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THE
LEGISLATIVE ENACTMENTS OF CEYLON

IN FORCE ON THE
30TH DAY OF JUNE, 1956

REVISED EDITION

PREPARED UNDER THE AUTHORITY OF THE
REVISED EDITION OF THE LEGISLATIVE ENACTMENTS ACT

BY

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REFERENCE

THE following reference marks are used throughout this Edition (unless a contrary intention appears from the subject or context) to denote the Government Gazettes in which Proclamations effecting amendments to enactments under section 88 of the Ceylon (Constitution) Order in Council, 1946, and under section 8 of the Ceylon Independence Order in Council, 1947, have been published :—

REFERENCE MARK	GAZETTE DENOTED BY THE MARK
1	Gazette Extraordinary No. 9,773 dated 24th September, 1947.
2	Gazette Extraordinary No. 9,786 dated 13th October, 1947.
3	Gazette Extraordinary No. 9,828 dated 5th February, 1948.
4	Gazette Extraordinary No. 9,836 dated 25th February, 1948.
5	Gazette Extraordinary No. 9,848 dated 31st March, 1948.
6	Gazette Extraordinary No. 9,889 dated 28th July, 1948.

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CHAPTER 216

FOOD AND DRUGS

AN ACT TO MAKE PROVISION FOR THE REGULATION AND CONTROL OF THE IMPORTATION, SALE AND DISTRIBUTION OF FOOD AND DRUGS AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Acts Nos. 25 of 1949, 38 of 1952, 29 of 1953, 32 of 1954.

[*1st October, 1949.*]

1. This Act may be cited as the Food and Drugs Act. Short title.

PART I

GENERAL PROVISIONS AS TO FOOD AND DRUGS

COMPOSITION OF FOOD AND DRUGS

2. (1) No person shall add, or cause or permit any other person to add— Restrictions on the addition of other substances to any food or drug.

(*a*) any substance to any food so as to render the food injurious to health ; or

(*b*) any substance to any drug so as to affect injuriously the quality or potency of the drug,

with the intent that the food or drug may be sold in that state.

(2) No person shall sell, or have in his possession for the purpose of sale, any food or drug to which any substance has been so added.

3. No person shall abstract, or cause or permit any other person to abstract, from any food, any constituent thereof so as to affect injuriously the nature, substance or quality of the food with intent that it may be sold in its altered state— Restrictions on the abstraction from any food of any constituent thereof.

(*a*) without notice to the purchaser of the alteration ; or

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(*b*) whether with or without such notice, if in that state the food does not comply with any relevant provisions contained in regulations made under this Act for prescribing the composition of food.

Prohibition against sale of any food or drug not of the nature, substance or quality demanded.

4. (1) No person shall sell, to the prejudice of the purchaser, any food or drug which is not of the nature, substance or quality, of the food or drug demanded by the purchaser.

(2) Where regulations made under this Act contain provisions prescribing the composition of, or prohibiting or restricting the addition of any substance to, any food, a purchaser of such food shall, unless the contrary is proved by the seller of such food, be deemed for the purposes of this section to have demanded food complying with the provisions of such regulations.

(3) In proceedings in respect of any contravention of this section, it shall not be a defence to allege or prove that the purchaser bought for analysis or examination and was therefore not prejudiced.

Defences available in cases under section 4.

5. (1) Subject to the provisions of subsection (4), a person shall not be convicted of a contravention of section 4 alleged to have been committed in respect of any food or drug, if he proves—

(*a*) in a case where the food or drug in question is the subject of a patent in force, that it was supplied in the state required by the specification of the patent ; or

(*b*) in a case where the food or drug in question contains some extraneous matter, that the presence of that matter was an unavoidable consequence of the process of collection or preparation ; or

(*c*) that the article supplied was a proprietary medicine and was supplied in response to a demand for that medicine ; or

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(*d*) where the proceedings are in respect of diluted whisky, brandy, rum or gin, that the spirit in question had been diluted with water only and that its strength was still not lower than thirty-five degrees under proof.

The provisions of this subsection shall have effect in addition to the provisions of subsections (2) and (3).

(2) Subject to the provisions of subsection (4), a person shall not be convicted of a contravention of section 4 alleged to have been committed in respect of any food or drug, to which some substance has been added, if he proves—

(*a*) (i) that the addition was not made fraudulently to increase the bulk, weight or measure, or to conceal the inferior quality, of the food or drug ; and

(ii) in the case of a food, that the substance is not injurious to health and its addition has not rendered the food injurious to health, or in the case of a drug, that the addition has not affected injuriously the quality or potency of the drug ; and

(*b*) either—

(i) that the addition was required for the production or preparation of the food or drug as an article of commerce in a state fit for carriage or consumption ;

or—

(ii) that a label satisfying the requirements of section 6 was attached to, or printed on the wrapper or container of, the article sold.

(3) Subject to the provisions of subsection (4), a person shall not be convicted of a contravention of section 4 alleged to have been committed in respect of any food or drug, from which some constituent has been abstracted, if he proves—

(*a*) that the abstraction has not rendered the food injurious to health, or, as the case may be,

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affected injuriously the quality or potency of the drug, and was not made fraudulently to conceal the inferior quality of the food or drug ; and

(*b*) either—

(i) that the abstraction was required for the production or preparation of the food or drug as an article of commerce in a state fit for carriage or consumption ;

or—

(ii) that a label satisfying the requirements of section 6 was attached to, or printed on the wrapper or container of, the article sold.

(4) Notwithstanding anything in the preceding provisions of this section, none of the defences specified in paragraph (*a*) or paragraph (*b*) of subsection (1) or in subsection (2) or in subsection (3) shall be available in the case of any food which does not comply with any relevant provision contained in regulations made under this Act for prescribing the composition of food, or prohibiting or restricting the addition of any substance to food.

Provisions as to labels.

6. A label shall afford no defence under sub-paragraph (*b*) (ii) of subsection (2) or sub-paragraph (*b*) (ii) of subsection (3) of section 5 unless the following requirements are satisfied :—

(*a*) the label must state explicitly what substance has been added to, or what constituent has been abstracted from, the food or drug ; and

(*b*) it must be of adequate size, and have the notice of addition or abstraction distinctly and legibly printed and conspicuously visible, unobscured by any other matter on the label.

Labels and advertisements describing incorrectly food or drugs.

7. (1) No person shall give with any food or drug sold by him a label, whether attached to or printed on the wrapper or container or not, which falsely describes that food or drug, or is otherwise calculated to mislead as to its nature, substance or quality :

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Provided however that in proceedings in respect of any contravention of the preceding provisions of this subsection it shall be a defence for the accused to prove that he did not know, and could not with reasonable diligence have ascertained, that the label was of such a character as aforesaid.

(2) No person shall publish, or be a party to the publication of, an advertisement (not being such a label so given by him as aforesaid) which falsely describes any food or drug, or is otherwise calculated to mislead as to its nature, substance, quality or potency :

Provided that in proceedings in respect of any contravention of the preceding provisions of this subsection it shall be a defence for the accused to prove either—

(*a*) that he did not know, and could not with reasonable diligence have ascertained, that the advertisement was of such a character as aforesaid ; or

(*b*) that being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business.

In any such proceedings as aforesaid against the manufacturer, producer or importer of the food or drug, the burden shall lie upon the accused to prove that he did not publish the advertisement and was not a party to its publication.

Presumptive evidence as to injurious nature of food.

8. Where regulations made under this Act contain provisions prohibiting or restricting the addition of any substance to any food, the addition of that substance—

(*a*) if made in contravention of any of the regulations which are expressed to be made for the prevention of danger to health, shall, and

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(*b*) if made to an amount not exceeding the limit, if any, specified by any of the regulations, shall not,

for the purpose of this Part of this Act, be deemed to render the food injurious to health.

Power to make regulations as to the importation, preparation, storage, sale, delivery, &c., of food and drugs

9. Regulations may be made under this Act (in this Act referred to as "Food and Drugs Regulations") for or with respect to all or any of the following purposes:—

(*a*) the authorization of the taking of measures for the prevention of danger to health from the importation, preparation, transport, storage, exposure for sale, and delivery, of food and drugs of various kinds intended for sale or sold for human consumption ;

(*b*) requiring wrappers or containers enclosing or containing food and drugs of various kinds to be labelled or marked in accordance with the regulations ;

(*c*) the prohibition or restriction of the addition of any substance to, and the regulation generally of the composition of, any food or drug ; and

(*d*) the control of the use of waste products derived from the manufacture of any food or drug.

UNSOUND FOOD

Penalty for sale, &c., of unsound food.

10. (1) No person shall—

(*a*) sell, or offer or expose for sale, or have in his possession for the purpose of sale or of preparation for sale ; or

(*b*) deposit with, or consign to, any person for the purpose of sale or of preparation for sale,

any food intended, but unfit, for human consumption.

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(2) Where food in respect of which any contravention of the provisions of paragraph (*a*) of the preceding subsection has been committed was sold to the offender by some other person, that person also shall, subject to the provisions of this section, be guilty of an offence under this Act.

(3) In proceedings in respect of any contravention of paragraph (*b*) of subsection (1) of this section or in respect of any offence under the last preceding subsection, it shall be a defence for the accused to prove either that he gave notice to the person with whom he deposited, or to whom he consigned or sold, the food in question, that it was not intended for human consumption, or that, at the time when he delivered or despatched it to that person, either it was fit for human consumption, or he did not know, and could not with reasonable diligence have ascertained, that it was unfit for human consumption.

Prosecution by authorized officer.

11. (1) Any authorized officer of the appropriate competent authority may, at all reasonable times examine any food intended for human consumption which has been sold, or is offered or exposed for sale, or is in the possession of, or has been deposited with or consigned to, any person for the purpose of sale or of preparation for sale, and, if it appears to him to be unfit for human consumption, may seize it and remove it in order to have it dealt with by a Magistrate.

(2) Any authorized officer who seizes any food under the preceding subsection shall inform the person in whose possession it was found of his intention to have it dealt with by a Magistrate, and any person who might be liable under this Act to a prosecution for any contravention of section 10 in respect of that food shall, if he attends before a Magistrate upon the application for its condemnation, be entitled to be heard and to call witnesses.

(3) If it appears to a Magistrate that any food brought before him, whether seized under the provisions of this section or not, is unfit for human consumption, he shall condemn it and order it to be destroyed, or to be so disposed of as to prevent it from being used for human consumption.

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(4) If a Magistrate refuses to condemn any food seized under this Part of this Act by any authorized officer, the Magistrate shall make order that such sum as the Magistrate may deem adequate shall be awarded as compensation to the owner of the food for any depreciation in its value resulting from its seizure and removal. The compensation so awarded shall be paid to the owner by the appropriate competent authority.

Provisions as to rooms where food intended for sale is prepared or stored, &c.

12. (1) Subject to the provisions of this section, the following provisions shall have effect in relation to every room in which any food intended for human consumption, other than milk, is prepared for sale or sold, or offered or exposed for sale, or deposited for the purpose of sale or of preparation for sale, that is to say :—

(*a*) no sanitary convenience, dust-bin or ash-pit shall be within, or communicate directly with, the room, or be so placed that offensive odours therefrom can penetrate into the room ;

(*b*) no cistern for the supply of water to the room shall be in direct communication with, or discharge directly into, a sanitary convenience, and there shall not be within the room any outlet for the ventilation of a drain, or, except with the approval of the appropriate competent authority, an inlet into any drain conveying sewage or foul water ;

(*c*) the walls, ceiling, floor, windows and doors of the room shall be kept in a proper state of repair ;

(*d*) the walls, ceiling and doors of the room shall be painted, whitewashed, cleansed, or purified as often as may be necessary to keep them clean and the windows of the room shall be kept clean ;

(*e*) the room shall not be used as a sleeping place, and, so far as may be necessary to prevent risk of infection or contamination of food in the room, no sleeping place adjoining the room

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shall communicate therewith except through the open air, or through an intervening ventilated space ;

(*f*) except in the case of an artificially refrigerated room, suitable and sufficient means of ventilation shall be provided and suitable and sufficient ventilation shall be maintained ;

(*g*) no refuse or filth, whether solid or liquid, shall be deposited or allowed to accumulate in the room, except so far as may be necessary for the proper carrying on of the trade or business for which the room is used, and the floor of the room shall be cleansed as often as may be necessary to keep it clean ;

(*h*) cleanliness shall be observed by persons employed in the room, both in regard to the room and all articles, apparatus and utensils therein, and in regard to themselves and their clothing ; and

(*i*) there shall be provided in, or within reasonable distance of, the room suitable washing basins and a sufficient supply of soap, clean towels, and clean water, both hot and cold, for the use of persons employed in the room :

Provided that paragraph (*i*) of this subsection shall not apply in relation to a room which is used for the sale or storage, or for the sale and storage, of food contained in containers of such materials, and so closed, as to exclude all risk of contamination, but is not otherwise used for any purpose in connexion with the preparation, storage or sale of food.

(2) If, in the case of a room to which the preceding subsection applies—

(*a*) any of the requirements of that subsection are not complied with ; or

(*b*) any person does or permits any act or thing in contravention of that subsection, or fails to take all such steps as may be reasonably necessary to prevent risk of contamination of food in the room ; or

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(*c*) any person prevents the owner of the room from executing any work necessary to make the room comply with the said requirements,

then, in the first-mentioned case, the occupier of the room and, in the other cases mentioned, the person in question, whether he is the occupier or not, shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding two hundred rupees and to a further fine not exceeding fifty rupees for each day during which the offence continues after conviction thereof.

(3) If, in the case of a room to which subsection (1) of this section applies, any of the requirements specified in paragraphs (*a*), (*b*), (*c*), or (*f*) of that subsection is not complied with, then, in so far as that requirement is of a structural character, the owner of the room shall, if he let it after the appointed date, for the purpose of being used for the preparation, sale or storage of food, be guilty of an offence under this Act and shall be liable on conviction to the penalty mentioned in the last preceding subsection, but without prejudice to the liability of the occupier under that subsection.

(4) In this section, the expression " room " includes a shop or cellar or any other part of a building, and a shed, store or outbuilding or any part thereof, and the provisions of this section except paragraphs (*e*) and (*f*) of subsection (1) thereof, shall, so far as applicable, apply in relation to a yard, forecourt or area as they apply in relation to a room.

(5) Save in so far as may be expressly provided by Food and Drugs Regulations, neither this section nor section 13 shall apply in relation to premises which are used for the preparation, sale or storage of articles prepared from, or consisting of, materials other than those of animal or vegetable origin, but are not otherwise used for any purpose in connexion with the preparation, storage or sale of food.

(6) Regulations may be made modifying any of the preceding provisions of this section in their application, either generally, or in such area or areas as may be

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prescribed, and such provisions shall if so modified have effect accordingly while any such regulation is in force.

Registration of premises used in connexion with the manufacture or sale of ice-cream, or preserved food, &c.

13. (1) Subject to the provisions of this section, and of subsection (5) of section 12, no person shall, after the expiry of a period of thirty days from the date on which the provisions of this section apply in any administrative area, use any premises in that area for—

(*a*) the sale, or the manufacture for the purpose of sale, of ice-cream, or the storage of ice-cream intended for sale ; or

(*b*) the preparation or manufacture of sausages or potted, pressed, pickled or preserved food intended for sale,

unless the premises are registered under this section for that purpose by the appropriate competent authority.

For the purposes of this subsection, the preparation of meat or fish by any process of cooking shall be deemed to be the preservation thereof.

(2) Subject to the succeeding provisions of this section, the appropriate competent authority shall, on the application of the occupier of, or of a person proposing to occupy, any premises, register those premises for the purposes of this section.

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(3) If it appears to the appropriate competent authority that any premises for the registration of which application has been made under this section, or which are registered under this section, do not satisfy the requirements of section 12, or are otherwise unsuitable for use for the purpose for which they are proposed to be used or are being used, the authority shall serve on the applicant for registration or, as the case may be, on the occupier for the time being of the premises, a notice stating the place and time, not being less than seven days after the date of the service of the notice, at which the authority proposes to take the matter into consideration, and informing him that he may

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attend before the authority with any witnesses whom he desires to call, at the place and time mentioned, to show cause why the authority should not, for reasons specified in the notice, refuse the application or, as the case may be, cancel the registration of the premises.

(4) (*a*) If a person on whom a notice is served under the last preceding subsection fails to show cause to the satisfaction of the appropriate competent authority, the authority may refuse the application or, as the case may be, cancel the registration of the premises, and shall forthwith give notice to that person of the decision in the matter, and shall, if so required by him within fourteen days of the decision, give to him within forty-eight hours a statement of the grounds on which it was based.

(*b*) Effect shall not be given to any decision under paragraph (*a*) of this subsection until—

(i) the time-limit for appeals expires ; or

(ii) where an appeal is preferred, unless and until the decision is confirmed by the court by which the appeal is heard.

(5) A person aggrieved by the decision of a competent authority under this section to refuse to register any premises, or to cancel the registration of any premises, may appeal against that decision under and in accordance with Part VI of this Act.

(6) Upon any change in the occupation of premises registered under this section, the incoming occupier shall, if he intends to use them for the purpose for which they are registered, forthwith give notice of the change to the appropriate competent authority, who shall thereupon make any necessary alteration in the register.

The penalty for a contravention of the preceding provisions of this subsection shall be a fine not exceeding fifty rupees.

(7) This section shall not apply in relation to premises used primarily as a club, hotel, or restaurant, and in relation to premises used as a theatre, cinematograph theatre, music hall or concert hall.

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(8) The preceding provisions of this section shall not apply in any administrative area unless the Minister by Order published in the Gazette declares that those provisions shall apply in that area. Every such Order shall specify the date on and after which those provisions shall so apply.

Regulations with respect to the handling, wrapping, &c., of food, and the sale of food in the open air.

14. Regulations may be made under this Act for securing the observance of sanitary and cleanly conditions and practices in connexion with the handling, wrapping and delivery of food sold or intended for sale for human consumption, and in connexion with the sale or exposure for sale in the open air of food intended for human consumption.

Notification of cases of food poisoning.

15. (1) If a medical practitioner becomes aware or suspects that a patient whom he is attending within any administrative area is suffering from food poisoning, he shall forthwith send to the medical officer of health for that area a certificate stating—

(*a*) the name, age and sex of the patient, and the address of the premises where the patient is residing ;

(*b*) particulars of the food poisoning from which he is, or is suspected to be, suffering ; and

(*c*) whether the case occurs in the private practice of the practitioner, or in his practice as medical officer of a public body or institution.

(2) The appropriate competent authority shall pay the prescribed fee to a medical practitioner for each certificate duly sent by such practitioner to the medical officer of health under subsection (1). Different fees may be prescribed for any such certificate sent by such practitioner in respect of a case which occurs in his private practice and which occurs in his practice as a medical officer of any public institution or body.

(3) Where the medical practitioner attending a patient is himself the medical officer of health for any administrative area, he shall be entitled to the fee to which, if he were not the medical officer of health, he would have been entitled in respect of a certificate sent by him to the medical officer of health.

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(4) Notwithstanding any enactment which might entail such a disqualification, the acceptance by a medical practitioner of a fee under this section shall not subject him to disqualification for being a member of any local authority or holding any other public office.

Provisions as to suspected food.

16. (1) (*a*) If the medical officer of health for any administrative area has reasonable ground for suspecting that any food of which he, or any authorized officer of the appropriate competent authority, has obtained a sample under the provisions of this Act is likely to cause food poisoning, he may give notice to the person in charge of the food that, until his investigations are completed, the food or any specified portion thereof, shall not be used for human consumption and either shall not be removed, or shall not be removed except to some place specified in the notice.

(*b*) The penalty for any contravention of the requirements of a notice given under the preceding provisions of this subsection shall be a fine not exceeding one hundred rupees.

(2) If, as a result of his investigations, the medical officer of health is satisfied that the food in question, or any portion thereof, is likely to cause food poisoning, he may deal with it as food falling within subsection (1) of section 11 of this Act ; and subsections (2), (3) and (4) of that section shall apply accordingly, but, if he is satisfied that it may safely be used for human consumption, he shall forthwith withdraw his notice.

(3) If a notice given under subsection (1) of this section is withdrawn by the medical officer of health, the appropriate competent authority shall compensate the owner of the food to which the notice relates for any depreciation in its value resulting from the action taken by the medical officer. Any dispute as to whether or not any compensation is due under this section or as to the amount of such compensation shall be determined under and in accordance with Part VI of this Act.

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PART II

Provisions As To Milk, Dairies And Artificial Cream

MILK AND DAIRIES

"Milk and Dairies Regulations".

17. (1) Regulations may be made under this Act (in this Act referred to as "Milk and Dairies Regulations") for or with respect to all or any of the following purposes :—

(*a*) the registration of persons carrying on, or proposing to carry on, the trade of a dairyman and the registration of dairies, and the prohibition of any person from carrying on the said trade unless he and any premises used by him as a dairy are duly registered ;

(*b*) the making of applications for the purposes of such registration to the appropriate competent authority, the grant or refusal of such applications by such authority, and the circumstances in which such applications may be so granted or refused ;

(*c*) the cancellation of the registration of a dairyman or dairy by the appropriate competent authority and the circumstances in which such registration may be so cancelled ;

(*d*) the making of appeals under and in accordance with Part VI of this Act against the decision of the appropriate competent authority refusing to register a dairyman or dairy or against the decision of such authority cancelling such registration ;

(*e*) the inspection of dairies, and of persons in or about dairies who have access to the milk, or to the churns or other milk vessels ;

(*f*) the lighting, ventilation, cleansing, drainage and water supply of dairies ;

(*g*) securing the cleanliness of churns and other milk vessels and appliances ;

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(*h*) prescribing the precautions to be taken for protecting milk against infection or contamination ;

(*i*) the prevention of danger to health from the sale of infected, contaminated or dirty milk, and in particular the prohibition of the supply or sale of milk suspected of being infected ;

(*j*) the imposition of obligations on dairymen and their employees in regard to cases of infectious illness ;

(*k*) the regulation of the cooling, conveyance, and distribution of milk ;

(*l*) the labelling, marking, or identification, and the sealing or closing, of churns and other vessels used for the conveyance of milk, the labelling of vessels in which milk is sold or offered or exposed for sale or delivered, and the display of the vendor's name and address on any stall, or any cart, barrow or other vehicle, from which milk is sold or delivered ;

(*m*) in cases where no express provision is made by this Act, the prohibition or restriction of—

(i) the addition of any substance to, or the abstraction of fat or any other constituent from, milk ;

(ii) the sale of milk to which any such addition, or from which any such abstraction, has been made, or which has been otherwise artificially treated ;

and

(*n*) the prevention of danger to health from the importation of milk.

In this subsection the expression " milk " means milk intended for sale or sold for human consumption, or intended for manufacture into products for sale for human consumption.

(2) Regulations made under paragraph (*l*) or paragraph (*m*) of the preceding subsection shall not apply

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in relation to cream in so far as they are made for any purpose for which Food and Drugs Regulations may be made under this Act with respect to cream.

Use of special designations in connexion with milk.

18. (1) Milk and Dairies Regulations may, without prejudice to the generality of the powers conferred by section 17, contain provisions for or with respect to all or any of the following purposes :—

(*a*) prescribing, in relation to milk of any description, such designation (hereinafter referred to as a " special designation ") as may be appropriate ;

(*b*) providing, as respects any special designation, for the grant by the appropriate competent authority of licences to producers and purveyors of milk authorizing the use of that special designation ;

(*c*) prescribing the periods for which, and the conditions (including conditions as to the payment of fees) subject to which, licences, or licences of any particular class, may be so granted ;

(*d*) providing for the suspension or revocation of a licence in the event of a breach of any condition subject to which it was granted ; and

(*e*) providing for the making of appeals under and in accordance with Part VI of this Act against the decision of the appropriate competent authority refusing or suspending or cancelling a licence.

(2) No person shall, for the purpose of the sale or advertisement of any milk—

(*a*) use a special designation in any manner calculated to suggest that it refers to that milk, unless he holds a licence authorizing the use of that designation in connexion with that milk ; or

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(*b*) refer to that milk by any such description, not being a special designation, as is calculated falsely to suggest—

(i) that there is in force a licence authorizing the use of a special designation in connexion with that milk ; or

(ii) that the milk is tested, approved or graded by any competent person ; or

(iii) that the cows from which the milk is derived are free from the infection of tuberculosis or of any other disease.

(3) In any proceedings in respect of any contravention of the provisions of paragraph (*b*) of subsection (2), the burden shall lie upon the accused to prove the truth of any suggestion which, in the opinion of the court, his acts or conduct, as proved by the prosecution, are or is calculated to convey.

Regulations as to presumptive evidence of adulteration of milk.

19. Regulations may be made under this Act for determining what deficiency in any of the normal constituents of milk, or what proportion of water, in a sample shall for the purposes of this Act raise a presumption, until the contrary is proved, that the article sampled is not genuine milk.

Certain additions not to be made to milk, and certain liquids not to be sold as milk.

20. (1) No person shall—

(*a*) add any water or colouring matter, or any dried or condensed milk or liquid reconstituted therefrom, to milk intended for sale for human consumption ; or

(*b*) add any separated milk, or mixture of cream and separated milk, to unseparated milk intended for such sale ; or

(*c*) sell, or offer or expose for sale, or have in his possession for the purpose of sale, for human consumption, any milk to which any addition has been made in contravention of the provisions of this subsection.

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(2) No person shall sell, or offer or expose for sale, under the designation of milk any liquid in the making of which any separated milk or any dried or condensed milk has been used.

PART III

Provisions As To Other Kinds Of Food

BREAD AND FLOUR

Regulations as to the composition of bread and the addition of substances to flour.

21. Regulations may be made under this Act (in this Act referred to as "Bread and Flour Regulations") for or with respect to all or any of the following purposes :—

(*a*) prescribing the kinds of flour, other than wheat flour, and other substances which may be used in the making of bread for sale ;

(*b*) prescribing the descriptions under which bread made of flour, other than wheat flour, may be sold, and the manner in which any such bread is to be marked ;

(*c*) the prohibition or restriction of the addition of any substance, or the application of any treatment, to flour intended for sale or for use in the making of bread for sale ;

(*d*) prescribing the descriptions under which, and conditions subject to which, flour may be sold ; and

(*e*) the prevention of danger to health from the importation, preparation, transport, storage, exposure for sale, and delivery, of bread or flour.

Prohibition of adulterants in bakehouses and mills.

22. If any flour or other substance, which under Bread and Flour Regulations may not be used in the making of bread for sale, is found in a bakehouse, or any substance which under those regulations may not be added to flour is found in a flour mill, the occupier

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of the bakehouse or mill, as the case may be, shall be guilty of an offence under this Act, unless he proves that the substance in question was not intended to be used in the making of bread for sale, or, as the case may be, was not intended to be added to any flour intended for sale.

MARGARINE, MARGARINE-CHEESE, BUTTER AND MILK-BLENDED BUTTER

Limit of water in butter, &c., and provisions as to butter in margarine.

23. (1) No person shall sell or offer or expose for sale, or have in his possession for the purpose of sale—

(*a*) any butter which contains more than sixteen *per centum* of water ; or

(*b*) any margarine which contains more than sixteen *per centum* of water, or the fat of which contains more than ten *per centum* of fat derived from milk ; or

(*c*) any milk-blended butter which contains more than twenty-four *per centum* of water.

(2) No person shall—

(*a*) give with any margarine sold by him a label, whether attached to or printed on the wrapper or container or not, which states or suggests that such margarine contains butter ; or

(*b*) publish or be a party to the publication of any advertisement which states or suggests that margarine to which such advertisement relates contains butter,

unless such label or advertisement, as the case may be, states the percentage of butter which the margarine contains :

Provided however that no person shall be deemed to have contravened the preceding provisions of this subsection if the figure stated on such label or advertisement, as the case may be, as the percentage of butter which the margarine contains does not differ by more than two from the actual percentage.

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Conditions to be observed in dealings in margarine, margarine-cheese and milk-blended butter.

24. (1) A person who sells, or forwards by any public conveyance, any margarine, margarine-cheese or milk-blended butter, shall sell or consign it as margarine or margarine-cheese, or, in the case of milk-blended butter, under an approved name.

(2) Every person dealing in margarine, whether by wholesale or by retail, and whether as manufacturer, importer, consignor, consignee, commission agent or otherwise, shall conform to such of the following regulations as may be applicable, namely:—

(*a*) every container containing margarine shall have the word "Margarine" branded or durably marked on the bottom and sides and also, if it be closed, on the top thereof, in block letters, the brand or mark being on the container itself and not only on a label, ticket or other thing attached thereto;

(*b*) there shall be attached to every parcel of margarine exposed for sale by retail, in such manner as to be clearly visible to a purchaser, a label marked "Margarine" in printed block letters;

(*c*) margarine shall not be described on, or on a label enclosed within, any wrapper enclosing or container containing it, or on any label attached to a parcel thereof, or in any advertisement or invoice thereof, by any name other than either "Margarine" or a name combining the word "Margarine" with an approved fancy or other descriptive name printed in type not larger than, and in the same colour as, the letters of the word "Margarine".

(3) The requirements of paragraphs (*a*) and (*b*) of the last preceding subsection shall apply in relation to margarine-cheese and to persons dealing therein in like manner and to the same extent as they apply in the case of margarine; and accordingly, for the purposes of such application, the provisions of those paragraphs shall be read as if for the word "Margarine", there were substituted the words "Margarine-cheese":

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Provided that, where margarine-cheese is sold or dealt in otherwise than by retail, it shall be sufficient compliance with those requirements if it is itself conspicuously marked with the words "Margarine-cheese".

(4) The requirements of the said paragraphs (*a*) and (*b*) shall apply in relation to milk-blended butter and to persons dealing therein with the substitution of an approved name for the word "Margarine".

(5) Any substance resembling butter or cheese which is exposed for sale and is not marked in the manner in which margarine, milk-blended butter or margarine-cheese is required by this section to be marked shall be presumed to be exposed for sale as butter or cheese, as the case may be.

(6) In this section, the expression "approved" means approved by the Minister, who, in approving for the purposes of this section names to be used in relation to margarine or milk-blended butter, shall not approve any name which refers to, or is suggestive of, butter or anything connected with the dairy interest.

ICE-CREAM

Provisions as to ice-cream likely to cause milk-borne disease.

25. (1) (*a*) Every manufacturer of, or dealer in, ice-cream shall, upon the occurrence of any milk-borne disease among the persons living or working in or about the premises on which the ice-cream is manufactured, stored or sold, forthwith give notice thereof to the medical officer of health for the administrative area in which the premises are situated.

(*b*) The penalty for a contravention of the preceding provisions of this section shall be a fine not exceeding fifty rupees.

(2) (*a*) If the medical officer of health for any administrative area has reasonable ground for suspecting that any ice-cream, or substance intended for use in the manufacture of ice-cream, is likely to cause any milk-borne disease, he may give notice to the person in charge thereof that, until further notice, the ice-cream or other substance in question, or any

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specified portion thereof, shall not be used for human consumption and either shall not be removed or shall not be removed except to some place specified in the notice.

(*b*) The penalty for a contravention of the requirements of a notice given under the preceding provisions of this subsection shall be a fine not exceeding one hundred rupees.

(3) If on further investigation the medical officer of health is satisfied that the ice-cream or other substance in question may safely be used for human consumption, he shall forthwith withdraw his notice, but, if he is not so satisfied, he shall cause it to be destroyed, and he shall also cause to be destroyed any other ice-cream or such other substance as aforesaid then on the premises as to which he is not so satisfied.

(4) Subject as hereinafter provided, where a notice given under subsection (2) of this section is withdrawn by the medical officer of health, or the medical officer of health acting under subsection (3) of this section causes any ice-cream or other substance to be destroyed, the appropriate competent authority shall compensate the owner of the ice-cream or other substance in question for any depreciation in its value resulting from the action taken by the said medical officer or, as the case may be, for the loss of its value :

Provided that—

(*a*) no compensation shall be payable under this section in respect of the destruction of any ice-cream or other substance if the appropriate competent authority proves that it was likely to cause any milk-borne disease ;

(*b*) no compensation shall in any case be payable under this section—

(i) in respect of any ice-cream or other substance manufactured on, or brought within, any premises while a notice given under subsection (2) of this section with respect to anything on those premises was operative ; or

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(ii) in any case where the owner of the ice-cream or other substance in question has failed to give a notice which he was required by subsection (1) of this section to give.

For the purposes of this subsection, the value of any ice-cream or other substance shall not be assessed at a sum exceeding the cost incurred by the owner in making or purchasing it.

(5) Any dispute as to whether or not any compensation is due under this section or as to the amount of such compensation shall be determined under and in accordance with Part VI of this Act.

(6) In this section the expression "milk-borne disease" means any disease specified in the First Schedule to this Act and any other disease which the Minister may, by Order published in the Gazette, declare to be a milk-borne disease for the purposes of this section.

PART IV

Provisions As To Importation

Restrictions on the importation of certain foods.

26. (1) No person shall import into Ceylon—

(*a*) any margarine or margarine-cheese except in containers conspicuously marked "Margarine" or "Margarine-cheese", as the case may require ;

(*b*) any adulterated or impoverished milk, except in containers conspicuously marked with a name or description indicating that the milk has been so treated ;

(*c*) any other adulterated or impoverished food to which the Minister may, by Order published in the Gazette, direct that this section shall be applied, except in containers conspicuously marked with a name or description indicating that the food has been so treated ;

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(*d*) any milk-blended butter, except in containers conspicuously marked with a name approved for the purpose by the Minister, not being a name which refers to, or is suggestive of, butter or anything connected with the dairy interest ;

(*e*) any butter, margarine, or milk-blended butter the sale of which would be a contravention of subsection (1) of section 23 of this Act ; or

(*f*) any food which does not comply with any relevant provisions contained in regulations made under this Act or any other written law, with respect to the importation of food.

(2) For the purposes of the Customs Ordinance, any food or drugs referred to in the provisions of this Act or of any regulations made thereunder relating to importation shall be deemed to be goods the importation of which into Ceylon is restricted by enactment ; and the provisions of that Ordinance shall apply accordingly.

Adulterated or impoverished food.

27. For the purposes of this Part of this Act, food shall be deemed to be adulterated or impoverished if any other substance has been added to it, or if any part of it has been abstracted, so as in either case to affect injuriously its nature, substance, or quality :

Provided that, where regulations made under this Act or any other written law contain provisions prohibiting or restricting the addition of any substance to food, the addition of any such substance—

(*a*) if made in contravention of the regulations shall, and

(*b*) if made to an amount not exceeding the limit, if any, specified in the regulations shall not,

for the purposes of this subsection, be deemed to affect injuriously the nature, substance or quality of the food in question.

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PART V

Examination Of Food And Drugs

Powers of sampling food and drugs.

28. (1) Any authorized officer of the appropriate competent authority may—

(*a*) purchase samples of any food or drug (other than any food or drug which is an excisable article within the meaning of the Excise Ordinance) ; or

(*b*) take, without payment, samples of any food or drug which is an excisable article as aforesaid.

The powers conferred by the succeeding provisions of this section shall be in addition to the powers conferred by this subsection.

(2) Any authorized officer of the appropriate competent authority may take, without payment, samples of—

(*a*) any butter or cheese, or substances resembling butter or cheese, exposed for sale and not marked in the manner in which margarine, milk-blended butter or margarine-cheese is required to be marked under this Act ; and

(*b*) any food or substance capable of being used in the preparation of food, found on premises which he has entered in the execution of his duties under this Act.

(3) Any authorized officer of the appropriate competent authority may take, without payment, samples of milk at any dairy, or at any time while it is in transit or at the place of delivery to the purchaser, consignee or consumer.

(4) Where milk sold or exposed for sale within any administrative area is obtained from a dairy outside that area, the medical officer of health or any authorized officer of the appropriate competent authority may, by notice in writing to the medical officer of

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health or any authorized officer of the appropriate competent authority within whose administrative area the dairy is situated, or through whose administrative area the milk passes in transit, request him to obtain samples of milk at that dairy, or while it is in transit, as the case may be ; and it shall be the duty of an officer who receives such a notice to obtain, as soon as practicable, samples of the milk in question and to forward such samples to the officer who gave the notice, or to such person as that officer may direct ; and, for the purposes of this Act, samples so obtained shall be deemed to have been obtained within the area for which such last-mentioned officer acts.

(5) The power of obtaining samples of milk within any administrative area conferred by this Part of this Act upon an authorized officer of the appropriate competent authority for that area may be exercised at a place outside that area, if the appropriate competent authority for the administrative area within which that place is situated has consented to samples of milk being obtained within such administrative area by authorized officers of the first-mentioned competent authority, and, for the purposes of this Act, any samples so obtained shall be deemed to have been obtained within the administrative area for which the officer in question acts.

(6) The appropriate competent authority shall not unreasonably withhold consent for the purposes of subsection (5) and any question whether or not consent is unreasonably withheld shall be referred to and determined by the Minister whose decision thereon shall be final and conclusive and shall not be subject to question or review in any court of law.

(7) Any authorized officer of the appropriate competent authority may, at the request or with the consent of the purchaser, consignee or consumer, take, at the place of delivery and without payment, samples of any food delivered, or about to be delivered, to the purchaser, consignee or consumer in pursuance of a contract for the sale thereof to him :

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Provided that the preceding provisions of this subsection shall not apply in relation to milk.

(8) Any authorized officer of the appropriate competent authority may examine and take, without payment, samples of the contents of any container, forwarded by a public conveyance if he has reason to believe that the container contains margarine, margarine-cheese or milk-blended butter, which is not consigned in accordance with the provisions of this Act.

Right to have samples analysed.

29. (1) If any authorized officer who has obtained a sample of any food or drug considers that it should be analysed, he shall submit it to be analysed by an approved public analyst.

(2) Any person, other than an authorized officer, who has purchased any food or drug may submit a sample of it to be analysed by an approved public analyst for the administrative area in which the purchase was made.

(3) (*a*) An approved public analyst shall analyse, as soon as practicable, any sample sent to him in pursuance of this section and give to the person by whom it was submitted a certificate in the prescribed form specifying the result of the analysis :

Provided, however, that in the case of a sample submitted by a person who is not an authorized officer, the approved public analyst may demand in advance the prescribed fee.

(*b*) In giving his certificate under paragraph (*a*), the analyst shall have regard to provisions of any regulations made under this Act.

Division of, and dealings with, samples

30. (1) A person purchasing a sample of any food or drug with the intention of submitting it to be analysed by an approved public analyst, or taking a sample of food on any premises with the intention of submitting it to be so analysed, shall, after the purchase has been completed or the sample has been taken, forthwith inform the seller or his agent, who sold the

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sample, or, as the case may be, the occupier of the premises or the person for the time being in charge thereof, of his intention to have the sample analysed by such analyst, and shall then and there—

(*a*) divide the sample into three parts ; and

(*b*) mark and seal or fasten up each such part in such a manner as its nature will permit ;

and shall—

(i) if required so to do, deliver one part to the seller or his agent, or, as the case may be, to the occupier of the premises or the person for the time being in charge thereof ;

(ii) retain one part for future comparison ; and

(iii) if he thinks fit to have an analysis made, submit one part to an approved public analyst :

Provided that in relation to samples taken in such circumstances as are mentioned in either of the two next succeeding subsections, the foregoing provisions with respect to the giving of information and the manner of dealing with samples shall have effect as modified by those subsections.

(2) A person taking a sample of any food, while it is in transit or at the place of delivery to the purchaser, consignee or consumer shall, if he intends to submit it to be analysed by an approved public analyst, deal with it in the manner provided by the preceding subsection, except that he shall retain the first-mentioned part of the sample unless the name and address of the consignor appear on the container containing the article sampled in which case he shall forward that part of the sample to the consignor by registered post or otherwise, together with a notice informing that person that he intends to have part of the sample analysed by an approved public analyst.

(3) A person purchasing a sample of any food or drug from an automatic machine shall, if he intends to submit it to be analysed by an approved public

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analyst, deal with it in the manner provided by subsection (1) except that he shall send the first-mentioned part of the sample by registered post or otherwise together with such a notice as aforesaid—

(*a*) if the name and address of a person stated to be the proprietor of the machine appear thereon, to that person ; and

(*b*) in any other case, to the occupier of the premises on which the machine stands or to which it is affixed.

Special provisions as to the sampling of milk, &c.

31. (1) The provisions of this Act relating to the obtaining of samples by authorized officers and proceedings in connexion therewith, shall in relation to milk have effect subject to the provisions of the Second Schedule to this Act.

(2) It shall be a defence for an accused charged with any offence under this Act, in respect of a sample of milk obtained after the milk has left his possession, to prove that the churn or other vessels in which the milk was contained was effectively closed and sealed at the time when it left his possession, but had been opened before the person by whom the sample was obtained had access to it and in addition that the offence was committed without his knowledge and consent and that he had exercised all due diligence to prevent the commission of the offence.

(3) So much of any contract, as requires a purveyor of milk on a sample of milk being obtained under this Act to send to the person from whom he procured the milk, any part of such sample, or to give to that person notice that a sample has been so obtained, shall be void.

Definition of expression "to obtain samples".

32. For the purposes of this Act, the expression "to obtain samples", in relation to any food or drug, means to purchase or take without payment, as the case may be, samples of any food or drug in accordance with the powers conferred by this Act ; and its grammatical variations and cognate expressions shall be construed accordingly.

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PART VI

Appeals And References

Appeals.

33. (1) Every appeal against a decision of a competent authority under this Act or any regulation made thereunder shall be preferred by petition to the Magistrate's Court having jurisdiction in the place at which the appellant resides. The petition shall be filed within such time, and shall bear stamps to the value of such amount, as may be prescribed. The stamps shall be supplied by the appellant.

(2) A Magistrate's Court may on any appeal under this section confirm, vary or reverse a decision of a competent authority.

References.

34. (1) Every dispute as to whether or not compensation is payable under this Act or as to the amount of such compensation shall be referred by the parties thereto to the Magistrate's Court having jurisdiction in the place at which either of the parties resides.

(2) Every reference to a Magistrate's Court under this section shall be made by both parties to the dispute by means of a joint petition and such petition shall be filed within such time, and shall bear stamps to the value of such amount, as may be prescribed. Each such party shall supply stamps to the value of one-half of the amount so prescribed.

(3) A Magistrate's Court may on any reference under this section—

(*a*) where such reference is in respect of a dispute as to whether or not compensation is payable under this Act, award or refuse to award compensation as it may deem fit ; or

(*b*) where such reference is in respect of a dispute as to the amount of compensation payable under this Act, award as compensation such sum of money as it may deem fit.

Parties to be given opportunity of being heard.

35. Before disposing of any appeal or reference under this Part of this Act, a Magistrate's Court shall give the parties thereto and their respective witnesses, if any, an opportunity of being heard.

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Procedure at hearing of appeals and references.

36. At the hearing of any appeal or reference to a Magistrate's Court under this Part of this Act, the procedure to be followed shall, save as herein before provided and subject to any rules which are hereby authorized to be made under the Courts Ordinance for the purposes of this Act, be such as the court may direct either generally or in any particular case.

Decision of Magistrate's Court to be final.

37. The decision of a Magistrate's Court on any appeal or reference under this Part of this Act shall be final and conclusive and shall not be subject to appeal.

Summary recovery of compensation.

38. The amount of any compensation awarded by a Magistrate's Court on any reference under this Part of this Act may be recovered in like manner as a fine imposed by that court.

Stamp duties payable into Consolidated Fund.

39. All sums paid as stamp duties in respect of appeals or references under this Part of this Act shall be credited to the Consolidated Fund.

PART VII

ADMINISTRATION

Competent authorities and authorized officers.

40. (1) Save as otherwise provided in subsections (3) and (4), every local authority shall be the competent authority for the purposes of the application and enforcement, within its administrative area, of the provisions of this Act and of any regulations made thereunder relating to food; and the expression "appropriate competent authority", in relation to any such provisions in their application in the case of such area, shall be construed accordingly.

[§ 2, 32 of 1954.] The expression "authorized officer", in relation to all such provisions in their application as aforesaid, means any medical officer of health, sanitary inspector or food inspector, approved by the Minister of Health,

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and includes in relation to any such provisions authorizing the examination and seizure of meat in their application as aforesaid, any veterinary surgeon approved by the Minister of Health.

(2) Save as otherwise provided in subsections (3) and (4), the Director of Health Services shall be the competent authority for the purposes of the application and enforcement, within every administrative area, of the provisions of this Act and of any regulations made thereunder relating to drugs ; and the expression " appropriate competent authority ", in relation to any such provisions in their application in the case of every such area, shall be construed accordingly. The expression " authorized officer ", in relation to any such provisions in their application as aforesaid, means any officer of the Department of Health authorized in that behalf by the Director.

(3) Save as otherwise provided in subsection (4), the Excise Commissioner shall be the competent authority for the purposes of the application and enforcement, within every administrative area, of the provisions of this Act and of any regulations made thereunder relating to food and drugs which are excisable articles within the meaning of the Excise Ordinance ; and the expression " appropriate competent authority ", in relation to any such provisions in their application in the case of every such area, shall be construed accordingly. The expression " authorized officer ", in relation to any such provisions in their application as aforesaid, means any officer of the Excise Department authorized in that behalf by the Excise Commissioner.

(4) The Principal Collector of Customs, acting under the powers conferred on him by or under the Customs Ordinance, shall be the authority responsible for the application and enforcement, within every administrative area, of the provisions of this Act and of any regulations made thereunder relating to the importation into Ceylon of any food and drugs, and the provisions aforesaid shall, for the purposes of such application and enforcement, be read as one with that Ordinance.

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Approved public analysts.

41. (1) The Minister may approve any fit and proper person or persons as a public analyst or public analysts for any administrative area or areas ; notification of such approval shall be published in the Gazette.

(2) No person shall be approved under subsection (1) as an approved public analyst for any administrative area if he is engaged either directly or indirectly in any trade or business connected with the sale of food or drugs in that area.

(3) Where the Minister is satisfied that there is no fit and proper person or not a sufficient number of fit and proper persons who may be appointed as a public analyst or public analysts for any administrative area, the Minister may by Order published in the Gazette declare that so long as the Order is in force the Government Analyst shall be an approved public analyst for that administrative area.

Fees to be paid to approved public analysts.

42. (1) An approved public analyst shall be entitled to demand and receive such fee as may be prescribed in respect of each sample of any food or drug analysed by him under this Act.

(2) The Government Analyst shall pay all fees received by him in respect of samples of food and drugs analysed by him under this Act into the Consolidated Fund.

Reports by approved public analysts.

43. Every approved public analyst (other than the Government Analyst) shall, as soon as may be after the thirty-first day of March, the thirtieth day of June, the thirtieth day of September and the thirty-first day of December in every year, submit a written report to the Minister stating the number of articles analysed by him under this Act in his capacity as an approved public analyst during the preceding quarter of the year and the result of each analysis.

Delegation of powers by competent authorities.

44. Any power conferred on a competent authority by or under this Act may be exercised on behalf of that authority by any officer in the employment of the department of such authority acting under the general or special directions of such authority.

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Powers of entry.

45. (1) Subject to the provisions of this section, any authorized officer of the appropriate competent authority shall, on producing, if so required, some duly authenticated document showing its authority, have a right to enter any premises at all reasonable hours—

(*a*) for the purpose of ascertaining whether there is or has been on, or in connexion with, the premises any contravention of the provisions of this Act or of any regulations made thereunder ; and

(*b*) generally for the purpose of the performance by that authority of his functions under this Act or any such regulations :

Provided that admission to any premises used only as a private dwelling house shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) If it is shown to the satisfaction of a Magistrate by any authorized officer on sworn information in writing—

(*a*) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry ; and

(*b*) that there is reasonable ground for entry into the premises for any such purpose as aforesaid,

the Magistrate may, by warrant under his hand, authorize the officer to enter the premises, if need be by force :

Provided that such a warrant shall not be issued in any case where admission to any premises has been refused unless the Magistrate is satisfied that notice of the intention to apply for a warrant has been given to the occupier of the premises.

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(3) An authorized officer entering any premises by virtue of this section, or of a warrant issued thereunder, may take with him such other persons as may be necessary, and, on leaving any unoccupied premises which he has entered by virtue of such a warrant, shall leave them as effectively secured against trespassers as he found them.

(4) Every warrant granted under this section shall continue in force for such period as may be specified therein.

Expenses of administration.

46. (1) The expenses incurred, otherwise than by a local authority, in the administration of this Act shall be defrayed out of such moneys as may be provided for the purpose by Parliament.

(2) The expenses incurred by a local authority in the administration of this Act shall be defrayed by that authority out of its funds.

Default of local authority.
[§ 2, 38 of 1952.]

47. (1) Where the Minister, after communication with a local authority, is satisfied—

(*a*) that such authority has failed in relation to any kind of food to execute or enforce any of the provisions of this Act which it is the duty of such authority to execute or enforce in its capacity as a competent authority under this Act ; and

(*b*) that its failure to do so affects the general interests of consumers of food of that kind in Ceylon,

the Minister may, by Order published in the Gazette, empower the Director of Health Services to execute and enforce, or procure the execution and enforcement of, those provisions in relation to food of that kind ; and accordingly for the purpose only of enabling such Order to be given effect to, any reference in those provisions to an appropriate competent authority or authorized officer shall be deemed to include a reference to the Director or any officer acting under his authority, as the case may be.

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(2) Every Order made under subsection (1) may contain such directions and such supplemental, consequential and incidental provisions (including provisions varying or modifying the provisions of this Act) as may be necessary for the purpose only of giving effect to the Order, and shall on publication in the Gazette, have the force of law.

(3) The expenses incurred under any such Order by the Director shall be paid in the first instance out of moneys provided for the purpose by Parliament, but the amount of those expenses as certified by the Director shall, on demand, be paid to the Director by the local authority out of its funds and shall be recoverable by the Director from the local authority as a debt due to the Crown.

(4) Nothing in this section shall be deemed or construed to affect any other power exercisable by the Minister with respect to defaults of local authorities.

PART VIII

General

Protection for officers acting in the execution of their duty.

48. (1) No officer of a competent authority shall be personally liable in respect of any act done by him in the execution or purported execution of this Act or any regulations made thereunder and within the scope of his employment, if he did that act in the honest belief that his duty under this Act or such regulations required or entitled him to do it :

Provided that nothing in this subsection shall be construed as relieving a local authority which is also a competent authority from any liability in respect of the acts of their officers.

(2) Where an action has been brought against an officer of a local authority which is also a competent authority in respect of an act done by him in the execution or purported execution of this Act or any regulations made thereunder, and the circumstances

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are such that he is not legally entitled to require the authority to indemnify him, the authority may, nevertheless, indemnify him out of its funds against the whole or a part of any damages and costs which he may have been ordered to pay or may have incurred, if such authority is satisfied that he honestly believed that the act complained of was within the scope of his employment and that his duty under this Act or any such regulations entitled him to do it.

Regulations.

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

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in regard to the following matters:—

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

(*b*) all matters stated in this Act to be prescribed.

(3) Without prejudice to the generality of the provisions under which they are made, all Food and Drugs Regulations, Milk and Dairies Regulations and Bread and Flour Regulations made under this Act may—

(*a*) provide for the taking and examination of samples;

(*b*) apply, as respects matters to be dealt with by the regulations, any provision in this Act or any other written law dealing with the like matters, with the necessary modifications and adaptations;

(*c*) provide for an appeal under and in accordance with Part VI of this Act against any refusal or other decision of an authority by whom the regulations are to be enforced and executed;

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(*d*) authorize the making of charges for the purposes of the regulations or for any services performed thereunder and provide for the recovery of charges so made; and

(*e*) make such ancillary and incidental provisions as the Minister may consider necessary or desirable.

(4) Regulations under this Act may provide for the amendment, rescission or revocation of any by-laws made under any other written law for the purposes which are the same as or similar to the purposes for which such regulations under this Act are made.

(5) Any regulation under this Act shall, according as may be provided therein, apply in all administrative areas or to any one or more specified administrative areas.

(6) Every regulation made under the preceding provisions of this section shall be published in the Gazette, together with a notice stating that any local authority in whose administrative area the regulation is to be applicable may, within thirty days of the date of such publication, make objections or representations to the Minister in respect of such regulation.

(7) Where objections or representations are not received by the Minister in respect of any regulation or set of regulations within the time specified in that behalf in the notice under subsection (6) or where the Minister, after consideration of any such objections or representations as may have been received, is of opinion that no alteration or modification of the regulation or set of regulations is necessary, the Minister may by Order, which shall be published in the Gazette, declare that the regulation or regulations published under subsection (6) shall come into effect on such date as may be specified in the Order.

(8) Where after consideration of any such objection or representation as may have been received in respect of any regulation or set of regulations, the Minister is of opinion that the regulation or regulations should be varied or modified, he may vary or

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modify them accordingly ; and the regulations as so altered or modified shall be published in the Gazette and shall come into effect on such date as may be specified therein.

(9) Notwithstanding anything in subsections (6) to (8), any regulation which revokes any regulation or set of regulations which has come into effect or amends any such regulations by the omission or deletion of any paragraph thereof or words therein shall come into effect upon publication in the Gazette or upon such later date as may be specified therein.

(10) Every regulation made under this Act shall as soon as may be after it comes into effect as herein before provided be laid before the Senate and the House of Representatives ; and if a resolution is passed by the Senate and the House of Representatives, within forty days after the regulation is so laid, that the regulation shall be annulled, the regulation shall with effect from the date of the resolution be void, but without prejudice to anything previously done thereunder.

Every regulation which is not so annulled shall be as valid and effectual as though it were herein enacted.

Obstruction of officers in the execution of their duties.

50. (1) (*a*) No person shall wilfully obstruct any other person acting in the execution of this Act or of any regulation, order or warrant made or issued thereunder.

(*b*) The penalty for any contravention of the preceding provisions of this subsection shall be a fine not exceeding fifty rupees :

Provided, however, that if the court is satisfied that any such contravention was committed with intent to prevent the discovery of some other offence under this Act, or if the person charged with such contravention has within the period of twelve months immediately preceding been convicted of an offence under this Act in respect of any such contravention, the penalty shall be a fine not exceeding two hundred rupees or imprisonment of either description for a term not exceeding one month.

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(2) If any authorized officer of the appropriate competent authority applies to purchase any food or drug exposed for sale, or on sale by retail, and tenders the price for the quantity which he requires as a sample, and the person exposing the food or drug for sale, or having it for sale, refuses to sell to the authorized officer such quantity thereof as aforesaid, or if the seller or consignor, or any other person having for the time being the charge of any food or drug of which an authorized officer is empowered to take a sample refuses to allow the officer to take the quantity which he requires as a sample, the person so refusing shall, for the purposes of subsection (1), be deemed to have wilfully obstructed the officer:

Provided, however, that where any food or drug is exposed for sale in an unopened container duly labelled, nothing in the preceding provisions of this subsection shall be deemed or construed to require a person to sell such food or drug except in the unopened container in which it is contained.

(3) (*a*) Every person shall give to any other person acting in the execution of this Act or of any regulation, order or warrant made or issued thereunder, any assistance which that other person may reasonably request him to give, or any information which that other person is expressly authorized by or under this Act to call for or may reasonably require.

(*b*) No person shall, when required to give any information referred to in paragraph (*a*) of this subsection, knowingly give any information which is false:

Provided that nothing in the preceding provisions of this paragraph shall be deemed or construed to require a person to answer any question or give any information if to do so might incriminate him.

(4) The penalty for any contravention of any of the preceding provisions of this subsection shall be a fine not exceeding fifty rupees.

Evidence of certificates of analysis.

51. (1) In any proceedings under this Act, the production by one of the parties of a document purporting to be a certificate of an approved public analyst

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in the prescribed form, or of a document supplied to him by the other party as being a copy of such a certificate, shall be sufficient evidence of the facts stated therein, unless, in the first-mentioned case, the other party requires that the analyst should be called as a witness.

(2) In any such proceedings, if a sample of milk has been obtained by any authorized officer of a competent authority at the request of any officer of another competent authority, a document purporting to be a certificate signed by the officer who obtained the sample and stating that the provisions of this Act with respect to the manner in which samples are to be dealt with were complied with, shall, if a copy thereof has been served on the accused along with the summons, be sufficient evidence of compliance with those provisions, unless the accused requires that the officer should be called as a witness.

(3) In any such proceedings, if the accused intends to produce a certificate of an approved public analyst, or under subsection (1) of this section to require that the public analyst shall be called as a witness, or under subsection (2) to require that an authorized officer shall be called as a witness, notice of his intention together, in the first-mentioned case, with a copy of the certificate, shall be given to the other party at least three clear days before the day on which the summons is returnable, and, if this requirement is not complied with, the court may, if it thinks fit, adjourn the hearing on such terms as it thinks proper.

Presumptions.

52. For the purposes of this Act and of any regulations made thereunder—

(*a*) articles commonly used for human consumption shall, if sold or offered, exposed or kept for sale, be presumed until the contrary is proved, to have been sold, or, as the case may be, to have been or to be intended for sale, for human consumption ;

(*b*) any article commonly used for human consumption, which is found on premises used for the

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preparation, storage, or sale of that article and any article commonly used in the manufacture of products for human consumption, which is found on premises used for the preparation, storage or sale of those products, shall be presumed, until the contrary is proved, to be intended for sale, or for manufacturing products for sale, for human consumption; and

(c) any substance capable of being used in the composition or preparation of any article commonly used for human consumption, which is found on premises on which that article is prepared, shall until the contrary is proved, be presumed to be intended for such use.

Power of court to require analysis by the Government Analyst.

53. (1) The court before which any proceedings are taken under this Act may, if it thinks necessary, and upon the request of either party shall, cause the part of any sample produced before the court under subsection (4) of section 59 of this Act to be sent to the Government Analyst, who shall make an analysis and transmit to the court a certificate of the results thereof, and the costs of the analysis shall be borne by the prosecutor or the accused as the court may order.

(2) The Supreme Court may, if it thinks fit upon any appeal preferred in proceedings in respect of any contravention of this Act, exercise the power conferred by subsection (1) to require a sample to be analysed by the Government Analyst.

(3) In any case where a certificate has been given under this Act by the Government Analyst, in his capacity as an approved public analyst, specifying the results of his analysis of a part of any sample, then any other part of that sample which is to be analysed upon an order of any court under subsection (1) or subsection (2) shall be sent for analysis to any approved public analyst determined by the court, not being the Government Analyst.

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Conditions under which a warranty may be pleaded as defence.

54. (1) Subject to the provisions of this section, in the case of any proceedings for a contravention of any of the provisions of Part I or Part II or Part III of this Act in respect of selling, exposing or offering for sale, or having in possession for sale, an article which was not of a nature, substance or quality entitling a person to sell or otherwise deal with it under the description under which, or in the manner in which, the accused dealt with it, it shall be a defence for the accused to prove—

(*a*) that he purchased it as being an article of such a nature, substance and quality as would have so entitled him and with a written warranty to that effect ; and

(*b*) that he has no reason to believe that at the time of the commission of the alleged offence that it was otherwise ; and

(*c*) that it was then in the same state as when he purchased it.

(2) A warranty shall only be a defence in proceedings under this Act, if—

(*a*) the accused has within seven days of the service of the summons sent to the prosecutor a copy of the warranty with a notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it, and has also sent a like notice of his intention to that person ; and

(*b*) in the case of a warranty given by a person resident outside Ceylon, the accused proves that he had taken reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained therein ; and

(*c*) in the case of proceedings in respect of a sample of milk, the accused has within sixty hours after the sample was obtained served such a notice as is mentioned in paragraph (2) of the Second Schedule to this Act.

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(3) Where the accused is a servant of the person who purchased the article under a warranty, he shall be entitled to rely on the provisions of this section in the same way as his employer would have been entitled to do if he had been the defendant.

(4) The person by whom the warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

(5) For the purposes of this section and section 55, a name or description entered in an invoice shall be deemed to be a written warranty that the food or drug to which the entry refers is of such a nature, substance and quality that a person can sell, or otherwise deal with it, under that name or description without contravening any of the provisions of this Act or of any regulations made thereunder.

Offences in relation to warranties and certificates of analysis.

55. (1) Any accused who in any proceedings under this Act wilfully applies to any food or drug a warranty or certificate of analysis given in relation to any other food or drug shall be guilty of an offence under this Act.

(2) A person who, in respect of any food or drug sold by him, gives to the purchaser a false warranty in writing, shall be guilty of an offence under this Act, unless he proves that when he gave the warranty he had reason to believe that the statement or description contained therein was accurate.

(3) Where the accused in any prosecution under this Act relies successfully on a warranty given to him or to his employer, any proceedings under the last preceding subsection in respect of the warranty may, at the option of the prosecutor, be taken either before a court having jurisdiction in the place where a sample of the food or drug to which the warranty relates was obtained, or before a court having jurisdiction in the place where the warranty was given.

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Offences.

56. (1) Every person who—

(*a*) contravenes or fails to comply with any provisions of this Act or of any regulations made thereunder ; or

(*b*) contravenes or fails to comply with the requirements of any notice, order or warrant issued under this Act or such regulations,

shall be guilty of an offence under this Act.

(2) No prosecution for any offence under this Act shall be instituted except by an authorized officer of the appropriate competent authority.

(3) Upon the conviction of any person of an offence under this Act, the court may, in addition to any fine or other penalty which it may impose, order the confiscation of the article in respect of which the offence was committed. Articles confiscated in pursuance of an order made under this subsection shall be disposed of or destroyed in such manner as may be prescribed.

Penalties.

57. Every offence under this Act shall, save as otherwise expressly provided in this Act, be punishable as follows :—

(*a*) in the case of a first offence, a fine not exceeding two hundred rupees ;

(*b*) in the case of a second or subsequent offence, a fine not exceeding one thousand rupees or imprisonment of either description for a term not exceeding three months or both such fine and imprisonment.

Offences triable by Magistrate's Court.

58. All offences under this Act shall be cognizable offences for the purpose of the application of the provisions of the Criminal Procedure Code, notwithstanding anything contained in the First Schedule of that Code, and shall be triable summarily by a Magistrate's Court.

Prosecutions in respect of samples.

59. (1) Where a sample has been obtained under this Act, no prosecution in respect of the article sampled shall be commenced after the expiration of a period of

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twenty-eight days from the time when the sample was obtained unless the court before which the proceedings are instituted, on being satisfied on oath that having regard to the circumstances of the particular case it was not practicable to institute the proceedings at an earlier date, gives a certificate to that effect, and in no case shall the prosecution be commenced after the expiration of a period of forty-two days from the said time.

(2) Subject as hereinafter provided, where a sample has been obtained under this Act, any proceedings in respect of the article sampled shall be instituted before a court having jurisdiction in the place where the sample was obtained :

Provided that—

(*a*) where a sample obtained within one area is for the purposes of this Act deemed to have been obtained within another area, proceedings may, at the option of the prosecutor, be instituted before a court having jurisdiction in the area within which the sample was obtained, or before a court having jurisdiction in the area within which it is deemed to have been obtained ; and

(*b*) where the article sampled was sold and actually delivered to the purchaser, proceedings may, if the prosecutor so elects, be instituted before a court having jurisdiction at the place of delivery.

(3) In any proceedings under this Act in respect of an article sampled, the summons shall not be made returnable less than a period of fourteen days from the day on which it is served, and a copy of any certificate of analysis obtained on behalf of the prosecutor and of any certificate given by a court under subsection (1) of this section, shall be served with the summons.

(4) In any proceedings under this Act, where a sample has been obtained in such circumstances that its division into parts is required by this Act, the part of the sample retained by the person who procured the sample shall be produced at the hearing.

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Where accused proves that some other person is guilty of the offence.

60. (1) Where a person (hereinafter referred to as "the accused") is charged with an offence under this Act, he shall, upon complaint duly made by him in accordance with the provisions of section 148 of the Criminal Procedure Code and on giving to the prosecution not less than three days' notice of his intention, be entitled to have any other person whom he charges as the actual offender brought before the court, and, if, after the commission of the offence has been proved, the accused proves to the satisfaction of the court that the commission of the offence was due to the act or default of such other person, such other person may be convicted of the offence, and, if the accused further proves that he has used all due diligence to enforce the provisions of this Act, he shall be acquitted of the offence.

(2) Where an accused seeks to avail himself of the provisions of subsection (1)—

(*a*) the prosecution, as well as the person whom the accused charges with being the actual offender, shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence ; and

(*b*) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(3) Where it appears to the appropriate competent authority that an offence has been committed under this Act in respect of which proceedings might be taken under this Act against some person and the authority is reasonably satisfied that the offence complained of was due to an act or default of some other person and that the first-mentioned person could establish a defence under subsection (1) of this section, the authority may cause proceedings to be taken against that other person without first causing proceedings to be taken against the first-mentioned person.

In any such proceedings the accused may be charged with and, on proof that the offence was due to his

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act or default, be convicted of the offence with which the first-mentioned person might have been charged.

Application of Customs Ordinance.

61. The provisions of the Customs Ordinance shall apply for the purpose of the enforcement, and of the prevention and punishment of contraventions or attempted contraventions, of the provisions of this Act and of any regulations made thereunder relating to the importation into Ceylon of any food and drugs; and accordingly, nothing in this Part (other than the provisions of sections 49, 60 and 64) shall apply in relation to the aforesaid provisions.

Application of other written law relating to food and drugs.

62. (1) The provisions of this Act and of any regulations made thereunder relating to any food or drugs which are excisable articles within the meaning of the Excise Ordinance shall be in addition to and not in substitution for the provisions of that Ordinance.

(2) The provisions of this Act and of any regulations made thereunder relating to drugs shall be in addition to and not in substitution for the provisions of the Poisons, Opium, and Dangerous Drugs Ordinance.

(3) (*a*) The Minister may refuse to approve of any by-laws, rules or regulations relating to food or drugs made by any local authority under any other written law if he is satisfied that adequate provision in respect of such matters has been made by regulations under this Act.

(*b*) The Minister may, by Order published in the Gazette, declare that the provisions of the Suburban Dairies and Laundries Ordinance relating to dairies and dairymen shall not apply in any specified administrative area if he is satisfied that adequate provision in respect of such matters has been made for that area by regulations under this Act.

(4) In the event of any conflict or inconsistency between regulations made under this Act and by-laws made by any local authority under any other written law, the regulations made under this Act shall prevail.

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Fines to be paid into funds of local authority.

63. All fines paid or recovered in respect of offences under this Act committed within the administrative area of a local authority shall be credited to the funds of that authority.

Interpretation.

64. (1) In this Act, unless the context otherwise requires—

"administrative area" means the area within the administrative limits of any local authority ;

"appointed date" means the 1st day of October, 1949 ;

"article" does not include a live animal or bird, but includes the whole or any part of any dead animal, bird or fish intended to be used or capable of being used for human consumption ;

"artificial cream" means an article of food which, though not cream, resembles cream and contains no ingredient which is not derived from milk except water or any substance which may lawfully be contained in an article sold as cream, being some substance, not injurious to health, which in the case of cream may be required for its production or preparation as an article of commerce in a state fit for carriage or consumption and which has not been added fraudulently to increase bulk, weight or measure or conceal inferior quality ;

"authorized officer" has the meaning assigned to it by section 40 of this Act ;

"Bread and Flour Regulations" has the meaning assigned to it by section 21 of this Act ;

"butter" means the substance usually known as butter, made exclusively from milk with or without salt or other preservative, and with or without the addition of colouring matter ;

"cheese" means the substance usually known as cheese containing no fat other than fat derived from milk ;

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"container" includes a package or receptacle of any kind, whether open or closed;

"cream" means that part of milk rich in fat which has been separated by skimming or otherwise;

"dairy" includes any farm, cow-shed, milk store, milk shop, or other premises from which milk is supplied for sale, or in which milk is kept or used for purposes of sale or of manufacture into butter, cheese, dried milk or condensed milk for sale, or in which vessels used for the sale of milk are kept, but does not include a shop from which milk is supplied only in properly closed and unopened vessels in which it is delivered to the shop, or a shop or other place in which milk is sold for consumption on the premises only;

"dairyman" includes an occupier of a dairy, a cow-keeper, and a purveyor of milk;

"drug" includes medicine for internal or external use;

"food" means any article used as food or drink for human consumption, other than drugs or water, and includes—

(*a*) any substance which is intended for use in the composition or preparation of food;

(*b*) any flavouring matter or condiment; and

(*c*) any colouring matter intended for use in food:

Provided that, notwithstanding anything in this definition, the addition of any colouring or flavouring matter or condiment to an article used as food or drink shall be deemed to be the addition of a substance to food;

"Food and Drugs Regulations" has the meaning assigned to it by section 9 of this Act;

"ice-cream" includes any similar commodity;

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"importer", in relation to an imported article, includes any person who, whether as owner, consignor, consignee, agent or broker, is in possession of, or in any way entitled to the custody or control of, the article ;

"local authority" means any Municipal Council, Urban Council, Town Council or Village Committee ;

"margarine" means any food, whether mixed with butter or not, which resembles butter and is not milk-blended butter ;

"margarine-cheese" means any substance prepared in imitation of cheese and containing fat not derived from milk ;

"Milk and Dairies Regulations" has the meaning assigned to it by section 17 of this Act ;

"milk-blended butter" means any mixture produced by mixing or blending butter with milk ;

"premises" includes messuages, buildings, land, easements and hereditaments of any tenure ;

"prepare", in relation to food, includes manufacture and "preparation" shall be construed accordingly ;

"prescribed" means prescribed by the Minister by regulation made under this Act ;

"approved public analyst" means any person declared by or under section 41 of this Act to be an approved public analyst for the purposes of this Act ;

"purveyor", in relation to milk, includes any person who sells milk, whether by wholesale or by retail ;

"sanitary convenience" means a closet, privy or urinal ;

"separated", in relation to milk, includes skimmed ;

"shop" has the same meaning as in the Shop and Office Employees (Regulation of Employment and Remuneration) Act ;

"substance" includes a liquid ;

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" transit " includes all stages of transit from the dairy, place of manufacture or other source of origin, to the consumer ;

" vessel " includes a receptacle of any kind, whether open or closed.

(2) In this Act, unless the context otherwise requires—

(*a*) any reference to milk shall be construed as including a reference to cream and to separated milk, but not as including a reference to dried milk or to condensed milk ; and

(*b*) any reference to food of any kind sold, or offered, exposed intended or in preparation, for sale for human consumption shall be construed as including a reference to that food sold, or offered, exposed, intended or in preparation, for sale for the manufacture of products for human consumption.

(3) For the purposes of this Act—

(*a*) the expression " medical practitioner " means a person registered as a medical practitioner under the Medical Ordinance and includes a *vederala* within the meaning of that term as defined in that Ordinance ; and

(*b*) the expression " medical officer of health ", in relation to any administrative area, means the medical officer of health of the local authority for that area, or, where there is no such medical officer, the Government medical officer of health.

FIRST SCHEDULE

MILK-BORNE DISEASES

[Section 25 (6).]

Enteric fever (including typhoid and paratyphoid fevers) .
Dysentery.
Diphtheria.
Scarlet fever.
Acute inflammation of the throat.
Gastro-enteritis.
Undulant fever.

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SECOND SCHEDULE

[Section 31.]

SPECIAL PROVISIONS AS TO THE SAMPLING OF MILK

(1) Where a sample of milk is obtained from a purveyor of milk, he shall, if required to do so by the person by whom or on whose behalf the sample was obtained, state the name and address of the seller or consignor from whom he received the milk.

(2) Within sixty hours after the sample was obtained from the purveyor, he may serve on the appropriate competent authority by whose officer it was obtained, or if it was not obtained by an officer of any such authority, on the appropriate competent authority within whose area it was obtained, a notice stating the name and address of the seller or consignor from whom he received the milk and the time and place of delivery to himself of milk from a corresponding milking, and requesting the authority to take immediate steps to obtain, as soon as practicable, a sample of milk from a corresponding milking in the course of transit or delivery to himself from the seller or consignor :

Provided that—

(*a*) if such a sample has been so obtained since the sample in question was obtained, or had been so obtained within twenty-four hours prior to that sample being obtained, it shall not be necessary for the authority to obtain another sample in accordance with the notice ; and

(*b*) the purveyor shall have no right to require that such a sample shall be obtained if the milk from which the sample obtained from him was taken was a mixture of milk obtained by him from more than one person.

(3) If a purveyor has served on the authority such a notice as aforesaid, and the authority has, in a case not falling within proviso (*a*) to the preceding paragraph, omitted to obtain a sample of milk from the seller or consignor in accordance with the foregoing provisions, no proceedings under this Act shall be taken against the purveyor in respect of the sample obtained from him.

(4) Any sample so obtained in the course of transit or delivery shall be submitted for analysis to the approved public analyst to whom the sample obtained from the purveyor is or was submitted.

(5) If proceedings are taken against the purveyor, a copy of the certificate of the result of the analysis of every sample so obtained in the course of transit or delivery shall be furnished to him, and every such certificate and copy shall, subject to the provisions of sections 51 and 52 of this Act, be admissible as evidence on any question whether the milk sold by the purveyor was sold in the same state as it was in when he purchased it.

(6) The appropriate competent authority by whose officer, or within whose area, the first-mentioned sample was obtained may, instead of, or in addition to, taking proceedings against the purveyor, take proceedings against the seller or consignor.

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(7) If a sample of milk of cows in any dairy is obtained in course of transit or delivery from that dairy, the dairyman may, within sixty hours after the sample was obtained, serve on the appropriate competent authority by whose officer the sample was obtained a notice requesting them to take immediate steps to obtain as soon as practicable a sample of milk from a corresponding milking of the cows and, thereupon, paragraphs (2) to (5) of this Schedule shall, so far as applicable, apply with any necessary modifications :

Provided that the person obtaining the sample shall be empowered to take any such steps at the dairy as may be necessary to satisfy him that the sample is a fair sample of the milk of the cows when properly and fully milked.

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CHAPTER 217

BREAD

Ordinances Nos. 13 of 1864, 33 of 1944, *Act* No. 12 of 1952.

AN ORDINANCE TO REGULATE THE SALE OF BREAD AND TO PREVENT THE ADULTERATION OF BREAD OFFERED FOR SALE.

[*1st January, 1865.*]

Short title.

1. This Ordinance may be cited as the Bread Ordinance.

Sale of bread by weight, and marking of weight of loaves. [§ 2, 33 of 1944.]

2. (1) No baker or vendor of bread shall sell any bread other than fancy bread or rolls, except by weight and except in loaves weighing one-quarter of a pound, one-half of a pound, one pound, two pounds or four pounds avoirdupois.

(2) Subject as hereinafter provided, no baker or vendor of bread shall sell any loaf of bread or expose any such loaf for sale, unless the weight of the loaf is clearly marked on the loaf by an impression made in baking, or on a band or wrapper affixed round or enclosing the loaf :

Provided that nothing in the preceding provisions of this subsection shall apply—

(*a*) in the case of fancy bread or rolls, or of any loaf of bread which is under one-half of a pound in weight ; or

(*b*) in the case of any bread which, in pursuance of any contract or agreement in that behalf, is supplied on any occasion in any quantity not less than one-half of a hundredweight and is weighed upon delivery.

Offences relating to sale of bread. [§ 2, 33 of 1944.]

3. Any baker or vendor of bread who—

(*a*) acts in contravention of any of the provisions of section 2, or

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(b) sells or exposes for sale any loaf of bread weighing less than the weight marked on such loaf or on any band or wrapper affixed round or enclosing such loaf,

shall be guilty of an offence and liable to a fine not exceeding twenty rupees.

Means of weighing to be provided by every baker or vendor of bread.

4. Every baker or vendor of bread shall cause to be fixed in some conspicuous part of his shop a beam and scales with standard weights or other sufficient balance, in order that all bread, except as aforesaid, there sold may from time to time be weighed in the presence of the purchasers thereof, if they shall so require; and if any baker or vendor of bread shall neglect to fix such beams and scales or other sufficient balance in manner aforesaid, or to provide and keep for use a proper beam and scales and proper weights or balance, or shall use any false weight, or shall not weigh bread sold in his shop when required so to do by a purchaser, he shall be liable to a fine not exceeding fifty rupees for each offence.

Adulteration of bread an offence.

5. Any baker or other person or persons who shall make bread for sale, or any person in the employ of any such baker or other person, who shall, on any account or under any colour or pretence whatsoever, at any time in the making of bread for sale use any mixture or ingredient whatsoever which shall, after due examination, be adjudged by any Magistrate to have the effect of adulterating such bread, or any damaged grain, flour, or meal, shall be liable for the first offence to a fine not exceeding fifty rupees, and to a fine of one hundred rupees for every subsequent offence.

Adulterating corn, meal, or flour, &c., an offence.

6. If any person shall put into any corn, meal, or flour which shall be offered for sale either before or at the time of grinding, dressing, bolting, or manufacturing the same or at any other time, any ingredient or mixture whatsoever, not being the real and genuine produce of the corn or grain; or if any person shall knowingly sell, or offer or expose for sale, either

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separately or mixed, any meal or flour of one sort of corn or grain as the meal or flour of any other sort of corn or grain, or any ingredient whatsoever mixed with the meal or flour so offered or exposed for sale, then and in every such case every person so offending shall be liable to a fine not exceeding two hundred rupees.

Search of bakers' premises, &c., and seizure of adulterated flour, &c.

7. It shall be lawful for any Magistrate within the limits of his jurisdiction and also for any police or peace officer, or other person authorized by the warrant of any such Magistrate (and which warrant any such Magistrate is hereby empowered to grant), at seasonable times in the day-time to enter into any house, mill, shop, stall, or other premises of or belonging to any miller, mealman, or baker, or other person who shall grind grain, or dress, or bolt meal, or flour or make bread for reward or sale, or who shall have corn or meal for sale, and to weigh the bread kept there for sale, and to search or examine whether any mixture or ingredient not the genuine produce of the grain such meal or flour shall import or ought to be, shall have been mixed with or put into any meal or flour in the possession of such miller, mealman, or baker, whereby the purity of any meal or flour is or shall be in anywise adulterated, or for damaged grain, flour, or meal; and if, on any such search, it shall appear that any bread is not of the weight which it purports to be, or is not stamped as required by this Ordinance, or that any meal, flour, dough, or bread so found shall have been damaged or so adulterated by the person in whose possession it shall then be, or any mixture or ingredients shall be found which shall seem to have been deposited there in order to be used in the adulteration of meal, flour, or bread, then and in every such case it shall be lawful for every such Magistrate, police or peace officer, or other person authorized as aforesaid, within the limits of their respective jurisdictions, to seize and take any meal, flour, or bread which shall be found in any such search and deemed to have been damaged or adulterated, and all ingredients and mixtures which shall be found and deemed to have been used or intended to be used in or

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for any such adulteration as aforesaid, to the Magistrate having jurisdiction in the district where such seizure took place and such Magistrate is hereby authorized and required to dispose of the same as he in his discretion shall from time to time think proper.

Persons in whose premises ingredients for adulteration found, punishable.

8. Every person in whose house, mill, shop, stall, or premises any ingredient or mixture shall be found which shall, after due examination, be adjudged by any Magistrate to have been deposited there for the purpose of being used in adulterating meal, flour, or bread, or any damaged grain, flour, or meal, shall be liable to a fine not exceeding twenty rupees for the first offence, fifty rupees for the second offence, and one hundred rupees for every subsequent offence.

Publication of convictions.

9. Magistrates before whom persons are convicted for offences under sections 4, 5, and 6 of this Ordinance are hereby required to report the same to the Minister ;[1] and it shall be lawful for the Minister[1] to cause such offenders' names, places of abode, and offences to be published in the towns or places where the offences were committed, in such manner as to secure the greatest publicity thereto ; and it shall be lawful for Magistrates who shall report such proceedings as aforesaid upon presentation of certificates of the costs of such publication, signed by the Director of Health Services of Ceylon, to issue warrants for the distress and sale of so much of the property of the offenders as shall be sufficient for the repayment to the Director of Health Services of such costs, and of the costs of the distress and sale.

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CHAPTER 218

POISONS, OPIUM, & DANGEROUS DRUGS

Ordinances Nos. 17 of 1929, 43 of 1935, 12 of 1939, 35 of 1939, 14 of 1941, *Acts* Nos. 12 of 1952, 16 of 1953, 42 of 1953, 22 of 1955.

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW RELATING TO POISONS, OPIUM, AND DANGEROUS DRUGS.

[*1st January, 1936.*]

CHAPTER I

PRELIMINARY

Short title.

1. This Ordinance may be cited as the Poisons, Opium, and Dangerous Drugs Ordinance.

Interpretation.

2. (1) In this Ordinance, unless the context otherwise requires—

"container" includes package, bottle, or other receptacle;

"Director" means the Director of Health Services;

"dispense" includes compound;

"Government Agent" includes Assistant Government Agent;

"local authority" means—

(*a*) as respects any area within the administrative limits of a Municipal Council, Urban Council or Town Council, the Mayor or Chairman of such Council;

(*b*) as respects any place not within the aforesaid administrative limits, the Government Agent in charge thereof;

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"medical practitioner", "dentist", and "pharmacist" respectively means persons registered as such under the Medical Ordinance;

"regulation" means a regulation made under this Ordinance and published in the Gazette, and includes the First, Second, Third, Fourth, Fifth, and Sixth Schedules;

"veterinary surgeon" means a veterinary surgeon holding a licence from the local authority to act as such;

"wholesale druggist" means any person holding a licence from the local authority to act as such.

(2) For the purposes of this Ordinance, anything in the order, disposition, power, or control of a person is deemed to be in his possession.

Calculation of percentages.

3. Unless otherwise prescribed by regulation, percentages in the case of liquid preparations shall, for the purposes of this Ordinance, be calculated on the basis that a preparation containing one *per centum* of any substance means a preparation in which one gramme of the substance, if a solid, or one millilitre of the substance, if a liquid, is contained in every one hundred millilitres of the preparation, and so in proportion for any greater or less percentage.

CHAPTER II

Poisons

Meaning of poison.

4. (1) In this Ordinance, unless the context otherwise requires—

[§ 2, 12 of 1939.]

"poison" means any article specified in Parts I, II, and III of the First Schedule;

"poisonous substance" means any of the substances specified in Part IV of the First Schedule.

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(2) In this Chapter, unless the context otherwise requires, "medical practitioner" includes an apothecary entitled to practise medicine under section 41 (1) (*a*) or (*b*) of the Medical Ordinance.

Restrictions on sale and dispensing of poisons.
[§ 3, 12 of 1939.]

5. (1) No person shall dispense or sell any poison except as permitted by, or otherwise than in accordance with, the provisions of this Ordinance.

