy, &c., of a joint stockholder.

**14.** Where stock to which this Ordinance applies is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability, a power of attorney for the receipt of the dividends on the stock shall be sufficient authority in that behalf, if given under the hand of the person not under disability, and attested.

The Registrar, before acting on the power of attorney, may require proof to his satisfaction of the alleged infancy or unsoundness of mind, by the affidavit of competent persons made before a Justice of the Peace, or in such other manner as he may reasonably require.

STOCK CERTIFICATES TO BEARER.

Stock certificates to bearer.

**15.** The Registrar, if so authorised by the Governor, shall, on application and payment of the fees, if any, chargeable in respect of the certificate, grant to a stockholder a certificate (in this Ordinance called "a stock certificate to bearer") which shall entitle the bearer to the stock therein described, and shall be transferable by delivery.

There shall be attached to such certificate coupons entitling the bearer of or person named in the coupons to the dividends on the stock for a limited period, such interest to be payable only on the production of the certificate with its unpaid coupons complete at the Treasury at Colombo.

Any stock in respect of which a stock certificate to bearer has been so issued shall, so long as such certificate is outstanding, cease to be dealt with through the medium of the register.

Renewal of coupons or certificate.

**16.** On the expiration of the period for which the coupons attached to a stock certificate to bearer have been issued under this Ordinance, the certificate may be exchanged for another certificate with coupons for a further period.



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Conversion into nominal stock of stock in certificate to bearer.

**17.** On delivery to the Registrar of a stock certificate to bearer issued under this Ordinance, and of all unpaid coupons belonging thereto, the Registrar shall enter the bearer in the register as proprietor of the stock described in the certificate, and thereupon that stock shall become transferable and the dividends thereon payable as if no stock certificate to bearer has been issued in respect of that stock.

Trustees not to apply for stock certificate to bearer.

**18.** A trustee shall not apply for or hold a stock certificate to bearer issued under this Ordinance unless expressly authorised to do so by the terms of his trust. But this provision shall not impose on the Registrar an obligation to inquire whether a person applying for a stock certificate to bearer is or is not a trustee, or subject the Registrar to any liability in the event of his issuing a stock certificate to bearer to a trustee or invalidate any stock certificate to bearer issued.

Loss of stock certificate to bearer.

**19.** If any stock certificate to bearer issued under this Ordinance is lost, mislaid, or destroyed, the Registrar shall, on such indemnity being given as he may reasonably require, and on payment of the expense of the issue, issue a fresh stock certificate to bearer in the place of the certificate so lost, mislaid, or destroyed.

Stock in certificate to bearer to have incidents of other stock, except as to transfers, &c.

**20.** Stock described in a stock certificate to bearer issued under this Ordinance shall, save as relates to the mode of transfer and payment of dividends, be subject to the same incidents in all respects as if it had continued to be transferable in the register.

REGISTER.

Registry of stock.

**21.** The Deputy Financial Secretary shall be the Registrar under this Ordinance, and shall keep a register at his office in which all the rupee stock shall be inscribed at the time of issue in the names of the stockholders, and he may as such Registrar, before the inscription of any stock, with the consent and approval of the Governor, make with respect to the transfer and management of such stock regulations not inconsistent with the provisions of this Ordinance. It shall be lawful in and by such regulations to prescribe fees to be paid on such transfer or otherwise.

A printed copy of the documents containing the authority for and conditions of the issue of stock to which this Ordinance applies, and of all regulations with respect to the transfer of



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such stock or otherwise, in relation to such stock, shall be entered in the register of the stock.

Certificates to stockholders.

**22.** On the creation and issue to any person of any inscribed rupee stock under the provisions of this Ordinance, such person shall be entitled to a certificate, under the hand of the Registrar, of his title to such stock.

Register to be evidence.

**23.** The register kept in pursuance of this Ordinance shall on its mere production from the custody of the Registrar be evidence of all matters entered therein, and, as regards persons entered therein as proprietors of stock to which this Ordinance applies of the title of those persons to the stock.

Notice of trust not receivable.

**24.** No notice of any trust in respect of any stock to which this Ordinance applies shall be entered in the register or receivable by the Registrar or by the Government of Ceylon.

Information to be given respecting register.

**25.** (1) The Registrar shall keep in a separate book a list of the stockholders on whose stock the dividends have been unclaimed for ten years, together with their registered addresses and description, and such list shall be open for inspection at the usual hours of transfer upon payment of such fee, not exceeding five rupees, as may be fixed by the regulations.

(2) The Registrar shall give within a reasonable time after application a certificate stating the following particulars in relation to any stock of which he is Registrar, or any part of such stock, or such of those particulars as may be required by the applicant, namely—

(*a*) the total amount issued and the total inscribed in the register ; and

(*b*) the total number of the persons in whose names the stock or part is originally inscribed, or, after the register of such stock or part has been once closed as regards transfers, the total number of the stockholders at the last preceding date at which the transfer books were closed ; and

(*c*) the total number of each class of persons in whose names the stock or part is originally inscribed, or, after the register of the stock or part has been once closed as regards transfers, of each class of stockholders at the last preceding date at which the transfer books



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were closed, the classification being according to the amount held, omitting fractions of two thousand rupees ; and

(*d*) a copy or extract certified by the Registrar or by some officer appointed for the purpose to be a true copy or extract of any conditions or regulations required by this Ordinance to be entered in the register :

Provided that the Registrar shall not be required to give any such certificate in relation to any stock issued under the provisions of this Ordinance, or part of such stock, until after the expiration of one month after the stock or part of the stock to which the certificate relates has been inscribed.

(3) Within a reasonable time after the application of any person who is a stockholder of any stock to which this Ordinance applies the Registrar shall give him a list of the registered names and addresses of the stockholders of such stock at the last preceding date at which the register was closed as regards transfers.

(4) The Registrar, before giving a certificate or list under this section, may require payment of such a fee not exceeding five rupees and a further sum of fifty cents for every folio of one hundred and twenty words, or in the case of a list of names and addresses of ten cents for each name and address, as the Registrar may from time to time fix.

(5) Any certificate or list given under this section shall be admissible in evidence.

MISCELLANEOUS.

Creation, inscription, issue, conversion, and transfer of inscribed rupee stock.

**26.** The Registrar shall from time to time under the directions of the Governor make arrangements for all or any of the following things :

(*a*) for inscribing rupee stock in his books ;

(*b*) for managing the creation, inscription, and issue of inscribed rupee stock ;

(*c*) for paying interest on inscribed rupee stock and managing transfers thereof ;

(*d*) for issuing inscribed stock certificates to bearer and, as often as occasion shall require, re-issuing or re-inscribing rupee stock and re-issuing inscribed stock certificates.



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GENERAL PROVISIONS.

Exemption from stamp duties.

**27.** All documents whatsoever made or used under the provisions of this Ordinance shall be free from stamp duty, anything in any other Ordinance to the contrary notwithstanding.

Persons making false declarations how punishable.

**28.** If any person shall make and subscribe any declaration required to be made on the doing of any act, matter, or thing, or for verifying any statement whatsoever required to be done or made, or for use for any purpose, under the provisions of this Ordinance, and shall wilfully make therein any false statement as to any material particular, the person making the same shall be guilty of an offence, and being convicted thereof shall be liable at the discretion of the court to simple or rigorous imprisonment for any term not exceeding three years.

Frauds and forgery.

**29.** Whosoever shall—

Forgery of transfer, &c.

(*a*) forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any transfer of any share or interest of or in any stock to which this Ordinance applies, or which may be transferable, under this Ordinance, or shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any power of attorney or other authority to transfer any share or interest in any such stock, or to receive any dividend or money payable for or in respect of any such share or interest, or who shall demand or endeavour to have any such share or interest transferred, or to receive any dividend or money payable in respect thereof, by virtue of any such forged or altered power of attorney or other authority, knowing the same to be forged or altered, with intent in any of the cases aforesaid to defraud; or who shall

Personation.

(*b*) falsely and deceitfully personate any owner of any share or interest of or in any stock to which this Ordinance applies, or any owner of any dividend or money payable in respect of any such share or interest as aforesaid belonging to any such owner, and shall thereby transfer or endeavour to transfer any share or interest of or in any such stock belonging to any such owner, or thereby receive or endeavour to



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receive any money due to any such owner as if such offender were the true and lawful owner; or who shall

Forgery of witness' signature, &c.

(*c*) forge any name, handwriting, or signature purporting to be the name, handwriting, or signature of a witness attesting any transfer of any stock to which this Ordinance applies, or attesting the execution of any power of attorney, or other authority, to transfer any share or interest of or in any such stock, or to receive any dividend or money payable in respect of any such share or interest, or shall offer, utter, dispose of, or put off any such power of attorney, or other authority with any such forged name, handwriting, or signature thereon knowing the same to be forged; or who shall

False entries in register, &c.

(*d*) wilfully make any false entry in, or wilfully alter any word or figure in, any register or certificate of or relating to any stock to which this Ordinance applies, or shall wilfully make any transfer of any share or interest of or in any such stock in the name of any person not being the true and lawful owner of such share or interest, with intent to defraud,

shall be guilty of an offence, and being convicted thereof shall be liable at the discretion of the court to simple or rigorous imprisonment for any term not exceeding five years.

Offences to be cognizable and bailable and triable by District Courts.

**30.** All offences under this Ordinance are hereby declared to be cognizable and bailable within the meaning of those terms as defined in section 2 of the Criminal Procedure Code, and shall be triable by the District Court, which is hereby authorised to inflict the penalties hereinbefore provided, anything in section 14 of the said Code to the contrary notwithstanding.



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# CHAPTER 291.

## PAPER CURRENCY.

AN ORDINANCE TO PROVIDE FOR THE ISSUE OF GOVERNMENT PAPER CURRENCY.

*Ordinances* Nos. 32 of 1884, 12 of 1886, 13 of 1901, 6 of 1903, 11 of 1909, 33 of 1914, 1 of 1917.

[17*th December*, 1884.]

Short title.

**1.** This Ordinance may be cited as the Paper Currency Ordinance, and it shall extend to the whole of the Island of Ceylon.

Commissioners of Currency.

**2.** A board of Commissioners of Currency for the Island shall be established for the purposes of this Ordinance, and shall consist of the Financial Secretary, the Deputy Chief Secretary, and the Commissioner of Stamps.

Board of Commissioners created a corporation under the style of " The Ceylon Currency Commissioners."

**3.** (1) The Board of Commissioners of Currency established under section 2 shall, from and after the first day of November eighteen hundred and eighty-six, be and become a corporation with continuance for ever, under the name and style of " The Ceylon Currency Commissioners," with full power and authority to have and to use a common seal, and change and alter the same at their will and pleasure, and shall and may perform each and every of the duties and exercise each and every of the powers imposed on and vested in them by this Ordinance; and all acts, matters or things which are authorised by this Ordinance to be done by them or in their names shall and may be lawfully done by them or in their name and style as a corporation :

Provided, however, that the seal of the said corporation shall not be fixed to any instrument except in the presence of at least one of the Commissioners, who shall sign his name to the instrument in token of his presence, and such signing shall be independent of the signing of any person who may sign the instrument as a witness.



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Corporation may appoint officers or agents.

(2) The said corporation, with the sanction of the Governor, may from time to time under their common seal appoint such officer or officers, agent or agents, as they may consider necessary for recovering all dividends, interest, or other revenue to be derived from all lawful investments already made, or which may hereafter be made by them, or for otherwise carrying out the provisions of this Ordinance ; and all persons so appointed shall hold office during the pleasure of the said corporation.

Commissioners may issue Government notes.

**4.** There shall be transferred to the Commissioners coin legally current, or coin and securities as hereafter provided, and thereupon it shall be lawful for the Commissioners from time to time to provide, issue, and re-issue promissory notes of the Government of Ceylon payable to bearer on demand equal to the whole amount of coin and securities in the hands of the Commissioners. Such notes shall be for the respective sums following, namely :—

| | | |
|---|---|---|
| One rupee, | Ten rupees, | Five hundred rupees, |
| Two rupees, | Fifty rupees, | One thousand rupees. |
| Five rupees, | One hundred rupees, | |

Notes to be signed by two Commissioners.

**5.** Every such note shall bear the signatures or facsimiles of the signatures of any two of the Commissioners holding office at the date borne on the note.

Notes to be called "currency notes," and holders may demand coin for them.

**6.** Such notes shall be called "currency notes," and shall be payable only at the office of the Commissioners in Colombo. The holders of currency notes shall be entitled to obtain on demand at the said office in exchange for such notes coin which may at the option of the Commissioners be either silver rupees of India or gold coin which is legal tender in Ceylon under any Order of His Majesty the King in Council, but no other coin.

Currency notes to be legal tender for any amount.

**7.** Every currency note shall be legal tender in Ceylon for the payment of any amount.

Issue of currency notes.

**8.** (1) The Commissioners shall, on the demand of any person, issue currency notes in exchange for the amount thereof in silver rupees of India.

(2) The Commissioners may also issue such notes in exchange for the amount thereof in gold coin which is legal tender in Ceylon under any Order of His Majesty the King in Council ; but the Commissioners may decline to do so whenever



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it is inexpedient in their judgment to increase the amount of gold coin held as reserve under this Ordinance :

Power to treat credit at Bank of England as equivalent to a deposit of gold.

Provided that until such date as shall be notified by order of the Governor in the *Government Gazette*, it shall be lawful, and shall be deemed to have been lawful, for the Commissioners, with the approval of the Secretary of State, to treat an acceptance of a credit at the Bank of England to an amount so approved as equivalent to a deposit of such gold coin as aforesaid in accordance with this subsection, and in any such case the amount of such credit shall be deemed to be such gold coin as aforesaid for all the purposes of this Ordinance, except for the purposes of section 6.

Commissioners to retain a reserve of one-half in silver or gold coin of the notes in circulation.

**9.** The Commissioners shall retain a reserve in silver coin, or in gold coin which is legal tender in this Island under any Order of His Majesty the King in Council, of one-half at the least of the amount of currency notes in circulation. The said reserve shall be from time to time, at such times as the Governor shall appoint, verified by a board of survey.

Governor to direct investment of one-half of the value of notes in circulation.

**10.** The Governor, shall also cause a sum, not exceeding the value of one-half of the currency notes in circulation, to be invested in Indian Government securities and such securities of the Government of the United Kingdom of Great Britain and Northern Ireland or of the Government of any British colony other than Ceylon, as may from time to time be approved of by the Secretary of State for the Colonies :

Provided that not more than one-half of such sum shall be invested in Indian Government securities, except by the express sanction of the Secretary of State.

Reserve to be set apart to satisfy notes.

**11.** The said reserve in coin and securities shall be appropriated and set apart to provide for the satisfaction and discharge of the said currency notes ; and the said currency notes shall be held to have been issued on the security of the said coin and securities as well as on the general credit of the Government of Ceylon.

How investments to be made.

**12.** All such investments shall, if made in England, be made in the joint names of the Crown Agents for the Colonies and of such other officers or persons as His Majesty's Secretary of State aforesaid shall appoint as trustees on behalf of the Commissioners. Investments made in India in Indian Government securities shall be made in the names of the Commissioners.



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Investments may be sold or varied if directed by the Governor.

**13.** Any portion of the aforesaid investments may, if directed by the Governor, be sold by the persons in whose names they have been made, and the proceeds of such sale applied to keep up the aforesaid reserve of coin, or in the purchase of other securities authorised by this Ordinance.

When Commissioners will be authorised to sell out securities.

**14.** If at any time the specie held by the Commissioners as mentioned in section 9 should be reduced below one-half of the notes in circulation, it shall not be necessary for the Commissioners (except by the special directions of the Governor) to sell and realize any of the said securities, unless and until the amount of specie in their hands shall be less than one-third of the notes in circulation at the time :

Provided that no further investment in the said securities shall be made until the reserve mentioned in section 9 shall amount to one-half at the least of the amount of currency notes in circulation ;

Suspension of operation of proviso to this section.

Provided further that the operation of the above proviso shall be suspended, and shall be deemed to have been suspended, as from the thirtieth day of December, nineteen hundred and sixteen, until such date as shall be notified by order of the Governor in the *Government Gazette ;*

Provided further that during the said suspension the limit of the proportion of the value of currency notes in circulation which may be invested in securities under section 10 shall also be suspended, and be deemed to have been suspended, as from the said date.

Revenue from investments.

**15.** All dividends, interest, or other revenue to be derived from the said investments shall be paid to such person as shall be nominated in that behalf, and the said dividends, interest, or revenue shall form part of the ordinary revenues of the Island, excepting the sum of one per centum which shall be appropriated annually on the whole amount of such investments, and shall be paid to the trustees referred to in section 12, to be by them invested in such manner as the Governor, with the sanction of the Secretary of State, shall approve :

Provided always that the Governor may, with the sanction of the said Secretary of State, direct that the annual appropriations of one per centum aforesaid shall be wholly or partially discontinued at any time, or so long as it shall appear that the reason for such annual appropriation no longer exists. Investments made in pursuance of this section shall be deemed to form part of the reserve mentioned in



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section 11, and shall be held and dealt with in the manner prescribed by sections 12, 13, and 14 of this Ordinance.

Accounts showing expenses to be published annually in *Government Gazette.*

**16.** An account showing the amount of the profits of the note circulation and of the charges and expenses incidental thereto shall be made and published annually in the *Government Gazette.*

Accounts showing amount of notes in circulation, &c., to be published monthly in the *Government Gazette.*

**17.** An abstract of the accounts of the Commissioners showing—

(*a*) the whole amount of currency notes in circulation ;

(*b*) the amount of silver and gold coin reserved ; and

(*c*) the nominal value as well as the latest known market price of, and the price paid for, the Government securities held by the Commissioners,

shall be made up on the tenth day of each month by the Commissioners, and published as soon as may be in the *Government Gazette.*

Penalty for counterfeiting notes.

**18.** Whosoever shall forge or counterfeit or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or counterfeited or altered, any currency note or any word, figure, mark, sign, signature, or facsimile upon or attached to any such note, shall be held guilty of an offence, and shall on conviction be liable to imprisonment, with or without hard labour, for any period not exceeding twenty years, anything in the Penal Code to the contrary notwithstanding.

Penalty for possession of incomplete notes.

**19.** Whosoever without lawful authority or excuse (the proof whereof shall lie on the person accused) shall have in his possession any such forged, counterfeited, or altered note, or any unfinished or incomplete note purporting to be issued by the Commissioners, shall be guilty of an offence, and be liable to imprisonment, with or without hard labour, for any period not exceeding five years, anything in the Penal Code to the contrary notwithstanding.

Penalty for possession of paper for notes.

**20.** Whosoever without lawful authority or excuse (the proof whereof shall lie on the person accused) shall make, use, or knowingly have in his possession, any paper with any word, figure, device, or distinction peculiar to and appearing in the substance of the paper used for currency notes,



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or any frame, mould, or instrument for making such paper, or any material upon which the whole or any part of any note purporting to resemble a currency note shall have been engraved or made, or any facsimile of the signature of any of the Commissioners, shall be guilty of an offence, and shall be liable on conviction to imprisonment, with or without hard labour, for any period not exceeding five years, anything in the Penal Code to the contrary notwithstanding.

Certificate under the hand of the Deputy Financial Secretary to be conclusive evidence as to the spuriousness of certain currency notes.

**21.** (1) In any proceedings in which the genuineness of any currency note shall be in question, a certificate under the hand of the Deputy Financial Secretary to the effect that such note is spurious, on the ground that it does not contain the secret features characteristic of a genuine note of corresponding denomination, number, and date, shall be received in all courts of law as conclusive evidence of the spuriousness of such note.

(2) The Deputy Financial Secretary shall not be examined or cross-examined with respect to any such certificate.

(3) The certificate shall be in the form following :

> This to certify that I have personally examined the document shown to me, and marked ————, purpoting to be a currency note of the following denomination, number, and date, namely—
>
> Denomination : ————
>
> Number : ————
>
> Date : ————
>
> and that the said note is spurious on the ground that it does not contain the secret features characteristic of a genuine note of corresponding denomination, number, and date.

Interpretation.

**22.** The expressions "Financial Secretary," "Deputy Chief Secretary," "Deputy Financial Secretary" and "Commissioner of Stamps" means the persons for the time being lawfully discharging the functions of such officers, and the expression "the Commissioners" means the Commissioners of Currency by this Ordinance.



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# CHAPTER 292.

## SAVINGS CERTIFICATES.

AN ORDINANCE TO MAKE PROVISION FOR THE ISSUE OF CEYLON SAVINGS CERTIFICATES, FOR THE ESTABLISHMENT OF A SAVINGS CERTIFICATES FUND, AND FOR OTHER PURPOSES CONNECTED THEREWITH.

*Ordinance* No. 11 of 1938.

[1*st June*, 1938.]

**1.** This Ordinance may be cited as the Savings Certificates Ordinance.

Short title.

**2.** (1) The State Council may by resolution authorise sums of money not exceeding such amount as may be specified in the resolution, to be borrowed within Ceylon by the issue of Ceylon savings certificates under this Ordinance.

Authority to borrow money by the issue of savings certificates.

(2) No such resolution shall have effect until it has been approved by the Governor and sanctioned by the Secretary of State.

(3) Notification of such approval and sanction shall be published in the *Gazette*.

**3.** (1) After the publication in the *Gazette* of a notification under section 2 (3), the Governor may from time to time direct the Postmaster-General to borrow sums of money not exceeding in the aggregate the amount specified in the resolution to which the notification relates, by the issue of Ceylon savings certificates as hereinafter provided.

Authority to issue savings certificates.

(2) The Postmaster-General may also, when so directed by the Governor, borrow by the issue of savings certificates such sums of money as may from time to time be required for the purpose of meeting current demands for the surrender values of savings certificates lawfully issued under this Ordinance.

**4.** Where the Governor has directed the Postmaster-General to borrow any sum of money by the issue of savings certificates under this Ordinance, the Financial Secretary

Notification of purchase price, surrender value, &c.



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shall, subject to the approval of the Governor, by notification published in the *Gazette*, specify—

(*a*) the denomination or denominations of the savings certificates which are to be issued ; and

(*b*) the purchase price and the surrender value of a certificate of each such denomination.

Issuing officers.

**5.** (1) Savings certificates may be issued on behalf of the Postmaster-General—

(*a*) by any Postmaster ; or

(*b*) by any other officer or class of officers of the Postal Department specially or generally authorised by the Postmaster-General to issue such certificates.

(2) The Postmaster or other officer authorised by or under this section to issue savings certificates shall be an issuing officer for the purposes of this Ordinance.

Issue of savings certificates.

**6.** (1) Subject as hereinafter provided, no savings certificate shall be issued except to an individual and in the name of that individual :

Provided that a savings certificate may, in accordance with such regulations as may be made in that behalf and the terms, conditions and restrictions prescribed thereby be issued to—

(*a*) a co-operative society ; or

(*b*) a central co-operative bank ; or

(*c*) any society or association which, in the opinion of the Postmaster-General, is a thrift, benefit, benevolent or provident society or association.

(2) The decision of the Postmaster-General as to whether any society or association is a thrift, benefit, benevolent or provident society or association, as the case may be, shall be final and conclusive.

Issue restricted to individuals resident in Ceylon.

**7.** (1) Subject as hereinafter provided, no savings certificate shall be issued to any individual unless—

(*a*) he is resident in Ceylon on the date of the issue of such certificate ; and

(*b*) he signs a declaration that he is resident in Ceylon as aforesaid :



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Provided that a savings certificate may, in accordance with such regulations as may be made in that behalf, be issued to a minor who is resident outside Ceylon if the parent, guardian, curator or trustee of that minor is resident in Ceylon on the date of the issue of such certificate and signs a declaration to the effect that he is resident in Ceylon on that date.

(2) A declaration made by any person to the effect that he is resident in Ceylon shall be prima facie proof of the fact of such residence ; but an issuing officer may for any reason require any person to furnish proof of any fact stated by that person in any declaration made under subsection (1).

(3) The declaration required by this section to be made by an individual who is a minor may be made on behalf of that minor by his lawful guardian or curator or such other prescribed person as may be authorised by regulation to make such declaration.

Issue of certificates to minors.

**8.** No savings certificate shall be issued to an individual who is a minor except in accordance with the terms, conditions and restrictions prescribed by regulations made in that behalf.

Name of purchaser to be entered on certificate.

**9.** An issuing officer shall, before he issues any savings certificate, enter thereon the name of the purchaser of that certificate.

Limits of holdings.

**10.** The aggregate of the denominational value of all savings certificates held at any time—

(*a*) by an individual, shall not exceed three thousand rupees ;

(*b*) by a recognised association, shall not exceed six thousand rupees ;

and no savings certificate shall at any time be issued so as to increase the holding of an individual or a recognised association, as the case may be, beyond the limits herein prescribed.

Substitute certificate may be issued where savings certificate is lost, stolen or destroyed.

**11.** (1) Where it is proved to the satisfaction of the Postmaster-General that a savings certificate has been lost, stolen or destroyed, the Postmaster-General may, on payment of the prescribed fee and subject to such terms and conditions as may be prescribed, issue to the purchaser of that savings certificate a certificate (hereinafter called a substitute certificate) to the effect that the savings certificate mentioned therein has been lost, stolen or destroyed, as the case may be.



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(2) A substitute certificate shall be issued to and in the name of the purchaser of the savings certificate to which that substitute certificate relates.

(3) On production of a substitute certificate on any date the person named therein shall be entitled to receive the surrender value on that date of the savings certificate to which that substitute certificate relates.

Issue of new savings certificate on delivery of damaged or defaced certificate.

**12.** The purchaser of a savings certificate which is damaged or defaced shall be entitled, on delivery of the certificate and on payment of the prescribed fee, to obtain from the Postmaster-General, subject to the prescribed terms and conditions, a new savings certificate of the same denomination and of the same surrender value. Such new certificate shall be issued to and in the name of the purchaser of the savings certificate which is damaged or defaced, as the case may be.

Transfer, hypothecation, &c., of savings certificate to be null and void.

**13.** The right, title and interest of the purchaser of a savings certificate shall not be assigned, donated, hypothecated, sold, transferred or otherwise disposed of by the purchaser in any manner whatsoever ; and any such assignment, donation, hypothecation, sale, transfer or disposition shall not be recognised by the Postmaster-General or by the Government and shall for all purposes be null and void :

Provided that nothing herein contained shall affect or be deemed to affect the right of the Postmaster-General to issue a new certificate under section 14 and in the circumstances therein mentioned.

Issue of a new savings certificate where purchaser of certificate desires to gift his rights thereunder.

**14.** Where the Postmaster-General is satisfied on the application of the purchaser of a savings certificate—

(*a*) that such purchaser is desirous of gifting his right, title and interest in or under that certificate to any person (hereinafter called the donee) ;

(*b*) that such gift is a bona fide gift and is not a transfer for consideration in money or money's worth ; and

(*c*) that the donee is a person to whom a savings certificate may lawfully be issued under this Ordinance,

the Postmaster-General may, on payment of the prescribed fee and on delivery to him by the purchaser of the savings certificate to which the application relates, issue to and in the name of the donee a new savings certificate of the same denomination and of the same surrender value.



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Issue of new savings certificate or payment of surrender value on death of purchaser.

**15.** (1) In a case where the Postmaster-General is satisfied that the purchaser of a savings certificate has died intestate and that no letters of administration are by any law for the time being in force required to be taken out for the due administration of the estate of the deceased purchaser, the Postmaster-General may on delivery to him of the savings certificate, in his discretion, either—

(*a*) issue a new savings certificate to any person proved to his satisfaction to be an heir-at-law of the deceased purchaser ; or

(*b*) pay to any such heir-at-law a sum equivalent to the surrender value of the savings certificate of the deceased purchaser at the time of death.

(2) In any case other than that mentioned in subsection (1), the Postmaster-General may, on the death of the purchaser of a savings certificate and on delivery to him of that certificate, in his discretion, either—

(*a*) issue a new certificate to and in the name of an heir or legatee of the deceased purchaser if the duly appointed administrator or executor of the estate of the deceased purchaser applies in the prescribed form for the issue of the new certificate to that heir or legatee ; or

(*b*) pay to such administrator or executor, as the case may be, a sum equivalent to the surrender value of the savings certificate of the deceased purchaser at the time of death :

Provided that nothing in this subsection shall affect or be deemed to affect the right of the Commissioner of Estate Duty under any law for the time being in force to receive from the Postmaster-General the surrender value at the time of the death of any deceased purchaser of any savings certificate forming part of the estate of such purchaser.

(3) Any new savings certificate issued and any payment made under this section by the Postmaster-General shall be and shall operate for all purposes as a complete discharge of the obligations of the Government and of the Postmaster-General in respect of any savings certificate issued to the deceased purchaser or of any money payable on the surrender of that certificate.



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Person named in new savings certificate deemed to be the purchaser thereof.

**16.** The person to whom and in whose name a new savings certificate is issued under section 12 or section 14 or section 15 by the Postmaster-General shall, for all the purposes of this Ordinance, be deemed to be the purchaser of that savings certificate.

Computation of surrender value of new savings certificates.

**17.** Where a new savings certificate is issued under section 12, or section 14, or section 15, the surrender value of the new savings certificate so issued shall be determined at any time as though such new certificate had been issued on the date on which the original savings certificate was issued to the purchaser thereof.

Cancellation of savings certificate on issue of new certificate.

**18.** The Postmaster-General shall, after the issue of a new savings certificate under section 12, or section 14, or section 15, cancel any savings certificate delivered to him for the purposes of such issue.

Cancellation of savings certificate issued in error.

**19.** (1) Where the Postmaster-General is satisfied at any time that any savings certificate has been issued in error, or for an incorrect amount, or to the wrong person, or to a person not entitled thereto, he may, by written notice, addressed to the purchaser of that certificate or, if he is dead, to his executor or administrator or to any of his heirs-at-law, require the person noticed to deliver the certificate to the Postmaster-General at a time and place specified in such notice and may, on such delivery, cancel the certificate on payment to the person delivering it a sum equivalent to the purchase price, if any, paid at the time of the issue of such certificate; and such payment shall be and shall operate for all purposes as a complete discharge of the obligations of the Government and of the Postmaster-General in respect of that savings certificate and of any moneys payable on the surrender thereof:

Provided, however, that the Postmaster-General may in his discretion pay the surrender value and not the purchase price of any savings certificate delivered as hereinbefore provided, if he is satisfied that such certificate was not issued in consequence of any fraud or wilful misrepresentation on the part of the purchaser.

(2) If any person called upon to deliver a savings certificate by the Postmaster-General under subsection (1) refuses or fails to deliver the certificate at the time and place specified by the Postmaster-General or within such further period as



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may be allowed by the Postmaster-General on an application made in that behalf, the Postmaster-General may, by written notice addressed to that person, declare the certificate to be cancelled and the purchase price paid therefor shall be forfeited to the Crown:

Provided, however, that if within three months of the date of such notice of cancellation any person who has made default in delivering a savings certificate within the time fixed for such delivery by the Postmaster-General proves to the satisfaction of the Postmaster-General that his default was due to any reasonable cause or to any cause over which he had no control, the Postmaster-General may act under subsection (1) as though no default had been made in the delivery of the certificate.

Procedure on seizure or sequestration of savings certificate.

**20.** (1) Where any savings certificate is seized or sequestered in execution of a decree or order of any court, the Fiscal effecting the seizure or sequestration shall forward the savings certificate to the Postmaster-General who shall cancel such certificate and pay the surrender value thereof as on the date of seizure or sequestration to the credit of the action in which that decree was entered or order made.

(2) Where the Fiscal in the execution of a decree or order entered or made against any person who is the purchaser of a savings certificate or in sequestering the property of any such person under a mandate of sequestration issued by any court, is unable for any reason to obtain possession of the savings certificate, the amount of the surrender value of that certificate shall be deemed to be a debt not secured by a negotiable instrument due from the Postmaster-General as creditor to the purchaser as debtor; and the provisions of section 229 of the Civil Procedure Code, shall apply accordingly:

Provided that the Postmaster-General or the Government shall not incur any liability or be subject to any penalty by reason only of the fact that the surrender value of any savings certificate is paid to the purchaser thereof after the service of a prohibitory notice under section 229 of the Civil Procedure Code, if such payment was bona fide made by any person on behalf of the Postmaster-General by error or by accident or in ignorance of the fact of the service of such prohibitory notice.



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Payment on surrender of savings certificates.

**21.** (1) On the surrender of a savings certificate in the prescribed manner and at a prescribed place, the purchaser shall be entitled to receive the surrender value of that certificate as at the time of such surrender.

(2) Where a place prescribed for the purposes of this section is outside Ceylon, the Postmaster-General may make and he is hereby authorised to make such arrangements as may be necessary to enable savings certificates to be surrendered at that place.

Surrender values of savings certificates to be a charge on general revenue.

**22.** The surrender values of savings certificates lawfully issued under this Ordinance are hereby charged upon, and shall be payable out of, the general revenue and assets of Ceylon.

Government not affected by notice of trust.

**23.** No notice of any trust in respect of a savings certificate shall be receivable by the Postmaster-General or by the Government of Ceylon.

The Savings Certificates Fund.

**24.** (1) All moneys received by the Postmaster-General on the issue of savings certificates shall be paid by him from time to time into a fund which shall be called the Savings Certificates Fund.

(2) The Financial Secretary and the Deputy Chief Secretary shall be the Trustees of the Fund and shall have the control and charge thereof.

Application of Fund.

**25.** (1) The Trustees shall retain in their name, in such bank or banks as they may think fit, such portion of the Fund as may in their opinion be required for the purpose of meeting current demands for the surrender values of savings certificates already issued, and shall from time to time issue to the Postmaster-General at his request such sums as may be necessary for that purpose.

(2) Out of the balance of the Fund, the Trustees may from time to time grant loans of such amounts as may be approved by the Governor—

(i) to the Deputy Financial Secretary, for the purpose of meeting the expenditure incurred or to be incurred in any public works undertaken by the Government ; and

(ii) to the Local Loans and Development Commissioners, for the purposes of the Local Loans and Development Ordinance.



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(3) The terms as to repayment and interest and the other conditions on which any loan is granted under subsection (2) shall be such as may be approved by the Governor either generally or in the special circumstances of any particular case.

(4) Such part of the Fund as may not be immediately required for the purposes of subsections (1) and (2), may—

(*a*) be invested by the Trustees, with the approval of the Governor—

(i) in stock, bonds or debentures issued by the Ceylon State Mortgage Bank or by any Land or Mortgage Bank over which the Governor exercises control, or by any central bank established under the Co-operative Societies Ordinance ; or

(ii) on any security, other than a mortgage of immovable property, on which a trustee is authorised by section 20 of the Trusts Ordinance, to invest trust moneys ; or

(*b*) be deposited for fixed periods not exceeding one year in any bank in Ceylon approved by the Governor.

(5) Every loan granted under this section to the Local Loans and Development Commissioners shall be deemed to be a sum appropriated to the Local Loans and Development Fund by Ordinance, and shall, together with the interest due thereon, be repaid out of that fund.

Annual statement of accounts.

**26.** (1) As soon as possible after the thirtieth day of September in each year, the Trustees shall furnish to the Auditor-General a statement of accounts showing—

(*a*) all sums paid into the Fund under section 24 or issued therefrom to the Postmaster-General under section 25 (1) during the period of twelve months immediately preceding that date ;

(*b*) the income of the Fund derived from interest earned on loans, investments or deposits made under section 25 during that period ;

(*c*) the liabilities and assets of the Fund on that date ; and

(*d*) such other information as may be necessary to set forth the financial results of that period.

(2) Every such statement shall be published in the *Gazette* with a certificate by the Auditor-General as to its accuracy and completeness.



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Regulations.

**27.** (1) The Executive Committee may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

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

(*a*) all matters stated or required under this Ordinance to be prescribed ;

(*b*) the terms, conditions and restrictions subject to which savings certificates may be issued to minors and recognised associations ;

(*c*) the issue and surrender of savings certificates, the places at which such certificates may be issued and surrendered, and the procedure to be adopted in connection with such surrender ;

(*d*) the payment of the surrender value of savings certificates on the death of the purchaser thereof ;

(*e*) the issue of new savings certificates under sections 12, 14 and 15 ;

(*f*) the procedure to be followed where the loss, theft or destruction of a savings certificate takes place or is discovered after the death of the purchaser thereof ; the persons to whom and the circumstances in which a new certificate will be issued in such a case ; and the mode of payment of the surrender value of any certificate so lost, stolen or destroyed ;

(*g*) all other matters connected with and incidental to the matters hereinbefore enumerated.

(3) Every regulation made by the Executive Committee under this section shall be published in the *Gazette* and shall come into operation upon such publication.

(4) Every regulation made by the Executive Committee shall be brought before the State Council as soon as may be after the publication thereof by a motion that such regulation shall be approved and, if so approved, shall be submitted to the Governor for ratification.

(5) Any regulation which the State Council refuses to approve or which the Governor refuses to ratify shall be deemed to be rescinded, but without prejudice to the validity



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of anything previously done thereunder or to the making of any new regulation. The date on which a regulation shall be deemed to be so rescinded shall be the date on which the State Council refuses to approve, or the date on which the Governor refuses to ratify the regulation, as the case may be.

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

(7) Any regulation made by the Executive Committee shall, when approved by the State Council and ratified by the Governor, be as valid and effectual as if it were herein enacted. Notification of such approval and ratification shall be published in the *Gazette*.

**28.** In this Ordinance, unless the context otherwise requires— Interpretation.

" certificate " or " savings certificate " means a certificate which is issued under this Ordinance by the Postmaster-General on behalf of the Government to any person on payment of the purchase price notified under section 4 on the condition that such person, by virtue of the said payment, becomes entitled, on surrender of the certificate at any time, to receive its surrender value at that time ;

" Executive Committee " means the Executive Committee of Communications and Works ;

" Fund " means the Savings Certificates Fund established under section 24 ;

" issuing officer " means a Postmaster or any other officer authorised to issue savings certificates ;

" Local Loans and Development Commissioners " means the Board of Commissioners appointed under section 2 of the Local Loans and Development Ordinance ;

" prescribed " means prescribed by this Ordinance or by any regulation made thereunder ;

" purchase price ", when used with reference to a savings certificate, means the sum of money paid or to be paid for that savings certificate at the time of the issue thereof ;



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" purchaser " means the person to whom or the recognised association to which a savings certificate is issued under this Ordinance and includes a person to whom a new savings certificate is issued under section 12, or section 14, or section 15 ;

" recognised association " means a co-operative society or bank or any other society or association, referred to in section 6 and to which a savings certificate may lawfully be issued ;

" regulation " means a regulation made by the Executive Committee under this Ordinance ;

" surrender value ", when used with reference to a savings certificate, means the sum of money which at any given time the purchaser of that certificate is entitled to receive on the surrender thereof.



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# CHAPTER 293.

## TRUSTEE INVESTMENTS.

AN ORDINANCE TO FACILITATE THE INVESTMENT OF TRUST AND OTHER FUNDS IN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND IN CEYLON GOVERNMENT SECURITIES.

*Ordinance* No. 20 of 1901.

[27*th November*, 1901.]

Preamble.

WHEREAS by an Act of the Imperial Parliament known as "The Colonial Stock Act, 1900," the securities in which a trustee may invest under the powers of the Act of that Parliament known as "The Trustee Act, 1893," are declared to include any colonial stock which is registered in the United Kingdom in accordance with the provisions of the Colonial Stock Acts, and with respect to which there have been observed such conditions (if any) as the Lords Commissioners of the Treasury of the United Kingdom may, by order notified in the *London Gazette*, prescribe :

And whereas the said Lords Commissioners of the Treasury of the United Kingdom have, by an order dated 6th December, 1900, prescribed as two of the said conditions that a Colony shall provide by legislation for the payment, out of the revenue of the Colony, of any sums which may become payable to stockholders under any judgment, decree, rule, or order of a court in the United Kingdom, and that the Colonial Government should place on record a formal expression of their opinion that any colonial legislation which appears to the Imperial Government to alter any of the provisions affecting the stock to the injury of the stockholder, or to involve a departure from the original contract in regard to the stock, would properly be disallowed :

And whereas it is expedient that provision should be made to enable advantage to be taken of the said Acts in respect of investment of trust funds in Ceylon Government securities :

Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :



F 13——J. N. 69528 (10/37)

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Short title.

**1.** This Ordinance may be cited as the Trustee Investment (in Ceylon Government Securities) Ordinance.

Application of Ordinance.

**2.** This Ordinance shall apply to all securities heretofore or hereafter created or issued on behalf of the Government of Ceylon to which for the time being the Colonial Stock Acts apply, and which are for the time being registered in the United Kingdom of Great Britain and Northern Ireland in accordance with the provisions of those Acts, each and all of which securities are hereinafter referred to as "Ceylon Government Securities."

Provisions for payment of money due to stockholders.

**3.** (1) Whenever by the final judgment, decree, rule, or order of any court of competent jurisdiction in the United Kingdom of Great Britain and Northern Ireland any sum of money is adjudged or declared to be payable by the Government of Ceylon in respect of any Ceylon Government securities, the Government shall forthwith pay that sum out of the funds in the hands of the Crown Agents belonging to the Government without further appropriation than this Ordinance.

(2) For the purposes of this section "final judgment, decree, rule, or order" means in case of appeal the final judgment, decree, rule, or order of the ultimate court hearing the appeal.

Certificate by Crown Agents.

**4.** In order to enable every such payment to be duly made a certificate under the hands of the Crown Agents, specifying the sum so paid under order of any such court, shall be sufficient authority to the Auditor-General or other officer having the auditing of their accounts for passing such sum without further appropriation.

Any Ordinance affecting injuriously holders of Government securities to be disallowed.

**5.** If at any time hereafter an Ordinance is passed which appears to the Imperial Government to alter any of the provisions affecting the Government securities to the injury of the holder thereof, or to involve a departure from the original contract in regard to those securities, that Ordinance will properly be disallowed.

Interpretation.

**6.** In this Ordinance—

"Crown Agents" means the person or persons for the time being acting as Crown Agents for the Colonies in England, or any one of them;

(40 & 41 Vict. c. 59.) (55 and 56 Vict. c. 35.) (63 & 64 Vict. c. 62.)

"Colonial Stock Acts" means the Acts of the Imperial Parliament known as "The Colonial Stock Acts, 1877 to 1900."



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# CHAPTER 294.

## DEFENCE CONTRIBUTION.

AN ORDINANCE TO APPROPRIATE A PERCENTAGE OF NINE AND A HALF PER CENTUM OF THE COLONIAL REVENUES AS A CONTRIBUTION FOR THE DEFENCE OF THE ISLAND.

*Ordinances* Nos. 2 of 1898, 19 of 1904.

[24*th January*, 1898.]

Short title.

**1.** This Ordinance may be cited as the Defence Contribution Ordinance.

Yearly appropriation for defence of the Island.

**2.** A sum equivalent to nine and a half per centum of the Colonial revenues shall be appropriated yearly to the Imperial Government as a contribution for the defence of the Island.

Definition of "Colonial revenues."

**3.** The Colonial revenues for the purposes of this Ordinance shall include the net receipts of the Ceylon Government Railway; that is to say, the gross receipts of the Ceylon Government Railway less the following charges :—

(*a*) charges for the maintenance of the Ceylon Government Railway ;

(*b*) the interest and sinking fund on loans borrowed for railway construction and extension ;

(*c*) an amount equal to four per centum on any capital which shall have been heretofore or may be hereafter contributed from current revenue or surplus balances, and which shall have been or shall hereafter be expended upon railway construction and extension :

Provided however that upon past contributions from revenue and surplus balances the deduction of four per centum per annum shall take effect as and from the first day of January, nineteen hundred and four, and upon all future contributions from the date of each of such contributions respectively, and provided further that every such deduction of four per



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centum per annum shall cease after the same shall have been deducted for fifty consecutive years from the first day of January, nineteen hundred and four, in respect of past contributions and from the date that each contribution shall respectively be made in respect of future contributions ;

and the gross receipts by the Ceylon Government from all other sources of revenue*, but shall not include the proceeds of land sales and premia on leases or land grants.

Percentage how calculated.

**4.** In the first instance the said percentage shall be calculated on the estimated revenue of the year, and shall be paid at that rate, subject, however, to revision and adjustment in the manner following, that is to say :—

(*a*) after the close of any year for which payment shall have been made according to this Ordinance, when the actual revenue shall have been ascertained, if there shall prove to have been an excess of receipts over the estimate, a further payment of nine and a half per centum of such excess receipts shall be made ;

(*b*) if there shall prove to have been a deficiency of receipts compared with the estimate, a deduction equivalent to nine and a half per centum of such deficiency shall be made from the next of payment or payments due for the defence contribution.

What expenses are included in percentage.

**5.** The said percentage shall be deemed to be a fixed contribution payable by the Ceylon Government in full return for the annual cost of the Imperial garrison, including the cost of maintenance of all military works and buildings, but not including any capital expenditure required for military lands and buildings outside Trincomalee, which shall be provided for by vote of the State Council in the usual way :

Provided that in no year shall the sum paid by way of percentage exceed three-fourths of the cost of the garrison for that year.

Percentage payable quarterly.

**6.** The said percentage shall be paid quarterly on or about the fifteenth day of March, June, September, and December in each year into the Imperial treasury chest in the Island on account of His Majesty's Government.

* Exclusive of abatements for widows' and orphans' pensions under the Widows' and Orphans' Pension Fund Ordinance and the Widows' and Orphans' Pension Fund (Muslim Public Officers) Ordinance.



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# CHAPTER 295.

## CRIMINAL LUNATICS.

AN ORDINANCE RELATING TO THE EXPENSES ATTENDANT UPON THE CONVICTION, OR THE ACQUITTAL ON THE GROUND OF INSANITY, OF CEYLONESE AND PERSONS RESIDENT IN CEYLON IN A FOREIGN COUNTRY UNDER THE FOREIGN JURISDICTION ACTS.

*Ordinance* No. 10 of 1889.

[*8th October*, 1889.]

Short title.

**1.** This Ordinance may be cited as the Criminal Lunatics (Expenses of Removal) Ordinance.

The expenses attending conviction, or acquittal on the ground of insanity, of residents of Ceylon by courts exercising jurisdiction in foreign countries under the Foreign Jurisdiction Acts to be paid out of general revenue.

**2.** If a person who is a native of, or ordinarily resident in, this Island commits an offence in a foreign country in which His Majesty exercises jurisdiction over British subjects, and is either convicted, or is acquitted on the ground of insanity, by a competent court acting under the Imperial Foreign Jurisdiction Acts in such country, the expenses of his removal to the place in which he is to undergo his sentence or be confined as a criminal lunatic, and of his maintenance during his imprisonment or confinement, as the case may be, and any other expenses incident to his conviction, or to his acquittal on the ground of insanity, shall, as far as such expenses cannot be met out of the effects of such person under order of the court before which his trial takes place, be borne by the Government of this Island and paid out of the general revenue thereof.



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## TITLE XXXIX.—PENSIONS.


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# CHAPTER 296.

## WIDOWS'. AND ORPHANS'. PENSION FUND.

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW PROVIDING FOR THE GRANTING OF PENSIONS TO WIDOWS AND ORPHANS OF DECEASED PUBLIC OFFICERS OF THIS ISLAND.

*Ordinances* Nos. 1 of 1898, 3 of 1900, 13 of 1906, 10 of 1907, 15 of 1910, 16 of 1911, 4 of 1915, 3 of 1924, 3 of 1926.

[2*nd June*, 1898.]

Short title.

**1.** This Ordinance may be cited as the Widows' and Orphans' Pension Fund Ordinance.

Interpretation.

**2.** The following words and expressions when used in this Ordinance shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction :

" Directors " shall mean the Directors appointed under section 5 of this Ordinance ;

" Public officer " shall mean and include—

(*a*) any person who at the time of the passing of this Ordinance is holding or has held any office in the public service of this Island, and is contributing in respect of his salary or pension to the fund established under the provisions of the Ordinance No. 20 of 1885 ;*

(*b*) any person who at the said time is holding or who shall hereafter hold any permanent office in the service of this Island which is (i) separately provided for in the estimates, and (ii) has been declared to be pensionable by notification published in the *Government Gazette*, and who draws a salary from the Treasury of two hundred and fifty rupees per annum or upwards, either in respect of one or of two or more such offices held permanently and conjointly ; and

* Repealed by 21 of 1896.



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(*c*) any person who, having been a "public officer" as last aforesaid, is in receipt of a pension from the Government of this Island in respect of his services as such :

Provided that the provisions of this Ordinance shall not apply to any officer who is by law entitled to have more than one wife at any one time, nor to the widow or children of any such officer ;

"salary" shall mean the remuneration paid to an officer in respect of any permanent office held by him in the service of this Island in respect of which office he may become entitled, under any regulations which are now or which may hereafter be in force, to a pension, but shall not include any fees accruing to any officer in respect of such office.

Fund how constituted.

**3.** There shall be carried to the fund created under the Ordinances Nos. 20 of 1885* and 21 of 1896†, and which shall continue to be styled "The Widows' and Orphans' Pension Fund" (hereinafter referred to as "the Fund"), such sums as are hereinafter required to be contributed thereto, and such Fund, together with the accretions of interest thereto, shall be applicable to the payment of the expenses of management thereof as hereinafter provided, and of pensions to the widows and orphans now chargeable to the same under and subject to the provisions of any repealed Ordinances, and to the widows and orphans of the public officers now or hereafter contributing to the same under and subject to the provisions hereinafter contained.

Money belonging to the Fund to be invested with Government.
[§ 2, 3 of 1924.]

**4.** (1) All moneys belonging to the Fund, whether arising from past or future contributions, fines, interest, or otherwise, shall be invested with the Government of this Island, and shall bear interest payable by the said Government during the continuance of the Fund.

(2) Such interest shall be, and shall as from the first day of January, nineteen hundred and twenty, be deemed to have been, at the rate of eight per centum per annum, free from any deduction.

(3) Such interest shall be made up on the thirty-first day of December in each year, and shall be calculated upon

* Repealed by 21 of 1896. † Repealed by 1 of 1898.



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the mean monthly balance standing in the hands of the Deputy Financial Secretary of the Island to the credit of the Fund during the course of the year.

Appointment of Directors.

**5.** (1) For the due and proper management of the Fund the Governor shall appoint any number of public officers, not exceeding five, as Directors thereof.

Cancellation of such appointment.

(2) It shall be lawful for the Governor to cancel and annul the appointment of any person appointed to be a Director, and upon notification thereof in the *Government Gazette* such person shall cease to be a Director, and shall cease to have and exercise the powers of a Director.

Substitution of Director.

(3) In the event of the death of a Director, or in the event of the absence from the Island of a Director, or in the event of the cancellation and revocation of the appointment of any Director, the Governor shall appoint a public officer to be a Director in place of the Director who shall have died, or shall be absent from the Island, or whose appointment shall have been cancelled or revoked, and such person so appointed shall have and exercise all the powers and duties reposed in a Director by this Ordinance.

Management of Fund.

(4) The Directors shall superintend and direct the management and administration of the Fund, and shall see that the laws and regulations relating thereto are duly fulfilled.

Annual statement and account.
[§ 3, 3 of 1924.]

(5) It shall be the duty of the Directors annually, on or before the thirty-first day of May, to prepare a statement and account of the Fund for the year ending the thirty-first day of December preceding, and such statement and account shall be laid before the Governor and the State Council.

Appointment of agents, &c.

(6) The Governor may from time to time appoint such officer or officers as he may consider fit and necessary for carrying out the provisions of this Ordinance, and all persons so appointed shall hold office during the pleasure of the Governor.

Pensions to officers employed under the Directors.

(7) The Governor may, if it shall appear expedient to him, from time to time prescribe rules for the grant of retiring pensions or gratuities to officers and servants appointed under this Ordinance and to those heretofore appointed, and the Directors of "The Widows' and Orphans' Pension Fund" shall, subject to such rules, pay such pensions and gratuities out of the moneys of "The Widows' and Orphans' Pension Fund."



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Officers to give security.

(8) The officers receiving salaries of two hundred and fifty rupees and upwards from the moneys of "The Widows' and Orphans' Pension Fund," and entitled to pension under any rule made under the preceding subsection, are hereby declared to be public officers within the meaning of this Ordinance, and may be required to give security under the provisions of the Public Officers Security Ordinance.

Meetings of Directors.

(9) At every meeting of the Directors the senior public officer present shall preside. Every question shall be decided by the vote of the majority of those Directors present at the meeting, providing that if the votes be equally divided the Chairman shall have a casting vote in addition to his vote as Director. There shall be no meeting at which there shall not be at the least three Directors present and voting.

Cost of management of Fund.

**6.** The Deputy Financial Secretary shall from time to time pay the Directors from and out of the Fund such sums of money as may be necessary to defray all expenses connected with the management and administration of the Fund:

Provided that no payment shall be made to any Director as salary or remuneration for his own services without the consent and approval of the Governor.

Directors may make rules and regulations.

**7.** The Directors shall frame rules and regulations not inconsistent with the provisions of this Ordinance for the proper carrying out of the provisions thereof, and such rules and regulations when approved by the Governor, and published in the *Government Gazette*, shall be valid and binding upon all persons.

Abatement from salaries and pensions.

**8.** (1) From and after the commencement of this Ordinance a monthly abatement of four per centum shall be made from the salary or pension, as the case may be, of every public officer.

Deputy Financial Secretary and Crown Agents to deduct from salaries and pensions.

(2) The abatement of four per centum from the salaries and pensions of contributors shall be made by the Deputy Financial Secretary, or in case of payments made by the Crown Agents by such Crown Agents, upon each occasion of payment of salary or pension, and shall be placed to the credit of "The Widows' and Orphans' Pension Fund":

Provided that in the latter case such abatement of four per centum shall be calculated and made in rupees by the Crown



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Agents on the full salary in rupees payable to such contributor when employed in the Island, or on the pension in rupees payable to such contributor if resident in the Island, and such contributor shall be entitled to receive from the Crown Agents the equivalent in sterling of the balance in rupees of such salary or pension, calculated at the rate at which such contributor is entitled to receive such salary or pension in England.

And in the case of a contributor entitled only to a half of such full salary, such contributor shall be entitled to receive from the Crown Agents the equivalent in sterling calculated in manner aforesaid of the balance in rupees of the half of such full salary after the abatement of four per centum has been calculated on such full salary in rupees and made on the half of such full salary in rupees.

Officers required to pay abatement to the Deputy Financial Secretary or Crown Agents.

(3) In the event of such abatement not being made, every public officer shall pay to the Deputy Financial Secretary or Crown Agents within fifteen days after the receipt by him of his salary or pension a sum equal to four per centum upon his monthly salary or pension, or in the event of any public officer being on leave without salary such public officer shall pay before the fifteenth day of each and every month during the continuance of such leave, to the Deputy Financial Secretary or Crown Agents, a sum equal to four per centum upon the full salary which he would have received monthly had he not been on leave. All sums due under the provisions of this subsection and the arrears of any contribution due and payable under the provisions of the Ordinance No. 21 of 1896* shall be taken to be a debt due to the Fund by the public officer, and shall be payable to the Deputy Financial Secretary or Crown Agents, together with interest thereon at six per centum per annum, forthwith or by such instalments as the Directors may determine. The Deputy Financial Secretary or the Crown Agent shall, upon the written order of the Directors or of any two of them, deduct from any moneys which may be or may become due or payable to the public officer by whom such debt is payable the whole or any part of such debt. The provisions of the Prescription Ordinance shall not apply to any such debt.

Period for which abatement shall be made.

**9.** The abatement of four per centum from the salary of a public officer shall continue to be made until such officer attains the age of sixty-five years, should he continue so long

* Repealed by 1 of 1898.



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in the public service, at which date it shall cease; such abatement shall also cease after an officer has been subject to the abatement for thirty-five successive years.

Officer retiring on pension not to be called upon to contribute more than four per centum from such pension.

**10.** A public officer who from any cause whatever ceases to belong to the public service and retires on a pension shall not be called upon to make any further contribution to the Fund beyond a monthly abatement from his pension of four per centum on such pension, to commence from the date of his retirement until he attains sixty-five years of age or has been subject to abatement for thirty-five years, when such abatement shall cease.

Contributions may continue in full if income reduced.

**11.** Whenever the salary of a public officer becomes reduced by abatement of the ordinary emoluments or by retirement on pension, such public officer may elect to continue to contribute upon the higher salary which he was receiving previous to such reduction, and subject to the same terms and conditions as if he had continued to draw the higher salary. Should such public officer not elect so to continue to contribute upon the higher salary, and contribute on the lower salary or pension, any pension to his widow or children shall be diminished in the same amount as it would have been increased had such public officer's salary been increased and not diminished.

Election to contribute on higher salary to be made within six months.

**12.** A public officer who under section 11 of this Ordinance elects to contribute upon his higher salary must make his election within six months of the date when his right to do so matured, and any such election shall be final.

An officer deprived of his office may continue to contribute.

**13.** A public officer who may retire from the public service, or who may be deprived of the office in respect of which he contributed to the Fund, but who shall not be granted a pension, may continue to contribute from the date of his so retiring or being deprived of his office on the salary which he was receiving at the date of such retirement or deprivation, at the same rate and subject to the same terms and conditions as if he had continued in the public service and continued to receive the salary which he was receiving at the date of such retirement or deprivation. In the event of his ceasing to contribute, or in the event of any contributions due from him not having been paid for six months, his widow or his widow and orphans, as the case may be, shall be entitled upon the death of such public officer only to a



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pension computed on the basis of the interest acquired by such contributor in the Fund at the date of his so retiring or being deprived of his situation or of his ceasing to contribute, in accordance with the tables hereinafter referred to.

Provision for case of officers transferred to other employment under the Crown.

**14.** A public officer other than a bachelor who has been transferred prior to the passing of this Ordinance, or who may be hereafter transferred from the service of this Government to any other office under the Crown, may continue to contribute to the Fund from the date of his ceasing to hold office in the service of this Government on the salary which he was receiving at the date of such transfer, at the same rate and subject to the same terms as if he had continued in the service of this Government and continued to receive the salary which he was receiving at the date of such transfer. In the event of his ceasing to contribute, or in the event of any contribution due from him not having been paid for six months, his widow or his widow and orphans, as the case may be, shall be entitled after the death of such public officer only to a pension computed on the basis of the interest acquired by such contributor to the Fund at the date of his being transferred or of his ceasing to contribute, in accordance with the tables hereinafter referred to.

Resumption of payments by defaulting contributors.

**15.** (1) When the contribution of any person who has continued to contribute to the Fund under section 13 or 14 of this Ordinance after ceasing to hold office in the public service of Ceylon is not paid for six months it shall be lawful for the Directors, with the sanction of the Governor, to allow such person to resume his contibutions to the Fund at the same rate and subject to the same terms and conditions as if he had not made default in paying his contribution as aforesaid, subject nevertheless to the following conditions, namely :—

(*a*) the Directors shall not extend the benefit of this section to any person unless he satisfies the Directors that his default in paying his contribution was due to inadvertence or accident, and unless he has applied to be allowed to resume his contributions within such time as the Directors, having regard to the circumstances of the case, shall consider reasonable ;

(*b*) no person shall be allowed to resume his contributions to the Fund unless he has first paid all arrears of contribution up to date with six per centum compound interest ;



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(c) the Directors may, before allowing any person to resume his contributions to the Fund, require him to pay to the credit of the Fund, by way of penalty, such sum not exceeding fifty rupees as the Directors may think proper.

(2) The provisions of this section shall extend to cases where the default in paying the contribution due to the Fund has been made before, as well as to cases where such default shall be made after the fourteenth day of March, nineteen hundred and six.

Officer to furnish particulars within three months of his appointment.

**16.** Every public officer shall, within three months of the date of his becoming liable to contribute to the Fund, forward to the Directors a declaration setting forth the date of his becoming so liable, his own name in full and the date of his birth, and if he be married the date of his marriage and the maiden name in full and the date of birth of his wife, and if he have any child or children their names in full and the date of each of their births. The public officer making the declaration shall furnish to the Directors such proof of the statements made therein as may be required by the Directors.

Officer to notify marriage.

**17.** Every public officer who shall marry after the passing of this Ordinance shall, within three months of his marriage, forward to the Directors a declaration setting forth the date of such marriage and the maiden name of his wife and the date of her birth, and if there be any children by him born to his wife prior to his marriage he shall make a declaration setting forth the names and date of birth of each of such children.

Officer to notify birth of child.

**18.** Every public officer shall, within three months, notify to the Directors the date of the birth of each child born to him after the passing of this Ordinance.

Officer to notify death of wife, or if she be divorced from him.

**19.** Every public officer whose wife shall die or be divorced from him, or whose child shall die, or whose female child shall be married, and the guardian of every child who shall die or of every female child who shall be married, shall, within three months thereof, notify to the Directors the date of such death, divorce or marriage.

Penalty for non-compliance with provisions of this Ordinance.

**20.** Every public officer who shall in the judgment of the Directors have failed, omitted, or refused to perform any duty cast upon him, or to do any act required of him by this Ordinance or by the rules and regulations made as herein provided,



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or who shall in the judgment of the Directors have furnished any false information or made any false declaration, may be adjudged by the Directors to pay for each such omission, default, refusal, false information, or declaration a penalty not exceeding fifty rupees. The Deputy Financial Secretary shall, upon the judgment of the Directors being notified to him, deduct such penalty from the first moneys payable to the public officer as salary or otherwise, and shall pay such amount to the credit of the Fund.

Who shall be entitled to pension.

**21.** The widows and orphans entitled to pensions from the Fund are the widows and orphans of public officers who have contributed to the Fund in accordance with the provisions of this Ordinance or the Ordinances Nos. 20 of 1885* and 21 of 1896,† save as hereinafter excepted. No pension shall become due, and no pension shall be paid to any widow or orphan of any public officer, until every debt due to the Fund by such public officer shall have been fully discharged.

Exemptions from benefits of Fund.

**22.** No widow of a public officer who dies within one year from the date of his marriage shall be entitled to a pension under this Ordinance unless a lawful child is born of such marriage. The child of any public officer born out of wedlock who has become legitimate by the subsequent marriage of such public officer with the mother of such child, shall be entitled to a pension or allowance from the Fund, unless his father shall have died within twelve months of such marriage, in which case such child shall lose all interest in the Fund :

Provided that it shall be lawful for the Directors, with the consent of the Governor to award a pension to such widow or child if it shall appear to them just and reasonable.

When pension to orphans shall cease.

**23.** The allowance or pension to orphans shall cease in the case of males at the age of eighteen years, and in the case of females on marriage or at the age of twenty-one years.

Pension how computed.

**24.** The pension or allowance to which a widow or child of a deceased public officer is entitled shall be computed according to tables to be approved of by the Governor. Such tables shall be adjusted and revised by an actuary or

* Repealed by 21 of 1896. † Repealed by 1 of 1898.



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actuaries who shall be from time to time appointed by the Governor. All pensions to widows or children, whether in possession or in expectation and reversion, shall be subject to re-adjustment, and shall be computed upon the tables so adjusted and revised, and diminished or increased accordingly.

Triennial valuation of Fund.

**25.** The actuarial valuations of the Fund contemplated in section 24 of this Ordinance shall be made triennially.

Application of surplus at periodical actuarial valuations of assets and liabilities of the Fund.

**26.** Such percentages as the Governor may, on the recommendation of the Directors, from time to time appoint of such surpluses as may be disclosed by the periodical actuarial valuations provided for by section 25 of this Ordinance of the assets and liabilities of the Fund, including the valuation of such assets and liabilities as on the thirty-first March, nineteen hundred and nine, shall be applied in increasing the prospective pensions of the widows and orphans of the contributors to the Fund at the date of each such valuation, and of former contributors who had ceased to contribute on attaining the age of sixty-five years or on leaving the service, and of all those who may be pensioners at the date of each such valuation, in such shares and proportions and in such manner as the Governor as advised by the Directors, with the approval of the Secretary of State, may direct.

Pension to orphans.

**27.** When a public officer being a widower and unmarried shall die or have died leaving a child or children entitled to pensions, or when a widow of a public officer shall die or have died and there be a child or children of such public officer surviving entitled to pension, the pensions of such child or children shall be the amount which the widow would have received or had been receiving, equally divided among the children.

Provision in case of widow marrying.

**28.** The widow of a public officer who marries again shall cease to receive a pension from the date of such marriage; and the children of such widow and public officer shall thereupon, and in the case of the widow of a public officer who has married again and has ceased to receive a pension from the date of such marriage the children of such widow and public officer shall, from and after the coming into operation of this Ordinance, be entitled to pension as hereinbefore provided in the event of the death of both parents.



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Provision in case of a widow and children of a previous marriage.

**29.** When a public officer dies leaving a widow and children the issue of a previous marriage existing when he became a contributor to the Fund, or contracted after he became such contributor, and such children are of ages which entitled them to pensions from the Fund, such children shall be entitled each of them to an equal share or portion of the half of the pension to which their mother, if she had survived their father, would have been entitled. The widow of such public officer shall be entitled to one-half of the pension to which she would have been entitled had there been no such children; and if the public officer dies leaving no such children, or when they cease to be entitled to pension, then she shall be entitled to the whole of such pension as she would have received had there been no such children. Should the widow die leaving no issue of her marriage with the public officer, the children of the first marriage shall be entitled to such pensions as if the public officer had not contracted such subsequent marriage. Should the widow die leaving children the issue of her marriage with the public officer, such children shall be entitled each to an equal share or portion of the pension to which their mother was entitled.

Pension to children of a widower.

**30.** The children of a widower who shall become or has become a contributor to the Fund shall be entitled on his death, and the children of a widower who has contributed to the Fund and has died prior to the coming into operation of this Ordinance shall be entitled from and after the coming into operation of this Ordinance, to the pension to which they would have been entitled if their mother had been living at the time of his becoming liable to contribute thereto.

Pension to be paid monthly.

**31.** The pension payable to any person entitled thereto under this Ordinance shall begin upon the death of the public officer or of his widow, as the case may be, and shall accrue daily and shall be paid monthly. But before any such payment it shall be lawful for the Directors to require proof that any widow or child is alive and entitled to the pension claimed by such widow or child.

Directors to appoint person to receive payment on behalf of minors.

**32.** In any case in which a minor is entitled to payment of a pension or portion of a pension under this Ordinance, it shall be lawful for the Directors to appoint some fit and proper person to whom such pension shall be paid. Such appointment shall be in writing under the hand of at least



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three of the Directors, and the receipt of such person shall be a legal discharge for the payment of such pension or portion thereof.

Pensions not to be assigned or levied upon.

**33.** No pension payable from the Fund shall be assigned or transferred, and every assignment or transfer shall be absolutely null and void and of no effect. No such pension shall be attached or levied upon or arrested or taken in execution on account of any debt or payment due by the person to whom such pension is payable.

Questions and disputes to be decided by Governor.

**34.** Should any question arise as to whether any person is a public officer within the meaning of this Ordinance, or as to whether any person is entitled to any pension as the widow or child of a public officer, or as to the amount of pension to which any widow or child shall be entitled, or as to the meaning or construction to be assigned to any section of this Ordinance, or to any rule or regulation made under the provisions thereof, it shall be lawful for the Directors, and such Directors are required, upon the application of any such public officer, widow, or child, to submit such question for decision to the Governor; and the decision of the Governor thereon, shall be final.

Widow not entitled to pension if marriage contracted after officer had ceased to contribute.

**35.** No widow of a public officer whose marriage was contracted after he had ceased to contribute, and no child of such marriage, shall be entitled to any pension.

Exemption of pensions from estate duty. [§ 2, 3 of 1926.]

**36.** No pension to which a widow or child of a deceased public officer dying after the commencement of this Ordinance becomes entitled under this or any other Ordinance relating to the pensions of the widows or children of deceased public officers shall be liable to the payment of estate duty under the Estate Duty Ordinance.

No increase or decrease of pension if residing in climate less or more healthy than Ceylon.

**37.** No pension, whether payable to a widow or to a child or children, shall be increased or decreased by reason of the residence of the person entitled to such pension being lessor more healthy as to climate than Ceylon.

Refund of contributions to bachelors.

**38.** (1) In the event of a bachelor retiring from, or otherwise quitting, the public service unmarried, a moiety of the contributions made by such bachelor, but without any



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interest, shall be refunded to him. And such bachelor and all persons claiming by, through, or under him shall cease to have any interest in the Fund, and shall have no claim thereon.

(2) In the event of a bachelor dying while in the public service, a moiety of the contributions made by him shall be paid, but without interest, to his legal representative.

Concessions to widowers without pensionable children.

**39.** (1) In the following cases, that is to say :—

(*a*) where a contributor, who is a widower without pensionable children, retires from the public service on pension ;

(*b*) where a contributor, who is a widower without pensionable children, leaves the public service by resignation transfer, or otherwise ;

(*c*) where a contributor, who is a widower without pensionable children, dies whilst in the public service,

such contributor, or the legal personal representative of such contributor, as the case may be, shall be entitled to a refund without interest of fifty per centum of the contributions made by such contributor since the date when his last wife died, or his youngest child ceased to be pensionable, whichever event last happened :

Provided that any contributor who elects to exercise his right under this subsection shall cease to contribute to the fund, and shall have no further claim upon it.

(2) Where a contributor who has retired on pension subsequently becomes a widower without pensionable children, he may elect to cease from contributing to the fund, and shall thereupon have no further claim upon it.

(3) A contributor who elects to exercise his right under this section must do so within six months of the date on which such right matured, and any such election shall be final.

Provisions with regard to officers appointed after the fourteenth day of March, nineteen hundred and six.

**40.** Public officers appointed after the fourteenth day of March, nineteen hundred and six shall not be allowed to become contributors to the Fund, anything in this Ordinance to the contrary notwithstanding ; but abatements shall be made from the salaries or pensions of such public officers equivalent to the contributions and other payments which would have been levied from them under the provisions of this



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Ordinance, and shall be carried to the credit of the general revenue accounts of the Island :

Provided that the sum so received shall not be assessable for military contribution under the Defence Contribution Ordinance.

Application of this Ordinance to such officers.

**41.** The provisions of this Ordinance, so far as the same are not modified by the provisions of section 40, shall apply to all public officers appointed after the fourteenth day of March, nineteen hundred and six.

Calculation of pensions in respect of increments of salary of existing public officers.

**42.** All pensions accruing after the fourteenth day of March, nineteen hundred and six in respect of increments of salary of existing public officers shall be calculated according to the tables in Schedule II.

Observance of rules in calculating pensions.

**43.** The rules contained in Schedule I. shall be observed in calculating the pensions payable to the widows and orphans of public officers on the basis of the tables in Schedule II.

Computation of pensions of widows or orphans of officers appointed after 14th March, 1906.

**44.** (1) The pensions to which widows or orphans of deceased public officers appointed after the fourteenth day of March, nineteen hundred and six, are entitled to, shall, be deemed to have been computable and payable according to the tables in Schedule II, up to and including the thirty-first day of December, nineteen hundred and nineteen ; and as from and including the first day of January, nineteen hundred and twenty, such pensions shall be, and be deemed to have been, computable and payable according to the tables sanctioned by the Governor on the twenty-seventh day of February, nineteen hundred and twenty-two.

(2) Such tables may, with the approval of the Governor and subject to the sanction of the Secretary of State, be adjusted and revised from time to time by an actuary or actuaries appointed by the Governor, and the tables so adjusted and revised shall be substituted for the tables previously in force and shall come into force on a date which shall be fixed by the Governor and shall apply to any pension payable in respect of a contributor dying on or after that date, but not to any pension payable to a contributor dying before that date.

(3) All such pensions as aforesaid shall be paid out of the general revenue of the Island and are hereby made a charge on such revenue.



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## SCHEDULE I.

RULES FOR CALCULATING PENSIONS TO WIDOWS AND ORPHAN CHILDREN OF PUBLIC OFFICERS ACCORDING TO THE TABLES IN SCHEDULE II. [Section 43.]

*Synopsis of Rules.*

**A.—Public Officer who commenced to contribute while a Bachelor.**

*I.—First Wife's Prospective Pension.*

(A) Pension in consideration of the contributions paid during bachelorhood.

(B) Pension in consideration of the annual contribution current at the date of marriage.

(C) Variations of pension consequent on increments to, and decrements, from the current annual contribution while the contributor is married to his first wife.

*II.—Second, and subsequent, Wife's Prospective Pension.*

(A) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is a widower.

(B) Variations of pension consequent on the re-marriage of the contributor.

(C) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his second, or subsequent, wife.

**B.—Public Officer who commenced to contribute while Married.**

*III.—First Wife's Prospective Pension.*

(A) Pension in consideration of the annual contribution current at the date of commencement of the contribution.

(B) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his first wife.

*IV.—Second, and subsequent, Wife's Prospective Pension.*

(A) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is a widower.

(B) Variations of pension consequent on the re-marriage of the contributor.

(C) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his second, or subsequent wife.

**C.—Public Officer who commenced to contribute while a Widower.**

*V.—Second, and subsequent, Wife's Prospective Pension.*



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**D.—Pensions to Orphan Children.**

*VI.—Orphans' Pensions at Death of Widower Contributor.*

(A) Case where the orphans are the issue of the same wife.

(B) Case where the orphans are the issue of different wives.

*VII.—Orphans' Pensions at Death or re-Marriage of Widow.*

*VIII.—Orphans' Pensions at Death of Married Contributor.*

**E.—Public Officer transferred to the service of another Colony.**

**F.—Calculation of Quantities (or Tabular Results) for Ages not given in the Tables.**

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**A to C.—Calculation of Registered Pensions.**

The calculation of the amount of the pension that will or may become payable at the death of a contributor should not be delayed until such death has actually occurred; but a register should be kept in which full particulars respecting each contributor should be entered, and in this register should be recorded against every married and widower contributor the amount of the pension which would become payable should he die immediately, leaving a widow or orphans entitled to such pension. The amount of the pension per annum so entered in the register against a contributor, or, in other words, his "registered pension" should be calculated (and re-calculated as often as may be necessary) in accordance with the following rules.

**A.—Public Officer who commenced to contribute while a Bachelor.**

*Note.*—No registered pension is to be recorded unless and until the bachelor contributor marries.

I.—*First Wife's Prospective Pension.*

*Note.*—The registered pension to be recorded on marriage is found by adding together the two amounts calculated in accordance with the following *Rules I.* (*a*) and *I.* (*b*) respectively.

(A) Pension in consideration of the contributions paid during bachelorhood.

*Rule I.* (*a*).—Accumulate the contributions at 6 per cent. compound interest, with yearly rests at each 31st December, and multiply the result by the quantity found from Table A corresponding to the respective ages next birthday of the husband and wife at the date of marriage. The product gives the registered pension on account of the contributions paid during bachelorhood.

(B) Pension in consideration of the annual contribution current at the date of marriage.

*Note.*—The amount of the current annual contribution is obtained by multiplying by 12 the amount of the last monthly contribution.

*Rule I.* (*b*).—Turn to the section of Table B which contains in the heading the age of the husband at the date of completion of his period of contribution, and multiply the amount of the current annual contribution, by the quantity found from that section corresponding to the respective ages next birthday of the husband and wife at the date of marriage. The product gives the registered pension on account of the annual contribution current at the date of marriage.



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*Example* of the application of *Rules I.* (*a*) and *I.* (*b*) :—

| | |
|---|---|
| Officer born on .. .. | July 31, 1858 |
| Officer commenced to contribute on .. | April 1, 1884 |
| Officer married on .. .. | June 30, 1888 |
| Annual contribution, 1st April, 1884, to 31st December, 1886. .. .. | Rs. 20 |
| Annual contribution, 1st January, 1887, to date of marriage .. .. | Rs. 30 |
| Date of completion of contribution period .. | April 1, 1919 |
| Wife born on .. .. | Aug. 31, 1868 |
| Officer's age next birthday at date of marriage | 30 |
| Officer's age next birthday at completion of contribution period .. .. | 61 |
| Wife's age next birthday at date of marriage.. | 20 |

*Application of Rule I.* (*a*) :—

Accumulation of contributions paid during bachelorhood:—

| | | | |
|---|---|---|---|
| Contributions from 1st April to 31st December, 1884 .. .. | | Rs. | 15 0 |
| Contributions during 1885 .. | | Rs. | 20 0 |
| One year's interest at 6 per cent. on Rs. 15 .. .. | | Rs. | 0 90 |
| | | Rs. | 35 90 |
| Contributions during 1886 .. | | Rs. | 20 0 |
| One year's interest at 6 per cent. on Rs. 35·90 .. .. | | Rs. | 2 15 |
| | | Rs. | 58 5 |
| Contributions during 1887 .. | | Rs. | 30 0 |
| One year's interest at 6 per cent. on Rs. 58·05 .. .. | | Rs. | 3 48 |
| | | Rs. | 91 53 |
| Contributions from 1st January to 30th June, 1888 .. .. | | Rs. | 15 0 |
| Half-year's interest at 6 per cent. on Rs. 91·53 .. .. | | Rs. | 2 75 |
| Total accumulation .. | | Rs. | 109 28 |
| Quantity found from Table A—Husband | 30 | | ·346 |
| Wife | 20 | | |

Rs. 109·28 × ·346 = Rs. 37·81 = registered pension in consideration of contributions paid during bachelorhood.

*Application of Rule I.* (*b*) :—

Annual contribution current at the date of marriage, Rs. 30.

Quantity found from Table B, section for Officers aged 61 next birthday at completion of period of contribution :—

| | | |
|---|---|---|
| Husband | 30 | .. 4·29 |
| Wife | 20 | |

Rs. 30 × 4·29 = Rs. 128·70 = registered pension in consideration of annual contribution current at marriage.



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*Total Registered Pension* to be recorded on the bachelor contributor marrying :—

| | | | |
|---|---|---|---|
| By *Rule I.* (*a*) | .. | Rs. | 37 81 |
| By *Rule I.* (*b*) | .. | Rs. | 128 70 |
| Total | .. | Rs. | 166 51 |

(c) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his first wife.

*Note.*—The cessation of the contribution from any cause before the completion of the full period of contribution must be regarded as a decrement from the current annual contribution equal to the amount of such current annual contribution.

*Rule I.* (*c*).—Turn to the section of Table B which contains in the heading the age of the husband at the date of completion of his period of contribution, and multiply the amount of the increment to, or the decrement from, the current annual contribution by the quantity found from that section corresponding to the respective ages next birthday of the husband and wife at the date of the variation of the contribution.

The product gives the amount to be added to the registered pension consequent on the increment to the current annual contribution, or, as the case may be, the amount to be deducted from the registered pension consequent on the decrement from the current annual contribution.

*Example* of the application of *Rule I.* (*c*) :—

Assume particulars as in the *Example* subjoined to *Rules I.* (*a*) and *I.* (*b*) :—

| | | |
|---|---|---|
| Annual contribution increased on 31st May, 1893, from Rs. 30 to | .. | Rs. 50 |
| Annual contribution decreased on 30th April, 1898, from Rs. 50 to | .. | Rs. 40 |
| Annual contribution ceased on 31st March, 1903. | | |
| 1893, May 31st.—Increment to current annual contribution | .. | Rs. 20 |

Quantity found from Table B, section for Officers aged 61 next birthday at completion of period of contribution :—

Husband 35 / Wife 25 .. 3·56

Rs. 20 × 3·56 = Rs. 71·20 = amount to be added to the registered pension.

| | | | |
|---|---|---|---|
| Registered pension at marriage, see *Example* subjoined to *Rules I.* (*a*) and *I.* (*b*) | .. | Rs. | 166 51 |
| *Add* | .. | Rs. | 71 20 |
| Registered pension at 31st May, 1893 | .. | Rs. | 237 71 |
| 1898, April 30th.—Decrement from current annual contribution | .. | Rs. | 10 |



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Quantity found from Table B, section for Officers aged 61 next birthday at completion of period of contribution :—

Husband 40
Wife 30 } .. 2·91

Rs. 10 × 2·91 = Rs. 29·10 = amount to be deducted from the registered pension.

| | | | |
|---|---|---|---|
| Registered pension at 31st May, 1893, as above .. .. .. | Rs. | 237 | 71 |
| *Deduct* .. .. .. | Rs. | 29 | 10 |
| Registered pension at 30th April, 1898 .. | Rs. | 208 | 61 |
| 1903, March 31st.—Cessation of contribution regarded as a decrement from current annual contribution .. .. | Rs. | | 40 |

Quantity found from Table B, section for Officers aged 61 next birthday at completion of period of contribution :—

Husband 45
Wife 35 } .. 2·30

Rs. 40 × 2·30 = Rs. 92·00 = amount to be deducted from the registered pension.

| | | | |
|---|---|---|---|
| Registered pension at 30th April, 1898, as above .. .. .. | Rs. | 208 | 61 |
| *Deduct* .. .. .. | Rs. | 92 | 0 |
| Registered pension at 31st March, 1903 .. | Rs. | 116 | 61 |

*II.—Second, and subsequent, Wife's Prospective Pension.*

(A) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is a widower.

*Rule II.* (*a*).—Assume that the contributor is married to a wife of the age that his last preceding wife would have been had she survived to the date of the variation of the contribution, and proceed in accordance with *Rule I.* (*c*).

*Example* of the application of *Rule II.* (*a*) :—

If the particulars be as in the *Example* subjoined to *Rule I.* (*c*), except that the first wife, who was born on 31st August, 1868, died on 30th November, 1888, it would be assumed that the contributor was at the date of each of the three variations of the contribution married to a wife who was born on the 31st August, 1868. The calculations will then be identical with those given in the *Example* subjoined to *Rule I.* (*c*).

(B) Variations of pension consequent on the re-marriage of the contributor.

*Note.*—No variation of the registered pension is to be recorded if the second, or subsequent, wife was at the date of the re-marriage *of the same age next birthday as* the last preceding wife would have been had she survived to that date.

*Rule II.* (*b*).—If the second, or subsequent, wife was at the date of the re-marriage *of a greater or less age next birthday than* the last preceding wife would have been had she survived to that date, multiply the amount of the registered pension by the



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quantity found from Table C corresponding to the age next birthday of the husband at the date of re-marriage, and the age next birthday which the last preceding wife would have attained had she survived to that date ; multiply the product so obtained by the quantity found from Table A corresponding to the respective ages of the husband and of the second, or subsequent, wife at the date of the re-marriage.

The result gives the registered pension to be recorded on the re-marriage of the contributor.

*Example* of the application of *Rule II.* (*b*) :—

Assume particulars as in the *Example* subjoined to *Rules I.* (*a*) and *I.* (*b*) :—

| | |
|---|---|
| First wife died on .. .. .. | Nov. 30, 1888 |
| Contributor re-married on .. | Jan. 31, 1893 |
| Contributor's age next birthday at date of re-marriage .. .. | 35 |
| Second wife born on .. .. | June 30, 1873 |
| Second wife's age next birthday at date of the re-marriage .. .. | 20 |
| Age next birthday which the first wife would have attained had she survived to date of the re-marriage .. .. | 25 |

1893, January 31st.—The second wife being of a less age next birthday at the date of the re-marriage than the first wife would have been had she survived, the registered pension Rs. 166·51—see *Example* subjoined to *Rules I.* (*a*) and *I.* (*b*)—is to be re-calculated.

Quantity found from Table C :—

Husband 35 / Wife 25 .. 3·224

Quantity found from Table A :—

Husband 35 / Wife 20 .. ·293

Rs. 166·51 × 3·224 = Rs. 536·83

Rs. 536·83 × ·293 = Rs. 157·29 = registered pension at 31st January, 1893.

(c) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his second, or subsequent, wife.

*Rule II.* (*c*).—Proceed as in *Rule I.* (*c*).

**B.—Public Officer who commenced to contribute while Married.**

*III.—First Wife's Prospective Pension.*

*Note.*—In every case of a public officer who commenced to contribute while married, the wife at the date of commencement of the contribution is to be considered as the Officer's first wife, and no particulars are to be recorded respecting any former wife to whom he may have been married, unless there is issue of such former wife of a pensionable age (see D.—Pensions to Orphan Children).

(A) Pension in consideration of the annual contribution current at the date of commencement of the contribution.

*Rule III.* (*a*).—Turn to the section of Table B which contains in the heading the age of the husband at the date of completion



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of his period of contribution, and multiply the amount of the current annual contribution by the quantity found from that section corresponding to the respective ages next birthday of the husband and wife at the date of commencement of the contribution.

The product gives the registered pension on account of the annual contribution current at the date of commencement of the contribution.

*Example* of the application of *Rule III.* (*a*) :—

| | |
|---|---|
| Officer born on .. .. | Aug. 31, 1850 |
| Officer married on .. .. | June 30, 1879 |
| Officer commenced to contribute on .. | July 31, 1890 |
| Annual contribution current on 31st July, 1890 .. .. .. | Rs. 100 |
| Date of completion of contribution period .. | Aug. 31, 1915 |
| Wife born on .. .. | Oct. 31, 1860 |
| Officer's age next birthday on 31st July, 1890 | 40 |
| Officer's age next birthday at completion of contribution period .. .. | 65 |
| Wife's age next birthday on 31st July, 1890 | 30 |
| 1890, July 31st.—Current annual contribution | Rs. 100 |

Quantity found from Table B, section for Officers aged 65 next birthday at completion of period of contribution :—

Husband 40, Wife 30 .. 3·07

Rs. 100 × 3·07 = Rs. 307 = registered pension in consideration of annual contribution current at commencement of contribution.

(B) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his first wife.

*Rule III.* (*b*).—Proceed as in *Rule I.* (*c*).

*IV.—Second and subsequent, Wife's Prospective Pension.*

(A) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is a widower.

*Rule IV.* (*a*).—Proceed as in *Rule II.* (*a*).

(B) Variations of pension consequent on the re-marriage of the contributor.

*Rule IV.* (*b*).—Proceed as in *Rule II.* (*b*).

(C) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his second, or subsequent, wife.

*Rule IV.* (*c*).—Proceed as in *Rule I.* (*c*).

**C.—Public Officer who commenced to contribute while a Widower.**

*V.—Second, and subsequent, Wife's Prospective Pension.*

*Rule V.*—For the purpose of calculating the registered pension assume that the deceased wife survived to the date of commencement of the contribution and died immediately afterwards ; then proceed in accordance with the rules applicable to the case of Officers who commenced to contribute while married see (B).



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**D.—Pensions to Orphan Children.**

*VI.—Orphans' Pensions at death of Widower Contributor.*

(A) Case where the orphans are the issue of the same wife.

*Rule VI.* (*a*).—Divide the amount of the registered pension of the widower contributor equally among the children entitled for the time being.

*Example* of the application of *Rule VI.* (*a*) :—

Registered pension of widower contributor at his death, Rs. 150 per annum.

Children entitled on his death :—

| | | |
|---|---|---|
| Spinster daughter | aged | 19 |
| Son | aged .. | 14 |
| Son | aged .. | 12 |

Each of the three children will take a pension of Rs. 50 per annum.

If the spinster daughter marry at the age of 20 the two sons will each take a pension of Rs. 75 per annum.

If the younger son subsequently die at the age of 15 the elder son will take the full pension of Rs. 150 per annum.

(B) Case where the orphans are the issue of different wives.

*Note.*—The rules here given provide for the case of two wives only.

*Rule VI.* (*b*).—(1) Divide equally among such of the children of the first wife as may be entitled for the time being *one moiety* of the pension which the first wife would have received had she survived the contributor.

(2) Divide equally among such of the children of the second wife as may be entitled for the time being *one moiety* of the pension which the second wife would have received had she survived the contributor, and had there been no issue of the first wife entitled to pension.

(3) So soon as all the children of either the first wife or the second wife have ceased to be entitled to pension, divide equally among such of the children of the other wife as may be entitled for the time being *the whole* of the pension which such other wife would have received had she survived the contributor, and had there been no issue of the first wife entitled to pension.

*VII.—Orphans' Pensions at Death or Re-marriage of Widow.*

*Rule VII.*—Divide the amount of the widow's pension equally among her children entitled for the time being.

*Example* of the application of *Rule VII.* :—

Amount of widow's pension at her death or re-marriage Rs. 150 per annum.

Children entitled at her death :—

Assuming the particulars as in the example subjoined to *Rule VI.* (*a*), proceed as therein indicated.

*VIII.—Orphans' Pensions at Death of Married Contributor.*

*Rule VIII.*—In the case where a contributor dies leaving a widow, and also children the issue of a previous marriage, divide equally among such of the children of the first wife as may be entitled for the time being *one moiety* of the pension which the



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first wife would have received had she survived the contributor. On the widows' pension ceasing, divide equally among such of the children of the first wife as may be entitled for the time being *the whole* of the pension which the first wife would have received had she survived the contributor.

*Note.*—In this case so long as the children of the first wife are entitled to pension, the widow's pension is *one moiety* of that which she would have received had there been no such children.

**E.—Public Officer transferred to the Service of another Colony.**

Throughout these rules and examples the calculations depend, not on the official income of the contributor, but on the amount of his contribution to the Fund, so that the transfer of a Public Officer to the service of another Colony does not affect his registered pension unless the amount of his current annual contribution is varied, in which case the proper adjustment is to be made in accordance with the preceding rules.

**F.—Calculation of Quantities (or Tabular Results) for Ages not given in the Tables.**

*Table A.*—The quantities are given for every age of the husband from 15 to 64, and for every fifth age of the wife from 15 to 65. Ages of husbands and wives below or beyond are to be treated as the youngest and oldest ages given respectively.

For the intermediate ages of wives, interpolate by first differences, as follows.

To find the quantity corresponding to the ages of a husband and wife aged respectively 35 and 27 next birthday :—

The quantity for ages 35 and 25 given in the Table is .. ·310
The quantity for ages 35 and 30 given in the Table is .. ·332

So that the addition of five years to the age of the wife results in an addition of ·022 to the quantity given in the Table for ages 35 and 25.

An addition of two years to the age of the wife accordingly results by proportion in an addition of two-fifths of ·022 to the quantity given in the Table for ages 35 and 25.

Two-fifths of ·022 = ·009, which added to ·310 gives ·319 which is the required quantity corresponding to ages 35 and 27.

*Table B.*—This Table is divided into eleven sections respectively applicable to Officers who will be aged next birthday 55, 56, 57, . . . up to 65, when they complete their period of contribution. Care should in all cases be taken to turn to the section which contains in the heading the age of the husband at the date of completion of his period of contribution.

In each section the quantities are given for 35 consecutive ages of the husband, terminating at the age preceding that at which the contribution ceases, and for every fifth age of the wife from 15 to 65.

Ages of the wife below or beyond are to be treated as the youngest and oldest ages given respectively. For the intermediate ages of wives interpolate by first differences as explained above. Thus, the quantity found from the first section of the Table (age 55) corresponding to the ages of a husband and wife aged respectively 45 and 38 next birthday is three-fifths of ·17, added to 1·78, which gives 1·88.

For Officers who commence to contribute at an earlier age than 20 next birthday the method of calculation given in the subjoined examples is to be followed.



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*Example* (*1*).—An Officer aged 17 next birthday, having a wife aged 15 next birthday, commences to contribute. Assume that the Officer is aged 20 next birthday, so that the quantity found from Table B will be 6·05.

This Officer receives an increment of salary at age 22 next birthday, when his wife's age is 20. Assume that his age is 25 next birthday, *i.e.*, his actual age 22 plus the difference between his actual age at entry and 20, which is three years. The quantity found from Table B will be 5·16.

*Example* (*2*).—An Officer aged 19 next birthday commences to contribute as a bachelor, and five years later, when aged 24 next birthday, marries, his wife's age being 20 next birthday. The quantity found from Table A in accordance with *Rule I.* (*a*) will be taken from the actual ages (husband 24 and wife 20), and will be ·422. With respect to the current annual contribution at marriage, assume that the Officer's age is 25 (his actual age plus one), so that the quantity found from Table B will be 5·16.

This Officer receives an increment of salary when aged 39, when his wife's age is 35. Assume as before that the ages are 40 and 35 respectively, so that the quantity found from Table B will be 2·72.

*Note.*—It will be observed that this method takes account of the actual number of years for which the annual contribution will run. In *Example* (*1*), when the Officer receives the increment of salary at age 22 he has contributed to the Fund for five years, so that at the expiration of 30 years his contributions will cease. Similarly in *Example* (*2*), when the Officer marries at age 24, he also has contributed to the Fund for five years, so that although he is two years older than the Officer in *Example* (*1*), yet the unexpired period of contribution is the same in each case, and the wife's age is in each instance 20, so that no important error is involved in using the same tabular quantity for the two cases.

*Table C.*—The quantities are given for the same ages as in Table A ; ages of husbands and wives below and beyond are to be treated as in using that Table.

For the intermediate ages of wives interpolate by first differences as explained above, except that it must be noted that in this Table an addition to the age of the wife results in a *deduction* from the quantity given in the Table.

To find the quantity corresponding to the ages of a husband and wife aged respectively 35 and 27 next birthday :—

The quantity for ages 35 and 25 given in the Table is . . 3·224
The quantity for ages 35 and 30 given in the Table is . . 3·010

So that the addition of five years to the age of the wife results in a deduction of ·214 from the quantity given in the Table for ages 35 and 25.

An addition of two years to the age of the wife accordingly results by proportion in a deduction of two-fifths of ·214 from the quantity given in the Table for ages 35 and 25.

Two-fifths of ·214 = ·086, which deducted from 3·224 leaves 3·138 which is the required quantity corresponding to ages 35 and 27.



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SCHEDULE II. [Section 42.]

*TABLES.*

**Table A.**

The Yearly Pension payable by Monthly Instalments, which a Single Contribution of 1 will secure.

| Age of Husband next Birthday. | Age of Wife next Birthday. | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | 55 | 60 | 65 |
| 15 | ·521 | ·551 | ·588 | ·633 | ·689 | ·759 | ·849 | ·973 | 1·139 | 1·364 | 1·667 |
| 16 | ·507 | ·536 | ·572 | ·616 | ·671 | ·740 | ·829 | ·948 | 1·107 | 1·325 | 1·626 |
| 17 | ·494 | ·521 | ·556 | ·600 | ·653 | ·720 | ·808 | ·923 | 1·076 | 1·285 | 1·585 |
| 18 | ·480 | ·506 | ·541 | ·583 | ·635 | ·701 | ·786 | ·897 | 1·046 | 1·247 | 1·541 |
| 19 | ·466 | ·492 | ·525 | ·566 | ·617 | ·681 | ·765 | ·872 | 1·015 | 1·211 | 1·493 |
| 20 | ·452 | ·477 | ·509 | ·549 | ·599 | ·662 | ·742 | ·847 | ·985 | 1·174 | 1·443 |
| 21 | ·439 | ·463 | ·494 | ·532 | ·580 | ·642 | ·720 | ·822 | ·956 | 1·138 | 1·395 |
| 22 | ·425 | ·449 | ·479 | ·516 | ·562 | ·623 | ·699 | ·797 | ·927 | 1·103 | 1·350 |
| 23 | 412 | ·435 | ·464 | ·500 | ·545 | ·603 | ·677 | ·772 | ·898 | 1·068 | 1·304 |
| 24 | ·399 | ·422 | ·449 | ·484 | ·527 | ·583 | ·656 | ·748 | ·870 | 1·034 | 1·259 |
| 25 | ·387 | ·408 | ·434 | ·468 | ·510 | ·564 | ·634 | ·724 | ·842 | 1·001 | 1·214 |
| 26 | ·375 | ·395 | ·420 | ·452 | ·493 | ·545 | ·613 | ·701 | ·816 | ·968 | 1·170 |
| 27 | ·363 | ·382 | ·407 | ·437 | ·476 | ·527 | ·593 | ·678 | ·789 | ·936 | 1·127 |
| 28 | ·351 | ·370 | ·393 | ·423 | ·460 | ·509 | ·573 | ·656 | ·763 | ·906 | 1·087 |
| 29 | ·340 | ·358 | ·380 | ·408 | ·444 | ·492 | ·553 | ·634 | ·739 | ·876 | 1·048 |
| 30 | ·329 | ·346 | ·367 | ·394 | ·429 | ·475 | ·534 | ·612 | ·714 | ·846 | 1·011 |
| 31 | ·318 | ·334 | ·355 | ·381 | ·414 | ·458 | ·515 | ·591 | ·691 | ·818 | ·975 |
| 32 | ·308 | ·323 | ·343 | ·368 | ·400 | ·442 | ·498 | ·571 | ·668 | ·791 | ·940 |
| 33 | ·298 | ·313 | ·332 | ·356 | ·386 | ·427 | ·480 | ·551 | ·645 | ·764 | ·907 |
| 34 | ·288 | ·302 | ·321 | ·344 | ·373 | ·412 | ·464 | ·532 | ·623 | ·739 | ·876 |
| 35 | ·279 | ·293 | ·310 | ·332 | ·360 | ·398 | ·448 | ·514 | ·602 | ·714 | ·847 |
| 36 | ·271 | ·283 | ·300 | ·321 | ·348 | ·385 | ·432 | ·497 | ·581 | ·690 | ·820 |
| 37 | ·262 | ·274 | ·290 | ·311 | ·337 | ·372 | ·418 | ·480 | ·561 | ·666 | ·794 |
| 38 | ·254 | ·265 | ·281 | ·300 | ·326 | ·360 | ·404 | ·464 | ·542 | ·644 | ·769 |
| 39 | ·246 | ·257 | ·271 | ·290 | ·315 | ·347 | ·390 | ·448 | ·524 | ·623 | ·745 |
| 40 | ·239 | ·249 | ·263 | ·281 | ·304 | ·335 | ·376 | ·432 | ·506 | ·602 | ·722 |
| 41 | ·231 | ·241 | ·254 | ·271 | ·294 | ·324 | ·363 | ·417 | ·489 | ·583 | ·700 |
| 42 | ·224 | ·234 | ·246 | ·263 | ·284 | ·313 | ·350 | ·402 | ·473 | ·564 | ·679 |
| 43 | ·218 | ·227 | ·238 | ·254 | ·275 | ·302 | ·338 | ·389 | ·457 | ·546 | ·659 |
| 44 | ·211 | ·220 | ·231 | ·246 | ·266 | ·292 | ·326 | ·375 | ·441 | ·529 | ·639 |
| 45 | ·205 | ·213 | ·224 | ·238 | ·257 | ·282 | ·315 | ·362 | ·426 | ·511 | ·620 |
| 46 | ·199 | 207 | ·217 | ·230 | ·248 | ·272 | ·305 | ·350 | ·412 | ·494 | ·600 |
| 47 | ·193 | 201 | ·210 | ·223 | ·240 | ·263 | ·295 | ·339 | ·398 | ·478 | ·581 |
| 48 | ·188 | ·195 | ·204 | ·216 | ·232 | ·255 | ·285 | ·327 | ·385 | ·462 | ·563 |
| 49 | 182 | ·189 | ·198 | ·210 | ·225 | ·246 | ·276 | ·317 | ·372 | ·447 | ·546 |
| 50 | ·177 | ·184 | ·192 | ·203 | ·218 | ·238 | ·267 | ·306 | ·360 | ·433 | ·530 |
| 51 | ·172 | ·179 | ·187 | ·197 | ·211 | ·231 | ·258 | ·296 | ·348 | ·419 | ·515 |
| 52 | ·168 | ·174 | ·182 | ·191 | ·205 | ·224 | ·250 | ·286 | ·337 | ·406 | ·500 |
| 53 | ·163 | ·169 | ·177 | ·186 | ·198 | ·217 | ·242 | ·277 | ·326 | ·393 | ·486 |
| 54 | ·159 | ·165 | ·172 | ·180 | ·193 | ·210 | ·234 | ·268 | ·316 | ·382 | ·473 |
| 55 | ·154 | ·160 | ·167 | ·175 | ·187 | ·204 | ·227 | ·260 | ·306 | ·371 | ·461 |
| 56 | ·150 | ·156 | ·163 | ·171 | ·182 | ·198 | ·220 | ·252 | ·297 | ·361 | ·449 |
| 57 | ·147 | ·152 | ·159 | ·166 | ·177 | ·192 | ·214 | ·245 | ·289 | ·352 | ·438 |
| 58 | ·143 | ·148 | ·154 | ·162 | ·172 | ·187 | ·207 | ·238 | ·281 | ·343 | ·428 |
| 59 | ·139 | ·145 | ·151 | ·158 | ·168 | ·182 | ·202 | ·231 | ·274 | ·335 | ·418 |
| 60 | ·136 | ·141 | ·147 | ·154 | ·164 | ·177 | ·196 | ·225 | ·267 | ·327 | ·409 |
| 61 | ·133 | ·138 | ·143 | ·150 | ·160 | ·172 | ·191 | ·219 | ·261 | ·319 | ·400 |
| 62 | ·130 | ·134 | ·140 | ·147 | ·156 | ·168 | ·185 | ·213 | ·254 | ·311 | ·392 |
| 63 | ·127 | ·131 | ·137 | ·143 | ·152 | ·164 | ·180 | ·207 | ·247 | ·304 | ·385 |
| 64 | ·124 | ·128 | ·134 | ·140 | ·149 | ·160 | ·176 | ·202 | ·241 | ·297 | ·378 |



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## Table B.