(2) Where any person, who is permitted by the provisions of this Ordinance to dispense or sell poisons, ceases at any time to be entitled or to be qualified in accordance with those provisions to dispense or sell poisons, all such stock of poisons as may at that time be in his possession shall be disposed of by him within such period, in such manner, and in conformity with such restrictions or conditions, as may be prescribed by regulations. A sale of a stock of poisons effected by any person in accordance with such regulations shall not be deemed to be a contravention of the provisions of subsection (1), notwithstanding that such person may not at the time of the sale be qualified in accordance with the provisions of this Ordinance to sell any poison.

Pharmacists.

6. (1) A pharmacist may dispense and sell poisons for the purposes of and in the course of his business or practice as a pharmacist.

(2) Any person who assumes and uses the title of pharmacist under the provisions of subsection (3) of section 58 of the Medical Ordinance, may sell poisons if he employs a registered pharmacist personally to superintend and manage the sale and the dispensing of poisons.

Medical practitioners and dentists.

7. A medical practitioner or dentist, or a Government apothecary who, under section 41 (1) (*a*) or (*b*) of the Medical Ordinance, is entitled to practise medicine and surgery for gain may dispense and sell poisons for the use of his patients.

Veterinary surgeons.

8. A veterinary surgeon may dispense and sell poisons for the treatment of animals.

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Poisons for use in agriculture, &c.
[§ 4, 12 of 1939.]

9. (1) (*a*) A person holding a licence from the local authority to sell specially prepared poisons by retail may sell such poisons subject to such restrictions or exceptions as may be prescribed by regulations.

(*b*) For the purposes of this section "specially prepared poisons" means poisons designed and intended to be used exclusively—

(i) for the purposes of photography ;

(ii) in agriculture or horticulture ;

(iii) for the destruction of insects, fungi, bacteria or weeds ;

(iv) for the preservation of skins or timber or for such other industrial purposes as may be prescribed by regulations ;

(v) for the veterinary treatment of animals.

(2) Every such licence shall, unless previously revoked, remain in force for one year.

(3) Every such licence shall be charged with a fee of fifteen rupees payable to the local authority.

Wholesale druggists.

10. A wholesale druggist may, in the ordinary course of wholesale dealing—

(*a*) sell any poison to a pharmacist or to a person who assumes and uses the title of pharmacist under the provisions of subsection (3) of section 58 of the Medical Ordinance, or to a medical practitioner, a dentist, a veterinary surgeon, a *vederala,* or to an apothecary entitled to dispense and sell poisons for the use of his patients, or sell any poison for the use of an estate hospital or dispensary established under the Medical Wants Ordinance ;

(*b*) sell to a person licensed by a local authority any poison which that person is authorized to sell.

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Estate hospitals.

11. A dispenser appointed under the Medical Wants Ordinance, and an estate dispenser appointed by a superintendent to an estate or group of estates with the approval of the Director of Health Services, but only during the time he is actually so employed, may dispense poisons for the use of the estate hospital or dispensary to which he is attached.

Vederalas.

12. A *vederala* may dispense and sell poisons to and for the treatment of his patients, but not in a form unfitted for use as medicine, or in a larger quantity than is necessary for the treatment of the patient to whom it is supplied.

Sale to persons under twelve years of age.

13. (1) No person shall sell, supply, or deliver any poison to a person under twelve years of age, except on the prescription of a medical practitioner prescribing the poison for the use of that person.

(2) Nothing in this section shall prevent a medical practitioner, dentist, *vederala,* an apothecary entitled to dispense and sell poisons for the use of his patients, or a dispenser entitled to dispense poisons under section 11 from selling, supplying, or delivering poison to a person under twelve years of age for the purposes of the medical or dental treatment of that person.

Duties with regard to prescriptions.

14. (1) A person who dispenses any prescription, whether containing a poison or not, shall before delivery—

(*a*) cause a copy of the prescription to be entered in a book (hereinafter called "the Prescription Book"); and

(*b*) write his name or initials on, or on a label attached to, the container containing the drug.

(2) A container or label attached thereto having the name or initials of a pharmacist thereon shall be sufficient prima facie evidence that the drug in the container was dispensed or compounded by him.

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Excessive doses.

15. No person shall dispense any prescription in which the maximum dose of any poison exceeds that laid down in the current edition of the British Pharmacopœia, unless such dose is specially initialled by the prescriber.

Standard of strength, &c., of drugs.

16. No person shall sell or dispense any drug or poison which is stale or unfit for use, or any drug or poison not of the nature, substance, quantity, or quality demanded by the purchaser or specified in the prescription, or, except in accordance with the prescription of a medical practitioner, any drug not being of the standard of strength, quality, and purity laid down in the current edition of the British Pharmacopœia.

Sale to unknown persons.

17. No person shall sell a poison specified in Part I of the First Schedule to a person unknown to the vendor unless the purchaser is introduced by some person known to the vendor, or, where the vendor is a pharmacist, unless the purchaser either is introduced by some person known to the vendor or produces the prescription of a medical practitioner prescribing the poison and the vendor has no reason to suspect that the prescription is not genuine or that the purchaser is not the person for whom the poison was prescribed.

Sale of poisons in Part III of the First Schedule.
[§ 5, 12 of 1939.]

18. (1) No person shall sell any poison included in Part III of the First Schedule, except on and in accordance with a prescription given by a medical practitioner, dentist, or veterinary surgeon, or by a Government apothecary who, under section 41 (1) (*a*) or (*b*) of the Medical Ordinance is entitled to practise medicine and surgery for gain.

(2) Subsection (1) shall not apply to a sale of any of the poisons referred to therein to a pharmacist by a wholesale druggist in the ordinary course of wholesale dealing.

(3) For the purpose of this section a prescription shall—

(*a*) be in writing, dated and signed by the prescriber with his usual signature, set out his surname and address, and specify the name

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and address of the person for whose use the prescription is given, the total amount of the poison to be supplied on the prescription, and the dose to be taken ;

(*b*) where it is given by a dentist, be marked " For dental treatment only " or, where it is given by a veterinary surgeon, be marked " For animal treatment only ".

(4) The person dispensing the prescription shall comply with the following requirements :—

(*a*) the prescription must not be dispensed more than once unless the prescriber has stated thereon that it may be dispensed more than once ;

(*b*) if the prescription contains a direction that it may be dispensed a stated number of times or at stated intervals, it must not be dispensed otherwise than in accordance with such direction ;

(*c*) at the time of dispensing there must be noted on the prescription, above the signature of the prescriber, the name and address of the person dispensing the prescription and the date on which it is so dispensed.

Vendor to enter particulars of sale of poisons in a book.

19. (1) On every sale of poison, the vendor shall, before delivery, cause the particulars specified in Part V of the First Schedule to be entered in a book (hereinafter called " the Sale of Poisons Book ") and to be signed by himself or the person who dispensed or sold the poison and by the purchaser and his introducer, if any.

(2) Subsection (1) shall not apply to poison supplied—

(*a*) by a medical practitioner for the treatment of his patient ; or

(*b*) by a pharmacist on the prescription of a medical practitioner, if the prescription and the name and address of the patient or the purchaser, or

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the name of the patient and the name and address of the person to whom the poison is delivered, are forthwith entered in the Prescription Book ; or

(c) by a wholesale druggist in the ordinary course of wholesale dealing to a pharmacist keeping open shop for the sale of drugs by retail.

(3) It shall not be necessary for an entry in the Sale of Poisons Book to be signed by the purchaser where the purchaser is a medical practitioner, and the purchase is made for the purpose of his profession and the following conditions are fulfilled, namely :—

(*a*) there must have been received by the vendor before the sale an order in writing signed by the purchaser stating his name and address and the name and quantity of the article to be purchased ;

(*b*) the vendor must be reasonably satisfied that the signature affixed to the order is in fact the signature of the person purporting to sign it, and that that person is a medical practitioner ;

(*c*) the vendor must enter in the Sale of Poisons Book, in the column assigned to the signatures of purchasers, the words "signed order" followed by the date on which the order is executed, and must preserve the order for a period of two years from the date on which the final entry in the book is made :

Provided that, if a vendor is reasonably satisfied that a medical practitioner desiring to purchase a poison urgently requires it for the purpose of his profession, but is, by reason of some emergency, unable, before delivery, either to furnish to the vendor an order in writing duly signed, or to attend and sign the book, the vendor may send the poison to the purchaser to be handed over to him either in exchange for such an order or on an undertaking by the purchaser to furnish such an order to the vendor within the forty-eight hours next following.

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(4) If any purchaser by whom any such undertaking as aforesaid has been given fails to deliver to the vendor a signed order in accordance with the undertaking, or if any person for the purpose of obtaining delivery of any poison under the foregoing proviso makes a statement which is to his knowledge false, he shall be deemed to have contravened the provisions of this Ordinance.

(5) This section applies to dentists and veterinary surgeons in like manner as it applies to medical practitioners.

Labelling poisons for sale.

20. (1) No person shall sell any poison unless the container is distinctly labelled or marked with the name and address of the vendor, with the word "Poison" or "Poisonous" in English, Sinhalese, and Tamil, and with the name of the poison and, in the case of a preparation which contains a poison as one of the ingredients thereof, with such particulars as to the proportion which the poison contained in the preparation bears to the other ingredients as may be prescribed by regulation.

(2) Subsection (1) shall not apply to sales by or on the prescription of a medical practitioner—

(*a*) of poison intended for internal use as a medicine if the name and address of the vendor and explicit directions for its use are written on the container in English, Sinhalese, or Tamil at the discretion of the pharmacist;

(*b*) of poison intended for external use as a medicine if the name and address of the vendor and explicit directions for its use are written on the container in English, Sinhalese, or Tamil at the discretion of the pharmacist, and the word "Poison" or "Poisonous" in English, Sinhalese, and Tamil is written on the container.

(3) No person shall sell any liquid containing poison in a container containing less than one reputed quart unless the container is rendered distinguishable by touch from ordinary containers.

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(4) Subsection (3) shall not apply to sales of poison intended for internal use as medicine if explicit directions for its use and the word "Poison" or "Poisonous" in English, Sinhalese, and Tamil are written on the container, or to sales of poisons by wholesale druggists in the ordinary course of wholesale dealings.

Labelling of poisonous substances for sale.

21. (1) No person shall sell any poisonous substance except in a container labelled or marked with the name of the substance, the words "Poison" or "Poisonous, not to be taken" in English, Sinhalese, and Tamil, and with the name and address of the vendor.

(2) No person shall sell any liquid poisonous substance in a container containing less than one reputed quart unless the container is rendered distinguishable by touch from ordinary containers.

(3) Subsection (2) shall not apply to sales of poisonous substances by wholesale druggists in the ordinary course of wholesale dealings.

Storage of poisons.

22. No person shall keep any poison in any warehouse, shop, or dispensary, unless—

(*a*) the container is labelled or marked with the word "Poison" or "Poisonous" in English, Sinhalese, and Tamil, and with the name of the article; and

(*b*) such poison is kept in one or other of the following ways, namely :—

(i) in a bottle or vessel tied over, capped, locked, or otherwise secured in a manner different from that in which bottles or vessels containing other articles are secured in the same warehouse, shop, or dispensary; or

(ii) in a bottle or vessel rendered distinguishable by touch from the bottles or vessels in which other articles are kept in the same warehouse, shop, or dispensary; or

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(iii) in a bottle, vessel, box, or package in a room or cupboard set apart for the storage of poisons.

Arsenic.

23. (1) No person shall sell any arsenic which is not before the sale mixed with soot or indigo in the proportion of not less than one ounce of soot or half an ounce of indigo to one pound of the arsenic, and so in proportion for any greater or less quantity.

(2) In this section "arsenic" means arsenious oxide or arsenious acid (commonly known as white arsenic) in the form of lumps or powder, and whether chemically pure or not.

(3) This section shall not apply to sales—

(*a*) by wholesale druggists to medical practitioners, dentists, veterinary surgeons, pharmacists, *vederalas,* or apothecaries ; or

(*b*) by or on the prescription of a medical practitioner or dentist.

Regulations for the purposes of this Chapter.
[§ 6, 12 of 1939.]

24. Regulations may be made for the purposes of this Chapter—

(*a*) prescribing the period within which, the manner in which, and the restrictions and conditions in conformity with which, any stock of poisons in the possession of any person referred to in section 5 (2) shall be disposed of by such person ;

(*b*) imposing the restrictions or exceptions, and prescribing the industrial purposes, referred to in section 9 ;

(*c*) restricting and regulating the possession and transport of poisons by persons who are wholesale druggists or holders of licences to sell specially prepared poisons by retail ; and

(*d*) prescribing the nature or description and the quantities of the poisons which may be kept for sale and sold by persons who are wholesale druggists or holders of licences to sell

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specially prepared poisons by retail and the precautions to be taken in relation to such poisons by such persons.

Analysis of samples.

25. (1) Any medical practitioner serving in the Department of Health, or any Collector of Customs, or any Superintendent or Assistant Superintendent of Police, or any person authorized in writing by any such medical practitioner, Collector, Superintendent, or Assistant Superintendent, may purchase a sample of any drug or poison for analysis by an authorized analyst.

(2) The person purchasing the sample shall forthwith notify to the seller, or his agent selling the article, his intention to have the same analysed by an authorized analyst, and shall divide the article into two parts to be then and there separated and cause each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall deliver one of such parts to the seller or his agent, and the other, if he deems it right to have the article analysed, to an authorized analyst. The seller of any such article so sold may affix his own private seal to the sample so obtained in such a manner as not to interfere with the seal affixed by the authorized person.

(3) If two or more articles, purporting to be of the same nature, size, or weight, and quality, are purchased for analysis—

(*a*) the purchaser, instead of dividing each article into two parts, may, if he thinks fit, cause, as near as may be, half the number of such articles to be separated, fastened up, marked, sealed, and delivered to the seller or his agent and cause, as near as may be, half the number of such articles to be separated, fastened up, marked, sealed, and delivered to an authorized analyst for analysis ;

(*b*) the authorized analyst, if any such article singly is too small to be conveniently analysed as a separate sample, may mix together two or more of such articles and analyse them as a single sample.

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(4) No pharmacist keeping open shop for the sale or dispensing of drugs shall refuse to sell for analysis under the foregoing provisions of this section any drug or poison exposed or kept for sale or apparently intended for use in dispensing medicines.

(5) In any proceedings under this Ordinance, the production of a certificate signed by an authorized analyst with regard to any sample procured for analysis under this section shall be prima facie evidence of the facts therein stated, and no proof need be given of the signature or appointment of the person signing the certificate.

(6) In this section "authorized analyst" means the Government Analyst, an Assistant Government Analyst, and any other person authorized by the Minister[1] by notice in the Gazette to act as such.

CHAPTER III

Poppy, Coca, And Indian Hemp Plants

Definitions—poppy plant, coca plant, and hemp plant.

26. In this Ordinance, unless the context otherwise requires—

"poppy plant" means the plant known as *Papaver somniferum L*;

"coca plant" means any plant of the genus *Erythroxylum* from which cocaine can be extracted, either directly or by chemical transformation;

"hemp plant" means the plant known as *Cannabis sativa L.*

Prohibition against cultivation of poppy, &c.

27. No person shall, without the licence of the Minister,[1] sow, plant, cultivate, obtain, or have in his possession any poppy plant, coca plant, or hemp plant, or collect or have in his possession the seeds, pods, leaves, flowers, or any part of any such plant.

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Prohibition against import and export of poppy, &c.

28. No poppy plant, coca plant, or hemp plant, or seeds, pods, leaves, flowers, or any part of any such plant shall be imported or brought into or exported from Ceylon.

Prohibition against import, possession, &c., of resin, bhang, hashish, and ganja.

29. Except as provided for in Chapter V hereafter, no person shall, without the licence of the Minister,[1] collect, prepare, manufacture, import, or bring into or export from Ceylon, obtain or have in his possession, consume, or use any resin obtained from the hemp plant or the preparations of or extracts from the hemp plant commonly known as bhang, hashish, or ganja, or any other preparation of which such resin forms a part.

Exception in favour of galenical preparations and cordage.

[§ 7, 12 of 1939.]

30. Nothing in this Chapter shall affect the lawful import, export, supply, manufacture, use, or possession of galenical preparations (extract and tincture) of the hemp plant under Chapter V, or of hemp rope or cordage, or of hemp fibre suitable for manufacture into rope or cordage, or the transit, in accordance with the provisions of Chapter VI, of any article referred to in sections 27, 28 and 29, through Ceylon or the territorial waters or any port of Ceylon, whether with or without transhipment or unshipment.

CHAPTER IV

Raw And Prepared Opium

Definitions of "raw opium", "prepared opium", and "registered consumer".

31. In this Ordinance, unless the context otherwise requires—

"raw opium" means the spontaneously coagulated juice obtained from the capsules of the *Papaver somniferum, L.*, which has only been submitted to the necessary manipulations for packing and transport, whatever its content of morphine;

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"prepared opium" means raw opium which has undergone the processes necessary to adapt it for smoking, and includes opium dross and any other residues remaining after opium has been smoked;

"registered consumer" means a person who, on the date on which this Ordinance comes into operation, is a consumer of opium registered under the Opium Ordinance, 1910. *

Restriction on import and export of raw or prepared opium.

32. (1) No person, except the Director acting under the authority of the Minister,[1] shall import or bring into Ceylon any raw or prepared opium.

(2) The Minister[1] may from time to time authorize the Director to purchase and import on behalf of the Government such quantities of raw and prepared opium as may be required in Ceylon for medical or scientific purposes or for supply to registered consumers or registered *vederalas*. In importing such opium the Director shall comply with the regulations in Part II of the Third Schedule so far as applicable.

(3) No person shall export any raw or prepared opium from Ceylon.

(4) The Director may, subject to such conditions as he may think fit to impose, supply and grant licences for the use of raw or prepared opium for scientific purposes.

Restriction on possession of raw opium and opium dross.
[§ 8, 12 of 1939.]

33. No person shall prepare, treat, or have in his possession any raw or prepared opium except as allowed by this Ordinance or by regulation or otherwise than in accordance with the terms of any licence for its use for scientific purposes granted by the Director.

Restriction on supply of raw or prepared opium.
[§ 9, 12 of 1939.]

34. No person shall supply or procure, or offer to supply or procure, raw or prepared opium to or for any person, whether in Ceylon or elsewhere, except as permitted by, or otherwise than in accordance with, the provisions of this Ordinance or any regulation.

* Repealed by Ordinance No. 17 of 1929.

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Distribution of raw or prepared opium among registered consumers, &c.

35. (1) The Director may in his discretion distribute raw or prepared opium to registered consumers or registered *vederalas.*

(2) Such distribution shall be effected through opium officers who shall be public servants in the Department of Health specially appointed by the Director to be opium officers :

Provided that any person who, at the commencement of this Ordinance, is an authorized vendor appointed under the Opium Ordinance, 1910,* shall be deemed to be an opium officer until his appointment is revoked by the Director.

(3) The Director shall keep and revise from time to time a register of all opium officers.

(4) An opium officer may on behalf of the Government deliver, on payment of the prescribed price and in accordance with any regulations applicable, raw or prepared opium to—

(*a*) a registered consumer for his personal consumption ;

(*b*) a registered *vederala* for the treatment of his patients.

(5) An opium officer shall not receive any commission on, or profit from, the distribution of opium.

Restriction on consumption of raw or prepared opium.

36. No person shall consume raw or prepared opium, whether by eating or smoking, except, in accordance with the provisions of this Ordinance—

(*a*) opium supplied to him as a registered consumer ; or

(*b*) opium supplied to him by a registered *vederala* for his treatment when ill.

Prohibition against opium divans.

37. No person shall knowingly suffer or permit any premises in his possession to be used as an opium divan, that is to say, as a place of resort for the purpose of eating or smoking opium.

* Repealed by Ordinance No. 17 of 1929.

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Special directions as to quantity and reduction of allowance.

38. (1) The Minister[1] may from time to time give directions as to the quantity of opium which may be allowed to a registered consumer, and in particular for the gradual reduction of the allowance of opium to an addict.

Certificate of registration.

(2) The Government Agent of the area where any registered consumer ordinarily resides shall issue to that consumer a certificate of registration—

(*a*) specifying his allowance of opium, and the opium officer from whom it may be obtained,

(*b*) stating whether the allowance is intended to be used for smoking or eating, and

(*c*) including also such special directions or restrictions as the Minister[1] may have given or imposed by order made in that behalf.

POISONS, OPIUM, AND DANGEROUS DRUGS

Quantity permitted.

39. (1) No registered consumer shall have in his possession at any one time any quantity of opium in excess of five weeks' supply, computed on the basis of the allowance specified in the certificate of registration issued to him and in accordance with such directions as may be given by the Minister[1] under section 38.

(2) No registered consumer shall—

(*a*) part with the possession of the certificate of registration issued to him or of any opium supplied to him, or

(*b*) be party or privy to the use by any other person of such certificate or opium.

Cancellation of registration.

40. (1) The Minister[1] may at any time direct the registration of a consumer to be cancelled.

(2) A Government Agent shall cancel the registration of a consumer who has not been supplied with opium for six consecutive months.

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(3) A Government Agent may, if he thinks fit, cancel the registration of a consumer who is convicted of an offence which, in the opinion of the Government Agent, shows him to have abused his privilege of obtaining opium.

(4) Every decision of a Government Agent under this section shall be subject to appeal to the Minister.[1]

Consumer to surrender certificate on cancellation.

41. (1) Whenever the registration of a consumer is cancelled or his allowance of opium is altered or suspended, the Government Agent shall forthwith inform the consumer, who shall within fourteen days of being so informed surrender his certificate to the Government Agent.

(2) A Government Agent shall keep and revise from time to time a register of all consumers of opium registered in his district.

Registration of *vederalas*.

42. (1) In this Ordinance, "registered *vederala*" means a person who at the commencement of this Ordinance is registered as a *vederala* under the Opium Ordinance, 1910,* or who is registered as a *vederala* under this Ordinance.

(2) The Minister[1] shall from time to time appoint for each province, or, if he thinks fit, for any administrative district, a board consisting of the Government Agent, who shall be chairman, and such other persons as the Minister[1] shall think fit to appoint. Any board appointed under the corresponding provisions of the Opium Ordinance, 1910,* shall be deemed to have been appointed under this section.

(3) It shall be the duty of every such board to deal with applications for registration by *vederalas*, and to direct or refuse registration in their discretion, and from time to time to fix the amount of opium which may be supplied to any registered *vederala*.

* Repealed by Ordinance No. 17 of 1929.

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(4) The board shall cancel the registration of a *vederala* who ceases to practise or is convicted of an offence which, in the opinion of the board, shows him to be unfitted to be entrusted with opium.

(5) Every decision of the board under this section shall be subject to appeal to the Minister.[1]

(6) A Government Agent shall keep and revise from time to time a register of *vederalas* registered in his district.

Supply to *vederalas*.

43. (1) The Government Agent shall issue a certificate of registration to every registered *vederala* specifying the quantity of opium which may be supplied to him and the opium officer from whom it may be obtained.

(2) Whenever the registration of a *vederala* is cancelled or his allowance of opium is altered, the Government Agent shall forthwith inform the *vederala*, who shall within fourteen days of being so informed surrender his certificate to the Government Agent.

(3) (*a*) No registered *vederala* shall have in his possession, at any time, any quantity of opium in excess of eight months' supply, computed on the basis of the rate or quantity specified in the certificate of registration issued to him.

(*b*) No registered *vederala* shall supply opium for eating or smoking or for any purpose other than the treatment of disease; and in the treatment of disease, no opium shall be supplied to any patient in any form other than that of a medicinal preparation, or in any quantity at any one time exceeding the total of the doses prescribed for that patient for three days.

Proof of registers.

44. (1) An extract from or copy of any register kept by a Government Agent or the Director under this Chapter or under any regulations contained in the Second Schedule certified as correct by the Government Agent or, in the case of a register kept by the Director, by the Director, shall be admissible in evidence without proof and shall be sufficient prima facie evidence of the facts stated therein.

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(2) The certificate of the Government Agent or the Director that the name of any person does or does not appear in such register shall be admissible in evidence and shall be sufficient prima facie evidence of the fact.

(3) For the purposes of this section, no proof need be given unless the court otherwise requires, of the signature of the Government Agent or Director or of his appointment.

Regulations for giving effect to this Chapter.

45. The provisions of this Chapter shall be carried into effect in accordance with the regulations contained in the Second Schedule.

Transitory provisions.

46. Every certificate of registration of a consumer or a *vederala* issued under the Opium Ordinances, 1910,* 1911,* and 1914,* or any of them, or any rules made under those Ordinances or any of them and in force at the commencement of this Ordinance shall be deemed to have been issued under this Chapter, and every register of consumers or *vederalas* made under any such Ordinance or rules and in force at the commencement of this Ordinance shall be deemed to be a register kept under this Chapter.

Savings for raw opium in transit. [§ 10, 12 of 1939.]

47. Nothing in this Chapter shall affect the transit, in accordance with the provisions of Chapter VI, of any raw opium through Ceylon or the territorial waters or any port of Ceylon, whether with or without transhipment or unshipment.

CHAPTER V

Dangerous Drugs

Definitions.

48. For the purposes of this Ordinance, unless the context otherwise requires—

(1) the drugs, substances, articles or preparations, specified for the time being in Groups A, B, C, D and E in Part I of the Third Schedule, shall be deemed to be dangerous drugs ; and

* Repealed by Ordinance No. 17 of 1929.

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(2) no person shall be deemed to be a veterinary surgeon unless he holds a licence from the local authority to act as such and, in addition, a licence from the Director to exercise the privileges conferred on veterinary surgeons by this Chapter.

Restrictions on importation of dangerous drugs.

49. (1) No person shall import or bring into Ceylon for any purpose whatsoever any of the drugs, substances, articles or preparations specified for the time being in Group A in Part I of the Third Schedule.

(2) No person shall import or bring into Ceylon any of the drugs, substances, articles or preparations specified for the time being in Groups B, C and D in Part I of the Third Schedule, unless he is licensed to do so by the Director acting under the authority of the Minister,[1] and unless he obtains in respect of each consignment to be imported an import authorization and an import certificate granted by the Director in accordance with the regulations contained in Part II of the Third Schedule.

Restrictions on exportation of dangerous drugs.

50. (1) No person shall export from Ceylon any of the drugs, substances, articles or preparations specified for the time being in Group E in Part I of the Third Schedule.

(2) No person shall export from Ceylon any of the drugs, substances, articles or preparations specified for the time being in Groups B, C and D in Part I of the Third Schedule, unless he obtains in respect of each consignment to be exported an export authorization from the Director in accordance with the regulations contained in Part II of the Third Schedule.

Restrictions on wholesale trade in dangerous drugs.
[§ 11, 12 of 1939.]

51. (1) All wholesale trade within Ceylon in any of the drugs, substances, articles or preparations, specified for the time being in Groups B and C, and all retail trade in any of the drugs, substances, articles or preparations, specified for the time being in Group B, in Part I of the Third Schedule, shall be subject to the regulations made in that behalf.

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(2) No person shall conduct or participate in the wholesale trade referred to in subsection (1) until regulations are made as aforesaid or otherwise than in accordance with those regulations. [§ 11, 12 of 1939.]

(3) The sale, dispensing, possession, and use of dangerous drugs are subject to the same restrictions as are other poisons under Chapter II, and, in addition, to the provisions of this Chapter and such regulations as may be made in that behalf. [§ 11, 12 of 1939.]

Restriction on possession and consumption. [§ 12, 12 of 1939.]

52. (1) No person shall obtain or have in his possession any dangerous drug except as permitted by, or otherwise than in accordance with, the provisions of this Chapter or a licence of the Director.

(2) No person shall knowingly consume any dangerous drug, unless it is supplied to him for the purpose by a medical practitioner or by a pharmacist in accordance with the prescription of a medical practitioner.

(3) Every person who has in his possession any dangerous drug which has been supplied to him for his use by or on the prescription of a medical practitioner shall be guilty of an offence against this Ordinance, if he was at the time of the supply receiving treatment from another medical practitioner, and had in the course of such treatment been supplied with any of the drugs by or on the prescription of such last-mentioned medical practitioner, and did not disclose that fact to the first-mentioned practitioner before the drug was supplied to him.

Prohibition against manufacture.

53. No person shall manufacture or carry on any process in the manufacture of any dangerous drug.

Restriction on sale and supply.

54. (1) No person shall administer, sell, supply, or procure or offer to sell, supply, or procure any dangerous drug to or for any person, whether in Ceylon or elsewhere, or advertise any such drug for sale, except as permitted by, or otherwise than in accordance with, the provisions of this Ordinance and a licence in that behalf from the Director. [§ 13, 12 of 1939.]

H 8——J. N. R 7594 (4/60)

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[§ 13, 12 of 1939.]

(2) Where any person, who is permitted by this Ordinance and by a licence from the Director to administer, sell or supply dangerous drugs, ceases at any time to be entitled or to be qualified in accordance with the provisions of this Ordinance to administer, sell or supply dangerous drugs, all such stock of dangerous drugs as may at that time be in his possession shall be disposed of by him within such period, in such manner, and in conformity with such restrictions or conditions, as may be prescribed by regulations. A sale of a stock of dangerous drugs effected by any person in accordance with such regulations shall not be deemed to be a contravention of the provisions of subsection (1), notwithstanding that such person may not at the time of the sale be qualified in accordance with the provisions of this Ordinance to sell any dangerous drug.

Supply to medical practitioners and others.

55. (1) The Director may in his discretion, on payment of the prescribed price, supply in accordance with the regulations contained in the Second Schedule any dangerous drug—

(*a*) to a medical practitioner, dentist, pharmacist, or veterinary surgeon for use in accordance with the provisions of this Chapter ; and

(*b*) for use in estate hospitals or dispensaries established under the Medical Wants Ordinance in accordance with the conditions or provisions contained in any licence issued by the Director for the use of dangerous drugs in such hospital or dispensary ; and

(*c*) to the master of any ship not carrying a medical practitioner as part of her complement so far as is necessary to comply with the requirements of the Merchant Shipping Acts of the United Kingdom.

(6 Edw. vii, c. 48.)
(57 & 58 Vict. c. 60.)

(2) Every person to whom any dangerous drug is supplied under the provisions of this section shall keep the same in a locked receptacle of which the key shall be kept by himself or a qualified assistant.

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(3) Unless a price is prescribed by regulation, the prescribed price of a dangerous drug means its cost with an addition of ten *per centum* of such cost. The cost includes freight and insurance and any import duty which would be payable thereon if it were imported by a person other than the Director.

Supply by medical practitioners, dentists, and veterinary surgeons.

56. (1) A medical practitioner may administer, prescribe or supply any dangerous drug for the treatment of his patients, but shall not supply to any patient more than the amount to be taken by him during three days.

(2) A dentist may administer, prescribe, or supply any dangerous drug for the dental treatment of his patients by local application, but shall not supply to any patient more than the amount to be used by him during three days.

(3) A dentist may, for the purpose of dental treatment, administer a dangerous drug by hypodermic injection.

(4) A veterinary surgeon may administer, prescribe, or supply any dangerous drug for the treatment of animals, but shall not supply to any person more than the amount to be taken by the animal during three days.

(5) Any person may administer any dangerous drug by and in accordance with the orders of a medical practitioner, dentist, or veterinary surgeon.

Supply by pharmacists.

57. A pharmacist may on premises licensed for the purpose by the Director supply a dangerous drug to any person on the prescription of a medical practitioner, dentist, or veterinary surgeon.

Power to withdraw authorization.

58. (1) If any person authorized by this Ordinance to administer, supply, prescribe, or be in possession of dangerous drugs is convicted of an offence against this Ordinance or of an offence under any enactment relating to the customs as applied by this Ordinance, the Director may by notice in the Gazette withdraw the authorization in respect of any such person, if, in

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the opinion of the Director, such person cannot properly be allowed to administer, supply, prescribe, or be in the possession of any such drug.

(2) If the Director is of opinion that there is reason to think that a medical practitioner or a dentist is supplying, administering, or prescribing any dangerous drug, either to or for himself, or to or for any other person otherwise than as properly required for purposes of medical or dental treatment, he may refer the case to the Ceylon Medical Council as constituted by section 12 of the Medical Ordinance, and if after consideration the Medical Council so recommends, the Director may act in all respects as if such medical practitioner had been convicted of any of the offences mentioned in subsection (1).

(3) Every decision of the Director under this section shall be subject to appeal to the Minister.[1]

Prescriptions.

59. (1) No person other than a medical practitioner, dentist, or veterinary surgeon shall give any prescription for the supply of a dangerous drug.

(2) A prescription for the supply of dangerous drugs shall comply with the following conditions, namely:—

(*a*) it shall be in writing, dated, and signed by the prescriber with his usual signature, including his surname, and address, and shall specify the name and address of the person for whose use the prescription is given, and the total amount of the drug to be supplied on the prescription ; no dangerous drug shall be prescribed for the prescriber's own use ;

(*b*) if a form for use in giving prescriptions of dangerous drugs is prescribed by regulation, the prescription shall be given on such form ; but on an emergency, where such form is not available, an emergency prescription may be given without using the form, the prescription being marked with the words "Official form not available" or to that effect ;

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(c) the total amount of the drug prescribed shall not exceed the amount to be taken by the patient during three days :

Provided that the prescription may direct that the amount prescribed may be supplied on more than one but not more than three occasions at intervals to be specified in the prescription ;

(*d*) a prescription shall be given by a dentist only for the purposes of dental treatment by local application, and shall be marked "For local dental treatment only";

(*e*) a prescription shall be given by a veterinary surgeon only for the purposes of treatment of animals and shall be marked "For animal treatment only" ;

(*f*) a medical practitioner, dentist, or veterinary surgeon shall not give a prescription for the supply of a dangerous drug otherwise than in accordance with the foregoing conditions ;

(*g*) a medical practitioner who dispenses any dangerous drug shall enter particulars thereof in his daybook or in the register hereinafter specified.

(3) The following conditions shall be observed by persons dispensing a prescription for any dangerous drug, namely:—

(*a*) he shall not dispense any prescription which does not comply with the provisions of this Ordinance ;

(*b*) if an official form is not prescribed, he shall not dispense a prescription, unless the prescription complies with the provisions of this Ordinance, and he—

(i) either knows and recognizes the signature of the prescriber and has no reason to suppose that the prescription is not genuine ; or

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(ii) has taken reasonably sufficient steps to satisfy himself that the prescription is genuine ;

(*c*) he shall not dispense an emergency prescription, unless the prescription complies with the provisions of this Ordinance, and he knows and recognizes the signature of the prescriber or knows the person for whose use the prescription is given and has no reason to suppose that the prescription is not genuine ;

(*d*) the drug shall not be supplied more than once on the same prescription :

Provided that, if the prescription so directs, the drug may be supplied on more than one but not more than three occasions, as directed in the prescription, at intervals to be specified on the prescription ;

(*e*) the prescription shall be marked with the date or each date on which it is dispensed, and shall be retained by the person by whom the prescription is dispensed, and shall be kept on the premises where it is dispensed and shall be available for inspection.

Marking of containers.

60. (1) No person shall supply any dangerous drug unless the container is plainly marked with the amount of such dangerous drug in the container.

(2) No person shall supply any liquid or substance containing any dangerous drug unless the container is plainly marked—

(*a*) in the case of a powder, solution, or ointment, with the total amount thereof in the container and the percentage of the drug in the powder, solution, or ointment ;

(*b*) in the case of tablets or other articles, with the amount of the drug in each tablet or article and the number of tablets or articles in the container.

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(3) This section shall not apply to a preparation dispensed by or on the prescription of a medical practitioner.

Duties of person supplying dangerous drugs.

61. (1) Every person who supplies any dangerous drug shall comply with the following provisions:—

(*a*) he shall enter or cause to be entered in a register kept for the sole purpose all supplies of the drug purchased or otherwise obtained by him and all dealings in the drug effected by him (including sales or supplies to persons outside Ceylon) in the form and containing the particulars shown in the Fourth Schedule;

(*b*) separate registers or separate parts of the register shall be used for—

(i) cocaine and ecgonine and substances containing them,

(ii) morphine and substances containing it,

(iii) diamorphine and substances containing it,

(iv) medicinal opium,

(v) extract or tincture of the hemp plant or of the resin obtained from the hemp plant, and

(vi) other drugs, substances, articles or preparations deemed to be dangerous drugs under section 48 and substances containing them, or any of them :

Provided that with the approval of the Director separate registers may be kept for separate departments of a business;

(*c*) he shall make the entry with respect to any of the drugs purchased or otherwise obtained by him on the day on which the drug is received, and with respect to any sale or supply by him of the drug on the day on which the transaction is effected; or where that is not reasonably convenient, on the day following the day on which the drug is received or the transaction is effected;

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(*d*) where he carries on business at more than one set of premises, he shall keep a separate register or registers in respect of each set of premises ;

(*e*) he shall keep the register or registers in some part of the premises to which it relates so that it shall at all times be available for inspection in accordance with the provisions of this Ordinance ;

(*f*) he shall not cancel, obliterate, or alter any entry in the register or make therein any entry which is untrue in any particular. Any mistake in an entry may be corrected by a marginal note or footnote giving the correct particulars, dated and signed ;

(*g*) he shall furnish to the Director or to any person authorized by any order of the Director for the purpose all information in regard to any purchases by him of the drugs, all stocks held by him of the drugs, and all transactions effected by him in the drugs as may be required by the Director for the purpose of seeing that the provisions of this Ordinance are observed.

(2) A medical practitioner who records in a daybook particulars of any dangerous drug supplied by him to any patient, together with the name and address of the patient and date of the supply, may, in lieu of keeping the register required by subsection (1) of dangerous drugs sold or supplied by him, enter separately for each of the drugs in a book to be kept for the purpose references under the appropriate dates to the records in the daybook of any supply of the drug.

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(3) A pharmacist may, in lieu of keeping the register required by subsection (1) of dangerous drugs sold or supplied by him, enter separately for each of the drugs in a book to be kept for the purpose references under the appropriate dates to the entries in the Sale of Poisons Book or Prescription Book kept by him in pursuance of this Ordinance.

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Records to be preserved for two years.

62. Prescriptions, books, records, or registers required to be retained or kept in pursuance of this Chapter shall be preserved for not less than two years from the date of the prescription or the last entry in the book, record, or register, as the case may be.

Delivery to messengers.

63. (1) No person shall deliver any dangerous drug to a person not licensed or otherwise authorized to be in possession of the drug who purports to be sent by or on behalf of a person so licensed or authorized, unless such person produces an authority in writing signed by the person so licensed or authorized to receive the drug on his behalf, and unless the person supplying the drug is satisfied that the authority is genuine.

(2) This section shall not apply to a dangerous drug supplied by or on the prescription of a medical practitioner.

Disposal of dangerous drugs on death.

64. On the death of any person having any dangerous drug in his possession, his executor, administrator, next of kin, or other person into whose possession the dangerous drug shall come shall forthwith inform the Director of the fact, and subject to any conditions which may be imposed by the Director, it shall be lawful for the executor, administrator, or next of kin of the deceased to dispose of such dangerous drug to any person authorized to possess the same, and pending such disposal, shall, if so required by the Director, deposit the drug for safe custody with such person as shall be appointed for the purpose by the Director, and shall inform the Director in writing of the name and address of the person to whom the drug is disposed of.

Hypodermic syringes.

65. (1) No person not being a medical practitioner, dentist, veterinary surgeon, or pharmacist, or wholesale druggist shall make, import, or possess any hypodermic syringe or other apparatus for injecting any dangerous drug.

(2) This section shall not prevent a person from obtaining, possessing, and using a hypodermic syringe by and in accordance with the orders of a medical practitioner.

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Supply to hospitals, laboratories, and apothecaries.

66. (1) The Director may supply dangerous drugs for the use of public or other hospitals, or dispensaries, and for the purpose of instruction or research in a laboratory attached to any university, college, hospital, or other institution, and may exempt any such hospital, dispensary, or laboratory from all or any of the restrictions in this Ordinance on the dispensing and use of such drugs.

(2) The Director may grant a licence to any apothecary entitled to practise under section 41 (1) (*a*) or (*b*) of the Medical Ordinance, to obtain and use in the medical treatment of his patients any of the drugs specified in the Fifth Schedule :

Provided that an apothecary obtaining or using any such drug shall be subject in all respects to the provisions of this Ordinance relating to dangerous drugs in like manner as if he were a medical practitioner.

Application of this Chapter to certain specified drugs.

67. None of the provisions of this chapter, save only those relating to importation and exportation, shall apply to any of the drugs, substances, articles, or preparations specified for the time being in Group D in Part I of the Third Schedule.

Regulations.
[§ 14, 12 of 1939.]

68. Regulations may be made—

(*a*) for the restriction, control or supervision of the wholesale trade in any of the drugs, substances, articles or preparations, specified for the time being in Groups B and C, and of the retail trade in any of the drugs, substances, articles or preparations, specified for the time being in Group B, in Part I of the Third Schedule ;

(*b*) for prescribing the manner in which the drugs, substances, articles or preparations, specified for the time being in Part I of the Third Schedule, shall be kept or stored ;

(*c*) for prescribing the period within which, the manner in which, and the restrictions and conditions in conformity with which, any stock of dangerous drugs in the possession of any person referred to in section 54 (2) shall be disposed of by such person ; and

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(*d*) for exempting any drug, substance, article or preparation from all or any of the provisions of this Chapter, either absolutely or subject to such conditions as may be specified in the regulations.

CHAPTER VI

Transit And Transhipment Of Opium And Dangerous Drugs And Plants

Definition of "restricted articles".

69. In this Ordinance, unless the context otherwise requires, "restricted articles" means—

(*a*) raw opium ;

(*b*) poppy plants, coca plants, and hemp plants, and the seeds, pods, leaves, flowers, roots, and any part of any such plant other than hemp rope or cordage or hemp fibre suitable for manufacture into rope or cordage or for the purposes of any industry ;

(*c*) the resin obtained from the hemp plant, and the preparations of the hemp plant known as bhang, hashish, or ganja, or any other preparation of which such resin forms a part ;

(*d*) dangerous drugs.

Restriction on transit and transhipment.

70. (1) It shall be unlawful to carry through Ceylon or the territorial waters or any port of Ceylon, whether with or without transhipment or unshipment, or to bring into the territorial waters or any port of Ceylon with a view to its being carried through Ceylon or any port of Ceylon—

(*a*) any restricted article except in accordance with the regulations in the Sixth Schedule ; or

(*b*) any prepared opium.

(2) This section does not apply to any restricted article lawfully carried through Ceylon by post with-

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out being opened in accordance with any rules for the time being applicable to the carriage of such articles by post.

Restriction on treatment and repacking in bonded warehouse.

71. No restricted article shall, while in the territorial waters or any port of Ceylon for the purpose of transit or transhipment, be subjected to any process which will in any way alter its nature or composition, or, except with the permission of the Principal Collector of Customs, be repacked or unpacked.

Seizure and forfeiture.

72. If there shall be any contravention of or attempt to contravene any provision of this Chapter or any regulation contained in the Sixth Schedule with respect to a restricted article, such article shall be liable to seizure and forfeiture under the Customs Ordinance, as if it were a prohibited import unlawfully imported into Ceylon.

CHAPTER VII

SUPPLEMENTARY

Application of Customs Ordinance.

73. Articles of which the importation is by this Ordinance prohibited or restricted shall be deemed to be included in the table of prohibitions and restrictions inwards in Schedule B to the Customs Ordinance, and articles of which the exportation is by this Ordinance prohibited or restricted shall be deemed to be included in the table of prohibitions and restrictions outwards in that Schedule.

Prohibition against false declarations.

74. No person shall for the purpose of obtaining, whether for himself or for any other person—

(*a*) the issue, grant, delivery, alteration, or renewal of any licence, permit, authority, authorization, or certificate under this Ordinance or any regulation,

(*b*) registration as a consumer of opium or as a *vederala*,

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(c) any increased allowance or supply of opium,

(d) an appointment as an opium officer , or

(e) any supply or delivery of opium or any dangerous drug,

make any declaration or statement, whether oral or in writing, which is false in any particular, or knowingly utter, produce, or make use of any such declaration or statement or any document containing the same.

Refusal and cancellation of licences, &c., and imposition of fees.

75. (1) Where under this Ordinance or any regulation any person has power to grant any licence, he may, in his discretion—

(a) insert such conditions therein as he may consider expedient ;

(b) refuse to grant or cancel the licence.

(2) Every decision under this section shall be subject to appeal to the Minister.[1]

[§ 15, 12 of 1939.]

(3) Regulations may be made prescribing the form of any licence under this Ordinance, imposing a fee for the grant of any such licence and providing for the disposal of any such fee.

(4) This section applies to a permit, authority, authorization, or certificate in like manner as it applies to a licence, and applies to a local authority in like manner as it applies to a person.

Powers of inspection.
[§ 16, 12 of 1939.]

76. (1) The Director or an officer authorized by him in writing, or any member of the police force of or above the rank of Sub-Inspector or, in the case of premises of a medical practitioner, of or above the rank of Assistant Superintendent may, between the hours of 8 a.m. and 4 p.m. of any week day, enter any premises where poisons or dangerous drugs are stored, dispensed, or sold and inspect and take extracts from or copies of the Sale of Poisons Book and any book, document, or register relating to dangerous drugs kept on the premises and inspect any stocks of poisons or dangerous drugs on the premises.

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(2) No person shall wilfully delay or obstruct any person in the exercise of his powers under this section or fail to produce or conceal any such book, document, register, or stocks as aforesaid which may be in his possession.

Search warrants.

77. (1) If a Government Agent or Magistrate is satisfied by information on oath that there is reason to suspect that anything is, in contravention of this Ordinance or any regulation, kept, possessed, sold, or manufactured in any place or premises, or that any document directly or indirectly relating to or connected with any transaction or dealing which was, or any intended transaction or dealing which, if carried out, would be an offence against this Ordinance, or in the case of a transaction or dealing carried out or intended to be carried out in any place outside Ceylon, would be an offence against the provisions of any corresponding law in force in that place, is in any place or premises, he may grant a search warrant authorizing any person named in the warrant, at any time or times within one month from the date of the warrant, to enter, with or without his assistants, if need be by force, the place or premises named in the warrant, and to search the place or premises and any person found therein, and, if there is reason to suspect that an offence against this Ordinance has been committed in relation to anything found in the place or premises or in the possession of any such person or that any document so found is such a document as aforesaid, to seize and detain such thing or document and, if he thinks fit, to arrest any person found in the place or premises whom he has reason to suspect is guilty of an offence against this Ordinance.

[§ 2, 42 of 1953.]

(2) Where any police officer not below the rank of Sergeant or any excise officer not below the rank of Inspector or any officer of the excise striking force not below the rank of Preventive Officer has reason to believe that anything is, in contravention of this Ordinance or any regulation, kept, possessed, sold, or manufactured in any place or premises, or that any document directly or indirectly relating to or connected with any transaction or dealing which was, or

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any intended transaction or dealing which, if carried out, would be, an offence against this Ordinance, or in the case of a transaction or dealing carried out or intended to be carried out in any place outside Ceylon, would be an offence against the provisions of any corresponding law in force in that place, is in any place or premises, and that a search warrant cannot be obtained under subsection (1) without affording the offender an opportunity of escape or of concealing evidence of the offence, he may after recording the grounds of his belief and at any time within the next twelve hours exercise all or any of the powers which could have been conferred on him by subsection (1).

(3) Any Magistrate, peace officer, excise officer, or officer of the excise striking force may, subject to such restrictions as may be imposed by regulations, arrest without warrant any person reasonably suspected of having committed an offence against this Ordinance, and may search any person upon whom, and any vessel, boat, vehicle, animal, package, receptacle, or covering in or upon which there is reason to suspect that anything is carried or concealed in contravention of this Ordinance or any regulation, and seize and detain any such thing so found. [§ 2, 42 of 1953.]

(4) For the purpose of any search under subsection (3), all such measures may be taken and such devices and such force used as may be necessary to stop any vessel, boat, animal or vehicle, which is not brought to a halt by the person in charge thereof in compliance with any order, direction or signal given in that behalf by any of the officers mentioned in that subsection.

(5) The person in charge of any vessel, boat, animal or vehicle, which is not brought to a halt in compliance with any order, direction or signal given in that behalf by any of the officers mentioned in subsection (3), shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

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(6) In this section—

"person in charge" of a vehicle means the driver thereof, and, in the case of a motor cycle, or a bicycle, the rider thereof;

"signal" includes one or more blasts of a whistle; and

"vehicle" includes any carriage, coach, cart, motor-car, motor cycle, omnibus, lorry, bicycle, or other mechanically propelled vehicle.

General penalty.

78. (1) Every person who—

(*a*) contravenes or fails to comply with any provision of this Ordinance or any regulation, or any order or direction lawfully given under this Ordinance or any regulation, or any condition or provision contained in any licence, authorization, permit, or authority granted under this Ordinance or any regulation; or

(*b*) in Ceylon aids, abets, counsels, or procures the commission in any place outside Ceylon of any offence punishable under the provisions of any corresponding law in force in that place, or does any act preparatory to, or in furtherance of, any act which if committed in Ceylon would constitute an offence against this Ordinance,

shall be guilty of an offence against this Ordinance.

(2) The expression "corresponding law" in this Chapter means any law stated in a certificate purporting to be issued by or on behalf of the Government of any country outside Ceylon to be a law providing for the control and regulation in that country of the manufacture, sale, use, export, and import of drugs in accordance with the provisions of the International Opium Convention signed at the Hague on the 23rd day of January, 1912, or a Convention signed at Geneva on behalf of His Majesty on the 19th day of February, 1925, and any statement in any such certificate as to the effect of the law mentioned in the certificate, or any statement in any such certificate that any facts constitute an offence against that law, shall be conclusive.

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(3) Every person who attempts to commit or abets the commission of an offence against this Ordinance shall himself be guilty of the same offence.

(4) When a company commits an offence against this Ordinance, the chairman and every director and every officer concerned in the management of the company shall be guilty of the like offence unless the act constituting the offence took place without his knowledge or consent.

(5) Every person guilty of an offence against this Ordinance shall, for each offence, be liable—

(*a*) on summary conviction by a Magistrate, to a fine not exceeding one thousand rupees or to imprisonment of either description for a period not exceeding one year or to both such fine and imprisonment;

(*b*) on conviction by a District Judge, to a fine not exceeding five thousand rupees or to imprisonment of either description for a period not exceeding three years, or to both such fine and imprisonment;

(*c*) on conviction before the Supreme Court, to a fine not exceeding ten thousand rupees or to imprisonment of either description for a period not exceeding ten years, or to both such fine and imprisonment.

(6) No non-summary proceedings shall be commenced for an offence against this Ordinance without the written consent of the Attorney-General.

(7) No person shall be sentenced to imprisonment without the option of a fine or a fine exceeding five hundred rupees for failing to comply with any provision of this Ordinance relating to the keeping of books or the issuing or dispensing of prescriptions, if the court is satisfied that the offence was committed through inadvertence and was not preparatory to, or committed in the course of, or in connexion with, the commission or intended commission of any other offence against this Ordinance.

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Forfeiture.

79. A court which convicts any person of an offence against this Ordinance, may impose any of the penalties herein before prescribed notwithstanding that such penalties may not be within the ordinary jurisdiction of such court, and may, if it thinks fit, order that all or any articles in respect of which the offence was committed and any vessel, boat, vehicle, or animal, used for the conveyance of such article or articles, be seized and forfeited to the Crown.

Regulations.

80. (1) The Minister [1] 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 Minister [1] may make regulations for all or any of the following purposes :—

(*a*) for prescribing the terms, conditions, limits or other restrictions in respect of any matter for which regulations are required or authorized by this Ordinance ;

(*b*) for adding any item to or deleting any item from, or altering, varying or amending in any other way, any of the lists or Groups of poisons and dangerous drugs set out in the First and Third Schedules ;

(*c*) for amending, altering, varying, or rescinding any of the regulations contained in the First, Second, Third, Fourth, Fifth, and Sixth Schedules ; and

(*d*) generally for all matters incidental to or connected with the matters or subjects mentioned in this subsection.

(3) No regulation so made shall have effect unless it has been approved by the Senate and the House of Representatives [1] and notification of such approval has been published in the Gazette.

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(4) Every regulation shall, upon the publication of the approval as provided for in subsection (3), be as valid and effectual as if it were herein enacted.

Protection of public officers.

81. No action shall lie against the Government [s] or against any public officer for damages in any civil court for any act in good faith done or ordered to be done in pursuance of this Ordinance; and all prosecutions of any public officer, and all actions which may be lawfully brought against the Government or against any public officer, in respect of anything done in pursuance of this Ordinance, shall be instituted within a period of six months reckoned from the date of the act complained of, and not afterwards.

FIRST SCHEDULE

[Sections 2 (1), 4 (1), and 80.]

POISONS

[Sections 4 (1) and 17.]

PART I

Arsenic, and its medicinal preparations.

Aconite, aconitine, and their preparations.

Alkaloids and glucosides: all poisonous vegetable alkaloids and glucosides not specifically named in this Schedule, and their salts, and all poisonous derivatives of vegetable alkaloids and glucosides.

Atropine, and its salts, and their preparations.

Belladonna, and all preparations or admixtures (except belladonna plasters) containing 0.1 or more *per centum* of belladonna alkaloids and glucosides.

Cantharides, and its poisonous derivatives.

Corrosive sublimate.

Cyanide of potassium, and all poisonous cyanides and their preparations.

Ergot of rye, and preparations of ergot and ergamine.

Lead in combination with oleic acid or other higher fatty acids, whether sold as diachylon or under any other designation (except machine spread plasters).

Nux vomica, and all preparations or admixtures containing 0.2 or more *per centum* of strychnine.

Picrotoxin.

Prussic acid, and all preparations or admixtures containing 0.1 or more *per centum* of prussic acid.

Savin, and its oil, and all preparations or admixtures containing savin or its oil.

Tartar emetic, and all preparations or admixtures containing 1 or more *per centum* of tartar emetic.

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[Section 4 (1).]

PART II

Almonds, essential oil of (unless deprived of prussic acid).

Antimonial wine.

Cantharides, tincture and all vesicating liquid preparations or admixtures of.

Carbolic acid, and liquid preparations of carbolic acid, and its homologues containing more than 3 *per centum* of those substances, except preparations used as disinfectants and for agricultural or horticultural purposes and specified in Part IV of this Schedule.

Chloral hydrate.

Chloroform, and all preparations or admixtures containing more than 20 *per centum* of chloroform.

[§ 17, 12 of 1939.] Digitalis.

Mercuric iodide.

Mercuric sulphocyanide.

Oxalic acid.

Poppies, all preparations of, excepting red poppy petals and syrup of red poppies (*Papaver Rhoeas*).

Precipitate, red, and all oxides of mercury.

Precipitate, white.

Strophanthus.

[§ 17, 12 of 1939.] All other poisonous metallic salts.

All preparations or admixtures not included in Part I of this Schedule which contain a poison, except preparations and mixtures the exclusion of which from this Schedule is indicated by the words therein relating to carbolic acid and chloroform and except the poisonous substances specified in Part IV of this Schedule.

[Section 18.]

[§ 17, 12 of 1939.]

PART III

POISONS WHICH MAY BE SOLD BY RETAIL ONLY UPON A PRESCRIPTION

Amidopyrine ; its salts.

Barbituric Acid ; its salts ; derivatives of barbituric acid ; their salts ; compounds of barbituric acid, its salts, its derivatives, their salts, with any other substance.

Dinitrocresols ; dinitronaphthols ; dinitrophenols ; dinitrothymols.

Para-aminobenzenesulphonamide ; its salts ; derivatives of para-aminobenzenesulphonamide having one or both of the hydrogen atoms of the para-amino group substituted by other radicals ; their salts.

Phenolphthalein and all preparations containing phenolphthalein.

Phenylcinchoninic acid ; salicyl-cinchoninic acid ; their salts ; their esters.

Sulphonal ; alkyl sulphonals.

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PART IV

POISONOUS SUBSTANCES

[Section 4 (1).]

Ammonia : liquid, preparations containing more than 5 *per centum* by weight of free ammonia.

Carbolic : all liquid preparations sold as carbolic or carbolic acid or carbolic substitutes or carbolic disinfectant, containing not more than 3 *per centum* of phenols or phenyloids.

Hydrochloric acid.

Nitric acid.

Sulphuric acid.

PART V

SALE OF POISONS BOOK

[Section 19.]

Date of Sale	Name and Address of Purchaser	Name and Quantity of Poison sold	Purposes for which it is required	Signature of Purchaser	Signature of Person introducing Purchaser	Signature of Seller

SECOND SCHEDULE

REGULATIONS AS TO OPIUM AND DANGEROUS DRUGS

[Sections 2 (1), 44 (1), 45, 55, and 80.]

PART I

GOVERNMENT OPIUM STORE

1. The Superintendent of the Civil Medical Stores shall be the Chief Opium Officer who, subject to the direction and control of the Director, shall be responsible for the safe custody, preparation, packing, and issue of all opium and dangerous drugs brought to the Government opium store.

2. All raw or prepared opium brought into Ceylon shall be landed by the Government Storekeeper and removed to the Government opium store at Maradana under a police guard.

3. The Chief Opium Officer shall receive all opium and dangerous drugs brought to the Government opium store and satisfy himself that the quantity corresponds with the invoice and shall give a receipt to the Government Storekeeper.

4. The Chief Opium Officer shall keep a ledger in Opium Form No. 15 in Part V of this Schedule, in which particulars of all receipts and issues of opium and dangerous drugs shall be entered, a separate folio being used for opium and for each drug.

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5. Raw or prepared opium shall be prepared and packed for issue at the Government opium store by Government servants, who shall work within locked doors under the general supervision of the Chief Opium Officer, and shall be searched by him before leaving the store.

6. No person shall remove any opium from the Government opium store without the written permit of the Chief Opium Officer in Opium Form No. 13 in Part V of this Schedule.

7. (1) An advice of all opium or dangerous drugs sent shall be forwarded by post in Opium Form No. 14 in Part V of this Schedule.

(2) All parcels of opium issued by the Chief Opium Officer shall be accompanied by a permit under regulation 6, and shall be sealed with a special Government seal, and shall be sent (*a*) by hand, (*b*) by registered parcel post, or (*c*) by insured parcel (by rail or ship). The parcels shall have the contents and weights inscribed on the outside. A receipt in the form attached to the permit shall be obtained from each person through whose hands the parcel passes, and the consignee shall transmit immediately by post the permit and invoice forms, properly receipted, to the Chief Opium Officer, who shall file them. In the case of parcels sent by registered parcel post, the receipt given for the parcel by the postmaster in charge of the receiving post office is alone necessary.

8. Applications for opium from opium officers shall be made to the Chief Opium Officer on Opium Form No. 1 in Part V of this Schedule.

9. Applications for the supply of dangerous drugs shall be made to the Chief Opium Officer on Opium Form No. 2 in Part V of this Schedule, and must be accompanied by a remittance or a kachcheri receipt that the price has been deposited with the Government Agent or Assistant Government Agent.

Part II

OPIUM OFFICERS

10. (1) An opium officer shall obtain his opium from the Chief Opium Officer by monthly requisition on Opium Form No. 1 in Part V of this Schedule.

(2) An opium officer shall keep a register in Opium Form No. 3 in Part V of this Schedule, in which he shall insert every day the amount of opium received or issued by him. He shall balance this register at the end of each day, so as to show the amount of opium then remaining in his hands.

(3) He shall keep registers of consumers and *vederalas* in Opium Forms Nos. 4 and 5 in Part V of this Schedule, or on cards containing a similar form, using a separate page of each register or a separate card for each consumer or *vederala*. He shall also keep registers according to Opium Forms Nos. 16, 17, 18, and 19 in Part V of this Schedule.

(4) He shall furnish the Director not later than the eighth day of every month with a return, in Opium Form No. 6 in Part V of this Schedule, of the total quantity of opium received and issued by him during the preceding month.

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11. An opium officer shall not keep any opium except on premises approved by the Government Agent or by the Director. No opium shall be consumed on the premises.

12. The stocks, sales, and balances of opium in the hands of any opium officer may at any time be verified by any of the following officers :—

(*a*) the Government Agent ;

(*b*) the Director or any officer deputed in writing by him ;

(*c*) an officer of the Department of Health authorized in that behalf by the Director ; [§ 6, 35 of 1939.]

(*d*) the Accountant of the Department of Health ;

(*e*) the Provincial Surgeon ;

(*f*) a Magistrate ;

(*g*) an officer of the Auditor-General's Department ;

(*h*) an officer of police not below the rank of an Assistant Superintendent.

13. (1) The price at which opium shall be sold will be communicated from time to time to opium officers by the Director.

(2) The prices at which opium shall be sold until further notice are :—

For eating : 1½ cents for 1 grain of opium ;

For smoking : 2 cents for 1 grain of opium.

(3) For the purposes of this regulation 7,000 grains shall be deemed to be equal to one pound avoirdupois.

14. (1) Eating opium shall be sold in multiples of 50 grains whenever possible ; but in no case shall a smaller quantity than 20 grains be sold by any opium officer. The last issue on any certificate in any month shall include any quantity less than 20 grains that would otherwise be left as a balance. Eating opium shall be issued in an even number of grains, and when in any month the balance on any certificate, remaining for the final issue, is an odd number of grains it shall be made even by the addition of one grain, and the total number of grains shall be charged for at the current rate.

(2) Smoking opium shall be sold in multiples of 50 grains whenever possible, but in no case shall a smaller quantity than 25 grains be sold. The last issue in any month shall include any quantity less than 25 grains that would otherwise be left as a balance.

(3) No opium shall be sold or delivered except on payment made on the spot at the time of sale or delivery.

15. (1) An opium officer shall issue opium in person to registered consumers and *vederalas* and enter the particulars in Opium Forms Nos. 4 and 5 in Part V of this Schedule, or on cards containing similar forms. He shall not issue the opium unless the consumer's or *vederala's* certificate is produced.

(2) If any registered consumer or *vederala* is incapacitated by reason of old age, bodily disease, or infirmity, or for other reasons satisfactory to the Government Agent from applying in person at the opium depot for his allowance of opium, he shall, previous to the date of issue of opium, apply to the opium officer for a copy of Opium Form No. 21 in Part V of this Schedule. The form shall be forwarded with his or her certificate to the opium officer, who on issue of the

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opium shall date, initial, and file the same. A fresh form shall be forwarded on each occasion on which the consumer or *vederala* is unable to attend the depot in person.

16. A greater amount than one calendar month's supply in the case of a registered consumer, or six months' supply in the case of a registered *vederala*, according to the amount allowed by the certificate, shall not be supplied at any one time, and no further supply shall be given until the period for which the last supply was given has elapsed.

17. No opium shall be sold or supplied between the hours of 5 p.m. and 9 a.m.

18. Whenever the quantity of opium found in the possession of an opium officer does not agree with the quantity which, according to the books kept under these regulations, ought to be in his possession, such opium officer shall be guilty of an offence unless he satisfies the court that such discrepancy is due to natural causes, or has arisen through some bona fide mistake, or owing to some loss.

19. Every opium officer shall deposit in the nearest kachcheri at least once a month the money received by sales of opium; and under no circumstances shall he keep on the premises more than forty rupees; when forty rupees has been collected it shall be deposited at the kachcheri, even if the period of one month has not expired.

20. The Opium Forms referred to above can be obtained from the Chief Opium Officer.

Part III

REGISTERED CONSUMERS

21. Application for registration as a consumer shall be made on Opium Form No. 7 in Part V of this Schedule.

22. Certificates of registration in Opium Form No. 8 in Part V of this Schedule shall be signed by the Government Agent in triplicate numbered consecutively. The original shall be delivered to the consumer, the duplicate shall be sent to the opium officer from whom the opium is to be drawn, and the triplicate shall be kept in the kachcheri.

23. The register of consumers shall be kept in Opium Form No. 12 in Part V of this Schedule.

24. It shall be the duty of every village headman, and of the widow, widower, or next of kin, to report within seven days to the Government Agent the death of any registered consumer of opium, and to return his or her certificate.

25. (1) A registered consumer who changes his address shall forthwith give written notice of his new address to the Government Agent, or, if he desires to obtain his opium

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from a different opium officer, shall forthwith make sign, and date the following endorsement on his certificate, namely :—

"Please transfer my certificate to ——— depot, in the ——— district."

and deliver the certificate to his opium officer.

(2) The opium officer shall at once enter on the certificate the date of the last issue and the quantity issued of the current month's supply, and endorse in his register or card and on the face of the certificate and the duplicate certificate "Transferred" with his signature and date, and forward both copies of the certificate to the Government Agent who issued them.

(3) The Government Agent shall similarly endorse the triplicate certificate, and note the transfer in the kachcheri register.

(4) He will then send to the Government Agent of the new district a notice in the following form :—

"Certificate No. ——— of the ——— district in favour of ——— has been cancelled, and the holder has been directed to apply to you for a new certificate for ——— grains a month to be issued at ——— depot. He has drawn ——— grains for the current month's supply."

And the Government Agent of the new district shall enter the name of the consumer in his kachcheri register and issue a certificate.

(5) In the case of a lost or mutilated certificate, the Government Agent or opium officer shall issue a true copy on Opium Form No. 20 in Part V of this Schedule. The true copy must bear the same number as the old certificate.

PART IV

VEDERALAS

26. Applications to be registered as *vederalas* shall be made on Opium Form No. 9 in Part V of this Schedule.

27. Certificates of registration in Opium Form No. 10 in Part V of this Schedule will be signed by the Government Agent in triplicate numbered consecutively. The original shall be delivered to the *vederala*, the duplicate shall be sent to the opium officer by whom the opium is to be supplied, and the triplicate shall be kept in the kachcheri.

28. The register of *vederalas* shall be kept in Opium Form No. 11 in Part V of this Schedule.

29. Only eating opium will be supplied to *vederalas*.

30. It shall be the duty of every village headman, and of the widow, or next of kin, to report within seven days to the Government Agent the death of any registered *vederala*, and to return his certificate to such officer, together with any balance of opium in his possession.

31. Regulation 25 shall apply to *vederalas* in like manner as it applies to registered consumers.

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PART V

OPIUM FORMS

[Regulations 8, 10 (1).]

Opium Form No. 1 ·

MONTHLY REQUISITION FOR OPIUM FOR THE USE OF THE OPIUM OFFICER AT ————

** Columns 8 and 9 are to be left blank.*

1	2	3	4	5	6	7	8*	9*	10
Opium	Remaining at the end of previous month	Received during the current month	Total	Expended	Remaining at the Date of this Requisition	Now required	Issued from the Civil Medical Stores	Folio of Entry in Ledger	Remarks on separate sheets
	lb. oz.	lb. oz.	lb.oz	lb.oz	lb. oz.	lb.oz	lb. oz.		
(*a*) Eating :–									
(*b*) Smoking :–									

No. ——. Signature of Applicant, with designation :————.

Date : ————, 19—.

Post Town :————.

Supplied from the Civil Medical Stores :————.

Approved :

————,

Director of Health Services.

————,

Chief Opium Officer.

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Opium Form No. 2

[Regulation 9.]

APPLICATION FOR DANGEROUS DRUGS ON PAYMENT FOR USE BY MEDICAL PRACTITIONERS, DENTISTS, PHARMACISTS, VETERINARY SURGEONS, PLANTERS, AND MASTERS OF SHIPS

Description of Drug	Quantity desired	Quantity issued by Opium Officer	Cost	Folio of Entry in Ledger	Date and Number of Kachcheri Receipt

No. ——. Signature of Applicant, with designation :————.

Date : ————, 19—.

Full postal address of applicant :————.

Supplied from the Civil Medical Stores :————.

Approved :

————,

Director of Health Services.

————,

Chief Opium Officer.

Date :————, 19—.

Opium Form No. 3

[Regulation 10 (2).]

DAILY REGISTER TO BE KEPT BY OPIUM OFFICER

Dr. *Cr.*

Date	Received	Grains	Date	To whom issued	Grains	Value
						Rs. c.

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[Regulations 10 (3), 15 (1).]

Opium Form No. 4

REGISTER OF CONSUMERS TO BE KEPT BY OPIUM OFFICER

Number of Certificate of Registration :————.

Name of Consumer :————.

Residence :————.

Number of minor headman's division :————.

Quantity of Opium allowed per mensem	Quantity	Date of Issue	Amount paid
Grains	Grains		Rs. c.

[Regulations 10 (3), 15 (1).]

Opium Form No. 5

REGISTER OF *VEDERALAS* TO BE KEPT BY OPIUM OFFICER

Number of Certificate of Registration :————.

Name of *Vederala* :————.

Residence :————.

Number of minor headman's division :————.

Quantity of opium allowed for six months :————grains.

Date of Issue	Quantity issued	Balance of Opium Undrawn	Signature of *Vederala* or Agent to each Issue
	Grains	Grains	

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Opium Form No. 6

[Regulation 10 (4).]

MONTHLY RETURN TO BE FURNISHED BY OPIUM OFFICER TO THE DIRECTOR OF HEALTH SERVICES

Name of Depot :————. For the month ended————.

RECEIPTS	Eating Grains	Smoking Grains	ISSUES	Eating Grains	Smoking Grains
Balance brought forward from last month's statement ..			Quantity sold during the month* ..		
Quantity received from the Government Opium Store during the month			Accounted for by wastage and evaporation, &c.:—		
			Seller's* gross deficiency ..		
			Deduct surplus		
			Depot† gross deficiency ..		
			Deduct surplus		
			Wastage in empty tin‡		
			Balance in hand on the last day of the month as found by weighing ..		
Total ..			Total ..		

	Rs.	c.
Amount realized by sales for eating opium		
Amount realized by sales for smoking opium		
Total (as per list of kachcheri receipts attached)		

The net deficiencies are equal to —— *per centum* for eating, and ——— *per centum* for smoking, opium on the quantity sold.

* Information to be obtained from the Seller's Loss Register.
† Information to be obtained from the Register of Depot Losses.
‡ Information to be obtained from the Tin Loss Register.

Station :————. ————,
Date :————, 19—. Opium Officer.

Opium Form No. 7

[Regulation 21.]

APPLICATION TO BE REGISTERED AS A CONSUMER OF OPIUM

1. Name of applicant in full :————.
2. Village in which applicant resides (if residing in a town, the full address, including street and number of house, should be furnished) :————.
3. Number of minor headman's division :————.
4. Divisional revenue officer's division :————.
5. Amount of opium which applicant is accustomed to consume *per mensem* :————.
6. Place from which he has obtained such opium :————.
7. Manner and form of use of opium to which applicant is addicted :————.
8. Whether an addict before 31st July, 1910 :————.
9. If so, reasons for having failed to apply earlier for registration as a consumer :————.
10. If an addict who commenced to reside in Ceylon after 31st July, 1910, state date of arrival in Ceylon and from what country he arrived :————.

————
Signature of Applicant.

Date :————, 19—.

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[Regulation 22.]

Opium Form No. 8

[*To be printed in Original, Duplicate, and Triplicate.*]

No.——.

CERTIFICATE OF REGISTRATION AS CONSUMER OF OPIUM

(Not transferable.)

This is to certify that the person named below is registered as a consumer of opium under Chapter IV of the Poisons, Opium, and Dangerous Drugs Ordinance.

Name :————.

Residence :————.

Number of minor headman's division :————.

Quantity and kind of opium allowed *per mensem* :———— grains.

Opium officer from whom opium is to be drawn :————.

Signature or thumb mark of consumer :————.

————

Signature of Government Agent or Assistant Government Agent.

Date :————, 19—.

[Regulation 26.]

Opium Form No. 9

APPLICATION TO BE REGISTERED AS A *VEDERALA* UNDER CHAPTER IV OF THE POISONS, OPIUM, AND DANGEROUS DRUGS ORDINANCE

1. Name of applicant in full :————.
2. Village in which applicant resides :————.
3. Number of minor headman's division :————.
4. Divisional revenue officer's division :————.
5. Nature of practice, whether general practitioner, or specialist in diseases for which opium is extensively used, or cattle doctor :————.
6. Nature and length of training in native medical practice which applicant has undergone :————.
7. Standard books on native medical practice to which applicant has access :————.
8. Is applicant able to read and understand these books ? : ————.
9. Localities in which applicant practises other than the minor headman's division in which he resides : ————.
10. Yearly quantity of opium applied for :————.

————

Date :————, 19—. *Signature of Applicant.*

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Opium Form No. 10

[Regulation 27.]

[*To be printed in Original, Duplicate, and Triplicate.*]

No. ——.

CERTIFICATE OF REGISTRATION AS *VEDERALA*

(Not transferable.)

This is to certify that the person named below is registered as a *vederala* under Chapter IV of the Poisons, Opium, and Dangerous Drugs Ordinance.

Name :————.

Residence :————.

Number of minor headman's division :————.

Quantity and kind of opium allowed for six months :———— grains.

Opium officer from whom opium is to be drawn :————.

Signature of *Vederala* :————.

————

Signature of Government Agent or Assistant Government Agent.

Date :————, 19—.

——

Opium Form No. 11

[Regulation 28.]

REGISTER OF *VEDERALAS*

Number of Certificate of Registration	Name of *Vederala*	Residence	Number of Minor Headman's Division	Quantity of Opium allowed *per mensem*	Opium Officer from whom Opium is to be procured, and his Place of Business

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[Regulation 23.]

Opium Form No. 12

REGISTER OF CONSUMERS OF OPIUM

Number of Certificate of Registration	Name of Consumer	Residence	Number of Minor Headman's Division	Quantity of Opium allowed *per mensem*	Opium Officer from whom Opium is to be procured, and his Place of Business

[Regulation 6.]

Opium Form No. 13

PERMIT TO TRANSPORT OPIUM

No. ——.

Civil Medical Stores,
Colombo, ————, 19—.

To the Post—Railway—Shipping Officer at ————.

Please receive the under-mentioned parcels of opium to be dispatched by registered post, insured parcel by rail, or steamship, and acknowledge their receipt at (*a*) below:—

Name and address of consignee:————.

Number and weight of parcels	No. 1	No. 2	No. 3	No. 4	No. 5	No. 6	No. 7
	lb. oz.	lb. oz.	lb. oz.	lb. oz.	lb. oz.	lb. oz.	lb. oz.

Total weight of the ———— parcels:————.

————,
Chief Opium Officer.

(*a*) Signature of the railway or shipping official receiving the above parcels for immediate dispatch to their destination:————.

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(*b*) Signature of the railway or shipping official receiving the above parcels at the railway station or port of destination :————.

(*c*) Signature of the transport contractor or carrier who receives the above parcels at the railway station or port of destination, to convey them and this permit to the consignee.:————.

(*d*) Signature of consignee to the receipt of the above parcels :————.

NOTE.—It is the duty of the persons named in paragraphs (*a*), (*b*), and (*c*) above to forward this permit with the parcels in the order indicated ; and on receipt of the parcels it is the duty of the consignee to return this permit at once to the Chief Opium Officer, Colombo.

—

Opium Form No. 14

[Regulation 7.]

INVOICE OF OPIUM OR DANGEROUS DRUGS

No. ——.

Colombo, ————, 19—.

From the Chief Opium Officer.

To ————.

Despatched this day per ———— to your address the following :—

	lb.	oz.

————,

Chief Opium Officer.

Received the above this ———— day of ————, 19—.

————

Signature and Designation of Consignee.

H 10——J. N. R 7594 (4/60)

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[Regulation 4.]

Opium Form No. 15

OPIUM LEDGER

Dr. *Cr.*

Date of Receipt	No. of Requisition	From whom received	Quantity			Date of Issue	No. of Requisition	To whom issued	Quantity		
			lb.	oz.	grs.				lb.	oz.	grs.

[Regulation 10 (3).]

Opium Form No. 16

SELLER'S LOSS REGISTER

Date	Quantity issued	Seller's Initials	Quantity returned	Opium Officer's Initials	Quantity sold by Seller	Quantity sold as per Daily Register	Shortage	Percentage
	Grains		Grains		Grains	Grains		

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Opium Form No. 17

[Regulation 10 (3).]

REGISTER OF DEPOT LOSSES

Date of Stock-Taking	Balance according to Daily Register (Opium Form No. 3)	Balance actually found on Stock-Taking	Shortage to be entered as an Issue in the Daily Register (Opium Form No. 3)	Total Issues, including Seller's Losses since previous Stock-Taking	Percentage of Loss to Issues	Initials of the Medical Officer or Opium Officer
	Grains	Grains	Grains	Grains		

Opium Form No. 18

[Regulation 10 (3).]

SUMMARY OF SALES AND DEPOSITS

Date	Eating Opium	Smoking Opium	Total	Deposited	Money Order No. and Date	Kachcheri Receipt No. and Date
	Rs. c.	Rs. c.	Rs. c.	Rs. c.		

Opium Form No. 19

[Regulation 10 (3).]

TIN LOSS REGISTER

Date Tin of Opium received	Net Contents as per Invoice	Daily Issues from the Tin			Difference between Invoiced Quantity and Issues	Weight of the Tin when emptied	Difference between Tare and Weight of Empty Tin	Date Tin returned to Stores
		Date	Quantity	Total				
	Grains		Grains	Grains	Grains		Grains	

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[Regulation 25 (5).]

Opium Form No. 20

TRUE COPY OF A CERTIFICATE OF REGISTRATION AS A CONSUMER OF OPIUM OR *VEDERALA*

(Not transferable.)

Original No.——.

This is to certify that the person named below is registered as a consumer of opium or *vederala* under Chapter IV of the Poisons, Opium, and Dangerous Drugs Ordinance.

Name :————.

Residence :————.

Number of minor headman's division :————.

Quantity and kind of opium allowed *per mensem* :———— grains.

Opium officer from whom opium is to be drawn :————.

Signature or thumb mark of the consumer or *vederala* :

————.

(*Signed*)————,
Government Agent *or* Assistant Government Agent.

Date :————, 19—.

True Copy.

————
Signature of Opium Officer.

Date :————, 19—.

[Regulation 15 (2).]

Opium Form No. 21

AGENT'S LETTER OF AUTHORITY

Date :————, 19—.

1. Name of consumer or *vederala* :————.
2. Number of certificate :————.
3. Cause of inability to attend depot in person :——.
4. Name of agent deputed to receive opium :——.
5. Amount of opium required :————.
6. Amount of cash forwarded through agent :——.
7. Signature of applicant :————.
8. Certificate or recommendation of headman :——.

I hereby certify that ————, holding licence No. —— is unable to attend the Opium Depot at ———— by reason of ———— (*here state nature of illness or other cause*), and I recommend that the agent appointed by him, namely, ————, be permitted to draw the issue.

(*Signed*) ————,
Headman of ————.

No. ——. Issued this day ——— by ———. Opium Officer ———.

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THIRD SCHEDULE

[Section 2.]

PART I

Group A

[§ 18, 12 of 1939.]

DRUGS, SUBSTANCES, ARTICLES, OR PREPARATIONS, THE IMPORTATION OF WHICH IS TOTALLY PROHIBITED

[Sections 48, 49, and 80.]

1. Any product obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf, not being a product which was in use on or before the 13th day of July, 1931, for medicinal or scientific purposes.

Group B

[§ 18, 12 of 1939.]

DRUGS, SUBSTANCES, ARTICLES, OR PREPARATIONS TO WHICH THE PROVISIONS AS TO IMPORTATION, EXPORTATION AND WHOLESALE AND RETAIL TRADE APPLY

[Sections 48, 49, 50, 51, and 68.]

1. Medicinal opium, that is to say, raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia, whether it is in the form of powder or is granulated or is in any other form, and whether it is or is not mixed with neutral substances.

2. Any galenical preparation of the hemp plant.

3. Morphine and its salts, and diacetylmorphine (commonly known as diamorphine or heroin) and the other esters of morphine and their respective salts.

4. Cocaine (including synthetic cocaine) and ecgonine and their respective salts, and the esters of ecgonine and their respective salts.

5. Any solution or dilution of morphine or cocaine or their salts in an inert substance whether liquid or solid, containing any proportion of morphine or cocaine, and any preparation, admixture, extract, or other substance (not being such a solution or dilution as aforesaid) containing not less than one-fifth *per centum* of morphine or one-tenth *per centum* of cocaine or of ecgonine.

6. Any preparation, admixture, extract or other substance containing any proportion of diacetylmorphine.

7. Dihydrohydrooxycodeinone, dihydrocodeinone, dihydromorphinone, acetyldihydrocodeinone, dihydromorphine, their esters and the salts of any of these substances and of their esters, morphine-N-oxide (commonly known as genomorphine), the morphine-N-oxide derivatives, and any other pentavalent nitrogen morphine derivatives.

8. Thebaine and its salts, and (with the exception of methyl-morphine, commonly known as codeine, and ethylmorphine, commonly known as dionin, and their respective salts) benzylmorphine and the other ethers of morphine and their respective salts.

9. Any preparation, admixture, extract or other substance containing any proportion of any of the substances mentioned in item 7 or 8 of this Group.

10. Hibernyl.

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[§ 2, 16 of 1953.]

11. 1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester and its salts (PETHIDINE, Antiduol, Centralgin, D-140. Demerol, Dispadol, Dodonal, Dolantal, Dolantin, Dolantol, Dolaren, Dolarin, Dolatol, Dolental, Dolinal, Dolopethin, Dolosal, Dolvanol, Eudolat, Felidin, Gratidina, Isonipecaine, Meperidin, Mephedine, Pantalgine, Piridosal, Precedyl, Sauteralgyl).

12. 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone or 1-methyl-4-metahydroxyphenyl-4-propionyl-piperidine and its salts (Cliradon, Keto-Bemidone, Ketogan).

13. 1-methyl-4-(3-hydroxyphenyl)-piperidine-4-carboxylic acid ethyl ester or 1-methyl-4-metahydroxyphenilpiperidine-4-carboxylic acid ethyl ester and its salts (Bemidone).

14. -1, 3-dimethyl-4-phenyl-4-propionoxypiperidine and its salts (NU-1196, Alphaprodine, Nisentil, Nisintil).

15. β-1, 3-dimethyl-4-phenyl-4-propionoxypiperidine and its salts (NU-1779, Betaprodine).

16. 4, 4-diphenyl-6-dimethylaminoheptanone-3 or 6-dimethylamino-4, 4-diphenyl-3-heptanone and its salts (METHADONE, Adanon, Amidone, Amidosan, Butalgin, Depridol, Diaminon, Dianone, Dolafin, Dolamid, Dolophine, Dorexol, Heptadon, Heptanal, Hoechst 10820, Ketalgin, Mecodin, Mephenon, Miadone, Moheptan, Physeptone, Physopeptone, Polamidon, Symoron, Turanone).

17. 4, 4-diphenyl-5-methyl-6-dimethylaminohexanone-3 or 6-dimethylamino-5-methyl-4, 4-diphenyl-3-hexanone and its salts (Iso-methadone).

18. 4, 4-diphenyl-6-dimethylaminoheptanol-3 or 6-dimethylamino-4, 4-diphenyl-3-heptanol and its salts (N. I. H.-2933, Methadol).

19. 4, 4-diphenyl-6-dimethylamino-3-acetoxyheptane or 6-dimethylamino-4, 4-diphenyl-3-acetoxyheptane and its salts (N. I. H.—2953).

20. 4, 4-diphenyl-6-morpholinoheptanone-3 or 6-morpholino-4, 4-diphenyl-3-heptanone and its salts (PHENADOXONE, CB-11, Hepagin, Heptalgin, Heptalin, Heptazone).

21. β-1-methyl-3-ethyl-4-phenyl-4 - propionoxypiperidine and its salts (NU-1932).

22. 3-hydroxy-N-methylmorphinan and its salts (NU-2206, Dromoran, Methorphinan).

23. 3-methoxy-N-methylmorphinan and its salts.

Group C

[§ 18, 12 of 1939.]

DRUGS, SUBSTANCES, ARTICLES, OR PREPARATIONS, TO WHICH THE PROVISIONS AS TO IMPORTATION, EXPORTATION AND WHOLESALE TRADE APPLY

[Sections 48, 49, 50, 51, and 68.]

1. Methylmorphine commonly known as codeine, and its salts.

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2. Ethylmorphine commonly known as dionin, and its salts.

3. Any preparation, admixture or other substance (except syrupus Codeinae Phosphatis B.P.C. 1934) containing any proportion of methylmorphine (commonly known as codeine) or ethylmorphine (commonly known as dionin) associated with any inert substance whether solid or liquid, and to any preparation, admixture or other substance containing more than 2.5 *per centum* of methylmorphine or ethylmorphine (calculated as pure drug) associated with any other medicinal substance.

4. Pethidine, its salts and preparations.

5. Amidone. (dl-2-dimethylamino-4 : 4-diphenylheptane 5-one) its salts and any preparation, admixture, extract, or other substance containing any proportion of Amidone.

6. Metopon. (Methyldihydromorphinone) its salts, and any preparation, admixture, extract or other substance containing any proportion of methyldihydromorphinone.

7. Acetyldihydrocodeine. (Acetylcodone).

8. Dihydrocodeine and its salts (Paracodine). [§ 2, 16 of 1953.]

9. Acetyldihydrocodeine and its salts (Acetylcodone).

Group D

[§ 18, 12 of 1939.]

DRUGS, SUBSTANCES, ARTICLES, OR PREPARATIONS, TO WHICH ONLY THE PROVISIONS AS TO IMPORTATION AND EXPORTATION APPLY

[Sections 48, 49, 50, and 67.]

1. Pil. Hydrarg. c. Cret. et Opio, B.P.C.

2. Pulv. Cretae Aromat. c. Opio, B.P.

3. Pulv. Ipecac. Co., B.P. (Dover's Powder).

Group E

[§ 18, 12 of 1939.]

DRUGS, SUBSTANCES, ARTICLES, OR PREPARATIONS, THE EXPORTATION OF WHICH IS TOTALLY PROHIBITED

[Sections 48 and 50.]

1. Diacetylmorphine, and its salts.

2. Any product obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf, not being a product which was in use on or before the 13th day of July, 1931, for medicinal or scientific purposes.

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PART II

[Sections 32, 49, and 50.] REGULATIONS AS TO THE IMPORT AND EXPORT OF DANGEROUS DRUGS

1. (1) The licence to import dangerous drugs shall be substantially in the following form :—

The Poisons, Opium, and Dangerous Drugs Ordinance

[Section 49.] LICENCE TO IMPORT DANGEROUS DRUGS

Licence No. ————.

In pursuance of the powers vested in me by section 49 of the Poisons, Opium, and Dangerous Drugs Ordinance, I, ————, Director of Health Services, hereby license ———— (Name of Firm) ————, who employs a pharmacist approved by me as having the requisite knowledge and experience, to import in accordance with the provisions of the Ordinance and the regulations thereunder, the drugs, substances, articles, and preparations specified for the time being in Groups B, C, and D in Part I of the Third Schedule to the Ordinance.

Given under my hand this ———— day of ————, 19—.

————,
Director of Health Services.

This licence expires on ———— unless renewed by endorsement, and is subject to the condition that it may be cancelled by the Director upon the withdrawal, under section 58 of the Ordinance, of any authorization given to the licensee.

(2) Every licence issued under this regulation shall be in force for a period of twelve months from the date of issue, and may be renewed by the Director annually by endorsement made on or before the date on which it is to expire.

(3) No licence shall be issued or renewed under this regulation unless the firm applying for the licence or the renewal of the licence employs a pharmacist approved by the Director, and the Director may, for the purposes of such approval, require the pharmacist employed by any firm applying for a licence or the renewal of a licence to submit himself to such test as the Director may deem necessary.

(4) A fee of two hundred rupees shall be payable for the licence and a fee of five rupees shall be payable for each renewal thereof.

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2. The import authorization for dangerous drugs shall be substantially in the following form :—

Government of Ceylon. Authorization No. ————.
File No. ————.

The Poisons, Opium, and Dangerous Drugs Ordinance

IMPORT AUTHORIZATION

[Section 49.]

In pursuance of the provisions of section 49 of the Poisons, Opium, and Dangerous Drugs Ordinance, the Director of Health Services, Ceylon, hereby authorizes ———— (hereinafter called "the importer") to import the drugs specified in the Schedule hereto from ————.

Here insert name and full postal address of importer.

Here insert name and full postal address of exporter.

This authorization is issued subject to the following conditions :—

(1) The drugs shall be imported before ———— (*date*).

(2) This authorization is not a licence to be in possession of or to supply the drugs imported.

(3) This authorization does not relieve the importer from compliance with any customs regulations in force for the time being relating to the importation of goods into or transhipment of goods in Ceylon, or any post office regulations for the time being in force in Ceylon.

(4) This authorization is valid only for the importer and may be revoked at any time by the Director of Health Services, to whom it shall in that event be immediately surrendered. It shall be produced for inspection when required by any duly authorized person.

(5) This authorization unless sooner revoked shall be produced to the customs officer at the time of importation and shall be surrendered to the customs officer at the time when the last consignment of the drugs specified in the Schedule is imported.

(6) If the importation of all the drugs specified in the Schedule is not effected before the date specified in condition No. 1 this authorization shall immediately after that date be surrendered to the Director of Health Services.

(7) The copy of the export authorization, if any, which accompanies the drugs shall be forwarded to the ———— immediately the importation of the drugs has been effected.

————

(*Signature and stamp of the Director of Health Services, Ceylon.*)

Date :————.

Schedule specifying the drugs and quantities thereof to be imported :—

This authorization is not to leave the possession of the importer until it is surrendered to the Director of Health Services or to the customs officer. If it is surrendered to the customs officer, he will complete the certificate on the back and return the authorization to the Director of Health Services.

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ENDORSEMENT BY CUSTOMS OFFICER AT THE TIME OF IMPORTATION

Date	Description of Drugs imported	Number and Date of Export Authorization	Quantity	How imported	Customs Entry or Parcel No.	Signature, Mark and Station of Customs Officer
				e.g., *ex* ——— (*in the case of a ship*) *or* by registered parcel post *or* by insured box post.		

This authorization, when all the drugs to which it relates have been imported, must be returned by the customs officer to the Director of Health Services.

3. The import certificate for dangerous drugs shall be substantially in the following form :—

Government of Ceylon. No. ——.

The Poisons, Opium, and Dangerous Drugs Ordinance

[Section 49.]

IMPORT CERTIFICATE

I, ———, Director of Health Services, Ceylon, being the officer charged with the administration of the provisions of the above Ordinance relating to the dangerous drugs to which the International Opium Conventions apply, hereby certify that I have approved the importation into Ceylon—

(*a*) Name, address and business of importer. — by (*a*) ———

(b) Exact description and amount of drug to be imported. — of (b) ———

(*c*) Name and address of firm in exporting country from which the drug is to be obtained. — from (*c*) ———

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subject to the following conditions :—

(*d*) ———— (*d*) State any special conditions to be observed— e.g., not to be imported through the post.

(*e*) ———— (*e*) State, if possible, customs office through which the goods will be imported.

(*f*) ———— (*f*) State, if possible, route to be followed by the goods.

(*g*) ————. (*g*) Period within which the import is to be effected.

And I hereby further certify that I am satisfied that the consignment proposed to be imported is required for medical or scientific purposes (in the case of drugs to which Chapter III of the 1925 Convention and Article I of the 1931 Convention apply).

(*Signature*) :————,

(Official rank) :————.

(Date) :————.

4. (1) In the case of every ship having on board any restricted article consigned to a place in Ceylon—

(*a*) the agent in Ceylon of the owners of the ship shall, not less than forty-eight hours before the time at which the ship is expected to arrive in port, give information to the Principal Collector of Customs of the presence of such article on board ; and

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(b) the master of the ship shall, within four hours after the arrival of the ship in port, report the presence of such article to the Collector of Customs, and produce the original or an authenticated copy together with another copy (which shall be retained by the Collector of Customs) of the export authorization or diversion certificate accompanying the consignment of that article.

(2) The consignment shall not be landed at any port in Ceylon other than Colombo and shall not be removed from the customs-house—

(a) unless the import authorization issued by the Director is presented by the consignee, and

(b) unless the consignment is accompanied by a copy of the export authorization issued by the Government of the exporting country or a copy of any diversion certificate granted in respect of the consignment, and

(c) until the consignment has been inspected by the customs officer and checked by him against the import authorization and the copy of the export authorization or diversion certificate accompanying the consignment. On release of the consignment, the customs officer shall endorse the import authorization and forward it immediately to the Director.

5. The Director, when the importation has been effected, or when the period fixed for the importation has expired, shall return the export authorization, with an endorsement to that effect, to the Government of the exporting country. The endorsement shall specify the amount actually imported.

6. (1) Application for authorization to export dangerous drugs shall be made to the Director on a form to be obtained from him. It shall be entirely in the discretion of the Director, subject to appeal to the Minister,[1] whether to grant or refuse any such application.

(2) Dangerous drugs shall be exported only from the port of Colombo.

7. (1) The Director shall before issuing an export authorization require an import certificate, issued by the Government of the importing country and certifying that the importation is approved, to be produced by the person applying for the export authorization.

(2) In the case of an application to export a consignment to any country for the purpose of being placed in a bonded warehouse in that country, a special certificate from the Government of the country, certifying that it has approved the introduction of the consignment for the said purpose, may be accepted in place of the import certificate provided for above. In such a case the export authorization shall specify that the consignment is exported for the purpose of being placed in a bonded warehouse.

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8. The export authorization shall be issued by the Director and shall specify the quantity to be exported, the name and address of the exporter, and the name and address of the importer. It shall also specify the period within which the exportation must be effected, and shall state the number and date of the import certificate and the authority by whom it has been issued.

9. The export authorization for dangerous drugs shall be substantially in the following form :—

Government of Ceylon. No. ——.

The Poisons, Opium, and Dangerous Drugs Ordinance

EXPORT AUTHORIZATION [Section 50.]

I, ————, Director of Health Services, Ceylon, being the officer charged with the administration of the provisions of the above Ordinance relating to the dangerous drugs to which the International Opium Conventions apply, hereby certify that I have approved and authorized the exportation from Ceylon—

by (*a*) ———— (*a*) Name, address and business of exporter.

of (*b*) ———— (*b*) Exact description and amount of drug to be exported.

to (*c*) ———— (*c*) Name and address of firm in importing country requiring the drug.

(*d*) ———— (*d*) Number and date of import certificate and indication of the authority issuing this certificate.

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subject to the following conditions :—

(*e*) State any special conditions to be observed—e.g., not to be imported through the post.

(*e*) ————

(*f*) Customs office through which the goods will be exported.

(*f*) ————

(*g*) State, if possible, route to be followed by the goods.

(*g*) ————

(*h*) Period within which the export is to be effected.

(*h*) ————

(*Signature*) :————,
(Official rank) :————.

Date :————.

10. A copy of the export authorization shall accompany the consignment, and this Government shall send a copy to the Government of the importing country.

11. The exporter shall notify the Director of the date on which the dangerous drugs exported are posted or shipped, and, if shipped, the name of the ship and the marks on the cases or packages.

12. The exporter shall also inform the Director if a less quantity is exported than that specified in the export authorization. In such case the Director shall note the quantity actually exported on the export authorization and on any official copy thereof.

13. Dangerous drugs imported and placed in a strong room shall not be withdrawn therefrom for export except on the authority of a special authorization to be issued by the Director. Such authorization shall not be issued, unless an import certificate issued by the Government of the country of destination and certifying that the importation is approved, is produced to the Director. The special authorization shall, as nearly as may be, be in the same form as the "official authorization to export", and shall in addition state the authority under which it was imported and placed in a strong room. The foregoing regulations 10, 11, and 12 shall apply to every such export.

14. (1) Every package of dangerous drugs placed in a strong room under the foregoing regulation 13 shall be sealed with the seal of the Customs Department and of the importer of those drugs.

(2) The charges for the storage of any package of dangerous drugs shall be the same as the charges for any other package or article stored at the baggage office, and, together with the cost of any guard which the Principal Collector of Customs may deem necessary, shall be paid to the Principal Collector of Customs by the importer of the drugs before the package is delivered to him.

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FOURTH SCHEDULE

REGISTER OF DEALINGS IN DANGEROUS DRUGS

[Sections 2, 61, 80.]

(*a*) Record of { Morphine, &c. / Diamorphine (Heroin), &c. / Cocaine, &c. / Medicinal Opium. / Extract or tincture of the hemp plant or of the resin obtained from the hemp plant. / Benzoyl-morphine, &c. / Eucodal, &c. / Dicodide, &c. } Purchased or otherwise obtained

Date on which Supply received	Name of Person, Body, or Firm from whom obtained	Address of Person, Body, or Firm from whom obtained	Amount obtained	Form in which obtained

(*b*) Record of { Morphine, &c. / Diamorphine (Heroin), &c. / Cocaine, &c. / Medicinal Opium. / Extract or tincture of the hemp plant or of the resin obtained from the hemp plant. / Benzoyl-morphine, &c. / Eucodal, &c. / Dicodide, &c. } Sold or supplied

Date on which the Transaction was effected	Name of Person, Body, or Firm to whom sold or supplied	Address of Person, Body or Firm to whom sold or supplied	Authority of Person, Body, or Firm to be in possession of the Drug	Amount sold or supplied	Form in which sold or supplied	When Sale is on a Prescription specify the Ingredients of the Prescription

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FIFTH SCHEDULE

[Sections 2, 66, 80.]

DRUGS OBTAINABLE BY APOTHECARIES ON LICENCE FROM DIRECTOR

Tinctura opii.

Liq. Morphinae Hydrochloridi.

SIXTH SCHEDULE

[Sections 2, 70, 72, 80.]

TRANSIT AND TRANSHIPMENT OF RESTRICTED ARTICLES

1. Every consignment of restricted articles in transit to a place outside Ceylon shall be specified in the ship's manifest and shall be accompanied by an export authorization authorizing its export issued by the competent authority of the country from which it was exported or by a diversion certificate issued by such authority or by the competent authority of a country through which the consignment has been permitted to pass, and accompanied also, in the case of a consignment of raw opium, by the import certificate issued for the purposes of that consignment by the competent authority of the country to which it is in transit :

Provided, however, that the requirements of this regulation as to the export authorization or diversion certificate or import certificate shall not be applicable to any consignment of any restricted article exported from a country which is not a party to the International Opium Conventions.

2. In the case of every ship having on board any consignment of any restricted article in transit to a place outside Ceylon—

(*a*) the agent in Ceylon of the owner of the ship shall, not less than forty-eight hours before the time at which the ship is expected to arrive in port, give information to the Principal Collector of Customs of the presence of such consignment on board ; and

(*b*) the master of the ship shall, within four hours after the arrival of the ship in port, report the presence of such consignment on board to the Collector of Customs and produce for inspection the original or an authenticated copy of the export authorization or diversion certificate accompanying the consignment :

Provided, however, that where any such consignment has been exported from a country which is not a party to the International Opium Conventions, the master of the ship shall produce, in lieu of the export authorization or diversion certificate, sufficient evidence to prove to the satisfaction of the Collector that the consignment is being conveyed in a lawful manner and for a lawful purpose.

3. No consignment of any restricted article in transit to a place outside Ceylon shall, when it is brought into any port in Ceylon, be taken out of such port in the same ship without the written permit of the Collector of Customs who shall not grant such permit, unless he is satisfied that such customs

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regulations as may be applicable have been duly observed in respect of that consignment and that ship, and that that ship intends to call at the port of destination named in the export authorization or diversion certificate accompanying the consignment, or, where any such consignment has been exported from a country which is not a party to the International Opium Conventions, that the consignment is being conveyed in a lawful manner and for a lawful purpose.

4. (1) Every consignment of any restricted article brought into any port in Ceylon for the purpose of transhipment shall be either—

(*a*) with the written permit of the Director and subject to the observance of any customs regulations which may be applicable, transhipped under the supervision of a preventive officer of the customs to the exporting ship without being landed :

Provided that no such permit shall be given, unless the Director is satisfied that such customs regulations as may be applicable have been duly observed in respect of that consignment and the exporting ship and that that ship will call at the port of destination named in the export authorization or diversion certificate accompanying the consignment, or, where any such consignment has been exported from a country which is not a party to the International Opium Conventions, that the consignment is being conveyed in a lawful manner and for a lawful purpose ; or

(*b*) with the written permit of the Director and subject to the observance of any customs regulations which may be applicable, placed under guard in a strong room in the customs premises.

(2) No consignment of restricted articles placed in a strong room with a view to transhipment shall be withdrawn from the strong room except for export to the port of destination named in the export authorization or diversion certificate, or, where any such consignment has been exported from a country which is not a party to the International Opium Conventions, to a port to which in the opinion of the Collector of Customs, the consignment is being conveyed in a lawful manner and for a lawful purpose. Such withdrawal shall only be made with the written permit of the Director and in accordance with the customs regulations applicable.

(3) The permit referred to in the foregoing paragraphs (1) and (2) shall be substantially in the following form :— [§ 2, 14 of 1941.]

PERMIT FOR THE REMOVAL OF DANGEROUS DRUGS IN TRANSIT

———— is hereby authorized to move the dangerous drugs described hereunder from ———— to ————.

Nature and quantity of dangerous drugs :————.

Particulars of export authorization (or diversion certificate), if any, relating thereto :————.

Name of ship on which the drugs were brought into Ceylon :————.

H 11——J. N. R 7594 (4/60)

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Date of arrival :————.

Number of packages :————.

Marks and numbers on packages :————.

This permit is issued subject to the following conditions :—

(1) This permit is valid only for the removal of the drugs specified above.

(2) The removal of the drugs shall take place between ———— a.m./p.m., and ———— a.m./p.m. on the ————, 19—.

(3) If the removal of the drugs does not take place within the hours and on the day specified, this permit must be returned to the Director of Health Services forthwith ; and in any case shall be surrendered when the removal has taken place.

(4) The drugs must not be moved unless an officer of the Customs Department is present.

(5) This permit does not authorize the person named above to be in possession of the drugs otherwise than for the purpose of removing them in accordance with this permit.

(6) The packages containing the drugs are not to be opened or broken in the course of the removal.

(7) This permit shall be produced at any time when required by a duly authorized person.

————

(Signature and stamp of the Director of Health Services, Ceylon.)

Date :————.

5. The Minister [1] may direct the issue of a special diversion certificate authorizing any consignment of any restricted articles to be carried to another destination. A diversion certificate shall only be issued after the receipt of an import certificate from the Government of the country to which it is proposed to divert the consignment, or, if that country is not a party to the International Opium Conventions, only upon the production of adequate evidence to prove that the consignment is being conveyed to that country in a lawful manner and for a lawful purpose. Every such diversion certificate shall contain the same particulars as are required to be stated in an export authorization, together with the name of the country from which the consignment was originally exported. All the provisions of the Third Schedule applicable to an export authorization shall apply to a diversion certificate.

6. (1) If any restricted article consigned to a destination outside Ceylon is brought into any port of Ceylon, no person shall, except on the authority of a diversion certificate issued in accordance with the foregoing regulation, divert or cause or procure to be diverted, such restricted article to any destination other than that to which it was originally consigned.

(2) The destination to which the article was originally consigned shall be deemed to be the destination stated in the export authorization or in any diversion certificate accompanying the consignment.

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7. (1) Where any consignment of a restricted article is placed in a strong room under regulation 4, every package of that consignment shall be sealed with the seal of the Customs Department and of the agent of the owner of the ship.

(2) The cost of the supervision of any transhipment and of any guard provided under the foregoing regulations shall be paid by the agent of the owner of the ship.

8. In these regulations, unless the context otherwise requires, the expression "the International Opium Conventions" includes the International Convention relating to Opium signed at the Hague on the 23rd day of January, 1912, and the International Conventions relating to Dangerous Drugs and to Narcotic Drugs signed at Geneva on the 19th day of February, 1925, and the 13th day of July, 1931, respectively.

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CHAPTER 219

HEALTH SERVICES

AN ACT TO PROVIDE FOR THE CONSTITUTION AND RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND FOR THE ESTABLISHMENT OF REGIONAL HOSPITALS BOARDS AND HOSPITAL COMMITTEES, AND TO SECURE MORE EFFICIENT ADMINISTRATION BY THE LOCAL AUTHORITIES IN RELATION TO PUBLIC HEALTH.

Acts Nos. 12 of 1952, 10 of 1956.

[*9th April, 1952.*]

1. This Act may be cited as the Health Services Act. Short title.

PART I

THE DEPARTMENT OF HEALTH: ITS CONSTITUTION AND RESPONSIBILITIES

2. (1) There shall be a Department of Health (hereinafter referred to as "the department") which shall be administered in accordance with the succeeding provisions of this Act. The Department of Health.

(2) The department shall consist of three divisions, that is to say, the division of medical services, the division of public health services and the division of laboratory services.

3. (1) There may be appointed— Appointment of officers, &c.

(*a*) a person to be or to act as Director of Health Services (hereinafter referred to as "the Director");

(*b*) a person to be or to act as Deputy Director of Health (Medical Services);

(*c*) a person to be or to act as Deputy Director of Health (Public Health Services);

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(*d*) a person to be or to act as Deputy Director of Health (Laboratory Services); and

(*e*) such medical officers, matrons, nurses, apothecaries and other officers and servants as may be necessary for carrying out the objects and purposes referred to in section 5.

(2) Each Deputy Director shall, subject to the general supervision and control of the Director, be responsible for the administration of the division of the department to which he is appointed and for the exercise and performance of the powers, functions and duties conferred on him by any other written law.

Health Council.

4. (1) There shall be a consultative council to be known as the "Health Council" which shall consist of the Director, the three Deputy Directors, and not more than five other officers of the department nominated by the Minister, three of whom must be respectively officers of the medical, surgical and obstetrical sections of the department.

(2) It shall be the function of the Health Council—

(*a*) from time to time to make recommendations with a view to securing the improvement of the services provided by the department, and

(*b*) to tender advice to the Minister on matters referred to the council for such advice.

(3) The Director shall preside at the meetings of the Health Council; and in the absence of the Director the members present shall elect one of their number to preside at the meeting. The Director shall not be entitled to vote at any such meeting.

(4) The Health Council shall be summoned by the Director to meet at least once in every month; and a report of the proceedings at each meeting shall be transmitted to the Permanent Secretary to the Ministry through the Director.

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(5) Any member of the Health Council who dissents from any decision of the council shall be entitled to record in writing the reasons for his dissent; and it shall be the duty of the Director to transmit such record to the Permanent Secretary to the Ministry together with any such report in relation to the decision as the Director may desire to make.

Health services, institutions and general facilities.

5. Subject to such general or special directions as may be issued by the Minister, and to the availability of moneys granted from the Consolidated Fund in conformity with the provisions of section 67 of the Ceylon (Constitution and Independence) Orders in Council, 1946 and 1947, the department shall be responsible for carrying out the following objects and purposes, that is to say:—

(*a*) the provision of establishments and services (including courses of training) necessary for the prevention and treatment of disease and generally for the preservation and promotion of the health of the people;

(*b*) the encouragement of study and research in subjects relating to health, by the grant of scholarships and other facilities to persons employed or proposed to be employed in the department and by the grant of financial aid and other assistance to institutions providing courses of study or engaged in research in such subjects; and

(*c*) the taking, development or encouragement of measures for the investigation or prevention of disease and for the improvement of the public health, including research and epidemiological investigations and the dissemination of information.

Health districts.

6. (1) The Minister may by Order published in the Gazette divide Ceylon into health districts in such manner as he may consider best conducive to the efficient administration of the department

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(2) There may be appointed for each health district such supervisory and other officers of any appropriate division of the department as may be necessary for the purposes of efficient administration.

Death statistics and annual report.

7. (1) It shall be the duty of the Registrar-General not later than the month of February in each year to furnish to the Director a statistical analysis of the causes of deaths occurring in the preceding year where such causes have been certified in accordance with the requirements of any other written law in that behalf by persons registered as medical practitioners under the Medical Ordinance.

(2) It shall be the duty of the Director to furnish before such date in each year as the Permanent Secretary to the Ministry may determine, a report upon the state of the public health of Ceylon during the preceding year, and such report shall include a statement of conclusions and recommendations of the Director with respect to the information disclosed by the statistics furnished under subsection (1).

General supervisory or directory power in relation to local authorities.

8. (1) In any case where the Minister is satisfied—

(*a*) that there has been a failure on the part of any local authority to exercise any power or to perform any duty or take any measure which that local authority is authorized or required to exercise, perform or take by any provision contained in that behalf in any other written law, and

(*b*) that such failure is or is likely to be prejudicial to the public health generally or to the health of persons resident in areas outside the administrative limits of that local authority,

the Director may, if authorized so to do by the Minister, by written notice given by registered post require the local authority to exercise, perform or take any such power, duty or measure (authorized or required by the provision of written law aforesaid) as may be

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specified in the notice, and to make such appointments or employ such officers or servants as may be necessary for effectively carrying out the objects or purposes of that provision.

(2) Where any local authority fails to comply with the requirements of any notice under subsection (1) before the expiration of a period of thirty days from the date of the notice or of such longer period as may be specified by the Director in that behalf in the same or a subsequent notice, it shall be lawful for the Director to cause any person or persons acting under his authority to exercise, perform or take any power, duty or measure to which the notice relates; and for the purposes of the exercise of the rights conferred by this subsection the Director and any such person or persons shall be deemed to have the same powers as are conferred on the local authority by any provision of written law referred to in the notice.

All expenses incurred by the Director or by any person or persons acting under his authority in the exercise of the rights conferred by the preceding provisions of this section shall be recoverable from the local authority as a debt due to the Crown.

(3) The provisions of subsection (2) shall be in addition to and not in substitution or derogation of any powers conferred on the Director by any other written law.

(4) The Minister may from time to time by notice published in the Gazette require every local authority to furnish to the Director annual or other periodical reports with respect to any matter or subject concerning the state of the public health in the area within the administrative limits of that authority.

(5) The Director may by written notice sent by registered post require any local authority to furnish to him within a time specified in the notice a report with respect to any outbreak of disease or other specified matter relating to or affecting the health of persons resident in the area within the administrative limits of that authority.

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(6) It shall be the duty of any local authority to comply with any such notice under subsection (4) or subsection (5) as may be applicable to that local authority.

(7) In this section, "local authority" means any Municipal Council, Urban Council, Town Council or Village Committee, and includes the Gal Oya Development Board.

PART II

Hospitals Boards And Committees

Constitution of regional hospitals board.

9. (1) The Minister may by Order published in the Gazette constitute for any area specified in the Order a regional hospitals board consisting of—

(*a*) a member of the teaching staff of the Faculty of Medicine of the University of Ceylon appointed by the Minister on the recommendation of the Vice-Chancellor ;

(*b*) either the Deputy Director of Health (Medical Services) or any other officer of the division of medical services of the department appointed by the Minister ; and

(*c*) not less than five other persons appointed by the Minister.

(2) An officer of the department shall not be qualified for appointment to a board under paragraph (*c*) of subsection (1).

(3) In the case of each board constituted under this section, the Minister shall nominate one of the members to be the chairman of the board ; and the board shall elect one of their number to be the deputy chairman who shall preside at meetings of the board in the absence of the chairman.

(4) The term of office of a member of a board shall be specified by the Minister at the time of the appointment ; and different terms may be so specified for different members.

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(5) A member of any such board who vacates his office by effluxion of time shall be eligible for re-appointment.

(6) In the event of the death, resignation or vacation of office of any member of a board, the Minister may by notice published in the Gazette appoint another person to hold office during the remainder of the term of office of such member.

(7) The Minister shall in every Order made under subsection (1) specify the date on which the board constituted thereby shall commence to hold office.

Regional hospitals board : functions and procedure.

10. (1) It shall be the function of a regional hospitals board from time to time to make to the Director such recommendations as will in the opinion of the board secure co-ordination in the provision of services at Government hospitals in the area for which the board is constituted or secure improvement in the nature or extent of the services so provided, including recommendations for the provision of buildings or equipment, for fulfilling the needs of any such hospital in respect of personnel, and for the admission or denial of admission to any such hospital of patients suffering from any specified disease.

(2) A board shall meet at least once in every two months and at such other times as the chairman may determine.

(3) The Medical Superintendent or other officer in charge of each Government hospital in the area for which a board is constituted shall be entitled to be present but not to vote at any meeting of that board ; and any such Superintendent or other officer shall be present at any such meeting if he is summoned by the chairman to attend.

(4) A member of the department nominated by the Director for the purpose shall be the secretary of a board.

(5) It shall be the duty of the secretary of a board to transmit to the Permanent Secretary to the Ministry and to the Director copies of the minutes of every meeting of the board.

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Hospital committees.

11. (1) The Minister may by Order published in the Gazette constitute for any Government hospital or hospitals specified in the Order a hospital committee consisting of—

(*a*) either the Deputy Director of Health (Medical Services) or any other officer of the division of medical services of the department appointed by the Minister ; and

(*b*) not less than four other persons appointed by the Minister.

(2) An officer of the department shall not be qualified for appointment to a hospital committee under paragraph (*b*) of subsection (1).

(3) In the case of each committee constituted under this section, the Minister shall nominate one of the members to be the chairman of the committee ; and the committee shall elect one of their number to be the deputy chairman who shall preside at meetings of the committee in the absence of the chairman.

(4) The term of office of a member of a hospital committee shall be specified by the Minister at the time of the appointment ; and different terms may be so specified for different members.

(5) A member of any such committee who vacates his office by effluxion of time shall be eligible for reappointment.

(6) In the event of the death, resignation or vacation of office of any member of a hospital committee, the Minister may by notice published in the Gazette appoint another person to hold office during the remainder of the term of office of such member.

(7) The Minister shall in every Order made under subsection (1) specify the date on which the hospital committee constituted thereby shall commence to hold office.

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Powers, duties, &c., of hospital committee.

12. (1) A hospital committee shall be charged with the following powers, duties and responsibilities in relation to each hospital for which it is constituted:—

(*a*) the power to make determinations as to the utilization of such part of the sums appropriated by law or by resolution of the House of Representatives for the purposes of the department as are allocated by the Director for the purpose of meeting expenses incurred during each financial year in the maintenance or administration of the hospital, other than expenses upon salaries, wages and the provision of diet for patients;

(*b*) the power to make determinations as to the description and quantity of drugs or equipment to be purchased from time to time out of the sums referred to in paragraph (*a*);

(*c*) the power to issue directions with respect to—

(i) the admission or discharge of patients;

(ii) the admission of visitors to the wards or other places in the hospital;

(iii) the maintenance of order, decency and cleanliness among the inmates of and visitors to the hospital;

(iv) the maintenance of order and the regulation of traffic in the hospital premises;

(*d*) the responsibility of supervising the provision of diet for patients in the hospital for the purpose of securing that the diets are of the standard and value prescribed in that behalf by the Director and that the sums expended for the provision of diet are economically utilized;

(*e*) the function of making such recommendations to the Director in relation to the hospital as will in the opinion of the committee secure improvement in the nature or extent of the services provided in the hospital, including

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recommendations for the provision of new buildings or equipment, for fulfilling the needs of the hospital in respect of personnel, and for the admission or denial of admission to the hospital of patients suffering from any specified disease ;

(*f*) the duty to prepare and transmit to the Director, before the first day of February in each year, an estimate of sums which in the opinion of the committee will be necessary for the purpose of meeting expenditure during the succeeding financial year in the maintenance and administration of the hospital, other than expenditure on salaries and wages ; and

(*g*) the duty to advise and assist the Director, if so required by him, in the examination of tenders for diets for patients in the hospital.

(2) The Medical Superintendent or other officer in charge of a hospital for which a hospital committee is constituted shall be consulted before any determination is made by the committee under paragraph (*a*) or paragraph (*b*) of subsection (1) ; and in any case where the Medical Superintendent or such other officer does not concur with any such determination, it shall be referred to the Director, and his decision on the question whether or not the determination should be carried out shall be final.

(3) Subject to the provisions of subsection (2), it shall be the duty of the Medical Superintendent or other officer in charge of a hospital to carry out all determinations of the hospital committee under paragraph (*a*) or paragraph (*b*) of subsection (1), relating to that hospital except in so far as any such determination is contrary to or in conflict with any financial regulation of the Government or instructions issued by or on behalf of the Permanent Secretary to the Ministry or the Secretary to the Treasury.

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(4) It shall be the duty of the Medical Superintendent or other officer in charge of a hospital for which a hospital committee is constituted to carry out and to cause or require personnel employed in the hospital to carry out all such directions with respect to the hospital which may be issued under paragraph (c) of subsection (1) by the hospital committee.

(5) It shall be lawful for any member of a hospital committee constituted for any hospital at any time to visit and inspect the hospital or any ward thereof.

Meetings, &c., of hospital committee.

13. (1) Every hospital committee shall meet at least once in each month and at such other times as the chairman may determine.

(2) At any meeting of a hospital committee three members shall constitute a quorum ; and any question arising for decision shall be decided by a majority of the members present and voting, the chairman having a deliberative vote but not a casting vote.

(3) The Medical Superintendent or other officer in charge of each hospital for which a hospital committee is constituted shall be entitled to be present but not to vote at any meeting of the committee ; and any such Superintendent or other officer shall be present at any such meeting if he is summoned by the chairman to attend.

(4) Any member of the professional staff of any hospital for which a hospital committee is constituted may be consulted, whether at a meeting or otherwise, by the hospital committee with respect to any matter connected with the powers, functions and responsibilities of the committee.

(5) A member of the department nominated by the Director for the purpose shall be the secretary of a hospital committee.

(6) It shall be the duty of the secretary of a hospital committee to transmit to the Permanent Secretary to the Ministry and to the Director copies of the minutes of each meeting of the committee.

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Annual report of hospital committee.

14. Every hospital committee shall in the month of December in each year prepare and furnish to the Permanent Secretary to the Ministry a report upon the exercise and performance during the preceding financial year of its powers, functions and responsibilities under this Act.

Limitation of authority of hospital committee.

15. A hospital committee constituted under this Act shall not be deemed or construed—

(*a*) to be authorized or permitted to incur or undertake any expenditure or liability or to enter into any contract or other obligation, whether by itself or as an agent of the Government or of the Director ; or

(*b*) to be the employer of any person employed at any hospital in any capacity whatsoever.

Representation of hospital committee on regional hospitals board.

16. Where a hospital committee is constituted for any hospital situated in any area for which a regional hospitals board is constituted under section 9, one of the members of the committee selected by the Minister shall be appointed under paragraph (c) of subsection (1) of that section as a member of the regional hospitals board to represent the committee.

Exercise of functions of hospital committee by regional hospitals board.

17. The Minister may, in lieu of constituting a hospital committee for any hospital, by Order published in the Gazette declare that the regional hospitals board constituted for the area in which the hospital is situated shall have and exercise in relation to the hospital all the powers, functions and responsibilities of a hospital committee ; and while such Order is in force the provisions of sections 12 to 15 shall apply *mutatis mutandis* in all respects as though the regional hospitals board were a hospital committee duly constituted under section 11 :

Provided, however, that any person who has been appointed as a member of a regional hospitals board in accordance with section 16 to represent a hospital committee for any hospital, shall not function as a

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member of the board when it is exercising the powers, functions or responsibilities of a hospital committee in relation to any other hospital.

Vacation of office of members of regional hospitals board or hospital committee.

18. A member of a regional hospitals board or hospital committee shall vacate his office as such—

(*a*) if, having been adjudged an insolvent or a bankrupt, he has not been granted by a competent court a certificate to the effect that his insolvency or bankruptcy has arisen wholly or partly by unavoidable losses or misfortunes; or

(*b*) if he is adjudged by a competent court to be of unsound mind; or

(*c*) if he absents himself, without leave of the board or committee, as the case may be, from three consecutive meetings of the board or committee; or

(*d*) if he resigns office by writing under his hand addressed to the Minister; or

(*e*) if he is removed from office by the Minister upon a recommendation made in that behalf by the board or committee, as the case may be.

Allowances to members of hospital boards and committees.

19. (1) The Minister may by Order published in the Gazette provide for the payment in such cases and circumstances as may be specified in the Order of remuneration and travelling or other allowances to members of hospital boards or of hospital committees.

(2) No Order made under subsection (1) shall have effect unless it is approved by the Senate and the House of Representatives.

Procedure for transaction of business.

20. The Minister may make rules prescribing the procedure to be followed in the transaction of business by regional hospitals boards and hospital committees. Subject to such rules, if any, any such board or committee may regulate its own procedure.

H 1 2——J. N. R 7594 (4/60)

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PART III

CONSTRUCTION OF OTHER LAW

Continuation in employment of members of the Department of Medical and Sanitary Services.

21. Notwithstanding the change of designation of the department heretofore called the Department of Medical and Sanitary Services, all persons holding office as members of that department on the 9th day of April, 1952, or otherwise employed in that department on that date shall continue in office or employment in the Department of Health constituted by this Act.

Amendment of other written laws, &c.

22. (1) Wherever, in any provision of any other written law or of any notice, permit, communication, form or other document issued, made, required or authorized by or under any other written law, the expression "Director of Medical and Sanitary Services" occurs, there shall be substituted therefor the expression "Director of Health Services"; and accordingly wherever in any such provision the abbreviation "Director" is used to denote the Director of Medical and Sanitary Services, such abbreviation shall be read and construed as a reference to the Director of Health Services.

[§ 2, 10 of 1956.]

[§ 2, 10 of 1956.]

(2) If the designation of any office in the Department of Medical and Sanitary Services (as constituted prior to the 9th day of April, 1952), is altered—

(*a*) the Minister may by Order published in the Gazette declare that the provisions of this subsection shall apply in relation to that designation; and

(*b*) upon such declaration being made, then, wherever that designation occurs in any provision of any other written law or of any notice, permit, communication, form or other document issued, made, required or authorized by any other written law, there shall be substituted for that designation the new designation assigned to the corresponding office in the Department of Health.

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Savings for contracts, &c.

23. Every contract, agreement or other instrument or document whatsoever made, issued or executed prior to the 9th day of April, 1952, by or in favour of the Director of Medical and Sanitary Services or any officer of that department in his capacity as such, shall be deemed on and after the 9th day of April, 1952, to be and to have been made, issued, or executed by or in favour of the Director of Health Services or of the officer holding the corresponding office in the Department of Health in his capacity as such; and any reference in any such contract, agreement or other instrument or document to any officer in the Department of Medical and Sanitary Services (as constituted prior to the 9th day of April, 1952), shall be read and construed as a reference to the officer holding the corresponding office in the Department of Health.

[§ 3, 10 of 1956.]

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CHAPTER 220

NURSING HOMES (REGULATION)

Acts Nos. 16 of 1949, 12 of 1952, 29 of 1953.

AN ACT TO PROVIDE FOR THE REGISTRATION OF NURSING HOMES AND GENERALLY FOR THE REGULATION, SUPERVISION AND INSPECTION OF NURSING HOMES SO REGISTERED.

[*26th March, 1949.*]

Short title.

1. This Act may be cited as the Nursing Homes (Regulation) Act.

Nursing homes to be registered.

2. (1) On and after such date * as may be appointed in that behalf by the Minister and notified in the Gazette, no premises shall be used for the purpose of a nursing home unless such premises are for the time being registered under this Act as a nursing home, and the person carrying on a nursing home at such premises is for the time being registered as the proprietor thereof.

(2) The date appointed by notification under subsection (1) shall be a date not earlier than two months after the date of the publication of the notification in the Gazette.

(3) Where any premises are used as a nursing home in contravention of the provisions of subsection (1), the occupier of the premises and the person for the time being in charge of the nursing home shall each be guilty of an offence under this Act.

Registration, renewal of registration, &c.

3. (1) Every application for the registration of any premises as a nursing home shall be made in writing to the Director.

(2) Every such application shall be in the prescribed form, shall be signed by the person maintaining or

* 1st October, 1949.—Gazette No. 10,002 of 29th July, 1949.

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proposing to establish and maintain the nursing home, and shall be accompanied by a fee of one hundred rupees.

(3) Save as otherwise provided in section 4, the Director shall on receipt of an application under the preceding provisions of this section—

(*a*) register the premises as a nursing home and register the applicant as the proprietor of the home ; and

(*b*) issue to the applicant a certificate of registration in the prescribed form.

(4) The registration of any premises as a nursing home shall, unless earlier cancelled as hereinafter provided, be effective for a period of twelve months commencing on such date as may be specified therein ; but such registration may from time to time be renewed by the Director for further periods of twelve months, upon payment in respect of each such renewal of a fee of fifty rupees. Where such registration is so renewed the Director shall issue a certificate of renewal in the prescribed form in respect of the nursing home.

(5) It shall be the duty of the person for the time being registered as the proprietor of a nursing home to cause the certificate of registration or the certificate of renewal issued in respect of that home to be kept affixed in a conspicuous place in the home.

Power to refuse or cancel registration.

4. (1) The Director may, by order, refuse to register any premises as a nursing home, if satisfied—

(*a*) that the applicant or any person employed or proposed to be employed by him at the nursing home is not a fit person, whether by reason of infirmity or otherwise, to maintain or to be employed at a nursing home of the description specified in the application ; or

(*b*) that for reasons connected with situation, construction, accommodation, staffing or equipment, the premises used or proposed to be used for the purposes of the home or in connexion therewith, are not fit to be used for

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a nursing home of the description specified in the application, or that such premises are used or are to be used for purposes which are in any way improper or undesirable in the case of such a nursing home ; or

(c) in the case of a nursing home, other than a maternity home,

(i) that the home is not or will not be under the charge of a person who is either a duly qualified medical practitioner or a registered nurse and is resident in the home, or

(ii) that there is not or will not be a proper proportion of registered nurses among the persons employed in the nursing of patients in the home ; or

(d) in the case of a maternity home,

(i) that the nursing of patients in the home is not or will not be under the superintendence of a person who is either a registered nurse or a registered midwife and is resident in the home, or

(ii) that any person, who is not either a duly qualified medical practitioner or a registered nurse or a registered midwife, is or will be employed in attendance on women in the home in childbirth or in nursing any patient in the home.

(2) Subject to the provisions of subsection (3), the Director may, by order, cancel the registration of any nursing home or refuse to renew such registration—

(a) on any ground on which an order refusing to register a nursing home is authorized by subsection (1) to be made ; or

(b) if the proprietor of the home or any person employed at the home is convicted of an offence under this Act committed in or in respect of that home :

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Provided that any such order of cancellation or refusal shall not take effect until the expiry of a period of one month from the date on which it is made, or in the event of an appeal being duly preferred against the order under section 5, unless and until the order is confirmed in appeal.

(3) No order of cancellation of the registration of any nursing home shall be made under paragraph (*a*) of subsection (2) unless—

(*a*) the Director has, by written notice sent by registered post to the proprietor of that nursing home, informed the proprietor that an order of cancellation will be made upon the expiry of a period specified in the notice if such measures as are specified by the Director in the notice are not taken by the proprietor before the expiry of such period ; and

(*b*) the proprietor has failed to take such measures before the expiry of the period so specified.

Appeal against refusal or cancellation of registration.

5. (1) Where any order is made under section 4 refusing any application for the registration or the renewal of the registration of any nursing home, or cancelling the registration of any nursing home, a copy of the order—

(*a*) shall be sent by the Director by registered post to the applicant or the proprietor ; and

(*b*) such applicant or proprietor, if aggrieved by such order may, before the expiry of a period of fourteen days from the date of the receipt of the copy of the order, appeal against the order to the Magistrate's Court having jurisdiction in the area in which the nursing home is or is proposed to be maintained.

(2) Upon the hearing of any appeal preferred under subsection (1), the court shall after hearing any representations or evidence that may be made or adduced by or on behalf of the appellant or of the Director, give such decision upon the appeal as to the court may seem just.

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(3) The decision of the Magistrate's Court on any appeal preferred under subsection (1) shall be final and conclusive, and in any case where such decision is that an application for the registration or the renewal of the registration of a nursing home shall be allowed, it shall be the duty of the Director to register the nursing home or to renew the registration of the nursing home.

Powers of entry and inspection.

6. (1) The Director, or any medical practitioner or registered nurse authorized in writing in that behalf by the Director, may at any reasonable time enter any registered nursing home and may inspect the home and the premises appertaining thereto and the records required by any regulation to be maintained thereat, for the purpose of ascertaining whether the nursing home is being maintained with due regard to the health, safety and proper care and treatment of patients and whether the provisions of any regulations applicable in the case of nursing homes of the class to which the home belongs are being complied with.

(2) The Director may, if he has reasonable grounds for suspecting that any premises, not being a registered nursing home, have been or are being used for the purposes of a nursing home, by writing authorize any medical practitioner to enter and inspect such premises for the purposes of ascertaining whether or not a contravention of the provisions of section 2 has been or is being committed in respect of such premises.

(3) Nothing in the preceding provisions of this section shall be deemed or construed to authorize any person to inspect any medical record relating to any patient in a nursing home.

(4) Any person who resists or obstructs the Director or any other officer or person in the exercise of the powers conferred by the preceding provisions of this section shall be guilty of an offence under this Act.

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Regulations.

7. (1) The Minister may make all such regulations as may be necessary for the purpose of securing the proper maintenance and administration of nursing homes, and generally for securing the health, safety and proper care and treatment of patients in such homes.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters :—

(*a*) all matters stated or required by this Act to be prescribed ;

(*b*) the forms to be used for the purpose of applications for the registration of nursing homes under this Act, the forms of certificates issued under this Act, and the form of registers to be maintained for the purposes of this Act by the Director ;

(*c*) the records and books which shall be maintained in registered nursing homes and the particulars to be entered therein ;

(*d*) the conditions which shall be complied with in relation to registered nursing homes, including conditions as to—

(i) the construction, maintenance and cleanliness of all buildings and premises,

(ii) the minimum size of wards or rooms and the minimum floor space which shall be allotted for each patient,

(iii) the provision of adequate latrine and bathing facilities for patients and persons employed in such homes,

(iv) equipment, furnishing and staffing of such homes,

(v) the circumstances in which cases of infectious diseases may be admitted for treatment and the precautions to be taken in such cases,

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(vi) the immunization against typhoid fever, smallpox or any other specified disease of persons employed in such homes,

(vii) the prohibition or restriction of the admission of tuberculosis cases and of suspected carriers of any specified disease,

(viii) the prohibition of the admission of midwifery cases, except to maternity homes or other nursing homes having separate blocks set apart for the treatment of such cases, and

(ix) the prohibition or restriction of the admission of cases other than midwifery cases into maternity homes or separate blocks set apart for midwifery cases ;

(*e*) the returns to be furnished from time to time in respect of registered nursing homes and the particulars to be contained therein, including particulars as to the number and description of cases admitted or treated and as to the staff employed therein ; and

(*f*) the fixation of the rates of fees and charges which may be made at nursing homes generally, or at nursing homes of any specified class or description or at any specified nursing home.

(3) Every regulation shall be brought before the Senate and the House of Representatives for approval; and every such regulation which is approved by the Senate and the House of Representatives shall come into effect on the date of its publication in the Gazette or on such later date as may be specified therein and be deemed to be as valid and effectual as though it were herein enacted.

(4) Every person who contravenes or fails to comply with the provisions of any regulation shall be guilty of an offence under this Act ; and the person for the time being registered as the proprietor of the nursing home in or in relation to which such offence was committed, as well as the person for the time being in

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charge of the nursing home, shall each be guilty of an offence under this Act unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the said offence.

Penalty for offences.

8. (1) Every offence under this Act shall be punishable with a fine not exceeding fifty rupees and in the case of a continuing offence to a further fine not exceeding twenty rupees in respect of each day on which the offence continues after conviction.

(2) Where the person convicted of an offence under this Act is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the said offence.

Nursing Homes Advisory Board.

9. (1) There shall be, for the purposes of this Act, a Nursing Homes Advisory Board (hereinafter referred to as " the board ") consisting of—

(*a*) the Director as chairman ; and

(*b*) six other persons appointed by the Minister to be members of the board.

(2) It shall be the function of the board to advise the Minister and the Director upon matters affecting the administration of this Act and the exercise of the powers and functions conferred by this Act.

(3) Three of the persons appointed by the Minister under subsection (1) to be members of the board shall be chosen for such appointment by the Minister from among persons recommended for the purpose by the Independent Medical Practitioners' Association. A person shall not be eligible for such recommendation unless he is a member of that association.

(4) Every member of the board shall, unless he earlier vacates office by resignation, or by removal

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from office by the Minister or otherwise, hold office for a period of two years from the date of his appointment. Any member who vacates office by resignation or by effluxion of time shall be eligible for reappointment.

(5) In the absence of the Director from any meeting of the board, the Deputy Director of Health (Medical Services) shall preside at that meeting, and shall be deemed for the purposes of that meeting to be a member of the board.

(6) Regulations may be made under section 7 prescribing the procedure to be followed at meetings of the board. In the absence of any such regulations, the board may regulate its own procedure.

Approval of nurses pending the coming into operation of provision for registration of nurses.

10. Until the date of the coming into operation of any written law by which provision is made for the registration of nurses in Ceylon, the Director may, from time to time and either generally or specially, recognize persons practising nursing as qualified nurses for the purposes of this Act; and any person so recognized shall, until the date aforesaid, be deemed to be a registered nurse within the meaning of this Act.

Interpretation.

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

"Director" means the Director of Health Services;

"maternity home" means any premises used or intended to be used for the reception of pregnant women for delivery or of women for treatment immediately after childbirth;

"nursing home" means any premises (howsoever described) used or intended to be used for the reception of and the providing of nursing and treatment for persons suffering from any sickness, injury or infirmity, and includes a maternity home, but does not include a house of observation, mental hospital, or any premises maintained or controlled by a Government department or local authority or by any other prescribed body or authority;

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"registered midwife" means a person for the time being registered under the Medical Ordinance as a midwife;

"registered nurse" means a person for the time being registered as a nurse under the provisions of any written law in that behalf, and includes a person who is under the provisions of section 10 of this Act deemed to be a registered nurse;

"regulation" means a regulation made by the Minister under section 7.

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CHAPTER 221

CORNEAL GRAFTING

Act No. 38 of 1955.

AN ACT TO MAKE PROVISION WITH RESPECT TO THE USE OF EYES OF DECEASED PERSONS FOR THERAPEUTIC PURPOSES.

[*12th November, 1955.*]

Short title.

1. This Act may be cited as the Corneal Grafting Act.

Removal of eyes of deceased persons.

2. (1) If any person, either in writing at any time or orally in the presence of two or more witnesses during his last illness, has expressed a request that his eyes be used for therapeutic purposes after his death, the party lawfully in possession of his body after his death may, unless that party has reason to believe that the request was subsequently withdrawn, authorize the removal of the eyes from the body for use for those purposes.

(2) Without prejudice to the foregoing subsection, the party lawfully in possession of the body of a deceased person may authorize the removal of the eyes from the body for use for therapeutic purposes unless that party has reason to believe—

(*a*) that the deceased had expressed an objection to his eyes being so dealt with after his death, and had not withdrawn it ; or

(*b*) that the surviving spouse or any surviving relative of the deceased objects to the deceased's eyes being so dealt with.

(3) An authority given under this section in respect of any deceased person shall be sufficient warrant for the removal of the eyes from the body and their use for therapeutic purposes ; but no such removal shall be effected except by a medical practitioner registered

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under the Medical Ordinance, who must have satisfied himself by a personal examination of the body that life is extinct.

(4) Authority for the removal of eyes shall not be given under this section if the party empowered to give such authority has reason to believe that an inquest may be required to be held on the body.

(5) No authority shall be given under this section in respect of the body of a deceased person by a person entrusted by another person with the body for the purpose only of its interment or cremation.

(6) In the case of a body lying in a hospital, any authority under this section may be given on behalf of the person having the control and management of the hospital by any officer or person designated in that behalf by the first-mentioned person.

(7) Nothing in this section shall be construed as rendering unlawful any dealing with the body, or any part of the body, of a deceased person which would have been lawful if this Act had not been passed.

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CHAPTER 222

QUARANTINE AND PREVENTION OF DISEASES

Ordinances Nos. 3 of 1897, 7 of 1917, 14 of 1919, 14 of 1920, 13 of 1936, 11 of 1939, 5 of 1941, 38 of 1943,
Act No. 12 of 1952.

AN ORDINANCE TO MAKE PROVISION FOR PREVENTING THE INTRODUCTION INTO CEYLON OF THE PLAGUE AND ALL CONTAGIOUS OR INFECTIOUS DISEASES AND FOR PREVENTING THE SPREAD OF SUCH DISEASES IN AND OUTSIDE CEYLON.

[*9th February, 1897.*]

Short title.

1. This Ordinance may be cited as the Quarantine and Prevention of Diseases Ordinance.

Regulations.

2. The Minister[1] may from time to time make, and when made revoke or vary, such regulations as may seem necessary or expedient for the purpose of preventing the introduction into Ceylon of any disease, and also preventing the spread of any disease in and outside Ceylon.

Matters in respect of which regulations may be made.
[§ 2, 11 of 1939.]

3. (1) The regulations made under section 2 may provide amongst other things—

(*a*) for placing aircraft, vessels and boats arriving at any port or place in Ceylon in quarantine, for the manner of disinfecting the same, and for the imposing and prescribing the method of recovery of any charges which may be incurred by Government in carrying out such operations ;

[§ 2, 11 of 1939.]

(*b*) for placing persons or goods coming or brought in such aircraft, vessels or boats in quarantine, for the manner of disinfecting or fumigating such goods, for the imposition of fees or

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charges for carrying out such operations and for the method of recovering such fees or charges ;

(c) for prohibiting or regulating the landing of persons or goods from aircraft, vessels or boats either absolutely or conditionally ; [§ 2, 11 of 1939.]

(d) for establishing and maintaining quarantine stations, and for regulating the management of the same, and for the charging, imposing, and recovering of fees for the use and occupation of such stations, and for the cost of maintenance of the persons occupying the same ;

(e) for inspecting aircraft, vessels and boats leaving or arriving at any port or place in Ceylon, and for the detention thereof or of any person intending to sail therein, as may be necessary ; [§ 2, 11 of 1939.]

(f) for inspecting persons travelling by railway or otherwise, and for segregating in hospitals or otherwise persons diseased ;

(g) for isolating all cases of disease and diseased persons ;

(h) for closing wells, pits, cesspits, and cesspools ;

(i) for prescribing the mode of burial or cremation of any person dying of disease ;

(j) for regulating the number of persons to be allowed to inhabit any dwelling place ;

(k) for the removal from infected localities to places of observation or other places of persons found in such localities ;

(l) for the removal of diseased persons to hospitals or other places for medical treatment, and for their detention until they can be discharged with safety to the public ;

(m) for the cleansing and disinfecting of drains, sewers, cesspits, and of houses, buildings, rooms, and other places which have been occupied by any diseased person, or which are

H 13——J. N. R 7594 (4/60)

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otherwise in an insanitary condition, and, if expedient, for destroying the same, with or without compensation as may be deemed expedient ;

(*n*) for the disinfecting and, if expedient, destroying, with or without compensation as may be deemed expedient, goods which have been in contact with any diseased person, or which may be deemed capable of spreading disease ;

(*o*) for prescribing and regulating the seizure, detention, and destruction or disposal of any goods landed or otherwise dealt with in contravention of any regulation made under this Ordinance, and for prescribing and regulating the liability of the owner, or consignor or consignee or importer of the goods, for the expenses connected with the seizure, detention, and destruction or disposal thereof ;

(*p*) for prescribing the reporting to such officer or officers as may be named in the regulations, by medical practitioners and persons professing to treat diseases, of cases of disease treated by them ;

(*q*) for prescribing the reporting by the householder or occupier of any house or premises to such officer or officers as may be named in the regulations of any case of serious illness occurring in any such house or premises ; and the visiting and inspecting of such case by such officer or officers ;

(*r*) for the appointment of inspectors and other officers to carry out the provisions of this Ordinance or of any regulations made thereunder, and for regulating their duties and conduct, and for investing them with all powers necessary for the due execution of their duties ;

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(*s*) for prescribing the publication of any regulations made under this Ordinance, and for prescribing and regulating the form and mode of service or delivery of notices and other documents.

(2) Provided always that nothing in this section contained shall in any way restrict or be construed to restrict the generality of the powers conferred on the Minister[1] by section 2, 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.

Offences.

4. (1) 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 inspector or other officer appointed under this Ordinance, or any 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.

(2) Every prosecution for an offence against this Ordinance may be instituted in the Magistrate's Court of the division in which the offence was committed, and such court may impose the full penalties herein prescribed, anything in the Criminal Procedure Code or in any other enactment to the contrary notwithstanding.

Punishment.

5. (1) If any person is guilty of an offence against this Ordinance, 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 thousand rupees, or to both.

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(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.

Duties of inspectors and police officers.

6. (1) When a person is seen or found committing or is reasonably suspected of being engaged in committing an offence against this Ordinance, any inspector or other officer appointed under this Ordinance or any police officer may without warrant stop and detain him, and if his name and address are not known may without warrant apprehend him.

(2) If any person obstructs or impedes an inspector or other officer appointed under this Ordinance, or any police officer in the execution of any provision of this Ordinance or of any regulation made thereunder, or assists in any such obstructing or impeding, he may be apprehended by such inspector or other officer or police officer without warrant.

(3) A person apprehended under this section shall be taken with all practicable speed 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.

Presumption.

7. Where the person in charge of a diseased person is charged with an offence against this Ordinance relative to such disease, he shall be presumed to have known of the existence of such disease in such person, unless and until he shows to the satisfaction of the Magistrate before whom he is charged that he had not such knowledge, and could not with reasonable diligence have obtained such knowledge.

Officers to be public servants.

8. Inspectors and other officers appointed under this Ordinance shall be deemed public servants within the meaning of the Penal Code.

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Security for expenses of certain persons landed from aircraft or vessel.

9. (1) Whenever any person shall have been landed at any port or place in Ceylon for the purpose of performing quarantine, or for medical treatment, or on the ground that such person is alleged to be of unsound mind, the aircraft or vessel from which such person shall have been landed shall not be entitled to receive a clearance until sufficient security to the satisfaction of the principal officer of customs shall have been given by the pilot, master, agent, or consignee of such aircraft or vessel to the principal officer of customs for the repayment to the Government of all expenses which may be incurred by the Government in respect of such person, and also the necessary passage money of such person to the place of his original destination, or at the option of the Principal Collector of Customs to the place of his original departure, unless arrangements shall be made to the satisfaction of the Principal Collector of Customs for his conveyance to such place of destination or departure.

[§ 2, 5 of 1941.]

[§ 2, 5 of 1941.]

(2) The Principal Collector of Customs shall be entitled to require the pilot, master or agent of any aircraft or vessel from which any such person shall have been landed, or the pilot, master or agent of any other aircraft or vessel belonging to the same line or company as such aircraft or vessel, upon its being certified by the Director of Health Services that the person in question is in a sufficient stage of recovery for travelling, to receive and keep such person on board the aircraft or vessel in question for the purpose of being conveyed to the place of his original destination, or to the place of his original departure, as the case may be, and may refuse a clearance to such aircraft or vessel until his requirement is complied with.

[§ 2, 5 of 1941.]

[§ 2, 5 of 1941.]

Removal of person refusing to leave Ceylon by accommodation provided under section 9.

10. Where any person for whose departure from Ceylon arrangements have been made under section 9 refuses to leave Ceylon or to board the aircraft or vessel on which a passage has been provided for him, it shall be lawful for a police officer specially authorized in writing by the Inspector-General of Police to arrest such person and to conduct him in custody aboard such aircraft or vessel.

[§ 2, 38 of 1943.]

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Execution of regulations may be delegated to local authority.

11. The Minister [1] may delegate the enforcement and execution of any regulation made under this Ordinance to any Municipal or local authority subject to such restrictions as the Minister [1] may from time to time think fit to impose.

Regulations to be published.

12. All regulations made under this Ordinance shall be published in the Gazette, and shall from the date of such publication have the same force as if they had been enacted in this Ordinance.

Interpretation.

13. In this Ordinance, and any regulations made thereunder, unless the context otherwise requires—

[§ 3, 11 of 1939.]

"aircraft" includes all balloons, whether fixed or free, kites, gliders, airships, airplanes, and other flying machines ;

"disease" shall mean any disease of a contagious, infectious, or epidemic nature ;

"diseased" shall mean infected or suspected of being infected with disease ;

"goods" shall mean goods, wares and merchandise, furniture, packets, packages, baggage, wearing apparel, books, letters, or any other article whatsoever ; and shall include animals.

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CHAPTER 223

CONTAGIOUS DISEASES

AN ORDINANCE TO PROVIDE AGAINST THE INTRODUCTION AND SPREAD OF CONTAGIOUS OR INFECTIOUS DISEASES.

Ordinances Nos. 8 of 1866, 3 of 1946.

[*13th November, 1866.*]

Short title.

1. This Ordinance may be cited as the Contagious Diseases Ordinance.

Board of Health within each province.

2. For the purposes of this Ordinance, it shall be lawful for the Minister[1] from time to time to appoint within each province two or more persons to form the Board of Health in such province, and, if need be, to remove such persons, or any of them, and to appoint others in their place :

Provided that if any town in such province shall have been heretofore, or shall be hereafter, created a Municipality, the Municipal Council of such town shall form the Board of Health thereof, and shall exercise the powers and shall be subject to the obligations vested in Boards of Health by this Ordinance, by the Nuisances Ordinance and by any other enactment now in force or to be hereafter enacted ;

Provided further that, except in the case of Municipalities, the boards constituted and appointed under the Ordinance No. 10 of 1852 * shall continue to act as Boards of Health under this Ordinance until other appointments shall have been made.

Cases of smallpox or cholera, &c., to be reported.

3. Every householder residing in Ceylon shall be bound to report, with the least possible delay, to the Superintendent of Police, or to some inspector of police, or to some police constable or headman of his town or village, every case occurring in the house in

* Repealed by Ordinance No. 8 of 1866.

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which he resides of smallpox, cholera or other disease which may from time to time be named by the Minister in an Order [1] to be by him for that purpose issued, and any householder neglecting to make such report shall be liable on conviction thereof to a fine not exceeding twenty rupees; and every inspector of police, police constable, or headman to whom any such case shall be reported by such householder, or by any other person, or who shall know of the existence of any such case within such town or village, shall forthwith report the same to the Superintendent of Police or to some Magistrate for the district in which such town or village is situated.

Medical man to report such cases if not already reported.

4. The medical attendant of any person attacked with smallpox, cholera, or other disease as aforesaid shall be bound to report the same with all convenient despatch to the Superintendent of Police of the town, or to some inspector of police, or to some police constable or headman of the town or village in which such person resides, unless such medical attendant has credible information that such case has already been reported; and any medical man neglecting to make such report, he not having received credible information that the case has been already reported, shall be liable on conviction thereof to a fine not exceeding fifty rupees.

Houses infected with smallpox may be marked.

5. The Superintendent of Police of the town or place, or any Magistrate for the district in which any case of smallpox occurs, shall be entitled, if he shall see occasion, to place or cause to be placed on the wall or door of the house or building in which such disease exists any mark which he may think advisable for the purpose of denoting the existence of the disease, and to keep such mark affixed for such time as he may deem necessary; and any person removing or obliterating any such mark without the authority of such Superintendent of Police or Magistrate, shall on conviction thereof be liable to a fine not exceeding fifty rupees.

Penalty for removing mark.

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On application of the head of a family, an affected person may be removed to hospital.

6. It shall be lawful for the Superintendent of Police of the town or place, or for any Magistrate for the district in which any case of smallpox, cholera, or other disease as aforesaid occurs, upon the application of the head of a family or of the owner or occupier of the house in which such case occurs, to make an order in writing for the removal of the person affected with the disease (in such manner and with such precautions as he shall deem necessary) to some public hospital or place provided by Government for the reception of persons so affected, and for the detention of such person therein under proper medical care, for such time as the medical officer in charge of such hospital or place shall deem necessary; and any person resisting or preventing the removal of any other person for whose removal an order has been given on such application as aforesaid, shall on conviction thereof be liable to a fine not exceeding fifty rupees.

Penalty on person resisting removal.

Persons going about whilst the smallpox is upon them may be taken to the hospital.

7. It shall be lawful for any inspector of police, police constable, or headman of any town or village, forthwith to take and remove to the nearest hospital or place provided by Government for the reception of smallpox patients any person who shall be found in any street, thoroughfare, or public place in any such town or village whilst the smallpox disease is upon such person.

Penalty on persons affected with smallpox wilfully going abroad.

8. Any person affected with smallpox, and who knowing himself to be so affected shall wilfully go abroad into any street, thoroughfare, or public place, and any person who shall wilfully expose or take any child or other person affected with smallpox, knowing such child or person to be so affected, in or to any street, thoroughfare, or public place, shall on conviction thereof be liable to a fine not exceeding fifty rupees.

Licence required by the Nuisances Ordinance to be issued by Board of Health.

9. The licence required by section 5 of the Nuisances Ordinance shall be issued by the Board of Health of the province, and not by the Assistant Commissioner of Local Government, as is therein required, but if any town within such province shall have a Municipality

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the said licence shall be issued by the Municipal Council of such town:

Provided that the sum payable on account of such licence shall be carried to the credit of the Consolidated Fund, except where there is a Municipality, when it shall be received by the Municipal Council and form part of its funds.

Ordinance not to apply within the limits of an Urban Council or Town Council.

10. In any area in respect of which any Urban Council or Town Council is constituted this Ordinance shall not apply as from the date on which such Council shall be declared to be constituted by Order of the competent authority.[1]

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CHAPTER 224

VENEREAL DISEASES

AN ORDINANCE TO PREVENT THE TREATMENT OF VENEREAL DISEASE OTHERWISE THAN BY REGISTERED MEDICAL PRACTITIONERS OR SPECIALLY AUTHORIZED PRACTITIONERS OF INDIGENOUS MEDICINE, AND TO CONTROL THE SUPPLY OF REMEDIES THEREFOR, AND FOR OTHER MATTERS CONNECTED THEREWITH.

Ordinance No. 27 of 1938.

[*21st July, 1938.*]

Short title.

1. This Ordinance may be cited as the Venereal Disease Ordinance.

Prevention of treatment of venereal disease otherwise than by duly qualified or specially authorized persons.

2. (1) In any part of Ceylon to which the provisions of this section apply, no person other than—

(*a*) a registered medical practitioner ; or

(*b*) a practitioner of indigenous medicine who has been specially thereto authorized in writing by the Minister, [1]

shall, for reward either direct or indirect, treat any person for venereal disease or prescribe any remedy therefor or give any advice in connexion with the treatment thereof, whether the advice is given to the person treated or to any other person.

(2) The Minister may by Order [1] published in the Gazette, direct that the provisions of this section shall apply to the whole or any specified part of Ceylon. *

Restriction on advertisements, &c.

3. (1) No person shall by advertisement or any public notice or announcement treat or offer to treat any person for venereal disease, or prescribe or offer to prescribe any remedy therefor, or offer to give or give any advice in connexion with the treatment thereof.

* Made applicable to the whole of Ceylon.—Gazette No. 9,047 of 7th December, 1942.

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(2) No person shall hold out or recommend to the public by any notice or advertisement, or by any written or printed papers or handbills, or by any label or words written or printed affixed to or delivered with, any packet, box, bottle, phial, or other inclosure containing the same, any pills, capsules, powders, lozenges, tinctures, potions, cordials, electuaries, plaisters, unguents, salves, ointments, drops, lotions, oils, spirits, medicated herbs and waters, chemical and officinal preparations whatsoever, to be used or applied externally or internally as medicines or medicaments for the prevention, cure, or relief of any venereal disease :

Provided that nothing in this section shall apply to any advertisement, notification, announcement, recommendation, or holding out made or published by any person with the sanction in writing of the Minister,[1] or to any publication sent only to registered medical practitioners or to wholesale or retail chemists for the purposes of their business.

Penalties.

4. Any person who does any act in contravention of any of the provisions of this Ordinance shall be guilty of an offence and shall be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Interpretation.

5. In this Ordinance, unless the context otherwise requires—

"indigenous medicine" includes the systems of medicine known as Ayurveda, Siddha and Unani ;

"registered medical practitioner" means a person registered as a medical practitioner under the Medical Ordinance ;

"venereal disease" means syphilis, gonorrhoea or soft chancre and includes any complication of any such disease.

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CHAPTER 225

DISEASES AMONG LABOURERS

AN ORDINANCE TO PROVIDE FOR THE PREVENTION OF THE SPREAD OF DISEASES AMONG LABOURERS.

Ordinances Nos. 10 of 1912, 27 of 1921, *Act* No. 12 of 1952.

[*1st January, 1913.*]

Short title.

1. This Ordinance may be cited as the Diseases (Labourers) Ordinance.

Interpretation.

2. In this Ordinance—

"disease" means any disease which may from time to time be notified by the Minister [1] under this Ordinance ;

"district medical officer" means a duly qualified medical practitioner registered under the Medical Ordinance, and attached to a Government hospital or dispensary ;

"labourer" includes *kangany* and female labourer, and any child or other relative of any labourer resident upon the same estate ;

"prescribed" means prescribed by rules made under this Ordinance ;

"superintendent" means any person in the immediate charge of any estate.

Application of Ordinance.

3. This Ordinance shall apply to all agricultural estates of which ten acres or more are cultivated :

Provided that in any case in which a provincial surgeon is satisfied that any disease in fact prevails upon an agricultural estate with a lesser area of cultivation, he may, by written notice under his hand addressed to the owner or superintendent of the estate, direct that the provisions of this Ordinance shall apply to such

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estate, and upon the service of such notice upon the owner or superintendent the said provisions shall apply accordingly;

Provided further that in any case in which the Minister[1] is satisfied that the labourers employed by any Government department or by any employer of labour other than a superintendent are housed under such conditions that the provisions of this Ordinance are capable of application to their residential quarters, he may, by Order notified in the Gazette, apply the provisions of this Ordinance to the residential quarters of such labourers with such modifications as may be necessary for the purpose.

Notification by superintendent of prevalence of disease.

4. Where any superintendent has reason to believe that any disease prevails among the resident labourers of his estate, he shall give notice in writing in the prescribed manner to the district medical officer and request his assistance in the treatment of the disease.

Inspection of infected estate by district medical officer.

5. Where a district medical officer receives a notice under section 4, or where he has otherwise reason to believe that any disease is prevalent upon an estate he may enter upon the estate and inspect all the labourers and the sanitary condition of the labourers' lines of the estate, and give such directions as he may consider necessary for the treatment of the disease.

Treatment of labourers on infected estate.

6. In any such case the district medical officer may—

(*a*) require any labourer to be removed to hospital;

(*b*) require the superintendent to treat the labourers in the prescribed manner in such convenient batches as he may indicate;

(*c*) by notice in writing require the superintendent to treat in the prescribed manner all the labourers of the estate,

and it shall be the duty of the superintendent to carry out all such requirements.

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Exceptional measures where disease prevalent to aggravated extent.

7. (1) Where the Director of Health Services is satisfied that any disease prevails upon an estate to such an extent or under such conditions that it cannot be effectively treated under the provisions of section 6, he may direct a medical officer of his department to inspect the estate.

(2) In any such case the medical officer so authorized shall enter upon the estate and inspect the labourers, labourers' lines, latrines, bathing places, and water supply, and do all things necessary to enable him to report to the Director of Health Services as to the measures to be taken for the treatment of the disease upon the estate.

(3) The Director of Health Services upon receiving the said report may thereupon, by a notice in writing, require the superintendent to carry out such measures, not being measures provided for by section 9, as in the opinion of the Director of Health Services are necessary for the purpose aforesaid, and it shall thereupon become the duty of the superintendent to carry out all such measures accordingly :

Provided that where the expense involved by any such notice exceeds an amount of two rupees per cultivated acre of the estate, an appeal shall lie to the Minister.[1]

Power of Minister to carry out such measure at expense of estate.

8. (1) If within three months from the date of the receipt of the said notice the superintendent shall not have carried out the measures required by the said notice to the satisfaction of the Director of Health Services, it shall be lawful for the Minister,[1] on receiving a report to that effect from the Director of Health Services, to cause the said measures to be effectively carried out upon the estate.

(2) The cost of any such measures so carried out shall be a debt to the Crown recoverable from the owner of the estate, and shall constitute a charge on the estate.

(3) The sum so due shall be recoverable in the manner prescribed by Chapter V of the Medical Wants Ordinance.

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Power of Minister to condemn insanitary labourers' lines.

9. (1) In any case in which any medical officer charged with the duty of the inspection of estates shall report that any set of labourers' lines is constructed in such a position or under such conditions that any disease prevalent or liable to become prevalent therein cannot be effectively controlled, and that the said set of labourers' lines is not capable of adaptation for its effective control, it shall be lawful for the Minister [1] to condemn such set of labourers' lines, and to order its reconstruction to his satisfaction upon such site and under such conditions as shall be suitable for the purpose of the prevention of the spread of the disease, and it shall be the duty of the superintendent to carry out such order.

(2) If within three months of the communication of such order to the superintendent, or such further time as may be directed in the order, the superintendent shall not have complied therewith, it shall be lawful for the Minister [1] to carry out the measures directed by such order, and the expenses thereof shall be a debt to the Crown recoverable from the owner of the estate, and shall constitute a charge upon the estate.

(3) The sum so due shall be recoverable in the manner prescribed by Chapter V of the Medical Wants Ordinance.

Superintendent may require labourers and others to submit to treatment.

10. (1) A superintendent may require any labourer employed upon an estate, whether resident upon the estate or otherwise, to submit to such treatment as may be prescribed or otherwise lawfully directed under this Ordinance.

(2) It shall be the duty of every such labourer, when so required by the superintendent, to attend at all reasonable times and places and to submit to such treatment.

Superintendent to notify medical officer.

11. It shall be the duty of a superintendent to notify the district medical officer if he has reason to believe that any disease prevails in the immediate vicinity of his estate.

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Rules.

12. (1) The Director of Health Services, with the approval of the Minister,[1] may make rules for the whole of Ceylon, or for any portion of Ceylon, for the treatment of diseases under this Ordinance, and for the sanitation of labourers' lines with a view to the prevention of the spread of diseases, and in particular for the following purposes :—

(*a*) prescribing the location of labourers' lines, the manner of, and plans for, their construction, and the materials to be used in their erection ;

(*b*) providing for the alteration, enlargement, or removal of labourers' lines not built according to the rules made under this section ;

(*c*) providing for such alteration, enlargement, or removal by order of the Director of Health Services when there is any contravention of any such rules, and for the recovery of the expenses thereof before the prescribed court ;

(*d*) providing for the inspection of labourers' lines and their surroundings, and for the protection of the water supply of such lines ;

(*e*) for the provision and regulation of latrines ;

(*f*) for the removal and disposition of excreta and line refuse ;

(*g*) for the provision of a surrounding area round each set of labourers' lines clear of vegetation ;

(*h*) for the drainage of labourers' lines and their surrounding area ;

(*i*) for the proper construction and drainage of bathing places ;

(*j*) for the provision of water supply.

(2) All such rules shall be laid as soon as conveniently may be before the Senate and the House of Representatives, and if a resolution is passed by either House within forty days of their being so laid praying[1] that any rule shall be annulled, such rule shall thenceforth be void, but without prejudice to anything done thereunder.

H 14——J. N. R 7594 (4/60)

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Rules to be submitted to medical wants committee.

13. There shall be submitted to the medical wants committee for consideration and advice all rules proposed to be made under the Ordinance.

Offences.

14. (1) Any person who without reasonable excuse, the proof whereof shall lie upon such person, shall—

(*a*) make default in the performance of any obligation imposed upon him by this Ordinance, or any rule or order made under this Ordinance;

(*b*) wilfully obstruct any medical officer or any person lawfully acting under his direction in discharge of the duties of such medical officer under this Ordinance, or any rule or order made under this Ordinance,

shall be guilty of an offence, and liable to a fine not exceeding five hundred rupees, or to imprisonment of either description not exceeding one month.

(2) Such fine shall be recoverable before a Magistrate, notwithstanding any limitation of his ordinary jurisdiction.

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CHAPTER 226

MEDICAL WANTS

AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAW RELATING TO THE MEDICAL WANTS OF LABOURERS IN PLANTING DISTRICTS.

Ordinances Nos. 9 of 1912, 16 of 1915, 25 of 1916, 29 of 1916, 36 of 1946.

[*17th July, 1912.*]

CHAPTER I

PRELIMINARY

Short title.

1. This Ordinance may be cited as the Medical Wants Ordinance.

Interpretation.

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

"dispensary" means any Government dispensary;

"district medical officer" includes district medical assistant, visiting medical officer, and visiting apothecary;

"estate" means any estate in which labourers are employed having ten acres of land actually cultivated in tea, rubber, coffee, cacao, cardamoms, coca, camphor, pepper, or cinchona;

"Government Agent" includes Assistant Government Agent;

"hospital" means any Government hospital;

"immigrant labourer" means any labourer as defined by the Estate Labour (Indian) Ordinance;

"labourer" means a labourer employed upon an estate, and includes *kangany* and female labourer, and any child or other relative of a labourer resident upon the same estate;

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" medical officer " includes any district medical officer and any officer of the Department of Health charged with duties of supervision or inspection in connexion with estates ;

" prescribed " means prescribed by rules made under this Ordinance or, in the absence of such rules, by departmental rules or orders ;

" superintendent " means any person in the immediate charge of an estate.

CHAPTER II

Organization Of Estates Medical Districts

Minister may declare estates medical districts.

3. It shall be lawful for the Minister [1] to declare any district of Ceylon an estates medical district for the purposes of this Ordinance, and to define the limits of the district by reference to the estates comprised therein.

District hospitals and dispensaries.

4. There shall be established for every medical district such hospitals and dispensaries as may be necessary for the medical wants of the estates of the district.

District medical officers.

5. There may be appointed [3] district medical officers and apothecaries for any estates medical district at such salaries as may from time to time be provided by Parliament, [3] and with such duties as may from time to time be determined.

CHAPTER III

Duties Of Medical Officers

Duties of district medical officer.

6. It shall be the duty of a district medical officer for the purposes of this Ordinance—

(*a*) upon the written request of a superintendent, to visit any sick labourer upon his estate ;

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(*b*) to direct the removal to hospital of any such sick labourer whose removal he may consider necessary ;

(*c*) to attend upon all such labourers who at the direction of a district medical officer or otherwise may be admitted to hospital.

Duties of medical officer as to inspection of estates.

7. It shall be the duty of every medical officer (being a duly qualified medical practitioner registered under the Medical Ordinance) for the purposes of this Ordinance from time to time—

(*a*) to visit the estates within his district, or any other estate which he may be specially directed to visit, and to inspect the sanitary condition thereof ;

(*b*) to examine the labourers on such estates for the purpose of ascertaining their condition of health and whether they have been duly vaccinated ;

(*c*) to inspect all children under the age of one year resident upon such estates, and to give directions to the superintendent for their proper care and nourishment ;

(*d*) to direct the removal to hospital of any sick labourer whose removal he may consider necessary ;

(*e*) to draw the attention of the superintendent to any defect in the sanitary condition of his estate, and in the condition of health of the labourers ;

(*f*) if any estate has an estate hospital or dispensary, to inspect such hospital or dispensary ;

(*g*) to report to the Director of Health Services on all or any of the above matters.

Obstruction of medical officer an offence.

8. Any person who shall wilfully obstruct any medical officer acting in the discharge of his duties under this Chapter shall be guilty of an offence against this Ordinance.

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CHAPTER IV

Rights, Duties, And Obligations Of Superintendents, &c.

Rights of superintendents.

9. Any superintendent shall be entitled—

(*a*) to medical attendance by a district medical officer upon any sick labourer upon his estate ;

(*b*) to the reception at a hospital (subject to the accommodation of the hospital) of any labourer who in the opinion of a district medical officer ought to be admitted to the hospital ;

(*c*) to the free supply from the Department of Health for the purpose of any estate hospital or dispensary of all such prescribed drugs as he may require for the medical wants of his labourers to a value not exceeding fifty cents per labourer per annum ;

(*d*) to the supply at cost price from the Department of Health or from a Government dispensary of all such prescribed drugs as he may reasonably require for the medical wants of his labourers other than those authorized by the last preceding paragraph.

Charges payable by superintendent.

10. The following sums shall be payable by every superintendent in respect of medical services rendered under this Ordinance :—

(*a*) in respect of every visit to an estate for the purpose of attendance on any sick labourer or labourers, two rupees and fifty cents ;

(*b*) in respect of the maintenance of a sick immigrant labourer in a hospital for each day's maintenance, thirty cents, or such other sum as may from time to time be prescribed :

Provided that the liability in respect of such last-mentioned charge shall not extend beyond a period of sixty days.

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11. All amounts due under section 10 shall be a debt to the Crown recoverable from the proprietor of the estate, and shall constitute a charge upon the estate. Liability for charges.

12. (1) It shall be the duty of every superintendent— Duties of superintendents.

(*a*) to maintain the lines of his estate and their vicinity in a fair sanitary condition ;

(*b*) to inform himself of all cases of sickness on his estate, and to take such steps as he may deem best for the immediate relief of the sick ;

(*c*) to send any labourer to hospital when so required by a medical officer ;

(*d*) to send for the district medical officer in any case of serious illness or accident ;

(*e*) to inform the district medical officer within forty-eight hours of every birth and death upon the estate ;

(*f*) to supply at the cost of the estate every female labourer resident upon the estate, and giving birth thereon to a child, with such food and lodging as may be prescribed by rules made under section 32 of this Ordinance, for one month after the birth of such child, and to take care that the female labourer be not required to work on the estate for one month, unless the district medical officer shall report sooner that she is fit to work ; [§ 2, 36 of 1946.]