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 55 NEXT BIRTHDAY WHEN THEY COMPLETE THEIR PERIOD OF CONTRIBUTION.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund.

| Age of Husband next Birthday. | Age of Wife next Birthday. | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | 55 | 60 | 65 |
| 20 | 6·05 | 6·38 | 6·81 | 7·35 | 8·01 | 8·86 | 9·93 | 11·33 | 13·18 | 15·70 | 19·31 |
| 21 | 5·81 | 6 13 | 6·54 | 7·06 | 7·69 | 8·51 | 9·53 | 10·88 | 12·66 | 15·07 | 18·49 |
| 22 | 5·57 | 5 88 | 6·27 | 6·77 | 7·37 | 8·16 | 9·14 | 10·44 | 12·14 | 14·45 | 17·68 |
| 23 | 5·34 | 5·64 | 6·01 | 6·48 | 7·06 | 7·81 | 8·76 | 10·00 | 11·63 | 13·84 | 16·89 |
| 24 | 5·11 | 5·40 | 5·75 | 6·20 | 6·75 | 7·47 | 8·38 | 9·57 | 11·13 | 13·24 | 16·11 |
| 25 | 4·89 | 5·16 | 5·49 | 5·92 | 6·45 | 7·13 | 8·01 | 9·15 | 10·64 | 12·65 | 15·34 |
| 26 | 4·67 | 4·93 | 5·24 | 5·65 | 6·15 | 6·80 | 7·65 | 8·74 | 10·16 | 12·07 | 14·59 |
| 27 | 4·46 | 4·70 | 4·99 | 5·38 | 5·86 | 6·48 | 7·29 | 8·33 | 9·69 | 11·50 | 13·87 |
| 28 | 4·25 | 4·48 | 4·75 | 5·12 | 5·57 | 6·17 | 6·94 | 7·93 | 9·24 | 10·95 | 13·17 |
| 29 | 4·05 | 4·26 | 4·52 | 4·86 | 5·29 | 5·86 | 6·59 | 7·54 | 8·79 | 10·42 | 12·49 |
| 30 | 3·85 | 4·05 | 4·29 | 4·61 | 5·02 | 5·56 | 6·25 | 7·16 | 8·35 | 9·90 | 11·83 |
| 31 | 3·66 | 3·84 | 4·07 | 4·37 | 4·76 | 5·27 | 5·92 | 6·78 | 7·92 | 9·40 | 11·19 |
| 32 | 3·47 | 3·64 | 3·86 | 4·14 | 4·50 | 4·99 | 5·60 | 6·42 | 7·50 | 8·91 | 10·58 |
| 33 | 3·29 | 3·45 | 3·66 | 3·92 | 4·25 | 4·71 | 5·29 | 6·07 | 7·10 | 8·43 | 9·99 |
| 34 | 3·11 | 3·26 | 3·46 | 3·70 | 4·01 | 4·44 | 4·99 | 5·73 | 6·70 | 7·96 | 9·43 |
| 35 | 2·93 | 3·08 | 3·26 | 3·49 | 3·78 | 4·18 | 4·70 | 5·40 | 6·32 | 7·50 | 8·89 |
| 36 | 2·76 | 2·90 | 3·07 | 3·28 | 3·56 | 3·93 | 4·42 | 5·07 | 5·94 | 7·05 | 8·37 |
| 37 | 2·60 | 2·73 | 2·88 | 3·08 | 3·34 | 3·69 | 4·15 | 4·76 | 5·58 | 6·62 | 7·87 |
| 38 | 2·44 | 2·56 | 2·70 | 2·89 | 3·13 | 3·45 | 3·88 | 4·46 | 5·22 | 6·20 | 7·39 |
| 39 | 2·29 | 2·39 | 2·53 | 2·70 | 2·92 | 3·22 | 3·62 | 4·16 | 4·87 | 5·79 | 6·92 |
| 40 | 2·14 | 2·23 | 2·36 | 2·52 | 2·72 | 3·00 | 3·37 | 3·87 | 4·53 | 5·39 | 6·47 |
| 41 | 1·99 | 2·07 | 2·19 | 2·34 | 2·52 | 2·78 | 3·12 | 3·59 | 4·20 | 5·00 | 6·02 |
| 42 | 1·84 | 1·92 | 2·03 | 2·16 | 2·33 | 2·57 | 2·88 | 3·31 | 3·88 | 4·62 | 5·58 |
| 43 | 1·70 | 1·77 | 1·87 | 1·98 | 2·14 | 2·36 | 2 64 | 3·04 | 3·56 | 4·25 | 5·14 |
| 44 | 1·56 | 1·62 | 1·71 | 1·81 | 1·96 | 2·15 | 2·41 | 2·77 | 3·25 | 3·89 | 4·71 |
| 45 | 1·42 | 1·47 | 1·55 | 1·64 | 1·78 | 1·95 | 2·18 | 2·50 | 2·94 | 3·53 | 4·28 |
| 46 | 1·28 | 1·32 | 1·39 | 1·47 | 1·60 | 1·75 | 1·95 | 2·23 | 2·64 | 3·17 | 3·85 |
| 47 | 1·14 | 1·17 | 1·23 | 1·31 | 1·42 | 1·55 | 1·73 | 1·97 | 2·34 | 2·82 | 3·43 |
| 48 | 1·00 | 1·03 | 1·08 | 1·15 | 1·24 | 1·35 | 1·51 | 1·72 | 2·05 | 2·47 | 3·01 |
| 49 | 0·86 | 0·89 | 0·93 | 0·99 | 1·06 | 1·16 | 1·30 | 1·48 | 1·76 | 2·12 | 2·59 |
| 50 | 0·72 | 0·75 | 0·79 | 0·83 | 0·89 | 0·97 | 1·09 | 1·25 | 1·47 | 1·77 | 2·17 |
| 51 | 0·59 | 0·61 | 0·64 | 0·67 | 0·72 | 0·79 | 0·88 | 1·01 | 1·18 | 1·42 | 1·75 |
| 52 | 0·45 | 0·46 | 0·48 | 0·51 | 0·54 | 0·59 | 0·66 | 0·76 | 0·89 | 1·08 | 1·33 |
| 53 | 0·30 | 0·31 | 0·33 | 0·34 | 0·36 | 0·40 | 0·45 | 0·51 | 0·60 | 0·72 | 0·89 |
| 54 | 0·15 | 0·16 | 0·17 | 0·17 | 0·19 | 0·20 | 0·23 | 0·26 | 0·30 | 0·37 | 0 45 |



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## Table B.

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 56 NEXT BIRTHDAY WHEN THEY COMPLETE THEIR PERIOD OF CONTRIBUTION.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund.

| Age of Husband next Birthday. | Age of Wife next Birthday. | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | 55 | 60 | 65 |
| 21 | 5·85 | 6·17 | 6·58 | 7·10 | 7·74 | 8·56 | 9·59 | 10·95 | 12·72 | 15·15 | 18·63 |
| 22 | 5·61 | 5·92 | 6·31 | 6·81 | 7·42 | 8·21 | 9·21 | 10·51 | 12·21 | 14·55 | 17·82 |
| 23 | 5·38 | 5·68 | 6·04 | 6·53 | 7·11 | 7·86 | 8·83 | 10·08 | 11·71 | 13·95 | 17·02 |
| 24 | 5·15 | 5·44 | 5·78 | 6·25 | 6·80 | 7·52 | 8·45 | 9·65 | 11·22 | 13·35 | 16·24 |
| 25 | 4·93 | 5·20 | 5·53 | 5·97 | 6·50 | 7·19 | 8·08 | 9·23 | 10·74 | 12·76 | 15·48 |
| 26 | 4·72 | 4·97 | 5·28 | 5·69 | 6·20 | 6·87 | 7·71 | 8·82 | 10·27 | 12·18 | 14·74 |
| 27 | 4·51 | 4·74 | 5·04 | 5·42 | 5·91 | 6·55 | 7·35 | 8·42 | 9·81 | 11·61 | 14·02 |
| 28 | 4·30 | 4·52 | 4·80 | 5·16 | 5·63 | 6·24 | 7·00 | 8·02 | 9·35 | 11·06 | 13·32 |
| 29 | 4·10 | 4·31 | 4·57 | 4·91 | 5·35 | 5·93 | 6·66 | 7·63 | 8·90 | 10·53 | 12·64 |
| 30 | 3·90 | 4·10 | 4·35 | 4·67 | 5·08 | 5·63 | 6·33 | 7·25 | 8·46 | 10·02 | 11·98 |
| 31 | 3·71 | 3·90 | 4·13 | 4·44 | 4·82 | 5·34 | 6·01 | 6·88 | 8·03 | 9·52 | 11·34 |
| 32 | 3·52 | 3·70 | 3·92 | 4·21 | 4·57 | 5·06 | 5·70 | 6·52 | 7·62 | 9·03 | 10·73 |
| 33 | 3·34 | 3·51 | 3·71 | 3·99 | 4·33 | 4·79 | 5·39 | 6·17 | 7·22 | 8·56 | 10·15 |
| 34 | 3·16 | 3·32 | 3·51 | 3·77 | 4·09 | 4·52 | 5·09 | 5·83 | 6·83 | 8·10 | 9·60 |
| 35 | 2·99 | 3·14 | 3 32 | 3·56 | 3·86 | 4·26 | 4·80 | 5·50 | 6·45 | 7·65 | 9·07 |
| 36 | 2·83 | 2·96 | 3·13 | 3·36 | 3·64 | 4·01 | 4·52 | 5·18 | 6·08 | 7·21 | 8·56 |
| 37 | 2·67 | 2·79 | 2·95 | 3·16 | 3·42 | 3·77 | 4·25 | 4·87 | 5·72 | 6·78 | 8·06 |
| 38 | 2·51 | 2·62 | 2·77 | 2·97 | 3·21 | 3·54 | 3·99 | 4·57 | 5·37 | 6·36 | 7·58 |
| 39 | 2·36 | 2·46 | 2·60 | 2·78 | 3·01 | 3·32 | 3·73 | 4·28 | 5·02 | 5·96 | 7·12 |
| 40 | 2·21 | 2·30 | 2·43 | 2·60 | 2·81 | 3·10 | 3·48 | 4·00 | 4·68 | 5·57 | 6·68 |
| 41 | 2·06 | 2 15 | 2·27 | 2·42 | 2·62 | 2·89 | 3 23 | 3·73 | 4·35 | 5·19 | 6·25 |
| 42 | 1·92 | 2·00 | 2·11 | 2·25 | 2·43 | 2·68 | 2 99 | 3·46 | 4·03 | 4·82 | 5·82 |
| 43 | 1·78 | 1·85 | 1 95 | 2·08 | 2·25 | 2·47 | 2·76 | 3·19 | 3·72 | 4·46 | 5·39 |
| 44 | 1·64 | 1·70 | 1 79 | 1·91 | 2·07 | 2·27 | 2·53 | 2·92 | 3·42 | 4·10 | 4·97 |
| 45 | 1·50 | 1·56 | 1·64 | 1·75 | 1·89 | 2·07 | 2·31 | 2·66 | 3·13 | 3·75 | 4·55 |
| 46 | 1·36 | 1·42 | 1·49 | 1·59 | 1·71 | 1·87 | 2·10 | 2·40 | 2·84 | 3·40 | 4·13 |
| 47 | 1·22 | 1·28 | 1·34 | 1·43 | 1·54 | 1 68 | 1·89 | 2·15 | 2·55 | 3·06 | 3·72 |
| 48 | 1·09 | 1·14 | 1·19 | 1·27 | 1·37 | 1·49 | 1·68 | 1·91 | 2·26 | 2·72 | 3·31 |
| 49 | 0·96 | 1·00 | 1·05 | 1·11 | 1·20 | 1·30 | 1·47 | 1·67 | 1·98 | 2·38 | 2·90 |
| 50 | 0·84 | 0·87 | 0·91 | 0·96 | 1·03 | 1·12 | 1·26 | 1·44 | 1·70 | 2·04 | 2·50 |
| 51 | 0·70 | 0·73 | 0·76 | 0·80 | 0·86 | 0·94 | 1·05 | 1·21 | 1·42 | 1·71 | 2·10 |
| 52 | 0·57 | 0·59 | 0·62 | 0·65 | 0·70 | 0·76 | 0·85 | 0·97 | 1·14 | 1·38 | 1·70 |
| 53 | 0·43 | 0·45 | 0·47 | 0·49 | 0·52 | 0·57 | 0·64 | 0·73 | 0·86 | 1·04 | 1·28 |
| 54 | 0·29 | 0·30 | 0·32 | 0·33 | 0·35 | 0·38 | 0·43 | 0·49 | 0·58 | 0·70 | 0·87 |
| 55 | 0·15 | 0·15 | 0·16 | 0·17 | 0·18 | 0·20 | 0·22 | 0·25 | 0·29 | 0·36 | 0·44 |



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## Table B.

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 57 NEXT BIRTHDAY WHEN THEY COMPLETE THEIR PERIOD OF CONTRIBUTION.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund.

| Age of Husband next Birthday. | Age of Wife next Birthday. | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | 55 | 60 | 65 |
| 22 | 5·65 | 5·96 | 6·35 | 6·85 | 7·47 | 8·26 | 9·25 | 10·57 | 12·27 | 14·62 | 17·94 |
| 23 | 5·42 | 5·71 | 6·08 | 6·56 | 7·16 | 7·91 | 8·88 | 10·14 | 11·78 | 14·02 | 17·13 |
| 24 | 5·19 | 5·47 | 5·82 | 6·28 | 6·85 | 7·57 | 8·51 | 9·72 | 11·29 | 13·43 | 16·35 |
| 25 | 4·97 | 5·24 | 5·57 | 6·01 | 6·55 | 7·24 | 8·14 | 9·30 | 10·81 | 12·85 | 15·59 |
| 26 | 4·75 | 5·01 | 5·32 | 5·74 | 6·26 | 6·91 | 7·78 | 8·89 | 10·34 | 12·29 | 14·86 |
| 27 | 4·54 | 4·78 | 5·08 | 5·47 | 5·97 | 6·59 | 7·42 | 8·49 | 9·88 | 11·74 | 14·15 |
| 28 | 4·33 | 4·56 | 4·85 | 5·21 | 5·69 | 6·28 | 7·07 | 8·10 | 9·43 | 11·20 | 13·45 |
| 29 | 4·13 | 4·35 | 4·62 | 4·96 | 5·41 | 5·98 | 6·73 | 7·71 | 8·99 | 10·66 | 12·77 |
| 30 | 3·94 | 4·14 | 4·40 | 4·72 | 5·14 | 5·69 | 6·40 | 7·33 | 8·55 | 10·14 | 12·11 |
| 31 | 3·75 | 3·94 | 4·18 | 4·49 | 4·88 | 5·40 | 6·08 | 6·97 | 8·13 | 9·64 | 11·48 |
| 32 | 3·56 | 3·74 | 3·97 | 4·27 | 4·63 | 5·12 | 5·77 | 6·61 | 7·72 | 9·16 | 10·88 |
| 33 | 3·38 | 3·55 | 3·77 | 4·05 | 4·39 | 4·85 | 5·47 | 6·26 | 7·32 | 8·69 | 10·30 |
| 34 | 3·21 | 3·37 | 3·57 | 3·83 | 4·15 | 4·59 | 5·17 | 5·92 | 6·93 | 8·23 | 9·75 |
| 35 | 3·04 | 3·19 | 3·38 | 3·62 | 3·92 | 4·33 | 4·88 | 5·60 | 6·56 | 7·78 | 9·22 |
| 36 | 2·88 | 3·02 | 3·20 | 3·42 | 3·70 | 4·08 | 4·60 | 5·29 | 6·20 | 7·35 | 8·71 |
| 37 | 2·72 | 2·85 | 3·02 | 3·23 | 3·49 | 3·84 | 4·33 | 4·99 | 5·84 | 6·93 | 8·22 |
| 38 | 2·57 | 2·69 | 2·84 | 3·04 | 3·28 | 3·61 | 4·07 | 4·69 | 5·49 | 6·52 | 7·75 |
| 39 | 2·42 | 2·53 | 2·67 | 2·86 | 3·08 | 3·40 | 3·82 | 4·40 | 5·15 | 6·12 | 7·30 |
| 40 | 2·28 | 2·37 | 2·50 | 2·68 | 2·89 | 3·19 | 3·58 | 4·11 | 4·82 | 5·73 | 6·87 |
| 41 | 2·14 | 2·22 | 2·34 | 2·51 | 2·70 | 2·98 | 3·34 | 3·83 | 4·50 | 5·36 | 6·44 |
| 42 | 2·00 | 2·07 | 2·18 | 2·34 | 2·52 | 2·78 | 3·11 | 3·56 | 4·19 | 5·00 | 6·02 |
| 43 | 1·86 | 1·92 | 2·03 | 2·17 | 2·34 | 2·58 | 2·88 | 3·30 | 3·89 | 4·64 | 5·60 |
| 44 | 1·72 | 1·78 | 1·88 | 2·00 | 2·16 | 2·38 | 2·65 | 3·04 | 3·59 | 4·29 | 5·19 |
| 45 | 1·58 | 1·64 | 1·73 | 1·84 | 1·98 | 2·18 | 2·43 | 2·79 | 3·29 | 3·94 | 4·79 |
| 46 | 1·45 | 1·50 | 1·58 | 1·68 | 1·81 | 1·99 | 2·22 | 2·55 | 3·00 | 3·60 | 4·39 |
| 47 | 1·32 | 1·36 | 1·44 | 1·52 | 1·64 | 1·80 | 2·01 | 2·31 | 2·72 | 3·27 | 3·99 |
| 48 | 1·19 | 1·23 | 1·30 | 1·37 | 1·47 | 1·62 | 1·81 | 2·08 | 2·44 | 2·94 | 3·59 |
| 49 | 1·06 | 1·10 | 1·16 | 1·22 | 1·31 | 1·44 | 1·61 | 1·85 | 2·17 | 2·61 | 3·19 |
| 50 | 0·94 | 0·97 | 1·02 | 1·07 | 1·15 | 1·26 | 1·41 | 1·62 | 1·90 | 2·29 | 2·80 |
| 51 | 0·81 | 0·84 | 0·88 | 0·93 | 0·99 | 1·09 | 1·21 | 1·39 | 1·64 | 1·97 | 2·42 |
| 52 | 0·68 | 0·71 | 0·74 | 0·78 | 0·83 | 0·91 | 1·02 | 1·16 | 1·37 | 1·65 | 2·03 |
| 53 | 0·55 | 0·57 | 0·60 | 0·63 | 0·67 | 0·73 | 0·82 | 0·94 | 1·10 | 1·33 | 1·64 |
| 54 | 0·42 | 0·44 | 0·45 | 0·48 | 0·51 | 0·55 | 0·62 | 0·71 | 0·83 | 1·01 | 1·25 |
| 55 | 0·28 | 0·29 | 0·31 | 0·32 | 0·34 | 0·37 | 0·42 | 0·48 | 0·56 | 0·68 | 0·84 |
| 56 | 0·14 | 0·15 | 0·16 | 0·16 | 0·18 | 0·19 | 0·21 | 0·24 | 0·29 | 0·35 | 0·43 |



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## Table B.

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 58 NEXT BIRTHDAY WHEN THEY COMPLETE THEIR PERIOD OF CONTRIBUTION.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund.

| Age of Husband next Birthday. | Age of Wife next Birthday. | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | 55 | 60 | 65 |
| 23 | 5·45 | 5·75 | 6·12 | 6·60 | 7·20 | 7·96 | 8·92 | 10·20 | 11·84 | 14·10 | 17·24 |
| 24 | 5·22 | 5·51 | 5·86 | 6·32 | 6·89 | 7·62 | 8·56 | 9·78 | 11·36 | 13·52 | 16·45 |
| 25 | 5·00 | 5·28 | 5·61 | 6·05 | 6·59 | 7·29 | 8·20 | 9·36 | 10·89 | 12·94 | 15·70 |
| 26 | 4·79 | 5·05 | 5·37 | 5·79 | 6·29 | 6·97 | 7·84 | 8·96 | 10·43 | 12·38 | 14·97 |
| 27 | 4·58 | 4·83 | 5·13 | 5·53 | 6·00 | 6·66 | 7·49 | 8·57 | 9·98 | 11·82 | 14·26 |
| 28 | 4·38 | 4·61 | 4·89 | 5·27 | 5·72 | 6·35 | 7·14 | 8·18 | 9·53 | 11·28 | 13·56 |
| 29 | 4·18 | 4·40 | 4·66 | 5·02 | 5·45 | 6·05 | 6·80 | 7·79 | 9·08 | 10·76 | 12·88 |
| 30 | 3·98 | 4·19 | 4·44 | 4·77 | 5·19 | 5·75 | 6·46 | 7·41 | 8·64 | 10·24 | 12·23 |
| 31 | 3·79 | 3·99 | 4·23 | 4·53 | 4·94 | 5·46 | 6·14 | 7·05 | 8·22 | 9·74 | 11·61 |
| 32 | 3·61 | 3·80 | 4·02 | 4·30 | 4·69 | 5·18 | 5·83 | 6·70 | 7·80 | 9·26 | 11·02 |
| 33 | 3·43 | 3·61 | 3·82 | 4·08 | 4·45 | 4·91 | 5·53 | 6·35 | 7·40 | 8·80 | 10·45 |
| 34 | 3·26 | 3·42 | 3·62 | 3·87 | 4·21 | 4·65 | 5·23 | 6·01 | 7·02 | 8·34 | 9·90 |
| 35 | 3·09 | 3·24 | 3·43 | 3·67 | 3·98 | 4·40 | 4·95 | 5·68 | 6·66 | 7·90 | 9·37 |
| 36 | 2·93 | 3·06 | 3·24 | 3·47 | 3·76 | 4·16 | 4·68 | 5·37 | 6·30 | 7·48 | 8·86 |
| 37 | 2·77 | 2·89 | 3·06 | 3·28 | 3·55 | 3·93 | 4·42 | 5·07 | 5·95 | 7·06 | 8·38 |
| 38 | 2·62 | 2·73 | 2·89 | 3·09 | 3·35 | 3·71 | 4·16 | 4·78 | 5·61 | 6·66 | 7·92 |
| 39 | 2·47 | 2·58 | 2·73 | 2·91 | 3·16 | 3·49 | 3·91 | 4·50 | 5·27 | 6·26 | 7·48 |
| 40 | 2·33 | 2·43 | 2·57 | 2·74 | 2·97 | 3·27 | 3·67 | 4·22 | 4·94 | 5·88 | 7·05 |
| 41 | 2·19 | 2·28 | 2·41 | 2·57 | 2·78 | 3·06 | 3·43 | 3·95 | 4·63 | 5·50 | 6·63 |
| 42 | 2·05 | 2·14 | 2·26 | 2·40 | 2·60 | 2·86 | 3·20 | 3·68 | 4·33 | 5·14 | 6·21 |
| 43 | 1·91 | 2·00 | 2·11 | 2·24 | 2·42 | 2·66 | 2·97 | 3·42 | 4·03 | 4·78 | 5·80 |
| 44 | 1·78 | 1·86 | 1·96 | 2·08 | 2·24 | 2·47 | 2·75 | 3·17 | 3·73 | 4·44 | 5·40 |
| 45 | 1·60 | 1·72 | 1·81 | 1·92 | 2·07 | 2·28 | 2·54 | 2·92 | 3·44 | 4·12 | 5·00 |
| 46 | 1·52 | 1·59 | 1·67 | 1·77 | 1·90 | 2·09 | 2·33 | 2·68 | 3·16 | 3·80 | 4·61 |
| 47 | 1·39 | 1·46 | 1·53 | 1·62 | 1·74 | 1·91 | 2·13 | 2·45 | 2·89 | 3·48 | 4·22 |
| 48 | 1·27 | 1·33 | 1·39 | 1·47 | 1·58 | 1·73 | 1·93 | 2·22 | 2·62 | 3·16 | 3·84 |
| 49 | 1·15 | 1·20 | 1·25 | 1·32 | 1·42 | 1·55 | 1·74 | 2·00 | 2·35 | 2·84 | 3·46 |
| 50 | 1·03 | 1·07 | 1·12 | 1·18 | 1·27 | 1·38 | 1·55 | 1·78 | 2·09 | 2·52 | 3·08 |
| 51 | 0·91 | 0·94 | 0·99 | 1·04 | 1·12 | 1·21 | 1·36 | 1·56 | 1·84 | 2·21 | 2·71 |
| 52 | 0·79 | 0·81 | 0·86 | 0·90 | 0·97 | 1·05 | 1·17 | 1·34 | 1·59 | 1·90 | 2·34 |
| 53 | 0·67 | 0·68 | 0·72 | 0·76 | 0·81 | 0·89 | 0·98 | 1·12 | 1·33 | 1·60 | 1·97 |
| 54 | 0·54 | 0·55 | 0·58 | 0·61 | 0·65 | 0·72 | 0·79 | 0·90 | 1·07 | 1·29 | 1·59 |
| 55 | 0·41 | 0·42 | 0·44 | 0·46 | 0·49 | 0·54 | 0·60 | 0·68 | 0·81 | 0·98 | 1·21 |
| 56 | 0·28 | 0·29 | 0·30 | 0·31 | 0·33 | 0·36 | 0·40 | 0·46 | 0·54 | 0·66 | 0·82 |
| 57 | 0·14 | 0·15 | 0·15 | 0·16 | 0·17 | 0·18 | 0·21 | 0·24 | 0·28 | 0·34 | 0·42 |



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## Table B.

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 59 NEXT BIRTHDAY WHEN THEY COMPLETE THEIR PERIOD OF CONTRIBUTION.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund.

| Age of Husband next Birthday. | Age of Wife next Birthday. | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | 55 | 60 | 65 |
| 24 | 5·25 | 5·54 | 5·90 | 6·36 | 6·93 | 7·67 | 8 60 | 9·83 | 11·42 | 13·59 | 16·55 |
| 25 | 5·03 | 5·31 | 5·65 | 6 09 | 6·64 | 7·34 | 8·25 | 9·42 | 10·95 | 13·02 | 15·79 |
| 26 | 4·82 | 5·08 | 5·40 | 5·82 | 6·35 | 7·02 | 7·90 | 9·02 | 10·49 | 12·46 | 15·06 |
| 27 | 4·61 | 4·86 | 5·16 | 5·56 | 6·06 | 6·71 | 7·55 | 8·62 | 10·04 | 11·91 | 14·35 |
| 28 | 4·41 | 4·64 | 4·93 | 5·30 | 5·78 | 6·40 | 7·20 | 8·23 | 9·59 | 11·37 | 13·66 |
| 29 | 4·21 | 4·43 | 4·70 | 5·05 | 5·51 | 6·10 | 6·86 | 7·85 | 9·15 | 10·84 | 12·99 |
| 30 | 4·02 | 4·22 | 4·48 | 4·81 | 5·24 | 5·80 | 6·52 | 7·47 | 8·72 | 10·33 | 12·34 |
| 31 | 3·83 | 4·02 | 4·27 | 4·58 | 4·98 | 5·51 | 6·20 | 7·11 | 8·30 | 9 84 | 11·72 |
| 32 | 3·65 | 3·83 | 4·07 | 4·36 | 4·73 | 5·23 | 5·90 | 6·76 | 7·89 | 9·36 | 11·12 |
| 33 | 3·47 | 3·64 | 3·87 | 4·14 | 4·49 | 4·97 | 5·60 | 6·42 | 7·49 | 8·90 | 10 55 |
| 34 | 3·30 | 3·46 | 3·67 | 3·93 | 4·26 | 4·72 | 5·31 | 6·09 | 7·11 | 8·45 | 10·01 |
| 35 | 3·13 | 3·29 | 3·48 | 3·73 | 4·04 | 4·47 | 5·03 | 5·77 | 6·75 | 8·01 | 9·50 |
| 36 | 2·97 | 3·12 | 3·29 | 3·53 | 3·83 | 4·23 | 4·76 | 5·46 | 6·40 | 7·59 | 9·01 |
| 37 | 2·82 | 2·96 | 3·11 | 3·34 | 3·62 | 4·00 | 4·50 | 5·16 | 6·05 | 7·18 | 8·54 |
| 38 | 2·67 | 2·80 | 2·94 | 3·16 | 3·42 | 3·77 | 4·24 | 4·87 | 5·71 | 6·78 | 8·08 |
| 39 | 2·53 | 2·64 | 2·78 | 2·98 | 3·22 | 3·55 | 3·99 | 4·59 | 5·38 | 6·39 | 7·64 |
| 40 | 2·39 | 2·49 | 2·62 | 2·80 | 3·03 | 3·34 | 3·75 | 4·31 | 5·05 | 6·01 | 7·21 |
| 41 | 2·25 | 2·34 | 2·47 | 2·63 | 2·84 | 3·14 | 3·52 | 4·04 | 4·74 | 5·64 | 6·79 |
| 42 | 2·11 | 2·20 | 2·32 | 2·46 | 2·66 | 2·94 | 3·30 | 3·78 | 4·44 | 5·29 | 6·38 |
| 43 | 1·98 | 2·06 | 2·17 | 2·30 | 2·49 | 2·74 | 3·08 | 3·53 | 4·15 | 4·95 | 5·98 |
| 44 | 1·85 | 1·92 | 2·02 | 2·15 | 2·32 | 2·55 | 2·86 | 3·28 | 3·86 | 4·62 | 5·59 |
| 45 | 1·72 | 1·79 | 1·88 | 2·00 | 2·16 | 2·37 | 2·65 | 3·04 | 3·58 | 4·29 | 5·21 |
| 46 | 1·59 | 1·66 | 1·74 | 1·85 | 2·00 | 2·19 | 2·45 | 2·80 | 3·30 | 3·97 | 4·83 |
| 47 | 1·47 | 1·53 | 1·60 | 1·70 | 1·84 | 2·01 | 2·25 | 2·57 | 3·03 | 3·65 | 4·45 |
| 48 | 1·35 | 1·40 | 1·47 | 1·55 | 1·68 | 1·83 | 2·06 | 2·35 | 2·77 | 3·33 | 4·07 |
| 49 | 1·23 | 1·28 | 1·34 | 1·41 | 1·52 | 1·66 | 1·87 | 2·13 | 2·51 | 3·02 | 3·70 |
| 50 | 1·11 | 1·16 | 1·21 | 1·27 | 1·37 | 1·49 | 1·68 | 1·92 | 2·26 | 2·72 | 3·33 |
| 51 | 0·99 | 1·04 | 1·08 | 1·14 | 1·22 | 1·32 | 1·49 | 1·71 | 2·01 | 2·42 | 2·97 |
| 52 | 0·87 | 0·92 | 0·95 | 1·01 | 1·08 | 1·16 | 1·30 | 1·50 | 1·77 | 2·12 | 2·61 |
| 53 | 0·75 | 0·80 | 0·82 | 0·87 | 0·93 | 1·00 | 1·12 | 1·29 | 1·53 | 1·82 | 2·26 |
| 54 | 0·63 | 0·67 | 0·69 | 0·73 | 0·78 | 0·84 | 0·94 | 1·08 | 1·28 | 1·53 | 1·90 |
| 55 | 0·52 | 0·54 | 0·56 | 0·59 | 0·63 | 0·68 | 0·76 | 0·87 | 1·03 | 1·24 | 1·54 |
| 56 | 0·39 | 0·41 | 0·43 | 0·45 | 0·48 | 0·52 | 0·58 | 0·66 | 0·78 | 0·95 | 1·18 |
| 57 | 0·27 | 0·28 | 0·29 | 0·30 | 0·32 | 0·35 | 0·39 | 0·45 | 0·53 | 0·64 | 0·80 |
| 58 | 0·14 | 0·14 | 0·15 | 0·16 | 0·17 | 0·18 | 0·20 | 0·23 | 0·27 | 0·33 | 0·41 |



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## Table B.

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 60 NEXT BIRTHDAY WHEN THEY COMPLETE THEIR PERIOD OF CONTRIBUTION.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund.

| Age of Husband next Birthday. | Age of Wife next Birthday. | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | 55 | 60 | 65 |
| 25 | 5·06 | 5·34 | 5·68 | 6·12 | 6·67 | 7·38 | 8·29 | 9·47 | 11·01 | 13·09 | 15·88 |
| 26 | 4·84 | 5·11 | 5·44 | 5·85 | 6·38 | 7·06 | 7·92 | 9·06 | 10·53 | 12·52 | 15·15 |
| 27 | 4·63 | 4·89 | 5·20 | 5·59 | 6·09 | 6·75 | 7·56 | 8·65 | 10·08 | 11·97 | 14·44 |
| 28 | 4·43 | 4·67 | 4·97 | 5·34 | 5·81 | 6·44 | 7·22 | 8·26 | 9·64 | 11·43 | 13·75 |
| 29 | 4·24 | 4·46 | 4·74 | 5·09 | 5·54 | 6·14 | 6·89 | 7·89 | 9·21 | 10·91 | 13·09 |
| 30 | 4·05 | 4·26 | 4·52 | 4·85 | 5·28 | 5·85 | 6·57 | 7·53 | 8·79 | 10·41 | 12·45 |
| 31 | 3·86 | 4·06 | 4·30 | 4·62 | 5·03 | 5·57 | 6·26 | 7·18 | 8·38 | 9·93 | 11·83 |
| 32 | 3·68 | 3·87 | 4·09 | 4·40 | 4·78 | 5·30 | 5·96 | 6·83 | 7·98 | 9·46 | 11·24 |
| 33 | 3·51 | 3·68 | 3·89 | 4·18 | 4·54 | 5·03 | 5·66 | 6·49 | 7·59 | 9·00 | 10·67 |
| 34 | 3·34 | 3·50 | 3·70 | 3·97 | 4·31 | 4·77 | 5·37 | 6·16 | 7·21 | 8·55 | 10·13 |
| 35 | 3·17 | 3·33 | 3·52 | 3·77 | 4·09 | 4·52 | 5·09 | 5·84 | 6·84 | 8·11 | 9·62 |
| 36 | 3·01 | 3·16 | 3·34 | 3·57 | 3·88 | 4·28 | 4·82 | 5·53 | 6·49 | 7·69 | 9·13 |
| 37 | 2·86 | 3·00 | 3·17 | 3·38 | 3·68 | 4·05 | 4·56 | 5·23 | 6·14 | 7·28 | 8·66 |
| 38 | 2·71 | 2·84 | 3·00 | 3·20 | 3·48 | 3·83 | 4·31 | 4·94 | 5·80 | 6·88 | 8·21 |
| 39 | 2·57 | 2·69 | 2·84 | 3·03 | 3·29 | 3·62 | 4·07 | 4·67 | 5·47 | 6·50 | 7·77 |
| 40 | 2·43 | 2·54 | 2·68 | 2·86 | 3·10 | 3·41 | 3·83 | 4·40 | 5·15 | 6·13 | 7·35 |
| 41 | 2·29 | 2·39 | 2·53 | 2·69 | 2·92 | 3·21 | 3·60 | 4·14 | 4·84 | 5·78 | 6·94 |
| 42 | 2·16 | 2·25 | 2·38 | 2·53 | 2·74 | 3·01 | 3·38 | 3·88 | 4·54 | 5·44 | 6·54 |
| 43 | 2·03 | 2·11 | 2·23 | 2·37 | 2·57 | 2·82 | 3·16 | 3·63 | 4·25 | 5·10 | 6·15 |
| 44 | 1·90 | 1·98 | 2·09 | 2·22 | 2·40 | 2·63 | 2·95 | 3·39 | 3·97 | 4·77 | 5·77 |
| 45 | 1·78 | 1·85 | 1·95 | 2·07 | 2·23 | 2·45 | 2·74 | 3·15 | 3·70 | 4·44 | 5·39 |
| 46 | 1·66 | 1·72 | 1·81 | 1·92 | 2·07 | 2·27 | 2·54 | 2·92 | 3·44 | 4·12 | 5·02 |
| 47 | 1·54 | 1·59 | 1·68 | 1·78 | 1·91 | 2·10 | 2·35 | 2·69 | 3·18 | 3·81 | 4·65 |
| 48 | 1·42 | 1·47 | 1·55 | 1·64 | 1·76 | 1·93 | 2·16 | 2·47 | 2·92 | 3·50 | 4·28 |
| 49 | 1·30 | 1·35 | 1·42 | 1·50 | 1·61 | 1·76 | 1·97 | 2·26 | 2·67 | 3·20 | 3·92 |
| 50 | 1·19 | 1·23 | 1·29 | 1·36 | 1·46 | 1·60 | 1·79 | 2·05 | 2·42 | 2·91 | 3·56 |
| 51 | 1·07 | 1·11 | 1·16 | 1·22 | 1·31 | 1·44 | 1·61 | 1·84 | 2·17 | 2·62 | 3·21 |
| 52 | 0·95 | 0·99 | 1·03 | 1·09 | 1·17 | 1·28 | 1·43 | 1·64 | 1·93 | 2·33 | 2·86 |
| 53 | 0·84 | 0·87 | 0·91 | 0·96 | 1·03 | 1·12 | 1·25 | 1·44 | 1·69 | 2·05 | 2·52 |
| 54 | 0·73 | 0·75 | 0·79 | 0·83 | 0·89 | 0·97 | 1·08 | 1·24 | 1·46 | 1·77 | 2·18 |
| 55 | 0·62 | 0·64 | 0·67 | 0·70 | 0·75 | 0·82 | 0·91 | 1·04 | 1·23 | 1·49 | 1·85 |
| 56 | 0·50 | 0·52 | 0·54 | 0·57 | 0·61 | 0·66 | 0·74 | 0·84 | 0·99 | 1·21 | 1·50 |
| 57 | 0·39 | 0·40 | 0·42 | 0·44 | 0·46 | 0·50 | 0·56 | 0·64 | 0·76 | 0·92 | 1·15 |
| 58 | 0·26 | 0·27 | 0·28 | 0·30 | 0·31 | 0·34 | 0·38 | 0·43 | 0·51 | 0·62 | 0·78 |
| 59 | 0·13 | 0·14 | 0·14 | 0·15 | 0·16 | 0·17 | 0·19 | 0·22 | 0·26 | 0·32 | 0·40 |



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## Table B.

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 61 NEXT BIRTHDAY WHEN THEY COMPLETE THEIR PERIOD OF CONTRIBUTION.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund.

| Age of Husband next Birthday. | Age of Wife next Birthday. | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | 55 | 60 | 65 |
| 26 | 4·88 | 5·15 | 5·47 | 5·89 | 6·41 | 7·10 | 7·98 | 9·12 | 10·61 | 12·60 | 15·23 |
| 27 | 4·67 | 4·92 | 5·22 | 5·62 | 6·12 | 6·78 | 7·61 | 8·72 | 10·14 | 12·04 | 14·52 |
| 28 | 4·47 | 4·70 | 4·99 | 5·37 | 5·85 | 6·48 | 7·27 | 8·34 | 9·69 | 11·51 | 13·84 |
| 29 | 4·27 | 4·49 | 4·77 | 5·13 | 5·58 | 6·18 | 6·94 | 7·96 | 9·26 | 10·99 | 13·18 |
| 30 | 4·08 | 4·29 | 4·55 | 4·89 | 5·32 | 5·89 | 6·62 | 7·59 | 8·85 | 10·49 | 12·54 |
| 31 | 3·89 | 4·09 | 4·34 | 4·66 | 5·07 | 5·60 | 6·31 | 7·22 | 8·45 | 10·00 | 11·92 |
| 32 | 3·71 | 3·90 | 4·13 | 4·44 | 4·83 | 5·32 | 6·01 | 6·87 | 8·06 | 9·53 | 11·33 |
| 33 | 3·54 | 3·72 | 3·93 | 4·23 | 4·59 | 5·06 | 5·72 | 6·54 | 7·67 | 9·07 | 10·77 |
| 34 | 3·37 | 3·54 | 3·74 | 4·02 | 4·36 | 4·81 | 5·43 | 6·22 | 7·29 | 8·63 | 10·24 |
| 35 | 3·21 | 3·37 | 3·56 | 3·82 | 4·14 | 4·57 | 5·15 | 5·91 | 6·92 | 8·20 | 9·73 |
| 36 | 3·06 | 3·20 | 3·39 | 3·63 | 3·93 | 4·34 | 4·88 | 5·61 | 6·56 | 7·78 | 9·25 |
| 37 | 2·91 | 3·04 | 3·22 | 3·44 | 3·73 | 4·11 | 4·62 | 5·32 | 6·21 | 7·38 | 8·79 |
| 38 | 2·76 | 2·88 | 3·05 | 3·26 | 3·53 | 3·89 | 4·37 | 5·03 | 5·88 | 6·99 | 8·34 |
| 39 | 2·62 | 2·73 | 2·89 | 3·08 | 3·34 | 3·68 | 4·13 | 4·75 | 5·56 | 6·61 | 7·91 |
| 40 | 2·48 | 2·58 | 2·73 | 2·91 | 3·15 | 3·47 | 3·90 | 4·48 | 5·25 | 6·24 | 7·49 |
| 41 | 2·34 | 2·44 | 2·58 | 2·75 | 2·97 | 3·27 | 3·67 | 4·22 | 4·95 | 5·88 | 7·08 |
| 42 | 2·21 | 2·30 | 2·43 | 2·59 | 2·80 | 3·07 | 3·45 | 3·96 | 4·65 | 5·53 | 6·69 |
| 43 | 2·08 | 2·17 | 2·28 | 2·43 | 2·63 | 2·88 | 3·23 | 3·71 | 4·36 | 5·20 | 6·30 |
| 44 | 1·95 | 2·04 | 2·14 | 2·28 | 2·46 | 2·70 | 3·02 | 3·47 | 4·08 | 4·88 | 5·92 |
| 45 | 1·83 | 1·91 | 2·00 | 2·13 | 2·30 | 2·52 | 2·82 | 3·24 | 3·81 | 4·57 | 5·55 |
| 46 | 1·71 | 1·79 | 1·86 | 1·98 | 2·14 | 2·35 | 2·63 | 3·01 | 3·55 | 4·26 | 5·18 |
| 47 | 1·59 | 1·67 | 1·73 | 1·84 | 1·99 | 2·18 | 2·44 | 2·79 | 3·30 | 3·96 | 4·82 |
| 48 | 1·48 | 1·55 | 1·60 | 1·70 | 1·84 | 2·01 | 2·26 | 2·58 | 3·05 | 3·66 | 4·46 |
| 49 | 1·37 | 1·43 | 1·48 | 1·57 | 1·69 | 1·85 | 2·08 | 2·37 | 2·80 | 3·36 | 4·11 |
| 50 | 1·26 | 1·31 | 1·36 | 1·44 | 1·55 | 1·69 | 1·90 | 2·17 | 2·56 | 3·07 | 3·76 |
| 51 | 1·15 | 1·19 | 1·24 | 1·32 | 1·41 | 1·53 | 1·73 | 1·97 | 2·32 | 2·79 | 3·42 |
| 52 | 1·04 | 1·07 | 1·12 | 1·20 | 1·27 | 1·38 | 1·56 | 1·77 | 2·09 | 2·51 | 3·09 |
| 53 | 0·93 | 0·96 | 1·00 | 1·07 | 1·13 | 1·23 | 1·39 | 1·58 | 1·86 | 2·24 | 2·76 |
| 54 | 0·82 | 0·85 | 0·88 | 0·94 | 1·00 | 1·08 | 1·22 | 1·39 | 1·63 | 1·97 | 2·44 |
| 55 | 0·71 | 0·74 | 0·77 | 0·81 | 0·86 | 0·94 | 1·05 | 1·20 | 1·41 | 1·71 | 2·13 |
| 56 | 0·60 | 0·62 | 0·65 | 0·68 | 0·73 | 0·79 | 0·88 | 1·01 | 1·19 | 1·44 | 1·80 |
| 57 | 0·49 | 0·51 | 0·53 | 0·55 | 0·59 | 0·64 | 0·71 | 0·82 | 0·96 | 1·17 | 1·46 |
| 58 | 0·37 | 0·39 | 0·40 | 0·42 | 0·45 | 0·49 | 0·54 | 0·62 | 0·73 | 0·90 | 1·12 |
| 59 | 0·25 | 0·26 | 0·28 | 0·29 | 0·31 | 0·33 | 0·37 | 0·42 | 0·50 | 0·61 | 0·76 |
| 60 | 0·13 | 0·13 | 0·14 | 0·15 | 0·16 | 0·17 | 0·19 | 0·21 | 0·25 | 0·31 | 0·39 |



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## Table B.

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 62 NEXT BIRTHDAY WHEN THEY COMPLETE THEIR PERIOD OF CONTRIBUTION.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund.

| Age of Husband next Birthday. | Age of Wife next Birthday. | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | 55 | 60 | 65 |
| 27 | 4·70 | 4·96 | 5·26 | 5·66 | 6·16 | 6·83 | 7·68 | 8·77 | 10·22 | 12·12 | 14·60 |
| 28 | 4·50 | 4·74 | 5·02 | 5·40 | 5·88 | 6·52 | 7·33 | 8·37 | 9·77 | 11·59 | 13·92 |
| 29 | 4·30 | 4·53 | 4·79 | 5·15 | 5·61 | 6·22 | 7·00 | 8·00 | 9·34 | 11·07 | 13·27 |
| 30 | 4·11 | 4·32 | 4·58 | 4·92 | 5·36 | 5·93 | 6·67 | 7·64 | 8·92 | 10·57 | 12·63 |
| 31 | 3·91 | 4·12 | 4·37 | 4·69 | 5·11 | 5·64 | 6·35 | 7·29 | 8·51 | 10·07 | 12·01 |
| 32 | 3·73 | 3·93 | 4·17 | 4·47 | 4·87 | 5·37 | 6·04 | 6·95 | 8·11 | 9·60 | 11·42 |
| 33 | 3·56 | 3·75 | 3·97 | 4·26 | 4·63 | 5·11 | 5·75 | 6·61 | 7·72 | 9·14 | 10·86 |
| 34 | 3·40 | 3·57 | 3·78 | 4·05 | 4·40 | 4·86 | 5·47 | 6·28 | 7·34 | 8·70 | 10·33 |
| 35 | 3·24 | 3·40 | 3·60 | 3·85 | 4 18 | 4·62 | 5·20 | 5·96 | 6·98 | 8·28 | 9·83 |
| 36 | 3·09 | 3·23 | 3·43 | 3·66 | 3·97 | 4·39 | 4·94 | 5·65 | 6·63 | 7·87 | 9·36 |
| 37 | 2·94 | 3·07 | 3·26 | 3·48 | 3·77 | 4·16 | 4·68 | 5·36 | 6·29 | 7·48 | 8·90 |
| 38 | 2·80 | 2·91 | 3·09 | 3·30 | 3·57 | 3·94 | 4·43 | 5·08 | 5·96 | 7·09 | 8·45 |
| 39 | 2·66 | 2·76 | 2·93 | 3·13 | 3·38 | 3·73 | 4·19 | 4·81 | 5·64 | 6·71 | 8·02 |
| 40 | 2·52 | 2·62 | 2·77 | 2.96 | 3·20 | 3·53 | 3·96 | 4·55 | 5·33 | 6·34 | 7·60 |
| 41 | 2·39 | 2·48 | 2·62 | 2·80 | 3·02 | 3·33 | 3·73 | 4·29 | 5·03 | 5·99 | 7·20 |
| 42 | 2·26 | 2·35 | 2·47 | 2·64 | 2·85 | 3·14 | 3·51 | 4·04 | 4·74 | 5·65 | 6·81 |
| 43 | 2·13 | 2·22 | 2·33 | 2·49 | 2·68 | 2·95 | 3·30 | 3·80 | 4·46 | 5·32 | 6·43 |
| 44 | 2·00 | 2·09 | 2·19 | 2·34 | 2·52 | 2·77 | 3·09 | 3·56 | 4·18 | 5·01 | 6·06 |
| 45 | 1·88 | 1·96 | 2·06 | 2·19 | 2·36 | 2·59 | 2·89 | 3·33 | 3·91 | 4·70 | 5·70 |
| 46 | 1·76 | 1·84 | 1·93 | 2·05 | 2·21 | 2·42 | 2·70 | 3·11 | 3·65 | 4·40 | 5·34 |
| 47 | 1·65 | 1·72 | 1·80 | 1·91 | 2·06 | 2·25 | 2·52 | 2·90 | 3·40 | 4·10 | 4·99 |
| 48 | 1·54 | 1·60 | 1·67 | 1·77 | 1·91 | 2·09 | 2·34 | 2·69 | 3·16 | 3·81 | 4·64 |
| 49 | 1·43 | 1·48 | 1·55 | 1·64 | 1·77 | 1·93 | 2·16 | 2·48 | 2·92 | 3·52 | 4·29 |
| 50 | 1·32 | 1·37 | 1·43 | 1·51 | 1·63 | 1·78 | 1·99 | 2·28 | 2·69 | 3·23 | 3·95 |
| 51 | 1·21 | 1·26 | 1·31 | 1·38 | 1·49 | 1·63 | 1·82 | 2·08 | 2·46 | 2·95 | 3·62 |
| 52 | 1·10 | 1·15 | 1·19 | 1·26 | 1·35 | 1·48 | 1·65 | 1·89 | 2·24 | 2·68 | 3·30 |
| 53 | 0·99 | 1·04 | 1·08 | 1·14 | 1·22 | 1·33 | 1·49 | 1·70 | 2·02 | 2·42 | 2·98 |
| 54 | 0·89 | 0·93 | 0·97 | 1·02 | 1·09 | 1·19 | 1·33 | 1·52 | 1·80 | 2·16 | 2·67 |
| 55 | 0·79 | 0·82 | 0·86 | 0·90 | 0·96 | 1·05 | 1·17 | 1·34 | 1·58 | 1·91 | 2·37 |
| 56 | 0·69 | 0·72 | 0·75 | 0·79 | 0·84 | 0·91 | 1·01 | 1·16 | 1·36 | 1·66 | 2·06 |
| 57 | 0·59 | 0·61 | 0·63 | 0·66 | 0·70 | 0·76 | 0·85 | 0·98 | 1·15 | 1·40 | 1·74 |
| 58 | 0·48 | 0·49 | 0·51 | 0·54 | 0·57 | 0·62 | 0·69 | 0·79 | 0·93 | 1·14 | 1·42 |
| 59 | 0·36 | 0·38 | 0·39 | 0·41 | 0·44 | 0·47 | 0·53 | 0·60 | 0·71 | 0·87 | 1·09 |
| 60 | 0·25 | 0·26 | 0·27 | 0·28 | 0·30 | 0·32 | 0·36 | 0·41 | 0·48 | 0·59 | 0·74 |
| 61 | 0·13 | 0·13 | 0·14 | 0·14 | 0·15 | 0·16 | 0·18 | 0·21 | 0·25 | 0·30 | 0·38 |



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## Table B.

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 63 NEXT BIRTHDAY WHEN THEY COMPLETE THEIR PERIOD OF CONTRIBUTION.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund.

| Age of Husband next Birthday. | Age of Wife next Birthday. | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | 55 | 60 | 65 |
| 28 | 4·52 | 4·77 | 5·06 | 5·44 | 5·92 | 6·56 | 7·38 | 8·43 | 9·83 | 11·65 | 13·99 |
| 29 | 4·32 | 4·56 | 4·83 | 5·19 | 5·65 | 6·26 | 7·04 | 8·05 | 9·40 | 11·13 | 13·33 |
| 30 | 4·13 | 4·35 | 4·61 | 4·95 | 5·39 | 5·97 | 6·71 | 7·69 | 8·97 | 10·63 | 12·70 |
| 31 | 3·93 | 4·14 | 4·40 | 4·71 | 5·13 | 5·68 | 6·39 | 7·34 | 8·55 | 10·15 | 12·09 |
| 32 | 3·75 | 3·94 | 4·20 | 4·49 | 4·88 | 5·41 | 6·09 | 7·00 | 8·16 | 9·68 | 11·51 |
| 33 | 3·58 | 3·76 | 4·00 | 4·28 | 4·65 | 5·15 | 5·80 | 6·67 | 7·78 | 9·23 | 10·95 |
| 34 | 3·42 | 3·59 | 3·81 | 4·08 | 4·43 | 4·90 | 5·52 | 6·34 | 7·41 | 8·79 | 10·42 |
| 35 | 3·27 | 3·43 | 3·63 | 3·89 | 4·22 | 4·66 | 5·25 | 6·02 | 7·05 | 8·36 | 9·92 |
| 36 | 3·12 | 3·27 | 3·45 | 3·70 | 4·01 | 4·43 | 4·99 | 5·71 | 6·70 | 7·94 | 9·45 |
| 37 | 2·97 | 3·11 | 3·28 | 3·52 | 3·80 | 4·21 | 4·74 | 5·42 | 6·36 | 7·54 | 8·99 |
| 38 | 2·83 | 2·96 | 3·12 | 3·34 | 3·61 | 3·99 | 4·49 | 5·14 | 6·03 | 7·15 | 8·55 |
| 39 | 2·69 | 2·81 | 2·96 | 3·17 | 3·43 | 3·78 | 4·25 | 4·87 | 5·71 | 6·78 | 8·12 |
| 40 | 2·55 | 2·66 | 2·81 | 3·00 | 3·25 | 3·58 | 4·02 | 4·61 | 5·40 | 6·43 | 7·71 |
| 41 | 2·42 | 2·52 | 2·66 | 2·84 | 3·08 | 3·39 | 3·79 | 4·36 | 5·10 | 6·09 | 7·32 |
| 42 | 2·29 | 2·39 | 2·52 | 2·68 | 2·91 | 3·20 | 3·57 | 4·11 | 4·81 | 5·76 | 6·94 |
| 43 | 2·17 | 2·26 | 2·38 | 2·53 | 2·74 | 3·01 | 3·36 | 3·87 | 4·53 | 5·43 | 6·56 |
| 44 | 2·05 | 2·13 | 2·24 | 2·38 | 2·58 | 2·83 | 3·16 | 3·63 | 4·26 | 5·11 | 6·19 |
| 45 | 1·93 | 2·00 | 2·11 | 2·24 | 2·42 | 2·65 | 2·96 | 3·40 | 4·00 | 4·80 | 5·83 |
| 46 | 1·82 | 1·88 | 1·98 | 2·10 | 2·27 | 2·48 | 2·77 | 3·18 | 3·75 | 4·50 | 5·47 |
| 47 | 1·71 | 1·76 | 1·85 | 1·97 | 2·12 | 2·31 | 2·59 | 2·97 | 3·50 | 4·21 | 5·12 |
| 48 | 1·60 | 1·65 | 1·73 | 1·84 | 1·98 | 2·15 | 2·41 | 2·77 | 3·26 | 3·92 | 4·78 |
| 49 | 1·49 | 1·54 | 1·61 | 1·71 | 1·84 | 2·00 | 2·24 | 2·57 | 3·03 | 3·64 | 4.45 |
| 50 | 1·38 | 1·43 | 1·49 | 1·58 | 1·70 | 1·85 | 2·08 | 2·38 | 2·80 | 3·37 | 4·12 |
| 51 | 1·27 | 1·32 | 1·38 | 1·46 | 1·57 | 1·71 | 1·92 | 2·19 | 2·58 | 3·10 | 3·80 |
| 52 | 1·17 | 1·21 | 1·27 | 1·34 | 1·44 | 1·57 | 1·76 | 2·01 | 2·36 | 2·84 | 3·49 |
| 53 | 1·07 | 1·10 | 1·16 | 1·22 | 1·31 | 1·43 | 1·60 | 1·83 | 2·15 | 2·58 | 3·19 |
| 54 | 0·97 | 1·00 | 1·05 | 1·10 | 1·18 | 1·29 | 1·44 | 1·65 | 1·94 | 2·33 | 2·89 |
| 55 | 0·87 | 0·90 | 0·94 | 0·99 | 1·05 | 1·15 | 1·28 | 1·47 | 1·73 | 2·09 | 2·60 |
| 56 | 0·77 | 0·80 | 0·84 | 0·88 | 0·93 | 1·01 | 1·13 | 1·29 | 1·52 | 1·85 | 2·30 |
| 57 | 0·67 | 0·69 | 0·73 | 0·76 | 0·81 | 0·88 | 0·98 | 1·12 | 1·32 | 1·61 | 2·00 |
| 58 | 0·57 | 0·59 | 0·61 | 0·64 | 0·68 | 0·74 | 0·82 | 0·94 | 1·11 | 1·36 | 1·69 |
| 59 | 0·46 | 0·48 | 0·50 | 0·52 | 0·55 | 0·60 | 0·67 | 0·76 | 0·90 | 1·11 | 1·38 |
| 60 | 0·35 | 0·37 | 0·38 | 0·40 | 0·43 | 0·46 | 0·51 | 0·58 | 0·69 | 0·85 | 1·06 |
| 61 | 0·24 | 0·25 | 0·26 | 0·27 | 0·29 | 0·31 | 0·35 | 0·40 | 0·47 | 0·58 | 0·72 |
| 62 | 0·12 | 0·13 | 0·13 | 0·14 | 0·15 | 0·16 | 0·18 | 0·20 | 0·24 | 0·30 | 0·37 |



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## Table B.

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 64 NEXT BIRTHDAY WHEN THEY COMPLETE THEIR PERIOD OF CONTRIBUTION.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund.

| Age of Husband next Birthday. | Age of Wife next Birthday. | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | 55 | 60 | 65 |
| 29 | 4·34 | 4·58 | 4·86 | 5·22 | 5·68 | 6·29 | 7·08 | 8·10 | 9·44 | 11·19 | 13·40 |
| 30 | 4·16 | 4·37 | 4·64 | 4·98 | 5·42 | 6·00 | 6·74 | 7·73 | 9·02 | 10·69 | 12·77 |
| 31 | 3·97 | 4·17 | 4·43 | 4·74 | 5·17 | 5·72 | 6·43 | 7·37 | 8·60 | 10·20 | 12·15 |
| 32 | 3·79 | 3·98 | 4·23 | 4·52 | 4·93 | 5·45 | 6·13 | 7·03 | 8·21 | 9·73 | 11·56 |
| 33 | 3·62 | 3·80 | 4·03 | 4·31 | 4·70 | 5·19 | 5·84 | 6·70 | 7·83 | 9·28 | 11·00 |
| 34 | 3·45 | 3·63 | 3·84 | 4·11 | 4·47 | 4·94 | 5·56 | 6·38 | 7·46 | 8·85 | 10·48 |
| 35 | 3·29 | 3·46 | 3·66 | 3·92 | 4·25 | 4·70 | 5·29 | 6·07 | 7·10 | 8·43 | 9·99 |
| 36 | 3·14 | 3·29 | 3·48 | 3·74 | 4·04 | 4·47 | 5·03 | 5·77 | 6·75 | 8·02 | 9·53 |
| 37 | 2·99 | 3·13 | 3·31 | 3·56 | 3·84 | 4·25 | 4·78 | 5·48 | 6·41 | 7·62 | 9·08 |
| 38 | 2·85 | 2·98 | 3·15 | 3·38 | 3·65 | 4·03 | 4·54 | 5·20 | 6·08 | 7·24 | 8·64 |
| 39 | 2·71 | 2·83 | 2·99 | 3·21 | 3·47 | 3·82 | 4·30 | 4·93 | 5·77 | 6·87 | 8·22 |
| 40 | 2·58 | 2·69 | 2·84 | 3·04 | 3·29 | 3·62 | 4·07 | 4·67 | 5·47 | 6·51 | 7·81 |
| 41 | 2·45 | 2·55 | 2·70 | 2·87 | 3·12 | 3·43 | 3·84 | 4·42 | 5·18 | 6·17 | 7·42 |
| 42 | 2·33 | 2·42 | 2·56 | 2·71 | 2·95 | 3·24 | 3·62 | 4·17 | 4·90 | 5·84 | 7·04 |
| 43 | 2·21 | 2·29 | 2·42 | 2·56 | 2·79 | 3·06 | 3·41 | 3·93 | 4·62 | 5·52 | 6·67 |
| 44 | 2·09 | 2·16 | 2·28 | 2·42 | 2·63 | 2·88 | 3·21 | 3·70 | 4·35 | 5·21 | 6·31 |
| 45 | 1·97 | 2·04 | 2·15 | 2·28 | 2·47 | 2·71 | 3·02 | 3·48 | 4·09 | 4·91 | 5·95 |
| 46 | 1·86 | 1·92 | 2·02 | 2·15 | 2·32 | 2·54 | 2·84 | 3·26 | 3·84 | 4·61 | 5·60 |
| 47 | 1·75 | 1·81 | 1·90 | 2·02 | 2·17 | 2·38 | 2·66 | 3·05 | 3·59 | 4·32 | 5·25 |
| 48 | 1·64 | 1·70 | 1·78 | 1·89 | 2·03 | 2·22 | 2·49 | 2·85 | 3·35 | 4·04 | 4·91 |
| 49 | 1·53 | 1·59 | 1·66 | 1·76 | 1·89 | 2·07 | 2·32 | 2·66 | 3·12 | 3·76 | 4·58 |
| 50 | 1·43 | 1·48 | 1·55 | 1·64 | 1·76 | 1·92 | 2·15 | 2·47 | 2·90 | 3·49 | 4·27 |
| 51 | 1·33 | 1·37 | 1·44 | 1·52 | 1·63 | 1·78 | 1·99 | 2·29 | 2·69 | 3·23 | 3·97 |
| 52 | 1·23 | 1·27 | 1·33 | 1·40 | 1·50 | 1·64 | 1·83 | 2·11 | 2·48 | 2·98 | 3·67 |
| 53 | 1·13 | 1·17 | 1·22 | 1·28 | 1·38 | 1·50 | 1·68 | 1·93 | 2·27 | 2·73 | 3·38 |
| 54 | 1·03 | 1·07 | 1·11 | 1·17 | 1·26 | 1·37 | 1·53 | 1·75 | 2·06 | 2·49 | 3·09 |
| 55 | 0·94 | 0·97 | 1·01 | 1·06 | 1·14 | 1·24 | 1·38 | 1·58 | 1·86 | 2·25 | 2·80 |
| 56 | 0·84 | 0·86 | 0·90 | 0·95 | 1·02 | 1·10 | 1·23 | 1·41 | 1·66 | 2·01 | 2·51 |
| 57 | 0·74 | 0·76 | 0·79 | 0·84 | 0·90 | 0·97 | 1·08 | 1·24 | 1·46 | 1·77 | 2·22 |
| 58 | 0·64 | 0·66 | 0·68 | 0·73 | 0·78 | 0·84 | 0·93 | 1·07 | 1·26 | 1·54 | 1·93 |
| 59 | 0·54 | 0·56 | 0·58 | 0·62 | 0·66 | 0·71 | 0·79 | 0·90 | 1·07 | 1·31 | 1·64 |
| 60 | 0·45 | 0·46 | 0·48 | 0·51 | 0·54 | 0·58 | 0·65 | 0·74 | 0·88 | 1·08 | 1·35 |
| 61 | 0·34 | 0·36 | 0·37 | 0·39 | 0·41 | 0·44 | 0·49 | 0·57 | 0·67 | 0·82 | 1·03 |
| 62 | 0·23 | 0·24 | 0·25 | 0·27 | 0·28 | 0·30 | 0·33 | 0·38 | 0·46 | 0·56 | 0·71 |
| 63 | 0·12 | 0·12 | 0·13 | 0·14 | 0·14 | 0·16 | 0·17 | 0·20 | 0·24 | 0·29 | 0·37 |



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## Table B.

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 65 NEXT BIRTHDAY, OR WHO WILL HAVE ATTAINED THE AGE OF 65 BEFORE HAVING CONTRIBUTED FOR 35 YEARS.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund, or on his attaining the age of 65, whichever shall first happen.

| Age of Husband next Birthday. | Age of Wife next Birthday. | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | 55 | 60 | 65 |
| 30 | 4·17 | 4·39 | 4·66 | 5·00 | 5·44 | 6·03 | 6·78 | 7·77 | 9·06 | 10·74 | 12·83 |
| 31 | 4·00 | 4·20 | 4·46 | 4·78 | 5·20 | 5·77 | 6·47 | 7·43 | 8·67 | 10·29 | 12·24 |
| 32 | 3·83 | 4·01 | 4·26 | 4·56 | 4·96 | 5·51 | 6·17 | 7·10 | 8·29 | 9·84 | 11·67 |
| 33 | 3·66 | 3·83 | 4·07 | 4·35 | 4·73 | 5·25 | 5·88 | 6·77 | 7·91 | 9·39 | 11·12 |
| 34 | 3·49 | 3·65 | 3·88 | 4·15 | 4·50 | 4·99 | 5·60 | 6·44 | 7·53 | 8·94 | 10·59 |
| 35 | 3·32 | 3·48 | 3·69 | 3·95 | 4·28 | 4·73 | 5·33 | 6·11 | 7·16 | 8·49 | 10·07 |
| 36 | 3·16 | 3·31 | 3·51 | 3·76 | 4·07 | 4·48 | 5·07 | 5·79 | 6·88 | 8·07 | 9·58 |
| 37 | 3·01 | 3·15 | 3·34 | 3·58 | 3·87 | 4·25 | 4·82 | 5·49 | 6·46 | 7·68 | 9·12 |
| 38 | 2·87 | 3·00 | 3·18 | 3·41 | 3·68 | 4·04 | 4·58 | 5·21 | 6·14 | 7·30 | 8·69 |
| 39 | 2·74 | 2·86 | 3·02 | 3·24 | 3·50 | 3·85 | 4·34 | 4·96 | 5·83 | 6·93 | 8·28 |
| 40 | 2·61 | 2·72 | 2·87 | 3·07 | 3·32 | 3·66 | 4·11 | 4·72 | 5·53 | 6·58 | 7·89 |
| 41 | 2·48 | 2·58 | 2·73 | 2·91 | 3·15 | 3·47 | 3·89 | 4·48 | 5·24 | 6·24 | 7·51 |
| 42 | 2·36 | 2·45 | 2·59 | 2·76 | 2·98 | 3·29 | 3·68 | 4·24 | 4·96 | 5·92 | 7·14 |
| 43 | 2·24 | 2·32 | 2·45 | 2·61 | 2·82 | 3·11 | 3·47 | 4·00 | 4·69 | 5·60 | 6·77 |
| 44 | 2·12 | 2·20 | 2·32 | 2·47 | 2·66 | 2·93 | 3·27 | 3·77 | 4·42 | 5·29 | 6·41 |
| 45 | 2·00 | 2·08 | 2·19 | 2·33 | 2·51 | 2·76 | 3·08 | 3·54 | 4·16 | 4·99 | 6·06 |
| 46 | 1·89 | 1·97 | 2·07 | 2·20 | 2·36 | 2·59 | 2·89 | 3·32 | 3·91 | 4·69 | 5·72 |
| 47 | 1·78 | 1·86 | 1·95 | 2·07 | 2·22 | 2·43 | 2·71 | 3·11 | 3·67 | 4·40 | 5·38 |
| 48 | 1·67 | 1·75 | 1·83 | 1·94 | 2·08 | 2·27 | 2·54 | 2·91 | 3·44 | 4·12 | 5·05 |
| 49 | 1·57 | 1·64 | 1·71 | 1·81 | 1·94 | 2·12 | 2·38 | 2·73 | 3·22 | 3·86 | 4·73 |
| 50 | 1·47 | 1·53 | 1·60 | 1·69 | 1·81 | 1·98 | 2·22 | 2·55 | 3·00 | 3·60 | 4·41 |
| 51 | 1·37 | 1·43 | 1·49 | 1·57 | 1·68 | 1·84 | 2·06 | 2·37 | 2·79 | 3·35 | 4·10 |
| 52 | 1·27 | 1·33 | 1·38 | 1·46 | 1·56 | 1·71 | 1·91 | 2·19 | 2·58 | 3·11 | 3·81 |
| 53 | 1·17 | 1·23 | 1·28 | 1·35 | 1·44 | 1·58 | 1·76 | 2·02 | 2·38 | 2·87 | 3·53 |
| 54 | 1·08 | 1·13 | 1·18 | 1·24 | 1·32 | 1·45 | 1·61 | 1·85 | 2·18 | 2·63 | 3·25 |
| 55 | 0·99 | 1·03 | 1·08 | 1·13 | 1·21 | 1·32 | 1·47 | 1·68 | 1·98 | 2·40 | 2·98 |
| 56 | 0·90 | 0·93 | 0·98 | 1·02 | 1·10 | 1·20 | 1·33 | 1·52 | 1·79 | 2·17 | 2·71 |
| 57 | 0·81 | 0·83 | 0·88 | 0·91 | 0·99 | 1·08 | 1·19 | 1·36 | 1·60 | 1·94 | 2·44 |
| 58 | 0·72 | 0·73 | 0·78 | 0·80 | 0·88 | 0·95 | 1·05 | 1·20 | 1·42 | 1·72 | 2·16 |
| 59 | 0·63 | 0·64 | 0·68 | 0·70 | 0·76 | 0·82 | 0·91 | 1·04 | 1·23 | 1·50 | 1·88 |
| 60 | 0·53 | 0·55 | 0·57 | 0·60 | 0·64 | 0·69 | 0·77 | 0·88 | 1·04 | 1·28 | 1·60 |
| 61 | 0·43 | 0·45 | 0·47 | 0·49 | 0·52 | 0·56 | 0·62 | 0·72 | 0·85 | 1·04 | 1·31 |
| 62 | 0·33 | 0·34 | 0·36 | 0·38 | 0·40 | 0·43 | 0·48 | 0·55 | 0·65 | 0·80 | 1·01 |
| 63 | 0·23 | 0·24 | 0·25 | 0·26 | 0·27 | 0·30 | 0·32 | 0·37 | 0·44 | 0·55 | 0·69 |
| 64 | 0·12 | 0·12 | 0·13 | 0·13 | 0·14 | 0·15 | 0·17 | 0·19 | 0·23 | 0·28 | 0·36 |



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## Table C.

The Single Contribution which will secure a Yearly Pension of 1, payable by Monthly Instalments.

| Age of Husband next Birthday. | Age of Wife next Birthday. | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | 55 | 60 | 65 |
| 15 | 1·920 | 1·816 | 1·702 | 1·580 | 1·451 | 1·318 | 1·178 | 1·028 | ·878 | ·733 | ·600 |
| 16 | 1·971 | 1·865 | 1·748 | 1·623 | 1·490 | 1·352 | 1·207 | 1·055 | ·903 | ·755 | ·615 |
| 17 | 2·026 | 1·919 | 1·797 | 1·668 | 1·531 | 1·388 | 1·238 | 1·084 | ·929 | ·778 | ·631 |
| 18 | 2·085 | 1·975 | 1·849 | 1·716 | 1·575 | 1·427 | 1·272 | 1·115 | ·956 | ·802 | ·649 |
| 19 | 2·147 | 2·034 | 1·905 | 1·768 | 1·621 | 1·468 | 1·308 | 1·147 | ·985 | ·826 | ·670 |
| 20 | 2·212 | 2·095 | 1·964 | 1·822 | 1·670 | 1·511 | 1·347 | 1·181 | 1·015 | ·852 | ·693 |
| 21 | 2·280 | 2·159 | 2·025 | 1·879 | 1·723 | 1·557 | 1·388 | 1·217 | 1·046 | ·879 | ·717 |
| 22 | 2·352 | 2·226 | 2·089 | 1·939 | 1·778 | 1·606 | 1·431 | 1·255 | 1·079 | ·907 | ·741 |
| 23 | 2·427 | 2·297 | 2·157 | 2·002 | 1·836 | 1·658 | 1·477 | 1·295 | 1·114 | ·936 | ·767 |
| 24 | 2·505 | 2·372 | 2·228 | 2·068 | 1·898 | 1·714 | 1·525 | 1·337 | 1·150 | ·967 | ·794 |
| 25 | 2·585 | 2·451 | 2·302 | 2·138 | 1·962 | 1·773 | 1·577 | 1·381 | 1·187 | ·999 | ·824 |
| 26 | 2·668 | 2·533 | 2·379 | 2·211 | 2·029 | 1·834 | 1·631 | 1·427 | 1·226 | 1·033 | ·855 |
| 27 | 2·755 | 2·618 | 2·459 | 2·287 | 2·099 | 1·897 | 1·687 | 1·475 | 1·267 | 1·068 | ·887 |
| 28 | 2·846 | 2·706 | 2·543 | 2·366 | 2·173 | 1·964 | 1·746 | 1·525 | 1·310 | 1·104 | ·920 |
| 29 | 2·942 | 2·797 | 2·631 | 2·449 | 2·250 | 2·033 | 1·808 | 1·578 | 1·354 | 1·142 | ·954 |
| 30 | 3·043 | 2·892 | 2·722 | 2·535 | 2·330 | 2·106 | 1·872 | 1·633 | 1·400 | 1·182 | ·989 |
| 31 | 3·146 | 2·991 | 2·816 | 2·624 | 2·413 | 2·183 | 1·940 | 1·691 | 1·448 | 1·223 | 1·026 |
| 32 | 3·251 | 3·093 | 2·913 | 2·717 | 2·499 | 2·262 | 2·010 | 1·752 | 1·498 | 1·265 | 1·064 |
| 33 | 3·358 | 3·199 | 3·013 | 2·812 | 2·588 | 2·343 | 2·082 | 1·814 | 1·550 | 1·309 | 1·102 |
| 34 | 3·468 | 3·307 | 3·117 | 2·910 | 2·680 | 2.426 | 2·157 | 1·878 | 1·604 | 1·354 | 1·141 |
| 35 | 3·580 | 3·418 | 3·224 | 3·010 | 2·774 | 2·511 | 2·234 | 1·944 | 1·661 | 1·401 | 1·180 |
| 36 | 3·695 | 3·532 | 3·334 | 3·113 | 2·870 | 2·598 | 2·313 | 2·012 | 1·720 | 1·450 | 1·219 |
| 37 | 3·814 | 3·649 | 3·448 | 3·220 | 2·968 | 2·688 | 2·394 | 2·083 | 1·781 | 1·501 | 1·259 |
| 38 | 3·936 | 3·769 | 3·565 | 3·330 | 3·070 | 2·781 | 2·478 | 2·157 | 1·844 | 1·553 | 1·300 |
| 39 | 4·062 | 3·893 | 3·685 | 3·444 | 3·175 | 2·879 | 2·566 | 2·234 | 1·909 | 1·606 | 1·342 |
| 40 | 4·190 | 4·019 | 3·808 | 3·562 | 3·285 | 2·982 | 2·659 | 2·315 | 1·976 | 1·660 | 1·385 |
| 41 | 4·320 | 4·148 | 3·834 | 3·684 | 3·399 | 3·089 | 2·757 | 2·399 | 2·045 | 1·715 | 1·428 |
| 42 | 4·453 | 4·280 | 4·063 | 3·808 | 3·517 | 3·199 | 2·857 | 2·485 | 2·116 | 1·772 | 1·472 |
| 43 | 4·590 | 4·415 | 4·195 | 3·936 | 3·639 | 3·313 | 2·960 | 2·574 | 2·190 | 1·831 | 1·517 |
| 44 | 4·730 | 4·552 | 4·330 | 4·067 | 3·765 | 3·430 | 3·065 | 2·665 | 2·267 | 1·892 | 1·564 |
| 45 | 4·875 | 4·693 | 4·468 | 4·202 | 3·896 | 3·550 | 3·172 | 2·759 | 2·346 | 1·956 | 1·614 |
| 46 | 5·024 | 4·838 | 4·610 | 4·340 | 4·031 | 3·673 | 3·281 | 2·855 | 2·428 | 2·024 | 1·667 |
| 47 | 5·175 | 4·984 | 4·754 | 4·480 | 4·168 | 3·798 | 3·392 | 2·953 | 2·512 | 2·093 | 1·721 |
| 48 | 5·329 | 5·132 | 4·900 | 4·623 | 4·308 | 3·927 | 3·507 | 3·054 | 2·599 | 2·164 | 1·776 |
| 49 | 5·485 | 5·284 | 5·048 | 4·771 | 4·450 | 4·058 | 3·626 | 3·158 | 2·688 | 2·236 | 1·831 |
| 50 | 5·643 | 5·438 | 5·199 | 4·922 | 4·594 | 4·194 | 3·749 | 3·267 | 2·779 | 2·311 | 1·887 |
| 51 | 5·805 | 5·593 | 5·352 | 5·075 | 4·740 | 4.333 | 3·876 | 3·381 | 2·873 | 2·389 | 1·943 |
| 52 | 5·969 | 5·750 | 5·507 | 5·230 | 4·888 | 4·473 | 4·005 | 3·496 | 2·969 | 2·466 | 1·999 |
| 53 | 6·135 | 5·910 | 5·663 | 5·386 | 5·038 | 4·615 | 4·136 | 3·611 | 3·066 | 2·543 | 2·056 |
| 54 | 6·303 | 6·072 | 5·821 | 5·544 | 5·190 | 4·759 | 4·269 | 3·727 | 3·164 | 2·619 | 2·113 |
| 55 | 6·474 | 6·236 | 5·982 | 5·704 | 5·344 | 4·905 | 4·404 | 3·844 | 3·264 | 2·694 | 2·170 |
| 56 | 6·647 | 6·403 | 6·145 | 5·862 | 5·498 | 5·052 | 4·541 | 3·961 | 3·363 | 2·768 | 2·228 |
| 57 | 6·821 | 6·572 | 6·309 | 6·019 | 5·652 | 5·201 | 4·680 | 4·079 | 3·460 | 2·841 | 2·284 |
| 58 | 6·997 | 6·743 | 6·474 | 6·176 | 5·807 | 5·351 | 4·820 | 4·199 | 3·556 | 2·914 | 2·339 |
| 59 | 7·175 | 6·915 | 6·641 | 6·333 | 5·961 | 5·501 | 4·962 | 4·320 | 3·650 | 2·987 | 2·393 |
| 60 | 7·355 | 7·089 | 6·809 | 6·491 | 6·115 | 5·652 | 5·105 | 4·442 | 3·743 | 3·060 | 2·446 |
| 61 | 7·536 | 7·265 | 6·978 | 6·651 | 6·268 | 5·803 | 5·249 | 4·566 | 3·837 | 3·135 | 2·498 |
| 62 | 7·718 | 7·442 | 7·148 | 6·812 | 6·421 | 5·955 | 5·395 | 4·693 | 3·936 | 3·211 | 2·548 |
| 63 | 7·901 | 7·621 | 7 319 | 6·973 | 6·574 | 6·107 | 5·543 | 4·823 | 4·041 | 3·288 | 2·597 |
| 64 | 8·086 | 7·801 | 7·490 | 7·135 | 6·727 | 6·257 | 5·693 | 4·955 | 4·151 | 3·365 | 2·644 |



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# CHAPTER 297.

## WIDOWS' AND ORPHANS' PENSION FUND (MUSLIM PUBLIC OFFICERS).

*Ordinance No. 16 of 1928.*

AN ORDINANCE TO EXTEND THE PROVISIONS OF THE WIDOWS' AND ORPHANS' PENSION FUND ORDINANCE TO MUSLIM PUBLIC OFFICERS.

[1*st September*, 1928.]

Short title.

**1.** This Ordinance may be cited as the Widows' and Orphans' Pension Fund (Muslim Public Officers) Ordinance.

Extension of the Widows' and Orphans' Pension Fund Ordinance to Muslim public officers.

**2.** Notwithstanding the proviso to the definition of "Public officer" contained in section 2 of the Widows' and Orphans' Pension Fund Ordinance, the said Ordinance, hereinafter referred to as the principal Ordinance, shall, subject to the provisions of this Ordinance, apply to—

(*a*) every Muslim public officer holding a pensionable appointment at the date of the commencement of this Ordinance who is unmarried or is married to one wife only at that date ;

(*b*) every Muslim public officer holding a pensionable appointment at the date of the commencement of this Ordinance who is married to more than one wife at the said date, and who, within three months of the said date, elects to contribute under the principal Ordinance :

Provided that no such officer shall be entitled so to elect unless he satisfies the Governor by such medical examination as the Governor may prescribe that he is of reasonably good health ; and

(*c*) every Muslim public officer who shall hereafter be appointed to a pensionable appointment whether he is unmarried, or married to one wife only, or to more than one wife, at the date of being so appointed :



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Provided that nothing in this section shall be construed so as to include or apply to any Muslim public officer who is in receipt of a pension from the Government of this Island at the date of the commencement of this Ordinance.

Restriction in application of the Widows' and Orphans' Pension Fund Ordinance to Muslim public officers specified in section 2 (*a*) and (*b*).

**3.** In the application of the principal Ordinance to a Muslim public officer falling within either of the categories specified in section 2 (*a*) and (*b*) of this Ordinance—

(*a*) if such officer is unmarried at the date of the commencement of this Ordinance, then only the first marriage contracted by him after that date ; or

(*b*) if such officer is married at the said date to one wife only, who is alive at the said date, then only that marriage ; or

(*c*) if such officer is married at the said date to more than one wife, both or all of whom are alive at the said date, then only the earliest in time of such marriages,

shall be deemed to be a valid marriage for the purposes of the principal Ordinance :

Provided that on the dissolution of any marriage which is under this section deemed to be a valid marriage for the purposes of the principal Ordinance, by reason of the death of the wife of that marriage or by reason of a divorce, then, for the purposes of the principal Ordinance—

(i) the first marriage only after such death or divorce shall also be deemed to be a valid marriage ; and

(ii) such divorce only and no other divorce shall be deemed a valid divorce.

Restriction in the application of the Widows' and Orphans' Pension Fund Ordinance to Muslim public officers specified in section 2 (*c*).

**4.** In the application of the principal Ordinance to a Muslim public officer falling within the category specified in section 2 (*c*) of this Ordinance—

(*a*) if such officer is unmarried at the date of his being appointed to a pensionable appointment, then only the first marriage contracted by him after that date ; or

(*b*) if such officer is married at the said date to one wife only, who is alive at the said date, then only that marriage ; or



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(*c*) if such officer is married at the said date to more than one wife, both or all of whom are alive at the said date, then only the earliest in time of such marriages,

shall be deemed to be a valid marriage for the purposes of the principal Ordinance :

Provided that on the dissolution of any marriage which is under this section deemed to be a valid marriage for the purposes of the principal Ordinance, by reason of the death of the wife of that marriage or by reason of a divorce, then for the purposes of the principal Ordinance—

(*a*) the first marriage only after such death or divorce shall also be deemed to be a valid marriage ; and

(*b*) such divorce only and no other divorce shall be deemed a valid divorce.

Application of sections 16 to 19 of the Widows' and Orphans' Pension Fund Ordinance.

**5.** Without prejudice to the generality of sections 3 and 4 of this Ordinance, the provisions of sections 16 to 19, both inclusive, of the principal Ordinance as to declarations and notifications to be forwarded or made to the Directors shall, in their application to any Muslim public officer falling within the categories specified in section 2 of this Ordinance, be construed so as to apply in all particulars to every marriage which such officer has contracted before the commencement of this Ordinance, or shall hereafter contract, under the Muslim law, and to the wife and to any child of every such marriage, whether such marriage is or is not a valid marriage for the purposes of the principal Ordinance.

Abatements from salaries, &c., of Muslim public officers.

**6.** Muslim public officers to whom the principal Ordinance is applied by this Ordinance shall not be allowed to become contributors to the Widows' and Orphans' Pension Fund, anything in the principal Ordinance to the contrary notwithstanding ; but abatements shall be made from the salaries or pensions of such officers equivalent to the contributions and other payments which would have been levied from them under the provisions of the principal Ordinance, and shall be carried to the credit of the general revenue accounts of the Island :

Provided that the sum so received shall not be assessable for military contribution under the Defence Contribution Ordinance.



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# CHAPTER 298.

## SCHOOL TEACHERS PENSION.

AN ORDINANCE TO MAKE PROVISION FOR THE GRANTING OF PENSIONS TO TEACHERS IN ASSISTED SCHOOLS.

*Ordinances Nos.* 6 of 1927, 29 of 1931, 13 of 1933.

[1*st August*, 1927.]

**1.** This Ordinance may be cited as the School Teachers Pension Ordinance. Short title.

**2.** In this Ordinance unless the context otherwise requires 'teacher' means a teacher in a school maintained wholly or partially from the public funds of the Island. Interpretation. [§ 3, 13 of 1933.]

**3.** There shall be paid out of moneys provided for the purpose by the State Council all such sums of money as may from time to time be granted by way of pension, gratuity, or other allowance by the Governor in accordance with this Ordinance and any rules made thereunder to persons who have been employed as teachers. Pensions charged on general revenue.

**4.** (1) The Governor may, if he thinks fit, from time to time make, alter, and revoke rules for the granting of pensions, gratuities, and other allowances to persons who have been employed as teachers. Power to make rules.

(2) All such rules shall, as soon as conveniently may be, be laid before the State Council, and may, at any of the next following three meetings, be rescinded by resolution of the State Council, but without prejudice to anything already done thereunder, and if not so rescinded shall be deemed to be valid.

**5.** (1) No person shall have any absolute right to any pension, gratuity, or other allowance under this Ordinance or any rules made thereunder. No absolute right to pension.

(2) Nothing in this Ordinance or any rules made thereunder shall limit any power or right to dismiss without compensation any person employed as a teacher.



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[§ 4, 13 of 1933.] (3) Nothing in this Ordinance or any rules thereunder shall entitle any person to receive in respect of the same period of service more than one pension out of the public funds of the Island.

Pension not seizable.

**6.** No pension payable under this Ordinance shall be assignable or be liable to seizure or sequestration by any process of law or vest in any receiver, assignee, or trustee in insolvency or bankruptcy.



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# CHAPTER 299.

## TEA CONTROL.

AN ORDINANCE TO PROVIDE FOR THE CONTROL OF THE EXPORT OF TEA FROM CEYLON AND FOR THE CONTROL OF THE PRODUCTION OF TEA IN CEYLON IN CERTAIN CIRCUMSTANCES.

*Ordinance* No. 12 of 1938.

[1*st April*, 1938.]

Short title.

**1.** This Ordinance may be cited as the Tea Control Ordinance.

Appointment of Controller and other officers.

**2.** (1) The Governor may appoint—

(*a*) any person, by name or by office, to be or to act as Tea Controller ;

(*b*) any person, by name or by office, to be or to act as Deputy Tea Controller ;

(*c*) any person, by name or by office, to be or to act as an Assistant Tea Controller ; and

(*d*) such other officers and servants as may from time to time be required for the purposes of this Ordinance.

(2) In the exercise of his powers and in the discharge of his duties under this Ordinance, the Controller shall be subject to the general direction and control of the Executive Committee.

(3) All persons, officers and servants exercising powers or discharging duties under this Ordinance shall be deemed to be public servants within the meaning of the Penal Code.

(4) The persons appointed under section 3 of the Tea (Control of Export) Ordinance, No. 11 of 1933, to be or to act as Tea Export Controller and Deputy Tea Export Controller, and holding office on the thirty-first day of March, nineteen hundered and thirty-eight, shall continue in office as if they were respectively appointed Tea Controller and Deputy Tea Controller, under this Ordinance.



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(5) All persons, officers and servants (other than those mentioned in subsection (4) ) appointed under section 3 of the Tea (Control of Export) Ordinance, No. 11 of 1933, who are in office on the thirty-first day of March, nineteen hundred and thirty-eight, shall continue in office as if they were appointed under this Ordinance.

Delegation of Controller's powers.

**3.** In relation to any particular matters or class of matters or to any particular province or planting district, the Controller may, with the consent of the Executive Committee, by writing under his hand, delegate any of his powers under this Ordinance (except this power of delegation) so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified or to the province or planting district defined in the instrument of delegation.

Establishment and constitution of Tea Advisory Board.

**4.** (1) There shall be established by the Governor a Tea Advisory Board which shall consist of a Chairman, who shall be the Controller for the time being and such other members, not exceeding six in number, as the Governor may appoint, two of whom shall be appointed to represent small holders.

(2) The Tea Advisory Board established under section 5 of the Tea (Control of Export) Ordinance, No. 11 of 1933, shall, as constituted on the thirty-first day of March, 1938, continue as if it were established under this section.

Duties, powers and functions of Tea Advisory Board.

**5.** (1) It shall be the duty of the Board—

(*a*) to advise the Controller on all matters incidental or relating to the control and regulation under this Ordinance of the export of tea from Ceylon and on all other matters which he may refer to the Board for advice ; and

(*b*) to perform and exercise such duties and powers as may be prescribed or entrusted to it under this Ordinance.

(2) (*a*) Regulations may be made providing for the conduct of the business of the Board and prescribing the procedure to be followed at meetings of the Board.

(*b*) Subject to any such regulations, the Board may regulate its own procedure.



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Establishment and constitution of Board of Appeal.

**6.** (1) There shall be established by the Governor a Board of Appeal which shall consist of three members one of whom at least shall be an advocate or proctor of the Supreme Court of not less than ten years' standing, all of whom shall be appointed by the Governor.

(2) The Board of Appeal established under the Tea (Control of Export) Ordinance, No. 11 of 1933, shall, as constituted on the thirty-first day of March, nineteen hundred and thirty-eight, continue as if it were established under this section.

Duties, powers and functions of Board of Appeal.

**7.** (1) It shall be the duty of the Board of Appeal to hear and determine all appeals preferred to that Board under the provisions of this Ordinance, and all appeals preferred to the Board of Appeal established under the Tea (Control of Export) Ordinance, No. 11 of 1933, which have not been disposed of by that Board prior to the first day of April, nineteen hundred and thirty-eight.

(2) Regulations may be made prescribing—

(*a*) the time within which and the manner in which appeals shall be so preferred ;

(*b*) the forms to be used and the fees to be paid in preferring appeals ;

(*c*) the procedure to be observed at the hearing of appeals ;

(*d*) the remuneration to be paid to members of the Board of Appeal ;

(*e*) generally for all matters connected with or incidental to the matters specially enumerated in this sub-section or to the hearing or disposal of appeals.

(3) The decision of the Board of Appeal on any matter or question brought before it by way of appeal shall be final and conclusive for the purposes of this Ordinance.

Returns.

**8.** (1) On or before the prescribed date in the period of assessment commencing on the first day of April, nineteen hundred and thirty-eight, the proprietor of every land planted with tea on the thirty-first day of March, nineteen hundred and thirty-eight, which has not been registered as an estate or small holding under the Tea (Control of Export) Ordinance, No. 11 of 1933, shall furnish to the Controller a return in the prescribed from containing the prescribed particulars.



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(2) Every person who after the thirty-first day of March, nineteen hundred and thirty-eight, is permitted or granted authority to plant any tea in accordance with the provisions of section 27 (1) (*c*) or of section 28, shall, within the prescribed period, furnish to the Controller a return in the prescribed form containing the prescribed particulars.

(3) The Controller may, at any time, in any period of assessment, require any person who is registered as the proprietor of any estate or small holding or of any part of any estate or small holding or any person claiming to be registered as such proprietor to furnish a return in the prescribed form containing the prescribed particulars.

(4) No land which was not registered as an estate or small holding under the Tea (Control of Export) Ordinance, No. 11 of 1933, shall be registered under this Ordinance, unless and until a return has been duly furnished under this section in respect of that land.

Registers.

**9.** (1) The Controller shall keep a register of estates and small holdings in the prescribed form :

Provided that the Controller may continue to keep any register duly kept by him or by a Government Agent under section 10 of the Tea (Control of Export) Ordinance, No. 11 of 1933, and any such register shall be deemed to have been kept under this section.

(2) Regulations may be made—

(*a*) requiring registered proprietors of estates and small holdings to notify to the Controller the occurrence of any circumstance affecting the accuracy of any particulars contained in any return furnished under the Tea (Control of Export) Ordinance, No. 11 of 1933, or under this Ordinance ; and

(*b*) prescribing the circumstances and the manner in which any entry made in the register may be amended or rectified from time to time.

(3) In the event of the death of the registered proprietor of any estate or small holding, it shall be the duty of the person entering into possession or having control of that estate or small holding or having charge of the business of that proprietor—

(*a*) to give written information of the death to the Controller within one month thereof ; and



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(*b*) to comply with the requirements of any regulation made under subsection (2), until the name of the deceased proprietor is deleted and the name of the person entitled to be registered is duly substituted in the register.

Decision of questions relating to registers.

**10.** (1) The Controller shall decide—

(*a*) whether any land is an estate or small holding and whether it is entitled to be registered as such ;

(*b*) whether any estate or small holding is entitled to be registered in any particular planting district.

(2) An appeal shall lie to the Board of Appeal against any decision made by the Controller under subsection (1).

Registration of proprietors and their addresses.

**11.** (1) The forms prescribed for the registers kept under section 9 shall provide for the registration of the proprietor of each estate or small holding and for the registration of the address of each such proprietor.

(2) If any question arises as to whether any person is entitled to be registered as the proprietor of an estate or small holding such question shall be decided by the Controller.

(3) An appeal shall lie to the Board of Appeal against any decision of the Controller made under subsection (2).

(4) No decision of the Controller under subsection (2) or of the Board of Appeal under subsection (3) shall operate as *res adjudicata* on any question in any civil action in which the title to a registered estate or small holding shall be put in issue.

Standard crop of estates.

**12.** (1) Subject to the provisions of subsections (2) and (3), the standard crop of any registered estate for the period of assessment commencing on the first day of April, nineteen hundred and thirty-eight, and for every subsequent period of assessment shall, if that estate was registered under the provisions of the Tea (Control of Export) Ordinance, No. 11 of 1933, be the standard crop of that estate for the period of assessment under that Ordinance commencing on the first day of April, nineteen hundred and thirty-seven, as determined under the provisions of that Ordinance, increased by an allowance for the immature areas of that estate computed in the manner prescribed.



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(2) (*a*) Where, on or before the prescribed date in the period of assessment commencing on the first day of April, nineteen hundred and thirty-eight, the registered proprietor of any estate applies to the Controller in writing requesting that the standard crop of that estate should be specially re-assessed the Controller shall, on payment of the prescribed fee, assess the standard crop of that estate for the period of assessment commencing on the first day of April, nineteen hundred and thirty-eight.

(*b*) Such assessment shall be based on the quantity of made tea which could, on the first day of April, nineteen hundred and thirty-eight, reasonably have been estimated to be the annual output from an acre of the mature areas of that estate, increased by an allowance for the immature areas of that estate computed in the manner prescribed :

Provided, however, that in no case shall the standard crop of any estate as assessed under this subsection be geater than either

(i) seven hundred pounds per acre, or

(ii) the standard crop of that estate if it were assessed according to the maximum rate prescribed for the planting district in which that estate is situated,

whichever amount is the less.

(*c*) The date prescribed under paragraph (*a*) shall, for the purposes of any application for the re-assessment of any estate, be not less than one month after the date on which the maximum rate for the planting district in which that estate is situated is prescribed by regulation in the *Gazette*.

(*d*) The maximum rate prescribed under this subsection shall apply only in a case where an application for a special re-assessment is made under this subsection.

(3) Where the Controller makes an assessment under subsection (2) in respect of any estate, the standard crop of that estate—

(*a*) for the period of assessment commencing on the first day of April, nineteen hundred and thirty-eight, shall be the standard crop as assessed under that subsection ;

(*b*) for the period of assessment commencing on the first day of April, nineteen hundred and thirty-nine, and for every subsequent period of assessment shall be



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the standard crop as assessed under that subsection, increased by an allowance in respect of the immature areas of that estate computed in the manner prescribed.

The provisions of this subsection shall have effect notwithstanding that the standard crop of any estate as assessed under subsection (2) may be greater or less than the standard crop of that estate as determined in accordance with the provisions of subsection (1).

(4) Where any estate which was not registered under the provisions of the Tea (Control of Export) Ordinance, No. 11 of 1933, is registered under this Ordinance, the Controller shall assess the standard crop of that estate for the period of assessment in which that estate is registered ; and such assessment shall be based on the quantity of made tea which could, at the time such assessment is made, reasonably be estimated to be the annual output from an acre of the mature areas of that estate, increased by an allowance for the immature areas of that estate computed in the manner prescribed :

Provided that if at the time of registration such estate does not comprise any mature areas such assessment shall be made at such time and in such manner as may be prescribed.

In this subsection and in subsection (5), any reference to an estate which was not registered under the provisions of the Tea (Control of Export) Ordinance, No. 11 of 1933, includes a reference to any part of an estate, where such part was not so registered.

(5) Where the Controller makes an assessment under subsection (4) in respect of any estate, the standard crop of that estate—

(*a*) for the period of assessment in which such assessment is made, shall be the standard crop as assessed under that subsection ;

(*b*) for every subsequent period of assessment, shall be the standard crop as assessed under that subsection, increased by an allowance in respect of the immature areas of that estate computed in the manner prescribed.

(6) Notwithstanding anything contained in this section, the standard crop for any period of assessment of the estate of the Tea Research Institute of Ceylon known as and hereinafter referred to as St. Coomb's Estate shall be the estimated yield thereof for that period.



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Standard crop of small holdings.

**13.** (1) Subject to the provisions of subsections (2) and (3), the standard crop of any registered small holding for the period of assessment commencing on the first day of April, nineteen hundred and thirty-eight, and for every subsequent period of assessment shall, if that small holding was registered under the provisions of the Tea (Control of Export) Ordinance, No. 11 of 1933, be the standard crop of that small holding for the period of assessment under that Ordinance commencing on the first day of April, nineteen hundred and thirty-seven, as determined under the provisions of that Ordinance.

(2) Where any small holding which was not registered under the provisions of the Tea (Control of Export) Ordinance, No. 11 of 1933, is registered under this Ordinance, the standard crop of that small holding shall be assessed by the Controller according to such rate as may be prescribed for the planting district in which that small holding is situated.

In this subsection, any reference to a small holding which was not registered under the provisions of the Tea (Control of Export) Ordinance, No. 11 of 1933, includes a reference to any part of a small holding, where such part was not so registered.

(3) (*a*) Where on or before the prescribed date in the period of assessment commencing on the first day of April, nineteen hundred and thirty-eight, the registered proprietor of any small holding applies to the Controller in writing requesting that the standard crop of that small holding should be specially re-assessed, the Controller shall, on payment of the prescribed fee, assess the standard crop of that small holding for the period of assessment commencing on the first day of April, nineteen hundred and thirty-eight.

(*b*) Such assessment shall be based on the quantity of made tea which could, on the first day of April, nineteen hundred and thirty-eight, reasonably have been estimated to be the annual output from an acre of the mature areas of that small holding ; and such standard crop as so assessed shall be the standard crop of that small holding for the period of assessment commencing on the first day of April, nineteen hundred and thirty-eight, and for every subsequent period of assessment :

Provided, however, that in no case shall the standard crop of any small holding as assessed under this subsection be less than the standard crop of that small holding would be if it were determined in accordance with the provisions of subsection (1) or subsection (2).



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Notification of assessment.

**14.** Notice of every assessment of the standard crop of any estate made under subsection (2) or subsection (4) of section 12 and notice of every assessment of the standard crop of any small holding made under subsection (2) or subsection (3) of section 13 shall be served on the registered proprietor of that estate or small holding, as the case may be, who may, if dissatisfied with such assessment, appeal therefrom to the Board of Appeal.

Adjustment of errors in assessment of standard crop.

**15.** (1) Notwithstanding the provisions of sections 7 (3), 12 and 13 or anything in the Tea (Control of Export) Ordinance, No. 11 of 1933, to the contrary, the Controller, if it appears to him at any time that an error has been made in the assessment of the standard crop of any estate or small holding in respect of any period of assessment, whether under the Tea (Control of Export) Ordinance, No. 11 of 1933, or under this Ordinance, may by order declare that the standard crop of that estate or small holding for that period shall be deemed to have been increased or reduced, as the case may be, by the amount in respect of which the assessment was in error ; and the exportable maximum of that estate or small holding for that period shall be deemed to have been increased or reduced, as the case may be, to such amount as would have been the exportable maximum of that estate or small holding for that period if such error had not been made :

Provided that where such error is one of over-assessment, an order under this subsection—

(*a*) shall not be made unless and until the estate or small holding has been inspected by the Controller or by some person authorised by the Controller in that behalf, and

(*b*) shall not affect the standard crop of any estate or small holding for any period of assessment prior to that in which the order is made :

Provided, further, that in no case shall the standard crop of any small holding be deemed by virtue of an order under this subsection to be less than the standard crop of that small holding would have been if it had been determined in accordance with the provisions of subsection (1) or subsection (2) of section 13.

(2) A copy of every order made by the Controller under subsection (1) in respect of any estate or small holding shall be served on the registered proprietor of that estate or



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small holding who may appeal against that order to the Board of Appeal and the Board may, on any such appeal—

(*a*) confirm the order ; or

(*b*) if it is of opinion that there was no error in the assessment in respect of which the order was made, rescind the order ; or

(*c*) if it is of opinion that there was an error in the assessment in respect of which the order was made, but that the error was of an amount other than the amount mentioned in the order, vary the order accordingly.

(3) For the purposes of this section, an "error" in the assessment of the standard crop of any estate or small holding includes an over-assessment of the standard crop of that estate or small holding.

Ceylon quota of export.

**16.** The Ceylon quota of export shall, in respect of each period of assessment, be declared by the Governor, with the advice of the Executive Committee, by Proclamation published in the *Gazette*.

Exportable maximum.

**17.** (1) Subject to the provisions of subsection (4) and (5), the exportable maximum of any estate or small holding for any period of assessment shall be the amount of the standard crop of that estate or small holding for that period of assessment reduced by an amount ascertained by taking a percentage of such standard crop equal to the percentage of reduction.

(2) If there is no percentage of reduction for any period of assessment, the amount of the exportable maximum of any estate or small holding for that period shall, subject to the provisions of subsections (4) and (5), be the standard crop of that estate or small holding for that period.

(3) If there is a percentage of appreciation for any period of assessment, the amount of the exportable maximum of any estate or small holding for that period shall, subject to the provisions of subsections (4) and (5), be the standard crop of that estate or small holding increased by an amount ascertained by taking a percentage of such standard crop equal to the percentage of appreciation.

(4) (*a*) For any period of assessment, it shall be lawful for the Controller to cause to be deducted from the standard



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crop of every estate or small holding a further amount in addition to the amount, if any, authorised to be deducted under subsection (1) for the purpose of making such adjustments as may appear necessary in the assessment of the standard crops or of the exportable maxima of estates and small holdings.

(*b*) any surplus out of the amount deducted under paragraph (*a*) of this subsection shall, after the application of that amount for all authorised purposes, be allocated *pro rata* by the Controller among the registered proprietors of all estates and small holdings from the standard crops of which such amount was so deducted :

Provided however, that the Controller may, if he is of opinion that the amount of such surplus is so small that it is impracticable so to allocate it, cause tea coupons or export licences or special export licences representing the amount of such surplus to be sold in such manner as he may deem fit and the proceeds of such sale credited to the Tea Control Fund.

(*c*) Any amount allocated by the Controller under paragraph (*b*) of this subsection to the registered proprietor of any estate or small holding shall, upon such allocation, be deemed to form part of the exportable maximum of such estate or small holding, as the case may be, for the period of assessment for which the reduction authorised under paragraph (*a*) of this subsection was made.

(5) (*a*) Where the exportable maximum of any estate or smal holding for any period of assessment is deemed, in consequence of an order under section 15 (1) to have been increased or reduced, it shall be lawful for the Controller to cause an amount equivalent to the amount by which that exportable maximum is so deemed to have been increased or reduced, as the case may be, to be added to or deducted from the exportable maximum of that estate or small holding, or of any other estate or small holding of the same proprietor, for the period of assessment during which that order is made or for any one or more succeeding periods of assessment, in such instalments as he may in his discretion determine.

(*b*) It shall be lawful for the Controller to cause to be added to or deducted from the exportable maximum of any estate or small holding for any period of assessment, any amount which has been wrongly omitted from or included in,



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as the case may be, the exportable maximum of that estate or small holding, or of any other estate or small holding of the same proprietor, for any one or more preceding periods of assessment, whether under the Tea (Control of Export) Ordinance, No. 11 of 1933, or under this Ordinance.

(*c*) The amounts (if any) authorised to be deducted from the exportable maximum of any estate or small holding under this subsection shall be in addition to the amounts, if any, authorised to be deducted under subsection (1) and subsection (4).

(6) Notwithstanding anything contained in this section, the exportable maximum of St. Coomb's Estate for any period of assessment shall be the standard crop of that estate for that period.

Percentage of reduction and percentage of appreciation.

**18.** (1) If in any period of assessment the total amount (hereinafter in this section referred to as the first amount) of the standard crops of all registered estates and small holdings for that period exceeds the amount (hereinafter in this section referred to as the second amount) of the Ceylon quota of export for the same period, the difference between the two amounts shall, when expressed as a percentage of the first amount, be the percentage of reduction.

(2) If in any period of assessment the first amount is equal to the second amount, there shall be no percentage of reduction for that period.

(3) If in any period of assessment the first amount is less than the second amount, the difference between the two amounts shall, when expressed as a percentage of the first amount, be the percentage of appreciation.

Determination and notification of the exportable maximum.

**19.** The Controller shall, as soon as may be practicable in each period of assessment, proceed to determine the exportable maximum of each estate and small holding for that period and shall notify such maximum in at least one English, one Sinhalese and one Tamil newspaper circulating in Ceylon.

Tea coupons.

**20.** (1) Subject to the provisions of subsection (3), the registered proprietor of an estate or small holding shall be entitled to receive from the Controller in respect of any period of assessment tea coupons representing the amount determined



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to be the exportable maximum of that estate or small holding for that period.

(2) The registered proprietor of an estate or small holding shall also be entitled to receive from the Controller in respect of any period of assessment tea coupons representing the amount, if any, allocated to him in respect of that period under section 17 (4) (*b*).

(3) In anticipation of the determination of the exportable maximum of any estate or small holding for any period of assessment, the Controller may issue to the registered proprietor of that estate or small holding, at such time and in such quantities as the Controller may in his discretion determine, tea coupons in respect of the amount estimated by the Controller to be the probable exportable maximum of that estate or small holding for that period.

The amount represented by tea coupons issued under this subsection shall be deducted from the amount in respect of which tea coupons may be issued under subsection (1).

(4) Every tea coupon shall, subject to the provisions of section 23 (1), cease to be valid at midnight on the thirty-first day of March in the period of assessment in which that coupon is issued.

(5) Nothing in this Ordinance contained shall be deemed to render illegal the transfer or sale of tea coupons by one person to another.

Export licences.

**21.** (1) Any person shall be entitled in any period of assessment to obtain from the Controller in exchange for one or more tea coupons issued in that period an export licence authorising the export from Ceylon during that period of an amount of made tea equal to the amount represented by such coupon or coupons.

(2) Every export licence shall have endorsed thereon the date of issue of that licence and shall be valid for a period of three months only reckoned from the date of issue :

Provided that, upon sufficient cause being shown, the Controller may in his discretion extend the said period for a further period not exceeding three months ;

Provided, further, that no export licence shall, whether the period of its validity has been so extended or not, be valid beyond the thirty-first day of March in the period of assessment in which that licence is issued.



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(3) Nothing in this Ordinance contained shall be deemed to render illegal the transfer or sale of export licences by one person to another.

Special export licence in period of assessment 1938–1939.

**22.** (1) The holder of any tea coupon issued under the Tea (Control of Export) Ordinance, No. 11 of 1933, which ceases to be valid on the thirty-first day of March, nineteen hundred and thirty-eight, in accordance with the provisions of paragraph (*b*) of section 27A (1) of that Ordinance, shall, if such coupon has not been exchanged for an export licence under that Ordinance, be entitled, on application made to the Controller on or before the fourteenth day of April, nineteen hundred and thirty-eight, to obtain in exchange for that coupon a special export licence authorising the export from Ceylon of the amount of made tea represented by that coupon.

(2) Notwithstanding the provisions of section 27 (4) of the Tea (Control of Export) Ordinance, No. 11 of 1933, no export licence issued under that Ordinance on or after the first day of October, nineteen hundred and thirty-seven, shall be valid after midnight on the thirty-first day of March, nineteen hundred and thirty-eight; but the holder of any such licence shall be entitled, on application made to the Controller on or before the fourteenth day of April, nineteen hundred and thirty-eight, to exchange that licence for a special export licence authorising the export from Ceylon of the quantity of made tea to authorise the export of which the original licence was issued.

(3) Every special export licence issued under this section shall cease to be valid on the thirtieth day of June, nineteen hundred and thirty-eight.

(4) The amount of made tea exported under any special export licence issued under this section shall be set off against the Ceylon quota of export for the period of assessment under the Tea (Control of Export) Ordinance, No. 11 of 1933, commencing on the first day of April, nineteen hundred and thirty-seven.

Special export licences in subsequent periods of assessment.

**23.** (1) The holder of any tea coupon issued in any period of assessment who has not obtained in exchange for such coupon an export licence under section 21, may, on application made to the Controller within fourteen days next following the end of that period, obtain from the Controller a special export licence authorising the export from Ceylon of the amount of made tea represented by that coupon :



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Provided that no such special export licence shall be issued in exchange for any tea coupon unless it is established to the satisfaction of the Controller—

(*a*) that the holder of that coupon has in his possession the amount of made tea represented by that coupon ; and

(*b*) that such made tea was produced in the period of assessment in which that coupon was issued.

(2) The holder of any export licence issued in any period of assessment who has not, before the end of that period, exported from Ceylon any quantity of made tea which he is authorised to export under that licence, may, on application made to the Controller within fourteen days next following the end of that period obtain in exchange for that licence a special export licence authorising the export from Ceylon of that quantity of made tea :

Provided that no such special export licence shall be issued in exchange for any export licence unless it is established to the satisfaction of the Controller—

(*a*) that the holder of that export licence has in his possession the amount of made tea to authorise the export of which that export licence was issued ; and

(*b*) that such made tea was produced in the period of assessment in which that export licence was issued.

(3) Every special export licence issued under this section shall have endorsed thereon the date of issue of that licence and shall cease to be valid at midnight on the thirty-first day of May next following the date of its issue.

(4) The amount of made tea exported under a special export licence issued under subsection (1) shall be set off against the Ceylon quota of export for the period of assessment in which the tea coupon exchanged for that special export licence was issued.

(5) The amount of made tea exported under a special export licence issued under subsection (2) shall be set off against the Ceylon quota of export for the period of assessment in which the original licence exchanged for that special export licence was issued.

Transfer or sale of special export licences.

**24.** Nothing in this Ordinance shall be deemed to render illegal the transfer or sale of special export licences from one person to another.



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Prohibition of export of made tea except under licence.

**25.** No made tea shall be exported from Ceylon unless the exportation thereof is authorised by an export licence or special export licence issued by the Controller and no made tea shall be received or accepted for exportation or shipment by any customs or other officer unless the exportation thereof is so authorised :

Provided, however, that no licence shall be required to authorise—

(*a*) the export from Ceylon of any sample of made tea, where the sample is made up in a package not exceeding eight ounces in weight, or

(*b*) the re-export from Ceylon of any made tea which is proved to the satisfaction of the Principal Collector of Customs to have been imported into Ceylon.

Prohibition of export of tea seed, &c.

**26.** (1) No seed, root, stump or bud of any tea plant, and no cutting from or living portion of such plant which is capable of being used to propagate it, shall be exported from Ceylon :

Provided, however, that the Controller may in accordance with the prescribed conditions issue a licence authorising the export from Ceylon of any such seed, root, stump, or bud of such plant, or such cutting therefrom or portion thereof, if he is satisfied that it is required for scientific purposes by any institution in India or the Netherlands East Indies.

(2) Regulations may be made prescribing the conditions and restrictions subject to which the Controller may issue any licence under subsection (1).

Prohibition against planting new or unregistered areas, subject to certain exceptions.

**27.** (1) From and after the thirty-first day of March, nineteen hundred and thirty-eight, no tea shall be planted on any land in Ceylon which was not planted with tea on that day or which is not, or does not form part of, a registered estate or small holding, except—

(*a*) in the cases for which provision is made under section 28 and paragraph (*a*) of section 29 ;

(*b*) in the case of a nursery planted in accordance with the provisions of section 30 ; and

(*c*) in such other special cases and to such extent and subject to such conditions as may be prescribed.

(2) The total area of land the planting of which may be permitted in all such special cases as are referred to in paragraph (*c*) of subsection (1), together with any excess area



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referred to in section 30 (6), shall not in the aggregate exceed 2,796 acres, which shall be deemed to represent one-half of one per centum of the total area of land in Ceylon planted with tea on the thirty-first day of March, nineteen hundred and thirty-eight.

Certain cases in which planting of new areas permitted.

**28.** Where, at any time after the thirty-first day of March nineteen hundred and thirty-three, and before the thirty-first day of March, nineteen hundred and forty-three—

(*a*) any tea growing on any estate or small holding registered under the Tea (Control of Export) Ordinance, No. 11 of 1933, or under this Ordinance, has been or is permanently destroyed by subsidence, flood, river erosion, or other act of God ; or

(*b*) the whole or any part of any such estate or small holding has been or is lawfully acquired by or for the use of the Crown or any local authority and has ceased or ceases to be land planted with tea,

the registered proprietor of such estate or small holding may, under the authority of a permit in the prescribed form obtained from the Controller, plant tea on any land not planted with tea on the thirty-first day of March, nineteen hundred and thirty-eight, to an extent not exceeding that on which the tea so destroyed was growing or not exceeding the extent which was so acquired, as the case may be, and subject to such other conditions as may be prescribed.

Replanting.

**29.** (*a*) Where any estate or small holding registered under the Tea (Control of Export) Ordinance, No. 11 of 1933, which was planted with tea on the thirty-first day of March, nineteen hundred and thirty-six, or any portion of any such estate or small holding, is lying fallow on the thirty-first day of March, nineteen hundred and thirty-eight, by reason of the fact that the tea plants on that estate or small holding or portion thereof have been uprooted since the thirty-first day of March, nineteen hundred and thirty-six ; or

(*b*) where after the thirty-first day of March, nineteen hundred and thirty-eight, the tea plants on any registered estate or small holding or portion thereof are uprooted,

the proprietor of such estate or small holding may, under the authority of a permit in the prescribed form obtained from the Controller, replant with tea such estate or small holding or such portion thereof, as the case may be, from which the tea plants have been so uprooted.



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Planting or maintenance of nurseries.

**30.** (1) From and after the thirty-first day of March, nineteen hundred and thirty-eight, no land which was not planted with tea on that day shall be planted with tea for the purposes of a nursery, except upon a licence issued by the Controller.

(2) From and after the prescribed date, no tea nursery existing on the thirty-first day of March, nineteen hundred and thirty-eight, shall be maintained except upon a licence issued by the Controller.

(3) Every licence issued under subsection (1) or subsection (2)—

(*a*) shall be in the prescribed form and subject to the terms and conditions set out therein,

(*b*) shall describe the land on which the nursery may be maintained or planted and specify the extent thereof, and

(*c*) shall specify the period for which the licence shall be valid.

(4) No nursery shall be maintained or planted in contravention of the terms or conditions of the licence issued therefor.

(5) All tea grown in every nursery shall be eradicated and destroyed within two weeks after the date of expiry of the licence relating to that nursery.

(6) The total area of land under nurseries in Ceylon on the thirty-first day of March, nineteen hundred and forty-three, shall not exceed 945 acres, 1 rood, 25 perches, which extent shall be deemed to have been the area under nurseries on the thirty-first day of March, nineteen hundred and thirty-three :

Provided, however, that if on the thirty-first day of March, nineteen hundred and forty-three, the total area of land under nurseries in Ceylon exceeds the extent specified in this section, any area under nurseries in excess of such extent shall be deemed to form part of the extent of 2,796 acres mentioned in section 27 (2).

(7) Nothing in this section shall apply or be deemed to apply to any nursery planted or maintained on any area of land forming part of the registered area of any estate or small holding.



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Filling or supplying of vacancies.

**31.** From and after the thirty-first day of March, nineteen hundred and thirty-eight, nothing in this Ordinance shall be deemed to prohibit the planting of tea upon any land which was on that day planted with tea and which is or forms part of an estate or small holding registered under this Ordinance, if such planting is done for the purpose only of filling or supplying vacancies caused by the death or uprooting of any plants growing on that land.

Power of Controller to call for information.

**32.** (1) It shall be lawful for the Controller at any time to direct the person registered as the proprietor of any estate or small holding or of any part of any estate or small holding, or any person claiming to be registered as such proprietor—

(*a*) to furnish before a specified date such information as the Controller may require in respect of that estate or small holding or such explanation as the Controller may require in respect of any particulars stated in any return furnished by such person; or

(*b*) to produce or cause to be produced before a specified date such documentary or other evidence as the Controller may require for the purpose of verifying any information furnished by such person in respect of any estate or small holding or any facts or particulars in any return furnished by such person.

Right to enter estates, &c., for inspection.

**33.** The Controller or any person authorised by him in writing may at any time enter any estate, small holding or immature area for the purpose of carrying out an inspection or making a survey plan of that estate, small holding or area, and may, for the purposes of such inspection, enter any factory, office, or other building on that estate, small holding or area.

Control of the production of tea.

**34.** (1) If at any time it appears to the Executive Committee that the amount of made tea produced in Ceylon is greatly in excess of the Ceylon quota of export together with the amount of made tea estimated to be required for consumption in Ceylon, the Executive Committee may make such regulations as to it may seem expedient for the purpose of controlling the production of tea in Ceylon.



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(2) Without prejudice to the generality of the powers conferred by subsection (1), regulations may be made—

(*a*) prescribing the maximum quantity of tea which may be permitted to be in the possession or under the control at a given time of any or all of the registered proprietors of estates or small holdings, or of the registered producers or exporters of, or the registered dealers in, tea ;

(*b*) providing for the registers and books which shall be kept by the registered proprietors of estates or small holdings and by producers or exporters of, or dealers in, tea ; and

(*c*) providing for all other matters which may appear to it to be necessary for the introduction of a system of control of the production of tea, or incidental thereto or connected therewith.

Offences.

**35.** (1) Any person who—

(*a*) commits a breach of any of the provisions of this Ordinance or of any regulation, or

(*b*) makes default in complying with any direction or requirement duly made under the powers conferred by this Ordinance, or

(*c*) resists or obstructs any person in the performance of the duties imposed or in the exercise of the powers conferred upon him under this Ordinance, or

(*d*) makes any declaration or furnishes any return containing any particular which is false and which he knows to be false or does not believe to be true,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one thousand rupees, or to imprisonment of either description for a period not exceeding six months, or to both such fine and imprisonment.

(2) No prosecution for any offence under this Ordinance shall be instituted except with the written sanction of the Controller.

(3) Upon conviction of any person for a breach of any provision of section 27 or section 28 or section 29 or section 30, or of any regulation made under section 27 or section 28, it shall be lawful for a Magistrate, if such breach relates to the



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planting or growing of tea in any nursery or other land, in addition to any fine or other penalty which he may impose to order that all tea planted or grown in contravention of such provision should be eradicated and destroyed by or at the instance of the person so convicted within a period to be fixed in the order ; and upon failure of the person so convicted to comply with the terms of such order within the period so fixed, the Magistrate may cause the tea referred to in that order to be eradicated and destroyed at the expense of such person. The cost of so eradicating and destroying the tea may be recovered from that person as though a fine for a like amount had been imposed upon him by the Magistrate, notwithstanding the fact that the total amount of such cost may be in excess of the amount which such Magistrate may impose as a fine in the exercise of his ordinary powers or jurisdiction.

Tea Control Fund.

**36.** (1) There shall be established a Tea Control Fund for the purposes of this Ordinance.

(2) All moneys standing to the credit of the Tea Control Fund established under the Tea (Control of Export) Ordinance, No. 11 of 1933, at midnight on the thirty-first day of March, nineteen hundred and thirty-eight, and all moneys which under section 32 (5) of that Ordinance are payable to the Tea Controller for the credit of that fund in respect of any period prior to the first day of April, nineteen hundred and thirty-eight, shall, after all such payments from that fund as are mentioned in paragraph (*b*) of section 33 (1) of that Ordinance have been made in respect of any period prior to the first day of April, nineteen hundred and thirty-eight, be credited and paid to the Tea Control Fund established under subsection (1).

(3) In order to provide an income for the payment of the expenses of the administration of this Ordinance and such other expenses as may be authorised under section 37 there shall be charged, levied and paid an export duty on tea of such amount as may be determined from time to time by a resolution of the State Council duly passed at any public session of the Council and sanctioned by the Governor :

Provided that until a resolution is passed under this subsection, the duty authorised to be collected by any resolution passed under section 32 (1) of the Tea (Control of Export) Ordinance, No. 11 of 1933, and which is in force on the thirty-first day of March, nineteen hundred and thirty-eight, shall



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continue to be charged, levied and paid from and after midnight on that day.

(4) Every resolution under subsection (3) shall be published in the *Gazette* and the duty authorised to be collected thereunder shall be charged, levied and paid from the date prescribed in that resolution.

(5) Any resolution under subsection (3) may be varied or rescinded at any time by a resolution of the Council passed, sanctioned and published in the manner prescribed in subsections (3) and (4).

(6) This section shall have effect as though it formed part of the Customs Ordinance and the provisions of that Ordinance shall apply accordingly.

(7) The proceeds of the export duty recovered under this Ordinance shall be paid over monthly to the Controller by the Principal Collector of Customs and shall be credited to the Tea Control Fund established under subsection (1) and no part thereof shall be credited to general revenue.

(8) The export duty authorised to be imposed under this Ordinance shall be in addition to the export duties levied under any other written law but shall not be taken into account in estimating the export duty levied on tea under the law of Ceylon for the purposes of section 32 of the Income Tax Ordinance.

Expenditure from Tea Control Fund.

**37.** (1) Out of the Tea Control Fund there shall be paid—

(*a*) the expenses of the administration of this Ordinance ;

(*b*) the salaries, wages, rewards and fees necessary for or incidental to the carrying out of the provisions of this Ordinance ;

(*c*) the prescribed contributions to any provident fund or scheme established in accordance with regulations for the payment of gratuities to any or all of the persons, officers and servants employed for the purposes of this Ordinance ; and

(*d*) the expenses of assessment and all other expenses, costs and charges incidental to the carrying out of the provisions of this Ordinance.

(2) The surplus, if any, which may ultimately be found to be to the credit of the Tea Control Fund after the payment



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of the expenses, costs and charges referred to in subsection (1) shall be applied for the furtherance and development of the tea industry and to purposes connected therewith or incidental thereto in such manner as the State Council may by resolution from time to time determine.

Estimates of income and expenditure.

**38.** (1) The Controller shall forward to the Executive Committee not later than the fifteenth day of February, in each period of assessment estimates of the expenditure likely to be incurred in the administration of the Ordinance and of the income likely to accrue to the Tea Control Fund for the next succeeding period of assessment.

(2) On receipt of the estimates of income and expenditure by the Executive Committee, the Minister shall, at the first convenient opportunity, place such estimates before the State Council for its approval.

Protection of officers.

**39.** No action shall be instituted against the Controller or against the Board or the Board of Appeal or any member of either Board or against any other officer or person acting in compliance with any direction or requirement of the Controller or of the Board or of the Board of Appeal, to charge him, them, or any of them in respect of any act which may have been done or which may have been left undone in good faith in pursuance or supposed pursuance of his or their powers or duties under this Ordinance.

Service of notices, &c.

**40.** All notices, orders, certificates, tea coupons, licences, or other documents required or authorised by this Ordinance to be served on, delivered, or issued to a registered proprietor shall be deemed to have been duly served, delivered or issued to such proprietor if they are delivered to or at the registered address of such proprietor, or forwarded by post by registered letter properly addressed with the registered address of such proprietor, and all such notices, orders, and other documents for service on any person other than a registered proprietor shall be deemed to be served on him if delivered to or at the residence of such person.

Returns to be verified by statutory declaration.

**41.** (1) Every return required by this Ordinance or under any regulation and any explanation or information required by the Controller to be furnished under this Ordinance shall, unless it is otherwise provided, be verified by a declaration that the statements contained therein are true and accurate.



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

Regulations.

**42.** (1) The Executive Committee may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1) the Executive Committee may make regulations for or in respect of all or any of the following matters :—

(*a*) all matters stated or required in this Ordinance to be prescribed ;

(*b*) the registers and books which shall be kept by the Controller, the forms of such registers and books and the particulars to be entered therein ;

(*c*) the forms of all returns, notices, licences, coupons, certificates, declarations and documents required to be made, served, issued or used for the purposes of this Ordinance ;

(*d*) the method of computing the allowance for the immature areas of estates for the purposes of this Ordinance ;

(*e*) the division of Ceylon or any specified part thereof into planting districts, and, where practicable, the name of each such district ;

(*f*) the registration of all producers or exporters of, or dealers in, tea ;

(*g*) the returns to be furnished by registered proprietors of estates or small holdings and by producers or exporters of, or dealers in tea, declaring the stock of tea held or the quantity of tea produced, purchased, sold or exported by them ;

(*h*) the payment or recovery of fees or other charges ;

(*i*) the establishment and regulation of a provident fund or scheme for the payment of gratuities to any or all of the persons, officers and servants employed for the purposes of this Ordinance and all matters incidental thereto, including the determination of the amounts from time to time to be paid to such fund or scheme from the Tea Control Fund ;

(*j*) all matters incidental to or connected with the matters or subjects specifically referred to in this subsection.



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(3) Every regulation made by the Executive Committee under this section shall be published in the *Gazette* and shall come into operation upon such publication.

(4) Every regulation made by the Executive Committee shall be brought before the State Council within a period of one month from the date of publication of that regulation under subsection (3), or, if no meeting of the State Council is held within that period, at the first meeting of the State Council after the expiry of that period, by a motion that such regulation shall be approved, and, if so approved, shall be submitted to the Governor for ratification. There shall be set out in a Schedule to every such motion the text of the regulation to which such motion refers.

(5) Any regulation which the State Council refuses to approve or which the Governor refuses to ratify 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 a regulation shall so be deemed to be rescinded shall be the date on which the State Council refuses to approve or the date on which the Governor refuses to ratify the regulation, as the case may be.

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

(7) Any regulation made by the Executive Committee shall, when approved by the State Council and ratified by the Governor, be as valid and effectual as if it were herein enacted. Notification of such approval and ratification shall be published in the *Gazette*.

Saving of rules made under Ordinance No. 11 of 1933.

**43.** Every rule made under the Tea (Control of Export) Ordinance, No. 11 of 1933, shall, so far as it is not inconsistent with this Ordinance or any regulation made thereunder, and so far as it makes provision for or in respect of any matter for or in respect of which regulations may be made under this Ordinance, continue in force until amended or rescinded by a regulation made under this Ordinance.

Estates or small holdings in one ownership.

**44.** All estates or small holdings in one ownership may be regarded and dealt with as one unit for the purposes of this Ordinance.



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Power of Executive Committee to give directions to mitigate or prevent hardship in certain cases.

**45.** If in the operation of this Ordinance any case arises in which, in the opinion of the Executive Committee, substantial hardship is likely to be caused to any person by reason of any unintentional failure on the part of that person to observe any formality prescribed by this Ordinance or by any regulation the Executive Committee may give such directions as may be necessary to mitigate or prevent such hardship.

Interpretation.

**46.** In this Ordinance, unless the context otherwise requires—

"Board" means the Tea Advisory Board established under section 4 ;

"Board of Appeal" means the Board of Appeal established under section 6 ;

"Ceylon quota of export" means the maximum amount of made tea which may be exported from Ceylon in respect of any period of assessment ;

"Controller" means the person appointed under section 2 to be or to act as Tea Controller ; and includes the Deputy Tea Controller and an Assistant Tea Controller ;

"estate" means an area of land ten acres or more in extent on which the tea plant is grown for the purpose of harvesting the leaf thereof for conversion into made tea ;

"Executive Committee" means the Executive Committee of Agriculture and Lands ;

"export licence" means a licence for the export of tea issued under section 21 ;

"exportable maximum" when used with reference to an estate or small holding means the portion of the Ceylon quota of export determined in respect of that estate or small holding in accordance with the provisions of this Ordinance ;

"immature area" means an area of land planted with tea plants which are not fully mature ;

"India" means India as defined in section 311 (1) of the Government of India Act, 1935, of the Imperial Parliament ;

(25 & 26 Geo. 5 c. 42.)

"local authority" means any Municipality, District Council established under the Local Government Ordinance, Local Board, Sanitary Board, or Village Committee ;



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" made tea " means tea manufactured from the leaf of the tea plant but does not include red-leaf, fluff, and sweepings ;

" Minister " means the Minister for Agriculture and Lands ;

" Netherlands East Indies " includes Java, Sumatra, and all other islands in the Netherlands East Indies ;

" percentage of reduction " means the percentage of reduction calculated in the manner prescribed in section 18 ;

" percentage of appreciation " means the percentage of appreciation calculated in the manner prescribed in section 18 ;

" period of assessment " means the period of twelve months commencing on the first day of April in any year ;

" planting district " means one of the districts into which Ceylon or any specific part thereof is divided by regulation ;

" prescribed " means prescribed by regulation ;

" proprietor " means the owner, lessee, usufructuary, mortgagee or other person lawfully in possession and taking the produce of an estate or small holding, and, where such owner, lessee, mortgagee or other person is absent from Ceylon, includes any duly accredited agent of such owner, lessee, mortgagee or other person ;

" registered " means registered under the provisions of this Ordinance or any regulation ;

" regulation " means a regulation made by the Executive Committee under this Ordinance ;

" small holding " means an area of land less than ten acres in extent on which the tea plant is grown for the purpose of harvesting the leaf thereof for conversion into made tea ;

" special export licence " means a licence for the export of tea issued under section 22 or section 23 ;

" standard crop " when used with reference to an estate or small holding means the amount of made tea determined under the provisions of this Ordinance as the standard crop of that estate or small holding for any period of assessment ;

" tea " means the plant known as " *Thea Sinensis* " and includes the leaf thereof whether in a natural or manufactured state ;



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"Tea Control Fund" means the fund established under section 36 ;

"tea coupon" means a coupon issued under section 20.

(2) Any reference to an amount or quantity of tea or made tea shall be deemed to refer to that amount or quantity expressed in pounds weight.

Duration of Ordinance.

**47.** This Ordinance shall continue in force for a period of five years reckoned from the first day of April, nineteen hundred and thirty-eight :

Provided that the expiration of this Ordinance shall not affect any penalty, forfeiture, or punishment previously incurred under this Ordinance or under any regulation or affect any legal proceedings or remedy in respect of any such penalty, forfeiture, or punishment, and any such legal proceeding may be instituted, or continued, or enforced, and such penalty, forfeiture or punishment may be imposed as if this Ordinance had not expired.



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# CHAPTER 300.

## RUBBER CONTROL.

AN ORDINANCE TO PROVIDE FOR THE CONTROL OF THE PRODUCTION AND EXPORT OF RUBBER.

*Ordinances* Nos. 6 of 1934, 12 of 1934, 2 of 1935.

[17*th May*, 1934.]

Short title and duration.

**1.** This Ordinance may be cited as the Rubber Control Ordinance, and shall continue in operation to the thirty-first day of December, nineteen hundred and thirty-eight.

General control of export.

**2.** On and after the first day of June, nineteen hundred and thirty-four, no rubber shall be exported from the Island unless the export thereof is authorised by or under this Ordinance :

Provided that nothing in this Ordinance shall apply to the export of rubber—

(*a*) in respect of which the cart note, boat note or railway consignment note has been registered at a Customs Export Office or the Canal Lock, as the case may be, before midnight on the thirty-first day of May, nineteen hundred and thirty-four ;

(*b*) which has been placed before midnight on the thirty-first day of May, nineteen hundred and thirty-four, under customs seal in a godown or store duly approved by the Principal Collector of Customs.

Basic quota.

**3.** (1) For the purpose of determining the Ceylon quota of export for any period of control, the basic quota for each year of control shall be the quantity of rubber specified hereunder for that year :

Provided that for the period of control beginning on the first day of June, nineteen hundred and thirty-four, and ending on the thirty-first day of December in that year the basic quota shall be seven-twelfths of the quantity hereunder specified for that year :—

| | | |
|---|---|---|
| 1934 | .. | .. 77,500 tons |
| 1935 | .. | .. 79,000 tons |
| 1936 | .. | .. 80,000 tons |
| 1937 | .. | .. 81,000 tons |
| 1938 | .. | .. 82,500 tons |



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Ceylon quota of export.

(2) The Ceylon quota of export for any period of control shall be such quantity of rubber determined in relation to the basic quota for that period or such percentage of that basic quota as shall be declared by the Governor by notification in the *Gazette*.

Limitation of quantity exported monthly.

(3) For the purpose of regulating the export of the Ceylon quota of export the Governor may from time to time, by notification published in the *Gazette*, limit the quantity of rubber which may be exported from the Island during any specified month or months.

Excess or deficiency of monthly export.

(4) If the amount of rubber exported from the Island in any month is greater or less than the amount which may be exported from the Island in that month, the amount of the excess or deficiency, as the case may be, shall be deducted from, or added to, the amount which may be exported from the Island in any subsequent month or months in such manner and subject to such conditions as may be prescribed.

Net export.

(5) In determining the quantity of rubber exported from the Island during any period of control such quantity shall be taken to be the amount of the net export for that period as defined by section 58.

Permissible excess above quota of export.

**4.** It shall not be deemed to be a breach of the provisions of this Ordinance if the quantity of rubber exported from the Island during any year of control as the Ceylon quota of export for that year exceeds the amount of that quota by a quantity not greater than five per centum of that amount :

Provided that the Ceylon quota of export for the year of control immediately following that in which such excess was exported shall be reduced by the amount of the permissible excess exported in the preceding year of control.

Deficiency in quota exported in a year of control exportable in succeeding year.

**5.** If in any year of control the quantity of rubber exported from the Island as the Ceylon quota of export for that year is less than the amount of that quota, a quantity of rubber equal to the amount of the deficiency, but not exceeding twelve per centum of the Ceylon quota of export for the year in which the deficiency occurred, may be exported in the immediately succeeding year subject to the provisions of section 42 and shall not be deemed to form part of the Ceylon quota of export for the year in which it is exported.



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Prohibition of export of rubber seed, &c.

**6.** On and after the first day of June, nineteen hundred and thirty-four, no person shall export from the Island any leaves, flowers, seeds, buds, twigs, branches, roots or any living portion of the rubber plant that may be used to propagate that plant.

Appointment of Controller and other officers.

**7.** (1) The Governor may appoint—

(*a*) any person, by name or by office, to be Rubber Controller, or to act as such ;

(*b*) any person, by name or by office, to be Deputy Rubber Controller, or to act as such ;

(*c*) any person, by name or by office, to be an Assistant Rubber Controller, or to act as such ; and

(*d*) such other officers and servants as may from time to time be required for the purposes of this Ordinance.

(2) In the exercise of their powers and in the discharge of their duties under this Ordinance, all persons, officers and servants appointed by the Governor under this section shall be subject to the general direction and control of the Executive Committee.

(3) All persons, officers and servants appointed under this section shall be deemed to be public servants within the meaning of the Penal Code.

Delegation of Controller's powers.

**8.** In relation to any particular matter or class of matters or to any particular area or planting district, the Controller may, with the consent of the Executive Committee, by writing under his hand, delegate any of his powers under this Ordinance (except this power of delegation) so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified or to the area or planting district mentioned in the instrument of delegation.

Establishment and constitution of Rubber Advisory Board.

**9.** There shall be a Rubber Advisory Board which shall consist of a Chairman, who shall be the Rubber Controller for the time being, and such other members not exceeding ten in number as the Governor may appoint.

Duties, powers and functions of Advisory Board.

**10.** (1) It shall be the duty of the Advisory Board—

(*a*) to advise the Controller on all matters incidental or relating to the control and regulation under this Ordinance of the production and export of rubber from the Island and on all other matters which the Controller may refer to the Board for advice ;



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(*b*) to perform and exercise such duties and powers as may be prescribed or entrusted to it under this Ordinance ; and

(*c*) generally to assist the Controller in the administration of this Ordinance.

(2) Regulations may be made providing for the conduct of business by the Advisory Board and prescribing the procedure to be followed at meetings of that Board. Subject to any such regulations, the Board may regulate its own procedure.

Establishment and constitution of Boards of Appeal.

**11.** The Governor shall establish a Board of Appeal or such number of Boards of Appeal as he shall consider necessary for the purpose of this Ordinance. Each Board of Appeal shall consist of three members appointed by the Governor. One member of each Board of Appeal shall be an advocate or a proctor of the Supreme Court of not less than ten years' standing.

Duties, powers and functions of a Board of Appeal.

**12.** (1) It shall be the duty of a Board of Appeal to hear and determine all appeals preferred under this Ordinance.

(2) Regulations may be made prescribing—

(*a*) the time within which and the manner in which appeals shall be so preferred ;

(*b*) the forms to be used and the fees to be paid in preferring appeals ;

(*c*) the procedure to be observed on the hearing of appeals ;

(*d*) the remuneration to be paid to the members of a Board of Appeal ; and,

(*e*) generally for all matters connected with or incidental to the matters specifically enumerated in this sub-section or to the hearing or disposal of appeals.

(3) The decision of a Board of Appeal on any matter or question brought before it by way of appeal shall be final and conclusive for the purposes of this Ordinance.

Returns.
[§ 2, 2 of 1935.]

**13.** (1) On or before a date which shall be prescribed for each year of control, the proprietor of every estate or small holding and every dealer shall furnish to the Controller a return in the prescribed form containing the prescribed particulars :

Provided that it shall not be necessary for the registered proprietor of an estate or small holding to furnish such a



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return in the second or any other subsequent year of control except upon a direction issued by the Controller under section 14.

(2) Any return furnished by the proprietor of an estate or a small holding or by a dealer to the Rubber Investigating Officer in response to any notification published by him prior to the commencement of this Ordinance may be accepted by the Controller as a return furnished under subsection (1) :

Provided that if the Controller rejects any return so furnished to the Rubber Investigating Officer, he shall call on every proprietor or dealer whose return he rejects to furnish a return in accordance with subsection (1) or within such extended time as he may specify.

Power of Controller to call for information.

**14.** (1) It shall be lawful for the Controller at any time to direct the proprietor of an estate or small holding or any dealer—

(*a*) to furnish before a specified date such information or explanation as the Controller may require in respect of any particulars stated in any return furnished by such proprietor or dealer ;

(*b*) to produce or cause to be produced before a specified date such documentary or other evidence as the Controller may require for the purpose of verifying any facts or particulars in any return furnished by such proprietor or dealer.

(*c*) to furnish before a date specified by the Controller in any month or in each month in any series of months— [§ 3, 2 of 1935.

such particulars as the Controller may require in respect of the production, sale, delivery, purchase, or export of rubber, or the stocks of rubber held by such proprietor or dealer.

(2) In this section, " return " includes a return made to the Rubber Investigating Officer in response to any notification published by him prior to the commencement of this Ordinance.

Rejection of returns received out of time.

**15.** No return shall be accepted by the Controller in any year of control if such return is received by him on a date subsequent to the date prescribed for the purposes of section 13 (1) or specified by him under section 13 (2).



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Registers.

**16.** (1) The Controller shall keep in the prescribed form a register of estates, a register of small holdings, and a register of dealers.

(2) Regulations may be made—

(*a*) requiring any registered proprietor or registered dealer to notify to the Controller the occurrence of any circumstance affecting the accuracy of the particulars contained in any return furnished by him to the Controller or to the Rubber Investigating Officer; and

(*b*) prescribing the circumstances and the manner in which any entry made in the register may be amended from time to time.

(3) In the event of the death of any registered proprietor or dealer, it shall be the duty of the person entering into possession or having control of the estate or small holding of that proprietor or assuming or having charge of the business of that dealer—

(*a*) to give written information of the death to the Controller within one month thereof; and

(*b*) to comply with the requirements of any regulation made under subsection (2), until the name of the deceased proprietor or dealer is deleted and the name of the person entitled to be registered is duly substituted in the register.

(4) An appeal shall lie to a Board of Appeal against any decision of the Controller to amend the register under any regulation made under subsection (2).

Decision of questions relating to registration of estates and small holdings.
[§ 4, 2 of 1935.]

**17.** (1) The Controller shall decide whether any land is entitled to be registered as an estate or a small holding or whether any estate or small holding is entitled to be registered in any particular planting district.

(2) The Controller shall decide whether any land is an estate or a small holding.

(3) An appeal shall lie to a Board of Appeal against any decision made by the Controller under this section.

Decision of questions relating to registration of proprietors and dealers.

**18.** (1) The Controller shall decide whether any person is entitled to be registered as a proprietor of an estate or of a small holding or as a dealer, or whether any premises may be registered as the licensed premises of any dealer.



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(2) An appeal shall lie to a Board of Appeal against any decision of the Controller under this section.

(3) No decision of the Controller under subsection (1) or of a Board of Appeal under subsection (2) in regard to the question of the proprietorship of an estate or a small holding shall operate as *res adjudicata* on any question in any civil action in which the title to a registered estate or small holding shall be put in issue.

Standard production.

**19.** (1) As soon as may be after the commencement of this Ordinance, the Controller shall assess in such manner as may be prescribed the standard production of every registered estate and small holding for a period of twelve months beginning on the first day of January, nineteen hundred and thirty-four.

(2) In the first year of control the standard production of each estate or small holding shall be seven-twelfths of the amount assessed in respect of that estate or small holding under subsection (1).

(3) Subject to the provisions of section 22, for the second and every subsequent year of control the standard production of each estate or small holding shall be the amount assessed in respect of that estate or small holding under subsection (1) increased by an allowance in respect of the immature areas of that estate or small holding determined by the Controller in such manner as may be prescribed.

(4) The standard production of any estate or small holding for any month in the first year of control shall be one-seventh of the standard production of that estate or small holding for that year of control.

(5) The standard production of any estate or small holding for any month in the second or any subsequent year of control shall be one-twelfth of the standard production of that estate or small holding for that year of control.

Notification of assessment.

**20.** Notice of the assessment of the standard production of any estate or small holding for each year of control shall be served on the registered proprietor :

Provided that it shall not be necessary to serve a notice of assessment on any registered proprietor for any year of control if the standard production of his estate or small holding for that year is the same as the standard production assessed for



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that estate or small holding for the immediately preceding year of control.

Appeal against assessment.

**21.** (1) The registered proprietor of an estate or small holding who is dissatisfied with the assessment of the standard production of his estate or small holding under section 19 (1) may appeal against such assessment to a Board of Appeal.

(2) There shall be no appeal against the determination by the Controller of the allowance to be made under section 19 (3) in respect of the immature areas of any estate or small holding.

Adjustment of errors in assessment of standard production.

[§ 5, 2 of 1935.]

**22.** (1) If it shall appear to the Controller at any time that an error has been made in the assessment of the standard production of any estate or small holding for any year of control, he may order an amount equivalent to the amount by which such assessment was in error to be added to or deducted from the standard production of that estate or small holding in the same or any succeeding year of control.

[§ 5, 2 of 1935.]

(2) Notwithstanding the provisions of section 12 (3), if the Controller is satisfied that the standard production of any estate or small holding has been over-assessed or under-assessed, he may by order determine the standard production of that estate or small holding and for such purpose may vary the assessment of standard production made under section 19 :

Provided that no such order shall be made in respect of any estate or small holding unless the estate or small holding has been inspected by the Controller or by some other person duly authorised by the Controller in that behalf.

[§ 5, 2 of 1935.]

(3) A copy of the order made by the Controller under subsection (1) or subsection (2) in respect of any estate or small holding shall be served on the registered proprietor of that estate or small holding who may, if dissatisfied with such order, appeal therefrom to a Board of Appeal.

[§ 5, 2 of 1935.]

(4) The standard production of any estate or small holding determined by the Controller under subsection (2) shall, subject to the decision of the Board of Appeal, be the standard production of that estate or small holding for the year of control in which such order is made and for every succeeding year of control.



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Determination and notification of exportable maximum.

**23.** (1) As soon as may be after the assessment of the standard production of all estates and small holdings in each year of control and after the determination by the Board or Boards of Appeal of all appeals preferred against such assessment, the Controller shall proceed to determine the exportable maximum of each estate and small holding in accordance with subsection (2) and shall notify the registered proprietor of each estate or small holding of the amount of the exportable maximum so determined in respect of that estate or small holding.

(2) The exportable maximum of each estate and small holding for any period of control shall be determined by the Controller in such manner as may be prescribed and shall bear, as nearly as possible, the same proportion to the aggregate of the exportable maxima of all other estates and small holdings as the standard production of that estate or small holding bears to the aggregate of the standard productions of all other estates and small holdings.

[§ 6, 2 of 1935.]

(3) Where as a result of action taken by the Controller under section 22 in any year of control the standard production of an estate or small holding as assessed under section 19 has been increased or decreased, it shall be lawful for the Controller in the same or in the next succeeding year of control to make such adjustment as may be necessary in the exportable maximum of that estate or small holding by adding thereto or deducting therefrom an amount equivalent to the excess or deficiency, as the case may be, of the coupons issued in respect of that estate or small holding in the year of control in which such action was so taken :

Provided that the adjustment authorised by this subsection may be made by the Controller by an addition to or a deduction from the exportable maximum of an estate or small holding in the year of control in which action under section 22 was taken and in any of the succeeding years of control in such yearly instalments as he may in his discretion determine.

(4) When determining the exportable maximum of estates and small holdings for any period of control, the Controller may set apart, for such purposes as may be prescribed, a prescribed amount or proportion of the standard production of each estate or small holding.

(5) Any surplus out of the amount set apart under subsection (4) shall, after the application of that amount for all authorised purposes, be allocated *pro rata* by the Controller



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in the prescribed manner among the proprietors of all registered estates and small holdings and upon such allocation the amount so allocated to the proprietor of each estate or small holding shall be deemed to form part of the exportable maximum of that estate or small holding.

(6) Notwithstanding anything contained in this section, the exportable maximum of any prescribed estate or small holding belonging to and worked by or on account of the Government of Ceylon or the Rubber Research Institute of Ceylon shall be the standard production thereof.

Coupons.

**24.** (1) Subject to the provisions of section 28, the registered proprietor of each estate and small holding shall be entitled to receive from the Controller during any period of control coupons representing the quantity of rubber which may be exported in respect of that estate or small holding during that period :

Provided that pending the determination of any appeal against the decision of the Controller under section 18 regarding the right of any person to be the registered proprietor of an estate or small holding, the Controller may defer the issue of coupons or provisional coupons in respect of that estate or small holding.

(2) A coupon shall not be valid after the thirty-first day of December of the year of control in which it is issued.

Coupon to authorise export of rubber.

**25.** A coupon or a provisional coupon issued under this Ordinance shall authorise the export from the Island of an amount of rubber equal to the amount represented by such coupon or provisional coupon.

Provisional coupons.

**26.** (1) In anticipation of the determination of the exportable maximum of any estate or small holding in the first year of control, the Controller may issue to the registered proprietor of that estate or small holding provisional coupons at such times and in such quantities as the Controller may in his discretion determine in respect of the amount estimated by him to be the probable exportable maximum of that estate or small holding for that year of control.

(2) Provisional coupons shall be valid for a period of two months reckoned from the first day of June, nineteen hundred and thirty-four, and may be exchanged, on application to the Controller or to such officer as the Controller may direct and



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within such period as the Controller may determine, for other coupons issued under this Ordinance representing a quantity of rubber equivalent to that represented by the provisional coupons exchanged.

Advance issue of coupons.

**27.** In anticipation of the determination of the exportable maximum of any estate or small holding in the first or any subsequent year of control, the Controller may issue to the registered proprietor of that estate or small holding coupons at such times and in such quantities in respect of the amount estimated by him to be the probable exportable maximum of that estate or small holding for that year of control.

Adjustment for provisional and advance coupons.

**28.** The amount represented by provisional coupons issued under section 26 and coupons issued under section 27 shall be deducted from the amount for which coupons may be issued under section 24.

Sale and transfer of coupons.

**29.** (1) Nothing contained in this Ordinance shall be deemed to render illegal the transfer or sale of coupons or provisional coupons by one person to another.

Valuable security.

(2) Every coupon and every provisional coupon issued under this Ordinance shall be deemed to be a valuable security within the meaning of the Penal Code.

Prohibition of unauthorised possession of rubber.

**30.** (1) On and after the first day of June, nineteen hundred and thirty-four, no person other than a registered proprietor or a registered dealer shall have any rubber in his possession or under his control:

Provided that nothing in this section shall apply to the possession or control of rubber by—

(*a*) any person acting for or on behalf of a registered proprietor or a registered dealer ; or

(*b*) any person acting by the authority or in execution of the order or decree of any court relating to that rubber ; or

(*c*) any person appointed as the assignee or provisional assignee of an insolvent ; or

(*d*) any person appointed as an official liquidator where a company is wound up by court or any person appointed to be a liquidator for the purpose of voluntarily winding up a company ; or



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(*e*) any person lawfully exercising any lien over that rubber ; or

(*f*) any person who acquires title to that rubber from a registered proprietor or dealer or succeeds to the right, title, or interest of any registered proprietor or dealer ; or

(*g*) any other person or class of persons specially exempted by regulation from the operation of this section in such circumstances and subject to such conditions as may be prescribed.

Proprietors' stocks.

**31.** During the operation of this Ordinance no proprietor of an estate or small holding shall at any time have in his possession or under his control stocks of rubber exceeding—

(*a*) twenty per centum of the quantity of rubber wholly grown and produced on and removed from his estate or small holding during the preceding twelve months ; or alternatively,

(*b*) a quantity equivalent to twice the amount of the exportable maximum of his estate or small holding for any month of the then current year of control.

Dealers' stocks.

**32.** The total quantity of rubber in the possession or under the control of registered dealers (exclusive of proprietors' stocks referred to in section 31) shall not at any time in any year of control exceed an amount equivalent to twelve and half per centum of the Ceylon quota of export for that year of control :

Provided that for the purpose of this section the basic quota to be used for computing the Ceylon quota of export in the first year of control shall, notwithstanding the provisions of section 3, be seventy-seven thousand five hundred tons.

Authorised stocks of dealers.

**33.** No dealer shall at any time in any year of control have in his possession or under his control stocks of rubber exceeding the amount determined by the Controller in accordance with the provisions of this Ordinance to be the authorised stock of that dealer for that year of control or the amount determined by the Controller under section 37 to be the amount which that dealer is provisionally authorised to hold for the time being.



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Determination of authorised stocks.

**34.** (1) The authorised stock of each registered dealer for each year of control shall be determined by the Controller in such manner as may be prescribed.

(2) When determining the authorised stocks of registered dealers for any year of control, the Controller may set apart for such purposes as may be prescribed a prescribed amount or proportion of the total quantity of rubber which may be in the possession or under the control of all registered dealers under section 32.

(3) Any surplus out of the amount set apart under subsection (2) shall after the application of that amount for all authorised purposes, be allocated *pro rata* by the Controller in the prescribed manner among registered dealers and shall upon such allocation be deemed to be part of the authorised stock of those registered dealers to whom it is allocated.

Notice of determination of authorised stocks.

**35.** Notice shall be served on each registered dealer of the amount determined by the Controller under section 34 to be the authorised stock of that dealer for each year of control.

Appeal.

**36.** A registered dealer who is dissatisfied with the determination of his authorised stock made by the Controller under section 34 may appeal therefrom to a Board of Appeal.

Provisional determination of authorised stocks.

**37.** In anticipation of the determination of the authorised stock of any registered dealer for the first year of control, the Controller may notify to each registered dealer the amount of stock which such registered dealer is provisionally authorised to have in his possession or under his control for the time being. Such amount shall be determined at the discretion of the Controller and may be varied by him from time to time at his discretion.

Verification of dealers' stocks.

**38.** The Controller shall cause to be verified in such manner as he may determine the amount of the stocks in the possession or under the control of every registered dealer on the first day of June, nineteen hundred and thirty-four, and shall issue to each such dealer a special coupon (hereinafter called a stock export coupon) authorising the export, in accordance with the provisions hereinafter contained, of the amount of rubber found to be in his possession or under his control on that date (exclusive of proprietors' stocks referred to in section 31) not exceeding the amount which he is authorised to hold on that date.



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Stock export coupons.

**39.** (1) A stock export coupon shall specify the quantities of rubber to which it relates graded in prescribed classes, and shall authorise the export by a registered dealer of such quantity of each class as is stated thereon.

(2) The holder of a stock export coupon for scrap who desires to convert the scrap into crepe may apply to the Controller for the issue of a stock export coupon for crepe in place of his stock export coupon for scrap. The quantity of crepe which shall be allowed for a given quantity of scrap shall be determined by the Controller in such manner as may be prescribed.

(3) A stock export coupon shall be valid for a period of three months reckoned from the first day of June, nineteen hundred and thirty-four.

Negotiability of stock export coupons.

**40.** (1) No stock export coupon shall be sold or transferred except to a registered dealer.

Valuable security.

(2) A stock export coupon shall be a valuable security within the meaning of the Penal Code.

Notification of deficiency of exports.

**41.** Commencing with the second year of control, the Controller shall, on or before the thirty-first day of January in each year of control, publish in the *Gazette* and in such newspapers as he may choose for the purpose a notification stating the amount, if any, by which the total quantity of rubber exported from the Island in the immediately preceding year of control falls short of the Ceylon quota of export for that year.

Allocation of right to export amount of deficiency.

**42.** The right to export the quantity of rubber which may be exported under section 5 in respect of a deficiency notified under section 41 shall be allocated by the Controller among registered dealers, and if such allocation shall not extend in the aggregate to the total quantity of rubber which may be exported under section 5, the Controller shall allocate the right to export the surplus among registered proprietors. Every allocation made by the Controller under this section shall be made in such manner and subject to such conditions as may be prescribed.

Certificates of Origin.

**43.** (1) On and after the first day of June, nineteen hundred and thirty-four, no person shall export rubber to



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or import rubber from the under-mentioned territories unless such rubber is accompanied by a Certificate of Origin :—

Brunei,

Federated Malay States,

French Indo-China,

India, including Burma,

Labuan,

Netherlands India,

Sarawak,

Siam,

State of North Borneo,

Straits Settlements,

Unfederated Malay States :

Provided that no Certificate of Origin shall be required in respect of— [§ 8, 2 of 1935.]

(*a*) rubber proved to the satisfaction of the Principal Collector of Customs to have been imported from the Islands of Singapore or Penang : and

(*b*) articles and things manufactured wholly or partly of rubber where such articles or things are imported into the Island.

(2) A Certificate of Origin accompanying rubber produced in the Island and exported therefrom shall be in such form as may be prescribed and shall be issued by or under the direction of the Principal Collector of Customs. [§ 8, 2 of 1935.]

(3) Regulations may be made— [§ 8, 2 of 1935.]

(*a*) requiring that rubber produced in the Island and exported thereform to any territory not mentioned in subsection (1) shall be accompanied by a Certificate of Origin ;

(*b*) requiring that rubber (other than articles and things manufactured wholly or partly of rubber) imported into the Island from any territory not mentioned in subsection (1) shall be accompanied by a Certificate of Origin.

(4) A Certificate of Origin accompanying rubber imported into this Island shall be authenticated by an officer duly empowered to issue such a certificate by the Government of the territory from which such rubber is exported and may be



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accepted without further proof if the Principal Collector of Customs or any officer authorised by him to examine any such certificate is satisfied that it has been so authenticated.

(5) A Certificate of Origin accompanying rubber imported into this Island shall, when endorsed by such officer and in such manner as may be prescribed, be sufficient authority for the export of the same rubber from this Island to any territory.

(6) A Magistrate who convicts any person of a breach of the provisions of this section, or of any regulations made thereunder shall, in addition to any other penalty which he may lawfully impose for such offence, order the confiscation or destruction of the rubber in respect of which the offence was committed.

[§ 8, 2 of 1935.]

[§ 8, 2 of 1935.]

(7) Rubber confiscated in pursuance of an order made under subsection (6) shall be disposed of or destroyed in such manner as may be prescribed.

Prohibition of the planting of new areas.

**44.** (1) Subject to the provisions of subsection (2), no rubber plant or rubber seed shall be planted on any land in the Island which was not planted with rubber plants or rubber seed at the date of the commencement of this Ordinance.

(2) The Controller may in his discretion permit the planting of rubber plants and rubber seed for exclusively experimental purposes in such cases and to such extent as he may approve :

Provided that the total area in the Island so planted during the operation of this Ordinance shall not exceed one-fourth of one per centum of the total area of land in the Island estimated by the Controller to be planted with rubber plants at the date of the commencement of this Ordinance.

Replanting.

**45.** (1) No person shall replant any part of any area planted with rubber plants at the commencement of this Ordinance except to such extent and upon such conditions as may be prescribed :

Provided that the total area of land in the Island replanted during the operation of this Ordinance in accordance with the provisions of this section shall not exceed 20 per centum of the total area of land in the Island estimated by the Controller to be planted with rubber plants at the commencement of this Ordinance.



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(2) In this section, "replant" means to plant during the period of the operation of this Ordinance more than thirty rubber plants on any acre of any area planted with rubber plants at the commencement of this Ordinance.

Eradication and destruction of rubber plants.

**46.** Upon conviction of any person of a breach of the provisions of section 44 or section 45, or of any regulations made under section 45, the Magistrate shall, in addition to any fine or other penalty which he may lawfully impose for such offence, order that all rubber plants or rubber seed planted in contravention of such provisions or regulations shall be eradicated and destroyed by or at the instance of the person so convicted within a period to be fixed in the order; and, upon the failure of the person so convicted to comply with the terms of such order within the period so fixed, the Magistrate shall cause the rubber plants or rubber seed referred to in that order to be eradicated and destroyed at the expense of such person. The cost of eradicating and destroying the rubber plants or rubber seed may be recovered from that person as though a fine for a like amount had been imposed upon him by the Magistrate, notwithstanding the fact that the total amount of such cost may be in excess of the amount which such Magistrate may impose as a fine in the exercise of his ordinary jurisdiction.

Rubber Control Fund.

**47.** (1) In order to provide an income for the payment of the expenses of the administration of this Ordinance and such other expenses as may be authorised under section 48, there shall be charged, levied and paid an export duty on rubber of one-quarter of one cent for every pound of dry rubber exported from the Island:

[§ 9, 2 of 1935.]

Provided however that no such duty shall be charged or levied on any rubber which is proved to the satisfaction of the Principal Collector of Customs to have been imported into the Island, for the purpose of re-export.

(2) The amount of the duty imposed by subsection (1) may be varied or the duty may be rescinded at any time by a resolution of the State Council duly passed at any public session of the Council and sanctioned by the Governor.

(3) This section shall have effect as though it formed part of the Customs Ordinance and the provisions of that Ordinance shall apply accordingly.

(4) The proceeds of the export duty recovered under this Ordinance shall be paid over monthly to the Controller by the



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Principal Collector of Customs and shall be credited to a fund which shall be called the Rubber Control Fund, and no part thereof shall be credited to general revenue.

(5) The export duty authorised to be levied under this Ordinance shall be in addition to the export duties on rubber levied, or that may hereafter be levied, under any other written law, but it shall not be taken into account in estimating the export duty levied on rubber under the law of Ceylon for the purposes of section 31 of the Income Tax Ordinance.

(6) Pending the accrual from the export duty levied under this Ordinance of funds sufficient to defray the expenses incurred or likely to be incurred in the control of the export of rubber under this Ordinance, it shall be lawful for the Financial Secretary to advance to the Controller out of the public revenue of the Island such sums as the Governor may from time to time authorise him so to advance.

Expenditure from Rubber Control Fund.

**48.** (1) Out of the Rubber Control Fund and out of such sums as may be advanced by the Financial Secretary under section 47 (6) there may be defrayed—

(*a*) such expenses incurred prior to the commencement of this Ordinance as may be certified by the Financial Secretary to have been paid out of the public revenue of the Island for the purpose of establishing the control of the production and export of rubber under this Ordinance ;

(*b*) such amount as the Governor shall sanction as a contribution towards the expenses of the International Rubber Regulation Committee, whether incurred before or after the commencement of this Ordinance ;

(*c*) such amount as the Governor may from time to time sanction as the expenses of the delegation representing this Island in connection with the work of the International Rubber Regulation Committee, whether incurred before or after the commencement of this Ordinance ;

(*d*) the expenses incurred prior to the commencement of this Ordinance in anticipation of the introduction of a system for the control of the production and export of rubber ;



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(*e*) the expenses of the administration of this Ordinance and all salaries, wages, rewards, fees, expenses of assessment, and all other expenses, costs, and charges incurred in carrying out its provisions or in furtherance of the control of the production and export of rubber from this Island.

(2) The surplus, if any, which may ultimately be found to the credit of the Rubber Control Fund after the refund of the advances and the payment of the expenses, costs, and charges referred to in, or authorised by, subsection (1) shall be applied for the furtherance and development of the rubber industry and to purposes connected therewith or incidental thereto in such manner as the State Council may by resolution from time to time determine.

(3) In this section, "International Rubber Regulation Committee" means the international committee constituted to represent this Island and the territories mentioned in section 43 for the purpose of regulating the production and export of rubber.

Estimates of income and expenditure.

**49.** (1) Within a period of four months reckoned from the date of the commencement of this Ordinance the Controller shall forward to the Executive Committee estimates of expenditure likely to be incurred in the administration of the Ordinance and of the income likely to accrue to the Rubber Control Fund for the period beginning on the first day of June, nineteen hundred and thirty-four, and ending on the thirty-first day of December of that year.

(2) The Controller shall forward to the Executive Committee not later than the fifteenth day of December in each year of control, similar estimates of income and expenditure for the next succeeding year of control.

(3) The estimates of income and expenditure forwarded to the Executive Committee under subsection (2) shall at the first convenient opportunity be placed before the State Council for its approval.

Regulations.

**50.** (1) The Executive Committee may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Executive



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Committee may make regulations for or in respect of all or any of the following matters :—

(*a*) all matters stated or required in this Ordinance to be prescribed ;

(*b*) the registers and books which shall be kept for the purposes of this Ordinance, the forms of such registers and books and the particulars to be entered therein ;

(*c*) forms of all returns, notices, coupons, certificates, declarations, and documents required to be made, certified, issued, or used for the purposes of this Ordinance ;

(*d*) the inspection of estates, small holdings, and licensed premises and the verification of proprietors' and dealers' stocks ;

(*e*) the payment or recovery of fees or other charges ;

(*f*) the determination of the quantity of latex, or of any other form of rubber other than dry rubber, which shall be deemed to be the equivalent of a stated quantity of dry rubber for any of the purposes of this Ordinance ;

(*g*) the classification and grading of rubber for the purposes of section 39 ;

[§ 10, 2 of 1935.] (*h*) the subdivision of Certificates of Origin issued by any other territory and the authentication of such divided Certificates of Origin ;

(*i*) the conversion into crepe rubber of scrap rubber imported into the Island on Certificates of Origin issued by any other territory, the export from the Island of such converted rubber on amended Certificates of Origin, and the authentication of such amended Certificates of Origin ;

(*j*) the division of the Island or any specified part thereof into planting districts ;

(*k*) all matters incidental to or connected with the matters or subjects specifically referred to in this subsection.

(3) Every regulation made by the Executive Committee under this section shall be published in the *Gazette* and shall come into operation upon such publication.

(4) Every regulation made by the Executive Committee shall be brought before the State Council as soon as may be



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after the publication thereof by a motion that such regulation shall be approved and, if so approved, shall be submitted to the Governor for ratification.

(5) Any regulation which the State Council refuses to approve or which the Governor refuses to ratify 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 a regulation shall be deemed to be so rescinded shall be the date on which the State Council refuses to approve, or the date on which the Governor refuses to ratify the regulation, as the case may be.

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

(7) Any regulation made by the Executive Committee shall, when approved by the State Council and ratified by the Governor, be as valid and effectual as if it were herein enacted. Notification of such approval and ratification shall be published in the *Gazette*.

Offences and penalties.

**51.** (1) Any person who—

(*a*) commits a breach of any of the provisions of this Ordinance or of any regulation made thereunder ; or

(*b*) makes default in complying with any direction or requirement duly made under the powers conferred by this Ordinance ; or

(*c*) resists or obstructs any person in the performance of the duties imposed or in the exercise of the powers conferred upon him under this Ordinance ; or

(*d*) knowingly makes any false statement in any declaration or return made or furnished by him under this Ordinance or knowingly makes any false statement or explanation or supplies any false information when required to do so under this Ordinance ; or

(*e*) knowingly uses or attempts to use any error in any book, register, certificate or document kept or issued under this Ordinance, or any incorrect entry in any such book, register, certificate or document, or in any return furnished to the Rubber Investigating Officer



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prior to the commencement of this Ordinance, for the purpose of creating or purporting to create a right to the issue of any coupon, provisional coupon or stock export coupon or any Certificate of Origin,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees, or to simple or rigorous imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

(2) Upon conviction of any person for a contravention of the provisions of section 30 or of any proprietor or dealer for having in his possession or under his control stocks of rubber in excess of the quantity authorised under this Ordinance, the Magistrate shall, in addition to any fine or other penalty which he may impose, order the confiscation of the rubber in respect of which the offence was committed. Rubber confiscated in pursuance of an order made under this sub-section shall be disposed of or destroyed in such manner as may be prescribed.

(3) No prosecution for any offence under this Ordinance or any regulation made thereunder shall be instituted except with the written sanction of the Controller.

Right of inspection.

**52.** The Controller or any person authorised by him in writing may at any reasonable time during the day enter any estate, small holding or licensed premises for the purpose of inspection, or for the purpose of verifying stocks or any particulars furnished in any return made or information given to the Controller or to the Rubber Investigating Officer, or for the purpose of examining the books of accounts of any proprietor or dealer.

Protection of officers.

**53.** No action shall be instituted against the Controller or against the Advisory Board or any member thereof or against any Board of Appeal or any member of any such Board or against any other officer or person acting in compliance with any direction or requirement of the Controller or of the Advisory Board or of a Board of Appeal, to charge him, them or any of them in respect of any act which may have been done or which may have been left undone in good faith in pursuance or supposed pursuance of his or their powers or duties under this Ordinance.



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Service of notices, &c.

**54.** All notices, orders, certificates, coupons, or other documents required or authorised by this Ordinance to be served on, delivered, or issued to a registered proprietor or dealer shall be deemed to have been duly served, delivered, or issued to such proprietor or dealer if they are delivered to or at the registered address of such proprietor or dealer, or forwarded by post by registered letter properly addressed with the registered address of such proprietor or dealer ; and all such notices, orders and other documents for service on any person other than a registered proprietor or dealer shall be deemed to be served on him if delivered to or at the residence of such person.

Returns to be verified by statutory declaration.

**55.** (1) Every return required by this Ordinance or under the regulations made thereunder and any explanation or information required by the Controller to be furnished under this Ordinance shall, unless it is otherwise provided, be verified by a declaration that the statements contained therein are true and accurate.

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

Executive Committee empowered to give directions to mitigate hardship caused by failure to observe formalities.

**56.** If in the operation of this Ordinance any case shall arise in which, in the opinion of the Executive Committee, substantial hardship is likely to be caused to any person by reason of an unintentional failure on the part of such person to observe any formality prescribed by this Ordinance or by any regulations thereunder, the Executive Committee may give such directions as may be necessary to mitigate or prevent such hardship.

Prescribed certificate to be conclusive evidence of spuriousness of forged coupon.

**57.** (1) In any proceedings in which the genuineness of any coupon shall be in question, a certificate in the prescribed form, under the hand of an officer appointed by the Governor for that purpose, to the effect that such coupon is spurious on the ground that it does not contain the secret features characteristic of a genuine coupon of corresponding denomination, number, and date, shall be received in all courts of law as conclusive evidence of the spuriousness of such coupon.

(2) The officer appointed by the Governor shall not be examined or cross-examined with respect to any certificate issued by him under subsection (1).

(3) In this section, coupon includes a provisional coupon.



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Interpretation.

**58.** (1) In this Ordinance, unless the context otherwise requires—

"Advisory Board" means the Rubber Advisory Board established under section 9 ;

"basic quota", used with reference to any year of control, means the basic quota fixed for that year by section 3 ;

"Board of Appeal" means a Board of Appeal established under section 11 ;

"Ceylon quota of export", used with reference to any period of control, means the maximum quantity of rubber which may be exported from the Island during that period, except as otherwise provided in this Ordinance ;

"Controller" means the person appointed by the Governor to be or to act as Rubber Controller under section 7 and includes the Deputy Rubber Controller and an Assistant Rubber Controller ;

"coupon" means a coupon issued under this Ordinance authorising the export of rubber thereunder ;

"dealer" means a person licensed to deal in rubber under the Rubber Thefts Ordinance ;

"estate" means an area of land ten or more acres in extent on which rubber plants are grown for the purpose of collecting latex therefrom ;

"Executive Committee" means the Executive Committee for Agriculture and Lands ;

"exportable maximum", used with reference to an estate or small holding for any period of control, means the portion of the Ceylon quota of export determined in respect of that estate or small holding for that period in accordance with the provisions of section 23 ;

"immature area" means an area of land planted with rubber plants which are not fully mature ;

"licensed premises" means the place where a licensed dealer is authorised to deal in rubber, and includes any place at which a licensed dealer is authorised to receive, store or sell rubber for the purposes of his business by endorsement made by the Government Agent upon the licence issued to him under the Rubber Thefts Ordinance ;



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" net exports " used with reference to any period of time means the difference between the total imports of rubber into the Island during that period and the total exports of rubber out of the Island for the same period :

Provided that notwithstanding the definition of " rubber " in this Ordinance, imports or re-exports of articles and things manufactured wholly or partly of rubber and rubber consumed in the Island shall not be included in " net exports " ;

" plant " includes a tree, shrub, or vine, or any part thereof ;

" planting district " means one of the districts into which the Island or any part thereof is divided by regulations made under section 50 ;

" prescribed " means prescribed by this Ordinance or by regulations made thereunder ;

" proprietor " means the owner or lessee of an estate or small holding and includes any duly accredited agent of such owner or lessee and the person who for the time being is in charge of an estate or small holding ;

" provisional coupon " means a coupon issued under section 26 authorising the export of rubber under this Ordinance ;

" registered " means registered under this Ordinance ;

" regulation " means a regulation made by the Executive Committee of Agriculture and Lands under this Ordinance ;

" rubber " includes—

(*a*) rubber prepared from the leaves, bark or latex of any rubber plant, and the latex of any rubber plant, whether fluid or coagulated, in any stage of the treatment to which it is subject during the process of conversion into rubber, and latex in any state of concentration, and

(*b*) except in sections 30, 31, 32, 33 and 47, all articles and things manufactured wholly or partly of rubber ; [§ 11, 2 of 1935.]



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"Rubber Investigating Officer" means the officer appointed by the Governor on the twelfth day of April, nineteen hundred and thirty-four, to make preliminary investigations in anticipation of the introduction of a system for the control of the production and export of rubber ;

"rubber plant" means any one of the following plants :—

(*a*) Castilloa elastica,

(*b*) Ficus elastica (Rambong),

(*c*) Hevea Brasiliensis (Para Rubber),

(*d*) Manihot Glaziovii (Ceara Rubber),

and includes any other plant which the Governor may by notification in the *Gazette* declare to be a rubber plant for the purposes of this Ordinance ;

"small holding" means an area of land less than ten acres in extent on which rubber plants are grown for the purpose of collecting latex therefrom ;

"standard production" used with reference to an estate or small holding means the amount of rubber determined under this ordinance to be the standard production of that estate or small holding ;

[§ 11, 2 of 1935.]

"stock" includes rubber sold and held for shipment or delivery ;

"year of control" means any calendar year during the operation of this Ordinance or, in the case of the year, nineteen hundred and thirty-four the period beginning on the first day of June and ending on the thirty-first day of December of that year.

(2) Any reference in this Ordinance to a quantity of rubber expressed in tons shall be deemed to refer to that quantity in tons of two thousand two hundred and forty English pounds of dry rubber.

Expiration of Ordinance not to affect penalties &c., previously incurred.

**59.** The expiration of this Ordinance shall not affect any penalty, forfeiture, or punishment previously incurred under this Ordinance or under any regulations, or affect any legal proceeding or remedy in respect of any such penalty, forfeiture, or punishment, and any such legal proceeding may be instituted, or continued, or enforced, and such penalty, forfeiture, or punishment may be imposed as if this Ordinance had not expired.



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# CHAPTER 301.

## TEA RESEARCH.

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF A TEA RESEARCH INSTITUTE AND FOR THE INCORPORATION OF THE BOARD OF MANAGEMENT THEREOF.

*Ordinance* No. 12 of 1925.

[13*th November*, 1925.]

Short title.

**1.** This Ordinance may be cited as the Tea Research Ordinance.

Establishment of Tea Research Institute.

**2.** An institute, styled "The Tea Research Institute of Ceylon," shall be established in Ceylon for the purpose of research into and investigation of all problems and matters relating to tea and the provision and publication of information relating to the same, and shall provide such facilities for the education of students in tea research as the Governor may from time to time direct.

Incorporation of Board.

**3.** (1) The institute shall be under the control and management of a Board to be styled "The Board of the Tea Research Institute of Ceylon," in this Ordinance called the Board.

(2) The Board shall be a body corporate having perpetual succession and a common seal and may sue and be sued in all courts by the name of "The Board of the Tea Research Institute of Ceylon."

(3) The Board may acquire and hold property, movable and immovable, and may sell, transfer, lease, mortgage, or otherwise dispose of the same, contract and do all things necessary for or incidental to the purposes of its constitution.

Headquarters of the Board.

**4.** The headquarters of the Board shall be in the Victoria Commemoration Buildings, Kandy.



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Constitution of the Board.

**5.** (1) The following persons shall be members of the Board :

(*a*) Ex officio Members—

The Director of Agriculture.

The Financial Secretary, or if the Financial Secretary is unable to be present at any meeting of the Board, the Deputy Financial Secretary.

The Chairman of the Planters' Association of Ceylon.

The Chairman of the Ceylon Estates Proprietary Association.

(*b*) Nominated Members—

Three members nominated by the General Committee of the Planters' Association of Ceylon.

Three members nominated by the Ceylon Estates Proprietary Association.

One member nominated by the Low-country Products Association of Ceylon.

One member nominated by the Governor to represent the small holders.

(2) Nominated members shall hold office for three years, but may be renominated from time to time.

Vacation of membership through absence.

**6.** Any member nominated under section 5 (1) (*b*) who is absent without reasonable cause from three ordinary consecutive meetings of the Board may, by resolution of the Board passed at any ordinary meeting of which notice has been duly given, be held to have vacated his office.

Death or resignation of member.

**7.** Upon the death, resignation, or the termination or vacation of office of any member of the Board, a new member may be nominated in accordance with the provisions of section 5.

Acting appointments.

**8.** If any nominated member shall be unable or unwilling to act or shall be absent from Ceylon, the body which nominated him may appoint any other person to be a nominated member during the inability or unwillingness of such first mentioned member to act or during his absence from Ceylon.

Chairman.

**9.** (1) The Board shall elect its own Chairman.

(2) In the absence of the Chairman from any meeting of the Board, a Chairman for such meeting shall be chosen by the members present.



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Meeting and quorum.

**10.** (1) The Chairman shall summon meetings of the Board when necessary, and shall at any time summon a meeting upon receipt of a request signed by two members of the Board calling upon him to do so.

(2) Five members shall form a quorum. All questions shall be decided by a majority of members voting. In the case of equality of votes, the Chairman shall have a second or casting vote, and all matters decided at a meeting of the Board shall be recorded in a proceedings book kept by the Secretary to the Board. Matters may also be decided by the circulation of papers, on which members of the Board may record their votes, and all such decisions shall be reported to the next meeting of the Board and incorporated into the proceedings book.

Provision for annual income.

**11.** (1) In order to provide an annual income for the Board, there shall be charged, levied, and paid, in addition to the export duty charged under the Customs Ordinance, an export duty of ten cents per one hundred pounds of tea exported and so in proportion for any less weight, the proceeds of which shall be paid over monthly to the Board by the Principal Collector of Customs, no part thereof being credited to general revenue.

(2) This section shall have effect as though it formed part of the Customs Ordinance.

General powers.

**12.** (1) The Board shall have full power and authority generally to govern, direct, and decide all matters connected with the appointment of officers of the institute and the administration of its affairs and the accomplishment of its objects and purposes.

(2) All moneys raised for the general purposes and objects of the institute shall be paid to the Board and shall be applied by the Board in its discretion to the accomplishment of such objects and purposes.

Accounts.

**13.** Within one month after each thirty-first December the Board shall cause to be prepared a statement of the receipts and disbursements during the pervious year, and the same shall be subject to such audit and published in such manner as the Governor may direct, and a full report of the work of the Board, with the said statement of the receipts and disbursements, shall be laid on the table of the State Council.



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# CHAPTER 302.

## RUBBER RESEARCH.

*Ordinances* Nos. 10 of 1930, 11 of 1934, 3 of 1936.

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF A RUBBER RESEARCH SCHEME AND FOR THE INCORPORATION OF A BOARD OF MANAGEMENT THEREOF.

[1*st August*, 1930.]

Short title.

**1.** This Ordinance may be cited as the Rubber Research Ordinance.

Establishment of Board.

**2.** There shall be established in Ceylon a Board, hereinafter called "the Board", for the purpose of furthering and developing the rubber industry, and of managing, conducting, encouraging and promoting scientific research in respect of rubber and all problems connected with the rubber industry, and in particular the growth and cultivation of rubber plants, the prevention and cure of diseases, blights and pests, the processes for the treatment of rubber latex and the conversion of such latex into marketable rubber, and the utilization, marketing, and disposal of rubber and in general of all products derived from rubber plants.

Constitution and proceedings of the Board.

**3.** (1) The Board shall consist of the following persons :—

(*a*) Ex officio members :—

The Director of Agriculture, who shall be Chairman of the Board ;

The Financial Secretary, or a person deputed by him.

(*b*) Nominated members :—

Three unofficial members of the State Council nominated by the Governor ;

Two members of the Ceylon Estates Proprietary Association nominated by that Association ;

Two members of the Planters' Association of Ceylon nominated by that Association ;



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Two members of the Rubber Growers Association (Incorporated) nominated by that Association ;

Four members of the Low-country Products Association nominated by that Association ;

Two members nominated by the Governor to represent the small holders.

(2) Members of the Board who are nominated under subsection (1) (*b*) from the members of the State Council, the Ceylon Estates Proprietary Association, the Planters' Association of Ceylon, the Rubber Growers Association (Incorporated) and the Low-country Products Association shall hold office for a period of three years, or for such period as they continue to be members of those bodies, whichever period may be the shorter :

Provided that if at any time the State Council is dissolved those members thereof who have been nominated as members of the Board shall continue in office as members of the Board until the election of members of the State Council at the next succeeding general election, notwithstanding that by so doing they shall have remained in office as members of the Board for a period exceeding three years.

Any other nominated member shall hold office for a period of three years, and all nominated members may be renominated from time to time.

(3) No proceedings held or taken, and no act, matter, or thing done by the Board shall be invalidated by reason only of any vacancy in the membership of the Board.

(4) The proceedings of the Board shall be conducted and the method of filling such vacancies as may occur in its membership shall be determined in accordance with the provisions of the Schedule.

(5) The Governor may by regulation revoke, amend, or add to the Schedule.

Incorporation and powers and duties of the Board.

**4.** (1) The members of the Board for the time being shall be a body corporate and shall have the name of " The Rubber Research Board ", and in that name shall have perpetual succession and shall and may sue and be sued in all courts in Ceylon, and may have and use a common seal.

(2) The seal of the Board shall be authenticated by the signature of the Chairman and one member of the Board,



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and, in the absence of the Chairman, by three members of the Board, and when so authenticated shall be judicially noticed.

(3) The Board may acquire and hold and receive by way of gift, donation, transfer, or otherwise moneys, funds, and property, movable and immovable, and may sell, transfer, lease, mortgage, or otherwise dispose of the same, or any produce thereof, and may direct and do all things necessary for or incidental to the purposes of its constitution.

[§ 2, 3 of 1936.] (4) The Board may apply for, purchase or otherwise acquire any patents, brevets d'invention, concessions and the like conferring an exclusive or non-exclusive or limited right to use, or any information as to, any invention which may seem capable of being used for any of the objects and purposes of the Board, or the acquisition of which may seem calculated directly or indirectly to assist the accomplishment of such objects and purposes ; and may use, exercise, develop, grant licences in respect of, or otherwise turn to account, the property, rights and information so acquired.

(5) The Board may establish experimental stations for the purposes of this Ordinance, and may equip the same with buildings, houses, laboratories, factories, and all other appurtenances or accessories as it may think fit.

(6) The Board shall, by the provision and publication of information, as well as by advice and demonstration and the inspection of plantations, give practical assistance to persons engaged in the rubber industry.

(7) The Board shall also provide such facilities for the education of students in rubber research as the Governor may from time to time direct.

(8) The Board shall have full power and authority generally to govern, direct, and decide all matters connected with the appointment of its officers, the administration of its affairs, and the accomplishment of its objects and purposes :

Provided that any such officers when appointed shall, for the purposes of discipline and otherwise, be subject to the control and supervision of the Chairman of the Board.

(9) Such power and authority shall include a power to make rules subject to the approval of the Governor for any such matters, affairs, objects, or purposes.



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Regulations and rules to be laid before State Council.

**5.** All regulations made under section 3 (5) and all rules made under section 4 (9) shall be laid, as soon as conveniently may be, on the table of the State Council at two successive meetings of the Council, and shall be brought before the Council at the next subsequent meeting held thereafter by a motion that the said regulations or rules shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, the said regulations or rules are disapproved by the Council, such regulations or rules shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything already done thereunder ; and such regulations or rules, if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the *Gazette*.

Annual income of the Board.

**6.** (1) (*a*) In order to provide an annual income for the Board there shall be charged, levied, and paid on all rubber exported from the Island of Ceylon an export duty of one-eighth of a cent on every pound of rubber exported from the Island of Ceylon, and the proceeds thereof shall be paid over monthly to the Board by the Principal Collector of Customs, no part thereof being credited to general revenue :

Provided, however, that no duty shall be charged or levied at the time of export on any rubber which is proved to the satisfaction of the Principal Collector of Customs to have been imported or brought into the Island for the purpose of re-export. [§ 2, 11 of 1934.]

(*b*) Such duty shall be in addition to the duties charged or chargeable under the Customs Ordinance, or any Ordinance amending the same, or under any resolution of the State Council duly made under any of the said Ordinances.

(2) Subsection (1) (*a*) shall have effect as though it formed a part of the Customs Ordinance, and that Ordinance shall apply accordingly.

(3) For the purposes of this section " rubber " shall include marketable rubber prepared from the latex of the rubber plant, as defined in the Rubber Thefts Ordinance, and the latex of any such plant after coagulation and in any stage of the treatment to which it is subjected during the process of conversion into marketable rubber, and also fluid rubber latex, but shall not include rubber imported into Ceylon for



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purpose of treatment and export or any manufactured article wholly or partly made of rubber.

(4) For the purpose of calculating the duty under subsection (1) one gallon of fluid latex shall be taken to be equivalent to three and a half pounds of dry rubber and one and a half pounds of coagulated latex shall be taken to be equivalent to one pound of dry rubber.

Application of income and other moneys.

**7.** All moneys paid to the Board under this Ordinance and all moneys otherwise lawfully acquired by the Board or which may be transferred to the Board by an order of the Governor made under section 3 (2) of the Rubber Restriction Repeal Ordinance, 1928*, shall be vested in the Board and shall form a fund to be administered and applied by the Board in its discretion for the carrying out of this Ordinance.

Estimates and balance sheet.

**8.** (1) The Board shall, on or before the thirtieth day of November in each year, cause to be laid on the table of the State Council estimates of income and expenditure for the next ensuing year.

Balance sheet and annual report.

(2) Within three months after each thrity-first day of December the Board shall cause to be prepared a balance sheet, showing the property and liabilities of the Board, which shall be audited by the Auditor-General or an auditor nominated by the Governor, and a report of the work of the Board, with the said balance sheet, shall be laid on the table of the State Council.

Protection for members and officers of the Board.

**9.** No matter or thing done or omitted to be done under the direction of the Board by any member or officer of the Board shall, if such matter or thing was bona fide done or omitted to be done in pursuance of this Ordinance or in furtherance of the objects and purposes of the Board or the administration of its affairs, subject any such member or officer personally in any civil court to any action, liability, claim or demand whatsoever.

Saving of rights of the Crown and of certain other rights.

**10.** Nothing in this Ordinance shall be deemed to affect the rights of His Majesty the King, His heirs and successors, or of any body politic or corporate, or of any other person, except such as are mentioned in this Ordinance, and those claiming by, from, or under them.

* Omitted from this Edition.



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## SCHEDULE.

[Section 3 (4) and (5).]

*Proceedings.*

Meetings.

1. (1) The Chairman shall summon a meeting of the Board at least once in every three months.

(2) The Chairman shall also summon a special meeting of the Board within fifteen days after being requested in writing to do so by three members of the Board.

(3) The Chairman shall give at least ten days' notice in writing of every meeting or special meeting of the Board to each of the members, and shall ordinarily specify in such notice the business to be dealt with at the meeting.

Chairman of meetings.

2. The Chairman shall preside at all meetings of the Board, but in his absence from any meeting the members present may elect their own Chairman for the meeting from amongst their own number.

Quorum.

3. Five members of the Board shall form a quorum at any meeting of the Board.

Voting.

4. In the case of an equality of votes, the Chairman shall have a second or casting vote.

Decisions.

5. All matters decided at a meeting of the Board shall be recorded in a minute book, and any matter may also be decided by the circulation of papers to all members unless any member of the Board desires that the matter shall be decided at a meeting of the Board. When any matter is so decided by the circulation of papers, the decision shall be reported to the Board at the next meeting and incorporated in the minute book.

Minutes to be forwarded to the Executive Committee of Agriculture and Lands.

6. A copy of the minutes of every meeting shall be forwarded to the Executive Committee of Agriculture and Lands for the information of the Governor.

Board may settle its own procedure.

7. Subject to the provisions of this Schedule, the Board may settle its own procedure.

*Filling of vacancies.*

Vacation of membership through absence.

8. Any nominated member who is absent from three ordinary consecutive meetings of the Board shall be deemed to have vacated his office :

Provided that the Board may in its discretion restore him to his office at any time before the nomination of another member to fill the vacancy.

Death, resignation, &c., of member.

9. Upon the death, resignation, or the termination or vacation of office of any nominated member of the Board, a new member may be nominated in accordance with the provisions of section 3 of the Rubber Research Ordinance.

Acting appointments.

10. If any nominated member is unable to act or is absent from Ceylon, the Governor or the association by which he was nominated shall nominate another person to act during such inability or absence.



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# CHAPTER 303.

## COCONUT RESEARCH.

*Ordinance No. 29 of 1928.*

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF A COCONUT RESEARCH SCHEME AND FOR THE INCORPORATION OF A BOARD OF MANAGEMENT THEREOF.

[*5th December*, 1928.]

Short title.

**1.** This Ordinance may be cited as the Coconut Research Ordinance.

Establishment of Board.

**2.** There shall be established in Ceylon a Board, hereinafter called " the Board ", for the purpose of managing, conducting, and furthering scientific research in respect of coconuts and problems connected with the coconut industry, and in particular the growth and cultivation of coconut palms, the prevention and cure of diseases and pests, and the utilization and marketing of the products of coconut palms, and for the purpose of exercising the powers and carrying out the duties conferred and imposed upon it by this Ordinance.

Constitution and proceedings of the Board.

**3.** (1) The Board shall consist of the following persons :—

(*a*) Ex officio members—

The Director of Agriculture, who shall be Chairman of the Board.

The Financial Secretary, or a person deputed by him.

The Chairman of the Low-country Products Association of Ceylon.

(*b*) Nominated members—

Two Unofficial Members of the State Council nominated by the Governor.

Two members of the Low-country Products Association of Ceylon nominated by that Association.

Two members of the Planters' Association of Ceylon nominated by that Association.

Two members nominated by the Governor to represent the small holders.



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(2) Members of the Board who are nominated under subsection (1) (*b*) from the members of the State Council, the Low-country Products Association of Ceylon and the Planters' Association of Ceylon shall hold office for a period of three years, or for such period as they continue to be members of those bodies, whichever period may be the shorter.

Any other nominated member shall hold office for three years, and all nominated members may be re-nominated from time to time.

(3) The proceedings of the Board and the method of filling such vacancies as may occur in its membership shall be determined in accordance with the provisions of the First Schedule.

(4) The Governor may by regulation revoke, amend or add to the First Schedule, and all such regulations shall be laid, as soon as conveniently may be, on the table of the State Council at two successive meetings of the Council, and shall be brought before the Council at the next subsequent meeting held thereafter by a motion that the said regulations shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, the said regulations are disapproved by the Council, such regulations shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything already done thereunder ; and such regulations, if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the *Gazette*.

Incorporation and powers and duties of the Board.

**4.** (1) The members of the Board for the time being shall be a body corporate and shall have the name of " The Board of Management of the Coconut Research Scheme of Ceylon "; and in that name shall have perpetual succession and shall and may sue and be sued in all courts in Ceylon, and may have and use a common seal.

(2) The seal of the Board shall be authenticated by the signature of the Chairman and one member of the Board, and when so authenticated shall be judicially noticed.

(3) The Board may acquire and hold property, movable and immovable, and may sell, transfer, lease, mortgage, or otherwise dispose of the same, or any produce thereof, and may direct and do all things necessary for or incidental to the purposes of its constitution.



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(4) The Board may establish experimental stations for the purposes of this Ordinance, and may equip the same with buildings, houses, laboratories, factories, and all other appurtenances or accessories as it may think fit.

(5) The Board shall, by the provision and publication of information, as well as by advice and demonstration and the inspection of plantations, give practical assistance to persons engaged in the coconut industry.

(6) The Board shall also provide such facilities for the education of students in coconut research as the Governor may from time to time direct.

(7) The Board shall have full power and authority generally to govern, direct, and decide all matters connected with the appointment of its officers, the administration of its affairs, and the accomplishment of its objects and purposes :

Provided that any such officers when appointed shall, for the purposes of discipline and otherwise, be subject to the control and supervision of the Chairman of the Board.

(8) Such power and authority shall include a power to make rules subject to the approval of the Governor for any such matters, affairs, objects or purposes ; and all such rules shall be laid, as soon as conveniently may be, on the table of the State Council at two successive meetings of the Council, and shall be brought before the Council at the next subsequent meeting held thereafter by a motion that the said rules shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, the said rules are disapproved by the Council, such regulations shall be deemed to be rescinded, but without prejudice to anything already done thereunder ; and such regulations, if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the *Gazette*.

Grant and loan to the Board.

**5.** (1) The Financial Secretary shall, out of money to be provided for that purpose by the State Council, pay to the Board the sum of four hundred thousand rupees, one-half of which shall be deemed to be a grant to the Board (hereinafter referred to as " the grant "), and the other half of which shall be deemed to be a loan to the Board (hereinafter referred to as " the loan "), and such sum shall be applied by the



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Board for the purpose of acquiring any lands for experiment and research in relation to coconuts and for the capital expenditure of equipping the same for experimental and research work.

(2) The grant shall be paid to the Board by the Financial Secretary on application.

(3) The loan shall be paid to the Board in such instalments and on such dates as the Governor may consider suitable to the requirements of the Board.

(4) The Board shall repay the loan or any instalment thereof by means of ten equal annual payments of such sum as may be required to liquidate the loan or the instalment thereof with interest at five per centum per annum. The first of such annual payments shall be due one year after the receipt of the loan or the instalment thereof in respect of which it is due.

(5) Without prejudice to any other right or remedy, the Crown is hereby given a first hypothecary charge (which shall not require registration) on all the property and assets of the Board for the amount of the loan and any interest due thereon.

Annual income of the Board.

**6.** (1) In order to provide an annual income for the Board—

(*a*) There shall be charged, levied, and paid, in addition to the export duties charged or chargeable under the Customs Ordinance, or any Ordinance amending the same, or under any resolution of the State Council duly made under any of the said Ordinances, the export duties specified in the Second Schedule and the proceeds thereof shall be paid over monthly to the Board by the Principal Collector of Customs, no part thereof being credited to general revenue ; and

(*b*) The Financial Secretary shall, on or before the first day of November in each year, pay to the Board as a grant-in-aid from general revenue, for a period of twelve years, a sum of thirty thousand rupees, or a sum equal to the total of the export duties levied under subsection (1) (*a*) during the year ending on the last preceding thirtieth day of September, whichever sum may be the less :



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Provided that the Financial Secretary may, subject to any subsequent adjustments that may be necessary, pay to the Board any portion or portions of the said sum from time to time during the year if he deems it expedient to do so.

(2) Subsection (1) (*a*) shall have effect as though it formed a part of the Customs Ordinance, and that Ordinance shall apply accordingly.

Application of income and other moneys.

**7.** All moneys paid to the Board under this Ordinance and all moneys otherwise lawfully acquired by the Board shall be vested in the Board and shall form a fund to be administered and applied by the Board in its discretion for the carrying out of this Ordinance.

Estimates and accounts.

**8.** (1) The Board shall, on or before the thirty-first day of October in each year, cause to be laid on the table of the State Council estimates of income and expenditure for the next ensuing year.

(2) Within one month after each thirty-first day of December, the Board shall cause to be prepared statements of the receipts and disbursements during the previous year, and the same shall be subject to such audit and published in such manner as the Governor may direct, and a report of the work of the Board, with the said statement of receipts and disbursements, shall be laid on the table of the State Council.

Governor to decide questions.

**9.** If any question arises whether any act or omission of the Board is or is not within the powers conferred on the Board by this Ordinance, the decision of the Governor thereon shall be final and conclusive.

Protection for the members of the Board and its employees.

**10.** No civil or criminal proceedings shall be instituted against any member of the Board or any person employed thereby in respect of any act bona fide done or omitted to be done in pursuance of this Ordinance, or in furtherance of the objects and purposes of the Board or the administration of its affairs.

Savings of rights of the Crown and of certain other rights.

**11.** Nothing in this Ordinance shall be deemed to affect the rights of His Majesty the King, His heirs and successors, or of any body politic or corporate, or of any other person, except such as are mentioned in this Ordinance, and those claiming by, from, or under them.



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## FIRST SCHEDULE.

[Section 3 (3) and (4) .]

*Proceedings.*

Meetings.

1. The Chairman shall summon a meeting of the Board at least once in every three months or more frequently if necessary, and shall at any time summon a special meeting on being requested in writing to do so by two members of the Board.

Chairman of meetings.

2. The Chairman shall preside at all meetings of the Board, but in his absence at any meeting the members present may elect their own Chairman for the meeting from amongst their own number.

Quorum.

3. Four members of the Board shall form a quorum at any meeting of the Board.

Voting.

4. In the case of an equality of votes, the Chairman shall have a second or casting vote.

Minutes.

5. All matters decided at a meeting of the Board shall be recorded in a minute book, and any matter may also be decided by the circulation of papers unless any member of the Board desires that the matter shall be decided at a meeting of the Board. When any matter is so decided by the circulation of papers, the decision shall be reported to the Board at the next meeting and incorporated in the minute book.

Minutes to be forwarded to the Executive Committee of Agriculture and Lands.

6. A copy of the minutes of every meeting shall be forwarded to the Executive Committee of Agriculture and Lands for the information of the Governor.

Board may settle its own procedure.

7. Subject to the provisions of this Schedule, the Board may settle its own procedure.

*Filling of vacancies.*

Vacation of membership throughabsence.

8. Any nominated member who is absent without reasonable cause from three ordinary consecutive meetings of the Board shall be deemed to have vacated his office.

Death, resignation, &c, of member.

9. Upon the death, resignation, or the termination or vacation of office of any nominated member of the Board, a new member may be nominated in accordance with the provisions of section 3 of the Coconut Research Ordinance.

Acting appointments.

10. If any nominated member is unable or unwilling to act, or is absent from Ceylon, the person or persons who nominated him shall nominate another person to act during such inability, unwillingness, or absence.

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## SECOND SCHEDULE.

[Section 6 (1)(*a*).]

*Export Duties.*

| | | |
|---|---|---|
| Desiccated coconut | .. | $1\frac{3}{4}$ cents per cwt. exported |
| Fresh coconuts | .. | 5 cents per 1,000 exported |
| Coconut oil | .. | $1\frac{7}{8}$ cents per cwt. exported |
| Copra | .. | $1\frac{1}{4}$ cents per cwt. exported |

And in proportion for less weights or numbers.



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# CHAPTER 304.

## DEPARTMENT OF AGRICULTURE.

*Ordinances* Nos. 37 of 1921, 17 of 1935.

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT AND ORGANIZATION OF A DEPARTMENT OF AGRICULTURE.

[17*th October*, 1921.]

Short title.

**1.** This Ordinance may be cited as the Department of Agriculture Ordinance.

Interpretation.

**2.** In this Ordinance, unless the context otherwise requires—

" Agriculture " includes horticulture ;

" Department " means the Department of Agriculture ;

" Director " means the Director of Agriculture ;

[§ 2, 17 of 1935.] " Executive Committee " means the Executive Committee of Agriculture and Lands.

Department of Agriculture.

**3.** There shall be a Government Department to be styled the Department of Agriculture, with a Director and such other officers as may be duly appointed by Government at such salaries as the Governor, with the consent of the State Council, may from time to time direct.

Establishment of one or more Boards of Agriculture.

[§ 3, 17 of 1935.]

**4.** (1) The Executive Committee may establish one or more Boards of Agriculture for the purpose of advising the Executive Committee on matters affecting the agricultural industries of the Island.

(2) Any Board so established shall be constituted in such manner as the Executive Committee may by resolution from time to time determine.

(3) Every resolution of the Executive Committee under subsection (2) shall be submitted to the State Council for approval and thereafter to the Governor for ratification and shall not have effect until so approved and ratified.

(4) Notification of such approval and ratification shall be published in the *Gazette*.



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# CHAPTER 305.

## FERTILIZERS.

AN ORDINANCE TO REGULATE THE SALE OF FERTILIZERS OF THE SOIL AND TO PROVIDE AGAINST THE ADULTERATION THEREOF.

*Ordinance* No. 12 of 1901.

[1*st January*, 1902.]

Short title.

**1.** This Ordinance may be cited as the Fertilizers Ordinance.

Interpretation.

**2.** For the purposes of this Ordinance, the expressions "soluble" and "insoluble" shall respectively mean soluble and insoluble in water or citrate of ammonium.

Warranty on sale of fertilizer.

**3.** (1) Every person who sells for use as a fertilizer of the soil any article manufactured or prepared in Ceylon or imported from abroad shall give to the purchaser an invoice stating the name of the article and whether it is an artificially compounded article or not, and what is at least the percentage of the nitrogen soluble and insoluble phosphates, and potash, if any, contained in the article, and this invoice shall have effect as a warranty by the seller of the statements contained therein.

(2) For the purposes of this section an article shall be deemed to be manufactured if it has been subjected to any artificial process.

(3) This section shall not apply to a sale where the whole amount sold at the same time weighs less than one hundredweight.

Penalty for breach of duty by seller.

**4.** (1) If any person who sells any article for use as a fertilizer of the soil commits any of the following offences, namely :

(*a*) fails without reasonable excuse to give, on or before or as soon as possible after the delivery of the article, the invoice required by this Ordinance ; or



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(*b*) causes or permits any invoice or description of the article sold by him to be false in any material particular to the prejudice of the purchaser,

he shall, without prejudice to any civil liability, be liable on conviction for a first offence to a fine not exceeding one hundred rupees, and for any subsequent offence to a fine not exceeding five hundred rupees.

(2) In any proceeding for an offence under this section it shall be no defence to allege that the buyer, having only bought for analysis, was not prejudiced by the sale.

(3) Any person alleged to have committed an offence under this section in respect of an article sold by him shall be entitled to the same rights and remedies, civil or criminal, against the person from whom he bought the article as are available to the person who bought the article from him, and any damages recovered by him may, if the circumstances justify it, include the amount of any fine and costs paid by him on conviction under this section, and the costs of and incidental to his defence on such conviction.

Power to appoint analyst

**5.** The Governor shall appoint one or more agricultural analysts for the Island, who shall, while holding the office of agricultural analyst, not engage in any trade, manufacture, or business connected with the sale or importation of articles used for fertilizing the soil. Should more than one agricultural analyst be appointed, one of them shall be appointed chief agricultural analyst.

Power for purchaser to have fertilizer analysed.

**6.** (1) Every buyer of an article use for fertilizing the soil shall, on payment to an agricultural analyst of a fee sanctioned by the Governor, be entitled within ten days after delivery of the article to the buyer, or receipt of the invoice by the buyer, whichever is later, to have the article analysed by the analyst, and to receive from him a certificate of the result of his analysis.

(2) Where a buyer of an article desires to have the article analysed in pursuance of this section, he shall, in accordance with regulations made by the Governor, take three samples of the article, and shall, in accordance with the said regulations, cause each sample to be marked, sealed, and fastened up, and shall deliver or send by post one sample with the invoice or copy thereof to an agricultural analyst, and shall give another



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sample to the seller, and shall retain the third sample for future comparison :

Provided that an agricultural analyst, or some person authorised by him in that behalf with the approval of the Governor, shall, on request either by the buyer or the seller, and on payment of a fee sanctioned by the Governor, take the samples on behalf of the buyer.

(3) The certificate of the agricultural analyst shall be in such form and contain such particulars as are directed in the Schedule and every agricultural analyst shall carefully enter in a register to be kept for that purpose the result of any analysis made by him in pursuance of this Ordinance.

(4) If the seller or the buyer objects to the certificate of the agricultural analyst not being the chief agricultural analyst, one of the samples selected, or another sample selected in like manner, may, at the request of the seller, or, as the case may be, the buyer, be submitted with the invoice or a copy thereof to the chief agricultural analyst, and the seller, or, as the case may be, the buyer, shall, on payment of a fee sanctioned by the Governor, be entitled to have the sample analysed by the chief agricultural analyst, and to receive from him a certificate of the result of his analysis.

(5) At the hearing of any civil or criminal proceeding with respect to any article analysed in pursuance of this section, the production of a certificate of an agricultural analyst shall be sufficient evidence of the facts therein stated, unless the defendant or the person charged requires that the analyst be called as a witness.

(6) The cost of and incidental to the obtaining of any analysis in pursuance of this section shall be borne by the seller or the buyer in accordance with the results of the analysis, and shall be recoverable as a simple contract debt.

Penalty for tampering.

**7.** If any person knowingly and fraudulently—

(*a*) tampers with any parcel of fertilizer so as to procure that any sample of it taken in pursuance of this Ordinance does not correctly represent the contents of the parcel ; or

(*b*) tampers with any sample taken under this Ordinance,

he shall be liable on conviction to a fine not exceeding five hundred rupees, or to imprisonment, simple or rigorous, for a term not exceeding six months.



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Prosecutions and appeals.

**8.** (1) Notwithstanding anything to the contrary in any Ordinance contained, the Magistrate's Court within whose jurisdiction any offence against this Ordinance is committed shall be empowered to hear, try, and determine the prosecution for such offence, and to award the punishment prescribed by this Ordinance.

(2) Any person aggrieved by a conviction under this Ordinance may appeal to the Supreme Court.

Regulations.

**9.** (1) The Governor may, from time to time make regulations for the taking of samples and for the marking, sealing, and fastening up of the same, and such regulations he may revoke, amend, or alter.

(2) All regulations when so made, revoked, amended, or altered shall be published in two successive issues of the *Government Gazette* in the English language, and shall be laid before the State Council if then in session, and if not then in session, then so soon as possible after the commencement of the next ensuing session, and if within forty days after their being so laid before the State Council any of such regulations be objected to by the State Council, the said Council may by resolution amend or annul any such regulations. All regulations so amended and such regulations as shall not be amended or annulled by the said Council shall be proclaimed in two successive issues of the *Government Gazette* in the English language, and shall come into force upon such Proclamation in the *Government Gazette*, and shall thereupon be as legal, valid, effectual, and binding as if the same had been inserted in this Ordinance.

Application.

**10.** This Ordinance shall apply to wholesale as well as retail sales.

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## SCHEDULE.

[Section 6 (3).]

FORM OF CERTIFICATE.

I certify that I have analysed the sample or samples of (*here insert the name of the article*) ———— delivered to me (*or* sent by post) by ———, or taken by ———— on behalf of the buyer ————, and that they contain ———— per centum of nitrogen, ———— per centum of soluble phosphates, ———— per centum of insoluble phosphates, and ———— per centum of potash.

(*Signed*) ————,
Agricultural Analyst.

*Place and date :* ————.



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# CHAPTER 306.

## BOTANIC GARDENS.

AN ORDINANCE TO PROVIDE FOR THE MANAGEMENT, ADMINISTRATION AND CONTROL OF BOTANIC GARDENS.

*Ordinance* No. 31 of 1928.

[16*th November*, 1928.]

Short title.

**1.** This Ordinance may be cited as the Botanic Gardens Ordinance.

Interpretation.

**2.** (1) In this Ordinance, unless the context otherwise requires—

"botanic garden" includes the Royal Botanic Gardens at Peradeniya, the Botanic Gardens at Hakgala, and the Botanic Gardens at Heneratgoda (Gampaha), the boundaries of which are set out in the First Schedule, and any additions which may from time to time be made to any such gardens, and notified in the *Gazette* ;

"curator" means the officer for the time being in charge of any botanic garden and includes an assistant curator ;

"Director of Agriculture" means the officer for the time being in charge of the Department of Agriculture created by the Department of Agriculture Ordinance ;

"watcher" means any uniformed person appointed to guard and watch over any botanic garden.

(2) The Governor may also by notification in the *Gazette* declare any area or garden other than the gardens mentioned in subsection (1) which has been, or shall at any time hereafter be, acquired or appropriated by the Government for any experimental cultivation or for the cultivation of any vegetable product under the direction of the Director of Agriculture, to be a botanic garden for the purpose of this Ordinance, and may specify the boundaries thereof.



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Regulations.

**3.** (1) It shall be lawful for the Governor by notification in the *Gazette* to make regulations for any or all of the following purposes :—

(*a*) for the management, administration, and control of any botanic garden ;

(*b*) for fixing the hours of opening and closing any botanic garden and the hours at or during which the public shall be prohibited access thereto ;

(*c*) for regulating the conduct of persons employed in any botanic garden or resorting thereto ;

(*d*) for prohibiting, restricting, and regulating the use of any botanic garden by animals, motor cars, carts, carriages, jinrickshas, and bicycles ;

(*e*) for declaring what portion or portions of any botanic garden shall be deemed to be a private ground attached to residences therein or required for nurseries or other administrative purposes and not accessible to the public except by the special permission of the curator duly authorised by the Director of Agriculture in that behalf ; and

(*f*) for prohibiting and preventing interference with, or damage to, or destruction of, trees, plants, shrubs, fruits, gates, fences, or other things within or about any botanic garden.

(2) The regulations in the Second Schedule shall be deemed to have been made under this Ordinance, and may be amended, altered, or rescinded by regulations made under this Ordinance.

(3) All regulations made under this Ordinance shall be laid, as soon as conveniently may be, on the table of the State Council at two successive meetings of the Council, and shall be brought before the Council at the next subsequent meeting held thereafter by a motion that the said regulations shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, the said regulations are disapproved by the Council, such regulations shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything already done thereunder ; and such regulations, if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the *Gazette*.

(4) Copies of all regulations made or deemed to be made under this Ordinance, printed in English, Sinhalese, and



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Tamil, shall be kept posted at the main entrance of the botanic garden to which they apply, and in such other places in the garden as may be deemed necessary by the Director of Agriculture.

Penalty and powers of arrest.

**4.** (1) Every person who contravenes any of the provisions of this Ordinance or of the regulations made or deemed to be made thereunder shall be guilty of an offence and shall upon summary conviction by a Magistrate be liable to a fine not exceeding fifty rupees.

(2) Every person who is accused, in the presence of a curator or watcher, of committing a breach of any of the regulations made or deemed to be made under this Ordinance shall on demand give his name and address to such curator or watcher.

(3) Every such person who refuses so to give his name and address, may be arrested by such curator or watcher in order that his name and address may be ascertained, and shall within twenty-four hours of his arrest, exclusive of the time necessary for the journey, be taken before the nearest Magistrate, unless in the meantime his name and address have been given by him, in which case such person shall be forthwith released on his executing a bond for his appearance before a Magistrate if so required.

Curators and watchers.

**5.** Every curator or watcher shall, while performing any duty or exercising any power under this Ordinance or any regulation made or deemed to be made thereunder, be deemed to be a public servant within the meaning of the Penal Code.

Procedure.

**6.** Any information or complaint charging an offence under this Ordinance may be given or made by a curator or by any other person generally or specially authorised thereto by the Director of Agriculture.

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## FIRST SCHEDULE.

[Section 2 (1).]