(*g*) to see that all children under the age of one year resident upon the estate receive proper care and nourishment, and to comply with all directions given by a medical officer under section 7 (*c*) :

Provided that such superintendent shall be exempt from the obligation, imposed on him by paragraph (*f*), of supplying food to such female labourer for one month, if such labourer is granted under the Maternity [§ 2, 36 of 1946.]

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Benefits Ordinance, the maternity benefit referred to in subsection (1) of section 5 of that Ordinance, or the alternative maternity benefits referred to in subsection (3) of that section, in respect of that confinement.

(2) Any superintendent who shall wilfully make default in the performance of any of his duties under this section shall be guilty of an offence against this Ordinance.

Duties of *kanganies.*

13. (1) It shall be the duty of every *kangany* employed upon an estate to give information to the superintendent of every birth, death, and case of sickness or accident in his gang.

(2) Any *kangany* who shall fail so to do shall be guilty of an offence against this Ordinance.

CHAPTER V

Recovery Of Charges

Government Agent to give notice of sums due.

14. When any sum of money shall be payable—

(*a*) in respect of drugs supplied under section 9(*d*) ;

(*b*) in respect of medical services under section 10,

it shall be the duty of the Government Agent to give notice in writing to the superintendent of the estate in respect of which the same is payable, requiring the payment thereof within one month after such notice.

Power to seize property in default of payment.

15. In default of such payment it shall be lawful for the Government Agent or any person authorized by him in writing in that behalf to seize from time to time all the crops, livestock, and implements, or any part thereof, found on the estate liable in respect of such sum, or any other article or thing whatsoever belonging to the proprietor or any of the proprietors of such estate, until the full amount due by such estate shall be recovered.

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Power to seize timber and materials of buildings.

16. If there be no sufficient crop, livestock, or implements on such estate to realize the amount due, it shall be lawful for the Government Agent or other person authorized as aforesaid to cause the timber on the said estate to be cut, or the materials of the buildings erected thereon to be removed, and to seize the same.

Power to sell property seized.

17. At any time after thirty days from the date of seizure, unless the sum due shall be sooner paid, with the costs and charges incurred in respect of such seizure, it shall be lawful for such Government Agent or any person as aforesaid to sell the property so seized by public auction :

Provided that perishable property may be sold at any time after the date of such seizure.

No seizure for arrears.

18. No seizure shall take place under this Chapter for any sum of money which shall have been in arrear for a period of one year.

Removal of property seized.

19. Any property seized under this Chapter may be removed for safe custody, pending the sale thereof, to such place as the person directing the seizure may think fit.

Possession of property not removable pending sale.

20. In the case of the seizure of any property which cannot conveniently be removed, it shall be lawful for the person making the seizure to place and keep a person in possession thereof pending such sale.

Costs of seizure and sale.

21. The costs and charges of seizure and sale shall also be payable from the proceeds of the property seized, and they shall be as follows :—

(*a*) for cost of proceeding to the house or land of the party in default in order to seize property, a charge not exceeding eight *per centum* on the amount due ;

(*b*) for removal of the goods seized, in case such removal takes place, a charge not exceeding eight *per centum* on the amount due ;

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(c) for keeping the same in safe custody in case of such removal, a charge not exceeding one rupee per day ;

(d) for keeping a person in possession, if the goods seized are not removed, a charge not exceeding one rupee per day ;

(e) for the expenses of sale, where any takes place, a charge not exceeding two and a half *per centum* on the net proceeds of the sale.

Buildings may be broken open.

22. It shall be lawful for the Government Agent or person authorized as aforesaid to break open or cause to be broken open in the day-time any house or building for the purpose of seizing property in pursuance of this Chapter, if he shall have affixed to a conspicuous part of such house or building three clear days previously a notice of his intention so to do.

Return of overplus.

23. 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 defaulter, and also the costs and charges payable under section 21, restore the overplus arising from such sale, if any there be, to the owner of the property sold.

Obstruction of persons acting under this Chapter.

24. Whoever shall wilfully obstruct any person in the performance of any duty imposed upon him, or in the exercise of any authority vested in or conferred upon him under or by virtue of this Chapter, shall be guilty of an offence against this Ordinance.

CHAPTER VI

Medical Wants Committee

Establishment of medical wants committee.

25. There shall be established a committee, to be called the medical wants committee, consisting of such members, official and unofficial, as the Minister[1] may from time to time appoint :

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Provided that three of such members shall be persons whose names are submitted to the Minister [1] by the Planters' Association of Ceylon.

Duties of medical wants committee.

26. The medical wants committee shall advise the Minister [1]—

(*a*) on the requirements of labourers as regards the construction of hospitals and dispensaries ;

(*b*) on the annual statement prepared under section 30, and the estimate to be framed thereon ;

(*c*) on the rebates to proprietors authorized by section 27 ;

(*d*) on all rules made under this Ordinance ;

(*e*) generally on all such matters relating to the administration of this Ordinance as the committee may desire to bring to the notice of the Minister,[1] or as the Minister [1] may refer to it for advice.

Power to grant rebate to certain proprietors.

27. (1) When the proprietor of an estate or group of estates has at his own cost made provision to the satisfaction of the Director of Health Services for the medical treatment of the labourers employed on such estate or group of estates, the medical wants committee may at its discretion, and subject to rules made under section 32, allow to such proprietor a rebate of the whole or part of the duties paid under section 28 on the exportation of the produce of such estate or group of estates.

(2) In the case of any produce not directly exported by the proprietor of the estate, such rules may provide for the calculation as nearly as may be upon such evidence as the committee may determine of the amount of export duty paid upon such produce, and any amount so calculated shall for the purpose of the allowance of rebate be deemed to have been paid upon exportation.

(3) Such rules shall be deemed to have effect as from the 1st day of January, 1914.

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CHAPTER VII

Financial Provisions

Expenses of Ordinance to be met by export duty on certain products.

28. The House of Representatives[1] may from time to time by resolution impose duties on the exportation of tea, rubber, coffee, cacao, cardamoms, coca, camphor, pepper, and cinchona, at such rates as the House of Representatives[1] may deem sufficient for the purpose of meeting the expenses of the administration of this Ordinance, in so far as the same are not herein otherwise provided for.

Annual financial statement.

29. For the purpose of estimating the amount for which it may be necessary to make provision under section 28, it shall be the duty of the Director of Health Services to prepare annually for submission to the House of Representatives[1] a financial statement of the expenses of the administration of this Ordinance.

Debit side of statement.

30. The statement shall contain on the debit side of the account the following expenses :—

(*a*) any deficiency brought forward on the working of the account for the period of twelve months anterior to that covered by the statement ;

(*b*) a *pro rata* share of the actual expenditure (including salaries of staff) during the twelve months immediately preceding the date up to which the statement is made up of all hospitals in which immigrant labourers have been treated, based upon the proportion which the number of days passed by the said immigrant labourers in the said hospitals bears to the number of days passed by other patients in the same hospitals ;

(*c*) a *pro rata* share of the actual expenditure (including salaries of staff) during the same period of twelve months of all dispensaries at which immigrant labourers have been treated, based upon the proportion which the number of visits paid by the said immigrant labourers to the said dispensaries bears to the

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number of visits paid by other patients to the same dispensaries ;

(*d*) in the case of all expenditure properly chargeable to a capital account in respect of all hospital or dispensary buildings declared by the Minister,[1] with the advice of the medical wants committee, to have been primarily constructed or to be primarily maintained for the accommodation of immigrant labourers (including, in the case of buildings completed after the commencement of this Ordinance, the cost of construction), such an annual amount as would be sufficient to liquidate such expenditure, together with interest at four *per centum* per annum on any unliquidated part thereof, in such equal annual instalments as the Minister,[1] with the like advice, may from time to time determine, until such expenditure is so liquidated, or alternatively, if the Minister[1] with the like advice, shall, with reference to any period of twelve months in question, so determine, the amount of any such expenditure, or of any part thereof outstanding, in a lump sum ;

(*e*) in the case of any special hospital or dispensary building completed after the commencement of this Ordinance, such contribution to the cost of construction, whether by way of annual instalments on the terms aforesaid or otherwise, as the Minister,[1] with the advice of the medical wants committee, may determine ;

(*f*) the cost price of all drugs supplied to superintendents under section 9 (*d*) during the aforesaid period of twelve months ;

(*g*) all miscellaneous expenses incidental to the administration of this Ordinance during the same period ;

(*h*) any expenditure incurred under any general scheme undertaken by the authority of Government for combating any disease prevalent among estate labourers which the Minister,[1] on the recommendation of the medical wants committee, may direct to be so debited.

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Credit side of statement.

31. The said statement shall contain on the credit side of the account —

(*a*) any surplus brought forward on the working of the account for the period of twelve months anterior to that covered by the statement ;

(*b*) the amount of all sums recovered as visiting or maintenance fees under section 10 during the twelve months preceding the date up to which the statement is made up ;

(*c*) the amount of all fines recovered in respect of all offences against the Ordinance during the same period ;

(*d*) the amount of all sums received as the cost price of drugs supplied to superintendents under section 9 (*d*) during the same period ;

(*e*) the amount of the export duty collected under section 28 during the same period ;

(*f*) an annual contribution out of moneys provided by Parliament [1] of an amount equal to fifteen *per centum* of the total expenses of the administration of this Ordinance during the same period, as shown by the debit side of the account.

CHAPTER VIII

Miscellaneous

Minister may make rules.

32. (1) The Minister [1] may make rules regulating—

(*a*) the fees payable to district medical officers by superintendents and persons other than labourers engaged upon estates for medical attendance and for medicines dispensed at dispensaries ;

(*b*) the management of estate hospitals and dispensaries ;

(*c*) the supply of drugs to superintendents from dispensaries and from the Department of Health ;

(*d*) the powers and duties of hospital Visitors :

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(*e*) the conditions subject to which rebates will be allowed under section 27, and the evidence which will be required in support of applications for rebate ;

(*f*) the form in which, and the time within which, applications for rebate should be made ;

(*g*) the manner in which such rebates shall be made, and generally on all matters connected with the allowance thereof ;

(*h*) any other matters necessary for the administration of this Ordinance that cannot be provided for by departmental rules and orders :

Provided that no rule regulating fees shall be made without the concurrence of the Minister of Finance.[1]

(2) All such rules shall be laid as soon as conveniently may be before the Senate and the House of Representatives, and if a resolution is passed by either House within forty days of their being so laid praying [1] that any rule shall be annulled, such rule shall thenceforth be void, but without prejudice to anything done thereunder.

Power to amend definition of estate and list of agricultural products.

33. The Senate and the House of Representatives [1] may, from time to time, by resolution amend the definition of " estate " in section 2 by the addition of any agricultural product to the list of agricultural products therein enumerated, or by the elimination of any agricultural product from the said list, and any such agricultural product shall thereupon become subject to or exempt from the imposition of duty on exportation, as the case may be, under section 28.

Penalty for offences.

34. (1) Any person convicted of any offence under this Ordinance shall be liable to a fine not exceeding five hundred rupees.

(2) Every such offence shall be triable by a Magistrate, and such Magistrate shall have power to impose the full penalty provided for by this section, notwithstanding any limitation of the ordinary jurisdiction of such Magistrate.

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CHAPTER 227

MENTAL DISEASES

Ordinances
Nos. 1 of 1873,
3 of 1882,
3 of 1883,
2 of 1889,
13 of 1905,
16 of 1919,
3 of 1940,
13 of 1940,
11 of 1943,
Acts
Nos. 14 of 1952,
22 of 1955,
27 of 1956.

AN ORDINANCE TO MAKE FURTHER AND BETTER PROVISION RELATING TO THE CARE AND CUSTODY OF PERSONS OF UNSOUND MIND AND THEIR ESTATES.

[*9th January, 1873.*]

Short title.
[§ 3, 27 of 1956.]

1. This Ordinance may be cited as the Mental Diseases Ordinance.

Application to District Court to inquire into the state of mind of persons suspected to be of unsound mind.

2. Any officer of the police force, or headman, or any private person having reason to believe that a person is of unsound mind, may apply in writing to the District Court having jurisdiction over the place in which such person so suspected is found, that his state of mind be inquired into. An application by a private person should be accompanied by a certificate from a medical practitioner that the person so suspected has been under his observation, and that he believes him to be of unsound mind.

Proceedings thereupon by the District Court.

3. (1) The District Court shall thereupon, with as little delay as possible, cause such person so suspected to be of unsound mind (hereafter called suspected person) to be brought before it, and, either then or at some other date for which the court may see reason to adjourn the inquiry, proceed to view and examine the said person, and, if need be, to hear evidence, to enable it to determine as to the state of mind of the said person.

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(2) If upon such view and examination, or other proof, the District Court shall be satisfied that such person is or is not of unsound mind, it shall adjudicate accordingly :

Further observation.

Provided that it shall be lawful for the court, should it deem it necessary to subject the suspected person to further observation, to remand the suspected person once or oftener for such reasonable time as shall be specified in the order of remand to the custody of the Fiscal ; and

Provided further, that it shall be the duty of the court so to remand such person in all cases where the court considers that the said person is of sound mind but two medical practitioners certify to the contrary.

(3) At the expiration of the time fixed for the remand the court shall hear evidence and find the said person of sound or of unsound mind as to it shall seem fit, and shall accordingly either discharge him or direct his further detention, as in section 5 provided.

Places of remand for further observation.

(4) All persons so remanded shall be kept in such place as the Minister[1] shall appoint, and shall be subject to the inspection of such persons as the Minister[1] shall nominate.

Continuation of inquiry after remand of a suspected person.
[§ 2, 3 of 1940.]

4. (1) Where a District Court, holding an inquiry under section 3 into the state of mind of a suspected person, deems it necessary to subject such person to further observation, and no house of observation within the jurisdiction of the court has been appointed by the Minister[1] under that section, the court (hereinafter referred to as the original court) shall—

(*a*) before remanding the suspected person for further observation, hear all such evidence as may at the time be available as to the state of mind of such person ; and

(*b*) after remanding the suspected person, transmit the record of the inquiry to the District Court (hereinafter referred to as the examining court) having jurisdiction over the place where the house of observation in which such person will be kept is situated.

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(2) The examining court, on the expiration of the time fixed for the remand—

(*a*) shall continue the inquiry and hear evidence relating to the further observation to which the suspected person was subjected, and may for the purposes of such inquiry further remand such person once or oftener for similar observation ; and

(*b*) shall, after consideration of all the evidence recorded at all stages of the inquiry, adjudicate on the question whether the suspected person is of sound or of unsound mind.

(3) After the expiration of the time fixed for the remand, the inquiry into the state of mind of the suspected person shall not be continued, whether by the original court under section 3 or by the examining court under this section, except in the presence of such person :

Provided, however, that where the state of health or the behaviour of such person is such as to render either his presence or his participation in the proceedings in a court-house undesirable, the District Court by which the inquiry is continued may either dispense with the presence of such person at the inquiry or continue the inquiry at the house of observation where such person is kept.

(4) Where the examining court, after inquiry continued under this section, adjudges the suspected person to be of unsound mind, the court shall direct the further detention of such person until an order under section 5 is made in respect of that person by the original court, and shall forthwith return the record of the inquiry to the original court to enable that court to make such order.

(5) Where the examining court, after inquiry continued under this section, adjudges the suspected person to be of sound mind, that court shall make order discharging such person.

[§ 2, 11 of 1943.] Where any person so discharged does not have the necessary means to enable him to return to his home

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or other place of residence, the court shall make order directing such person to be conveyed by Government to his home or other place of residence or allowed such reasonable batta or sum for his travelling expenses thereto as shall be approved by the Minister[1] by any rule or order to be issued for that purpose. Any order made under this subsection may contain such further directions as the court may consider necessary to secure the safe return of the discharged person to his home or other place of residence, and the Fiscal of the province within which the house of observation where such person has been kept is situated shall give effect to such order.

(6) Any adjudication on the question whether the suspected person is of sound or unsound mind, and any order for the further detention or the discharge of the suspected person, made by the examining court under this section, shall be deemed for all purposes to be an adjudication or an order, as the case may be, made by the original court, and shall have effect accordingly.

If no relative or friend will undertake custody of such person, he shall be sent to a mental hospital.

5. (1) If any fit relative or friend is prepared to undertake to enter into sufficient security for the proper custody, care, and maintenance of the person adjudged to be of unsound mind, it shall be lawful for the court to order that the person so adjudged should be placed in his charge and under his control. But if no fit relative or friend will undertake as aforesaid, the District Court shall order that such person be kept in custody until the Minister's[1] pleasure shall be known ; whereupon the Minister[1] may issue his order to order the removal of such person to a mental hospital, and may give such further order for the safe custody of such person in such place or manner as to the Minister[1] shall seem fit :

Provided that it shall be lawful for any relative or friend who shall have undertaken to enter into security as aforesaid, or who shall have entered into such security, to surrender such person to the court, whereupon it shall be the duty of the court to order that such person be kept in custody until the Minister's[1] pleasure shall be known.

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(2) Until the Minister's[1] order shall be received it shall be the duty of the Fiscal to detain such person in the place appointed by the Minister[1] for the reception of persons under remand for further observation.

Minister may, on petition of relatives, admit such persons (not being paupers) into mental hospital.

6. It shall be lawful for the Minister[1] upon any petition being presented by any guardian or relative or friend of any person of unsound mind, requesting that such person may be admitted into a mental hospital, and offering to enter into security for the expenses of his care and maintenance, to issue his warrant to the Superintendent of such mental hospital to direct that such person shall, on being brought to such mental hospital, be examined by two medical practitioners named in such warrant, and upon their granting a certificate of such person being of unsound mind, that he shall be thereupon admitted into the mental hospital, to be therein taken care of and maintained until his recovery, or until application be made for his discharge by any relative or friend, as hereinafter provided, or failure of payment of the rate hereinafter required :

Bond to pay the daily allowance or rate, and contingent expense of such person.

Provided always that a bond with such security as the Minister[1] shall require, previous to the admission of any such person, be given by his relative or friend for the due payment of such daily rate or allowance as may be fixed and declared payable by the general regulations of such mental hospital, on the reception therein of such person, together with all other expenses contingent upon the maintenance and care of such person during his continuance in such mental hospital, as well as for the removal of such person within fourteen days after due notice given in writing by the Superintendent of such mental hospital to the said relative or friend of such person, or at his last place of abode ; and in default of any of the conditions of the said bond being duly performed, the amount due under such bond shall be deemed a debt to the Crown, and shall be recoverable as other debts due to the Crown.

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Emergency orders.
[§ 3, 3 of 1940.]

7. (1) In any case where it appears to be necessary that a person suspected to be of unsound mind should, either for his own sake or that of the public, be forthwith placed under observation, an emergency order for the immediate removal of that person to a house of observation may be issued by any Justice of the Peace before whom he is produced.

(2) The application for an emergency order shall—

(*a*) in the case of a suspected person found wandering at large, be made by the police officer or headman by whom he is so found; and

(*b*) in every other case, be made by the parent, guardian, spouse, brother, sister, or child, of the suspected person :

Provided, however, that where a suspected person has no parent, guardian, spouse, brother, sister, or child, able to make such application, it may be made by any other relative or by a friend or a person living with the suspected person.

[§ 4, 27 of 1956.]

(3) Every application for an emergency order shall be supported by the sworn testimony or affidavit of the applicant stating—

(*a*) that the applicant has personally seen the suspected person within the forty-eight hours immediately preceding the time at which the application is made,

(*b*) that such person appears to be of unsound mind, and is violent or uncontrollable, and

(*c*) that the immediate removal of such person to a house of observation is necessary either for his own sake or that of the public.

(4) The Justice of the Peace to whom an application for an emergency order is made, shall, before he issues the order, satisfy himself by questioning or observing

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the suspected person or by such other inquiry as he may deem necessary, and shall set out in the order that he is satisfied—

(*a*) that there is reasonable cause for suspecting that person to be of unsound mind,

(*b*) that that person is violent or uncontrollable, and

(*c*) that the immediate removal of that person to a house of observation is necessary either for his own sake or that of the public.

(5) Every emergency order issued under this section shall specify the house of observation to which the suspected person is to be removed, and shall be sufficient authority for the Superintendent of that house of observation to admit the suspected person to that house of observation and to detain him therein for a period not exceeding two weeks.

(6) The Superintendent of a house of observation shall, within twenty-four hours of the admission of a suspected person into that house of observation on an emergency order, give information of the admission to the District Court having jurisdiction over the place where the house of observation is situated, and apply for an inquiry into the state of mind of the suspected person.

(7) The provisions of sections 3 and 4 shall apply to all proceedings upon an application made under subsection (6), and the discharge or the further detention of the suspected person shall be in accordance with such order as may be made by the court under those sections.

(8) (i) Nothing in this section shall be deemed to prohibit the Superintendent of a house of observation from refusing to admit into that house of observation on an emergency order any person whose admission or detention appears to him to be inadvisable or unnecessary, or from discharging at any time before the commencement of the inquiry under section 3 any person admitted on an emergency order.

(ii) Where any person admitted on an emergency order is discharged under paragraph (i) of this

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subsection, it shall be the duty of the Superintendent to give within twenty-four hours information of the discharge to the District Court mentioned in subsection (6).

Relatives may take persons confined in mental hospital under their own care.

8. (1) When application at any time by any guardian or relative or friend of a person of unsound mind confined in any mental hospital, or in the custody of the Fiscal for the purpose of being transferred to a mental hospital (not being under any criminal warrant) shall be made to the Minister,[1] requesting that such person may be delivered over to the care and maintenance of such relative or friend, it shall be lawful for the Minister,[1] if he shall see fit to do so, and upon such reasonable security as may be required being given by such guardian or relative or friend to take care of and maintain such person, to direct the immediate discharge of such person.

Discharge on recovery.

(2) Upon the recovery of any person confined in a mental hospital (not being under any criminal warrant) and such recovery being certified by the medical officer in charge of such mental hospital, he shall be discharged by order of the Superintendent of such hospital ; and in all cases where any such person shall have been removed under the provisions of this Ordinance to any mental hospital out of the district to which he belongs, such person shall, if he does not have the necessary means to enable him to return to his home or other place of residence upon being discharged from such mental hospital upon his recovery, be conveyed back by Government to his home or other place of residence, or be allowed such reasonable batta or sum for his travelling expenses thereto as shall be approved by the Superintendent of such hospital.

[§ 2, 14 of 1952.]
[§ 3, 11 of 1943.]
[§ 3, 11 of 1943.]
[§ 3, 11 of 1943.]
[§ 3, 11 of 1943.]
[§ 5, 27 of 1956.]

Any order of discharge made by the Superintendent under this subsection may contain such directions as the Superintendent may consider necessary to secure the safe return of the discharged person to his home or other place of residence, and the Fiscal of the province within which such mental hospital is situated shall give effect to such order.

[§ 3, 11 of 1943.]
[§ 2, 14 of 1952.]

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Prisoners under sentence in jail on becoming of unsound mind to be removed to mental hospital.

9. (1) If any person under imprisonment in any jail shall become of unsound mind, and a report shall be made to the Minister of Justice[1] by the Fiscal of the province wherein the said jail is situated, with a certificate of the medical officer thereof, that such person is of unsound mind, it shall be lawful for the Minister of Justice[1] to direct by warrant under his hand that such person shall be removed to the mental hospital named in such warrant, to be there detained until the expiration of the sentence under which such person may have been imprisoned.

If they recover before expiration of sentence, they shall be removed to jail.

(2) If any person shall become of sound mind before the expiration of his sentence, of which the period of his detention in such mental hospital shall be reckoned as part, the Minister of Justice[1] shall thereupon issue his warrant to the Superintendent of the mental hospital, directing that such person shall be removed back from thence to the jail or other place of confinement from whence he shall have been taken, or shall give such other orders thereon as to the Minister of Justice[1] shall seem fit. And the Fiscal from whose custody any person shall be removed to such mental hospital shall, at the time of delivering over such person, furnish the Superintendent of such mental hospital with a copy of the sentence under which such person shall have been imprisoned.

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Further proceeding at expiration of sentence, if the person shall not have recovered.

10. The Superintendent of any mental hospital to which any person shall have been removed under the provisions of the preceding clause, and who shall not have recovered, shall, at least fourteen days before the expiration of the sentence under which such person shall have been imprisoned, report the same to the District Court of the district in which such mental hospital shall be situated. And if the said District Court shall, upon inquiry, be satisfied that such person is still of unsound mind, and that it is necessary to continue to keep him under control, the said District Court may order such person to be detained in the mental hospital until discharged therefrom by order of the Minister.[1]

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Inquiry as to property and circumstances in cases where no security is given.
[§ 4, 3 of 1940.]

11. (1) In all cases where a person of unsound mind is kept in custody and removed to a mental hospital under section 5, the Superintendent of that hospital shall forward forthwith the name of the person, and such other particulars as may be available, to the Government Agent of the administrative district or each of the administrative districts in which that person previously resided or was found wandering.

(2) The Government Agent or Agents shall thereupon cause investigations to be made and shall report to the District Court, by which the person was ordered to be kept in custody, whether that person is possessed of any property which can be applied for his maintenance, or whether there is any relative or guardian who is able and legally bound to maintain that person.

(3) On receipt of the report or reports made under subsection (2), the District Court shall hold an inquiry as to the property or such other circumstances of that person as may be referred to or set out in the report or reports.

Maintenance of persons in custody out of their own property,
[§ 5, 3 of 1940.]

12. (1) If at the inquiry held under section 11, the District Court is satisfied that the person kept in custody in the mental hospital is possessed of property sufficient in value and capable of being applied for his maintenance, the court shall—

(*a*) appoint a manager of the estate of such person or direct that the property be realized and dealt with, as provided in section 567 or section 577 of the Civil Procedure Code, as the case may be ; and

(*b*) order such portion of the property to be appropriated for the maintenance and care of that person, as may be necessary according to the allowance or rate fixed and declared to be payable under the general regulations made by the Minister [1] for that mental hospital ;

and the manager so appointed or, as the case may be, the person to whom any money or the proceeds of any

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property realized under the order of the court has been paid, shall thereafter be responsible for the payment, at the rate specified in the order of the court, of the expenses of the maintenance and care of that person while he is kept in custody in the mental hospital.

or by persons able and legally bound to support them.

(2) Where the District Court is satisfied that the person kept in custody in the mental hospital is not possessed of any property but that there is a relative or guardian able and legally bound to maintain that person, the court shall call upon such relative or guardian to show cause why he should not be ordered to pay the whole or any reasonable part of the expenses of the maintenance and care of that person, and if sufficient cause is not shown, the court may make order accordingly; and every order so made shall, upon the application of the Superintendent of the mental hospital, be enforced in accordance with the provisions of section 8 of the Maintenance Ordinance, by any Magistrate having jurisdiction over the place of residence for the time being of the relative or guardian bound by the order.

Proceedings exempt from stamp duty.

13. No stamp duty shall attach or be payable for any application, process, or other document filed in court under the provisions of this Ordinance.

Appointment of Visitors.

14. (1) It shall be lawful for the Minister[1] to nominate and appoint one or more fit and proper persons to be Visitors of any mental hospital, and any Visitor so appointed to remove and to appoint another in his stead.

Duties of Visitors.

(2) Every Visitor so appointed shall be at liberty to enter at all times any such mental hospital and to make such inquiries or examination therein as to him shall appear necessary; and Visitors are hereby required to visit such mental hospital at least once in every month, unless prevented by illness or other sufficient cause, and from time to time to make such reports to the Director of Health Services as may be required by order of the Minister.[1]

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(3) Any Superintendent or keeper of such mental hospital or other person, who shall at any time refuse admittance to any such Visitor or offer to him any hindrance or obstruction, shall be guilty of an offence, and be liable to a fine not exceeding fifty rupees.

Penalty for refusing admittance to Visitors, or obstructing them.

15. It shall be lawful for the Minister,[1] to make from time to time such regulations as to him shall seem expedient for the management and conduct of any mental hospital established in Ceylon, and of the officers and Visitors thereof.

Minister to make regulations for conduct and management of mental hospitals.

16. (1) If any person detained in a mental hospital under the provisions of this Ordinance, and not being a criminal lunatic, escapes, he may be retaken at any time within fourteen days of his escape by the Superintendent of the mental hospital, or by any officer or servant thereof, or by anyone authorized in writing by such Superintendent, and conveyed to, received, and detained in such mental hospital.

Person escaping from mental hospital may be retaken by Superintendent within fourteen days.

(2) In the case of the escape of a criminal lunatic, the provisions of the last preceding subsection shall apply without any limitation as to time.

17. In any case in which a person detained in a mental hospital, and not being a criminal lunatic, has escaped, and is not taken within the period of fourteen days prescribed by section 16, the Superintendent of such mental hospital may apply to the District Judge within the limits of whose jurisdiction such mental hospital is situated, for authority to retake such person. If the District Judge to whom such application is made shall, after making such inquiry, if any, as he may deem necessary, grant such authority, such Superintendent or anyone authorized in writing by him may retake such person, and such person may be conveyed to, received, and detained in the mental hospital.

Person escaping from mental hospital, not being a criminal lunatic, may be retaken after fourteen days with authority of District Judge.

18. (1) The Minister of Justice[1] may, on the recommendation in writing of the Superintendent of a mental hospital, permit, by order, any person detained

Absence on trial.

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in a mental hospital, and not being a criminal lunatic, to be absent on trial for a period to be named in such order.

(2) If at any time within the period mentioned in such order it appears to such Superintendent that the further detention of such person in the mental hospital is necessary, such Superintendent, or any person authorized by him in writing, may take such person, and such person may thereupon be conveyed to, received, and detained in the mental hospital.

(3) (*a*) At the expiration of the period mentioned in any such order, such person shall, unless he has been received into the mental hospital under the provisions of the last preceding subsection, return to the mental hospital, and the Superintendent shall examine him, and may thereupon either direct his further detention in the mental hospital, or order him to be discharged.

(*b*) If such person does not return to the mental hospital at the expiration of the period for which he was allowed to be absent on trial, he may at any time within fourteen days of the expiration of the period of trial be retaken, as in the case of an escape.

Right of appeal from order of District Court.

19. Every order made by a District Court under the provisions of this Ordinance shall be subject to an appeal to the Supreme Court.

Who may prosecute appeal.

20. Such appeal may be prosecuted by or at the instance—

(*a*) of the person suspected or adjudged to be of unsound mind ; or

(*b*) of any relative or friend of the person suspected or adjudged to be of unsound mind ; or

(*c*) of the Attorney-General or of any Crown Counsel ; or

(*d*) of the Inspector-General of Police ; or

(*e*) of the Director of Health Services ; or

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(*f*) of the Commissioner of Prison and Probation Services ; or

(*g*) of any medical practitioner who shall have certified or testified to the state of mind of the person suspected or adjudged to be of unsound mind.

Appeal to follow rules for appeals from interlocutory orders.

21. The time for, the rules of, and the practice relating to the filing and forwarding of an appeal from an interlocutory order of the District Court shall apply to appeals prosecuted under this Ordinance.

Duty of Supreme and District Courts in case of appeal.

22. The Supreme Court shall take cognizance of such appeal and deal with the same as an appeal from an interlocutory order of the District Court, and make such order thereon as to the Supreme Court shall seem fit. And it shall be the duty of the District Court to conform to and execute such order.

Power to receive voluntary patients in mental hospitals.
[§ 6, 27 of 1956.]

23. (1) Any person of the age of not less than sixteen years who is desirous of voluntarily submitting himself to treatment for mental illness may, if he makes a written application for the purpose to the Superintendent of any mental hospital, be received as a voluntary patient in that hospital.

(2) Any person under the age of sixteen years whose parent or guardian is desirous of submitting him to treatment for mental illness may, if the parent or guardian makes a written application for the purpose accompanied by a medical recommendation to the Superintendent of any mental hospital, be received as a voluntary patient in that hospital.

(3) The medical recommendation referred to in subsection (2) shall—

(*a*) be signed by a medical practitioner ; and

(*b*) state the qualifications of such practitioner, the date or dates on which he examined the person to whom the recommendation relates, and

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that such person is likely to be benefited by being received as a voluntary patient for treatment in a mental hospital.

(4) A medical recommendation from a medical practitioner shall cease to have effect for the purposes of this section on the expiration of fourteen days after the last date on which the person to whom the recommendation relates was examined by such practitioner for the purpose of making the recommendation.

Voluntary patient may leave mental hospital upon giving notice of intention to do so. [§ 6, 27 of 1956.]

24. Any person received as a voluntary patient in a mental hospital may leave that hospital upon giving to the Superintendent of that hospital seventy-two hours' notice in writing of his intention to do so, or, if he is under the age of sixteen years, upon such notice being given by his parent or guardian.

Notice to the Director of Health Services of the reception, death and departure of voluntary patients. [§ 6, 27 of 1956.]

25. (1) Where any person is received as a voluntary patient in any mental hospital, notice of his reception shall, before the expiration of the second day after the day on which he was so received, be sent to the Director of Health Services by the Superintendent of that hospital.

(2) Where any person received as a voluntary patient in any mental hospital leaves that hospital or dies therein, notice of the departure or death shall, before the expiration of the second day after the date of the departure or death, be sent to the Director of Health Services by the Superintendent of that hospital.

Reports from the Superintendent of a mental hospital on voluntary patients under the age of sixteen years. [§ 6, 27 of 1956.]

26. Where a person who is under the age of sixteen years and who has been received as a voluntary patient in any mental hospital ceases to have any parent or guardian, or if his parents or guardians are incapable of performing, or refuse or persistently neglect to perform, their duty as such, the Superintendent of that hospital shall send to the Director of Health Services a report as to the circumstances of the case and the condition of the patient, and the Director of Health

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Services shall forthwith consider the report and give such directions with respect to the case as he thinks fit.

Discharge of voluntary patients from mental hospitals. [§ 6, 27 of 1956.]

27. (1) Where a person received as a voluntary patient in a mental hospital becomes at any time incapable of expressing himself as willing or unwilling to continue to receive treatment, such person—

(*a*) shall not thereafter be retained as a voluntary patient in that hospital for a longer period than twenty-eight days, and

(*b*) shall, if he has not been previously discharged, be discharged from that hospital upon the expiration of a period of twenty-eight days from the date on which he became incapable of so expressing himself unless in the meantime he has again become capable of so expressing himself, or steps have been taken to deal with such person under this Ordinance either as a person of unsound mind or as a person suffering from mental illness who is likely to benefit by temporary treatment in a mental hospital.

(2) Where the Superintendent of any mental hospital is of opinion that the mental state of a person received as a voluntary patient in that hospital is such as to render it unnecessary for that person to remain as a voluntary patient in that hospital, the Superintendent may discharge that person from that hospital.

(3) Where the Superintendent of any mental hospital is of the opinion that the mental state of a person received as a voluntary patient in that hospital is such as to render that person unfit to remain as a voluntary patient in that hospital, the Superintendent may either discharge that person from that hospital or take steps to deal with that person under this Ordinance either as a person of unsound mind or as a person suffering from mental illness who is likely to benefit by temporary treatment in a mental hospital.

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Power to receive temporary patients in mental hospitals. [§ 6, 27 of 1956.]

28. (1) Subject to the other provisions of this section, a person who is suffering from mental illness and is likely to benefit by temporary treatment in a mental hospital but is for the time being incapable of expressing himself as willing or unwilling to receive such treatment may, on a written application made under this section, be received as a temporary patient in any mental hospital for the purpose of treatment.

(2) An application to receive a person as a temporary patient in any mental hospital for the purpose of treatment—

(*a*) shall be in the form set out in the Schedule;

(*b*) shall be made to the Superintendent of that hospital;

(*c*) shall, if possible, be made by the spouse or a relative of such person, or, on the request of such spouse or relative, by any other person, and, if the application is not so made, shall contain a statement of the reasons why it is not so made, of the connexion of the applicant with such person and of the circumstances in which the applicant makes the application; and

(*d*) shall be accompanied by a recommendation by each of two medical practitioners in the form set out in the Schedule.

(3) Each of the medical practitioners by whom a recommendation under this section is to be made shall, before signing the recommendation, examine the person to whom the recommendation relates either separately or in conjunction with the other and shall specify in the recommendation the date on which he so examined such person and the grounds on which he bases his recommendation.

(4) A recommendation made by two medical practitioners under this section in respect of any person—

(*a*) shall be of no effect for the purposes of this section if there is a greater interval than five days between the dates on which such person was examined by such practitioners respectively, and

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(b) shall cease to have effect on the expiration of fourteen days after the date on which such person was examined by such practitioners, or if he was examined by such practitioners on two different dates, on the expiration of fourteen days after the later of those dates.

Notice to the Director of Health Services of the reception, death and departure of temporary patients. [§ 6, 27 of 1956.]

29. (1) Where any person is received as a temporary patient in any mental hospital, notice of his reception shall, before the expiration of the second day after the date on which he was so received, be sent to the Director of Health Services by the Superintendent of that hospital.

(2) Where any person received as a temporary patient in any mental hospital leaves that hospital or dies therein, notice of the departure or death shall, before the expiration of the second day after the date of the departure or death, be sent to the Director of Health Services by the Superintendent of that hospital.

Detention and discharge of temporary patients. [§ 6, 27 of 1956.]

30. (1) Subject to the other provisions of this section, a person received as a temporary patient in any mental hospital may be detained in that hospital for a period not exceeding one year but shall not be detained as such for any longer period.

(2) Where any person received as a temporary patient in any mental hospital becomes capable of expressing himself as willing or unwilling to continue to receive treatment, he shall not thereafter be detained in that hospital as a temporary patient for more than twenty-eight days unless in the meantime he has again become incapable of so expressing himself.

(3) Where it is anticipated that a person who is undergoing treatment as a temporary patient in any mental hospital will not recover within a period of one year but his early recovery appears reasonably probable, he may, upon application made on his behalf in accordance with subsection (4), be detained in that

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hospital as a temporary patient beyond one year for such period not exceeding three months, or for such periods not exceeding six months in the aggregate, as may be determined by the Superintendent of that hospital.

(4) An application under subsection (3) in respect of any person shall, if possible, be made by the spouse or a relative of such person, or, on the request of such spouse or relative, by any other person, and, if the application is not so made, it shall contain a statement of the reason why it is not so made, of the connexion of the applicant with such person and of the circumstances in which he makes the application.

(5) Where the Superintendent of any mental hospital is of opinion that the mental state of any person received as a temporary patient in that hospital is such as to render it unnecessary for such person to remain as a temporary patient in that hospital, the Superintendent may discharge such person from that hospital.

(6) Where the Superintendent of any mental hospital is of opinion that the mental state of any person received as a temporary patient in that hospital is such as to render that person unfit to remain as a temporary patient in that hospital, the Superintendent may either discharge that person from that hospital or take steps to deal with that person under this Ordinance as a person of unsound mind.

Power of the Director of Health Services to order discharge, &c., of voluntary and temporary patients. [§ 6, 27 of 1956.]

31. The Director of Health Services may at any time order—

(*a*) that any person received as a voluntary patient, or a temporary patient, in any mental hospital shall be discharged from that hospital, or

(*b*) that steps shall be taken to deal with such patient under this Ordinance as a person of unsound mind,

and it shall be the duty of the Superintendent of that hospital to comply with that order.

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Power to vary, &c., forms in the Schedule.
[§ 6, 27 of 1956.]

32. The Minister may, by Order published in the Gazette, amend or replace any of the forms set out in the Schedule.

Interpretation.

33. For the purposes of this Ordinance—

(*a*) every person shall be deemed to be of unsound mind who is so far deranged in mind as to render it necessary that he, either for his own sake or that of the public, should be placed under control ; and

[§ 6, 3 of 1940.]

(*b*) "house of observation" means a building or part of a building appointed by the Minister[1] under section 3 as a place for the observation of the behaviour of persons suspected to be of unsound mind ;

[§ 6, 3 of 1940.]

"medical officer" means a medical practitioner who is an officer of the Department of Health ;

[§ 6, 3 of 1940.]

"medical practitioner" means a person registered as a medical practitioner under the Medical Ordinance.

(*c*) "criminal lunatic" means any of the following persons :—

(i) any person who is confined or continued in confinement in a mental hospital under the provisions of section 9 or section 10 of this Ordinance ; and

(ii) any person who is ordered to be confined in a mental hospital under the provisions of section 369 (2) or section 374 of the Criminal Procedure Code.

Substitution of the expression "mental hospital" for "lunatic asylum" in any written law.
[§ 8, 3 of 1940.]

34. (1) Wherever in any written law which contains any provisions relating to a place for the detention or treatment of persons suspected or found to be of unsound mind, there occurs the expression "lunatic asylum", or "asylum" or other expression equivalent thereto in that context, the expression "mental hospital" is hereby substituted, and shall be deemed for

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all purposes to be substituted, for such first-mentioned expression.

Construction of any written law. [§ 8, 27 of 1956.]

(2) Every reference (except in the expression "criminal lunatic" or in any context relating to a criminal lunatic or to criminal lunatics) in any written law to a lunatic or to lunatics shall, on and after the 17th day of February, 1956, be construed as a reference to a person, or to persons, as the case may be, of unsound mind.

[§ 8, 27 of 1956.]

(3) Every reference in any written law to the Lunacy Ordinance shall, on and after the 17th day of February, 1956, be construed as a reference to this Ordinance.

[§ 7, 27 of 1956.]

SCHEDULE

[Section 28.]

FORM OF APPLICATION FOR THE RECEPTION OF A TEMPORARY PATIENT

1. I, ..., hereby request you to receive ..... as a temporary patient into .....

2. I am related to the said ..... in the following manner :—

or,

I make this application at the request of ...., who is related to the said ..... in the following manner :—

or,

I am not related to the said ..... The reasons why this application is not made by a relative of the said ..... and my connexion with him, and the circumstances under which I make this application, are as follows :—

3. Annexed hereto is a recommendation for the temporary treatment of the said ..... signed by .....

Signed .....

Date .....

To .....

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FORM OF RECOMMENDATION FOR TEMPORARY TREATMENT [Section 28.]

Recommendation for the temporary treatment of ..... of .....

1. I, ... of ....., hereby declare as follows :—

   (*a*) I am a registered medical practitioner.

   (*b*) I examined the said ..... on the ..... day of ....., 19 .

   (*c*) * I have formed the following conclusions on the following grounds :—

2. I further declare as follows :—

   (*a*) The said .....—

      (i) is suffering from mental illness ;

      (ii) is likely to benefit by temporary treatment ;

      (iii) is for the time being incapable of expressing himself as willing or unwilling to receive such treatment.

   (*b*) It is expedient with a view to the said .... 's recovery that he should be received into ..... for a period not exceeding one year.

Signed .....

Medical qualifications .....

Date .....

* A person, in specifying the grounds on which his conclusions are based, must carefully distinguish between statements of fact which are based upon his own observations and statements of fact which are based upon communications made to him by others.

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CHAPTER 228

LEPERS

Ordinances Nos. 4 of 1901, 17 of 1902, 15 of 1912, 35 of 1939, 9 of 1941,
Act No. 12 of 1952.

AN ORDINANCE TO PROVIDE FOR THE SEGREGATION AND TREATMENT OF LEPERS.

[*1st January, 1902.*]

Short title.

1. This Ordinance may be cited as the Lepers Ordinance.

Minister may appoint leprosy hospitals.

2. It shall be lawful for the Minister,[1] from time to time to appoint any such place as he shall think fit to be a leprosy hospital for the segregation and treatment of lepers ; and every such leprosy hospital shall comprise such area as the Minister[1] shall from time to time define by Order published in the Gazette.

Provision as to existing leper hospital or asylum at Hendala.

3. The place now and heretofore known as the leper hospital or asylum, situate at Hendala, shall be deemed to be a leprosy hospital established under the provisions of this Ordinance, and all acts heretofore done and suffered with regard to lepers and the segregation, support, and treatment of lepers in the said hospital or asylum shall be deemed to have been done and suffered in accordance with law.

Lepers may build separate dwellings for their own use within the limits of the leprosy hospital.

4. Any person detained as a leper in a leprosy hospital may by the special permission of the Minister[1] erect or cause to be erected for himself a dwelling house at his own proper expense within the limits of the leprosy hospital in which he is detained

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subject to such conditions as to plan, site, drainage, and otherwise as to the Minister[1] shall seem fit.

Duty of persons to give information of existence of lepers.

5. It shall be the duty of every person having knowledge of the existence of a leper or a person reasonably suspected of being a leper in any place outside the limits of any leprosy hospital to give information thereof to the Government medical officer residing nearest to the village or place in which such leper or suspected leper resides or is found, and such medical officer shall forthwith report the same to the Director of Health Services.

Penalty.

6. Every person wilfully neglecting to give such information as aforesaid, and every medical officer wilfully neglecting to report the same as aforesaid, shall be guilty of an offence, and shall be liable on conviction for each such offence to a fine not exceeding fifty rupees.

Inquiry into cases of leprosy.

7. On the receipt of such report as aforesaid the Director of Health Services shall forthwith forward such report to the Minister,[1] and such inspection and examination of the alleged leper shall be held and such report made thereon as the Minister shall order,[1] or as shall be from time to time prescribed by such general regulations in that behalf as shall from time to time be made under section 13 of this Ordinance.

Power to order lepers to be removed to and detained in hospital.

8. After such inspection, examination, and report as aforesaid, it shall be lawful for the Minister,[1] if he shall think fit, to order the leper or alleged leper to be removed to and detained in a leprosy hospital :

Provided always that no person shall be removed to or detained in a leprosy hospital unless he has first been certified to be suffering from the disease of leprosy by two qualified medical practitioners, one of whom shall be either the Director of Health Services of Ceylon or a medical practitioner appointed by the Minister,[1] to inquire into cases of suspected leprosy for the purposes of this Ordinance.

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Lepers able to provide effective isolation and medical treatment not removable to hospital. Minister may prescribe rules for observance by them.

9. (1) No such order for removal or detention as in section 8 mentioned shall be made if the leper or alleged leper shall in the opinion of the Minister[1] be able to provide for himself at his own place of abode effective isolation and medical treatment, and shall within the time prescribed by the Minister[1] carry out such directions as the Minister[1] may give for securing such isolation, but in every such case it shall be lawful for the Minister[1] from time to time to prescribe rules for observance by such leper or alleged leper in order to secure such isolation.

Minister may order removal on breach of rules.

(2) In the event of the disregard or breach of any such rules the Minister[1] may under section 8 order such leper or alleged leper to be removed to and detained in a leprosy hospital.

Lepers not to leave hospital without permission. [§ 6, 35 of 1939.] Penalty.

10. No person detained as a leper in a leprosy hospital shall leave the hospital without the permission in writing of the Director of Health Services, or in his absence an officer of the Department of Health authorized in that behalf by the Director, and every person acting in contravention of this section shall be guilty of an offence, and shall be liable on conviction for each such offence to simple imprisonment for a term which may extend to three months.

No person to enter leprosy hospital without permission. Penalty.

11. Every person found within the limits of a leprosy hospital without the written permission of the Director of Health Services or without lawful authority shall be guilty of an offence, and shall be liable on conviction for each such offence to a fine not exceeding fifty rupees.

Director of Health Services and medical officer in charge of any leprosy hospital to exercise powers of Magistrate in hospital.

12. The Director of Health Services shall have and exercise all the powers of a Magistrate with respect to all offences committed by persons detained as lepers in a leprosy hospital, and shall also have power to hear and determine all complaints of offences punishable under section 10 of this Ordinance. And it shall be lawful for the Minister[1] from time to time to appoint any medical officer having charge of any leprosy

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hospital to have and exercise all the powers of a Magistrate therein. Every decision given under the provisions of this section shall be subject to the same rights of appeal as the decisions of a Magistrate.

Regulations to be made by Minister.

13. (1) It shall be lawful for the Minister,[1] from time to time to make such regulations as he may deem necessary—

(*a*) for inspection, examination, and removal of lepers to a leprosy hospital ;

(*b*) for the proper management and sanitation of the leprosy hospital or hospitals ;

(*c*) for the discipline and good order of the inmates of such hospital or hospitals ;

(*d*) for the custody and imprisonment within such hospital or hospitals of lepers accused of and found guilty of offences ;

(*e*) for regulating the sittings and procedure of courts to be held under the provisions of this Ordinance ;

(*f*) generally for the better carrying out of the provisions of this Ordinance and for the well-being of such hospital or hospitals and the inmates thereof,

and from time to time to revoke, amend, and vary such regulations.

Penalty for breach of regulation.

(2) All regulations made under the provisions of this section shall be published in the Gazette, and from the date of such publication shall have the same force and effect as if they were enacted in and formed part of this Ordinance ; and every person acting in contravention of any regulation made under the provisions of this section shall be guilty of an offence, and shall be liable on conviction for each such offence to a fine not exceeding fifty rupees, or to imprisonment for any term not exceeding one month.

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Right of leper to administration of property or proceeds thereof under supervision of court.

14. Any leper detained in a leprosy hospital under the provisions of this Ordinance may apply to the District Court of the district in which he resided before his detention—

(*a*) for the administration of his property under the supervision of the court by a manager nominated by such leper ; or

(*b*) for the sale of his property or any part of his property and the administration of the proceeds thereof under the supervision of the court.

Mode of application.

15. Every such application shall be made through the Superintendent of the said hospital in accordance with the form prescribed by the Schedule to this Ordinance.

Procedure upon receipt of application.

16. If the application is for the administration of the property, it shall be the duty of the court on the receipt of the application to cause a notice to be served upon the person nominated as manager by the leper to appear before him on a day fixed in the notice with a view to the consideration of the said application, and to cause to be served a copy of the said notice upon such of the relatives or dependants of the leper as it may consider necessary.

Appointment of manager.

17. If the person nominated by the leper consents to act as manager, and such person appears to the court to be a fit and suitable person so to act, the court shall appoint such person to act as the manager of the property of the leper.

Court may require further nomination.

18. (1) If the person so nominated decline to act as manager of the property of the leper, or, if the court shall be of opinion that such person is not a suitable person so to act, it may require the leper to nominate a suitable person who is willing to act, or alternatively to consent to the sale of the property, and the administration of the proceeds under the supervision of the court.

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(2) If the leper fail to nominate a suitable person who is willing to act, or alternatively to notify his consent as aforesaid, the court shall proceed no further with the application.

Power of court to decline to appoint manager and to suggest sale of property.

19. (1) If it shall appear to the court, having regard to the situation and condition in life of the leper and his family, and the amount and description of his property, that it is not expedient to appoint a manager of his property, the court may so inform the leper, and require him to state whether he consents to the sale of his property and to the administration of the proceeds thereof under the supervision of the court.

(2) If the leper so consents, the court may make order accordingly. If he fails so to consent, the court shall proceed no further with the application.

Power of manager.

20. (1) Upon the appointment of the manager, the property of the leper shall vest in the manager, and shall be administered by him in trust for the leper under the direction of the court.

(2) Such manager may sue or be sued in respect of any claim by or against the leper affecting his property, and may exercise all the powers that might have been exercised by the leper in respect of his property :

Provided that no manager shall have power to sell or mortgage the property entrusted to him or any part thereof, or to grant a lease of any immovable property for any period exceeding five years without an order of the court.

Manager to deliver inventory and valuation.

21. (1) Every person appointed as a manager under this Ordinance shall, within a time to be fixed by the court, deliver in court in duplicate an inventory of the immovable property belonging to the leper, and of all such movable property, sums of money, goods, and effects as he may receive on behalf of the leper, together with a statement of all debts due by or to him.

(2) One copy of such inventory shall be filed of record in the court, and the other shall be served by the court upon the leper.

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Manager to furnish annual account.

22. (1) Every such manager shall furnish to the court annually, within three months of the close of the year, an account in duplicate of the property in his charge, exhibiting the sums received and disbursed on account of the property and the balance remaining in his hands.

(2) One copy of such account shall be filed of record in the court, and the other shall be served by the court upon the leper.

Leper or relative may impugn inventory or account.

23. The leper, or any relative or dependant of the leper, may by petition to the court impugn the accuracy of any inventory or account rendered by a manager, and upon the receipt of any such petition the court may summon the manager and inquire summarily into the matter, and make such order thereon as it shall think proper.

Manager may be sued for an account.

24. It shall be lawful for a leper so declared under this Ordinance, or any relative of such leper, to sue for an account from any manager appointed under this Ordinance, or from his personal representative in case of his death.

Court may punish disobedient manager.

25. The court on the application of the leper, or of any relative of the leper, or of its own motion, may impose a fine not exceeding five hundred rupees on any manager who wilfully neglects or refuses to deliver his accounts, or to obey any order of the court made with reference to the administration of the property of the leper, and may realize such fine by attachment and sale of his property under the rules in force for the execution of decrees of court, and may commit him to custody until he shall have furnished such account or complied with such order.

Court may remove manager.

26. The court may for any sufficient cause on the application of the leper, or, with the consent of the leper, of its own motion, remove any manager appointed under this Ordinance, and with the consent of the leper appoint any other suitable person in his place, and may order the person so removed to make over the

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property in his hands to his successor, and to account to such successor for all moneys received or disbursed by him.

Manager may apply property for support of relatives or dependants of leper.

27. A manager may, subject to the consent of the leper and with the approval of the court, expend such portion of the income of the property in his charge as may be reasonable and necessary for the purpose of the support of any relative or dependant of the leper who has no other adequate means of support, and with the like approval, and subject to such conditions as the court may direct, allow any relative or dependant of the leper to remain in the enjoyment of the property of the leper or any part thereof for the purpose aforesaid.

Payment of manager.

28. If the person appointed as manager of the property of a leper shall be unwilling to discharge the trust gratuitously, the court may fix such allowance to be paid out of the property of the leper as, under the circumstances of the case, may be thought suitable.

Court may require security.

29. The court shall have the like power to order a manager of a leper's estate to give security for the due administration of the estate as a District Court has in the case of administration of a deceased person's estate.

Determination of questions arising in the administration.

30. A leper, or the manager of the property of a leper, or any person interested in the administration of the property, may apply at any time to the court by petition for the determination of any question arising in the course of the administration of the said property, and the court may thereupon, on hearing all persons interested, and after trying any issues that may be necessary to be tried for the purpose of the determination of such question, make such order as may seem just.

Sale of leper's property by order of court.

31. In any case in which a leper detained under this Ordinance applies to the court for the sale of the property or any part of his property, and for the administration of the proceeds thereof under the supervision of the court, the court, upon notice to all relatives of the leper which it may consider necessary to notify,

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and upon hearing all such persons interested who may desire to be heard upon such application, may make such order accordingly.

Application of proceeds of sale.

32. In any such case, or in any case in which under section 19 of this Ordinance the court otherwise orders a sale of the leper's property, the proceeds of the sale shall be paid into court, and such proceeds and the income thereof shall be applied for the benefit of the leper or his relatives or dependants in accordance with the orders of the court.

Power of leper to apply to court.

33. In any case in which a court shall have ordered the property, or the proceeds of the sale of the property, of a leper to be administered under the supervision of the court, it shall be lawful for the leper at any time to petition the court—

(*a*) for the application of any part of his property or the proceeds thereof for the benefit of the leper or any other person;

(*b*) for the furnishing to such leper of any information as to the condition of his property which the leper may reasonably require;

(*c*) for the issue of directions by the court for the administration of the property in accordance with the desires of the leper;

(*d*) in respect of any other matters which the leper may consider for the advantage of himself or his relatives and dependants with reference to his property or the proceeds thereof,

and the court upon the consideration of any such petition may make such order as seems just.

Communication from leper to court.

34. (1) All applications, petitions, or communications presented to a court by a leper detained under this Ordinance may be made in writing signed by the leper, and forwarded through the Superintendent of the hospital in which he is detained, and a certificate purporting to be given by such Superintendent to the

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effect that any such writing was signed by the leper shall be accepted by the court as prima facie evidence of such signature.

Service of notices, &c., upon lepers.

(2) All notices or other documents which may be required to be served upon a leper in the course of the administration of his property under this Ordinance may be served upon him by post through the Superintendent of the hospital in which he is detained, and a certificate purporting to be given by such Superintendent to the effect that any such notice or document was served upon the leper shall be accepted by the court as prima facie evidence of such service.

General powers of court.

35. In making any order under this Ordinance the court shall have regard to the interests of the leper and his family and dependants, and may grant other relief than that asked for, and do all things necessary to adapt its order to the requirements of the case.

Appeals.

36. Any order made by the District Court under this Ordinance shall be subject to an appeal to the Supreme Court.

Exemption from stamp duty.

37. The court may direct in the case of the property or the proceeds of the property of any leper being administered under its supervision that, having regard to the amount of such property and the condition of life of such leper or his relatives or dependants, no stamp duty shall attach or be payable in respect of any application, petition, notice, affidavit, or other document, filed in court in the course of such administration by the leper, or his manager, or any relative or dependant.

Substitution of "leprosy hospital" for "leper asylum" or "asylum" in other written law.

38. The expression "leprosy hospital" shall be substituted for the expression "leper asylum" or the expression "asylum" wherever either the second or the third mentioned expression occurs in any written law (other than this Ordinance) relating to leprosy or to the segregation, support or treatment of lepers.

[§ 3, 9 of 1941.]

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SCHEDULE

[Section 15.] FORM OF APPLICATION FOR THE ADMINISTRATION OF THE PROPERTY OF A LEPER

To the District Judge of ————.

I, ————, a leper, detained at the Leprosy Hospital at ————, make application that my property may be administered under the supervision of the court, and I hereby nominate ————, of ————, as my manager.

2. My relatives and dependants are as follows :—

(1) ————.
(2) ————.
(3) ————.
(4) ————.

3. The list on the back hereof to the best of my belief is a full statement of my property and the value thereof.

————

Signature of Leper.

Signed and dated in the presence of the Superintendent of the said hospital.

————

Signature of Superintendent.

This ———— day of ————, 19—.

(*Over.*)

Description of Property	Value Rs. c.
Immovable property :—	
(1) ————	
(2) ————	
(3) ————	
(4) ————	
(5) ————	
(6) ————	
(7) ————	
Movable property :—	
Household property	
Jewellery	
Cattle	
Debts	
Cash, &c.	
Total ..	

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FORM OF APPLICATION FOR THE SALE OF PROPERTY OF A LEPER [Section 15.]

To the District Judge of ————.

I, ————, a leper, detained at the Leprosy Hospital at ————, make application that my property * may be sold, and the proceeds thereof may be administered under the supervision of the court.

2. My relatives and dependants are as follows:—

(1) ————.
(2) ————.
(3) ————.
(4) ————.

3. The list on the back hereof to the best of my belief is a full statement of my property and the value thereof.

4. ————.†

————
Signature of Leper.

Signed and dated in the presence of the Superintendent of the said hospital.

————
Signature of Superintendent.

This ———— day of ————, 19—.

(*Over.*)

Description of Property	Value Rs. c.
Immovable property:—	
(1) ————	
(2) ————	
(3) ————	
(4) ————	
(5) ————	
(6) ————	
(7) ————	
Movable property:—	
Household property	
Jewellery	
Cattle	
Debts	
Cash, &c.	
Total ..	

* If a sale of only part of the leper's property is desired, the words "part of" should be inserted.

† If a sale of only part of the leper's property is desired, he should here indicate what he desires to have sold, either by specific enumeration or exception from the schedule of property endorsed on the back hereof.

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CHAPTER 229

VACCINATION

Ordinance No. 20 of 1886, *Acts* Nos. 12 of 1952, 22 of 1955.

AN ORDINANCE TO AMEND THE LAW RELATING TO COMPULSORY VACCINATION.

[*1st July, 1887.*]

Short title.

1. This Ordinance may be cited as the Vaccination Ordinance.

Division of districts and appointment of places for the purposes of vaccination.

2. Whenever the Director of Health Services shall signify to the Government Agent of any administrative district that he is ready to undertake vaccination in any district, it shall be the duty of the Government Agent, in conjunction with the Director of Health Services and the superintendent of vaccination of that district, forthwith to divide such district into convenient divisions, for the purpose of affording increased facilities for vaccination, and to appoint a convenient place or places in each such division for the performance of such vaccination, and to take the most effectual means for giving from time to time, to all persons resident within such divisions, due notice of the days and hours at which an officer will attend at such place or places to vaccinate all persons not already successfully vaccinated who may then appear there, and also of the days and hours at which an officer will attend at such place or places to inspect the progress of such vaccination in the persons so vaccinated, and to collect vaccine lymph from them.

Every adult to present himself to be vaccinated or revaccinated.

3. Every adult who has no marks of successful vaccination or of smallpox, or who, if he has such marks, resides in a house or building in which there is a patient suffering from smallpox, shall present himself at the place so appointed nearest his residence for the purpose of being vaccinated or revaccinated; and the

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officer shall, and he is hereby required thereupon, or as soon after as it may conveniently and properly be done, to vaccinate or revaccinate the said adult.

Every parent or guardian to present child under his care to be vaccinated or revaccinated.

4. Every child who has no marks of successful vaccination or of smallpox, or who, if he has such marks, resides in a house or building in which there is a patient suffering from smallpox, shall be taken, or caused to be taken, by his parent or guardian to the place so appointed nearest the residence of such child, for the purpose of being vaccinated or revaccinated; and the officer shall, and he is hereby required thereupon, or as soon after as it may conveniently and properly be done, to vaccinate or revaccinate the said child.

Vaccination on estates. Superintendent to publish notice given by government medical officer.

5. It shall be lawful for any government medical officer acting under the written authority of the Director of Health Services, to give at least six days' previous notice in writing to the superintendent of any estate appointing a place in such estate and a day and hour at which an officer will attend for the performance of vaccination. Upon the receipt of such notice it shall be the duty of the superintendent to cause the same to be duly published in the Tamil language in every labourers' line within the said estate, and at the morning and evening muster of the labourers employed thereon.

Obligation of every parent or guardian of a child and of adult on estate.

6. Every parent or guardian on the said estate shall take or cause to be taken the child under his care, and every adult residing in any labourers' line thereon, whether employed as a labourer or not, and whether previously vaccinated or not, and whether having already had the smallpox or not, shall present himself for inspection at the time and place so appointed as aforesaid, and the officer in attendance shall thereupon or as soon after as it may conveniently and properly be done, vaccinate every child or adult who has no previous marks of successful vaccination or of smallpox, or revaccinate every child or adult who, notwithstanding he has such marks, resides in a house or building in which there is a patient suffering from smallpox.

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Inspection to ascertain result of vaccination.

7. Upon the same day of the week following the day on which any adult or child has been vaccinated or revaccinated, as provided in sections 3, 4, and 6, such adult shall present himself at, and the parent or guardian shall again take or cause to be taken such child to, the same place and at the same hour as before, in order that the officer in attendance may ascertain by inspection the result of such operation, and, if he sees fit, take from such adult or child lymph for the performance of other vaccinations ; and in the event of the vaccination being unsuccessful, such adult shall cause himself, and such parent or guardian shall cause such child, if the officer so directs, to be forthwith again vaccinated and inspected as on the previous occasion.

Penalty for washing out lymph or interfering with vaccine vesicles.

8. Whoever shall wilfully wash out or in any way remove the lymph from any puncture or punctures after vaccination, or cause or permit the same to be washed out or removed, and whoever shall, by the application of any substance or otherwise, interfere with or prevent or cause to be interfered with or prevented the due perfection of any vaccine vesicle or vesicles, shall be guilty of an offence, and be liable to a fine not exceeding ten rupees.

Certificate of successful vaccination.

9. On and immediately after the successful vaccination of any adult or child, the officer who shall have performed or inspected the operation shall deliver to the adult vaccinated, or the parent or guardian of the child vaccinated, a certificate under his hand according to the form A in the Schedule ; and shall also transmit at the end of every month a list of such certificates to the superintendent of vaccination of the district in which the operation was performed.

Course to be pursued where adult or child is not in a fit state to be vaccinated.

10. If such officer shall be of opinion that the adult or child is not in a fit and proper state to be vaccinated, he shall immediately deliver to such adult, or to the parent or guardian of such child, a certificate under his hand according to the form B in the Schedule, which certificate shall remain in force for a period (not exceeding six months) to be specified therein by the officer granting the same.

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Certificate to last for the period specified therein, and to be renewed if need be.

11. The certificate required by section 10 shall remain in force for the period specified therein; but the adult or the parent or guardian of the child shall be entitled to apply for a renewal thereof for any succeeding period which the officer appointed as aforesaid is hereby directed to grant, so long as he shall be of opinion that the adult or child is unfit for vaccination and is unvaccinated. If at any time when the adult or child presents himself, or is brought before him, the officer shall deem such adult or child to be in a fit and proper state for successful vaccination, he shall forthwith vaccinate the adult or child accordingly, and shall deliver to the adult, or the parent or guardian of the child, a certificate according to the form A in the said Schedule:

Provided, however, that if the said officer shall find that any adult or child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that any adult or child coming to or brought to him has already had the smallpox, he shall deliver to such adult, or to the parent or guardian of such child, a certificate under his hand according to the form C in the Schedule, or to the like effect; and such adult or child shall thenceforth be exempted from vaccination for a period of seven years.

Director of Health Services to keep register of persons vaccinated.

12. The superintendent of vaccination of every district in which the operation has been performed shall forward lists of the certificates sent to him under section 9 to the Director of Health Services, at such times and in such forms as such last-mentioned officer shall prescribe. And it shall be the duty of the Director of Health Services to keep a register of the persons of whose successful vaccination lists shall have been transmitted to him as above provided, and at all reasonable times to allow search to be made of any such register in his keeping, and to give a copy or copies certified under his hand of any entry or entries in the same on the payment of a fee of twenty-five cents for every search or certificate.

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Penalty for breach of provisions of this Ordinance or of regulations made thereunder.

13. Every adult who shall not cause himself to be vaccinated, and every parent or guardian who shall not cause the child under his care to be vaccinated (such adult or child not being certified to be in an unfit state for, or insusceptible of, vaccination), or who shall not on the day fixed by section 7 after the vaccination has been performed (in the case of the adult) present himself, or (in the case of the parent or guardian) take or cause to be taken the child for inspection according to the provisions in this Ordinance respectively contained, and every person who acts in contravention of, or fails to comply with, the provisions of sections 5 and 6, or any regulations duly made under section 14, or who hinders or obstructs anyone in the discharge of any duty imposed upon him by this Ordinance or by any regulation duly made under section 14, and every officer who wilfully signs any false certificate under this Ordinance, shall be guilty of an offence, and be liable to a fine not exceeding ten rupees.

Director of Health Services to provide books and forms, and make regulations.

14. The Director of Health Services shall, and he is hereby empowered and directed to, provide such books and forms, and with the sanction of the Minister [1] from time to time make such regulations as he may deem requisite for carrying into full effect the provisions of this Ordinance :

Provided that such regulations shall be published in the Gazette, and may at any time be amended or revoked by the Minister.[1]

Headman to give lists of persons not vaccinated.

15. It shall be the duty of the headman of every district so to be divided as aforesaid for the purposes of vaccination, to provide the officers attending to vaccinate within such districts, whenever called upon so to do, with lists of adults or children to be vaccinated therein ; and every headman neglecting or refusing so to do shall be liable to a fine not exceeding twenty rupees.

Police officers, headmen, &c., to assist in carrying out of Ordinance.

16. It shall be the duty of all officers of the police force, and of all headmen and peace officers generally, and of all superintendents or employers of labour, to aid and assist in the carrying out of this Ordinance and in the prevention of offences against the same, and

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every officer, headman, or superintendent, or employer of labour who shall fail to do so, or who, being cognizant of any such offence, shall fail to give information thereof, shall be guilty of an offence, and be liable on conviction to a fine not exceeding ten rupees.

Evidence in prosecutions.

17. In any prosecution under this Ordinance, for neglect on the part of any adult to procure the vaccination of himself, or on the part of any parent or guardian to procure the vaccination of a child, it shall not be necessary in support thereof to prove that the defendant had received notice of the requirements of the law in this respect; but if the defendant shall produce any such certificate as herein before described, or a duly certified extract from the register mentioned in section 12, and shall prove that the certificate or extract relates to the adult or child referred to in such prosecution, the same shall be a sufficient defence for him except in regard to the certificate marked B in the Schedule when the time specified therein for the postponement of the vaccination shall have expired before the date when the prosecution shall have been commenced.

Interpretation.

18. For the purposes of this Ordinance, unless the context otherwise requires—

"adult" shall mean a person apparently of the age of twelve years and upwards;

"child" shall mean a person apparently more than three months and less than twelve years old;

"estate" shall include every estate in which labourers are employed having ten acres of land actually cultivated with coffee, tea, cacao, cardamoms, coconuts, or cinchona, or any of those products;

"guardian" shall mean the person who, by reason of the death, illness, absence, or inability of the parent, or other cause, shall have the care or custody of any child;

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"parent" shall include the father and mother of a legitimate child, and the mother of an illegitimate child;

"superintendent" shall include any person for the time being in the immediate charge of any estate.

SCHEDULE

Form A

[Sections 9 and 11.]

CERTIFICATE OF SUCCESSFUL VACCINATION

Name :————.
Age :————.
Sex :————.
Residence :————.
Date of certificate :————.

————
Signature of Vaccinator.

Form B

[Sections 10 and 17.]

CERTIFICATE OF UNFITNESS FOR VACCINATION

Name :————.
Age :————.
Sex :————.
Residence :————.
Date of certificate :————.

————
Signature of Vaccinator.

N.B.—This certificate will remain in force for (*specify period, not exceeding six months*) only from the above date.

Form C

[Section 11.]

I, ————, hereby certify that I have ———— times unsuccessfully vaccinated ———— (the child of ————), in the district of ———— (*or*, that ———— has already had smallpox, *as the case may be*), and I am of opinion that ———— is insusceptible of successful vaccination for a period of seven years from this date.

Given under my hand this ———— day of ————, 19 —.

————
Signature of Vaccinator.

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CHAPTER 230

NUISANCES

AN ORDINANCE TO PROVIDE FOR THE BETTER PRESERVATION OF PUBLIC HEALTH AND THE SUPPRESSION OF NUISANCES.

Ordinances Nos. 15 of 1862, 61 of 1939, 3 of 1946, 57 of 1946.

[*1st January, 1863.*]

Short title.

1. This Ordinance may be cited as the Nuisances Ordinance.

Certain acts made offences.

2. Whosoever shall commit any of the following offences shall be liable to a fine not exceeding fifty rupees: —

Keeping a house, &c., in a filthy state.

(1) Whosoever, being the owner or occupier of any house, building, or land in or near any road, street, or public thoroughfare, whether tenantable or otherwise, shall keep or suffer the same to be in a filthy and unwholesome state, or overgrown with rank and noisome vegetation, so as to be a nuisance to or injurious to the health of any person.

Having foul and offensive drains.

(2) Whosoever shall have in or upon any house building, or land occupied by him any foul or offensive ditch, gutter, drain, privy, cesspool, or other receptacle.

Keeping an accumulation of dung, &c.

(3) Whosoever, being the occupier of a house, building, or land in or near any road, street, or public thoroughfare, shall keep or allow to be kept for more than twenty-four hours, otherwise than in some proper receptacle any accumulation of dung, offal, filth, refuse, or other noxious or offensive matter, or suffer such receptacle to be in a filthy or noxious state, or neglect to employ proper means to remove the filth therefrom and to cleanse and purify the same.

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Keeping cattle, goats, swine, &c.

(4) Whosoever shall keep in or upon any house, building, or land occupied by him any cattle, goat, swine, or other animal, so as to be a nuisance to or injurious to the health of any person.

Allowing house, &c., to be in a state ruinous or likely to fall.

(5) Whosoever, being the owner of a house, building, or wall, shall allow the same to be in a ruinous state, or in any way dangerous to the inhabitants of such house or building, or to the neighbouring houses or buildings, or to the occupiers thereof or to passengers.

Suffering waste or stagnant water to remain, &c.

(6) Whosoever shall suffer any waste or stagnant water or other matter to remain in any place within the premises occupied by him, or shall allow the contents of any privy or cesspool to overflow or soak therefrom.

Casting animals, dirt, &c., in streams.

(7) Whosoever shall throw, put, or cast, or cause to enter in any stream, tank, reservoir, well, cistern, conduit or aqueduct, any dead animal, or any dirt, rubbish, filth, or other noisome or offensive matter or thing, or shall cause or suffer to run, drain, or be brought thereinto any unwholesome or offensive liquid, matter, or thing, or flowing from any house or building or from any ground occupied by him, or shall do anything whereby any such water shall be in any degree fouled or corrupted.

Exposing for sale unwholesome meat, &c.

(8) Whosoever shall keep in any market, shop, building, stall, or place used for the sale of butchers' meat, poultry, fish, fruit, or vegetable, or expose or shall allow to be exposed for sale in any place or way any animal, carcase, meat, poultry, game, flesh, fish, fruit, or vegetable which is unfit for the food of man.

Selling noxious articles as food.

(9) Whosoever shall sell or offer or expose for sale as food or drink for man any article which has been rendered or has become noxious or unfit for such use, knowing or having reason to believe the same to be noxious or unfit for such use.

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(10) Whosoever shall keep any manufactory or place of business from which offensive or unwholesome smells arise, without a licence for that purpose, as provided in section 5. Keeping manufactories without licence.

(11) Whosoever shall keep or deposit any coconut husks, coir, or any other substance at or near such places, or in such a manner as to be a nuisance to or injurious to the health of any person. Depositing coconut husks, &c.

(12) Whosoever shall throw or put, or permit his servants to throw or put, any earth, dirt, ashes, filth, refuse from any garden, kitchen, or stable, or any broken glass or earthenware, or other rubbish, on any street, road, or public place or passage, or into any sewer or drain. Throwing dirt, &c., on road, or into sewers.

3. Whosoever shall continue or suffer to continue any of the nuisances above specified after being convicted of any of the above offences, or after notice in writing prior to any conviction from the Board of Health, or Urban Council or Town Council, or any of its officers, or from the Magistrate, requiring him to abate or put an end to the same, shall be liable to a further fine not exceeding ten rupees for each day after such conviction or notice. And the court competent to try the offender is hereby empowered to impose such further fine, although the aggregate thereof may exceed in amount the jurisdiction of such court. Notice to the owner or occupier to abate the nuisance.

[§ 241, 61 of 1939.]
[§ 243, 3 of 1946.]

4. Any person authorized by the Board of Health, or Urban Council or Town Council, may, and he is hereby empowered, at all reasonable times, with or without assistants, to enter into and inspect any market, building, shop, stall, or place used for the sale of butchers' meat, poultry, fish, fruit, or vegetable, or as a slaughter-house, and to examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, or vegetable which may be therein ; and in case any animal, carcase, meat, poultry, game, flesh, fish, fruit, or vegetable appear to him to be intended for the food of man, and to be unfit for such food, the same may be Markets may be visited, and unwholesome meat seized and destroyed.

[§ 241, 61 of 1939.]
[§ 243, 3 of 1946.]

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seized and conveyed to the nearest Magistrate; and if it appear to such Magistrate, upon the evidence of a competent person, that any such animal, carcase, meat, poultry, game, flesh, fish, fruit, or vegetable was intended for the food of man and is unfit for such food, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food.

What manufactories must be licensed. [§ 5, 57 of 1946.]

5. No place shall be used within the limits of a town for the purposes of a manufactory or place of business from which offensive or unwholesome smells arise, except under a licence from the Assistant Commissioner of Local Government for the administrative region, within which such manufactory or place of business is used, who is hereby empowered at his discretion from time to time to grant such licences, and the same, with the sanction of the Minister,[1] to recall; and the licence shall be on a stamp of twenty rupees, and shall be substantially of the form in the Schedule.

Board of Health, &c., may make by-laws. [§ 241, 61 of 1939.] [§ 243, 3 of 1946.]

6. The Board of Health for each province, or Urban Council or Town Council, may make by-laws—

(*a*) with respect to the removal by the owners and occupiers of houses of dust, ashes, rubbish, filth, manure, dung, and soil collected, placed, or found in or about any house, stable, cow-house, street, or place whatsoever, and for preventing the deposit thereof in or by the side of any street so as to be a nuisance to any person;

(*b*) for the draining, cleansing, covering, or filling up all ponds, pools, open ditches, sewers, drains, and places containing or used for the collection of any drainage, filth, water, matter, or thing of an offensive nature or likely to be prejudicial to health;

(*c*) for the cleansing, purifying, ventilating, and disinfecting of houses, dwellings, churches, and places of assembly by the owners or occupiers and persons having the care and ordering thereof;

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(*d*) for the preventing or mitigating any epidemic, endemic, or contagious diseases, and for the speedy interment of the dead during the prevalence of such diseases ; and

(*e*) for all other matters as are not specially enacted by this Ordinance, and as shall be necessary for the preservation of the public health and the suppression of nuisances :

Provided that no such by-laws shall be repugnant to the provisions of this Ordinance, and the same shall not be of any force and effect unless and until the same be submitted to and confirmed by the Minister,[1] who is hereby empowered to allow, amend, or disallow the same as he may think proper, and published in the Gazette ;

Provided also that the said Board of Health or Urban Council or Town Council may alter or repeal any such by-laws. [§ 241, 61 of 1939.] [§ 243, 3 of 1946.]

By-laws to be taken judicial notice of.

7. All courts and Magistrates shall take judicial notice of such by-laws when the same shall have been confirmed and published as aforesaid.

Short particulars of offences and penalties to be published. [§ 241, 61 of 1939.] [§ 243, 3 of 1946.]

8. The Board of Health, or Urban Council or Town Council, shall cause short particulars of the several offences for which any penalty is imposed by this Ordinance, or of any by-law made under this Ordinance, and of the amount of every such penalty, to be printed in the English, Sinhalese, and Tamil languages and copies thereof to be circulated so as to secure due publicity to the same.

Breach of by-laws made an offence. [§ 241, 61 of 1939.] [§ 243, 3 of 1946.]

9. Any breach of by-laws so made as aforesaid shall be deemed an offence, and the person guilty thereof shall, on conviction, be liable to a fine not exceeding twenty rupees, and in the case of a continuing offence a further fine not exceeding the sum of five rupees for each day after conviction for the original offence, or after written notice from the Board of Health, Urban Council or Town Council, or any officer thereof in its name, or from the Magistrate, calling upon him to remove the same ; and the court competent to try the offender is hereby empowered to

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impose such further fine, although the aggregate thereof may exceed in amount the jurisdiction of such court.

Other nuisances not affected by this Ordinance.

10. Nothing in this Ordinance shall be construed to render lawful any act or omission on the part of any person which is, or but for this Ordinance would be, otherwise deemed to be a nuisance, or to exempt any person guilty of such nuisance from prosecution or action in respect thereof.

Service of notices.

11. Where any notice is required by this Ordinance to be given to the owner or occupier of any building or land, such notice addressed to the owner or occupier, as the case may require, may be served on the occupier of such building or land, or left with some adult member or servant of his family, or, if the notice cannot be so served, or if there be no occupier, may be put up on some conspicuous part of such building or land, and it shall not be necessary in any such notice to name the occupier or the owner.

Board of Health, Urban Council, Town Council, or Magistrate may abate nuisances.
[§ 241, 61 of 1939.]
[§ 243, 3 of 1946.]

12. If at any time it shall appear to the Board of Health, Urban Council, Town Council, or to the Magistrate that a nuisance ought to be abated, or any work or thing required by this Ordinance or by any by-law to be performed or done, such Board or Council or Magistrate may give notice to the owner or occupier, as the case may be, requiring him to get such nuisance abated, or such work or thing performed or done, within such time as the Board of Health, Urban Council, or Town Council shall deem reasonable; and if after such notice default is made in the removal of the nuisance or the performance of such work, or in the doing of such thing, the Board of Health, Urban Council, Town Council, or Magistrate, whether any penalty is or is not provided for such default, may cause such nuisance to be removed or work to be performed or such thing to be done, and the expense thereby incurred, if not paid by the owner or occupier, or any person on his behalf, shall, when notified to the Magistrate's Court by the person entrusted with the performance of such work or the doing of such thing, and

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proved to be reasonable by the evidence of two or more competent persons, be recovered as any ordinary fine imposed by the court.

Occupier may execute works in default of owner.

13. Whenever default is made by the owner of any land in the execution of any work required to be executed by him, the occupier of such land may cause such work to be executed, and the cost thereof shall be paid to him by the owner.

Occupier executing works for owner may deduct his expenses from the rent.

14. Whenever the occupier of any land shall be put to any expense or pay any money for anything required under this Ordinance which is payable by the owner, being the defaulter, such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as is so paid by or recovered from him in respect of any such expenses, and he shall have a right to retain possession of such house until such expenses are paid or tendered to him.

Course if occupier obstruct owner.

15. If the occupier of any land prevent the owner thereof from carrying into effect any of the provisions of this Ordinance after notice of his intention so to do has been given by the owner to such occupier, any Magistrate, upon proof thereof, may make an order in writing requiring such occupier to permit the owner to execute all such works as may be necessary for carrying into effect the provisions of this Ordinance ; and if after the expiration of eight days from the date of the order such occupier refuse to permit such owner to execute such works, such occupier shall, for every day during which he so continues to refuse, be liable to a fine not exceeding twenty rupees ; and every such owner during the continuance of such refusal shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Power to enter into lands.
[§ 241, 61 of 1939.]
[§ 243, 3 of 1946.]

16. The Board of Health, Urban Council, Town Council, or Magistrate shall, for the purposes of this Ordinance, have power by themselves or their officers to enter at all reasonable hours in the day-time into

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and upon any land, for the purpose of inspecting the same or removing any nuisance or executing any work authorized by this Ordinance, without being liable to any legal proceedings or molestation whatever on account of such entry, or of anything done in any part of the land in pursuance of this Ordinance.

Obstruction of Board of Health, &c., or Magistrate, or their officers.
[§ 241, 61 of 1939.]
[§ 243, 3 of 1946.]

17. Whoever at any time shall obstruct or molest the Board of Health, Urban Council, Town Council, or Magistrate, or any of their officers or workmen, or any person employed by them in the performance and execution of their duty, or of anything which they are respectively empowered or required to do by virtue or in consequence of this Ordinance, shall be guilty of an offence, and liable on conviction to a fine not exceeding fifty rupees.

Informer's share.

18. The Magistrate by whom any fine is imposed by virtue of this Ordinance may award any portion not exceeding one-half thereof to the informer.

Limitation of prosecutions.

19. No person shall be liable to any fine for any offence committed under this Ordinance unless the complaint respecting such offence shall have been made before a Magistrate within three months next after the commission of such offence.

Police officer to assist.

20. It shall be the duty of all officers of the police force, and of all headmen, police and peace officers generally, to aid and assist in the prevention of all offences against this Ordinance within their respective jurisdiction; and any officer or headman who being cognizant of any such offence, whether upon his own view or upon the information of others, shall fail to make complaint thereof before the duly constituted authority, or shall fail to act promptly and vigorously thereupon, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding fifty rupees.