### I.—ROYAL BOTANIC GARDENS, PERADENIYA.

(*a*) Boundaries of lots 1 to 6 and 8 in preliminary plan No. 7,604

North by Medegehena claimed by L. Naidu, Gavaramadittahena claimed by D. Setuwa, Gallanakandahena claimed by G. P. Dingiri, Gallanakandahena claimed by I. Bodiya, Gallanakandahena claimed by W. Menika, Medagoda-arama claimed by



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I. Menika, Yamankamawatta claimed by A. Setuwa, Yamanahena claimed by Y. G. Pussemba, and Gallanakandahena claimed by P. D. Naina ;

East by Gallanakandahena claimed by P. D. Hawadia, Gallanakandahena claimed by Pallegama temple, Gallanakandahena claimed by H. G. Ukkuwa, Gallanakandahena claimed by P. M. Ukkuwa, Tittapathgeliawatta claimed by W. Bodiya and others, Tittapathgeliawatta claimed by W. Dingiriya, Kapuhena claimed by P. M. Horathala, Kapuhena claimed by P. M. Puncha, Kapuhena claimed by A. Puncha, Kapuhena claimed by K. Dingiriya, a masonry well and the Mahaweli-ganga ;

South by the Mahaweli-ganga, a stream, and the road from Colombo to Kandy ; and

West by the Mahaweli-ganga, title plan No. 90,751, the road from Colombo to Gampola, Naradeniyewatta claimed by F. Appuhami, Kotikahambehena claimed by the Honourable Mr. Abdul Rahim, Gurudiahettahena *alias* Kenghindawatta claimed by V. M. David, Gurudiahettahena claimed by P. Hawadia and Hendrick Appu Bass, Gurudiahettakumbura claimed by D. J. Appuhamy, Nawakrewe estate claimed by D. J. Appuhamy, Gorakadeniyawattehena claimed by P. Philip, Gorakadeniyawatta claimed by Kalaheinia, lots 1 and 2 in preliminary plan No. 6,966, Rotupehilla-ela, a footpath, a Gansabhawa road, Gama-ela, Gangabaddakumbura claimed by T. Appuhami, Gangabaddakumbura claimed by Gannoruwa temple, Paraliyaddekumbura claimed by P. Pinhami, Paraliyaddakumbura claimed by A. M. Appuhami, Hirithalagollakumbura claimed by G. W. Banda, title plan No. 63,693, Hirithalogollawatta claimed by A. Ranmenika, Hirithalgolla claimed by A. Bandara Menika and others, Upasakagederawatta *alias* Deniyawatta claimed by R. M. Mudalihami, Gallanahena *alias* Kandewatta claimed by A. Mudiyanse and others, title plans Nos. 89,267 and 89,270, Mansamadehena claimed by V. A. Arnolis and others, and Mudunehena claimed by M. Naidu and others.

(*b*) Boundaries of lot 7 in preliminary plan No. 7,604.

North by a Gansabhawa path ;

East by lots 4 and 2 in preliminary plan No. 6,966 ;

South by lots 2 and 1 in preliminary plan No. 6,966 ; and

West by Gorakadeniyawatta claimed by Kaluheinia, Udugammahawatta claimed by W. S. Pussemba and others, Udugammahawatta claimed by W. S. Dingiri and Udugammahawatta claimed by W. S. Dingiri on title plan No. 59,775.

## II.—BOTANIC GARDENS, HAKGALA.

### Boundaries.

North by reservation along the road from Nuwara-Eliya to Badulla :

East by reservation along the road from Nuwara-Eliya to Badulla, title plans Nos. 57,823 and 62,276, Bambaragahabokkakandura, Crown land, reservations along Alakolagalakandura, Alakolagalakandura and title plans Nos. 142,796 and 76,118 ;

South by Crown land ; and



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West by Crown land and title plan No. 110,456, containing in extent 558 acres and 17 perches, called Hakgala Gardens and Hakgala patana, situated in Radakanduruwela village in Udapalata korale of Udukinda division in the District of Badulla, Province of Uva ; and Endiribedda, Gorandihela, and Sita Eliya villages in Udapane korale of Kotmale division in the District of Nuwara Eliya, Central Province, and more particularly described as lots 7,460 to 7,465 and 7,467 to 7,492 in preliminary plan No. 2,312 and lots 14,764 and 14,765 in preliminary plan No. 5,586.

III.—BOTANIC GARDENS, HENARATGODA (GAMPAHA).

Boundaries.

North by Madita-ela ;

East by Tittawelmadittepillewa claimed by H. Peter Appu and others, Tittawelmadittepillewa claimed by H. J. Perera, Delgahawatta claimed by H. John Singho (title plan No. 60,518) and title plans Nos. 118,340, 118,341, and 118,342, and Delgahawatta claimed by H. Dickman ;

South by Malwatte-oya ; and

West by a village path, Munamalgahawatta claimed by K. G. Fernando, Munamalgahawatta claimed by R. Abaran Appu, Hicgahawatta claimed by A. D. Moisa, Hicgahawatta claimed by V. Sarochchia, Hicgahawatta claimed by Rampatidevage Avanis, and Elabodalanda claimed by G. S. Fernando and others.

## SECOND SCHEDULE.

REGULATIONS. [Section 3 (2)]

### Royal Botanic Gardens, Peradeniya.

1. In these regulations, "the Gardens" means the Royal Botanic Gardens, Peradeniya.

2. The Gardens shall be open to the public daily from 6 a.m. to 6 p.m.

3. The orchid house in the Gardens shall be open to the public daily from 7 a.m. to 5 p.m. except on Sundays.

4. The Economic Museum in the Gardens shall be open to the public daily from 8 a.m. to 5 p.m. except on Sundays and public holidays. On Sundays it shall be closed, and on public holidays it shall be open from 10 a.m. to 4 p.m.

5. The Gardens may be closed at any time for a period not exceeding 3 days by order of the Governor, if notice of such closure shall have been given in the *Gazette* at least 7 days beforehand. Such order shall be exhibited in English, Sinhalese, and Tamil at the entrance gates of the Gardens for general information.

6. Any part of the Gardens which is under repair or reorganization may be closed at any time by order of the Director of Agriculture, and notice of such closure in English, Sinhalese, and Tamil shall be prominently exhibited.



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7. No person in a state of intoxication shall enter or remain in the Gardens, and no person shall fight, indecently expose his person, or commit any nuisance therein.

8. No officer of the Gardens other than the Director of Agriculture, the curator, or a guide authorised by either of them, shall conduct visitors round the Gardens.

9. No person shall molest visitors in the Gardens, or sell, or expose for sale therein curios, flowers, fruits, seeds, or plants. Any person employed in the Gardens who contravenes this regulation shall be reported to the curator.

10. No person shall fish in any of the ponds in the Gardens.

11. No person shall carry or use firearms of any description in the Gardens.

12. No football shall be permitted in the Gardens.

13. All vehicles shall be driven in the Gardens on the left hand side of the road, and motor vehicles shall not be driven therein at a speed greater than 15 miles an hour.

14. No motor omnibuses or lorries shall be driven or used in the Gardens except such as the curator may authorise or may require for the business and maintenance of the Gardens.

15. No person shall drive or ride furiously or recklessly, or gallop or race a horse in the Gardens.

16. No person who is not employed in the Gardens shall pick or gather therein flowers, plants, fruits, or seeds.

17. No person shall in any way damage or deface the trees, shrubs, plants, buildings, seats, labels, or other property of Government in the Gardens.

18. No person shall climb any tree, or walk on any flower bed or border, or destroy any bird or bird's nest in the Gardens.

## Botanic Gardens, Hakgala.

1. In these regulations, "the Gardens" means the Botanic Gardens, Hakgala.

2. The Gardens shall be open to the public daily from 6 a.m. to 6 p.m.

3. The orchid house and the glass house in the Gardens shall be open to the public daily from 7 a.m. to 5 p.m. except on Sundays.

4. The Gardens may be closed at any time for a period not exceeding 3 days by order of the Governor, if notice of such closure shall have been given in the *Gazette* at least 7 days beforehand. Such order shall be exhibited in English, Sinhalese, and Tamil at the entrance gates of the Gardens for general information.

5. Any part of the Gardens which is under repair or reorganization may be closed at any time by order of the Director of Agriculture, and notice of such closure in English, Sinhalese, and Tamil shall be prominently exhibited.



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6. No person in a state of intoxication shall enter or remain in the Gardens, and no person shall fight, indecently expose his person, or commit any nuisance therein.

7. No officer of the Gardens other than the curator, or a guide authorised by him, shall conduct visitors round the Gardens.

8. No person shall molest visitors in the Gardens, or sell, or expose for sale therein curios, flowers, fruits, seeds, or plants. Any person employed in the Gardens who contravenes this regulation shall be reported to the curator.

9. No person shall fish in any of the ponds in the Gardens.

10. No person shall carry or use firearms of any description in the Gardens.

11. All vehicles shall be driven in the Gardens on the left hand side of the road, and motor vehicles shall not be driven therein at a speed greater than 15 miles an hour.

12. No motor omnibuses or lorries shall be driven or used in the Gardens except such as the curator may authorise or may require for the business and maintenance of the Gardens.

13. No person shall drive or ride furiously or recklessly, or gallop or race a horse in the Gardens.

14. No person who is not employed in the Gardens shall pick or gather therein flowers, plants, fruits, or seeds.

15. No person shall in any way damage or deface the trees, shrubs, plants, buildings, seats, labels, or other property of Government in the Gardens.

16. No person shall climb any tree, or walk on any flower bed or border, or destroy any bird or bird's nest in the Gardens.

## Botanic Gardens, Henaratgoda (Gampaha).

1. In these regulations, "the Gardens" means the Botanic Gardens, Henaratgoda (Gampaha).

2. The Gardens shall be open to the public daily from 6 a.m. to 6 p.m.

3. The Gardens may be closed at any time for a period not exceeding 3 days by order of the Governor, if notice of such closure shall have been given in the *Gazette* at least 7 days beforehand. Such order shall be exhibited in English, Sinhalese, and Tamil at the entrance gates of the Gardens for general information.

4. Any part of the Gardens which is under repair or reorganization may be closed at any time by order of the Director of Agriculture, and notice of such closure in English, Sinhalese, and Tamil shall be prominently exhibited.

5. No person in a state of intoxication shall enter or remain in the Gardens, and no person shall fight, indecently expose his person, or commit any nuisance therein.

6. No officer of the Gardens other than the curator, or a guide authorised by him, shall conduct visitors round the Gardens.



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7. No person shall molest visitors in the Gardens, or sell, or expose for sale therein curios, flowers, fruits, seeds or plants. Any person employed in the Gardens who contravenes this regulation shall be reported to the curator.

8. No person shall carry or use firearms of any description in the Gardens.

9. All vehicles shall be driven in the Gardens on the left hand side of the road, and motor vehicles shall not be driven therein at a speed greater than 15 miles an hour.

10. No motor omnibuses or lorries shall be driven or used in the Gardens except such as the curator may authorise or may require for the business and maintenance of the Gardens.

11. No person shall drive or ride furiously or recklessly, or gallop or race a horse in the Gardens.

12. No person who is not employed in the Gardens shall pick or gather therein flowers, plants, fruits, or seeds.

13. No person shall in any way damage or deface the trees, shrubs, plants, buildings, seats, labels, or other property of Government in the Gardens.

14. No person shall climb any tree, or walk on any flower bed or border, or destroy any bird or bird's nest in the Gardens.



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# CHAPTER 307.

## PLANT PROTECTION.

AN ORDINANCE TO MAKE BETTER PROVISION AGAINST THE INTRODUCTION INTO CEYLON AND AGAINST THE SPREAD THEREIN OF WEEDS, AND OF PESTS, AND DISEASES INJURIOUS TO, OR DESTRUCTIVE OF, PLANTS, AND FOR THE SANITATION OF PLANTS IN CEYLON.

*Ordinance* No. 10 of 1924.

[27*th June*, 1924.]

**1.** This Ordinance may be cited as the Plant Protection Ordinance. Short title.

**2.** In this Ordinance and any regulations made thereunder, unless the context otherwise requires— Interpretation.

"disease" shall include any fungus or organism of vegetable origin which shall injure, destroy, or be parasitic upon any plant;

"owner" or "occupier" shall include the proprietor, lessee, superintendent, or other person in actual charge of any cultivated or uncultivated land;

"pest" shall include any insect or animal which shall in any stage of its development eat, destroy, or otherwise injure any plant;

"plant" shall include all members of the vegetable kingdom, whether living or dead, or any part or parts of such, but shall not include canned or preserved fruits or vegetables;

"weed" shall include any plant which is declared by the Governor to be a weed for the purposes of this Ordinance.

**3.** The Governor may appoint for the purposes of this Ordinance one or more inspectors and sub-inspectors and such other officers as may be necessary. Appointment of inspectors and officers.

**4.** It shall be lawful for the Director of Agriculture, or for any inspector or sub-inspector, with or without assistants, to enter, at all reasonable times, upon any land for the purpose Entry on land for purposes of inspection.



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of inspecting and examining whether plant pests, diseases, or weeds exist thereon, and the owner or occupier of such land shall afford all reasonable facilities for such inspection and examination.

Director of Agriculture, inspector, or sub-inspector not to be deemed trespasser by reason of entry, &c.

**5.** Neither the Director of Agriculture, nor any inspector or sub-inspector, nor any person assisting the Director or any such inspector or sub-inspector, shall be deemed a trespasser by reason of any entry or destruction or action taken or thing done under this Ordinance or any regulation made thereunder, or be liable for any damage occasioned by carrying out any of the provisions of this Ordinance or of any regulation made thereunder, unless the same was occasioned maliciously and without reasonable and probable cause.

Penalty for contravention of Ordinance or regulation thereunder.

**6.** If any person, without lawful authority or excuse (proof whereof shall lie on him), contravenes any regulation made under this Ordinance, or does or omits to do anything which under the provisions of this Ordinance or of any regulations made thereunder he ought not to do or omit, or if he molests, obstructs, or impedes, or assists in molesting, obstructing, or impeding, the Director of Agriculture, or any inspector or sub-inspector appointed under this Ordinance, or any customs officer, in the execution of any provisions of this Ordinance or any regulation made thereunder, he shall be guilty of an offence against this Ordinance.

Punishment for offences.

**7.** If any person is guilty of an offence against this Ordinance or any regulation made thereunder, he shall be liable on conviction before a Magistrate to imprisonment of either description to a term not exceeding three months, or to a fine not exceeding five hundred rupees, or to both.

Penalty on person guilty of unnecessary violence or annoyance.

**8.** Every person who shall, under pretence of performing any act under the authority of this Ordinance or of any regulation made thereunder, be guilty of any unnecessary violence or cause any unnecessary annoyance to any person, shall be guilty of an offence against this Ordinance.

Regulations.

**9.** (1) The regulations set forth in the Schedule shall have effect as if the same were contained in this Ordinance, but may be added to, amended, or revoked in the manner, and subject to the conditions, provided for the making of regulations in this section.



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(2) The Governor may make regulations for the purpose of preventing the introduction into this Island, and for the purpose of preventing the spreading therein of weeds, or of pests and diseases injurious to, or destructive of, plants.

(3) Such regulations may provide, but without detracting from the generality of the powers hereinbefore conferred—

(*a*) for prohibiting the importation into Ceylon from places beyond sea of any plants ;

(*b*) for prohibiting the landing of plants from vessels or boats either absolutely or conditionally ;

(*c*) for providing for the importation of plants under special licence and conditions ;

(*d*) for inspecting plants at or before the time of landing ;

(*e*) for cleansing, fumigating, or disinfecting, at the expense of the consignee, and, if expedient, destroying, without compensation, all plants, or the packages, cases, pots, or covering in which they may be packed, which shall be found or suspected to be infected with any pest or disease, and for the recovery of prescribed fees from the consignee ;

(*f*) for requiring the quarantine of imported plants in special areas ;

(*g*) for preventing the outbreak or dissemination of any pest, disease, or weed within Ceylon ;

(*h*) for declaring any area to be an infested area, and for the proper quarantine of any area declared as being infested with any pest, disease, or weed ;

(*i*) for the spraying or other treatment of any weed or of any plants within Ceylon affected with any pest or disease ;

(*j*) for the destruction and proper disposal of any weed or of any plants within Ceylon affected or likely to be affected with any pest or disease ;

(*k*) for regulating the transfer of plants from one locality to another ;

(*l*) for prescribing the officers who are to carry out regulations under this Ordinance, and the powers conferred, and duties imposed, upon them for the purpose aforesaid ;



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(*m*) for the constitution of committees to advise the Director of Agriculture and the inspectors appointed under this Ordinance, and to take such other action as may be necessary to ensure its effective administration.

(4) All regulations made under this Ordinance shall be published in the *Government Gazette*, and shall, subject to the provisions of the next following subsection, from the date of such publication have the same force as if they had been enacted in this Ordinance.

(5) All regulations published as aforesaid shall be laid as soon as conveniently may be before the State Council, and may at any time within forty days after the date of their being so laid before the Council, or at any of the three meetings of the Council succeeding such date, by resolution of the Council be disallowed, amended, or otherwise dealt with as may be directed by the said resolution, but without prejudice to anything that may have been done thereunder.

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## SCHEDULE.

[Section 9.]

### REGULATIONS.

#### PART I.

1. *Limitation of Ports of Entry.*—No plants shall be imported into Ceylon, except through the ports of Colombo and Talaimannar.

2. No person shall land or import a living specimen of any insect or invertebrate animal not already known to exist in Ceylon without written permission previously obtained of the Director of Agriculture, provided that the Director of Agriculture or the Director, Colombo Museum, may make such importations as may be required for scientific investigations.

3. *Prohibitions.*—No person shall land or import—

(*a*) Seeds or plants of Hevea (any species) from the Western Hemisphere under any circumstances, and from the Eastern Hemisphere, except under permit in writing from the Director of Agriculture previously obtained ;

(*b*) Tea seed directly or indirectly from any place in India ;

(*c*) Coconut plants ;

(*d*) Coconuts in husk except through the port of Colombo.



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4. *Inspection and Fumigation or Disinfection.*—

(1) The following imports shall, before passing out of the Customs, be dealt with as prescribed below :—

(*a*) all living trees, plants, tubers, roots, bulbs, or portions thereof (with the exception of potatoes, onions, turmeric, and culinary seed and vegetables imported for consumption), together with the packages, cases, pots, or coverings in which they may be packed ;

(*b*) all coconuts in husks ;

(*c*) the following fruits :—Oranges, lemons, citrons, limes, and all fruits of the Citrus family ;

(*d*) the following seeds :—Cotton (all species of *Gossypium*).

(2) In the case of an importation of plants, otherwise than through the Post Office, from a country whose service of plant inspection is recognized for the time being, each consignment shall be accompanied by a certificate issued after inspection, and not more than fourteen days prior to the date of shipment, by a duly authorised official of the country whence the plants are exported to the effect that such plants are free from pests or disease. Such certificate must be produced to the customs officer at the port of entry. A list of countries whose service of plant inspection is recognized shall be published in the *Government Gazette*, and may be added to or varied by the Director of Agriculture.

(3) In the case of consignments imported through the post, a copy of the prescribed certificate need not be produced to the customs officer, but a copy must be affixed to each package.

(4) The certificate shall be transmitted by the customs officer to the inspector in charge of the Colombo Fumigatorium.

(5) The inspector in charge of the Colombo Fumigatorium may open and examine the contents of any consignment or package imported or believed to have been imported, notwithstanding the fact that the consignment may be accompanied by or the package may have attached thereto the duly authorised copy certificate.

(6) In the case of the importation of plants from a country where no recognized service of plant inspection is maintained, and in the case of a consignment of plants which is not accompanied by copy certificates as above mentioned, or of a package of plants imported through the post to which a copy certificate is not attached, the plants before passing out of the Customs shall be subjected at the Colombo Fumigatorium to inspection.

(7) Any imported plants which on inspection are found to be unhealthy or attacked by any pest or disease shall be subjected to fumigation or disinfection as may be deemed necessary by the inspector.

(8) Any imported plants which in the judgment of the inspector cannot be cleaned by fumigation or other treatment shall, with the packing and package, be destroyed at the expense of the consignee.

(9) When fumigation or disinfection or other treatment is necessary, it shall be carried out at the Colombo Fumigatorium, and it may be competent for the Director of Agriculture to order that after such fumigation or disinfection the plants shall be grown for a period of quarantine in special nurseries provided



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for that purpose or approved by the Director of Agriculture. The said plants after landing at the Customs premises shall be conveyed to the Fumigatorium under Customs supervision at the expense of the consignee or his agent and delivered to the Fumigatorium Attendant, who shall certify receipt of the same. The consignee shall pay the fee of Re. 1 a day or part thereof (up to 4 p.m.), and thereafter at the rate of 25 cents an hour for supervision. As soon as possible after receipt of the articles by the Fumigatorium Attendant, they shall be inspected by the inspector and fumigated or disinfected when necessary. After inspection or treatment the articles shall be delivered to the consignee, together with a certificate showing that they have been so inspected or fumigated or disinfected, and without such certificate or certificates no article shall be conveyed from the Fumigatorium. A fee of 50 cents per package will be charged to cover the cost of fumigation or disinfection, and no certificate of fumigation or disinfection shall be granted until the fee shall have been paid in such manner as the Principal Collector of Customs may direct. All disinfection or fumigation shall be carried out at the risk of the consignee, and the consignee or his agent shall be in attendance to unpack the articles for inspection, fumigation, or disinfection and to re-pack them afterwards, and shall provide the cooly labour necessary for handling the articles during the process of inspection or fumigation.

(10) When any plants are sent to Ceylon through the Post Office from a place beyond Ceylon, the plants shall be conveyed to the Fumigatorium under Customs supervision at the expense of the consignee or his agent, and shall be dealt with as prescribed above.

PART II.

5. *Notification of Pests, Diseases, and Weeds.*—The Governor shall from time to time, by notification in the *Government Gazette*, declare the pests and diseases and weeds to which the regulations contained in this Part shall apply, hereinafter in these regulations referred to as a declared pest, disease, or weed, as the case may be.

6. The owner or occupier of any plantation, estate, garden, or land upon which any declared pests, diseases, and weeds are present shall forthwith report in writing the presence of such pest, disease, or weed to the Director of Agriculture either direct or through the nearest headman. A failure so to report shall be an offence under the Ordinance, unless such person shall prove that he had no reasonable ground for suspecting the presence of such pest, disease, or weed in his plantation, estate, garden, or land.

7. In the case of a declared infested area it shall be lawful for the Director of Agriculture, or for any inspector or sub-inspector, to enter at all reasonable times any plantation, estate, garden, or land whatsoever to determine whether any declared pest, disease, or weed is present. It shall be lawful for such Director of Agriculture, inspector, or sub-inspector to remove plants or any portion thereof for the purpose of further examination and inspection.

8. It shall be the duty of every owner or occupier of any plantation, estate, garden, or land to conduct or cause to be conducted the Director of Agriculture, inspector, or sub-inspector officer over such plantation, estate, garden, or land upon being requested to do so.



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9. *Declaration of Areas Infested.*—When the Director of Agriculture shall be satisfied that any declared pest, disease, or weed is present in any plantation, estate, garden, or land, he shall, by notification in the *Government Gazette*, declare the plantation, estate, garden, or land, or the Chief Headmen's Division of the Revenue District or any part thereof in which the said plantation, estate, garden, or land is situated, and such adjoining Chief Headmen's Divisions of Revenue Districts as he may consider necessary as an infested area.

10. *Plants not to be removed from an Infested Area.*—No weed or plant or part of plant attacked by or liable to be attacked by the pest or disease specified in the notification of an infested area shall be removed from land within such infested area, save and except as may be permitted by the Director of Agriculture under permit in writing, and any person removing or receiving such plants shall be guilty of an offence.

11. *Declaration of Areas Free.*—Upon being satisfied that any such infested area or part thereof is no longer infested, the Director of Agriculture may, by notification in the *Government Gazette*, declare such area or part thereof to be no longer infested, and thereafter it shall cease to be an infested area.

12. *Spraying or other Treatment.*—The Director of Agriculture may, by notice in the *Government Gazette*, prescribe the manner in which weeds or plants attacked by a declared pest or disease shall be treated, and it shall be the duty of the owner or occupier of land within this defined area to cause such weeds or plants attacked by the declared pest or disease to be treated in the manner prescribed.

13. If on a visit of an inspector or sub-inspector any declared weed, pest, or disease is found to be present, he may order the weeds or affected plants to be treated in the manner prescribed. If upon a second visit after an order has been issued the inspector or sub-inspector shall find the declared weed, pest, or disease still to exist, and that no action has been taken, he shall report the matter to the Director of Agriculture or to the local Agricultural Committee, as the case may be, who may by notice which shall be in English, Sinhalese, and Tamil and in the form or to the effect set out in the schedule to these regulations order the owner or occupier to treat the plants or weeds in the manner prescribed within a defined time.

14. If the owner or occupier fails or neglects to comply with such notice, the inspector or sub-inspector may enter upon the land and spray or otherwise treat the weeds or plants or destroy them at the expense of the owner or occupier, but nothing contained therein shall relieve the owner or occupier from any penalty he may have incurred by reason of his default, failure, or neglect.

15. *Service of Notice.*—A notice shall be deemed to be served on any person if it is delivered to him personally or sent through the post in a registered letter addressed to him at his last known place of abode or business, or if the notice cannot be so served, or if there be no known owner or occupier, it may be put up at some conspicuous part of such land, and it shall be not necessary in any such notice to name the owner or occupier, and



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a notice purporting to be signed by the Director of Agriculture or the Chairman of the local Agricultural Committee shall be prima facie evidence that it was signed by him.

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SCHEDULE.

THE PLANT PROTECTION ORDINANCE

NOTICE UNDER REGULATION 13.

1. You are hereby requested to take notice that ———— has been found to occur on ———— owned/occupied by you in ———— District, in ———— Province, and that you are required to adopt the following prescribed treatment within ———— days.

*Treatment Prescribed.*

————.

2. If you fail to comply with this notice, ———— is authorised by law to carry out the measures ordered, and the cost of carrying out such measures shall be recovered from you under Regulation 14 of the Regulations in the Schedule to the Plant Protection Ordinance. In addition, you will be liable to the penalties specified in section 7 of the said Ordinance.

————

*Signature and Designation of Officer.*

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# CHAPTER 308.

## WATER HYACINTH.

AN ORDINANCE TO MAKE PROVISION TO PREVENT THE INTRODUCTION INTO, AND DISSEMINATION IN, THIS ISLAND OF THE PLANT KNOWN AS THE WATER HYACINTH.

*Ordinance* No. 4 of 1909.

[20*th March*, 1909.]

Short title.

**1.** This Ordinance may be cited as the Water Hyacinth Ordinance.

Intrepretation.

**2.** In this Ordinance the expression " the water hyacinth " means the plant botanically known as *Eichhornia crassipes*, and includes the seed and every part of the plant.

Prohibition of importation or possession of water hyacinth.

**3.** (1) It shall be unlawful for any person—

(*a*) to import the water hyacinth into Ceylon ; or

(*b*) to possess or keep the water hyacinth, or allow the same to grow in or on any place belonging to him on under his control or management.

Duty of landowners to destroy plant.

**4.** Where the water hyacinth is growing in or on any place, it shall be the duty of the person to whom such place belongs, or who has the control or management thereof, forthwith to cause the same to be completely and effectually destroyed by fire.

Penalties.

**5.** Any person who—

(*a*) imports the water hyacinth into Ceylon ; or

(*b*) possesses or keeps or allows the same to grow in any place belonging to him or under his control or management ; or

(*c*) fails forthwith to destroy in manner prescribed by section 4 any water hyacinth which may be found growing in any such place as aforesaid,

shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding one hundred rupees.



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Power of Customs officers to destroy plant on importation.

**6.** It shall be lawful for the principal officer of customs at any port at which any water hyacinth may be landed to destroy the same, and no person shall be entitled to compensation for any water hyacinth so destroyed.

Powers to extend certain provisions to other noxious weeds or plants.

**7.** (1) It shall be lawful for the Governor by Proclamation to declare that the provisions of this Ordinance—

(*a*) prohibiting the importation of the water hyacinth ;

(*b*) imposing a penalty on persons importing the said plant ;

(*c*) empowering customs officers to destroy the said plant on importation,

shall extend to any noxious weed or plant specified in the Proclamation and to the seed or any part of such plant.

(2) Upon such Proclamation the above-mentioned provisions of this Ordinance shall apply, *mutatis mutandis*, to such weed or plant.



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# CHAPTER 309.

## FLOOD PROTECTION.

AN ORDINANCE FOR THE PROTECTION OF AREAS SUBJECT TO DAMAGE FROM FLOODS.

*Ordinance* No. 4 of 1924.

[6*th May*, 1924.]

Short title.

**1.** This Ordinance may be cited as the Flood Protection Ordinance.

Interpretation.

**2.** In this Ordinance, unless the context otherwise requires—

"the Director" means the Director of Irrigation or any other person appointed by the Governor to prepare and carry out a scheme under this Ordinance;

"thoroughfare" has the same meaning as in section 73 of the Thoroughfares Ordinance.

Power to declare any area in the Island a flood area.

**3.** (1) The Governor may, by Order published in the *Government Gazette*, declare any area in the Island to be a flood area.

(2) While any such Order remains in force, the area indicated therein shall form a flood area, and be subject to the provisions of this Ordinance.

Preparation of scheme for protection of flood area.

**4.** (1) Where any area is declared to be a flood area, the Director shall prepare a scheme for the efficient protection of such area against floods, and also a statement of the estimated cost of the necessary work.

(2) The Director shall also delineate in distinguishing colours on a plan of such flood area the lands within the area liable to submergence and the dams, draining trenches, outfalls, sluices, locks, and other works which it is proposed to make or maintain, and, where it is expedient to change the position of any thoroughfare or portion thereof, shall delineate in distinguishing colours on the plan the best position and line for the proposed new thoroughfare.



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Inspection of scheme and plan by persons interested.

**5.** (1) A copy of the scheme, together with the estimate of the cost of the necessary works and of the plan of the flood area, with the proper delineations thereon, shall be lodged at the office of the Director of Irrigation in Colombo, and also at the office of the Government Agent of the Province in which such flood area or any part thereof is situated and at such other places as may be named by the Governor.

(2) Notice that the documents and plan above referred to have been so lodged and are open for inspection shall be given by public advertisement in the *Government Gazette* and at least one newspaper published in the Island.

(3) The documents and plan shall remain open for the inspection of every person desiring to see the same on every day, not being a Sunday or public holiday, during office hours, for three months after the date of the first publication of the notice.

(4) Any person whose lands are shown on any such plan as being liable to submergence or who considers that his property, whether situated within or outside of the flood area, would be injured by the carrying out of the scheme may, within such period of three months, lodge at the office of the Director in Colombo or of the Government Agent of the Province in which such flood area or any part thereof is situated his objections in writing to his lands being shnow as so liable to submergence, or may state in writing the nature and extent of the damage he considers he would suffer if the scheme were carried out, furnishing full particulars in writing of such estimated damage.

(5) After the expiration of such period of three months, the Director shall forward the scheme, with the estimate and plan, and the objections to the scheme and statements of prospective damage, if any, with a full report thereon, to the Executive Committee of Agriculture and Lands for submission to the Governor.

Powers of Governor on consideration of scheme.

**6.** (1) (*a*) The Governor, after considering the scheme referred to in the last preceding section, with all the objections thereto, may make such order as to him may seem fit—

(i) confirming, varying, altering, or rejecting any such scheme ;

(ii) altering or extending the limits of any such flood area ;



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(iii) directing works to be carried out for the protection and drainage of the flood area ; or

(iv) changing the position of any thoroughfare passing through such area or any portion thereof as to him may seem expedient.

(*b*) The Governor may, from time to time, make amending orders with respect to any of the matters hereinbefore in this subsection mentioned.

(2) Such order of the Governor and any amending order shall be published in the *Government Gazette* and at least one newspaper published in the Island.

(3) The Director is hereby authorised to, and, if the Legislature provides the necessary funds, shall carry out and execute the works ordered or directed by the Governor and no person shall, except as in this section provided, be entitled to claim compensation for any alleged damage in consequence of such works being carried out.

(4) If any buildings, fences, growing crops, or trees are injured, destroyed, or cut down, or if the value of any land not previously liable to submergence is affected by being made so liable, in consequence of any such works being carried out, any person entitled to such buildings, fences, growing crops, or trees, or to such land may, within one month of such injury or destruction occurring, or of such trees being cut down, or of the order in subsection (2) of this section mentioned being published, apply to a court having jurisdiction within the division in which the flood area is situated to have the amount of his claim for such damage ascertained and certified.

(5) (*a*) Every such application shall be made by petition in a summary way as provided for in Chapter XXIV. of the Civil Procedure Code, and in any such petition the Attorney-General shall be named as the respondent.

(*b*) The court shall, after hearing the parties to any such petition, certify what is the estimated amount of damage which the applicant may have suffered or will suffer, and the amount certified shall be deemed part of the cost of the construction of the works and shall be paid in the same manner.

(6) An appeal shall lie from any such certificate of a court in the same manner and subject to the same conditions as in the case of appeals arising within the ordinary jurisdiction of such court.



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(7) All proceedings before any court or upon any appeal, as aforesaid, shall be liable to the same duties as are payable on ordinary proceedings in the said court or in respect of appeals therefrom.

Flood authority.

**7.** The Government Agent of the Province in which the flood area is situated, or, if such flood area is situated in more Provinces than one, then such one of the Government Agents thereof as may be nominated by the Governor, shall be the flood authority for such area :

Provided that where any flood area falls, either wholly or in part, within the limits of a Municipality, the Governor may order that the Chairman of the Municipal Council shall be substituted for the Government Agent as the flood authority for the flood area.

Duties of flood authority.

**8.** The flood authority shall maintain, and is hereby empowered, in accordance with the provisions of this Ordinance, to do all acts necessary to maintain, in good order, all such dams, draining trenches, outfalls, sluices, locks, and other works as are required for the protection of the flood area.

Regulations for management of flood area.

**9.** (1) The Governor may make regulations for the purpose of carrying out the provisions of this Ordinance, and particularly, but without detracting from the generality of the powers hereinbefore in this section contained—

(*a*) for ensuring the maintenance of the drainage of the flood area ;

(*b*) for ensuring the maintenance in good order of the works required for the purpose of protecting such area ;

(*c*) for the recovery of flood rates by the seizure and sale of any land liable to such rates and of any crops and movable property being in or upon any such land, and for the cancellation of any such sale of land upon payment of arrears of flood rates due in respect of any such land ;

(*d*) prescribing the duties to be performed and the powers to be exercised by inspecting officers.

(2) Such regulations may impose on the owner or occupier of any land in any such flood area all or any of the following obligations, that is to say :—

(*a*) to keep clear, and of a specified width and depth, the portion of any draining trench bordering upon any such land ;



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(*b*) to make and keep clear drains of sufficient size and depth to carry off the water from any such land into the draining trenches.

(3) All such regulations shall be published in the *Government Gazette* and shall thereupon, subject to the provisions of the next succeeding subsection, be as legal, valid, effectual, and binding as if they had been enacted in this Ordinance.

(4) All such regulations shall be laid as soon as conveniently may be before the State Council, and may at any time within forty days after the date of their being so laid before the Council, or at any of the three meetings of the Council next succeeding such date, by resolution of the Council, be disallowed, amended, or otherwise dealt with as may be directed by the said resolution, but without prejudice to anything that may have been done thereunder.

(5) Any person not complying with any such regulation shall be guilty of a summary offence and be liable on conviction to a fine not exceeding one hundred rupees.

Appointment of inspecting officers.

**10.** The Governor may appoint such number of persons to be inspecting officers as he may deem expedient, and fix the amount of remuneration to be allowed to each such officer.

Repayment of cost of executing works.

**11.** (1) The cost of preparing a scheme, executing works, and payment of compensation under the provisions of this Ordinance shall be defrayed out of such funds as may be provided for the purpose by the State Council, and the amount of such cost, together with interest thereon at the rate of six per centum per annum, shall be repaid by a yearly rate on all lands within the flood area shown on the plan referred to in section 4 of this Ordinance to be liable to submergence for such term as may be directed by the Governor.

(2) In fixing any such rate the Governor shall take into consideration and give due effect to any amount which may be contributed by a vote of the State Council towards such cost as aforesaid.

(3) It shall be lawful for the Governor to agree with the owner of any land liable to pay any such yearly rate that such liability shall be compounded for a fixed sum, and upon such sum being paid to the Deputy Financial Secretary such land shall become and be relieved from all further liability to pay any such rate.



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Defraying of cost of maintaining works.

**12.** The cost of maintaining the works sanctioned under this Ordinance, including the salary of any inspecting officers, of maintaining the drainage of any flood area, and of meeting the other expenses of carrying out the provisions of this Ordinance not otherwise expressly provided for may be defrayed by a yearly rate on all lands within the flood area shown on the plan referred to in section 4 of this Ordinance to be liable to submergence.

Flood rate.

**13.** The amount of the yearly rates payable under the last two preceding sections shall be added together, and shall be made one rate, to be called the " flood rate ".

Manner of levying flood rate.

**14.** (1) The flood rate shall be levied upon the appraised value of all lands within the flood area shown on the plan referred to in section 4 of this Ordinance to be liable to submergence.

(2) It shall be lawful for a flood authority to appoint persons to appraise the value of such lands who shall, in making such appraisement, take into consideration the description, condition, and locality of such lands, and the probable effect thereon of carrying out the scheme for the protection of the flood area.

(3) When any appraisement is completed, such appraisement shall be lodged at the Kachcheri or at the office of the Municipality, as the case may be, and notice that such appraisement has been so lodged shall be published in the *Government Gazette* and at least one newspaper published in the Island. Subject to any fresh appraisement made as hereinafter provided, such first-named appraisement shall be final and conclusive.

(4) It shall be lawful for the owner of any land who considers that the same has been appraised at an excessive amount, within one month from the day of such appraisement being lodged as aforesaid, to give notice to the flood authority in writing that he requires a fresh appraisement to be made ; and in such notice he shall name a person to act on his behalf as an appraiser.

(5) The authority shall, within one week from the receipt of such notice, appoint another appraiser, and such appraisers shall forthwith proceed to make a new appraisement.



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(6) In case of a difference of opinion occurring between the appraisers so appointed with regard to the value of the property required to be newly appraised, such appraisers shall appoint an umpire, whose decision shall be final.

(7) If such appraisers cannot agree upon an umpire, the flood authority or the owner may apply to the Judge of the District Court having jurisdiction in the district in which the land is situated to appoint such umpire as aforesaid.

(8) The Governor may, subject to the provisions of section 9 of this Ordinance, make regulations providing for the procedure to be adopted by appraisers in making fresh appraisements and generally for the carrying out of the purposes of this section.

**15.** The flood rate shall be determined in the manner following :— **Mode of determining amount of flood rate.**

(*a*) the flood authority shall, on or before the first day of October in each year, by writing signed by such authority, fix the rate for the ensuing year, and shall, on or before the said day, give public intimation thereof by notice to be published in the *Government Gazette* and one newspaper published in the Island ;

(*b*) any person objecting to the proposed rate may file his objections in writing at the office of the flood authority on or before the first day of December following ;

(*c*) the flood authority, as soon as may be practicable, shall forward to the Executive Committee of Agriculture and Lands, to be laid before the Governor, the said notice fixing the rate and all objections thereto ;

(*d*) on receiving the said notice, and the objections in writing, if any, the Governor may finally determine what the rate shall be, and the rate so determined shall be the flood rate for the current year ; and

(*e*) the production of the *Government Gazette* containing an official intimation that the rate and the amount thereof have been determined by the Governor shall be conclusive evidence that the rate has been duly made.

**16.** The flood rate shall be payable in such instalments as may from time to time be appointed by the flood authority. **Payment of flood rate in instalments.**



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Proof of amount due.

**17.** A statement purporting to be signed by the flood authority shall, without proof of the signature, be prima facie evidence that the amount stated is payable in respect of the rate.

Change of thoroughfares.

**18.** (1) If it becomes necessary for the purposes of any scheme under this Ordinance to change the position of any thoroughfare passing through a flood area or any portion thereof, the Governor may order such thoroughfare or portion thereof to be stopped up and another course for such thoroughfare or portion thereof, to be substituted.

(2) If in the execution of any such order it becomes necessary to take possession of the land of any person, it shall be lawful for the Director, subject to the approval of the Governor, to make an agreement with the owner, for the compensation to be paid for such land, and for any buildings, fences, growing crops, or trees, thereon, either by allowing him to possess the ground, or part of the ground, of the former thoroughfare, or by the grant of other land in exchange or by payment of money or by any two or more of such methods.

(3) The land of any private person taken possession of in pursuance of such agreement shall vest in the Crown without any formal transfer thereof, and the certificate of the Director that any person has been allowed to possess any part of the ground of the former thoroughfare or such other land, together with a survey thereof, shall be a sufficient proof of the right of such person to the same.

(4) If the Director cannot agree with such owner as to the compensation to be made, or if the owner cannot be found, or if it be not thought advisable to enter into any such agreement then proceedings may be taken for obtaining possession of such land, and for compensating the owner, in the manner hereinafter in this Ordinance provided.

Power of entry.

**19.** The Director, any inspecting officer, and any flood authority, accompanied by the assistants, servants, workmen, and labourers employed by or under such Director, inspecting officer, or flood authority, may, at all times and with all necessary and proper vehicles and animals and other means, enter upon any land, and there severally do and perform all acts, matters, and things necessary for the purpose of carrying out the provisions of this Ordinance or for the effectual preparation of any scheme thereunder.



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Acquisition of land for purposes of Ordinance.

**20.** Where under this Ordinance any land or building or part of any land or building is required for the purposes of this Ordinance, and the amount of the compensation in respect thereof is not settled by agreement, the Governor, upon the application of the Director or of the flood authority seeking to make the acquisition, may declare that the land or building or the part of the land or building is required for a public purpose, and may order proceedings to obtain possession of the same for the Government and to determine the compensation to be paid to the party interested under the Land Acquisition Ordinance.



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# CHAPTER 310.

## SEASHORE PROTECTION.

*Ordinance* No. 12 of 1911.

AN ORDINANCE TO MAKE BETTER PROVISION FOR THE PREVENTION OF DAMAGE TO LAND BORDERING THE SEA AND BUILDINGS THEREON, CAUSED BY THE REMOVAL OF SAND, STONE, CORAL, AND OTHER SUBSTANCES FROM THE SEASHORE AND SEA.

[1*st July*, 1911.]

Short title.

**1.** This Ordinance may be cited as the Seashore Protection Ordinance.

Governor to proclaim area from which sand, &c., may not be removed.

**2.** The Governor may, by Proclamation in the *Government Gazette*, proclaim any part of the seashore of this Island as an area from or over which no sand, stone, coral, or other substance shall be removed, and thereupon no person shall remove from such area or from the bed of the sea contiguous thereto to a distance of one mile from the shore any sand, stone, coral, or other substance without a licence from the Government Agent of the Province within which such area or the larger part of it is situated, which licence shall specify and define as far as practicable the spot or place from which sand, stone, coral, or other substance may be removed, and may set forth such terms and conditions as to the Government Agent may seem proper, subject to which sand, stone, coral, or other substance may be removed.

Terms of Proclamation.

**3.** Every such Proclamation as aforesaid shall specify and define as far as practicable the exact limits of the area aforesaid, and the date from which such Proclamation shall take effect, and the Governor may, at any time, revoke such Proclamation.

Government Agent may prohibit removal of sand, &c., from any particular spot on seashore.

**4.** It shall be lawful for the Government Agent of any province to prohibit the removal of sand, stone, coral, or other substance from any spot or place on the seashore within his Province adjoining or near any public road, thoroughfare, public work, or public building, or adjoining or near any part of the Ceylon Government Railway, if such removal be, in



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his judgment, calculated to injure such road, thoroughfare, public work, public building, or railway, and he shall cause notice of such prohibition to be given by such means as shall seem to him likely to give sufficient publicity thereto.

Penalty for contravention of Ordinance.

**5.** Any person who in contravention of the provision of section 2 of this Ordinance, or contrary to the terms of any licence issued under the said section, or in contravention of a prohibition under section 4, removes any sand, stone, coral, or other substance, or causes, or assists in such removal, shall be guilty of an offence, and shall be liable on conviction to a fine which may extend to one hundred rupees, or to imprisonment of either description for a period not exceeding three months.

Meaning of "removal of sand," &c.

**6.** The removal of sand, stone, coral, or other substance contemplated by sections 2, 4, and 5 of this Ordinance shall include the doing of any act upon any property, whether belonging to any person or persons whomsoever or otherwise, which causes the disturbance or displacement of sand, stone, coral, or other substance on or from any place on the seashore or bed of the sea aforesaid.

Appeal to Governor.

**7.** In any case in which a Government Agent has refused to issue a licence under section 2 of this Ordinance, or has issued any such licence subject to a condition to which objection is taken by the licensee, or has issued a prohibition under section 4 of this Ordinance, an appeal shall lie by any person aggrieved to the Governor :

Provided that every such appeal shall be made within twenty-one days of such refusal, or imposition of condition, or prohibition ;

Provided further that such appeal shall not affect the validity of any such prohibition pending the consideration of the appeal.



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# CHAPTER 311.

## FORESTS.

*Ordinances* Nos. 16 of 1907, 11 of 1912, 24 of 1918, 23 of 1931, 16 of 1935.

AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAW RELATING TO FORESTS AND THE FELLING AND TRANSPORT OF TIMBER.

[2*nd January*, 1908.]

### CHAPTER I.

### PRELIMINARY.

Short title.

**1.** This Ordinance may be cited as the Forest Ordinance.

Questions of title.

**2.** If in any prosecution or proceeding under this Ordinance any question shall arise as to the title to the land in respect of which any such prosecution or proceeding shall be taken, the court or officer having jurisdiction to entertain and adjudicate upon any such prosecution or proceeding shall, for the purposes of the said prosecution or proceeding, have jurisdiction to try and determine any such question of title:

Provided that the judgment or decision of such court or officer on any such question shall not be received as evidence of title or pleaded in bar in any civil suit or proceeding or [§ 2, 23 of 1931.] in any proceeding under the Land Settlement Ordinance, in which the title to the land in question may be put in issue.

And in the event of judgment being entered in any suit or proceeding instituted against the Crown decreeing the title to any land reserved under this Ordinance or under any Ordinance hereby repealed to be vested in the person instituting such suit or proceeding, such land shall cease to be reserved from the date of such decree.

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### CHAPTER II.

### OF RESERVED FORESTS.

Proclamation declaring forest reserved.

**3.** When the following events have occurred, namely :—

(*a*) when lands have been resumed by the Crown under the provisions of the Lands Resumption Ordinance ;



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(*b*) when lands have been declared to be the property of the Crown by an order passed under "The Waste Lands Ordinances, 1897 to 1903*" or made under the Land Settlement Ordinance ; [§ 3, 23 of 1931.]

(*c*) when any land has been acquired by the Crown for public purposes under the provisions of the Land Acquisition Ordinance,

the Governor may, by Proclamation to be published in the *Government Gazette*, declare all or any of such lands or any part or parts thereof to be a reserved forest, and such Proclamation shall specify the limits of the forest which it is intended to reserve, and declare the same to be reserved from a date fixed by such Proclamation. From the date so fixed such forest shall be deemed to be a reserved forest.

Section 13 of the Interpretation Ordinance, shall not apply to the interpretation of this section. [§ 3, 23 of 1931.]

Publication of Proclamation in Sinhalese and Tamil.

**4.** (1) The Government Agent of the province in which the forest so reserved is situate shall, before the date fixed by such Proclamation, cause a translation thereof in the language of the district to be published in the manner following, that is to say :

By a notification in the Sinhalese and Tamil languages, which shall be published in every chief headman's division of the district in which any portion of the land comprised in the aforesaid Proclamation is situate, and in every town and village in the immediate neighbourhood of such land. Every such notification shall—

(*a*) specify as nearly as possible the situation and limits of the proposed forest ;

(*b*) explain the consequences which will ensue on the reservation of such forest.

Power of Governor to declare forest no longer reserved.

(2) The Governor may, by Proclamation in the *Gazette*, direct that from a date fixed by such Proclamation any reserved forest or any portion thereof shall cease to be reserved. From the date so fixed such forest or portion of forest shall cease to be reserved.

Power of forest officer to stop ways and water-courses in reserved forest.

**5.** A forest officer duly empowered in that behalf may, from time to time, stop any public or private way or water-course in a reserved forest :

* Repealed by 20 of 1931.



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[§ 2, 16 of 1935.] Provided that for the way or water-course so stopped another way or water-course, which in the opinion of the Government Agent is equally convenient, already exists, or has been provided or constructed by such forest officer;

Provided further, that it shall be lawful for the Government Agent to determine the amount of compensation to be paid, in case he is of opinion that the substituted way or water-course injuriously affects the interests of one or more individuals to whom on that account compensation should be paid.

Acts prohibited in such forests.

**6.** A person who in a reserved forest—

[§ 3, 16 of 1935.] (*a*) trespasses, or permits cattle to trespass;

(*b*) causes any damage by negligence in felling any tree, or cutting or dragging any timber;

(*c*) wilfully strips off the bark or leaves from, or otherwise damages, any tree;

[§ 3, 16 of 1935.] (*d*) poisons water; and

[§ 3, 16 of 1935.] (*e*) in contravention of any regulations made by the Governor, pastures cattle, hunts, shoots, fishes, or sets traps or snares or guns, or constructs or uses ambushes, or uses any explosive substance,

shall be guilty of an offence, and be liable on conviction to a fine which may extend to fifty rupees, or, when the damage resulting from his offence amounts to more than twenty-five rupees, to double the amount of such damage.

Further prohibited acts.

**7.** Any person who—

(*a*) makes any fresh clearing in a reserved forest; or

(*b*) sets fire to a reserved forest, or in contravention of any [§ 4, 16 of 1935.] regulations made by the Governor kindles any fire, or leaves any fire burning in such manner as to endanger the reserved forest or any part thereof;

or who, in a reserved forest—

(*c*) kindles, keeps, or carries any fire except at such seasons and in such manner as a forest officer, specially empowered in this behalf, may from time to time notify;

(*d*) fells, girdles, lops, taps, or burns any tree;

(*e*) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest produce;



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(*f*) clears or breaks up any land for cultivation or any other purpose ;

(*g*) damages, alters, or removes any wall, ditch, embankment, fence, hedge, or railing,

shall be guilty of an offence, and be liable on conviction to imprisonment for a term which may extend to six months, or to fine which may extend to five hundred rupees, or to both, in addition to such compensation for damage done to the forest as the convicting court may direct to be paid. Such compensation when awarded shall be treated in all respects as a fine, shall be recoverable as such, and shall not exceed the amount of fine which such court has power to impose.

Acts excepted from prohibition contained in sections 6 and 7. [§ 5, 16 of 1935.]

**8.** (1) Nothing in section 6 or section 7 shall be deemed to prohibit any act done in accordance with any regulation made by the Governor or with the permission in writing of a forest officer empowered to grant such permission.

(2) The Governor may from time to time make and when made may revoke, vary, or amend regulations with regard to reserved forests or with regard to any particular reserved forest for any of the purposes mentioned in section 20 (1).

Power of Governor to suspend rights of pasture, &c., in certain cases.

**9.** Whenever fire is caused wilfully or by gross negligence in a reserved forest by any person having rights in such forest, or having permission to practise chena cultivation therein, or by any person in his employment, the Governor may (notwithstanding that a penalty has been inflicted under section 7 in respect of such fire) direct that in such forest or any specified portion thereof the exercise of all or any of the rights of pasture or to forest produce shall be extinguished or suspended for such period as he thinks fit, and may withdraw any permission to practise chena cultivation in such forest or portion.

Forests reserved under former law.

**10.** Any forest which has been declared a reserved forest under any law in force previous to the commencement of this Ordinance shall be deemed to have been reserved hereunder ; and all questions decided, orders issued, and records prepared in connection with the reservation of such forest shall be deemed to have been decided, issued, and prepared hereunder, and all provisions of this Ordinance relating to reserved forests shall apply to such forest.



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FORESTS LEASED BY THE GOVERNMENT.

Application of Ordinance to leased forests.

**11.** It shall be lawful for the Governor, by Proclamation in the *Government Gazette*, at any time or from time to time to declare any of the provisions of this Ordinance, and of any regulations or rules made hereunder, to be applicable to forests leased to the Crown, and to bring such forests within the operation of such provisions, regulations, or rules, and any such Proclamation to revoke, alter, or amend.

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## CHAPTER III.

## OF VILLAGE FORESTS.

Constitution of village forests.

**12.** The Governor may, by Proclamation in the *Government Gazette*, constitute any portion of forest a village forest for the benefit of any village community or group of village communities, and may in like manner vary or cancel any such Proclamation. Every such Proclamation shall specify the limits of such village forest.

Trees in Schedule I. in a village forest the property of the Crown.

**13.** All trees enumerated in Schedule I. in a village forest shall be deemed to be the property of the Crown.

[§ 6, 16 of 1935.]

Acts prohibited in village forest.

[§ 7, 16 of 1935.]

**14.** (1) No person shall in a village forest—

(*a*) poison water, or injure by fire or otherwise any tree enumerated in Schedule I, or

(*b*) in contravention of any regulation made by the Governor under subsection (2), pasture cattle, or cut, mark, lop, girdle, saw, convert, or remove any tree enumerated in Schedule I.

(2) The Governor may by regulation prescribe the officers who shall be authorised to grant permission to any person in a village forest to do any act mentioned in paragraph (*b*) of subsection (1), and the circumstances in which and the conditions subject to which such permission may be granted by such officers or any such act may be done.

Power of Governor to make regulations for village forests.

**15.** The Governor may make regulations for the management of village forests, prescribing the conditions under which the community or group of communities for the benefit of which any such forest is constituted may be provided with



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timber or other forest produce or with pasture, and their duties in respect of the protection and improvement of such forest. The Governor, may, by such regulations, declare any of the provisions of Chapter II. of this Ordinance to be applicable to village forests.

Saving of private rights.

**16.** Nothing in this Chapter shall be deemed to affect any existing rights of any person in or over any village forest.

Penalty for breach of sections 14 and 15.

[§ 8, 16 of 1935.]

**17.** Every person who shall act in contravention of the provisions of section 14 or of any regulation made thereunder, and every person who commits a breach of any of the regulations made under section 15, shall be guilty of an offence punishable by a fine not exceeding one hundred rupees or by imprisonment which may extend to six months.

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## CHAPTER IV.

### Of the Protection of Forest and Forest Produce.

Reserved trees.

[§ 4, 23 of 1931.]

**18.** (1) All trees of the several species specified in Schedule II. standing in any forest shall be deemed to be reserved trees.

(2) The Governor may by notification in the *Gazette* add any species to or delete any species from the said Schedule.

Protection of reserved trees.

**19.** No person shall, or shall cause any other person to, cut, mark, lop, girdle, tap, or injure, by fire or otherwise, any reserved tree in any forest, except as provided by rules made by the Governor in this behalf, or unless with the permission in writing of a forest officer empowered by the Governor to grant such permission.

Power to make rules generally.

**20.** (1) No person shall clear, set fire to, or break up the soil of, or make use of the pasturage or of the forest produce of, any forest not included in a reserved or village forest, except in accordance with rules to be made by the Governor. Such rules may, with respect to such forests, or with respect to any particular forest—

(*a*) regulate or prohibit the cutting of or setting fire to chenas, or the issue of grants or leases by the Crown with respect to land on which trees enumerated in Schedule II. are growing;



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(*b*) regulate or prohibit the kindling of fires, and prescribe the precautions to be taken to prevent the spreading of fires ;

(*c*) regulate or prohibit the cutting, sawing, conversion, and removal of trees and timber, and the collection and removal of forest produce ;

(*d*) regulate or prohibit the building of houses or huts, the quarrying of stone or coral, or the digging for plumbago or gems, or the burning of lime or charcoal ;

(*e*) regulate or prohibit the cutting of grass and the pasturing of cattle, and regulate the payments (if any) to be made for such cutting or pasturing ;

(*f*) regulate or prohibit hunting, shooting, fishing, poisoning water, and setting traps or snares or guns, constructing or using ambushes, or the use of explosives ;

(*g*) regulate the sale or free grant of timber or other forest produce ; and

(*h*) prescribe, or authorise any forest officer to prescribe, subject to the sanction of the Governor*, the fees, royalties, or other payments for such timber or other forest produce, and the manner in which such fees, royalties, or other payments shall be levied, whether in transit, or partly in transit, or otherwise.

Nothing in this section shall be deemed to affect any existing rights of any person in or over pasturage.

(2) The Governor may, by notification in the *Government Gazette* from time to time, exempt any person or class of persons or any local area the limits of which shall be defined in such notification, from the operation of any such rule, and may from time to time cancel any such exemption.

Penalties.

**21.** The breach of any of the provisions of, or rules made under, this Chapter shall constitute an offence punishable by a fine not exceeding one hundred rupees, or by imprisonment which may extend to six months.

Exemptions.

**22.** No act shall be deemed to be an infringement of any rule made under this Chapter, if done with the permission in writing of the forest officer duly authorised in that behalf.

*Delegated to the Executive Committee of Agriculture and Lands.—*Gazette* No. 8,046 of 4th May, 1934.



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Protection from conviction in certain forest cases.

[§ 5, 23 of 1931.]

**23.** No person shall be deemed to have committed an offence in respect of clearing or cutting or setting fire to, or breaking up the soil of, any chena in any case in which the forest in respect of which the prosecution has been instituted has not been declared under the Land Settlement Ordinance, or any Ordinance repealed thereby to be the property of the Crown, if—

(*a*) the complainant fails to prove that the trees in the said forest are of more than twenty years growth, and

(*b*) the accused satisfies the court that he claims the said forest by inheritance or upon deed based upon inheritance and that he or his predecessors in title have on at least two occasions cultivated it according to the customary cycle of cultivation after intervals of several years for similar lands in the same locality.

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## CHAPTER V.

### Of the Control of Timber and Forest Produce in Transit.

Power of Governor to make regulations.

**24.** (1) The Governor*, may make regulations respecting the transit of all forest produce by land or water. Such regulations may, among other matters—

(*a*)*prescribe the places at and the routes by which alone forest produce may be exported from, or removed within, the Island ;

(*b*) prohibit the import, export, collection, or removing, from any specified local area, of timber without a pass from the landholder from whose land it was brought, or from an officer duly authorised to issue the same, or otherwise than in accordance with the conditions of such pass ;

(*c*) prescribe the form of passes, and provide for their issue, production, and return ;

(*d*) fix the fees payable for passes for forest produce and timber when cut on land the property of the Crown ;

(*e*) in the case of timber formed into a raft or fastened to the shore, prohibit the loosening or the setting adrift of such timber by any person not the owner thereof, or not acting on behalf of such owner or of the Crown ;

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* Powers under paragraph (*a*) delegated to every Government Agent in respect of his Province.—*Gazette* No. 8,046 of 4th May, 1934.



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(*f*) provide for the stoppage, reporting, examination, and marking of forest produce in transit, in respect of which there is reason to believe that any money is payable to the Crown, or to which it is desirable, for the purposes of this Ordinance, to affix a mark ;

(*g*) establish, or authorise any forest officer to establish, subject to the control of the Governor, stations to which such forest produce shall be taken by those in charge of it for examination, or for the realization of such money, or in order that such mark may be affixed to it ; and the conditions under which such forest produce shall be brought to, stored at, and removed from such station ;

(*h*) provide for the management and control of such stations, and for regulating the appointment and duties of persons employed thereat ;

(*i*) authorise the transport of timber the property of the Crown across any land, and regulate the compensation to be paid for any damage done by the transport of such timber ;

(*j*) prohibit the closing up or obstruction of the channel or banks of any river, lagoon, or backwater used for the transit of timber or other forest produce, and the throwing of grass, brushwood, branches, and leaves into any such river, lagoon, or backwater, or any other act which tends to cause the obstruction of such channel ;

(*k*) provide for the prevention and removal of any obstruction in the channel or on the banks of any such river, lagoon, or backwater, and for recovering the cost of such prevention or removal from the person, or by the sale of any timber or other forest produce causing such obstruction ;

(*l*) prohibit absolutely, or subject to conditions within specified local limits, the establishment of sawmills, sawpits, the converting, cutting, burning, concealing, marking, or supermarking of timber, the altering, defacing, or effacing of any marks on the same, and possession or carrying of marking hammers or other implements used for marking timber ;

(*m*) regulate the use of property marks for timber, and the registration of such marks ; declare the circumstances in which the registration of any property marks may



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be refused or cancelled ; prescribe the time for which such registration shall hold good ; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration ;

(*n*) provide for the protection of bridges, locks, or other public works by regulating the floating of timber or forest produce and the storing of timber or forest produce on river banks, and by authorising the seizure of timber or forest produce floated or stored in contravention of any rule for the time being in force in that behalf, or by which any damage to such works may have been caused, and the detention and disposal of such timber or forest produce until compensation has been made for the damage done ;

(*o*) provide for the issue of licences, for the use and possession of marking hammers, and for the levy of fees for such licences.

The Governor may direct that any regulation made under this section shall not apply to any specified class of timber or other forest produce or to any specified local area.

(2) In this section the terms " forest produce " and " timber " shall, unless the context otherwise requires, include timber cut in any land or property, whether the property of the Crown or any private individual.

Penalties.

**25.** The breach of any of the provisions of, or regulations made under, this Chapter shall constitute an offence punishable, except as hereinafter provided, by a fine not exceeding one hundred rupees, or by imprisonment which may extend to six months :

Provided that any such regulation may, within the above limits, prescribe any punishment, or maximum or minimum punishment, for the breach of all or any of the provisions thereof ;

Provided further, that offences under this Chapter shall be punishable by a fine not exceeding two hundred rupees, or by imprisonment which may extend to one year in cases where the offences are committed after sunset and before sunrise, or after the offender shall have made preparations for resistance to lawful authority, or if the offender has been previously convicted of any offence under this Ordinance.



F 18——J. N. 69528 (10/37)

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Power of Government Agent to order a definition of boundaries in certain cases.

**26.** The Government Agent, in case there is reasonable ground for supposing that any timber for the removal of which a permit is desired has been felled on land which is not private property, may require the person claiming to be the owner of the land on which the timber has been felled to mark or renew the boundaries of the said land in manner provided by the proviso to section 10 of the Definition of Boundaries Ordinance; and the issue of any pass to remove the timber may be deferred until such requisition has been complied with to the satisfaction of the Government Agent, unless the claimant shall give security to the satisfaction of the forest officer in an amount equal to the value of such timber.

Power of forest officer, &c., to examine timber in transit.

**27.** The forest officer or any other officer thereto authorised shall have power to stop and examine any timber during transit, and to detain it, if it is in his opinion being removed contrary to the provisions of this Ordinance, and deal with it as provided in Chapter VII.

Power of forest officer, &c., to enter private depot.

**28.** Such forest officer or other officer shall also have power to enter any private depot or timber yard and to inspect the timber therein lying, and to collect and remove all unstamped or unmarked unsawn logs as provided in Chapter VI.

All persons bound to aid in case of accident at any place where timber is detained or kept by any forest officer.

**29.** In case of any accident or emergency involving danger to any property at any place where timber is detained or kept by any forest officer for the purposes of this Ordinance, every person employed at such place, whether by the Crown or by any private person, shall render assistance to any forest officer or police officer demanding his aid, in averting such danger and securing such property from damage or loss.

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## CHAPTER VI.

### Of the Collection of Drift, Stranded, and other Timber.

Certain kinds of timber to be deemed property of the Crown until title thereto proved.

**30.** (1) (*a*) All unclaimed timber found adrift, beached, stranded, or sunk ;

(*b*) all timber bearing marks which have not been registered under regulations made under section 24 ;

(*c*) all timber which has been supermarked, or on which the marks have been obliterated, altered, or defaced by fire or otherwise ; and



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(*d*) In such areas as the Governor directs, all unmarked or unstamped timber,

shall be deemed to be the property of the Crown, unless and until any person establishes his right thereto as provided in this Chapter.

Power of forest officers to collect the same.

(2) Such timber may be collected by any forest officer or other person authorised to collect the same, and may be brought to such stations as a forest officer empowered in this behalf may from time to time notify as stations for reception of drift timber.

(3) The Governor may, by notification in the *Government Gazette*, exempt any class of timber from the provisions of this section, and withdraw such exemption.

Publication of notice as to, and claims to, timber collected under section 30.

**31.** Public notice shall from time to time, as occasion may require, be given by a forest officer empowered in this behalf of timber collected under the preceding section. Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than one month from the date on which such notice is given, a written statement of such claim.

Procedure on claim preferred to such timber.

**32.** (1) When any such statement is presented as aforesaid, the forest officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.

(2) If such timber is claimed by more than one person, the forest officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the civil court and retain the timber pending the receipt of an order from such court for its disposal.

On rejection of claim to such timber claimant may institute suit.

**33.** (1) Any person whose claim has been rejected under section 32 may, within one month from the date of such rejection, institute a suit to recover possession of the timber claimed by him ; but no person shall recover any compensation against the Crown or against any forest officer on account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section.

(2) No such timber shall be subject to process of any civil court until it has been delivered, or a suit brought under this section has been decided.



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Disposal of unclaimed timber.

**34.** If no statement is presented in the manner and within the period prescribed by the notice issued under section 31, or, where such statement having been so presented and the claim having been rejected, the claimant omits to institute a suit to recover possession of such timber within the further period mentioned in section 33, the ownership of such timber shall vest in the Crown free from all incumbrances ; or, when such timber has been delivered to another person under section 33, in such other person, free from all encumbrances not created by him.

Payments to be made by claimant before timber is delivered to him.

**35.** No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the forest officer, or other person entitled to receive it, such sum on account thereof as may be due for collecting, moving, storing, and disposing of the same.

Power of Governor to make regulations and prescribe penalties.

**36.** (1) The Governor may make regulations respecting the following matters, namely :

(*a*) the collection and disposal of all timber mentioned in section 30 ;

(*b*) the amount to be paid for salving, collecting, moving, storing, and disposing of such timber ; and

(*c*) the use and registration of branding irons and other instruments to be used for marking such timber.

(2) The breach of any of the provisions of, or regulations made under, this Chapter shall constitute an offence punishable by a fine not exceeding one hundred rupees, or by imprisonment which may extend to six months.

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## CHAPTER VII.

### Penalties and Procedure.

Seizure of property liable to confiscation.

**37.** When there is reason to believe that a forest offence has been committed in respect of any timber or forest produce, such timber or produce, together with all tools, boats, carts, and cattle used in committing any such offence, may be seized by any forest officer or police officer.

Procedure on seizure.

**38.** Every officer seizing any property under the preceding section shall place on such property, or the receptacle (if any) in which it is contained, a mark indicating that the same has been so seized, and shall, as soon as may be, make a report



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of the circumstances to the Government Agent or Assistant Government Agent :

Provided that when the timber or forest produce with respect to which such offence is believed to have been committed is the property of the Crown and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

As to the proceedings of the Magistrate.

**39.** Upon the receipt of any such report the Government Agent or Assistant Government Agent shall forthwith forward the same to the Magistrate having jurisdiction to try the offence, and such Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

Power of court to confiscate timber, forest produce, &c.

**40.** When any person is convicted of a forest offence, all timber or forest produce which is not the property of the Crown in respect of which such offence has been committed, and all tools, boats, carts, and cattle used in committing such offence, shall be liable, by order of the convicting Magistrate, to confiscation. Such confiscation may be in addition to any other punishment prescribed for such offence.

Disposal, on conclusion of trial for forest offence, of produce in respect of which it was committed.

**41.** When the trial of any forest offence is concluded, any timber or forest produce in respect of which such offence has been committed shall, if it is the property of the Crown or has been confiscated, be taken possession of by a forest officer empowered in this behalf ; and in any other case may be disposed of in such manner as the court may order.

Disposal of perishable property.

**42.** The Government Agent or Assistant Government Agent may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 37 and subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with such property if it had not been sold :

Provided that if the claimant shall give security to the satisfaction of the Government Agent or Assistant Government Agent equal to the value of such property, the Government Agent or Assistant Government Agent shall forthwith release the seizure and allow such property to be removed by the claimant.

Appeal from orders.

**43.** Any person claiming to be interested in property seized under section 37 may, within thirty days from the date



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of any order passed under section 40 or 41, present an appeal therefrom to the Supreme Court, and such court shall deal with the case in the same way as if it were an appeal from a Magistrate's Court in its ordinary jurisdiction.

Property when vested in the Crown.

**44.** When an order for the confiscation of any property has been passed under section 40, and the period limited by section 43 for presenting an appeal from such order has elapsed, and no such appeal has been presented, or when, on such an appeal being presented, the Supreme Court confirms such order in respect of the whole or a portion of such property, such property or portion, as the case may be, shall vest in the Crown free from all encumbrances.

Power of Governor to order release of seizure.

**45.** Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the Governor from directing at any time the immediate release of any property seized under section 37, and the withdrawal of any charge made in respect of such property.

Penalty for wrongful seizure.

**46.** (1) Any forest officer or police officer who vexatiously and unnecessarily seizes any property, on pretence of seizing property liable to confiscation under this Ordinance, shall be liable on conviction to imprisonment for a term which may extend to six months, or to fine which may extend to one hundred rupees, or to both

(2) Any fine so imposed, or any portion thereof, shall, if the convicting Magistrate so direct, be given as compensation to the person aggrieved by such seizure.

Penalty for counterfeiting or defacing marks on trees and timber, and for altering boundary marks.

**47.** Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Penal Code—

(*a*) knowingly counterfeits upon any timber or standing tree, or has in his possession any implement for counterfeiting, a mark used by forest officers to indicate that such timber or tree is the property of the Crown or of some person, or that it may lawfully be cut or removed by some person ; or

(*b*) unlawfully affixes to any timber or standing tree a mark used by forest officers ; or

(*c*) alters, defaces or obliterates any such mark placed on any timber or standing tree by or under the authority of a forest officer ; or



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(*d*) alters, moves, destroys, or defaces any boundary mark of any forest to which any provisions of this Ordinance apply,

shall be liable on conviction to imprisonment for a term which may extend to two years, or to fine, or to both.

Power of forest officer, &c., to arrest without warrant.

**48.** (1) Any forest officer or police officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest offence punishable with imprisonment for one month or upwards, if such person refuses to give his name and residence or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested to the nearest police station, or, if there is no police station in the division, before the chief headman of the division, together with a statement showing the offence with which the accused is charged. The officer in charge of the police station or the chief headman shall, without unnecessary delay, take or send the person arrested to the nearest Magistrate.

Power of forest officer to prevent commission of offence.

**49.** Every forest officer and police officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest offence.

Operation of other laws not barred.

**50.** Nothing in this Ordinance shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a forest offence, or from being liable under such other law to any higher punishment or penalty than that provided by this Ordinance or the regulations or rules made hereunder :

Provided that no person shall be punished twice for the same offence.

Power to forest officer to compound offences.

**51.** (1) Any forest officer empowered by the Governor in this behalf may accept from any person reasonably suspected of having committed any forest offence other than an offence under section 46 or section 47 a sum of money by way of compensation for the offence which may have been committed ; and where any property has been seized as liable to confiscation, may release the same on payment of the value thereof as estimated by such officer.



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(2) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceedings shall be taken against such person or property.

Presumption that timber or forest produce belongs to Crown.

**52.** When in any proceedings taken under this Ordinance, or in consequence of anything done under this Ordinance, a question arises as to whether any timber or forest produce is the property of the Crown, such timber or produce shall be presumed to be the property of the Crown until the contrary is proved.

Offences to be triable summarily.

**53.** Any forest offence other than an offence under section 47 shall be triable by a Magistrate's Court :

Provided that in the case of any such offence a Magistrate who is also a District Judge shall have power to inflict the full penalty prescribed for the offence, notwithstanding any limitation of his ordinary jurisdiction contained in the Criminal Procedure Code ;

Provided further, that a Magistrate, in any case in which he thinks such a course expedient, may order that the proceedings shall be non-summary, and in any such case he shall proceed under Chapter XVI. of the Criminal Procedure Code, and the District Court shall have jurisdiction to try the offence.

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## CHAPTER VIII.

### Cattle Trespass.

Power of forest officer, &c., to seize trespassing cattle.

**54.** Cattle trespassing on a forest plantation under the control and management of forest officers may be seized and impounded by any forest officer or police officer.

Power of Governor to levy fines.

**55.** The Governor may, by notification in the *Gazette*, direct that there shall be levied for each head of cattle impounded under section 54 of this Ordinance such fines as he thinks fit, but not exceeding the following, that is to say :—

| | Rs. | c. |
|---|---|---|
| (*a*) For each elephant or buffalo .. | 10 | 0 |
| (*b*) For each calf, ass, pig, sheep, lamb, goat, or kid .. .. .. | 2 | 50 |
| (*c*) For every head of cattle other than the above | 5 | 0 |



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**56.** If the amount of the fine be not paid within seven days from the time of impounding of any such head of cattle, together with the costs of its agistment, it shall be lawful for the forest officer to sell such head of cattle by public auction, and after deducting from the proceeds of such sale the amount of the fine, the costs of the agistment, and of such sale, such forest officer shall pay the surplus (if any) to the owner of the cattle.

Procedure if fine not paid.

**57.** If it shall be shown to the satisfaction of any Government Agent or Assistant Government Agent that cattle are in the habit of trespassing on any forest plantation situated wholly or in part within his province or district and cannot be seized, it shall be lawful for him to authorise, by licence in writing under his hand, some fit person or persons to proceed to such plantation, and if after reasonable exertion such person shall find it impracticable to seize such animals, to shoot or otherwise destroy the same, or cause the same to be shot or otherwise destroyed in his presence, and this notwithstanding that in the endeavour to seize such animals they may have been driven off such plantation :

Power to shoot cattle on forest plantation.

Provided that such licence shall not be subject to any stamp duty, and shall not be in force for more than one month from the date thereof.

## CHAPTER IX.

### Of Forest Officers.

**58.** It shall be lawful for the Governor from time to time to appoint a Conservator of Forests and such forest officers as are required for the purposes of this Ordinance, and there shall be paid to such Conservator and forest officers such salaries as the Governor, with the advice and consent of the State Council, may from time to time determine.

Appointment of Conservator of Forests, &c.

**59.** (1) The Governor may invest any forest officer by name or as holding an office with the following powers, that is to say :—

Power of Governor to invest forest officer with certain powers.

(*a*) the powers of Commissioners appointed under the provisions of the Commissions of Inquiry Ordinance to compel the attendance of witnesses and the production of documents, provided that the requirements of the proviso to section 3 of such Ordinance shall not be necessary for the purposes of this Ordinance ;



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(*b*) power to issue search warrants under the Criminal Procedure Code ;

(*c*) power to hold inquiries into forest offences, and in the course of such inquiries to receive and record evidence ;

(*d*) power to notify seasons and manner in which fire may be kindled, kept, or carried in a reserved forest ;

(*e*) power to grant any permission referred to in sections 8, 13, 19, 24, 30, or 69 ;

(*f*) power to give public notice of timber collected under section 30 ;

(*g*) power to take possession of property under this Ordinance ;

(*h*) power to direct the release of property or withdrawal of charges ;

(*i*) power to accept compensation for forest offences,

and the Governor may withrdaw any powers so conferred by him.

(2) Any evidence recorded under paragraph (*c*) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate of the alleged offender :

Provided that it has been taken in the presence of the accused person, and recorded in the manner provided by law.

Forest officers deemed public servants.

**60.** All forest officers shall be deemed to be public servants within the meaning of the Penal Code.

Indemnity for acts done in good faith.

**61.** No suit or criminal prosecution shall lie against any public servant for anything done in good faith or omitted by him in good faith under this Ordinance.

Forest officers not to trade.

**62.** Except with the permission in writing of the Governor no forest officer shall, as principal or agent, trade in timber or forest produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest.

Control of forest may be delegated to Conservator.

**63.** The Governor may, by notification in the *Government Gazette*, declare any reserved forest to be solely under the control of the Conservator of Forests, subject to such restrictions as the Governor may from time to time think fit to impose.



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CHAPTER X.

MISCELLANEOUS.

Additional powers to make regulations.

**64.** The Governor may make regulations consistent with this Ordinance—

(*a*) to declare by what forest officer or class of forest officers the powers or duties conferred or imposed by or under this Ordinance on a forest officer shall be exercised or performed ;

(*b*) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Ordinance or from the Treasury ; and

(*c*) generally to carry out the provisions of this Ordinance.

Regulations when to have force of law.

**65.** All regulations or rules made or approved by the Governor under this Ordinance shall be published in the *Gazette*, and shall thereupon have the force of law.

Powers of Governor exercisable from time to time.

**66.** All powers conferred by this Ordinance on the Governor may be exercised from time to time as occasion requires.

Persons bound to assist forest officer and police officer.

**67.** Every person who exercises any right in a reserved forest or a village forest, or who is permitted to take any forest produce from or to cut and remove timber, or to pasture cattle, or to carry on chena cultivation in, such forest, and

(i) every person who is employed by any such person in such forest ; and

(ii) every person in any village contiguous to such forest who is employed by the Crown, or who receives emoluments from the Crown for services to be performed to the community,

shall be bound to furnish without unnecessary delay to the nearest forest officer, police officer, or headman any information he may possess respecting the occurrence of a fire in or near such forest, or the commission of, or intention to commit, any forest offence ; and shall assist any forest officer, police officer, or headman demanding his aid—

(*a*) in extinguishing any fire occurring in such forest ;

(*b*) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest ;

(*c*) in preventing the commission in such forest of any forest offence ; and



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(*d*) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

Recovery of money due to the Crown.

**68.** All money, other than fines, payable to the Crown under this Ordinance, or under any regulation or rule made hereunder, or on account of the price of any timber or forest produce, or of expenses incurred in the execution of this Ordinance in respect of timber or forest produce, shall, if not paid when due, become a debt due to the Crown and be recovered under the provisions contained in sections 72, 73, 74, 75, or 76 of this Ordinance.

Lien on forest produce for such money.

**69.** (1) When any such money is payable for, or in respect of, any forest produce, the amount thereof shall be deemed to be a first charge on such produce ; and such produce may be taken possession of by a forest officer empowered by the Governor in this behalf, and may be retained by him until such amount has been paid.

Power to sell such produce.

(2) If such amount is not paid when due, such forest officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount. The surplus (if any), if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to the Crown.

The Crown not liable for loss or damage in respect of certain timber.

**70.** The Crown shall not be responsible for any loss or damage which may occur in respect of any timber while at a station established under a regulation made under section 24, or while detained elsewhere for the purposes of this Ordinance, or in respect of any timber collected under section 30 ; and no forest officer shall be responsible for any such loss or damage unless he causes the same negligently, maliciously, or fraudulently.

Property seized may be sold.

**71.** It shall be lawful for the Government Agent or Assistant Government Agent or forest officer to sell by public auction any forest produce or property seized under the provisions of this Ordinance, and except where express provision for the application of the proceeds of sale has been made in this or any other Ordinance, the proceeds of such sale shall be paid into the Kachcheri and form part of the public revenue of the Island.



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Property of Crown debtors under section 68 may be sold.

**72.** It shall be lawful for the Government Agent to seize any property whatsoever belonging to the person by whom any debt is due to the Crown, under the provisions of section 68 of this Ordinance, wheresoever the same may be found within the province of such Government Agent, and if the amount due in respect of such debt and the costs and charges of seizure be not sooner paid or tendered, to sell the property so seized by public auction at any time not less than ten or more than thirty days from the time of such seizure.

Overplus to be restored to owner.

**73.** In the event of a sale of property seized, the Government Agent at whose instance such seizure was made shall, after deducting the amount due by the debtor and also the costs and charges attending the seizure and sale (which said costs and charges such Government Agent is hereby authorised to retain), restore the overplus arising from such sale, if any there be, to the owner of the property sold.

Certificate of sale of immovable property.

**74.** If land or other immovable property be sold under the provisions of this Ordinance, a certificate substantially in the form given in Schedule III., signed by the Government Agent, shall vest such property absolutely in the purchaser free from all encumbrances. Such certificate shall be liable to the stamp duty for the time being fixed on conveyances of immovable property and to registration fees, such duty and charges being payable by the purchaser.

Certificate of sale in case of purchase by Crown.

**75.** If the land so sold be purchased by the Government Agent, who is hereby authorised to bid for and purchase the same on behalf of the Crown, a certificate substantially in the form given in Schedule IV., signed by the Government Agent, shall vest the property absolutely in the Crown free from all encumbrances :

Provided that such certificate shall not be liable to stamp duty or other fees.

Crown may take credit for amount due from defaulter.

**76.** Whenever the Crown purchases any land under the provisions of the last preceding section, the Crown shall not be required to pay the whole of the purchase money of such land but shall be entitled to take credit for the amount due from the defaulter under this Ordinance :

Provided that in the event of the land sold realizing a less sum than the amount due, nothing herein contained shall preclude the Crown from instituting any civil action or



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process against the defaulter for the recovery of the balance due by him after deducting the purchase money realized by the sale of the land.

Regulations and rules to be laid before State Council.

**77.** All regulations and rules under this Ordinance made and approved by the Governor, shall be laid before the State Council within one month of the commencement of the session next after the making of such regulations or approval of such rules, and shall cease to have any force or effect if disapproved by the Council within two months of being so laid on the table.

Interpretation.

**78.** In this Ordinance, and in all rules made hereunder, unless there is something repugnant in the subject or context—

"Assistant Government Agent" means the Assistant Government Agent of the district ;

"cattle" includes elephants, buffaloes, horses, ponies, mules, asses, pigs, sheep, goats, and the young of the same ;

"classification mark" means a mark placed on timber to denote its origin, or the agency by which it has been handled, or the value class to which it has been accorded ;

"forest" means all land at the disposal of the Crown ;

"forest offence" means an offence punishable under this Ordinance or any regulation or rule made hereunder ;

"forest officer" means all persons appointed by name or as holding an office by or under the orders of the Governor to be Conservators, deputy conservators, assistant conservators, foresters, forest rangers, forest guards, or forest watchers, or to discharge any function of a forest officer under this Ordinance or any regulation or rule made hereunder ;

"forest plantation" means any plantation made in any forest ;

"forest produce" includes the following things when found in or brought from a forest, that is to say—

(*a*) trees and leaves, flowers and fruits, seeds, roots, juice, timber, charcoal, caoutchouc, catechu, wood oil, resin, natural varnish, bark, lac, gum, and myrabolans,



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(*b*) plants not being trees, including grass, creepers, reeds, and moss, and all parts or produce of such plants,

(*c*) tusks, horns, shed horns, and edible birds' nests,

(*d*) peat, surface soil, rocks, and minerals, including limestone, laterite, bitumen, bituminous shale, asphalt, mineral oils, and all products of mines or quarries ;

"Government Agent" means the Government Agent of the province ;

"headmen" means all persons holding appointments as territorial headmen by warrant or act under the hand of the Governor or of the Government Agent, excepting headmen appointed for irrigation purposes or for the purposes of the Village Communities Ordinance ;

"imprisonment" means either rigorous or simple imprisonment as the court adjudging the same may impose ;

"land at the disposal of the Crown" includes—

(*a*) all forest, waste, chena, uncultivated, or unoccupied land, unless proof is adduced to the satisfaction of the court that some person—

(i) has acquired, by some lawful means, a valid title thereto, or

(ii) has acquired a right thereto as against the Crown by the issue to him of any certificate of no claim by the Crown under the Crown Lands Encroachments Ordinance or the Definition of Boundaries Ordinance, or

(iii) is entitled to possess the same under a written grant or lease made by or on behalf of the British, Dutch, or native Governments, and duly registered in accordance with law ;

(*b*) all lands resumed by the Crown under the provisions of the Lands Resumption Ordinance, and all lands which have been declared to be the property of the Crown by any order



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passed under "The Waste Lands Ordinances, 1897 to 1903*", the Land Settlement Ordinance, or to which the Crown is otherwise lawfully entitled ;

"police officer" includes police headmen, police vidanes, and constables ;

"property mark" means a mark placed on timber to denote that after all purchase money or royalties due to the Crown shall have been paid the owner of the mark has or will have a right of property in such timber ;

"reserved forest" means and includes—

(*a*) a forest and every part of a forest declared to be a reserved forest under the provisions of section 3 of this Ordinance, or the corresponding provisions in any Ordinance hereby repealed or in any enactment to be hereafter enacted for the purpose of defining reserved forest,

(*b*) stream reservations and reservations on the banks of rivers,

(*c*) road reservations,

(*d*) plantations, forest depots, and chenas planted with forest trees ;

"river" includes streams, canals, creeks, reservoirs, tanks, lakes, ponds, and other channels, natural or artificial ;

"timber" includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not ;

"tree" includes bamboos, stumps, and brushwood, palms, canes, and trees in all stages of their growth.

* Repealed by 20 of 1931.



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## SCHEDULE I.

[Section 13.]

| Sinhalese Name. | Tamil Name. | Botanical Name. |
|---|---|---|
| Buruta (Satinwood) | Mutirai .. | Chloroxylon Swietenia, *DC.* |
| Del, Bedi-del .. | Asinippila or Angili-maram .. | Artocarpus nobilis, *Thw.* |
| Dun .. .. | Koongiliyamaram .. | Doona zeylanica and Gard-neri |
| Halmilla (Trinco-malee wood) .. | Chavandalai .. | Berrya Cordifolia, *Burret* |
| Hulanhik (Chita-gong wood) .. | Aglai or Kaloti .. | Chuckrassia velutina *W. et A.* |
| Kalumediriya (Ca-lamander) .. | Pukarunkali .. | Diospyros quæsita, *Thw.* and D. oppositifolia, *Thw.* |
| Kaluwara (Ebony) | Karunkali .. | Diospyros Ebenum, *Koen.* |
| Kina (of the hill country) .. | — .. | Calophyllum Walkerii, *Wight.* |
| Kina (of the low-country) .. | — .. | Calophyllum tomentosum, *Wight.* |
| Kos (Jak) .. | Pila .. .. | Artocarpus integrifolia, *L.* |
| Kumbuk .. | Marutu .. | Terminalia arjuna *W. et A.* |
| Lunumidella .. | Malaivempu .. | Melia composita, *Willd.* |
| Mendora .. | — .. | Vatica chinensis. *Linn.* |
| Mi .. .. | Iluppai .. | Madhuca Longifolia, *Macbr.* |
| Milla .. .. | Kaddamanakku or Mayilai .. | Vitex Pinnata *Linn.* |
| Na (Ironwood) .. | Naka .. .. | Mesua ferrea, *L.* |
| Nedun .. | — .. | Pericopsis Mooniana, *Thw.* |
| Palu .. .. | Palai .. .. | Manilkara hexandra, *Du-bard.* |
| Sapu, Hapu, Gini-hapu | Chanpakam .. | Michelia Champaca, *Linn.* |
| Suriyamara, Huri-mara .. | Ponnaimurankai .. | Albizzia odoratissima, *Benth.* |
| Tammana .. | Tampanai .. | Mischodon zeylanicus, *Thw.* |
| Tekka (Teak) .. | Tekku .. | Tectona grandis, *L.* |
| Walsapu or Wal-buruta .. | — .. | Michelia nilagirica, *Zenk.* |
| Wewarana .. | Ranai or Yavaranai | Alseodaphne semecarpi-folia, *Nees.* |

## SCHEDULE II.

[Section 18.]

| Sinhalese Name. | Tamil Name. | Botanical Name. |
|---|---|---|
| Buruta (Satinwood) | Mutirai .. | Chloroxylon Swietenia, *DC.* |
| Del, Bedi-del .. | Asinippila or Angili-maram .. | Artocarpus nobilis, *Thw.* |
| Dun (of moist dis-tricts) .. | Koongiliyamaram .. | Doona zeylanica, *Thw.* |
| Dummala Dun (of dry districts) .. | Tumpalai .. | Vatica obscura, *Trim.* |
| Hal .. .. | Pinai .. .. | Vateria copallifera, *Retz.* |



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| Sinhalese Name. | Tamil Name. | Botanical Name. |
|---|---|---|
| Halmilla (Trincomalee wood) .. | Chavandalai .. | Berrya Cordifolia, *Burret* |
| Hora (Ceylon gurjan) .. | — .. | Dipterocarpus zeylanicus, *Thw.* |
| Hulanhik (Chitagong wood) .. | Aglai or Kaloti .. | Chuckrassia velutina, *W.et A.* |
| Kadumberiya .. | Vellai Karunkali .. | Diospyros Walkerii, *Guerke* |
| Kalumediriya (Calamander) .. | Pukarunkali .. | Diospyros quæsita, *Thw.*, and D. oppositifolia, *Thw.* |
| Kaluwara (ebony) | Karunkali .. | Diospyros Ebenum, *Koen.* |
| Kina (of low-country) .. | — .. | Callophyllum tomentosum, *Wight.* |
| Kina (of hill-country) .. | — .. | Calophyllum Walkerii, *Wight.* |
| Kohomba or Margosa .. | Vempu .. | Azadirachta indica, *Juss.* |
| Kos (Jak) .. | Pila .. | Artocarpus integrifolia, *L.* |
| Lunumidella .. | Malaivempu .. | Melia composita, *Willd.* |
| Mendora .. | — .. | Vatica Chinensis, *Linn.* |
| Milla .. | Kaddamanakku or Mayilai .. | Vitex Pinnata, *Linn.* |
| Na (Ironwood) .. | Naka .. | Mesua ferrea, L. |
| Nedun .. | — .. | Pericopsis Mooniana, *Thw.* |
| Palu .. | Palai .. | Manilkara hexandra, *Dubard.* |
| Pihimbiya .. | Athalangi, or Chittiraivempu .. | Filicum decipiens, *Thw.* |
| Sapu, Hapu, Ginihapu .. | Chanpakam .. | Michelia Champaca, *Linn.* |
| Siyambala (Tamarind) .. | Puli .. | Tamarindus indica, *Linn.* |
| Suriyamara, Hurimara .. | Ponnaimurankai .. | Albizzia odoratissima, *Benth.* |
| Tal (Palmyra) .. | Panai .. | Borassus flabellifer |
| Tekka (Teak) .. | Tekku .. | Tectona grandis, *L.* |
| Ubberiya .. | — .. | Carallia calycina, *Thw.* |
| Wa .. | Vakai .. .. | Cassia siamea, *Lam.* |
| Walsapu or Walburuta .. | — .. | Michelia nilagirica, *Zenk.* |
| Walukina .. | — .. | Calophyllum bracteatum *Thw.* |
| Wana Mi .. | Malai Illuppai or Kaddiluppai .. | Madhuca fulva, *Macbr.* |
| Wewarana .. | Ranai or yavaranai | Alseodaphne Semecarpifolia, *Nees.* |

[Section 74.]

## SCHEDULE III.

Whereas the sum of Rs. ———— was due to the Crown under the provisions of the Forest Ordinance, from ————, of ————, which said sum has not been paid by the said ———— :

And whereas the land ————, being the property of the said ————, was seized in conformity with the said Ordinance, and sold also in conformity therewith on the ———— day of ————, and the same was purchased by ————, of ————, for the sum of Rs. ————, which has been duly paid by the said ———— :



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Now know Ye that I, ————, Government Agent, by virtue and in exercise of the power vested in me in this behalf by the said Ordinance, do hereby certify that the following property, to wit (*here describe the property, with special accuracy as to boundaries*), has been sold to and purchased by the said ———— for the sum of Rs. ————, which he has duly paid, and that the said premises are and shall henceforward be vested in the said ————, his heirs, executors, administrators, and assigns, free of all encumbrances.

Given under my hand this ———— day of ————.

(*Signature*) ————,
Government Agent.

## SCHEDULE IV.

[Section 75.]

Whereas the sum of Rs. ———— was due to the Crown under the provisions of the Forest Ordinance, from ————, of ————, which said sum has not been paid by the said ———— :

And whereas the land ————, being the property of the said ————, was seized in conformity with the said Ordinance, and sold also in conformity therewith on the ———— day of ————, and the same was purchased by ————, Government Agent, for and on behalf of our Sovereign Lord the King, for the sum of Rs. ————, which has been credited to our said Lord the King in part satisfaction (*or* full, *as the case may be*) of the sum of Rs. ———— due to our said Lord the King :

Now know Ye that I, ————, Government Agent, by virtue and in exercise of the power vested in me in this behalf by the said Ordinance, do hereby certify that the following property, to wit (*here describe the property, with special accuracy as to boundaries*), has been sold to and purchased by the said ————, Government Agent, for and on behalf of our said Lord the King, for the sum of Rs. ————, which said sum has been duly credited to our said Lord the King as aforesaid, and that the said premises are and shall henceforward be vested in our said Lord the King, His heirs and successors, free of all encumbrances.

Given under my hand this ———— day of ————.

(*Signature*) ————,
Government Agent.

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# CHAPTER 312.

## IRRIGATION.

*Ordinances* Nos. 45 of 1917, 18 of 1919, 21 of 1920, 22 of 1922, 17 of 1927, 5 of 1931, 26 of 1931, 7 of 1933, 10 of 1935.

AN ORDINANCE TO AMEND THE LAW RELATING TO IRRIGATION.

[*2nd April*, 1918.]

Short title.

**1.** This Ordinance may be cited as the Irrigation Ordinance.

### CHAPTER I.

### PRELIMINARY.

Irrigation rate.

**2.** (1) An irrigation rate under this Ordinance with reference to any land to which it relates is a charge in favour of the Crown imposed upon the land in respect of water supplied, or to be supplied, to the said land, or in respect of the cost of, or incidental to, the construction or maintenance of any irrigation work benefiting, or intending to benefit, the said land, or of all or any of such matters in combination.

(2) Any such charge may be imposed either—

(*a*) by the instrument under which such land is granted, leased, held, or occupied at the time of such grant or lease, or the commencement of such tenancy or occupation ; or

(*b*) by express agreement between the Crown and the owner, lessee, tenant, or occupier of the land ; or [§ 3, 5 of 1931.]

(*c*) by resolution of the majority of the proprietors of the irrigable area or tract in which the land is comprised, in pursuance of, and subject to, the provisions of this Ordinance; or

(*d*) by any method by which it is specially provided in this Ordinance that an irrigation rate may be imposed.

(3) Any such charge may be either in perpetuity or for a limited period, or in the case of a lease, tenancy, or occupancy,



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for the term of such lease, tenancy, or occupancy, and may be either conditional or unconditional, and may be either for a fixed amount, or may be subject to estimate, measurement, or variation in accordance with the terms of the instrument, resolution, or order by which it is imposed.

(4) Every such charge shall be binding on the land and every part thereof, and such land and every part thereof, and the proprietors of such land and every part thereof, shall be liable for the payment of the same, into whosoever hands the ownership, possession, tenancy, or occupancy of such land or any part thereof under any circumstances may at any time pass, until the said charge shall be extinguished, and such charge shall have priority over all mortgages, hypothecations, encumbrances, and charges whatsoever, whether antecedent in date or otherwise, affecting the land.

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## CHAPTER II.

### Irrigation Districts and Election of District Advisory Committee.

Governor may proclaim irrigation districts.

**3.** (1) It shall be lawful for the Governor, by Proclamation for that purpose to be published in the *Government Gazette*, to declare any district an irrigation district.

Government Agent to call public meeting of proprietors.

(2) The Government Agent shall, as soon as may be after the publication of such Proclamation as aforesaid, or in the case of any existing district in which no committee shall be in office, at such time as may be convenient for the purpose, call a public meeting of proprietors within such district to elect a committee for the purpose of consulting with him and advising him upon matters connected with irrigation in the district.

(3) In case the extent of the district should render more meetings than one necessary, the Government Agent may form several divisions of each district and hold a meeting in each division.

Election of advisory committee. Proceedings at the meeting. [§ 3, 17 of 1927.]

**4.** (1) At every meeting called under section 3 every proprietor within the district or division for which the meeting has been called, who shall be present thereat, shall be entitled to vote.

(2) The proprietors at such meeting shall elect by a majority of the votes of the persons actually present a



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committee of such number as the Government Agent shall determine, being not more than twelve nor less than three, to be associated with the Government Agent for the purpose aforesaid.

(3) Where more meetings than one are held for any district, it shall be the duty of the Government Agent to see that each division is allowed to appoint its proportion of the committee to make up the number for the entire district.

(4) If any members of any committee shall die or leave the district, or shall have been convicted of any crime which in the opinion of the Government Agent disqualifies them for holding any responsible office, or shall neglect or refuse to act, it shall be lawful for the Government Agent to appoint others in their stead, who shall hold office for the remaining part of the period for which such members have been elected.

(5) Committeemen elected under this section shall hold office for a period of five years, and at the expiration of such period a like number of committeemen shall be elected in their place in manner aforesaid.

(6) At any election outgoing committeemen shall be eligible for re-election.

Government Agent may appoint Committee in districts where proprietors cannot publicly meet.

**5.** If owing to the sparseness of the population or the inadequate attendance of the proprietors no public meeting, which in the opinion of the Government Agent is adequately representative of the proprietors of the district, can be convened or held in manner hereinbefore provided, it shall be lawful for the Government Agent, either himself to nominate a committee, or with the approval of the Governor, by order published in the *Government Gazette*, to declare that the provisions of this Chapter, except section 3 (1), shall not be in operation in such district.

Meetings and proceedings.

**6.** (1) It shall be the duty of the Government Agent to meet the advisory committee of each district and consult them on matters connected with irrigation in the district not less than three times a year, or at such other intervals as may be prescribed by rules made under the next succeeding Chapter.

(2) Full minutes shall be made of the proceedings of all such meetings and shall be kept on record at the Kachcheri.



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CHAPTER III.

POWERS OF MEETINGS OF PROPRIETORS.

Powers of proprietors of irrigation district to make rules.

[§ 4, 17 of 1927.]

**7.** The proprietors within any irrigation district may by any resolution passed by a majority of proprietors at any meeting summoned by the Government Agent for the purpose, either of his own motion or on the requisition of the proprietors representing one-fifth or more of the acreage of the district, make rules for the following purposes :—

(*a*) for the encouragement, extension, regulation, and management of paddy cultivation in the district, and of any form of cultivation which is capable of being assisted by irrigation ;

(*b*) for the enforcement of ancient customs affecting such cultivation ;

(*c*) for regulating the powers, duties, remuneration, and duration of office of irrigation headmen ; [§ 4, 17 of 1927.]

(*d*) for regulating and assessing the contributions of labour to be made by the proprietors for the purposes of works for the construction or maintenance of which the proprietors are, in whole or in part, responsible, and for the commutation of such contributions ;

(*e*) generally for the maintenance, conservation, protection, and managemennt of such works.

Special powers of proprietors under irrigation work.

[§ 5, 17 of 1927.]

**8.** (1) The proprietors within the irrigable area of any irrigation work, or of any tract comprised in such area, by a resolution passed by a majority of proprietors at a meeting which shall be summoned by the Government Agent for the purpose, either of his own motion or on the requisition of the proprietors representing one-fifth or more of the acreage of the district, shall have power—

(*a*) to make special rules with respect to such area or tract for all or any of the purposes for which rules may be made under the last preceding section ;

(*b*) to approve of any scheme under Chapter VI. of this Ordinance, or to impose or vary any irrigation rate in pursuance of any such scheme ;

(*c*) to validate any irregularity, correct any informality, or make good any defect in any scheme sanctioned, or resolution sanctioned or passed in pursuance, or intended pursuance, of this Ordinance or of any



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previous Irrigation Ordinance, or in any proceeding antecedent to the sanctioning of such scheme, or the passing of such resolution ;

(*d*) to decide upon or otherwise deal with any question arising in connection with or in the operation of any scheme under this Ordinance, or any resolution of the said proprietors passed under any previous Irrigation Ordinance, which may be referred to the proprietors by the Governor.

(2) Rules made under this section shall, if the majority of the proprietors so require, include rules making provision for the form of cultivation known as betma cultivation, subject to such conditions or modifications as may be therein prescribed.

Register of absent proprietors.

**9.** (1) A register shall be kept at the Kachcheri of every revenue district in which irrigation works are situated of all proprietors of lands under such irrigation works who are resident outside such district, and who may desire to have their names entered therein.

(2) Any such proprietor shall be entitled to have his name and address entered in such register on payment of an annual fee of one rupee.

(3) Notices of all meetings of proprietors under this Ordinance, which persons so registered are entitled to attend, shall be specially served upon such persons by a registered letter directed to the address specified in the register.

Proprietor may vote by proxy. [§ 2, 10 of 1935.]

**10.** (1) Any proprietor may by proxy in writing authorise any other person to represent him and to vote on his behalf at any meeting of proprietors held for the purposes of this Chapter ; and a proprietor who is so represented at any such meeting shall be deemed to be present thereat for the purpose of determining whether the meeting is validly constituted or whether any resolution has been duly passed by a majority of proprietors.

(2) Every such proxy shall be signed by the person giving it and attested by two witnesses.

(3) The officer presiding at the meeting shall have full power to determine the validity of any proxy presented at any such meeting, and his decision shall be final.



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**11.** In this Chapter power to make any rule or to pass any resolution shall be deemed to include power to amend, vary, rescind, or revoke any existing rule or resolution, subject to the approval or disallowance of the Governor, and all references to the making of rules and the passing of resolutions shall be construed accordingly.

Power to make rules, &c., to include power to amend, &c.

**12.** (1) In any district which under section 5 is excluded from the operation of Chapter II., the power to make rules accorded to a meeting of the proprietors of a district by section 7 may be exercised by the Government Agent for all the purposes specified in that section except the purpose specified in paragraph (*d*) thereof.

Rules in certain districts may be made by Government Agent. [§ 2, 26 of 1931.]

(2) All rules which by virtue of this section were valid and in force on the eighth day of September, nineteen hundred and thirty-one, shall continue to be valid and in force until varied, altered, amended or repealed.

[§ 2, 26 of 1931.]

**13.** At any meeting summoned for the purpose of making rules under this Chapter, the proprietors present may appoint a committee, of such number as they may determine, to frame rules on their behalf, subject to confirmation at a subsequent meeting.

Power to depute the making of rules to a committee.

**14.** All rules made and all resolutions passed in pursuance of the provisions of this Chapter shall be transmitted by the Government Agent to the Governor for approval or disallowance thereof by the Governor; and in case such rules or resolutions shall be approved, the said rules or resolutions shall be published in the *Government Gazette*, and shall be further published in the vernacular language or languages of the district in such manner as shall seem to the Government Agent best adapted for bringing the terms and purport of such rules and resolutions to the notice of the persons affected thereby, and upon such publication in the *Government Gazette* shall become binding upon all proprietors affected by such rules or resolutions, and shall be as legal, valid, and effectual as if the same had been inserted herein.

Rules how to be made valid and binding.

## CHAPTER IV.

### Irrigation Headmen.

**15.** There shall be elected in the manner hereinafter provided for each irrigation district or for any area therein defined by the Government Agent one or more irrigation

Election of irrigation headmen.



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headmen, whose duty it shall be, subject to the direction and control of the Government Agent—

(*a*) to attend to all matters connected with the irrigation and cultivation of the lands therein, and the maintenance of rights and works connected therewith ; and

(*b*) to prevent, so far as practicable, any act or omission contrary to any rules in force under this Ordinance, or to ancient customs, or whereby damage may accrue to any of the proprietors :

Provided always that, notwithstanding anything to the contrary in this section contained, the Government Agent may, if in his opinion and in that of the district advisory committee it is not advisable to proceed to an election of irrigation headmen, refrain from doing so for such time as the Government Agent and the district advisory committee may think proper.

Government Agent may appoint officers to assist him in carrying out the powers and duties under this Chapter.

**16.** The Government Agent may, by writing under his hand, appoint officers whose duty it shall be, subject to the general or specific directions of the Government Agent, to assist the Government Agent in exercising and carrying out the powers and duties conferred or imposed upon him under the provisions of this Chapter or any rules made thereunder.

Elections how conducted, &c.
[§ 6, 17 of 1927.]

**17.** (1) Such headmen shall be elected by a majority of the proprietors of the district or area at a meeting of such proprietors summoned by the Government Agent for the purpose.

(2) In any case in which no person shall be elected at any such meeting for the office of headman, the Government Agent shall himself appoint a person to such office.

(3) No person who has been convicted of any crime which, in the opinion of the Government Agent, disqualifies him for holding any responsible office, shall be eligible to be elected or appointed a headman, and no person who for any other reason has been dismissed under subsection (4) shall be so eligible except with the previous consent of the Government Agent.

[§ 2, 7 of 1933.]

(4) The Government Agent may at any time dismiss any headman elected or appointed, or deemed to be elected or appointed, under this Ordinance, who shall be guilty of any misconduct or neglect of duty, or who shall be convicted of

[§ 6, 17 of 1927.]



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any crime which, in the opinion of the Government Agent, disqualifies him for holding any responsible office.

(5) In the event of any vacancy occurring in the office of irrigation headmen by death, resignation, dismissal, or otherwise, the Government Agent shall cause such vacancy to be filled by the election of a headman at a meeting of proprietors summoned for the purpose, and it shall be lawful for the Government Agent to appoint a headman provisionally until one can be elected.

(6) If in the opinion of the Government Agent, after consultation with the district advisory committee there has, in any district or area for which an irrigation headman or headmen has or have been elected, ceased to be any need for the services of such headman or headmen, the Government Agent may summon a meeting of the proprietors of such district or area for the purpose of deciding the matter, and if the majority of the proprietors of the district or area decide that such services are not required, such headman or headmen shall thereupon cease to hold office and to exercise and perform any of the powers and duties conferred upon irrigation headmen under the provisions of this Ordinance. [§ 6, 17 of 1927.]

Duties of headmen.

**18.** (1) Whenever any act shall be committed or an omission made contrary to rules or ancient customs, or whereby damage may accrue to any of the proprietors within any such district or area as aforesaid, the headman thereof shall forthwith repair to the spot, and, if the act or omission complained of be of a nature to call for prompt action to prevent injury, shall take such steps as shall be necessary to remedy the evil likely to result; and shall forthwith report the matter to the Government Agent.

(2) In cases where the headman shall have taken prompt action to prevent injury, such prompt action shall not be held to prevent the act or omission complained of being investigated under the provisions of Chapter V.

Mode of recovering expenditure incurred by headmen.

**19.** Whenever a headman shall incur any expenditure in the execution of his duty as aforesaid, and the person in consequence of whose act or omission such expenditure was incurred shall deny his liability to pay the same, or fail to satisfy it, the Government Agent shall, on his being satisfied that such expenditure was properly incurred, and that it is reasonable, sign a certificate thereof setting out the name of



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the person in consequence of whose act or omission such expenditure was incurred, the amount thereof, the nature of the act or omission complained against, and the name of the headman by whom the expenditure was incurred, and transmit the same to such person. An if such person shall fail to pay the same within ten days from the service of the certificate, the Government Agent shall proceed to recover the same as provided in Chapter VIII. of this Ordinance.

Liability of headmen.

**20.** If any headman shall fail or neglect to perform the duties devolving upon him, or shall act in excess of the authority hereby conferred upon him, or in bad faith, or without probable cause, or wantonly and maliciously, he shall, besides being answerable in damages to the person injured by his act or omission, be guilty of an offence, and be liable to a fine not exceeding thirty rupees.

Resistance to headmen.

**21.** Any person unlawfully resisting, molesting, or obstructing any headman in the execution of any duty imposed upon him by this Ordinance shall be guilty of an offence, and be liable to a fine not exceeding thirty rupees.

Payment to irrigation headmen.

**22.** Subject to any rules made under Chapter III., it shall be at the discretion of the committee appointed under section 4, or for the Government Agent if no committee shall have been appointed, to award remuneration to irrigation headmen for their services as such, either in kind from the produce of the district or area for which each such headman shall be elected or appointed, or in money, and the proprietors of the irrigable lands within such district or area shall be liable to make such remuneration, and in case of default in making such remuneration, or in making the remuneration provided by rules under this Ordinance, the same shall be recovered in manner provided by Chapter VIII. of this Ordinance.

Trial of offences under this Chapter.

**23.** All offences under this Chapter shall be triable in accordance with the provisions of Chapter V.

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## CHAPTER V.

### Village Councils.

Trial of offences by Village Councils.

**24.** Any person committing any breach of any rule made under this Ordinance, or of any ancient custom relating to irrigation or cultivation, shall be guilty of an offence, and



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shall be triable by a Village Council chosen in manner hereinafter provided under the presidency of the Government Agent, or some officer of the Government Agent deputed by him either generally or specially in that behalf.

Powers of Village Councils.

**25.** (1) Any person convicted before any such Council of any such offence shall be liable to a fine not exceeding thirty rupees, and where such offence is a continuing offence, and shall be wilfully continued after such conviction, shall be liable on a further conviction, in addition to such fine aforesaid, to a fine not exceeding five rupees for every day on which the offence shall have been so continued.

(2) Where the complainant shall have sustained damage by reason of the act or omission complained of, or where such act or omission shall be of a nature to call for prompt action to prevent injury, and expenditure shall have been incurred for that purpose by the headman under section 18, or by any officer acting in pursuance of a rule made under Chapter VII., and shall not have been recovered under section 19, it shall be competent to the Village Council, either to direct that the damage suffered or expenditure incurred shall be made good out of any fine it may inflict on the offender, or, in addition to any such fine, to adjudge him to pay the amount of such damage or the amount of any such expenditure reasonably so incurred, and such amount shall be recoverable in manner provided by Chapter VIII :

Provided that, except by the consent of both parties, no such order shall be made in any case in which the amount of the damage claimed, or the expenditure incurred, shall exceed two hundred rupees.

Village Council how constituted.

**26.** (1) The Village Council shall consist of not less than three nor more than seven men, selected by the President of such Council from among the proprietors of irrigable lands situated in the district or area, subject to such right of challenge as may be prescribed by rules under section 29.

(2) The opinion of the Councillors shall be first expressed and recorded, and afterwards that of the President.

(3) In case of any difference of opinion between the President and the majority of the Councillors, the opinion of the President shall prevail and shall be taken to be the decision in the case, but in every such case a record shall be made of such difference of opinion.



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Trial of offences by Government Agent.

**27.** In any district in which rules shall have been made by the Government Agent under section 12, and it shall not be practicable in the opinion of the Government Agent, to obtain the assistance of Councillors, breaches of such rules, or of ancient customs relating to irrigation or cultivation, or of rules made under Chapter VII., may be tried by the Government Agent, or some officer of the Government Agent deputed by him either generally or specially in that behalf, and for that purpose the Government Agent, or the officer so deputed, shall have all the powers of a Village Council under this Chapter, and may award all the penalties and adjudge the payment of all the damages and expenditure which a Village Council is competent to award or adjudge.

Proceedings to be filed of record in the Kachcheri.

**28.** It shall be the duty of the Government Agent or the officer authorised by him as aforesaid to record in writing the proceedings at such inquiry, and to transmit such record to the Kachcheri, to be there filed of record.

Proceedings before Village Council to be summary and free from any formalities.

**29.** (1) The proceedings before the Village Council, Government Agent, or officer authorised by him as aforesaid shall be summary, and not subject to the formalities of judicial proceedings, and it shall be the duty of such Council, Government Agent, or authorised officer to do substantial justice on all questions coming before them or him, and no advocate, proctor, or other person (except husbands for their wives, guardians and curators for minors and wards, proprietors for their tenants or cultivators, and managers or tenants or cultivators for their proprietors and agents doing business in the district or area for absent principals) shall be permitted to appear on behalf of any person concerned in or affected by such proceedings.

(2) In any such proceedings the President or the Government Agent or the officer authorised by the Government Agent may by summons require the attendance of any person complained against. If such person fails to attend as so required, the President or the Government Agent or authorised officer may thereupon issue a warrant to secure his attendance.

(3) The Governor may from time to time make rules regarding the form and manner of procedure to be observed in such proceedings, the process to be issued therein, and the mode of enforcing the same.



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(4) The provisions of sections 84, 85, 86, and 87 of the Village Communities Ordinance, shall be applicable to summonses and warrants issued under this Ordinance by any President, Government Agent, or authorised officer.

No appeal or injunction allowed, but party aggrieved may petition the Governor after applying for relief in the first instance to the Government Agent.

**30.** No appeal shall lie to any court against the decision or award of any such Council, Government Agent, or authorised officer, on any plea or pretext whatsoever, nor shall any injunction or prohibition be issued by any court in respect of any matter of which they or he may take cognizance by virtue of this Ordinance ; but it shall be competent to the Government Agent to take action in any case in which any person feeling aggrieved by any such decision may apply to him for relief, and to make, or direct to be made, further inquiry into the matter in question, or to order a new inquiry, or to confirm, modify, or reverse the decision, or to order the matter to be referred to a competent court for trial and adjudication :

Provided always that it shall be the right of any person feeling aggrieved as aforesaid to apply to the Governor by petition if he should fail to obtain the desired relief in the first instance from the Government Agent ; and it shall be lawful for the Governor to direct further inquiry, or to confirm, modify, or reverse such decision ;

Provided also that the powers conferred by this section on the Government Agent to take action in any case in which an aggrieved person may apply to him for relief, shall not be exercised unless application for that purpose shall be made to him in person or by a written petition within fourteen days, exclusive of Sundays and public holidays, from the date on which the decision complained of shall have been given ; and no petition to the Governor under this section shall be entertained unless the same is received within fourteen days, exclusive of Sundays and public holidays, from the date on which the decision of the Government Agent shall have been communicated to the petitioner.

Penalty for breach of rules how enforced.

**31.** Whenever any person shall be adjudged by such Council, Government Agent, or officer authorised as aforesaid to pay any penalty as aforesaid, the President of such Council, the Government Agent, or authorised officer may, unless the same be paid forthwith or within such time as the Government Agent or officer authorised may allow, order the amount of the penalty to be recovered in manner provided by



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Chapter VIII. of this Ordinance ; or he may sentence the defaulter to simple or rigorous imprisonment for any period not exceeding one month :

Provided that no sentence of imprisonment shall be carried into execution unless confirmed by the Government Agent. And every Fiscal or Deputy Fiscal shall, within the province or district for which he is respectively empowered to act, execute such sentence, and the provisions of sections 2, 6, and 87 of the Prisons Ordinance shall extend and apply to warrants of commitment issued by such President, Government Agent, or authorised officer in pursuance of such sentence.

Trial of offences by Village Tribunals.

**32.** The provisions of this Chapter shall be subject to the provisions of the Village Communities Ordinance and the powers of a Village Tribunal under that Ordinance shall include the powers accorded to a Village Council by subsection (2) of section 25 of this Ordinance, and any amount adjudged to be paid under such powers shall be recoverable in manner provided by Chapter VIII.

Appropriation of penalties.

**33.** All penalties imposed by any court or authority under this Chapter shall be appropriated in aid of minor irrigation works, or in remuneration of irrigation headmen or officers, as the Government Agent shall determine.

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## CHAPTER VI.

### Construction and Maintenance of Irrigation Works.

Irrigation schemes.

**34.** In any case in which it is proposed that any irrigation work shall be constructed, or that any variation shall be made, or any question determined, with reference to the conditions of the construction or maintenance of any irrigation work, or the supply of water thereunder, a scheme for the said purpose may be prepared in accordance with the provisions of this Chapter.

Scope of irrigation schemes.

**35.** A scheme under this Chapter may provide for all or any of the following matters :—

(*a*) for the construction or maintenance of the irrigation work ;

(*b*) for the division of the responsibility for the construction or maintenance of the whole or any part of the work between the Government and the proprietors ;



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(*c*) for the imposition of any irrigation rate upon any lands irrigable, or to be irrigable, under the scheme ;

(*d*) for the levying of contributions in labour upon the proprietors for the purpose of the construction or maintenance of the irrigation work, or any part thereof, and for the commutation of such contributions into an irrigation rate ;

(*e*) in cases in which the irrigation work is wholly or mainly constructed by the proprietors without Government aid, for the assessment of contributions, whether in labour or money, from the several proprietors, for the commutation of such contributions as shall be assessed in labour, and for the recovery of such contributions ;

(*f*) for the variation of the conditions of the construction or maintenance of the irrigation work, or of the supply of water thereunder, or of any scheme for any of the said purposes ;

(*g*) for the division of the irrigable area into tracts, and for the conditions and methods of the distribution of water to such tracts ;

(*h*) for the estimation and levying of special irrigation rates in respect of water derived by seepage, mechanical appliances, or other special means ;

(*i*) for the adjustment of the expenses of the maintenance of any irrigation work, in any case in which a scheme involves any extension of the work, between the land comprised in the original irrigable area and the lands comprised in the area rendered irrigable by the effect of the extension ;

(*j*) for the abandonment of any irrigation scheme or work ;

(*k*) for any other matter which, in the opinion of the Governor, may be appropriately included in any scheme.

**Rates to be variable in accordance with scheme.**

**36.** All irrigation rates provided for by any scheme under this Chapter shall be subject to periodical revision in accordance with the scheme :

Provided that nothing in this section shall be deemed to prejudice the right of the proprietors of any irrigable area to the continuance of any perpetuity rate under any scheme now in force.



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No rate to be imposed or varied without approval of proprietors.

**37.** No irrigation rate or contribution, whether in money or in labour, shall be imposed or varied by or under any irrigation scheme, unless such scheme, or such rate, or contribution, or the variation thereof, or the arrangements for its assessment, shall have been approved by a resolution of the majority of the proprietors of the irrigation area or tract in which such land is comprised at a meeting of the proprietors called for the purpose.

Extension of irrigation work.

**38.** No adjustment of the expenses of maintenance of any irrigation work shall be made for the purpose of any irrigation scheme under paragraph (*i*) of section 35, unless the proprietors of the original irrigable area, at a meeting summoned by the Government Agent for the purpose, have, by a resolution passed by a majority of the proprietors, approved a scheme embodying such adjustment :

Provided that if no settlement of the question can be reached at any such meeting, the annual maintenance rate payable by the proprietors of the original irrigable area shall be an amount equal to the average annual cost of maintenance of the original work during the ten years previous to the commencement of the extension, subject every five years to an increase or reduction in the proportion in which the average maintenance rate per acre payable under section 46 in respect of the other irrigation works in the same revenue district to which that section applies exceeds or falls short of the average maintenance rate per acre payable under the said section in respect of such work previous to the commencement of the extension.

Saving of rights of proprietors of original irrigable area.

**39.** Where by the extension of any irrigation work any new area is rendered irrigable and any question is subsequently submitted or to be submitted for the determination of a meeting of proprietors of lands irrigable under the work, the decision of which may affect the amount or the conditions of the rates payable by the proprietors of the area originally irrigable, the majority of the proprietors of the said original irrigable area may require, either at the said meeting or by notice in writing addressed to the Government Agent before the meeting, that such question be submitted separately to a meeting of the proprietors of the said original irrigable area, and thereupon such question shall be so submitted accordingly ; and in any such case no proposal affecting the amount or the conditions of the rates payable by the proprietors of the said original irrigable area shall be adopted, unless it shall have been separately assented to by a majority of the proprietors



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at a meeting of the proprietors of the said original irrigable area, as well as by a majority of the proprietors at a meeting of the proprietors of the area rendered irrigable by the extension.

Publication of scheme.

**40.** In any case in which any scheme, or any proposal for the imposition or variation of any rate or contribution under any scheme, or any proposal with respect to any other question arising under, or in the course of, the operation of a scheme, is to be submitted to a meeting of proprietors, the scheme or proposal to be so submitted shall be published in the vernacular language or languages of the district in such manner as shall seem to the Government Agent best adapted for bringing the terms and purport of the scheme or proposal to the notice of the persons affected thereby.

Sanction of scheme.

**41.** All schemes under this Chapter shall be submitted for sanction to the Governor, and upon being so sanctioned shall be published, together with a notice of such sanction, in the *Government Gazette*, and shall take effect upon such publication.

Specifications. [§ 2, 17 of 1930.]

**42.** (1) For the purpose of any irrigation rate leviable under this Ordinance, or any rate leviable in respect of irrigation under any previous Irrigation Ordinance, the Government Agent, with the assistance of the Director of Irrigation and the Surveyor-General, shall from time to time, in such manner as to him may appear expedient, prepare a specification showing the several lands irrigated, or to be irrigated, with the names of the proprietors and the contribution, in money or labour, payable by each in respect of his land, and such specification shall be conclusive proof that the lands included in the specification and the proprietors thereof are severally bound and liable for the payment or rendering of such contribution.

(2) The Government Agent may from time to time amend any specification, and may exclude from liability to contribution any lands included in any specification which may from time to time be found not to be irrigable, or may, on notice to the proprietors, add thereto such additional lands as may from time to time be found irrigable.

Seepage rates under existing works.

**43.** (1) Any lands under any existing irrigation work which are deriving substantial benefit from such work by seepage, shall be liable to the imposition in respect of such



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seepage of an irrigation rate not exceeding half the rate ordinarily payable by the proprietors of lands irrigable under the said irrigation work.

(2) In any case in which the Director of Irrigation shall be satisfied that any lands are liable to the imposition of a seepage irrigation rate under this section, the Government Agent shall, by notice in writing, inform the proprietors of such lands that it is proposed to impose upon such lands a seepage irrigation rate of the amount specified in the notice, and call upon them, if they object to the imposition of a seepage irrigation rate, to make application in the manner, and within the time, provided for by this section.

(3) Any proprietor who objects to the imposition of a seepage irrigation rate on the ground that any land in question is not deriving substantial benefit from the irrigation work, may within one month of the receipt of the notice apply to the Government Agent for an order that the land in question is not liable to the imposition of a seepage irrigation rate, and the Government Agent shall have jurisdiction to inquire into and determine the question, and his decision (except on any question of law that may arise in the course of the case) shall be final.

(4) In any case in which no such application shall be made within the time limited, or in which on such application the question at issue shall be determined in favour of the Director of Irrigation, it shall be lawful for the Government Agent, by order published in the *Government Gazette*, to impose a seepage irrigation rate upon such lands in accordance with this section, and to direct the inclusion of the said lands in respect of such seepage irrigation rate in the specification in force for the purposes of the irrigation work.

Irrigation by mechanical appliances.

**44.** (1) In any case in which any lands, not otherwise irrigable under any existing irrigation work, are capable of deriving benefit from such work by the use of any mechanical appliance, it shall not be lawful to use such appliance for the said purpose unless the proprietor shall obtain a certificate issued by, or under the authority of, the Director of Irrigation, or to erect or use the same otherwise than in accordance with the terms of such certificate.

(2) Upon the issue of such a certificate the Government Agent, by order published in the *Government Gazette*, may



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impose an irrigation rate upon the lands so benefited of such an amount as may be approved by the Governor, and such lands shall be included in the specification in force in respect of such irrigation work.

Special irrigation rates.

**45.** In any case in which the proprietors of any area not ordinarily entitled to a supply of water from an irrigation work desire a special supply of water from such work, such special supply may be sanctioned upon a majority of the proprietors passing a resolution at a meeting summoned for the purpose approving of the payment of a special irrigation rate, or upon the proprietors representing two-thirds of the irrigable lands of the said area signing an undertaking to the same effect, and thereupon the Government Agent, by order notified in the *Government Gazette*, may impose such a special irrigation rate, and the particulars of the amount due from the several proprietors in respect of such special rate shall be entered in the specification, or in a special specification, and shall be recoverable in the same manner as an ordinary irrigation rate.

Annual rate for maintenance. [7, 17 of 1927.]

**46.** (1) Except in the following cases, that is to say—

(*a*) in the case of any irrigation work in respect of which a fixed or variable rate per annum in perpetuity is leviable ;

(*b*) in the case of any irrigation work in respect of which other special arrangements for the maintenance thereof are sanctioned under section 79, or shall hereafter be sanctioned under this Ordinance ;

(*c*) in the case of any irrigation work which is not maintained by Government,

the lands included in the specification of any irrigation work constructed, or in the course of construction at the date of the passing of this Ordinance, and the proprietors thereof, shall severally be bound and liable to an annual irrigation rate for the maintenance of such irrigation work.

(2) The said rate shall be assessed by the Government Agent who shall divide the same *pro rata* among the lands set out in the specification. In making his assessment the Government Agent shall be guided, in the case of any work which has been maintained for a period of more than five years, by the actual cost of maintenance of such work for the preceding five years,



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and in the case of a new work by the estimate of the probable cost of annual maintenance which shall be prepared by the Director of Irrigation.

(3) Such rates shall be re-assessed by the Government Agent at the end of every period of five years, or at such later date as shall in any case be sanctioned by the Governor.

(4) A rate under this section may be assessed either separately in respect of a single irrigation work, or generally in respect of any group of irrigation works.

(5) A work which is subject to a rate separately assessed may, on the occasion of any re-assessment, be included in a group of works, and be made subject to a general assessment in respect of such group of works, and vice versa :

Provided that before any order shall be made converting a separate rate into a general rate or vice versa, the Government Agent shall consult the proprietors of the various works affected at a meeting or meetings called for the purpose.

(6) For the purposes of every maintenance rate under this section the Government Agent shall from time to time prepare a specification in the manner provided by section 42, and all the provisions of that section shall, with the necessary modifications, apply to such specification.

Power to exempt work from maintenance rate.

**47.** (1) In any case in which a majority of the proprietors of the lands under any irrigation work in respect of which a maintenance rate is payable under the last preceding section, by resolution passed at a meeting of the proprietors called for the purpose, request that such work shall be exempt from the provisions of the last preceding section, and themselves undertake to maintain the work, the Governor may, by order published in the *Government Gazette*, direct accordingly.

(2) In any such case such work shall be exempt from the provisions of the last preceding section, and shall be maintainable by the proprietors in accordance with rules made under Chapter III :

Provided that in any case in which the proprietors shall fail to maintain such work to the satisfaction of the Director of Irrigation, the Governor may, by order published in the *Government Gazette*, cancel such aforementioned order, and thereafter such work shall cease to be exempt from the provisions of the said section.



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Power to subject to maintenance rate in case of defective maintenance of work connected with Government work.

**48.** (1) Where any irrigation work not maintained by Government is so defectively maintained by the proprietors as, in the opinion of the Director of Irrigation, to endanger or impair the effectiveness of any irrigation work maintained by Government with which such work is connected, the Governor may give notice that unless within a time fixed by the notice the arrangements for the maintenance of the said work are made effective, and unless the said work shall thereafter be effectively maintained, the said work will be made subject to a maintenance rate under section 46 hereof.

(2) If the requirements of the said notice are not complied with to the satisfaction of the Governor, it shall be lawful to the Governor, by order published in the *Government Gazette*, to direct that the said arrangements shall be carried out, and that the expenses of carrying out the said arrangements and of the subsequent maintenance of the said work shall be recovered by a maintenance rate under section 46, and thereupon the said work shall become maintainable by Government, and shall be subject to a maintenance rate as though it were a new work.

(3) No action shall be taken under this section unless the matter shall have been brought before a meeting of the proprietors and the requirements of the situation shall have been explained to them, and such meeting shall have failed to make arrangements by the framing of rules or otherwise which, in the opinion of the Director of Irrigation, are effective for the purpose in view.

Similar power in case of defective maintenance of certain other works.

**49.** (1) Where, in the case of any work not maintained by Government, the Government Agent is satisfied that the condition of the work is so defective, or that the work is so defectively maintained as to endanger or impair the effectiveness of any other such work, or as to prejudice or be likely to prejudice the interests of the village population cultivating the lands irrigated by the said work, the Government Agent shall call a meeting of the proprietors of lands irrigated by the work in question, and shall explain to them the requirements of the situation, and shall call upon them to make arrangements, either by the framing of rules or otherwise, to remedy the defect to his satisfaction.

(2) In the event of the meeting failing by a resolution of the majority of the proprietors to make arrangements to the satisfaction of the Government Agent, it shall be lawful



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to the Governor, by notice published in the *Government Gazette*, to direct that such arrangements shall be carried out, and that the expenses of carrying out the said arrangements and, if necessary, of the subsequent maintenance of the work shall be recoverable by a maintenance rate under section 46, and the said work shall thereupon become subject to a maintenance rate under the said section as though it were a new work.

Power to remit rate.

**50.** The Governor may at any time in respect of any year or years remit or refund any irrigation rate or any part thereof.

Payment of contributions in kind.

**51.** It shall be lawful for the Government Agent to receive in kind instead of in money any contributions under this Ordinance. Such payment in kind shall be made at such rate of commutation and shall be collected in such manner as the Government Agent shall from time to time direct and appoint. If default be made in such payment in kind at the time and place appointed by the Government Agent, the amount of the contribution for which such payment in kind shall have been substituted shall be recovered in the manner provided in Chapter VIII. of this Ordinance.

Procedure in case of default in making specification.

**52.** Whenever it appears to the Governor, with respect to any irrigation work undertaken or completed under the provisions of this or any previous Irrigation Ordinance—

(*a*) that the specification, which according to such Ordinance ought to have been made, has not in fact been made ; or

(*b*) that any such specification which has been made is invalid or of doubtful validity by reason of noncompliance with the requirements of such Ordinance,

it shall be lawful for the Governor to direct a specification to be prepared showing the lands irrigated or to be irrigated by the work, and every specification so made shall have for all purposes the like force and validity as if it had been duly made under the provisions of the Ordinance under which the work was undertaken.

Procedure on correction of irregularity, informality, or defect.

**53.** Where any difficulty arises in the preparation of any specification, or with reference to any existing specification, on the ground of any irregularity, informality, or defect in the specification, or in some proceeding antecedent to the



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preparation of the said specification, and the necessary steps have been taken to deal with such irregularity, informality, or defect under section 8 (1) (*c*) of this Ordinance, a specification prepared in accordance with a resolution passed for the purpose under the said section shall for all purposes have the effect of a specification prepared in pursuance of a scheme sanctioned under this Ordinance.

Reference of certain questions to arbitration.

**54.** (1) If any question arises with reference to any irrigation work between the Government and the proprietors, or any section of the proprietors, or between different sections of the proprietors and it shall not prove practicable to settle such question by agreement, the Governor may order that the said question shall be referred to a court of arbitration in accordance with this section :

Provided that no such order shall be made unless such reference and the terms thereof shall have been assented to by a resolution of a majority of the proprietors in question at a meeting summoned by the Government Agent for the purpose, or if the question is between two or more sections of the proprietors, or if two or more sections of the proprietors are otherwise parties to the question, by such a resolution at such a meeting of each section.

(2) The court in any such arbitration shall consist of one arbitrator nominated by the proprietors in manner hereinafter provided, one arbitrator nominated by the Director of Irrigation, together with a president chosen by agreement between the arbitrators so nominated.

(3) If the question is a question between different sections of proprietors, or if different sections of proprietors are otherwise parties to the question, an arbitrator shall be separately nominated on behalf of each section.

(4) In the event of the arbitrators not being able to agree upon a president, the president shall be a person experienced in the law and customs of the country nominated by the Chief Justice.

(5) For the purpose of nominating an arbitrator on behalf of the proprietors or any section of the proprietors, the Government Agent shall summon a meeting of the proprietors concerned. [§ 8, 17 of 1927.]

(6) At such meeting the arbitrator to be nominated shall be elected by a majority of the said proprietors.



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(7) Every arbitration under this section shall be free from the formalities of legal procedure, and shall be conducted in such manner as shall be determined by the president for the purpose of securing an effective settlement of all substantial questions at issue between the parties in the matter under reference; and the arbitrators shall have full power for the purpose aforesaid to make any award which they may deem to be reasonable and equitable in all the circumstances of the case.

(8) The terms of reference in any such arbitration may at any time in the course of the arbitration be amended by agreement between the parties, such agreement in the case of the proprietors or any section of the proprietors being signified by a resolution of the majority of the proprietors at a meeting summoned for the purpose.

(9) In the event of the members of the court not being able to arrive at a unanimous decision, either as to the award or as to any question arising in the course of the proceedings, the matter shall be determined by the president.

(10) The award in any such arbitration shall be published in the *Government Gazette*, and upon such publication shall be binding on the parties, and shall have the effect of a scheme sanctioned under this Ordinance.

(11) No award so published shall be liable to be challenged or impeached on the ground of any alleged technical defect therein, or in any proceeding antecedent thereto.

Saving of mutual rights and obligations of crown and proprietors.

**55.** (1) Save as is herein expressly provided, and subject in particular to the powers accorded to meetings of proprietors, nothing in this Ordinance shall affect the mutual rights and obligations of the Crown and the proprietors with reference to any irrigation work constructed or in course of construction at the date of the passing thereof.

[§ 9, 17 of 1927.]

(2) Nothing in this Chapter, or in any scheme or resolution sanctioned or passed in pursuance of this or any previous Irrigation Ordinance, shall preclude the Crown on the occasion of the sale or lease of any Crown lands then or subsequently to become irrigable by any irrigation work, either actually constructed or under process of construction, or thereafter to be constructed, from imposing in the grant or lease or reserving the right to impose an irrigation rate of such amount and variable in such manner as to the Governor may seem fit.



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## CHAPTER VII.

### PROTECTION OF IRRIGATION WORKS AND CONSERVATION OF WATER.

Rules for the protection of works and conservation of water.

**56.** (1) In the case of any irrigation work, the Governor may make rules for the following purposes :—

(*a*) for the prevention of the obstruction, diversion, or cutting of any ela, channel, or other water-course comprised in the irrigation work, or of any other damage thereto ;

(*b*) for the prevention of any encroachment upon any such ela, channel, or water-course ;

(*c*) for the prevention of any interference with any sluice, dam, or regulating work in or upon any such ela, channel, or water-course ;

(*d*) for the prevention of the obstruction or interference with any road or path comprised in any irrigation work ;

(*e*) for the construction of field channels and dams in approved places and in accordance with approved alignments ;

(*f*) for the prevention of the waste of any water supplied from any irrigation work;

(*g*) for the prevention of the obtaining of water from any ela, channel, or other water-course in any manner not authorised ;

(*h*) for the prevention of the diversion of such water by any act or neglect from any of the purposes for which it is intended ;

(*i*) for any other purposes necessary for the protection of the irrigation work, or for the conservation of water supplied therefrom.

(2) Any person convicted of the breach of any rule made under paragraphs (*f*) or (*g*) of the last preceding subsection shall, in addition to any penalty he may thereby incur, be liable, on the order of the court by which he is convicted, to pay a sum not exceeding double the amount of the rate payable in respect of the lands to, or, or from which the waste of water occurred, or for which the water was obtained.

Rules to be subject to disallowance of State Council.

**57.** (1) All rules made under the last preceding section shall be laid, as soon as conveniently may be, upon the table of the State Council, and shall remain upon the table for forty days, or for three meetings of the Council, whichever



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period shall be the longer, and any such rule may during such period by resolution of the Council, be disallowed, amended, or otherwise dealt with as may be directed by the said resolution, but without prejudice to anything that may have been done thereunder.

(2) In the submission of any rules made under the said section to the State Council, special attention shall be drawn to any rule purporting to have been made under paragraph (*i*) of subsection (1) thereof.

Offences.

**58.** Any person who—

(*a*) wilfully and mischievously blocks up or obstructs, or causes to be in any way blocked up or obstructed, any channel or water-course comprised in any irrigation work ; or

(*b*) wilfully and mischievously cuts the bund, banks, or sides of any irrigation work ; or

(*c*) wilfully and mischievously causes waste of water conserved by any irrigation work ; or

(*d*) wilfully and wrongfully draws off or converts to his own use any such water,

shall be guilty of an offence, and shall be liable on conviction before a Magistrate to imprisonment of either description for a period not exceeding six months, or to a fine not exceeding one hundred rupees, or to both.

Diversion of water from public stream.

**59.** (1) The Director of Irrigation may, with a view to the protection of the general interests of existing or future cultivators deriving, or likely to derive, benefit by means of irrigation from the use of the waters of any public stream, as to which the Governor has issued a notification under subsection (7) hereof, by notice in writing require any person who is diverting, or proposes to divert, water from such public stream for the purpose of irrigation, within one month from the receipt of such notice, to apply to him for a licence for the purpose, and to conform to the conditions of any licence granted in pursuance of any such application.

(2) It may be made a condition of any such licence, in any case in which the licensee desires to make use of the water of the said stream in excess of his legal rights, that the lessee shall pay such irrigation rate as may be ordered by the Governor.



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(3) Any person who is aggrieved—

(*a*) by any requirement of the Director of Irrigation that he shall apply for a licence ; or

(*b*) by the refusal of the Director of Irrigation to grant him a licence ; or

(*c*) by any condition in any licence to which he is required to conform,

on the ground that the diversion, or proposed diversion, of the water in question is not in excess of his legal rights, or that the said condition is in derogation of his legal rights, may, within one month of the receipt of the notice above mentioned, or of the refusal of the licence applied for, or of the notification to him of such condition, or of the receipt of the licence containing such condition, as the case may be, apply to the District Court for a declaration of his legal rights in the matter in question, and the court shall have power, on such application, to declare such rights, and to give all necessary directions with regard to such licence and the conditions thereof, so as to secure all legal rights of the applicant.

(4) Any licence granted under this section shall contain a notification that, if the licensee is aggrieved by any condition of the licence on the ground that such condition is in derogation of his legal rights, he is required to apply to the court in accordance with the last preceding subsection, and if he does not so apply he will be bound by such condition. All licences under this section shall be in English and the vernacular language or languages of the district.

(5) Save as in the last subsection provided nothing contained in this section shall be deemed to derogate from the legal rights of any riparian proprietor or other person thereby affected.

(6) Any person who, having been required to apply for a licence under this section, diverts water from any public stream to which this section applies without having been granted a licence for the purpose, or in breach of the conditions of any licence so granted, unless he shall have made application to the court for the determining of his legal rights in manner, and within the time, in this section provided, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred rupees, and in the event of a subsequent conviction, to a fine not exceeding



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five hundred rupees, and to a further fine not exceeding fifty rupees per day for every day on which such offence shall have been continued after such previous conviction.

(7) This section shall only apply to such public streams as the Governor, by notification in the *Government Gazette*, shall have declared to be subject thereto.

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## CHAPTER VIII.

### Recovery of Money due under this Ordinance.

Seizure and sale of property of defaulters.

**60.** All contributions under this Ordinance, or under any previous Irrigation Ordinance, shall be due in respect of each calendar year, and shall be payable on the thirtieth day of June in each year, or on such other date as the Governor, by order notified in the *Government Gazette*, may appoint for and province or district. The recovery of such contributions shall be made under, and in accordance with, the provisions of this Chapter.

Register of proprietors or mortgagees of lands under irrigation works. [§10, 17 of 1927.]

**61.** (1) A register shall be kept at the Kachcheri of every revenue district in which irrigation works are situated of all the proprietors or mortgagees of lands under such irrigation works who may desire to have their names inserted therein.

(2) A registration under this section shall remain in force for four years only, but may be renewed from time to time for a further period of four years. If not renewed before the end of any period of four years, the registration shall be cancelled.

(3) A fee of one rupee shall be charged for every registration whether original or by way of renewal, and for every correction or alteration made to the register.

Recovery of contributions.

**62.** (1) If default be made in the payment of any contribution due under this Ordinance, or under any previous Irrigation Ordinance, it shall be lawful for the Government Agent or any person authorised by writing under his hand to seize the land herein declared specially bound and liable for such payment, and any crop or produce thereof, and any movables thereon, to whomsoever such land, crop, or movables may belong ; and if the amount of such contribution,



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together with any costs payable under section 64, shall not be sooner paid or tendered, to sell the property so seized by public auction at any time not less than twenty-one days from the date of such seizure.

(2) If default be made in the payment of any sum payable under this Ordinance, or of any fines imposed for any offence or breach of rules made thereunder, it shall also be lawful for the Government Agent or any person authorised by writing under his hand to proceed to seize any property whatsoever belonging to the defaulter, wheresoever the same may be found, and to sell the same by public auction at any time not less than twenty-one days from the date of seizure, if such sum, together with any costs payable under section 64, shall not be sooner paid or tendered.

(3) Where land is seized under this section the Government Agent shall forthwith, after the seizure, cause a notice setting out the facts of the seizure, the reasons therefor, and the date fixed for the sale of the land to be affixed to a conspicuous part of the land. [§ 11, 17 of 1927.]

(4) Where a proprietor or mortgagee of land seized under this section has registered his address in the register provided by section 61, the Government Agent shall cause a notice setting out the fact of the seizure, the reasons therefor, a specification of the property seized, and the date of the sale to be sent by registered post to the proprietor and mortgagee at the address specified in the register at least fourteen days before the date fixed for the sale :

(5) Provided that no seizure of any land shall be made under this section if the defaulter surrenders sufficient free and unclaimed movable property to satisfy the total amount due by him ;

Provided also that all things exempted from execution under the Civil Procedure Code shall be exempted from seizure under this section ;

Provided also that no land seized under subsection (1) shall be sold until and unless the crop or produce thereof, and the movables thereon, if any, shall have been first sold, and shall have failed to realize sufficient to cover the total amount due.

(6) In all cases the sale of immovable property shall be conducted on the spot, unless the Government Agent shall otherwise direct.



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(7) For the purpose of any sale under this section the Government Agent may fix an upset price below which the property, which is the subject of the sale, shall not be sold to any person other than the Crown.

Keeping a person in charge of property seized.

**63.** It shall be lawful for the person making the seizure to place and keep a person in possession of the property so seized as aforesaid pending such sale, if authorised thereto by general or special instructions issued by the Government Agent.

Costs of seizure and sale.

**64.** It shall be lawful for the Government Agent, or any person authorised by him as aforesaid, to demand, take, and receive from such defaulter, or from the owner or any joint owner of any property lawfully seized, the several sums of money mentioned as follows :—

(*a*) for cost of proceeding to seize property, a charge not exceeding fifty cents for every ten rupees due ;

(*b*) for keeping a person in possession, a charge not exceeding one rupee per day of twenty-four hours ;

(*c*) for the expenses of sale, a charge not exceeding twenty-five cents for every ten rupees of the net proceeds of the sale.

Return of overplus to owner or person making default.

**65.** In the event of a sale of property seized the Government Agent at whose instance such seizure was made shall, after deducting the amount due as aforesaid, and also the costs payable under section 64 (which said costs such Government Agent is hereby authorised to retain), restore the overplus, if any, arising from such sale to the owner or joint owners of the property sold.

Certificate of sale.

**66.** (1) If land be sold, a certificate substantially in the form given in Schedule I. signed by the Government Agent, shall be sufficient to vest the land sold in the purchaser, and in the case of land sold under sections 62, 72, or 76, the same shall so vest free from all encumbrances whatsoever, any law or custom to the contrary notwithstanding. Such certificate shall be liable to the stamp duty fixed on conveyances of immovable property, and to any registration or other charges authorised by law, such duty and charges being payable by the purchaser.

(2) If the land so sold be purchased on behalf of the Crown by the Government Agent, who is hereby authorised to bid



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for and purchase the same, or by any person authorised by the Government Agent in writing, the certificate, which shall not be liable to any stamp duty, shall be substantially in the form given in Schedule II.

Cancellation of sale.

**67.** In any case in which land so sold has been purchased on behalf of the Crown by the Government Agent, it shall be lawful for the Government Agent, at any time before the same shall have been re-sold, on payment by, or on behalf of, the proprietor of the amount due in respect of the said land (including the costs of seizure and sale), together with interest thereon at a rate not exceeding nine per centum per annum, by endorsement on a certified copy of the certificate referred to in subsection (2) of the last preceding section, to cancel the sale, and upon the registration of such endorsement in the office of the Registrar of Lands the said land shall re-vest in the proprietor as though such sale had never been made.

Re-sale by Crown.

**68.** (1) In any case in which land so sold has been purchased on behalf of the Crown, and the sale has not been cancelled under the last preceding section, it shall be competent to the Government Agent, at any time on re-sale of the said land, to transfer to the purchaser, by endorsement on a certified copy of the certificate referred to in subsection (2) of section 66, all the right, title, and interest which would have been acquired by the purchaser if he had purchased the land at the original sale, and upon the registration of such endorsement in the office of the Registrar of Lands, such right, title, and interest shall vest in the purchaser accordingly.

(2) Every such endorsement shall be liable to the same stamp duty and charges as a certificate to a purchaser at the original sale, such duty and charges being payable by the purchaser.

Rights of mortgagees.

**69.** If any immovable property to be sold under the provisions of this Chapter is subject to a mortgage, it shall be lawful to the mortgagee, on payment of the amount of the contribution due, together with the costs, if any, payable under section 64, to add the amount so paid to the mortgage debt, and the amount so added shall be secured in the same manner, and shall be subject to the same interest, and recoverable on the same conditions as the mortgage debt.



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Notice of meetings. [§ 12,17 of 1927.]

**70.** (1) When any meeting is to be held under sections 3, 7, 8, 37, 38, 39, 46, 47, 48, or 54 the Government Agent shall, one month at least before the day of holding the meeting, cause notice of the meeting to be given by beat of tom-tom and posting written notices in the vernacular language or languages of the district in suitable places within the irrigation district or area. Such written notices shall state the time and place of the meeting and its objects, and shall call upon the proprietors to attend in person at the meeting. A copy of every such notice shall also be sent to the Chairman of every Village Committee constituted within the area affected.

(2) When any meeting is to be held under any other provision of this Ordinance or under any rule made under this Ordinance, the Government Agent shall cause as long notice of the meeting to be given as he considers to be reasonable and practicable in the circumstances.

(3) If at any meeting held under the provisions of this Ordinance any question arises as to the right of any person to vote, the presiding officer may then and there decide the question, and his decision shall be entered in the minutes and shall be final.

(4) The Government Agent or a public officer deputed by him shall preside at every meeting held under the provisions of this Ordinance or any rules made thereunder. Full minutes shall be made of the proceedings at every such meeting and shall be signed by the presiding officer and shall be kept on record at the Kachcheri.

Plan or survey of channels, water-courses, tanks, and ponds to be conclusive.

**71.** If by any plan or survey purporting to have been made under the authority of the Surveyor-General or of the Director of Irrigation it shall appear that any channel, water-course, or tank has been encroached upon, such plan or survey shall be deemed and taken to be conclusive proof of the facts exhibited therein, unless satisfactory proof to the contrary shall be established.

Removal of obstruction or encroachment.

**72.** It shall be lawful for the Government Agent to give order by notice in writing to any person obstructing or encroaching upon any channel, water-course, or tank situate within his province, forthwith to remove such obstruction or encroachment or abate the same. And if any such person shall refuse or neglect to comply with the same within a



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reasonable time, or if there be any doubt as to who is the proper person to whom such order should be given, it shall be lawful for the Government Agent to cause such obstruction or encroachment to be forthwith removed or abated ; and for that purpose it shall be lawful for the Government Agent, or any person thereto authorised in writing by the Government Agent, where necessary to enter into any garden, enclosure, or other premises, and to cause to enter therein such persons, with such instrument and things as may be necessary, and to proceed to do therein, or cause to be done all such things as may be necessary for such removal or abatement, and for the removal of the earth or substances put into or obstruction made of such channel, water-course, or tank ; and the Government Agent shall proceed to recover the costs which have been incurred in effecting such removal or abatement from the party on account of whose non-compliance with any such order such costs were incurred, in manner provided in Chapter VIII. of this Ordinance.

Remedy in case owner or occupier of land causes any channel, water course, &c., to be obstructed or damaged.

[§ 4, 5 of 1931.]

**73.** (1) Whenever the owner or occupier of any land or premises, by the clearance or drainage of the said land or premises or by any other act or omission, whether of the same nature or not, in any way affecting any channel, water-course or ela used for irrigation purposes, or any other irrigation work—

(*a*) causes any such channel, water-course, ela or other irrigation work to be blocked up, obstructed or damaged, so that any lands deriving benefit therefrom are deprived of that benefit ; or

(*b*) causes injury of any other nature to any lands in the neighbourhood of any such channel, water-course, ela or other irrigation work,

any person aggrieved by the act or omission of the said owner or occupier may make a complaint to the Government Agent.

(2) If the Government Agent is not able, by agreement between the parties concerned, to settle what steps should be taken and what obligations should be assumed by such owner or occupier, and by the cultivators of the said lands respectively, with or without such assistance as the Director of Irrigation (not being a party concerned) may be willing to contribute, for the purpose of removing such blocking up or obstruction, the repairing of such injury, or the prevention

[§ 4, 5 of 1931.]



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of the recurrence of such blocking up, obstruction, or injury, or if any of the parties to any such agreement fails to take or to assume, within a reasonable time, any of the steps or obligations which he has thereby agreed to take or assume, such Government Agent may, by written notice addressed to the parties, direct that the matter shall be referred to the arbitration of such arbitrator or arbitrators as may be agreed upon by the parties.

[§4, 5 of 1931.]

(3) In the said notice the Government Agent shall further inform the parties that, unless by a date specified in the notice or on such further date as he may on application fix, the parties have notified to him the name or names of an agreed arbitrator or arbitrators, he will apply to the District Judge to act as arbitrator, with or without assessors, as to the District Judge may seem proper.

(4) If the parties do not, on or before such date as aforesaid, notify to the Government Agent the name or names of an agreed arbitrator or arbitrators, the Government Agent may apply to the District Judge to act as arbitrator ; and it shall be the duty of the Judge to act in accordance with such application.

(5) The District Judge may, at his discretion, appoint such assessors as he may think fit to assist him in such arbitration.

(6) The Government Agent may appoint any person for the purpose of representing the interests of the cultivators of the said lands in the matter and in any arbitration that may take place for its settlement.

[§ 4, 5 of 1931.]

(7) It shall be the duty of the arbitrator or arbitrators and the assessors, if any, to visit the place with respect to which the matter arises, and to determine the same without any formalities of legal procedure, and to make such award with reference to the steps to be taken by the said owner or occupier and by the said cultivators and the obligations to be imposed upon them respectively, as shall be reasonable in all the circumstances of the case.

[§ 4, 5 of 1931.]

(8) In any case in which the Government Agent, or the Director of Irrigation (not being a party concerned), with a view to assisting any award, undertakes to execute any work for the purpose of carrying off silt, earth, water, or any other substance, or of preventing injury to lands, an order for the execution of such work may be embodied in the award.

[§ 4, 5 of 1931.]



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(9) In any case in which the parties consent to the arbitrator or arbitrators determining any claim for damages that may have been made by a party, an order for the payment of damages may be embodied in the award, and in any such case no action shall lie in respect of such claim.

(10) In the event of any arbitrators not being agreed as to the award or as to any point arising in the course of the proceedings, the opinion of the majority shall prevail.

(11) (*a*) In the event of there being no opinion supported by a majority of such arbitrators, it shall be lawful for the Government Agent to appoint, by writing under his hand, an umpire to decide all matters in question in the arbitration.

(*b*) The Government Agent shall in such writing fix the fee to be paid to the umpire.

(*c*) The award shall be made by such umpire, and shall be as binding in all respects as if it had been made by the arbitrators or a majority of them.

(*d*) Such fee as aforesaid shall be included in and form part of any award made by the umpire.

(12) In the event of assessors being appointed to assist a District Judge in the conduct of an arbitration, the District Judge shall fix the fee of the assessors, which shall be included in, and form part of, any award made by such Judge.

Enforcement of award.

**74.** Every award made by any arbitrator or arbitrators under the last preceding section, on being registered in the District Court, shall be binding on all parties concerned, and may be enforced in the same manner as a judgment of the court, and in so far as it relates to any obligation to be assumed by the said cultivators, shall have the force of a rule made under Chapter III., and all the provisions of the Ordinance relating to the enforcement of rules under Chapter III. shall apply to such award.

Power of Government Agent to carry out order of arbitrators.
[§ 3, 5 of 1931.]

**75.** In any case in which by any such award any order is made upon the owner or occupier of the said land or premises, the Government Agent shall cause a copy of such order to be served upon such owner or occupier; and if such owner or occupier shall make default in complying with the said order, the Government Agent may from time to time, after reasonable notice to such owner or occupier, himself take the necessary steps to carry out the order, and for that purpose shall



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have power, and he is hereby authorised, to enter upon any land or premises, and cause to enter therein such persons with such instruments and things as may be required.

Costs to be a first charge, and recoverable under Chapter VIII.

**76.** (1) The costs which have been incurred by the Government Agent under the last preceding section shall be certified under his hand, and shall be a first charge on the land and premises mentioned in subsection (1) of section 73 and on any crop or produce thereof, and on any movable thereon.

(2) The Government Agent shall proceed to recover such costs by seizing and selling such land, premises, crop, produce, or movables, in manner provided in section 62, and the provisions of Chapter VIII. of this Ordinance shall, *mutatis mutandis*, apply to every such seizure and sale.

Encouragement of paddy cultivation.

**77.** (1) Whenever it appears that the inhabitants of any village or group of villages forming a subdivision for the purposes of the Village Communities Ordinance, are unable, by reason of poverty, sparseness of population, or other cause, to bring into cultivation any Crown lands served by any irrigation work constructed or repaired under the provisions of this Ordinance or any previous Irrigation Ordinance, the Governor may, by order to be published in the *Government Gazette*, set apart such allotment of Crown land as he shall think fit for the purpose of being brought into cultivation under this section, and may empower one or more Village Committees of the subdivision to proceed to bring the same into cultivation in manner hereinafter appearing.

(2) Subject to the approval of the Government Agent, any Village Committees which have been authorised as aforesaid may make advances from the funds applicable to village purposes to persons desirous of cultivating the Crown land so set apart as aforesaid, for the purpose of enabling them to purchase seed paddy and other requisites for cultivation.

(3) The Government Agent shall not sanction the making of such advances until he is satisfied that adequate provision has been made, by village rule, for the recovery of such advances.

(4) When the Village Committees of any subdivision have been empowered as aforesaid, it shall be lawful for the Village Committee in the manner provided by the Village



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Communities Ordinance, and subject to the conditions therein contained, to make rules for all or any of the following purposes :—

(*a*) for prescribing the conditions under which advances may be made from the village fund and for securing the repayment of the same with or without interest.

(*b*) for the clearing and cultivation of the Crown land allotted as aforesaid by means of labour contributed by the inhabitants in pursuance of rule passed under section 35 (xxix) of the above-named Ordinance.

(*c*) generally for the cultivation and regulation of the land so allotted.

(5) Breaches of rules made under this section shall be punishable as if such rules were made under the Village Communities Ordinance.

(6) The Governor may in his discretion issue Crown grants in respect of any land which has been brought into cultivation under this section in such manner and to such persons as may appear equitable.

(7) The particulars of all Crown grants issued under this section shall be published in the *Government Gazette*.

Acquisition of land for irrigation purposes.

**78.** Land required for the purposes of this Ordinance shall be deemed to be land required for a public purpose within the meaning of the Land Acquisition Ordinance.

Validation of schemes previously sanctioned.

**79.** All schemes which have been the subject of agreement between the Government and the proprietors of lands irrigable by any irrigation work before the passing of this Ordinance, and for the purpose of which resolutions have been passed, with the sanction of Government, by a majority of proprietors purporting to impose, or agree to, an irrigation rate, shall be deemed to be schemes duly sanctioned under this Ordinance, and shall take effect in accordance with the terms of the said resolutions, notwithstanding that at the date of such resolutions, or the sanctioning thereof, no provision was made for such schemes in any previous Irrigation Ordinance then in force ; and all specifications prepared and contributions collected in accordance with such schemes shall be deemed to have been validly prepared and collected.



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Validation of sales of Crown land subject to variable irrigation rates.

**80.** In any case in which, on the sale or lease of Crown lands, such lands were sold or leased on the conditions that they should be subject to an irrigation rate, variable in such manner as was specified in the said conditions, such lands shall be, and shall be deemed to have been, subject to an irrigation rate in accordance with the said conditions, notwithstanding that at the time such lands were sold or leased no provision existed for the imposition of variable irrigation rates under any previous Irrigation Ordinance then in force, and all contributions collected and included in the specifications in accordance with such conditions shall be deemed to have been validly so collected and included.

Interpretation.

**81.** In this Ordinance, and in any scheme or resolution sanctioned in pursuance of this Ordinance, unless the intention otherwise appears—

"construction" with reference to irrigation works includes any improvement or extension of any irrigation work, or the repair or restoration of any abandoned irrigation work, or (subject to the definition of "maintenance" hereinafter contained) any operation for the protection of any irrigation work, or the irrigable area thereof, or of any part of such work or area ;

"contributions" includes all rates, subscriptions, charges, and assessments made under this Ordinance or under any Ordinance thereby repealed ;

the "cost of maintenance" of any irrigation work in any year may include such reasonable contribution in respect of establishment charges and the cost of plant as may be approved by the Governor, not exceeding five per centum of the total amount otherwise expended on the maintenance of the work during that year ;

"district" means any korale, pattu, or village, or any other subdivision of a province or any area whatsoever which may from time to time be defined by the Governor by Proclamation in the *Government Gazette* ;

"expenses of construction" include the expenses of survey and inquiries, and such reasonable contribution in respect of establishment charges and the cost of plant as shall be approved by the Governor ;

"Government Agent" includes Assistant Government Agent ;



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" Irrigation work " includes—

(*a*) any tank, bund, anicut, ela, channel, distributary, field channel, or water-course, comprised in, or incidental or ancillary to, the irrigation work ;

(*b*) any structure, road, bridge, sluice, gate, or other engineering work comprised in, or incidental or ancillary to, the construction or maintenance of the irrigation work ;

" land " in the case of land held on lease from the Crown means the interest of the lessee in the land, and the expression " owner " with reference to such land means the lessee ;

" maintenance " with reference to irrigation works (whether constructed under this Ordinance or under any previous Irrigation Ordinance) includes any operation for the protection of any existing irrigation work, or the irrigable area thereof, or of any part of such work or area which the authority responsible for the maintenance of the work may declare to be a minor operation :

Provided that (except in the case of any work which is carried out in an emergency and as to which it is not practicable to consult the proprietors) it shall have been determined at a meeting of proprietors called for the purpose that the expenses of such work shall be charged to maintenance expenses ;

[§ 2, 17 of 1927.]

" Majority of proprietors " means—

(*a*) a majority consisting of two-thirds at least of the proprietors present at a meeting, such majority representing at least one-third of the acreage, the proprietors of which are present and constitute the meeting ; or

(*b*) if such majority is not obtained, the proprietors present at the meeting who represent two-thirds of the acreage, the proprietors of which are present and constitute the meeting :

Provided that a meeting shall not be validly constituted unless there are present at least fifty proprietors or proprietors representing one-fifth of the acreage affected ;



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And provided further that at any meeting of proprietors at which the owner, or any person representing the owner, of any land, together with any lessee, cultivator, or occupier of such land under the said owner, or any lessee of such land, together with any cultivator or occupier under such lessee, shall be present, the votes of persons claiming under the owner or the lessee, as the case may be, shall not be reckoned in computing the number of votes or the number of persons present ;

[§ 2, 5 of 1931.]

" occupier " includes a person having the charge, management, or control of any land or premises ;

" previous Irrigation Ordinance " includes the Ordinance hereby repealed, Ordinance No. 23 of 1889 and any Ordinance thereby repealed, and Ordinances No. 6 of 1892, No. 10 of 1901, No. 20 of 1908, and No. 11 of 1915 ;

" proprietor " means the owner of lands irrigated or to be irrigated by any irrigation work, and includes the cultivator or person in actual possession of any such lands ;

" tract " means any portion of any area irrigable under any irrigation work defined as a tract by, or in pursuance of, any scheme under this Ordinance ;

" water-course," " channel," " ela," or " tank " includes the banks and bunds of the " water-course," " channel," " ela," or " tank," as the case may be, and any reservation of Crown land defined by, or by the authority of, the Director of Irrigation, either by demarcation on the ground or in any map or plan as belonging thereto.

Continuance of rules made under "The Irrigation Ordinance, 1906."

**82.** Rules made under " The Irrigation Ordinance, 1906, " and now in force shall, until superseded by rules made under this Ordinance continue in force.

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[Section 66 (1).]

## SCHEDULE I.

Whereas the sum of ———— rupees was due to our Sovereign Lord the King for ———— in respect of the land ————, hereinafter more fully mentioned and described, and a further sum of ———— rupees was likewise due for costs, which said sums have not been paid by the owner or proprietor thereof ;

And whereas the said land was seized in conformity with the Irrigation Ordinance and sold also in conformity therewith, on



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the ——— day of ———, and the same was purchased by ———, of ———, for the sum of ——— rupees, which has been duly paid by the said ——— :

Now know Ye that I, ——— (Government Agent), by virtue and in exercise of the power in me vested in this behalf by the said Ordinance, do hereby certify that the following property, to wit (*here describe the property with special accuracy by metes and bounds*), has been sold to ——— and purchased by the said ——— for the sum of ——— rupees, which he has duly paid, and that the said premises are and shall henceforward be vested in the said ———, his heirs, executors, administrators, and assigns, (*Add*, free from all encumbrances, in the case of land sold under subsection (1) of section 62 or under section 72 or 76.)

Given under my hand this ——— day of ———, 19—.

(*Signed*) ———,
Government Agent.

## SCHEDULE II.

[Section 66 (2).]

Whereas the sum of ——— rupees was due to our Sovereign Lord the King for ——— in respect of the land ———, hereinafter more fully mentioned and described, and a further sum of ——— rupees was likewise due for costs, which said sums have not been paid by the owner or proprietor thereof ;

And whereas the said land was seized in conformity with the Irrigation Ordinance, and sold also in conformity therewith, on the ——— day of ———, and the same was purchased for and on behalf of our Sovereign Lord the King by (the Government Agent) for the sum of ——— rupees, which has been duly credited to our said Lord the King in part (*or* full, *as the case may be*) satisfaction of the sum due as aforesaid and ——— rupees for costs :

Now know Ye that I, the said (Government Agent), by virtue and in exercise of the power in me vested in this behalf by the said Ordinance, do hereby certify that the following property, to wit (*here describe the property with special accuracy by metes and bounds*), has been sold and purchased by the said ——— for and on behalf of our said Lord the King for the sum of ——— rupees, and that the said premises are and shall henceforward be absolutely vested in our said Lord the King, His heirs and successors. (*Add*, free from all encumbrances, in the case of land sold under subsection (1) of section 62 or under section 72 or 76.)

Given under my hand this ——— day of ———, 19—.

(*Signed*) ———,
Government Agent.



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# CHAPTER 313.

## LANDS RESUMPTION.

*Ordinances* Nos. 4 of 1887, 2 of 1934.

AN ORDINANCE RELATING TO LANDS ALIENATED BY THE CROWN WHICH ARE ABANDONED BY THE OWNERS THEREOF.

[24*th January*, 1887.]

Short title.

**1.** This Ordinance may be cited as the Lands Resumption Ordinance.

Government Agent to publish notice calling upon owners of abandoned lands to prefer their claims.

**2.** (1) When any land in the Island which has been or which may hereafter be alienated by or on behalf of the Crown shall appear to the Government Agent of the province in which such land is situate to have been abandoned by the owner thereof for eight years or upwards, and such owner or any person lawfully claiming under him cannot be ascertained, notwithstanding all reasonably diligent inquiry made by such Government Agent, it shall be lawful for such Government Agent, with the sanction of the Governor, to declare [§ 2, 2 of 1934.] by a notice to be published and to be posted on such land in the manner provided in subsection (2), that if no claim to such land is made to him by or on behalf of any person able to establish a title thereto within the period (not being less than twelve months) specified in such notice, such land shall be resumed by the Crown.

[§ 2, 2 of 1934.] (2) Every notice under subsection (1) shall be published twice at least—

(*a*) in English, Sinhalese and Tamil in the *Government Gazette*,

(*b*) in English in a local newspaper published in English,

(*c*) in Sinhalese in a local newspaper published in Sinhalese, and

(*d*) in Tamil in a local newspaper published in Tamil ;



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and every such notice shall also be posted in a conspicuous place in all three languages on the land to which it refers.

When no claim is made, Government Agent to report and the Governor to make order of resumption by the Crown.

**3.** If no claim shall be made in pursuance of such notice as aforesaid, the Government Agent shall make a report to the Governor of the proceedings taken by him, which report shall contain a description of the land, together with the boundaries thereof, and shall state that no claim has been made thereto ; and upon the receipt of such report, it shall be lawful for the Governor to make order that such land shall be resumed by the Crown ; and the same shall thereupon be resumed by and become the property of the Crown free from all encumbrances.

Procedure when claim is made.

**4.** If within the period specified in such notice as aforesaid a claim shall be made, the Government Agent shall call upon the claimant to establish the same within such time as the Government Agent shall appoint, and shall inquire into such claim and record all such evidence as may be adduced before him in support thereof. The Government Agent shall thereafter make a report to the Governor of the proceedings taken by him, which report shall contain a description of the land, with the boundaries thereof, and shall set forth the nature of the claim made in respect thereof, the evidence taken in support of such claim, and the finding of the Government Agent thereon.

If the Governor be satisfied that the claim has been established, further proceedings shall cease. If claim be doubtful, reference to District Court.

**5.** If the Governor shall, upon such report as aforesaid, or after such further inquiry as he may deem expedient, be satisfied that a prima facie right to the said land has been established, all further proceedings under this Ordinance in respect of such land shall cease ; but if the Governor shall entertain any doubt as to such right, the Governor shall refer the claim to the District Court of the district in which the land is situate, and the Judge of such court shall thereupon fix a day for the investigation of the claim with notice thereof to the claimant and to the Attorney-General, and after hearing such evidence as the claimant or Attorney-General shall adduce, or the court may call for, the said Judge shall decide whether in his opinion such right has or has not been established, and shall make such order as to costs as he shall deem just. Every such decision, however, shall be subject to an appeal, free from stamp duty, to the Supreme Court by the

Appeal.



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Attorney-General or by such claimant, and such appeal shall be subject to the same rules which govern interlocutory appeals from District Courts.

Procedure on decision by District or Supreme Court.

Proceedings to cease or order of resumption to be made.

**6.** If the decision of the District Judge, or of the Supreme Court in the event of an appeal, shall be that such right has been established, all further proceedings in respect of such land under this Ordinance shall cease; but if such decision shall be that such right has not been made out by the claimant, it shall be lawful for the Governor to make order that the land shall be resumed by the Crown, and the same shall thereupon be vested in and become the property of the Crown free from all encumbrances.

Resumption to be notified in *Gazette*.

Notification proof of resumption.

**7.** Whenever the Governor shall make an order of resumption under section 3 or section 6, a notification to that effect shall be published in the *Government Gazette* and posted on such land; and the production of the *Government Gazette* containing such notification shall be evidence of the resumption in all legal proceedings whatsoever.

District Court to issue writ of possession in favour of the Crown upon production of notification of resumption.

**8.** Upon any Government Agent producing or causing to be produced such notification of resumption before the District Court having jurisdiction within the district in which the resumed land is situate, it shall be lawful for such court, and it is hereby required, forthwith to issue a writ of possession directing the Fiscal or Deputy Fiscal of such district to put and place such Government Agent or any person whom he may name in writing in possession of such land for and on behalf of the Crown, and, if need be, remove therefrom any person or persons refusing to vacate the same.

Resumed land to be appraised.

**9.** Every land resumed by the Crown under section 3 or section 6 shall be appraised without delay by some person or persons appointed for that purpose by the Governor, and the appraised value shall be recorded in the office of the Government Agent of the province in which such land is situate.

Appraised value payable to owner within thirty years.

**10.** If within thirty years from the date of the notification of resumption being published in the *Government Gazette* any person shall establish to the satisfaction of the Governor that he is entitled to be paid such appraised value or any part thereof, the same shall be paid to him by the Deputy Financial Secretary.



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Power of District Judge at investigations of claims.

**11.** The District Judge when investigating any claim under this Ordinance shall have the same power of adjournment and of summoning and enforcing the attendance of claimants or witnesses, and of examining them on oath or affirmation, and of enforcing answers, and of calling for and enforcing the production of documents, as he has when dealing with cases in his ordinary civil jurisdiction; and every person wilfully giving false evidence at any investigation held by a District Judge under this Ordinance shall be guilty of an offence, and may be tried and punished in the same manner as if he had given false evidence in a judicial proceeding.

False evidence.

Power of Government Agent at inquiries into claims.

**12.** The Government Agent while holding an inquiry under section 4 may exercise all or any of the powers vested in a Commissioner acting under the provisions of the Commissions of Inquiry Ordinance; and every person who shall wilfully give false evidence before him shall be guilty of an offence, and may be tried and punished in the same manner as if he had given false evidence in a judicial proceeding.

Form of claim under this Ordinance. Claimant to name place for service of notices.

**13.** Every claim made under this Ordinance to the Government Agent shall be in writing, and signed by the person making the same, and shall set forth the name and address of the claimant in full, and the place at which he is willing to accept the service of notices; and any notice put in the post addressed to the claimant at such place shall be deemed to have been duly served.

Penalties. False statement.

**14.** Any person who shall wilfully and knowingly insert anything that is false in any statement of claim made to the Government Agent, and any person who, for the purpose of setting up a false claim to any land subject to the provisions of this Ordinance, shall wilfully and knowingly make any false statement (not on oath or affirmation) to the Government Agent at any inquiry held under the provisions of this Ordinance, shall be guilty of an offence, and liable to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for any period not exceeding six months, or to both.

Resisting or obstructing officers.

**15.** Any person who shall offer any resistance or obstruction to any Fiscal or Deputy Fiscal, or to any Government Agent or other person acting under the provisions of section 8, shall be guilty of an offence, and shall be liable to a fine



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not exceeding one hundred rupees, or to simple or rigorous imprisonment for a term not exceeding six months, or to both.

Defect in proceedings not to affect title of the Crown.

**16.** No informality or irregularity occurring in any proceedings taken under this Ordinance shall be held to invalidate or affect the title of the Crown or any purchaser or grantee from the Crown to any land resumed under this Ordinance :

Provided, however, that nothing herein contained shall prevent any person from claiming damages against the Crown if he has been substantially prejudiced by any such informality or irregularity.



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# CHAPTER 314.

## CROWN LANDMARKS.

AN ORDINANCE TO PROVIDE FOR THE ERECTION AND MAINTENANCE OF PERMANENT LANDMARKS TO DEFINE THE BOUNDARIES OF LAND ALIENATED BY THE CROWN.

*Ordinance* No. 7 of 1909.

[1*st January*, 1910.]

Short title.

**1.** This Ordinance may be cited as the Crown Landmarks Ordinance.

Interpretation.

**2.** In this Ordinance, unless the context otherwise requires, the expression "Government Agent" includes an Assistant Government Agent.

Erection of Crown landmarks.

**3.** Whenever, after the commencement of this Ordinance any land is sold, leased, or alienated by the Crown, or is admitted or declared by any order passed under Ordinance No. 1 of 1897* or the Land Settlement Ordinance to be the property of any claimant, the Governor may cause the boundaries of such land to be defined by permanent marks, in this Ordinance referred to as "Crown landmarks," of such material and size as the Governor may from time to time prescribe by order in the *Government Gazette*.

Duty of owner to keep Crown landmarks in repair.

**4.** It shall be the duty of the owner or the person for the time being in possession or occupation of any land, the boundaries of which have been defined by Crown landmarks, to keep such landmarks in good repair, and also to define the boundary line connecting the several landmarks by keeping the same clear of vegetation.

Where owner fails to keep Crown landmarks in repair.

**5.** (1) Whenever it appears that any Crown landmark has been removed, or is out of repair, or that the owner or occupier has failed to define or keep defined the boundary line between the landmarks, the Government Agent may call upon the owner or occupier to replace or repair such Crown landmark or to define the boundary line.

* Repealed by 20 of 1931.



F 20——J. N. 69528 (10/37)

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(2) Where any land is held by several persons in undivided shares, the Government Agent may call upon any one or more of the co-proprietors to replace or repair the Crown landmarks or to define the boundary line as aforesaid; and any such co-proprietor, on producing a certificate from the Government Agent that such work has been performed to his satisfaction, may recover from his co-proprietors their proportionate share in the expense so incurred.

Service of notice.

**6.** (1) Notice in writing of every requisition to replace or to repair Crown landmarks or to define the boundary line shall be served in the manner prescribed by section 14 of this Ordinance, on the owner or occupier of the land requiring him to perform such work within such time as the Government Agent may think reasonable.

Landmarks for adjoining lots.

(2) Where a Crown landmark serves, or is intended to serve, as a boundary between two or more adjoining lands, the owners of which would both or all be liable to set up or repair the landmark, the requisition shall be served on the owner or occupier of each such land. Where one only of such owners has complied with the requisition, he may recover from the other owner or owners the proportionate share of the expense which he has incurred in complying with the requisition.

Certificate.

**7.** (1) The Government Agent shall, when Crown landmarks have been replaced or repaired or the boundary line has been defined to his satisfaction within the time prescribed in the notice, or within such further time as the Government Agent shall allow, grant a certificate to that effect to the owner or occupier.

(2) Upon a report of the Surveyor-General or of a licensed surveyor authorised by the Surveyor-General to inspect Crown landmarks to the effect that any Crown landmarks have been properly repaired or replaced, or that any boundary line has been properly defined, the Government Agent may grant a certificate that such work has been done to his satisfaction.

Procedure where order is not complied with.

**8.** If after service of notice the required work is not completed within the time prescribed in the notice, it shall be lawful for the Surveyor-General on the requisition of the Government Agent to cause such work to be done, and the cost incurred thereby, and such additional sum as the Governor shall from time to time by rule prescribe, shall be chargeable and recoverable as hereinafter provided.



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Parties may require Government Agent to set up or repair the landmarks.

**9.** The person on whom a notice to replace or repair Crown landmarks or to define boundaries is served may request the Government Agent to cause such landmarks to be set up or repaired, and the Government Agent may require the Surveyor-General to have such landmarks set up or repaired, and the cost shall be certified and recovered as hereinafter provided.

Procedure in case of dispute.

**10.** If any dispute shall arise as to the position in which any Crown landmark shall be placed, the same shall be settled by the Surveyor-General, who may direct the land to be re-surveyed. The expense of any such survey shall be borne by the landowner, and shall be recovered in manner provided by section 12.

Certificate of expense.

**11.** The cost of setting up or repairing Crown landmarks under sections 8 and 9, and the cost of survey (if necessary) for ascertaining the true position of any boundary, shall be certified in writing by the Government Agent under his hand, and such certificate shall be held to be conclusive proof of the amount paid, and that everything necessary to be done under this Ordinance up to the time of making such certificate for the purpose of requiring the landmarks to be set up or repaired has been done as required by this Ordinance.

Summons to show cause.

**12.** In the event of any person charged with the expense incurred by the Surveyor-General in setting up or repairing Crown landmarks under this Ordinance, and the expense of surveys if any, refusing or neglecting to pay the expense so incurred, a summons shall be served upon such person requiring him to show cause before a Magistrate why the said cost or proportion of cost (stating the amount) should not be paid by him, and if he fail to show such cause, or if he fail to appear, the Magistrate on proof of service of the summons and on reading the Government Agent's certificate issued under section 11 may make an order for payment of the amount.

How recoverable.

**13.** The amount ordered to be paid under section 12 may be recovered in the manner provided by law for the recovery of fines imposed by Magistrates, although exceeding the amount that is within their ordinary jurisdiction, and when so recovered shall be paid to the Government Agent.

Service of notices.

**14.** Notices under this Ordinance may be served personally on the owner or occupier or by having the same affixed in a conspicuous manner on the land to which the notice refers.



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Penalty for setting up counterfeit Crown landmarks.

**15.** Any person who, except in any case where a Crown landmark is by this Ordinance required or allowed to be set up, sets up or causes or allows to be set up on property belonging to him or under his control or management any boundary mark resembling the Crown landmarks prescribed for the purpose of this Ordinance, intending or knowing it likely that such boundary mark will be taken for a Crown landmark, shall be guilty of an offence under this Ordinance, and shall be liable on conviction to a fine which may extend to five hundred rupees, and to simple or rigorous imprisonment for a term not exceeding six months.

Penalty for misuse of Government broad arrow mark.

**16.** No person other than an officer in the Civil or Military service of the Crown, or a person authorised by such officer, shall engrave on or affix to any rock, stone, tree, or other object the Government broad arrow mark or any imitation thereof. Any person acting in contravention of this section shall be guilty of an offence, and shall be liable on conviction thereof to a fine which may extend to one hundred rupees.

Protection to persons acting under the Ordinance.

**17.** No suit, action, or legal proceedings shall lie against any person for anything done in good faith, or intended to be so done, under this Ordinance.



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# CHAPTER 315.

## DEFINITION OF BOUNDARIES.

AN ORDINANCE TO MAKE PROVISION FOR THE MORE EASILY ASCERTAINING THE BOUNDARIES OF LANDS IN THIS ISLAND.

*Ordinances* Nos. 1 of 1844, 13 of 1905, 28 of 1919, 27 of 1933.

[17*th January*, 1844.]

Short title.

**1.** This Ordinance may be cited as the Definition of Boundaries Ordinance.

Government Agent may demand production of title deeds.

**2.** It shall at any time be lawful for the Government Agent of the province to demand in writing of any person claiming to be the owner of any land within the same the production of every deed, document, and instrument upon which such person founds such claim; and if the occupier or person having the superintendence or management of any such land, not being himself the alleged owner thereof, shall refuse to give full information respecting the name and residence of such alleged owner, upon being requested so to do by the Government Agent, or if such alleged owner shall refuse to produce to the Government Agent, within ten days after being requested so to do, every deed, document, and instrument upon which he founds his claim to the said land, and which shall be in his possession, or if any such deed, document, or instrument shall not be in his possession, shall refuse fully to inform the Government Agent, upon application, in whose possession they are, or if any person having in his possession any such deed, document, or instrument shall refuse to produce the same within ten days after having been requested so to do in writing by the Government Agent, every such occupier, superintendent or manager, alleged owner, and person so refusing shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding fifty rupees.

Assistant Government Agents to perform in their districts the duties of Government Agents under section 2.

**3.** The powers and duties by section 2 of this Ordinance assigned to Government Agents with regard to land within their respective provinces may be exercised and performed by Assistant Government Agents with regard to land within their respective districts.



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Where no survey, Government Agent may order one to be made.

**4.** If it shall appear that the person claiming to be the owner of any land is not in possession of any deed, document, or instrument in support of such claim, or if there shall not be attached or belonging to such deed, document, or instrument a correct and authenticated survey of the land claimed by virtue of such deed, document, or instrument, it shall be lawful for the Government Agent of the province, if he shall see fit so to do, wherein such land shall be situated, to cause a survey thereof to be made, and to recover the costs thereof from such claimant, and such Government Agent shall forthwith proceed to grant to such claimant a certificate of the Crown having no claim to such land in manner provided by section 8 of the Crown Lands Encroachments Ordinance.

Trespassers, unless wilful, not liable.

**5.** From and after the passing of this Ordinance, no person shall be liable to any action for trespass for any entry upon any land within this Island, or to any action for damages in respect of any injury done to the same, if the title to such land shall be founded on any grant from the Crown, or if the person claiming to be the owner thereof shall have attached or belonging to the deed, document, or instrument by virtue of which he claims such land, a correct and authenticated survey thereof, or shall at any time have received a certificate that the Crown has no claim upon such land, unless the boundaries of such land shall be clearly defined along their whole line, or at such intervals as shall accurately show their whole line, by some wall, bank, ditch, fence, posts, stones or other sufficient landmarks or boundary, unless such trespass or injury shall have been wilfully committed.

Where party has had possession for three years of land erroneously granted by the Crown.

**6.** If the Crown shall have heretofore granted, or shall hereafter grant, any land which shall have been previously granted by the Crown to any party, or which shall be possessed by any subject of the Crown in manner provided by the preceding section of this Ordinance, and the boundaries whereof shall not have been or shall not be clearly defined in the manner provided by the said section at the time of making such erroneous grant, and if the party to whom any such erroneous grant shall have been made shall have entered upon such land, and shall have clearly defined the boundaries thereof as aforesaid, and remained in undisturbed possession thereof for the space of three years subsequent to the passing of this Ordinance, and shall have cultivated or improved the same, the party so in possession shall be



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entitled to retain the land so cultivated and improved upon payment to the party having a title to the same under the original grant from the Crown, or under any other good and sufficient title, of the value of such land at the time such erroneous grant shall have been made (which value shall be determined, if necessary, by arbitration in manner hereinafter provided): And upon such payment being made to such party, and in consideration thereof, such party is hereby required to execute a good and valid transfer of such land to the party so in possession thereof as aforesaid, and his heirs, upon application by and at the sole cost of the said party so in possession; and the said party so in possession shall be entitled to recover from the Crown the amount paid to the Crown in respect of such erroneous grant.

Where less than three years.

**7.** If the Crown shall have heretofore granted, or shall hereafter grant, any land which shall have been previously granted by the Crown to any party, or which shall be possessed by any subject of the Crown in manner provided by section 5 of this Ordinance, and the boundaries whereof shall not have been or shall not be clearly defined in the manner provided by the said section at the time of making such erroneous grant, and if the party to whom such erroneous grant shall have been made shall have entered upon such land and clearly defined the boundaries thereof, and shall have cultivated or improved the same, but shall not have remained in undisturbed possession thereof for the space of three years subsequent to the passing of this Ordinance, then the first grantee or proprietor shall not be entitled to enter upon and take possession of the land so cultivated or improved except upon payment to the cultivator or improver thereof of three-fourths of the improved value of such land, less the value of such land in its uncultivated state, such last-mentioned value to be taken to be the same as that of similar land adjoining; and such questions of value shall be determined by arbitration in manner hereinafter provided; and the party having so cultivated or improved the same shall be entitled to recover from the Crown the amount paid to the Crown by such party in respect of such erroneous grant:

Provided always that if the first grantee or proprietor of such land shall decline to enter into possession of the land so cultivated or improved, he shall be entitled to recover from the cultivator or improver thereof the value of the land and one-fourth of the value of the cultivation or



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improvements thereupon, such value to be determined by arbitration in manner hereinafter provided; and upon payment of such amount the said first grantee or proprietor shall, upon application by and at the cost of the party having cultivated or improved such land, execute a good and valid transfer thereof to such party and his heirs, and the said last-mentioned party shall be entitled to recover from the Crown the amount paid to the Crown in respect of such erroneous grant; and

Provided further, that if it shall appear that the party having claim to such land under such first grant from the Crown, or under any other good and valid title, had full knowledge of such land being so cultivated or improved, and wilfully, fraudulently, or negligently abstained from giving notice to the party cultivating or improving the same that such land was the property of the party having such claim as aforesaid, then the party so having cultivated or improved the same shall be entitled to retain possession of such land upon the same terms and in such and the like manner as is declared in the preceding section of this Ordinance in respect of parties who shall have cultivated or improved land erroneously granted to them by the Crown and shall have remained in undisturbed possession of the same for the space of three years subsequent to the passing of this Ordinance.

Where party has had possession for not less than two nor more than five years of uncultivated land belonging to another.

**8.** If any person shall without fraud and in perfect good faith enter upon any uncultivated land which shall be the property of any of His Majesty's subjects, the boundaries of which shall not be clearly defined as aforesaid, and shall cultivate or improve the same, and shall remain in undisturbed possession thereof for any period not less than two nor more than five years, the proprietor of such land so cultivated or improved shall not be entitled to enter upon or take possession of the same, unless upon payment to the party by whom it shall have been so cultivated or improved of three-fourths of the improved value of such land, less the value of such land in its uncultivated state, such last-mentioned value to be taken to be the same as that of similar land in the neighbourhood; and such questions of value shall be determined by arbitration in manner hereinafter provided:

Provided always that it shall be lawful for such proprietor, if he shall think fit, to recover from the party having cultivated or improved such land one-fourth of the value of the land, and one-fourth of the value of the cultivation



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or improvements thereupon, and upon payment of such amount to such proprietor such proprietor shall, on application at the cost of the party so having cultivated or improved such land, execute a good and valid transfer thereof to such party and his heirs ; and

Provided further, that if it shall appear that the proprietor of such land had full knowledge of such land being so cultivated or improved, and wilfully, fraudulently, or negligently abstained from giving notice to the party so cultivating or improving the same that such land was his property, such proprietor shall not be entitled to re-enter upon such land except upon payment to the party having cultivated or improved the same of the full improved value of such land, less the value thereof in its uncultivated state ; and such questions of value shall be determined by arbitration in manner hereinafter provided.

Where more than five years.

**9.** If any person shall without fraud and in perfect good faith enter upon any uncultivated land which shall be the property of any of His Majesty's subjects, the boundaries of which shall not be clearly defined as aforesaid, and shall cultivate or improve the same, and shall remain in undisturbed possession thereof for upwards of five years, the proprietor of such land shall not be entitled to enter upon and take possession of such land so cultivated or improved, unless upon payment to the party having cultivated or improved the same of the full improved value thereof, less the value of the land in its uncultivated state, which last-mentioned value shall be deemed and taken to be the same as that of similar land in the neighbourhood ; and such questions of value shall be determined, if necessary, by arbitration in manner hereinafter provided :

Provided nevertheless, that such proprietor shall, if he elect so to do, have full power and authority to claim and recover from the party having cultivated or improved such land the value of such land in its uncultivated state, such value to be taken to be the same as that of similar land in the neighbourhood at the time of valuation, and to be determined, if necessary, by arbitration in manner hereinafter provided ; and upon payment of such amount to such proprietor, and in consideration thereof, such proprietor is hereby required to execute a good and valid transfer thereof to the party having cultivated or improved the same, and his heirs, the cost of such transfer to be borne by such party ; and



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Provided further, that if it shall appear that the proprietor of such land had, at any time within such five years, full knowledge of such land being so cultivated or improved, and wilfully, fraudulently, or negligently abstained from giving notice to the party cultivating or improving the same that such land was his property, then it shall be competent to such party, upon payment to such proprietor of the value of such land when first entered upon by such party (such value to be determined, if necessary, by arbitration in manner hereinafter provided), to call upon such proprietor, and such proprietor is hereby required, to execute a good and valid transfer thereof to such party and his heirs at the cost of such party.

Proprietors of adjoining lands may call upon each other to define boundaries.

**10.** It shall be lawful for any subject of the Crown possessed of land in manner provided by section 5 of this Ordinance, the boundaries of which shall not be clearly defined as aforesaid, or any agent on his behalf, to call upon the proprietor or occupant of any land adjoining thereunto not being His Majesty, His heirs, or successors, or upon his agent, by notice in writing under the hand of such possessor, to be served personally on such last-mentioned proprietor, occupant, or agent, or in the event of their absence from the Island, or of their not being known, by affixing the same for the space of one month on some conspicuous place in every Kachcheri and court house within the district in which such land shall be situated, and upon the land itself, to cause one-half of such boundary to be made or renewed as shall require to be made or renewed, except where the liability of making or renewing such boundary or any part thereof shall by any law, custom, or agreement be otherwise determined ; and if the making or renewal of such boundary shall not be commenced within thirty days after the service of such notice, and be diligently proceeded with, such first-mentioned possessor shall be entitled to cause such half of such boundary to be made or renewed, and to recover twice the amount of the costs necessarily incurred therein from the party failing to make or renew his share of such boundary :

Provided always that where the land of any of His Majesty's subjects shall adjoin land belonging to His Majesty, it shall be competent for the Government Agent or any Assistant Government Agent of the province in which such lands so adjoin, to call upon such subject, by notice to be served in manner provided in respect of the notice hereinbefore mentioned, to make or renew the whole of such boundary,



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or such part thereof as shall require to be made or renewed ; and if the making or renewal of such boundary shall not be commenced within thirty days after the service of such notice, and diligently proceeded with, the said Government Agent or Assistant Government Agent shall be entitled to cause such boundary to be made or renewed, and to recover from such subject twice the amount of the costs necessarily incurred therein.

Procedure when Government Agent or Assistant Government Agent finds boundary of private land adjoining Crown land should be made or renewed.

**11.** Where it appears to a Government Agent or Assistant Government Agent that the boundary of land belonging to any of His Majesty's subjects which adjoins land belonging to His Majesty should be made or renewed in whole or in part, such Government Agent or Assistant Government Agent may, in lieu of taking action under section 10, adopt the following procedure :—

When owner of such land cannot get its boundary satisfactorily surveyed, Government Agent or Assistant Government Agent may get Surveyor-General to make survey.

(*a*) the Government Agent or Assistant Government Agent, if he is of opinion, after consultation with the Surveyor-General, that the work of making or renewing a boundary cannot be satisfactorily carried out by such subject or any surveyor employed by him, may call upon the Surveyor-General to make or renew such boundary in whole or in part, and thereupon such Surveyor-General shall make or renew such boundary, as the case may be ;

Surveyor-General shall certify cost of such survey.

(*b*) the Surveyor-General shall certify the amount of the cost of the survey to such Government Agent or Assistant Government Agent, and such certificate shall be final and conclusive ;

Payment of such cost of survey.

(*c*) such subject as aforesaid shall pay the amount so certified to such Government Agent or Assistant Government Agent, and in the event of such subject refusing or neglecting to pay such amount, a summons shall be served upon him requiring him to show cause before a Magistrate why the said amount should not be paid by him, and if he fails to show cause, or if he fails to appear, the Magistrate, on proof of service of the summons and on reading the Surveyor-General's certificate as aforesaid, may make an order for payment of the amount ;

How such cost of survey may be recovered.

(*d*) the amount ordered to be paid under the last preceding paragraph may be recovered in the manner provided by law



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for the recovery of fines by Magistrates, although exceeding the amount that is within their ordinary jurisdiction, and when so recovered shall be paid to such Government Agent or Assistant Government Agent as aforesaid.

Where boundaries have been made and adjoining lands subsequently purchased.

**12.** If any subject of the Crown possessed of land in manner provided by section 5 shall, after the passing of this Ordinance, clearly define the boundaries of his land as aforesaid before the lands immediately adjoining thereunto shall have been duly granted by the Crown, or otherwise held as private property, the owner of the land the boundaries of which shall have been so made shall be authorised to claim and recover from the person or persons who shall afterwards become the proprietor or proprietors of such adjoining lands, one-half of the actual value of the boundaries then existing between the said adjoining lands, and such value shall be determined, if necessary, by arbitration in manner hereinafter provided as soon as is practicable after such adjoining land shall have been granted by the Crown, or otherwise held as private property as aforesaid.

Disputes to be referred to arbitration.

**13.** Wherever any question shall be left under the provisions of this Ordinance to be determined by arbitration, such arbitration shall be referred to two persons, one of whom shall be nominated by each of the parties, and the amount which shall be awarded under such arbitration shall, upon due proof and verification of such award before any competent court, be recovered in the same manner that such amount would have been recoverable if it had been decreed to be due by the judgment of such court :

Provided always that in case such two persons so nominated as aforesaid shall not agree in the amount of the sum to be paid within the space of one calendar month next after such reference shall be made to them, then and in such case the same shall be referred to the determination of such indifferent person as the said arbitrators by any writing under their hands shall nominate and appoint as umpire in the case, and the decision of such umpire shall be conclusive, and the amount awarded by him shall be recoverable in like manner as is hereinbefore provided in respect to the amount awarded by the original referees ;

Provided also, that in case either of the parties in difference shall neglect or refuse, for the space of one calendar month after notice in writing given by the other party for that



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purpose, to join in the appointment of such arbitrators as aforesaid, it shall and may be lawful for the arbitrator to be chosen by the party giving such notice to nominate another arbitrator to act with him, and the award of such arbitrators, or if they shall not agree in an award, then the award of the umpire, whom they are hereby required to nominate in like manner as hereinbefore provided in respect of the umpire to be nominated by the original referees, shall be binding and conclusive, and the amount awarded under it be recoverable in like manner as if the party so neglecting or refusing had chosen an arbitrator who had actually joined and made an award therein.

Disputes between respective owners as to necessity or sufficiency of boundary to be referred to arbitration.

**14.** In all cases where any dispute or difference shall arise between the respective owners, or persons legally possessed of such adjoining lands, as to the necessity or sufficiency of any boundary as aforesaid, then and in every such case the same shall be referred to arbitration in like manner, and shall be subject to the like award in manner hereinbefore provided, which award shall in like manner be binding and conclusive.

Ordinance not to affect property of minors or insane persons, &c.

**15.** No person shall acquire any right under the provisions of this Ordinance in respect of the entry upon and cultivation of land which shall be the property, sole or joint, of any person under twenty-one years of age, or of any insane person: and

Provided further, that no person shall be subject to the liabilities hereinbefore declared for the not making of a proper boundary to the land possessed by him, if the making thereof shall have been stayed by any order or judgment of any competent court of law.

Penalty on removing landmarks.

**16.** Every person who shall wilfully and knowingly remove, destroy, or efface, or attempt to remove, destroy, or efface, any landmark or boundary which shall serve to mark the limits of any land, except for the purpose of repairing the same, shall be guilty of an offence, and be liable, on conviction thereof, to payment of any fine not exceeding five hundred rupees, or to imprisonment, with or without hard labour, for any period not exceeding one year.



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# CHAPTER 316.

## LAND SURVEYS.

*Ordinances* Nos. 4 of 1866, 2 of 1917.

AN ORDINANCE TO ENLARGE THE POWER OF THE SURVEYOR-GENERAL TO DEMAND THE PRODUCTION OF DEEDS AND MAKE SURVEYS OF LANDS, AND TO FACILITATE THE PROOF OF SURVEYS.

[20*th October*, 1866.]

Short title.

**1.** This Ordinance may be cited as the Land Surveys Ordinance.

Surveyor-General, &c., may demand production of deeds.

**2.** It shall be lawful for the Surveyor-General, or any of his assistants, or for any person authorised in that behalf in writing by the Surveyor-General, whenever to them it shall appear necessary to do so, to demand in writing of the person claiming to be the owner of any land or premises, or of his agent, or of the occupier of any such land or premises, the production of every deed, document, or instrument upon which such person founds his claim ; and if such agent, or the occupier of any such land or premises, shall refuse to give full information respecting the name and residence of the alleged owner, and of the person by whom such agent or occupier is employed, and in whose possession the said deeds, documents, and instruments are, upon being requested so to do by the Surveyor-General, or on his behalf as aforesaid, or if such alleged owner, or agent, or occupier shall refuse to produce to the Surveyor-General, or to any person on his behalf, within ten days after being requested so to do, every deed, document, and instrument upon which he founds his claim to the said land or premises, and which shall be in his possession, or if any such deed, document, or instrument shall not be in his possession, shall refuse fully to inform the Surveyor-General, or any person on his behalf upon application, in whose possession they are ; or if any person having in his possession any such deed, document, or instrument shall refuse to produce the same within ten days after having been requested so to do in writing by the Surveyor-General, or on his behalf, every such



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agent, occupier, alleged owner, and person so refusing shall be guilty of an offence and be liable, on conviction thereof, to a fine not exceeding fifty rupees.

Demand of production of deed to include power of examination.

**3.** The deeds, documents, and instruments in the preceding clause mentioned shall be produced on the premises to which the same may relate, or at such other place as the person demanding the same may require, and the power of demanding the production thereof, in the preceding section given, shall be deemed and taken to include the power of making such examination of such deeds, documents, and instruments as shall be necessary; and every person refusing or failing to permit such examination of any such deed, document, or instrument, to any party authorised under this Ordinance to demand production thereof, and making such demand, shall be liable to a fine not exceeding fifty rupees.

Surveyor-General may enter into and survey lands.

**4.** The Surveyor-General, or any of his assistants, or any person authorised in that behalf in writing by the Surveyor-General, may, after reasonable notice given to the occupier, enter upon any land or premises which it may be necessary for him to inspect or survey, and make such inspection and survey of the same as shall be necessary to enable such Surveyor-General, assistant, or other person to ascertain whether such land or premises belongs to His Majesty, or is the private property of the person claiming the same, or as shall be necessary for the purpose of the discharge of any official duty of the Surveyor-General or of any officer of his Department. General notice, by beat of tom-tom, an hour at least before the entry, that such entry will be made upon the lands in any village, or within any given limits, shall be deemed reasonable notice for the purposes of this Ordinance; but such form of notice shall not preclude the Surveyor-General or his assistants from adopting any other form.

Penalty on abuse of power by Surveyor-General, &c.

**5.** If the Surveyor-General, or any of his assistants, or any person authorised by him as aforesaid, or any person acting under his orders, shall, under pretence of performing any duty or exercising any privilege imposed on or vested in him by or under this Ordinance, abuse his power or use unnecessary violence, or wantonly do any injury, or give uncalled for and vexatious annoyance, every such officer or person shall be guilty of an offence, and be liable to a fine not exceeding two hundred rupees.



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Proof of plans signed by the Surveyor-General.

**6.** If any plan or survey offered in evidence in any suit shall purport to be signed by the Surveyor-General or officer acting on his behalf, such plan or survey shall be received in evidence, and may be taken to be prima facie proof of the facts exhibited therein ; and it shall not be necessary to prove that it was in fact signed by the Surveyor-General or officer acting on his behalf, nor that it was made by his authority, nor that the same is accurate, until evidence to the contrary shall have first been given.

Copies purporting to be authenticated by the Surveyor-General receivable instead of originals.

**7.** Any plan or survey purporting to be a true copy of one purporting to be signed as aforesaid shall, provided the said copy purport to be signed and authenticated by the Surveyor-General or officer acting on his behalf as a true copy of the original, be received in evidence in all cases and for all purposes instead of the original, and may (without proof that the original is not procurable) be taken as prima facie evidence of the truth of the facts exhibited therein as fully as that original may be under this Ordinance ; and it shall not be necessary to prove that the said copy was in fact signed or authenticated by the Surveyor-General or officer acting on his behalf, nor that it is a true copy, nor that the facts established therein are accurate, until evidence to the contrary shall have first been given.



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# CHAPTER 317.

# AUTHENTICATION OF CROWN GRANTS.

AN ORDINANCE RELATING TO THE AUTHENTICATION OF GRANTS AND LEASES OF CROWN LAND.

*Ordinance* No. 12 of 1927.

[18*th November*, 1927.]

Short title.

**1.** This Ordinance may be cited as the Crown Grants (Authentication) Ordinance.

Authentication of original Crown grants and leases.

**2.** (1) The Governor may, if he thinks fit, instead of personally signing the original of any grant or lease of Crown land, cause his signature to be attached thereto by means of a stamp or facsimile of his sign manual, and a grant or lease so signed shall be as effectual as if it had been signed by the Governor personally.

(2) Provided that—

(*a*) every signature by means of a stamp or facsimile shall be attached by or in the presence of the Private Secretary to the Governor or other person authorised by the Governor, and the Private Secretary or other person so authorised shall certify on the original that the Governor's signature was attached by means of a stamp or facsimile, as the case may be, by him or in his presence ; and

(*b*) every grant or lease signed by means of a stamp or facsimile of the Governor's signature shall be countersigned by a person appointed by the Governor for the purpose (in this Ordinance referred to as the " countersigning officer ").

Authentication of copies of Crown grants and leases.

**3.** (1) A copy of every grant or lease of Crown land shall be authenticated by the signature of the countersigning officer and deposited for purposes of record at the office of the Registrar-General and at any other office which the Governor may from time to time appoint.



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(2) The countersigning officer may, if he thinks fit, cause his signature to a copy of a grant or lease of Crown land to be attached by means of a stamp or facsimile of his sign manual.

(3) Provided that every such signature shall be so attached by or in the presence of a person authorised by the countersigning officer, and the person so authorised shall certify on the copy that the signature of the countersigning officer was attached by means of a stamp or facsimile, as the case may be, by him or in his presence.

(4) A copy of a Crown grant or lease authenticated in accordance with this Ordinance shall be primary evidence within the meaning of section 62 of the Evidence Ordinance, of the Crown grant or lease of which it purports to be a copy.

Penalty for unlawful possession of facsimile signature

**4.** Any person who obtains possession of or uses the stamp or facsimile signature of the Governor without the authority of the Governor or who obtains possession of or uses the stamp or facsimile signature of the countersigning officer without the authority of the countersigning officer shall on summary conviction by a Magistrate be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for any period not exceeding six months.

Validation of past Crown leases.

**5.** A lease of Crown land executed before the commencement of this Ordinance shall not be invalid by reason only that it is not countersigned by the Colonial Secretary or some other person duly appointed by the Governor in that behalf.



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# CHAPTER 318.

## CROWN LAND (CLAIMS).

AN ORDINANCE TO PROVIDE FOR THE CONSIDERATION AND DECISION OF APPLICATIONS IN RESPECT OF CLAIMS TO LANDS AT THE DISPOSAL OF THE CROWN.

*Ordinance* No. 21 of 1931.

[1*st July*, 1931.]

Preamble.

WHEREAS by Letters Patent passed under the Great Seal of the United Kingdom of Great Britain and Northern Ireland, constituting the office of Governor and Commander-in-Chief of the Island of Ceylon and its Dependencies and dated the eleventh day of September, in the eleventh year of the reign of His Majesty KING GEORGE THE FIFTH, the said Governor is empowered to make and execute, under the Public Seal of the Island, grants and dispositions of any lands which may lawfully be granted or disposed of by His Majesty within the Island :

And whereas the Settlement Officer and the several Assistant Settlement Officers appointed under the Land Settlement Ordinance, and the several Government Agents and Assistant Government Agents have, for the purpose of determining the grants and dispositions to be made and executed as aforesaid, been authorised by the Governor to investigate any claims which may be made otherwise than under that Ordinance to such lands as may lawfully be granted or disposed of by His Majesty and to shares of and interests in such lands and to make orders admitting or rejecting such claims in whole or in part and, in any case in which any claim or any part of any claim is admitted, to make an order effecting a settlement in respect of such claim or of such part of a claim on such terms and conditions as from time to time may be prescribed by general or special instructions issued under the authority of the Governor :

And whereas it is expedient to make provision for the revision of orders so made in respect of such claims by the Settlement Officer and by the several Assistant Settlement



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Officers, Government Agents, and Assistant Government Agents in pursuance of the authority conferred on them as aforesaid :

Be it enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

**1.** This Ordinance may be cited as the Crown Land (Claims) Ordinance.

Interpretation.

**2.** In this Ordinance, unless the context otherwise requires—

"claim" means any claim made otherwise than under the Land Settlement Ordinance, to land which may lawfully be granted or disposed of by His Majesty, and "claimant" means any person making a claim ;

"interest", in relation to any land, means an interest less than the full ownership of the land ;

"Settlement Officer" means the Settlement Officer and any Assistant Settlement Officer appointed under the Land Settlement Ordinance, and any Government Agent or Assistant Government Agent ;

"share", in relation to any land, means an undivided share of the land.

Application to the Board established by the Land Settlement Ordinance, for the revision of orders.

**3.** (1) Where the Settlement Officer, in pursuance of the authority of the Governor, investigates any claim and makes an order in relation thereto, he shall communicate such order to the claimant in writing.

(2) Any offer made under this section shall be assessed in accordance with the rules in force for the time being under section 6 of the Land Settlement Ordinance.

(3) Any claimant who is dissatisfied with any such order made by the Settlement Officer may, within a period of one month from the day on which the order was communicated to him, apply to the Board established by section 11 of the Land Settlement Ordinance, (hereinafter referred to as "the Board"), to revise the order. Such application shall be made by petition addressed to the Board and delivered to the Settlement Officer, who shall forward the petition to the Chairman of the Board.



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Stamp duty on petitions.

**4.** (1) Stamp duty shall be chargeable in respect of petitions addressed to the Board under section 3 at the rates specified in the Schedule.

(2) Every claimant to land or to a share of land who makes an application to the Board under section 3 shall declare in his petition the aggregate extent of land or of the share of land in respect of which the application is made; and stamp duty shall be chargeable in respect of such petition in accordance with the extent so declared.

(3) For the purposes of subsection (2), the extent of a share of land shall be deemed to be the equivalent divided extent of land.

(4) It shall be lawful for the Board, if it thinks proper to do so, to waive the stamp duty chargeable in respect of any petition or to accept, upon such terms and conditions as it thinks fit, any petition which has not been duly stamped or to order that the whole or any part of the stamp duty paid in respect of any petition be refunded.

Powers of the Board and procedure in respect of applications.

**5.** (1) The Board may, after considering any application made under section 3 and after holding or making or ordering to be held or made any inquiry or inspection that it may think fit, confirm or revise any order made by the Settlement Officer in respect of the claim to which such application relates.

(2) The provisions of any rules made under section 11 (2) (*a*) of the Land Settlement Ordinance, so far as such rules are applicable, and the provisions of sections 11 (2) (*c*), 11 (4), 27 and 28 of the said Ordinance, shall apply to the holding or making of any inquiry or inspection by or by order of the Board under this section and to the consideration and decision of every application made to the Board under section 3 of this Ordinance, as though references to the Land Settlement Ordinance, in the said rules and sections were references to this Ordinance.

Effect to be given to decision of the Board, if accepted.

**6.** The Chairman of the Board shall inform the Settlement Officer of the decision of the Board in respect of every such application, and the Settlement Officer shall thereupon communicate such decision to the claimant by writing under his hand; and if upon such decision being communicated to him the claimant signifies to the Settlement Officer that he accepts such decision, the Settlement Officer shall take such steps to give effect thereto as may be necessary.



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Orders of Settlement Officer and decisions of the Board not to be considered by courts.

**7.** No order made by the Settlement Officer under this Ordinance, and no decision or proceedings of the Board in relation thereto, shall be considered or adjudicated upon by any court; but the court shall make order according to law as if no such order or decision had been made and no such proceedings taken.

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## SCHEDULE.

[Section 4 (1).]

CROWN LAND (CLAIMS) ORDINANCE.

RATES OF STAMP DUTY CHARGEABLE IN RESPECT OF PETITIONS.

1. If the claim is to the full ownership of any land or of any share of any land and the aggregate extent of land or of the share of land declared in the petition—

| | | | | Rs. | c. |
|---|---|---|---|---|---|
| Does not exceed 2 acres | | | .. | 1 | 0 |
| Exceeds | 2 acres, but does not exceed | 5 acres | .. | 1 | 50 |
| Exceeds | 5 do. | 10 acres | .. | 3 | 50 |
| Exceeds | 10 do. | 20 acres | .. | 6 | 0 |
| Exceeds | 20 do. | 40 acres | .. | 12 | 0 |
| Exceeds | 40 do. | 60 acres | .. | 25 | 0 |
| Exceeds | 60 do. | 80 acres | .. | 50 | 0 |
| Exceeds | 80 do. | 100 acres | .. | 75 | 0 |
| Exceeds 100 acres | .. | .. | .. | 100 | 0 |

2. If the claim is to an interest .. .. 5 0

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# CHAPTER 319.

## LAND SETTLEMENT.

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW RELATING TO LAND SETTLEMENT.

*Ordinances* Nos. 20 of 1931, 22 of 1932, 31 of 1933.

[23*rd October*, 1931.]

**1.** This Ordinance may be cited as the Land Settlement Ordinance. Short title.

**2.** In this Ordinance, unless the context otherwise requires— Interpretation.

"claim" means any claim made under this Ordinance and "claimant" means any person making a claim ;

"interest", in relation to any land, means an interest less than the full ownership of the land ;

"land" means an allotment of land the boundaries of which have been delineated by survey, or any portion of any such allotment divided, or capable of being divided, from the remainder of such allotment, and includes the bed of any waterway or collection of water, whether such waterway or collection of water is natural or artificial ;

"Ordinance" includes the Ordinance referred to and any Ordinance amending it and any rules, regulations or by-laws made under any of such Ordinances and for the time being in force ;

"person" includes any body of persons corporate or unincorporate, but does not include the Crown;

"Settlement Officer" includes an Assistant Settlement Officer and a Government Agent or Assistant Government Agent acting under section 3 (2) ;

"share", in relation to any land, means an undivided share of the land ;

"The Board" means the Board established by section 11 ;

"unoccupied land" includes land occupied by, on behalf of, or under, the Crown.