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21. In construing this Ordinance the terms "Board of Health", "Urban Council", "Town Council", and "Magistrate" shall be respectively held to mean the Board of Health of the province, the Urban Council or Town Council of the area, or the Magistrate of the district, within which the nuisance exists, or any work or thing has to be performed or done, and the term "administrative region" shall mean an administrative region defined by Order made under section 2 of the Local Government (Administrative Regions) Ordinance. Interpretation. [§ 5, 57 of 1946.]

SCHEDULE

[Section 5.]

A.B., of ————, is hereby empowered to keep a manufactory or place of business for ———— at ————.

C. D.,

(*Date.*)

Assistant Commissioner of Local Government for the administrative region ————. [§ 5, 57 of 1946.]

H 18——J. N. R 7594 (4/60)

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CHAPTER 231

CEMETERIES AND BURIAL GROUNDS

Ordinances Nos. 9 of 1899, 9 of 1921, 3 of 1923, 14 of 1929, 7 of 1931, 14 of 1937, 61 of 1939, 3 of 1946, 57 of 1946, 29 of 1947.

AN ORDINANCE TO CONSOLIDATE THE LAW RELATING TO CEMETERIES AND BURIAL GROUNDS.

[*1st January, 1900.*]

CHAPTER I

PRELIMINARY

Short title.

1. This Ordinance may be cited as the Cemeteries and Burials Ordinance.

Existing Proclamations, regulations, notices, by-laws, &c., to be in force until repealed.

2. Every Proclamation, regulation, notice, by-law, and public order, made or purporting to be made under any enactment repealed by Ordinance No. 9 of 1899 and of force at the time of this Ordinance coming into operation, shall continue and be as if this Ordinance had not been passed, but so that the same shall be as valid and may be revoked, altered, or otherwise dealt with under this Ordinance as if it had been made under this Ordinance, and any contravention or breach thereof of which, after the coming into operation of this Ordinance, any person is guilty, may be punished in like manner as if it were a contravention, or breach of a regulation, by-law, or public order made under this Ordinance.

Interpretation.

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

[§ 5, 57 of 1946.]

"administrative region" means an administrative region defined by Order made under section 2 of the Local Government (Administrative Regions) Ordinance;

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"burial ground" means any land or ground (other than a general cemetery) used for the burial or cremation of the dead at the time of the coming into operation of this Ordinance, or subsequently approved by the Minister[1] in manner provided in Chapter III for the purposes of burying or cremating the dead;

"cemetery" means any general cemetery established under the provisions of Ordinance No. 12 of 1862 * or of this Ordinance;

"proper authority" means in the case of an area situated within a Municipality, or an Urban Council established under the Urban Councils Ordinance, or a Town Council, such Municipality, Urban Council, or Town Council, and in the case of every other town, village, or place, the Assistant Commissioner of Local Government for the administrative region within which such town, village, or place is situated. [§ 5, 57 of 1946.]

4. All Proclamations, regulations, notices, by-laws, and public orders made and issued under this Ordinance shall be published in the Gazette. Proclamations, &c., to be published in Gazette.

CHAPTER II

General Cemeteries

5. (1) The Minister[1] may, when to him it shall seem advisable, by Order,[1] establish a general cemetery for the burial or cremation of the dead within such limits as shall be specified and defined in such Order;[1] and may by like Order[1] add to or reduce or otherwise alter the area of any cemetery heretofore or to be hereafter established. Minister may establish cemetery;

(2) Whenever a cemetery is established as aforesaid the Minister[1] may, from time to time order that, after a time to be mentioned in the order, burials or cremations in every or any other cemetery or burial ground within such limits shall be wholly or partially discontinued. and prohibit burials elsewhere;

* Repealed by Ordinance No. 9 of 1899.

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and exempt cemeteries from parts of Ordinance.

(3) The Minister[1] may exempt either wholly or in part any cemetery heretofore or hereafter established from the operation of sections 10, 15, 16, and 23 or any of them, and may from time to time withdraw or renew such exemption ; and the granting, withdrawal or renewal of any such exemption shall be published in the Gazette.

Lands to be provided for the purpose.
[§ 241, 61 of 1939.]
[§ 243, 3 of 1946.]

6. It shall be the duty of the Municipal Council of a Municipal town, and of the Urban Council or Town Council of a town for which an Urban Council or Town Council is constituted, on the request of the Minister,[1] to provide land for the purpose of the establishment of a general cemetery for the burial or cremation of persons dying within the limits of such town, or for the addition to the area of any cemetery heretofore or to be hereafter established.

Sale of closed burial grounds prohibited.

7. No land which shall have been consecrated or exclusively set apart for the burial of the dead, and in which burials shall have been discontinued under the provisions of Ordinance No. 12 of 1862* or of this Ordinance, shall be sold, disposed of, or made any use of for any purpose whatsoever without the permission of the Minister ; [1] and every sale and disposal of such land without the permission aforesaid shall be null and void ; and any person making any use of such land without the permission of the Minister[1] shall be guilty of an offence, and be liable on conviction to a fine not exceeding one thousand rupees.

Cemetery to be at a distance from houses.

8. No part of any cemetery shall be constructed nearer to any dwelling house than fifty feet, except with the consent in writing of the owner, lessee, and occupier of such dwelling house.

Chapels, &c., may be built.

9. The proper authority may authorize the erection of chapels and other buildings for the performance of burial services or cremation within the limits of a cemetery.

* Repealed by Ordinance No. 9 of 1899.

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Cemetery to be enclosed.

10. Every cemetery and every portion of a cemetery set apart as a ground for cremation shall be enclosed by the proper authority with substantial walls or iron railings of the height of six feet at least, which shall be kept in complete repair.

Appropriation of the cemetery.

11. (1) The proper authority may sell a portion of any cemetery for the special use of any religious denomination applying for the same; and the portion so sold shall for the purposes of this Ordinance, but for no other purpose whatever, vest in the person or persons to whom such portion has been or may hereafter be conveyed by deed executed by the proper authority in trust for such denomination.

Trustees may appoint board of management.

(2) It shall be lawful for such person or persons acting as trustee or trustees to appoint from time to time a board of management consisting of three or more members; and such board, or a majority of the members thereof, may exercise any of the following powers in respect of such portion :—

Powers of board.

(*a*) power to appoint a caretaker, grave-diggers, and other servants necessary for the care and use of such portion of any cemetery;

(*b*) power to grant the exclusive right of burial in any plot or plots of land within such portion, or the right of one or more burials therein, or the right of placing any monument or gravestone over any grave, or any tablet or monumental inscription on the walls of any chapel or building within such portion;

(*c*) power to prohibit cremation within any such portion.

Every grant under this section shall be in writing and signed by a member of, or by the caretaker appointed by, such board in the presence of one or more witnesses, and shall be issued on payment of such fee or fees as such board shall determine, with the approval of the Minister.[1]

(3) The fees payable under this section shall be paid to and appropriated by the board of management of

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such portion irrespective of any fees payable to the keeper of the cemetery under the provisions of section 22, and the same shall be applied by such board to the proper upkeep and maintenance of such portion.

(4) Nothing herein contained shall relieve the keeper of any cemetery appointed by the proper authority under section 16 from the duties imposed upon him by section 23; but no such keeper shall execute any grant under section 20 in respect of any portion of such cemetery which is set apart for the special use of any religious denomination.

Cemetery to be used for burials or cremations only.

12. No part of any cemetery shall be used for any purpose except for the purpose of a cemetery; and any person making any other use of such land, except for the burial or cremation of the dead and purposes relative to such burial or cremation, shall be guilty of an offence, and liable on conviction to a fine not exceeding two hundred rupees for every such offence.

Clerk in holy orders may perform services.

13. Any clerk in holy orders, minister, priest, or other person may perform the services of his religion, at the request of the executor of the will of any deceased person, or at the request of any other person having the charge of the body of any deceased person.

Corpse not to be removed without authority.

14. No corpse buried in any part of any cemetery shall be removed from its place of burial without the authority of a District Court having jurisdiction over the limits thereof :

Provided that nothing in this section shall be taken to limit any powers now existing to order a post-mortem examination for the purposes of the criminal law.

Burials to be registered.

15. All burials and cremations shall be registered in register books to be kept for that purpose by the keeper of the cemetery hereinafter mentioned, or where a caretaker has been appointed by a board of management under the provisions of section 11, by the caretaker appointed by such board; and such register

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books or certified copies or extracts therefrom shall be received in all courts as prima facie evidence of such burials and cremations, and copies or transcripts thereof shall be from time to time sent to such officer as shall be appointed by the Minister[1] for such purpose.

Proper authority to appoint a keeper, grave-diggers, &c.

16. The proper authority shall appoint a keeper, grave-diggers, and other servants necessary for the care and use of the cemetery, and may pay them such salary, wages, and allowances as he may think fit, and may remove them or any of them at his pleasure.

Regulations for ensuring decency, solemnity, and deep graves.

17. The proper authority may make regulations—

(*a*) for ensuring that all burials within the cemetery are conducted in a decent and solemn manner, and that the graves are of a proper depth ;

(*b*) for setting apart any portion of any cemetery not included in the portions sold under section 11 as a ground for cremation, and regulating the manner in which such cremation shall be carried out ;

(*c*) for preventing the reopening of graves within specified periods ; and

(*d*) for defining the duties of cemetery keepers, caretakers, and grave-diggers.

No burials under or close to chapels or buildings.

18. No corpse shall be buried in any vault under any chapel or building of the cemetery, or within five feet of the outer wall of any such chapel or building ; and every person who shall bury, or cause or permit or suffer any corpse to be buried contrary to the provisions of this section shall be guilty of an offence, and be liable on conviction to a fine not exceeding three hundred rupees.

Portions of cemetery may be set apart for exclusive burial.

19. (1) The proper authority may sell, or, with the sanction of the Minister,[1] make free grants of portions of the cemetery not included in the portions sold under section 11 of this Ordinance, either in perpetuity or for a limited time, and, subject to any

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conditions which he may think fit, the exclusive right of burial in any such portions of the cemetery so sold or granted, or the rights of one or more burials therein, and may sell or grant the right of placing any monument or gravestone in any part of the cemetery not included in the portions sold under section 11, or any tablet or monumental inscription on the walls of any chapel or other building within any such part.

(2) All moneys realized by the sale of any portion or portions of a cemetery under the provisions of section 11, or by any sale under the provisions of this section shall, if the cemetery be in a Municipal town, be paid into the Municipal Fund, if within the limits of an Urban Council or Town Council into the funds of such Council, and in any other case into the Consolidated Fund.[1]

Form of grant of right of exclusive burial.

20. The grant under section 19 of the exclusive right of burial in any part of a cemetery, and of the right of one or more burials therein, or of placing therein any monument, tablet, or gravestone, shall be made in either one of the forms A or B in the Schedule, or to the like effect, and shall be executed by the cemetery keeper in the presence of two witnesses.

Register of grants to be kept.

21. (1) A register of all such grants shall be kept by the cemetery keeper, and within fourteen days after the date of any such grant a memorial of the date thereof and of the parties thereto, and also of the consideration if any for such grant, and also a proper description of the ground described in such grant so that the situation thereof may be ascertained, shall be made by the said keeper in such register:

Provided always that whenever a portion of a cemetery has been heretofore set apart under section 12 of Ordinance No. 12 of 1862,* or shall hereafter be sold for the special use of any religious denomination

* Repealed by Ordinance No. 9 of 1899.

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under section 11, the register for such portion of the cemetery shall be kept by the caretaker appointed under that section.

(2) The cemetery keeper shall be entitled to demand from the grantee such sum as the proper authority shall think fit, not exceeding one rupee for every memorial; and the register kept by the cemetery keeper shall be open to inspection at all reasonable hours by any grantee or assignee of any right conveyed to him upon payment of the sum of fifty cents to the cemetery keeper.

The proper authority to make regulations as to fees, &c.

22. (1) The proper authority shall make regulations as to the fees to be paid to the cemetery keeper, and the fees for the performance of burial services in respect of any portion of any cemetery not sold or set apart for the special use of any religious denomination, and the fees for digging graves and for cremations, and such other services in any cemetery situated within the territorial limits of such proper authority.

(2) The fees payable under this section in respect of any portion of any cemetery sold or set apart for the special use of any religious denomination shall be paid to the cemetery keeper irrespective of any fees payable to the board of management for such portion under the provisions of section 11.

Plan and book of reference to be open to inspection.

23. The proper authority shall cause a plan of the cemetery to be made upon a scale sufficiently large to show the situation of every burial place in all parts of the cemetery so set apart and in which an exclusive right of burial has been granted; and all such burial places shall be numbered, and such numbers shall be entered in a book to be kept by the cemetery keeper for that purpose, and such book shall contain the names and descriptions of the several persons to whom the exclusive right of burial in any such place of burial has been granted; and no place of burial with exclusive right of burial therein shall be made in the cemetery without the same being marked out in

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such plan and a corresponding entry made in the said book; and the said plan and book shall be kept by the cemetery keeper and shall be open to public inspection at all reasonable hours on payment of such fee as the proper authority shall appoint.

Form of assignment of an exclusive right of burial.

24. Every assignment of an exclusive right of burial may be in the form C in the Schedule or to the like effect, and shall be valid if executed before one or more witnesses; and every such assignment shall within six months after the execution thereof if executed in Ceylon or within six months after the arrival thereof in Ceylon if executed elsewhere, be produced to the keeper of the cemetery, or in the case of a portion of a cemetery which has been heretofore set apart under section 12 of Ordinance No. 12 of 1862, * or shall hereafter be sold for the special use of any religious denomination under section 11, to the board of management of such denomination; and a memorial of such assignment shall be made in the register by the cemetery keeper or board, as the case may be, in the same manner as that of the original grant; and until such memorial no right of burial shall be acquired under any such assignment; and for every such memorial the cemetery keeper or board shall be entitled to demand such sum as the proper authority shall think fit, not exceeding one rupee.

Assignment to be registered.

Exclusive right of burial not to be disturbed without consent.

25. No corpse shall be buried in any place wherein the exclusive right of burial shall have been granted, except with the consent of the owner for the time being of such exclusive right of burial.

Removal of monuments improperly erected.

26. The board of management in respect of any portion of a cemetery sold under section 11, and the proper authority in respect of the remaining portion of such cemetery, may cause to be taken down and removed any gravestone, monument, tablet, or monumental inscription which shall have been erected without its or his authority respectively.

* Repealed by Ordinance No. 9 of 1899.

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When proper authority refuses to exercise powers conferred by sections 9, 11, and 19, Minister may exercise them.

27. Whenever the proper authority shall refuse to authorize the erection of a chapel or other building for the performance of burial services or cremation within the limits of any general cemetery or to sell a portion thereof for the special use of any religious denomination applying for the same, or for the purpose of exclusive right of burial therein, or shall demand for the sale of any such portion a sum of money which appears to such denomination to be excessive, it shall be lawful for the Minister,[1] on application by such denomination, if it should seem expedient, to exercise in respect of such cemetery all or any of the powers conferred on the proper authority by the provisions of sections 9, 11, and 19, or any of them.

Penalty for damaging the cemetery.

28. Every person who shall wilfully destroy or injure any building, wall, or fence belonging to any cemetery, or destroy or injure any tree or plant therein, or who shall daub or disfigure any wall thereof, or put up any bill thereon or on any wall thereof, or wilfully destroy, injure, or deface any monument, tablet, inscription, or gravestone within any cemetery, or do any other wilful damage therein, shall be guilty of an offence and be liable on conviction to a fine not exceeding one hundred rupees.

Penalty on persons playing at any game or discharging firearms or committing any nuisance in the cemetery.

29. Every person who shall play at any game or sport or discharge firearms, save at a military funeral, in any cemetery, or who shall wilfully or unlawfully disturb any persons assembled in any cemetery for the purpose of burying or cremating any corpse therein, or who shall commit any nuisance within any cemetery, shall be guilty of an offence and be liable on conviction to a fine not exceeding one hundred rupees.

Breach of regulations.

30. Any person committing any breach of any regulations made in virtue of this Ordinance shall be guilty of an offence and be liable on conviction to a fine not exceeding one hundred rupees.

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CHAPTER III

Burial Grounds

Definition of "place of public worship".

31. In this Chapter the term "place of public worship" shall include all cathedrals, churches, temples of every description, mosques of every description, and chapels other than chapels erected in a cemetery or burial ground and used exclusively for the purpose of reading burial services therein.

Burials in places of public worship, &c., forbidden.

32. The Minister[1] may from time to time order that after a time to be mentioned in such order it shall not be lawful to bury or cremate any corpse or coffin in any place of public worship or within a specified area about the same; and every person who shall, after the time mentioned in such order, bury or cremate, or cause, permit, or suffer any corpse or coffin to be buried or cremated contrary to the provisions of this section, shall be guilty of an offence, and liable on conviction to a fine not exceeding three hundred rupees.

New burial grounds to be approved by the Minister.

33. No new burial ground shall be provided and used in any town, district, or place without the previous approval of the Minister,[1] on the recommendation of the proper authority, and such approval shall be signified by notice in the Gazette. Every application for a new burial ground shall be accompanied by a plan prepared by a surveyor licensed under the Surveyors Ordinance, and showing clearly the position of such burial ground.

When burials and cremations in burial ground shall be discontinued.

34. In case it appears to the Minister,[1] upon the representation of the proper authority, that any burial ground situated in any town, district, or place is in such a state or locality as to be dangerous to the health of the inhabitants of such town, district, or place, it shall be lawful for the Minister,[1] to order that, after a time to be mentioned in the order, burials or cremations in any such burial ground shall be discontinued; and every such order shall be published in the Gazette.

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Burial or cremation not to take place after order of discontinuation.

35. After the time mentioned in any such order it shall not be lawful to bury or cremate any corpse in any burial ground mentioned in such order; and every person who after such time as aforesaid shall bury or cremate, cause, permit, or suffer to be buried or cremated, or assist in burying or cremating any corpse contrary to this section, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding three hundred rupees.

Burial grounds to be enclosed and kept clear of jungle.

36. It shall be lawful for the proper authority to call upon the trustees, managers, or proprietors of any burial ground, or upon the person having sole or principal charge thereof, to enclose or to clear the same of jungle or underwood, within a reasonable time to be determined by the proper authority; and in case of non-compliance with such requisition it shall be lawful for the proper authority to cause any such burial ground to be properly enclosed or cleared of jungle or underwood at the expense of such trustees, managers, proprietors, or person having sole or principal charge thereof as aforesaid.

Corpse not to be removed from burial ground without authority.

37. No corpse buried in any part of any burial ground shall be removed from its place of burial without the authority of the District Court within the jurisdiction of which such burial ground is situated:

Provided that nothing in this section shall affect or limit the provisions of section 365 of the Criminal Procedure Code.

By-laws.

38. It shall be lawful for the proper authority from time to time to make by-laws for the following purposes:—

(*a*) for the inspection of burial grounds;

(*b*) for the proper regulation of the burial and cremation of corpses in such burial grounds, and for ensuring that the graves are of proper depth;

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(c) for the registration of burial grounds within specified areas, the limits of which shall be therein defined ;

(d) and generally for the proper management, regulation, preservation, and control of all burial grounds, and for the maintenance of order, decency, and cleanliness within the limits thereof,

and such by-laws at any time to repeal, alter, or amend.

By-laws to be confirmed by Minister.

39. Such by-laws shall not be of any force or effect unless and until they shall be submitted to and confirmed by the Minister,[1] who is hereby empowered tc alter, amend, or disallow the same, or any repeal, alteration or amendment thereof as he may think proper ; and all such by-laws and any repeal, alteration, or amendment thereof shall be published in the Gazette :

Provided, however, that all such by-laws shall be laid before the Senate and the House of Representatives if Parliament is in session[1] 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 of the Senate and the House of Representatives,[1] and any by-law which has been disapproved by a resolution of the Senate or the House of Representatives[1] shall cease to have any force or effect.

CHAPTER IV

Penal Provisions And Powers Of Courts

Burials and cremations in unregistered burial ground or in a place other than a general cemetery prohibited.

40. From and after the expiration of three months from the date of the publication in the Gazette of by-laws providing for the registration of burial grounds within specified areas, it shall not be lawful to bury or cremate any corpse in any place within such specified areas other than a general cemetery established under the provisions of this Ordinance

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or of the Ordinance No. 12 of 1862, * or a burial ground registered in the manner prescribed by such by-laws ; and every person who shall after the expiry of three months as aforesaid, contrary to the provisions of this section, bury or cremate, or cause, permit, or suffer to be buried or cremated, or assist in burying or cremating a corpse, shall be guilty of an offence, and liable on conviction thereof to a fine not exceeding three hundred rupees :

Provided that it shall be lawful for the proper authority, or, where the proper authority is a Municipality, Urban Council, or Town Council, for the Mayor or Chairman of such proper authority, at any time to grant permission to bury or cremate any corpse in any place other than a general cemetery established under the provisions of this Ordinance or of the Ordinance No. 12 of 1862, * or a burial ground registered in the manner prescribed by such by-laws, and the provisions of this section shall not apply to any such burial or cremation.

Breach of by-laws made an offence.

41. The breach of any by-law made and published under this Ordinance shall be an offence, and any person convicted of any such breach shall be liable to a fine not exceeding three hundred rupees, and in the case of a continuing offence to a further fine not exceeding one hundred rupees for each day on which the offence is continued.

Magistrates' Courts empowered to deal with offences.

42. Magistrates' Courts are hereby empowered to deal summarily with all cases instituted under this Ordinance or any by-law made in pursuance thereof, and to impose the full penalties herein prescribed, anything in the Criminal Procedure Code, or any other enactment to the contrary notwithstanding.

Limitation of prosecution.

43. No prosecution shall be instituted against any person for an offence against the provisions of this Ordinance unless the same shall be commenced within three months from the commission of the offence.

* Repealed by Ordinance No. 9 of 1899.

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Informer's share of penalty.

44. It shall be lawful for the court before which any conviction under this Ordinance shall take place to award to the person who may have given information of the offence such share of any fine actually recovered, not exceeding the half of the sum recovered, as the court may deem fit.

Disposal of fines.

45. Subject to the provisions in section 44 contained, all fines recovered in respect of any offence under this Ordinance or for the breach of any by-law made in pursuance thereof shall, if the fine was for an offence committed in an area situated within a Municipality, or an Urban Council, or Town Council, be paid to such Municipality, Urban Council or Town Council, as the case may be, and in all other cases to the Consolidated Fund.[1]

SCHEDULE

Form A

[Section 20.] FORM OF GRANT OF BURIAL PLACE IN CEMETERY

Whereas by an order of Government dated the ——— day of ———, issued under the Cemeteries and Burials Ordinance, a general cemetery was established at ———, of which I, the undersigned, am the cemetery keeper :

Now I, in consideration of the sum of Rs. ——— paid to me by ———, of ———, do, as such cemetery keeper as aforesaid, and under the provisions of the said Ordinance, hereby grant unto the said ——— the exclusive right of burial in (*here describe the ground intended to be granted*), to hold the same to the said ——— for ever for the purposes of burial.

Given under my hand this ——— day of ———, 19—.

———,
Cemetery Keeper.

Form B

[Section 20.] FORM OF FREE GRANT OF BURIAL PLACE IN CEMETERY

Whereas by an order of Government dated the ——— day of ——— issued under the Cemeteries and Burials Ordinance, a general cemetery was established at ———, of which I, the undersigned, am the cemetery keeper :

And whereas the Minister[1] has approved the making of a free grant of the rights hereinafter granted to the person within named :

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Now I, as such cemetery keeper as aforesaid and under the provisions of the said Ordinance, do hereby grant unto ———— the exclusive right of burial in (*here describe the ground intended to be granted*) to hold the same to the said ———— for ever for the purpose of burial, subject always to the conditions set forth in the schedule of conditions hereunto annexed.

Given under my hand this ———— day of ————, 19—.

————,
Cemetery Keeper.

Form C

FORM OF ASSIGNMENT OF RIGHT OF BURIAL [Section 24.]

I, *A.B.*, of ————, in consideration of the sum of Rs. ———— paid to me by *C. D.*, of ————, do hereby assign unto the said *C. D.* the exclusive right of burial in (*here describe the place*), and numbered ———— on the plan of the cemetery made in pursuance of the Cemeteries and Burials Ordinance, which was granted to me for ever by a grant bearing date the ———— day of ————, and all my estate, title, and interest therein, to hold the same unto the said *C. D.* for ever, subject to the conditions to which I held the same immediately before the execution hereof.

Witness my hand this ———— day of ————, 19—.

(*Signed*) *A. B.*

H 19——J. N. R 7594 (4/60)

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CHAPTER 232

WELLS AND PITS

Ordinances Nos. 27 of 1884, 11 of 1921, 26 of 1934, 61 of 1939, 3 of 1946.

AN ORDINANCE TO PROVIDE AGAINST ACCIDENTS ARISING BY REASON OF WELLS AND ARTIFICIAL PITS BEING INSUFFICIENTLY FENCED ROUND OR OTHERWISE PROTECTED.

[*29th November, 1884.*]

Short title.

1. This Ordinance may be cited as the Wells and Pits Ordinance.

Interpretation.

2. The expression "occupier" means the person in the actual occupation of the land on which any well or artificial pit may be, whether such person is or is not the proprietor of the land, and if there be no one in actual occupation of such land, then the proprietor of such land if in Ceylon, and if absent from Ceylon, then the duly authorized agent or attorney of such proprietor.

Wells and pits to be fenced.

3. The occupier of any land within Ceylon on which there may now or at any time hereafter be any well or artificial pit shall, whether he shall have received any such notice as is provided for in section 9 of this Ordinance or not, and whether the said well or artificial pit be in use or abandoned, cause the said well or artificial pit to be securely fenced to the height of two and a half feet above the level of the ground, unless any such well or artificial pit shall be so securely fenced already.

Fences to be efficiently maintained.

4. All such fencing shall be maintained in an efficient state by the occupier of the premises for the time being.

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Minister may make rules.

5. It shall be lawful for the Minister [1] from time to time to make any rule or rules for each of the purposes hereinafter mentioned, and from time to time to add to, alter, amend, or abolish any rule or rules so made.

Rules made by Minister may be altered or amended.

6. Any rule or rules so made, added to, altered, or amended shall be published, or if abolished notice thereof shall be given in the Gazette, and any such rule or rules shall come into operation, or shall stand abolished, as the case may be, on or from such date as shall be fixed by the Minister.[1]

Purposes for which rules may be made.

7. The purposes for which rules may be made as provided by sections 5 and 6 of this Ordinance are the following:—

(*a*) the nature of the fencing to be erected round any well or artificial pit;

(*b*) the nature and extent of any repairs which may at any time be required to be made to such fencings;

(*c*) the time within which any such fencing or repairs is or are respectively to be erected or carried out.

Government Agent or Assistant Government Agent may appoint inspectors of wells and pits within their respective districts.

8. The Government Agent or Assistant Government Agent of any district may appoint one or more persons to be inspectors of wells and pits within any area in such district, and such persons when so appointed shall have authority at all times to proceed to and inspect any well or pit within the respective areas for which they have been appointed, and every such inspector shall be deemed a public officer within the meaning of that term in the Penal Code.

Inspector may give notice requiring that wells and pits should be fenced and fences repaired.

9. Should any such inspector at any time find that in his opinion any such well or pit is likely to be dangerous to life or limb, he shall in the first instance report such fact to the Government Agent or Assistant Government Agent of the district wherein such well or pit may be, and if such Government

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Agent or Assistant Government Agent shall after inquiry concur in the opinion of the inspector and notify his concurrence to the inspector, the inspector shall thereupon give notice in writing to the occupier of the land on which such well or pit may be to duly fence it within such time as such inspector may deem reasonable ; and if in the opinion of such inspector any repairs are required to the fencing of any such well or pit, he shall give a similar notice to have such repairs completed by or before a certain date.

Occupiers failing to fence or repair when required, to be liable to costs of the same being carried out.

10. Should any occupier upon whom any such notice shall have been served (and the posting of a notice to the usual place of abode of such occupier shall be prima facie evidence that such notice reached such occupier) fail to erect such fencing or to make such repairs as shall be required by such notice, the same may be ordered to be done by the inspector, and the costs thereof and in connexion therewith shall be recoverable from the occupier who was called upon to carry out the same, and who shall, whether called upon to pay any such costs or not, be nevertheless liable to such penalty as may be prescribed for the breach of any provision of, or any rule made under, this Ordinance.

Procedure when proprietor cannot be found.

11. Should it not be possible to ascertain who is the proprietor of any land whereon a well or artificial pit may be required to be fenced, or the fencing thereof may be required to be repaired, it shall be lawful for an inspector under this Ordinance to cause the necessary fencing or repairs to be made, or to cause the well or artificial pit to be filled in, and by a notice to be published not less than three times in one of the English newspapers of Ceylon, with an interval of one week at least between each publication, to declare that unless the costs of such fencing or repairs or filling in be paid within a certain time by the proprietor of such land, which time shall be specified in such written notice, that the land on which such well or artificial pit may be will be seized, and such portion thereof as it may be necessary to sell to cover such

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costs, together with the costs of such seizure and of the sale hereinafter mentioned, shall be sold by public auction by the Government Agent or Assistant Government Agent of the district in which such land is situated, who is hereby authorized to seize and sell the same :

Provided that should any balance remain in the hands of the Government Agent or Assistant Government Agent after such expenses are satisfied, such balance may be paid to the late proprietor of the land on which such well or artificial pit may be, if claimed within two years from the time of the sale thereof.

Crown may purchase land sold under this Ordinance.

12. Whenever any immovable property is purchased under the provisions of this Ordinance, it shall be lawful for the Government Agent or Assistant Government Agent selling any such property under this Ordinance to bid for and purchase the same on behalf of the Crown. A certificate substantially in the form A or B in the Schedule, as the case may be, signed by the Government Agent or Assistant Government Agent shall vest the property sold absolutely in the purchaser, or in the Crown if purchased on behalf of the Crown, free from all incumbrances, and such certificate shall be received in the Courts of Justice of Ceylon as conclusive evidence of the title of the purchaser to such immovable property.

Penalties for breaches of Ordinance or rules framed under it.

13. Every occupier who shall commit a breach of any obligation imposed by this Ordinance, or a breach of any rule proclaimed under the provisions of this Ordinance, shall be deemed guilty of an offence punishable by a fine which may extend to fifty rupees, or by imprisonment, with or without hard labour, which may extend to three months.

Occupier who feels aggrieved with any requisition may appeal to the Minister.

14. Any occupier who feels aggrieved with any requisition made upon him to fence or repair the fencing of any pit or well under this Ordinance may, within fourteen days of receiving such notice, appeal

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to the Minister,[1] who shall determine whether such fencing or repairs should or should not be carried out.

Occupier may deduct cost of fence or repair thereof from rent, if any due to proprietor, or may sue proprietor for amount.

15. The cost of erecting any such fencing or carrying out any such repairs as is or are referred to in this Ordinance shall be borne in the first instance by the occupier, who shall be entitled to deduct the same from any rent that may be due from him to the proprietor of the land whereon such fencing or repairs is or are carried out, or to sue such proprietor for the same as money paid to his use.

Mayor or Chairman of Municipal Councils and Urban or Town Councils to exercise powers of Government Agent under this Ordinance.

16. (1) All the powers of a Government Agent or of an Assistant Government Agent under this Ordinance shall, in any area within the administrative limits of any Municipal Council constituted under the Municipal Councils Ordinance, or any other written law, or of any Urban Council or Town Council constituted under the Urban Councils Ordinance or the Town Councils Ordinance, and in respect of all property situated therein, be exercised by the Mayor or Chairman of that Council to the exclusion of the Government Agent or the Assistant Government Agent of the district of which the area forms a part.

(2) In the application of section 12 of this Ordinance to any property situated within the administrative limits of any Municipal Council or Urban Council or Town Council, all references in that section to the Crown shall be construed as references to that Council.

This Ordinance not to affect section 89 of the Police Ordinance.

17. Nothing in this Ordinance shall affect the provisions of section 89 of the Police Ordinance, and any prosecutions under that section may take place as if this Ordinance had not been passed:

Provided that no person shall be convicted under such section and under this Ordinance on the same facts.

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SCHEDULE

Form A [Section 12.]

Whereas the sum of rupees ——— was due to Our Sovereign Lady the Queen for the costs of fencing (*or* repairs to fencing, *or* the filling in) of the (wells *or* pits, *as the case may be*) on the land ———, hereinafter more particularly mentioned and described, and a further sum of rupees ——— was likewise due for costs in connexion with the same, which said sums have not been paid by the person liable therefor :

And whereas the said land was seized in conformity with the Wells and Pits Ordinance, and sold also in conformity therewith on the ——— day of ———, 19 ———, and the same was purchased by (*here insert name of purchaser*) for the sum of rupees ———, which has been duly paid by the said ——— :

Now know ye that I, ——— (Government Agent, *or* Assistant Government Agent, *as the case may be*), 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 rupees ———, which said sum has been duly paid as aforesaid, and that the said premises are and shall henceforward be vested in the said purchaser, his heirs, executors, administrators, and assigns, free of all incumbrances.

Given under my hand at ———, this ——— day of ———, 19—.

(*Signed*) ———,
Government Agent.
(*Or* Assistant Government Agent.)

Form B [Section 12.]

Whereas the sum of rupees ——— was due to Our Sovereign Lady the Queen for the costs of fencing (*or* repairs to fencing, *or* the filling in) of the (wells *or* pits, *as the case may be*) on the land ———, hereinafter more particularly mentioned and described, and a further sum of rupees ——— was likewise due for costs incurred in the seizure and sale of the said land :

And whereas the said sums have not been paid by the person liable therefor, and whereas the aforesaid land was seized in conformity with the Wells and Pits Ordinance, and sold also in conformity therewith on the ——— day of ———, 19 ———, and the same was purchased by ——— for and on behalf of Our Sovereign Lady the Queen for the sum of rupees ———, which has been duly credited to Our said Lady the Queen in (part *or* full, *as the case may be*) satisfaction of the costs of (fencing, *or* repairs to fencing, *or* the filling in) of the (wells *or* pits, *as the case may be*) aforesaid, and of the seizure and sale of the said land :

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Now know ye that I, ———— (Government Agent *or* Assistant Government Agent, *as the case may be*) , 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 and on behalf of Our said Lady the Queen for the sum of rupees ————, which said sum has been duly credited to our said Lady the Queen as aforesaid, and that the said premises are and shall henceforward be vested in Our said Lady the Queen, Her Heirs, and Successors, free of all incumbrances.

Given under my hand at ————, this ———— day of ————, 19—.

(*Signed*) ————,
Government Agent.
(*Or* Assistant Government Agent.)

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CHAPTER 233

SUBURBAN DAIRIES AND LAUNDRIES

AN ORDINANCE TO MAKE BETTER PROVISION FOR THE REGULATION OF DAIRIES AND LAUNDRIES SITUATED OUTSIDE THE MUNICIPAL LIMITS OF COLOMBO.

Ordinances
Nos. 38 of 1908,
16 of 1914,
7 of 1922,
7 of 1928,
61 of 1939,
3 of 1946,
57 of 1946,
29 of 1947,

Act
No. 12 of 1952.

[*1st March, 1910.*]

Short title.

1. This Ordinance may be cited as the Suburban Dairies and Laundries Ordinance.

Application of Ordinance.

2. The provisions of this Ordinance apply only to—

(*a*) dairymen, dairy farmers, cow-keepers, and purveyors of milk who sell or supply milk from dairy premises outside the Municipal limits of Colombo to persons resident within such limits ;

(*b*) dairy premises, milk stores, and milk shops situated outside the Municipal limits of Colombo from which milk is sold or supplied to persons resident within the said Municipal limits ;

(*c*) laundrymen resident or having their laundry premises outside the Municipal limits of Colombo who wash for persons resident within such limits ;

(*d*) laundry premises situated outside the said limits in which washing is carried on for persons resident within such limits.

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Limitation of the application of the Municipal Dairies and Laundries Ordinance.

3. Notwithstanding the provisions of section 15 of the Municipal Dairies and Laundries Ordinance, the provisions of Chapter I of the said Ordinance shall not extend to the persons and premises mentioned in paragraph (*a*) and (*b*) of section 2 of this Ordinance.

Interpretation.

4. In this Ordinance, unless the context otherwise requires—

[§ 5, 57 of 1946.] "administrative region" means an administrative region defined by Order made under section 2 of the Local Government (Administrative Regions) Ordinance ;

[§ 5, 57 of 1946.] "Assistant Commissioner" means the Assistant Commissioner of Local Government for any administrative region ;

"dairy premises", "milk stores", "dairyman", "milk vendor", "laundryman", and "laundry premises" have the same meanings as in the Municipal Dairies and Laundries Ordinance ;

"infectious disease", in the sections of this Ordinance relating to dairies, means any disease which the Minister,[1] in pursuance of section 11 of the Municipal Dairies and Laundries Ordinance, may declare to be an infectious disease ;

"prescribed" means prescribed by this Ordinance or by any rule made thereunder.

Appointment of officers.

5. There may be appointed [1] a suburban medical officer of health (in this Ordinance called "the health officer"), and such inspectors (veterinary or otherwise), clerks, and other officers as may be necessary for carrying out the provisions of this Ordinance under the supervision of the Director of Health Services.

Dairies

Licence to sell milk.

[§ 5, 57 of 1946.]

6. It shall be unlawful for any person having his dairy premises outside the Municipal limits of Colombo to sell or supply milk to any person resident within such limits, unless he is licensed by the Assistant Commissioner for the administrative region within which

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such premises are situated, on the recommendation of the Director of Health Services or the health officer to carry on business as a dairyman in such premises in accordance with this Ordinance.

Form of licence and duty thereon.

7. Every such licence (in this Ordinance called "a dairyman's licence") shall be in the prescribed form, and shall expire on the thirty-first day of December next following the date when the licence was issued.

A duty of five rupees shall be chargeable upon the issue of every dairyman's licence, and shall be levied in the prescribed manner.

Penalty for selling milk without dairyman's licence.

8. Any person who sells or supplies milk from dairy premises situated outside the Municipal limits of Colombo to any person resident within such limits without being licensed to carry on business as a dairyman, or, being so licensed, sells or supplies milk as aforesaid from dairy premises to which his licence does not extend, shall be guilty of an offence, and shall be liable on a first conviction to a fine which may extend to fifty rupees, and on any subsequent conviction to a fine which may extend to one hundred rupees, or to simple or rigorous imprisonment for a term not exceeding six months, or to both.

Power to inspect dairy premises.

9. The health officer or any inspector may at all reasonable times enter, inspect, and examine any dairy premises, and may take away samples of the milk there found, and of the water of any well or other source of water supply therein or thereon for the purpose of examination or analysis only.

Power to require dairyman to keep dairy in a sanitary condition.

10. If the Director of Health Services is satisfied from the health officer's report that any dairy premises are in an unclean or unwholesome condition, or that diseased cows are milked in the dairy, or that any well or other source of water supply on the dairy premises or used in connexion therewith is polluted, or if any person affected with an infectious disease is found to be in any part of the dairy premises in such

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circumstances that the milk is likely to be contaminated or made unwholesome, then the Director of Health Services may by notice under his hand give such directions as he may think fit to the dairyman or person in charge of the dairy premises for—

(*a*) cleansing or disinfecting the dairy ; or

(*b*) removing any diseased animal from the dairy premises ; or

(*c*) closing any such well or source of water supply, and for such purpose the Director of Health Services may require the person in charge of the premises to discontinue the use of the water thereof for any purpose whatsoever for such period as the Director of Health Services may direct, or to fill up the said well or source of water and keep the same filled up ; or

(*d*) removing any person affected with an infectious disease,

and may by the like notice forbid the sale or supply of milk from the dairy premises until such directions are complied with to his satisfaction.

Infectious diseases in dairy premises.

11. On the appearance of any infectious disease in man or beast in any dairy premises, the person in charge, and also the medical practitioner attending the case, shall immediately notify the case to the health officer.

Discontinuance of milk on account of disease.

12. Whenever it appears to the Director of Health Services that the spread of any disease is attributable to the milk supplied by any dairyman or milk vendor, he may require such dairyman or milk vendor wholly to discontinue the supply, distribution, and sale of milk, and furnish forthwith upon demand a full and complete list of all his customers and to give such assistance to discover the residence of any of them as the Director of Health Services may require.

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Persons suffering from infectious diseases prohibited from taking part in dairy operations.

13. No dairyman, cow-keeper, or purveyor of milk shall knowingly allow any person suffering from any infectious disease, or having recently been exposed to infection from a person so suffering, to milk cows or to handle vessels used for containing milk, or in any way to take part or to assist in the conduct of the business of the dairyman, cow-keeper, or purveyor of milk, until he has satisfied the health officer that all danger of communication of infection to the milk or of its contamination has ceased.

Sale or supply of unwholesome milk.

14. It shall be unlawful for any dairyman or purveyor of milk to keep or deposit milk in any room used for sleeping or dwelling in, or in any other place or way calculated to render such milk unwholesome or injurious to health, or to sell or supply any milk which has been produced from any diseased animal, or which has been in any way exposed to infection from any person suffering from any infectious disease, or which has been upon or in any dairy premises from which the sale of milk has been directed to be discontinued on account of disease as provided by section 12 of this Ordinance.

Penalties.

15. Any person who wilfully disobeys or acts in violation of any of the provisions contained in any of the last four preceding sections, or shall resist or wilfully obstruct any person in the lawful exercise of any of the powers conferred under sections 9 and 10, or shall without lawful excuse neglect or disobey any requirement made under the provisions of sections 10 and 12 hereof, or shall neglect or refuse to obey any order or direction of the Director of Health Services made under the said sections within the time limited in that behalf by such order or direction, shall for every such offence be liable on conviction to a fine not exceeding two hundred rupees, or to simple or rigorous imprisonment for a term not exceeding two months.

Dairyman liable for acts of his employee.

16. (1) If any person who is in the employ of a dairyman licensed under this Ordinance sells, hawks about, or exposes for sale within the Municipal limits

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of the town of Colombo any milk which has been adulterated with water or any foreign substance whatever, such dairyman shall be deemed to be guilty of an offence, and shall be liable to pay a fine not exceeding fifty rupees.

Offence triable by Municipal Magistrate, Colombo.

(2) Such offence shall be triable by the Municipal Magistrate of Colombo, any law to the contrary notwithstanding.

Presumption as to dairyman being the employer of person possessing badge.

(3) If any person when selling, hawking about, or exposing for sale milk as aforesaid has in his possession a badge issued under any rule made under this Ordinance to a dairyman licensed under this Ordinance, it shall be presumed for the purposes of this section that such dairyman is the employer of the person selling, hawking about, or exposing for sale milk as aforesaid.

LAUNDRIES

Licensing of laundries.

[§ 5, 57 of 1946.]

17. (1) It shall be unlawful for any person having his laundry premises outside the Municipal limits of Colombo to wash for any person resident within such limits, unless he is licensed by the Assistant Commissioner for the administrative region within which such premises are situated on the recommendation of the Director of Health Services or the health officer to carry on business as a laundryman under this Ordinance.

(2) Every such licence shall be in the prescribed form, and shall expire on the thirty-first day of December next following the date when the licence was issued.

(3) A duty of two rupees and fifty cents shall be chargeable upon the issue of every such licence, and shall be levied in the prescribed manner.

Penalty for keeping laundry without licence.

18. Any person who washes in laundry premises situated outside the Municipal limits of Colombo for any person resident within such limits without being licensed to carry on business as a laundryman under this Ordinance, or, being so licensed washes as aforesaid

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in premises to which his licence does not extend, shall be guilty of an offence, and shall be liable to the penalty mentioned in section 8.

Application of the Municipal Dairies and Laundries Ordinance.

19. Sections 17 (1) (*a*), 17 (1) (*b*), 17 (1) (*c*), 20, 21, 22, 23, 24, and 25 of the Municipal Dairies and Laundries Ordinance shall extend to the laundrymen and laundry premises to which this Ordinance applies with the following modifications, that is to say :—

(*a*) the powers assigned to the Mayor of the Municipal Council by section 17 (1) (*a*) shall be exercised by the Director of Health Services or by the health officer or by any inspector appointed under this Ordinance ;

(*b*) the powers assigned to the said Mayor by section 17 (1) (*b*) shall be exercised by the Director of Health Services or by the health officer ;

(*c*) the powers assigned to the Mayor by section 17 (1) (*c*) shall be exercisable only by the Director of Health Services ;

(*d*) in sections 20, 21, 22, 24, and 25 the words "Director of Health Services", shall be substituted for the expressions "Municipal Council" or "Mayor of the Municipal Council" or "Mayor";

(*e*) in section 24 "health officer" shall be substituted for "sanitary officer of the Municipality";

(*f*) except as provided by this section, the provisions of Chapter II of the Municipal Dairies and Laundries Ordinance shall not extend to the laundrymen and laundry premises to which this Ordinance applies.

GENERAL

Offences.

20. All offences against this Ordinance may be heard and determined and all penalties thereunder may be imposed by the Magistrate having local jurisdiction in a summary way on the complaint of the Director of Health Services, the health officer, or any inspector appointed under this Ordinance :

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Provided that any person aggrieved by any adjudication of the Magistrate may appeal therefrom to the Supreme Court ;

Provided further that all fines recovered under this Ordinance be paid to the Public Treasury.

Power to make regulations.

21. (1) The Director of Health Services may (subject to the approval of the Minister [1]) from time to time make, and when made may revoke, add to, and alter, regulations for carrying into effect the purposes of this Ordinance, and in particular—

(*a*) for prescribing the form of licence to be issued to dairymen and laundrymen ;

(*b*) for prescribing the receptacles in which milk may be stored or removed from dairy premises;

(*c*) for requiring all vessels, receptacles, or utensils used for the reception of milk or in connexion with any dairy premises to be kept in cleanly and sanitary condition ;

(*d*) for requiring that the interior surface of the walls of dairy premises is kept in a proper condition by means of plastering, whitewashing, or otherwise, and that the floors of dairy and laundry premises are kept cemented with proper provision for drainage ;

(*e*) for requiring dairymen licensed under this Ordinance and their servants to wear badges when following their trade within the Municipal limits of Colombo, for prescribing the form of such badges and for the issue of such badges, and for fixing and levying fees for the same.

(2) Every such regulation when made, added to, or amended by the Director of Health Services and approved by the Minister [1] shall be published in the Gazette and shall come into operation when so published.

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(3) The breach or non-observance of any regulation so published shall be an offence, and any person convicted of such breach or non-observance shall be liable to a fine not exceeding twenty rupees, and to imprisonment of either description for a term not exceeding ten days.

Refusal and cancellation of licence.

22. (1) The Director of Health Services or the health officer may in his discretion refuse to recommend the issue of a dairyman's licence, or a licence to carry on business as a laundryman, if he considers that the premises in respect of which the licence is applied for are in an insanitary condition, or unfitted to be used as a dairy or laundry, as the case may be, or that the premises do not comply with the requirements of any regulations under this Ordinance.

(2) Whenever the holder of any such licence as is mentioned in the last preceding subsection is convicted of any offence against this Ordinance, the Assistant Commissioner for the administrative region within which the premises to which the licence applies are situated shall on the recommendation of the Director of Health Services or the health officer by notice in writing given to the licensee cancel and determine such licence. [§ 5, 57 of 1946.]

Extension of Ordinance to towns other than Colombo.

23. The Minister [1] may in his discretion direct by Order [1] that the application of this Ordinance shall, subject to any exceptions and modifications specified in the Order, [1] be extended to any Municipal town other than Colombo ; or to any town for which an Urban Council or Town Council is constituted ; and thereupon, while the Order [1] is in force, this Ordinance shall apply accordingly.*

* Extended to—

	No. and Date of Gazette
Agalawatta	7,722 July 12, 1929
Agrapatana	7,313 Feb. 23, 1923
Alutgama	7,722 July 12, 1929
Ambalangoda	7,999 Aug. 18, 1933
Anuradhapura	7,549 Oct. 8, 1926
Avissawella	7,499 Nov, 20, 1925
Badulla	7,636 March 30, 1928

H 20——J. N. R 7594 (4/60)

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	No. and Date of Gazette
Balangoda	7,769 March 28, 1930
Bandarawela	7,636 March 30, 1928
Batticaloa	8,865 Feb. 13, 1942
Beruwala	7,722 July 12, 1929
Bogawantalawa	7,313 Feb. 23, 1923
Chilaw	7,800 Aug. 29, 1930
Cotta	7,499 Nov. 20, 1925
Dehiwala–Mount Lavinia ..	7,912 March 18, 1932
Dela	7,769 March 28, 1930
Dimbula	7,313 Feb. 23, 1923
Dondra	7,527 May 28, 1926
Dumbara	7,769 March 28, 1930
Galaha	7,313 Feb. 23, 1923
Galle	8,141 Aug. 28, 1935
Gampaha	7,499 Nov. 20, 1925
Gampola	7,293 Oct. 27, 1922
Haldummulla	7,631 Feb. 24, 1928
Hanguranketa	7,313 Feb. 23, 1923
Haputale	7,631 Feb. 24, 1928
Hatton–Dickoya	7,293 Oct. 27, 1922
Horana	7,722 July 12, 1929
Huluganga	7,313 Feb. 23, 1923
Ja-ela	7,635 Feb. 22, 1928
Jaffna	7,715 June 7, 1929
Kadugannawa	7,313 Feb. 23, 1923
Kahawatta	7,769 March 28, 1930
Kalpitiya	7,801 Sept. 5, 1930
Kalutara	7,742 Oct. 25, 1929
Kandapola	7,313 Feb. 23, 1923
Kandy	7,522 April 23, 1926
Kegalla	8.094 Dec. 7, 1934
Kelaniya	8,036 March 9, 1934
Kendangamuwa	7,769 March 28, 1930
Kirillapone–Nugegoda ..	7,499 Nov. 20, 1925
Kochchikade	7,635 March 22, 1928
Koslanda	7,631 Feb. 24, 1928
Kotagala	7,313 Feb. 23, 1923
Kuliyapitiya	7,801 Sept. 5, 1930
Kurunegala	7,367 Dec. 21, 1923
Kuruwita	7,769 March 28, 1930
Lindula	7,313 Feb. 23, 1923
Lunugala	7,631 Feb. 24, 1928
Madampe	7,801 Sept. 5, 1930
Mailapitiya	7,313 Feb. 23, 1923
Marawila	7,801 Sept. 5, 1930
Maskeliya	7,313 Feb. 23, 1923
Matale	7,514 Feb. 26, 1926
Matara	7,775 May 2, 1930
Moratuwa	7,895 Nov. 27, 1931
Minuwangoda	7,912 March 18, 1932
Mirigama	7,635 March 22, 1928
Nanuoya	7,313 Feb. 23, 1923
Nattandiya	7,801 Sept. 5, 1930
Nawalapitiya	7,321 April 6, 1923
Neboda	7,722 July 12, 1929
Negombo	7,675 Nov. 23, 1928
Nuwara Eliya	8,014 Oct. 20, 1933
Norwood	7,313 Feb. 23, 1923
Opanake	7,769 March 28, 1930
Padiyapelella	7,313 Feb. 23, 1923
Padukka	7.635 March 22, 1928
Panadure	7,866 July 3, 1931
Panwila	7,313 Feb. 23, 1923
Passara	7,631 Feb. 24, 1928

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	No. and Date of Gazette	
Peliyagoda	8,036	March 9, 1934
Pelmadulla	7,769	March 28, 1930
Polgahawela	7,801	Sept. 5, 1930
Punduluoya	7,313	Feb. 23, 1923
Pussellawa	7,313	Feb. 23, 1923
Ragalla	7,313	Feb. 23, 1923
Rakwana	7,769	March 28, 1930
Ratnapura	7,922	May 6, 1932
Talawakele	7,313	Feb. 23, 1923
Tebuwana	7,722	July 12, 1929
Teldeniya	7,313	Feb. 23, 1923
Tillicoultry	7.313	Feb. 23, 1923
Trincomalee	7,811	Oct. 24, 1930
Ulapane	7,313	Feb. 23, 1923
Veyangoda	7,499	Nov. 20, 1925
Wadduwa	7,722	July 12, 1929
Wattala–Mabola	7,499	Nov. 20, 1925
Wattegama	7,313	Feb. 23, 1923
Weligama	7,527	May 28, 1926
Welikada–Nawala	7,499	Nov. 20, 1925
Welimada	7,631	Feb. 24, 1928
Wellandura	7,769	March 28, 1930

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CHAPTER 234

MUNICIPAL DAIRIES AND LAUNDRIES

Ordinances Nos. 1 of 1896, 7 of 1902, 6 of 1910, 29 of 1947, *Act* No. 12 of 1952.

AN ORDINANCE TO PROVIDE FOR THE SUPERVISION OF MUNICIPAL DAIRIES AND LAUNDRIES.

[*7th February, 1896.*]

Short title.

1. This Ordinance may be cited as the Municipal Dairies and Laundries Ordinance.

CHAPTER I

SUPERVISION AND REGULATION OF DAIRIES

Duties of Municipal Council to keep a register of all dairymen and milk vendors.

2. It shall be the duty of the Municipal Council—

(*a*) to keep a register of the names and addresses of all dairymen and milk vendors selling or supplying milk to any person or persons resident within the Municipality, and of all dairy premises and milk stores used from time to time by each of them for the production, deposit, or distribution of such milk ;

(*b*) to strike off such register the names and addresses of all persons who shall have ceased, or become disqualified as hereinafter provided, to carry on the business of dairymen or milk vendors ;

(*c*) to keep such register open at all reasonable times for inspection by the Director of Health Services or any officer appointed by him in writing, and to furnish any extract from the same that he may require ;

(*d*) to cause to be inspected all such dairy premises and milk stores, and the cattle, appliances, and utensils therein used for the production or dis-

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tribution of milk, at the time prescribed in any regulations for the time being in force under this Chapter, and to enter the date and result of every such inspection in the register ;

(*e*) to furnish in the month of January of each year to the Director of Health Services a report of the Municipal Council's proceedings under this Chapter in respect of the supervision and regulation of dairies during the preceding twelve months, in such form as may be prescribed by any regulation for the time being in force under this Chapter.

Powers of Mayor of the Municipal Council to enter dairy premises or milk stores.

3. (1) The Mayor of the Municipal Council shall have the following powers in addition to any other powers in this Ordinance conferred, namely:—

(*a*) to enter or authorize the entry at all reasonable times into or upon any dairy premises or milk store for the purpose of making any inspection by this Chapter authorized, to take away samples of the milk there found, and of the water of any well or other source of water supply therein or thereon, for the purpose of examination or analysis only ;

(*b*) to require any dairyman or milk vendor, by notice in writing, to cleanse and maintain in a sanitary condition his dairy premises or milk store and any utensils therein used as aforesaid ;

(*c*) to require any dairyman or milk vendor, by notice in writing, to close any well or other source of water supply in or on his dairy premises or milk store, or used in connexion therewith, which is so polluted or unwholesome as to be unfit for human consumption, and to wholly discontinue the use of the water thereof for any purpose whatsoever, for such period as the Mayor shall direct, or to fill up the said well or source of water supply and keep the same so filled up ;

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(*d*) to refuse or cancel the registration of any dairyman or milk vendor in respect of any dairy premises or milk store which is in an insanitary condition, or in which the provisions for lighting, ventilation, drainage, lavatory, and privy accommodation or water supply are not such as are necessary for health, or for the cleanliness of the appliances and utensils used therein, or for the protection of any milk therein against infection or contamination.

(2) For the purposes of this section the term "the Mayor of the Municipal Council" shall include the medical officer of health of the Municipality.

Dairymen and others to apply for registration.

4. Every dairyman and milk vendor engaged in the sale or supply of milk to any person or persons in any Municipality at the time of this Ordinance coming into force shall within three months of such time, and every dairyman and milk vendor thereafter commencing to engage in such sale or supply shall, before so commencing, apply to the Municipal Council to cause to be entered on the register for that Municipality his name and place of residence, and the locality of every dairy premises and milk store used or to be used by him, and thenceforward from time to time any change of such residence, or discontinuance by him to use any former, or commencement by him to use any other, dairy premises or milk store, and immediately upon such registration, and whilst the same continues in force, shall in some conspicuous place affix to and maintain in legible letters his name and the words "Registered Dairyman" or "Registered Milk Vendor", as the case may be, upon every dairy premises or milk store in respect of which he is so registered, and to and upon every cart or other vehicle used by him for the distribution of milk.

Unregistered persons forbidden to sell or supply milk.

5. It shall not be lawful for any person to sell or supply milk to any person or persons in any Municipality if his name and place of residence, and every dairy premises and milk store used for the purpose of

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the production, deposit, or distribution of any such milk, are not entered upon the register for that Municipality:

Provided that persons engaged in the sale or supply of milk in any Municipality at the time of this Ordinance coming into force shall not be affected by the provisions of this section until after the lapse of three months from such time.

Infectious disease in dairy premises, &c., to be reported immediately.

6. On the appearance of any case of infectious disease in man or beast in any dairy premises or milk store, the householder or occupier, or if there be no such householder or occupier, the owner of such premises or store, and also the medical practitioner attending the case, shall immediately report, in writing, such case to the Municipal Council.

Dairyman to supply names and addresses of customers.

7. Whenever it shall appear to the Mayor of the Municipal Council, or be certified to such Mayor by any medical practitioner, that the spread of infectious disease is in his opinion attributable to the milk supplied by any dairyman or milk vendor, the Mayor may require such dairyman or milk vendor wholly to discontinue such supply, distribution, and sale of milk, and to furnish forthwith, upon demand, a full and complete list of the names and addresses of all his customers, and to give such assistance to discover the residence of all or any of them as the Mayor making the inquiry may deem necessary; and every such dairyman or milk vendor shall, for the purposes of such inquiry only, be deemed to be within the Municipality of the Mayor making the inquiry, whether he is actually resident within the Municipality or outside its limits.

Persons suffering from infectious diseases, or having been recently exposed to infection, not to take part in dairy operations.

8. No person following the trade of a dairy farmer, cow-keeper, dairyman, or purveyor of milk, or being the occupier of a milk store or milk shop, shall knowingly allow any person suffering from any infectious disease, or having recently been exposed to infection from a person so suffering, to milk cows or to handle vessels used for containing milk, or in any way to take part or to assist in the conduct of the trade or business

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of the dairy farmer, cow-keeper, dairyman, or purveyor of milk, or occupier of any milk store or milk shop, as far as regards the production, distribution, or storage of milk, until he shall have shown to the satisfaction of the Mayor of the Municipal Council that all danger of communication of infection to the milk, or of its contamination, has ceased.

Sale or supply of unwholesome milk forbidden.

9. It shall not be lawful for any person selling or supplying milk to any person or persons resident in any Municipality to store, keep, or deposit any milk in any room used for sleeping or dwelling in, or in any other place or way calculated to render such milk unwholesome or injurious to health, or to sell or supply any milk which shall have been produced from any diseased animal, or which shall have been in any place or way exposed to infection from any person suffering from any infectious disease, or which shall have been upon or in any dairy premises or milk store from which the sale of milk has been directed to be discontinued on account of infectious disease as provided in section 7 of this Ordinance.

Penalties, &c.

10. Every person who shall wilfully disobey, or act in violation of, any of the provisions contained in either of the last six preceding sections, or shall resist or wilfully obstruct any person in the lawful exercise of any of the powers conferred under section 3 of this Ordinance, or shall without lawful excuse neglect or disobey any requirement made under the provisions of sections 3 and 7 hereof, or shall neglect or refuse to obey any order or direction of the Mayor of the Municipal Council or the medical officer of health of the Municipality made under the said sections within the time limited in that behalf by such order or direction, shall for every such offence be liable, on conviction, to a penalty not exceeding two hundred rupees.

Minister to declare what are infectious diseases.

11. The Minister[1] on the recommendation of the Director of Health Services shall, as soon as practicable after the passing of this Ordinance, declare what are infectious diseases for the purposes of this

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Chapter, and may hereafter from time to time add to, alter, or amend such declaration as may seem necessary or advisable. And the Director of Health Services shall forthwith furnish a copy of each such declaration, and of each such addition, alteration, or amendment to the Municipal Council.

Summary jurisdiction and appeal.

12. All information for offences against this Chapter may be heard and determined, and all penalties under section 10 may be imposed, by the Municipal Magistrate in a summary way on the complaint of any officer of the Municipal Council:

Provided always that any person aggrieved by any adjudication of such Municipal Magistrate may appeal therefrom to the Supreme Court. And such appeal shall be governed by the provisions regulating appeals contained in the Criminal Procedure Code ;

Provided further that all fines imposed under this Chapter shall be paid to the Municipal Council of the Municipality wherein the offence is committed.

Power to issue regulations.

13. It shall be lawful for the Municipal Council to issue from time to time regulations, subject to the provisions of this Chapter, for the purpose of carrying the same into effect.

Interpretation.

14. The following expressions in inverted commas, when occurring in this Chapter, or any regulations thereunder, shall, for the purposes thereof, bear the meanings hereinafter respectively assigned to them, unless inconsistent with the context, namely:—

"dairy premises" means any building, shed, land, or place used for the stalling, grazing, feeding, or milking of cattle for the purpose of producing milk to be sold or supplied, or any building or place used for the purpose of depositing or storing milk when so produced ;

"milk store" means any building, shed, or stall used for the purpose of depositing, storing, or exposing milk for the purpose of selling or disposing thereof ;

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"dairyman" means the occupier of any dairy premises as herein before defined, or any person engaged in the production of milk for sale or supply for profit to other persons;

"milk vendor" means the occupier of any milk store as herein before defined, or any person engaged in the storage or distribution of milk for sale or supply to other persons;

"register" means the register of dairymen and milk vendors and of dairy premises and milk stores kept under the authority of this Chapter;

"medical practitioner" means a person holding a qualification which would entitle him to be registered under the following Acts of Parliament of the United Kingdom, to wit:—the Medical Act (21 & 22 Vict. c. 90), and the Medical Act, 1886 (49 & 50 Vict. c. 48), or any other Act of Parliament of the United Kingdom which may be enacted in lieu thereof.

Provisions of this Chapter to extend to dairy premises situated outside Municipal limits.

15. The provisions of this Chapter shall apply to dairymen, milk vendors, dairy farmers, cow-keepers, and purveyors of milk, whether resident within or without the limits of the Municipality, who may sell or supply milk to any person or persons resident within the Municipality, and to dairy premises, milk stores, and milk shops, whether situated within or without the limits of the Municipality, from which milk is sold or supplied to any person or persons resident within the limits of the Municipality, and to the occupier of such premises, stores, or shops.

CHAPTER II

Supervision And Regulation Of Laundries

Duty of Municipal Council to keep register of all laundrymen.

16. It shall be the duty of the Municipal Council—

(*a*) to keep a register of the names and addresses of all laundrymen washing for any person resident within the Municipality, and of all

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laundry premises used from time to time by each of them for the washing, ironing, or deposit of clothes ;

(*b*) to strike off such register the names and addresses of all persons who shall have ceased, or become disqualified as hereinafter provided, to carry on the business of laundrymen ;

(*c*) to keep such register open at all reasonable times for inspection by the Director of Health Services or any officer appointed by him in writing, and to furnish any extracts therefrom that he may require ;

(*d*) to cause to be inspected all such laundry premises and the appliances and utensils therein used for the washing or ironing of clothes, at the time prescribed in any regulations for the time being in force under this Chapter, and to enter the date and result of every such inspection in the register ;

(*e*) to furnish in the month of January of each year to the Director of Health Services a report of the Municipal Council's proceedings under this Chapter in respect of the supervision and regulation of laundries during the preceding twelve months, in such form as may be prescribed by any regulation for the time being in force under this Chapter.

Powers of Mayor of the Municipal Council to enter laundry premises.

17. (1) The Mayor of the Municipal Council shall have the following powers in addition to any other powers in this Chapter conferred, namely:—

(*a*) to enter or authorize the entry at all reasonable times into or upon any laundry premises for the purpose of making any inspection by this Chapter authorized ;

(*b*) to require any laundryman, by notice in writing, to cleanse and maintain in a sanitary condition his laundry premises and any utensils therein used as aforesaid ;

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(c) to require any laundryman, by notice in writing, to desist from using any well or other source of water supply in or on his laundry premises, or used in connexion therewith, which is polluted or unwholesome, and to wholly discontinue the use of the water thereof for any purpose whatsoever, for such period as the Mayor shall direct, or to fill up the said well or source of water supply and keep the same so filled up ;

(d) to refuse or cancel the registration of any laundryman in respect of any laundry premises which are in an insanitary condition, or in which the provisions for ventilation, drainage, lavatory, and privy accommodation or water supply are not such as are necessary for health or for the cleanliness of the appliances and utensils used therein, or for the protection of any clothes therein against infection or contamination.

(2) For the purposes of this section the term "the Mayor of the Municipal Council" shall include the medical officer of health of the Municipality.

Laundrymen and others to apply for registration.

18. Every laundryman engaged in the washing of clothes for any person or persons in any Municipality at the time of this Ordinance coming into force shall within three months of such time, and every laundryman thereafter commencing to engage in such washing shall, before so commencing, apply to the Municipal Council to cause to be entered on the register for that Municipality his name and place of residence and the locality of every laundry premises used or to be used by him, and thenceforward from time to time any change of such residence, or discontinuance by him to use any former, or commencement by him to use any other, laundry premises.

Unregistered persons forbidden to wash clothes.

19. It shall not be lawful for any person to wash clothes for any person or persons in any Municipality if his name and place of residence and every laundry

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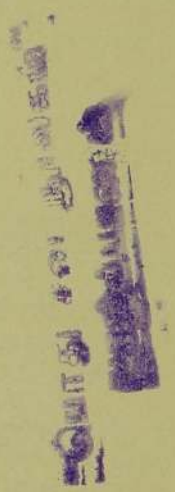

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premises used by him for the purpose of the washing, ironing, or deposit of any such clothes are not entered upon the register for that Municipality.

Infectious disease in laundry premises, &c., to be reported immediately.

20. On the appearance of any case of infectious disease in any person or persons in any laundry premises or laundry store, the householder or occupier, or if there be no such householder or occupier, the owner of such premises, and also the medical practitioner attending the case, shall immediately report in writing such case to the Municipal Council.

Laundryman to supply names and addresses of customers.

21. Whenever it shall appear to the Mayor of the Municipal Council, or be certified to such Mayor by any medical practitioner, that the spread of infectious disease is in his opinion attributable to the clothes washed and distributed by any laundryman, the Mayor may require such laundryman wholly to discontinue his business or trade for such time as the Mayor shall direct, and to furnish forthwith, upon demand, a full and complete list of the names and addresses of all his customers, and to give such assistance to discover the residence of all or any of them as the Mayor making the inquiry may deem necessary.

Persons suffering from infectious disease or having been recently exposed to infection not to take part in laundry operations.

22. No person following the business or trade of a laundryman, or being the occupier of laundry premises, shall knowingly allow any person suffering from any infectious disease, or having recently been exposed to infection from a person so suffering, to wash or handle clothes or the utensils used for washing the same, or in any way to take part or to assist in the conduct of the trade or business of the laundryman or occupier of any laundry premises as far as regards the washing, ironing, distribution, or storage of clothes, until he shall have shown to the satisfaction of the Mayor of the Municipal Council that all danger of communication of infection to, or of contamination of, the clothes has ceased.

Laundry operations prohibited in places exposed to infection.

23. It shall not be lawful for any laundryman to wash, iron, store, keep, or deposit any clothes in any room in which there shall be clothes which shall have been in any place or way exposed to infection from

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any person suffering from any infectious disease, or which shall have been upon or in any laundry premises in which the distribution of clothes has been directed to be discontinued, on account of infectious disease, as provided in section 21 of this Ordinance.

Penalties, &c.

24. Every person who shall wilfully disobey or act in violation of any of the provisions contained in either of the last six preceding sections, or shall resist or wilfully obstruct any person in the lawful exercise of any of the powers conferred under section 17 of this Ordinance, or shall without lawful excuse neglect or disobey any requirement made under the provisions of sections 17 and 21 hereof, or shall neglect or refuse to obey any order or direction of the Mayor of the Municipal Council, or the medical officer of health of the Municipality made under the said section within the time limited in that behalf by such order or direction, or shall lend, hire, or use any article of clothing which he may receive for the purpose of being washed or ironed, shall be guilty of an offence, and be liable on conviction to a penalty not exceeding two hundred rupees.

Minister to declare what are infectious diseases.

25. The Minister,[1] on the recommendation of the Director of Health Services shall, as soon as practicable after the passing of this Ordinance, declare what are infectious diseases for the purposes of this Chapter, and may thereafter from time to time add to, alter, or amend such declaration as may seem necessary or advisable. And the Director of Health Services shall forthwith furnish a copy of each such declaration and of each such addition, alteration, or amendment to the Municipal Council.

Summary jurisdiction and appeals.

26. All offences against this Chapter may be heard and determined, and all penalties under section 24 may be imposed, by the Municipal Magistrate in a summary way on the complaint of any officer of the Municipal Council :

Provided always that any person aggrieved by any adjudication of such Municipal Magistrate may appeal

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therefrom to the Supreme Court. And such appeal shall be governed by the provisions regulating appeals contained in the Criminal Procedure Code;

Provided further that all fines imposed under this Chapter shall be paid to the Municipal Council of the Municipality wherein the offence is committed.

Power to issue regulations.

27. It shall be lawful for the Municipal Council to issue from time to time regulations, subject to the provisions of this Chapter, for the purposes of carrying the same into effect.

Interpretation

28. The following expressions in inverted commas, when occurring in this Chapter, or any regulations thereunder, shall, for the purposes thereof, bear the meanings hereinafter respectively assigned to them, unless inconsistent with the context, namely:—

"laundry premises" means any building, shed, land, place, well, or other source from which water is obtained, used for the purpose of carrying on the business or trade of washing or drying of clothes for any person or persons for hire, or any building, shed, or place used by any laundryman for the purpose of ironing, depositing, or storing clothes;

"laundryman" means the occupier of any laundry premises as herein before defined, or any person engaged in the washing, drying, ironing, depositing, or storing of clothes for other persons for hire;

"register" means the register of laundrymen, of laundry premises and laundry stores kept under the authority of this Chapter;

"medical practitioner" means a person holding a qualification which would entitle him to be registered under the following Acts of Parliament of the United Kingdom, to wit:— the Medical Act (21 & 22 Vict. c. 90), and

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the Medical Act, 1886 (49 & 50 Vict. c. 48), or any other Act of Parliament of the United Kingdom which may be enacted in lieu thereof.

Provisions of this Chapter to extend to laundry premises situated outside Municipal limits.

29. The provisions of this Chapter shall apply to laundrymen, whether resident within or without the limits of the Municipality, who may wash for any persons resident within the Municipality, and to laundry premises, whether situated within or without the limits of the Municipality, used for the purpose of washing, drying, ironing, depositing, or storing clothes for any person or persons resident within the Municipality.

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TITLE XXIX · · CUSTOMS AND INLAND REVENUE

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CHAPTER 235

CUSTOMS

AN ORDINANCE FOR THE GENERAL REGULATION OF CUSTOMS IN CEYLON.

Ordinances Nos. 17 of 1869, 1 of 1871, 21 of 1873, 1 of 1875, 22 of 1877, 3 of 1883, 12 of 1884, 4 of 1886, 18 of 1896, 20 of 1898, 13 of 1900, 7 of 1901, 2 of 1902, 9 of 1904, 3 of 1906, 40 of 1908, 5 of 1909, 29 of 1909, 5 of 1910, 9 of 1910, 5 of 1914, 14 of 1914, 21 of 1916, 10 of 1917, 17 of 1922, 3 of 1927, 17 of 1928, 23 of 1929, 6 of 1938, 3 of 1939, 32 of 1941, 54 of 1941, 8 of 1944, 17 of 1946, 43 of 1946,

Acts Nos. 6 of 1948, 9 of 1949, 10 of 1950, 27 of 1951, 29 of 1952.

[*1st January, 1870.*]

Short title.

1. This Ordinance may be cited as the Customs Ordinance.

PART I

MANAGEMENT

Appointment of officers.

2. There may be appointed a Principal Collector of Customs and other officers and servants[3] for the management and collection of the customs, and the

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Salaries and securities.

performance of all duties connected therewith, on such salaries and allowances as may be provided in that behalf, [3] and there may be required [3] of every person now employed or who shall hereafter be employed in the service of the customs, such securities for his good conduct as the Minister may deem necessary,[3] and the

Principal Collector.

Principal Collector of Customs shall, throughout Ceylon, have the general superintendence of all matters relating to the customs.

Persons employed by customs deemed officers for such service.

3. Every person employed on any duty or service relating to the customs within Ceylon, by the orders or with the concurrence of the Minister [1] or the Collector, whether previously or subsequently expressed, shall be deemed to be the officer for that duty or service, and every act, matter, or thing required by any law at any time in force to be done or performed by, to, or with any particular officer nominated in such law for such purpose, being done or performed by, to, or with any person appointed by the Minister or the Collector to act for or in the behalf of such particular officer, shall be deemed to be done or performed by, to, or with such particular officer ; and every act, matter, or thing required by any law at any time in force to be done or performed at any particular place within any port, being done or performed at any place within such port appointed by the Minister [1] for such purpose, shall be deemed to be done or performed at the particular place so required.

[§ 2, 29 of 1952.]

Officer taking any fee or reward on account of anything done by him relating to his office shall be dismissed.

4. If any officer or other person acting in any office or employment in or belonging to the customs shall take or receive any fee, perquisite, gratuity, or reward, whether pecuniary or of any other sort or description whatsoever, directly or indirectly from any person (not being a person duly appointed to some office in the customs) on account of anything done, to be done, or omitted to be done by him in any way relating to his said office or employment, except such as he shall receive under any order or permission of the Minister [1] or Collector, such officer or other person so offending shall, on proof thereof, be dismissed from his office, and he shall be deemed guilty of an offence, and shall

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be liable on conviction to a fine not exceeding two hundred rupees ; and if any person, not being a person duly appointed to some office in the customs, shall give, offer, or promise to give any such fee, perquisite, gratuity, or reward, such person shall for every such offence forfeit a sum not exceeding one thousand rupees.

Penalty for offering fee.

5. No officer of customs, nor person employed in the collection or management of or accounting for the revenue of customs, or any part thereof, nor any other person acting under him, shall, during the time of his acting as such officer, or of his being so employed as aforesaid, be compelled to serve in any other public office or employment or to serve on any jury or inquest, any law, usage, or custom to the contrary notwithstanding.

Officers of customs not liable to serve in other local offices.

6. It shall be lawful for the Principal Collector, with the sanction of the Minister,[1] from time to time to appoint the hours of general attendance of the respective officers and other persons under his survey at their proper offices and places of employment.

Hours of attendance.

7. In all cases wherein proof on oath shall be required by any law, or shall be necessary in any matter relating to the customs, the same may be made before the Collector or other principal officer of customs, or before the persons acting for them respectively, who are hereby authorized and empowered to administer the same.

Collector authorized to administer oaths.

8. (1) Upon examinations and inquiries made by the Collector, or other principal officer of the customs, or other persons appointed[1] to make such examinations and inquiries, for ascertaining the truth of statements made relative to the customs, or the conduct of officers or persons employed therein, any person examined before him or them as a witness shall deliver his testimony on oath, to be administered by such Collector or other principal officer, or such other persons as shall examine any such witness, who are hereby authorized to administer such oath ; and if such person shall be

Collector, &c., may examine witnesses on oath.

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False oath deemed false evidence.

convicted of giving false evidence on his examination on oath before such Collector or other principal officer of customs, or such other person in conformity to the directions of this Ordinance, every such person so convicted as aforesaid shall be deemed guilty of the offence of giving false evidence in a judicial proceeding, and shall be liable to the pains and penalties to which persons are liable for intentionally giving false evidence in a judicial proceeding.

[§ 3, 29 of 1952.]

(2) A person making an inquiry under subsection (1) may summon as a witness any other person whose evidence is necessary for the purposes of the inquiry; and a person who is summoned under this subsection shall, if he does not comply with the summons or refuses to be sworn or affirmed or to give evidence, be guilty of an offence and liable to a fine not exceeding five hundred rupees.

Collector, &c., to call upon persons to produce documents.

[§ 4, 29 of 1952.]

9. (1) The Collector or any officer of customs authorized in that behalf by him may, for the purpose of ascertaining or verifying any matter relative to the customs, by written order require any person to produce any books or documents in his possession before such date as may be specified in the order.

(2) A person who does not comply with an order issued to him under subsection (1) shall be guilty of an offence and liable to a fine not exceeding five hundred rupees.

PART II

Levying Of Customs Duties

Duties to be levied and power of House of Representatives to modify duties.

[§ 2, 32 of 1941.]

10. The several duties of customs, as the same are respectively inserted, described, and set forth in figures in the table of duties (Schedule A) shall be levied and paid upon all goods, wares, and merchandise imported into or exported from Ceylon:

Provided that—

(*a*) the House of Representatives[1] may from time to time, by means of a resolution duly passed at any public session,[1] increase, reduce, abolish,

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or otherwise alter the customs duty leviable on any goods imported into or exported from Ceylon or into or from any specified port therein, or subject to such terms or conditions, if any, as may be expressed in the said resolution, may impose customs duty upon any goods so imported or exported whereon customs duty at the time when such resolution is passed is not leviable ; or may add other goods to the goods enumerated in the said Schedule as exempt from customs duty ; or may add to, rescind, or vary any of the conditions, exceptions, or provisions of the said Schedule with regard to the payment of customs duty ; or may amend or alter the provisions of the said Schedule by the deletion of references to goods stated therein to be exempt from import duty, or by specifying that goods of any class or description shall, subject to such terms and conditions as may be expressed in the resolution, be exempt from export duty, or by adding to, deleting from or in any manner varying the classification or description of goods specified in the said Schedule or any provision contained therein relating to any such goods, whether or not the duty on such goods is varied, imposed or abolished by the resolution ; [§ 2, 9 of 1949.]

(*b*) no such resolution shall take effect unless it shall have been [1] notified in the Gazette ;

(*c*) express reference in the said Schedule to any customs duty leviable on any goods imported into or exported from Ceylon shall not affect or be deemed to affect any royalty, cess or duty, by whatsoever name called, which is leviable or payable on the importation or exportation of such goods under any written law other than this Ordinance. [§ 2, 32 of 1941.]

11. (1) Any resolution under section 10 imposing export duty— Provision for imposition of export duty at varying rates. [§ 2, 27 of 1951.]

(*a*) may impose upon any goods duty at rates varying in accordance with fluctuations in the f. o. b. value of the goods ; and

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(*b*) may provide for the estimation from time to time by the Collector of the amount which shall be deemed, for the purposes of the application of the resolution, to be the f.o.b. value of the goods to which it applies.

(2) Where in terms of subsection (1) of this section export duty on any goods is imposed by any resolution at rates differing in accordance with fluctuations in the f.o.b. value of the goods, the following provisions shall have effect in relation to contracts for the exportation of such goods entered into by a seller in Ceylon (hereinafter referred to as "the exporter") and a buyer overseas :—

(*a*) the exporter may make application to the Collector for the registration of the contract, specifying in the application—

(i) the total quantity of the goods covered by the contract ;

(ii) the period within which the goods are required by the terms of the contract to be exported (hereinafter referred to as the "proposed period of exportation") ; and

(iii) such other particulars as the Collector may require ;

(*b*) any such contract may be registered by the Collector subject, however, to the provisions of subsections (3) and (4) ;

(*c*) where any such contract is registered, then, notwithstanding anything in the resolution imposing export duty upon such goods, export duty shall be charged, levied and paid, on all goods proved to the satisfaction of the Collector to be exported during the proposed period of exportation in fulfilment of the contract, at the rate which would have been applicable if the goods had been exported on the date of the application for the registration of the contract.

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(3) No contract shall be registered as provided in subsection (2), if the proposed period of exportation of the goods to which the contract relates is a period ending later than six months after the date of the application for registration of the contract:

Provided that the aforesaid term of six months may, by regulation made under subsection (12), be increased or reduced whether in relation to contracts generally or to contracts of any specified description.

(4) No contract shall be registered as provided in subsection (2) unless the exporter under that contract, either—

(*a*) deposits with the Collector a sum of money equal to one-fourth of the amount which would be payable as export duty upon the total quantity of goods covered by the contract if such total quantity were being exported on the date of the application for the registration of the contract; or

(*b*) the exporter has furnished to the Collector a bond in such form, and executed by any such bank, as may be approved by the Collector, whereby the bank undertakes to pay to the Collector on demand any sum which may be declared by order of the Collector under subsection (5) to be payable by the bank in relation to that contract, so however that the maximum sum so undertaken to be paid shall be one-fourth of the amount which would be payable as export duty upon the total quantity of goods covered by the contract, if such total quantity were being exported on the date of the application for the registration of the contract.

(5) In any case where a contract has been registered as provided in subsection (2) and it is found on the date of the expiration of the proposed period of exportation that the contract remains wholly or partly unfulfilled, then, if the rate of duty prevailing on that date under the resolution passed in terms of subsection (1) (hereinafter referred to as the " new rate ") is lower than the

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rate which prevailed thereunder on the date of the application for the registration of the contract (hereinafter referred to as the "old rate")—

(*a*) the Collector shall make an assessment of the amount which would have been payable as export duty at the old rate on the quantity of the goods in respect of which the contract remains unfulfilled, and an assessment of the amount which would be payable as export duty at the new rate on the said quantity; and

(*b*) the Collector shall make order declaring that a sum representing the difference between the two amounts so assessed shall be made good out of the deposit made by the exporter under subsection (4) in respect of the contract, or, as the case may be, be paid by the bank by which the bond was executed in terms of that subsection in respect of the contract :

Provided that the sum ordered to be paid under the preceding provisions of this subsection in respect of any contract shall not exceed the total sum deposited under subsection (4) in respect of that contract, or, as the case may be, the total sum specified in the bond executed in terms of that subsection in respect of the contract.

Upon an order being made by the Collector under this subsection declaring that any sum shall be paid by a bank, the bank shall be bound forthwith on demand made by the Collector to pay such sum to the Collector.

(6) In any case where the Collector is satisfied that any contract registered under this section remains wholly or partly unfulfilled owing to causes beyond the control of the exporter, then notwithstanding anything in the preceding provisions of this section the Collector may in his discretion—

(*a*) extend the proposed period of exportation and direct that such extended period shall be deemed for the purposes of paragraph (*c*) of subsection (2) and of subsections (5) and (10) to be the proposed period of exportation ; or

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(b) make order directing that the provisions of subsection (5) shall not apply in relation to the contract ; or

(c) make order directing that for the purposes of subsection (5) the contract shall be deemed to remain unfulfilled only in relation to such part of the total quantity of goods covered by the contract as may be specified in the order.