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Appointment of Settlement Officer and Assistant Settlement Officers and powers of Government Agents and Assistant Government Agents to apply the Ordinance.

**3.** (1) The Governor may appoint a Settlement Officer and such number of Assistant Settlement Officers as he shall from time to time consider necessary.

(2) It shall be lawful for any Government Agent or Assistant Government Agent to apply the provisions of this Ordinance to any land, being of any of the descriptions set forth in section 4 (1), situated within his province or district, and for that purpose to exercise and perform the powers and duties conferred and imposed by this Ordinance upon the Settlement Officer.

[§ 2, 22 of 1932.]

(3) It shall be lawful for any Settlement Officer appointed under this Ordinance to continue or to complete any action or proceeding taken or commenced under Ordinance No. 1 of 1897* by a Special Officer appointed under section 28 of that Ordinance or by the Government Agent of a Province or by the Assistant Government Agent of a District, where any such proceeding or action was pending or incomplete on the twenty-third day of October, nineteen hundred and thirty-one ; and for such purpose and from that date a Settlement Officer is hereby authorised to perform, execute and exercise the functions, duties and powers assigned to, imposed upon or vested in, any such Special Officer, Government Agent or Assistant Government Agent as the case may be.

Settlement Officer may by notice call for claims. Publication and form of notice.

**4.** (1) Whenever it appears to the Settlement Officer that any land is of any of the following descriptions :—

(*a*) forest, waste, unoccupied, or uncultivated land, or chena or other land which can only be cultivated after intervals of several years ; or

(*b*) cultivated or otherwise improved land which was, within the period of twenty-five years next preceding the date of the notice hereinafter in this subsection provided for, land of any of the descriptions specified in paragraph (*a*) of this subsection,

it shall be lawful for him to declare by a notice signed and dated by him and published as hereinafter provided (in this Ordinance referred to as a "settlement notice") that, if no claim to such land or to any share of or interest in such land is made to him within a period of three months from a date to be specified in such notice the land to which or to any share

* Repealed by 20 of 1931.



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of or interest in which no claim has been made as aforesaid will be declared under section 5 (1) to be the property of the Crown and will be dealt with on account of the Crown :

Provided that the date specified in such notice shall not be earlier than the date of the first publication of such notice, and that two or more lands shall not be included in one notice if such lands are respectively situated in more villages than one.

(2) Every settlement notice shall be published in the *Gazette* in the English, Sinhalese, and Tamil languages, and copies thereof shall be posted within the village in which the land is situated and on or near the land to which the notice relates and shall also be affixed to the walls of the several Kachcheris and of the several courts, including the courts of Village Tribunals and the customary meeting places, if any, of those Village Committees which have powers to punish breaches of Village Committee rules, of the province within which the land is situated and in such other localities as may secure the greatest possible publicity therefor, and the notice shall also be advertised by beat of tom-tom on or near the land within six weeks from the date of the publication of the notice.

(3) Whenever the extent of the land or the aggregate extent of all the lands included in a settlement notice exceeds ten acres, a notification substantially in Form No. 4 in the First Schedule shall be published once at least in any two of the newspapers of this Island in the language in which each such newspaper is ordinarily published, provided that one of such newspapers shall be a newspaper published either in Sinhalese or in Tamil. [§ 3, 22 of 1932.]

(4) If the Settlement Officer has reason to think that any person has a claim to the land to which the settlement notice relates or to any share of or interest in the land, he shall, in addition to publishing the notice as hereinbefore prescribed, cause a copy thereof to be served upon such person or to be sent by post addressed to him at his last-known place of abode.

(5) Every settlement notice shall be in all material respects in Form No. 1 in the First Schedule, and the *Gazette* in which such notice is published or an extract therefrom containing such notice and purporting to have been printed by the Government Printer or certified by some officer of the Crown, on behalf of the Crown, to be correct shall,



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if produced in any court in Ceylon, be received as prima facie evidence that the requirements of this Ordinance have been duly complied with in respect of such notice.

Powers and duties of Settlement Officer when claim is or is not made.

**5.** (1) If no claim is made within a period of three months from the date specified in any settlement notice to any land specified therein or to any share of or interest in any such land, the Settlement Officer shall make a declaration in writing, which shall be deemed for the purposes of this Ordinance to be a settlement in favour of the Crown, that such land to which or to any share of or interest in which no claim has been made is the property of the Crown :

Provided that if at any time within the said period of three months it is brought to the knowledge of the Settlement Officer that any person has a claim to any such land or to any share of or interest in any such land and that such person is then absent from Ceylon and was so absent at the date of the first publication in the *Gazette* of the notice aforesaid, the Settlement Officer shall not make a declaration that such land is the property of the Crown until after the expiry of a further period of six months commencing from the day on which the said period of three months expired.

(2) If in pursuance of the settlement notice a claim is made to any land specified therein or to any share of or interest in any such land, either within the aforesaid period of three months or, in any case in which within the said period of three months it is brought to the knowledge of the Settlement Officer that some person who is absent from Ceylon has a claim to any such land or to any such share or interest, within the further period prescribed by the proviso to subsection (1), the Settlement Officer shall proceed to hold an inquiry into such claim and for that purpose may with such assistants as may be required enter upon any land to which the claim relates and make such inspection as may be necessary.

(3) For the purpose of the inquiry the Settlement Officer shall call upon every claimant, by summons in writing served upon him either personally or by being left at his last-known place of abode, to appear before the Settlement Officer upon a day and at a time and place within the Revenue District in which the land is situated to be specified in such summons and to produce the evidence upon which such claimant relies in proof of his claim : and if after due service of the summons such claimant, upon the day and at the place and time specified as aforesaid or upon any subsequent day to



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which the inquiry or any proceeding under subsection (4) has been adjourned and at the place and time to which such inquiry or proceeding has been so adjourned or upon the day and at the place and time specified in any further summons duly served upon him as provided by this subsection, does not appear or does not produce such evidence, or if he withdraws his claim, then in any of such cases his claim shall be deemed to be null and void and the Settlement Officer may thereupon deal with the land to which the claim relates as though no such claim had been made :

Provided that if any claimant who has so failed to appear or to produce such evidence as aforesaid shall thereafter, and before the publication under section 8 of the order prescribed by subsection (5), appear before the Settlement Officer and satisfy the Settlement Officer that he had reasonable grounds for such failure to appear or to produce such evidence, the Settlement Officer shall proceed to consider his claim as though he had duly appeared or produced such evidence, and in such case it shall be lawful for the Settlement Officer for the purpose of dealing with such claim to declare any declaration made by him under subsections (1) or (4) or any agreement entered into by him under subsection (4) to be null and void :

Provided also that it shall be lawful for the Settlement Officer in his discretion to dispense with the personal appearance of any claimant and to permit such claimant to appear or produce evidence and to be represented by an advocate or proctor or any duly authorised agent.

(4) If any claimant appears and produces such evidence as aforesaid, the Settlement Officer may, after considering such evidence and making any further inquiry that may appear proper, do any one or more of the following things :—

(*a*) make a declaration in writing, which shall be deemed for the purposes of this Ordinance to be a settlement that any land specified in the settlement notice is not claimed by the Crown ; or

(*b*) make a declaration in writing, which shall be deemed for the purposes of this Ordinance to be a settlement, that some person unascertained is entitled to a particular share of or interest in any land specified in the settlement notice ; or

(*c*) enter with the claimant, upon such terms and conditions as may appear fit to the Settlement Officer, into an agreement in writing signed by the Settlement



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Officer and by the claimant, providing for either or both of the following, namely, that the said claimant or any other person shall be declared by settlement order under subsection (5) to be entitled either wholly or in part, or that the said claimant shall withdraw his claim either wholly or in part, to any land or to any share of or interest in any land specified in the settlement notice, and make a settlement of such land or share or interest in pursuance of such agreement :

Provided that in any case in which all claimants to, or to shares of or interests in, any land withdraw their claims by agreements entered into under this subsection or otherwise the Settlement Officer may deal with such land as though no claim had been made thereto ;

Provided also that it shall be lawful for the Settlement Officer, with the written consent of the claimant which shall not be revocable, to make a declaration in writing, which shall be deemed for the purposes of this Ordinance to be a settlement in favour of the Crown, that any land to which such claimant would otherwise have been declared to be entitled is Crown property set apart for the purpose of a communal chena reserve for the use of the inhabitants of such village as the Settlement Officer shall specify in such declaration.

(5) The Settlement Officer shall embody every settlement of any land specified in the settlement notice or of any share of or interest in any such land, whether made by declaration under subsection (1) or (4) (*a*) or (*b*) or (*c*), or in pursuance of an agreement entered into under subsection (4) (*c*), or in pursuance of or by decree of court under section 23, in an order made by him (in this Ordinance referred to as a " settlement order "), which shall be substantially in Form No. 2 in the First Schedule.

[§ 4, 22 of 1932.]

(6) No settlement, other than a settlement made in pursuance of or by decree of court, which relates to any land or to any aggregate of lands exceeding ten acres in extent shall without the consent of the Governor be embodied in any settlement order made under subsection (5) ; and upon publication of such settlement order under section 8 there shall be subjoined thereto substantially in Form No. 3 in the First Schedule, a certificate of the consent of the Governor to

[§ 4, 22 of 1932.]



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such settlement; and if no such certificate is subjoined to the order as so published, the publication shall be of no effect so far as it relates to such settlement. [§ 4, 22 of 1932.]

(7) Notwithstanding anything in this section contained, it shall be lawful for the Settlement Officer at any time prior to the publication under section 8 of the settlement order to make a declaration in writing that any land specified in the settlement notice has ceased to be the subject of proceedings under this Ordinance. Every such declaration shall be published in the *Gazette* as an appendix to the settlement order published under section 8 and relating to such notice, and no subsequent settlement notice shall have any force or validity in law so far as it relates to any land in respect of which any such declaration has been so made and published.

Offers by way of compromise.

**6.** (1) Before the Settlement Officer refers any claim or any portion thereof which is in dispute between himself and the claimant to the District Judge under section 12, he shall, if he thinks that in the circumstances of the case an offer should be made to the claimant by way of compromise and in order to ensure speedy settlement of such claim or portion thereof, communicate such offer in writing to the claimant and record in writing the nature of the offer and the fact that it was so made; and if the claimant accepts the offer the Settlement Officer shall enter with him, under section 5 (4) (*c*), into an agreement embodying it.

(2) (*a*) It shall be lawful for the Executive Committee of Agriculture and Lands with the approval of the Governor to make rules defining the basis on which such offers are to be assessed and made, and until such rules are made the rules in the Third Schedule shall apply. [§ 5, 22 of 1932.]

(*b*) All rules made under this subsection shall be laid, as soon as conveniently may be, on the table of the State Council at two successive meetings of the Council, and shall be brought before the Council at the next subsequent meeting held thereafter by a motion that the said rules shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, the said rules are disapproved by the Council, such rules shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything already done thereunder and such rules, if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the *Gazette*.



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(3) If the Settlement Officer decides that no such offer should be made, he shall record in writing the fact that no such offer has been made and shall communicate his decision to the claimant.

(4) Any claimant who is dissatisfied with the nature or amount of any offer made to him under subsection (1), or to whom no such offer has been made, may apply, within a period of one month from the day on which such offer was made to him or on which the decision of the Settlement Officer not to make an offer was communicated to him, as the case may be, to the Board to revise such offer, where the claimant is dissatisfied with the nature or amount of the offer, or to make an offer, where no offer has been made. Such application shall be made by petition addressed to the Board and delivered to the Settlement Officer, who shall forward the petition to the Chairman of the Board.

(5) The Board may, after considering any such application made as aforesaid and after holding or making, or ordering to be held or made, any inquiry or inspection that it may think fit, decide to—

(*a*) confirm any offer made by the Settlement Officer, or any decision of the Settlement Officer not to make an offer ; or

(*b*) revise any offer made by the Settlement Officer ; or

(*c*) make an offer where no offer has been made by the Settlement Officer ; or

(*d*) revise any offer made by the Settlement Officer to persons other than the applicant after due notice to them.

(6) The Chairman of the Board shall inform the Settlement Officer of the decision of the Board in respect of every such application, and the Settlement Officer shall thereupon communicate such decision to the claimant by writing under his hand.

(7) Every claimant to whom an offer has been made by the Settlement Officer under subsection (1) or to whom the decision of the Settlement Officer not to make an offer or any decision of the Board has been communicated under subsections (3) or (6) may, within a period of one month from the day on which such offer was made or such decision was communicated to him or within such longer period therefrom



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as the Settlement Officer may by order in writing allow, enter with the Settlement Officer into an agreement under section 5 (4) (*c*).

(8) No offer made by the Settlement Officer under subsection (1) in respect of any claim, or confirmed, revised, or made by the Board under subsection (5), and no proceedings relating thereto, shall be considered or adjudicated upon by any court; but the court shall make order in respect of the claim as if no such offer had been made, confirmed or revised.

Agreements under section 5 (4) (*c*) may be made at any time prior to publication of settlement order.

**7.** Notwithstanding anything in this Ordinance contained it shall be lawful for the Settlement Officer to enter with any claimant into any agreement under section 5 (4) (*c*) at any time prior to the publication of the settlement order under section 8.

Settlement orders when published to be proof of title, &c.

**8.** Subject to the provisions of section 5 (6), every settlement order shall be published in the *Gazette*, and every settlement order so published shall be judicially noticed and shall be conclusive proof, so far as the Crown or any person is thereby declared to be entitled to any land or to any share of or interest in any land, that the Crown or such person is entitled to such land or to such share of or interest in the land free of all encumbrances whatsoever other than those specified in such order and that subject to the encumbrances specified in such order such land or share or interest vests absolutely in the Crown or in such person to the exclusion of all unspecified interests of whatsoever nature and, so far as it is thereby declared that any land is not claimed by the Crown or that some person unascertained is entitled to a particular share of or interest in any land, that the Crown has no title to such land or that some person unascertained is entitled to such share of the land or that such interest in the land exists and that some person unascertained is entitled thereto, as the case may be :

Provided that nothing in this section contained shall affect the right of any person prejudiced by fraud or the wilful suppression of facts of any claimant under the notice from proceeding against such claimant either for the recovery of damages or for the recovery of the land awarded to such claimant by the order ;

Provided further that nothing in this section shall affect the rights of *fideicommisarii* whose interests have been prejudiced by an order published under this section.



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Registration of settlements.

**9.** (1) The Settlement Officer shall, before any settlement order is published under section 8, send a copy thereof to the Registrar of Lands of the registration district within which the lands in respect of which such order has been made are situated or, in any case in which such lands are situated in more registration districts than one, send a copy of the portion of such order relating to each registration district to the Registrar of Lands of that district. The Registrar of Lands shall, upon receipt thereof, enter in the books prescribed by the Registration of Documents Ordinance, for the registration of instruments affecting land the particulars prescribed by that Ordinance of every settlement to which such copy relates as though such copy were an instrument affecting land presented for registration under that Ordinance, and shall note upon the copy in the proper column the reference to the volume and folio in which each such entry has been made and return the copy to the Settlement Officer ; and every such settlement shall, upon the publication of the order under section 8, be deemed to have been registered under the said Ordinance on the day on which the order was so published :

Provided that it shall not be necessary for the Settlement Officer to comply with the provisions of this subsection in any case in which any settlement order or portion thereof relates to the settlement of any land or share of or interest in any land in favour of the Crown or of any unascertained person ;

Provided also that for the purposes of this subsection it shall not be necessary to embody in any such order or in any schedule subjoined thereto any description of the boundaries of any land to which such order relates if such land is delineated in a plan purporting to be signed by the Surveyor-General or by some person acting on his behalf and is described in such order by reference to such plan, anything in section 14 of the Registration of Documents Ordinance, to the contrary notwithstanding.

(2) The particulars of every settlement to which the copy of any settlement order or of any portion thereof sent to the Registrar of Lands in accordance with subsection (1) relates shall be entered by the Registrar of Lands in a new folio to be allotted by him, and an instrument affecting the land so settled which is registered after the date on which such order or portion thereof was deemed to have been registered shall not be deemed to be duly registered unless it is registered in or in continuation of the new folio allotted as aforesaid.



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(3) Notwithstanding anything in the Registration of Documents Ordinance, no fee shall be chargeable in respect of the registration of any settlement under this section.

Lands declared under section 5 (4) (c) to be communal chena reserves not to be otherwise used without the consent of the inhabitants of the village.

**10.** (1) No land which has been declared under the proviso to section 5 (4) (*c*) to be Crown property set apart for the purpose of a communal chena reserve shall at any future time be used for any other purpose except by the Crown and with the consent of two-thirds of the persons present at a meeting of the inhabitants of the village for the benefit of which it has been set apart summoned, after such notice as he shall deem sufficient, by the Government Agent or Assistant Government Agent in charge of the district within which such land is situated :

Provided that it shall be lawful for the Crown to grant or lease portions of any such land to any persons who permanently reside in the village for the benefit of which it has been set apart and who do not own or possess an extent of land sufficient in the opinion of the Government Agent or Assistant Government Agent as aforesaid for their own support and for that of their families.

(2) The Government Agent or Assistant Government Agent in charge of the district within which is situated any such land to the use of which for a purpose other than that of a communal chena reserve consent has been given as provided in subsection (1) shall give notice of such consent in the *Gazette*, and no such consent shall be valid or of any effect in law unless a notice in respect thereof has been published in the *Gazette* as provided in this subsection.

(3) In this section the term " inhabitant " shall have the same meaning as it has in the Village Communities Ordinance.

Establishment, constitution, &c., of Board for considering and deciding applications under section 6 (4).

[§ 2, 31 of 1933.]

**11.** (1) There shall be established a Board to consider and decide applications made under section 6 (4). The Board shall consist of the following members to be appointed by the Governor :—

(*a*) the Deputy Chief Secretary or an officer selected from Class I of the Ceylon Civil Service ; and

(*b*) one advocate or one proctor of the Supreme Court of Ceylon of not less than ten years' standing.



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[§ 5, 22 of 1932.] (2) (*a*) It shall be lawful for the Executive Committee of Agriculture and Lands with the approval of the Governor to make rules regulating or making provision for :—

(i) the form and manner of proceeding to be observed by the Board in considering applications as aforesaid ; and

(ii) any other matter which may be necessary for carrying out the provisions of this Ordinance in relation to the Board.

(*b*) All rules made under this subsection shall be laid, as soon as conveniently may be, on the table of the State Council at two successive meetings of the Council, and shall be brought before the Council at the next subsequent meeting held thereafter by a motion that the said rules shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, the said rules are disapproved by the Council, such rules shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything already done thereunder ; and such rules, if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the *Gazette*.

(*c*) Subject to such rules the proceedings of the Board shall be conducted without regard to matters of judicial form.

(3) (*a*) Stamp duty shall be chargeable in respect of petitions addressed to the Board under section 6 (4) at the rates specified in the Second Schedule.

(*b*) Every claimant to land or to a share of land who makes an application to the Board under section 6 (4) shall declare in his petition the aggregate extent of land or of the share of land in respect of which he considers that an offer should have been made to him under section 6 (1) in satisfaction of his claim ; and stamp duty shall be chargeable in respect of such petition in accordance with the extent so declared.

(*c*) For the purposes of paragraph (*b*) of this subsection, the extent of a share of land shall be deemed to be the equivalent divided extent of land.

(*d*) It shall be lawful for the Board, if it thinks proper to do so, to waive the stamp duty chargeable in respect of any petition or to accept, upon such terms and conditions



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as it thinks fit, any petition which has not been duly stamped or to order that the whole or any part of the stamp duty paid in respect of any petition be refunded.

(4) In any case in which the members of the Board are unable to agree with regard to the decision of any application as aforesaid, they shall apply to the Governor to appoint a supernumerary member of the Board to assist them in making such decision. Such supernumerary member shall be appointed from among the advocates and proctors of the Supreme Court of Ceylon of not less than ten years' standing for the purpose of considering and deciding such application and, if after the appointment of such supernumerary member the members of the Board including the supernumerary member are unable to agree with regard to the decision of such application, the opinion of the majority shall prevail.

Reference to District Judge or Commissioner of Requests.

**12.** (1) If any claimant fails, within the period of one month prescribed by section 6 (7) or within such longer period as the Settlement Officer may allow under that subsection, to enter with the Settlement Officer into an agreement under section 5 (4) (*c*), the Settlement Officer shall, if he has not made a declaration under section 5 (4) (*a*) that the land in respect of which or in respect of a share of or interest in which the claim is made is not claimed by the Crown or a declaration under section 5 (7) that such land has ceased to be the subject of proceedings under this Ordinance, refer the claim or any portion thereof which is in dispute between himself and the claimant to the District Judge of the district within which the land is situated.

(2) Notwithstanding the provisions of subsection (1), whenever the Settlement Officer and the claimant agree that any claim or portion thereof which is in dispute shall be referred to the Commissioner of Requests of the division within which the land affected is situated, the Settlement Officer shall refer it accordingly, and thereupon the Commissioner of Requests may exercise and perform in respect of such reference all the powers and duties vested by sections 13, 14, 15, 18, 19, 20, 21, and 22 in the District Judge ; and the expression "District Judge", wheresoever in subsection (1) of this section and in sections 13, 14, 15, 18, 19, 20, 21, 22, 26, and 27 occurring, shall be deemed to include a Commissioner of Requests to whom any such reference has been made.



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Reference of two or more claims and limitation at hearing of reference to matters referred.

**13.** (1) It shall be lawful for the Settlement Officer in referring any claim to a District Judge under section 12 to include any other claim in the reference :

Provided that the District Judge may, if he thinks that, in any case in which two or more claims have been included in one reference by the Settlement Officer, such claims cannot conveniently be dealt with together, at any time before the decision of such claims order that any one or more of them be dealt with separately.

(2) No matters other than those included in the reference shall be adjudicated upon at the hearing of the reference nor shall any issue be framed or decided as between the Crown and any party not mentioned in the reference.

Notice to claimant to furnish statement of claim.

**14.** (1) Upon a reference being made to him as aforesaid, the District Judge shall cause to be served on every claimant named in such reference a notice requiring him to furnish to such District Judge on or before a date to be specified in the notice a written statement setting out the nature and extent of his claim. Every such statement of claim shall name the Settlement Officer as the party defendant on behalf of the Crown.

(2) Any two or more claimants named in any reference may embody their claims in one statement of claim.

Procedure when no statement of claim furnished.

**15.** (1) If no statement of claim is furnished by the claimant in pursuance of the notice served upon him under section 14 (1), the District Judge shall cause to be affixed in some conspicuous place on the land specified in the reference a notice to the effect that, if the claimant does not, on or before a day to be specified in the notice, appear before the District Judge and state the particulars of his claim, he will be declared to have withdrawn his claim.

(2) If the claimant does not appear and state the particulars of his claim in pursuance of the notice, the District Judge shall declare that he has withdrawn his claim.

(3) A declaration by the District Judge under subsection (2) that any claimant has withdrawn his claim shall be equivalent to and be deemed to be a withdrawal of such claim by agreement entered into under section 5 (4) (*c*).

Parties may appear by advocate or proctor.

**16.** Subject to the provisions of section 19 (2), it shall be lawful for any party to any reference made under this Ordinance to appear by his advocate or proctor at any stage of the proceedings in respect of such reference.



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Proceedings on reference to be regulated by Civil Procedure Code.

**17.** The proceedings in respect of references made under this Ordinance shall, except as in this Ordinance otherwise provided, be regulated by the provisions of the Civil Procedure Code, so far as the said provisions are applicable.

Reference cases to have precedence.

**18.** The District Judge shall give the proceedings in respect of references made under this Ordinance precedence of all other business, unless in his opinion special circumstances of urgency in any particular case otherwise require.

Procedure when statement of claim furnished.

**19.** (1) The District Judge shall, as soon as the statement of claim required by the notice served under section 14 (1) has been furnished, or as soon as the claimant has appeared in pursuance of the notice prescribed by section 15 (1) and stated the particulars of his claim, fix a day, of which notice shall be given to the parties, for their appearance and for the hearing of the reference ; and on the day so fixed the parties shall bring their witnesses into court together with any documents upon which they intend to rely.

(2) It shall be lawful for the District Judge to require the personal attendance of any claimant at any stage of the proceedings.

Procedure on hearing.

**20.** On the day fixed for the hearing of the reference or on any day to which the hearing is adjourned the District Judge shall proceed to examine the witnesses tendered by the parties and, upon such examination and after inspecting the documents produced by the parties and making any further inquiry that may appear necessary, shall by order either dismiss the claim or declare that the claimant is entitled as against the Crown to the whole or to any part, as the case may be, of the land or of the share of or interest in the land in respect of which the claim has been made and shall make such order as to costs as he may think appropriate in the case.

The District Judge may order a fresh survey.

**21.** Whenever the District Judge is of opinion that a fresh survey is necessary for the purpose of hearing any reference made under this Ordinance, he may order such survey to be made.

Appeals.

**22.** (1) Any party to any reference who is dissatisfied with the decision of the District Judge thereon may appeal to the Supreme Court against such decision by lodging with the



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District Judge within thirty days from the date of the decision a petition of appeal addressed to the Supreme Court.

(2) The District Judge on receiving such petition of appeal shall transmit it, together with all the papers and the proceedings relating to the reference, to the Registrar of the Supreme Court, and such appeal shall have precedence of all other appeals.

(3) Stamp duty shall be charged upon every such petition of appeal at the rate specified in Part II of Schedule B to the Stamp Ordinance, for similar petitions in the District Court, and upon subsequent proceedings at the rates specified in the said Schedule for appeals from the District Court.

(4) Every such appeal shall be dealt with in the manner in which appeals from the District Court are dealt with, and upon the determination thereof the Supreme Court shall by order either dismiss the claim or make any declaration which could have been made by the District Judge under section 20.

Equation of decrees of court with settlements.

**23.** Every order made under sections 20 or 22 shall be embodied in a decree which shall for the purposes of the settlement order to be made under section 5 (5), if and in so far as by such decree the claim of any claimant is dismissed, be equivalent to and be deemed to be an agreement for the withdrawal of such claim under section 5 (4) (*c*) and, if and in so far as by such decree any claimant is declared to be entitled as against the Crown to any land or to any share of or interest in any land, be equivalent to and be deemed to be a declaration by the Settlement Officer under section 5 (4) (*a*) or (*b*) that such land is not claimed by the Crown or that some person unascertained is entitled to such share of or interest in such land, as the case may be.

Claims before the District Judge within one year from publication of settlement order in respect of lands, &c., declared to be the property of the Crown.

**24.** (1) Notwithstanding anything in section 8, it shall be lawful for any person, within a period of twelve months from the date of the publication under that section of any settlement order embodying the settlement of any land or of any share of or interest in any land, in any case where such land, share or interest has been declared under section 5 to be the property of the Crown, to make by petition, to which the Settlement Officer shall be named as respondent, presented to the District Judge of the district within which such land is situated a claim to, or to compensation in respect of, such land or share or interest :



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Provided that no such petition shall be entertained by any District Judge—

(*a*) if the person presenting it has previously entered into an agreement with the Settlement Officer under section 5 (4) (*c*) by which he has withdrawn his claim to such land or share or interest ; or

(*b*) if such person's claim to such land or share or interest has previously been dismissed by the District Judge under section 20 or by the Supreme Court under section 22 ; or

(*c*) if such person fails to show good and sufficient reason for not having made his claim before the Settlement Officer either within the period prescribed by section 4 (1) or, in any case in which it was within the said period brought to the knowledge of the Settlement Officer that some person who was absent from Ceylon had a claim to such land or share or interest, within the further period prescribed by the proviso to section 5 (1).

(2) The presentation of and the proceedings in relation to every such petition shall be subject to the provisions of Chapter XXIV of the Civil Procedure Code, relating to summary procedure by petition, and if after investigation of the claim the District Judge is of opinion that it has been established, wholly or in part, he shall,—

(*a*) if the land to which or to a share of or interest in which such claim relates has been alienated or settled on a claimant under the provisions of this Ordinance by the Crown or has been utilized for any public purpose, make order that the claimant shall receive from the Crown by way of compensation a sum representing the fair market value, as assessed by the District Judge, of such land or share or interest or, in any case in which the District Judge is of opinion that the claim has been established only in part, such smaller sum as the District Judge considers to be proportionate to that part of the claim which has in his opinion been established ; or

(*b*) if the land to which or to a share of or interest in which such claim relates has not been alienated by the Crown and has not been utilized for any public purpose, make order that the Crown shall transfer to the plaintiff the whole or any part, as the case may be, of such land or share or interest.



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(3) Every order made under this section shall be expressed as an award, which shall be in full satisfaction of the claim and shall be a bar to any further claim against the Crown by any person whomsoever in respect of such land or share or interest.

Appointment of curator or manager for purposes of claim.

**25.** (1) Notwithstanding the provisions of any other written law, it shall be lawful for the Settlement Officer, if, after holding such inquiry as he considers necessary, he is satisfied that any claimant or any person on whose behalf a claim is made or any person whom the Settlement Officer thinks has a claim under section 4 (4) is a minor or a person of unsound mind, to appoint a fit person as curator or manager of the estate of such minor or person of unsound mind, as the case may be, for the purpose of the investigation and settlement of the claim.

(2) The Settlement Officer shall, immediately upon making such appointment, send to the District Judge of the district within which the land to which or to a share of or interest in which the claim relates is situated a certificate in duplicate, which shall be signed and dated by him and shall specify—

(*a*) the particulars of the claim ;

(*b*) the name and address of the minor or person of unsound mind by or on behalf of whom the claim is made ;

(*c*) the name and address of the person appointed as curator or manager ;

(*d*) the date on which the appointment was made ; and

(*e*) the reason for making the appointment.

(3) The District Judge shall on receipt of the certificate by order sanction the appointment, or disallow it and appoint some other person ; and where the District Judge sanctions the appointment it shall be valid from the time at which it was made by the Settlement Officer.

(4) It shall not be necessary for the District Judge, before he sanctions or disallows the appointment, to require the Settlement Officer, the curator or manager appointed by the Settlement Officer, the minor or the person of unsound mind, or any other person, to appear before him.

(5) The District Judge shall endorse his order upon both duplicates of the certificate and shall file one duplicate in his court and return the other duplicate to the Settlement



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Officer. The Settlement Officer shall file the duplicate so returned in the record of his proceedings in respect of the claim and the appointment shall be as valid and effectual for the purpose of the investigation and settlement of the claim as though the person appointed had been granted a certificate of curatorship to the estate of the minor, or had been appointed manager of the estate of the person of unsound mind, under Chapter XL or Chapter XXXIX of the Civil Procedure Code, as the case may be.

(6) No stamp duty shall be payable in respect of such appointment, anything in the Stamp Ordinance to the contrary notwithstanding.

Award of compensation by the Executive Committee of Agriculture and Lands with the approval of the Governor. [§ 5, 22 of 1932.]

**26.** Nothing in this Ordinance shall be deemed to prevent the Executive Committee of Agriculture and Lands with the approval of the Governor, if any claim is established to their satisfaction and notwithstanding that the claimant has not made his claim within the time prescribed by this Ordinance, or has not made a statement of claim upon being noticed by the District Judge under section 14 or has not appeared and stated the particulars of his claim in pursuance of a notice affixed on or near any land under section 15, from awarding to the claimant such compensation in land or in money or in land and money as the Executive Committee of Agriculture and Lands with the approval of the Governor may think proper.

Persons engaged in carrying out orders of Settlement Officer, &c., to be public servants.

**27.** Every person engaged in carrying out any order made by the Settlement Officer, the Board, or any District Judge in pursuance of the powers or duties conferred or imposed by this Ordinance shall be deemed to be a public servant within the meaning of the Penal Code.

Settlement Officer and Board to have powers of Commissioners under the Commissions of Inquiry Ordinance.

**28.** For the purpose of holding or making any inquiry or inspection or of considering and deciding any application under this Ordinance, the Settlement Officer and the Board shall have the powers conferred on Commissioners appointed under the provisions of the Commissions of Inquiry Ordinance :

Provided that the requirements of the proviso to section 3 of the said Ordinance shall not extend to any such inquiry or inspection or to the consideration or decision of any such application.



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Verification of service of process.

**29.** Every return made by a Fiscal, Deputy Fiscal or Fiscal's marshall to process issued under section 5 (3) shall be duly verified by the oath or affirmation of the officer employed to execute the same, and for such purpose the Fiscal, Deputy Fiscal or Fiscal's marshall is hereby authorised to administer such oath or affirmation.

Proceedings under the Ordinance not invalidated by change of Settlement Officers.

**30.** Any proceedings instituted or taken under this Ordinance by any person as Settlement Officer may be continued by any other person as Settlement Officer.

Protection of Settlement Officer.

**31.** The Settlement Officer shall not be liable in damages by reason of anything in good faith done or omitted to be done in his official capacity.

Order in respect of proceedings under Waste Lands Ordinance pending at the date of commencement of this Ordinance to be made in Form No. 2 in First Schedule.

**32.** (1) Any order made after the commencement of this Ordinance under section 2 or section 4 of Ordinance No. 1 of 1897* in respect of any proceeding under that Ordinance which is pending or incompleted when this Ordinance comes into operation may, notwithstanding the provisions of any written law other than this Ordinance, be made in Form No. 2 in the First Schedule to this Ordinance (amended as may be necessary), and such order shall be valid and effectual for all purposes, notwithstanding the non-recital therein of any absence of claims, failure of any claimant to make a claim, failure of any claimant to appear or to produce any evidence or documents, withdrawal by any claimant of his claim, admission of the whole or any part of any claim, or agreement.

(2) Every order made under this section shall have the same force as an order made in consequence of proceedings under this Ordinance.

* Repealed by 20 of 1931.



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## FIRST SCHEDULE.

### Form No. 1.

LAND SETTLEMENT ORDINANCE. [Section 4 (5).]

Settlement Notice.

Notice is hereby given, under section 4 of the Land Settlement Ordinance, that if no claim to (the land)* (any one of the lands)† specified in the schedule hereto or to any share of or interest in (the said land)* (such land)† is made to the under-signed within a period of three months from the ——— day of ———, 19—, (the said land)* (such land)† will be declared under section 5 (1) of the aforesaid Ordinance to be the property of the Crown and will be dealt with on account of the Crown.

Given at the Settlement Office, Colombo,
the Kachcheri, ———
this ——— day of ———, 19—.

*Settlement Officer,*
*Assistant Settlement Officer,*
*Government Agent of the ——— Province,*
*Assistant Government Agent of the ——— District.*

* If the notice relates to only one land.
† If the notice relates to more lands than one.

SCHEDULE.

(Here specify the land or lands in respect of which the notice is published.)

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### Form No. 2.

LAND SETTLEMENT ORDINANCE. [Sections 5 (5) and 32.]

Settlement Order.

Whereas a settlement notice under section 4 of the Land Settlement Ordinance, was duly published in the *Gazette* No. ——— of ———, 19—, and as otherwise required by the said section, in respect of the land(s) situated in ——— and described as lot(s)———in———Plan No. ———:

And whereas all claims received in pursuance of the said notice have been duly dealt with in accordance with the provisions of the said Ordinance:

[*Or,* And whereas no claims have been received in pursuance of the said notice:]

I, the undersigned, in pursuance of the powers conferred on me by section 5 (5) of the said Ordinance, do hereby make order that the said land(s) be settled as specified in the schedule to this order.

Given at the Settlement Office, Colombo,
the Kachcheri, ———
this ——— day of ———, 19—.

*Settlement Officer,*
*Assistant Settlement Officer,*
*Government Agent of the ——— Province,*
*Assistant Government Agent of the ——— District.*



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SCHEDULE.

| Lot No. | Sub-divisional Lot No. | Extent. | No of Title Plan. | Subsection under which settled. | On whom settled. | Remarks (Shares, interests, encumbrances, Nos. of Reference Cases, &c.). | Land Register Office at which registered. | Volume No. | Folio No. |
|---|---|---|---|---|---|---|---|---|---|
| 1 | | A. R. P.<br>2 0 00 | 999,901 | 5 (4) (*c*) | A of ———<br>B, of ———<br>C, of ——— | Settled in undivided shares of one-third each | | | |
| 2 | 2A | 10 3 24 | — | 5 (1) and 5 (4) (*c*) | The Crown .. | Subject to a right of way from point X to point Y as shown in ——— plan No. —— in favour of the owner of land Z | | | |
| 2 | 2B | 2 2 02 | — | 5 (4) (*a*) | Not claimed by the Crown | | | | |
| 2 | 2C | 25 2 27 | — | 5 (1) and 5 (4) (*b*) | The Crown .. | Subject to the right of some person unascertained to a one-fifth share ; see judgment in D. C. ——— case No. ——— | | | |
| 3 | | 7 3 31 | 999,902 | 5 (4) (*c*) | D | Subject to Mortgage Bond No. ——— of ——— attested by ——— | | | |
| 4 | | 8 1 01 | — | 5 (4) (*c*) | The Crown .. | Communal chena reserve | | | |
| 5 | | 10 0 00 | — | 5 (1) | The Crown .. | | | | |

APPENDIX.

[Form No. 2.—*contd.*]

I, the undersigned, hereby, in pursuance of the powers conferred on me by section 5 (7) of the Land Settlement Ordinance, declare that the land(s) described as lot(s) ——— in ——— Plan No. ——— has (have) ceased to be the subject of proceedings under the said Ordinance.

Given at the Settlement Office, Colombo, / the Kachcheri, ———
this ——— day of ———, 19—.

Settlement Officer,
Assistant Settlement Officer,
Government Agent of the ——— Province,
Assistant Government Agent of the ——— District.



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## Form No. 3

THE LAND SETTLEMENT ORDINANCE. [Section 5 (6).]
[§ 6, 22 of 1932.]

### Certificate.

It is hereby certified that the Governor has consented to the settlement(s) embodied in the above settlement order in so far as such settlement(s), (other than settlements, if any, made in pursuance of or by decree of court), relate(s) to any land or to any aggregate of lands exceeding ten acres in extent.

Dated at Colombo, this ———— day of ————, 19—.

————
*Land Commissioner.*

## Form No. 4.

LAND SETTLEMENT ORDINANCE. [Section 4 (3).]
[§ 6, 22 of 1932.]

Settlement Notice No. ———— calling for claims to lands in (1) ———— in (2) ———— Plan No. ———— in (3) ———— of the ———— District has been published in *Gazette* No. ———— of ————.

For further information apply to the undersigned.

————
*Settlement Officer,*
*Assistant Settlement Officer,*
*Government Agent of the ———— Province,*
*Assistant Government Agent of the ———— District.*

(1) Village or area. (2) Description of plan. (3) Locality.

## SECOND SCHEDULE.

LAND SETTLEMENT ORDINANCE. [Section 11 (3) (*a*).]

### Rates of Stamp Duty chargeable in respect of Petitions.

1. If the claim is to the full ownership of any land or share of a land and the aggregate extent of land or of the share of land which the claimant has declared to be the extent in respect of



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which he considers that an offer should have been made to him in satisfaction of his claim—

| | Rs. | c. |
|---|---|---|
| Does not exceed 2 acres .. .. | 1 | 0 |
| Exceeds 2 acres, but does not exceed 5 acres .. | 1 | 50 |
| Exceeds 5 do. 10 acres .. | 3 | 50 |
| Exceeds 10 do. 20 acres .. | 6 | 0 |
| Exceeds 20 do. 40 acres .. | 12 | 0 |
| Exceeds 40 do. 60 acres .. | 25 | 0 |
| Exceeds 60 do. 80 acres .. | 50 | 0 |
| Exceeds 80 do. 100 acres .. | 75 | 0 |
| Exceeds 100 acres .. .. .. | 100 | 0 |
| 2. If the claim is to an interest .. .. | 5 | 0 |

[Section 6 (2) (*a*).]

## THIRD SCHEDULE.

Omitted. Rules have been made under section 6 (2) (*a*)—*Gazette* No. 8,130 of 21st June, 1935, and *Gazette* No. 8,134 of 19th July, 1935.



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# CHAPTER 320.

## LAND DEVELOPMENT.

AN ORDINANCE TO PROVIDE FOR THE SYSTEMATIC DEVELOPMENT AND ALIENATION OF CROWN LAND IN CEYLON.

*Ordinance* No. 19 of 1935.

[15*th October*, 1935.]

1. This Ordinance may be cited as the Land Development Ordinance. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpretation.

"alienation" with its grammatical variations and cognate expressions means the alienation of Crown land under this Ordinance ;

"Ceylonese" means a person of either sex domiciled in this Island and possessing a Ceylon domicile of origin ;

"Chief Headman" has the same meaning as in the Village Communities Ordinance ;

"condition of ownership" means a condition contained in a grant at the time it is issued ;

"court" means any Court of Justice constituted under the Courts Ordinance, and includes a Village Tribunal and a Village Committee when such Committee is acting judicially ;

"Crown land" means all land to which the Crown is lawfully entitled together with all rights, interests and privileges attached or appertaining thereto ;

"disposition" with its grammatical variations and cognate expressions means any transaction of whatever nature affecting land or the title thereto and includes any conveyance, devise, donation, exchange, lease, mortgage or transfer of land ;

"Executive Committee" means the Executive Committee of Agriculture and Lands ;



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"Government Agent" includes an Assistant Government Agent;

"grant" means a grant of land from the Crown under this Ordinance;

"holding" means land alienated by grant under this Ordinance, and includes any part thereof or interest therein;

"Kachcheri" means the office of a Government Agent;

"land" includes—

(*a*) the bed of any waterway or of any collection of water, whether natural or artificial,

(*b*) things attached to the earth or permanently fastened to anything attached to the earth, and

(*c*) any title to land or any interest in the crops growing or to be grown thereon;

"Land Commissioner" means the officer appointed by the Governor under section 3 of this Ordinance, and includes any officer of this Department authorised by him in writing in respect of any particular matter or provision of this Ordinance;

"Land Kachcheri" means a meeting held in the prescribed manner for the purpose of alienating Crown land;

"Land Officer" means an officer appointed under section 6 for the purposes of this Ordinance and the expression "the Land Officer" means the officer dealing with the particular land which is referred to in the context in which such expression is used;

"local authority" includes a Municipality, a District Council established under the Local Government Ordinance, a Local Board, a Sanitary Board, and a Village Committee;

"mapping out" with its grammatical variations and cognate expressions means the reservation of Crown land for one or more of the purposes specified in section 8 or for any purpose prescribed under that section;

"middle-class Ceylonese" does not include a Ceylonese who is not qualified to be deemed a "middle-class Ceylonese" under the provisions of section 171;

"minimum fraction" means the smallest fraction of a holding which can lawfully be held in undivided ownership;



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"owner" means the owner of a holding whose title thereto is derived from or under a grant issued under this Ordinance;

"peace officer" means a police officer and includes any headman appointed by the Government Agent in writing to perform police duties;

"permit" means a permit for the occupation of Crown land issued under Chapter IV;

"permit-holder" means any person to whom a permit has been issued;

"prescribed" means prescribed by this Ordinance or by the regulations made thereunder;

"protected holding" means a holding alienated by grant in which is inserted a condition prohibiting the disposition of the holding except with the prior permission in writing of the Government Agent;

"regulation" means a regulation made under this Ordinance by the Executive Committee of Agriculture and Lands;

"scheme" means the scheme referred to in section 9;

"surveyed" means surveyed by the Surveyor-General or under his authority;

"Surveyor-General" means the Surveyor-General of Ceylon or any other officer deputed to act on his behalf for the purposes of this Ordinance to the extent to which such officer is deputed;

"title" means, right, title, or interest;

"unit of subdivision" means the minimum extent of land below which a holding cannot lawfully be subdivided;

"unprotected holding" means a holding other than a protected holding.

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## CHAPTER I.

### APPOINTMENT, POWERS AND DUTIES OF OFFICERS.

Appointment and duties of Land Commissioner.

**3.** (1) The Governor shall appoint a Land Commissioner who shall be responsible—

(*a*) for the due performance of the duties and functions assigned to him as Land Commissioner under this Ordinance;



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(*b*) for the general supervision and control of all Government Agents and Land Officers in the administration of Crown land and in the exercise and discharge of the powers and duties conferred and imposed upon them by this Ordinance.

(2) In the exercise of his powers and in the discharge of his duties under this Ordinance, the Land Commissioner shall be subject to the general direction and control of the Executive Committee of Agriculture and Lands.

Powers of Land Commissioner.

**4.** (1) The Land Commissioner may from time to time give general or special directions to a Government Agent or to a Land Officer as to the performance of his duties relating to land administration and may direct or authorise any question of doubt or difficulty in connexion with such duties to be referred to the Land Commissioner for decision.

(2) Any direction or decision of the Land Commissioner shall be observed and given effect to by the Government Agent or by the Land Officer as the case may be.

Appointment of Assistant Land Commissioner and other officers.

**5.** The Governor may appoint one or more Assistant Land Commissioners and such other officers as may from time to time be required for the purposes of this Ordinance.

Land Officers.

**6.** (1) The Governor may appoint one or more Land Officers for the whole Island or for any province or district.

(2) Every such Land Officer may, for the purposes of this Ordinance, perform, execute and exercise in any province or district or in the particular province or district for which he shall have been appointed, all or any of the functions, duties and powers assigned to or imposed upon or vested in a Government Agent under this Ordinance.

(3) Every person appointed by the Governor as a Settlement Officer or as an Assistant Settlement Officer under the Land Settlement Ordinance, shall be deemed to be appointed a Land Officer for the whole Island for the purposes of this Ordinance.

All officers to be public servants.

**7.** All officers appointed for the purposes of this Ordinance shall be deemed to be public servants within the meaning of the Penal Code.



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## CHAPTER II.

### MAPPING-OUT OF CROWN LAND.

Purposes for which Crown land may be mapped out.

**8.** Subject to the general or special directions of the Land Commissioner, Crown land may be mapped-out by the Government Agent for any one or more of the following purposes :—

(*a*) village expansion ;

(*b*) village forest ;

(*c*) village pasture ;

(*d*) chena cultivation ;

(*e*) village purposes not herein specified ;

(*f*) colonisation ;

(*g*) protection of the sources or courses of streams ;

(*h*) prevention of the erosion of the soil ;

(*i*) forest reserves ;

(*j*) Government purposes, including Government buildings, roads or works ;

(*k*) preservation of objects of archæological or historical interest ;

(*l*) the requirements of local authorities ;

(*m*) the development of towns ;

(*n*) alienation to middle-class Ceylonese ;

(*o*) alienation to any persons whomsoever irrespective of the class or race to which they belong ;

(*p*) any other purpose that may be prescribed.

Scheme and diagram to be prepared by Government Agent.

**9.** When Crown land has been mapped-out in accordance with the provisions of section 8, the Government Agent shall cause to be prepared—

(*a*) a scheme specifying the mapped-out areas and the purposes for which the lands in such areas have been respectively reserved ;

(*b*) a diagram depicting the mapped-out areas specified in the scheme.

Local Land Advisory Committees.

**10.** (1) The Governor may, by notification published in the *Gazette*, establish a Local Land Advisory Committee for any revenue district of the Island or for any smaller area the



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limits of which shall be specified in the notification by which the Local Land Advisory Committee for that area is established.

(2) It shall be the duty of a Local Land Advisory Committee to examine every scheme and diagram prepared under section 9 which affects land in the district or area for which that Committee is established and to make recommendations thereon to the Government Agent.

(3) Every Local Land Advisory Committee shall consist of five members all of whom shall be appointed by the Governor. No person who is permanently or temporarily employed in the service of Government shall be a member of a Local Land Advisory Committee.

(4) The Government Agent having jurisdiction over the district or area for which any Local Land Advisory Committee has been established under subsection (1) shall convene the meetings of that Committee and shall preside at such meetings.

(5) Three members of a Local Land Advisory Committee shall form a quorum thereof and any matter or question before a Committee shall be decided by a majority of the votes of the members present and voting at the meeting at which such matter or question is discussed. In the event of an equality of votes, the Government Agent shall have a casting vote ; but he shall not have an original vote on any matter or question before the Committee.

(6) The decisions of the Local Land Advisory Committee shall be recorded by the Government Agent or under his direction.

(7) Regulations may be made prescribing the manner in which the meetings of a Local Land Advisory Committee shall be convened and the procedure to be followed at meetings of such a Committee ; but each Local Land Advisory Committee shall determine its own procedure in any matter for which no provision is made by such regulations or in this Ordinance.

Notice that scheme and diagram are open to inspection.

**11.** (1) When the scheme and diagram referred to in section 9 have been prepared, the Government Agent shall exhibit in a conspicuous position in the Kachcheri a notice to the effect that the scheme and diagram are open to inspection. The notice shall be dated as of the date on which it is exhibited.



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(2) Any person interested shall be entitled to inspect the scheme and diagram at the Kachcheri during office hours for a period of thirty days reckoned from the date of the notice exhibited under subsection (1) and shall be entitled to make representations to the Government Agent on that scheme or diagram.

(3) The Government Agents shall not be bound to consider any representations which have not been received in writing at the Kachcheri within a period of thirty days reckoned from the date of the notice exhibited under subsection (1).

Scheme and diagram to be laid before Local Land Advisory Committee.

**12.** (1) Every scheme and every diagram prepared under section 9 shall be laid by the Government Agent before the Local Land Advisory Committee at a meeting of that Committee which shall be convened by him for the purpose :

Provided that at any meeting convened under subsection (1) for the purpose of examining any scheme and diagram, it shall be lawful for the Government Agent to lay before the Local Land Advisory Committee any other scheme and diagram provided that notice in writing was given to the members of that Committee not less than seven clear days before the date of the meeting of the proposal to add the examination of such other scheme and diagram to the agenda of that meeting :

Provided further that nothing in this section contained shall preclude any Local Land Advisory Committee from examining any scheme and diagram at any meeting if all the members of the Committee are present at that meeting and unanimously agree to examine that scheme and diagram.

(2) A meeting of the Local Land Advisory Committee convened under subsection (1) may be adjourned once or oftener to a date to be fixed by the Government Agent.

(3) If at the first meeting of a Local Land Advisory Committee convened by the Government Agent under subsection (1) no quorum is present, the Government Agent may proceed as though no recommendations had been made on the scheme and diagram by that Committee.

(4) If a quorum of the Local Land Advisory Committee is not present on any date to which a meeting convened under subsection (1) shall have been adjourned under subsection (2) the Government Agent shall not be bound to consider any recommendations of that Committee other than those, if any, which were made by that Committee before that date.



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Scheme and diagram to be forwarded to Land Commissioner.

**13.** After considering the representations received under section 11 and the recommendations made by the Local Land Advisory Committee under section 12, the Government Agent may modify the scheme and diagram prepared under section 9 ; and such scheme and diagram or the modified scheme and diagram, as the case may be, shall thereupon be forwarded by the Government Agent to the Land Commissioner together with all representations or recommendations so received or made. The Government Agent shall also forward to the Land Commissioner all recommendations of the Local Land Advisory Committee which he may have considered notwithstanding the fact that he was not bound to consider them under the provisions of section 12.

Power of Land Commissioner to confirm scheme or issue further instructions.

**14.** Upon receipt of a scheme and diagram forwarded to him under section 13, the Land Commissioner may confirm such scheme and diagram or may issue to the Government Agent such further directions or instructions in regard to the mapping-out or to the scheme or to the diagram as he may consider requisite ; and the Government Agent shall observe and give effect to such directions or instructions.

Notification of confirmation.

**15.** Notice of the fact that the Land Commissioner has confirmed any scheme forwarded to him under section 13 shall be published in such manner as may be prescribed.

Right of public to inspect diagram.

**16.** Upon publication of a notice under section 15, every member of the public shall be entitled to inspect free of charge at the District Kachcheri or at the office of the Surveyor-General the diagram depicting the scheme of mapping-out referred to in such notice.

No modification of scheme to be made except with the approval of the Executive Committee in certain cases and of the Land Commissioner in others.

**17.** No scheme which has been confirmed by the Land Commissioner shall, except with the approval and consent of the Executive Committee of Agriculture and Lands, be varied or modified so as to enable—

(1) 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 utilised for any purpose mentioned in paragraphs (*n*) or (*o*) of that section.

(2) land mapped-out for the purpose mentioned in paragraph (*n*) of section 8 to be mapped-out or to be utilised for the purpose mentioned in paragraph (*o*) of that section :



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Provided, however, that any modification or variation of a scheme not requiring the approval and consent of the Executive Committee of Agriculture and Lands may be effected on the written authority of the Land Commissioner.

**18.** Crown land may be alienated whether it has been mapped-out or not.

Mapping-out not essential before alienation.

**19.** Unmapped-out land, which has been alienated, shall be deemed to have been mapped-out for alienation to persons of the class to which the alienee belongs.

Unmapped-out land deemed to be mapped-out upon alienation.

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## CHAPTER III.

### ALIENATION OF CROWN LAND.

**20.** No land shall be alienated by grant except at a Land Kachcheri.

Land not to be alienated by grant except at a Land Kachcheri.

**21.** The notification that a Land Kachcheri will be held shall be substantially in the prescribed form and shall be published in such manner as may be prescribed.

Notification of Land Kachcheri.

**22.** (1) The Government Agent may in a notification under section 21 fix a date before which application shall be made to him for the land proposed to be alienated at the Land Kachcheri appointed to be held by such notification.

Applications for land; when and how received and considered.

(2) Where a date has been so fixed in such notification, the Government Agent may, in his discretion, refuse at the Land Kachcheri to accept or to consider any application for land received after such date.

(3) Where no date has been so fixed, the Government Agent shall be bound to consider all applications received, whether at the Land Kachcheri or before the date fixed for the holding of such Land Kachcheri :

Provided that it shall be lawful for the Government Agent, in a case where no date has been so fixed in terms of subsection (1), to receive or to call for applications before the date fixed for the holding of the Land Kachcheri.



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Powers of Government Agent at Land Kachcheri. Appeal to Land Commissioner.

**23.** (1) At a Land Kachcheri the Government Agent may in his discretion—

(*a*) select any applicant to receive a permit or a grant of Crown land either immediately, or on, or before, a future date ;

(*b*) postpone consideration of any application ;

(*c*) reject any application.

(2) In making any selection under subsection (1), the Government Agent shall have special regard to applications received from persons resident in the neighbourhood of the land proposed to be alienated at the Land Kachcheri.

(3) An appeal in the manner prescribed shall lie to the Land Commissioner against any decision made by a Government Agent under subsection (1) in respect of any matter in which he has exercised the discretion vested in him by that subsection :

Provided that it shall be lawful for the Land Commissioner to vary any such decision of the Government Agent by way of revision if in the opinion of the Land Commissioner the justice of the case so requires.

Date of selection is material date for determination of qualification of alienee.

**24.** (1) The date on which a person is selected to receive a permit or a grant of Crown land shall be the material date for the purpose of ascertaining whether such person is duly qualified to receive such permit or grant.

(2) Where land alienated to a person on a permit is subsequently alienated to the same person on a grant, the material date for the purpose of ascertaining whether such person is duly qualified to receive such land on a grant shall be the date on which such person was selected by the Government Agent to receive the same land upon a permit.

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## CHAPTER IV.

### Permits and Grants.

Form of permit.

**25.** Every permit shall be substantially in a prescribed form.

Permit to be personal to permit-holder.

**26.** A permit shall for all purposes be and be construed as personal to the permit-holder and upon his death no title whatever to the land held under such permit shall pass or



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accrue to his heirs or to any person other than a successor duly nominated by such permit-holder in the manner hereinafter provided.

Form of grant.

**27.** Every grant shall be substantially in a prescribed form.

Grant not to issue for unsurveyed land.

**28.** Land which has not been surveyed shall not be alienated by grant.

Registration of grants.

**29.** (1) Every grant, when issued, shall be registered at the instance of the Government Agent in such manner as may be prescribed.

(2) No fees shall be paid or recovered for such registration.

Diagram to be attached to grant.

**30.** The land alienated on any grant shall be described with reference to a plan prepared by or under the authority of the Surveyor-General and kept in his charge. There shall be attached to each grant a diagram of the land alienated on that grant. The diagram shall be prepared under the authority of the Surveyor-General but it shall not be necessary for the diagram to bear on the face thereof a certificate to the effect that it was so prepared.

Copy of plan to be supplied on payment of prescribed fee.

**31.** The Surveyor-General shall cause to be issued to any applicant a copy of any plan or of any part thereof on payment of the prescribed fee.

Essential conditions of grant.

**32.** Every grant shall contain the conditions specified in the First Schedule.

Optional conditions of grant.

**33.** Every grant may, in addition, contain any one or more of the conditions specified in the Second Schedule.

Conditions of grant may be amended by regulation.

**34.** Any one or more of the conditions specified in the First or Second Schedules may be amended and further conditions may be added to either Schedule by regulations made under this Ordinance :

Provided that the conditions contained in any grant shall not be varied or affected by any amendment of or addition to the conditions specified in the First and Second Schedules made on a date subsequent to that of the grant.



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Land Commissioner may authorise insertion of specialconditions in grants.

**35.** The Land Commissioner may authorise the Government Agent to include in a grant special conditions applicable to individual cases or to classes of cases in particular areas.

Condition imposing obligation of residence not infringed by temporary absence of owner.

**36.** Any condition included in a grant which imposes an obligation of residence on the owner shall not be deemed to have been infringed by reason only of the temporary absence from his holding of an owner who has established permanent residence therein.

Conditions in a grant to run with the land.

**37.** The conditions included in any grant shall, as from the date of such grant, run with the land and shall bind the original and all owners thereof and all persons whomsoever who acquire any title thereto.

Principal governing the determination of amount of annual payment.

**38.** The amount to be paid annually to the Crown in respect of any land alienated under a grant or a permit shall be fixed in such grant or permit with reference to the value of the land on the date of such alienation.

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## CHAPTER V.

### Protection of Land held on Permits or Grants.

Immunity of land alienated on permits and of protected holdings.

**39.** No land alienated on a permit or as a protected holding shall be seized or sold in execution of the decree of any court.

Seizure or sale in execution of land alienated on permit or as protected holding invalid.

**40.** The seizure or sale of any land alienated on a permit or as a protected holding shall be invalid.

Scope of protection.

**41.** The provisions of sections 39 and 40 shall apply to land alienated by grant as a protected holding notwithstanding the devolution or disposition under this Ordinance of the title of the original grantee to any other person.

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## CHAPTER VI.

### Dispositions.

Disposition of protected holding requires consent of Government Agent.

**42.** No disposition of a protected holding shall be effected except with the prior written consent of the Government Agent.



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**43.** No protected holding shall be leased or mortgaged. Protected holdings not to be leased or mortgaged.

**44.** Any disposition of a protected holding executed without the prior written consent of the Government Agent and any disposition purporting to operate as a lease or mortgage of such a holding shall be invalid. What dispositions are invalid.

**45.** The decision of a Government Agent refusing consent to the execution of any disposition of a protected holding shall be subject to an appeal to the Executive Committee in such manner as may be prescribed. Appeal to Executive Committee where Government Agent refuses consent to disposition.

**46.** No permit-holder shall execute or effect any disposition of the land held under his permit. Permit-holder not entitled to execute disposition.

**47.** Any disposition of land held under a permit shall be invalid. Disposition of land held under a permit is invalid.

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## CHAPTER VII.

### SUCCESSION.

**48.** In this Chapter— Definitions of life-holder and successor.

"life-holder" when used with reference to a holding means the person who, subject to the restrictions imposed by section 50, is entitled under this Chapter to succeed to a holding upon the death of the owner thereof;

"successor" when used with reference to a holding means a person who is entitled under this Chapter to succeed to a holding upon the death of the owner thereof or if that owner has nominated a life-holder, upon the death of that life-holder or upon the failure of that life-holder to succeed to the holding, as the case may be;

"successor" when used with reference to land alienated on a permit means the person entitled under this Chapter to obtain a permit for that land upon the death of the permit-holder who nominated that person as his successor.

**49.** The owner of a holding may nominate a successor who shall be entitled to succeed to the holding upon the death of Nomination of successor.



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that owner, or upon the death of the life-holder if one has been nominated by that owner, or upon the failure of that life-holder to succeed to that holding.

Nomination of life-holder.

**50.** (1) The owner of a holding may nominate a life-holder, who shall be entitled to succeed to the holding upon the death of that owner, subject to the following restrictions:—

(*a*) such life-holder shall have no power to dispose of a holding;

(*b*) such life-holder shall have no power to nominate a successor or another life-holder.

(2) Any disposition or nomination made by a life-holder in contravention of the provisions of subsection (1) shall be invalid.

Restriction on nomination.

**51.** Except with the prior written consent of the Government Agent, no person shall be nominated by the owner of a protected holding either as successor to or as life-holder of such holding unless that person is the spouse of that owner or belongs to one of the groups of relatives enumerated in rule 1 of the Third Schedule.

General principles applicable to nomination.

**52.** (1) More persons than one may be nominated by the owner as successors to a holding, provided that such nomination does not contravene the conditions of ownership of that holding.

(2) The owner of a holding shall not on any occasion nominate more than one person as the life-holder of that holding.

(3) No person shall be nominated as the life-holder of a part or share of a holding, whether divided or undivided.

(4) No person shall be nominated as successor to a part or share of a holding whether divided or undivided, unless in the document whereby he is so nominated a successor is duly nominated for the remaining part or share of that holding.

(5) The owner of a holding may nominate a life-holder only without nominating a successor or may nominate a life-holder together with one or more successors.

(6) The nomination of a successor or of a life-holder and the cancellation of any such nomination shall not be made subject to any condition or defeasance.



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Cancellation of nominations.

**53.** Any nomination of a successor or of a life-holder may at any time be cancelled by the owner who made such nomination.

Further nomination in lieu of cancelled nominations.

**54.** The owner of a holding may make a further nomination in lieu of any nomination which has been duly cancelled; and a person may be renominated as successor or as life-holder notwithstanding the previous cancellation of the nomination of that person in either such capacity.

Act of nomination is not a disposition.

**55.** The act or transaction whereby a successor or a life-holder is lawfully nominated under the provisions of this Chapter shall not be or be construed as a disposition of the land for which such successor or life-holder is so nominated.

How nomination is effected.

**56.** (1) The nomination of a successor or of a life-holder and the cancellation of any such nomination shall be effected by a document substantially in the prescribed form executed and witnessed in duplicate before a Government Agent, or a Registrar of Lands, or a Chief Headman, or a Notary, or a Justice of the Peace.

(2) The provisions of subsection (1) shall not apply to any nomination or cancellation of the nomination of a successor or of a life-holder made by last will in the manner hereinafter provided.

(3) A document by which the nomination of a successor or of a life-holder or the cancellation of any such nomination is effected under subsection (1) shall not be deemed to be an instrument affecting land for the purposes of the Registration of Documents Ordinance, nor shall the provisions of Chapter II of that Ordinance apply to any person before whom any such document is executed.

No stamp duty for nominations or cancellation of nominations.

**57.** No stamp duty shall be charged or levied on the execution of a document whereby a successor or a life-holder is nominated or whereby any such nomination is cancelled.

Documents of nomination or cancellation invalid unless registered.

**58.** (1) A document (other than a last will) whereby the nomination of a successor or of a life-holder is effected or cancelled shall not be valid unless and until it has been registered by the Registrar of Lands of the district in which the holding to which that document refers is situated.



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(2) Regulations may be made prescribing the procedure for the registration of documents whereby nominations of successors or of life-holders are effected or cancelled and for all matters connected therewith or incidental thereto, including the registers which shall be kept and the fees which shall be charged for such registration.

Right of public to inspect registers.

**59.** Any person shall on payment of the prescribed fee be entitled to inspect at the office of the Registrar of Lands any register kept by him under this Ordinance for the purposes of section 58.

Nomination or cancellation of nomination invalid unless registered before death of owner.

**60.** No nomination or cancellation of the nomination of a successor or of a life-holder shall be valid unless the document (other than a last will) effecting such nomination or cancellation is duly registered before the date of the death of the owner of the holding in respect of which such nomination or cancellation was made.

Nomination cancelled by death of nominee.

**61.** The death during the lifetime of the owner of a holding of a person who has been nominated by that owner as a successor or life-holder of that holding shall operate as a cancellation of the nomination of that person as a successor or life-holder, as the case may be.

No document of nomination to be registered until after cancellation of previous nomination.

**62.** (1) After the registration of a document whereby a person is nominated as successor to a holding, a document which purports to nominate any other person as successor to that holding shall not be registered unless the nomination effected by the registered document has been duly cancelled by the registration of a document of cancellation :

Provided that it shall be lawful in one and the same document to cancel a registered nomination and to make some other nomination in lieu thereof ; and, in that event, notwithstanding anything in this section contained, the document in which such cancellation and nomination are combined may be registered and shall upon due registration operate both as a cancellation of a previously registered nomination and as a nomination of a new nominee.

(2) The provisions of subsection (1) shall apply equally in the case of a life-holder and for that purpose the subsection shall be construed as though the word " life-holder " were substituted for the word " successor " wherever that word occurs in that subsection.



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(3) Nothing in this section contained shall apply to any nomination or cancellation of a nomination made in the last will of the owner of a holding.

Nomination and cancellation may be made in last will of owner.

**63.** The nomination of a person as successor to or as life-holder of a holding, or the cancellation of any nomination effected by any document duly registered under this Chapter, or both such nomination and cancellation may be made in the last will of the owner of that holding.

Registration essential to validity of nomination or cancellation made in last will.

**64.** A nomination or a cancellation of a nomination made in the last will of the owner of a holding shall not be valid unless it is registered in the prescribed manner within a period of three months reckoned from the date of the death of the owner of that holding.

Probate essential to validity of nomination or cancellation made in last will.

**65.** (1) A nomination or a cancellation of a nomination made in the last will of the owner of a holding shall not be registered unless the applicant for registration shall furnish to the registering officer a certified copy of that will together with a certificate in the prescribed form to the effect that probate of that will has been applied for, signed by the secretary of the District Court to which the application for probate was made.

(2) A nomination or a cancellation of a nomination made in the last will of the owner of a holding shall be invalid if probate of that will is refused or recalled or set aside by order of a court of competent jurisdiction ; and, in that event, the title to the holding shall devolve as though no nomination or cancellation of a nomination had been registered after the death of the owner thereof.

Conditions applicable to cancellation of registered nomination by last will.

**66.** A nomination effected by a document duly registered before the death of the owner of a holding and in force at the time of his death shall not be cancelled by the last will of that owner unless—

(*a*) the last will was executed on a date later than the date of the execution of the registered document by which nomination was effected before the death of the owner ; and

(*b*) the last will specifically refers to the nomination effected by that registered document and definitely cancels such nomination.



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General principles governing nominations and cancellations by last will.

**67.** Save as is otherwise specially provided those provisions of this Chapter which apply to nominations or cancellations of nomination effected by documents other than a last will shall apply equally to nominations or cancellations of nomination made in a last will.

Failure of succession.

**68.** (1) A nominated life-holder fails to succeed if he refuses to succeed or does not enter into possession of the holding within a period of six months reckoned from the date of the death of the owner of that holding.

(2) A nominated successor fails to succeed if he refuses to succeed or if he does not enter into possession of the holding within a period of six months reckoned—

(*a*) if no life-holder has been nominated, from the date of the death of the owner of the holding ; or

(*b*) if a life-holder has been nominated, from the date of the death of that life-holder, or from the date on which that life-holder fails to succeed, as the case may be.

Succession of life-holder.

**69.** Upon the death of the owner of a holding the life-holder, if any, shall succeed to the holding.

Succession of successor.

**70.** If no life-holder has been nominated or if the nominated life-holder fails to succeed, the successor, if any, shall succeed to the holding.

Succession under Third Schedule.

**71.** If no successor has been nominated or if the nominated successor fails to succeed, the title to the holding shall devolve as prescribed by the rules in the Third Schedule.

Succession upon death of life-holder.

**72.** (1) Upon the death of the life-holder of a holding the nominated successor, if any, shall succeed to the holding.

(2) If no successor has been nominated or if the nominated successor fails to succeed, the title to the holding shall devolve as prescribed by the rules in the Third Schedule.

Date of succession.

**73.** (1) Title to the holding shall be deemed to have devolved on any person succeeding under the provisions of sections 69, 70, and 71 as from the date of the death of the owner to whose title such person so succeeds.

(2) Title to a holding shall be deemed to have devolved on any person succeeding under the provisions of section 72 as from the date of the death of the life-holder of the holding to which such person so succeeds.



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Accrual of rights in case of plurality of successors.

**74.** Where two or more persons have been duly nominated as successors of a holding, the title of any one of such successors who is dead on the date on which such successor is entitled to succeed, or who refuses so to succeed, or who fails so to succeed within a period of six months reckoned from such date, shall, as from such date, be deemed to have accrued to the other successors who were duly nominated with him.

Nomination or cancellation of nomination is invalid if contrary to provisions of Ordinance.

**75.** Any nomination of a successor or of a life-holder and any cancellation of any registered nomination of either shall be wholly invalid if such nomination or cancellation in any way contravenes the provisions of this Ordinance.

Curators.

**76.** (1) If the Government Agent is satisfied after such inquiry as he may deem necessary that title to a holding has devolved on a minor, he may, notwithstanding anything in any other written law, appoint a fit and proper person to be the curator of that minor for the purpose of enabling the minor to exercise his right and to be responsible for his obligations in respect of that holding under this Ordinance.

(2) No stamp duty shall be payable on the instrument by which a curator is appointed under subsection (1).

(3) A curator appointed under subsection (1) shall be responsible for the performance of all duties and for the discharge of all obligations imposed on the minor as owner of the holding and may be removed from office by the Government Agent if he is satisfied after inquiry that such curator has failed to perform his obligations or has been guilty of neglect of duty or of action or conduct adverse or prejudicial to the interests of the minor, or that the curator is unfit to continue to hold office or for any other sufficient cause.

A curator aggrieved by an order of the Government Agent removing him from office may appeal against that order to the Executive Committee in such manner as may be prescribed.

(4) A person appointed under subsection (1) as the curator of a minor shall cease to hold office upon the appointment by any court of competent jurisdiction of any other person as curator of that minor.

(5) Subject to the provisions of this section, a curator appointed under subsection (1) shall, in respect of the holding of the minor whose curator he is and in respect of the management, control, occupation, and protection of that holding,



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have and exercise all the rights and be subject to all the liabilities of a curator appointed by a court of competent jurisdiction.

Permit-holder may nominate spouse or relative as his successor.

**77.** A permit-holder may nominate as his successor his spouse or any relative of his out of the group of relatives mentioned in rule 1 of the Third Schedule.

Nomination of successor who is not spouse or relative.

**78.** A permit-holder shall not nominate as his successor any person not included in the group of relatives mentioned in rule 1 of the Third Schedule, unless the nomination of that person as successor is approved by the Government Agent:

Provided that the approval of the Government Agent shall not be necessary for the nomination of the spouse of the permit-holder.

Appeal to Executive Committee against refusal of Government Agent to approve nomination.

**79.** A permit-holder may appeal to the Executive Committee in such manner and subject to such conditions as may be prescribed against a refusal of the Government Agent to approve the nomination of the person selected by that permit-holder as his successor.

Name of successor to be endorsed on permit.

**80.** The name of the person who has been duly nominated by a permit-holder as his successor shall be endorsed on the permit of that permit-holder and such endorsement shall be signed and dated by the Government Agent.

Not more than one person to be nominated.

**81.** Not more than one person may be nominated as successor to land held under a permit and such nomination shall not be subject to any condition or defeasance.

Cancellation of permit-holder's nomination.

**82.** The Government Agent shall, at the request of a permit-holder, cancel any nomination of a successor made by that permit-holder. Such cancellation shall be endorsed upon the permit and shall be signed and dated by the Government Agent.

Further nomination permitted upon cancellation of a nomination by permit-holder.

**83.** (1) A permit-holder may nominate a successor in place of any successor whose nomination has been cancelled; and those provisions of this Chapter which relate to the nomination of a successor by a permit-holder shall apply accordingly in the case of any such further nomination.

(2) The successor of a permit-holder whose nomination has been cancelled may be nominated again as the successor of that permit-holder.



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Rights of nominated successor on death of permit-holder

**84.** Upon the death of a permit-holder the duly nominated successor of that permit-holder shall be entitled, on application made to the Government Agent, to receive a permit for the land which was alienated to the deceased permit-holder.

Land reverts to Crown unless successor nominated by permit-holder applies for permit within specified time.

**85.** A successor duly nominated by a permit-holder, who fails to make application for a permit within a period of one year reckoned from the date of the death of that permit-holder shall be deemed to have surrendered to the Crown his title as successor to the land.

Vesting of surrendered land.

**86.** Land deemed to have been surrendered under section 85 shall vest in the Crown free from all encumbrances.

Name of successor nominated by permit-holder may be endorsed on permit before issue.

**87.** It shall be lawful for a person to whom the Government Agent has agreed to alienate land upon a permit to nominate his successor and the name of the successor may be endorsed on the permit before it is issued to that person and the provisions of sections 77, 78, 81, 82, 83, 84 and 85 shall apply accordingly to any successor nominated or to be nominated under this section.

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## CHAPTER VIII.

### Cancellation of Grants and Permits.

Notice to owner of holding where there has been a breach of a condition of ownership.

**88.** If it appears to the Government Agent that the owner of a holding has failed to observe a condition of ownership, the Government Agent may issue a notice in the prescribed form intimating to such owner that a recommendation will be made to the Governor for the cancellation of the grant of such holding unless sufficient cause to the contrary is shown to the Government Agent on a date and at a time and place specified in such notice.

Period allowed for showing cause.

**89.** The date specified in a notice issued under section 88 shall not be less than thirty days from the date of the issue of such notice on the owner.

Notice to be posted on land and served on interested parties.

**90.** (1) A copy of the notice issued by the Government Agent under section 88 shall be served on the owner of the holding and a copy shall be affixed in a conspicuous position on the holding.

(2) If an owner who has to be served under subsection (1) with a notice issued under section 88 cannot by the exercise



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of due diligence be found, the notice shall be deemed to be duly served on that owner if a copy thereof is left with some adult member of his family or with his servant residing with him ; and, if there is no member of the family or servant of that owner on whom the notice can be so served by way of substitution for personal service, the notice shall be deemed to be duly served on that owner if a copy thereof is affixed to some conspicuous part of the house or homestead in which he ordinarily resides.

(3) The Government Agent may also cause a copy of such notice to be served on any person who, in his opinion, is interested in the holding or may be affected by a cancellation of the grant thereof.

Procedure where no cause is shown against cancellation of grant.

**91.** (1) If the owner of the holding or other person interested therein fails to appear on the date and at the time and place specified in a notice issued under section 88, or appears and states that he has no cause to show why the grant should not be cancelled, the Government Agent may, if he is satisfied that there has been due service of such notice and that there has been a breach of any of the conditions of ownership, recommend to the Governor the cancellation of the grant of such holding, but no such recommendation shall be made until after the expiry of a period of fourteen days reckoned from the date specified in the notice issued under section 88.

(2) If, within a period of fourteen days reckoned from the date specified in the notice issued under section 88, the owner of the holding or any other person satisfies the Government Agent that he has cause to show against the proposal to cancel the grant of the holding referred to in such notice and that he was prevented by accident, illness, misfortune or other unavoidable cause from appearing on the date and at the time and place specified in such notice, the Government Agent shall appoint another date, time and place for the purpose of enabling cause to be shown against the proposal to cancel the grant of the holding.

Procedure where cause is shown ; Government Agent may after inquiry recommend cancellation of grant.

**92.** (1) If on the date and at the time and place specified in a notice issued under section 88 or appointed by the Government Agent under section 91 (2) cause is shown by any person against the proposal to cancel the grant of the holding referred to in such notice, the Government Agent may, if he is satisfied after inquiry that there has been due service of notice and that there has been a breach of any of the conditions of ownership,



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recommend to the Governor the cancellation of the grant of such holding.

(2) The Government Agent may adjourn any inquiry under this section from time to time and shall hear evidence before making his recommendation. All such evidence shall be given on oath or affirmation which the Government Agent is authorised to administer for the purpose.

Date of recommendation.

**93.** Every recommendation made by a Government Agent for the cancellation of the grant of a holding shall be dated as of the date on which such recommendation was so made.

Order of Government Agent to be served on parties showing cause and to be posted on land.

**94.** (1) A copy of the recommendation made by the Government Agent under section 92 shall be served forthwith upon every person who showed cause against the cancellation of the grant at the inquiry held under that section and a copy shall also be affixed forthwith in a conspicuous position on the holding. Every copy so served or affixed shall contain a statement to the effect that an appeal will lie to the Executive Committee against the recommendation of the Government Agent if preferred within a period of thirty days reckoned from the date on which such recommendation was made, and such date shall be specified in such statement.

(2) If a person who has to be served under subsection (1) with a copy of the recommendation made by the Government Agent under section 92 cannot by the exercise of due diligence be found, the copy shall be deemed to be duly served if it is left with some adult member of that person's family or with his servant residing with him ; and, if there is no member of the family or servant of that person on whom the copy can be so served by way of substitution for personal service, it shall be deemed to be duly served on that person if it is affixed to some conspicuous part of the house or homestead in which he ordinarily resides.

Appeal to Executive Committee.

**95.** A person aggrieved by an order made by the Government Agent under section 91 (2) or by a recommendation made by the Government Agent under section 92 may appeal therefrom to the Executive Committee.

Time limit for appeal.

**96.** (1) An appeal under section 95 shall be preferred by written petition within a period of thirty days reckoned from the date on which the recommendation for cancellation of the holding or the order under section 91 (2) was made.



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(2) In computing the time within which an appeal must be preferred, the date on which the recommendation or order was made shall be excluded, but all public holidays and Sundays shall be included.

Powers of the Executive Committee in appeal.

**97.** It shall be competent for the Executive Committee in appeal—

(*a*) to allow the appeal and reverse the recommendation or order of the Government Agent ; or

(*b*) to direct further inquiry to be made or information to be furnished or evidence to be taken ; or

(*c*) to modify the recommendation of the Government Agent ; or

(*d*) to affirm the recommendation or order of the Government Agent.

Decision of Executive Committee when to be communicated to Government Agent.

**98.** If the Executive Committee acts under paragraphs (*a*) or (*b*) of section 97, the decision of the Executive Committee shall be communicated to the Government Agent who shall forthwith comply with and give effect to the terms thereof.

Decision of Executive Committee when to be submitted to the Governor.

**99.** If the Executive Committee acts under paragraphs (*c*) or (*d*) of section 97, the decision of the Executive Committee shall be submitted to the Governor for confirmation through the Minister of Agriculture and Lands.

No appeal against recommendation of Government Agent under section 91.

**100.** No appeal shall lie against a recommendation made by the Government Agent under section 91 (1), but such recommendation shall be submitted to the Governor for confirmation through the Minister of Agriculture and Lands.

Powers of Governor.

**101.** The Governor may, when a recommendation of the Government Agent or a decision of the Executive Committee is submitted to him for confirmation, order the cancellation of the grant or make such other order as he may consider just. Any order made by the Governor under this section shall be final and conclusive for all purposes.

Order of cancellation to be registered. Effect of such registration.

**102.** Every order made by the Governor for the cancellation of a grant shall be registered, and, upon such registration, the grant shall be deemed to be cancelled with effect from the date of the Governor's order and the holding shall revert to and become the exclusive and absolute property of the Crown, free from all encumbrances.



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Exclusion of claims in court for compensation.

**103.** No claim against the Crown for compensation of any kind whatever by any person shall be entertained by any court in any case where the grant of a holding has been cancelled ; but nothing in this section contained shall preclude the free grant of compensation in such cases.

Powers of the Governor in the case of failure of succession to a holding.

**104.** The Governor may make order cancelling the grant of a holding if he is satisfied that there has been a failure of succession thereto either because there is no person lawfully entitled to succeed or because no person so entitled is willing to succeed.

Delay or acceptance of annual payment not to be considered as condonation of breach of condition of ownership.

**105.** Delay in the issue of a notice under section 88, or the acceptance from the owner of any annual payment after a breach by him of any of the conditions of his grant shall, under no circumstances, be regarded or construed as condonation of any breach of the conditions of ownership.

Notice to permit-holder where there has been a breach of the conditions of permit.

**106.** If it appears to the Government Agent that a permit-holder has failed to observe a condition of his permit, the Government Agent may issue a notice in the prescribed form intimating to such 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 such notice.

Period allowed for showing cause.

**107.** The date specified in a notice issued under section 106 shall not be less than thirty days from the date of the issue of such notice on the permit-holder.

Notice to be posted on land and served on interested parties.

**108.** (1) A copy of every notice issued under section 106 shall be served on the permit-holder and a copy shall also be affixed in a conspicuous position on the land affected by such notice. The Government Agent may also cause a copy of such notice to be served on any person who, in his opinion, is interested in the land or may be affected by a cancellation of the permit.

(2) If a permit-holder who has to be served under sub-section (1) with a notice issued under section 106 cannot by the exercise of due diligence be found, the notice shall be deemed to be duly served on that permit-holder if a copy thereof is left with some adult member of his family or with his servant residing with him ; and, if there is no member of the family or



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servant of that permit-holder on whom the notice can be so served by way of substitution for personal service, the notice shall be deemed to be duly served on that permit-holder if a copy thereof is affixed to some conspicuous part of the house or homestead in which he ordinarily resides.

Order cancelling permit if permit-holder fails to appear.

**109.** (1) If the permit-holder fails to appear on the date and at the time and place specified in a notice issued under section 106, or appears and states that he has no cause to show why his permit should not be cancelled, the Government Agent may, if he is satisfied that there has been due service of such notice and that there has been a breach of any of the conditions of the permit, make order cancelling such permit but no such order shall be made until after the expiry of a period of fourteen days reckoned from the date specified in the notice issued under section 106.

(2) If, within a period of fourteen days reckoned from the date specified in the notice issued under section 106, the permit-holder satisfies the Government Agent that he has cause to show why his permit should not be cancelled and that he was prevented by accident, illness, misfortune or other unavoidable cause from appearing on the date and at the time and place specified in such notice, the Government Agent shall appoint another date, time and place for the purpose of enabling the permit-holder to show cause why his permit should not be cancelled.

Procedure where permit-holder appears and shows cause.

**110.** (1) If on the date and at the time and place specified in a notice issued under section 106 or appointed by the Government Agent under section 109 (2) the permit-holder appears and offers to show cause why his permit should not be cancelled, the Government Agent may, if he is satisfied after inquiry that there has been a breach of any of the conditions of the permit, make order cancelling the permit.

(2) The Government Agent may adjourn any inquiry under this section from time to time and shall hear evidence before making his order.

Date of order of cancellation.

**111.** Every order made by the Government Agent for the cancellation of a permit shall be dated as of the date on which such order was made.



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Order of Government Agent to be served on permit-holder and to be posted on land.

**112.** (1) A copy of an order made by a Government Agent under section 110 shall be served forthwith on the permit-holder and a copy of such order shall also be affixed forthwith in a conspicuous position on the land affected by such order. Every copy so served or affixed shall contain a statement to the effect that an appeal from such order will lie to the Land Commissioner if preferred within a period of thirty days reckoned from the date of the order and such date shall be specified in such statement.

(2) If a permit-holder who has to be served under subsection (1) with a copy of an order made by the Government Agent under section 110 cannot by the exercise of due diligence be found, the copy shall be deemed to be duly served if it is left with some adult member of the permit-holder's family or with his servant residing with him ; and, if there is no member of the family or servant of that permit-holder on whom the copy can be so served by way of substitution for personal service, it shall be deemed to be duly served on that permit-holder if it is affixed to some conspicuous part of the house or homestead in which he ordinarily resides.

Appeal to Land Commissioner.

**113.** A permit-holder aggrieved by an order made by the Government Agent under section 110 may appeal therefrom to the Land Commissioner.

Time limit for appeal.

**114.** (1) An appeal under section 113 shall be preferred by written petition within a period of thirty days reckoned from the date on which the order appealed from was made.

(2) In computing the time within which an appeal must be preferred, the date on which the order appealed from was made shall be excluded, but all public holidays and Sundays shall be included.

Powers of Land Commissioner.

**115.** The Land Commissioner may in appeal—

(*a*) direct further inquiry to be made or information to be furnished or evidence to be given ; or

(*b*) allow the appeal and set aside the order of the Government Agent ; or

(*c*) modify the order of the Government Agent ; or

(*d*) affirm the order of the Government Agent ; or

(*e*) make such other order as he may consider just.



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Copy of Land Commissioner's decision to be served on permit-holder and to be final.

**116.** (1) The decision of the Land Commissioner under section 115 shall be communicated to the Government Agent who shall forthwith cause a copy thereof to be served on the permit-holder who preferred the appeal.

(2) Any decision made by the Land Commissioner under section 115 shall be final and conclusive for all purposes.

Government Agent's order under section 109 is final.

**117.** No appeal shall lie against an order of cancellation made by the Government Agent under section 109 but such order shall be final and conclusive for all purposes.

Right of party to be represented by agent.

**118.** The agent or representative of any owner or permit-holder may appear before the Government Agent in any proceedings taken or inquiry held under this Chapter :

Provided that the Government Agent may at any time require any owner or permit-holder to appear in person before him if in his opinion the attendance of that owner or permit-holder is necessary for the purpose of any proceedings taken or inquiry held under this Chapter.

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## CHAPTER IX.

### Procedure in Ejectment.

Notice to issue on party in occupation to vacate holding.

**119.** When the grant of a holding has been cancelled, the Government Agent may issue a notice on any person in possession or occupation of the holding calling upon such person forthwith to vacate the holding.

Report to a Magistrate if person served with notice refuses to vacate holding

**120.** If any person on whom a notice has been issued under section 119 fails forthwith to vacate the holding and deliver over possession thereof in terms of the notice so issued and served upon him, the Government Agent, or some other person deputed by him for the purpose, may present to the Magistrate a written report stating the fact that the grant relating to such holding has been duly cancelled and that the person named in such report is in unlawful possession or occupation of such holding and has failed to vacate such holding though served with a notice issued under section 119.

Summons to issue.

**121.** Upon receipt of a written report presented to him under section 120, the Magistrate shall forthwith issue a



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summons to the person named in such report to appear and show cause on a specified date why he should not be ejected from the holding.

Order of ejectment where no cause is shown.

**122.** If on the date specified in a summons issued under section 121, the person to whom such summons was issued fails to appear, or appears and informs the court that he has no cause to show against an order of ejectment, the court shall forthwith issue an order directing such person to be ejected from the holding.

Inquiry if cause is shown.

**123.** If the person to whom summons has been issued under section 121 appears on the date specified in such summons and states that he has cause to show against the issue of an order of ejectment, the Magistrate may proceed forthwith to hear and determine the matter or may set the case down for inquiry on some future date.

Scope of inquiry.

**124.** At such inquiry it shall not be open to the person whose grant has been cancelled or any other person claiming title to the holding through or under the person whose grant has been cancelled to assert or prove—

(*a*) that the holding does not belong to the Crown ;

(*b*) that the order of cancellation of the grant should not have been made.

Order of ejectment.

**125.** If, after due inquiry, the Magistrate is not satisfied that the person showing cause is entitled to the possession or occupation of the holding, he shall make order directing such person forthwith to be ejected from the holding.

Appeal to Supreme Court.

**126.** Any person aggrieved by an order made against him by the Magistrate under section 125 may appeal therefrom to the Supreme Court ; and the provisions of Chapter XXX of the Criminal Procedure Code, shall apply accordingly as though the appeal were preferred against a final order of a Magistrate in respect of which an appeal lies to the Supreme Court under that Chapter of that Code.

Execution of order of ejectment.

**127.** (1) If no appeal has been preferred against an order of ejectment made by a Magistrate under section 125 within the time allowed for such an appeal, or, if an appeal has been preferred, after the final decision of the Supreme Court affirming the order of ejectment shall have been duly certified



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to the Magistrate's Court, the Magistrate shall, on the application of the Government Agent, direct the Fiscal or a peace officer to eject from the holding any person bound by the order of ejectment and to deliver possession of the holding to the Government Agent or to his representative.

(2) The Fiscal or the peace officer entrusted with the execution of the order of ejectment shall comply with the directions of the Magistrate and make due return of the manner in which he executes the order.

(3) In executing an order of ejectment, the Fiscal or the peace officer or any officer authorised by either of them may use such force as may be necessary to enter the holding, to eject any person bound by the order of ejectment and to deliver possession of the holding to the Government Agent or to his representative.

Ejectment from land alienated on permit.

**128.** The provisions of this Chapter shall apply, *mutatis mutandis*, in a case where any person is in unlawful or unauthorised possession or occupation of Crown land after the cancellation of the permit whereby such land was alienated.

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## CHAPTER X.

### Recovery of Annual Payments and Moneys due to the Crown.

Payment of moneys due to the Crown.

**129.** Any annual or other payment of any money due to the Crown by an owner or by a permit-holder in respect of any land alienated under this Ordinance may be made at the District Kachcheri to the Government Agent or to an officer authorised by the Government Agent to receive such payments and to issue receipts therefor.

Remission, reduction and waiver of annual payments.

**130.** (1) It shall be lawful for the Governor at any time to remit any annual payment or arrears of annual payments or any moneys due to the Crown under this Ordinance.

(2) The powers of the Governor under subsection (1) may be exercised on his behalf by such persons and in such manner as may be prescribed.

(3) If the Government Agent is satisfied that there is sufficient cause for granting relief generally to any class of persons in any locality in respect of any annual payments



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due by such persons on account of lands alienated in such locality on grants or permits, he may either reduce the amount of any such annual payment or waive it altogether :

Provided that such reduction or waiver shall not be made operative for a period exceeding one year.

Specified grounds upon which a reduction or waiver of annual payments may be made.

**131.** Without prejudice to the generality of the grounds upon which a Government Agent may reduce or waive any annual payment under section 130, any general failure of crops due to unfavourable weather conditions, any exceptional fall in the price of any staple commodity, any epidemic, or any outbreak of cattle disease adversely affecting the cultivation of the land, may be deemed to be a sufficien cause for granting relief under that section.

Penalties for payments overdue or in arrears.

**132.** The owner of a holding or a permit-holder shall be liable, in respect of any payments which may be overdue or in arrears, to make additional payments to the Crown according to such scale and in such manner as may be prescribed.

Money due to Crown a first charge on land.

**133.** Any amount due to the Crown by an owner or by a permit-holder in respect of any land alienated under this Ordinance shall be a first charge on the holding of such owner or on the land held by such permit-holder on his permit, as the case may be.

Seizure and sequestration of crops and movable property of defaulting owner.

**134.** If the owner of a holding makes default in the due payment of any moneys payable by him to the Crown in respect of such holding, the Government Agent or any person authorised by him in writing may seize and sequester the crops and produce of such holding together with any movable property thereon belonging to the owner who has so made default :

Provided that the following property shall not be liable to seizure or sequestration under this section :—

(*a*) the necessary wearing apparel, beds, and bedding of the owner who has made default, or of his wife, and children ; and,

(*b*) utensils used in his dwelling-house for cooking or for the preparation of food, his implements of husbandry and such cattle and seed-grain as may, in the opinion of the officer effecting the seizure or sequestration, be necessary to enable him to earn his livelihood as an agriculturist.



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In this Chapter a growing crop is movable property.

**135.** In this Chapter a growing crop on any land shall not be regarded as an interest in land but shall be deemed to be movable property.

Property seized to be taken charge of.

**136.** The person effecting the seizure may take charge of or place another person in charge of any crops, produce or movable property seized under section 134.

Sale of property seized.

**137.** (1) If the defaulter fails to pay the amount due to the Crown together with the costs of seizure within a period of thirty days reckoned from the date of such seizure, the Government Agent may cause the property seized to be sold by public auction or by tender :

Provided that perishables may be sold as soon as may be deemed expedient by the person effecting the seizure.

(2) In computing the period of thirty days referred to in subsection (1), the date on which the seizure was made shall be excluded but all Sundays and public holidays shall be included.

(3) Regulations may be made prescribing the costs which may be charged or recovered for any seizure or sale effected under this Chapter.

List of property seized.

**138.** (1) A list shall be made showing details of the property seized under section 134 and sold under section 137, the names and addresses of the purchasers, the prices realised, and the total amount recovered by the sale.

(2) Upon payment of the purchase money, a purchaser at a sale under section 137 shall receive a certificate of sale showing the property purchased and the price paid for such purchase.

Excess to be refunded to defaulter.

**139.** If the amount realised by the sale of the property seized under section 134 exceeds the total amount of the debt due to the Crown together with the costs of seizure and sale, the Government Agent shall refund the excess to the defaulter.

Seizure of holding.

**140.** If at a sale under section 137 the amount recovered is insufficient to discharge the debt due by the owner to the Crown together with the costs of seizure and sale, the Government Agent or a person authorised by him in writing may seize the holding.



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Seizure, how effected.

**141.** (1) A seizure of a holding shall be effected by serving upon the owner thereof a notice substantially in the prescribed form and by affixing a copy of such notice in a conspicuous position on such holding. A copy of such notice may also be served on any other person interested in the holding or affected by the seizure thereof.

(2) If the owner of a holding who has to be served with a notice under subsection (1) cannot by the exercise of due diligence be found, the notice shall be deemed to be duly served on that owner if a copy thereof is left with some adult member of his family or with his servant residing with him ; and, if there is no member of the family or servant of that owner on whom the notice can be so served by way of substitution for personal service, the notice shall be deemed to be duly served on that owner if a copy thereof is affixed to some conspicuous part of the house or homestead in which he ordinarily resides.

(3) No holding shall be seized if the defaulting owner thereof surrenders free and unclaimed movable property to satisfy the entirety of the amount due from him.

Registration of seizure.

**142.** (1) Every seizure of a holding shall be registered.

(2) No disposition of a holding shall be valid if it is effected or registered after the seizure of that holding has been registered.

Seizure of protected holding operates as cancellation of grant thereof and vests holding in the Crown.

**143.** (1) The seizure of a protected holding under this Chapter shall operate as a cancellation of the grant thereof and shall vest such holding absolutely in the Crown free from all encumbrances ; but the person who was the owner of such holding at the time of seizure shall be entitled to a re-conveyance thereof upon payment within a period of one year reckoned from the date of that seizure of the total amount due in respect of such holding together with the costs of seizure.

Where the owner dies before the expiry of the period of one year hereinbefore specified, the right to a re-conveyance of the holding may be exercised by the successor of that owner on the same terms and within the same period.

(2) The re-conveyance referred to in subsection (1) may be effected by an endorsement substantially in the prescribed form made by the Government Agent on the grant relating to such protected holding. Every such endorsement shall be registered.



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Protected holding not to be sold.

**144.** No protected holding shall be sold by the Crown under this Chapter.

Sale of unprotected holding.

**145.** An unprotected holding, which has been seized under section 141, may be sold at the instance of the Government Agent by public auction in such manner as may be prescribed.

Moneys realised by sale to be paid to Government Agent.

**146.** All moneys realized by the sale of an unprotected holding shall be paid to the Government Agent who shall, after deducting the amount due to the Crown including the costs of the seizure and sale of such holding, pay the balance, if any, to the person who was the owner of such holding before the sale.

Certificate of sale.

**147.** (1) A certificate substantially in the prescribed form shall, when signed by the Government Agent, be sufficient to vest in the purchaser the title of the owner against whom the unprotected holding was sold under section 145.

(2) Such certificate shall be liable to the stamp duty payable on conveyances of immovable property and to any registration or other charges authorised by law. Such duty and all such charges shall be paid by the purchaser.

Purchase of unprotected holding by the Crown.

**148.** An unprotected holding sold under section 145 may be purchased by the Crown and the Government Agent may authorise any person in writing to bid for and purchase such holding on behalf of the Crown, but no stamp duty or other charges referred to in section 147 (2) shall be payable by any person who so purchases an unprotected holding on behalf of the Crown.

Cancellation of sale.

**149.** (1) Where the Crown purchases an unprotected holding sold under section 145, it shall be lawful for the Government Agent, at any time before such holding shall have been re-alienated, on payment by the owner against whom such holding was sold of the total amount due to the Crown in respect of such holding (including the costs of seizure and sale), together with interest thereon at the rate of nine per centum per annum, by endorsement on a certified copy of the certificate referred to in section 147, to cancel the sale; and upon the registration of such endorsement, such holding shall revest in the owner as though such sale had never been made.



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(2) No stamp duty shall be payable on an endorsement made under this section, but the registration and other charges shall be payable by the owner in whom the unprotected holding is so re-vested.

Re-sale by Crown.

**150.** (1) Where the Crown purchases an unprotected holding sold under section 145, and such sale has not been cancelled under section 149, it shall be competent for the Government Agent at any time, when re-alienating the land, to transfer to the purchaser, by endorsement on a certified copy of the certificate referred to in section 147, the title which would have been acquired by such purchaser if he had purchased such holding at the original sale, and upon the registration of such endorsement such title shall vest in the purchaser accordingly.

(2) Every such endorsement shall be liable to the same duty and charges as a certificate to a purchaser at the original sale and such duty and charges shall be payable by the purchaser.

Rights of mortgagee.

**151.** (1) If an unprotected holding to be sold under section 145 is subject to a mortgage, it shall be lawful for the mortgagee, on payment to the Government Agent of the total amount due to the Crown including the costs of seizure, to add the amount so paid to his mortgage debt and the amount so added shall be secured in the same manner, and shall be subject to the same interest and be recoverable on the same conditions as the mortgage debt.

(2) The amount paid by the mortgagee under subsection (1) shall be certified by the Government Agent by an endorsement on the mortgage bond and such certificate may be registered by the mortgagee. No stamp duty shall be payable on the certificate so endorsed.

Recovery of money due to local authorities.

**152.** (1) If the owner of a protected holding fails to pay any sum due to a local authority in respect of such holding, such local authority may report the defaulter to the Government Agent, who may thereupon take action under this Chapter to recover the sum due from the defaulter as though such sum were due to the Crown and not to such local authority.

(2) Save as is herein expressly provided, a local authority shall not take proceedings for the recovery of any sum due to such local authority from the owner of a protected holding in respect of such holding.



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Delivery to local authority of money received by Government Agent.

**153.** The Government Agent shall deliver to a local authority any sum recovered by him in satisfaction of the debt due to such local authority and of the interest thereon, if any, and shall pay the costs of seizure, if recovered, into the general revenue of the Island.

All moneys due to Crown must be recovered by procedure under this Chapter.

**154.** No money, rate, tax, duty or fee due to the Crown under any other written law in respect of or on account of a protected holding, shall be recovered except in accordance with the provisions of this Chapter.

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## CHAPTER XI.

### REGULATIONS.

Executive Committee authorised to make regulations.

**155.** The Executive Committee of Agriculture and Lands may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

Matters which may be provided for by regulations.

**156.** In particular and without prejudice to the generality of the powers conferred by section 155, regulations may be made for, and with respect to, all or any of the following matters :—

(*a*) the forms, fees, documents, and matters stated in or required by this Ordinance to be prescribed ;

(*b*) the mapping-out of Crown land ;

(*c*) the alienation under this Ordinance of Crown land over 5,000 feet in elevation ;

(*d*) the maintenance of reserves for the preservation of the sources and courses of streams and for the prevention of erosion of the soil ;

(*e*) the manner of paying or recovering fees, costs or other charges ;

(*f*) the collection by the Government Agent of moneys due to local authorities ;

(*g*) the classification of persons for the purpose of alienating Crown land under this Ordinance ;

(*h*) the procedure to be observed, the fees to be paid and the forms to be used in preferring appeals to the Executive Committee ;



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(*i*) the manner of publishing or serving notices or of serving other process ;

(*j*) the assessment of annual payments ;

(*k*) any matters incidental to or connected with the matters or subjects specifically referred to in this section.

Regulations to be approved by State Council and ratified by the Governor.

**157.** No regulation shall have effect until it has been approved by the State Council and ratified by the Governor. Notification of such approval and ratification shall be published in the *Government Gazette*.

Regulations to have statutory force.

**158.** A regulation made by the Executive Committee of Agriculture and Lands shall, upon the publication of the notification of approval and ratification provided for in section 157, be as valid and effectual as though it were herein enacted.

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## CHAPTER XII.

### MISCELLANEOUS.

Ordinance deemed to be referred to in leases or permits executed prior to its introduction.

**159.** Where in any Crown lease or permit executed before the date on which this Ordinance shall come into operation it is provided—

(*a*) that such lease or permit shall terminate when legislation is passed for its cancellation ; or

(*b*) that at the expiration of a stated period of time or upon the fulfilment by the lessee or by the permit-holder of stated conditions such lessee or permit-holder shall be given the right to hold the land upon a tenure to be thereafter introduced by legislation,

this Ordinance shall be deemed to be the legislation referred to in such lease or permit.

Right of Government Agent to enter any holding at any time.

**160.** The Government Agent or any person duly authorised by him in writing may at any time of the day between 6 a.m. and 6 p.m. enter any holding for the purpose of inspection or for any other purpose incidental to or connected with the duties of a Government Agent under this Ordinance.

No prescriptive title to be acquired to land alienated under Ordinance.

**161.** No person shall, by possession of any land alienated on a permit or a grant, acquire any prescriptive title thereto against any other person or against the Crown.



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Notary prohibited from attesting disposition of a holding unless consent of Government Agent is attached thereto.

**162.** (1) A notary shall not attest any deed operating as a disposition of a protected holding unless the written consent of the Government Agent to such disposition shall have been previously obtained nor unless such deed shall have attached thereto the document by which the Government Agent granted his consent to the disposition sought to be effected by such deed. Such document of consent shall be specifically referred to by the notary in the attestation of such deed.

(2) A deed executed or attested in contravention of the provisions of this section shall be null and void for all purposes.

Notary attesting deed in breach of section 162 guilty of offence.

**163.** A notary who knowingly attests any deed in breach of the provisions of section 162 shall be guilty of an offence and shall, on conviction by a Magistrate after summary trial, be liable to a fine not exceeding five hundred rupees.

Mapped-out land may be settled.

**164.** The fact that any land has been mapped-out shall be no bar to the inclusion of such land in a settlement notice under the Land Settlement Ordinance.

Action *rei vindicatio* may be maintained against Crown in respect of alienated land.

**165.** Nothing in this Ordinance contained shall preclude any person claiming to be entitled to any land which has been alienated from instituting an action against the Crown for the vindication of his title thereto ; but nothing in this section shall enable or authorise the owner of a holding or a permit-holder to sue the Crown for the vindication of title to such holding or to the land alienated to such permit-holder, as the case may be.

Protection of public servants.

**166.** No suit shall lie against any public servant for anything done by him in good faith under this Ordinance.

Provisions of particular Ordinances not to apply.

**167.** (1) The provisions of the Ordinances enumerated in the first column of the Fourth Schedule shall, to the extent indicated in the second column of such Schedule, have no application to any land alienated under this Ordinance.

(2) The Executive Committee of Agriculture and Lands may, by regulation made under section 155, add to the Fourth Schedule.

Penalty for clearing mapped-out land.