(7) All sums ordered under subsection (5) to be made good out of any deposit and all sums paid by any bank in compliance with an order under subsection (5) shall be paid into the Consolidated Fund.

(8) In any case where a contract has been registered under the preceding provisions of this section, it shall be the duty of the exporter, whenever any goods are being exported in fulfilment of the contract, to make a declaration to that effect in the bill of entry relating to the goods and in the specification furnished in respect of the shipment of such goods ; and—

(a) where no goods have been so declared by the exporter to be goods exported in fulfilment of the contract, the Collector shall, for the purposes of subsection (5). be entitled to presume, unless the contrary is proved to his satisfaction, that the contract remains wholly unfulfilled ; or

(b) where the quantity of goods so declared by the exporter to be goods exported in fulfilment of the contract is less than the total quantity covered by the contract, the Collector shall, for the purposes of subsection (5), be entitled to presume, unless the contrary is proved to his satisfaction, that the contract remains unfulfilled in respect of the outstanding part of such total quantity.

(9) The Minister may by order provide for the payment of interest on deposits made under this section, at such rate, and in such circumstances, and subject to such conditions, as may be specified in the order.

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(10) The amount of any deposit made under subsection (4) by any exporter in respect of any contract shall, subject to the operation of any order made under subsection (5), be returned to the exporter as soon as convenient after the exportation in fulfilment of the contract of the total quantity of goods covered thereby or the expiration of the proposed period of exportation, whichever time is the earlier :

Provided, however, that the Collector may in his discretion make order directing the return of any part of any such deposit at any time after the contract has been substantially fulfilled.

(11) No sum constituting or forming part of any deposit made under subsection (4) by any exporter shall be liable at any time to be seized or sequestered in execution of any decree or order of any court, if the Collector certifies that the exporter is not at that time entitled to the return of that sum under subsection (10) of this section.

(12) The Minister may make such regulations as he may consider necessary for carrying into effect the preceding provisions of this section.

(13) In each of the preceding subsections—

"Collector" means the Principal Collector of Customs and includes any officer of customs authorized by the Principal Collector to act on his behalf for the purposes of the subsection ; and

"the date of the application for registration of the contract" means the date on which the application for registration is received by the Collector.

(14) The preceding provisions of this section shall have effect notwithstanding anything to the contrary in any other provision of this Ordinance.

(15) It is hereby declared for the avoidance of doubts that an order made under section 2 of the Revenue Protection Ordinance, consequent upon the approval by the Cabinet of the introduction of a resolution in terms of subsection (1) of this section, may contain provision with respect to the matters mentioned in that subsection. And where such an order is made,

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subsections (2) to (14) of this section shall, during the period for which the order is in force, apply in all respects as though the order were the resolution ; and accordingly anything done or any liability incurred under any of those subsections during that period shall, if the resolution is passed by the House of Representatives, have thereafter the same force and effect as though the resolution had been in force during that period.

Prohibitions and restrictions and power of House of Representatives to add thereto.

12. (1) The goods enumerated in the table of prohibitions and restrictions in Schedule B shall not be imported or brought into or exported or taken out of Ceylon save in accordance with the conditions expressed in the said Schedule.

(2) The House of Representatives [1] may from time to time, by means of a resolution duly passed at any public session, [1] amend Schedule B by the addition thereto of any goods other than those enumerated therein or by the omission therefrom of any goods enumerated therein or otherwise, and regulate the conditions subject to which the importation or bringing into or the exportation or taking out of Ceylon of any goods enumerated in the said Schedule is prohibited or restricted.

[§ 3, 32 of 1941.]

Goods in warehouse to be liable to the duties imposed by this Ordinance.

13. All goods whatsoever which shall have been warehoused without payment of duty upon the first importation thereof, and which shall be in the warehouse when this Ordinance comes into force, shall become liable to the duties imposed by this Ordinance, in lieu of all former duties.

Goods in warehouse to be liable to increased or new duties.

14. When any variation is made in any of the provisions of Schedule A, whether by the amendment of this Ordinance or by the exercise of any power given by this Ordinance or any other enactment, any goods that shall have been warehoused without payment of duty upon the first importation thereof, and which shall be in the warehouse at the time when the said variation comes into force, shall be subject to duty or exempt from duty, as the case may be, in accordance with the said variation.

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Power to charge warehouse rent.

15. On all goods lodged in any Queen's warehouse, warehouse, or place of deposit provided by Government, it shall be lawful for the Collector to charge, demand, and receive warehouse rent for all such time as the same shall remain in such warehouse, at such rates and under such regulations as may from time to time be fixed by the Minister,[1] as warehouse rent payable on goods so lodged, and no goods upon which warehouse rent may be due shall be removed until the same be paid.

Definition of time of an importation and of an exportation;

16. If upon the first levying or repealing of any duty, or upon the first permitting or prohibiting of any importation or exportation, whether inwards, outwards, or coastwise in Ceylon, it shall become necessary to determine the precise time at which an importation or exportation of any goods made and completed shall be deemed to have had effect, such time, in respect of importation, shall be deemed to be the time at which the ship importing such goods had actually come within the limits of the port at which such ship shall in due course be reported and such goods be discharged; and such time, in respect of exportation, shall be deemed to be the time at which the goods had been shipped on board the ship in which they had been exported; and if such question shall arise upon the arrival or departure of any ship, in respect of any charge or allowance upon such ship, exclusive of any

and of an arrival;

cargo, the time of such arrival shall be deemed to be the time at which the report of such ship shall have been or ought to have been made; and the time of

and of a departure.

such departure shall be deemed to be the time of the last clearance of such ship with the Collector for the voyage upon which she had departed.

Duties to be paid in Ceylon currency according to standard weights and measures.

17. All duties of customs, as well as all penalties and forfeitures incurred under this Ordinance, shall be paid and received in the several descriptions of money herein enumerated, and at the rates of exchange specified, namely, in British gold or silver money, or in such other description of money and at such rate of exchange as may from time to time be determined by the Minister,[2] and according to the standard weights and measures of Ceylon; and in all cases, when such duties are imposed and allowed according to any specific

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quantity or any specific value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value; and the produce of all duties of customs shall be paid by the Collector into the hands of the Deputy Secretary to the Treasury [1] or the sub-accountants of Ceylon, in such manner and at such periods as may be specified by the Minister. [3]

Produce of customs duties to be paid into the Treasury, &c.

18. No duty or other customs dues or charges which shall have been charged and paid, and of which, or of a portion of which, repayment is claimed in consequence of the same having been charged or paid under an erroneous construction of law or from other error, shall be returned, unless such claim is made within twelve months from the date of such payment, and the Collector shall, within the period above specified, repay the duties, dues, or charges so overpaid or paid in error out of moneys received as duties; and when any duties or other customs dues or charges have been short levied through inadvertence, error, or misconstruction on the part of the officers of customs or when any such duty, due, or charge, after having been levied, has been, owing to any such cause, erroneously refunded, the persons chargeable with the duty due or charge so short levied or to whom such refund has erroneously been made shall pay the deficiency or repay the amount so erroneously refunded, provided that the same shall be demanded within twelve months from the date of such short levy or refund; and it shall be lawful for the officers of customs to refuse to pass any goods belonging to such person until the said deficiency or amount erroneously refunded be paid.

Return of duty overpaid.

Duty short levied to be made good on demand.

19. (1) The Minister [1] may from time to time, by Order published in the Gazette, exempt the consular officers or clerks of the foreign states named in such Order from payment of customs duty on goods consigned to, or imported or cleared out of bond by or for the use of, such consular officers or clerks.

Power of Minister to exempt consular officers or clerks of foreign states from payment of customs duties.
[§ 3, 9 of 1949.]
[§ 2, 8 of 1944.]

(2) The Minister [1] may, in his discretion, by such Order—

(*a*) prescribe the conditions, if any, subject to which the exemption is allowed;

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(*b*) extend such exemption to goods consigned to, or imported by or for the use of, the families and
[§ 2, 8 of 1944.] suites of consular officers or clerks ;

[§ 2, 8 of 1944.] (*c*) limit the exemption to consular officers or clerks of any specified country, grade or class, or to articles of any specified description.

[§ 2, 43 of 1946.] (3) The powers conferred on the Minister[1] by the preceding provisions of this section may be exercised
[§ 2, 6 of 1948.] in relation to the representative in Ceylon (by whatsoever name, title or designation called) of the Government of any foreign state or of any part of Her Majesty's Realms and Territories, to the Trade Commissioner in Ceylon of any such Government, and to persons on the staff of any such representative or Commissioner, in like manner as they are exercisable in relation to consular officers or clerks of foreign states.

[§ 2, 6 of 1948.] Any Order made under the preceding provisions of this section in relation to any such representative, Commissioner or person as aforesaid shall, if so expressed, be deemed to have had effect from such date prior to the making of the Order as may be specified therein.

(4) The Minister[1] may at his discretion, by Order published in the Gazette, withdraw or modify any exemption granted under this section, or vary the conditions subject to which the exemption is allowed.

[§ 2, 6 of 1948.] (5) Notwithstanding anything in any Order under the preceding provisions of this section, if any goods to which such Order applies, are sold by or on behalf of the consignee or importer thereof, the goods so sold shall be liable to the same duties of customs as may by law be charged on like goods which are not exempted from duties of customs ; and the person by or on whose behalf the goods are sold shall furnish the Collector of Customs with the particulars of the sale and pay out of the proceeds of the sale the duties of customs which may be due on those goods.

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Exemption of certain articles from import duties and export duties.
[§ 3, 6 of 1948.]

20. (1) The following articles shall be exempted from payment of import duties and export duties :—

(*a*) articles of every description imported or cleared from bond or purchased or procured locally for the use of the Governor-General ;

(*b*) articles of every description imported or exported for the public use of Her Majesty's regular naval, military and air forces in Ceylon, and all articles sold for the public use of Her Majesty's regular naval, military and air forces in Ceylon, though not directly imported for that purpose ;

(*c*) all wines, spirits, and stores which are imported or purchased or procured locally for the use of the Naval Commander-in-Chief when residing in Ceylon, or which are supplied from Her Majesty's dockyard at Trincomalee for the use of his servants and of the sailors on duty at his place of residence ;

(*d*) articles, clothing, and materials for clothing imported for the use in athletic sports and games of Her Majesty's regular naval, military and air forces in Ceylon ;

(*e*) articles imported, purchased, or procured or exported for the use of any mess or canteen of Her Majesty's regular naval, military and air forces in Ceylon.

[§ 5, 29 of 1952.]

(2) Any petrol purchased or procured locally for the official or personal use of any of the following persons shall be exempted from the payment of import duties :—

(*a*) The diplomatic representative in Ceylon of a foreign state.

(*b*) The High Commissioner in Ceylon of any member of the Commonwealth.

(*c*) A representative or officer of the Government of any part of the Commonwealth or of any foreign state, temporarily resident in Ceylon for official purposes, in accordance with any arrangements made with the Government of Ceylon.

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(*d*) A Trade Commissioner in Ceylon for any part of the Commonwealth.

(*e*) A consular representative in Ceylon of a foreign state, if he is a citizen of the country represented and is not, and has not been, otherwise engaged in any business, occupation or profession in Ceylon.

(*f*) Such member of the staff of any person referred to in any of the foregoing paragraphs as may, for the purposes of this subsection, be specified in a Notification made by the Minister of Finance and published in the Gazette.

The exemption provided by the preceding provisions of this subsection shall be granted to a person of the class or description specified in those provisions, if and only if, in the state of which he is a subject or citizen or in which he is domiciled, a similar exemption has been granted to persons of a corresponding class or description from Ceylon.

(3) For the purposes of this section the expression "Her Majesty's regular naval forces" shall include any vessel or vessels of the Royal Fleet Auxiliary.

Certificate from naval or military or air force officer required for exemption or payment of rebate.
[§ 4, 6 of 1948.]
[§ 5, 32 of 1941.]

21. (1) Upon the production of a certificate from such naval, military, or air force officer, or such other person as the Minister[1] may from time to time authorize by notification in the Gazette to issue the same, the Collector of Customs shall pass free from duty the articles herein before exempted, or, in the event of the duty having been paid, he shall, subject to the provisions of subsection (2), allow a rebate of such duty:

Provided that if such articles shall not be required for the use for which they were imported or purchased or exported as aforesaid, and shall be sold, the same shall 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 articles; and the person in whose charge such articles may be shall furnish the Collector of Customs with the particulars of the sale thereof, and out of the proceeds of the same pay to the said Collector the duties which may be due thereon.

[§ 6, 29 of 1952.]

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(2) The Collector of Customs shall allow a rebate of the duty paid on any article herein before exempted, upon the production of a certificate relating to that article in accordance with the provisions of subsection (1) and upon proof to his satisfaction of the fact that such article was actually imported, exported, purchased or procured, as the case may be, and of such particulars as he may require in regard to the amount of duty paid and the time and place of payment of such duty: [§ 5, 32 of 1941.]

Provided that no such rebate shall be allowed in the case of any article unless the certificate relating to that article is produced within twelve months next after the date on which that article was imported, exported, purchased or procured, as the case may be;

Provided further that the Collector of Customs may refuse to allow a rebate of the duty paid on any article if he is satisfied, after such inquiry as he may deem necessary, that a rebate of the duty paid on that article has previously been allowed in accordance with the provisions of this section.

(3) The rebate shall be paid to the person issuing the certificate required by this section out of the duties received by the Collector of Customs, anything in section 18 to the contrary notwithstanding. [§ 5, 32 of 1941.] [§ 6, 29 of 1952.]

(4) The certificate required by this section shall be in such form as the Principal Collector of Customs shall from time to time prescribe.

22. (1) Where any goods capable of being easily identified which have been imported from any foreign port, and upon which customs duties have been paid, are re-exported to any foreign port, seven-eighths of such duties may, at the discretion of the Principal Collector of Customs, be repaid as drawback: Drawbacks on re-exportation.

Provided that in every such case—

(*a*) the goods must be identified to the satisfaction of the Principal Collector of Customs;

(*b*) there has been no change of ownership of the goods;

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(c) the re-export must be made within two years from the date of importation as shown by the records of the customs office, unless such period is specially extended by the Principal Collector of Customs ;

[§ 3, 8 of 1944.] (d) no drawback will be allowed on goods (other than goods imported through the post by any person for his personal use) on which the import duty paid did not amount to five rupees ;

(e) the claim for drawback must be established at the time of re-export, and payment must be demanded within six months from the date of entry for shipment ;

(f) when a drawback is allowed on imported goods re-exported this will be calculated at the rate of duty leviable at the time of export or at the time of import, whichever is the lower.

(2) Save as hereinafter provided, this section shall not apply to goods which have been used after importation.

[§ 7, 29 of 1952.] (3) When articles imported by visitors to Ceylon for their personal use, samples brought by commercial travellers, trade samples, and effects and property of all sorts imported for travelling circuses and theatrical companies on which duties shall have been paid on importation are re-exported to any foreign port, the whole or any part of such duties, at the discretion of the Principal Collector of Customs, and subject to such rules as may be issued by him, may be refunded.

[§ 6, 32 of 1941.]

(4) Where composite goods manufactured or prepared in Ceylon, containing as a part or ingredient thereof any article or articles upon which import duty has been paid, are exported, rebate of the whole or part of the import duty paid in respect of such quantity of the article or articles as shall appear to the satisfaction of the Principal Collector to have been used in the manufacture or preparation of the goods may be

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allowed upon such terms and subject to such conditions as may be prescribed by rules made by the Principal Collector, with the approval of the Minister.[1]

(5) The provisions of this section shall apply only to such composite goods as may from time to time be prescribed by the Minister[1] by Notification to be published in the Gazette.

PART III

Port Dues

23. (1) Port dues shall be leviable and payable for entry inwards, and for clearance outwards, on all ships arriving at or departing from any port of Ceylon, and upon cargo imported to or exported from Colombo, according to the table of port dues set forth in figures in Schedule C: Port dues.

Provided that—

(*a*) when a vessel has paid port dues inwards or outwards she shall not be liable for additional port dues for goods carried coastwise during the same voyage;

(*b*) a vessel leaving port for a period not exceeding twelve hours for the purpose of trying her machinery or of throwing overboard any damaged cargo shall, for the purposes of this section, be deemed to be in port, and shall be liable on re-entry to pay only the full pilotage dues chargeable in respect of such vessel as if for a first entry into port; [§ 3, 3 of 1939.]

(*c*) the period during which such vessel has been out of port shall, for the purpose of reckoning buoy rent, be considered as part of her stay in port;

(*d*) where a sailing vessel or a vessel not exceeding three hundred tons burthen is compelled by stress of weather to re-enter port within twelve hours of her departure therefrom, no [§ 8, 29 of 1952.]

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further port dues shall be charged, if the Master Attendant certifies that the vessel could not have proceeded on her voyage without unnecessary risk.

(2) The House of Representatives[1] may from time to time, by means of resolution duly passed at any public session,[1] increase, reduce, abolish, or otherwise alter the port dues leviable and payable under Schedule C on ships arriving at or departing from any port of Ceylon, and upon cargo imported to or exported from Colombo, or may impose port dues upon such ships in cases where port dues, at the time when such resolution is passed, are not chargeable under the said Schedule; or may add to, rescind, or vary any of the conditions, exceptions, or provisions of the said Schedule with regard to the charge or payment of port dues. Such resolution shall not take effect until it[1] shall have been notified in the Gazette.

Power of Collector to summarily enforce payment of dues, rates, buoy rent, charges, and penalties.

24. If the master, owner, or agent of any vessel in respect of which any dues, rates, buoy rent, charges, or penalties have heretofore become payable, or have been incurred, or shall hereafter become payable or be incurred, whether under this Ordinance, or under any regulations or orders made in pursuance thereof, or under any other enactment or regulations, refuses or neglects to pay them or any part of them on demand, the Collector of Customs of the port may of his own authority distrain or arrest such vessel and the tackle, apparel, and furniture belonging thereto or any part thereof, and detain the same until the amount so due is paid to him. And, in case any part of the said dues, rates, buoy rent, charges, or penalties, or of the costs of the distress or arrestment, or of the keeping of the same remains unpaid for the space of five days next after any such distress or arrestment has been so made, the Collector of Customs may cause the vessel or other thing so distrained or arrested to be sold, and the amount due to the Crown shall be deemed to be a first charge on the proceeds of such sale. The balance, if any, of the proceeds of the sale, after satisfying the amount due to the Crown,

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together with all costs, shall be rendered by the Collector of Customs to the master, owner, or agent of such vessel on demand.

Composition for dues.

25. Any coastwise ship shall be allowed to compound for port dues for twelve months at the rate of fifty cents per ton of the registered tonnage, and on payment thereof the Collector or other principal officer shall grant a certificate which shall exempt such vessel while so employed from any further demand for port dues during the period stated in such certificate.

Tonnage of ship how ascertained.

26. The tonnage or burthen of every British ship, within the meaning of this Ordinance, shall be the tonnage set forth in the certificate of registry of such ship, and the tonnage or burthen of every other ship shall for the purposes of this Ordinance be ascertained in the same manner as the tonnage of British ships is ascertained.

PART IV

Regulations Inwards

27. And whereas it is expedient that the officers of customs should have full cognizance of all ships coming into any port or place in Ceylon, or approaching the coast thereof, and of all goods on board or which may have been on board such ships, and also of all goods unladen from any ships in any port or place in Ceylon :

No goods to be landed nor bulk broken before report.

It is enacted that no goods shall be unladen from any ship arriving from parts beyond the seas at any port or place in Ceylon, nor shall bulk be broken after the arrival of such ship within one league of the coast thereof, before due report of such ship and sufferance granted, in manner hereinafter directed ; and that no goods shall be so unladen except at such times and places and in such manner and by such persons and under the care of such officers as hereinafter directed ; and that all goods not duly reported,

Times and places of landing, and care of officers.

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Goods not reported or entered, forfeited. Penalty.

or which shall be unladen contrary hereto, shall be forfeited; and if bulk be broken contrary hereto the master of such ship shall forfeit a sum not exceeding one thousand rupees; and if after the arrival of any ship within one league of the coasts of Ceylon any alteration be made in the stowage of the cargo of such ships so as to facilitate the unlading of any part of such cargo, or if any part be staved, destroyed, or thrown overboard, or any package be opened, such ship shall be deemed to have broken bulk:

Except coin, bullion, cattle, passengers.

Provided always that coin, bullion, cattle, and other livestock, and passengers with their baggage, may be landed previous to report, entry or sufferance.

Ship and cargo to be reported within twenty-four hours of arrival of ship. Particulars of report.

28. The master of every ship arriving at any port or place in Ceylon, whether laden or in ballast, shall come within twenty-four hours after such arrival, and before bulk be broken, to the custom-house, and there make a report in writing, and such report shall be in duplicate, and shall make and subscribe a declaration to the truth of the same before the Collector or other officer of customs of the arrival and voyage of such ship, stating the name, country, and tonnage, and if British, the port of registry, the name and country of master, the country of the owners, the number of the crew, and how many are of the country of such ship, the number of passengers, if any, and whether such ship be laden or in ballast, and if laden, the marks, numbers, and contents of every package or parcel of goods on board, and the particulars of such goods as are stowed loose, and where any such goods were laden, and where and to whom consigned, and where and what goods, if any, had been unladen during the voyage, and what part of the cargo, if any, is intended for exportation in such ship to parts beyond the seas, and what stores or stock remain on board such ship, as far as any of such particulars can be known to him; and further, the master shall answer all such questions concerning the ship and the cargo, and the crew and the voyage, as shall be demanded of him by such officer; and if any goods shall be unladen from any ship before such report be made, or if the master shall fail to make such report,

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or if after such report any package shall have been opened, or if he shall make an untrue report, or shall not truly answer the questions demanded of him, he shall be liable to a penalty not exceeding one thousand rupees.

Master to deliver manifest, and, if required, bill of lading, or copy.

29. The master of every ship shall, at the time of making such report, deliver to the Collector the manifest of the cargo of such ship, when a manifest is required, and, if required by the Collector, shall produce to him any bill or bills of lading, or a true copy thereof, for any and every part of the cargo laden on board; and in case of failure or refusal to produce such manifest or to produce such bill of lading or copy, or if such manifest or bill of lading or copy shall be false, or if any bill of lading be uttered or produced by any master, and the goods expressed therein shall not have been bona fide shipped on board such ship, or if any bill of lading uttered or produced by any master shall not have been signed by him or other duly authorized person, or any such copy shall not have been received or made by him previously to his leaving the place where the goods expressed in such bill of lading or copy were shipped, then in every such case such master shall be liable to forfeit a sum not exceeding one thousand rupees.

Penalty on failure.

Officers to board ships.

30. Officers of the customs may board any ship arriving at any port in Ceylon, and freely stay on board until all the goods laden therein shall have been duly delivered from the same, and such officers shall have free access to every part of the ship, with power to fasten down hatchways, and to mark any goods before landing, and to lock up, seal, mark, or otherwise secure any goods on board such ship; and if any place or any box or chest be locked and the keys be withheld, such officers, if they be of a degree superior to tidewaiters or boatmen, may open any such place, box, or chest in the best manner in their power, and if they be tidewaiters, or boatmen, or only of that degree, they shall send for their superior officer who may open or cause to be opened any such place, box, or chest in the best manner in his power; and if any

To have free access to all parts.

May seal or secure goods and open locks.

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Goods concealed forfeited. If seal, &c., broken, master to forfeit one thousand rupees.

goods be found concealed on board any such ship they shall be forfeited ; and if the officers shall place any lock, mark, or seal upon any goods on board, and such lock, mark, or seal be wilfully opened, altered, or broken before the delivery of such goods, or if any of such goods be secretly conveyed away, or if the hatchways after being fastened down by the officer be opened, the master of such ship shall be liable to forfeit a sum not exceeding one thousand rupees.

Officers may be stationed in ships within the limits of any port.

31. Officers of the customs may be stationed on board any ship while within the limits of any port or place in Ceylon, and the master of every ship on board of which any officer is so stationed shall provide every such officer with suitable shelter and accommodation while on board, and in case of neglect or refusal so to do shall be liable to forfeit a sum not exceeding two hundred rupees.

Penalty on master not having clearance and if cargo do not correspond with ship's papers, or if goods sent out of vessels be not landed at the appointed places.

[§ 4, 8 of 1944.]

32. If any ship shall arrive at any port in Ceylon without a clearance or other paper which it is usual to grant at the place or places from which such ship shall have come, the master shall be liable to a penalty not exceeding five hundred rupees, or if any goods entered on any clearance, or other paper granted at the place from which any ship shall have come, shall not be found on board such ship, or if the quantity found be short, and the deficiency be not duly accounted for, or if goods sent out of the ship be not landed at the appointed places, the master shall, in respect of any goods which are missing or deficient and not accounted for, be liable, if such goods are chargeable with duty, and if such duty can be ascertained, to a penalty not exceeding twice the amount of the duty chargeable thereon, or if such duty cannot be ascertained or if such goods are not chargeable with duty, to a penalty not exceeding two hundred rupees for each missing or deficient package, and the Collector is authorized to require the payment of such penalty, and to decline the granting of a clearance outwards to the master of any vessel so liable, and refusing to pay such penalty :

[§ 4, 8 of 1944.]

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Provided always that nothing herein contained shall be construed to prevent the Collector from accepting explanation in the absence of clearance, or from permitting at his discretion the master of any ship to amend obvious errors, or to supply omissions from accidents or inadvertence, by furnishing an amended report.

Goods unshipped from the importing vessel, or landed contrary to the regulations of the Collector, forfeited. Penalty on persons concerned.

33. No goods shall be unshipped or carried from the importing ship to any wharf or other place, except under such rules, regulations, and restrictions as the Collector may from time to time direct and appoint; and all goods unshipped or carried contrary to such rules, regulations, and restrictions, or any of them, shall be forfeited, together with the boat or other means used for the conveyance of such goods; and every person knowingly concerned in the unshipping or carrying of such goods, or into whose hands and possession such goods shall knowingly come, contrary to such rules, regulations, and restrictions, shall forfeit and pay a sum not exceeding one thousand rupees, or treble the value of such goods, at the election of the said Collector.

Provision with respect to unlading goods, depositing and removing of the same from the Queen's warehouse, and penalties for failure to remove within prescribed time.

34. * (1) No goods shall be unladen from any ship until a sufferance shall have been granted by the Collector for the landing of the same, and no goods shall be landed except at the place appointed and expressed in such sufferance; and all goods so landed shall be taken and deposited in the Queen's warehouse, and within three clear days from the date of landing the importer shall make a full and complete entry thereof as hereinafter provided, and shall either pay down all duties which shall be due and payable on such goods, or shall duly warehouse the said goods, or, if the goods be free of duty, shall so enter the same; and in default of such entry being made and the said goods being removed within three clear days as aforesaid, such goods shall be liable to double rent for every period of twenty-four hours during such time as they may remain in the

* Application modified in the port of Colombo.—See section 16 of the Port of Colombo (Administration) Act.

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warehouse; and all goods unladen, landed, or removed without such sufferance, or contrary to the directions in such sufferance, shall be forfeited.

(2) In computing the said period of three clear days, Sundays and public holidays shall not be taken into account; but, in ascertaining the period for which any goods are liable to double rent, account shall be taken of Sundays and public holidays, and a fractional part of a period of twenty-four hours shall count as a full period of twenty-four hours.

No goods to be unladen except during the legal hours and days of business. [§ 5, 8 of 1944.]

35. The master of any ship from which goods or cargo shall be unladen outside such hours as the Principal Collector with the sanction of the Minister[1] may from time to time prescribe, or on any day when the custom-house is closed for business, without permission from the Collector, shall be liable to a fine not exceeding five hundred rupees, and the boat and other means used for the conveyance of such goods shall be liable to be forfeited.

Forfeiture.

Cargo in ships of 150 tons to be landed within ten days, and exceeding 150 tons within twenty-five days after arrival of such ship.

36. Except in special cases sanctioned by the Collector of Customs, ten days, exclusive of Sundays and public holidays, shall be allowed for the discharge of the import cargoes of vessels not exceeding 150 tons burthen, and twenty-five days for vessels exceeding that burthen; and the said period shall be calculated from the date on which the vessel was admitted to entry and sufferance granted; and if any goods remain on board after the periods above fixed the Collector may order such goods to be at once landed, and in case of neglect of such directions or of unnecessary delay or other unwarranted cause the Collector may authorize the landing of the cargo and its conveyance to the Queen's warehouse; and if the duties, warehouse rent, and charges of landing and freight due upon any goods so landed shall not be paid within one month after such landing, the same shall be sold and the produce thereof applied, first to the payment of freight and landing charges, next of duties and warehouse rent, and the overplus, if any, shall be paid to the owner of the goods, if claimed within twelve months from the date of such sale, otherwise such surplus shall be brought to account as revenue:

In default Collector may land and convey goods to Queen's warehouse.

Duties, &c., to be paid within one month, or goods to be sold.

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Provided that it shall be lawful for the Collector to have any small package or parcel of goods landed and conveyed to the Queen's warehouse out of any ship whatever, although the periods above specified shall not have expired.

Transhipment of goods.

37. No transhipment of any goods shall be made except by the special order of the Collector or other proper officer, and after due entry of the goods, nor until an officer of the customs shall be deputed, at the expense of the party desiring this privilege, to superintend the removal of the goods from vessel to vessel; and if any goods are transhipped, or attempted to be removed from one vessel to another, without special authority required as aforesaid, such goods, together with the boat and other means used for conveying the same, may be seized and shall be liable to confiscation; but goods in transit by mail steamers and declared to be so by the master at the time of report may be transhipped without entry or bond, under superintendence of the proper officers and at the expense of the parties concerned.

By mail steamers may take place without entry or bond.

Boat-notes to accompany goods unladen from any ship, &c.

38. With all goods unladen from any ship there shall be sent with each boat load a boat-note, specifying the number of packages and the marks and numbers or other description thereof, and such boat-note shall be furnished and signed by an officer of the ship, and if there be a custom-house officer on board the boat-notes shall be signed by such officer also; and the tindal and owner of the boat into which the goods have been laden shall be held responsible for the due landing and delivery at the custom-house of all the goods so laden and specified in the boat-note, and shall be liable to treble the duties due on any deficiency; and if any goods be found in a boat without a boat-note, as above provided for, or in excess of the quantity specified in the boat-note, or if the boat be found deviating from the proper course to the proper place of landing, the boat containing such goods may be detained by any officer of the customs, and unless the cause of deviation or excess be explained to the satisfaction of the Collector, such boat and such goods shall be liable to forfeiture.

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[§ 9, 29 of 1952.] The owner of each such boat shall provide the Collector within such period as may be specified in that behalf by the Collector a statement setting out the quantity and description of the goods so laden, the person to whom and the place at which he has delivered those goods, and such other particulars as the Collector may, by written order issued to him not less than seven days before the expiration of the aforesaid period, require him to furnish. Any such owner who fails to provide such statement within such period shall be liable to a penalty of one thousand rupees.

Ship's stores.

39. The stores of every ship shall be subject to the same duties and the same prohibitions, restrictions, regulations, fines, and penalties, as goods and merchandise on importation, and may in like manner be entered for payment of proper duties or to be warehoused.

Goods to be landed and examined at the expense of importer.

40. The unshipping, carrying, and landing of all goods, and the bringing of the same to the proper place for examination or for weighing, and the putting of the same into and out of the scales, and the measuring, counting, unpacking, and repacking, and the opening and closing of the same, and removing to and placing them in the proper place of deposit shall be performed by and at the expense and risk of the importer, consignee, or agent.

Goods in warehouse must be properly stowed and re-piled.

41. * All goods placed in the Queen's or other warehouses by any person shall be stowed by such person so as to afford easy access thereto, and in such parts or divisions of the warehouse and in such manner as the Collector shall direct ; and if the stowage be broken the goods shall be re-piled by the person breaking such stowage, in such manner as the Collector may require.

Penalty for neglect or refusal.

42. * If any person placing such goods or breaking the stowage shall neglect or refuse to stow or re-pile them as herein before directed, he shall for such neglect or refusal be guilty of an offence, and be liable to a fine not exceeding fifty rupees :

* Application modified in the port of Colombo.—See section 16 of the Port of Colombo (Administration) Act.

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Provided that it shall be lawful for the person so offending to avoid prosecution for the offence by tendering double the sum incurred in properly stowing or re-piling the goods ; and if such sum be duly tendered before the institution of the prosecution, no further proceedings shall be had against such person for the offence aforesaid. In case of prosecution, the Magistrate shall direct so much of the fine as shall be sufficient to cover the expense of properly stowing and re-piling the goods to be paid to the Collector.

Expenses to be paid to Collector.

43. If any goods enumerated in the table of prohibitions and restrictions in Schedule B shall be imported or brought into Ceylon contrary to the prohibitions and restrictions contained in such table in respect thereof, such goods shall be forfeited, and shall be destroyed or disposed of as the Principal Collector of Customs may direct :

Prohibitions and restrictions.

Provided that if any dangerous substance be imported or brought into Ceylon without the licence of the Minister,[1] or contrary to any of the regulations which may be made from time to time by the Minister,[1] for the safe landing and deposit of such substance, the person importing or bringing the same to Ceylon, and any person concerned in such importation or bringing of the same, shall, in addition to the forfeiture above provided, be guilty of an offence and be liable to a fine not exceeding one thousand rupees.

44. If any person exports or attempts to export or take out of Ceylon any goods enumerated in the table of prohibitions and restrictions in Schedule B, in contravention of the prohibitions and restrictions contained in such table in respect thereof, such goods shall be forfeited, and shall be destroyed or disposed of as the Principal Collector of Customs may direct.

Goods exported contrary to the prohibitions and restrictions in Schedule B to be forfeited.

[§ 6, 8 of 1944.]

45. (1) All articles—

Articles consigned to any officer of a public department for the use of the Crown free of duty.

(*a*) consigned to any officer of a public department in Ceylon and being the property of the Crown ; or

(*b*) consigned to any person for the purpose of being delivered to any officer of a public department for the use or service of the Crown ; or

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(c) purchased out of bond by any officer of a public department for the use or service of the Crown,

shall be passed duty free on any such public officer delivering to the Collector a list of the articles and certifying at the foot thereof that such articles are the property of the Crown or have been consigned to some person named in the certificate for the use or service of the Crown, or have been purchased out of bond for the use or service of the Crown.

(2) All such articles passed duty free as aforesaid shall, in case of the sale thereof, 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 articles not exempted from duties of customs under this section, and the officer of the public department in whose charge such goods may be shall furnish the Collector with the particulars of the sale thereof, and out of the proceeds of the same pay to the said Collector the duties which may be due thereon :

[§ 2, 17 of 1946.] Provided that the preceding provisions of this subsection shall not apply in the case of the sale of any salt passed duty free as aforesaid on or after the 1st day of September, 1944.

Abatement of duty on damaged goods.

[§ 7, 8 of 1944.]

46. (1) Where any goods imported into Ceylon have sustained damage, the Principal Collector of Customs may, upon claim made in that behalf and upon proof to his satisfaction that such damage was sustained after the goods had been shipped in the importing ship and before the goods had been landed in Ceylon, make an abatement of the whole or any part of the duty chargeable thereon, as he may in his discretion determine.

(2) Every claim under subsection (1) for the abatement of duty shall be made by the importer or consignee of the goods in such form and in such manner as the Principal Collector may prescribe.

(3) If the importer or consignee of the goods is not satisfied with the abatement made by the Principal

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Collector, the Principal Collector may call upon two impartial merchants or representatives of insurance companies to examine the goods and report to what extent in their judgment the goods are lessened in value by the damage they have sustained, and may, in his discretion, having regard to such report, vary the original abatement.

(4) Where an abatement of the whole duty originally chargeable on any goods is made under subsection (1), or where any damaged goods are abandoned by the importer or consignee thereof, the Principal Collector may in his discretion take those goods for the use of the Crown, or order that those goods be destroyed or removed from the customs premises under the supervision of an officer of customs and at the expense of the importer or consignee of the goods.

(5) Where the importer or consignee of any goods fails to pay any sum incurred under subsection (4) in the destruction or removal of such goods, it shall be lawful for the officers of customs to refuse to pass any other goods belonging to such importer or consignee until such sum is paid :

Provided that nothing in the preceding provisions of this subsection shall be deemed to prohibit the recovery of such sum from such importer or consignee as a debt due to the Crown.

Importer to deliver bill of entry.

[§ 10, 29 of 1952.]

47. The person entering any goods inwards, whether for payment of duty or to be warehoused, or for payment of duty upon the taking out of the warehouse, or whether such goods be free of duty, shall deliver to the Collector a bill of entry of such goods, on a form of such size and colour as may be specified in that behalf by the Collector by notification published in the Gazette, and fairly written in words at length, expressing the name of the ship, and of the master of the ship in which the goods were imported, and of the place from which they were brought, and the description and situation of the warehouse, if they are to be warehoused, and the name of the person in whose name the goods are to be entered, and the quantity, value, and description of the goods, and the number, dimensions, and denomination or description of the respective

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[§ 10, 29 of 1952.] packages containing the goods, and such other particulars as the Collector by that or a subsequent notification may require him to furnish, and in the margin of such bill shall delineate the respective marks and [§ 10, 29 of 1952.] numbers of such packages. If such person fails to deliver a bill of entry prepared as aforesaid, he shall be liable to a penalty of fifty rupees. Such person shall pay any duties and dues which may be payable upon

Duplicates. the goods mentioned in such entry; and such person shall also deliver at the same time two or more duplicates of such bill, in which bill all sums and numbers may be expressed in figures, and the particulars to be contained in such bill shall be legibly written and arranged in such form and manner, and the number of such duplicates shall be such as the Collector shall require, and such bill of entry when signed by the Collector, or person authorized by him, and transmitted to the proper officer, shall be the warrant to him for the examination and delivery of such goods; but if such goods shall not agree with the particulars in the bill of entry the same shall be forfeited, and such forfeiture shall include all other goods which shall be entered or packed with them as well as the packages in which they are contained.

Delivery of goods prior to entry.

48. Notwithstanding anything contained in section 47, it shall be lawful for the Collector, on application made and subject to such regulations as the Principal Collector of Customs may from time to time issue, to allow the delivery of goods with or without examination, prior to the presentation of the bill of entry:

Provided that—

(*a*) any misdescription or under-valuation appearing in the application shall render the importer liable to the penalties imposed by this Ordinance for misdescription or under-valuation in the bill of entry;

(*b*) such delivery shall not in any way be construed as a waiver of the Collector's right to order forfeiture of the goods for any breach of this Ordinance committed in respect to such goods by the importer thereof, or relieve such

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importer from any penalty or liability to which he would have been subject had delivery been claimed on the presentation of the bill of entry ; [§ 11, 29 of 1952.]

(c) if any sum of money imposed as a penalty be not duly paid, it shall be lawful for the officers of customs to refuse to pass any other goods imported by that importer until the said sum of money is paid. [§ 11, 29 of 1952.]

Entry by bill of sight.

49. The importer of any goods, or his agent, if unable, for want of full information, to make perfect entry of such goods, may on making and subscribing a declaration to that effect before the Collector, or other proper officer of customs, make an entry by bill of sight for the packages or parcels of such goods, in order that the same may be seen and examined by the proper officer, and within three days after the goods shall have been so examined the importer shall make a perfect entry thereof, either for payment of duty or for warehousing, as the case may be ; but if the importer shall neglect to pass such perfect entry within one month after the date of the examination, such goods shall be sold for the payment of the duties, warehouse rent, and other charges due thereon, and the overplus, if any, shall be paid to the proprietor of the goods.

Perfect entry to be made within three days.

In default goods to be sold after one month.

Entry to agree with manifest, &c.

50. No entry nor any warrant for the delivery of any goods, or for the taking of any goods out of any warehouse, shall be valid unless the particulars of the goods and packages in such entry shall correspond with the particulars of the goods and packages purporting to be the same in the report of the ship, and in the manifest, where a manifest is required, and in the certificate or document, where any is required, by which the importation or entry of such goods is authorized, nor unless the goods shall have been properly described in such entry by the denominations, and with the characters and circumstances according to which such goods are charged with duty, or may be imported, either to be used in Ceylon, or to be warehoused for exportation only ; and any goods taken or delivered out of any ship, or out of any warehouse, or for the delivery of which,

Goods not duly entered forfeited.

H 23——J. N. R 7594 (4/60)

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or for any order for the delivery of which, from any warehouse, demand shall have been made, not having been duly entered, shall be forfeited.

Goods *ad valorem.*

51. In all cases when the duties imposed upon the importation of articles are charged, not according to the weight, tale, gauge, or measure, but according to the value thereof, the respective value of each of such articles shall be stated in the entry, together with the description and quantity of the same, and such respective value shall be affirmed by the declaration of the importer of such articles, or his known agent, in manner and form following, that is to say:—

Declaration of value.

Form of declaration.

I, A. B., (place of abode), do hereby declare that I am (the importer, *or* authorized by the importer) of the goods contained in this entry, and that I enter the same (*stating which, if parts only*) at the respective sum or value mentioned opposite to the said articles, and amounting together to the sum of Rs. ————.

Witness my hand the ———— day of ————.

A. B.

Goods undervalued to be detained,

52. If upon examination of the goods so entered it shall appear to the officers of the customs that the same are not valued according to the true wholesale market value thereof, it shall be lawful for such officers to detain such goods, and within two days from the day on which such goods shall be finally examined for duty by the proper officers to take such goods for the use of the Crown; and the Collector shall, from the daily collection of the port, or by an advance from the Treasury, cause the amount of such valuation, together with the duties paid upon such goods, to be paid to the importer or proprietor of such goods in full satisfaction for the same, and shall dispose of such goods for the benefit of the Crown, and if the produce of such sale shall exceed the sums so paid and all charges incurred by the Crown, one moiety of such surplus shall be paid to a separate fund at the disposal of the Minister,[1] and be distributed by him at such periods and in such proportions to or amongst such meritorious officers as the Principal Collector shall submit as most deserving, and the other moiety shall be accounted for, paid and carried to account as duties of customs.

and sold for the benefit of the Crown.

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PART V

Entry Of Goods Reimported

Entry of reimported goods by bill of store.

53. All goods, the produce or manufacture of Ceylon, reimported, shall be deemed and taken to be, and be entered as foreign produce or manufacture, and shall be liable to the same duties, rules, regulations, and restrictions as such goods of foreign produce and manufacture would be liable to on importation thereof, unless the same shall be reimported within two years after the exportation thereof, and unless it be proved to the satisfaction of the proper officers that the property in such goods has continued and still remains in the person by whom or on whose account the same have been exported, in which case the same may be entered as goods, the produce or manufacture of Ceylon, by bill of store containing such particulars, and in such form and manner as the Collector may direct.

Bill of store may be issued by the proper officer.

54. The person in whose name any goods reimported were entered for exportation shall deliver to the proper officer of customs an exact account signed by him of the particulars of such goods referring to the entry and clearance outwards, and to the return inwards of the same, with the marks and numbers of the packages, both inwards and outwards ; and thereupon the officer finding that such goods had been legally exported shall grant a bill of store for the same ; and if the person in whose name such goods were entered for exportation was not the proprietor thereof, but his agent, he shall declare in such bill of store the name of the person by whom he was employed as such agent ; and if the person to whom such returned goods are consigned shall not be such proprietor and exporter, he shall make and subscribe a declaration in such bill of store of the name of the person for whose use such goods have been consigned to him, and the real proprietor ascertained to be such shall make and subscribe a declaration upon such bill of store to the identity of the goods so exported and so returned, and that he was at the time of exportation and of reimportation the proprietor of such goods, and that the same had not during such time been sold or disposed of to any

Agent to declare name of employer.

Consignee to declare who is proprietor.

Proprietor to declare to identity and property unchanged.

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other person, and such declaration shall be made before the Collector, and thereupon the Collector shall admit such goods to entry by bill of store, and grant his warrant accordingly.

The entry by bill of store to be granted.

PART VI

[§ 8, 32 of 1941.]

Removal Of Goods By Sea Or Inland Carriage

Goods may be removed by land, or from one sea port to another in Ceylon.

55. Goods may be removed or carried from one port of Ceylon to any other port therein by sea or inland carriage previous to payment of duties, on the owner or his agent duly entering the same, and giving bond to the satisfaction of the Collector for the due delivery thereof at the custom-house of the port to which such goods are to be removed; and if the seals of office attached to such packages be broken, or if the contents shall not be found to agree with the particulars of entry and advice from the port of removal, such packages, with their contents, shall be forfeited, and the bond given for the safe and due delivery of the goods enforced. The Minister [1] may from time to time direct and appoint rules, regulations, and restrictions in respect of the said removal of goods, and all goods carried or removed contrary thereto shall be forfeited.

PART VII

Regulations Outwards

Ship to be entered and goods cleared before shipment.

56. And whereas it is expedient that the officers of customs should have full cognizance of all ships departing from any port or place in Ceylon and of all goods taken out of Ceylon; it is enacted that the master of every ship shall, before any goods be laden therein, deliver to the Collector a certificate from the proper officer of the due landing of the inward cargo of such ship, of her last voyage, and also an entry outwards under his hand, stating her name, country, and tonnage,

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the port of registry, the name of the master and of the owners, and the number of the crew and passengers, and the destination of such ship. If any goods be laden on board any ship before such entry be made, the master of such ship shall forfeit a sum not exceeding five hundred rupees.

Exporter to deliver bill of entry.

57. The person exporting any goods whether liable to the payment of duty or free of duty shall deliver to the Collector a bill of entry of such goods, on a form of such size and colour as may be specified in that behalf by the Collector by notification published in the Gazette, and fairly written in words at length expressing the name of the ship in which the goods are to be exported and of the port to which they are to be taken, and containing an accurate specification of the quantity, quality, and value of such goods, and the number, denomination, dimensions, and description of the respective packages containing the goods and such other particulars as the Collector by that or a subsequent notification may require him to furnish, and in the margin of such bill of entry shall delineate the respective marks and numbers of such packages. If such person fails to deliver a bill of entry prepared as aforesaid, he shall be liable to a penalty of fifty rupees. Such person shall pay any duties and dues which may be payable on the goods mentioned in such entry, and such person shall also deliver at the same time two or more duplicates of such bill in which all sums and numbers shall be expressed in figures, and the particulars to be contained in such bill shall be legibly written and arranged in such form and manner and the number of such duplicates shall be such as the Collector shall require, and such bill of entry when signed by the Collector or person authorized by him and transmitted to the proper officer shall be the warrant to him for the examination of and delivery for shipment of such goods, and if such goods shall not agree with the particulars in the bill of entry, or if such goods are removed from the warehouse or other place appointed for shipment before such entry is passed and all duties and dues paid, and in the absence of any explanation to the satisfaction of the Collector the same shall be forfeited,

[§ 12, 29 of 1952.]

[§ 12, 29 of 1952.]

[§ 12, 29 of 1952.]

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and such forfeiture shall include all other goods which shall be entered or packed with them as well as the packages in which they are contained.

Exportation prior to the presentation of the bill of entry.
[§ 13, 29 of 1952.]

58. Notwithstanding anything contained in section 57, it shall be lawful for the Collector, on application made in that behalf by an exporter of goods and subject to such conditions as may be imposed by the Principal Collector and notified in the Gazette, to permit the exportation of such goods prior to the presentation of the bill of entry for such goods :

Provided that—

(*a*) any misdescription or under-valuation appearing in the application shall render the exporter liable to the penalties imposed by this Ordinance for misdescription or under-valuation in the bill of entry ;

(*b*) such permission to export shall not in any way be construed as a waiver of the Collector's right to order forfeiture of the goods, if the goods have not already been shipped out of Ceylon, for any breach of this Ordinance committed in respect of the goods by the exporter, or shall not relieve the exporter from any penalty or liability to which he would have been subject had the goods been exported after the presentation of the bill of entry ; and

(*c*) if any sum of money imposed as a penalty be not duly paid, it shall be lawful for the officers of customs to refuse to pass any other goods brought for exportation by the exporter until the said sum of money is paid.

Boat-notes to accompany goods laden for export.
[§ 8, 8 of 1944.]

59. * No goods shall be laden, put off, or waterborne to be shipped for exportation or coastwise, or shipped on board any ship, boat, or lighter, outside such hours as the Principal Collector with the sanction of the Minister [1] may, from time to time, prescribe, or on any day when the custom-house is closed for business, without permission from the Collector, nor from any

* Application modified in the port of Colombo.—See section 16 of the Port of Colombo (Administration) Act.

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place except some legal quay or other place duly appointed by the Collector, nor without the presence or authority of the proper officer of customs, nor before due entry outwards of the vessel on which the goods are to be shipped, nor before such goods shall have been duly entered and duly cleared for shipment by such officer, who may open all packages and fully examine all goods brought and intended for shipment; and all goods laden, put off, or waterborne, in any ship, boat, or lighter shall be accompanied by a boat-note signed by the locker or other officer of customs and specifying the number of packages and the marks and numbers and other descriptions of the goods, and all goods shut out for any reason shall be immediately reconveyed to the place of lading; and the Collector shall have power, with the approval of the Minister, [1] to make regulations from time to time relating to the shipping of goods and to the re-landing of shut-out cargo, and all goods which are laden, put off, waterborne, or shipped contrary to the provisions of this section or of any regulations made hereunder, or which are found in a boat without a boat-note, or in excess of the quantity specified in the boat-note, or in excess of the quantity shut out, or which are shipped on board any vessel not duly entered outwards may be re-landed by the proper officer of customs, and, in the absence of any explanation to the satisfaction of the Collector, shall be forfeited together with the means of conveyance.

Every person knowingly concerned in the lading, putting off or carrying of such goods, or into whose hands and possession such goods shall knowingly come, contrary to the provisions of this section or of any such regulation, shall forfeit and pay a sum not exceeding one thousand rupees, or treble the value of such goods, at the election of the Collector. [§ 4, 9 of 1949.]

Stiffening order.

60.* When it shall become necessary to lade heavy goods on board any ship before the whole of the inward cargo is discharged, the Collector may, previous to the entry outwards of the ship, issue a stiffening order, sanctioning the shipment of the goods.

* Application modified in the port of Colombo.—See section 16 of the Port of Colombo (Administration) Act.

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Stores.

61. On due requisition by the master the Collector may allow for the use of such ship such stores as may appear necessary according to the voyage upon which she is about to depart, but no articles taken on board any ship shall be deemed to be stores unless duly shipped as such by entry or by permit of the Collector or other proper officer.

Collector may grant general sufferance for the shipping of goods.

62. * On the entry outwards of any ship the Collector shall grant a general sufferance for the shipment and lading of any sort of goods, the produce or manufacture of Ceylon, except such as shall be expressly excepted therein :

Subsequent entry and penalty on failure.

Provided always that before the clearing outwards of such ship, the exporter of any goods on board the same shall deliver to the Collector an entry, containing an accurate specification of the quantity, quality, and value of such goods ; and if such declaration be false, or if he fails to make such entry before the content of the ship is delivered in by the master, he shall forfeit a sum not exceeding two hundred rupees ; and the Collector may refuse to certify such shipment on the clearance of such ship.

Master to deliver content,

63. Before any ship, whether laden or in ballast, shall be cleared outwards at any port in Ceylon, the master shall deliver a content of such ship, setting forth the name and tonnage of such ship and the place or places of her destination, and the name of the master, the number of passengers, also, if laden, an account of the goods shipped on board, and of the packages containing such goods, and of the marks and numbers upon such packages, and a like account of the goods on board, if any, which had been reported inwards for exportation in such ship, so far as any of such particulars can be known by him, and the master of the ship shall furnish such content in duplicate, and shall make and sign a declaration before the Collector to the truth of such content, and shall also answer such questions concerning the ship, the cargo and the

answer questions,

* Application modified in the port of Colombo.—See section 16 of the Port of Colombo (Administration) Act.

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intended voyage, as the Collector shall demand of him, and, if required by the Collector, shall produce to him any bill or bills of lading, or a true copy thereof, for any and every part of the cargo laden on board, and thereupon the Collector or other proper officer shall make out and give to the master a certificate of the clearance of such ship for her intended voyage, containing an account of the total quantities of the several sorts of goods laden therein, or a certificate of her clearance in ballast, as the case may be ; and if the ship shall depart without such clearance, or if the master shall deliver a false content, he shall forfeit a sum not exceeding one thousand rupees.

and produce bills of lading.

Certificate of clearance.

64. It shall be lawful for the officers of the customs to go on board any ship before and after clearance outwards within the limits of any port in Ceylon, or within two leagues of the coast thereof, and to demand the certificate of clearance and the victualling bill, and if there be any goods on board subject to duty and not duly entered outwards, such goods shall be re-landed and forfeited ; and if any goods contained in such clearance or victualling bill be not on board, the master shall forfeit a sum not exceeding two hundred rupees for every package or parcel of goods contained in such clearance or victualling bill and not on board.

Officers may board vessels after clearance.

PART VIII

Trade By Vessels Of Less Than 15 Tons Burthen

65. No goods shall be imported into or exported from Ceylon from or to parts beyond the seas in any ship of less burthen than fifteen tons, and any goods so imported or exported shall be forfeited :

No goods to be imported or exported in vessels of less than 15 tons.

Provided that it shall be lawful for the Minister,[1] by any Order[1] to be by him issued and published in the Gazette, to allow ships or boats under fifteen tons burthen to import or export any goods from or to parts beyond the seas, at such ports or places, and during such periods or times and in such manner as may be deemed expedient, upon any pearl fishery or other occasion appearing to require the same.

Unless allowed by Order of the Minister.

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PART IX

Regulations Coastwise

Coastwise trade.

66. All ships conveying goods coastwise, and all goods imported or exported coastwise, shall be liable to the like cognizance of the customs, and be subject to the same prohibitions, restrictions, regulations, fines, forfeitures, and penalties as goods imported from or exported to parts beyond the seas, and it shall be lawful for the Minister [1] to make and appoint such other regulations, by any Order [1] to be by him issued and published in the Gazette, for the carrying coastwise of any goods, as to him shall appear expedient, and such Order [1] shall have the same effect in law as if it had formed part of this Ordinance.

What goods shall be carried coastwise.

67. No goods shall be carried in any coasting ship except such as shall be laden to be so carried at some port or place in Ceylon, and if any goods shall be taken into or put out of any coasting ship at sea, or over the sea, or if any coasting ship shall touch at any place over the sea, or deviate from her voyage, unless forced by unavoidable circumstances, or if the master of any coasting ship which shall have touched at any place over the seas shall not declare the same in writing under his hand to the Collector at the port in Ceylon where such ship shall afterwards first arrive, the master of such ship shall be liable to forfeit a sum not exceeding one thousand rupees.

PART X

Regulation Of Movements, &c., Of Ships Under 250 Tons Tonnage

Regulation of movements, &c., of ships under 250 tons tonnage. [§ 5, 9 of 1949.]

68. (1) The Minister of Finance may make any such regulations as may appear to him expedient for the purpose of enabling the officers of customs to have full cognizance of the movements, to or from any port or place in Ceylon, of ships not exceeding 250 tons tonnage, and generally for the purpose of the prevention of the smuggling of goods into or from Ceylon or of the

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importation or exportation of goods contrary to any such prohibitions or restrictions as may be applicable by virtue of any other written law.

(2) Without prejudice to the generality of the powers conferred by subsection (1), regulations made under that subsection may provide for all or any of the following matters :—

(*a*) the registration by the Collector of Customs of ships ordinarily based or stationed at any port or place in Ceylon, and the prohibition of the use of ships or of the making of voyages or the conveyance of goods by ships which are not duly registered ;

(*b*) the limits within which ships may be used or make voyage, the places at which they may be stationed or anchored, the mode of navigation thereof, the purposes for which and the manner in which they may be employed, and the marking of ships with their names or with numbers assigned to them by the Collector ;

(*c*) the prohibition of the employment or engagement on ships, whether as master or member of the crew, of any person who has at any time been convicted of any offence mentioned in section 129 or section 130 or any other specified section of this Ordinance ;

(*d*) the issue of licences by the Collector of Customs exempting ships from the operation of any regulation made in respect of any matter referred to in the preceding paragraph (*b*), and the circumstances in which, and the conditions and restrictions subject to which, such licences may be issued.

(3) Any regulation made under the preceding provisions of this section may be limited in its application to ships of any specified tonnage, build or description or to ships ordinarily based at or departing from or arriving at, any port or place in any specified area in Ceylon; and any such regulation may provide different

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requirements in respect of ships of different tonnage, build or description or ordinarily based or stationed at ports or places in different areas.

(4) Every regulation made by the Minister under the preceding provisions of this section shall be brought before the Senate and the House of Representatives for approval, and if so approved shall come into force on the date of its publication in the Gazette or on such later date as may be specified in such regulation.

(5) Every ship which is used or employed or makes voyage in any manner contrary to any regulation made under the preceding provisions of this section which may be applicable to such ship, and any goods which are unlawfully carried therein or any goods which having been unlawfully carried therein are jettisoned therefrom, shall be liable to forfeiture.

[§ 14, 29 of 1952.]

(6) Any person who knowingly or wilfully contravenes or fails to comply with any provision of any regulation made under the preceding provisions of this section shall be liable to a penalty not exceeding one thousand rupees.

PART XI

Warehousing Of Goods

Power to appoint warehousing ports.

Appointment of warehouses.

69. The Minister may, by Order [1] from time to time, appoint the ports in Ceylon which shall be warehousing ports for the purposes of this Ordinance, and the Collectors of such ports may from time to time, by notice in writing under their hands, approve and appoint warehouses or places of security in such ports, and direct in what different parts or divisions of such warehouse or places, and in what manner, and under what regulations, any and what sort of goods may be warehoused, kept, and secured without payment of duty upon the first entry thereof, and may also direct in what cases, and with what sureties, and to what amount, security by bond shall be required in respect of any warehouse so approved or appointed as aforesaid, or in respect of any goods deposited

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therein, or for the security of the duties due thereon; and such Collectors may by a like notice revoke or alter any such appointments or declarations; but every such notice of the appointment of warehouses, or of the revoking thereof, shall be subject to the Minister's [1] approval, and shall be published in such manner as he may direct.

Warehouse keeper to give security.

70. The proprietor or occupier of every warehouse approved of and appointed as aforesaid, or someone on his behalf, shall give or procure to be given security by bond with two sufficient sureties, or such other security as the Collector may approve, for the payment of the full duties of importation on or for the due entry for exportation of all such goods as shall at any time be warehoused therein, and no goods shall be warehoused in any such warehouse until such security shall have been given.

Importer under certain restrictions may warehouse goods.

71. The importer of any goods into any warehousing port may warehouse the same in warehouses appointed as aforesaid, or in any public warehouse, without payment of any duty on the first entry thereof, subject to the regulations, restrictions, and conditions hereinafter mentioned and from time to time directed by the Collector; but nothing herein contained shall be construed to render it incumbent on Government to provide accommodation for the warehousing of goods, or for the deposit of salt, which shall be warehoused only in private warehouses.

Entry for the warehouse.

72. The importer of any goods intended to be warehoused without payment of duty on the first entry thereof, or his agent, shall deliver to the Collector a bill of entry of such goods in the same manner and form and containing the same particulars as are herein before required on the entry of goods to be delivered for home use, as far as the same shall be applicable, and the name and description of the warehouse in which such goods are intended to be warehoused, and the name of the person in whose name they are to be so warehoused, and such bill of entry when signed by the Collector or other authorized officer shall be transmitted to the

Particulars.

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Warrant for warehousing.

proper officer of customs and be the warrant for the examination and due warehousing of such goods, and all goods not duly entered shall be liable to forfeiture; but the Collector may, if he see fit in any case so to do, require bond to be given by the importer or consignee in treble the amount of duties due thereon for the safe deposit and due clearance of such goods.

Bond upon entry of goods for the warehouse.

Power of lessee of customs premises in certain cases to cause warehousing entry to be passed for goods.

73. If at any time a portion of the customs premises has been or shall be leased for the purpose of landing, shipping, and warehousing goods to any company constituted for these purposes, it shall be lawful for such company, if the owners of any goods landed within such premises shall fail to make entry thereof and remove the same within ten clear days, to cause a warehousing entry to be passed for such goods under the general description of merchandise without the particulars required by section 72 and to remove the same to their warehouse, and the reasonable expenses of such entry, removal, and warehousing shall be reimbursed to such company by the owner or consignee of the goods so entered as aforesaid, and shall be recoverable by the said company :

Provided that no goods entered by such company as aforesaid shall be liable to seizure by reason of any inaccuracy in the passing of any such entry, if it shall appear to the Principal Collector of Customs that such inaccuracy was not intentional or occasioned by wilful or culpable negligence ;

Provided further, that in the case of any goods removed under this section no warehouse warrant shall issue, and that, if after the expiry of three months, such goods shall not have been cleared, they shall be sold in accordance with the provisions of section 109 of this Ordinance.

Goods warehoused to be marked and numbered, &c.

74. All goods so entered to be warehoused shall before deposit in any warehouse be properly marked and numbered by the importer in legible characters with the initials of the owner, importer, or consignee, or other distinguishing marks, and the goods shall be

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stowed so as to afford easy access thereto, and to every package or parcel in such parts or divisions of the warehouse, and in such manner as the Collector or the proper officer shall direct, and if the stowage be broken the goods shall be re-piled by the person breaking such stowage in such manner as the Collecor may require, and the neglect or refusal to stow or re-pile them as herein before directed shall subject the occupier of the warehouse, or the person so offending, to a fine not exceeding fifty rupees. The warehouse shall be locked and secured in such manner, and shall be opened on such days and during such hours as the Principal Collector with the sanction of the Minister [1] may from time to time prescribe, and visited only at such times and in the presence of such officers, and under such regulations as the Collector shall direct ; and all such goods shall, after being landed upon importation, be carried to the warehouse, or shall after being taken out of the warehouse for exportation or for stores, be carried to be shipped, under such regulations as the Collector shall direct.

Stowage of goods warehoused.

Penalty.

Locking and opening warehouse. [§ 9, 8 of 1944.]

Carrying goods to and from warehouse.

75. If any goods entered to be warehoused shall not be duly warehoused in pursuance of such entry, or being duly warehoused shall be fraudulently concealed in or removed from the warehouse, or abstracted from any package, or transferred from one package to another, or otherwise, for the purpose of illegal removal or concealment, they shall be forfeited, together with the goods with which they shall have been so packed, and the packages in which they shall have been concealed.

Goods not duly warehoused or fraudulently concealed or removed, forfeited.

76. If the warehouse keeper of any warehouse shall not produce to any authorized officer of customs on his request any goods deposited in such warehouse which shall not have been duly cleared and delivered therefrom, such warehouse keeper shall for every such neglect forfeit the sum of fifty rupees in respect of every package or parcel not so produced.

Warehouse keeper neglecting to produce goods deposited, when required, to forfeit fifty rupees.

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Importer or proprietor clandestinely gaining access to warehoused goods to forfeit one thousand rupees.

77. If the warehouse keeper of any warehouse, or the importer or proprietor of any goods warehoused therein, or any person in his employ, shall clandestinely open the warehouse or gain access to the goods except in the presence of the proper officer of customs acting in the execution of his duty, such warehouse keeper, importer, or proprietor shall for every such offence forfeit a sum not exceeding one thousand rupees.

Duty on goods taken out of warehouse without entry to be paid by warehouse keeper. Persons taking out of or destroying goods in warehouse to to be deemed guilty of an offence. Importer or consignee defrauded by officers to be indemnified. [§ 9, 32 of 1941.]

78. If any goods shall be taken out of any warehouse without due entry of the same with the proper officer of customs, the warehouse keeper of such warehouse shall forthwith pay the duties due upon such goods, and every person so taking out any goods without payment of duty, or who shall aid, assist, or be concerned therein, and every person who shall wilfully destroy or commit criminal breach of trust of any goods duly warehoused, shall be guilty of an offence and shall be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding two years, or to both such fine and imprisonment ; but if such person shall be an officer of customs not acting in the due execution of his duty, and shall be prosecuted to conviction by the importer, consignee, or proprietor of such goods, no duty shall be payable for or in respect of such goods, and the damage occasioned by such waste, spoil, or criminal breach of trust shall, with the sanction of the Minister,[1] be repaid or made good to such importer, consignee, or proprietor by the Collector of Customs.

Collector may remit duties on warehoused goods lost or destroyed.

79. If any goods entered to be warehoused, warehoused, or entered to be delivered from the warehouse, shall be lost, damaged, or destroyed by unavoidable accident, either in receiving into the warehouse or in the warehouse, the Collector may remit the duties due thereon.

Landing account to be taken of goods for the warehouse.

80. Upon the entry and landing of any goods to be warehoused, the proper officer of customs shall take a particular account of such goods at the quay, wharf, or warehouse at which they shall be so landed, and shall enter in a book prepared for that purpose the name of the importing ship, and of the person in whose name they are entered, the marks, numbers, and contents of

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every such package, the description of the goods, and the warehouse in which the same shall be deposited, and when the same shall have been so deposited with the authority of such officer, he shall certify that the entry and warehousing of such goods is complete, and such goods shall from that time be considered goods warehoused ; and if any such goods shall be delivered, withheld, or removed from the proper place of examination before the same shall have been duly examined and certified by such officer, such goods shall be deemed to be goods not duly entered or warehoused, and shall be liable to be forfeited.

Contents to be marked on packages and in landing book.

81. The account of goods so taken as aforesaid shall be the account upon which the duties payable upon such goods shall be ascertained, when the same shall ultimately come to be delivered upon due entry for that purpose, and the same shall be entered and the full duties due thereon be paid, according to the quantity taken in such account, without any abatement for any deficiency except as hereinafter provided.

Goods to be entered and duties paid according to landing account.

82. All warehoused goods shall be cleared either for home use or exportation within two years from the date on which the same were warehoused, or within such further period as the Collector shall allow, in which case the goods shall be examined by the proper officers, and the duties due upon any deficiency or difference between the quantity ascertained on landing, and the quantity found to exist on such examination, together with the warehouse rent and necessary expenses attendant thereon, shall, subject to such allowances as are by law permitted in respect thereof, be paid down, and the quantity so found shall be re-warehoused in the name of the then owner or proprietor thereof, in the same manner as on first importation.

Goods to be cleared within two years.

Duties to be paid upon deficiencies, &c.

83. If any warehoused goods shall not be duly cleared, exported, or re-warehoused, and the duties ascertained to be due on the deficiencies as aforesaid shall not be paid at the expiration of two years from the previous entry and warehousing thereof, or within such further period as shall be permitted by the Collector, the same, if worth the duty due thereon, shall

Goods not cleared or re-warehoused or duties paid on deficiencies after two years to be sold.

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after one month's notice to the warehouse keeper, importer or consignee, be sold either for home use or exportation with or without the consent of the warehouse keeper, importer, or consignee; and the proceeds thereof shall be applied to the payment of the duties, warehouse rent, and charges, and the surplus, if any, shall be paid to the owner or proprietor of such goods, if known; but if such owner or proprietor cannot be found, such surplus shall be carried to the account of Government to abide the claim of such owner or proprietor on his appearing and making good his claim thereto within one year from the date of sale: and if such goods shall not be worth the duty, then the same after such one month's notice as aforesaid may be exported or may be destroyed, with or without the concurrence of the owner thereof, or the warehouse keeper of the warehouse in which the same were so warehoused, as the Collector shall see fit; and the duties due upon any deficiency thereof, not allowed by law, shall, if required by the Collector, be forthwith paid by the warehouse keeper.

Proceeds of sale how to be applied.

Goods not worth the duty may be exported or destroyed.

Goods in warehouse may be repacked.

84. With the sanction of the Collector, and after such notice given by the respective importers or proprietors and at such times and under such regulations and restrictions as the Collector shall from time to time require and direct, it shall be lawful in the warehouse to sort, separate, pack, and repack any goods, and to make such alterations therein as may be necessary for the preservation, sale, shipment, or disposal thereof; provided that such goods be repacked in the packages in which they were imported, or in such other packages as the Collector shall permit; and also to draw off any wine or any spirits into reputed quart or pint bottles for exportation only; and also to fill up any cask of wine, beer, or spirits from any other casks of the same, respectively secured in the same warehouse, and also to take such moderate samples of goods as may be allowed by the Collector with or without entry, and with or without payment of duty, except as the same may eventually become payable as on a deficiency of the original quantity; and the duty on the surplus, if

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any, of such goods as may be delivered for home use shall be immediately paid, and such surplus shall thereupon be delivered for home use accordingly ; and after such goods have been so separated and repacked in proper or approved packages, the Collector may, at the request of the importer or proprietor of such goods, cause or permit any refuse, damage, or surplus goods occasioned by such separation or repacking, or at the like request, any goods which may not be worth the duty, to be destroyed, and may remit the duty payable thereon.

Damaged parts may be destroyed.

85. No warehoused goods shall be taken or delivered from the warehouse, except upon due entry and under the care of the proper officers, for exportation or to be shipped as stores, or upon due entry and payment of the full duties payable thereon for home use.

Entry for exportation or home use.

86. Upon the entry of any goods to be cleared from the warehouse for home use, the person entering such goods shall deliver a bill of entry, and duplicates thereof in like manner and form and containing the same particulars as herein before required on the entry of goods to be delivered for home use on the landing thereof, as far as the same may be applicable, and shall at the same time pay down to the proper officer of customs the full duties payable thereon, not being less in amount than according to the account of the quantity taken by the landing waiter or other proper officer on the first entry and landing thereof, except as to the following goods, namely :— rice, wine, beer, spirits, and sugar, the duties whereon when cleared from the warehouse for home use shall be charged upon the quantity of such goods ascertained by weight, measure, or gauge at the time of actual delivery thereof, unless there is reasonable ground to suppose that any portion of the deficiency or difference between the weight, measure, or gauge ascertained on landing and first examination of any such last-mentioned goods and that ascertained at the time of actual delivery has been caused by illegal or improper means, in which case the proper officer of customs shall make such

Bill of entry for warehoused goods delivered for home use.

Duties to be paid according to landing account, except in certain cases when duties are to be charged on ascertained quantity on delivery, unless deficiency has been caused by improper means.

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allowance only for loss as he may consider fairly to have arisen from natural evaporation or other legitimate cause.

Value of goods for allowance on deficiencies to be estimated at market price.

87. When any deficiency occurs in goods chargeable to pay duty according to the value thereof, the value thereof shall be estimated as nearly as conveniently may be by the officers of customs according to the market price of the like sort of goods.

Deficiencies on goods exported not to be charged with duty unless fraudulent.

88. No duty shall be charged in respect of any deficiency in goods entered and cleared from the warehouse for exportation, unless the officers of customs have reasonable ground to suppose that such deficiency, or any part thereof, has arisen from illegal abstraction.

On entry outward, bond for due shipment and landing shall be given.

89. Before any warehoused goods subject to duties of customs shall be permitted to be exported, the exporter or his agent shall give security by bond, to be approved of by the Collector, in treble the amount of duty payable by law upon the importation of such goods, with one sufficient surety, if required by the Collector, that such goods shall be duly shipped and exported, and shall be landed at the place for which they are entered outwards or otherwise accounted for, to the satisfaction of the Collector, and shall, if required, produce a certificate, under the hands of the proper officers at the port of landing, of the due landing of the goods at such port as aforesaid.

General bond for warehoused goods exported.

90. The Collector may, in such instances as he shall deem advisable, accept, in lieu of separate bonds as aforesaid, from the known resident exporters and shippers of goods, general bonds with one or two sufficient securities or such other security as the Collector may approve of, to such an amount as shall be necessary for the due shipment, exportation, and landing at the place for which they are entered outwards of all warehoused goods exported by such persons, but such general bonds shall only be in force for two years and may be revoked and cancelled whenever the Collector shall see fit.

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Minister may close bonded warehouse.

91. It shall be lawful for the Minister,[1] after notice published in the Gazette, to direct that after the expiration of twelve months from the date of such notice no goods or merchandise shall be warehoused in any public warehouse or premises, and to convert all or any of such warehouses or premises in use as bonding warehouses at the time of such notice to other purposes of customs accommodation, and any goods not cleared from such public warehouse by removal to other approved bonding warehouse, or by entry for home consumption or exportation, at the expiration of such notice aforesaid, shall be sold by the Collector in like manner as is provided for the sale of unclaimed goods.

Collector may issue warrants.

92. The Collector of Customs may, upon an application in writing by the owner, importer, or consignee of any goods duly warehoused in any Queen's warehouse, or other place of deposit provided by Government, issue to such owner, importer, or consignee, warrants, under his hand substantially in the form in Schedule D.

Goods transferable by endorsement and deliverable to the holders of warrants.

93. Such warrants shall be transferable once or oftener by the endorsement of the owner, importer, or consignee of the goods or of the holders of the said warrants, and the right and title to the goods enumerated in such warrants shall vest in the possessors thereof without any endorsement save that of the original grantee. The Collector shall, upon production and surrender of such warrants, but not otherwise, deliver the goods to the holders of the warrants, on due entry of the goods for home consumption or exportation, and upon payment of all duties and charges due on the said goods.

Warrants by private warehouse keepers.

94. It shall be lawful for the keeper of any bonded warehouse to issue to the owner, importer, or consignee of any goods duly warehoused in his bonded warehouse, warrants substantially in the form in Schedule D. Such warrants shall be transferable, once or

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oftener, by the endorsement of the owner, importer, or consignee of the goods, or of the holders of the said warrants; and the right and title to the goods enumerated in such warrants shall vest in the possessors thereof without any endorsement save that of the original grantee. The keeper of such warehouse shall, upon production and surrender of such warrants but not otherwise, deliver the goods to the holders of the warrants on due entry of the goods for home consumption or exportation, and upon payment of all duties and charges due on the said goods:

Provided that it shall not be lawful for the keeper of any bonded warehouse to issue warrants for goods in which he has any share or interest as owner, importer, or consignee.

No goods warehoused in Government or bonded warehouses to be delivered save on surrender of the warrant, and no warrant once surrendered to be reissued.

95. No goods warehoused in any Queen's warehouse or other place of deposit provided by Government, or in any bonded warehouse, shall be delivered out of such Queen's warehouse or other place of deposit provided by Government, or bonded warehouse, except upon surrender of the warrant in which such goods are enumerated, to the Collector of Customs or to the keeper of such bonded warehouse, as the case may be; every such warrant after being so surrendered, shall be defaced, and no such warrant after being so surrendered, shall be reissued:

But where partial delivery taken, a new warrant may be issued in respect of the goods remaining undelivered.

Provided that whenever the holder or holders of any warrant issued under section 92 or section 94 or under this section, shall be desirous of obtaining delivery of a part only of the goods enumerated in such warrant, it shall be lawful for the Collector of Customs or keeper of the bonded warehouse, as the case may be, upon the surrender of such warrant, to issue to the holder or holders by whom the same was surrendered a new warrant in respect of the goods remaining undelivered.

Penalty on infringement of section 95.

96. Any person who shall deliver any goods warehoused as mentioned in section 95, out of the place in which the same shall have been so warehoused, except

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upon the surrender, as therein mentioned, of the warrant in which such goods are enumerated, and any person who shall reissue any warrant surrendered as aforesaid, shall be deemed guilty of an offence, and liable on conviction to a fine not exceeding fifty rupees.

Stamp duty on warehouse warrants fixed at fifty cents.

97. Every warrant, whether issued by a Collector of Customs or by the keeper of a bonded warehouse, shall bear a stamp duty of fifty cents, and such duty shall be denoted by adhesive stamps. Such warrants shall be liable, in all matters relating to stamp duty, to the provisions of the enactments relating to stamp duties, so far as the same shall be applicable thereto.

Crown when liable to make compensation for loss in any Queen's warehouse.

98. Provided that the holder of any warrant issued by the Collector of Customs shall have no claim on the Crown to compensation for loss of any goods by fire, theft, damage, or other cause, except such loss be caused by the wilful waste, spoil, destruction or criminal breach of trust, on the part of any officer of customs, and such officer shall have been prosecuted to conviction within one year from the date of such wilful waste, spoil, destruction or criminal breach of trust. The holder of a warrant issued by a bonded warehouse keeper shall have no claim on the Crown to compensation on any ground or pretext whatsoever.

Crown not liable for loss in any bonded warehouse.

Goods otherwise liable to customs laws and regulations.

99. Provided, further, that the Collector of Customs shall be in no way answerable for the correctness of the particulars of the contents or value of the goods specified in any warrant issued as aforesaid, and that the said goods shall be in every respect liable to the provisions of the laws and regulations relating to the customs in force at the time such goods shall be in deposit at the Queen's warehouse or other place of deposit provided by Government.

Penalties.

100. Any keeper of a bonded warehouse who shall fraudulently issue a warrant for goods not in his warehouse, or who shall fraudulently issue two or more warrants for the same goods, or who shall fraudulently

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issue warrants for goods in which he has any share or interest as owner, importer, or consignee, or who shall aid and assist any other person to do so, and any keeper of such warehouse or other person who shall in any way use any warrant granted under the provisions of this Ordinance for the purposes of defrauding or injuring any person, company, or corporation, shall be guilty of an offence, and be liable to imprisonment with or without hard labour not exceeding three years, and in addition thereto, at the discretion of the Judge, to a fine not exceeding one thousand rupees.

PART XII

[§ 10, 32 of 1941.]

General Regulations

Minister to make regulations for certain purposes.

101. (1) It shall be lawful for the Minister[1] from time to time to make regulations as to him shall appear expedient for any of the following purposes :—

(*a*) for preventing accidents by fire, and as to the lighting or using of candles, fires, and lamps, and as to the smoking of tobacco or herbs within the customs premises ;

(*b*) for governing and regulating porters, labourers, cartmen, and others carrying goods, or using or driving any animals or vehicles within the customs premises ;

(*c*) for preventing damage being done to any goods or property within the customs premises ;

(*d*) for prohibiting or regulating the admission of persons to the customs premises, and for excluding persons therefrom ; and

(*e*) for regulating the conduct of persons within the customs premises ;

(*f*) for prescribing new forms for the warrants issued under sections 92 to 100, both inclusive, and the manner in which such warrants are to be defaced,

and such regulations shall be published in the Gazette and shall have the force of law. Any person who shall

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disobey the same shall be guilty of an offence, and shall be liable to forfeit a sum not exceeding fifty rupees, or, on summary trial and conviction by a Magistrate, to a fine not exceeding fifty rupees or to imprisonment of either description for any term not exceeding three months or to both such fine and imprisonment.

(2) In this section and in any regulation made thereunder, "customs premises" means the customs premises as defined from time to time by the Principal Collector of Customs by notification in the Gazette.

Goods of dangerous quality.

102. * If the owner, consignee, or person having charge of any tar, pitch, spirituous liquor, turpentine, oil, aqua fortis, lucifer matches, or any other article of a combustible or dangerous nature whatsoever, shall suffer the same to remain in the customs premises beyond the space of five hours after he shall have been required by any officer of customs to remove the same therefrom, then and in every such case every person so offending shall for every such offence be liable to a fine not exceeding fifty rupees and not less than ten rupees for every hour that any of the said articles or goods shall be or remain in the place aforesaid after the expiration of the said five hours.

Special regulations for ships.
[§ 10, 8 of 1944.]

103. (1) Whereas it is desirable to facilitate the despatch of ships, it shall be lawful for the Minister[1] to make special regulations from time to time relating to the entry inwards and outwards of such ships, and the landing, shipping, and transhipping of goods by them, and such regulations when duly published, shall have the same effect in law as if they formed part of this Ordinance.

[§ 10, 8 of 1944.]

(2) The regulations made under the foregoing sub-section may, amongst other matters—

(*a*) prescribe the fees and charges payable by persons requiring the services of any officer of customs outside such hours as the Principal Collector with the sanction of the Minister[1]

* Application modified in the port of Colombo.—See section 16 of the Port of Colombo (Administration) Act.

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may from time to time prescribe, or on any day when the custom-house is closed for business ;

(*b*) provide for the collection or summary recovery of such fees and charges and the disposal thereof upon collection or recovery ; and

[§ 15, 29 of 1952.]

(*c*) require the furnishing of security in money for the payment of any duties, dues, fees or charges payable in respect of goods imported or exported before the presentation of the bills of entry for such goods.

Approval of Port Commissioner for bringing cargo into Colombo port warehouse.

104. No cargo shall be brought into any Colombo port warehouse for shipment without the prior approval of the Port Commissioner.

[§ 16, 10 of 1950.]

Goods lodged in Queen's warehouse liable to claims for freight, &c.

105. (1) All goods or merchandise which shall be lodged in any Queen's warehouse under the provisions of this Ordinance, not being goods seized as forfeited,[s] shall, when landed, continue and be subject and liable to such and the same claim for freight and general average in favour of the master, owner, or agent of the respective ship, or of any other person interested in the freight or general average from which such goods or merchandise shall have been so landed, as such goods or merchandise respectively were subject and liable to before the landing thereof.

Collector required to detain goods for freight, &c.

(2) The Collector is hereby authorized and required, upon due notice in writing given to him by such master, owner, agent, or other person as aforesaid, specifying the particulars of the goods and requiring the goods or any portion thereof to remain subject to a lien for freight, primage, general average, or other charges, to detain and keep in the Queen's warehouse the whole or such portion of such goods, not being seized as forfeited,[s] until he receives notice in writing that the said charges are paid.

Collector not bound to see to validity of any lien.

(3) The Collector shall not be bound to see to the validity of any lien claimed by any master, owner, agent, or other person as aforesaid.

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(4) If any goods or merchandise deposited as aforesaid be left in any custom-house or Queen's warehouse for a longer period than thirty days from the date of landing, such goods shall, after public advertisement, be sold by public auction either for home use or exportation, and the proceeds thereof applied first to the payment of the duties due thereon, the warehouse rent, and expenses of sale, then to the payment of the freight, primage, general average, and charges claimed as aforesaid, and the overplus, if any, shall be paid to the proprietor of the goods ; but if there be no such proprietor, such overplus shall be paid into the Treasury, and if not claimed within one year from the date of the sale of such goods, such overplus shall be brought to account as revenue :

Power to sell goods not cleared in thirty days. [§ 16, 29 of 1952.]

Provided that goods of a perishable nature or in a damaged condition may, after public advertisement, be sold forthwith, and if not saleable may be destroyed, and neither the proprietor nor the claimant of the freight, primage, general average, and charges as aforesaid, due on any goods sold or destroyed as aforesaid, shall have any claim on the Collector for or on account thereof.

Perishable goods may be sold at once.

(5) The Collector shall not be required to detain for freight, primage, general average, or charges as aforesaid horses, cattle, or other livestock, unless proper provision be made by the person detaining the same for the feeding, care, and housing of such livestock.

Livestock.

106. All bonds relating to the customs, required to be given in respect of goods or ships shall be taken by the Collector for the use of Her Majesty, and after the expiration of three years from the date thereof, or from the time, if any, limited therein for the performance of the condition thereof, every such bond upon which no prosecution or suit shall have been commenced shall be void, and may be cancelled and destroyed.