**168.** (1) If any person—

(*a*) clears or breaks up for cultivation or cultivates any Crown land which has been mapped-out ; or



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(*b*) erects any building or structure on such land ; or

(*c*) fells or otherwise destroys any trees standing on such land ; or

(*d*) otherwise encroaches on such land,

he shall be guilty of an offence and shall on conviction by a Magistrate be liable to pay a fine not exceeding one hundred rupees :

Provided that no person shall be convicted under this section unless the land in question has been declared to be the property of the Crown under the Land Settlement Ordinance, or under any Ordinance repealed thereby, or has been acquired by the Crown under the Land Acquisition Ordinance.

(2) A conviction under this section shall operate as an order of ejectment made under section 125 and on such conviction the Government Agent 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.

Trusts, &c., affecting land not to be recognised.

**169.** No trust, *fideicommissum*, or equitable charge shall be created, declared, recognised or enforced in respect of any land alienated under this Ordinance.

Succession to be regulated entirely by this Ordinance.

**170.** (1) No written law (other than this Ordinance) which provides for succession to land upon an intestacy and no other law relating to succession to land upon an intestacy shall have any application in respect of any land alienated under this Ordinance.

(2) No person shall, by virtue of any appointment in any last will, have or acquire any title to succeed to any land alienated under this Ordinance save and except a life-holder or a successor duly nominated by last will under the provisions of Chapter VII.

Definition of " middle-class Ceylonese ".

**171.** No person shall for the purposes of this Ordinance be deemed to be a " Middle Class Ceylonese " on a particular date if the statutory income of such person computed under the provisions of the Income Tax Ordinance, for the year of assessment ending on the thirty-first day of March preceding such date exceeds a sum of six thousand rupees :



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Provided that—

(i) in the case of spouses, the statutory income of either spouse shall be computed as though separate assessment had been claimed and made in pursuance of notice duly given under the provisions of section 22 of the Income Tax Ordinance ;

(ii) in the case of spouses who have not been divorced by the decree of a competent court, or who are not living apart under a duly executed deed of separation, neither spouse shall be deemed to a middle-class Ceylonese for the purposes of this Ordinance if the joint statutory income of both spouses exceeds in the aggregate a sum of twelve thousand rupees.

Loans to owners of holdings.

**172.** Regulations may be made for lending money to owners of holdings out of funds provided for the purpose by the State Council. Such regulations may prescribe the conditions upon which and the terms for which such money may be lent. Where default is made in the re-payment of any money lent to the owner of a holding under this section such money together with the interest, if any, which is due thereon shall be deemed to be money due to the Crown under this Ordinance and may be recovered in the manner hereinbefore provided in Chapter X.

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[Section 32.]

## FIRST SCHEDULE.

*Essential Conditions.*

1. The owner shall not dispose of a divided share of the holding less, in extent, than the unit of subdivision specified in the grant.

2. The owner shall not dispose of an undivided share in the holding less than the minimum fraction specified in the grant.

3. No person shall be the owner of a divided share of the holding less in extent than the unit of subdivision specified in the grant.

4. No person shall be the owner of an undivided share in the holding less than the minimum fraction specified in the grant.

5. The holding or a specified portion or proportion thereof shall be regularly cultivated or utilised in any other manner specified in the grant. For the purposes of this condition chena cultivation shall not be deemed to be regular cultivation.

6. There shall be paid annually to the Crown on account of the holding the sum specified in the grant.



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## SECOND SCHEDULE.

[Section 33.]

*Optional Conditions.*

1. Specified crops shall not be grown and specified plantations shall not be made on the whole or a specified portion of the holding without the written consent of the Government Agent.

2. Specified crops shall be grown or specified plantations shall be made upon the whole or a specified portion of the holding unless the written consent of the Government Agent be obtained to any relaxation of this condition.

3. The holding shall not be leased or mortgaged except to the Crown. No other disposition of the holding shall be made except with the prior permission in writing of the Government Agent.

4. If the Government Agent considers that any works are necessary in order to prevent surface erosion of the soil, the owner shall at his own expense carry out such works to the satisfaction of the Government Agent.

5. The owner shall reside upon the holding.

6. Within a specified period after the issue of the grant the timber on the holding shall be used for specified purposes only and not for any other purpose except with the permission of the Government Agent.

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## THIRD SCHEDULE.

[Sections 51, 71, 72, and 77.]

*Rules.*

1. Where, on the death of the owner, no successor or life-holder succeeds to the holding, the title thereto shall devolve on the surviving spouse of such deceased owner and, failing such spouse, on one only of the relatives of such 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.

*Table.*

1. Sons.
2. Daughters.
3. Grandsons.
4. Granddaughters.
5. Father.
6. Mother.
7. Brothers.
8. Sisters.
9. Uncles.
10. Aunts.
11. Nephews.
12. Nieces.

In this rule, "relative" means a relative by blood and not by marriage.



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2. Where in any group of relatives mentioned in the Table subjoined to rule 1 there are two or more persons of the same age who are equally entitled and willing to succeed, the Government Agent may nominate one of such persons to succeed to the holding. Such decision of the Government Agent shall be final.

3. Where the surviving spouse on whom the title to a holding devolves under the provisions of rule 1 is unwilling to succeed, the title to such holding shall devolve upon the relative next entitled to succeed to the holding under the provisions of rule 1.

4. If any relative on whom the title to a holding devolves under the provisions of these rules is unwilling to succeed to such holding, the title thereto shall devlove upon the relative who is next entitled to succeed under the provisions of rule 1.

5. It shall be lawful for the surviving spouse or any relative of the deceased owner of a holding to refuse to succeed to such holding.

[Section 167.]

## FOURTH SCHEDULE.

| Column 1. | Column 2. |
|---|---|
| 1. The Partition Ordinance | .. The whole |



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# CHAPTER 321.

## ENCROACHMENTS UPON CROWN LANDS.

AN ORDINANCE TO MAKE PROVISION FOR THE PREVENTION OF ENCROACHMENTS UPON CROWN LANDS.

*Ordinances* Nos. 12 of 1840, 22 of 1931.

[27*th October*, 1840.]

Short title.

**1.** This Ordinance may be cited as the Crown Lands Encroachments Ordinance.

Information of encroachment.

**2.** It shall and may be lawful for the District Court, upon information supported by affidavit charging any person or persons with having, without probable claim or pretence of title, entered upon or taken possession of any land which belongs to His Majesty, His heirs, or successors, to issue its summons for the appearance before it of the party or parties alleged to have so illegally entered upon or taken possession of such land, and of any other person or persons whom it may be necessary or proper to examine as a witness or witnesses on the hearing of any such information; and the said District Court shall proceed in a summary way in the presence of the parties, or in case of wilful absence of any person against whom any such information shall have been laid, then in his absence to hear and determine such information; and in case on the hearing thereof it shall be made to appear by the examination of the said party or parties, or other sufficient evidence to the satisfaction of such District Court, that the said party or parties against whom such information shall have been laid hath or have entered upon or taken possession of the land mentioned or referred to in such information without any probable claim or pretence of title, and that such party or parties hath or have not cultivated, planted, or otherwise improved and held uninterrupted possession of such land for the period of five years or upwards, then and not otherwise, such District Court is hereby authorised and required to make an order directing such party or parties to deliver up to His Majesty, His heirs, or successors, peaceable possession of such land, together with all crops growing thereon, and all buildings and other immovable property

Order for delivery up of possession.



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upon and affixed to the said land, and to pay the cost of such information; and in case the party or parties against whom any such order shall have been made shall not, within fourteen days after service thereof, deliver up possession of the said land and premises, pursuant to the said order, or shall afterwards make or cause to be made any further encroachments upon the said land or premises, contrary to such order or in evasion thereof, then and in such case it shall be lawful for such District Court to adjudge such party or parties to pay a fine not exceeding fifty rupees, or to be imprisoned, with or without hard labour, for any time not exceeding fourteen days, and to make a further order for the immediate delivery over of the possession of such land and premises to His Majesty, His heirs, or successors; and the District Court shall thereupon cause possession thereof to be delivered to His Majesty, His heirs, or successors, accordingly.

Penalty on disobedience of order or renewed encroachment.

Subsequent proceeding by ordinary course of law.

**3.** Any person against whom any such order as aforesaid may have been made may, notwithstanding such order, proceed by the ordinary course of law to recover possession of such lands, in case he shall be able to establish a title thereto; and may also in such case recover a reasonable compensation for the damage he may have sustained by reason of his having been compelled to deliver up possession of the said premises, and in like manner, in case of the dismissal of any such information, the party having preferred the same may proceed according to the ordinary course of law, as if no such information had been preferred.

Court may order payment of costs.

**4.** Provided always that in case any such information shall be dismissed, it shall be lawful for the said District Court, if it shall think fit, to order payment by Government to the party or parties against whom the same may have been preferred of such sum as the said court may consider to be the amount of costs fairly incurred by such party or parties by reason of such information so dismissed.

Proceedings subject to rules of court.

**5.** The forms of the proceedings to be observed on lodging complaints, in issuing summonses, in the examination of the party or parties, in the citation of witnesses, in the making orders, and generally for the complete carrying into execution the powers hereby vested in the said District Court, shall be according to such general rules of practice as the Judges of the Supreme Court may now or hereafter frame thereon.



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Cinnamon lands, when the property of the Crown.

**6.** All cinnamon lands which shall have been uninterruptedly possessed by Government for a period of thirty years and upwards, by peeling the cinnamon growing thereon shall be held and deemed to be the property of the Crown.

Waste lands to be deemed the property of the Crown.

**7.** All forest, waste, unoccupied, or uncultivated lands shall be presumed to be the property of the Crown until the contrary thereof be proved, and all chenas and other lands which can be only cultivated after intervals of several years shall, if the same be situate within the districts formerly comprised in the Kandyan provinces (wherein no thombo registers have been heretofore established), be deemed to belong to the Crown and not to be the property of any private person claiming the same against the Crown, except upon proof only by such person—

[§ 2, 22 of 1931.]

(*a*) of a sannas or grant for the same, together with satisfactory evidence as to the limits and boundaries thereof; or

(*b*) of such customary taxes, dues, or services having been rendered to the Crown or other person for the same as have been rendered for similar lands being the property of private proprietors in the same districts; or

(*c*) of his or his predecessor in title having made and maintained a permanent plantation in and upon the same for a period of not less than thirty years, or of his having otherwise improved the same and maintained it in such improved state for such period, and in either case of his having held uninterrupted possession of the same during the whole of the said period.

In all other districts in this Island chena and other lands which can only be cultivated after intervals of several years shall be deemed to be forest or waste lands within the meaning of this section.

Government Agent when to grant certificate against the right of the Crown.

**8.** It shall be lawful for any person in the possession of land to make application in writing to the Government Agent of the province in which such land is situate for a certificate of the Crown having no claim to such land, which application shall contain a full description of the property, together with a survey thereof made by or under the authority of the Surveyor-General, and shall contain a declaration by the



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applicant, stating the nature of his right, or the manner in which he acquired possession; and if the Government Agent shall, upon investigation, be satisfied that the Crown has no claim to such land, he shall, with the consent of the Governor, grant a certificate to that effect to such applicant, and a copy of such certificate shall be previously entered in a book to be kept in the office of the Government Agent for that purpose, and such certificate, or any copy from such entry thereof, attested by the Government Agent, shall be received by any court as a good and valid title to such land against any right, title, or claim of the Crown thereto existing at the date of such certificate.

If party ten years in uninterrupted possession of Government land.

**9.** Whenever any person shall have, without any grant or title from Government, taken possession of and cultivated, planted, or otherwise improved any land belonging to Government, and shall have held uninterrupted possession thereof for not less than ten nor more than thirty years, such person shall be entitled to a grant from Government of such land, on payment by him or her of half the improved value of the said land; unless Government shall require the same for public purposes, or for the use of His Majesty, His heirs, and successors, when such person shall be liable only to be ejected from such land on being paid by Government the half of the improved value thereof, and the full value of any buildings that may have been erected thereon.

Section 9 or section 2 shall extend to any land referred to in section 7.

**10.** None of the provisions contained in section 9, nor the provision touching prescription contained in section 2 shall extend to any land referred to in section 7, nor to any public road, street, or highway, nor to any land known or held as toonhawul land.

Encroachment on road, &c.

**11.** All and every encroachment on any public road, street, or highway, by building or other erection, or by enclosure, planting, or otherwise, shall, on information thereof, be immediately abated and removed by judgment, order, or decree of the District Court thereon, and the party or parties offending found liable in damages besides the costs of suit.

Headman to give information.

**12.** Any principal or other headman who shall wilfully or knowingly refuse or neglect to give every information within his knowledge or power immediately to the Government



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Agent of his province, or some Assistant Agent thereof, of any encroachment made by any person or persons upon any land belonging to His Majesty, His heirs, or successors, and situated in the district or village of such headman, shall be liable for every such offence to a fine not exceeding one hundred rupees.

Interpretation. [§ 3, 22 of 1931.]

**13.** In this Ordinance, unless the context otherwise requires,—

"unoccupied land" includes land occupied by, on behalf of, or under, the Crown.



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# CHAPTER 322.

## SERVICE PRAVENI LANDS.

*Ordinance No. 3 of 1852.*

AN ORDINANCE TO REPEAL REGULATION NO. 8 OF 1809, AND TO REMOVE CERTAIN RESTRICTIONS PECULIAR TO THE TENURE OF SERVICE PRAVENI LANDS.

[25*th August*, 1852.]

Short title.

**1.** This Ordinance may be cited as the Service Praveni Lands Succession Ordinance.

Succession in female as well as in male heirs.

**2.** The privilege of succeeding to service praveni lands shall be in the female as fully as in the male heirs of all persons who shall die possessed of such lands after this Ordinance shall have come into operation, and such lands shall not revert to the Crown on the failure of male heirs ; and such lands are hereby declared to be henceforth capable of alienation by gift, sale, devise, or other act, or of being charged or encumbered with any debt whatever ; and such lands are hereby further declared to be henceforth liable to be sold by virtue of any writ of execution or other legal process of any court of this Island

Former sale and possession under writ of execution not invalid.

**3.** No sale of any service praveni land, or of any share thereof heretofore effected under any writ of execution or other legal process of any court of this Island, and no sale or alienation of any such land, or of any share thereof heretofore effected by any person in the lawful possession thereof, shall be deemed to be invalid by reason of any thing in Regulation No. 8. of 1809* contained, or by reason of such land being service praveni land, unless some suit or other proceeding at law touching the validity of such sale or alienation shall be pending at the time that this Ordinance shall come into operation, in every which excepted case such suit or proceeding shall be determined in such and the same manner as it would have been determined if this Ordinance had not been enacted.

Rate of tax not affected.

**4.** Nothing in this Ordinance contained shall or shall be construed to affect the rate of tax to which any service praveni lands may be liable.

* Repealed by 3 of 1852.



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# CHAPTER 323.

## SERVICE TENURES.

AN ORDINANCE TO DEFINE THE SERVICES DUE BY THE PRAVENI TENANT OF WIHARAGAMA, DEWALAGAMA, AND NINDAGAMA LANDS, AND TO PROVIDE FOR THE COMMUTATION OF THOSE SERVICES.

*Ordinance* No. 4 of 1870.

[1*st February*, 1870.]

**1.** This Ordinance may be cited as the Service Tenures Ordinance. Short title.

**2.** The following words and expressions in this Ordinance shall have the mearing hereby assigned to them, unless there be something in the subject or context repugnant to such construction :— Interpretation.

"Government Agent" shall include the Assistant Government Agents of the revenue districts into which the province may be divided, and to which said revenue districts the village or villages thereof in which services are to be defined under this Ordinance may belong ;

"maruwena nilakaraya" shall mean the tenant at will of a maruwena pangu ;

"maruwena pangu" shall mean an allotment or share of land in a temple or nindagama village held by one one or more tenants at will ;

"nindagama proprietor" shall mean any proprietor of nindagama entitled to demand services from any praveni nilakaraya or maruwena nilakaraya, for and in respect of a praveni pangu or maruwena pangu held by him ;

"praveni nilakaraya" shall mean the holder of a praveni pangu in perpetuity, subject to the performance of certain services to the temple or nindagama proprietor ;



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"praveni pangu" shall mean an allotment or share of land in a temple or nindagama village held in perpetuity by one or more holders, subject to the performance of certain services to the temple or nindagama proprietor;

"temple" shall include wihara and dewala;

"wiharagama proprietor" or "dewalagama proprietor" shall include the officer of any wihara or dewala respectively entitled to demand services from any praveni nilakaraya or maruwena nilakaraya, for and in respect of a praveni pangu or maruwena pangu held by him.

## PART I.

### Department and Officers.

Governor to appoint Commissioners to carry this Ordinance into effect.

Clerks and other ministerial officers.

Any one Commissioner competent to act.

**3.** It shall be lawful for the Governor to appoint one or more persons, not exceeding three in number, to be the Commissioner or Commissioners for each district specified in such appointment, for carrying into effect the provisions of this Ordinance, and for executing the several powers hereby conferred upon him or them, and to appoint such clerks or other ministerial officers as to him may appear necessary, and to direct to be paid out of the Treasury to such Commissioners, clerks, and other officers, or any of them, such reasonable remuneration as to the Governor, shall seem fit. The powers and duties hereby conferred and imposed upon the Commissioners may be exercised and performed by any one of them.

Oath.

**4.** Every such Commissioner shall, before proceeding to execute any of the powers and duties hereby conferred and imposed upon him, take and subscribe the oath of allegiance and the official oath.

Commissioner not to be purchaser of land.

**5.** No such Commissioner, clerk, or other officer shall be capable whilst such commission is being held, of being a purchaser, either in his own name or in the name or names of any other person, of any lands belonging to any temple or nindagama proprietor or praveni pangukaraya.

Proceedings of Commissioners to be with open doors.

**6.** The proceedings of the Commissioners in the investigation of any claims and in the settlement of any disputes in virtue of the provisions of this Ordinance shall be carried on, and the decisions and orders of such Commissioners shall be reduced to writing and shall be pronounced and declared, with open doors.



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PART II.

INVESTIGATION AND SETTLEMENT OF CLAIMS.

Commissioners to call upon headmen and temple and nindagama proprietors for lists of panguwas held by them.

**7.** So soon as reasonably may be after this Ordinance shall come into operation, the Commissioners appointed by virtue hereof for any district shall cause notice to be published in any village in such district specified in the notice, calling upon the headmen of such village or district, and upon the wiharagama, dewalagama, and nindagama proprietors of all praveni or maruwena pangus in such village to produce or forward to them at such times and places as they shall appoint a list of all the praveni or maruwena pangus held by such proprietors, with an enumeration of the services in detail of the praveni pangus, setting forth the names (so far as the same can be ascertained) of the proprietors and holders, and the nature and extent of the services due for each praveni pangu :

Provided that it shall be lawful for any proprietor, instead of producing or transmitting such lists, to state verbally to such Commissioners the particulars of his claim ; and it shall be the duty of such Commissioners thereupon to take down in writing such particulars, and to require such person to sign the same, or in case of inability, the same shall be signed by the Commissioner by whom such claim has been reduced to writing.

Notice by Commissioners that they will inquire into claims, and calling upon all parties interested to appear.

**8.** It shall be the duty of the Commissioners, within a reasonable time after the expiration of the time fixed in such notice for the receipt of the lists from the wiharagama, dewalagama, and nindagama proprietors, to cause further notice to be published in such village of their intention to inquire, on a day to be named in such notice, into the nature of the tenure of each pangu therein subject to service, whether it be praveni or maruwena, and into all claims for services in respect of the praveni pangus in such village, and calling upon all proprietors and nilakarayas and persons claiming interest in the pangus in such village, for or in respect of which services may be due, whether as praveni nilakarayas or by maruwena nilakarayas, to appear before them at the place and on the day and days named in such notice, with a view to such inquiry. It shall further be the duty of the Commissioners to cause personal notice to be served on all proprietors and nilakarayas of such intention, and if personal notice cannot be served owing to the absence of any of them from such village or district, then to cause notice to be left at the known place of abode, and, if practicable, with some adult member of his family. The Commissioners shall also serve on the holders of each pangu,

Personal notice.



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with such notice, a copy of particulars touching such pangu furnished by the proprietors and headmen.

Commissioners to inquire into claims.

**9.** On the day appointed in such notice the Commissioners shall enter into their inquiries, and shall then, or on such other early day as they shall then and there from time to time publicly appoint, hear, try, and determine as follows :—

(*a*) the tenure of each pangu subject to service in the village, whether it be praveni or maruwena ;

(*b*) the names, so far as the same can be ascertained, of the proprietors and holders of each praveni pangu ;

(*c*) the nature and extent of the services due for each praveni pangu ;

(*d*) the annual amount of money payment for which such services may be fairly commuted at the time the registries are made ;

Their determination shall be final.

And their determination shall be final and conclusive in that or any future proceeding, whether before the said Commissioners or any other judicial tribunal, as to the tenure of the pangus in such village, whether it be praveni or maruwena, the nature of the service due for and in respect of each praveni pangu, and the annual amount of money payment for which the services due for each praveni pangu may be fairly commuted at the time those registries are made.

Registries of claims.

**10.** So soon as the Commissioners shall complete their inquiry into the claims in any village, they shall cause to be numbered and entered in a book of registry a list of praveni pangus in such village, and shall further cause to be entered the names, so far as the same can be ascertained, of the proprietors and tenants of each pangu, the nature and extent of the services due for such pangu, and the annual amount of money payment for which such services may be fairly commuted at the time the registry is made, and shall duly sign such registry and transmit the same to the Kachcheri of the district.

Inspection and certified copies.

**11.** It shall be the duty of the Government Agent to cause all these registries to be safely kept and preserved in such Kachcheri, and to grant inspection and certified copies thereof on the application (written on a stamp of one rupee) of parties interested in such inquiry ; and registries and certified copies, signed by the Government Agent, shall form thereafter the best evidence of the tenure of each pangu, of the nature and extent of the services due for such pangu, and the annual



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amount of money payment for which such services may be fairly commuted at the time the registry is made.

Joinder of all the proprietors and holders not necessary.

**12.** It shall not be necessary for the validity of any proceeding for the investigation and settlement of claims under this Ordinance that all the holders and all the proprietors shall have joined or should be named therein. The finding of the Commissioners shall be binding and conclusive as respects only the services due for and in respect of the pangu and the money value of such services, but shall not affect the liability of holders to perform service as between themselves, or the right of proprietors as between themselves to exact such services or their value, in case the services shall have been declared commuted.

Commissioners may limit time and area within which service is to be rendered.

**13.** It shall be lawful for the Commissioners in defining the services to limit the time and area within which personal services may be exacted, and an entry of such limitation when made shall in all cases be entered in the registry.

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## PART III.

### COMMUTATION.

Application to commute to be made to Commissioners pending Commission, or to the Agent at close of Commission.

**14.** If any praveni nilakaraya shall be desirous of commuting any service as aforesaid for a money payment, he shall, during the pendency of the Commission (and the Commission shall be held to be pending until the Governor shall declare it to be at an end by notice in the *Government Gazette*), transmit to the Commissioners, and, after the close of the Commission, to the Government Agent of the district in which the praveni pangu is situated, an application in writing to that effect, which application shall set forth the name of the party making it, the name and number of the pangu in respect of which such service may be due, and the name of the village in which the same is situated. If there be more than one praveni nilakaraya in any praveni pangu, the application to commute must be made or acquiesced in by a majority of the entire number of nilakarayas who shall have attained the age of sixteen years. The Commissioners or the Government Agent to whom such application shall be made shall issue a notice to the proprietor of the pangu, informing him that, on a day to be named in such notice, the application will be considered and determined upon. A copy of the application must be served with the notice.



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The Commissioners or Agent to ascertain summarily whether all nilakarayas have joined, and the value of the services.

**15.** On the returnable day of the said notice, the Commissioners or Government Agent to whom such application shall be made shall proceed summarily to ascertain whether the nilakarayas of the pangu who shall have attained the age of sixteen years have all joined or acquiesced in the application and (if three years shall have expired since the date of the registry of the pangu) whether the services may still be fairly commuted at the amount fixed in the registry, or whether they have risen or fallen in value, and to what extent. Having satisfied themselves or himself on this point, they shall proceed to order that the services for and in respect of the land shall stand commuted (if three years shall not have expired since the date of the registry) for the annual money payment appearing in such registry, or (if three years shall have expired since such date) for the same or such other sum as the said Commissioners or Government Agent may consider just or reasonable. The order so made under this section shall be final and conclusive and binding upon all the proprietors and nilakarayas (even though they may not be parties to the application, in that or any future proceeding, whether before the said Commissioners, Government Agent, or any judicial tribunal), as to the liability of the nilakarayas to pay commuted dues and not to render services for such pangu ; and all right to service from the nilakarayas of such pangu shall thereupon for ever cease and be at an end, and the said nilakarayas shall be thenceforth liable to pay to the proprietors, in equal half-yearly instalments, the dates whereof shall be fixed by the Commissioners or court, the annual amount of money payment due for and in respect of the said services ; and such commuted dues shall thenceforth be deemed to be a head rent due to the proprietor for and in respect of the pangu, and shall be recoverable in the manner hereinafter prescribed.

Order to commute and for the sum named shall be final.

Commuted dues to be thenceforth deemed head rent.

Entry of commutation in registries.

**16.** The Commissioners (if the Commission shall be still pending), or (if the commutation shall be ordered by the Government Agent) the Government Agent, shall make an entry of the commutation, and of the terms thereof, in the registers of the Commission ; and the Government Agent shall allow inspection of such entries and certified copies thereof, on the application (written on a stamped paper of one rupee) of parties interested therein, and such entries or certified copies thereof shall form thereafter the best evidence of the liability of the nilakarayas of the said pangu to pay commuted dues, and not to render services for such pangu.

Inspection, entries, and certified copies of registries.



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**17.** No commutation of any nindagama pangu, liable to pay tithe to Government, shall have the effect of relieving the pangu from its liability for such tithe as a primary charge thereof:

Provision for the payment of tithe to Government, where such tithe is due for any pangu commuted.

Provided always, that no praveni nilakaraya shall be liable to pay both tithe to the Government and the whole of the commuted dues to the proprietor; and

Provided also that in cases in which the service and the tithe have both been commuted, it shall be competent to the nindagama proprietor, should he desire to do so, to transfer to the holder the payment of the tithe to Government, retaining only the difference, if any, between the commuted tithe and the commuted services.

## PART IV.

### General Provisions.

**18.** In the execution of the powers vested in such Commissioners or the Government Agent by virtue of this Ordinance, they shall be guided by equity and good conscience only, and by the best evidence that can or may be procured, although not such as would be required or be admissible in ordinary cases; nor shall they be bound by the strict rules of law in any case, or by any technicalities or legal forms whatever; and it shall be lawful for the said Commissioners or Government Agent, if they think proper, to examine on oath the parties, or any of them, making or opposing any claim investigated or inquired into by such Commissioners, touching any of the matters in dispute.

Commissioners and Government Agent to be guided by equity, and not bound by the strict rules of law; and may examine the parties on oath.

**19.** It shall be lawful to and for the said Commissioners and Government Agent from time to time, as they shall see occasion by any writing under their hands, to summon and require any person to appear before them at any time and place in such writing to be appointed, to testify the truth touching any claim or any matter in dispute between any proprietors and tenants, or otherwise, relating to the execution of the powers given by this Ordinance, and to produce in evidence all deeds, instruments, surveys, or writings in the possession or control of any such person, in so far as the same shall be necessary for the due investigation of any such claim or dispute or for enabling the said Commissioners and Government Agent duly to execute the powers given by this Ordinance; and to cause a copy of such writing to be served on such person required to give evidence, or to produce such deeds,

Commissioners &c., to have powers to summon witnesses.



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Penalty for not obeying the summons.

instruments, surveys, or writings, or to be left at his usual and last place of abode ; and every person so summoned who shall not appear before such Commissioners or Government Agent pursuant to such summons (without assigning some reasonable excuse for not appearing) or appearing shall without sufficient cause refuse to be sworn or examined on oath (which such Commissioners or Government Agent are hereby empowered and required to administer), or shall without sufficient cause refuse or wilfully neglect to produce any such deeds, instruments, surveys, or writings, shall for every such neglect or refusal forfeit and pay such sum of money not exceeding fifty rupees as such Commissioners or Government Agent shall think fit and order ; and it shall be lawful for the Commissioners or Government Agent in such order to direct payment of any such fine to be made into the Magistrate's Court of the district in which such person resides ; and if payment should not be made as directed the said Magistrate's Court shall proceed to enforce the same, and the charges relating to the recovery thereof, and to deal with the person liable to make the same in such manner as if the said fine had been imposed by such court.

Evidence to be reduced to writing, and signed.

**20.** All evidence given before such Commissioners or Government Agent shall be taken down in writing in presence of the witnesses respectively giving the same, and shall at the time of their examination be signed by them, or, in case of their refusal or inability to sign, by the Commissioner or Government Agent by whom the same has been reduced to writing ; and if any person shall in any examination, affidavit, or deposition to be had or taken in pursuance of this Ordinance before any such Commissioners or Government Agent, knowingly and wilfully swear to any matter or thing which shall be false, every such person so offending shall be deemed guilty of the offence of giving false evidence in a judicial proceeding, and shall on conviction suffer the like pains and penalties as persons guilty of intentionally giving false evidence in a judicial proceeding are now subject and liable to.

Persons swearing falsely to be deemed guilty of giving false evidence.

Notices how published.

**21.** All notices required to be given under this Ordinance shall be published in the village referred to in them by beat of tom-tom, once or oftener, by the affixing of copies on some conspicuous place in the village, and on the walls of the nearest Kachcheri and court-house, by being proclaimed once or oftener in the presence of the suitors and others in the court, and by such other means as may secure the greatest publicity



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thereto. If the notice is directed to any proprietor or nilakaraya, it shall be served personally, or, if personal service cannot be secured, by affixing the same to his last known place of abode.

Adjournments.

**22.** It shall be lawful to the Commissioners to adjourn their sittings and inquiries once or oftener if necessary.

Aggrieved persons may apply to the Governor for relief.

**23.** Any person aggrieved with the determination of the Commissioners under section 9, or of the Commissioners or Agent under section 15, shall be entitled to apply to the Governor for relief at any time within one month after such determination shall be made known to him. It shall be lawful for the Governor, upon such application, to confirm the determination of the Commissioners or Agent, or to alter or modify the same, as to them shall appear right, and to cause his decision to be entered in the register, and such decision, so entered, shall be deemed the determination as respects the pangu to which it relates.

Arrears of personal services prescribed in a year.
Arrears of commuted dues in two years.
If no services rendered or commutation paid for ten years, right to claim services or dues lost for ever.

**24.** Arrears of personal services in cases where the praveni nilakaraya shall not have commuted shall not be recoverable for any period beyond a year; arrears of commuted dues, where the praveni nilakaraya shall have commuted, shall not be recoverable for any period beyond two years. If no services shall have been rendered, and no commuted dues be paid for ten years, and no action shall have been brought therefor, the right to claim services or commuted dues shall be deemed to have been lost for ever, and the pangu shall be deemed free thereafter from any liability on the part of the nilakarayas to render services or pay commuted dues therefor:

Saving in case of absence or disability.

Provided, however, that if at the time of such right of action accruing the proprietor shall not be resident within this Island, or if by reason of his minority or insanity he shall be disabled from instituting such action, the period of prescription of such action shall begin to run, in every such case, from the time when such absence or disability shall have ceased.

Remedy of proprietor against tenant neglecting to render services, or to pay commutation.

**25.** It shall be lawful for any proprietor to recover damages in any competent court against the holder or holders of any praveni pangu who shall not have commuted, and who shall have failed to render the services defined in the registry hereinbefore referred to. In assessing such damages, it shall be competent for the court to award not only the sum for



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which the services shall have been assessed by the Commissioners for the purpose of perpetual commutation, but such further sum as it shall consider fair and reasonable to cover the actual damages sustained by the proprietor through the default of the nilakaraya or nilakarayas to render such personal services at the time when they were due ; but it shall not be lawful for any proprietor to proceed to ejectment against his praveni nilakaraya for default of performing services or paying commuted dues ; the value of those services or dues shall be recoverable against such nilakaraya by seizure and sale of the crop or fruits on the pangu, or failing these, by the personal property of such nilakaraya, or failing both, by a sale of the pangu, subject to the personal services, or commuted dues in lieu thereof, due thereon to the proprietor. The proceeds of such sale are to be applied in payment of the amount due to the proprietor, and the balance, if any, shall be paid to the evicted nilakarayas, unless there should be any puisne incumbrance upon the holding, in which case such balance shall be applied to satisfy such incumbrance.



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# CHAPTER 324.

## REGISTRATION OF TEMPLE LANDS.

AN ORDINANCE TO PROVIDE FOR THE SETTLEMENT OF CLAIMS TO EXEMPTION FROM TAXATION OF TEMPLE LANDS IN THE KANDYAN PROVINCES AND FOR THE DUE REGISTRATION OF ALL LANDS BELONGING TO SUCH TEMPLES.

*Ordinance* No. 10 of 1856.

[1*st January*, 1857.]

**1.** This Ordinance may be cited as the Temple Lands Registration Ordinance.

Short title.

**2.** From the time when this Ordinance shall commence and take effect there shall be within this Island one or more person or persons, not exceeding three in number, who shall be the Commissioner or Commissioners for carrying into effect the provisions of this Ordinance and for executing the several powers hereby conferred upon them, and such Commissioner or Commissioners shall from time to time be appointed by the Governor, by a commission or commissions under the Public Seal of this Island.

Governor to appoint commissioners to carry the Ordinance into effect.

**3.** Every such Commissioner shall, before proceeding to execute the duties imposed on him by this Ordinance take and subscribe before some Justice of the Peace the oath following :—

Commissioners to take oath of office.

> I, *A. B.*, do swear that I will faithfully, impartially, and honestly, according to the best of my skill and ability, execute and perform the several trusts, powers, and authorities vested and reposed in me as a Commissioner by virtue of the Temple Lands Registration Ordinance, according to equity and good conscience, and without favour or affection prejudice, or partiality to any person or persons whomsoever. And I do further swear that I will not directly or indirectly receive or knowingly permit any other person to receive any fee or reward for anything done or to be done under the said Ordinance, excepting only such as the said Ordinance appoints or authorises. So help me God.

Which oath so taken and subscribed by each Commissioner shall be enrolled in the Supreme Court.

Oaths to be enrolled in the Supreme Court.



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Commissioner not to be purchaser of land.

**4.** No such Commissioner shall be capable whilst holding such commission, of being a purchaser, either in his own name or in the name or names of any person or persons, of any lands within any part of this Island to which the provisions of this Ordinance extend.

Governor to appoint clerk and other officers and to make rules for giving effect to the Ordinance.

**5.** It shall be lawful for the Governor from time to time to appoint a clerk to the said Commissioners, and such other ministerial officers as to him may appear necessary for enabling such Commissioners duly to execute the provisions of this Ordinance; and it shall be lawful for the said Governor, from time to time to frame and establish such regulations as to him may appear necessary for carrying into effect the several provisions of this Ordinance:

Provided such regulations shall not be repugnant to or inconsistent with this Ordinance. And it shall also be lawful for the said Governor, to direct to to be paid out of the Treasury to such Commissioners, clerks, and other officers such reasonable salaries or remuneration as he may think fit.

Time and place of the sittings of the Commissioners, how appointed and notified. Proceedings of Commissioners in the investigation of claims, &c., to be with open doors.

**6.** The Commissioners appointed by virtue of this Ordinance shall hold their sittings at any such place and at such times as shall from time to time be appointed by them, and as shall be found convenient and necessary for the despatch of business; and public notice in writing under the hand of such Commissioners of the place and time so to be appointed shall be given by publication in the *Government Gazette*, and in such other manner as such Commissioners shall direct and as may appear best adapted for giving publicity thereto; and the proceedings of the said Commissioners in the investigation of any claims or the settlement of any disputes, in virtue of the provisions of this Ordinance, shall be carried on and the decisions and orders of such Commissioners shall be pronounced and declared with open doors.

Commissioners to inquire into, ascertain, and set out the boundaries of temple lands in the Kandyan provinces.

**7.** So soon as this Ordinance shall come into operation the Commissioners appointed by virtue thereof shall and they are hereby authorised and required to inquire into the boundaries of all lands, of whatsoever description the same may be, belonging or alleged to belong to or in the possession of all wihares and dewales within any district of the Kandyan provinces, to which the privilege of exemption from taxation of temple lands extends; and in case it shall appear to such



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Commissioners that the boundaries of the same respectively are not sufficiently ascertained and distinguished, such Commissioners shall and they are hereby authorised and required to ascertain, determine, set out, and fix the same respectively; and after the said boundaries shall be so ascertained, determined, set out, and fixed, the same shall and are hereby declared to be the boundaries of such lands respectively, so far as regards any question between such temples and His Majesty's Government, touching any claim to exemption from taxation, or touching the boundaries or extent of any lands whatsoever claimed by any such temple:

Before doing so three weeks' public notice of their intention to be given.

Provided always that before such Commissioners proceed to ascertain and set out such boundaries, they shall and are hereby required to give public notice by writing under their hands in the English and Sinhalese languages, to be fixed in the most public places in the district within which such lands are situated; and also by writing to be delivered to or left at the last or usual places of abode of the persons in charge of the temples to which such lands are alleged to belong, three weeks at least before the time of setting out such boundaries, of their intention to ascertain, determine, set out, and fix the same respectively.

So soon as such public notice is given, persons claiming lands on behalf of temples to lodge with Commissioners a schedule of such claims.

**8.** So soon as public notice shall have been given by such Commissioners of their intention to ascertain, determine, set out, and fix the boundaries of all temple lands as aforesaid, within any district or village, all persons who shall have or claim to have any right to or in any lands situated within such district or village, belonging or alleged to belong to any wihare or dewale, shall deliver or transmit to such Commissioners, within such time as they shall appoint for that purpose, a schedule in writing signed by the person having charge of the revenues of the temple to which such lands are alleged to belong, which schedule shall be as near as is material in the form following:

FORM OF CLAIM.

| | |
|---|---|
| Description of the land .. | A tract of paddy land, with a chena adjoining (*or a tract of forest land, or as the case may be*), situated in the village of ———— in ————, and known by the name of ————. |



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| | |
|---|---|
| Boundaries and computed extent of the land | Bounded north by ————, &c., &c., and computed to contain ————. |
| Name and situation of the temple to which the land alleged to belong | |
| In what right the claim is made | In right of a sannas dated ———— (*or as the case may be*). |
| Name and residence of the priest or other person in charge of such land | (*Signed*) *A. B.*, residing in the village of ————. |

Instead of giving in a written claim, parties may appear before the Commissioners and state the same verbally. Such verbal statements are to be recorded and signed.

**9.** Provided that it shall and may be lawful for any such person, instead of delivering to such Commissioners such schedule as aforesaid, to appear in person before such Commissioners within such time as may be allowed for that purpose, and to state verbally to such Commissioners the particulars of his claim required to be stated in such schedule; and it shall be the duty of such Commissioners, or one of them, thereupon to take down in writing, in the form required by the preceding section, the particulars of such claim, and to require such person to sign the same, or, in case of inability, the same shall be signed by the Commissioners by whom such claim has been reduced to writing.

Claims to be open to the inspection of all persons interested.

**10.** All the said claims (whether delivered by the claimants to such Commissioners, or by them reduced into writing) shall at all reasonable times, until after the Commissioners have made registration of the lands claimed as hereinafter provided, be open to the inspection and perusal of all parties interested or claiming to be interested in the premises, their respective attornies or agents, who may take copies thereof or extracts therefrom respectively ; and if any person interested or claiming to be interested in the premises shall have any objection to offer to any such claim, the particulars of such objection shall be reduced into writing and signed by him, and shall be delivered to the said Commissioners at or before some meeting of such Commissioners, to be by them appointed for that purpose ; or such objections shall be verbally stated at any such meeting to such Commissioners, and by them reduced into writing, and signed by the party objecting, or in case of his inability to sign, by the Commissioner by whom such objection has been reduced into writing ; and no such objection as aforesaid shall afterwards be received unless for some legal disability, or special cause to be allowed by the said Commissioners.

Proceedings if claim objected to.



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Commissioners to decide questions of exemption from taxation, and boundaries of temple lands.

**11.** It shall be lawful for such Commissioners and they are hereby required to inquire and determine the right and title of any such temple to exemption from taxation in respect of any lands alleged to belong thereunto, and what are the true and proper boundaries, name, and description of the lands belonging to any such temple; but nothing herein contained shall authorise such Commissioners to hear and determine any difference or dispute between any such temple and any person (except differences or disputes between such temple and Our Lady the Queen) touching the right or title to any land of any such person; or to determine any question as to the validity or legal effect and construction of any grant, conveyance, mortgage, or other instrument, in virtue of which any such person claims to be entitled to such property:

Disputes between temple and private persons not to delay the Commissioners.

Provided, however, that no such difference or dispute and that no such question as aforesaid shall impede or delay the Commissioners in the execution of the powers vested in them by this Ordinance; but the claims to exemption from taxation shall be inquired into and determined, the boundaries of such temple lands shall be set out, the survey hereinafter mentioned shall be proceeded in, and the register of such lands shall be made, notwithstanding such difference, dispute, or questions.

Instruments dated prior to 1st February, 1840, produced to the Commissioners to be copied, and copies filed in District Court.

**12.** If any person claiming on behalf of any such temple any land situated in this Island in virtue of any grant, sannas, or other instrument made and executed prior to the first day of February, eighteen hundred and forty, and of which no public registry exists, shall produce to the said Commissioners the grant, sannas, or other instrument in virtue of which such person claims the said property or part thereof, or any right or interest therein, the said Commissioners shall, and they are hereby required to examine and inquire strictly into the genuineness and authenticity of such grant, sannas, or other instrument, and if they shall be satisfied that the same is genuine they shall cause a true copy thereof to be made and certified under their hands, and to be then delivered to the secretary of the proper District Court, to be by him preserved in the District Court, in like manner as the duplicates of other deeds affecting land; and no such grant, sannas, or other instrument dated prior to the said first day of February, eighteen hundred and forty, and of which no public registry exists, which shall not have been produced to such Commissioners in manner above mentioned, on or before the day on which the lands mentioned or described in such

No such instrument, not produced, to be afterwards received in evidence.



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instrument shall have been registered as hereinafter provided, and of which a certified copy shall not have been forwarded to the District Court for the purpose aforesaid, shall after such registration be admitted in any court as evidence of the title of such temple to the lands therein mentioned or referred to, in any suit with the Crown touching the right to such lands, or to exemption from taxation in respect thereof.

Commissioners to be guided by equity, and not bound by the strict rules of law;

and may examine the parties on oath.

**13.** In the execution of the powers vested in such Commissioners by virtue of this Ordinance they shall be guided by equity and good conscience only, and by the best evidence that can or may be procured, although not such as would be required or be admissible of ordinary cases; nor shall they be bound by the strict rules of law in any case, or by any technicalities or legal forms whatever; and it shall be lawful for the said Commissioners, if they think proper, to examine on oath the parties, or any of them making or opposing any claim investigated or inquired into by such Commissioners, touching any of the matters in dispute.

Commissioners to have power to summon witnesses.

**14.** It shall be lawful to and for the said Commissioners from time to time, as they shall see occasion, by any writing under their hands, to summon and require any person to appear before them at any time and place in such writing to be appointed, to testify the truth touching any claim or any matter in dispute between any proprietors or interested persons, or otherwise relating to the execution of the powers given by this Ordinance, and to produce in evidence all deeds, instruments, surveys, or writings in the possession or control of any such person, in so far as the same shall be necessary for the due investigation of any such claim or dispute, or for enabling the said Commissioners duly to execute the powers given by this Ordinance; and to cause a copy of such writing to be served on such person required to give evidence or to produce such deeds, instruments, surveys, or writings, or to be left at his usual or last place of abode; and every person so summoned who shall not appear before such Commissioners pursuant to such summons (without assigning some reasonable excuse for not appearing), or appearing shall without sufficient cause refuse to be sworn or examined on oath (which oath such Commissioners are hereby empowered and required to administer), or shall without sufficient cause refuse or wilfully neglect to produce any such deeds, instruments, surveys, or writings, shall for every such neglect or refusal forfeit and

Penalty for not obeying the summons.



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pay such sum of money, not exceeding fifty rupees, as such Commissioners shall think fit and order ; and it shall be lawful for the Commissioners in such order to direct payment of any such fine to be made into the Magistrate's Court of the district in which such person resides ; and if payment shall not be made as directed the said Magistrate's Court shall proceed to enforce the same and the charges relating to the recovery thereof, and to deal with the person liable to make the same in such manner as if the said fine had been imposed by such court.

Fine how recovered.

**15.** Provided that no witness summoned to attend before such Commissioners shall be bound or obliged to travel more than ten miles from his usual place of abode for the purpose of such attendance.

Witness not bound to travel more than ten miles.

**16.** All evidence given before such Commissioners shall be taken down in writing in presence of the witnesses respectively giving the same, and shall at the time of their examination be signed by them, or in case of their refusal or inability to sign, by the Commissioner by whom the same has been reduced to writing ; and if any person shall in any examination, affidavit or deposition to be had or taken in pursuance of this Ordinance before any such Commissioners, knowingly and wilfully swear any matter or thing which shall be false, every such person so offending shall, on conviction thereof before any competent court, be deemed guilty of giving false evidence in a judicial proceeding, and shall suffer the like pains and penalties as persons guilty of intentionally giving false evidence in a judicial proceeding are now subject and liable to.

Evidence to be reduced to writing and signed.

Persons swearing falsely to be deemed guilty of giving false evidence.

**17.** In case any party or any witness shall reside at a greater distance than ten miles from the place where the sittings of any such Commissioners are appointed to be holden, or if any such person shall by reason of age, sickness, or infirmity be unable to travel, it shall be lawful for such Commissioners to order by writing under their hands that such person shall be examined and cross-examined, upon oath, before any Justice of the Peace to be named in such order, as to any matter concerning which such Commissioners require to be informed ; and all Justices of the Peace in this Island are hereby authorised and required, upon the receipt of any such order, to summon such person before him and to examine him upon oath, and to transmit such examination under his hand to the said Commissioners.

Commissioners may order witnesses residing at a distance, or unable to attend, to be examined on oath by Justice of the Peace.

Duties of such Justices of the Peace.



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Commissioners may order the person in charge of any temple land to put up land marks.

**18.** It shall be lawful for such Commissioners, whenever they shall see occasion, by writing under their hand, to order and direct the person in charge of any temple land, the boundaries of which have been ascertained and set out by such Commissioners under the provisions of this Ordinance, to put up or make such fences, ditches, mounds, or other marks on the land of such description and at such places as to such Commissioners shall appear necessary ; and if any person shall refuse or neglect to put up or make such landmarks, and at such places as the said Commissioners shall have ordered, within one month from the date of such order, it shall be lawful for such Commissioners to cause such landmarks to be put up or made, and to recover from such person twice the amount of the costs necessarily incurred therein and the said costs shall be recovered in like manner as any fine imposed on any witness under section 14 of this Ordinance.

On failure or refusal Commissioners may have them erected, and recover double the cost of erection.

Penalty for removing or destroying landmark.

**19.** Every person who shall wilfully remove, destroy, or efface, or attempt to remove, destroy, or efface, any landmark which shall have been put up or made under the authority and for the purposes of this Ordinance, shall be guilty of an offence, and be liable on conviction thereof in any competent court to a fine not exceeding five hundred rupees, or to imprisonment, with or without hard labour, for any period not exceeding one year.

Commissioners to draw up a registry of lands.

**20.** So soon as conveniently may be after the said Commissioners shall have ascertained and set out the boundaries of all lands belonging to any such temples within any district, or within any convenient subdivision of a district, or within any village, as the case may be, such Commissioners shall form and draw up, or cause to be formed and drawn up, a register thereof, which shall be in the Form A in the Schedule, and shall express the situation, description, and name of the several lands registered ; the name and situation of the temple to which the same belong ; the boundaries, so far as the same can be described by existing landmarks ; the extent, so far as the same is known ; the names of the adjoining properties, or if they have no names, the names of the adjoining proprietors or occupiers ; and the dates and description of any deeds or instruments produced to such Commissioners relative to such property :



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Provided, however, that it shall be lawful for the Governor, to direct that the said registry shall be kept according to such other form, or shall contain such other or such additional information as may be found expedient.

Commissioners to grant certificates of registration.

**21.** The said Commissioners shall, at the request of the person in charge of the revenues of any such temple, grant and deliver to him a certificate under their hands, in the Form B in the Schedule, that the lands therein named or described have been registered as the property of such temple; and such certificate shall be sufficient proof of the exemption of such lands from taxation, and no other proof of exemption shall in any case be admitted or received in any court.

Register to be preserved in the Kachcheri.

**22.** The said register shall be preserved in the office of the Government Agent of the province in which such lands shall be situated, to the end that recourse may be had thereto by any person interested therein, for the inspection or perusal thereof; and the said register and the several matters and things therein mentioned and contained shall to all intents and purposes be binding and conclusive upon and against His Majesty and any temple concerned or interested in the same, or in any of the lands therein registered as aforesaid; and any map or plan which shall be made in virtue of the provisions of this Ordinance, the better to describe the properties mentioned in such register, shall be deposited with such register in the office of such Government Agent, and shall be deemed and construed in every respect as and for part of the said register.

Map of the lands to be deposited with the register in the Kachcheri.

Commissioners to cause survey and plan to be made.

**23.** So soon as conveniently may be after such Commissioners shall have ascertained and set out the boundaries of all such temple lands within any district or subdivision of a district, or village, as aforesaid, they shall give notice thereof in writing to the Surveyor-General, who shall cause a true and particular survey, admeasurement, and plan of all such lands to be made and reduced into writing, by such person as he shall nominate and appoint; and the number of acres or decimal parts of an acre contained in all the lands so surveyed, and of each particular tract of paddy fields, chena, forest, or other allotment therein contained at the time of making such survey and admeasurement, shall be therein set forth and specified; and such plan shall be delivered to such Commissioners to be by them deposited with the register in the office of the Government Agent as aforesaid.



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Expenses of the survey how paid.

**24.** Subject to the limitations and exceptions hereinafter contained, one moiety of the expense of making such survey, admeasurement, and plan shall be defrayed by the person in charge of the lands surveyed, and shall be a charge upon such lands, and the other moiety of such expense shall be defrayed out of the Treasury.

Temple not liable for expenses of survey if it possesses an authenticated plan and there is no dispute as to boundaries.

**25.** If the person in charge of any temple land shall have in his possession and shall produce to such Commissioners, prior to such survey being made, a plan of such land, authenticated by the Surveyor-General of this Island, and if it shall not be necessary in the opinion of such Commissioners for the settlement of any dispute respecting the boundaries of such land that the same should be surveyed, then and in such case the expense of any survey of such land which may be made under the authority and for the purposes of this Ordinance shall be defrayed out of the Treasury.

Powers of the Commissioners may be exercised by any one of them.

**26.** All the powers and duties hereby vested in or imposed upon such Commissioners shall and may be exercised and discharged by any one of such Commissioners.

Penalty for obstructing Commissioners or surveyor.

**27.** The said Commissioners, surveyors, and all persons acting under their orders, shall at all times be entitled to enter upon the lands of any person or body corporate, for the purpose of ascertaining any boundaries, or putting up any landmarks, or making any survey, or for any other purpose contemplated by this Ordinance; and any person who shall wilfully resist, obstruct, hinder, or molest, and any person who shall incite, procure, or assist any other to resist, obstruct, hinder, or molest any Commissioner, surveyor, or other person acting in the discharge of any duty or the performance of any act which they or any of them shall be authorised or required to perform under any of the provisions of this Ordinance, shall be guilty of an offence, and liable on conviction to a fine not exceeding fifty rupees, or to imprisonment, with or without hard labour, for any period not exceeding three months.



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## SCHEDULE.

### Form A.

REGISTER OF TEMPLE LANDS, KANDYAN PROVINCES. [Section 20.]

———— Korale. District of ————.
Letter : ————. Page : ————.

| Name and Situation of Temple. | Name of Person in Charge. | Property. | | | | | Description of Deeds produced. |
|---|---|---|---|---|---|---|---|
| | | Name and Description. | Situation. | Boundaries. | Estimated Extent. | Name of adjoining Properties or Proprietors. | |
| | | | | | | | |

### Form B.

CERTIFICATE OF REGISTRATION. [Section 21.]

We, the undersigned Commissioners appointed under the Temple Lands Registration Ordinance, hereby certify that the following lands have been registered by us under the provisions of the said Ordinance, as the property of the ———— temple, at ————, in the District of ————.

| Description of Land. | Name. | Reference to Register. |
|---|---|---|
| | | |

Given under our hands at ———— this ———— day of ————, 19—.

————,
(*Signature of Commissioners.*)



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# CHAPTER 325.

# FAUNA AND FLORA PROTECTION.

AN ORDINANCE TO PROVIDE FOR THE PROTECTION OF THE FAUNA AND FLORA OF CEYLON.

*Ordinance* No. 2 of 1937

[1*st March*, 1938.]

**1.** This Ordinance may be cited as the Fauna and Flora Protection Ordinance. Short title.

## PART I.

### NATIONAL RESERVES AND SANCTUARIES.

**2.** (1) The Governor may by Proclamation published in the *Gazette* declare that any specified area of Crown land shall for the purposes of this Ordinance be a National Reserve and may by that Proclamation or by any Proclamation subsequently published in the *Gazette* declare that the whole or any specified part of any such National Reserve shall be— Constitution of National Reserves, Strict Natural Reserves, National Parks, Intermediate Zones, and Sanctuaries.

(*a*) a Strict Natural Reserve ; or

(*b*) a National Park ; or

(*c*) an Intermediate Zone.

(2) The Governor may by Proclamation published in the *Gazette* declare that any specified area of land within the Island (other than land declared to be a National Reserve) shall be a Sanctuary for the purposes of this Ordinance.

(3) An area declared to be a Sanctuary may include both Crown land and land other than Crown land.

(4) The Governor may by Proclamation published in the *Gazette* declare that from a specified date—

(*a*) the limits of any National Reserve, Strict Natural Reserve, National Park, Intermediate Zone or Sanctuary shall be altered or varied ;

(*b*) any National Reserve or part thereof shall cease to be a National Reserve ;



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(*c*) any Sanctuary or part thereof shall cease to be a Sanctuary ;

(*d*) that a National Reserve of one class shall be a National Reserve of another class.

Essential features of—

Strict Natural Reserves.

**3.** (1) Save as hereinafter provided—

(*a*) no person shall be entitled to enter any Strict Natural Reserve or in any way to disturb the fauna and flora therein ;

National Parks.

(*b*) no person shall be entitled to enter any National Park except for the purpose of observing the fauna and flora therein ;

Strict Natural Reserves and National Parks.

(*c*) no animal shall be hunted, killed or taken and no plant shall be damaged, collected, or destroyed, in a Strict Natural Reserve or in a National Park ;

Sanctuaries.

(*d*) no person shall hunt, shoot, kill or take any wild animal in any Sanctuary.

Intermediate Zones.

(2) Any person shall be entitled, subject to such conditions and restrictions as may be prescribed, to enter any Intermediate Zone and to hunt, shoot, kill or take any wild animal therein.

Restriction of entry into Strict Natural Reserves.

**4.** (1) No person other than the Warden shall enter or remain within any Strict Natural Reserve except—

(*a*) for the purpose of discharging any official duty on the instructions or with the written permission of the Warden ; or

(*b*) under the authority and in accordance with the conditions of a written permit from the Warden.

(2) A permit under subsection (1) (*b*) shall be issued only for the purpose of authorising scientific research.

Restriction of entry into National Parks.

**5.** (1) No person shall enter or remain within any National Park except under the authority and in accordance with the conditions of a permit issued by the prescribed officer on payment of the prescribed fee.

(2) A permit under subsection (1) shall be issued only for the purpose of enabling the permit-holder to study or observe the fauna and flora in a National Park.

(3) If no fee is prescribed for the issue of a permit under subsection (1), such permit shall be issued free of charge.



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Acts prohibited in Strict Natural Reserves and National Parks.

**6.** (1) No person shall in a Strict Natural Reserve or in a National Park—

(*a*) hunt, shoot, kill or take any wild animal ; or

(*b*) take or destroy any egg of any bird or reptile, or any nest of any bird ; or

(*c*) fire any gun or do any other act which disturbs or is likely to disturb any wild animal or do any act which interferes or is likely to interfere with the breeding place of any such animal ; or

(*d*) fell, girdle, lop, tap, burn or in any way damage or destroy any plant, or take, collect, or remove any plant therefrom ; or

(*e*) clear or break up any land for cultivation, mining or for any other purpose ; or

(*f*) kindle or carry any fire ; or

(*g*) possess or use any trap or any explosive or poisonous substance capable of being used for the purpose of injuring or destroying any animal or plant.

(2) No person shall introduce any animal into any Strict Natural Reserve or National Park or tether, liberate or release any animal therein :

Provided, however, that the Warden or the prescribed officer may, when he issues a permit under section 4 or section 5 to any person, authorise that person by such permit to introduce into any Strict Natural Reserve or National Park, and to tether therein, any animal which in the opinion of the Warden or of such officer, as the case may be, is required by that person solely for the purpose of carrying that person or his goods or of drawing any vehicle.

Acts regulated in Intermediate Zones and Sanctuaries.

**7.** (1) No person shall, except in accordance with regulations—

(*a*) enter any Intermediate Zone ; or

(*b*) in any Intermediate Zone or Sanctuary—

(i) fire any gun, or do any other act which disturbs or is likely to disturb any wild animal or do any act which interferes or is likely to interfere with the breeding place of any such animal ; or

(ii) hunt, shoot, kill, or take any wild animal ; or

(iii) take or destroy any egg of any bird or reptile or any nest of any bird ; or



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(*c*) in any Intermediate Zone—

(i) fell, girdle, lop, tap, burn or in any way damage or destroy any plant, or take, collect, or remove any plant therefrom ; or

(ii) clear or break up any land for cultivation, mining or for any other purpose ; or

(iii) kindle or carry any fire ; or

(iv) possess or use any trap or any explosive or poisonous substance capable of being used for the purpose of injuring or destroying any animal or plant.

(2) No person shall, except in accordance with regulations, introduce any animal into any Intermediate Zone or tether, liberate or release any animal therein.

Special regulations for Part I.

**8.** Regulations may be made—

(*a*) prescribing the conditions and restrictions subject to which persons may be permitted to enter any Intermediate Zone or to hunt, shoot, kill or take any wild animal therein ;

(*b*) prescribing the circumstances and cases in which and the conditions and restrictions subject to which wild animals may be hunted, shot, killed or taken in a Sanctuary ;

(*c*) prescribing the conditions to be attached to any permit issued for the purposes of this part of this Ordinance and the fees to be paid for the issue of such permits ;

(*d*) for the purpose of extending, with such modification as may be necessary, all or any of the provisions of Part II or of Part III of this Ordinance to any Intermediate Zone or Sanctuary ;

(*e*) for the purpose of extending, with such modification as may be necessary, all or any of the provisions of this Part of this Ordinance to any specified insect ;

(*f*) declaring that all or any of the provisions of this Part of this Ordinance shall not apply to any specified species of animal in any specified area.



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Offences and penalties under Part I.

**9.** Any person who acts in contravention of—

(*a*) any provision of this Part of this Ordinance ; or

(*b*) any regulation made under section 8 for any purpose set out in that section ; or

(*c*) any provision of Part II or Part III of this Ordinance which has by regulation been extended, with or without modification, to any Intermediate Zone or Sanctuary ; or

(*d*) any provision of this Part of this Ordinance which has by regulation been extended, with or without modification, to any specified insect,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment.

Interpretation of Part I.

**10.** In this Part of this Ordinance, unless the context otherwise requires—

" animal " means any vertebrate animal and includes a bird, fish, or reptile ;

" domestic animal " means—

(*a*) any head of cattle, or any sheep, goat, horse, ass, mule, dog, or cat ;

(*b*) any domestic fowl or other bird commonly reared by man as poultry ; and

(*c*) when domesticated by man, any elephant, buffalo, pig, deer, hare, rabbit, peacock, parrot, pigeon, or other animal ;

" plant " means any member of the vegetable kingdom and includes the seed or any other part of any plant ;

" wild animal " means any animal which is not a domestic animal.

## PART II.

### Tuskers, Elephants, Buffaloes, Deer and Fowl.

Protection of tuskers, elephants, buffaloes, deer and fowl in areas outside National Reserves and Sanctuaries.

**11.** (1) Save as is hereinafter provided, no person shall, in any area outside a National Reserve or a Sanctuary—

(*a*) shoot or kill any tusker ; or

(*b*) during the close season, hunt, shoot, kill, or take any deer or fowl ; or



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(c) without a licence in that behalf from the Warden—

(i) hunt or take any tusker, or

(ii) hunt, shoot, kill or take any elephant or buffalo, or

(iii) at any time other than during the close season hunt, shoot, kill, or take any deer or fowl.

(2) A person permanently settled in a village area may within that area and at any time other than during the close season shoot or kill any deer without a licence for the purpose of providing food for consumption by himself or by any member of his family.

In this subsection, " village area " means an area declared by the Executive Committee to be a village area by notification in the *Gazette*.

(3) Every licence under subsection (1) shall be issued in the prescribed form on payment of the prescribed fee and shall continue in force for such period and within such limits and be subject to such conditions as the Warden may consider necessary or expedient to insert therein.

Declaration of areas in which damage by tuskers, elephants, buffaloes or deer is apprehended.

**12.** (1) Whenever it appears to the Warden that in any area outside a National Reserve damage to any person or to any crop, plantation, or other property is likely to be caused by any tusker, elephant, buffalo, or deer, he may by notices affixed in conspicuous places within that area declare that area to be one within which damage by tuskers, elephants, buffaloes, or deer is apprehended and may issue a licence subject to such conditions as he may deem necessary or expedient, either free or on payment of the prescribed fee or of such fee not exceeding the prescribed fee as he may consider adequate, authorising the licensee to hunt, shoot, kill, or take tuskers, elephants, buffaloes, or deer, as the case may be, within that area while the declaration is in force :

Provided, however, that nothing in this section shall be deemed to require any person residing or cultivating land in that area to obtain a licence to hunt, shoot, kill, or take tuskers, elephants, buffaloes, or deer, as the case may be, while the declaration is in force.

(2) Every declaration under subsection (1) shall be forthwith reported by the Warden to the Executive Committee and shall continue in force for a period of twenty-one days from the date of such declaration.



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(3) The Executive Committee may by notification in the *Gazette* extend or restrict the period for which such declaration shall continue in force, or may otherwise vary or revoke such declaration, but without prejudice to anything done or suffered thereunder prior to the publication of such notification.

Killing and taking of tuskers, elephants, buffaloes, deer, and fowl without licence in prescribed cases.

**13.** (1) It shall be lawful for any person without a licence to shoot, kill or take any tusker, elephant, buffalo, deer or fowl which is found trespassing or attempting to trespass in or upon any cultivated land outside a National Reserve.

(2) The owner or person in charge of any cultivated land outside a National Reserve who has been unable to shoot or kill any tusker or elephant in the exercise of the rights conferred by subsection (1) may, after reporting the facts of the case to any police officer or to any other prescribed officer, follow or pursue such tusker or elephant to any place (not being a place within a National Reserve) and there shoot or kill such tusker or elephant.

The Governor may at any time by Proclamation published in the *Gazette* suspend the operation of this subsection for any period either throughout the Island or in any specified part of the Island.

(3) If the Warden is satisfied that any tusker or elephant found trespassing or attempting to trespass in or upon any cultivated land has not been shot, killed or taken in the exercise of the rights conferred by subsection (1), he may, on payment of the prescribed fee, issue to any person a special licence in the prescribed form containing such conditions as he may deem necessary or expedient to insert therein and authorising that person to follow or pursue such tusker or elephant to any place (not being a place within a National Reserve) and there to shoot or kill such tusker or elephant.

(4) It shall be lawful for the owner or person in charge of any cultivated land at any time to set, lay or spread any trap, snare, net or pitfall in or upon that land for the purpose of killing or taking any deer or fowl which trespasses or attempts to trespass thereon.

(5) Save as is provided in subsection (4), no person shall set, lay or spread any trap, snare, net or pitfall for the purposes of taking any deer or fowl.



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Right to kill or take wild buffalo which joins a herd of domestic buffaloes.

**14.** It shall be lawful for any person without a licence to shoot, kill or take in any area outside a National Reserve any male buffalo which joins and accompanies a herd of domestic buffaloes.

Killing or taking of tuskers, &c., to be reported forthwith.

**15.** Any person who in the exercise of any right conferred by section 11, or section 12, or section 13, or section 14, kills or takes any tusker, elephant, buffalo, deer or fowl, shall forthwith report such killing or taking to any police officer entitled to officiate in the area within which such killing or capture took place or to any prescribed officer.

Property in elephants, tuskers, &c., killed or taken under Part II.

**16.** (1) Any elephant duly killed or taken by any person under the authority of any licence issued under this Part of this Ordinance, shall be the property of that person, unless otherwise provided in the conditions attached to the licence.

(2) Subject to the provisions of subsection (1), every tusker or elephant which is killed or captured shall be the property of the Crown.

(3) Any buffalo, deer, or fowl duly killed or taken by any person in accordance with the provisions of this Part of this Ordinance, shall be the property of that person, unless otherwise provided in the conditions attached to the licence, where any such buffalo, deer or fowl was killed or taken under the authority of a licence.

Warden authorised to dispose of tusks and carcases of dead tuskers and elephants.

**17.** Subject to such restrictions or conditions as may be prescribed, the Warden may, by sale or otherwise, dispose of—

(*a*) the carcase, or any part of the carcase of any dead elephant which is the property of the Crown ; or

(*b*) the tusks or the carcase or any part of the carcase of any dead tusker.

Royalties payable on export of tuskers and elephants.

**18.** (1) A royalty according to such rates as may from time to time be prescribed shall be levied as export duty by the officers of customs at the port of shipment in respect of every tusker or elephant, whether wild or tame, exported from the Island to any place outside the Island.

(2) No tusker, whether wild or tame, shall be exported from the Island to any place outside the Island except under the authority of a special permit issued by the Warden.



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(3) This section shall have effect as if it formed part of the Customs Ordinance and the provisions of that Ordinance shall apply accordingly.

Offences—Tuskers.

**19.** Any person who—

(*a*) in contravention of this Part of this Ordinance or contrary to the tenor of any licence issued to him thereunder, hunts, shoots, kills, takes, follows, or pursues any tusker ; or

(*b*) exports any tusker, whether wild or tame, from the Island except under the authority of a special permit issued under section 18, or in any way evades payment of the royalty payable on such export,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term which may extend to one year or to both such fine and imprisonment ; and where any person who is convicted of an offence mentioned in paragraph (*a*) of this section in respect of the killing or taking of any tusker is found by the court to be in possession of that tusker or its carcase or tusks, the court may make order directing such tusker, carcase, or tusks to be delivered to the possession or custody of any officer of Government to be held by that officer for and on behalf of the Crown.

Offences—Elephants.

**20.** Any person who—

(*a*) in contravention of this Part of this Ordinance or contrary to the tenor of any licence issued to him thereunder, hunts, shoots, kills, takes, follows or pursues any elephant ; or

(*b*) in any way evades payment of the royalty prescribed in respect of the export of any elephant from the Island,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment ; and where any person who is convicted of an offence mentioned in paragraph (*a*) of this section in respect of the killing or taking of any elephant is found by the court to be in possession of that elephant or its carcase, the court may make order directing



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such elephant or carcase to be delivered to the possession or custody of any officer of Government to be held by that officer for and on behalf of the Crown.

Offences—Buffaloes, deer or fowl.

**21.** Any person who—

(1) in contravention of this Part of this Ordinance or contrary to the tenor of any licence issued to him thereunder, hunts, shoots, kills, or takes any buffalo, deer, or fowl ; or

(2) in contravention of this Part of this Ordinance—

(*a*) sets, lays, or spreads any snare, net, or pitfall for the purpose of killing or taking any deer or fowl ; or

(*b*) during the close season, hunts, shoots, kills or takes any deer or fowl ; or

(3) during the close season takes or removes the eggs of any fowl,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two hundred rupees or to imprisonment of either description for a term which may extend to three months or to both such fine and imprisonment.

Penalty for unlawful possession of tusker or elephant.

**22.** (1) Any person who is in unlawful possession of a tusker or an elephant shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment ; and the court may on the conviction of any such person make order for the disposal of the tusker or elephant in respect of which the offence was committed, having regard to the rights of any other person who may appear to the court to be lawfully entitled to the possession of such tusker or elephant.

(2) A person who is found in possession of a tusker or an elephant shall be deemed to be in unlawful possession of that tusker or elephant unless—

(*a*) he is the captor of that tusker or elephant under the authority of a licence issued under this Ordinance or under any written law repealed by this Ordinance ; or

(*b*) he is the successor in title to such captor ; or



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(*c*) he is in possession on behalf of such captor or his successor in title.

Power of Warden, &c., to detain tusker or elephant on suspicion.

**23.** (1) Where it appears to the Warden or to any police officer or other prescribed officer that any person is in unlawful possession of any tusker or elephant, it shall be lawful for the Warden or such police or other prescribed officer to seize and detain such tusker or elephant and to apply to the Magistrate having jurisdiction over the place where the animal was seized to make order for the disposal of such tusker or elephant and the Magistrate to whom such application is made may, after such inquiry as he may deem necessary, make such order for the disposal of the tusker or elephant as the justice of the case may require.

(2) An order made under this section shall not affect the liability of any person to be prosecuted for any offence committed in respect of the tusker or elephant to which the order relates.

Penalty for unlawful possession of fresh meat, &c., of deer and fowl.

**24.** (1) Any person who is in unlawful possession of—

(*a*) the fresh meat or flesh of any deer or fowl ; or

(*b*) the fresh hide or horn of any deer ; or

(*c*) the freshly taken skin, feathers or eggs of any fowl,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding fifty rupees or to imprisonment of either description for a term which may extend to three months or to both such fine and imprisonment.

(2) A person who is found in possession of—

(*a*) the fresh meat or flesh of any deer or fowl ; or

(*b*) the fresh hide or horn of any deer ; or

(*c*) the freshly taken skin, feathers or eggs of any fowl,

shall be deemed to be in unlawful possession thereof unless such meat, flesh, hide, horn, skin, feathers or eggs, as the case may be, was or were part of or taken or obtained from any deer or fowl lawfully killed or taken in accordance with the provisions of this Part of this Ordinance.

Special regulations for Part II.

**25.** Regulations may be made prescribing the circumstances in which and the conditions subject to which the Warden may waive or reduce the fee prescribed for the issue of any licence under this Part of this Ordinance.



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Interpretation of Part II.

**26.** In this Part of this Ordinance, unless otherwise expressly provided or unless the context otherwise requires—

" buffalo " means a wild buffalo ;

" deer " means any of the following species of deer :—

(*a*) Sambur (*Rusa unicolor unicolor*),

(*b*) Spotted deer (*Axis axis ceylonensis*),

(*c*) Red or barking deer (*Muntiacus malabaricus*),

(*d*) Paddy field or hog deer (*Hyelaphus porcinus*) ;

" elephant " means a wild elephant other than a tusker ;

" fowl " means any of the following species of fowl or partridge :—

(*a*) Pea fowl (*pavo cristatus*),

(*b*) Ceylon spur fowl (*Galloperdix bicalcarata*),

(*c*) Grey partridge (*Francolinus pondicerianus*),

(*d*) Painted partridge (*Francolinus pictus*) ;

" tusker " means a wild elephant having a tusk or tusks.

Part II not to apply to tuskers, &c., seized at kraals.

**27.** The foregoing provisions of this Part of this Ordinance shall have no application to the hunting, killing, taking, pursuit, or possession of—

(*a*) any tusker or elephant seized or taken at any elephant kraal held under the Elephant Kraal Ordinance, or

(*b*) any buffalo seized or taken at any buffalo kraal held in such manner and circumstances and subject to such conditions as may be prescribed.

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## PART III.

### Birds, Beasts and Reptiles.

Offences relating to birds, beasts and reptiles included in Schedule I.

Schedule I.

**28.** (1) Any person who in any area outside a National Reserve or a Sanctuary—

(*a*) knowingly kills, wounds or takes any bird, beast, or reptile included for the time being in Schedule I ; or

(*b*) takes or destroys the eggs or nest of any such bird or reptile ; or



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(*c*) uses any boat or any lime, snare, net, trap or other instrument for the purpose of killing or taking any such bird, beast, or reptile ; or

(*d*) has in his possession or under his control any such bird, beast, or reptile recently killed or taken, or the skin of any such bird, beast, or reptile recently killed or taken, or the feathers of any such bird recently killed or taken or the recently taken eggs of any such bird or reptile; or

(*e*) exposes or offers for sale any such bird, beast, or reptile or any part of any such bird, beast, or reptile,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding twenty-five rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment :

Provided that no person shall be convicted under this section of taking any bird or beast or of having any bird or beast in his possession or under his control, if the court is satisfied that the bird or beast was taken bona fide for the purpose of being kept alive or reared in captivity.

(2) A person shall not be guilty of an offence under this section if the act which constitutes such offence has been done in the circumstances and subject to the conditions under which such act is authorised or permitted by any regulation made under section 30.

Offences relating to birds and beasts included in Schedule II.

**29.** (1) Any person who in any area outside a National Reserve or Sanctuary during the close season—

(*a*) knowingly kills, wounds or takes any bird or beast included for the time being in Schedule II ; or

(*b*) takes or destroys the eggs or nest of any such bird ; or

(*c*) uses any boat or any lime, snare, net, trap, or other instrument for the purpose of killing or taking any such bird or beast ; or

(*d*) has in his possession or under his control any such bird or beast recently killed or taken or the skin of any such bird or beast recently killed or taken, or the feathers of any such bird recently killed or taken, or the recently taken eggs of any such bird ; or



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(*e*) exposes or offers for sale any such bird or beast or any part of any such bird or beast ; or

(*f*) purchases the feathers of any such bird for the purpose of preparing such feathers for use or wear, or purchases the skin of any such beast for the purpose of preparing or tanning such skin for use,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten rupees or to imprisonment of either description for a term which may extend to two weeks or to both such fine and imprisonment.

(2) A person shall not be guilty of an offence under this section if the act which constitutes such offence has been done in the circumstances and subject to the conditions under which such act is authorised or permitted by any regulation made under section 30.

Sections 28 and 29 inapplicable in prescribed cases.

**30.** The Executive Committee may by regulation prescribe the circumstances in which and the conditions subject to which any person may be authorised or permitted to do any act which is penalised by section 28 or section 29.

Power to ascertain name and address of an offender against Part III.

**31.** Where any person is found offending against this Part of this Ordinance, it shall be lawful for any other person to require the person offending to state his name and place of abode, and in case the person so offending after being so required refuses to state his correct name or place of abode or states a name or place of abode which is incorrect, he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding twenty rupees.

Alteration of Schedules I and II.

**32.** The Executive Committee may by regulation add to, rescind, vary, or amend any of the provisions of Schedule I or Schedule II.

Proof of species of bird, beast, or reptile.

**33.** A certificate purporting to be signed by the Director of the Colombo Museum to the effect that any bird, beast, or reptile or part of any bird, beast, or reptile forwarded to him for examination and report is a bird, beast, or reptile or a part of a bird, beast, or reptile of a species for the time being included in Schedule I or Schedule II, shall, on production in any court of law, be sufficient evidence of the facts stated in such certificate until the contrary is proved.



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Temporary prohibition against killing or taking of birds in specified areas.

**34.** The Executive Committee may by notification in the *Gazette* declare that for a specified period not exceeding three months reckoned from the date of the publication of the notification no person shall shoot, kill, or take any bird of any species in any area outside a National Reserve or a Sanctuary mentioned in the notification ; and any person who in any such area and during such specified period shoots, kills, or takes any bird, save on any cultivated land shall be guilty of an offence and shall on conviction be liable to a fine not exceeding twenty-five rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment.

Prohibition of import of non-indigenous birds, beasts and reptiles without permit.

**35.** (1) No person shall import into the Island any living bird, beast, or reptile of a species which is not indigenous to the Island, or the eggs of any such bird or reptile, except upon a permit in the prescribed form obtained from the prescribed officer on payment of the prescribed fee.

(2) This section shall have effect as if it formed part of the Customs Ordinance and the provisions of that Ordinance shall apply accordingly.

(3) In any case of doubt or dispute a certificate purporting to be signed by the Director of the Colombo Museum to the effect that any bird, beast or reptile belongs to a species which is not indigenous to the Island or that any species of any bird, beast, or reptile is a species not indigenous to the Island, or that any egg of any bird or reptile is the egg of a bird or reptile of a species which is not indigenous to the Island shall for all purposes be final and conclusive as to the facts stated therein.

(4) In this section the expression " bird, beast, or reptile " does not include a domestic animal as defined in section 10.

Regulations relating to non-indigenous birds, beasts and reptiles.

**36.** Regulations may be made—

(*a*) requiring any person who imports any bird, beast or reptile on a permit issued under section 35 to produce a certificate from an approved authority that such bird, beast, or reptile is free from disease or infection ;

(*b*) prohibiting any bird, beast, or reptile imported on a permit issued under section 35 from being liberated or released in any part of the Island, or prescribing any area or areas within which any such bird, beast, or reptile may be liberated or released ;



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(*c*) exempting any specified species of bird, beast, or reptile from the operation of section 35 or of any regulation made under this section.

Penalties for unlawful import or release of non-indigenous birds, beasts and reptiles.

**37.** (1) Any person who—

(*a*) imports into the Island any bird, beast, or reptile in contravention of the provisions of section 35 or of any regulation made under section 36 ; or

(*b*) contravenes any regulation made under section 36,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment.

(2) Any person who liberates or releases any bird, beast, or reptile which has been imported into the Island in contravention of the provisions of section 35 shall be guilty of an offence and shall, in addition to any punishment to which he may be liable under subsection (1), be liable on conviction to a fine of one hundred rupees in respect of each bird, beast, or reptile so liberated or released.

Prohibition of export of birds beasts and reptiles without a permit.

**38.** (1) No person shall export from the Island—

(*a*) any bird, beast or reptile, whether dead or alive ; or

(*b*) the eggs, feathers, or plumage of any bird, the horns or skin of any beast, or the eggs or skin of any reptile, or any other part of any bird, beast or reptile,

except upon a permit in the prescribed form obtained from the prescribed officer on payment of the prescribed fee.

(2) This section shall have effect as if it formed part of the Customs Ordinance, and the provisions of that Ordinance shall apply accordingly.

(3) In this section—

" bird " or " reptile " does not include any bird or reptile of a species which is not indigenous to the Island ;

" beast " does not include—

(*a*) domestic animal as defined in section 10, or

(*b*) any wild elephant, whether a tusker or not, or

(*c*) any beast of a species which is not indigenous to the Island.



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(4) In any case of doubt or dispute a certificate purporting to be signed by the Director of the Colombo Museum to the effect that any bird, beast, or reptile belongs to a species which is not indigenous to the Island, or that any species of any bird, beast, or reptile is a species not indigenous to the Island, or that any part of any bird, beast, or reptile is a part of a bird beast, or reptile of a species which is not indigenous to the Island, or that any egg of any bird or reptile is the egg of a bird or reptile of a species which is not indigenous to the Island shall for all purposes be final and conclusive as to the facts stated therein.

Penalty for unlawful export of birds, beasts and reptiles.

**39.** Any person who exports from the Island any bird, beast, or reptile, whether dead or alive, or any part of any bird, beast, or reptile, or any eggs, feathers, plumage, horns or skin in contravention of the provisions of section 38 shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment.

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## PART IV.

### FLORA.

Protection of plants included in Schedule III.

**40.** (1) No person shall in any area specified for the time being in the second column of Schedule III—

(*a*) remove, uproot or destroy, or cause any damage or injury to, any plant which is for the time being included in the first column of Schedule III and—

(i) is the property of any other person ; or

(ii) is growing in any public place ; or

(*b*) destroy any plant which is for the time being included in the first column of Schedule III and is his own property ; or

(*c*) sell or expose or offer for sale any plant for the time being included in the first column of Schedule III.

except upon a permit in the prescribed form obtained from the prescribed officer on payment of the prescribed fee.

(2) If no fee is prescribed for the issue of a permit for the purposes of subsection (1) that permit shall be issued free of charge.



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Protected trees.

**41.** No person shall uproot or destroy or cause any damage or injury to any tree (hereinafter called a " protected tree ") growing in any public place and included for the time being in Schedule IV :

Provided that nothing herein contained shall be deemed to prohibit or to penalise any act done by or on the orders of any person entrusted by the Crown or by any local authority with the charge or care of any protected tree if such act is done in order to stimulate the growth or to improve the condition or appearance or to secure the safety or to preserve the existence of any such tree.

Alteration of Schedules III and IV.

**42.** The Executive Committee may by regulation add to, rescind, vary or amend any of the provisions of Schedule III or Schedule IV :

Provided that no tree shall be so added to the list of trees in Schedule IV unless that tree is growing in a public place and unless in the opinion of the Executive Committee the preservation or protection of that tree is necessary or desirable for scientific or æsthetic purposes or on religious or historical grounds.

Regulations relating to Flora.

**43.** Regulations may be made—

Schedule III.

(*a*) prohibiting or regulating the exportation from the Island of any specified plant, whether or not such plant is included for the time being in Schedule III ;

(*b*) prohibiting or regulating the cultivation of any specified plant ;

(*c*) prescribing the conditions to be attached to any permit issued under section 40 ;

(*d*) generally, for the protection and conservation of the wild vegetation, plant life and flora of the Island.

Offences under Part IV.

**44.** Any person who acts in contravention—

(*a*) of the provisions of section 40 or of any permit issued to him under that section or of any condition attached to any such permit ; or

(*b*) of the provisions of section 41 ; or

(*c*) of any regulation made under section 43,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment.



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Savings—Part IV.

**45.** Nothing in this Part of this Ordinance shall affect the provisions of—

(*a*) the Forest Ordinance, or any rules or regulations made thereunder ;

(*b*) the Water Hyacinth Ordinance ;

(*c*) the Plant Protection Ordinance, or of any regulation made thereunder ;

(*d*) the Tea Control Ordinance, or of any regulation made thereunder ;

(*e*) the Rubber Control Ordinance, or of any regulation made thereunder ;

(*f*) any other written law relating to the cultivation or to the regulation or the prohibition of the cultivation of any plant.

Interpretation of Part IV.

**46.** In this Part of this Ordinance, unless the context otherwise requires—

" plant " means any member of the vegetable kingdom and includes the seed and any part of a plant other than the flower ;

" public place " means any Crown land or land at the disposal of the Crown or land belonging to or vested in a local authority and includes any land which is not private property.

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## PART V.

### Miscellaneous Provisions.

Taxidermists and traders in animals, skins, &c., to be licensed.

**47.** (1) No person shall carry on or exercise the business or trade of a taxidermist or any business or trade for the purchase or sale of any animal, whether dead or alive, or of any part of any dead animal except upon a licence in the prescribed from obtained from the prescribed officer on payment of the prescribed fee.

(2) Every licence issued under subsection (1) shall be subject to the prescribed conditions and if no fee is prescribed for the issue of such a licence, it shall be issued free of charge.

(3) In this section " animal " means an animal as defined in section 10, but does not include a domestic animal as defined in that section.



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No gun to be discharged on a prohibited road.

**48.** (1) The Executive Committee may by notification in the *Gazette* declare any road in any area outside a National Reserve or a Sanctuary to be a prohibited road for the purposes of this Ordinance.

(2) Any person who discharges any gun on any prohibited road or on any land adjoining any such road and reserved for its extension, protection or benefit, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment.

(3) Regulations may be made prescribing the means by which and the manner in which the fact that any road is a prohibited road for the purposes of this Ordinance may be brought to the notice of members of the public who have occasion to use that road or to travel thereon.

Prohibition of shooting from vehicles.

**49.** No person shall shoot at any bird or animal from any position in or on any moving or stationary vehicle of any kind.

Prohibition of use of artificial lights.

**50.** No person shall use any artificial light for the purpose of enabling or facilitating the destruction of any bird or animal, whether by dazzling the vision of any such bird or animal or otherwise.

Regulation of hunting, shooting, &c., on Crown land outside National Reserves.

**51.** Except in accordance with regulations, no person shall on any Crown land outside a National Reserve—

(*a*) hunt, shoot, kill, or take any animal, reptile, or bird, between sunset and sunrise ; or

(*b*) set, lay, or spread any net, pitfall, trap, snare or other instrument for the purpose of killing or taking any animal, reptile, or bird.

Rewards for destruction of elephants responsible for damage to property.

**52.** Where in any area outside a National Reserve any damage has been caused by elephants to any crops, plantations, or other property, the Warden may, with the approval of the Executive Committee, pay a reward to any person who has killed any elephant which in the opinion of the Warden caused or was likely to have caused such damage whether alone or in association with other elephants :

Provided that the reward so paid to any person shall not in any case exceed a sum of one hundred rupees for each elephant killed by that person.



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Circumstances in which acts otherwise prohibited may be authorised.

**53.** (1) The Warden may by a writing under his hand authorise any person to do any act otherwise prohibited or penalised under this Ordinance or any regulation made thereunder, if in the opinion of the Warden such act should be authorised for the protection, preservation or propagation, or for the scientific study or investigation of the fauna and flora of the Island.

(2) No person authorised under subsection (1) to do any act shall, by reason only of the commission of that act, be guilty of an offence under this Ordinance or any regulation made thereunder.

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## PART VI.

### GENERAL.

*Licences and Permits.*

Refusal and revocation of licences and permits.

**54.** (1) The Warden or any officer empowered to issue a licence or permit under this Ordinance or any regulation made thereunder may in his discretion—

(*a*) insert in any such licence or permit any condition which he may consider necessary or expedient ;

(*b*) refuse to issue any such licence or permit ;

(*c*) revoke any such licence or permit, by notice in writing to the person to whom such licence or permit was issued.

(2) Any person aggrieved by the refusal or revocation of any permit or licence (other than a licence under section 47) may appeal against such refusal or revocation to the Executive Committee of Agriculture and Lands.

(3) Any person aggrieved by the refusal to issue a licence under section 47 or by the revocation of any licence issued under that section may appeal against such refusal or revocation to the Executive Committee of Labour, Industry and Commerce.

(4) The decision of the Executive Committee of Agriculture and Lands or of the Executive Committee of Labour, Industry and Commerce on any appeal preferred under subsection (2) or subsection (3), as the case may be, shall be final and conclusive.

(5) Regulations may be made prescribing the time within which appeals shall be preferred and generally in respect of all matters incidental to or connected with the hearing or disposal of such appeals.



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Licences and permits not to be transferred.

**55.** (1) No person other than the person named in any licence or permit issued under this Ordinance or any regulation made thereunder shall be entitled under cover of that licence or permit to do any act to authorise which that licence or permit was issued.

(2) Any person who transfers to any other person any licence or permit issued to him under this Ordinance or any regulation made thereunder shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment.

*Offences and Penalties.*

General penalty.

**56.** Any person who does any act in contravention of any of the provisions of this Ordinance or of any regulation or of any condition inserted in any licence or permit issued under this Ordinance or under any regulation shall be guilty of an offence punishable, where no other penalty is expressly provided by this Ordinance, with a fine not exceeding two hundred rupees or with imprisonment of either description for a term which may extend to three months or with both such fine and imprisonment.

Attempts and abetment.

**57.** Any person who attempts to commit or abets the commission of any offence under this Ordinance or any regulation made thereunder shall himself be guilty of the same offence.

General exceptions to criminal liability.

**58.** (1) An act otherwise prohibited or penalised under this Ordinance or any regulation made thereunder shall not be an offence if it is done—

(*a*) for the purpose of protecting any crop, plantation, or other property from any damage caused or likely to be caused by any animal trespassing on any land on which such crop, plantation or other property is situate ; or

(*b*) for the purpose of protecting any human being or any domestic animal from any immediate danger or from injury by any wild animal ; or

(*c*) for the purpose of killing or taking in or in the immediate vicinity of any human dwelling or of the land in which such dwelling is situate any leopard, bear, wild boar, crocodile or poisonous reptile.



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(2) In this section the expressions " animal ", " domestic animal " and " wild animal " respectively have the meanings assigned to those expressions in section 10.

No prosecution without sanction of Warden.

**59.** No prosecution for any offence under this Ordinance or any regulation made thereunder shall be instituted except by the Warden or with his written sanction.

Offences to be triable summarily by Magistrates' Courts.

**60.** It shall be lawful for a Magistrate summarily to try any offence under this Ordinance or under any regulation :

Provided that nothing herein contained shall affect the right of a Village Tribunal or a Village Committee to try any such offence in respect of which jurisdiction is conferred on such tribunal or committee under the provisions of the Village Communities Ordinance.

Power of Magistrate's Court to make order of confiscation.

**61.** (1) Except as is hereinbefore expressly provided in regard to the disposal of any tusker or elephant or of the carcase of any tusker or elephant or the tusks of any tusker on the conviction of any person for an offence relating to a tusker or elephant, any animal or any part of any animal in respect of which any offence has been committed and any gun, boat, artificial light, snare, net, trap, or other instrument, contrivance, appliance or thing used in or for the commission of any offence may be confiscated by order of the court before which the offender is convicted and may be disposed of in such manner as the court may direct.

(2) In this section " animal " means an animal as defined in section 10.

Informer's share of fines.

**62.** It shall be lawful for the court before which an offender is convicted of an offence to direct in respect of any fine that may be imposed for such offence that any share not exceeding one half thereof or of so much as shall actually be recovered be awarded to the informer.

Powers of arrest and search.

**63.** Any police officer and any other prescribed officer may, subject to such restrictions as may be prescribed, stop and search—

(i) any person whom he suspects on reasonable grounds of having committed any offence ; or

(ii) any boat, vessel or vehicle in which that person may be or may on reasonable grounds be suspected to be.



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*Appointment of Officers and Advisory Committee.*

Appointment of Officers.

**64.** (1) For the purposes of this Ordinance, the Governor may appoint—

(*a*) any person by name or by office to be or to act as Warden or as Deputy Warden ;

(*b*) any person by name or by office to be or to act as District Warden for any specified district or area ;

(*c*) any person to act as an Honorary District Warden of any National Reserve or Sanctuary ;

(*d*) such other officers and servants as may from time to time be required.

(2) In the exercise of their powers and in the discharge of their duties under this Ordinance all persons, officers and servants appointed by the Governor under this section shall be subject to the general direction and control of the Executive Committee.

(3) All persons, officers and servants appointed under this section shall be deemed to be public servants within the meaning of the Penal Code.

Delegation of powers of Warden.

**65.** The Warden may with the approval of the Executive Committee delegate to any District Warden in respect of his district or area or to any Honorary District Warden in respect of the National Reserve or Sanctuary for which he is appointed any power or duty conferred or imposed on the Warden by this Ordinance or by any regulation made thereunder.

Advisory Committee.

**66.** (1) The Governor may appoint an Advisory Committee which shall consist of the Warden as Chairman and of eleven other persons, for the purpose of advising the Warden and making recommendations to the Executive Committee on all matters and questions relating to the fauna and flora of the Island.

(2) Meetings of the Advisory Committee shall be held at least twice in every year.

(3) The Advisory Committee shall be entitled to determine its own procedure in any matter of procedure for which no provision is prescribed.

*General Regulations.*

General regulations.

**67.** (1) The Executive Committee may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.



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

(*a*) the circumstances in which and the conditions subject to which the Warden may exercise the powers conferred on him by section 53 ;

(*b*) the circumstances in which and the conditions subject to which any licence or permit may be issued free of charge ;

(*c*) the fee to be paid for any licence or permit issued under this Ordinance or under any regulation, and the mode and manner of payment or recovery of any such fee ;

(*d*) the prohibition or regulation of the import, manufacture, sale, possession or use of any headgear so constructed as to be capable of being fitted with any lamp or artificial light or of any lamp constructed so as to be capable of being fitted into any headgear ;

(*e*) the period of office of the members of the Advisory Committee appointed under section 66, the manner in which meetings of that Committee shall be convened, the procedure to be followed, at such meetings, and the manner in which the recommendations of that Committee shall be made ;

(*f*) the declaration of any period other than that specified in section 68 as a close season in respect of any particular species of bird or beast either throughout the whole Island or in any specified area ; and

(*g*) all matters for which regulations are required or authorised to be made under this Ordinance, all matters stated or required by this Ordinance to be prescribed, and all other matters incidental to or connected with such matters.

(3) Every regulation made by the Executive Committee shall be brought before the State Council by a motion that such regulation shall be approved and if so approved shall be submitted to the Governor for ratification. No regulation made by the Executive Committee shall have effect until it has been approved by the State Council and ratified by the



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Governor. Notification of such approval and ratification shall be published in the *Gazette*.

(4) A regulation made by the Executive Committee when approved by the State Council and ratified by the Governor shall, upon notification of such approval and ratification in the *Gazette* be as valid and effectual as if it were herein enacted.

*Interpretation, Repeals and Savings.*

Interpretation.

**68.** (1) In this Ordinance, unless the context otherwise requires—

" close season " means the period from the thirtieth day of April to the thirty-first day of October in each year, or such other period as may be prescribed in respect of any particular species of bird or beast either throughout the whole Island or in any specified area ;

" Crown land " means all land to which the Crown is lawfully entitled together with all rights, interests and privileges attached or appertaining thereto ;

" cultivated land " includes land used for chena cultivation when a crop is growing on such land ;

" Executive Committee " means the Executive Committee of Agriculture and Lands ;

" Intermediate Zone " means an Intermediate Zone proclaimed under section 2 (1) ;

" gun " has the same meaning as in the Firearms Ordinance;

" local authority " means any Municipality, District Council, Local Board, Sanitary Board, District Road Committee, or Village Committee and includes the inhabitants of a subdivision constituted under the Village Communities Ordinance ;

" National Park " means a National Park constituted by Proclamation under section 2 (1) ;

" National Reserve " means a National Reserve constituted by Proclamation under section 2 (1) ;

" offence " means an offence under this Ordinance or under any regulation ;

" police officer " includes any Headman appointed by a Government Agent to perform police duties ;

" prescribed " means prescribed by this Ordinance or by regulation ;



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"regulation" means a regulation made by the Executive Committee of Agriculture and Lands under this Ordinance;

"Sanctuary" means a Sanctuary constituted by Proclamation under section 2 (2);

"Strict Natural Reserve" means a Strict Natural Reserve constituted by Proclamation under section 2 (1);

"Warden" means the person appointed by the Governor to be or to act as Warden under section 64 and includes the Deputy Warden appointed under that section.

(2) Any reference in this Ordinance or in any regulation or in any other written law to a Schedule of this Ordinance shall be deemed to be a reference to the Schedule for the time being in force.

Savings—Licences.

**69.** Every licence issued by any authority under any written law repealed by this Ordinance for the doing of any act for which a licence is required by this Ordinance shall be valid and continue in force until the expiration of the period for which it was granted.

Savings—Proclamations, Notifications, Rules, &c.

**70.** All such proclamations, notifications and orders issued, and all such regulations and rules made, and all such concessions, permissions and authorisations given, and all such royalties fixed under any written law repealed by this Ordinance as are in force at the date on which this Ordinance comes into operation shall, so far as they relate to matters for which provision may in any manner be made under this Ordinance and so far as they are not inconsistent with the provisions of this Ordinance, continue in force unless or until provision in regard to such matters is made in accordance with the provisions of this Ordinance.

**71.** The provisions of the Game Protection Ordinance, shall cease to be in operation in any National Reserve or Sanctuary as from the date on which such National Reserve or Sanctuary is duly constituted under section 2; but, subject as aforesaid, the provisions of that Ordinance shall continue to be in operation in any area outside a National Reserve or a Sanctuary.



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## SCHEDULE I.

[Section 28.] BIRDS, BEASTS AND REPTILES.

*List of Birds absolutely protected.*

| English Name. | Scientific Name. | Sinhalese Name. | Tamil Name. |
|---|---|---|---|
| 1. Ceylon Magpie .. | Cissa ornata .. | Kehibellā .. | Kari-kuruvi |
| 2. Paradise Fly-catcher | Terpsiphone paradisi paradisi | Redi-hora, Gini-hora- | Vedi-vat-kuruvi |
| 3. Orange Minivet .. | Pericrocotus speciosus flammeus | Gini-kurulla .. | Mampala-kuruvi |
| 4. Malabar Small Minivet | Pericrocotus peregrinus malabaricus | Kos-kurulla .. | Mampala-kuruvi |
| 5. Southern Hill-Mynah or Southern Grackle | Eulabes religiosa .. | Sela-lihiniya .. | Malai-nakanam-pachchi |
| 6. Ceylon Hill-Mynah or Ceylon Grackle | Eulabes ptilogenys .. | Mal-kawadiya, kampatiya | Malai-nakanam-pachchi |
| 7. Black-headed Oriole | Oriolus xanthonus ceylonensis | Kaha-kurulla .. | Mampala-kuruvi-man-kuyil |
| 8. Painted-Thrush Indian Pitta | Pitta brachyura .. | Avichchiya .. | Aru-mani-kuruvi totta-kallan |
| 9. Woodpeckers of all species | All members of the family *Picidae* | Kerella .. | Maran-kotti tachchan kuruvi |
| 10. Indian Roller (Blue Jay) | Coracias benghalensis indica | Dumbona, dunkawuluwa | Panam-kakam, tottukili |
| 11. Kingfishers of all species | All members of the family *Alcedinidae* | Pilihuduwa .. | Minkotti |
| 12. Malabar Pied Hornbill | Anthracoceros coronatus coronatus | Poruwa-kendetta .. | Irattai-chondu-kuruvi |
| 13. Ceylonese Hornbill.. | Lophoceros griseus gingalensis | Kendetta .. | Irattai-chondu-kuruvi |
| 14. Ceylon Hoopoe .. | Upupa epops ceylonensis | Porowa-kurulla .. | Chaval-kuruvi |
| 15. Ceylon Trogon .. | Harpactes fasciatus .. | Gini-kurulla .. | Tachchan-kuruvi |
| 16. Storks of all species | All members of the sub-family *Ciconiidae* | Kokka Mana or Datueluwa | Narai |
| 17. Purple Heron .. | Ardea purpurea manillensis | Karawala-kokka, barendi-kokka .. | Chen-narai |
| 18. Pond Heron .. | Ardeola grayii .. | Kana-kokka .. | Kuruttu-kokku, Nuli-madayan |
| 19. Large White Egret . | Egretta alba modesta | Loku-sudda-kokka, badadel-kokka | Periya-vellai kokku |
| 20. Smaller White Egret | Egretta intermedia intermedia | Sudda-kokka .. | Vellai-kokku |
| 21. Little Egret .. | Egretta garzetta garzetta | Sudda-kokka .. | Sinna-vellai kokku |
| 22. Cattle Egret .. | Bubulcus ibis coromandus | Harak-kokka .. | Nunni-kokku |
| 23. Legge's Baza .. | Baza jerdoni ceylonensis | Kurullugoya .. | — |
| 24. Indian Broadbilled Roller | Eurystomus orientalis orientalis | .. .. | Pulupporukki |
| 25. Owls of all species .. | All members of the family *Striges* | Bakamuna, Bassa, Ulama | Andai, Pakkul |
| 26. Hawk-eagles .. | All eagles of the genera *Lophotriorchis*, *Ictinaetus*, and *Limnaetops* | Rajaliya .. | Rasali, kalagu |
| 27. Serpent and fish eagles | All eagles of the genera *Haematornis Haliaetus* and *Ichthyophaga* | Rajaliya, mududura-jaliya, wewaraja-liya, lul-mara | Kudumpiyan, Kadal-ala, ala |



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*List of Beasts absolutely protected.*

| English Name. | Scientific Name. | Sinhalese Name. | Tamil Name. |
|---|---|---|---|
| 1. Bear Monkey, or Hill Wanduroo | Pithecus vetulus monticola | Maha Wandura .. | Periya Mundi |
| 2. Grey Flying Squirrel | Petaurista philippensis lanka | Hambawa or Hangu | Paravai-anil |
| 3. Small Ceylon Flying Squirrel | Pteromys layardi .. | Hambawa .. | Paravai-anil |
| 8. Highland Giant Squirrel | Ratufa macroura macroura | Dandolena .. | Mali-anil |

*List of Reptiles absolutely protected.*

| | | | |
|---|---|---|---|
| 1. Water lizard .. | Varanus salvator | Kabaragoya | Kabaragoyen |

## SCHEDULE II.

BIRDS AND BEASTS. [Section 29.]

*List of Birds protected during the Close Season.*

| English Name. | Scientific Name. | Sinhalese Name. | Tamil Name. |
|---|---|---|---|
| 1. Jungle Fowl .. | Gallus lafayettii .. | Weli-kukula, weli-kikili | Kaddu-koli |
| 2. Bustard Quail .. | Turnix suscitator leggei | Bola-watuwa .. | Kadai |
| 3. Golden Plover .. | Pluvialis dominicus fulvus | Oleyiya, rana-watuwa | Kotan |
| 4. Snipe, all species including Jack-snipe and painted snipe | Genus Gallinago all species, Lymnocryptes minima and | Kes-watuwa .. | Ullan-kuruvi |
| — .. | Rostratula benghalensis | Raja-watuwa, uluk-eswatuwa | Ullan-kuruvi |
| 5. Whistling teal .. | Dendrocygna javanica | Seruwa .. | Chemba-tara |
| 9. Cotton Teal, or Quacky Duck | Nettapus coromandelianus | Mal-seruwa .. | Raja-tara |

*List of Beasts protected during the Close Season.*

| | | | |
|---|---|---|---|
| — .. | — .. | — .. | — |

## SCHEDULE III.

*Protected Plants.* [Section 40.]

| I. | | | | II. |
|---|---|---|---|---|
| *English Name.* | *Botanical Name.* | *Sinhalese Name.* | *Tamil Name.* | *Area.* |
| Wesak orchid or May orchid | Dendrobium Macarthiae Thw. | Wesak mala | .. .. | The whole Island |
| Baobab Tree or Judas bag, or Monkey-bread-Tree | Adansonia digitata L. | — .. | Papparappuli or Perukka or Anaippuli | The Northern Province |
| Fox-tail orchid or Batticaloa orchid | Rhynchostyles retusa Bl. | — .. | — .. | The whole Island |
| Sphagm-numoss or Bogmoss | *Sphagnum zeylanicam* Mitt. | — .. | — .. | The Central Province |



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## SCHEDULE IV.

[Section 41.] *Protected Trees.*

1. The tree popularly known as Knox's Tree, situated at Muthur in Koddiyar pattu in the revenue district of Trincomalee.

| | | |
|---|---|---|
| English Name | .. | Tamarind |
| Botanical Name | .. | Tamarindus indica |
| Sinhalese Name | .. | Siyambala |
| Tamil Name | .. | Puli |

2. The tree popularly known as the Madara Tree, situated near Kaltota in the Meda korale of the revenue district of Ratnapura.

| | | |
|---|---|---|
| Botanical Name | .. | Cleistanthus collinus |
| Sinhalese Name | .. | Madara |
| Tamil Name | .. | Wudacha-maram |



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# CHAPTER 326.

## GAME PROTECTION.

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW RELATING TO THE PROTECTION OF GAME, WILD BEASTS, BIRDS, REPTILES, AND FISH.

*Ordinances* Nos. 1 of 1909, 13 of 1912, 13 of 1914, 32 of 1921, 6 of 1922, 12 of 1923, 15 of 1927, 2 of 1937.

[1*st January*, 1910.]

### PART I.

### PRELIMINARY.

**1.** This Ordinance may be cited as the Game Protection Ordinance. Short title.

**2.** This Ordinance is divided into parts as follows :— Division into parts.

Part I.—Preliminary.

Part II.—Fishes not indigenous to Ceylon.

Part III.—Protection of Fish.

Part IV.—General.

**3.** In this Ordinance, unless the context otherwise requires— Interpretation.

"Government Agent" includes an Assistant Government Agent;

"close season" means the period between the first of June and the thirty-first of October, inclusive, in each year. But the Governor may, if he thinks fit, by notification in the *Government Gazette*, direct a different period to be observed as a close season with respect to any of the fishes to which this Ordinance applies, either generally or in any specified part of the Island. [§ 71, 2 of 1937.]

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### PART II.

### FISHES NOT INDIGENOUS TO CEYLON.

**4.** The word "fishes" in this Part of this Ordinance means fishes mentioned in the Schedule. But the Governor by Proclamation to be published in the *Government Gazette*, Meaning and scope of the word "fishes".



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[§ 71, 2 of 1937.] may from time to time declare that this Part of this Ordinance shall apply to any fishes to be named therein other than those mentioned in the Schedule. The Governor may also from time to time, by Proclamation to be published as aforesaid, exempt from the operation of this part of this Ordinance any fishes for the time being, subject to the provisions thereof.

No person to take, kill, &c., fishes without licence.

[§ 71, 2 of 1937.]

**5.** No person shall take, kill, or destroy any fishes mentioned in the Schedule without taking out a licence empowering him to do so. It shall be lawful for the Government Agent of any province, within the limits of such province, to grant such licences on such conditions as shall be therein imposed, or to refuse the same, or, by notice in writing to the licensee, to revoke the same after they shall have been once granted, as shall seem fit. Upon the issue of any such licence a stamp duty of five rupees shall be payable :

Provided that any person to whom a licence may be refused, or whose licence may be revoked, shall be at liberty to apply to the Governor for redress ; and it shall be competent to the Governor to make such order on the application as to him shall seem fit.

Power of Governor to concede right of taking certain imported fish to clubs, &c.

**6.** (1) Whenever it appears that adequate arrangements have been made by any club or association for preserving and protecting any of the fishes mentioned in the Schedule in any stream or inland water, the Governor may, by writing under the hand of the Marine Biologist, concede to such club or association the exclusive right of taking such fish in such stream or water within such limits and for such period and subject to such conditions as to the Governor may appear fit.

(2) Any club or association to which such right has been conceded may, subject to the approval of the Governor, make rules for the preservation and protection of the fish to which the concession applies, and for regulating the manner in which they may be taken. Such rules when approved of by the Governor shall be published in the *Government Gazette*.

(3) In particular, and without prejudice to the generality of the power conferred by the last preceding subsection, such rules may—

(*a*) provide for the issue of licences by the club or association (either in addition to, or in substitution for, the licences prescribed by section 5) enabling the



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licensees to fish for and take the fish to which the concession applies subject to the rules of the club or association ;

(*b*) prescribe the fees chargeable on the issue of such licences ;

(*c*) provide for the application of such fees ;

(*d*) prescribe a close season for the fish with regard to which the concession was given.

Fishing without licence in conceded waters.

**7.** Any person who fishes for, takes, or attempts to take any fish, for the taking of which a licence is required by rules made under the last preceding subsection, without such licence, or during the close season prescribed by such rules, or in contravention of any of such rules, shall be guilty of an offence, and shall be liable on conviction to the punishment prescribed by section 9 (1).

Governor to make regulations. [§ 71, 2 of 1937.]

**8.** It shall be lawful for the Governor from time to time to make regulations respecting the taking, killing, or destroying of fishes, mentioned in the Schedule, and such regulations at any time to repeal, alter, or mend ; and all licences issued under this part of this Ordinance shall be subject to such regulations, and any breach thereof shall be punishable as a breach of such licence. All such regulations, or any repeal, alteration, or amendment thereof, shall be published in the *Government Gazette*.

Penalties. [§ 71, 2 of 1937.]

**9.** The following penalties are imposed for the following acts, which are hereby declared to be offences under this Ordinance :—

(1) Any person who shall take, kill, or destroy any fishes mentioned in the Schedule during the close season, or in contravention of any regulation made under the last preceding section, shall be liable on conviction to a fine not exceeding one hundred rupees, and in default of payment to simple or rigorous imprisonment for a period not exceeding six months.

(2) Any person who shall take, kill, or destroy any fishes mentioned in the Schedule without a licence, or after the time for which the licence shall be in force, or contrary to the tenor of such licence, shall be liable on conviction to a fine not exceeding one hundred rupees, and in default of payment to simple or rigorous imprisonment for a period not exceeding six months.



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(3) Any person who shall be found during the close season to be in possession of any of the fishes mentioned in the Schedule, alive or dead, or the flesh thereof, which he shall not be able to account for satisfactorily, shall be liable on conviction to a fine not exceeding one hundred rupees, and in default of payment to simple or rigorous imprisonment for a period not exceeding six months.

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## PART III.

### PROTECTION OF FISH.

Power to Governor to make rules to regulate the use of fishing nets.

**10.** (1) The Governor may from time to time make, and when made may revoke, amend, or alter, regulations prohibiting or restricting the use of nets or other appliances for taking fish or the use of any particular description of such nets or appliances—

(*a*) within any specified area of the territorial waters of the Island ;

(*b*) in any river, canal, lake, or inland water of the Island, or in any specified part of any such river, canal, lake, or inland water ;

(2) All such regulations shall, upon publication in the *Government Gazette*, be in full force and effect.

(3) Any person who shall use or attempt to use or join in using or attempting to use any net or other appliance for taking fish in contravention of any regulation made under this section shall be guilty of an offence, and shall be liable on conviction in the case of a first offence to a fine which may extend to fifty rupees, or to simple or rigorous imprisonment for a term not exceeding three months ; and in the case of a second or subsequent conviction to a fine which may extend to one hundred rupees, and to simple or rigorous imprisonment which may extend to six months, or to both. The nets or other appliances in respect of which the conviction was had may be forfeited.

Prohibition of use of dynamite and poison for fishing.

**11.** Any person who uses any dynamite or other explosive substance, or any poisonous, stupefying, or noxious substance, to catch or destroy fish of any description whether specified or not in the Schedule in any water within the Island, or at sea within one marine league of the coast, shall be guilty of an



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offence, and shall be liable on conviction thereof to imprisonment of either description for a term not exceeding six months, or to a fine not exceeding one hundred rupees, or to both.

Power of Governor to establish close season in respect of any fish.

**12.** (1) The Governor may by notification in the *Government Gazette* establish a close season in respect of any fish not mentioned in the Schedule of this Ordinance.

(2) Any person who shall take, kill, or destroy any fish in contravention of any such notification shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one hundred rupees and, in default of payment, to simple or rigorous imprisonment for a period not exceeding six months.

[§ 2, 18 of 1924.]

Place of trial of offences committed at sea.

**13.** Any offence committed against this Ordinance at sea shall be deemed to have been committed on the coast adjoining the sea, or to have been committed in any place where the offender is found, and may be tried and punished accordingly.

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## PART IV.

### General.

Licences not transferable.

**14.** Licences issued under this Ordinance shall in no case be assignable or transferable ; nor shall any person, except the person actually named in the licence, be entitled to do any of the acts to authorise which the licence is issued.

Jurisdiction of Magistrates' Courts and Village Tribunals.

**15.** (1) Magistrates' Courts are hereby empowered to deal summarily with all cases instituted under this Ordinance, and to impose the full penalties herein prescribed, anything in the Criminal Procedure Code, or in any other Ordinance to the contrary notwithstanding :

Provided that where the accused is an inhabitant within the meaning of the Village Communities Ordinance, offences under sections 9 and 10 (3) shall be triable by the Village Tribunal having local jurisdiction, but the punishment which may be awarded by a Village Tribunal shall not exceed in any such case a fine of twenty rupees, with rigorous imprisonment, in default of payment, for a term not exceeding fourteen days.

[§ 71, 2 of 1937.]

(2) No Magistrate's Court which is otherwise competent to try an offence under this Ordinance shall be deprived of jurisdiction by reason of the fact that the offence is triable by a Village Tribunal.



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(3) The Government Agent may exercise with regard to any offence under this Ordinance, which is triable by a Village Tribunal, the powers conferred on him by section 74 of the Village Communities Ordinance.

Burden of proof.

**16.** In any prosecution under this Ordinance for doing any act for which a licence is required by this Ordinance, the burden of proving that he holds a licence shall be on the person accused, and until the contrary is proved he shall be deemed to have held no licence.

Reward to informer.

**17.** It shall be lawful for any Court or Village Tribunal imposing a fine under this Ordinance to award to the informer any share not exceeding a moiety of so much of the fine as is actually recovered and realized.

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## SCHEDULE.

[Section 4.]

*Fishes.*

| | |
|---|---|
| Trout | Tench |
| Perch | Gourami |

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# CHAPTER 327.

## DISEASES OF ANIMALS.

AN ORDINANCE TO MAKE PROVISION WITH RESPECT TO CONTAGIOUS AND INFECTIOUS DISEASES OF CATTLE AND OTHER ANIMALS.

*Ordinances* Nos. 25 of 1909, 16 of 1912, 26 of 1921, 20 of 1922, 19 of 1923, 17 of 1930, 6 of 1935.

[*1st August*, 1910.]

Short title.

**1.** This Ordinance may be cited as the Contagious Diseases (Animals) Ordinance.

Interpretation.

**2.** In this Ordinance, unless the context otherwise requires—

"animal" means horses, mules, asses, sheep, swine, goats, and any other animals to which this Ordinance shall be made to apply by the Governor* by Proclamation in the *Government Gazette* ;

"carcase" means the carcase of any cattle or animal, and includes part of a carcase and the meat, bones, hide, skin, hoofs, horns, offal, or other part of any cattle or animals separately or otherwise, or any portion thereof ;

"cattle" means bulls, cows, bullocks, buffaloes, heifers, steers, and calves ;

"disease" means—

(*a*) in the case of cattle, murrain or rinderpest, foot-and-mouth disease, piroplasmosis, haemorrhagic septicæmia, pleuro-pneumonia, anthrax, tuberculosis, surra or any form of trypanosomiasis, and includes the diseases known by the Sinhalese and Tamil names specified in the Schedule,

(*b*) in the case of other animals, foot-and-mouth disease, anthrax, glanders, farcy, epizootic lymphangitis, osteoporosis, surra or any form of trypanosomiasis, piroplasmosis, swine fever :

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Provided that the Governor* may, by Proclamation in the *Government Gazette*, extend the definition of disease so that the same shall comprise any other disease of cattle or of animals, in addition to the diseases mentioned in this section ;

" diseased " means affected with disease ;

" fodder " means grass or other substance commonly used for food for cattle or animals ;

" Government Agent " includes the Assistant Government Agent of a district ;

" litter " means straw or other substance commonly used for bedding or otherwise for or about cattle or animals ;

" owner " includes a part owner or hirer of any cattle or animal and any person who takes care of any cattle or animals on condition of receiving part of the produce thereof ;

" suspected " means suspected on reasonable grounds of being diseased, and, when applied to cattle or animals, includes any cattle or animals which have been in contact with diseased cattle or animals, or have been in circumstances in which they were likely to become infected with disease.

Notice of disease.

**3.** Every person having in his possession or under his charge any diseased cattle or animals shall keep such cattle or animals separate from other cattle or animals, and shall with all practical speed give notice of the fact of the cattle or animals being diseased to the nearest headman or police officer or stock inspector or veterinary officer, who shall forthwith give information thereof to the chief headman of the district and to the Government Agent.

Declaration of Government Agent of existence of disease.

**4.** (1) Where it appears to the Government Agent or to a chief headman of a division that disease, whether of cattle or animals, exists or has within ten days existed in a cattle-shed, field, chena, garden, tank, or other place, he shall forthwith make and sign a declaration thereof, and shall proclaim by beat of tom-tom or in such other manner as he may deem fit any area within which such cattle-shed, field, chena, garden, tank, or other place is situated to be an infected area. The chief headman shall forthwith send to the Government Agent a copy of any such declaration as aforesaid made by him.

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(2) Every such declaration shall specify the limits of such area and the date from which such declaration shall take effect.

Publication of declaration. [§ 2, 17 of 1930.]

(3) The Government Agent shall forthwith forward to the Governor a copy of any such declaration as aforesaid, and report all proceedings taken thereon.

Report of proceedings to be forwarded to Governor.

(4) The Governor* may from time to time, if he thinks fit, on any evidence satisfactory to him, by Order published in the *Government Gazette*, revoke such declaration or curtail or extend the limits of an infected area as proclaimed by the Government Agent or a chief headman.

Powers of Governor with regard to Government Agent's declaration.

**5.** (1) Where an area has been proclaimed by the Government Agent or by a chief headman as aforesaid, such Government Agent may, if he thinks fit, at any time thereafter declare such area to be free from disease and no longer an infected area, and such declaration shall be proclaimed and published in the same manner as provided in subsections (1) and (2).

Power of Government Agent to declare infected area free from disease.

(2) It shall be lawful for the Governor*, if he thinks fit, at any time to declare, by Order published in the *Government Gazette*, any particular portion or portions of any area declared by the Government Agent or a chief headman to be infected to be free from disease.

Power of Governor* to declare portion of infected area free of disease.

**6.** (1) For the purpose of checking the spread of rinderpest among cattle or animals, the Government Agent may, by means of a notice to be published as hereinafter provided, establish a belt or zone of country (hereinafter referred to as a "protective zone") adjoining any infected area of such width and extent as may appear expedient.

Establishment of protective zones.

(2) Every such notice shall specify the limits of the protective zone and the date from which the same is established. The Government Agent shall forthwith forward a copy of every such notice to the Government Veterinary Surgeon, and a copy thereof shall be published in the *Government Gazette*.

(3) The Government Agent shall also cause every notice under the foregoing subsection to be published within the protective zone by beat of tom-tom or in such other manner as he shall think fit.

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(4) The Governor* may at any time, by order published in the *Government Gazette*, rescind the establishment of a protective zone or curtail or extend the limits thereof.

Power to close roads to all cattle traffic.

**7.** (1) It shall be lawful for the Government Agent to proclaim, by affixing notices of such proclamation on some conspicuous place at each end of any road or portion thereof, as well as by beat of tom-tom, or in such other manner as he may deem fit, that such road or portion thereof in an infected area or protective zone shall be closed to all cattle or animal traffic for the period specified in such notice ; and upon such notice being issued no person shall take any cattle or animals along such road or portion thereof, whether for purposes of transport or otherwise, during such period as aforesaid :

Provided that no road or portion thereof shall be closed for a longer period than ten days without the sanction of the Governor*.

(2) The Governor* may, by Order published in the *Government Gazette*, cancel any notice issued by the Government Agent under this section.

Power to declare ports, &c., infected with disease.

**8.** (1) The Governor* may, by Proclamation in the *Government Gazette*, declare any port or place without or within the Island to be infected with disease, and such place shall, until such Proclamation is in like manner revoked, be deemed a port or place in which disease is known to prevail.

(2) Whenever a vessel arrives at any port or place in the Island from any other port or place in or without the Island which has been declared to be infected, or having on board cattle or animals suffering from disease, or on board of which disease may have appeared in the course of the voyage, the principal officer of customs of such port or place of arrival may, if he shall see fit to do so, cause the said vessel to be placed in quarantine in so far as not to allow any of the cattle or animals to be landed for such time as he shall determine. So long as such vessel is in quarantine the owner or person in charge of any cattle or animals on board thereof shall provide a sufficient supply of water and food for such cattle or animals, and on failure thereof it shall be lawful for any person authorised by the principal officer of customs to provide such water and food ; and the amount of expenses incurred in that behalf when certified under the hand of the principal officer of customs

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to the nearest Magistrate shall be recoverable from the owner of such cattle or animals as if it were a fine imposed by such Magistrate.

Power of principal officer of customs to allow cattle to be landed.

(3) The principal officer of customs may, if he shall see fit to do so, allow the cattle or animals or any portion of them to be landed and detained in quarantine at such place and for such time as he shall deem necessary, and such cattle or animals may thereupon be landed and detained at such place and for such time as aforesaid.

(4) Whenever any vessel has arrived having on board cattle or animals infected with disease or on board of which disease exists, the Governor* may order all or any of such cattle or animals to be destroyed and the carcases disposed of in the manner prescribed in such order; the owner of the cattle or animals destroyed shall not be entitled to any compensation by reason thereof, but the Governor* may, if he thinks fit, order such compensation to be paid as he may think reasonable.

(5) No person shall import or cause to be imported into the Island any cattle or animals from any port or place proclaimed under subsection (1) to be a port or place in which disease is known to prevail.

Regulations. [§ 2, 6 of 1935.]

**9.** (1) The Executive Committee of Agriculture and Lands may make regulations for or in respect of all or any of the following matters :—

(i) for prescribing and regulating the destruction, burial, disposal, or treatment of carcases, fodder, litter, utensils, dung, or other things being in an infected area, or removed thereout, or which have been in contact with any diseased cattle or animals, or reasonably suspected of being a vehicle for spreading disease ;

(ii) for prescribing and regulating the disinfecting, or if necessary the destruction, of the clothes of persons coming in contact with or employed about diseased or suspected cattle or animals, and the use of precautions against the spreading of disease by such persons ;

(iii) for prohibiting the exposure of diseased or suspected cattle or animals in markets, sale yards, or other public or private places ;

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(iv) for prohibiting or regulating the sending or carrying of diseased or suspected cattle or animals, or of dung or other thing likely to spread disease, or the causing the same to be sent or carried on railways, canals, rivers, or in vessels, or otherwise ;

(v) for prohibiting or regulating the carrying, leading, or driving of diseased or suspected cattle or animals, or causing them to be carried, led, or driven on the highways or thoroughfares or elsewhere ;

(vi) for prohibiting or regulating the placing or keeping of diseased or suspected cattle or animals on chenas or unenclosed lands, or in fields or other places insufficiently fenced, or on or near the sides of highways ;

(vii) for prescribing and regulating the seizure, detention, disposal, and destruction, without compensation, of cattle or animals exposed, carried, kept, or otherwise dealt with in contravention of regulations made under this Ordinance, or of any order made by the Governor, and for prescribing and regulating the liability of the owner or consignor or consignee of the cattle or animals to the expenses connected with the seizure, detention, isolation, disinfection, destruction, and disposal thereof ;

(viii) for prescribing and regulating the issuing and production of permits required under this Ordinance, and the notices to be given to or by any person in case of any particular disease or in case of the illness of any animal or cattle ;

(ix) for prohibiting or regulating the holding of markets and fairs for the sale of cattle or animals.

(x) for prescribing and regulating the cleansing and disinfecting of places used for the holding of markets and fairs for the sale of cattle or animals, and yards, sheds, stables, and other places used for cattle or animals ;

(xi) for prohibiting or regulating the movement of cattle or animals and persons into, in, or out of an infected area or protective zone ;

(xii) for requiring cattle or animals to be moved out of a protective zone into other land occupied by the owner or provided by Government for the purpose ;



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(xiii) for requiring cattle or animals within a protective zone to be kept within fenced enclosures or tied or otherwise secured ; and for preventing such cattle or animals from straying or running loose ;

(xiv) for prescribing and regulating the isolation or separation of cattle and animals being in an infected area, or diseased or suspected cattle and animals ;

(xv) for prohibiting or regulating the removal of carcases, fodder, litter, utensils, pens, hurdles, dung, or other things into, in, or out of an infected area ;

(xvi) for prescribing and regulating the cleansing and disinfecting of infected areas or parts thereof, or of houses, buildings, rooms, or other places occupied by any diseased cattle or animals, or of carts to which diseased or suspected cattle have been attached ;

(xvii) for declaring any cowshed, pasture, or other place, with or without any land or buildings thereto adjoining, to be an infected place, and for regulating the entry or approach of animals on or to such place and the movement of animals therefrom ;

(xviii) for prohibiting or regulating the digging up of buried carcases ;

(xix) for prohibiting or regulating the landing of men or cattle or animals from vessels either absolutely or conditionally and for prescribing the fees to be paid to officers appointed to examine such cattle or animals ;

(xx) for establishing and maintaining quarantine and inoculation stations for cattle and animals and for regulating or delegating the regulation of the management of the same, for the imposition, recovery, and disposal of fees for the use of such stations, for compelling cattle and animals to enter such stations, and for providing for the compulsory preventive inoculation of cattle or animals, and for the compulsory testing or inoculation of suspected cattle or animals for the purpose of detecting the presence or diagnosing the nature of any disease ; [§ 2, 6 of 1935.]

(xxi) for destroying, with or without compensation or with partial compensation as may be expedient, diseased or suspected cattle or animals ;



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(xxii) for prescribing the mode of ascertainment of the value of an animal destroyed or liable to be destroyed under these regulations ;

(xxiii) for regulating applications for, and the mode of payment of compensation to be made out of money provided by the State Council ;

(xxiv) for making post-mortem examinations of the bodies of animals which have died of disease or have been destroyed under the authority of this Ordinance ;

(xxv) for prescribing modes of cleansing and disinfecting ;

(xxvi) for protecting cattle or animals from unnecessary suffering during inland transit ;

(xxvii) for securing a proper supply of water and food to cattle or animals during any detention thereof ;

(xxviii) for the appointment of officers to carry out the provisions of this Ordinance, or of any regulations or orders made thereunder, and for regulating their duties and conduct, and for investing them with all powers necessary for the due execution of their duties ;

(xxix) for prescribing the publication of any regulations or orders made under this Ordinance, and for prescribing and regulating the form and mode of service or delivery of notices and other documents ;

(xxx) generally for the better execution of this Ordinance or for the purpose of in any manner preventing the introduction or spread of disease.

[§ 2, 6 of 1935.] (2) Every regulation made by the Executive Committee of Agriculture and Lands under this section shall be published in the *Gazette* and shall come into operation upon such publication.

[§ 2, 6 of 1935.] (3) Every regulation made by the Executive Committee of Agriculture and Lands shall be brought before the State Council as soon as may be after the publication thereof by a motion that such regulation shall be approved and, if so approved, shall be submitted to the Governor for ratification.

[§ 2, 6 of 1935.] (4) Any regulation which the State Council refuses to approve or which the Governor refuses to ratify 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 a regulation shall



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be deemed to be so rescinded shall be the date on which the State Council refuses to approve, or the date on which the Governor refuses to ratify the regulation, as the case may be.

(5) Notification of the date on which any regulation made by the Executive Committee of Agriculture and Lands is deemed to be so rescinded shall be published in the *Gazette*. [§ 2, 6 of 1935.]

(6) Any regulation made by the Executive Committee of Agriculture and Lands shall, when approved by the State Council and ratified by the Governor, be as valid and effectual as if it were herein enacted. Notification of such approval and ratification shall be published in the *Gazette*. [§ 2, 6 of 1935.]

Offences under this Ordinance.

**10.** If any person without lawful authority or excuse does or omits to do anything which, under the provisions of this Ordinance or of any regulations or orders made thereunder, he ought not to do or omit, or if he obstructs or impedes or assists in obstructing or impeding any officer appointed under this Ordinance, or any headman or police officer in the execution of this Ordinance or of any regulation or order made thereunder, he shall be guilty of an offence against this Ordinance.

Punishment. [§ 3, 6 of 1935.]

**11.** (1) If any person is guilty of an offence against this Ordinance or any regulation made thereunder, he shall be liable on conviction before a Magistrate to imprisonment of either description for a term not exceeding six months, or to a fine not exceeding one hundred rupees.

(2) Nothing in this section contained shall affect the liability of any person to any punishment or penalty to which he is liable under any enactment other than this Ordinance, but so that a person shall not be punished twice for the same offence.

Vexatious conduct of officers.

**12.** Every person acting under the authority of this Ordinance who shall, under pretence of performing any act under the authority of this Ordinance, use any unnecessary violence, or give any uncalled for and vexatious annoyance, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding fifty rupees.

Duties of inspectors and police officers.

**13.** (1) When a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Ordinance, any officer appointed under this Ordinance, or any stock inspector or veterinary officer, or



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any headman or police officer may, without warrant, stop and detain him, and if his name and address are not given by him may, without warrant, apprehend him.

(2) If any person obstructs or impedes any officer appointed under this Ordinance, or any stock inspector or veterinary officer, or any headman or police officer, in the execution of his duties under this Ordinance or under any regulation or order made thereunder, or assists in any such obstructing or impeding, he may be apprehended by such officer, headman, or police officer without warrant.

(3) A person apprehended under this section shall be taken forthwith before a Magistrate.

(4) Nothing in this section shall take away or abridge any power or authority that a police officer would have had if this section had not been enacted.

Village tribunal may try cases of first offences.

**14.** In the case of a first offence against this Ordinance, it shall be lawful for any village tribunal, within the limits of whose jurisdiction such offence is committed, to try the offender if an "inhabitant," and to impose such penalty as a village tribunal has power to inflict.

When may part of fine be paid to Police Reward Fund or Headmen's Reward Fund.

**15.** Where a prosecution under this Ordinance is instituted by a police officer or a village headman, the court may direct that one-half of any fine recovered in the case shall be paid into the Police Reward Fund or the Headmen's Reward Fund, respectively.

Enforcement of duties under the Ordinance.

**16.** (1) If any person neglects or omits—

(*a*) to perform any act which, under this Ordinance or under any regulations made thereunder, it is his duty to perform with regard to the isolation, separation, destruction, or burial of cattle or animals, or with regard to the disinfection or cleansing of any place or building or otherwise ; or

(*b*) to comply forthwith with any order lawfully given in the exercise of his powers under this Ordinance, or under any regulation made thereunder by the Government Agent or by any officer appointed to carry out this Ordinance,

the Government Agent or any such officer may cause such act or order to be carried out at the cost and charge of the person by whom the same ought to have been executed.



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(2) In any such case the cost and expenses incurred in and about the carrying out of the act or order shall be certified by the Government Agent under his hand to the nearest Magistrate, and shall be recoverable in the same way as if it were a fine imposed by the Magistrate. All sums recovered by a Magistrate under this section shall be paid by him to the Government Agent, in order to defray the expenses incurred.

Officers to be public servants.

**17.** Officers exercising any of the powers conferred on them by the provisions of this Ordinance shall be deemed public servants within the meaning of the Penal Code.

Execution of regulations may be delegated to local authority.

**18.** The Governor* may, by notification in the *Government Gazette*, delegate the enforcement and execution of any provisions of this Ordinance or of any regulation or order made under this Ordinance to the Chairman of any Municipal Council, District Council, or Local Board, and may authorise such Chairman to exercise and perform within Municipal, District Council, or Local Board limits all or any of the powers and duties vested and imposed on the Government Agent under this Ordinance, subject to such restrictions as the Governor* may from time to time think fit to impose.

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## SCHEDULE.

SINHALESE AND TAMIL NAMES OF DISEASES. [Section 2 (a).]

| | Sinhalese. | Tamil. |
|---|---|---|
| Rinderpest .. | Wasangata-roga .. | Mattukotari or Mattupedi |
| Foot-and-mouth disease .. | Kuraleda or Kataleda .. | Kalnoi or Vainoi |

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* Delegated to the Executive Committee of Agriculture and Lands.—*Gazette* No. 8,369 of 20th May, 1938.



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# CHAPTER 328.

## ELEPHANT KRAALS.

*Ordinance No. 1 of 1912.*

AN ORDINANCE TO MAKE PROVISION FOR THE REGULATION OF ELEPHANT KRAALING.

[29*th April*, 1912.]

Short title.

**1.** This Ordinance may be cited as the Elephant Kraal Ordinance.

Interpretation.

**2.** In this Ordinance, unless there is something repugnant in the subject or context—

"elephant kraal" and "kraal" mean a pen or other enclosure or any kind of stockade erected for the purpose of capturing wild elephants ;

"elephant kraaling" and "kraaling" mean the capture in a kraal of wild elephants, and also all or any of the steps, acts, arrangements, and preparations necessary and intended for the capture in a kraal of wild elephants.

Kraaling prohibited without the sanction of the Governor.

**3.** From and after the coming into operation of this Ordinance elephant kraaling is prohibited, except with the sanction of the Governor issued under the hand of the Minister for Agriculture and Lands, and any person acting in contravention of the provisions of this section shall be guilty of an offence, and liable on conviction to a fine not exceeding one thousand rupees, or to imprisonment of either description for a term which may extend to six months, or to both.

Power to Governor to make rules for the regulation of kraaling.

**4.** (1) The Governor may, by notification in the *Government Gazette*, make such rules as to him may appear necessary for the regulation of elephant kraaling.

(2) In particular, and without prejudice to the generality of the power in the preceding subsection contained, such rules may—

(*a*) prescribe the conditions under which sanction to kraal elephants will be granted under section 3 ;



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(*b*) prescribe the fees payable by an applicant to whom sanction is issued to kraal elephants ;

(*c*) prescribe the radius from a kraal within which no person, except those designated in the rule, may enter or pass without a permit in writing from the Government Agent of the province or the Assistant Government Agent of the district within which the kraal is erected ;

(*d*) prescribe the conditions under which such permit shall be issued ;

(*e*) prohibit the putting up of huts, stands, or other buildings or erections within a prescribed radius without a permit in writing from the Government Agent or Assistant Government Agent aforesaid ;

(*f*) prescribe the conditions under which such permit shall be issued.

(3) Such rules as aforesaid may be made not only to apply to kraals and elephant kraaling generally, but also to the case of any particular kraal about to be erected, or any particular kraaling operations about to take place at any particular locality.

Penalty for infringement of rules.

**5.** Any person committing a breach of the said rules shall be guilty of an offence, and be liable on conviction to a fine not exceeding one hundred rupees, or to imprisonment of either description for a period which may extend to three months, or to both ; and it shall be lawful for any police officer not below the rank of inspector, or any person authorised in writing by the Government Agent or Assistant Government Agent, without a warrant, to arrest or cause to be arrested any person found within a prohibited area and refusing to quit the same when required to do so, and to take him into his custody to be taken before a Magistrate's Court to be dealt with according to law, or to remove or cause to be removed such person outside the prohibited area and to prevent him from re-entering the same, and also to prevent all other persons not legally entitled to do so from entering the prohibited area, and also to remove or cause to be removed all huts, stands, and other buildings unlawfully erected within the same.



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Ordinance not to apply to kraaling by persons to whom right to kraal at particular localities has been conceded by Government.

6. The provisions of this Ordinance shall not apply to elephant kraaling by any person who by the production of documents or other evidence satisfies the Governor that the right to kraal elephants at any particular locality has been conceded to him by the Government, and obtains from the Governor a writing under the hand of the Minister for Agriculture and Lands certifying to such concession and setting forth the nature and extent of the right conceded.



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# CHAPTER 329.

## BUFFALOES PROTECTION.

AN ORDINANCE TO REGULATE AND CONTROL THE SLAUGHTER OF BUFFALOES.

*Ordinance* No. 17 of 1920.

[30*th July*, 1920.]

**1.** This Ordinance may be cited as the Buffaloes Protection Ordinance. Short title.

**2.** In this Ordinance, unless the subject or context otherwise requires— Interpretation.

"local authority" denotes a person falling under any of the descriptions hereinafter following, namely :–

(*a*) within the limits of a Municipality, District Council, Local Board, or Sanitary Board, the Chairman of such Council or Board ;

(*b*) outside the limits of a Municipality, District Council, Local Board, or Sanitary Board, and within the limits of a province or district, respectively, the Government Agent or Assistant Government Agent thereof.

**3.** (1) The Governor may, in respect of the whole Island or of any particular area or areas therein, make rules for restricting, controlling, and regulating the slaughter of buffaloes, and, without prejudice to the generality of the powers so conferred, such rules may— Rules.

(*a*) prohibit the slaughter of buffaloes, except on the permit of the local authority ;

(*b*) prohibit the removal of buffaloes or the transport of buffalo meat from one area to another, except on the permit of the local authority ;

(*c*) prescribe the form of permits to be issued ;

(*d*) authorise such local authorities to grant or refuse such permits absolutely or upon conditions.



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(2) All rules made under the provisions of this section shall be published in the *Government Gazette*, and when published shall have the same force and effect as if they had been enacted in this Ordinance.

Application to whole Island or part by Proclamation.

**4.** In any case in which it appears expedient so to do, the Governor may, by a Proclamation to be published in the *Government Gazette*, with respect to the whole Island or any part thereof, prohibit the slaughter of buffaloes as and from a day to be appointed therein; and, so long as such Proclamation shall remain in force, the rules, if any, made under section 3 hereof shall be deemed to be suspended in so far as they are inconsistent with such Proclamation.

Penalties.

**5.** Any person committing any breach of any rule made under this Ordinance, or acting in contravention of a Proclamation made under the provisions of section 4 hereof, shall be guilty of an offence, and liable on summary conviction before a Magistrate to a fine not exceeding five hundred rupees, or to imprisonment of either description for any period not exceeding six months, or both.

Ordinance not to apply to buffaloes specially imported for slaughter.

**6.** This Ordinance shall not apply to buffaloes specially imported into the Island for the purpose of slaughter, provided the buffaloes so imported are slaughtered within two months of importation. The onus of proving that any particular buffalo was so imported for the purpose of slaughter shall lie on the person who affirms it.



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# CHAPTER 330.

## BRANDING, SALE, AND TRANSFER OF CATTLE.

AN ORDINANCE TO MAKE PROVISION FOR THE BRANDING, SALE, AND TRANSFER OF CATTLE.

*Ordinances* Nos. 10 of 1898, 1 of 1900, 25 of 1917, 4 of 1925.

[28*th July*, 1898.]

**1.** This Ordinance may be cited as the Cattle Ordinance. Short title.

**2.** In this Ordinance "cattle" shall mean bulls, cows, bullocks, buffaloes, heifers, steers, and calves. Interpretation.

**3.** The Governor may, from time to time make, and when made revoke or vary, such regulations as may seem necessary or expedient for the sale, removal, registration, and branding of cattle, for the prevention of cattle stealing, and for the issue of cattle vouchers. Power to make regulations.

**4.** The regulations made under the last preceding section may provide amongst other things— Matters in respect of which regulations may be made.

(i) for prohibiting the sale or transfer of cattle except upon a voucher as near as is material in the form A in the Schedule, certified by an officer appointed for the purpose;

(ii) for filling the duplicate of vouchers issued by any officer appointed under the provisions of this Ordinance;

(iii) for prohibiting the removal of cattle for agricultural purposes, or for tending, milking, or grazing, or for use in a tavalam, except upon a permit in the prescribed form; [§ 2, 4 of 1925.]

(iv) for the issue of vouchers in the form A in the Schedule, and for the custody of registers of cattle branded; [§ 2, 4 of 1925.]

(v) for prohibiting the alteration of or addition to, defacement, or destruction of any voucher or permit;



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(vi) for prohibiting the possession by any person of any voucher or permit for the removal of cattle, unless such person have in his possession a head of cattle corresponding to such voucher or certificate of removal ;

(vii) for prescribing the circumstances under which a voucher or permit may be dispensed with ;

(viii) for prescribing the additional facts to be inserted in a permit when a head of cattle is removed to be tended for share ;

(ix) for prescribing the circumstances under which an owner of cattle not holding a voucher may obtain a voucher after proof of title ;

(x) for the grouping together of two or more villages or groups of villages into a district for the purpose of branding cattle, to be called a " branding district " ;

(xi) for the fixing of a communal brandmark for each branding district ;

(xii) for fixing the place or places in each branding district where cattle of such a district shall be brought to be branded ;

(xiii) for fixing the days in each quarter of the year in which cattle may be branded in each branding district ;

(xiv) for prohibiting the branding of cattle in any branding district except at the place or places and on the days fixed for the branding of cattle in such district ;

(xv) for requiring notice of such places and dates being given in such district ;

(xvi) for compelling owners of cattle within such district to produce all unbranded cattle which by the regulations are required to be branded, and which are above the age of eighteen months, at the places and on the dates fixed for the branding of cattle ;

(xvii) for requiring the presence of each village headman within a branding district at the place fixed for the branding of the cattle of his village on each of the days fixed for branding ;

(xviii) for prohibiting the branding of cattle from any village except in the presence of the headman of such village ;



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(xix) for prohibiting the branding of cattle owned by the headman of any village except in the presence or a headman of an adjoining village ;

(xx) for directing the officer authorised to brand cattle to satisfy himself before branding a calf that such calf is the produce of the dam produced ;

(xxi) for compelling each branding officer to keep a register as near as is material in the form B in the Schedule hereto of all cattle branded by him, and to insert in such register a description of each animal branded ;

(xxii) for prohibiting the altering, defacing, or adding to of any brand, or the re-branding of any head of cattle, without the special permission in writing of the President of the Village Tribunal, the Chairman of the Village Council, or the Magistrate having jurisdiction over the place where the animal is kept ;

(xxiii) for prescribing the circumstances under which branding by caste marks and for sickness may be effected, and for prohibiting branding merely for ornamental purposes ;

(xxiv) for authorising and requiring the seizure by the police and headmen, and the production before the President of the Village Tribunal, the Chairman of the Village Council for the district, or if there is no Village Council before the Magistrate, of all stray cattle, cattle not branded in conformity with the regulations, cattle for which proper vouchers or permits for removal cannot be produced, or cattle bearing altered or defaced brands, and for authorising the sale of such cattle when there is no claimant, or when the President of the Village Tribunal, the Chairman or Magistrate is not satisfied that they are the lawful property of the claimant ;

(xxv) for the transmission of the duplicates of cattle vouchers and permits for removal, and of the registers of cattle branded, to the Government Agent or Assistant Government Agent of the district in which the vouchers, permits for removal, or registers were written ;

(xxvi) for prohibiting the possession by any unauthorised person of brands similar to those used for communal branding ;



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(xxvii) for fixing the fees to be paid for the issue of vouchers for the registering of cattle, and the issue of a copy of an entry in a branding register ;

(xxviii) for the appointment of officers to carry out the provisions of this Ordinance :

Provided always that nothing in this section contained shall in any way restrain or be construed to restrain the generality of the powers conferred on the Governor, by section 3 ; but such powers shall extend to all matters, whether similar or not to those in this section mentioned, as to which it may be expedient to make regulations for the better carrying into effect of the objects of this Ordinance.

Regulations to be published.

**5.** All regulations made under the provisions of the two preceding sections shall be published by Proclamation in the *Government Gazette*, and the Governor, may by such Proclamation limit the area within which such regulations or any of them shall be in force in any revenue province, revenue district, revenue division, or smaller area the limits of which shall respectively be set out in the Proclamation, and such regulations when proclaimed shall have the same force as if they had been enacted in this Ordinance :

Provided, however, that all such regulations, together with a statement showing the districts or areas to which the regulations are to be applied, shall be laid before the State Council, if in session, within one month of such publication, and if not in session within one month of the commencement of the session next ensuing ; and in either case they shall lie on the table during four sittings at least of the Council, and any regulation which has been disapproved by a resolution of the Council shall cease to have any force or effect.

Exemption from regulation relating to branding.

**6.** It shall be lawful for the Governor, from time to time by Proclamation to exclude any particular description of cattle from the operation of any one or more of such regulations relating to the branding of cattle :

Provided that if and whenever the owner of such cattle desires to brand them or any of them, such cattle shall only be branded in accordance with the regulations in force in the area within which such cattle are kept.



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**7.** Any person having in his possession, without a voucher or permit for removal, cattle for the possession of which a voucher or permit for removal is rendered necessary by the regulations made under section 4, shall, unless he satisfy the Magistrate that he is lawfully entitled to the possession of such cattle (the burden of proving which shall be upon such person), be guilty of an offence, and liable on conviction to a fine not exceeding fifty rupees, and in default of payment to imprisonment, rigorous or simple, for any period not exceeding three calendar months.

Penalty for unlawful possession of cattle without voucher or permit.

**8.** If any person without lawful authority or excuse (proof whereof shall lie on him) contravenes any regulation made under this Ordinance, or does or omits to do anything which under the provisions of this Ordinance or of any regulations made thereunder he ought not to do or omit; or if he obstructs or impedes or assists in obstructing or impeding any officer appointed under this Ordinance to brand or register cattle, or any headman or police officer in the execution of any provision of this Ordinance or of any regulation made thereunder, he shall be guilty of an offence against this Ordinance, and shall be liable to a fine not exceeding twenty rupees, or to imprisonment, rigorous or simple, for a period not exceeding fourteen days.

Other offences.

Every prosecution for an offence under this section may be prosecuted before the Village Tribunal, Village Committee, or Magistrate's Court having territorial jurisdiction to entertain the same.

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## SCHEDULE.

### Form A.

CATTLE VOUCHER.

[Section 4, Subsection (iv).]

No. ——. *(In foil and counterfoil.)** ———— District.

*Issued to* ———— *on the* ———— *day of* ————, *19*—.

1. Description of animal :
   1 Colour, 2 Age, 3 Kind, 4 Sex, 5 Peculiarity, 6 Brandmarks .. ..
2. The name and the residence of the seller or donor .. .. ..
3. The name and residence of the person receiving
4. Whether the animal was born in the fold of the seller or donor ; if not, how acquired ..



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5. Description of previous vouchers, if any . .
6. The village where the animal was kept before the transfer . . . .
7. The place to which it is to be removed . .
8. The date of this voucher, and the place where it is executed . . . .
9. Signature of the seller or donor . .
10. Signature of the person receiving . .
11. Signature and name of attesting headman . .
12. Names and signatures of the two witnesses . .

N.B.—No subsequent sale of the animal referred to herein shall be the subject of endorsement on this voucher, but such sale must be on a fresh voucher, to the counterfoil of which all former vouchers must be attached.

* Original to be delivered to the purchaser; duplicate to be given to the Kachcheri.

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## Form B.

[Section 4, Sub-section (xxi.)]

REGISTER OF CATTLE BRANDED.

In presence of the Village Headman of ————,
in ———— Korale.

| No. | Full Name of Owner or Owners. | Village. | Black Cattle or Buffalo. | Sex | Age at time of Branding. | Brands in full, *i.e.*, Communal Brand and other Brands. | | Owner's Title, *i.e.*, whether born in Pinfold or, if not, how acquired, and Number of Certificate, if any. |
|---|---|---|---|---|---|---|---|---|
| | | | | | | Right | Left | |
| | | | | | | | | |



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# CHAPTER 331.

## CATTLE TRESPASS.

AN ORDINANCE TO AMEND THE LAW RELATING TO CATTLE TRESPASS.

*Ordinances* Nos. 9 of 1876, 8 of 1909, 20 of 1928, 16 of 1930.

[20*th November*, 1896.]

Short title.

**1.** This Ordinance may be cited as the Cattle Trespass Ordinance.

Interpretation.

**2.** In this Ordinance, unless the context otherwise requires—

"animal" means, except when it is otherwise expressed, cattle, sheep, goats, and swine;

"cattle", means bulls, cows, oxen, heifers, calves, and buffaloes;

"duly authorised person" means any person specially or generally authorised to act under the provisions of this Ordinance by the Government Agent for the province or the Assistant Government Agent for the district wherein such person resides;

"irrigation works" means tanks, bunds, anicuts, sluices, channels, and other works used for irrigation purposes.

Power to exempt provinces, &c., from operation of certain sections of Ordinance.

**3.** (1) Sections 4A, 5A, 6A, 7A, 9A, 10A, 12A, 13A and 14A shall have no force or effect in any province, revenue district, or other area in the Island in respect of which an Order under subsection (2) is not in force.

(2) The Governor may, by Order in the *Government Gazette*, exempt any province, revenue district, or other area in the Island from the operation of sections 4, 5, 6, 7, 9, 10, 12, 13 and 14 and may from time to time revoke or vary any such order.

(3) Where any Order has been made under the preceding subsection, sections 4A, 5A, 6A, 7A, 9A, 10A, 12A, 13A and 14A shall,



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so long as such Order remains in force, have effect in the province, revenue district, or other area to which the Order relates.

Cattle trespassing on lands may be seized.

**4.** It shall be lawful for any proprietor or occupier (or any other person by his direction) of any land to seize any animals found trespassing therein or thereupon and to tie up and detain them until the damages, if any, occasioned by such trespass, assessed in manner hereinafter mentioned, and the fair expense of the keep of such animals during their lawful detention, shall be paid or recovered as hereinafter mentioned.

Cattle trespassing on fenced or cultivated lands may be seized.

**4A.** It shall be lawful for any proprietor or occupier (or any other person by his direction) of any land, which shall be fenced in such manner as the local custom may prescribe, and of any land under cultivation, whether fenced or not, if by local custom no fence is prescribed, to seize any animals found trespassing therein or thereupon and to tie up and detain them until the damages, if any, occasioned by such trespass, assessed in manner hereinafter mentioned, and the fair expense of the keep of such animals during their lawful detention shall be paid or recovered as hereinafter mentioned.

Cattle found trespassing on irrigation works or line of railway or land appertaining thereto may be seized or pursued off the works and seized.

**5.** It shall be lawful for any duly authorised person to seize any animals found trespassing in or upon any irrigation works or line of railway or land appertaining thereto, and, if unable to seize them while so trespassing, to pursue and seize them elsewhere and to tie them up and detain them, until the damages, if any, occasioned by such trespass, assessed in manner hereinafter mentioned, and the fair expense of the keep of such animals during their lawful detention, shall be paid or recovered as hereinafter mentioned.

Cattle found trespassing on irrigation works may be seized or pursued off the works and seized.

**5A.** It shall be lawful for any duly authorised person to seize any animals found trespassing in or upon any irrigation works and, if unable to seize them while so trespassing, to pursue and seize them elsewhere and to tie them up and detain them, until the damages, if any, occasioned by such trespass, assessed in manner hereinafter mentioned, and the fair expense of the keep of such animals during their lawful detention shall be paid or recovered as hereinafter mentioned.



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Liability of owner of stray cattle for damages, and penalty.

**6.** The owner or person in charge of any animals trespassing as aforesaid shall, in the case of such private lands as aforesaid, be liable to pay to the proprietor or occupier thereof, and in the case of such irrigation works or line of railway or land appertaining thereto as aforesaid, be liable to pay to the Government Agent of the province or the Assistant Government Agent of the district within which such works are situated, the full amount of damages arising by reason of such trespass; and he shall be further liable to pay a fine to His Majesty equal to the amount of the damages awarded.

Liability of owner of stray cattle for damages and penalty.

**6A.** The owner or person in charge of any animals trespassing as aforesaid shall, in the case of such private lands as aforesaid, be liable to pay to the proprietor or occupier thereof, and, in the case of such irrigation works as aforesaid, be liable to pay to the Government Agent of the province or the Assistant Government Agent of the district, within which such works are situated, the full amount of damages arising by reason of such trespass; and, if such trespass shall have been committed in the night time, he shall be further liable to pay a fine to His Majesty equal to the amount of the damages awarded.

Procedure.

[§ 2,16 of 1930.]

Cattle trespassing on fenced or cultivated lands may be seized.

**7.** Notice of the seizure of such animals shall, with as little delay as possible, be given to some police constable or local headman having jurisdiction in the district, or to some irrigation headman elected or appointed under the Irrigation Ordinance, for the irrigation district or the area thereof within which the trespass occurred, who shall, as soon as may be, inspect the spot where the damage has been done, and the animals which have been seized, and with the assistance of three or more respectable persons of the neighbourhood, if their attendance can be procured (otherwise, without such assistance), endeavour to ascertain to whom the animals belong, and assess the amount of damages sustained by such trespass, and shall forthwith, in the case of trespass upon private lands, furnish the proprietor or occupier thereof or some other person in his behalf, and in the case of irrigation works or line of railway or land appertaining thereto, furnish some duly authorised person or some other person on his behalf, with a report of the particulars of the trespass, the amount of such assessment, and the names of the owners of the animals, if such have been ascertained, and also the names of the persons by whom such assessment shall have been made. The police constable or headman shall, unless the amount of



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the assessment be immediately paid, take charge of the animals so seized, and if the owner or person entitled to the charge thereof at the time of the trespass shall not, within forty-eight hours from the time of the police constable or headman so taking charge, tender the amount of damages so assessed as aforesaid and the fair and reasonable cost of keeping the said animals during detention, the proprietor or occupier of the land so trespassed upon or some other person in his behalf, or, in the case of trespass upon irrigation works or line of railway or land appertaining thereto, some duly authorised person, shall produce before the Magistrate's Court or Village Tribunal, if any, having jurisdiction in the district, the aforesaid report, which, if verified by the oath or affirmation of such constable or headman in open court, shall be received in evidence ; and the said Court or Village Tribunal after causing such notice to be served upon or left at the last known place of abode of the owner of the animals when such owner has been ascertained, as such Court or Village Tribunal shall deem reasonable, or, if such owner has not after reasonable inquiry been ascertained, then without any notice, summarily inquire into the case and, after hearing such evidence as to the Court or Village Tribunal may seem expedient, shall award such damages as shall have been proved to have been sustained, together with the fair and reasonable costs and charges for keep during the detention, [§ 2, 20 of 1928.] and further a fine of an amount not exceeding such damages, and the said damages, charges, and penalty, unless within twenty-four hours paid, shall be levied by sale of the animals so seized, and, if necessary, by distress on the other property of the person liable to pay the same as aforesaid, and shall be paid to the person or persons entitled thereto.

Procedure.

7A. Notice of the seizure of such animals shall, with as little delay as possible, be given to some police constable or local headman having jurisdiction in the district, who shall, as soon as may be, inspect the spot, where the damage has been done, and the animals, which have been seized, and with the assistance of three or more respectable persons of the neighbourhood, if their attendance can be procured (otherwise, without such assistance), endeavour to ascertain to whom the animals belong and assess the amount of damages sustained by such trespass, and shall forthwith, in the case of trespass upon private lands, furnish the proprietor or occupier thereof or some other person in his behalf and, in the case of irrigation works, furnish some duly authorised person or some other



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person on his behalf with a report of the particulars of the trespass, the amount of such assessment and the names of the owners of the animals, if such have been ascertained, and also the names of the persons by whom such assessment shall have been made. The police constable or headman shall, unless the amount of the assessment be immediately paid, take charge of the animals so seized, and, if the owner or person entitled to the charge thereof at the time of the trespass shall not, within forty-eight hours from the time of the police constable or headman so taking charge, tender the amount of damages so assessed as aforesaid and the fair and reasonable cost of keeping the said animals during detention, the proprietor or occupier of the land so trespassed upon or, in the case of trespass upon irrigation works, some duly authorised person shall produce before the Magistrate's Court or Village Tribunal, if any, having jurisdiction in the district the aforesaid report, which, if verified by the oath or affirmation of such constable or headman in open court, shall be received in evidence ; and the said court or Village Tribunal, after causing such notice to be served upon or left at the last known place of abode of the owner of the animals, when such owner has been ascertained, as such court or Village Tribunal shall deem reasonable, or, if such owner has not after reasonable enquiry been ascertained, then without any notice, summarily enquire into the case and, after hearing such evidence as to the court or Village Tribunal may seem expedient, shall award such damages, as shall have been proved to have been sustained, together with the fair and reasonable costs and charges for keep during the detention and further a fine of an amount equal to such damages, in case the trespass shall have been committed in the night time ; and the said damages, charges and penalty, unless within twenty-four hours paid, shall be levied by sale of the animal so seized and, if necessary, by distress on the other property of the person liable to pay the same as aforesaid and shall be paid to the person or persons entitled thereto.

In cases where no damages have been proved, fine may be imposed.

**8.** In any case when any trespass by animals shall be proved to have been committed as aforesaid, whether any damage shall be proved to have been sustained in consequence of such trespass or not, it shall be lawful for the Magistrate's Court or Village Tribunal to award a fine not exceeding five rupees for each animal which shall be proved to have been trespassing, to be paid by the owner or person in charge thereof; and it shall be competent for such Court or Tribunal in its



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discretion, in the case of trespass on private land, to direct that a share, not exceeding one-half of such fine, be paid to the owner or occupier of the land and the remainder to His Majesty.

Liability of owners of stray cattle which are not seized.

**9.** When, in the case of trespass on any private land, the proprietor or occupier thereof or other person acting in his behalf, and when, in the case of any trespass on any irrigation works or line of railway or land appertaining thereto, the person in charge thereof or other duly authorised person is unable to seize and secure animals trespassing as aforesaid, but can prove the trespass, and whose or in whose charge the said animals were at the time of such trespass, the owners or persons in charge thereof shall be liable, notice being given of the trespass in the manner directed in section 7 of this Ordinance, to the same penalty, costs, and damages as in the case of seizure, and the course of proceeding in respect thereof shall be similar, as far as the circumstances admit, to that prescribed by section 7.

Liability of owners of stray cattle which are not seized,

**9A.** When, in the case of trespass on any private land, the proprietor or occupier or other person acting in his behalf, and when, in the case of any trespass on any irrigation works, the person in charge thereof or other duly authorised person is unable to seize and secure animals trespassing as aforesaid, but can prove the trespass and whose or in whose charge the said animals were at the time of such trespass, the owners or persons in charge thereof shall be liable, notice being given of the trespass in the manner directed in section 7A of this Ordinance, to the same penalty, costs and damages as in the case of seizure, and the course of proceeding in respect thereof shall be similar, as far as the circumstances admit, to that prescribed by section 7A.

All rights under Ordinance forfeited, unless due notice is given to headmen.

[§ 3, 16 of 1930.]

**10.** All right to the benefit of any of the provisions of this Ordinance shall be forfeited, unless the notice required by section 7 shall have been given within forty-eight hours from the time of seizure (if any) or of trespass (if no seizure) to some police constable or local headman or irrigation headman referred to in that section if any such shall be resident within ten miles, or if no police constable or headman be resident within that distance, then within a reasonable period after such seizure or trespass :

Provided always that nothing herein contained shall be held to take away or affect any right which the Crown or any



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person may have at common law for redress in respect of any damage sustained by trespass of animals.

Common law rights reserved.

10A. All right to the benefit of any of the provisions of this Ordinance shall be forfeited, unless the notice required by section 7A shall have been given within forty-eight hours from the time of seizure (if any) or of trespass (if no seizure) to some police constable or local headman having jurisdiction in the district, if any such shall be resident within ten miles, or, if no police constable or headman be resident within that distance, then within a reasonable period after such seizure or trespass. And nothing herein contained shall be held to apply to any trespass on any private land, which shall not be protected by such fence as the local custom prescribes, if such custom prescribes any fence :

All rights under Ordinance forfeited unless due notice is given to headman. Ordinance not to apply to unfenced lands, where custom requires a fence. Common law right reserved.

Provided always that nothing herein contained shall be held to take away or affect any right, which the Crown or any person may have at common law for redress in respect of any damage sustained by trespass of animals.

11. Every person possessing cattle not already branded, and being eighteen months old or upwards, shall cause the same to be branded, and shall furnish in the month of January of every year a correct description of the mark or marks with which his cattle are branded, to the chief headman of the district wherein he resides, and in default thereof shall be liable to a penalty not exceeding twenty-five cents for every head of cattle not branded, and to a penalty not exceeding two rupees for every omission to furnish such description. It shall be the duty of such chief headman of the district to cause the description of such brandmarks and the names of the persons using the same to be entered in a book to be kept for that purpose, which book shall be transmitted to the Kachcheri of his province on or before the first of March in each year. The moiety of any penalty recovered under this section shall go to the informer :

All cattle over eighteen months old to be branded.

Provided always that nothing in this section contained shall extend or be applicable to any chief headman's division or part thereof which shall be within the operation of the Village Communities Ordinance.

12. (1) Any person without lawful right removing or taking away, or attempting to remove or take away, or causing to be removed or taken away, any cattle or animals from the

Penalty for removing, &c., cattle from lawful custody.



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custody of the person entitled to keep or detain the same under the provisions of this Ordinance shall be guilty of an offence, and shall be liable on conviction to a fine which may extend to fifty rupees, and in default of payment to rigorous imprisonment for a term not exceeding three months.

(2) Any offence under this section shall be triable either by the Magistrate's Court or by the Village Tribunal of the division in which the offence was committed. A Village Tribunal, in any case where the offender is subject to the criminal jurisdiction of a Village Tribunal, shall have power to pass sentences not exceeding a fine of twenty rupees, and in default of payment, rigorous imprisonment for a term not exceeding two weeks.

Penalty for unlawful removal.

**12A.** Any person without lawful right removing or taking away or causing to be removed and taken away any cattle from the custody of the person entitled to keep or detain the same under the provisions of the Ordinance shall be guilty of an offence and liable on conviction to such punishment, as a Magistrate's Court has jurisdiction to award.

Penalty on causing animals to trespass.

**13.** Any person without lawful right driving any animals upon any land in the occupation of or cultivated by others, with intent that such animals should feed upon or otherwise injure any growing crop or produce thereof; and any person driving any animals into or upon any irrigation works or line of railway or land appertaining thereto; and any person driving the animals of others upon his own land or conniving at such animals being so driven, with intent to take proceedings for cattle trespass under the provisions of this Ordinance, shall be guilty of an offence, and liable on conviction to such punishment as a Magistrate's Court has jurisdiction to award.

Penalty on causing animals to trespass.

**13A.** Any person without lawful right driving any animals upon any land in the occupation of or cultivated by others, with intent that such animals should feed upon or otherwise injure any growing crop or produce thereof; and any person driving any animals into or upon any irrigation works; and any person driving the animals of others upon his own land or conniving at such animals be so driven, with intent to take proceedings for cattle trespass under the provisions of this Ordinance, shall be guilty of an offence and liable on conviction to such punishment, as a Magistrate's Court has jurisdiction to award.



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When animals may be shot.

**14.** It shall be lawful for the Government Agent or the Magistrate to grant permission in writing for the shooting of any stray cattle within his province or district, if it shall be shown to his satisfaction that stray cattle are in the habit of trespassing upon or in any such private land as aforesaid, or any irrigation works, and cannot be seized or identified, so that the owner or owners thereof may be ascertained and proceeded against ; and thereupon such Government Agent or Magistrate may, at his discretion, direct some fit person to proceed to such land or irrigation works ; and such person, if after every reasonable exertion he shall find it impracticable to seize or identify such animals, then and not otherwise shall shoot or otherwise destroy the same or cause the same to be shot or otherwise destroyed in his presence ; and this notwithstanding that in the endeavour to seize the animals they may have been driven off such land or irrigation works :

Order for shooting not to be in force for more than one month.

Provided that such order shall not be in force for more than one month from the date thereof ;

Pigs trespassing may be shot without any order.

Provided further that it shall at all times be lawful for any proprietor or occupier of any cultivated field or garden, or any other person by his discretion, to destroy any pigs found straying therein ; and for any duly authorised person to destroy any pigs found straying in or upon any irrigation work or any land set apart or lawfully used for the recreation of the public ;

[§ 4, 16 of 1930.]

Provided also that, where the Government Agent or Magistrate is satisfied that trespass by stray cattle is a serious menace to crops within his province or district, and that the applicant for permission to shoot the same, being the owner of crops in the province or district, cannot reasonably afford the stamp duty required for such permission, he may dispense wholly or partially with the payment of stamp duty in respect of the permission granted, and any permission so granted and any order made thereupon shall remain in force for such period not exceeding three months from the date thereof, as the Government Agent or the Magistrate shall direct.

When animals may be shot.

**14A.** It shall be lawful for the Government Agent or the Magistrate to grant permission in writing for the shooting of any stray cattle within his province or district, if it shall be shown to his satisfaction that stray cattle are in the habit of trespassing upon or in any such private land as aforesaid or any irrigation works and cannot be seized or identified, so that the owner or owners thereof may be ascertained and



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proceeded against ; and thereupon such Government Agent or Magistrate may, at his discretion, direct some fit person to proceed to such land or irrigation works ; and such person, if, after every reasonable exertion he shall find it impracticable to seize or identify such animals, then and not otherwise shall shoot or otherwise destroy the same or cause the same to be shot or otherwise destroyed in his presence ; and this notwithstanding that in the endeavour to seize the animals they may have been driven off such land or irrigation works :

Order for shooting not to be in force for more than one month.

Provided that such order shall not be in force for more than one month from the date thereof ;

Pigs trespassing may be shot without any order.

Provided further that it shall at all times be lawful for any proprietor or occupier of any cultivated field or enclosed garden, or any other person by his direction, to destroy any pigs found straying therein ; and for any duly authorised person to destroy any pigs found straying in or upon any irrigation work or any land set apart or lawfully used for the recreation of the public.

Disposal of carcase.

**15.** The carcase of any stray animal shot under the provisions of section 14 or section 14A shall be the property of the owner of such animal, and he shall be entitled to remove the same ; but if no owner be found, nor any claim made therefor by any person entitled to it, then the carcase shall be sold by the local headman where such animal was shot, and the proceeds of such sale shall be paid to the nearest Kachcheri to be carried to the credit of the general revenue.

Wild buffaloes trespassing on irrigation works may be shot at all times, without a licence.

**16.** It shall be lawful for any duly authorised person to shoot or otherwise destroy, at all times of the year and without any licence, any elephants or wild buffaloes found trespassing in or upon any irrigation work, anything in any Ordinance for the protection of elephants, and buffaloes, to the contrary notwithstanding.

Magistrate's Court or Village Tribunal may impose full amount of damages or penalty.

**17.** It shall be competent for the Magistrate's Court or Village Tribunal, taking cognizance of any case of trespass by animals under the provisions of this Ordinance, to award and impose the full amount of the damages, charges and penalties payable under sections 7, 7A, 8, 9, and 9A or any of them, notwithstanding that such amount might otherwise be beyond the jurisidiction of such court or tribunal to award or impose.



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# CHAPTER 332.

## CRUELTY TO ANIMALS.

AN ORDINANCE TO MAKE BETTER PROVISION FOR THE PREVENTION OF CRUELTY TO ANIMALS.

*Ordinances* Nos. 13 of 1907, 19 of 1912, 43 of 1917, 9 of 1919, 23 of 1921, 16 of 1927, 17 of 1930.

[10*th July*, 1907.]

Short title.

**1.** This Ordinance may be cited as the Prevention of Cruelty to Animals Ordinance.

Offence of cruelty.

**2.** (1) Any person who shall—

(*a*) cruelly beat, ill-treat, over-drive, over-ride, abuse, or torture, or cause or procure to be cruelly beaten, ill-treated, over-driven, over-ridden, abused, or tortured, any animal ;

(*b*) by any act or omission cause unnecessary pain or suffering to any animal ; or

(*c*) convey or carry, or cause to be conveyed or carried, in any ship, boat, canoe, or in any vehicle, basket, box, or cage, or otherwise, any animal in such manner or position as to subject such animal to unnecessary pain or suffering,

Penalty.

shall be guilty of an offence, and shall be punished with a fine which may extend to one hundred rupees, or with imprisonment of either description for a term which may extend to three months, or with both.

(2) It shall be lawful for the Governor to make rules as to the manner of keeping and treatment of animals.

(3) If any person contravenes any such rule, he shall be deemed for all purposes to have caused unnecessary pain or suffering to such animals.



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If animal found in any place suffering pain by reason of starvation, &c., owner guilty of an offence.

**3.** If any animal is found in any place suffering pain by reason of starvation, mutilation, or other ill-treatment, the owner of such animal, and any superintendent or manager of such owner, shall severally be guilty of an offence, and shall be punished with a fine which may extend to one hundred rupees, and in the case of a second or subsequent offence, with a fine which may extend to two hundred rupees, or with imprisonment of either description for a term which may extend to three months, or with both :

Provided, however, that it shall be a good defence to any such charge if the owner of such animal, or if any such superintendent or manager, proves to the satisfaction of the court that the condition of the animal was not due to any act, omission, neglect, or default on his part.

Penalty for killing animals with unnecessary cruelty.

**4.** If any person kills any animal in an unnecessarily cruel manner he shall be punished with fine, which may extend to one hundred rupees, or with imprisonment of either description for a term which may extend to six months, or with both.

Penalty for using animals unfit for labour.

**5.** If any person uses in any work or labour any animal which by reason of any disease, infirmity, wound, sore, or other cause is unfit to be so used, or permits any such unfit animal in his possession or under his control to be so used, he shall be punished with fine, which may extend to one hundred rupees, or with imprisonment of either description for a term which may extend to three months, or with both.

Power of Governor to appoint infirmaries for the treatment of animals.

[§ 2, 17 of 1930.]

**6.** (1) The Governor may appoint any institution established in Ceylon for the treatment of sick or injured animals to be an infirmary for the treatment and care of animals in respect of which offences under this Ordinance have been committed.

(2) Every such infirmary shall be open to inspection at all reasonable hours by any officer authorised in that behalf by the Governor.

(3) The Governor may, whenever he thinks fit to do so, rescind any order made under subsection (1).

(4) The court before which a prosecution for such an offence has been instituted may direct that the animal in respect of which the offence is alleged or proved to have been committed shall be sent for treatment and care to an infirmary, and be there detained until it is, in the opinion of the court,



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again fit for the work or labour on which it has been ordinarily employed.

(5) The cost of the treatment, feeding, and watering of the animal in the infirmary shall be payable by the owner of the animal according to such scale of rates as the Government Agent of the province may from time to time prescribe.

(6) If the owner refuses or neglects to pay such cost and to remove the animal within such time as the court may prescribe, the court may direct that the animal be sold, and the proceeds of the sale be applied to the payment of such costs.

(7) The surplus, if any, of the proceeds of sale shall, on application made by the owner within two months after the date of the sale, be paid to him ; and the deficit, if any, shall be recoverable from the owner by order of the court in the same manner as a fine, and when recovered shall be paid to the authorities of the infirmary.

Penalty for permitting diseased animal to die in any street.

**7.** If any person without reasonable excuse permits any diseased or disabled animal of which he is the owner to die in any street, he shall be punished with fine, which may extend to one hundred rupees, or in default to imprisonment of either description which may extend to three months.

Limitation of time for prosecution.

**8.** A prosecution for an offence against this Ordinance shall not be instituted after the expiration of three months from the date of the commission of the offence.

Power to Magistrate, &c., to direct destruction of suffering animals.

**9.** When any Magistrate, Superintendent, or Assistant Superintendent of Police, President of a Village Tribunal, or the chief headman of a division, has reason to believe that an offence under this Ordinance has been committed in respect of any animal, he may direct the immediate destruction of the animal, if in his opinion its sufferings are such as to render such a direction proper.

Municipal Veterinary Surgeon or any officer authorised by him may board any vessel in Colombo Harbour and enter Customs premises for inspecting any animals therein. [§ 2, 16 of 1927.]

**10.** The Municipal Veterinary Surgeon or any officer authorised by him in writing to inspect diseased or disabled animals may board any vessel in Colombo Harbour and may enter into the Customs premises or any place appointed for the landing of cattle or the Cattle Mart or the Quarantine Station for the purpose of inspecting any animals therein and may destroy or order the immediate destruction of any animal found therein if the animal appears to him to be injured or diseased and, in his opinion, its sufferings are such as to render its immediate destruction proper.



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Power of Governor to direct application of fines.

**11.** The Governor may, by Order notified in the *Government Gazette*, notwithstanding any statutory enactment inconsistent therewith, direct that the whole or any part of any of the fines recovered in respect of offences under this Ordinance, which shall have been prosecuted by any officer of any society established in Ceylon for the prevention of cruelty to animals, shall be paid to such society :

Provided that where in any area any such fines are by law or practice already appropriated to any public authority established in the area, such order shall only take effect in the area subject to the consent of the public authority signified by resolution notified in the *Government Gazette*, and to the extent authorised by such resolution.

Offences under the Ordinance to be cognizable offences.

**12.** All offences against this Ordinance shall be deemed to be cognizable offences within the meaning of the Criminal Procedure Code, and subject to all the provisions of the said Code relating to arrest without warrant :

Provided, however, that Village Tribunals shall have concurrent jurisdiction with Magistrate's Courts to try all offences under this Ordinance ; and every Village Tribunal shall have power in respect of such offences to impose a fine not exceeding twenty rupees, or, in default of payment, imprisonment of either description for a term not exceeding two weeks.

Power to detain animals.

**13.** A peace officer may detain any animal in regard to which he shall have reasonable cause to believe that an offence under this Ordinance has been committed pending the trial of the offence, and in the event of a conviction the court may direct the reasonable cost of the maintenance of the animal pending the trial, to be recovered from the offender in the same manner as a fine.

Interpretation.

**14.** In this Ordinance, unless the context otherwise requires—

" animal " means any domestic or captured animal and includes any bird, fish, or reptile in captivity ; and

" street " includes any way, road, lane, square, court, alley, passage, or open space, whether a thoroughfare or not, to which the public have access.



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# CHAPTER 333.

## RABIES.

AN ORDINANCE TO PROVIDE FOR THE SUPPRESSION OF RABIES IN THIS ISLAND.

*Ordinances* Nos. 7 of 1893, 7 of 1906, 24 of 1921, 6 of 1929, 17 of 1930, 16 of 1934.

[*2nd January*, 1894.]

Short title.

**1.** This Ordinance may be cited as the Rabies Ordinance.

Interpretation.

**2.** In this Ordinance, unless the subject or context otherwise requires—

"disease" means rabies, and "diseased" means affected with rabies;

"police officer" includes inspectors, sergeants, and constables of police, and all headmen and peace officers;

"stray dog" means any dog wandering at large and not being under the control or charge of any person;

"suspected" means suspected of rabies, and "suspected animal" includes any animal which has been bitten by any diseased or suspected dog, or which has been in contact with any diseased or suspected animal, or which has been otherwise exposed to the infection of rabies.

Definition of local authority.

**3.** In this Ordinance, unless the subject or context otherwise requires, the expression "local authority" denotes a person falling under any of the descriptions hereafter following, namely :—

(*a*) within the limits of a Municipality, the Chairman of the Municipal Council;

(*b*) within the limits of a District Council the Chairman of such Council;

(*c*) within the limits of a Local Board, the Chairman thereof;

(*d*) outside the limits of a Municipality, District Council, or Local Board and within the limits of the province or district respectively, the Government Agent or Assistant Government Agent thereof;



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(*e*) every police officer and every person duly authorised in writing by the Chairman of a Municipal Council, District Council, or Local Board or by the Government Agent or Assistant Government Agent to act in his behalf for the purpose of carrying out the provisions of this Ordinance.

All stray dogs to be seized.

**4.** Every local authority shall cause all stray dogs found within his jurisdiction to be seized, and such dogs shall be dealt with as follows :—

How to be dealt with.

(*a*) if the dog is not diseased or suspected, it shall be detained in some proper place and be there kept for such period as the local authority may think expedient, provided that where the owner or other person who had charge of the dog is known the local authority shall cause notice to be forthwith given to either of them of the seizure and detention of the dog, and upon receiving payment of the reasonable expenses incurred in respect of such seizure and detention shall deliver the dog to the person noticed or his agent, without prejudice however to the recovery of any penalty for the infringement of any of the provisions of this Ordinance ;

Unclaimed dogs.

(*b*) if the dog so seized and detained be not claimed within two days after the notice aforesaid has been served, or, in case no owner or other person is known to be in charge of the dog, within three days of such seizure, or in case of non-payment of the reasonable expenses incurred in respect of such seizure and detention, it shall be competent to the local authority to cause the dog to be destroyed or otherwise disposed of in such manner as the local authority shall deem expedient.

Person who knowingly suffers a dog to make such person's house its ordinary place of resort deemed to be the owner of such dog.

**5.** Every person who shall knowingly suffer a dog to make such person's house or premises its ordinary place of resort shall be deemed and held to be the owner of such dog for the purposes of this Ordinance, and shall be liable civilly and criminally for all mischief done and all acts of nuisance committed by such dog.

When may a person kill any dog.

**6.** It shall be lawful for any person to kill upon the spot any dog which shall attack him, and to pursue and



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kill any dog not being securely tied up or otherwise confined which he shall have reasonable ground to believe to be diseased.

Notice by owner or possessor of diseased dog or other animal to police officer.

**7.** (1) Every owner or other person having under his charge a dog or other animal which is diseased or suspected, or has been bitten by a dog or other animal reasonably suspected, shall cause such dog or animal to be securely tied or otherwise confined, and shall forthwith give notice of the fact of such dog or animal being so diseased, suspected, or bitten, to a police officer of the district wherein the dog or animal so diseased, suspected, or bitten, is or was.

Action to be taken on receiving a notice under subsection (1).

(2) The police officer receiving such notice shall forthwith transmit the information to the local authority specified in (*a*), (*b*), (*c*), and (*d*) of section 3 of this Ordinance, who shall likewise inform the Director of Medical and Sanitary Services and the Government Veterinary Surgeon.

Duty of police officer.

(3) It shall be the duty of every such police officer—

(*a*) to kill every dog or other animal which is diseased or which after any visit and inspection is found to have become diseased ;

(*b*) from time to time to visit and inspect any such suspected or bitten dog or other animal ;

(*c*) after every visit and inspection to report the condition of such dog or other animal to the local authority specified in (*a*), (*b*), (*c*), and (*d*) of section 3, within whose jurisdiction such dog or other animal is, and such local authority shall determine the time when such visits and inspection shall cease.

Police officer to proceed to place where rabies exists.

**8.** A police officer receiving credible information of the existence of rabies, or having reasonable ground to suspect the existence of rabies, shall forthwith proceed to the place where such rabies is reported to exist, and put in force the powers conferred on him by this Ordinance or by the regulations made thereunder.

Regulations.

[§ 2, 17 of 1930.]

**9.** It shall be lawful for the local authority specified in (*a*), (*b*), (*c*), and (*d*) of section 3 of this Ordinance to give public warning by beat of tom-tom, and by such other means as he may deem expedient, of the existence of rabies within his jurisdiction, and it shall be lawful for any such local authority (subject to the approval of the Governor, from



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time to time or at any time to make, and when made revoke, add to, alter, and amend, regulations for the following purposes, or any of them :—

(*a*) for providing for the muzzling of dogs while in or on any public road or place, with such exemptions (if any) as the local authority may think fit ;

(*b*) for providing for the keeping of dogs under control by the owner or person in charge thereof in such manner as may be prescribed by such regulations ;

(*c*) for providing for the seizure, detention, and disposal, including destruction, of dogs not being kept under control in the manner prescribed by such regulations ;

(*d*) for providing for the recovery by the local authority of the expenses incurred in respect of the detention of any dog seized and detained and disposed of under any such regulations from the owners thereof ;

(*e*) for prohibiting or regulating the holding of shows or exhibitions of dogs, and the exposing of dogs for exhibition or sale thereat.

Publication of regulations.

**10.** Any regulation when made, added to, altered, or amended by the local authority and approved of by the Governor, under this Ordinance, shall be published in the *Government Gazette*, and shall when so published, until the same is revoked in manner aforesaid, have the force of law.

Destruction of dogs on proclamation by local authority. [§ 2, 6 of 1929.]

**11.** (1) Notwithstanding any of the provisions of this Ordinance, where a local authority within the meaning of section 3 (*a*), (*b*), (*c*) or (*d*) is satisfied that rabies exists, or that there is a danger of rabies, within the limits of his jurisdiction, he shall by written notice to be posted in prominent places within the jurisdiction, and by beat of tom-tom, and by such other means as he shall deem expedient, proclaim the area comprised within the said limits, or any part thereof including one or more villages or estates only, as an area within which rabies exists or within which there is a danger of rabies, as the case may be.

(2) Any dog found in any public place or road, or any place other than a private building, compound, or garden, within any area or part thereof so proclaimed, and not being tied up or led shall be liable to be destroyed forthwith by any



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person authorised in writing, either generally or specially, by the local authority for that purpose, and the expenses of any such destruction in areas outside the limits of a Municipality, Urban District Council, or Local Board, shall be paid from general revenue.

(3) Any such proclamation shall take effect on being proclaimed as provided by subsection (1), and shall be published in a subsequent issue of the *Government Gazette*.

(4) Any such proclamation shall expire at the end of six months from the date thereof, but without prejudice to the power of the local authority to issue another proclamation under this section.

Destruction of diseased dogs. Destruction of suspected dogs and diseased animals other than dogs. Notice by owner to local authority.

**12.** Every police officer and every person duly authorised under section 3, paragraph (*e*), shall cause to be destroyed every diseased dog within his district, and if he thinks fit any suspected dog or any diseased animal other than a dog within his district, provided that if the owner of such dog or animal gives notice in writing to the local authority that he objects to such dog or animal being destroyed, the local authority shall cause it to be examined by a medical officer of the Department of Medical and Sanitary Services, and if such officer is of opinion that such dog or animal ought to be destroyed the local authority shall cause the same to be destroyed.

Penalties for offences.

**13.** The following penalties are imposed for the following acts and omissions, which are hereby declared to be offences under this Ordinance—

Contravention of regulations.

(1) If anything is done or omitted to be done in contravention of this Ordinance or of any regulations made by a local authority under section 9 of this Ordinance, the owner of the dog and the person for the time being in charge thereof shall each, according to and in respect of his own acts and defaults, be liable on conviction to a fine not exceeding one hundred rupees.

Penalty for failure to give notice under section 7.

(2) Any owner or person knowingly having in his possession a diseased or suspected dog or other animal, or a dog or other animal which has been bitten by a dog or other animal reasonably suspected to be diseased, shall if he fail to give notice of the same to a police officer as required by section 7 of this



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Ordinance, be liable on conviction to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a period not exceeding three months, or both.

Failure of police officer to perform duty imposed under section 7.

(3) Every police officer receiving notice as regards a diseased dog shall, if he fail to perform any duty imposed on him by section 7 of this Ordinance, be liable on conviction to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a period not exceeding three months, or both.

Allowing diseased dogs to go at large.

(4) Every owner of a dog or other animal which is diseased or suspected, or has been bitten by a dog or other animal reasonably suspected to be diseased, who shall permit the same to go at large after being informed or knowing it to be diseased, suspected, or to have been bitten by any dog or animal suspected to be diseased, shall be liable on conviction to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a period not exceeding three months or both.

Importation of animals.

**14.** (1) It shall be lawful for the Governor by Proclamation to be published in the *Government Gazette*, to prohibit from time to time, as he may think desirable, the importation into Ceylon from any place where he has reason to believe that rabies exists, of dogs, or to order that no dog shall be imported without a licence in writing under the hand of the Principal Collector of Customs containing such conditions as the Principal Collector of Customs may from time to time direct to be inserted therein.

(2) The said licence shall bear a stamp of five rupees, which shall be supplied by the person to whom the same is issued :

[§ 2, 16 of 1934.] Provided, however, that all licences issued in respect of such dogs or classes of dogs as may be specified by the Governor by notification in the *Gazette*, shall be exempted from the requirements of this subsection.

(3) Any person who knowingly imports or attempts to import any dog contrary to the prohibition or order contained in such Proclamation, or who contravenes any condition contained in any such licence, shall be guilty of an offence,



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and shall be liable on conviction thereof to a fine not exceeding one hundred rupees, or in default to simple imprisonment for a period not exceeding three months.

(4) The Governor may, by Proclamation published in the *Government Gazette*, extend the provisions of this section, subject to any exceptions and modifications set forth in the said Proclamation, to any other animals by which, in the Governor's judgment, rabies is liable to be carried.

Magistrate's Court to have jurisdiction.

**15.** Every prosecution under this Ordinance may be instituted in the Magistrate's Court of the division in which the offence was committed or where the offender is found, anything in the Criminal Procedure Code or in any other Ordinance to the contrary notwithstanding.

Informer's share.

**16.** It shall be lawful for the court imposing a fine under this Ordinance to award to the informer any share not exceeding a moiety of so much of the fine as is actually recovered and realized.



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# CHAPTER 334.

## REGISTRATION OF DOGS.

*Ordinances* Nos. 25 of 1901, 20 of 1915, 3 of 1920, 21 of 1921.

AN ORDINANCE TO PROVIDE FOR THE REGISTRATION OF DOGS.

[*3rd January*, 1902.]

Short title.

**1.** This Ordinance may be cited as the Dog Registration Ordinance.

Interpretation.

**2.** In this Ordinance—

"Government Agent" shall include the Government Agent for the time being of the province and the Assistant Government Agent for the time being of the district in which anything shall be done or may be required to be done under the provisions of this Ordinance ;

"proper authority" shall mean, within any town wherein a Municipal Council, District Council, or Local Board has been or may hereafter be established, the Chairman of such Municipal Council, District Council, or Local Board, and within the limits of any town or village which has been brought or may hereafter be brought under the operation of the Small Towns Sanitary Ordinance, the Chairman of the Sanitary Board, and without the limits of any such town or village, the Government Agent or any person duly authorised by him in writing.

Governor may bring provinces, towns, &c., under the operation of this Ordinance.

**3.** It shall be lawful for the Governor, by Proclamation to be for that purpose published in the *Governnment Gazette*, to bring any province, district, town, or place under the operation of this Ordinance, and to define the limits of such province, district, town, or place for the purposes of this Ordinance, and such Proclamation to amend, alter, or revoke as and whenever the Governor shall, determine.

Dog registration.

**4.** When any province, district, town, or place has been brought under the operation of this Ordinance, it shall be lawful to the proper authority, and such proper authority



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is hereby authorised and empowered, to charge an annual registration fee not exceeding one rupee and fifty cents on each dog kept within the limits of a town wherein a Municipal Council, District Council or Local Board has been or may hereafter be established, or within the limits of any town or village brought under the operation of the Small Towns Sanitary Ordinance, and not exceeding twenty-five cents on each dog kept outside such limits, and to make from time to time such by-laws as shall be necessary for collecting and levying the same, and for providing for the issue and refusal of certificates of registration, and the issue of such certificates with conditions attached thereto, and for the disposal or destruction of any dog in respect of which a certificate has been refused, or in respect of which the conditions attached to the certificate have not been complied with ; and any person residing in any such province, district, town, or place having in his custody or possession any dog or dogs shall apply for a certificate of registration for each such dog from the proper authority, and the proper authority may issue in respect of each such dog a certificate to such person, which shall entitle such person to keep such dog until the thirty-first day of March of the year next following the date of such certificate :

Provided that within any town wherein a Municipal Council has been or may be hereafter established the powers vested in the proper authority under this section of charging an annual registration fee, and making from time to time such by-laws as shall be necessary shall be exercised by such Municipal Council, and not by the Chairman thereof ;

Provided further, that within the limits of the town of Nuwara Eliya the proper authority may charge an annual registration fee not exceeding five rupees. And that within the limits of the Colombo Municipality the proper authority may charge an annual registration fee not exceeding seven rupees and fifty cents in the case of female dogs, and not exceeding five rupees in the case of male dogs.

Publication of by-laws.

**5.** All by-laws made under the preceding section shall be published in the *Government Gazette* in the English, Sinhalese, and Tamil languages respectively, and from the date of such publication shall have the same force as if they had been enacted in this Ordinance.

By-laws to be laid before the State Council.

**6.** All by-laws made under section 4 shall be laid before the State Council if in session within one month of such publication, and if not in session within one month of the



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commencement of the session next ensuing, and in either case they shall be on the table during four sittings at least of the Council, and any by-law which has been disapproved by resolution of the Council shall cease to have any force or effect.

Occupier of house liable.

**7.** The occupier of any house or premises where any dog or dogs are kept or permitted to live or remain shall be liable to pay the registration fee for such dog or dogs, and in default of such payment shall be liable to the penalties incurred by persons keeping unregistered dogs, unless the said occupier can prove to the satisfaction of the Magistrate of the division within which he resides that he is not the owner or has not the custody of such dog or dogs, and that such dog or dogs were kept or permitted to live or remain in the said house or premises without his sanction or knowledge :

Provided always that where there are more occupiers than one of the house or premises let in separate apartments or lodgings or otherwise, the occupier of that particular part of the premises in which such dog or dogs shall have been kept or permitted to live and remain shall be liable to pay the registration fee for such dog or dogs.

Register of dogs.

**8.** Every proper authority shall keep a book to be called "The Register of Dogs," in which he shall register the issue of every certificate, the date thereof, and the name and residence of the person to whom such certificate issued, as also the description of the dog or dogs as contained in the certificate.

Certificate to be obtained on transfer of a dog.

**9.** Where any dog shall be transferred by sale or gift by its owner to any other person it shall not be necessary for such person to take out a new certificate for such dog if such dog shall have been registered within the year in which such transfer took place, provided such person shall have in his possession the certificate already issued endorsed in his favour by such owner.

Seizure of stray dogs.

**10.** Every proper authority shall cause all stray dogs to be seized, and such dogs shall be dealt with as follows :

(1) Every dog so seized shall be detained in some proper place and be there kept for such period, not less than three days from the date of such seizure, as the proper authority may think expedient, provided that where the owner or other person who had charge of the dog



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is known, the proper authority shall cause notice to be forthwith given to either of them of the seizure and detention of the dog ; and upon receiving payment of the reasonable expenses incurred in respect of such seizure and detention, together with the registration fee in the case of an unregistered dog, shall, unless the proper authority shall refuse to issue a certificate in respect of such dog, deliver the dog to the person noticed or his agent, without prejudice however to the recovery of any penalty for the infringement of any of the provisions of this Ordinance.

(2) If the dog so seized and detained be not claimed within two days after the notice aforesaid has been served, or, in case no owner or other person is known to be in charge of the dog, within such period not less than three days after such seizure as the proper authority may think expedient, or in case of non-payment of the reasonable expenses incurred in respect of such seizure and detention, and the registration fee if it be due as aforesaid, it shall be competent to the proper authority to cause the dog to be destroyed or otherwise disposed of in such manner as to the proper authority shall seem fit.

Penalties.

**11.** (1) Any person who shall from and after the thirty-first day of March in each year after the coming into operation of this Ordinance have in his possession or custody within any province, district, town, or place brought under the operation of this Ordinance any dog not duly registered in accordance with the provisions of this Ordinance, shall be liable on conviction to a fine not exceeding twenty rupees, and in default of payment to simple imprisonment for a period not exceeding two weeks, and the Magistrate shall further order such person forthwith to apply for a certificate for such dog, and the proper authority may thereupon issue such certificate upon payment of the proper registration fee by such person, and such certificate shall be held to be valid until the thirty-first day of March of the year next following the date of such certificate ; and if after such order such person shall continue to keep any dog without having applied for, or having applied for and been refused, a certificate, he shall in addition to the fine imposed for the second and any subsequent offence, pay a sum not exceeding fifty cents for each day he shall have kept a dog without a certificate.



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(2) Any person committing a breach of any by-law made under the provisions of section 4 shall be liable on conviction to a fine not exceeding twenty rupees, and in default of payment to simple imprisonment for a period not exceeding two weeks.

(3) The Governor may from time to time, by order in the *Government Gazette* authorise any Village Tribunal therein named to take cognizance of any offence punishable under this Ordinance, and in any such case such Village Tribunal shall have the same jurisdiction and the same power as a Magistrate under this Ordinance.

Production of certificate.

**12.** Every person having in his possession any dog shall produce the certificate for such dog whenever so required by a Magistrate, police officer, or peace officer, or by a proper authority, or any other person duly authorised by him in writing, and in case of refusal he shall, if such dog has been duly registered, be liable to a fine not exceeding five rupees.

Fine not to be imposed when default not wilful.

**13.** No fine shall be imposed by a Magistrate in any case in which it shall appear to his satisfaction that the person failing to comply with the provisions of this Ordinance or any by-law made thereunder has not wilfully been guilty of such failure :

Provided always that such Magistrate shall forthwith order such person to apply for a certificate for the dog or dogs in his possession or custody, or otherwise comply with the provisions of this Ordinance, and that such person shall forthwith comply with such order.

Municipal Councils, District Councils and Local Boards entitled to duties.

**14.** All sums paid for certificates under the provisions of this Ordinance, and all penalties recovered under the provisions of this Ordinance from the inhabitants of any Municipal town, shall be taken and received by the Municipal Council of such town for the Municipal fund, and all such like sums and penalties paid by or recovered from the inhabitants of any District Council, or Local Board town shall be taken and received by the District Council, or Local Board of such town for the local fund and all such like sums and penalties paid by or recovered from the inhabitants residing within the limits of any town or village brought under the operation of the Small Towns Sanitary Ordinance, shall be taken and received by the Sanitary Board for the fund of the said Board.



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**15.** The Municipal Magistrate of any town shall hear, try, and determine any offence committed under this Ordinance within the Municipality or in breach of any by-law lawfully enacted under this Ordinance, and shall have jurisdiction to award such punishment to the offenders as is authorised by law.

Power given to Municipal Magistrate to try cases.



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## TITLE XLII.—MISCELLANEOUS.


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# CHAPTER 335.

## STREET COLLECTIONS.

AN ORDINANCE TO REGULATE AND CONTROL THE COLLECTION OF MONEY OR THE SALE OF ARTICLES FOR CHARITABLE PURPOSES IN STREETS OR PUBLIC PLACES.

*Ordinance* No. 47 of 1935.

[*2nd December*, 1935.]

Short title.

**1.** This Ordinance may be cited as the Street Collections Regulation Ordinance.

Power to make regulations to control street collections.

**2.** (1) The Executive Committee may make regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place within the administrative limits of any local authority to collect money or to sell articles for the benefit of charitable or other purposes.

(2) Every regulation made by the Executive Committee shall be brought before the State Council by a motion that such regulation shall be approved, and if so approved, shall be submitted to the Governor for ratification. No regulation shall have effect unless it has been approved by the State Council and ratified by the Governor, nor until notification of such approval and ratification has been published in the *Government Gazette*.

(3) A regulation made by the Executive Committee when approved by the State Council and ratified by the Governor shall, upon the notification of such approval and ratification in the *Government Gazette* be as valid and effectual as if it were herein enacted.

Regulations not to affect ordinary trade.

**3.** A regulation made under section 2 shall not apply to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade, and for the purpose of earning a livelihood, and no representation is made by or on behalf of the seller that any part of the proceeds of sale will be devoted to any charitable purpose.



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Penalty for breach of regulations.

**4.** Any person who acts in contravention of any regulation made under section 2 shall be guilty of an offence and shall be liable to a fine not exceeding one hundred rupees.

Interpretation.

**5.** In this Ordinance, unless the context otherwise requires—

"Executive Committee" means the Executive Committee of Local Administration;

"local authority" means a Municipality or a District Council constituted under the Local Government Ordinance;

"street" includes any highway and any public bridge, road, lane, footway, square, court, alley or passage whether a thoroughfare or not.



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# CHAPTER 336.

## DESTRUCTION OF VALUELESS DOCUMENTS.

AN ORDINANCE TO AUTHORISE THE DESTRUCTION OF VALUELESS DOCUMENTS PRESERVED IN COURTS OF JUSTICE.

*Ordinances* Nos. 12 of 1894, 7 of 1905, 13 of 1905, 24 of 1930.

[*2nd January*, 1895.]

**1.** This Ordinance may be cited as the Destruction of Valueless Documents Ordinance. **Short title.** [§ 2, 24 of 1930.]

**2.** It shall be lawful for the Governor, by Proclamation in that behalf made, to bring any Court of Justice in the Island under the operation of this Ordinance, and such Proclamation to amend, alter, or revoke as and whenever the Governor shall determine. **Governor may bring any Court of Justice under the operation of this Ordinance.**

**3.** When any Court of Justice has been so proclaimed, it shall be the duty of the officer presiding over it to cause to be prepared in duplicate a register of all the records of his court, extant and missing, according to the form I. given in the First Schedule, and he shall certify to the correctness of such register. **Register of extant and missing records.**

**4.** The different classes of documents enumerated in Part A of the Second Schedule shall not be destroyed, but the summonses, subpœnas, and other intermediate processes filed therein may be destroyed : **What documents are not to be destroyed.**

Provided that no such processes shall be destroyed except in cases which have been determined more than ten years previous to the date of destruction.

**5.** The different classes of documents enumerated in Part B of the Second Schedule may be destroyed : **What documents may be destroyed.**

Provided that in regard to the money cases, lunacy cases, and District Court criminal cases therein mentioned, the material particulars of each such case shall have been



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accurately abstracted and entered in a register as near as may be according to the forms II., III., and IV. in the First Schedule ;

Provided also that at least three months before the date fixed for such destruction it shall have been notified by order of court, within the jurisdiction of such court, by proclamation in court and beat of tom-tom, printed notices, or advertisements in one or more local newspapers, that any person interested in any record may personally, by proctor, or by duly authenticated petition, claim, upon good cause shown, that such record may not be destroyed ; in which event it shall be competent to the court to make such order thereon as to it shall seem meet.

Responsibility of the Judge of each court.

**6.** The preservation and destruction of the documents of each court in terms of this Ordinance shall be carried out under the personal direction of the officer presiding over such court.

Extract from register to be prima facie evidence.

**7.** A true extract from any register made in terms of this Ordinance, duly certified by the officer presiding over a court, shall be received as prima facie evidence of the matters and things therein contained.

---

## FIRST SCHEDULE.

### Form I.

[Section 3.]

REGISTER OF EXTANT AND MISSING RECORDS IN THE ————.

| Year. | Number of Records, in Series of hundreds. | Number of *Missing* Records. |
|---|---|---|
| 1845 | 1 to 99 | 6, 7, 8, 15, 16. |
| 1845 | 100 to 199 | 143, 148, 160. |
| 1846 | 200 to 299 | 240, 260, 276. |
| 1846 | 300 to 399 | 362, 375, 376, 378, 390. |
| 1847 | 400 to 499 | 429, 430, 475, 478, 492, 493, 497, 498. |
| 1848 | 500 to 599 | Nil. |
| 1849 | 600 to 699 | Nil. |

I hereby certify that this is a correct register of the extant and missing records of this Court filed from the ———— day of ————, 19—, to the ———— day of ————, 19—.

(*Signed*) ————.



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## Form II.

REGISTER OF MONEY CASES DESTROYED IN THE ———— COURT OF ————. [Section 5.]

| Number of Plaint. | When instituted. | Name and Residence of Plaintiff. | Name and Residence of Defendant. | Nature of Suit. | Amount claimed. | Final Judgment or Decree of Court. | Date of such Judgment or Decree. | Judgment or Decree in Appeal. | Date of such Judgment or Decree. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | |

I hereby certify that this is a correct register of the destroyed money cases filed in Court from the ———— day of ————, 19—, to the ———— day of ————, 19—.

(*Signed*) ————.

## Form III.

REGISTER OF LUNACY CASES DESTROYED IN THE ———— COURT OF ————. [Section 5.]

| Number. | Date. | How instituted. | Name and Residence of alleged Lunatic. | Final Order. | Remarks |
|---|---|---|---|---|---|
| | | | | | |

I hereby certify that this is a correct register of the destroyed lunacy cases filed in Court from the ———— day of ————, 19—, to the ———— day of ————, 19—.

(*Signed*) ————.



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## Form IV.

[Section 5.] REGISTER OF CRIMINAL CASES DESTROYED IN THE ——— COURT OF ———.

| No. of Case. | When instituted. | Name and Residence of Complainant | Name and Residence of Accused. | Crime or Offence charged. | Date of Judgment. | Sentence. | Remarks. | Judgment in Appeal. | Remarks |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | |

I hereby certify that this is a correct register of the destroyed criminal cases filed in Court from the ——— day of ———, 19—, to the ——— day of ———, 19—.

(*Signed*) ———.

## SECOND SCHEDULE.

### Part A.

[Section 4.] CLASSES OF DOCUMENTS NOT TO BE DESTROYED.

1. Land cases.
2. Testamentary cases.
3. Matrimonial cases.
4. Regular guardianship cases, as distinguished from those in which applications for a guardian *ad litem* only have been allowed.
5. Insolvency cases.
6. Lunacy cases in which a person has been adjudged insane.
7. Cases which have been decided in appeal.
8. Other cases of public interest.
9. Money cases in which—
   (*a*) mortgage decrees have been entered;
   (*b*) unclaimed suitors' moneys are lying in deposit;
   (*c*) satisfaction of judgment-decree or order has not been recorded;
   (*d*) judgment being revived or writ issued, ten years have not elapsed.
10. Cases prior to 1833, and a few cases later than 1833 as specimens of procedure.
11. Calendars, registers, or lists of cases made under the authority of any law or any order of the Government.
12. Notarial and other documents which may be useful as evidence of civil rights.



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## PART B.

CLASSES OF DOCUMENTS WHICH MAY BE DESTROYED, SUBJECT TO THE PROVISOS OF SECTION 5. [Section 5.]

1. Money cases, save those excepted as in Part A under heads 9, 10, 11, and 12.

2. Lunacy cases over five years old, save those in which an adjudication of lunacy has been recorded.

3. All Justice of the Peace cases.

4. All inquest proceedings prior to 1884.

5. Non-summary inquiry cases over five years old.

6. District Court criminal cases over five years old.

7. Petitions, reports, cattle vouchers, &c., over five years old.

8. Summary criminal cases over five years old.

9. Inquest proceedings of 1884 and subsequent years, which are over five years old, except those in which a finding is recorded that the death was caused by some person who has not been found : [§ 3, 24 of 1930.]

Provided that notarial and other documents which may be found in the foregoing classes of records, and which may be useful as evidence of civil rights, shall be removed from such records and not destroyed.



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# CHAPTER 337.

## DRIED MEAT.

*Ordinances* Nos. 19 of 1908, 1 of 1927.

AN ORDINANCE TO RESTRICT THE TRAFFIC IN DRIED MEAT IN CERTAIN DISTRICTS IN ORDER TO CHECK THE WASTEFUL DESTRUCTION OF GAME.

[31*st October*, 1908.]

Short title.

**1.** This Ordinance may be cited as the Dried Meat Ordinance.

Interpretation.

**2.** (1) Except where the context otherwise requires, the expression "dried meat" means the dried or salted flesh of any animal, but does not include dried or salted fish or any dried or salted meat which has been imported from beyond the seas.

Burden of proof.

(2) The onus of proving that any dried meat has been so imported shall in any proceedings under this Ordinance be on the accused.

Application of Ordinance.

**3.** (1) The Governor may from time to time by Proclamation declare that it shall be unlawful to remove dried meat from any revenue district or chief headman's division therein named (which revenue districts and chief headmen's divisions are in this Ordinance referred to as [§ 2, 1 of 1927.] "proclaimed areas"), except in accordance with any conditions which may be set forth in the said Proclamation, which said conditions may include the payment of money to the Government for the privilege of removing dried meat.

(2) The Governor may from time to time vary, amend, or revoke any such Proclamation.

Prohibition of removal of dried meat.

**4.** It shall be unlawful for any person to remove dried meat in quantities exceeding fifteen pounds from any [§ 3, 1 of 1927.] proclaimed area in contravention of a Proclamation issued under the preceding section.

Penalty.

**5.** Any person who removes or attempts to remove dried meat in contravention of this Ordinance or any Proclamation



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ssued thereunder, shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding fifty rupees, and, in default of payment, to imprisonment of either description for a term not exceeding three months; and on a second or subsequent conviction he shall be liable to a fine not exceeding one hundred rupees, and, in default of payment to imprisonment of either description for a term not exceeding six months. Upon any conviction the dried meat in respect of which such conviction was had and all vessels containing the same, and every wagon, cart, boat, vessel, animal, or other conveyance used for or employed in the removal of the same, may be forfeited. [§ 4, 1 of 1927.]

Power of certain officers to examine carts, &c.

**6.** It shall be lawful for any Assistant Conservator of Forests or for any police officer not below the rank of a sergeant, or for any other forest officer or headman who is authorised in writing by the Government Agent to carry out the provisions of this Ordinance, upon reasonable suspicion, to stop and examine any cart, carriage, boat, pack animal, or other means of conveyance for the purpose of ascertaining whether dried meat is contained therein or carried thereby; and if the person in charge of such cart, carriage, boat, pack animal, or other means of conveyance refuses to allow such officer to examine the same, or prevents or obstructs him from so doing, he shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding fifty rupees, or in default of payment to imprisonment of either description for a term not exceeding three months. Where upon such examination any quantity of dried meat exceeding fifteen pounds in weight is found, such officer may seize such dried meat, together with the vessel, cart, carriage, boat, pack animal, or other means whereby or wherein the same is conveyed, and bring the same before the nearest Magistrate's Court to be dealt with according to law.

Person found removing dried meat suspected to have been removed in contravention of the Ordinance may be charged.

**7.** Where any person is found removing dried meat in any quantity exceeding fifteen pounds in such circumstances as to give rise to reasonable suspicion that he has brought it from a proclaimed area in contravention of this Ordinance, he may be charged with removing dried meat in contravention of this Ordinance; and if the person so charged does not prove to the satisfaction of the Magistrate that he did not remove such dried meat in contravention of this Ordinance, and the Magistrate is satisfied that, having regard to the place where the dried meat was found and to all the circumstances of the case,



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there are reasonable grounds for believing that the person charged removed the dried meat in contravention of this Ordinance, such person may be convicted of an offence under section 4 of this Ordinance, and shall be liable to the penalty provided by section 5.

Reward to informer.

**8.** Any offence under this Ordinance may be inquired into, tried, and determined by the Magistrate's Court of the district in which the offence was committed wholly or in part, and such court shall have jurisdiction to award the maximum punishment prescribed therefor, and to declare and adjudge any dried meat, vessel, conveyance, animal, or thing liable to be confiscated under section 5 of this Ordinance forfeited, and to condemn the same, whatever may be the amount or value thereof, anything in the Criminal Procedure Code, to the contrary notwithstanding ; and any Magistrate by whom any person is convicted of an offence under this Ordinance may direct that a portion not exceeding one-half of the fine actually recovered, and also a like portion of the proceeds of the sale of any thing or animal forfeited as aforesaid, shall be paid to any person giving information which has led to the conviction.

Power of Governor to prohibit exportation of dried meat.
[§ 5, 1 of 1927.]

**9.** The Governor may by Proclamation prohibit the exportation of dried meat during such period as may seem expedient, except in accordance with any conditions which may be set forth in the said Proclamation, which said conditions may include the imposition of fees for the inspection of meat proposed to be exported, and may in like manner alter, amend, or revoke any such Proclamation.

[§ 5, 1 of 1927 ]

After any such Proclamation and during the period therein named, it shall be unlawful for any person to export dried meat in contravention of the said Proclamation ; and any person unlawfully exporting or attempting to export dried meat during such period shall be guilty of an offence, and shall be liable on conviction to simple or rigorous imprisonment for a term which may extend to six months, or to a fine not exceeding one hundred rupees, or to both, and the dried meat in respect of which such conviction was had and all receptacles containing the same shall be forfeited.

Powers of Assistant Government Agents.

**10.** The powers and duties by this Ordinance assigned to the Government Agent may be exercised and performed by any Assistant Government Agent within the limits of his district.



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**11.** (1) Whenever the tenant of any land in the Kandyan provinces is bound, in respect of his tenure, to supply dried meat in any specified quantity, nothing in this Ordinance shall be taken to prevent such tenant from removing meat in such quantity as may be necessary to enable him to render such service. Exception with regard to service tenures.

(2) Whenever, in any proceedings under this Ordinance, it is alleged by way of defence that any dried meat was removed for the purpose of rendering any such service as aforesaid, the burden of proving that the dried meat was removed bona fide for such purpose and in no larger quantity than was necessary therefor shall lie on the person alleging such defence.

**12.** All Proclamations issued under this Ordinance shall as soon as conveniently may be, be laid on the table of the State Council, and may at any of the next three meetings of the Council be disallowed by resolution of the Council, and if so disallowed shall be annulled, but without prejudice to anything already done thereunder, and if not so disallowed shall be deemed to be valid. Proclamations to be laid on table of State Council. [§ 6, 1 of 1927.]



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