Bonds to be taken by Collector.

107. (1) If any goods, packages, or parcels shall be landed, taken, or passed out of any ship, or out of any warehouse, not having been duly entered, the same shall be forfeited :

Goods concealed in packages or delivered without entry forfeited.

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Passengers' baggage.

Provided always that no entry shall be required in respect of the baggage of passengers, which may be landed, examined, and delivered under such regulations as the Collector may direct; but if any prohibited or uncustomed goods shall be found concealed therein or upon the person of the passenger, or in any place in which they have been put by his direction, or with his connivance, either before or after landing, the same shall be forfeited, together with the contents of the packages and the packages containing the same.

[§ 17, 29 of 1952.]

(2) Any passenger leaving Ceylon may be searched and his baggage examined by such officers, and in accordance with such directions, as the Collector may prescribe by notification published in the Gazette :

Provided that no female passenger shall be searched by any person other than a female duly authorized in that behalf by the Collector.

[§ 17, 29 of 1952.]

(3) If any prohibited or uncustomed goods are found concealed in the baggage of any passenger leaving Ceylon or upon his person or in any place in which they have been put by his direction or with his connivance either before or after embarkation, those goods shall be forfeited.

Goods in any warehouse to be at risk of the owner.

108. All goods lodged or deposited in any Queen's warehouse or other place of deposit provided by Government shall be so deposited at the risk of the owner, importer, or consignee, who shall have no claim on the Crown to compensation for loss by fire, theft, damage, or other cause, except such loss be proved by the prosecution to conviction (within one year from the date at which such wilful waste, spoil, destruction, or criminal breach of trust is alleged to have taken place) of the offending party to have been caused by the wilful waste, spoil, destruction, or criminal breach of trust of any officer of customs, and in which case no duty shall be leviable on such goods.

Power to sell goods not cleared within thirty days.

[§ 18, 29 of 1952.]

109. All goods left in any Queen's warehouse or on the customs premises for a longer period than thirty days, unless permitted to remain by the special permission of the Collector, shall, after public advertisement, be sold by auction to answer the duties,

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warehouse rent, or other charges due thereon, and any overplus shall be paid, if claimed within twelve months from the date of sale, to the owner of such goods, who shall have no further claim touching the same, but if there be no claimant such overplus shall be brought to account as revenue :

Provided that any goods of a perishable nature which shall be left in the warehouse or customs premises, or in any bonded warehouse, uncleared, may be sold forthwith, or if not saleable may be destroyed, and the proprietor of any goods sold or destroyed as aforesaid shall have no further claim for or on account thereof.

Collector's power to order removal of goods from one warehouse to another. [§ 19, 29 of 1952.]

110. (1) For the purpose of preventing the congestion of goods in any Queen's warehouse or in the customs premises, or if the Collector considers it expedient, he may by written order require any person who has deposited any goods in that warehouse or in such premises to remove them therefrom and deposit them in such other place within the customs premises as may be specified in the order within the period specified therein.

(2) A person who does not comply with an order issued to him under subsection (1) shall be liable to a penalty of one thousand rupees.

Government may appoint ports and quays and alter or annul the same.

111. The Minister [1] may by Order [1] appoint any place to be a haven, creek, port, or warehousing port in Ceylon and declare the limits thereof, and appoint proper places within the same to be legal quays for the lading and unlading of goods, and declare the bounds and extent of any such quays, or annul the limits of any port, haven, creek, or legal quay already appointed, or to be hereafter appointed, and declare the same to be no longer a port, warehousing port, haven, creek, or legal quay ; and all ports, warehousing ports, havens, and creeks, and the respective limits thereof, and all legal quays appointed, set out, and existing as such at the time of the passing of this Ordinance shall continue to be such ports, havens, creeks, and quays until annulled or altered as aforesaid.

Existing ports to continue.

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Collector to appoint wharves.

112.* The Collector may from time to time, by any order under his hand, and under such restrictions and regulations as he shall see fit, appoint proper places for the lading and unlading of goods.

Officers may refuse any person to do any act as master of ship, unless his name is endorsed on registry.

113. The officers of customs may refuse to allow any person to do any act as master of any British ship, unless his name is inserted in or endorsed upon the certificate of registry of such ship as being the master thereof.

When ship's agent may act for master.

114. Anything which a master is required or empowered to do under this Ordinance may, with the express or implied consent of such master and with the approval of the Collector of Customs, be done by a ship's agent.

Collector to grant licences to custom-house agents.

115. The Collector may and he is hereby authorized to grant licences in such form and manner and to such persons as he shall think fit, to act as agents for transacting business which shall relate to the entry or clearance of any ship, or of any goods, or of any baggage, in any of the ports or places in Ceylon, and only persons so appointed shall act as agents as aforesaid, and the Collector may cancel or revoke for fraud or misconduct any licence so granted to any such person :

Parties applying to transact business for others to produce written authority for so doing.

Provided that such licence shall not be required by the clerk, servant, or known and accredited agent of any person or mercantile firm for transacting business at the custom-house on account of such person or firm ; but whenever any person shall make any application to any officer of the customs to transact any business on behalf of any other person, it shall be lawful for such officer to require the person so applying to produce a written authority from the person on whose behalf such application shall be made, and in default of the production of such authority to refuse to transact such business.

* Application modified in the port of Colombo.—See section 16 of the Port of Colombo (Administration) Act.

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No vessel to be hauled on shore without permission.

116.* No ship or boat shall be hauled on shore at any public wharf, quay, beach, or landing place in Ceylon, for the purpose of repairs or otherwise, without permission from the Collector, and no boat shall remain alongside of any wharf or landing place after the owner or person in charge shall be directed to remove the same by the proper officer of customs ; and any person hauling any ship or boat on shore without such permission as aforesaid, and the owner or person in charge of any boat refusing or neglecting to remove the same when ordered as aforesaid shall be liable to a fine not exceeding fifty rupees, and such ship or boat may be detained by the Collector until payment of the fine imposed.

Boat to be removed from wharf when directed.

Penalty.

No timber, &c., to be left on wharf for more than one day.

117.* If any timber or other heavy or bulky articles be left on any public quay, jetty, wharf, beach, or landing place in Ceylon for more than one day, so as to interrupt or hinder the free use thereof, it shall be lawful for the Collector, after twelve hours' notice in writing given to the owner thereof or to his agent, to remove the same ; and such owner shall be liable to a penalty not exceeding fifty rupees and such goods shall not be delivered up to the owner thereof until after payment of the said penalty, together with the charges attending the removal of the same ; and if such goods shall not be removed within six days after notice given as aforesaid, it shall be lawful for the Collector to sell the same by public auction, and to deduct from the proceeds the amount of such penalty and all charges which may have been incurred on account of such goods, and the surplus, if any, shall be paid to the owner.

Officers may board ships hovering on the coasts,

118. It shall be lawful for the officers of customs to go on board any ship in any port or place in Ceylon, or hovering within one league of the coast thereof, and to rummage and search all parts of such ship for prohibited and uncustomed goods, and freely to stay on board such ship so long as she shall remain in such port or

* Application modified in the port of Colombo.—See section 16 of the Port of Colombo (Administration) Act.

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place or within such distance ; and if any such ship shall be bound elsewhere, and shall continue so hovering for the space of twenty-four hours after the master shall have been required to depart, it shall be lawful for the officers of customs to bring such ship into port, and to search and examine her cargo, and to examine the master touching the cargo and voyage ; and if there be any goods on board prohibited to be imported into Ceylon, and if the master shall not truly answer the questions which shall be demanded of him on such examination, he shall forfeit a sum not exceeding one thousand rupees.

and bring them into port.

Penalty.

Making false declaration. Signing false documents and untruly answering questions.

119. If any person shall make and subscribe any declaration, certificate, or other instrument required by this Ordinance to be verified by signature only, the same being false in any particular ; or if any person shall make or sign any declaration made for the consideration of the Collector or the proper officer of customs on any application presented to him, the same being untrue in any particular ; or if any person required by this Ordinance or any other enactment relating to the customs to answer questions put to him by the officers of customs shall not truly answer such questions ; or if any person shall counterfeit, falsify, or wilfully use when counterfeited or falsified, any document required by this Ordinance or any enactment relating to the customs, or by or under the directions of the Collector of Customs, or any instrument used in the transaction of any business or matter relating to the customs, or shall fraudulently alter any document or instrument, or counterfeit the stamp, seal, signature, initials, or other mark of, or used by the officers of the customs for the verification of any such document or instrument, or for the security of goods, or any other purpose, in the conduct of business relating to the customs, every person so offending shall for every such offence forfeit a sum not exceeding one thousand rupees :

Counterfeiting and using false documents.

Penalty.

Provided always that this penalty shall not attach to any particular offence for which any other penalty shall be expressly imposed by any law in force for the time being.

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Bond entered into with the Collector for the due performance of anything relating to the customs, to be valid in law.

120. And whereas it frequently occurs that certain indulgences are granted to merchants and others by the Collector of Customs on bond being given for the security of the revenue, and as doubts may arise whether such bonds would in law be valid :

It is therefore enacted and declared that in all cases where bonds shall be entered into with the Collector of Customs for the due performance of any order, matter, or thing relative to the customs, such bonds shall be valid in law, and upon breach of any of the conditions thereof may be sued and proceeded upon in like manner as any other bond entered into by virtue of this Ordinance.

Export, &c., of naval, military, and air stores may be prohibited. [§ 12, 32 of 1941.]

121. The Minister may by Order [3] published in the Gazette prohibit either absolutely or subject to such restrictions and conditions as he may in his discretion determine, the exportation or the carriage coastwise of all or any of the following goods, namely :—arms, ammunition and gunpowder, naval, military, and air stores and any articles which the Minister [1] shall judge capable of being converted into or made useful in increasing the quantity of naval, military or air stores, provisions, or any sort of victual which may be used as food by man ; and if such goods shall be exported from Ceylon or carried coastwise in contravention of such prohibition or otherwise than in accordance with such restrictions and conditions, or be waterborne to be so exported or carried, such goods may be seized and shall be forfeited. [§ 12, 32 of 1941.]

Unauthorized persons not permitted to make entries.

122. Every person who shall make or cause to be made an entry inwards or entry outwards of any goods, not being duly authorized thereto by the proprietor or consignee or exporter of such goods, shall for every such offence forfeit a sum not exceeding one thousand rupees.

Samples. [§ 20, 19 of 1952.]

123. It shall be lawful for the Collector to authorize the officers of customs to take samples of goods for the purpose of ascertaining the duties payable on such goods or for any other purpose relative to the customs, and such samples shall be accounted for in such manner as the Collector may direct.

H 25——J. N. R 7594 (4/60)

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Collector may refuse clearance.

124. The Collector may refuse to grant clearance to any ship until the owner, agent, or master of that ship, or some other person, shall have paid all port dues, fees, fines, penalties, or charges to which such ship or the owner or master of such ship in respect thereof shall be liable under this Ordinance or any other enactment :

Provided such port dues, fees, fines, penalties, or charges shall have been incurred during her present voyage inwards or outwards.

PART XIII

Smuggling, Seizures, And Prosecutions Generally

Smuggling, seizures, and prosecutions generally.

125. All goods and all ships and boats which by this Ordinance are declared to be forfeited shall and may be seized by any officer of the customs ; and such forfeiture of any ship or boat shall include the guns, tackle, apparel, and furniture of the same, and such forfeiture of any goods shall include all other goods which shall be packed with them, as well as the packages in which they are contained ; and all carriages or other means of conveyance, together with all horses and all other animals, and all other things made use of in any way in the concealment or removal of any goods liable to forfeiture under this Ordinance, shall be forfeited.

Forfeiture of ship to include tackle, &c.

Stoppage, inspection, and search of vehicles suspected to be transporting smuggled goods, &c.
[§ 6, 9 of 1949.]

126. (1) Where any officer of customs, or any peace officer or excise officer acting in aid or assistance of any officer of customs, has reason to suspect that smuggled goods are being transported or removed in any vehicle of any description whatsoever, it shall be lawful for such officer—

(*a*) to give such orders, directions or signals, or to use such devices, or to take such other measures, as may be necessary to stop the vehicle or to cause it to be halted ; and

(*b*) to inspect and search the vehicle.

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(2) Where the Collector of Customs has reason to suspect that any road is being used by vehicles which transport or remove smuggled goods, he may erect or cause to be erected across the road or any part thereof a barrier or barriers of such nature and description as to him may seem necessary for the purpose of stopping vehicles using that road or causing such vehicles to be halted.

(3) Where any barrier has been erected under subsection (2) across any road or any part thereof, it shall be lawful for any officer of customs or for any peace officer or excise officer acting in his aid or assistance—

(*a*) to give such orders, directions or signals as may be necessary to cause any vehicle of any description whatsoever using such road to stop or to be halted at such barrier; and

(*b*) to inspect and search every vehicle stopped or halted at such barrier, for the purpose of ascertaining whether any smuggled goods are being transported or removed in such vehicle.

(4) Where any order, direction or signal is given under any of the preceding provisions of this section for the purpose of stopping any vehicle, the driver or other person for the time being in charge of such vehicle shall forthwith stop the vehicle or cause it to be halted in accordance with such order, direction or signal; and any driver or other person who fails or refuses to comply with such order, direction or signal shall be guilty of an offence and liable on conviction thereof to a fine not exceeding one thousand rupees.

(5) Neither the Collector of Customs, nor any other officer of customs, nor any peace officer or excise officer acting in aid or assistance of any officer of customs, shall be liable to any action or prosecution, whether civil or criminal, by reason of the erection of any barrier, or the stoppage, inspection or search of

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any vehicle, or of any other act or thing done in pursuance of the powers conferred by the preceding provisions of this section, notwithstanding that smuggled goods may not in fact be found in any vehicle which is stopped, inspected or searched as herein before provided.

(6) In this section—

(*a*) "peace officer" has the same meaning as in the Criminal Procedure Code;

(*b*) "excise officer" has the same meaning as in the Excise Ordinance.

Arrest of persons reasonably suspected of an offence under the Ordinance. [§ 13, 32 of 1941.]

127. Every offence under this Ordinance shall be deemed to be cognizable within the meaning of the Criminal Procedure Code, and any person against whom a reasonable suspicion exists that he has been guilty of any such offence may be arrested in any place either upon land or water by any officer of customs or other person duly employed for the prevention of smuggling. Every person so arrested shall with all convenient despatch, be taken before the nearest Collector of Customs to be dealt with according to law.

Writ of assistance to search for and seize goods liable to forfeiture.

128. Under authority of a writ of assistance granted by the Chief Justice or any Judge of the Supreme Court (who are hereby authorized and required to grant such writ of assistance upon application made to them for that purpose by the Collector of Customs), it shall be lawful for any officer of the customs, taking with him a peace officer, to enter into and search any building or other place in the day-time; and in case of resistance to break open doors, chests, trunks, or other packages, there to seize and from thence to bring any uncustomed or prohibited goods, and to put and secure the same in the Queen's warehouse; and all writs of assistance so issued shall continue and be in force during the whole of the reign in which such writs shall have been granted, and for twelve months from the conclusion of such reign.

Duration of writs of assistance.

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Persons concerned in importing prohibited or restricted goods, whether unshipped or not, and persons unshipping, harbouring, or having custody of such goods, to forfeit treble the value, or one thousand rupees.

129. Every person who shall be concerned in importing or bringing into Ceylon any prohibited goods, or any goods the importation of which is restricted, contrary to such prohibition or restriction, and whether the same be unshipped or not, and every person who shall unship or assist, or be otherwise concerned in the unshipping of any goods which are prohibited, or of any goods which are restricted and imported contrary to such restriction, or of any goods liable to duty the duties for which have not been paid or secured, or who shall knowingly harbour, keep, or conceal, or shall knowingly permit, or suffer, or cause, or procure to be harboured, kept, or concealed, any such goods, or any goods which have been illegally removed without payment of duty from any warehouse or place of security in which they may have been deposited, or into whose hands and possession any such goods shall knowingly come, or who shall assist or be concerned in the illegal removal of any goods from any warehouse or place of security in which they shall have been deposited as aforesaid, or who shall be in any way knowingly concerned in conveying, removing, depositing, concealing, or in any manner dealing with any goods liable to duties of customs with intent to defraud the revenue of such duties or any part thereof, or who shall be in any way knowingly concerned in any fraudulent evasion or attempt at evasion of such duties or any part thereof, shall in each and every of the foregoing cases forfeit either treble the value of the goods, or the penalty of one thousand rupees, at the election of the Collector of Customs.

Persons concerned in exporting prohibited or restricted goods.

130. Every person who shall be concerned in exporting or taking out of Ceylon or attempting to export or take out of Ceylon any prohibited goods or any goods the exportation of which is restricted contrary to such prohibition or restriction, whether the same be laden for shipment or not and every person who shall export or attempt to export any goods liable to duty the duties for which have not been paid or secured, or in any manner deal with any goods liable to duties of customs with intent to defraud the revenue of such duties or any part thereof, or who shall be knowingly

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concerned in any fraudulent evasion or attempt at evasion of such duties or any part thereof, shall in each and every of the foregoing cases forfeit either treble the value of the goods, or be liable to a penalty of one thousand rupees at the election of the Collector of Customs.

Forfeited ships. [§ 6, 3 of 1939.]

131. (1) Any ship not exceeding 250 tons tonnage, knowingly used in the importation or exportation of any goods prohibited of import or export, or in the importation, exportation or conveyance, or in the attempted importation, exportation or conveyance, of any goods with intent to defraud the revenue, shall be forfeited.

(2) The owner or master of any ship exceeding 250 tons tonnage, which would be liable to forfeiture under this section if the ship were of less than 250 tons tonnage, shall forfeit a sum not exceeding ten thousand rupees, and the ship may be detained on the orders of the Collector until such sum is paid or until security for its payment is given to the satisfaction of the Collector.

If goods removed prior to examination, penalty upon parties concerned in the removal.

132. Every person who shall remove any goods imported into Ceylon from any ship, quay, wharf, or other place previous to the examination thereof by the proper officer of customs, unless under the care or authority of such officer, or who shall remove or withdraw from any quay, wharf, or other place any goods entered to be warehoused after the landing thereof, so that no sufficient account is taken thereof by the proper officer, or so that the same are not duly warehoused, and every person who shall assist or be otherwise concerned in such removal or withdrawal, or shall knowingly harbour, keep, or conceal, or shall knowingly permit or suffer, or cause or procure to be harboured, kept, or concealed, any such goods, or into whose possession any such goods shall knowingly come, every such person shall forfeit either treble the value thereof, or the penalty of one thousand rupees, at the election of the Collector of Customs.

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Persons assisting in unshipping or harbouring such goods liable to treble the value or one thousand rupees.

133. Every person who shall assist or be otherwise concerned in the unshipping, landing, or removal, or in the harbouring of such goods, or into whose hands or possession the same shall knowingly come, shall forfeit treble the value thereof, or the penalty of one thousand rupees, at the election of the Collector of Customs ; and the averment in any information to be exhibited for the recovery of such penalty that the Collector of Customs has elected to sue for the sum mentioned in the information shall be deemed sufficient proof of such election, without any other or further evidence of such fact.

How value to be ascertained.

134. In all cases where any penalty, the amount of which is at any time to be determined by the value of any goods, is directed to be sued for under this Ordinance, such value shall be deemed and taken to be according to the rate and price which goods of the like sort or denomination, and of the best quality, bear at such time at the place of importation, and upon which the duties due upon importation have been paid.

Goods, vessels, &c., liable to forfeiture may be seized by officers, &c.

135. All goods, and all ships and boats, and all carriages and all cattle, liable to forfeiture under this Ordinance, shall and may be seized in any place, either by land or water, by any officer of the customs or police, or by any headman, or by any person employed for that purpose, by or with the concurrence of the Minister,[1] and every person who shall in any way hinder, oppose, molest, or obstruct any officer of the customs or police, or any headman, or any person so employed as aforesaid in the exercise of his office, or any person acting in his aid or assistance, or shall rescue, or cause to be rescued, any goods which have been seized, or shall attempt or endeavour to do so, or shall before or at or after any seizure stave, break, or otherwise destroy any goods to prevent the seizure thereof, or shall rescue the same, then and in any such case the party so offending shall be guilty of an offence, and shall for every such offence forfeit a sum not exceeding one thousand rupees.

Persons resisting officers or rescuing or destroying goods to prevent seizure, to forfeit one thousand rupees.

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Goods stopped or taken by police officer.

136. If any goods liable to forfeiture under this Ordinance shall be stopped or taken by any police officer or headman, such goods shall be conveyed to the custom-house nearest to the place where the goods were stopped or taken, and there delivered to the proper officer appointed to receive the same, within a reasonable time after the said goods were stopped and taken; and in case any police officer or headman stopping such goods shall neglect to have the same conveyed to such custom-house within a reasonable time, such police officer or headman shall forfeit a sum not exceeding one hundred rupees.

Officers making collusive seizures, or taking bribes, and persons giving bribes, subjected to penalties.

137. If any officer of the customs, or any person employed for the protection of the revenue, shall make any collusive seizure, or deliver up, or make any agreement to deliver up, or not to seize any ship, boat, or goods liable to forfeiture under this Ordinance, or shall take any bribe, gratuity, recompense, or reward for the neglect or non-performance of his duty, every such officer or other person shall forfeit for every such offence a sum not exceeding one thousand rupees, and be rendered incapable of serving the Government of Ceylon in any office whatever; and every person who shall give or offer, or promise to give or procure to be given any bribe, recompense, or reward to, or shall make any collusive agreement with, any such officer or person as aforesaid, to induce him in any way to neglect his duty, or to do, conceal, or connive at anything whereby the provisions of this Ordinance may be evaded, shall forfeit a sum not exceeding one thousand rupees.

Officers may search persons on board or on shore in certain cases.

138. It shall be lawful for any officer of customs to go on board any ship which shall be within the limits of any port in Ceylon, and search any person on board, and it shall be lawful for him to search any person who shall have landed from any ship, or any person passing or having passed through the custom-house, provided such officer shall have good reason to suppose that such person shall have any uncustomed or prohibited goods secreted about his person; and if any person shall

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obstruct any such officer in the performance of any such duty, every such person shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding one thousand rupees.

Penalty for obstructing the officer.

139. If any person throws overboard any goods from a ship for the purpose of preventing the seizure thereof, he shall be guilty of an offence and liable to a fine not exceeding one thousand rupees ; and if, in a prosecution for any such offence, it is proved to the satisfaction of the court that goods were thrown overboard while any officer of customs was on board in exercise of the powers conferred by section 64 or section 118 or section 138 of this Ordinance or in the course of an attempt by an officer of customs to seize the goods, it shall be presumed unless the contrary is proved that they were so thrown overboard for the purpose of preventing seizure.

Prohibition against the throwing overboard of goods, &c.
[§ 21, 29 of 1952.]

140. Before any person shall be searched by any such officer as aforesaid it shall be lawful for such person to require such officer to take him before a Magistrate, or before the Collector or other superior officer of customs, who shall determine whether there is reasonable ground to suppose that such person has any uncustomed or prohibited goods about his person ; and if it shall appear to such Magistrate, Collector, or other superior officer of customs that there is reasonable ground to suppose that such person has any uncustomed or prohibited goods about his person, then such Magistrate, Collector, or other superior officer of customs shall direct such person to be searched in such manner as he shall think fit ; but if it shall appear to such Magistrate, Collector, or other superior officer of customs that there is not reasonable ground to suppose that such person has any uncustomed or prohibited goods about his person, then such Magistrate, Collector, or other superior officer of customs shall forthwith discharge such person, who shall not in such case be liable to be searched ; and every such officer as aforesaid is hereby authorized and required to take such

Before such search the person may require to be taken before a Magistrate or a superior officer of the customs.

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person, upon demand, before any such Magistrate, Collector, or other superior officer of customs, detaining him in the meantime :

Provided that no person being a female shall be searched by any other person than a female duly authorized for that purpose by the Collector of Customs.

Penalty on officers for misconduct with respect to search.

141. If any such officer shall not take such person with reasonable despatch before such Magistrate, Collector, or other superior officer of customs when so required, or shall require any person to submit to be searched by him, not having reasonable ground to suppose that such person has any uncustomed or prohibited goods about his person, such officer shall forfeit and pay a sum not exceeding one hundred rupees.

Penalty on persons on board falsely denying having foreign goods about them.

142. If any passenger or other person on board any ship or boat, or after landing therefrom, shall upon being questioned by any officer of the customs whether he has any foreign goods upon his person or in his possession, deny the same, and any such goods shall, after such denial, be discovered upon his person or in his possession, such goods shall be forfeited, and such person shall forfeit treble the value of such goods.

Power to fire at vessels failing to bring to when required.
[§ 7, 9 of 1949.]

143. (1) If any ship or boat which is liable to seizure or examination under this Ordinance, or which officers of customs are empowered by this Ordinance to board, shall not bring to when required so to do—

(*a*) the master of such ship or boat shall forfeit the sum of two hundred rupees ; and

(*b*) it shall be lawful for the officer of customs having the charge or command of any vessel flying the Ceylon Customs flag, having first caused a gun to be fired as a signal, to fire at or into such ship or boat ; and such officer of

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customs or any other person acting in his aid or assistance or by his direction shall be and is hereby indemnified, and discharged from any action or prosecution, whether civil or criminal, in respect of any act done in pursuance of the powers conferred by this section :

Provided, however, that the powers conferred on any officer of customs by the preceding provisions of this section shall not be exercised except in relation to a ship or boat which is for the time being within the territorial waters of Ceylon.

(2) Where any vessel, other than a vessel duly authorized by the Collector in that behalf, flies the Ceylon Customs flag, the master or person in charge of the vessel shall be guilty of an offence and liable to a fine not exceeding one hundred rupees.

(3) In this section, " Ceylon Customs flag " means a flag of such design or description as may be specified by the Principal Collector by notice published in the Gazette to be the Ceylon Customs flag.

Goods not to be passed if incurred penalty is not paid.
[§ 22, 29 of 1952.]

144. If any person fails to pay any sum of money which he, under this Ordinance, has forfeited, or becomes liable to forfeit or to pay as a penalty, the officers of customs may refuse to pass any goods which that person imports or brings into or is seeking to export or take out of Ceylon until that sum is paid :

Provided that nothing in the preceding provisions of this section shall be deemed to prohibit the recovery of such sum by the Collector under any other provision of law.

Recovery of penalties.

145. All penalties and forfeitures which shall be incurred under this Ordinance shall and may be sued for and recovered in the name of the Attorney-General in the respective courts of Ceylon, in like manner as other revenue cases.

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Person liable to forfeiture or penalty under any section of the Ordinance to be guilty of an offence. [§ 8, 3 of 1939.]

146. * If any person by reason of any act or omission becomes liable, under the provisions of any section of this Ordinance to forfeit any goods or any sum of money, or to any penalty other than a fine, such person shall, in addition, be guilty of an offence and shall be liable on conviction after summary trial before a Magistrate—

(*a*) for a first offence, to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment ;

(*b*) for a second or subsequent offence, to a fine not exceeding two thousand rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment :

Provided, however, that no prosecution shall be instituted against any person under this section, unless the Principal Collector of Customs is of opinion that the forfeiture or penalty, as the case may be, whether imposed or not, cannot or is not likely to be recovered from such person.

Prosecutions for offences and application of fines. [§ 8, 3 of 1939.] [§ 5, 6 of 1948.]

147. * (1) Every offence under this Ordinance shall be summarily triable by a Magistrate.

(2) No prosecution for any offence under this Ordinance shall be instituted except by, or with the written sanction of, the Principal Collector of Customs or a Deputy Collector of Customs.

(3) The Principal Collector of Customs may at any time compound any offence under this Ordinance :

Provided that where a prosecution has been entered against any person for any offence under this Ordinance, the Principal Collector of Customs may compound such offence at any time before judgment and may withdraw such prosecution.

* Application modified in the port of Colombo.—See section 16 of the Port of Colombo (Administration) Act.

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(4) Notwithstanding the provisions of any written law to the contrary, all fines recovered in respect of offences under this Ordinance shall be paid into the hands of the Collector of Customs at the port or place where or nearest to which the same shall have been recovered, and applied in the manner provided in section 153.

Averment of offence.

[§ 23, 29 of 1952.]

148. In any information or other proceeding for any offence against this Ordinance the averment that such offence was committed within the limits of any port or of the territorial waters of Ceylon shall be sufficient, without proof of such limits, unless the contrary be proved.

Several persons concerned in the same offence jointly and severally liable to the penalty, and may be sued either by one or by separate informations.

149. When any penalty is imposed upon any person committing or concerned in the act by which such penalty is incurred, and such offence shall have been committed by several persons jointly, or several persons shall have been concerned in the same, such several persons shall jointly and severally incur every such penalty ; and it shall be lawful to proceed against such persons to recover such penalty jointly by one information or severally by separate informations, as the Attorney-General may deem expedient.

Goods not specified in boat-note when found concealed in any boat to be presumed to have been stolen or unlawfully received by tindal and boatmen of such boat.

150. Whenever goods not specified in the boat-note mentioned in section 38 have been concealed in any boat during the loading, transit, or unloading of such boat in any harbour or port of Ceylon, the discovery of such goods on board such boat shall be received in all courts of Ceylon as prima facie evidence that the goods have been either stolen by the tindal and boatmen employed in such boat or that the same have been unlawfully received on board by the tindal and boatmen employed on such boat with knowledge that the same have been stolen ; and shall be conclusive thereof unless and until such tindal and boatmen or any of them shall satisfactorily account for the presence of such goods on board such boat.

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Goods not mentioned in boat-note when found in possession of any tindal or boatmen when on board of boat or on wharves to be presumed to have been stolen.

151. Whenever goods not specified in the boat-note mentioned in section 38 shall be found in the possession of any tindal or boatman when on board the boat in which he is employed, or when on the quays or wharves of any port or harbour of Ceylon, such tindal or boatman, in whose possession such goods are found, shall be presumed to have stolen the goods or to have unlawfully received the same knowing them to have been stolen ; unless and until such tindal or boatman shall satisfactorily account for his possession thereof.

Onus probandi to be on the party.

152. If any goods shall be seized for non-payment of duties or any other cause of forfeiture, and any dispute shall arise whether the duties have been paid for the same, or whether the same have been lawfully imported, or lawfully laden or exported, the proof thereof shall lie on the owner or claimer of such goods, and not on the Attorney-General or the officer who shall seize or stop the same.

Application of penalties.

153. * All forfeitures and penalties recovered under this Ordinance shall be paid into the hands of the Collector of Customs at the port or place where or nearest to which the same shall have been recovered, and shall be divided, paid, and applied (after deducting any expenses incurred) as follows, that is to say, one moiety to the Deputy Secretary to the Treasury,[1] for the purpose of the general revenue of Ceylon, and the other moiety to the seizing officer, or informer, or both, in such manner as the Collector may direct.

Seized goods, if unclaimed for a month, to be condemned and dealt with accordingly.

154. All ships, boats, goods, and other things which shall have been or shall hereafter be seized as forfeited under this Ordinance, shall be deemed and taken to be condemned, and may be dealt with in the manner directed by law in respect to ships, boats, goods, and other things seized and condemned for breach of such Ordinance, unless the person from whom such ships, boats, goods and other things shall have been seized, or the owner of them, or some person authorized by him, shall, within one month from the

* Application modified in the port of Colombo.—See section 16 of the Port of Colombo (Administration) Act.

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date of seizure of the same, give notice in writing to the Collector or other chief officer of customs at the nearest port that he intends to enter a claim to the ship, boat, goods, or other things seized as aforesaid, and shall further give security to prosecute such claim before the court having jurisdiction to entertain the same, and to restore the things seized or their value, and otherwise to satisfy the judgment of the court and to pay costs. On such notice and security being given in such sum as the Collector or proper officer of customs at the port where or nearest to which the seizure was made shall consider sufficient, the ship, boat, goods, or other things seized shall, if required, be delivered up to the claimant; but if proceedings for the recovery of the ship, boat, goods, or other things so claimed be not instituted in the proper court within thirty days from the date of notice and security as aforesaid, the ship, boat, goods, or other things seized shall be deemed to be forfeited, and shall be dealt with accordingly by the Collector or other proper officer of customs.

Seized goods may be given up on security being given.

155. No claim to anything seized under this Ordinance shall be admitted by such court, unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing be made by the owner, or by his attorney or agent, by whom such claim shall be entered, to the best of his knowledge and belief, nor unless the claimant shall at the time of filing his libel or plaint to establish his claim satisfy the court that he has given notice and security as in section 154 enacted.

Claim to thing seized to be entered in the name of the owner.

156. No summons shall be sued out against, nor a copy of any process served upon, any officer of the customs or other person as aforesaid, for anything done in the exercise of his office, until one month after notice in writing shall have been delivered to him, or left at his usual place of abode, by the party who intends to sue out such summons or process, his attorney or agent, in which notice shall be clearly and explicitly stated the cause of the action, the name and place of the abode of the person who is to bring such action,

Notice to be given to officers.
[§ 14, 32 of 1941.]

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and the name and place of abode of the attorney or agent; and no evidence of the cause of such action shall be produced except of such as shall be stated in such notice; and no judgment shall be given for the plaintiff unless he shall prove on the trial that such notice was given; and in default of such proof the defendant shall receive in such action a judgment and costs.

Actions to be brought within two months of the cause of them.

157. Every such action as in section 156 referred to shall be brought within two months after the cause thereof, and shall be laid and tried in the district where the facts were committed; and if the plaintiff shall become non-suited, or shall discontinue the action, or if judgment shall be given against the plaintiff, the defendant shall receive the costs of suit.

Officer may tender amends.

158. It shall be lawful for such officer or other person as aforesaid, within one month after such notice, to tender amends to the party complaining, or to his agent, and to plead such tender in bar to any action, together with other pleas; and if the court shall find the amends sufficient, it shall give judgment for the defendant; and in such case, or in case the plaintiff shall become non-suited, or shall discontinue his action, or judgment shall be given for the defendant, such defendant shall be entitled to costs as in section 157 mentioned:

Provided always that it shall be lawful for such defendant, by leave of the court where such action shall be brought at any time before issue joined, to pay money into court as in other actions.

[§ 11, 8 of 1944.]

Judge may certify probable cause of seizure.

159. In case any information shall be brought to trial on account of any seizure made under this Ordinance, and a judgment shall be given for the claimant thereof, and the court before which the cause shall have been tried shall certify on the record that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action or prosecution on account of such seizure; and if any

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action shall be brought to trial against any person on account of such seizure, wherein a judgment shall be given against the defendant, if the court before which such information shall have been tried shall have certified on the said record that there was a probable cause for such seizure, the plaintiff shall only be entitled to a judgment for the things seized, or the value thereof, and not to any damages, nor to any costs of suit.

Limitation of suits.

160. All actions or prosecutions for the recovery of any of the penalties or forfeitures imposed by this Ordinance may be commenced or prosecuted at any time within three years after the offence committed by reason whereof such penalty or forfeiture shall be incurred, any law, usage, or custom to the contrary notwithstanding.

Persons employed for the protection of the revenue to be deemed to be duly employed.

161. All persons employed for the protection of the revenue under the direction of the Minister [3] or of the Collector shall be deemed and taken to be duly employed for the protection of the revenue; and the averment in any information that such person was so duly employed shall be sufficient proof thereof, unless the defendant in such information shall prove to the contrary.

Vessels and goods seized and condemned may be disposed of as the Collector, &c., shall direct.

162. All ships and boats, and all goods whatsoever, which shall have been seized and condemned for a breach of this Ordinance, shall be disposed of as soon as conveniently may be after the condemnation thereof, in such manner as the Collector or other proper officer of customs shall direct:

Provided that all horses, cattle, or goods of a perishable nature may be sold forthwith.

Collector in certain cases may mitigate forfeiture or penalty.

163. * In all cases in which under this Ordinance any ships, boats, conveyances, goods, or other things have become liable to forfeiture, or shall have been forfeited, and in all cases in which any person shall

* Application modified in the port of Colombo.—See section 16 of the Port of Colombo (Administration) Act.

H 26——J. N. R 7594 (4/60)

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[§ 15, 32 of 1941.]

have incurred or become liable to any penalty, it shall be lawful for the Collector, should he deem such forfeiture or penalty unduly severe, to mitigate the same ; but all cases so determined by the Collector shall nevertheless be liable to revision by the Minister. [1]

Restoration of seized goods, ships, &c.

164. In case any goods, ships, or boats shall be seized as forfeited, or detained as undervalued, by virtue of this Ordinance, it shall be lawful for the Minister [1] to order the same to be restored in such manner and on such terms and conditions as he shall think fit to direct ; and if the proprietor of the same shall accept the terms and conditions prescribed by the Minister,[1] he shall not have or maintain any action for recompense or damage on account of such seizure or detention and the person making such seizure shall not proceed in any manner for the purpose of obtaining the condemnation thereof.

The Minister may restore seizures, and mitigate or remit punishments and penalties.

165. The Minister [1] may, by any order made for that purpose, direct any ship, boat, goods, or other commodities whatever, seized under this Ordinance, to be delivered to the proprietor thereof, whether condemnation shall have taken place or not, and may also mitigate or remit any penalty or fine or any part of any penalty or fine incurred under this Ordinance, or may release from confinement any person committed under this Ordinance, on such terms and conditions as to him shall appear to be proper :

Provided always that no person shall be entitled to the benefit of any order for such delivery, mitigation, remission, or release, unless such terms and conditions are fully and effectually complied with.

Possession of articles suspected to have been stolen.

166. (1) Any person who, within the limits of any port, is found, or is proved to have been, in possession or in charge of any article which is suspected to have been stolen from any ship, boat, quay, warehouse, or wharf of any port of Ceylon, may be charged with being, or having been, in possession of property which is reasonably suspected to have been stolen ; and if such person does not give an account to the satisfaction of the Magistrate as to how he came by such article,

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and the Magistrate is satisfied that, having regard to all the circumstances of the case, there are reasonable grounds for suspecting such article to have been stolen, such person shall be guilty of an offence, and shall be liable on conviction before a Magistrate to a fine not exceeding one hundred rupees, or to imprisonment of either description for a period not exceeding six months.

(2) Where any officer of customs or any police officer finds any person in possession or charge of any article which he suspects to have been stolen, he may seize such article and bring or cause to be brought such person before a Magistrate and charged as aforesaid.

PART XIV

Interpretation Of Terms Used In This Ordinance

Interpretation.

167. Whenever the several terms or expressions following shall occur in this Ordinance, or in any other enactment relating to the customs, the same shall be construed respectively in the manner hereinafter directed, unless there is anything in the context repugnant to such construction, that is to say—

"bonded warehouse" shall mean any place approved of by the Minister[1] in which goods entered to be warehoused may be lodged, kept, and secured without payment of duty, although prohibited to be used in Ceylon;

"British possession" shall include colony, plantation, island, territory, or settlement belonging to Her Majesty;

"coastwise" shall mean the trade by sea from any one part of Ceylon to any other part thereof;

"Collector" shall mean the Principal Collector, Collector, deputy, assistant, sub-collector, or other principal acting officer of customs of any port or place;

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"flashing point" shall mean "flashing point" as defined in the Petroleum Ordinance, or in any enactment that may hereafter be substituted therefor ;

"foreign" shall mean the trade by sea to or from any part or place beyond the limits of Ceylon ;

"kerosene oil" shall include the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosene, petroleum, paraffin oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine, and any liquid that is made from petroleum, coal, schist, peat, or any other bituminous substance, or from any products of petroleum with a flashing point of less than 150° F., and any inflammable hydrocarbon (including any mixture of hydrocarbon, and any liquid containing hydrocarbon) which is capable of being used for providing reasonably efficient motive power for a motor car ;

[§ 16, 32 of 1941.]

"Queen's warehouse" shall mean any place provided by the Government for lodging goods therein for the security of the customs ;

"mail steamers" shall mean steamers running under contract with the United Kingdom, Indian, or Burmese, or any colonial or foreign Government ;

"Her Majesty" shall mean Her Majesty, Her Heirs, and Successors ;

"master" of any ship shall mean the person having or taking the charge or command of such ship ;

"officer of customs" shall mean any person acting as such for the time being ;

"owner" shall alike mean one owner if there be only one, and any or all the owners if there be more than one ;

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"seamen" shall include mate, mariner, sailor, or landsman, being one of the crew of the ship;

"ship" shall mean ship or vessel of every description;

"true wholesale market value" shall mean—

(*a*) the wholesale cash price, less trade discount, for which goods of the like kind and quality are sold, or are capable of being sold, at the time and place of importation without any abatement or deduction whatever except of the amount of the duties payable on the importation thereof; or

(*b*) where such price is not ascertainable, the cost at which goods of the like kind and quality could be delivered at such place without any abatement or deduction except of the duties as aforesaid;

"warehouse" shall mean any place provided for the deposit of goods on the landing or for the shipment thereof for the security of the customs.

SCHEDULE A

IMPORT DUTIES

[Section 10.]

[§ 17, 32 of 1941.]

Wherever in this Schedule a preferential rate and a general rate of duty are prescribed for any goods, wares, or merchandise, the preferential rate shall, subject to the terms of any resolution under section 10, be levied and paid upon such of the goods, wares and merchandise as shall be proved to the satisfaction of the Principal Collector of Customs to have been produced or manufactured in, and to have been consigned from, the United Kingdom of Great Britain and Northern Ireland, the Dominions, India, Burma, the territories administered by Her Majesty's Governments in the Dominions under Mandate or otherwise, the British Colonies, the British Protectorates and Protected States and the Mandated Territories of Tanganyika, the Cameroons under British Mandate and Togoland under British Mandate.

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
ABRASIVES, CRUDE—				
Carborundum	—	—	17½	—
Cuttle fish	—	—	17½	—
Emery	—	—	17½	—
Pumice Stone ..	—	—	17½	—
Other	—	—	17½	—
ABRASIVES, MANUFACTURED—				
Abrasive soap ..	—	—	17½	—
Abrasive tape ..	—	—	17½	—
Carborundum wheels, stones and paste ..	—	—	17½	—
Emery wheels, stones, paper and cloth ..	—	—	17½	—
Glass paper and cloth ..	—	—	17½	—
Grinding paste, not elsewhere specified	—	—	17½	—
Pumice powder and blocks ..	—	—	17½	—
Sand paper and cloth ..	—	—	17½	—
Other	—	—	17½	—
ACID—				
Acetic .. .. per demi-john of 44 lb.	—	—	—	0 50
Formic .. .. per demi-john of 44 lb.	—	—	—	0 70
*Sulphuric	10	—	20	—
Acid, not elsewhere specified	16½	—	26½	—
ADHESIVE FLOCK ..	—	—	17½	—
ADHESIVE LIQUID AND POWDER	—	—	17½	—
AERATED AND MINERAL WATERS	—	—	20	—
AGRICULTURAL TRACTORS, distillers, hay-balers, maize shellers, monkey grabbers, monkey jacks, paddy winnows, reapers, reaper binders, self-propelled combined harvesters, threshers, tractor harrows, tractor manure machines and distributors, tractor ploughs, tractor seed drills, tractor hay mowers, billhooks, earth augers, mattocks and scythes and parts thereof	5	—	15	—
ALMONDS—				
Shelled .. .. per cwt.	—	100 0	—	120 0
With shell .. .. per cwt.	—	50 0	—	60 0
AMBER	—	—	50	—
ANIMALS—				
Dogs .. .. each	—	—	—	12 50
Horses .. .. each	—	—	—	2000 0

* Subject to a surcharge of one-tenth of the duties.

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per. Cent.	Rs. c.
ANIMAL BONES OTHER THAN MANURE ..	—	—	5½	—
ANIMAL GLUE AND SIZE ..	—	—	17½	—
ANTI-CORROSIVE PIPE WRAPPING ..	—	—	20	—
ARECANUTS, WHOLE, IN PIECES, OR POWDER ..	—	—	100	—
ARMS—				
Air guns, air rifles and air pistols, not being toys ..	—	—	75	—
Firearms:				
Guns .. Single-barrel ..	—	—	17½	—
Double-barrel	—	—	17½	—
Pistols .. Single-barrel, not magazine	—	—	100	—
Double-barrel or magazine	—	—	100	—
Revolvers ..	—	—	100	—
Rifles and carbines—				
Single-barrel with magazine	—	—	75	—
Single-barrel without magazine	—	—	75	—
Double-barrel ..	—	—	75	—
Other	—	—	75	—
ARMS, PARTS AND ACCESSORIES FOR—				
Cleaning outfits—				
For shot guns ..	—	—	17½	—
For other arms ..	—	—	75	—
Parts and other accessories—				
For shot guns ..	—	—	17½	—
For other arms ..	—	—	75	—
AROMATIC CHEMICALS, Essential oils (synthetic and natural, other than ylang-ylang oil, vetyver oil and geranium oil) and soap compounds—				
In containers of 4 oz. capacity and under ..	40	—	50	—
Other—				
Aromatic chemicals ..	20	—	30	—
Essential oils, synthetic ..	20	—	30	—
Essential oils, not elsewhere specified ..	—	—	20	—
Soap compounds ..	20	—	30	—
ARROWS AND BOWS AND PARTS AND ACCESSORIES THEREOF ..	—	—	35	—
ARTIFICIAL FLOWERS, FOLIAGE AND FRUIT ..	—	—	150	—
ARTIFICIAL LEATHER CLOTH, NOT ELSEWHERE SPECIFIED ..	—	—	20	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise		Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
		Per Cent.	Rs. c.	Per Cent.	Rs. c.
ARTIFICIAL RESIN, NOT ELSEWHERE SPECIFIED		—	—	17½	—
ARTIFICIAL SILK WASTE		—	—	17½	—
ARTIFICIAL TEETH (except dentures) and dental materials, not elsewhere specified ..		—	—	16½	—
ARTISTS' MATERIALS, NOT ELSEWHERE SPECIFIED—					
Artists' boards ..		—	—	17½	—
Artists' colours ..		7½	—	17½	—
Other		—	—	17½	—
ASBESTOS—					
Fibre		—	—	2½	—
Fibrous fillers ..		—	—	20	—
Packing		—	—	20	—
Ridges		—	—	20	—
Sheets		—	—	20	—
Tiles		—	—	20	—
Manufactures, not elsewhere specified		—	—	20	—
ASPHALT	per cwt.	—	—	—	1 10
ATOMISERS AND SPRAYERS (other than scent sprayers) and parts thereof, not elsewhere specified ..		17½	—	27½	—
AVARUM BARK ..	per cwt.	—	—	—	2 0
BALUNGA	per cwt.	—	—	—	35 0
BASKETS AND BASKETWARE, NOT ELSEWHERE SPECIFIED ..		—	—	125	—
BATHING CAPS ..		—	—	100	—
BATH MATS AND BOARDS, WOODEN		—	—	150	—
BATHROOM FITTINGS, NOT ELSEWHERE SPECIFIED—					
Brass		—	—	20	—
Iron and steel ..		20	—	30	—
Wooden		—	—	150	—
BATHS AND SINKS—					
Earthenware, porcelain and china		20	—	30	—
BEADS, NOT ELSEWHERE SPECIFIED ..		—	—	16½	—
BEEDY LEAVES ..	per cwt.	—	—	—	5 0
BEE-KEEPING APPLIANCES AND PARTS THEREOF		5	—	15	—
BEER, ALE AND PORTER AND ALL OTHER MALT LIQUORS	per gallon	—	7 50	—	8 0

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
BELT PRESERVATIVES AND SYRUP ..	—	—	17½	—
BETEL LEAVES .. per cwt.	—	—	—	150 0
BICYCLES (pedal) and TRICYCLES (pedal) and spare parts and accessories (other than toys)	5	—	15	—
BIRD SEED, INCLUDING MILLET	—	—	50	—
BISCUITS	25	—	35	—
BITTERS—				
Angostura	—	—	125	—
Orange	—	—	125	—
Peach	—	—	125	—
BITUMEN .. .. per cwt.	—	—	—	1 10
BITUMINOUS SOLUTIONS	25	—	30	—
BLACKING FOR FOUNDRY (CASTING) PURPOSES ..	—	—	15	—
BOILER CEMENT AND COMPOSITIONS ..	—	—	17½	—
BOILER CLEANING FLUID	—	—	17½	—
BON-BONS (CHRISTMAS CRACKERS), other than any form of confectionery or fireworks of a dangerous character	—	—	100	—
BOOK BINDING CLOTH ..	—	—	17½	—
BOOT AND SHOE LASTS—				
Iron and steel ..	17½	—	27½	—
Wooden	—	—	27½	—
BOOT AND SHOE PROTECTORS—				
Iron and steel ..	15	—	25	—
Leather	15	—	25	—
Rubber	—	—	30	—
Other	—	—	25	—
BOOT AND SHOE SOLES AND HEELS—				
Leather	90	—	100	—
Rubber	—	—	125	—
Wooden	—	—	17½	—
BOOT AND SHOE TREES—				
Aluminium	20	—	30	—
Iron and steel ..	20	—	30	—
Wooden	—	—	30	—
Other	—	—	30	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
BOOTS AND SHOES—				
Canvas, rubber-soled ..	—	—	20	—
Other	25	—	35	—
BOOT POLISH AND CLEANERS	—	—	15	—
BOTTLING CAPSULES ..	—	—	17½	—
BRAZIL NUTS .. per cwt.	—	50 0	—	60 0
BREAKFAST, TIFFIN, TEA AND DINNER WAGONS AND PARTS THEREOF ..	—	—	100	—
BREWING SUGARS AND OTHER INGREDIENTS FOR USE IN BREWING, NOT ELSEWHERE SPECIFIED	17½	—	27½	—
BRISTLES	—	—	17½	—
BROOMS AND BROOM HEADS	—	—	125	—
BRUSHES—				
Artists'	10	—	20	—
Cloth	—	—	20	—
Dental plate ..	—	—	20	—
Hair	—	—	20	—
Iodine	—	—	20	—
Jewellers'	—	—	20	—
Nail	—	—	20	—
Painters' (decorators) ..	10	—	20	—
Scrubbing	—	—	20	—
Shaving	—	—	20	—
Shoe	—	—	20	—
Stencil	—	—	20	—
Throat and medical ..	—	—	20	—
Tooth	—	—	20	—
Other	—	—	20	—
BUILDERS' WOODWORK, NOT ELSEWHERE SPECIFIED	—	—	150	—
BULLETS, PELLETS, AND SHOT—				
Lead	—	—	40	—
Nickel	—	—	40	—
Other	—	—	40	—
BUTTER	15	—	25	—
CABLES, CORDAGE, ROPE AND TWINE NOT ELSEWHERE SPECIFIED—				
Hemp	—	—	20	—
Jute	—	—	20	—
Manilla	—	—	20	—
Sisal	—	—	20	—
Other	—	—	20	—
CACHETS AND CAPSULES FOR MEDICINE ..	—	—	16½	—
CAKES	30	—	40	—
CAMPHOR	—	—	20	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise		Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
		Per Cent.	Rs. c.	Per Cent.	Rs. c.
CANDLES		—	—	35	—
CANDLESTICKS AND STANDS, OTHER THAN ELECTROPLATED WARE—					
Brass		—	—	40	—
Plastic		—	—	40	—
Wooden		—	—	100	—
CANES AND RATTANS ..	per cwt.	—	—	—	6 75
CANS, metal, ready made or ready made components of, shown to the satisfaction of the Principal Collector of Customs to have been imported for canning fruit locally—					
Iron and steel ..		5	—	15	—
Other		—	—	15	—
CARBON BLACK ..		—	—	2½	—
CARDS, PLAYING ..		50	—	60	—
CASEIN		—	—	17½	—
CASTORS		17½	—	27½	—
CEILING AND FLOORING BOARDS		25	—	30	—
"CELLOPHANE", "RAYOPHANE" "PLIOFILM" and similar transparent wrapping material ..		17½	—	27½	—
CELLULOID SHEETS ..		—	—	17½	—
CEMENT, COLOURED ..		—	—	30	—
CEMENT, FERROCRETE ..	per cwt.	—	—	—	2 0
CEMENT, PORTLAND ..	per cwt.	—	—	—	2 0
CEREAL FOODS (PREPARED), NOT ELSEWHERE SPECIFIED ..		15	—	20	—
CHALK, TAILORS' ..		—	—	12½	—
CHALK, NOT ELSEWHERE SPECIFIED ..		—	—	12½	—
CHARTS, THERMOGRAPH RECORDING ..		2½	—	12½	—
CHEAKAI	per cwt.	—	—	—	20 0
CHEAKAI POWDER ..	per cwt.	—	—	—	20 0
CHEESE		10	—	20	—
CHEMICALS, DYES, FILLERS AND ROASTED DEHUSKED TAMARIND SEEDS which are shown to the satisfaction of the Principal Collector of Customs to have been imported for the purpose of processing rubber latex, softened rubber and finished rubber goods ..		2½	—	12½	—

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Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
CHEMICALS, NOT ELSEWHERE SPECIFIED—				
*Alum	15	—	20	—
*Ammonia	15	—	20	—
*Bicarbonate of soda	15	—	20	—
Bleaching powder (chloride of lime)	17½	—	27½	—
*Borax	15	—	20	—
Calc um carbide	15	—	25	—
*Calcium carbonate	15	—	20	—
*Calcium cyanide	15	—	20	—
*Caustic soda	15	—	20	—
*Chloroform	15	—	20	—
*Cream of tartar	15	—	20	—
*Creosote, not elsewhere specified	15	—	20	—
Cresylic creosote and high boiling tar acids shown to the satisfaction of the Principal Collector of Customs to have been imported for the manufacture of disinfectants fungicides and insecticides	Free	—	10	—
*Dextrine	15	—	20	—
*Dextrose	15	—	20	—
Disinfectants	Free	—	10	—
*Epsom salts	15	—	20	—
*Ether	15	—	20	—
Extracts for tanning—				
*Wattle bark extract	Free	—	5	—
*Other	15	—	20	—
Gases—				
Carbonic acid	50	—	60	—
*Oxygen	15	—	20	—
*Other	15	—	20	—
*Glass powder	15	—	20	—
*Glauber salt	15	—	20	—
Hartal—				
*Solid	15	—	20	—
*Powder	15	—	20	—
*Hydrogen peroxide	15	—	20	—
Insecticides and solvents therefor except kerosene oil	Free	—	10	—
*Mineral jelly	15	—	20	—
*Munsal	15	—	20	—
*Naphthalene	15	—	20	—
Potassium permanganate	17½	—	27½	—
*Rubber solution	15	—	20	—
Saccharine	17½	—	27½	—
*Saltpetre	15	—	20	—
*Soda ash	15	—	20	—
Soda bisulphite	—	—	2½	—
*Sodium metabisulphite	15	—	20	—
*Sterine, not elsewhere specified	15	—	20	—
Weed killers	Free	—	10	—
*Wood preservatives	Free	—	5	—
*Other	15	—	20	—
CHICORY	—	—	50	—
CHILLIES, dried .. per cwt.	—	—	—	1 25
CHINA CLAY	—	—	20	—

* Subject to a surcharge of one-tenth of the duties.

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise		Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
		Per Cent.	Rs. c.	Per Cent.	Rs. c.
*CHINAWARE AND PORCELAINWARE, NOT ELSEWHERE SPECIFIED		20	—	25	—
CHRISTMAS TREE DECORATIONS—					
Electric bulb sets ..		17½	—	27½	—
Other		—	—	50	—
CIDER	per gal.	—	—	—	7 50
CIGAR AND CIGARETTE BOXES, CASES AND HOLDERS other than gold-plated and silver-plated ware and gold, platinum and silverware—					
Iron and steel ..		50	—	60	—
Other		—	—	60	—
CINEMATOGRAPH FILMS PROCESSED (sound and silent) other than films certified by the Director of Education to be films of an educational character ..	per foot	—	0 6	—	0 6½
CLEANING COMPOSITIONS INCLUDING AUTOMOBILE CLEANERS ..		—	—	15	—
CLOCKS AND WATCHES AND PARTS AND ACCESSORIES THEREOF, except gold and silverware ..		22½	—	32½	—
CLOISONNEWARE, NOT ELSEWHERE SPECIFIED		—	—	125	—
COAL PITCH ..	per cwt.	—	—	—	1 10
COCOA (prepared) ..		—	—	25	—
COFFEE, BEANS, not roasted	per lb.	—	—	—	0 30
COFFEE, mixed or unmixed, not elsewhere specified ..		—	—	50	—
COFFEE SUBSTITUTES, NOT ELSEWHERE SPECIFIED ..		—	—	50	—
COFFIN MOUNTINGS—					
Brass		—	—	35	—
Plated		—	—	35	—
COIR, manufactures wholly or mainly of		—	—	125	—
COMPRESSED FIBRE BOARDS		—	—	17½	—
CONFECTIONERY ..		50	—	60	—
CONTAINERS shown to the satisfaction of the Principal Collector of Customs to have been imported for the sole purpose of being used for packing tea for sale locally ..		—	—	5½	—

* Subject to a surcharge of one-tenth of the duties.

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise		Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
		Per Cent.	Rs. c.	Per Cent.	Rs. c.
COPRA, not being copra which is the produce of the Maldive Islands	per cwt.	—	—	—	2 50
CORKS AND CORK MANUFACTURES, NOT ELSEWHERE SPECIFIED—					
Corks, agglomerated ..		—	—	17½	—
Corks		—	—	17½	—
Cork sheets.. ..		—	—	17½	—
Crown corks ..		—	—	17½	—
CORRUGATED PLASTIC ROOFING (transparent and translucent) including "Perspex"		—	—	17½	—
COTTON, RAW ..		Free	—	5	—
COTTON WADDING ..		—	—	15	—
COTTON WASTE ..		—	—	17½	—
COWRIES		—	—	50	—
CREAM		25	—	35	—
CRUCIBLES ..		—	—	17½	—
CUPS AND SAUCERS, DISHES AND PLATES, NOT ELSEWHERE SPECIFIED—					
Aluminium ..		20	—	30	—
Glass		—	—	30	—
Plastic and bakelite ..		—	—	30	—
CURRANTS ..	per cwt.	—	—	—	1 25
CURTAIN RODS AND FITTINGS—					
Iron and steel ..		35	—	45	—
Wooden		—	—	150	—
CURIOS AND BRIC-A-BRAC		—	—	75	—
CUTCH	per cwt.	—	—	—	50 0
CUTLERY, NOT ELSEWHERE SPECIFIED—					
Knives, scissors, razors and other cutleryware including spoons and forks, but not including gold and silverware		27½	—	37½	—
DAMASCENEWARE, NOT ELSEWHERE SPECIFIED		—	—	125	—
DANGEROUS PETROLEUM as defined in section 36 of the Petroleum Ordinance including any inflammable hydrocarbon (including any mixture of hydrocarbon and any liquid containing hydrocarbon) which is capable of being used for providing reasonably effective motive power of a motor-car ..	per gal.	—	—	—	1 27

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise		Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
		Per Cent.	Rs. c.	Per Cent.	Rs. c.
DATES	per cwt.	—	4 50	—	5 50
DATE STAMPS AND INKING PADS ..		—	—	20	—
DIAMONDS		—	—	11	—
DISTEMPERS ..		25	—	35	—
DRAIN CLEANING OUTFITS		17½	—	27½	—
DRAWING PINS ..		—	—	10	—
DRIPPING		—	—	17½	—
DRUGS AND MEDICINES AND MEDICINAL PREPARATIONS including patent medicines, fish liver oils and medicinal herbs and other ingredients used in indigenous medicine, not elsewhere specified, but excluding quinine and quinine preparations—					
Asafoetida including hinja ..	per cwt.	—	—	—	20 0
Gorochena	per lb.	—	—	—	40 0
Margosa oil.. ..	per cwt.	—	—	—	7 50
Musk	per lb.	—	—	—	200 0
Penicillin and penicillin by-products ..		—	—	16½	—
Pepper long ..	per cwt.	—	—	—	25 0
Medicinal herbs and other ingredients used in indigenous medicine, not elsewhere specified ..	per cwt.	—	—	—	5 0
Other		—	—	16½	—
DRY BATTERY CELLS ..	per gross	—	—	—	7 50
DYES AND DYE STUFFS—					
For dyeing textiles, wearing apparel and soap ..		2½	—	12½	—
Hair dye		—	—	75	—
Other		10	—	20	—
EARTHENWARE, NOT ELSEWHERE SPECIFIED—					
Pots and pans ..	per 100	—	30 0	—	35 0
Roofing tiles—					
Flat, full, not larger in size than 16½ in. by 10½ in. ..	per 1000	—	75 0	—	95 0
Flat, half, not larger in size than 16½ in. by 5¼ in. ..	per 1000	—	50 0	—	60 0
Flat, larger than 16½ in. by 10½ in.	per 1000	—	125 0	—	155 0
Ridges	per 1000	—	220 0	—	295 0
*Other		22½	—	27½	—
EGGS	per 100	—	—	—	4 0
EGG POWDER ..		—	—	25	—
EGG PULP		—	—	25	—

* Subject to a surcharge of one-tenth of the duties.

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
ELECTRIC ACCUMULATORS AND BATTERIES (except splashproof accumulators and batteries for motor vehicles and dry cells) and parts thereof	10	—	20	—
ELECTRIC CAP LAMPS FOR MINERS, complete with battery and parts thereof ..	2½	—	12½	—
ELECTRIC FLUORESCENT TUBES	17½	—	27½	—
ELECTRIC HEATING AND COOKING APPARATUS, irons and vacuum cleaners and washing machines and parts and accessories ..	17½	—	27½	—
ELECTRIC LAMP BULBS ..	17½	—	27½	—
ELECTRIC LIGHTING ACCESSORIES and electrical goods and apparatus, not elsewhere specified ..	20	—	30	—
ELECTRIC NEON SIGNS ..	50	—	60	—
ELECTRIC WIRES AND CABLES	17½	—	27½	—
ELECTRODES ..	7½	—	17½	—
ELECTROPLATED WARE except silverplated and goldplated ware, not elsewhere specified—				
Bathroom fittings ..	—	—	30	—
Candlesticks and stands ..	—	—	125	—
Tableware including presentation cups and shields (except cutlery including forks and spoons) ..	—	—	125	—
Trays	—	—	125	—
Vases	—	—	125	—
Waiters	—	—	125	—
Other, not elsewhere specified—				
Iron and steel ..	20	—	30	—
Other metal ..	—	—	35	—
ENAMELLED COAGULATING PANS.. ..	2½	—	12½	—
*ESSENTIAL OILS, NATURAL (other than perfumes)—				
Ylang-ylang oil, vetyver oil and geranium oil ..	—	—	15	—
EXPLOSIVES—				
Cartridges, filled or empty ..	—	—	40	—
Fireworks	—	—	100	—
Gun powder, fine (passing No. 10 standard mesh) .. per lb.	—	—	—	0 40
Percussion caps and propellant powders and explosives, not elsewhere specified ..	—	—	25	—
FEATHERS AND PLUMES	—	—	100	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise		Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
		Per Cent.	Rs. c.	Per Cent.	Rs. c.
FELT—					
Asphalted		—	—	17½	—
Hair		—	—	17½	—
Roofing		—	—	17½	—
Rubberized		—	—	30	—
FIBRE, NOT ELSEWHERE SPECIFIED—					
Aloe		—	—	17½	—
Flax		—	—	17½	—
Hemp		—	—	17½	—
Jute		—	—	17½	—
Palmyrah		—	—	17½	—
Sisal		—	—	17½	—
Other		—	—	17½	—
FILTER POWDER ..		—	—	15	—
FILTERS AND COMPONENT PARTS THEREOF, for filtering waste oil ..		20	—	30	—
FIRE BRICKS ..		17½	—	27½	—
FIRE CLAY ..		—	—	17½	—
FIRE CEMENT ..		—	—	17½	—
FIREPROOF CLOTHING ..		—	—	17½	—
FIRST-AID OUTFITS ..		—	—	17½	—
FISH—					
Dried or salted, except *jadi* ..	per cwt.	—	1 0	—	2 0
Jadi	per cwt.	—	—	—	0 75
Maldive—					
(i) Produced in and consigned from Maldive Islands ..	per cwt.	—	—	—	2 0
(ii) Substitutes therefor ..	per cwt.	—	—	—	8 0
Oil, edible, except fish liver oil for medicinal purposes ..	per cwt.	—	—	—	20 0
Tinned, potted or preserved, not elsewhere specified ..		15	—	25	—
FISH LIVER OIL CAPSULES		—	—	10	—
FLOOR COVERING, NOT ELSEWHERE SPECIFIED		—	—	40	—
FLOOR POLISH ..		—	—	15	—
FLAVOURING ESSENCES INCLUDING POWDER AND OIL ..		—	—	17½	—
FLOUR, WHEAT ..	per cwt.	—	—	—	2 0
FLOWERS, FRESH ..	per lb.	—	—	—	1 10
FLY PAPER AND TRAPS ..		—	—	10	—

H 27——J. N. R 7594 (4/60)

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
FOOD AND DRINK (including feeding stuffs for animals), not elsewhere specified, except spirits, wine, beer, ale and porter and all other malt liquors	—	—	25	—
FOOD COLOURING MATTER	—	—	17½	—
FRENCH CHALK ..	—	—	12½	—
FRUIT—				
Cordials	—	—	100	—
Dried or otherwise preserved without sugar (other than canned fruit, currants, raisins and dates) ..	—	—	45	—
Fresh—				
Apples (from September 1 to March 31) ..	25	—	30	—
Apples (from April 1 to August 31) ..	25	—	35	—
Grapes (from June 1 to January 31) ..	25	—	30	—
Grapes (from February 1 to May 31) ..	25	—	35	—
Other (from November 1 to June 30) ..	30	—	35	—
Other (from July 1 to October 31) ..	30	—	40	—
Tinned, bottled or preserved, not elsewhere specified ..	60	—	70	—
FULLER'S EARTH, NOT PREPARED ..	—	—	17½	—
FUNGICIDE ..	Free	—	10	—
FURNITURE including stands (other than manufactures of wood and timber) for the display of goods in shops and parts thereof ..	—	—	50	—
FURNITURE AND PARTS THEREOF, not elsewhere specified (excluding upholstery materials)—				
Complete ..	100	—	110	—
Parts—				
Wire mattresses (other than upholstered wire or spring mattresses) and parts thereof ..	—	—	60	—
Other	—	—	110	—
FURNITURE POLISH ..	—	—	15	—
GARDEN UMBRELLAS ..	—	—	100	—
GAUNTLETS, RUBBER ..	—	—	17½	—
GHEE .. .. per cwt.	—	—	—	20 0
GHEE, SUBSTITUTES FOR per cwt.	—	—	—	20 0
*GINGELLY (SESAMUM) SEED AND PULP ..	—	—	12½	—
GINGER, raw or dried except preserved ginger .. per cwt.	—	—	—	5 0

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
GLASS and manufactures wholly or mainly thereof, not elsewhere specified—				
Funnels	—	—	10	—
Window and plate glass ..	—	—	15	—
Other	—	—	30	—
*GLASS BEADS AND BANGLES including imitation pearls	—	—	15	—
GLUE, other than animal ..	—	—	17½	—
GOLD LEAF ..	—	—	35	—
GOLDPLATED WARE ..	—	—	100	—
GOLF BALLS ..	27½	—	37½	—
GRAIN (other than paddy, rice and malt)—				
Beans .. .. per cwt.	—	0 50	—	0 75
Wheat, gram, peas, oats, barley and other .. per cwt.	—	0 50	—	1 0
GRANOLITHIC POWDER ..	—	—	17½	—
GRAPHITE	—	—	17½	—
GRASS, STRAW AND RUSH MANUFACTURES, not elsewhere specified ..	—	—	100	—
*GROUNDNUTS ..	—	—	12½	—
GUM BOTTLES WITH BRUSH, EMPTY ..	—	—	30	—
GUMS AND RESINS, NOT ELSEWHERE SPECIFIED—				
Acacia	—	—	17½	—
Arabic	—	—	17½	—
Benjamin .. per cwt	—	—	—	72 50
Copal	17½	—	27½	—
Dammar .. per cwt	—	—	—	30 0
Lac	17½	—	27½	—
Olibanum .. per cwt.	—	—	—	30 0
Shellac	17½	—	27½	—
GUNNIES AND GUNNY CLOTH	—	—	10	—
HABERDASHERY AND MILLINERY, (excluding manufactures of natural silk and artificial silk and any admixtures where the natural silk and/or the artificial silk content is not less than 50 per cent. by weight)—				
Ties, collars, corsets, brassieres and boot laces ..	30	—	35	—
Other	35	—	40	—
HAT BODIES, uncovered or unlined	—	—	17½	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
HATS AND CAPS, NOT ELSEWHERE SPECIFIED—				
Woollen and felt ..	30	—	40	—
Other	—	—	30	—
HATS, INCOMPLETE ..	—	—	30	—
HAY AND STRAW ..	—	—	25	—
HEATING APPARATUS, not elsewhere specified, including cooking stoves other than iron and steel, and parts thereof ..	—	—	27½	—
HONEY	—	—	70	—
HORSESHOES, ALUMINIUM	90	—	100	—
HOSE PIPES AND PIPING AND COUPLINGS therefor, except pipes and piping made exclusively of rubber and not exceeding 1½ inches in diameter	—	—	17½	—
HOSIERY (excluding manufactures of natural silk and artificial silk and any admixtures where the natural silk and/or the artificial silk content is no less than 50 per cent. by weight) ..	20	—	30	—
HOT WATER BOTTLES ..	—	—	17½	—
ICE BOXES.. ..	—	—	20	—
ICE-CREAM FREEZERS, other than machinery ..	—	—	27½	—
IMAGES AND STATUES—				
Earthenware, porcelain, china and stone ..	30	—	40	—
Wooden	—	—	40	—
Other, except gold and silverware	—	—	40	—
IMITATION JEWELLERY, jari goods and spangles and gold-plated and silver-plated wire and thread, but not including other electroplated ware	—	—	125	—
IMPLEMENTS AND TOOLS				
*Agricultural, viz.—				
Alavangoes, axes, forks for digging, manuring or weeding, harrows, *katties*, knives and saws for budding, pruning or tapping, *mamoties*, picks, ploughs, sickles, soil block makers (plantools and dibblers), and parts thereof ..	5	—	10	—
*Other, not elsewhere specified, (except machine tools) and parts thereof ..	10	—	20	—
INCANDESCENT MANTLES	20	—	30	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
INFANTS' AND INVALIDS' FOODS OTHER THAN MILK FOODS ..	—	—	10	—
INFANTS' FEEDING BOTTLES AND VALVES ..	—	—	10	—
INK OTHER THAN WRITING INK—				
Drawing	—	—	17½	—
Duplicating ..	—	—	17½	—
Indian	—	—	17½	—
Marking	—	—	17½	—
Printing	—	—	17½	—
Stencil	—	—	17½	—
Thermograph ..	—	—	17½	—
Other	—	—	17½	—
INSTRUMENTS, APPLIANCES AND APPARATUS, and parts thereof, not elsewhere specified—				
Automatic parking meters and parts thereof ..	—	—	10	—
Brodiemeters and parts thereof ..	10	—	20	—
Chlorinators and parts thereof ..	—	—	10	—
Dental plates and parts thereof ..	—	—	10	—
Dissecting instruments and parts thereof ..	—	—	10	—
Drawing office sets ..	—	—	10	—
Dust respirators ..	—	—	10	—
Fire extinguishers and refills and parts thereof ..	—	—	10	—
Galvanometers and parts thereof	—	—	10	—
Gas masks	—	—	10	—
Gas meters and parts thereof	—	—	10	—
Lenses, not elsewhere specified	—	—	10	—
Mathematical instruments and parts thereof ..	—	—	10	—
Medical instruments and parts thereof	—	—	10	—
Miners' safety lamps and parts thereof ..	—	—	2½	—
Precision laboratory balances and parts thereof ..	—	—	10	—
Rain recorders and parts thereof	—	—	10	—
Scientific instruments and parts thereof ..	—	—	10	—
Sundials and parts thereof ..	—	—	25	—
Sunshine recorders and parts thereof ..	—	—	10	—
Surgical catgut and silk and art silk ligatures and sutures	—	—	10	—
Surgical instruments and parts thereof ..	—	—	10	—
Taximeters and parts thereof	7½	—	17½	—
Thermometers, not elsewhere specified, and parts thereof				
Clinical	—	—	5	—
Other	—	—	10	—
Trusses and parts thereof ..	—	—	10	—
Water meters and parts thereof	—	—	10	—
Weighing instruments and parts thereof, not elsewhere specified—				
Iron and steel, wholly or mainly of ..	20	—	30	—
Other	—	—	30	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise		Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
		Per Cent.	Rs. c.	Per Cent.	Rs. c.
INSULATING MATERIAL, NOT ELSEWHERE SPECIFIED—					
Fibre glass, silicate of cotton, prepared fibre slabs and expanded ebonite ..		17½	—	27½	—
Other		17½	—	27½	—
IRON AND STEEL COOKING STOVES, PARTS FOR ..		17½	—	27½	—
IRON AND STEEL DRUMS AND TANKS, black, painted or galvanized, parts for, not elsewhere specified ..		10	—	15	—
IVORY, MANUFACTURED..		—	—	125	—
IVORY, UNMANUFACTURED		—	—	17½	—
JAMS, JELLIES AND MARMALADES.. ..		15	—	25	—
JEWELLERS' ENAMEL ..		—	—	15	—
JEWELLERY AND GOLD AND SILVERSMITHS' WARES		—	—	100	—
JEWELLERY AND TRINKET BOXES other than gold and silverplated and gold, platinum and silver boxes		—	—	100	—
JOINTING		—	—	17½	—
JOSS STICKS (inclusive of packing and labels) ..	per lb.	—	—	—	1 50
KAPOK		—	—	7½	—
KEROSENE OIL as defined in section 167 of this Ordinance except dangerous petroleum	per gallon	—	—	—	0 02½
KONAM BARK ..	per cwt.	—	—	—	6 0
LAMPS AND LANTERNS (except paper) and parts, not elsewhere specified—					
Incandescent—					
Iron and steel ..		35	—	45	—
Other		—	—	35	—
Other than incandescent—					
Iron and steel ..		5	—	15	—
Other		—	—	15	—
LARD		—	—	17½	—
LAWN SPRINKLERS AND PARTS THEREOF, NOT ELSEWHERE SPECIFIED—					
Iron and steel ..		17½	—	27½	—
Other		—	—	30	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise		Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
		Per Cent.	Rs. c.	Per Cent.	Rs. c.
LEATHER DRESSING AND POLISH		—	—	15	—
LEATHER AND LEATHER GOODS, NOT ELSEWHERE SPECIFIED—					
Harness and saddlery ..		40	—	50	—
*Other		15	—	20	—
LINSEED		—	—	16½	—
LUBRICATING OIL, PETROLEUM (refined) ..	per gallon	—	0 75	—	0 85
MACHINERY—					
Agricultural machinery and component parts thereof, not elsewhere specified ..		2½	—	12½	—
Banian-making and knitting machines and parts thereof		2½	—	12½	—
Brick-making machinery and parts thereof ..		2½	—	12½	—
Concrete block-making machines and parts thereof ..		2½	—	12½	—
Cranes, hoists and lifting machinery and component parts thereof ..		15	—	20	—
Duplicating machines and accessories and parts thereof		17½	—	27½	—
Electric alternators, dynamos, exciters, generators, control and switch gear and parts thereof		10	—	20	—
Electric motors, transformers and converters, and component parts thereof ..		10	—	15	—
Machine belting, and fasteners for		17½	—	27½	—
Machinery for making exercise books and component parts thereof ..		2½	—	12½	—
Machinery for making safety matches and component parts thereof ..		2½	—	12½	—
Machinery for processing and baling fibre and component parts thereof ..		2½	—	12½	—
Machinery for spinning or weaving cotton and component parts thereof ..		2½	—	12½	—
Machinery including earth-moving equipment, trailers and parts thereof shown to the satisfaction of the Principal Collector of Customs to have been imported for use in irrigation and agricultural schemes ..		2½	—	—	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
Machinery of the following description and parts thereof which are shown to the satisfaction of the Principal Collector of Customs to have been imported for rolling aluminium foil and cutting such rolled foil and cutting paper imported in a non-processed state to sizes suitable for packing sole crepe rubber for export and for lining tea chests, tea packets or desiccated coconut chests—				
Rolling machines, winding machines, annealing machines, slitting machines, cross-cutters, guillotine machines, machines for grinding rolls of foil-rolling mills and component parts thereof ..	2½	—	12½	—
Machinery, oil pressing and refining and component parts thereof ..	—	—	17½	—
Machinery which is shown to the satisfaction of the Principal Collector of Customs to have been imported—				
(i) for the purpose of processing latex, sole crepe and softened rubber ..	2½	—	12½	—
(ii) for the purpose of the manufacture of finished rubber goods..	2½	—	12½	—
Parts for such machinery ..	2½	—	12½	—
Machines operated by disc, token or coin and component parts and accessories thereof ..	115	—	125	—
Machines, self-contained air conditioning, comprising elements for cooling, controlling humidity, cleaning and circulating air—				
Complete ..	25	—	30	—
Parts	20	—	30	—
Machines, sewing and component parts thereof ..	2½	—	12½	—
*Machine tools and parts thereof	10	—	20	—
Marine diesel engines shown to the satisfaction of the Principal Collector of Customs to have been imported to be fitted on fishing craft	2½	—	12½	—
Plumbago machinery and parts thereof ..	2½	—	12½	—
*Pumping machinery and component parts thereof ..	10	—	20	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise		Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
		Per Cent.	Rs. c.	Per Cent.	Rs. c.
Refrigerating machinery and parts thereof (excluding refrigerators and parts) proved to the satisfaction of the Principal Collector of Customs to have been imported for the preservation of milk and other foodstuffs for commercial purposes		2½	—	12½	—
Refrigerators—					
Domestic (10 cu. ft. capacity and under) and component parts thereof ..		45	—	50	—
Other than domestic and component parts thereof		40	—	45	—
Rice hullers and parts thereof		2½	—	12½	—
Semi-automatic paste mould glass blowing machines and component parts thereof ..		2½	—	12½	—
Sock-making and knitting machinery and parts thereof		2½	—	12½	—
Sulphur grinding machinery		Free	—	10	—
Tile-making machines and parts thereof ..		2½	—	12½	—
Typewriters and component parts thereof ..		15	—	17½	—
Watering machines and parts thereof		5	—	15	—
*Windmills		10	—	20	—
Machinery, not elsewhere specified, shown to the satisfaction of the Principal Collector of Customs to have been imported for essential industrial development, and component parts thereof		2½	—	12½	—
Machinery, not elsewhere specified, and component parts thereof ..		17½	—	27½	—
MAGIC LANTERNS and parts thereof, including slides (excluding toys) ..		—	—	27½	—
MALT AND HOPS ..		—	—	11	—
MANURES OF ALL SORTS, including castor seed poonac, and refuse of saltpetre ..		—	—	5½	—
MARBLE SLABS, NOT ELSEWHERE SPECIFIED, AND MONUMENTS ..		45	—	50	—
MARBLE, SAWN BUT NOT FURTHER PREPARED ..		22½	—	27½	—
MARGARINE ..		—	—	25	—
MARUKKOLUNTHU ..	per lb.	—	—	—	1 10
MASKING TAPE ..		—	—	22½	—
MATCHES, PACKED IN BOXES—					
(i) where each box contains not more than 60 matches ..	per gross of boxes	—	—	—	2 25

* Subject to a surcharge of one-tenth of the duties.

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise		Preferential Rate : *Ad valorem*		General Rate : *Ad valorem*	
		Per Cent.	Rs. c.	Per Cent.	Rs. c.
(ii) where each box contains more than 60 matches ..	per gross of boxes	—	—	—	—*
MATCHES, NOT IN BOXES	per 1,000 or part thereof	—	—	—	0 35
MATCH MAKING MATERIALS—					
Splints such as are ordinarily used for making matches ..	per 1,000 or part thereof	—	—	—	0 01
Veneers, such as are ordinarily used for making match boxes, including boxes and parts of boxes made from such veneers ..	per 100 sets of boxes or part thereof	—	—	—	0 01
MATRICES, GRAMOPHONE AND PHONOGRAPH RECORD		—	—	10	—
MATS AND MATTING, including rubber mats and matting		—	—	100	—
MEAT, FISH, POULTRY AND GAME, frozen or refrigerated, other than pig products		15	—	25	—
MEAT, TINNED, POTTED OR PRESERVED, other than pig products ..		15	—	25	—
MECHANICAL LIGHTERS AND PARTS THEREOF		—	—	60	—
MECHANICAL CIGARETTE LIGHTER FUEL ..		16½	—	22	—
MERCURY		17½	—	27½	—
METALS—					
Aluminium angles, bulbs, channels, shapes and sections, tees, beams, joists, pillars and rails not fabricated		2½	—	12½	—
Aluminium barbed wire ..		15	—	25	—
Aluminium bars, rods, wires, tubes, strips and pipes not fabricated ..		2½	—	12½	—
Aluminium buckets which are shown to the satisfaction of the Principal Collector of Customs to have been imported for use on rubber estates		2½	—	12½	—
Aluminium foil for packing produce for export ..		2½	—	12½	—
Aluminium foil, not elsewhere specified		17½	—	27½	—

* An amount calculated at the rate of 75 cents for each unit of 20 matches contained in a box, any outstanding fraction of such unit being reckoned as a unit for this purpose.

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
Aluminium in coil shown to the satisfaction of the Principal Collector of Customs to have been imported for the purpose of manufacturing aluminium foil for packing Ceylon produce for export	2½	—	12½	—
Aluminium sheets, corrugated, not elsewhere specified, and ridges for roofing ..	15	—	25	—
Aluminium sheets, flat or corrugated, plates and circles not fabricated ..	2½	—	12½	—
Aluminiumware of the following description, which is shown to the satisfaction of the Principal Collector of Customs to have been imported for use in the rubber or tea industries—				
Bulking tanks to be used in rubber and tea factories	2½	—	12½	—
Coagulating dishes, coagulating tanks and separators, latex rainguards, tea sieves and winnows	2½	—	12½	—
Churns and coagulating pans for the rubber industry ..	2½	—	12½	—
Latex measures ..	2½	—	12½	—
Tea leaf basins ..	2½	—	12½	—
Transportation tanks for use in the rubber industry	2½	—	12½	—
Aluminiumware, mainly or wholly of, not elsewhere specified	20	—	30	—
Bronze, brass, copper, delta metal, gun metal and yellow metal—				
Bars, rods, wires, tubes, strips and pipes, not fabricated ..	2½	—	12½	—
Cocks, ball valves and shower roses ..	—	—	17½	—
Nails and screws ..	—	—	17½	—
Panel pins and escutcheon pins	—	—	17½	—
Sheets and plates not fabricated—				
Brass	2½	—	12½	—
Other	2½	—	12½	—
Tubes and pipes, fabricated	—	—	30	—
Wire (other than insulated), fabricated ..	—	—	30	—
Door and window fittings, locks, padlocks and keys—				
Iron and steel, wholly or mainly of ..	20	—	30	—
Other	—	—	30	—
Fencing material ..	12½	—	22½	—
Flexible tubing ..	—	—	17½	—
Hinges—				
Brass	—	—	27½	—
Iron and steel ..	17½	—	22½	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
Iron and steel—				
Bars and rods, slabs, including blister, jumper and tool steel, not fabricated ..	—	—	2½	—
Black or galvanized chains, bolts, nuts, rivets, not elsewhere specified, washers and nails (except wire nails)	15	—	25	—
Cast iron pans and baths ..	17½	—	27½	—
Cocks	17½	—	27½	—
Cooking stoves ..	17½	—	27½	—
Drums and tanks, black, painted or galvanized and parts thereof ..	10	—	15	—
Expanded metal and other materials for reinforcement, not fabricated ..	—	—	2½	—
Hoop iron and steel and strapping wire and other iron and steel and wire specially prepared for strapping packages ..	Free	—	10	—
Manufactures, wholly or mainly of, not elsewhere specified	20	—	30	—
Nail wire shown to the satisfaction of the Principal Collector of Customs to have been imported for the purpose of manufacturing nails	2½	—	12½	—
Plates and sheets, galvanized or coated, flat or corrugated, not fabricated, not elsewhere specified ..	2½	—	12½	—
Plates and sheets, not coated, flat or corrugated, not fabricated, not elsewhere specified	—	—	2½	—
Rolled angles, bulbs, channels, shapes and sections, H-iron, girders, tees, beams, joists, pillars, rails, not fabricated	—	—	2½	—
Screws—				
Wood	12½	—	17½	—
Other	12½	—	22½	—
Sheets and circles, declared to be imported for the purpose of manufacturing drums for the export of local produce ..	—	—	2½	—
Staples, not elsewhere specified	—	—	15	—
Staples for use with barbed wire	—	—	5	—
Transportation tanks (wholly or mainly of iron or steel) shown to the satisfaction of the Principal Collector of Customs to have been imported for use in the rubber industry	2½	—	12½	—
Tubes and pipes, black or galvanized, not fabricated	2½	—	12½	—
Wire, barbed ..	5	—	15	—
Wire, plain, black or galvanized, not elsewhere specified, wire ropes and shoot runners and parts thereof..	15	—	25	—
Wire nails, not elsewhere specified	—	—	30	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
Wire nails which are shown to the satisfaction of the Principal Collector of Customs to have been imported for the construction of chests or boxes for packing Ceylon produce for export ..	—	—	30	—
Receptacles and parts thereof shown to the satisfaction of the Principal Collector of Customs to have been imported for the export of concentrated rubber latex	5½	—	10½	—
Lead—				
Pig (excluding lead sheets, tea lead and foil) ..	Free	—	10	—
Seals	—	—	10	—
Sheet and foil for packing produce for export ..	2½	—	12½	—
Sheet and foil, not elsewhere specified ..	7½	—	17½	—
Traps	—	—	17½	—
Washers	—	—	30	—
Solder and soldering fluid ..	7½	—	17½	—
Tea sample tins ..	17½	—	27½	—
Tenterhooks, rivets which are shown to the satisfaction of the Principal Collector of Customs to have been imported for the construction of chests or boxes for packing Ceylon produce for export	—	—	2½	—
Tin foil	—	—	17½	—
Tinned plates which are shown to the satisfaction of the Principal Collector of Customs to have been imported for the manufacture of receptacles for packing Ceylon produce for export, and of fittings therefor ..	—	—	2½	—
Tin piping	—	—	25	—
Tin sheets and plates, not fabricated ..	2½	—	12½	—
Wire manufactures—				
Wire netting, iron and steel	17½	—	27½	—
Woven fabric, not elsewhere specified—				
Brass	—	—	17½	—
Iron and steel ..	17½	—	27½	—
Monel metal and nickel steel ..	—	—	5	—
Zinc rolled sheets, plates and dishes, not fabricated, not elsewhere specified ..	2½	—	12½	—
Zinc sheets, perforated ..	—	—	17½	—
MOPS	—	—	100	—
MOTOR VEHICLES, TRAILERS AND TRAM CARS AND SPARE PARTS AND ACCESSORIES—				
Magnetos for motor vehicles and parts thereof ..	15	—	22½	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
Motor-cars and motor station wagons (not including motor lorries)—				
(i) (*a*) in the case of an used vehicle, where the cost, insurance, freight and other charges in respect of an unused vehicle of the same make and model, up to the point of arrival in the port of importation, do not exceed Rs. 5,500, or in the case of an unused vehicle, where the cost, insurance, freight and other charges in respect of such vehicle, up to the point of arrival in the port of importation, do not exceed Rs. 5,500 ..	35	—	42½	—
(*b*) engines and chassis for such vehicles ..	35	—	42½	—
(ii) (*a*) in the case of an used vehicle, where the cost, insurance, freight and other charges in respect of an unused vehicle of the same make and model, up to the point of arrival in the port of importation, exceed Rs. 5,500 but do not exceed Rs. 8,000, or in the case of an unused vehicle, where the cost, insurance, freight and other charges in respect of such vehicle, up to the point of arrival in the port of importation, exceed Rs. 5,500 but do not exceed Rs. 8,000 ..	42½	—	50	—
(*b*) engines and chassis for such vehicles ..	42½	—	50	—
(iii) (*a*) in the case of an used vehicle, where the cost, insurance, freight and other charges in respect of an unused vehicle of the same make and model, up to the point of arrival in the port of importation, exceed Rs. 8,000 but do not exceed Rs. 20,000, or in the case of an unused vehicle where the cost, insurance, freight and other charges in respect of such vehicle, up to the point of arrival in the port of importation, exceed Rs. 8,000 but do not exceed Rs. 20,000 ..	60	—	67½	—
(*b*) engines and chassis for such vehicles ..	60	—	67½	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
(iv) (*a*) in the case of an used vehicle, where the cost, insurance, freight and other charges in respect of an unused vehicle of the same make and model, up to the point of arrival in the port of importation, exceed Rs. 20,000, or in the case of an unused vehicle where the cost, insurance, freight and other charges in respect of such vehicle, up to the point of arrival in the port of importation, exceed Rs. 20,000 ..	80	—	87½	—
(*b*) engines and chassis for such vehicles ..	80	—	87½	—
Motor cycles and motor scooters (including engines and chassis for motor cycles and motor scooters) and parts for motor vehicles ..	20	—	27½	—
Enclosed splash-proof accumulators and batteries and parts	30	—	37½	—
Motor lorries, motor vans, motor omnibuses, and tractors (excluding agricultural tractcrs) including engines and chassis—				
Diesel-engined ..	15	—	22½	—
Other ..	15	—	22½	—
Motor vehicles, accessories for	15	—	22½	—
Spare parts for motor-cars, motor station wagons, motor lorries, motor vans, motor omnibuses and tractors (excluding agricultural tractors) other than diesel-engined (except magnetos, splashproof accumulators and tyres and tubes) ..	15	—	22½	—
Spare parts for motor vehicles not elsewhere specified ..	15	—	22½	—
Trailers and tram cars including chassis and spare parts thereof and such accessories of trailers and tram cars as are not also adapted for use as accessories of motor vehicles	15	—	22½	—
Vehicles driven electrically (other than tram cars) and parts thereof ..	15	—	22½	—
MOTHER OF PEARL ..	—	—	17½	—
MUSICAL INSTRUMENTS—				
Gramophones, phonographs and radiograms, and component parts and accessories ..	30	—	40	—
Gramophone and phonograph records	12½	—	22½	—
Other, including automatic pianos and organs and component parts and accessories	20	—	25	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise		Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
		Per Cent.	Rs. c.	Per Cent.	Rs. c.
MUSTARD PASTE ..		—	—	75	—
MUSTARD POWDER ..		—	—	75	—
MUSTARD SEED ..	per cwt.	—	—	—	5 50
NICKEL SILVERWARE, NOT ELSEWHERE SPECIFIED		—	—	100	—
NUTS USED AS FRUIT, NOT ELSEWHERE SPECIFIED		25	—	35	—
OAKUM		—	—	17½	—
OFFICE AND FACTORY FURNITURE AND EQUIPMENT WHOLLY OR MAINLY OF IRON AND STEEL—					
Cabinets		17½	—	27½	—
Counters		17½	—	27½	—
Deed and cash boxes ..		17½	—	27½	—
Distributors ..		17½	—	27½	—
Lockers		17½	—	27½	—
Partitions and partitioning ..		17½	—	27½	—
Seating		17½	—	27½	—
Shelving		17½	—	27½	—
Storage bins ..		17½	—	27½	—
Storage racks ..		17½	—	27½	—
Transfer boxes ..		17½	—	27½	—
Wall panels ..		17½	—	27½	—
Parts for the above ..		17½	—	27½	—
OFFICE REQUISITES, NOT ELSEWHERE SPECIFIED—					
Card record systems ..		—	—	17½	—
Filing equipment, not elsewhere specified ..		—	—	17½	—
Filing systems ..		—	—	17½	—
Ledger posting equipment ..		—	—	17½	—
Loose leaf ledger covers ..		—	—	17½	—
Punchers		—	—	17½	—
Stapling machines other than iron and steel ..		—	—	35	—
Visible card record systems		—	—	17½	—
Visible control systems ..		—	—	17½	—
Visible indexing systems ..		—	—	17½	—
Parts for the above ..		—	—	17½	—
OIL CLOTH ..		—	—	20	—
OILS, FATS AND GREASES, NOT ELSEWHERE SPECIFIED—					
Castor oil in bulk ..	per cwt.	—	—	—	40 0
Cutting oil		—	—	17½	—
Gingelly oil ..	per cwt.	—	—	—	55 0
Groundnut oil ..	per cwt.	—	—	—	15 0
Linseed oil		20	—	30	—
Lubricating grease ..		—	—	17½	—
Mineral oil, not elsewhere specified		—	—	17½	—
Neat's foot oil ..		—	—	17½	—
Olive oil		—	—	10	—
Pine oil, not elsewhere specified		—	—	17½	—
Quenching oil ..		—	—	17½	—
Shock absorber oil ..		—	—	17½	—
Transformer oil ..		—	—	17½	—
Tung oil		—	—	17½	—
ONIONS	per cwt.	—	—	—	0 20
PACKING AND WRAPPING TAPE (cotton with metal edging)		—	—	15	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
PACKING FOR ENGINES AND BOILERS, NOT ELSEWHERE SPECIFIED	—	—	17½	—
PADDY .. .. per cwt.	—	—	—	0 66
PAINTERS' MATERIALS, NOT ELSEWHERE SPECIFIED—				
Thinner	17½	—	27½	—
*Turpentine ..	15	—	20	—
Gums, oils, fats and resins, not elsewhere specified ..	17½	—	27½	—
*Other	15	—	20	—
PAINT MAKING MATERIALS—				
Dry colours, fillers and other materials shown to the satisfaction of the Principal Collector of Customs to have been imported for paint making ..	2½	—	12½	—
Commercial zinc oxide ..	2½	—	8	—
PAINTS, PAINTERS' COLOURS AND ENAMELS	25	—	30	—
PAPER AND MANUFACTURES THEREOF, NOT ELSEWHERE SPECIFIED—				
Account books ..	—	—	75	—
Albums—				
Stamp, photograph, autograph and gramophone record	—	—	30	—
Bags for cement ..	—	—	27½	—
Birthday books ..	—	—	30	—
Blank clock cards ..	17½	—	27½	—
Blotters and diaries combined	—	—	75	—
Blotting paper ..	17½	—	27½	—
Book cover paper ..	2½	—	12½	—
Book covers ..	40	—	50	—
Calendar and diaries combined	—	—	75	—
Calendars, calendar backs and calendar blocks (other than printed pictures and printed show cards) ..	—	—	110	—
Carbon paper ..	17½	—	27½	—
Cards and folders for filing systems	—	—	17½	—
Copy books in paper covers	5	—	15	—
Diaries	—	—	75	—
Drawing books in paper covers	5	—	15	—
Drawing paper ..	5	—	15	—
Exercise books in paper covers	5	—	15	—
Exercise books in thick covers	—	—	27½	—
Filter paper ..	17½	—	27½	—
Forms, ruled or printed ..	60	—	70	—
Glassine paper ..	17½	—	27½	—
Greaseproof paper ..	22½	—	27½	—
Gummed labels for addressing machines	17½	—	27½	—
Kraft paper ..	22½	—	27½	—

* Subject to a surcharge of one-tenth of the duties.

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
Letter paper with printed or embossed headings, printed or embossed envelopes ..	100	—	110	—
Linotype paper ..	17½	—	27½	—
Manuscript books, not elsewhere specified ..	—	—	27½	—
Marble paper ..	5	—	15	—
Match labels ..	—	—	110	—
Match paper ..	17½	—	27½	—
Millboard, strawboard, cardboard and boxboard ..	7½	—	17½	—
Non-processed paper shown to the satisfaction of the Principal Collector of Customs to have been imported for the purpose of packing sole crepe rubber for export and of lining tea chests, tea packets and desiccated coconut chests ..	2½	—	12½	—
Note books ..	—	—	75	—
Ocean paper ..	17½	—	27½	—
Paper of the kind commonly used for the purpose of packing sole crepe rubber for export and of lining tea chests, tea packets or desiccated coconut chests, where it is shown to the satisfaction of the Principal Collector of Customs that such paper has been imported for such purpose and is likely to be used mainly for such purpose	5	—	15	—
Paper cartons which are shown to the satisfaction of the Principal Collector of Customs to have been imported for the purpose of being used as milk containers	—	—	7½	—
Paper, plain, of the kind commonly used for writing and printing purposes including duplicating paper, plain envelopes and writing pads other than compendiums ..	—	—	5	—
Press copy books ..	—	—	60	—
Printed labels and printed wrappers for use in packing Ceylon produce for export	—	—	60	—
Stencils for use with duplicating machines ..	—	—	17½	—
*Tissue paper ..	10	—	15	—
Toilet paper ..	17½	—	27½	—
Tracing paper ..	17½	—	27½	—
Visitors' books ..	—	—	75	—
Wrapping and packing paper, not elsewhere specified, including old newspaper ..	22½	—	27½	—
Paper and cardboard, manufactures wholly or mainly of, not elsewhere specified	—	—	110	—
Paper, not elsewhere specified	50	—	60	—
PEARLS, CULTURE ..	—	—	10	—
PEARLS, NATURAL ..	—	—	10	—
PEPPER POWDER ..	—	—	75	—
PEPPER, WHOLE .. per cwt.	—	—	—	1 50

* Subject to a surcharge of one-tenth of the duties.

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
PERAMBULATORS AND PARTS (excluding tyres) and accessories except toys ..	30	—	40	—
PERFUMED SPIRITS INCLUDING LAVENDER WATER AND EAU-DE-COLOGNE—				
*Packed in containers or bottles of less than 4 ounce capacity	—	—	50	or Rs.50 per gallon whichever is higher.
*Packed in larger containers or bottles	—	—	60	or Rs. 60 per gallon whichever is higher.
PERFUMERY, COSMETICS, POWDER AND TOILET PREPARATIONS INCLUDING HAIR OR SCALP OILS (except perfumed spirits) ..	40	—	50	—
PERRY .. .. per gallon	—	—	—	7 50
PHOTO-ENGRAVING MACHINERY AND PARTS ..	17½	—	27½	—
PHOTOGRAPHIC GOODS (including unprocessed cinema films and photographic chemicals, namely, developers, fixing salts, sodium hyposulphite or sodium thiosulphite other than those of B. P. standard, acid fixing baths, acid hardeners, toning solutions, wetting agents, reducers, intensifiers, film waxing solutions, desensitizers, film cement and metol amidol, rodinol, hydroquinone and pyrogallol), not elsewhere specified—				
Instruments and apparatus (including photographic paper, plates and films except processed cinema films)	33	—	38	—
Other	33	—	44	—
PICNIC SETS ..	—	—	50	—
PICTURE AND PHOTO FRAMES AND STANDS ..	—	—	100	—
PICTURE POSTCARDS ..	—	—	40	—
PICTURES AND PRINTS, NOT ELSEWHERE SPECIFIED	—	—	40	—
PIG PRODUCTS, FROZEN AND OTHER ..	40	—	50	—
PILL AND OINTMENT BOXES (cardboard and chip) for use in dispensaries ..	—	—	17½	—
PLASTER OF PARIS ..	—	—	17½	—

* Subj ec t to a surcharge of seventy-five hundredth of the duties.

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
PLASTER OF PARIS BANDAGES	—	—	16½	—
PLASTIC SHEETS suitable for use in the manufacture of local products ..	—	—	5	—
PLASTIC SHEETING ..	—	—	20	—
POLISHING COMPOSITIONS AND POLISHES, NOT ELSEWHERE SPECIFIED ..	—	—	15	—
POONAC, GINGELLY .. per cwt.	—	—	—	0 35
POTATOES .. .. per cwt.	—	—	—	1 00
POUCHES, TOBACCO .. per cwt.	—	—	60	—
PRECIOUS AND SEMI-PRECIOUS STONES, except Ceylon stones and diamonds, Cut—				
Genuine	—	—	27½	—
Imitation ..	—	—	25	—
PRECIOUS AND SEMI-PRECIOUS STONES, except Ceylon stones—				
Uncut	—	—	12½	—
PRESERVES, NOT ELSEWHERE SPECIFIED ..	25	—	35	—
PRINTERS' MATERIALS, NOT ELSEWHERE SPECIFIED—				
Iron and steel ..	7½	—	17½	—
Other	—	—	17½	—
PRINTING TYPE ..	7½	—	17½	—
PULPWARE.. ..	25	—	35	—
PUTTY	—	—	17½	—
RAISINS	50	—	60	—
RAPE SEED .. per cwt.	—	—	—	5 50
RAT TRAPS, WHOLLY OR MAINLY OF WOOD ..	—	—	40	—
RECEPTACLES, BOXES AND CHESTS AND SHOOKS AND FITTINGS, of a kind suited for the purpose of packing Ceylon produce for export, where it is shown to the satisfaction of the Principal Collector of Customs to have been imported for such purpose and are likely to be used mainly for such purpose	—	—	5½	—
RICE .. .. per cwt.	—	—	—	1 00
ROAD MARKINGS (luminous)	—	—	15	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise		Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
		Per Cent.	Rs. c.	Per Cent.	Rs. c.
ROLLED GOLD SHEETS ..		—	—	17½	—
ROOFING COMPOUND ..		—	—	17½	—
ROSIN		—	—	18½	—
RUBBER TYRES AND TUBES, not elsewhere specified, other than perambulator and rickshaw tyres ..		—	—	35	—
RUBBER TYRES AND TUBES used exclusively on pedal bicycles and pedal tricycles		—	—	30	—
RUBEROID CEMENT AND COMPOSITIONS, "BOSTIK" ADHESIVES AND SIMILAR PRODUCTS ..		—	—	17½	—
RUBBER, MANUFACTURES WHOLLY OR MAINLY OF, NOT ELSEWHERE SPECIFIED—					
Cushions for motor vehicles ..		30	—	37½	—
Erasers		—	—	50	—
Hospital sheeting ..		—	—	17½	—
Latex foam cushioning and mattresses other than for motor vehicles ..		90	—	100	—
Pencil protectors ..		—	—	50	—
Perambulator tyres ..		—	—	50	—
Play balls		50	—	60	—
Rickshaw tyres ..		—	—	50	—
Rubber bands for office use ..		—	—	50	—
Rubber proofed fabrics, not made up ..		—	—	17½	—
Rubber toys ..		50	—	60	—
Teats		—	—	50	—
Toy balloons ..		50	—	60	—
Tyre flaps		—	—	17½	—
Unvulcanized rubber compounds		—	—	50	—
RUBBING COMPOUND ..		—	—	17½	—
SAFES, IRON AND STEEL		20	—	30	—
SAFES, STANDS FOR—					
Wooden		—	—	100	—
Other		17½	—	27½	—
SAFFRON	per lb.	—	—	—	50 0
SAGO		—	—	20	—
SALT—					
Unrefined	per cwt.	—	—	—	4 0
Other than unrefined salt ..	per cwt.	—	—	—	12 0
SANITARY TOWELS ..		—	—	17½	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
SANITARYWARE AND FITTINGS—				
Cisterns, flushing pipes and fittings, iron and steel ..	17½	—	27½	—
SAUCES	—	—	75	—
SEEDS, NOT ELSEWHERE SPECIFIED—				
Tukmaria .. .. per cwt.	—	—	—	15 0
SHAVING SETS ..	—	—	27½	—
SHELLS, NOT ELSEWHERE SPECIFIED ..	—	—	50	—
SHIPS AND OTHER VESSELS for inland and harbour navigation including steam, electric and motor launches, boats and barges, imported entire or in section—				
Complete	17½	—	27½	—
Parts for	17½	—	27½	—
SIEVES, DOMESTIC ..	—	—	20	—
SILVERLEAF ..	—	—	35	—
SILVERPLATED WARE, NOT ELSEWHERE SPECIFIED	—	—	100	—
SMOKERS' REQUISITES, not elsewhere specified, other than gold and silverplated ware and gold, platinum and silverware—				
Iron and steel ..	50	—	60	—
Other	—	—	60	—
SOAP—				
Toilet, perfumed or medicated per cwt.	60 or 60 0 (whichever produces the higher duty)		80 or 91 50	
Other, including household and laundry soap .. per cwt.	30 or 6 75 (whichever produces the higher duty)		50 or 13 50	
SOFT STONE POWDER FOR PACKING CONFECTIONERY	—	—	12½	—
SOOTHERS FOR INFANTS..	—	—	17½	—
SOUPS, TINNED OR BOTTLED	—	—	50	—
SPECIAL BOILING POINT SPIRIT 50/82 degrees centigrade shown to the satisfaction of the Principal Collector of Customs to have been imported for use in the glass industry or for extracting vegetable oils ..	—	—	2½	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise		Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
		Per Cent.	Rs. c.	Per Cent.	Rs. c.
SPECTACLES, spectacle glass and frames, mountings, frame parts, cases and cleaners other than cotton ..		—	—	16½	—
SPIRIT LAMPS ..		—	—	10	—
SPIRITS (not being sweetened or mixed with any article so that the degree of strength thereof cannot be ascertained by Sykes' hydrometer) for every gallon of the strength of proof by such hydrometer and so in proportion for any greater or less strength than the strength of proof and for any greater or less quantity than a gallon—					
Provided that in no case shall the duty be less than—					
Rs. 157 per gallon where the duty per proof gallon is Rs. 196·25 or Rs. 187 per gallon where the duty per proof gallon is Rs. 222·75 or Rs. 193 per gallon where the duty per proof gallon is Rs. 229·75					
Brandy in respect of which a certificate is produced to the satisfaction of the Principal Collector of Customs that the spirit is produced from the juice of the grape and has been matured for not less than five years ..	per proof gallon	—	—	—	196 25
All other brandy ..	per proof gallon	—	—	—	222 75
Gin	per proof gallon	—	222 75	—	229 75
Rum	per proof gallon	—	—	—	196 25
Whisky, in respect of which a certificate is produced to the satisfaction of the Principal Collector of Customs that the spirit has been matured for not less than five years ..	per proof gallon	—	—	—	196 25
All other whisky ..	per proof gallon	—	—	—	222 75
Unenumerated (excluding spirits denatured to the satisfaction of the Principal Collector of Customs and spirits citronella and industrial spirits shown to the satisfaction of the Principal Collector of Customs to have been imported for testing citronella oil and de-icing aircraft respectively) ..	per proof gallon	—	—	—	196 25
Spirits being sweetened or mixed so that the strength cannot be ascertained as aforesaid, namely—					
Liqueurs and cordials ..	per imperial gallon	—	—	—	225 0
Unenumerated ..	per imperial gallon	—	—	—	225 0

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
*Spirits citronella and industrial spirits shown to the satisfaction of the Principal Collector of Customs to have been imported for testing citronella oil and de-icing aircraft respectively	15	—	20	—
Spirits denatured to the satisfaction of the Principal Collector of Customs ..	20	—	30	—
SPONGES	—	—	20	—
*SPORTS MATERIALS, GAMES AND ATHLETIC MATERIALS (excluding rubber balls) ..	5	—	15	—
SPORTS MATERIALS, not elsewhere specified, other than games and athletic materials	—	—	15	—
STARCH	—	—	10	—
STATIONERY, OTHER THAN PAPER—				
Blotters—				
Earthenware, porcelain and china	20	—	30	—
Iron and steel ..	20	—	30	—
Other, except gold and silverware and goldplated and silverplated ware ..	—	—	30	—
Files	—	—	27½	—
Fountain pens and parts, excluding nibs ..	—	—	17½	—
Ink	—	—	17½	—
Ink powder ..	7½	—	17½	—
Ink wells and stands except goldplated and silverplated and gold, platinum and silverware—				
Earthenware, porcelain and china ..	20	—	30	—
Other	—	—	30	—
Nibs—				
Iron and steel ..	7½	—	17½	—
Other	—	—	17½	—
Paper clips and fasteners—				
Brass	—	—	30	—
Iron and steel ..	20	—	30	—
Pencils, lead, copying and coloured other than school crayons in boxes of 12 and under, in assorted colours ..	—	—	7½	—
Pencil sharpeners ..	—	—	27½	—
Penholders ..	—	—	7½	—
Propelling pencils and parts thereof—				
Silver and gold, wholly or mainly of ..	—	—	100	—
Other	—	—	17½	—

* Subject to a surcharge of one-tenth of the duties.

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
Refills for propelling pencils	—	—	17½	—
Sealing wax ..	—	—	17½	—
STENCILS, NOT ELSEWHERE SPECIFIED—				
Iron and steel ..	20	—	30	—
Other	—	—	30	—
STONE, MANUFACTURES OF, NOT ELSEWHERE SPECIFIED ..	22½	—	27½	—
STONEWARE, NOT ELSEWHERE SPECIFIED ..	22½	—	27½	—
STRETCHERS FOR CARRYING INVALIDS ..	—	—	10	—
STUDIO CAMERAS (including magazines, tripods, tilthead adaptors, synchronous motors, camera motors, carrying cases, sound blimps and lenses), recorder outfits (including microphones for sound recorders), film printers, film editing tables, footage measures, synchronisers, microphone booms, processing plants and disc recording machines for use in the production of 35 millimetre sound films for public exhibition, and component parts of any of the foregoing ..	2½	—	5	—
SUGAR—				
Refined and candy .. per cwt.	—	—	—	6 50
Unrefined and jaggery .. per cwt.	—	—	—	3 0
SUIT-CASES, ATTACHE CASES, TRUNKS AND BAGS, (excluding ladies' handbags), other than leather and iron and steel ..	—	—	25	—
SYNTHETIC RESIN (moulding powder) suitable for use in the manufacture of local products	—	—	5	—
SYNTHETIC RESIN suitable for use in the manufacture of local products, not elsewhere specified	—	—	5	—
SYNTHETIC RESIN GLUE	—	—	17½	—
TALC POWDER for packing rubber	—	—	12½	—
TALC POWDER other than for packing rubber (excluding toilet powder) ..	—	—	12½	—
TALLOW AND WAX for candles	3	—	13	—
TALLOW (other than tallow for candles) ..	3	—	13	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise		Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
		Per Cent.	Rs. c.	Per Cent.	Rs. c.
TAPE FOR GRAFTING PLANTS		—	—	16½	—
TAPIOCA		—	—	20	—
TAR	per cwt.	—	—	—	1 10
TARPAULINS ..		20	—	30	—
TEA	per lb.	—	0 25	—	0 37½
TEA SAMPLE BAGS ..		—	—	15	—
TELEGRAPH AND TELEPHONE APPARATUS OTHER THAN WIRELESS		25	—	35	—
TEMPLE AND CHURCH BELLS		—	—	17½	—
TENNIS BALLS ..		12½	—	22½	—
TENTS WITH FITTINGS ..		—	—	20	—
TEXTILES AND MANUFACTURES OF TEXTILE MATERIALS—					
Artificial silk and synthetic fibre and manufactures thereof including any admixtures where the artificial silk content is not less than 50 per cent. by weight, not elsewhere specified—					
Apparel		35	—	45	—
Haberdashery and millinery		35	—	45	—
Lace and net, excluding fishing nets and netting, but including curtain netting ..		15	—	25	—
Piece goods ..		15	—	25	—
Thread		15	—	25	—
Yarn		10	—	15	—
Other manufactures ..		30	—	40	—
Cotton crochet thread ..		—	—	15	—
Cotton lace and net, excluding cotton mosquito netting and fishing nets and netting, but including cotton curtain netting ..		15	—	25	—
Cotton manufactures (including apparel and sewing thread) other than admixtures of any other material, not elsewhere specified ..		—	—	15	—
Cotton piece goods, including cotton mosquito netting but excluding handloom towelling ..		6	—	11	—
Cotton thread for embroidery		—	—	15	—
Cotton towels ..		—	—	15	—
Cotton towelling ..		6	—	16	—
Cotton yarn and twist for knitting banians and weaving textiles—					
Proved to the satisfaction of the Principal Collector of Customs to have been imported for the handloom industry		Free	—	10	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
Other	2½	—	12½	—
Cotton yarn and twist other than for knitting of banians or weaving textiles, not elsewhere specified	—	—	15	—
Dental floss ..	15	—	25	—
Embroideries other than silk, and linen—				
Edgings, insertions and frillings ..	30	—	40	—
Other, except dupettas and flouncings over 27 inches wide ..	30	—	40	—
Linen book binding thread	—	—	25	—
*Linen canvas ..	—	—	25	—
*Linen, manufactures wholly or mainly of, not elsewhere specified ..	—	—	25	—
Linen shoe thread ..	—	—	15	—
Linen thread, not elsewhere specified ..	—	—	15	—
Linen yarn ..	—	—	5	—
Mixed material and other textiles, not elsewhere specified—				
*Blankets ..	15	—	25	—
Carpets and floor rugs ..	40	—	50	—
Handkerchiefs, and others, not elsewhere specified, excluding handloom towels and towelling ..	17½	—	27½	—
Lace and net excluding mosquito netting and fishing nets and netting, but including curtain netting ..	15	—	25	—
Piece goods ..	15	—	25	—
Scarves and shawls ..	30	—	40	—
Yarn	5	—	15	—
Natural silk and manufactures thereof including any admixtures thereof where the natural silk and/or the artificial silk content is not less than 50 per cent. by weight—				
Broadstuff ..	35	—	40	—
Lace all-overs and lace and net	40	—	45	—
Thread	15	—	25	—
Yarn	10	—	15	—
Other	40	—	50	—
Shoe thread, not elsewhere specified	—	—	15	—
Silk waste	15	—	25	—
Treated flax canvas ..	—	—	17½	—
Woollen and worsted, manufactures wholly or mainly of—				
Berlin	5	—	15	—
*Blankets ..	15	—	25	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
Carpets and floor rugs ..	40	—	50	—
Manufactures, not elsewhere specified ..	30	—	40	—
Scarves, shawls and garments	40	—	50	—
THERMOS FLASKS AND PARTS	—	—	25	—
TILES (other than glassware, earthenware, porcelain and china) not over 2¼ square feet	—	—	30	—
TIMBER which is shown to the satisfaction of the Principal Collector of Customs to have been imported for the manufacture of receptacles for packing Ceylon produce for export	2½	—	12½	—
TIMBER, not elsewhere specified	25	—	35	—
*TIMBER, scantlings and sleepers	15	—	25	—
TIPPING WAGONS (other than motor wagons) and parts thereof	17½	—	27½	—
TOBACCO—				
Manufactured: Beedies .. .. per lb. of their gross weight inclusive of packing and labels	—	5 60	—	6 10
Cigarettes—				
(i) Manufactured in a country to which preferential rates of duty have been deemed to be applicable from tobacco grown in such a country—				
(*a*) sold wholesale at not more than Rs. 33.25 per lb. net .. per lb. net	—	27 25	—	—
(*b*) sold wholesale at more than Rs. 33.25 per lb. net .. per lb. net	—	28 25	—	—
(ii) Manufactured in a country to which preferential rates of duty have been deemed to be applicable from foreign tobacco—				
(*a*) sold wholesale at not more than Rs. 33.25 per lb. net .. per lb. net	—	27 75	—	—
(*b*) sold wholesale at more than Rs. 33.25 per lb. net .. .. per lb. net	—	28 75	—	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise		Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
		Per Cent.	Rs. c.	Per Cent.	Rs. c.
(iii) Manufactured in a country to which preferential rates of duty have been deemed to be applicable from tobacco grown in such a country and from foreign tobacco at rates intermediate between (i) and (ii) above according to the certified proportion of the leaf content of the tobacco grown in a country to which preferential rates of duty have been deemed to be applicable and a foreign country.		—	—	—	—
(iv) Manufactured in foreign countries ..	per lb. net	—	—	—	29 25
Cigars	per lb. net	—	66 0	—	67 0
Hookah and beedy tobacco ..	per lb. net	—	6 0	—	6 30
Snuff	per lb. net	—	11 0	—	11 50
Manufactured tobacco, not elsewhere specified, other than hookah and beedy tobacco and snuff ..	per lb. net	—	33 0	—	33 75
Unmanufactured ..	per lb. net	—	20 10	—	22 35
TOILET REQUISITES, not elsewhere specified including toilet sets, except soap and perfumed spirits ..		—	—	75	—
TOW, FLAX AND HEMP ..		—	—	17½	—
*TOYS AND PARLOUR GAMES		30	—	35	—
TRACING CLOTH AND FILMS		—	—	17½	—
TRAYS AND WAITERS, NOT ELSEWHERE SPECIFIED—					
Brass		—	—	30	—
Plastic		—	—	30	—
Wooden		—	—	100	—
TREACLE		—	—	40	—
UMBRELLAS ..		10	—	15	—
UMBRELLAS, incomplete ..		7½	—	12½	—
UNASSEMBLED COMPONENT PARTS FOR UMBRELLAS, namely sticks and handles (other than wooden sticks and handles), ribs, stays, runners, notches, cups, ferrules and paper covers ..		7½	—	12½	—
VARNISHES ..		30	—	40	—
VEGETABLES—					
Fresh or dried, not elsewhere specified	per cwt.	—	2 0	—	3 0
Preserved (except dried) other than in tins ..		15	—	25	—
Tinned		15	—	25	—
VINEGAR		—	—	75	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise		Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
		Per Cent.	Rs. c.	Per Cent.	Rs. c.
WALKING STICKS AND CANES		—	—	100	—
WALL AND PARTITIONING BOARDS including porous boards and hard boards other than asbestos—					
* Wall boards of wood fibre ..		15	—	25	—
Other—					
Wooden ..		—	—	27½	—
Other than wooden ..		—	—	27½	—
WALNUTS	per cwt.	—	50 0	—	60 0
WATERPROOF CEMENT ..		—	—	17½	—
WATTLEBARK ..		—	—	5	—
WAX other than candles, not elsewhere specified—					
Bees-wax		—	—	5	—
Bottling wax ..		—	—	5	—
Match wax		—	—	5	—
Paraffin wax ..		—	—	5	—
WICKER WORKS, NOT ELSEWHERE SPECIFIED		—	—	100	—
WINE, other than Sacramental—					
Sparkling	per gallon	—	—	—	160 0
Other—					
In bottle	per gallon	—	—	—	55 0
In wood	per gallon	—	—	—	53 0
WINE, SACRAMENTAL, imported by ecclesiastical heads which is shown to the satisfaction of the Principal Collector of Customs to have been imported for religious purposes—					
In bottle	per gallon	—	—	—	15 30
In wood	per gallon	—	—	—	14 0
WIRELESS GOODS AND APPARATUS—					
Complete sets for receiving or transmitting and parts thereof, not elsewhere specified		25	—	27½	—
Components and spare parts shown to the satisfaction of the Principal Collector of Customs to have been imported for the assembly of complete wireless sets for receiving or transmitting ..		10	—	12½	—
WOOD AND TIMBER, MANUFACTURES wholly or mainly of, not elsewhere specified ..		—	—	75	—
WOOD PULP ..		—	—	17½	—

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IMPORT DUTIES—contd

Goods, Wares, or Merchandise	Preferential Rate: *Ad valorem*		General Rate: *Ad valorem*	
	Per Cent.	Rs. c.	Per Cent.	Rs. c.
WOODEN MANUFACTURES shown to the satisfaction of the Principal Collector of Customs to have been imported for use in the tea industr —				
Frames for tea sieves and bulking shovels ..	2½	—	12½	—
YEAST, COMPRESSED OR DRY	—	—	10	—
ARTICLES FOR EDUCATIONAL PURPOSES, viz.— Pastel crayons, pencil crayons in boxes of 12 and under, n assorted colours, playwax, school chalk, blackboards, foot and six-inch rulers, students' paint boxes, school mathematical sets, school bags, school slates, slate pencils, Montessori apparatus other than toys, school writing sets, science exercise books (graph) in thick covers and pictures for story telling ..	—	—	5	—
ARTICLES OF THE FOLLOWING DESCRIPTION which are shown to the satisfaction of the Principal Collector of Customs to have been imported by and for use in hotels and resthouses approved by the Director of the Tourist Bureau, provided that such articles bear indelible marks identifying them as the property of such hotels and resthouses—				
Cotton towels ..	—	—	15	—
Crockery ..	17½	—	27½	—
Cutlery	17½	—	27½	—
Electroplated ware other than gold and silver-plated ware—				
Iron and steel ..	17½	—	27½	—
Other ..	—	—	27½	—
Manufactures of linen ..	—	—	27½	—
Paper serviettes ..	—	—	27½	—
Silverplated ware—				
Iron and steel ..	17½	—	27½	—
Other	—	—	27½	—
ARTICLES (other than machinery, chemicals, dyes and fillers), which are shown to the satisfaction of the Principal Collector of Customs to have been imported for the purpose of manufacturing finished rubber goods ..	—	—	2½	—
ALL OTHER GOODS not otherwise charged with duty or prohibited and not comprised in the Table of Exemptions hereinafter set forth ..	—	—	35	—

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TABLE OF EXEMPTIONS

Advertising matter, viz., trade circulars, trade catalogues, show cards, show plates and frames not including name plates and sign boards.

Aeroplanes, airships and parts.

Animals, living, of all sorts other than dogs and horses.

Antiques, being articles in excess of 100 years of age.

Any apparatus designed for the teaching of speech or lip reading, to the deaf.

Apparatus, drugs and chemicals, certified as having been imported for the campaign against anchylostomiasis or for educational purposes or for research work.

Apparatus for games played by the blind.

Arithmetic number boards and types, and apparatus required for mathematics, used by the blind.

Articles shown to the satisfaction of the Principal Collector of Customs to have been awarded abroad to any person for distinction in art, literature, science or sport or for public service or otherwise as a record of meritorious achievement or conduct and to be imported by or on behalf of that person.

Artificial dentures.

Artificial limbs and eyes.

Art, works of, viz., original oil paintings, original water colours and original drawings.

Atomizers, sprayers and equipment and parts thereof shown to the satisfaction of the Principal Collector of Customs to have been imported for insect, pest and malaria control purposes.

Audiometers and hearing aids for class or individual use of the deaf including parts and accessories.

Band instruments imported for the use of Her Majesty's land and sea forces including the Ceylon Army and the Ceylon Police Force.

Birds.

Books, printed and manuscripts.

Braille writing machines, frames, and styles used by the blind.

Bullion and coin.

Casein, castor oil, pine oil and rosin shown to the satisfaction of the Principal Collector of Customs to have been imported for the manufacture of disinfectants, fungicide and insecticide.

Casks, empty, shooks and staves.

Cinchona alkaloids and their salts and synthetic substances having a quinoline base which are of a recognized value in the treatment of malaria.

Cinematograph films purely of an educational character, whether developed negative or positive films (including gramophone records or other forms of sound reproduction complementary to such films or developed negative or positive sound tracks) which are certified by the Director

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of Education to be films of an educational character on the ground that they fall within one or more of the following classes :—.

(*a*) films designed to supply information with regard to the work and aims of the League of Nations and other international organizations which are generally recognized by the High Contracting Parties to the International Convention of 1933 for Facilitating the International Circulation of Films of an Educational Character ;

(*b*) films intended for use in education of all grades ;

(*c*) films intended for vocational training and guidance, including technical films relating to industry and films relating to scientific management ;

(*d*) films dealing with scientific or technical research or designed to spread scientific knowledge ;

(*e*) films dealing with health questions, physical training, social welfare or relief.

Clocks, watches, thermometers and other articles designed for the use of the blind.

Coal.

Coconut oil.

Coins, antique.

Coke and patent fuel.

Collectors' pieces and objects of art not intended for resale and consigned to public galleries, museums and other public institutions approved by the Principal Collector of Customs.

Collections and collectors' pieces in such scientific fields as anatomy, zoology, botany, mineralogy, palaeontology, archæology and ethnography, not intended for resale.

Copra not elsewhere specified.

Cotton seed, bran and pollard.

Crutches and parts thereof.

Currystuffs of the following description only, viz.—coriander seed, cummin seed, fennel seed, garlic, mathe seed, tamarind and turmeric.

Dairy equipment—

Bottling machines, washing and brushing machines, milk cooling apparatus, bottling and filling equipment, milk sterilizing equipment, pasteurizing plant equipment, milk testing equipment including lactometers, centrifuges and butyrometers, milking machines, machines for reconstituting skimmed milk, machines for condensing and evaporating milk, machines for sealing milk bottles and milk bottle caps, butter making machines, cheese making machines, cream separating machines, casein making machines and parts for all the above, milk cans, milk churns, glass milk bottles, discs therefor, milk bottle discs of paper and cardboard, milk scoops and milk cleansers.

Drugs proved to the satisfaction of the Principal Collector of Customs to be of a recognized value in the prevention and treatment of tuberculosis, cancer and leprosy.

Dusting sulphur shown to the satisfaction of the Principal Collector of Customs to have been imported for pest control purposes.

Earth and sand.

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Explosives as follows :—

Blasting gelatine, gelignite, dynamite, blasting gun powder, fuse and detonators, gun powder, coarse, not passing No. 10 standard mesh.

Films, filmstrips, microfilms and slides of an educational, scientific or cultural character when imported by organizations approved by the Principal Collector of Customs exclusively for exhibition by these organizations or by other public or private educational, scientific or cultural institutions or societies approved by the Principal Collector of Customs.

Films, filmstrips, microfilms and sound recordings of an educational, scientific or cultural character produced by the United Nations or any of its specialized agencies.

Fish caught by a fishing vessel which is operating from a Ceylon port and which has been duly registered at a port of registry in Ceylon.

Fish ova, living.

Fishing hooks other than flies and ready-made fish hooks used in " dry fly " fishing and artificial fish baits.

Fishing lines.

Fishing nets and netting.

Fishing net twine proved to the satisfaction of the Principal Collector of Customs to have been imported for the fishing industry.

Gift parcels consigned to Ceylon by the Co-operative for American Remittances to Europe Incorporated.

Goods (other than spirits and tobacco) which are proved to the satisfaction of the Principal Collector of Customs to have been the personal effects of any deceased person who at the time of his death was serving as a member of any unit or part of any of Her Majesty's regular, volunteer or auxiliary forces in any war in which Her Majesty may at that time have been engaged.

Ground equipment and technical supplies which are shown to the satisfaction of the Principal Collector of Customs to have been imported for use within the limits of an airport in Ceylon in connexion with the establishment and maintenance of an international air service.

Hand-printed impressings, produced from hand-engraved or hand-etched blocks, plates or other material, and signed and numbered by the artist.

Hemp fibre proved to the satisfaction of the Principal Collector of Customs to have been imported for the fishing industry.

Hides and skins, raw or salted.

Incubators and parts thereof.

Invalids' chairs.

Knitting machines and any other apparatus designed for industrial work of the blind.

Maps and charts.

Meat, fish, poultry and game, fresh.

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Metals—

unwrought including any alloy or amalgam imported in blocks, ingots, cakes and slabs.

Milk, including refrigerated, condensed, sweetened or unsweetened, sterilized or powdered.

Milk foods.

Newsreels (with or without sound tracks), depicting events of current news value at the time of importation, and imported in either negative form, exposed and developed, or in positive form, printed and developed, when imported by organizations approved by the Principal Collector of Customs provided that free entry may be limited to two copies of each subject for copying purposes.

Original works of art of statuary or sculpture, whether in the round, in relief or in intaglio, excluding mass-produced reproductions and works of conventional craftsmanship of a commercial character.

Passengers' baggage as defined by the customs regulations.

Patterns, models and wall charts for use exclusively for demonstrating and teaching purposes in public or private educational, scientific or cultural institutions approved by the Principal Collector of Customs.

Petroleum crude or liquid fuel with a flashing point not under the flashing point prescribed for the purposes of the Petroleum Ordinance.

Plants and trees, roots, bulbs and seeds, for agricultural and horticultural purposes.

Poppies imported for sale in aid of the Poppy Day Fund.

Postage stamps used and unused.

Poultry farming apparatus not elsewhere specified and parts thereof.

Poultry shown to the satisfaction of the Principal Collector of Customs to have been imported for breeding purposes.

Precious stones, the produce of Ceylon.

Printed music.

Printing blocks and matrices for advertisement purposes.

Quinine.

Raw rubber.

Raw silk or cocoons.

Regimental clothing, arms and accoutrements imported for Her Majesty's land and sea forces including the Ceylon Army.

Records for talking books used by the blind.

Scrap metals fit only for remanufacture.

Sound recordings of an educational, scientific or cultural character for use exclusively in public or private educational, scientific or cultural institutions or societies approved by the Principal Collector of Customs.

Specimens illustrative of natural history and medals.

Stirrup socks.

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Stones, unworked except precious stones.

Sulphur not elsewhere specified.

Talking books and talking book reproducers, special paper and board for use in Braille machines, shorthand rolls for the blind, typewriters specially equipped for the blind (on the written undertaking that duty will be paid on such typewriters if sold to or used by persons who are not blind), Braille duplicating and printing machines, Braille shorthand writers, telephone switch boards for operation by the blind, apparatus designed for the teaching of the partially blind, sewing machines specially designed for use by the blind, and pianos, shoemaking and book binding tools specially designed for the use of the blind.

Thread for lace making, and yarn imported by the Commissioner of Cottage Industries for distribution to textile workshops other than weaving mills.

Tortoise shells.

Trade samples weighing less than one-quarter of a pound and shown to the satisfaction of the Principal Collector of Customs to be of negligible value.

Uniforms and accoutrements appertaining thereto imported by or for a public servant for his personal use.

Weighing instruments and parts thereof and measures shown to the satisfaction of the Principal Collector of Customs to have been imported for use as standards.

Wool, raw.

Yarn and twist used in fishing operations proved to the satisfaction of the Principal Collector of Customs to have been imported for the fishing industry.

Articles of foreign production reimported upon which import duty has previously been paid subject to regulations made by the Principal Collector of Customs.

EXPORT DUTIES

Article	*Unit*	*Duty* Rs.	c.
Cardamoms—			
with shell	per 100 lb. ..	100	0
without shell	per 100 lb. ..	200	0
Cocoa (raw)	per 100 lb. ..	40	0
Coconut poonac	per ton ..	200	0
Coconut oil of every kind or description ..	per ton ..	135	0
Copra of every kind or description ..	per ton ..	185	0
Desiccated coconut of every kind or description	per ton ..	95	0
Fresh coconuts	per 1,000 nuts ..	65	0
Glycerol, all forms of, including crude and refined glycerine	per 100 lb. ..	15	0
Mild steel plates and sheets ..	per ton ..	125	0
Plumbago	per cwt. ..	1	0

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	Rs. c.		
Rubber * (other than scrap crepe) :			
Where the estimated f.o.b. value per pound of R.M.A. No. 1 sheet rubber does not exceed	1 60	Export duty per pound of dry rubber content shall be 15 cents	
Do. exceeds 1 60 but does not exceed 2 10		do.	15 cents plus 40% of excess over Re. 1·60
Do. exceeds 2 10 but does not exceed 2 60		do.	35 cents plus 50% of excess over Rs. 2·10
Do. exceeds 2 60 but does not exceed 3 10		do.	60 cents plus 60% of excess over Rs. 2·60
Do. exceeds 3 10		do.	90 cents plus 70% of excess over Rs. 3·10
Rubber * (scrap crepe) :			
Where the estimated f.o.b. value per pound of R.M.A. No. 1 scrap crepe does not exceed	1 60	Export duty per pound of dry rubber content shall be 15 cents	
Do. exceeds 1 60 but does not exceed 2 10		do.	15 cents plus 40% of excess over Re. 1·60
Do. exceeds 2 10 but does not exceed 2 60		do.	35 cents plus 50% of excess over Rs. 2·10
Do. exceeds 2 60 but does not exceed 3 10		do.	60 cents plus 60% of excess over Rs. 2·60
Do. exceeds 3 10		do.	90 cents plus 70% of excess over Rs. 3·10

Scrap ferrous metal	per ton ..	25 0
Tea	per lb. ..	0 65
Whale oil—		
For quantities up to 4,000 barrels in one year	per barrel ..	1 0
For quantities in excess of 4,000 barrels in one year	per barrel ..	2 0

* Export duties leviable on rubber on 30th June, 1956, under section 2 of the Revenue Protection Ordinance are as follows :—

Article	*Unit*	*Duty* Rs. c.
Crepe rubber of every description, other than scrap crepe	per 100 lb. ..	32 0
Rubber latex	per 100 lb. of dry rubber content	32 0
Scrap crepe rubber	per 100 lb. ..	15 0
Scrap rubber, other than scrap crepe ..	per 100 lb. ..	15 0
Sheet rubber of every description ..	per 100 lb. ..	32 0

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[Section 12.]

SCHEDULE B

TABLE OF PROHIBITIONS AND RESTRICTIONS— INWARDS

Any article bearing the imprint, affixation or inscription of a religious picture, religious name or emblem or title, whether as a trade mark or otherwise, if, in the opinion of the Principal Collector of Customs, such imprint, affixation or inscription on such article is derogatory to any religious teacher or his teachings or is likely to wound the religious susceptibilities of the followers of the religion with which such picture, name, emblem, or title is associated.

Any book or pamphlet which in the opinion of the Principal Collector of Customs contains disparaging and insulting references to any religious teacher or his teachings.

Any newspaper, pamphlet, leaflet, book or picture containing matter calculated to lead to acts made punishable under section 120 of the Penal Code.

Appliances (including pistols, pistol-pens, pistol-pencils, hand grenades, cartridges, &c.) for discharging gas, unless imported by or on behalf of Government.

Beedies and beedy tobacco except such as are imported under the authority of a licence issued by the Principal Collector of Customs and only through such ports and subject to such conditions as he may specify by notification published in the Gazette.

Books wherein the copyright shall be first subsisting, first composed, or written or printed in the United Kingdom, and printed or reprinted in any other country, and of which notice that copyright subsists shall have been given by the proprietor to the Commissioners of Customs, London.

Chinese crackers which contain explosives of such composition, or in such quantity, as in the opinion of the Collector of Customs renders them dangerous.

Coin, namely false money or counterfeit sterling coin of the realm, or any money purporting to be such, not being of the established standard in weight or fineness.

Cotton, silk or other woven goods impressed with designs and imitations of currency notes, promissory notes, or stock notes of the Government of Ceylon or of any other Government.

Dummy firearms, toy pistols, or other articles which in the opinion of the Principal Collector of Customs are capable of being easily converted into lethal weapons.

Eggs, unless they are stamped indelibly with the name of the country of origin.

Fish, grain, and other articles in a damaged, stinking, or offensive condition, unfit for food and legitimate use, or likely to breed sickness or any contagious disorders.

Indecent or obscene prints, paintings, books, cards, lithographs, photographs, engravings or any other indecent or obscene articles.

Japanese shaving brushes.

Lottery proposals, circulars, or tickets.

Mattur dhal (*Lathyrus Sutivus*) otherwise known as Kesari dhal.

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Meat (whether fresh or frozen) of the following description, being meat derived from any warm-blooded animal if such meat is imported for human consumption :—

(*a*) meat which consists of offal, scraps, trimmings and other pieces (whether with or without bone) of such shape or in such condition as to afford insufficient means of identification with a definite part of a carcase ;

(*b*) meat comprising the wall of the thorax or abdomen from which there has been detached any part of the pleura or (except in the case of meat derived from a pig) the peritoneum, other than a part necessarily removed in preparing the meat ;

(*c*) meat from which a lymphatic gland (except a gland necessarily removed in preparing the meat) has been taken out ; and

(*d*) meat comprising the head of an animal from which the submaxillary gland has been removed.

Meat or a meat product of the following description being meat or a meat product derived from any warm-blooded animal and imported for human consumption, unless such meat or meat product is accompanied by a certificate or other document issued by a competent authority in the country of origin, being a certificate or document which, in the opinion of the Principal Collector of Customs, can be treated as containing a sufficient warrant that the meat or meat product to which such certificate or document relates is fit for human consumption :—

(*a*) meat or any meat product, packed in air-tight containers ;

(*b*) cooked or cured or dried meat ;

(*c*) intestines and other parts prepared in the form of sausage ;

(*d*) rendered animal fats other than margarine ; and

(*e*) pies, sausages or other prepared or manufactured article of food containing meat of any description, other than fat.

Milk condensed which contains less than 31 *per centum* of milk solids (including less than 9 *per centum* of milk fat).

Parts of articles, viz., any distinct or separate part of any article not accompanied by the other part or all the other parts of such articles, so as to be complete or perfect, if such articles be subject to duty according to the value thereof.

Sword-sticks or other articles which, in the opinion of the Principal Collector of Customs, are so designed or constructed as to disguise the fact that they are capable of being used or adapted for use as knives or swords or other instruments for cutting or stabbing.

The following goods, when they are consigned to any person other than a registered medical practitioner, a wholesale or retail chemist, or a person who has obtained the written sanction required for the purposes of the proviso to section 3 of the Venereal Diseases Ordinance :—

(*a*) any medicines or medicaments for the prevention, cure, or relief of any venereal disease ;

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(b) any advertisement, notice, handbill or circular recommending to the public any such medicine or medicament ;

(c) any label of any description designed or adaptable for use or capable of being used on any box, bottle, phial or other receptacle or container for the purpose of conveying the information that any such medicine or medicament is contained therein ;

(d) any box, bottle, phial or other receptacle or container which is intended for use in connexion with the sale or distribution of any such medicine or medicament and which has any word, figure, mark, design or other indication affixed thereto or embossed or engraved thereon, for the purpose of conveying the information that at the time of such sale or distribution, any such medicine or medicament is contained therein.

Walking-stick guns, and every gun of any description which is so designed or constructed as to disguise the fact that it is a gun.

Weapons, armaments, ancillary equipment, ammunition, explosives, vehicles and equipment capable of being used by the armed forces, except by licence from the Minister.

Any article exported from Ceylon and refused admittance by the authorities at the port to which it was exported except by permission of the Collector of Customs.

Articles the importation of which is prohibited by any enactment or any legal order now in force or hereafter to be enacted, or any rules, regulations, notifications, proclamations, or orders made or issued thereunder.

Articles the importation of which is restricted by any enactment or any legal order now in force or hereafter to be enacted, or any rules, regulations, notifications, proclamations, or orders made or issued thereunder, except in accordance with such enactment, rules, regulations, notifications, proclamations, or orders.

TABLE OF PROHIBITIONS AND RESTRICTIONS—OUTWARDS

Cinchona bark in any form, including cinchona bark powder or any other part of the cinchona tree.

No tea shall be exported which is declared by the Principal Collector of Customs or by any officer authorized by him to be, in the opinion of the officer making such declaration, unfit for export as being adulterated and therefore likely to damage the reputation of Ceylon tea in foreign markets :

Provided that this prohibition shall not operate against any tea on account of its cheapness or inferiority in quality. The exportation of tea shall be subject to the condition that the Principal Collector of Customs or any officer authorized by him may take samples thereof for the purpose of examination.

Wild cinnamon, that is to say, any cinnamon other than that cultivated in plantations for commercial purposes.*

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* Wild cinnamon may be exported or taken out of Ceylon under a licence issued by the Director of Commerce and in accordance with such conditions as may be attached by him to such licence.—See Gazette No. 8,443 of 31st March, 1939.

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Articles the exportation of which is prohibited by any enactment or any legal order now in force or hereafter to be enacted, or any rules, regulations, notifications, proclamations, or orders made or issued thereunder.

Articles the exportation of which is restricted by any enactment or any legal order now in force or hereafter to be enacted, or any rules, regulations, notifications, proclamations, or orders made or issued thereunder, except in accordance with such enactment, rules, regulations, notifications, proclamations, or orders.

SCHEDULE C

[Section 23.]

PORT DUES

Port dues shall be levied and paid on ships arriving at or departing from the several ports of Ceylon and upon cargo imported into or exported from the port of Colombo, as specified in this Schedule, increased by 60 *per centum*, and subject to the conditions, exceptions and provisions prescribed in this Schedule.

GENERAL PROVISIONS

Notwithstanding anything in this Schedule—

(*a*) where a vessel has paid port dues for entry inwards or for clearance outwards she shall not be liable for additional port dues for goods carried coastwise during the same voyage;

(*b*) a vessel leaving port for a period not exceeding twelve hours for the purpose of trying her machinery or of throwing overboard any damaged cargo shall, for the purpose of this Schedule, be deemed to be in port, and shall be liable on re-entry to pay only the full pilotage dues chargeable in respect of such vessel for a first entry into port. The period during which such vessel has been out of port shall, for the purpose of reckoning buoy rent, be considered as part of her stay in port;

(*c*) where a sailing vessel or a vessel not exceeding three hundred tons burthen is compelled by stress of weather to re-enter port within twelve hours of her departure therefrom, no further port dues shall be charged if the Master Attendant certifies that the vessel could not have proceeded on her voyage without unnecessary risk; and

(*d*) where a vessel awaiting a working berth runs short of fresh water, essential stores or bunkers, or has a sick man to land, and therefore enters the harbour to take fresh water, essential stores or bunkers, or to land such sick man, after paying entering dues and is then taken out, she shall not be liable for additional entering dues when she re-enters the harbour on being given a working berth, if the Master Attendant certifies that her first entry was for the sole purpose of taking fresh water, essential stores or bunkers, or landing a sick man.

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PART I

DUES LEVIABLE AT THE PORT OF COLOMBO

Entering Dues

1. The following shall be the rates of the dues payable by vessels entering the port :—

						Rs.	c.
Up to and including 50 tons net					..	5	0
Over	50	and up to and including	100	tons net	..	10	0
Over	100	do.	150	do.	..	15	0
Over	150	do.	200	do.	..	20	0
Over	200	do.	300	do.	..	30	0
Over	300	do.	400	do.	..	50	0
Over	400	do.	500	do.	..	70	0
Over	500	do.	700	do.	..	90	0
Over	700	do.	900	do.	..	110	0
Over	900	do.	1,100	do.	..	130	0
Over	1,100	do.	1,300	do.	..	160	0
Over	1,300	do.	1,500	do.	..	190	0
Over	1,500	do.	1,750	do.	..	220	0
Over	1,750	do.	2,000	do.	..	250	0
Over	2,000	do.	2,250	do.	..	280	0
Over	2,250	do.	2,500	do.	..	310	0
Over	2,500	do.	3,000	do.	..	340	0
Over	3,000	do.	3,500	do.	..	370	0
Over	3,500	do.	4,000	do.	..	410	0
Over	4,000	do.	4,500	do.	..	450	0
Over	4,500	do.	5,000	do.	..	490	0
Over	5,000	do.	5,500	do.	..	550	0
Over	5,500	do.	6,000	do.	..	610	0
Over	6,000	do.	6,500	do.	..	700	0
Over	6,500	do.	7,000	do.	..	790	0
Over	7,000	do.	7,500	do.	..	880	0
Over	7,500	do.	8,000	do.	..	970	0
Over	8,000	do.	8,500	do.	..	1,060	0

And for every additional 500 tons or part thereof, an additional Rs. 90.00 :

Provided that—

(i) vessels which, while in harbour, carry out none but the following operations :—

(*a*) taking in coal or oil for bunkers ;

(*b*) taking in water ;

(*c*) taking in or transhipping ship's stores ;

(*d*) awaiting or receiving orders ;

(*e*) taking in or discharging mails ;

(*f*) discharging sick persons, their attendants, and families ;

(*g*) discharging or taking in crews, or ship's officers or seamen under repatriation ;

(*h*) discharging or shipping over-carried cargo ;

(*i*) unshipping or reshipping passengers or cargo for the purpose of going into dock or of undergoing repairs or transhipping passengers or cargo to another vessel when the delay or inconvenience caused by such docking or repairs renders such transhipment necessary ;

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(*j*) extinguishing a fire on board the vessel and unshipping, reshipping or transhipping passengers or cargo for the purpose of extinguishing such fire ; and

(*k*) undergoing inspection or deratization for the purpose of obtaining a Deratization Certificate or a Deratization Exemption Certificate,

shall be charged a special consolidated rate of Rs. 280 only to cover pilotage, entering dues, use of tugs, and bill of health granted day by day ;

(ii) vessels employed in the steamer service between Colombo and Tuticorin shall be given a rebate of 10 *per centum* on the entering dues payable by them for the second and every subsequent entrance by the same vessel within a week ;

(iii) vessels discharging cargo exceeding 100 shipping tons brought from a foreign port for reshipment to a foreign port shall be given a rebate of 50 *per centum* on entering dues ;

(iv) trawlers operating as such from a Ceylon port and duly registered at a port of registry in Ceylon shall be allowed to compound for entering dues at Colombo for twelve months at 70 cents per ton of the registered tonnage ;

(v) vessels halting outside the harbour but within the limits of the port shall be exempted from the payment of entering dues, provided they carry out none but the following operations :—

(*a*) visual signalling ;

(*b*) receiving orders ;

(*c*) discharging sick and injured persons, their attendants, and families ; stowaways and persons overcarried ;

(vi) vessels halting outside the harbour but within the limits of the port, which receive passengers on the written authority of the Principal Collector of Customs and after examination by the port surgeon, and not otherwise, shall be charged a special consolidated rate of Rs. 280 ;

(vii) vessels re-entering the harbour within 12 hours of their departure to discharge persons who have been overcarried shall be exempted from the payment of entering dues, if they do not moor ;

(viii) Royal Fleet Auxiliary vessels flying the Blue Ensign with Admiralty Badge, Royal Air Force Auxiliary vessels flying the Royal Air Force Ensign, and British Hired Transports, all of which carry no cargo on which freight is paid, and men-of-war, vessels of the Imperial Light Service, troopships, hospital ships and private yachts (not exceeding 50 tons net) shall be exempt from all entering dues.

Payment of these charges or of the consolidated special rate shall clear a vessel inwards and outwards, if her stay in the port does not exceed 96 hours.

Note.—Entering dues shall be paid within one week of the vessel's arrival in port.

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Over-hour Dues

2. Where a vessel's stay in port exceeds 96 hours but does not exceed 288 hours, one-half of the charges payable as entering dues shall be added. Such charges shall be known as "half over-hour dues".

Where a vessel's stay in port exceeds 288 hours, the same charges shall be paid outwards as was paid inwards. Such charges shall be known as "full over-hour dues".

Note.—Over-hour dues shall be paid within a week from the date they fall due.

Buoy Rent Charges

3. Where a vessel's stay in port exceeds 12 days (288 hours), buoy rent shall be payable at the following rates:—

		Rate Rs. c
(*a*) in respect of every day between the 13th day and the 90th day (both days inclusive)	per day ..	27 0
(*b*) in respect of every day between the 91st day and the 180th day (both days inclusive)	per day ..	54 0
(*c*) in respect of every day after the 180th day	per day ..	81 0:

Provided that—

(i) half buoy rent shall be payable in respect of any time beyond the said period during which a vessel has stayed in port without discharging or shipping cargo, because she was carrying out repairs and was unable to put to sea until the completion of the repairs if the Master Attendant is satisfied that such stay was necessary and was not unduly prolonged;

(ii) buoy rent shall not be payable—

(*a*) in respect of any time during which a vessel is on the slips or in dry dock;

(*b*) in respect of any time during which any vessel, declared by the Minister by Notification published in the Gazette to be a reserved vessel, is kept in port as a reserve vessel to maintain the regularity of the mail service or other important public service;

(iii) buoy rent shall, subject to the provisions of clause (vii), be payable at Rs. 7 only per day by sailing vessels and craft, not exceeding three hundred tons burthen, owned and manned by Ceylonese, Indians, Pakistanis, Burmese or Maldivians and employed in trade between any port in Ceylon and any other port in Ceylon, the Maldive Islands, India, Pakistan or Burma;

(iv) the vessel bearing the annual tribute from the Maldivian Government shall be exempted from payment of buoy rent for one calendar month reckoned from the date of its entry into the harbour;

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(v) Royal Fleet Auxiliary vessels flying the Blue Ensign with Admiralty Badge, Royal Air Force Auxiliary vessels flying the Royal Air Force Ensign, and British Hired Transports, all of which carry no cargo on which freight is paid and men-of-war, vessels of the Imperial Light Service, troopships, and hospital ships shall be exempt from all over-hour and buoy rent charges ;

(vi) private yachts not exceeding 50 tons net occupying harbour moorings outside the area allotted to the Royal Colombo Yacht Club shall be exempt from these charges but when the period of occupation exceeds 288 hours shall pay buoy rent in respect of the period in excess at Rs. 14 for each continuous period of seven days or part thereof, provided the amount payable in respect of any calendar month shall not exceed Rs. 56 ;

(vii) Maldivian *odies* shall be exempt from the payment of buoy rent for a period of two months from the date of their arrival in port and thereafter they shall be liable to pay buoy rent at the rate specified in clause (iii).

For the purposes of computing the buoy rent, any outstanding part of a day shall be reckoned as a day. Buoy rent when it falls due, shall be paid weekly.

Tonnage Dues

4. The following shall be the rates of the tonnage dues payable by ships discharging or loading cargo :—

(1) twenty cents per ton upon all cargo discharged or loaded by vessels up to 200 tons register ; forty cents per ton upon all cargo discharged or loaded by vessels above 200 tons register ;

(2) thirty-two cents per ton upon all petroleum or liquid fuel in bulk, or coal or coke which may be discharged, 250 gallons of petroleum or liquid fuel being reckoned as a ton for this purpose :

Provided that—

(i) cargo brought to the port for transhipment shall be free of dues under this heading if it is not landed or if being landed it is not entered for duty ;

(ii) vessels of 300 tons and under shall be allowed to land or ship 5 tons of cargo free, and vessels of over 300 tons shall be allowed to land or ship 10 tons of cargo free ;

(iii) Royal Fleet Auxiliary vessels flying the Blue Ensign, with Admiralty Badge, Royal Air Force Auxiliary vessels flying the Royal Air Force Ensign, and British Hired Transports, all of which carry no cargo on which freight is paid, and men-of-war, troopships, and hospital ships shall be exempt from tonnage dues in respect of any cargo discharged or loaded which is exempt from duty under section 20 of the Customs Ordinance ; and

(iv) animals and birds, other than those imported in crates, cages or boxes shall be free of dues under this heading.

Note.—(1) Tonnage of cargo shall be reckoned according to scales approved and published by the Principal Collector of Customs.

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(2) Where no scales are published, tonnage of cargo shall be reckoned on the weights or measurements shown on the manifest or list on which freight is recoverable by shipping companies or their agents.

(3) Tonnage dues, inward or outward, shall be paid within one week of the vessel's arrival or departure.

Import Harbour Dues

5. (1) The following shall be the rates of harbour dues payable on imports :—

Description		Rate Rs.	c.
Bags containing chillies—			
(*a*) where the gross weight does not exceed 1 cwt. ..	each	0	5
(*b*) where the gross weight exceeds 1 cwt., but does not exceed 2 cwt.	each	0	7½
(*c*) where the gross weight exceeds 2 cwt., the rates set out in (*b*) above shall be increased for each additional cwt. or outstanding fraction of a cwt. by		0	2½
Bags containing rice, other grain, sugar, flour, fish, vegetable, or containing articles not elsewhere specified—			
(*a*) when the gross weight does not exceed 2 cwt. ..	each	0	5
(*b*) when the gross weight exceeds 2 cwt., but does not exceed 3 cwt.	each	0	7½
(*c*) when the gross weight exceeds 3 cwt. the rates set out in (*b*) above shall be increased for each additional cwt. or outstanding fraction of a cwt. by		0	2½
Bags, baskets, or pockets containing potatoes, onions, or sweetmeats—			
(*a*) if on the average five such packages weigh 3 cwt. or under, then five such packages shall be reckoned as one package and shall be charged the rate specified above for one bag of the equivalent weight ;			—
(*b*) if on the average five such packages weigh more than 3 cwt., then each such package shall be charged at the rate specified above for a bag of the equivalent weight.			—
Bales of Rubber—			
(*a*) when the net weight does not exceed 200 lb. ..	each	0	8½
(*b*) when the net weight exceeds 200 lb. the rates set out in (*a*) above shall be increased for every additional 20 lb. or outstanding fraction thereof by		0	1½

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Description		Rate Rs. c.
Bales, boxes, cases, crates, or packages not otherwise described (including skeleton crates, cylinders for gases or liquids under pressure and drums or cylindrical reels of wire or cable, coir fibre in pressed bales and bundles of galvanized buckets, cast-iron pans and sanitary ware, which admit of measurement)—		
(*a*) when the measurements do not exceed 5 cubic feet		0 7
(*b*) when the measurements exceed 5 cubic feet, but do not exceed 10 cubic feet		0 14
(*c*) when the measurements exceed 10 cubic feet but do not exceed 15 cubic feet ..		0 21
(*d*) when the measurements exceed 15 cubic feet the rates set out in (*c*) above shall be increased for every additional 5 cubic feet or outstanding fraction thereof by		0 7
Casks, barrels, kegs, or drums containing solids—		
(*a*) when the gross weight does not exceed 1½ cwt. ..	each	0 14
(*b*) when the gross weight exceeds 1½ cwt., but does not exceed 4 cwt.	each	0 28
(*c*) when the gross weight exceeds 4 cwt., but does not exceed 6 cwt.	each	0 42
(*d*) when the gross weight exceeds 6 cwt., but does not exceed 7 cwt.	each	0 56
(*e*) when the gross weight exceeds 7 cwt., the rates set out in (*d*) above shall be increased for each additional cwt. or outstanding fraction of a cwt. by		0 14
Casks, barrels, kegs, drums or cans, containing liquid—		
(*a*) when the capacity does not exceed 5 gallons ..	each	0 7
(*b*) when the capacity exceeds 5 gallons, but does not exceed 9 gallons	each	0 14
(*c*) when the capacity exceeds 9 gallons, but does not exceed 18 gallons	each	0 21
(*d*) when the capacity exceeds 18 gallons, but does not exceed 36 gallons	each	0 42
(*e*) when the capacity exceeds 36 gallons, but does not exceed 54 gallons	each	0 56
(*f*) when the capacity exceeds 54 gallons, but does not exceed 81 gallons	each	0 98
(*g*) when the capacity exceeds 81 gallons, but does not exceed 108 gallons	each	1 40
(*h*) when the capacity exceeds 108 gallons, the rates set out in (*g*) above shall be increased for every additional 20 gallons or outstanding fraction thereof by		0 14
Casks, barrels, kegs, cans or drums which are empty shall be charged half the rates specified above for those containing liquids.		—
Bundles of staves	each	0 14
Coir fibre, yarn and rope in ballots or bundles per cwt.		0 7

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Description			Rate Rs. c.
Heavy goods (e.g., metal wrought or unwrought, tiles, wire) loose or in coils or bundles but not including wire in drums or reels and bundles of galvanized buckets, cast-iron pans and sanitary ware, which admit of measurement	..	per ton	0 70
Timber, loose or in bundles, for every 10 cubic feet	..		0 14
Manure	..	per ton	0 70
Kerosene oil in bulk	..	per 1,000 gallons	7 0
Coal or coke or coal and coke mixed	..	per ton	0 35
Motor-cars, carts, carriages, or rickshaws, which are not packed	..	each	3 50
Cycles, motor cycles, or side cars for motor cycles, which are not packed	..	each	1 40
Animals or birds not carried in crates or cages—			
Elephants	..	each	7 0
Horses and ponies	..	each	7 0
Asses, donkeys and mules	..	each	1 40
Turtles, poultry and other birds and small animals	..	each	0 14
Sheep and goats	..	each	0 28
Cattle and calves and other animals	..	each	1 40
Animals or birds in crates, cages or boxes shall be charged the rates quoted above for boxes, crates and packages not elsewhere described.			—
Goods not specified above which are of a like size and weight to any of the goods specified above shall be charged according to the rates specified above for the latter.			—
All other goods not specified above	..	per ton	0 70

(2) On payment of the above dues, goods shall be allowed to remain at the wharf for three clear days, exclusive of Sundays and customs holidays. This period shall be known as the period of First Harbour Dues and the rate applicable thereto as First Harbour Dues. Thereafter, a similar rate shall be charged for each succeeding day or part thereof, including Sundays and customs holidays and the day of removal or shipment.

(3) It shall be lawful for the Collector of Customs, in his discretion, to waive any port dues leviable in respect of any goods for any period during which there has been a delay in clearing such goods, if in his opinion, such delay—

(*a*) was due to the goods or the documents relating thereto being detained for customs purposes, or

(*b*) was due to unforeseen circumstances which were beyond the control of the importer and which affected the normal working of the port.

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Exemptions—Imported Goods

The following goods shall be exempt from first harbour dues :—

Government cargo, military baggage, dhobies' bundles, liquid fuel in bulk, export cargo shut out and re-landed, and all goods which at the time of importation are exempt from duty under sections 19, 20 and 21 of the Customs Ordinance.

Passengers' baggage unless landed as cargo shall be exempt from import harbour dues.

Reshipment Harbour Dues

6. (1) The following shall be the rates of harbour dues payable on goods brought for reshipment :—

Description		Rate Rs. c.
Kerosene oil in bulk	per 1,000 gallons	5 0
Coal or coke or coal and coke mixed ..	per ton	0 25
Opium	per package	0 15
Motor-cars, carts, carriages, and rickshaws, which are not packed	each	2 50
Cycles, motor cycles, and side cars for motor cycles, which are not packed ..	each	1 0
Animals or birds not carried in crates or cages—		
Elephants, horses and ponies ..	each	5 0
Asses, donkeys and mules ..	each	1 0
Turtles, poultry, and other birds and small animals	each	0 10
Sheep and goats	each	0 20
Cattle and calves and other animals ..	each	1 0
All other goods, per ton or part thereof ..		0 50

Note.—In the case of goods charged by the ton, the basis of calculation of the ton may be either weight or measurement as notified from time to time by the Principal Collector of Customs.

(2) (*a*) Coastwise goods brought for reshipment to a foreign port and goods brought from a foreign port for reshipment coastwise shall be free of reshipment harbour dues if reshipped within 3 clear days exclusive of Sundays and customs holidays.

(*b*) Goods brought from a foreign port for reshipment to a foreign port shall be free of reshipment harbour dues if reshipped within 30 clear days inclusive of Sundays and customs holidays.

(3) Goods intended for reshipment, which are deposited in or removed to a reshipment warehouse but are not reshipped within the period specified in sub-paragraph (2) of this paragraph shall be liable to a single payment of harbour dues at the rates prescribed in sub-paragraph (1) of this paragraph.

(4) Goods intended for reshipment, which remain in an import warehouse beyond the period in sub-paragraph (2) of this paragraph shall be liable to import harbour dues until they are removed to a reshipment warehouse or unless special permission is granted by the Principal Collector of Customs for such goods to remain in the import warehouse ; and where such permission has been obtained such goods shall be liable only to the payment of harbour dues provided in sub-paragraph (3) of this paragraph. Unless in the opinion of the Principal Collector of Customs there has been

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unreasonable delay in removal, the date set out in the application for permission to remove such goods to the reshipment warehouse as that upon which it is desired to remove such goods to a reshipment warehouse shall be taken as the date of the actual removal.

(5) Goods intended for reshipment and deposited in a reshipment warehouse shall, if they are not actually reshipped abroad or coastwise but are cleared for home consumption at the port at which they were so deposited, be liable to the same harbour dues as imported goods and such harbour dues shall be payable from the date of landing of the goods.

(6) Coastwise goods which are brought for transhipment or reshipment and do not come within the category of goods mentioned in sub-paragraph (2) of this paragraph, shall, if they are landed, pay both import and export harbour dues; if they are transhipped without being landed, they shall be liable to export harbour dues only.

(7) If opium intended for reshipment is deposited in the Strong Room and not reshipped on the day on which it is so deposited, any reshipment harbour dues payable thereon shall be deemed to be included in the consolidated rate of fifteen cents per package which shall be charged for each day (including day of landing or deposit, day of removal, Sundays and customs holidays), during which it remains in the Strong Room, any period less than a day being reckoned as a complete day for this purpose.

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Export Harbour Dues

7. (1) The following shall be the rates of harbour dues payable on exports:—

Description		Rate Rs. c.
Bags of cinnamon or bales or ballots—		
(*a*) where the net weight of a bag does not exceed 100 lb. or the measurements of a bale or ballot do not exceed 5 cubic feet ..	each	0 3
(*b*) where the net weight of a bag exceeds 100 lb. but does not exceed 200 lb. or the measurements of a bale or ballot exceed 5 cubic feet but do not exceed 10 cubic feet ..	each	0 6
(*c*) where the net weight of a bag exceeds 200 lb. or the measurements of a bale or ballot exceed 10 cubic feet, the rates set out above shall be increased for every additional 100 lb. or outstanding fraction thereof. or every additional 5 cubic feet or outstanding fraction thereof as the case may be, by ..		0 3
Coconuts in bags or loose, for each unit of 100 nuts, or for any number less than 100		0 5
Tea packed in boxes or chests, for every 100 lb. or part thereof of the net weight of the tea ..		0 8½
Plumbago	per barrel	0 9
Bales, boxes or chests of rubber or desiccated coconuts—		
(*a*) when the net weight does not exceed 200 lb. ..	each	0 7½
(*b*) when the net weight exceeds 200 lb. the rate set out in (*a*) above shall be increased for every additional 20 lb. or outstanding fraction thereof by		0 1

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Description		Rate Rs. c.
Casks, barrels, kegs, or drums containing coconut oil or citronella oil—		
(*a*) when the gross weight does not exceed 1½ cwt...	each	0 12½
(*b*) when the gross weight exceeds 1½ cwt. but does not exceed 4 cwt.	each	0 25
(*c*) when the gross weight exceeds 4 cwt. but does not exceed 6 cwt.	each	0 37½
(*d*) when the gross weight exceeds 6 cwt. but does not exceed 7 cwt.	each	0 50
(*e*) when the gross weight exceeds 7 cwt. the rate set out in (*d*) above shall be increased for each additional cwt. or outstanding fraction of a cwt. by		0 12½
Other casks, barrels, kegs, cans, or drums, full or empty, at the respective rates of import dues.		—
Robbins of poonac..	each	0 6½

On all articles not specified above, export dues shall be at the same rate as import dues.

(2) On payment of the above rates goods shall be allowed to remain at the wharf for three clear days, exclusive of Sundays and customs holidays (unless the vessel taking the cargo has been granted special permission to work on such Sundays and customs holidays). After the expiry of the said term of three clear days, dues at the rates set out above shall be charged for each succeeding day or part thereof, including Sundays and customs holidays and day of shipment.

Exemptions—Exported Goods

(3) The following goods shall be exempt from first harbour dues :—

Coal and liquid fuel for bunkers, Government cargo, military baggage, dhobies' bundles, dubashes' supplies, export cargo shut out and re-landed in respect of such uncompleted shipments only, stores for British and foreign men-of-war, and all goods which are exempt from duty under sections 19, 20 and 21 of the Customs Ordinance.

Passengers' baggage unless shipped as cargo shall be exempted from export harbour dues.

Note.—Cubic content of articles charged by measurement shall be reckoned according to Goodfellow's Case Cube Measurement Reckoner or similar book approved by the Principal Collector of Customs.

PART II

DUES LEVIABLE AT PORTS OTHER THAN COLOMBO

1. The following shall be the rates of port dues leviable per ton burthen on all ships which do not compound for port dues under section 25 of the Customs Ordinance :—

On entry inwards with cargo or with passengers exceeding in number the proportion of one person for every two tons of burthen ..	8 cents.
On clearance outwards with cargo or with passengers exceeding in number the proportion of one person for every two tons of burthen	

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Provided that in the case of a mail steamer the dues, whether inwards or outwards, shall not exceed Rs. 50 on any one occasion.

Exemptions

2. No port dues shall be leviable—

(*a*) on entry inwards of any vessel in ballast or with cargo reported for exportation, or overcarried cargo on which dues have already been paid, if the vessel leaves the port without breaking bulk or landing passengers exceeding in number the proportion of one person for every two tons of burthen ;

(*b*) on clearance of any vessel in ballast or with the original cargo, if the vessel leaves the port without shipping goods or passengers exceeding in number the proportion of one person for every two tons of burthen ;

(*c*) on any ship of 250 tons of burthen and upwards, not being a mail steamer, landing cargo not exceeding 10 tons, and shipping cargo not exceeding 10 tons ;

(*d*) on any mail steamer entering or leaving the port of Talaimannar or on any ferry steamer or *dhony* run in connexion with the Indo-Ceylon train service ;

(*e*) on Royal Fleet Auxiliary vessels flying the Blue Ensign with Admiralty Badge, Royal Air Force Auxiliary vessels flying the Royal Air Force Ensign and British Hired Transports, all of which carry no cargo on which freight is paid, and men-of-war, vessels of the Imperial Light Service, troopships, hospital ships and private yachts ;

(*f*) on any vessel entering or leaving the port of Trincomalee solely on account of the Lighthouse Services.

[Sections 92 and 94.]

SCHEDULE D

No. of Warrant ——.
No. of Bonded Entry ——.
Date ——.
Ship ——.
Master ——.
From ——.
Entered by ——.
Marks and Nos. ——.

Warehoused at ——.
Rent begins ——.
Deliver the within to *C. D.*

Warrant No. ——.
No. of Bonded Entry and Date ——.
Ledger ——. Fol. ——. Warehoused at ——.
WARRANT for ——, imported in the ——.
—— Master, from ——.
Entered by ——. Date ——.
Deliverable to ——.
Or to any possessor of this warrant without any endorsement, save that of the said ——.
Rent commences —— and all other charges ——.

Fifty cents stamp.

Examination.

C. D. *A. B.*

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